# **INTERNATIONAL COOPERATION IN 2018.**

The competition policy has in previous years, owing to the ubiquity of globalization, transcended national frameworks. In that regard, the best global practices, institutes and rules which have proven efficient in the legal systems of many countries are the subject of great interest of the Commission. The extension of both bilateral and multilateral cooperation profoundly influences the quality and efficiency of the Commission, and in that manner the quality of market freedoms, level of competition and possibility of new undertakings to entry into the market, all of which establish the competitiveness of the economy necessary for the continued economic growth and attraction of foreign investments.

### - RELATIONS WITH INTERNATIONAL ORGANIZATIONS

The Commission intensely cooperates with international and regional organizations and fora, and contributes both through the participation of the Commission representatives at events of said organizations and fora and in the processes of harmonization of their proposals, as well as by submitting written contributions and information on selected topics from the competition policy area in the Republic of Serbia. The Commission also continually provides possibilities for further professional advancement of its staff through their participation in the training programs of the above-mentioned organizations.

### **UNCTAD**

The cooperation of the Commission with the **United Nations Conference on Trade and Development** (*UNCTAD*) was intensified in 2018. In addition to the UNCTAD's traditional invitation for the participation of the Commission representatives at the session of the Intergovernmental Group of Experts on Competition Law and Policy, held in Geneva, Switzerland, which is considered to be one of the most important events in the field of competition law and policy, the Commission has also taken an active role this year in the UNDTAD's working group on international cooperation and closely monitors the development of the initiative launched under its auspices. Also, the Commission has provided its written contribution during 2018 to the UNCTAD research titled "*Survey: Obstacles to international cooperation in specific cases*".

#### **ICN**

The Commission is an active member of the **International Competition Network (ICN)**. Although ICN is not an international organization in the strictly formal sense but an informal network of competition authorities, having regard to its task and focus on the competition law enforcement and policy issues and the composition of the membership (a large number of national competition authorities and NGO representatives, such as the business community and academia, law practitioners, etc.), the cooperation with ICN is perceived as necessity for each competition authority pursuing full information and participation in modern trends in competition law and policy.

During 2018, the Commission representatives have participated in almost all ICN seminars held via Internet (webinars) and workshops also, to the extent possible. In October 2018, the ICN Cartel workshop was held in Israel, dedicated to developing the capabilities of competition authorities required to uncover a cartel, viewed as a valuable opportunity for the participants to exchange experiences from this highly important domain of competition policy enforcement in the world.

Furthermore, the Commission was awarded for the second year in a row for accomplished activities in competition advocacy by ICN and the WB Group, for the paper submitted at the 2017-2018 Competition Advocacy Contest: Closing the gap through competition advocacy: microeconomic policies, macroeconomic implications. The award is granted in a competition of more than 50 papers from 30 jurisdictions around the world, divided into four categories, while the paper prepared by a representative of the CPC Administrative and Professional Service has competed within the category "Creating markets for private sector development". In addition to Serbia, the only European country awarded this year was Great Britain in the category: "Prompting structural reforms in key sectors".

### **OECD**

In 2018, the Commission has continued to cooperate more intensely with the **Organization for Economic Cooperation and Development (OECD)**. Although the Republic of Serbia is not an OECD member state, the Commission contributes to the activities of this organization in several manners: by exchanging experiences at high levels during the OECD annual conference "Global Forum on Competition", delegating representatives to attend numerous seminars and workshops of the Regional Center for Competition (RCC), established in 2005 by the OECD and the Hungarian Competition Authority, and submitting written contributions and replies to inquiries on competition policy in the Republic of Serbia.

In order to exchange best practices and experiences, the Commission representatives have taken an active role during one of the most prestige competition conferences, the 17<sup>th</sup> OECD conference "Global Forum on Competition", held in late November 2018 in Paris, France. The Administrative and Professional Service of the Commission has provided its written contribution for this event which gathers representatives of national competition authorities and senior representatives of other institutions from around the world, that is, articles on the following topics: "Requests for information: Limits and effectiveness", and "Regional competition agreements: Benefits and challenges".

During 2018, the Commission representatives have also attended a presentation of the OECD's publication *Competitiveness in South East Europe: A Policy Outlook 2018*, whose drafting was supported by the Administrative and Professional Service of the Commission in the segment relating to the competition policy in the Republic of Serbia (legal solutions and overview of the practice).

