



ANNEX C1: Twinning Fiche

Project title: Support to the Antimonopoly Committee of Ukraine in further approximation of legal, procedural and case enforcement practices with EU antitrust and merger control practices

Beneficiary administration: Antimonopoly Committee of Ukraine (AMCU)

Twining Reference: UA 19 ENI FI 02 19

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EU funded project

TWINNING TOOL

ABBREVIATIONS

AA	EU–Ukraine Association Agreement
AMCU	Antimonopoly Committee of Ukraine
BA	Beneficiary Administration
BC	Beneficiary Country
DCFTA	Deep and Comprehensive Free Trade Area
EBRD	European Bank for Reconstruction and Development
EU	European Union
EUD	EU Delegation
ENPI	European Neighbourhood and Partnership Instrument
LAMCU	Law of Ukraine “On Antimonopoly Committee of Ukraine” of 26.11.1993 No 3659-XII with further amendments
LPEC	Law of Ukraine “On Protection of Economic Competition” of 11.01.2001 No 2210 -III with further amendments
LPUC	Law of Ukraine “On Protection against Unfair Competition” of 07.06.1996 No 236/96 with further amendments
MS	Member State (of the EU)
NCA	National Competition Authority
OECD	Organisation for Economic Co-operation and Development
PL	Project Leader
PSC	Project Steering Committee
RTA	Resident Twinning Adviser
HRM	Human resource management
STE	Short Term Expert
ToR	Terms of Reference
UA	Ukraine
UNCTAD	United Nations Conference on Trade and Development

1. Basic Information

- 1.1 Programme: Technical Cooperation Facility 2019 (ENI/2019/041-718, direct management).

For applicants from the United Kingdom: Please be aware that eligibility criteria must be complied with for the entire duration of the grant. If the United Kingdom withdraws from the EU during the grant period without concluding an agreement with the EU ensuring in particular that British applicants continue to be eligible, you will cease to receive EU funding (while continuing, where possible, to participate) or be required to leave the project on the basis of Article 12.2 of the General Conditions I to the grant agreement.

- 1.2 Twinning Sector: Finance, Internal market and Economic Criteria

- 1.3 EU funded budget: EUR 1,200,000

2. Objectives

- 2.1 Overall Objective(s):

The overall objective of the Twinning project is to increase effectiveness, transparency and consistency of the competition policy in Ukraine on the basis of closer alignment with the EU competition framework, as required by AA/DCFTA.

- 2.2 Specific objective(s):

- To ensure further alignment of the Ukrainian economic competition legislation with the EU competition laws in the field of antitrust and merger control.
- To improve the institutional capacity of AMCU for competition law enforcement and competition advocacy.

- 2.3 The elements targeted in strategic documents i.e. National Development Plan/Cooperation agreement/Association Agreement/Sector reform strategy and related Action Plans

This action will contribute to the achievement of the trade related objectives, in particular free and undistorted competition, as set out in Chapter 10, Title IV of the AA. It will also support the completion of the Ukraine-2020 Strategy with regards to the business and regulatory climate improvement and will disclose the future priorities for the national economic competition policy strengthening as part of post-2020 national economic reform strategies.

3. Description

- 3.1 Background and justification:

The EU has been actively supporting the enhancement of the Ukrainian competition system for the last decade. This support intensified with the signature of the AA/DCFTA. Chapter 10, Title IV of the AA specifies competition-related cooperation

principles and recognises the AMCU as the national competition authority of Ukraine responsible for enforcement of the competition law in a transparent, timely and non-discriminatory manner, whilst respecting the principles of procedural fairness and the right of defence.

In recent years Ukraine has made progress in approximating its national competition law to that of the EU as mandated by the AA. However, more legal approximation work needs to be done. And more importantly the enforcement and procedural practices at AMCU need to be significantly overhauled, to follow the EU NCA standards. The EU MS administration(s) will help achieve these goals, and will also assist AMCU to establish a strong public outreach and advocacy frameworks to more strongly position itself nationally and internationally.

The AMCU performs its activities in accordance with the Constitution of Ukraine, the LAMCU, the LPEC, the LPUC, and other laws and legal acts adopted in accordance with these laws.

