



COMPETITION LAW DAY

within the

Jean Monnet South and East European Competition Law Center of Excellence

*Competition Law Enforcement: Arbitration, Standard of Proof,
Enforcement Priorities*

19 April 2023 (Wednesday)

ON- LINE EVENT

Link to the event: <https://jmcoe-competition.com.hr/>

12: 00 – 12: 15 REGISTRATION

12: 15 – 12: 20 Welcoming address

Panel 1: Expert panel

PART 1: Enforcement Controversies

(Moderator: Alexandr Svetlicinii, University of Macau)

12:20 – 12:40 Dalibor Valinčić, Wolf Theiss, Croatia

Arbitration in Competition Cases

12:50 – 13:10 Jasminka Pecotic Kaufman, University of Zagreb,

Judicial Interpretation and Competition Rules: Excessively Stringent Standard of Proof as a Threat for Effectiveness of Competition Law

13:10- 13: 20 Q&A

13:20 – 13:30

Break

PART 2: Comparative Enforcement Priorities

(Moderator: Dubravka Aksamovic, Faculty of Law Osijek)

13:30 – 13:45 Keynote Presentation by Mirta Kapural, President of the Council, Croatian Competition Agency



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Overview of Recent Competition Enforcement and Challenges in Practice

13: 45 – 14: 00 Keynote Presentation by Maja Dobrić, Case Handler at the Commission for the Protection of Competition of Republic of Serbia

Overview of Competition Enforcement in Serbia

14:00 – 14:15 Keynote Presentation by Amir Karalić, Member of Competition Council of Bosnia and Herzegovina

Overview of Competition Enforcement in Bosnia and Herzegovina

14:15 – 15:45 Project Participants Presentations on Enforcement Priorities

Albania, Petrina Broka (University of Tirana)

Bosnia and Herzegovina, Kanita Imamovic – Cizmic (University of Sarajevo)

Italy, Emiliano Marchisio (Giustino Fortunato University, Benevento)

Moldova, Plotnic Olesea, (State University of Moldova)

North Macedonia, Darko Spasevski and Borka Tushevska Gavrilovic (University of Skopje), (University Goce Delchev in Shtip);

Serbia, Tatjana Jovanic (University of Belgrade)

Tajikistan, Saidqosim Mukhtorov (Tajik State University of Commerce in Khujand)

15:45 – 16:00 Discussion and conclusion

Panel 2: Students panel - Overview of national competition rules/enforcement

17: 00 – 19: 00 Students presentations

(Moderator: Saidqosim Mukhtorov)

Albania, Presentation by Zhaklina Mecani

Bosnia and Herzegovina, Presentation by Sanin Delalic

Croatia, Presentation by Vlatka Puris and Juraj Kuna

Moldova, Presentation by Maia Baiesu

North Macedonia, Presentation by Viktorija Andonovska

Serbia, Presentation by Igor Muidza

Tajikistan, Presentation by Firuz Okhunov

Macau, Presentation by Yang Nuoya



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Link to the event:

[LINK TO THE EXPERT PANEL](#)

Topic: COMPETITION LAW DAY - JM CENTRE OF EXCELLENCE

Time: Mar 19, 2024 11:30 Sarajevo, Skopje, Zagreb

Join Zoom Meeting

<https://us06web.zoom.us/j/85875038161?pwd=KzBFWE4wd1NVN3IGdUdCOXAyMmZrQT09>

Meeting ID: 858 7503 8161

Passcode: 716564



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Link to the event:

[LINK TO THE STUDENT PANEL](#)