As in past years, the Commission representatives have attended seminars and events organized by the Regional Competition Center, and contributed through presentations of cases from the Commission's practice. The following RCC competition seminars can be mentioned:

- "Cartel Detection Tools", held in Budapest in March 2018,
- "Introductory Level Seminar Basic Concepts and Procedures in Competition Law", held in Budapest in May 2018, and

• "Merger Investigations", held in Tirana, Albania, in June 2018.

# **ENERGY COMMUNITY**

In 2018, the Commission has continued to actively cooperate with the Energy Community via a competent ministry of the Republic of Serbia (Ministry of Mining and Energy), to whom has on several occasions provided its opinions and commentaries from the competition perspective to reports and letters of the Secretariat, including opinions on the Energy Community reports on the overall progress in soft measures implementation, annual activity reports, proposals of amendments to the Energy Community Treaty, etc. The Republic of Serbia is a signatory party of the Energy Community Treaty, and the Ministry of Mining and Energy participates in negotiations and implementation of said treaty at the international level. The cooperation between the Energy Community and the Commission is established based on the 2012 Declaration, establishing the framework of the Energy Community Competition Network, designed as a platform for the exchange of experiences between competition authorities – signatories of the Declaration and the Energy Community Secretariat, as well as for the development of good practice in competition enforcement procedures in the energy sector, aimed at converging practices and harmonizing with the EU acquis in this particular sector.

# **EUROPEAN COMMON AVIATION AREA**

The cooperation between the Commission and the Civil Aviation Directorate of the Republic of Serbia and EC representatives in the context of compliance with obligations of the Republic of Serbia under the Multilateral agreement on the establishment of a European common aviation area, was established in 2010 and reestablished in March 2017. The Multilateral agreement on the establishment of a European common aviation area was signed on behalf of the Government of the Republic of Serbia in 2006, and ratified by the National Assembly of the Republic of Serbia in 2009. Under this agreement, the Republic of Serbia has committed to harmonize national regulations with the EU acquis in certain areas such as safety, security, air traffic management, etc. The agreement also contains rules on competition in said areas, but at the same time envisages the implementation of other agreements signed by individual signatories if they cover competition rules (the case of accession agreements). However, being that the agreement is multilateral by its nature and contains provisions on competition, the Commission has on two occasions, for the purpose of the EC expert team, provided information to the Directorate on the competition system in the Republic of Serbia, with an overview of the current legislation and closed proceedings of the Commission concerning air operations. In light of the previous mentioned, the Commission's representative has participated at the TAIEX regional seminar in 2018, organized in cooperation between the Directorate-General for Neighborhood and Enlargement Negotiations (DG NEAR) and the Civil Aviation Agency of Montenegro. The seminar in Podgorica served as an opportunity for attendees to present their comprehensive knowledge and exchange information on best practices concerning the implementation of the *aguis communautaire* relating to competition, state aid and public commitments in the air traffic sector.

### **EBRD**

Building on the positive experiences of cooperation with the **European Bank for Reconstruction and Development** (EBRD), the Commission has continued to cooperate more intensely with this international institution. In addition to active projects on technical assistance, academic skills development etc., the parties have published proceedings in 2018

from the international conference "Institution Building of the National Competition Authorities in South-East Europe" held during 2016.

#### **CEFTA**

The Commission has continued in 2018 to contribute to the **CEFTA** Secretariat's project implementation and drafting of the report titled *Implementation Status of Competition and State Aid*, by providing relevant information, foremost in the segment of competition policy and current practice, in full and complete compliance with the interests of the Republic of Serbia as a member state. Furthermore, the Commission has on several occasions provided its commentaries to proposals for the expansion of cooperation within the CEFTA agreement, both to the line ministry and the CEFTA Secretariat.

### **WTO**

The Commission is also actively involved in cooperation with the **World Trade Organization** (WTO) on competition related issues. Accordingly, the Commission representative has attended a seminar following an invitation of the WTO, titled "WTO thematic seminar on competition policy, trade and development: Reviewing practical experience with existing WTO agreements", held in Geneva, Switzerland. Competition experts from around the world have been provided with an opportunity to meet and establish "the position" of their competition authority in terms of rating, independence and competences.