The LAMCU defines the AMCU as a public authority with special legal status: it is a council, consisting of the Chair and eight State Commissioners. The AMCU Chairperson is appointed and dismissed by the President of Ukraine after approval by the Parliament (Verkhovna Rada of Ukraine) for a term of seven years. The AMCU Commissioners (including a First Deputy and a Deputy-Chair) are also appointed by the President of Ukraine for a seven years term upon nomination by the Prime Minister based on the AMCU Chair's proposals. The AMCU is supervised by the President of Ukraine and reports to the Verkhovna Rada (the Parliament) in the form of annual reporting on the AMCU activities. The AMCU has special powers in competition law enforcement and in the development of the national competition policy. These competences are specified in Article 7 of LAMCU as activities focused on: i) control over compliance of undertakings and public administration bodies with the competition laws of Ukraine; ii) prior control of concerted actions (restrictive agreements) by undertakings; iii) merger control; iv) development and implementation of the national competition policy; v) competition advocacy and methodological support in application of competition law. The AMCU also has other important functions, prescribed in more detail in special legislative acts, in particular as public procurement appeal body, and the national state aid monitoring and control authority.

The LPEC contains a standard set of rules contained in most antitrust acts (i.e. prohibition of concerted practices and anticompetitive agreements between undertakings; prohibition of the abuse of a dominant position in the market and merger control). It also contains provisions establishing control over anti-competitive decisions by public authorities, by local self-government and public administrations. LPEC was amended in 2015 to simplify the procedure to notify mergers, calculation of turnover with regards to merger control as required in Council Regulation (EC) 139/2004); procedures for pre-notification consultations; simplified procedure for prior approval of some concentrations of undertakings as per Commission Notice 2013/C 336/04; revision of deadlines for AMCU's final decisions on notified mergers.

The LPEC is primarily aimed at establishing a fair and pro-competitive environment for doing business in Ukraine and protecting consumer welfare. Another related law – LPUC – is designed to establish administrative safeguards against the illegal use of trademarks, misleading advertising and packaging, unfair hindrance of business through unlawful and unfair business practices. The AA does not require dedicated approximation but requires that competition legislation needs to be built on solid principles. The AMCU is however committed to take EU competition law as a reference.

In early 2019, a comprehensive gap analysis of the Ukrainian competition laws and practices was carried out, in order to identify principal non-conformities between the Ukrainian laws and EU *acquis communautaire*. In particular, the gap analysis revealed significant differences in approaches of the Ukrainian laws to concerted actions and dominance which have deeply influenced jurisprudence which has developed over years in a direction different from the EU case law. The results of the gap analysis will serve as a useful guidance in further amendments of the Ukrainian competition laws and secondary legislation with the purpose of bringing them in line with the EU *acquis*.

At the same time, competition policy cannot be successful only through the alignment of the national legislation with international standards. The enforcement priorities and procedures must be robust and transparent in order to generate trust and understanding with the private sector, improve quality of decisions and, more generally, foster a culture of competition across all levels of Ukrainian society. To this regard, the AMCU staff requires further qualification raising, which may be achieved by attending competition-related international events.

In Ukraine, enforcement of the competition laws has been hindered by overcomplicated judicial procedures (which prescribe a *de facto* two circles of 3 level court proceedings before initiation of formal execution of the AMCU decisions becomes possible), lack of effective safeguards against avoidance of compliance with the AMCU decisions (e.g., through reorganization or getting rid of assets by the respondent undertakings), ambiguous laws and practices (jurisprudence) on the concept of a group of companies as a single economic entity; vagueness of provisions on the standard of proof and reliability of evidence. Additionally, in view of the lack of rules of prioritization, AMCU is overloaded with small and insignificant cases distracting its resources from more serious competition infringements. All these issues are to be effectively addressed by the AMCU through implementation of a number of measures, ranging from revising internal practices and interpretation to amending secondary legislation and laws.

With regards to enforcement practices, the role of economic analysis increased within the last decades. Therefore, it is important to share best practices and attend international events for competition economists in order to get an up-to-date information about economic methods used in recent cases as well as about efficient support of enforcement by economic evidences.