Topic: Competition law day STUDENT PANEL

Time: Apr 19, 2023 16:30 Sarajevo, Skopje, Zagreb

Join Zoom Meeting

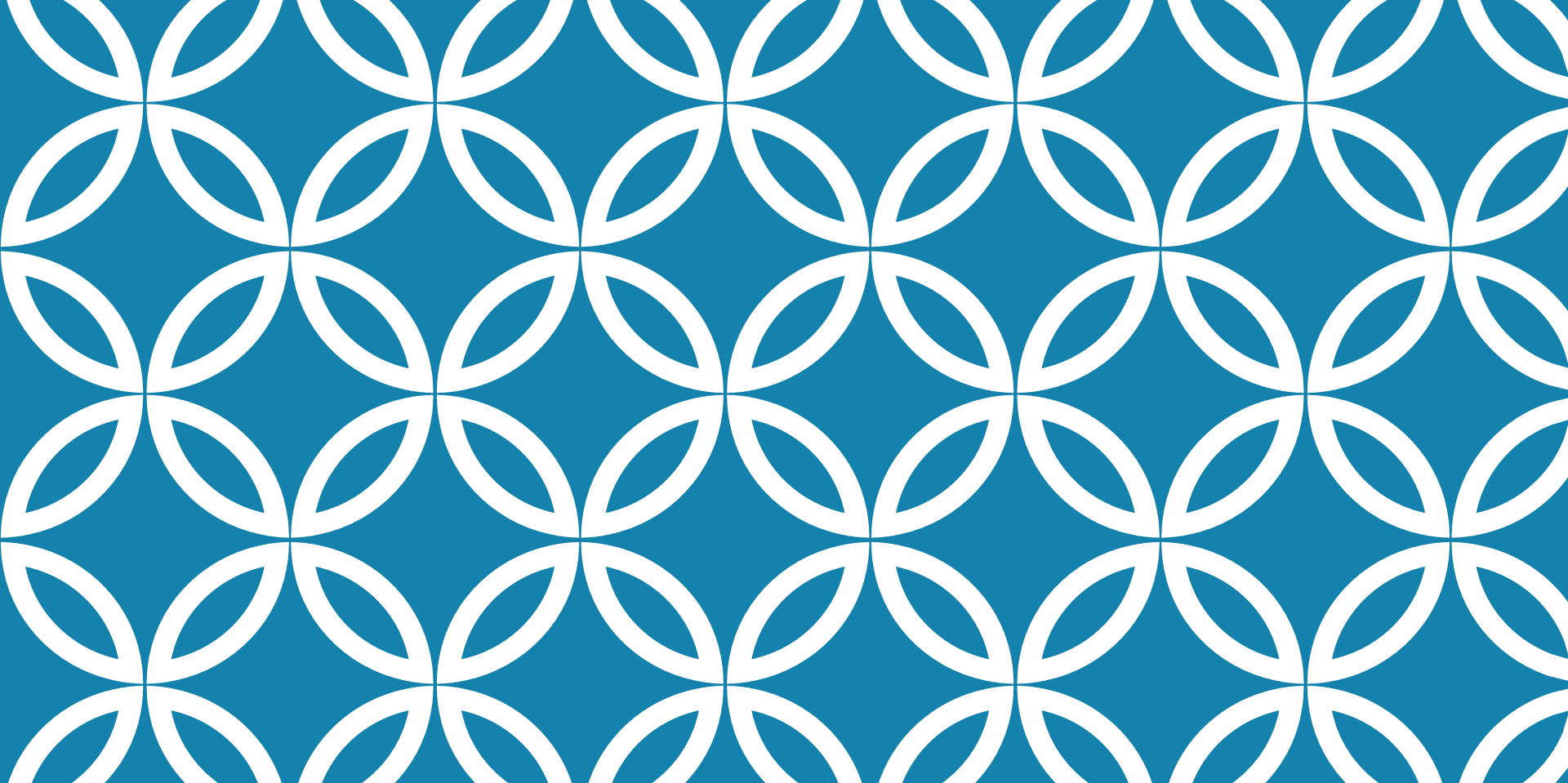
<https://us06web.zoom.us/j/84563777201?pwd=dlpXSHpJUXdGVklOeDZzYmhxcWxTQT09>

Meeting ID: 845 6377 7201

Passcode: 380285



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COMPETITION LAW IN REPUBLIC OF NORTH MACEDONIA



Borka Tushevsk
Gavrilovikj faculty of
Law Shtip

Darko Spasevski
Faculty of Law Skopje

COMPETITION LAW ENFORCEMENT: ARBITRATION, STANDARD OF PROOF, ENFORCEMENT PRIORITIES

The concept of enforcement priorities in Republic of North Macedonia;

The limitation of the misdemeanour prosecution and the limitation of the enforcement of the misdemeanor sanction shall occur in any case when elapses twice the time legally required for the limitation of the misdemeanour prosecution or for the execution of the misdemeanour sanction;

If the association fails to pay the fine within the deadline stipulated by the Commission for misdemeanour matters, the authority competent for enforcement of fines shall seek payment of the fine directly from any of the members of the association whose representatives participate in the decision-making bodies of the association.

ENFORCEMENT ACCORDING TO COMPETITION LAW

PRIORITIES MACEDONIAN

After the authority competent for enforcement of the fine seeks payment of the fine referred to in paragraph (3) of this Article, and considering the restriction regarding the amount of the fine referred to in Article 59 paragraph (1) and Article 61 paragraph (1) of this Law, and in order to ensure its full collection, it shall seek payment of the rest of the fine from any member of the association acting on the relevant market. (5) The authority competent for the enforcement of the fine shall not seek payment of a fine in line with paragraphs (3) and (4) of this Article from the undertakings that prove they had not implemented the decision of the association or they had not been aware of its existence.

COMPETITION LAW AS A LAW CONCEPTION IN RNM, OR MORE?

Legal Frame for protection of competition law?

In 1991 the Constitution of the Republic of Macedonia provided for “free market and entrepreneurship” and **“equal treatment of market participants.”** Article 55 specifically states that **“[t]he freedom of the market and entrepreneurship is guaranteed. And that “the Republic guarantees an equal legal position to all parties on the market”**



The 1995 Law for Trade sets forth the required conditions for doing business in RNM guarantees an equal legal position to all parties on the market” . This Law actually bans the agreements which undermine market competition and prohibits damage to the environment and human health.

In 1999 the Republic of Macedonia enacted the Law against Restrictions of Competition.

2005 LPC, Macedonia shaped competition law grounded on the existing EU competition law.

the Law on Protection of Competition (“Official Gazette of the Republic Македонија“ бр. 145/2010; 136/2011; 41/2014; 53/2016 и 83/2018);

the 2010LPC has been amended several times. Following the changes by EU member states, in 2011 the law on amending and supplementing the 2010 LPC was adopted (Official Gazette No. 136/2011).

In 2014, new amendments of the 2010LPC were adopted (Official Gazette No. 41/2014).

In 2016, the Law on amending and supplementing 2010 LPC was adopted (Official Gazette 53/2016).

In 2018, changes were made in order to improve the degree of knowledge of foreign language of the president and the members of the CPC.

Bylaws adopted by the Authorities (Commission for protection on competition in RNM).

Enforcement is in the hands of the Commission for protection.

According to the official report of the Commission for protection:

Lack of staff, understaffed and continues to face budgetary constraints.