#### - BILATERAL COOPERATION

The Commission continuously works on the advancement of cooperation between competition authorities, their interconnectivity and establishment of close relations that will, inter alia, advance the operative efficiency and effective implementation of competition law.

#### Albania

After a number of years, the Commission's cooperation with the Albanian competition authority was reestablished in late 2017. The activities directed at advancing the communication between the two authorities are continued in 2018 as well. The delegation of the Albanian competition authority, headed by the ACA Chairwoman, Juliana Latifi, attended an international conference organized by the Commission marking the Serbian Competition Day. President Latifi also took an active role during a panel discussion dedicated to regional cooperation between national competition authorities, while the Commission, in close cooperation with the Albanian colleagues, is currently working on drafting a Memorandum on cooperation which should further consolidate cooperation between the two authorities.

### **Austria**

The Commission has signed the Memorandum on cooperation with the Austrian Federal Competition Authority in 2010. Since then, the two authorities have achieved closer cooperation, particularly considering the rich experience and operational efficiency of the Austrian competition authority. The Austrian representatives have been the Commission's guests during the 2018 Competition Day event, which served as an opportunity to agree on appropriate initiatives for the continuation of cooperation between the two authorities. Given that **experts of the Austrian competition authority** have been actively involved in the IPA

2014 project, which will be implemented from 2019, the two authorities have agreed on the extension of joint activities which could prove highly beneficial for the Serbian Commission owing to a considerable experience of Austrian colleagues in the implementation of competition policy.

# Bosnia and Herzegovina

The Commission has signed the Memorandum of understanding with the Competition Council of Bosnia and Herzegovina in 2009. During the previous period, the cooperation was actualized through several meetings at international conferences, and in particular, by organizing bilateral visits. The fact that both authorities have expressed the wish to **expand cooperation** under the 2009 Memorandum is of particular importance, as well as their readiness to invest efforts into advancing institutional and legal framework governing competition policy in the region.

# Bulgaria

The Bulgarian competition authority has organized the European Competition Day event in 2018, within the framework of the Bulgarian Presidency of the Council of the EU. In addition to Serbia, senior representatives from over 50 European competition authorities took part in this year's event. During the conference, Dr Obradović also held a series of bilateral meetings with the hosts, Chairwoman and Council members of the Bulgarian competition authority, as well as with the EU Commissioner for Competition, Margarethe Vestager.

# Japan

The Commission implements the cooperation with Japan through coordination of activities with various institutions, foremost with the Embassy of Japan in Belgrade and JICA. During 2017, this cooperation was reconfirmed through collaborative work contacts with the Embassy, as well as through the participation of a representative of the Administrative and Professional Service of the Commission in a three-week professional training course held in the Japan Fair Trade Commission (JFTC), organized by JICA. Japan was the guest-host of this year's Competition Day conference, while in cooperation with the Embassy of Japan, JFTC and JICA, the Commission has organized training sessions on the topic of current and future challenges of Japan in the fight against cartels and bid rigging in public procurements.

These training sessions were aimed at acquiring new know-hows by not only the Commission's employees, but also representatives of other institutions and the expert community on examples of the best global practices in the implementation of competition policy.

# Republic of Korea

In addition to the above-mentioned forms of cooperation achieved with the aforementioned competition authorities, the year was marked by further enhanced cooperation with the Embassy of the Republic of Korea in Belgrade, as well as with colleagues from the Korea Fair Trade Commission (KFTC). Having regard to the considerable experience of the Korean competition authority and important results achieved in the competition area, the Commission was invited to delegate a representative to attend a ten-day training course and in that manner,

as the first invited competition authority from the region, take part in a highly qualitative additional education program offered by the Korea Fair Trade.

### Romania

The Memorandum on cooperation between the Romanian Competition Council and the Commission was signed in 2012. During the three-year period, the cooperation was further enhanced by holding joint workshops, exchanging experts, etc. In 2018, the Romanian colleagues have visited Belgrade during the Competition Day conference. It is envisaged that the cooperation between the two authorities in 2019, during the **Romanian Presidency of the Council of the European Union**, will be further intensified, particularly in the context of Romanian experiences in the preparation work on the competition policy chapter during the EU accession process.