Effective public outreach and advocacy are essential to promote competition policy within the spectrum of the country's economic strategies. It helps the NCA to acquire credibility as an effective and impartial advocate for competition, and establish a strong reputation among the public and private sectors; policymakers, businesses, and consumers – all of whom need to understand how competition benefits an economy, and have confidence in the competition agency as an advocate for sound competition policy.

In Ukraine, businesses and the general public largely have a wrong understanding of the competition legislation and role of the NCA, often blaming the AMCU for situations beyond their mandate and scope of influence. To change these perceptions, a robust communication and public outreach strategy needs to be developed and implemented in order to facilitate closer and better relations with media, business and professional communities.

With regards to public outreach and competition advocacy, the AMCU has recently united its international relations and communications units into one Section in order to establish the ground for further improvements in its public relations and competition advocacy efforts with the main internal and foreign stakeholders, Ukrainian society. In order to do that, the AMCU requires experience of European Competition Authorities in

order to prepare its methodology for drafting and implementation of communications strategy. Moreover, AMCU communications and international relations units require further qualification-raising in this regard.

3.2 Ongoing reforms:

Ukraine continues to pursue the path of economic transition towards a fully-functioning market economy based on democratic values and its European aspirations. A set of structural reforms is still underway to liberalise the national economy. While some of the reforms have brought visible and tangible results, for example in deregulation of entrepreneurial activity, protection of property rights and prevention of pressure on business from the part of the controlling bodies, other areas of economic activity still need significant reform action. In particular, ensuring competitive neutrality between public and private companies, a major restructuring of state owned enterprises and large-scale privatisations; public private partnerships and concessions are needed to foster competition.

Continued economic reforms in Ukraine are in the focus of the support priorities outlined in the Single Support Framework for EU support to Ukraine with ENI programming until 2020. EU action aims at strengthening the economic structures and institutions to support a functioning and sustainable market economy in Ukraine, including through strengthened competition discipline.

3.3 Linked activities:

A summary of the previous and ongoing donor assistance in support of AMCU is provided below:

- EU project: Strengthening institutional capacities of the Antimonopoly Committee of Ukraine to conduct market studies and effectively enforce competition law in accordance with EU standards (June 2016-March 2019).

Implemented by: the Federal Ministry for Economic Affairs and Energy of Germany, Competition Council of the Republic of Lithuania and Antimonopoly Committee of Ukraine.

Progress/results: The project conducted a gap analysis of the EU and Ukrainian competition frameworks, and helped to develop guidelines on market definition and concept of dominance, assessment of horizontal and non-horizontal mergers, methodology and procedure for market studies, as well as improvement of internal procedures at the AMCU.

- EU project: HRM support to AMCU (short-term initiative)

Implemented by: HUDSON within the auspices of the EU4PAR (Public Administration Reform) project

Progress/results: Gap analysis of the HRM procedures, practices and capacities in line with strategic development needs of the AMCU; Set of recommendations presented in the workshop with the AMCU HR services and management; Action Plan to implement the agreed recommendations.

- EU project: Support to the Antimonopoly Committee of Ukraine for Enforcing State Aid Rules (Sept 2017-Aug 2020)

Implemented by: Consortium led by WYG Consulting Ltd, and Deloitte & Touche LLC (UA), Centre of Effective Legislation (UA), COMPER Fornalczyk i Wspólnicy sp.j (PL), Crown Agents (UK)

Progress/results: The project provides support to the AMCU and granting bodies to establish and implement an effective State Aid control and monitoring system in Ukraine, including legislative, operational, and organisational improvements needed to align with the EU rules.

- USAID project: Program of Technical Assistance to Strengthen Ukraine’s Capacity to Apply Competition Law and Policy

Implemented by: Competition Development Foundation (UA)

Progress/results: The project provides support to the AMCU and its regional offices with current case handling, conducts workshops for the AMCU staff, organizing study trips to the US Federal Trade Commission and Department of Justice, provides analytical support to the AMCU.

- World Bank Group: short-term targeted assignments on competition policy

Implemented by: World Bank Markets and Competition Policy Team

Progress/results: 2018 report on reducing market distortions for a more prosperous Ukraine. The report outlines the economic problems of Ukraine in the field, where appropriate measures should be taken in order to increase the level of economic growth and increase economic competition in the markets of Ukraine. 2019 concept paper on the State Policy for Development and Protection of Economic Competition. The Concept defines priority action areas and specific measures to improve the development and protection of economic competition in Ukraine, support intergovernmental cooperation in the competition policy implementation, and improve competition advocacy.

- EBRD project: Capacity Building of the Anti-Monopoly Committee of Ukraine

Implemented by: CMS law firm (UA)

Progress/results: Comments and recommendations on the Law of Ukraine “On protection of economic competition”.

3.4 List of applicable Union acquis/standards/norms:

Ukraine undertook to ensure effective law approximation and enforcement within three fundamental components of the competition (antitrust) policy:

- prevention and prohibition of anti-competitive agreements and/or decisions by associations of undertakings and concerted practices that have as an object or effect of impeding, restricting, distorting or substantially lessening competition;
- prevention and prohibition of the abuse by one or more undertaking(s) of the dominant position in the market; and
- control of concentrations of undertakings that may result in monopolisation or substantial restriction of competition.

The Ukrainian national laws, regulations and law enforcement practices of the AMCU will be further approximated with EU competition law.

3.5 Components and results per component

Component 1. Further alignment of the Ukrainian competition law with the EU competition laws in the field of antitrust and merger control.

Further legal alignment could stem from the gap analysis of the EU and Ukraine competition laws, done in March 2019 and covering substantive and procedural rules on antitrust and merger control (see Annex 3), which could be transposed into an action plan, defining the prioritised sequence of actions to address the remaining

inconsistencies and achieve a more coherent legislative framework with the EU acquis. Depending on Parliamentary progress in upgrading the competition framework by project start, a re-assessment of the remaining gaps may be needed to specify which areas of the gap analysis the project would focus on.

Mandatory result 1 (Component 1): Action plan with the prioritised sequence of actions to address the remaining inconsistencies in the substantive and procedural rules;

Mandatory result 2 (Component 1): Proposals of legal acts (primary and secondary) addressing principal non-conformities of current Ukrainian competition legislation and promoting improvement of the economic competition protection regime in Ukraine.

Component 2. AMCU procedural and enforcement practice.

The support actions, preferably to be delivered as part of case teams throughout the whole lifetime of cases, would focus on AMCU's internal rules and procedures for handling cases, ensuring quality of the statement of objections and decision; using the best investigation techniques and contributing to overall organisational improvements and capacity-strengthening of AMCU.

Mandatory result 3 (Component 2): Improved guidelines, internal rules and procedures on handling cases, carrying out investigations, holding AMCU sessions and hearings, and other procedural actions.

Mandatory result 4 (Component 2): Enhanced AMCU capacity for enforcement in individual cases by ensuring high standards (legal and economic) of decisions.

Component 3. AMCU public outreach and advocacy with its key stakeholders and society at large.

The analysis of needs and perceptions about the competition policy among the external and internal stakeholders could be a recommended starting point to inform the overall approach and development of tools for AMCU's public outreach and advocacy efforts with regards to main stakeholder groups. Raising qualification of the AMCU staff in the sphere of public outreach, competition advocacy and communication strategy drafting and implementation would also be necessary.

Mandatory result 5 (Component 3): AMCU public outreach and advocacy strategies and action plans are developed and implemented.

Mandatory result 6 (Component 3): AMCU's staff capacity for public outreach and advocacy is increased.

3.6 Means/input from the EU Member State Partner Administration(s):

The implementation of the project requires one Project Leader (PL) with responsibility for the overall coordination of project activities and one Resident Twinning Adviser (RTA) to manage implementation of project activities, Component Leaders (CLs) and a pool of short-term experts within the limits of the budget.

The interested Member State(s) shall include in their proposal the CVs of the designated PL and the RTA, as well as the CVs of the potentially designated CLs.