The experts of the Romanian competition authority will also take an active role in the Twinning project implementation, administrated by the Italian competition authority.

# **Russian Federation**

The Commission and the Federal Antimonopoly Service of Russia (FAS) have signed the Memorandum on cooperation in the field of competition in December 2012. During the subsequent period, the cooperation established between the two competition authorities has been constant, implemented through a series of trainings, seminars and study visits which were designed and realized with the aim of making this cooperation more enriched and substantial. Two FAS representatives have attended the 2018 Competition Day conference, contributing to the quality and international dimension of this event. In September 2018, the Commission has attended a traditionally held "Russian Competition Week" conference, held at Rosa Khutor ski resort (near Sochi). During the four-day visit, the Commission representatives have been provided with an opportunity, inter alia, to learn more about the draft Toolkit on international cooperation, which relates to the prevention of restrictive business practices of transnational corporations and cross-border anticompetitive conducts.

# **Federal Republic of Germany**

The Commission has no signed agreements on cooperation with the German Federal competition authority (Bundeskartellamt), but has invested additional efforts in the strengthening of cooperation between the two authorities. In March 2018, the Commission representatives have attended an international conference on competition in Bonn, organized by Bundeskartellamt. The panel discussion "Competition policy in a globalized and digitalized world - Challenges of today and tomorrow" was held on the occasion.

### Slovenia

The Memorandum on cooperation between the Commission and the Slovenian competition authority (*Javna agencija Republike Slovenije za varstvo konkurence*) was signed in 2013. The Slovenian competition authority representatives are traditionally present at conferences organized by the Commission, marking the national Competition Day. During the April conference, the participation of the President of the Slovenian competition authority during one of the conference's panel discussions on regional cooperation was particularly well received. As in previous years, the Commission representatives have attended the Slovenian Competition Day event, held in Ljubljana in September 2018. The event served as an

opportunity to confirm the Commission's commitment to cooperation with the Slovenian competition authority.

# **Turkey**

The Commission and the Turkish competition authority (Rekabet kurumu) have signed the Memorandum on cooperation in the field of competition in April 2018, during the Serbian Competition Day conference. The memorandum was signed by Dr Miloje Obradović, President of the Commission, and Omer Torlak, President of the Turkish competition authority.

The signing of this document has opened a possibility to intensify cooperation between the two competition authorities.

# Croatia

Another example of good regional understanding is the cooperation achieved with the Croatian competition authority (AZTN), with whom the Commission has signed the Memorandum on cooperation in 2013. In September 2018, following an invitation from the Croatian competition authority, the Commission representatives have attended an international conference organized by the Croatian competition authority titled "Exchange of information between competitors, fixing prices or price components – the role of professional associations and chambers", held in Zagreb. The President of the Croatian competition authority has participated as panelist at an international conference in Belgrade, marking the Serbian Competition Day. The meetings with Croatian colleagues during numerous international events have also affected the advancement of cooperation between the two institutions.

One of the more prominent novelties in the Commission's work is the establishment of close cooperation with foreign diplomatic missions in the Republic of Serbia, aimed at contributing to the advancement of the current business environment and intensifying the exchange of experiences in the competition policy field with other competition authorities from around the world. In this way, the Commission has held a series of meetings and gatherings in 2018 with representatives of embassies and foreign business associations seated in the Republic of Serbia.

The activities of the Commission directed at furthering the business environment in the Republic of Serbia, and in particular efforts placed with regard to negotiations within Chapter 8: Competition Policy, were the main topics of discussion during a meeting held between Dr Miloje Obradović, President of the Commission, and a representative of the Directorate-General for Neighborhood and Enlargement Negotiations of the European Commission, Azra Iković.

The President of the Commission had an opportunity on several occasions to exchange views on these and other competition improvement topics, as well as on advocacy-related efforts of the Commission, with H.E. Sem Fabrizi, Head of the EU Delegation to Serbia.

President of the Commission Dr Miloje Obradović has also met with H.E. Junichi Maruyama, Ambassador of Japan to Serbia. The Commission President introduced H.E. Maruyama with the competences and activities, as well as plans of the Commission for Protection of Competition, aimed at advancing and further engaging in competition advocacy activities in Serbia. The Commission President used this opportunity to express its gratitude to the Embassy of Japan in Belgrade for the support provided in the Commission's operational

activities to date. Given that Japan was the guest-host during the 2018 Competition Day event, the cooperation was advanced to its full extent.