The Twinning project will be implemented in close co-operation between the partners aiming to achieve the mandatory results in a sustainable manner. The activities will be further developed by the Twinning partners when drafting the initial work plan and successive rolling work plans every three months.

3.6.1 Profile and tasks of the PL:

Qualifications and skills:

- Proven contractual relation to a public administration or mandated body (see Twinning Manual 4.1.4.2) responsible for competition;
- University degree preferably in the field of law, economics, business administration or public administration, or equivalent professional experience of 5 years above the general professional experience specified below;
- Minimum 3 years of general experience in the field of competition;
- At least 3 years of specific experience in a management role at a competition authority;
- Experience in project management and institutional capacity-building;
- Experience of development of national competition frameworks according to European requirements, preferably in a new MS or EU accession country, will be considered as asset;
- Fluent written and spoken English.
- A spoken capability in Ukrainian or Russian would be an asset.

Tasks

- Conceive, supervise and coordinate the overall Twinning project;
- Provide high level strategic advice regarding reforms supported by the Twinning project;
- Coordinate and monitor the overall implementation of the project including coordination and direction of the MS Twinning partner;
- Coordinate MS experts' work and availability;
- Communicate with the beneficiary and EUD;
- Ensure the backstopping functions and financial management;
- Guarantee the successful implementation of the project from the MS administration side;
- Participate in quarterly meetings of the Project Steering Committee with the BC PL;
- Participate in preparation of the initial and subsequent work plans; as well as interim and final reports.

3.6.2 Profile and tasks of the RTA:

Qualifications and skills:

- Proven contractual relation to a public administration or mandated body (see Twinning Manual 4.1.4.2) responsible for competition;
- University degree preferably in the field of law, economics, business administration or public administration, or equivalent professional experience of 5 years above the general professional experience specified below;
- Minimum 3 years of general experience in the field of antitrust and merger control;
- At least 3 years of specific experience in the field of case-handling or procedures in the field of antitrust or merger control;
- Experience of strengthening an institutional capacity of a national competition authority, preferably in a new MS or EU accession country, will be considered as asset;
- Experience in project management, preferably in Twinning or Technical Assistance programmes managing a team of EU and local experts;

- Strong interpersonal and team-working skills in intercultural environment (to the extent possible, to be evidenced by references);
- Fluent written and spoken English
- A spoken capability in Ukrainian or Russian would be an asset.

Tasks

As to the general responsibility of the day-to-day implementation of the Twinning project in the Beneficiary Country, the Resident Twinning Adviser (RTA) tasks will include:

- Provide technical advice and assistance to the administration or other public sector bodies in the BC in the context of a predetermined work-plan;
- Coordination of all project activities and experts inputs in the BC;
- Ensuring day-to-day implementation of the Twinning project in the BC;
- Ensuring smooth correlation between the activities, deadlines and the envisaged results in the Work Plan;
- Preparation of the materials and documentation for regular monitoring and reporting;
- Preparation of side letters;
- Together with the Project Leader, to nominate, mobilize and supervise the Short-Term experts.

In addition to the above, an assistant and a full time translator-interpreter shall be appointed to assist the RTA. Allowance for this must be made within the project budget. Furthermore, the assistant and translator will facilitate the training activities. Where necessary (for example, during training activities, translation of project documents/reports and materials) the project will hire an additional translator with costs covered by the project.

3.6.3 Profile and tasks of Component Leaders:

Profile

- University degree or equivalent professional experience of minimum 5 years above the general professional experience specified below;
- Officer from the Member State with minimum 3 years' general experience in in the field of competition;
- Experience in implementation of the EU/national competition legislation and/or strengthening an institutional capacity of a national competition authority, preferably in a new MS or EU accession country;
- Experience in project management, preferably in a team composed of EU and local experts;
- Fluent written and spoken English.
- A spoken capability in Ukrainian or Russian would be an asset.

Tasks

- Support the RTA in planning of project activities and expert inputs per component
- Ensure timely mobilisation of experts and delivery of project missions, focusing on continuity of expertise-sharing and effective follow-up among experts in-between missions.