Also, **Hiroshi Yamada**, Senior Official at the Japan Fair Trade Commission – JFTC, has visited the Commission. On the occasion, the parties have emphasized the need to further deepen cooperation, both under the technical assistance programs and exchange program opportunities for competition policy experts.

Likewise, H.E. Hyoung Chan Choe, Ambassador of the Republic of Korea to the Republic of Serbia, has visited the Commission and on the occasion expressed a desire to expand already established cooperation at all levels with the Commission, initiated last year by organizing a highly attended workshop on the implementation of leniency program in the Republic of Korea.

President of the Commission for Protection of Competition Dr Miloje Obradović has received a visit from the EBRD's new Director for the Western Balkans, Zsuzsanna Hargitai. On the occasion, the parties have agreed that this international institution and the Commission have achieved a qualitative cooperation, while the European Bank for Reconstruction and Development has reaffirmed the readiness of this institution to further improve cooperation and provide support to reforms in the competition policy segment.

The Commission delegation, headed by Dr Miloje Obradović, President of the Commission for Protection of Competition, and Čedomir Radojčić, CPC Council member, was a guest of a special panel of the American Chamber of Commerce dedicated to advancing the legal framework of competition policy in Serbia. The importance of this cooperation can be seen in the fact that the American Chamber of Commerce is the leading business association in the country with over 190 American, international and local member-companies, operating within 18 various sectors, while the value of investments made by member-companies in the country is more than 14 billion euro.

# - INTERNATIONAL CONFERENCES AND SEMINARS

On the occasion of the **Competition Day**, the Commission has organized an international conference titled "New Competition Agenda".

The conference was opened with keynote addresses presented by Dr Miloje Obradović, President of the Commission for Protection of Competition, Rasim Ljajić, Deputy Prime Minister of the Government of the Republic of Serbia and Minister of Trade, Tourism and Telecommunications, Nikola Selaković, Secretary General of the President of the Republic of Serbia, H.E. Sem Fabrizi, Head of Delegation of the European Union to the Republic of Serbia, and H.E. Junichi Maruyama, Ambassador of Japan to Serbia. The event was also attended by Branko Ružić, Minister of Public Administration and Local Self-Government.

This year's Honorable Guest of the conference was Japan.

Two panel discussions are organized as part of the conference: "New Agenda for the Region" and "Competition in the Digitalized World". Within the first panel discussion "New Agenda for the Region", facilitated by CPC President Dr Miloje Obradović, heads of regional competition authorities touched upon challenges encountered in their attempts to secure a level playing

field for all undertakings. Heads of national competition authorities of Slovenia, Croatia, Macedonia, Albania and Turkey participated in the panel, as well as Ms. Camelia Grozea – Knuth, EC policy officer in charge of Negotiation Chapter 8.

Nicholas Banašević from the EC Directorate-General for Competition facilitated the second panel focused on the topic "Competition in the Digitalized World", and discussed with other participants about emerging challenges in the light of new digital technologies and new operating models of competition authorities. The panelists were professor Hassan Qaqaya, former Head of the UNCTAD Competition and Consumer Policies Branch, Kazuhiro Hara, Director of International Affairs Division, Japan Fair Trade Commission, Dr Siniša Milošević, Head of the CPC Economic Analysis Division, Laszlo Gyerko, member of the Board of the Romanian Competition Council, and Željko Tomić, NALED representative and founder of company "Osa računarski inžinjering".

In cooperation with the Embassy of Japan, JFTC – Japan Free Trade Commission and JICA – Japan International Cooperation Agency, the Commission for Protection of Competition has organized training sessions on the current and future challenges of Japan in the fight against cartels and bid rigging in public procurements.

These training sessions were undertaken with the prospect of gaining new knowledge and understanding by not only employees of the Commission for Protection of Competition but also representatives of other institutions, as well as stakeholders on the best global practices in competition policy enforcement.

Professor Arisa Wakabayashi from the Komazawa University, Tokyo, spoke on the legislative framework and competition policy enforcement practices of Japan, as well as Hideyuki Shimozu, Senior Planning Officer from the International Affairs Division of JFTC, which is a competition authority established in 1947, and globally renowned as one of the most efficient institutions in creating and enforcing competition policy regulations.