3.6.4 Profile and tasks of other short-term experts:

The RTA and Component leaders will be assisted by short-term experts. Short term experts must have experience in the area of competition law and be suitably qualified to contribute to the results mentioned above, preferably having some Ukrainian or Russian language ability.

Short-term experts will be indicatively required for the following areas:

- Legal drafting of primary and secondary competition legislation aimed at further approximation of the national competition legislation with the EU rules
- Competition analysis and assessment of the regulatory impact on competition
- Case-handling*
- Business processes analysis
- IT tools in competition bodies
- Public communications, outreach and advocacy
- Systematic risk-management market monitoring tools.

*The methodology should explain how STEs for case-handling activities will ensure continuous oversight of cases during their lifetime with no/minimal disruption/replacements of experts (e.g. long term missions).

4. Budget

Maximum Budget available is EUR 1,200,000.

5. Implementation Arrangements

5.1 Implementing Agency responsible for tendering, contracting and accounting:

The Delegation of the European Union to Ukraine will be responsible for tendering, contracting and administering payments.

The contact person for this project at the EU Delegation:

Ms Iryna Hubarets, Sector Manager – Competition and Economic Cooperation

Delegation of the European Union to Ukraine

Address: 101 Volodymyrska Street

Kiev, Ukraine 01033

Email: Iryna.HUBARETS@eeas.europa.eu

The Programme Administration Office (PAO) under the National Agency of Ukraine on Civil Service is the administration responsible for coordination of the preparation of the Twinning projects and support for their implementation.

The contact person for this project in PAO:

Ms Maryna Kanavets, Director of the Center for Adaptation of the Civil Service to the Standards of the EU, Director of Twinning PAO in Ukraine

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5.2 Institutional framework

The beneficiary of the Twinning project is the Antimonopoly Committee of Ukraine. Established in 1993 after the adoption of the Law "On the Antimonopoly Committee of Ukraine", AMCU is the national competition authority responsible for implementation and enforcement of the competition law. In addition to the head office in Kyiv, AMCU has a network of 24 territorial offices in all regions of Ukraine and employs 333 staff (please refer to the structure of the AMCU central body in an annex). The OECD (2016) and UNCTAD (2013) Peer Reviews of Competition Policy and Law of Ukraine provides, inter alia, a detailed assessment of the institutional structure and capacities of AMCU.

The economic analysis unit was created in May 2006. The main task of Chief economist team is to support the case handling on the investigation stage, committee hearings and in the court, as well as to provide an economic opinion on secondary legislation and methodology development, state aid cases etc. Another function is planning and reporting of the AMCU activities, where the economic-based risk assessment and prioritization of the markets for competition advocacy and enforcement is vital.

There is an advisory Civil Society Council under the AMCU whose purpose is to monitor the implementation of competition policy, to organise effective interaction between the AMCU, the business community and the general public and to receive feedback from economic operators and consumers concerning regulatory initiatives proposed by the AMCU. This body facilitates consultations between the AMCU and civil society on various aspects of competition policy. The AMCU is obliged to take into consideration recommendations made by the Civil Society Council.

5.3 Counterparts in the Beneficiary administration:

5.3.1 Contact person:

Mr. Igor Lavreniuk
Head of the European integration, international cooperation and communications section
Antimonopoly Committee of Ukraine
45, Vasyl Lypkivsky Metropolytus
Kyiv, 03035, Ukraine

5.3.2 PL counterpart

Mr. Yuriy Terentyev
Chairman
The Antimonopoly Committee of Ukraine
45, Vasyl Lypkivsky Metropolytus
Kyiv, 03035, Ukraine

5.3.3 RTA counterpart

Mr. Ihor Soldatenko
Head of the European Integration, International Cooperation and Communication
Department
Antimonopoly Committee of Ukraine
45, Vasyl Lypkivsky Metropolytus
Kyiv, 03035, Ukraine

6. Duration of the project

The implementation period is 24 months.

7. Management and reporting

7.1 Language

The official language of the project is the one used as contract language under the instrument (English / French). All formal communications regarding the project, including interim and final reports, shall be produced in the language of the contract.

7.2 Project Steering Committee

A project steering committee (PSC) shall oversee the implementation of the project. The main duties of the PSC include verification of the progress and achievements via-à-vis the mandatory results/outputs chain (from mandatory results/outputs per component to impact), ensuring good coordination among the actors, finalising the interim reports and discuss the updated work plan. Other details concerning the establishment and functioning of the PSC are described in the Twinning Manual.

7.3 Reporting

All reports shall have a narrative section and a financial section. They shall include as a minimum the information detailed in section 5.5.2 (interim reports) and 5.5.3 (final report) of the Twinning Manual. Reports need to go beyond activities and inputs. Two types of reports are foreseen in the framework of Twinning: interim quarterly reports and final report. An interim quarterly report shall be presented for discussion at each meeting of the PSC. The narrative part shall primarily take stock of the progress and achievements via-à-vis the mandatory results and provide precise recommendations and corrective measures to be decided by in order to ensure the further progress.

8. Sustainability

All Twinning activities will be implemented jointly by the MS and Beneficiary administrations, and the relevant coordination mechanisms will be put in place to ensure smooth and open exchange of information and expertise. The Beneficiary administration will be encouraged to involve a wide pool of experts into the project ensuring robust ownership of the activities and results.

In addition to increasing the pool of human resources, benefitting from the project learning, efforts will be made to fit the new practices and procedures into the available financial means and budgetary allocations of the Beneficiary administration, thus increasing the prospects of their sustainability.

9. Crosscutting issues (*equal opportunity, environment, climate etc...*)

The project will promote non-discrimination and gender equality by providing equal opportunities for decision-making, participation, and realisation of human rights.

Environmental aspects will be addressed by promoting electronic communication tools and e-based systems, to reduce the consumption of paper and benefit the environment. Video-conferencing and other remote communication means will be encouraged, where possible, to minimise the use of emissions associated with road and air travels.

The project will promote an institutional culture of openness, accountability and transparency, thus strengthening the values of a service-oriented administration based

on standard operating procedures and ethical norms and standards, as well as inclusive and evidence-based approaches to creating policies and adopting legislative acts.

10. Conditionality and sequencing

The following contributions from the AMCU are regarded as important preconditions for the successful implementation of the project:

- High level political and professional support by the AMCU Chair and senior officials
- Strong engagement and contributions from the AMCU staff at all cooperation levels
- Effective integration of the MS experts into the AMCU case teams
- Access to all necessary information and documents in accordance with the legislation in force
- The sequencing of all Twinning activities will be defined jointly by MS and beneficiary Administrations in alignment with the Logical Framework (available in an annex), which will be part of the Twinning contract.

11. Indicators for performance measurement

Please refer to the Logical Framework in Annex 1.

The main indicators for performance measurement at the project objectives level are as follows:

- To ensure further alignment of the Ukrainian economic competition legislation with the EU competition laws in the field of antitrust and merger control.
 - Existence of legislative alignment action plan
 - Assessment of improved policy approximation by public and private stakeholders
- To improve the institutional capacity of AMCU for competition law enforcement and competition advocacy.
 - Quality of AMCU decisions (assessed for their structure, clarity and quality of proof)
 - Percentage of AMCU decisions contested in courts
 - Number and type of public dialogue tools used by AMCU
 - Extent to which AMCU (and other GoU stakeholders) undertake competition advocacy to promote competition among other economic policies.

The RTA and RTA Counterparts will be responsible for regular monitoring of the project progress across the defined indicators and overall performance measurement in line with the logical framework. The Quarterly Project Steering Committee meetings will provide opportunities for performance measurement updates and necessary operational adjustments, if deemed necessary.

12. Facilities available

The RTA and his/her assistants will have the necessary office space, access to meeting rooms, telephones, hardware and software, internet access. Additional facilities will be provided on request for visiting expert missions and undertaking training and conferencing events.

ANNEXES TO PROJECT FICHE

1. The Simplified Logical Framework (Annex 1)
2. AMCU structure (Annex 2)
3. Comparative Legal Analysis of the Law on Protection of Economic Competition of Ukraine/Recommendations for Legal Amendments (Annex 3)