The Commission and the National Alliance for Local Economic Development (NALED) have organized a conference and presented the results of the phase one of the retail sector inquiry into the sale in nonspecialized stores with food, beverages and tobacco predominating in the Republic of Serbia, conducted by the Commission.

During the conference held in the City Assembly of Belgrade, keynote addresses were given by President of the Commission for Protection of Competition Dr Miloje Obradović, State Secretary at the Ministry of Trade, Tourism and Telecommunications Vesna Kovač, and Vladimir Čupić, President of the Food and Agriculture Alliance of NALED and Director of the Atlantic Group Representative Office for Serbia.

The results of the inquiry were presented by Aleksandra Ravić from the Economic Analyses Division of the Commission for Protection of Competition. Following the presentation of the inquiry-based results, a panel session on retail market prospects in Serbia was also held, attended by Dr Siniša Milošević, Head of the Economic Analyses Division of the Commission for Protection of Competition, Bojana Amanović from the Ministry of Trade, Tourism and Telecommunications, Dr Goran Petković, Full Professor at the Faculty of Economics in Belgrade, and Goran Kovačević, NALED Fair Competition Alliance.

### - ASSISTANCE PROJECTS PROVIDED TO THE COMMISSION

During 2018, the Commission has continued to implement activities and to be more engaged on projects, designed and conceptualized based on own needs and granted by various parents in the previous year.

Along these lines, negotiations with the selected Twinning partner were finalized, selected for the implementation of the EU-funded (IPA) Twinning project "Further Development of Protection of Competition in Serbia", The project has three key components designed to: 1) further harmonize national legislation in the area of competition policy with the EU acquis; 2) ensure effective implementation and enforcement of the aligned competition legislation; and, 3) increase awareness of the competition law and policy among all relevant stakeholders. In addition to the Commission, the Twinning project envisages the involvement of other project beneficiaries such as the courts, regulatory authorities, chambers of commerce and industry, and trade associations, thus the Project's complex influence on the market of the Republic of Serbia is expected, in addition to strengthening the capacities of the Serbian economy on the path of reaching the national strategic goal of EU accession.

Unlike the Twinning project whose launching is expected in early 2019, a two-year project approved by the Embassy of the Kingdom of Norway in Belgrade and financially supported by the Royal Norwegian Ministry of Foreign Affairs, has already provided visible results. First of all, the Commission has procured the latest forensic equipment used in dawn raids, which should ultimately increase the detection rate of anticompetitive conducts. With the assistance of expert consultants, the Commission has also started to redesign the official web presentation and social media profiles, which have already started to contribute to the increased visibility of the Commission before a wider audience. During 2019, the Commission plans to produce three video clips which would enable all stakeholders to familiarize with the competition policy in the Republic of Serbia and the Commission's activities. Also, several training courses on lobbying and successful public debating for the Commission staff were held as part of the project activities, directed at strengthening the Commission's capacities in the implementation of national competition policy, in addition to public debates on potential legal solutions from the new competition act, which will govern competition policy. For now, public debates were held in two Serbian cities (Kragujevac and Niš), to be followed by public debate in Novi Sad, while the final public debate of this kind will be held during 2019 in Belgrade.

The project launched in spring 2018, and implemented by the Commission in cooperation with the European Bank for Reconstruction and Development has produced the first effects in a support segment to the Commission, achieved by procuring an econometric software and ensuring related training for the Commission selected staff members. Owing to the cooperation with EBRD, a part of the Commission employees was provided with an opportunity to advance their academic skills relating to competition law and policy. Four employees have attended a multi-day training course for economists, while two colleagues have attended a lawyers' course, both relating to competition policy topics. Moreover, the project also envisaged the start of activities relating to the revision of a glossary of the competition terminology, developing relevant secondary legislation (guidelines) from the Commission's competence, and formation of the Western Balkans Forum of Competition Authorities, based in Belgrade. The continuance of activities is expected in 2019, in even more intensified form and closer cooperation.

Towards improving the investment climate in the Republic of Serbia, the Government of the RS and the International Finance Corporation (IFC), a member of the World Bank Group (WBG), have signed the Cooperation Agreement. The agreement envisages the provision of