Terms of Reference

Support to the Armenian State Commission for the Protection of Economic Competition

1. Background

Competitive markets lie at the heart of the EBRD’s mandate to foster transition to open, market-oriented economies. An increase in competition leads to more efficient resource allocation, higher levels of innovation, increased productivity, and ultimately to higher growth. Furthermore, competition positively affects poverty reduction, and the redistribution of income and resources within the economy.

The EBRD supports the improvement of economic governance in its countries of operations, deploying national and international experts in support of economic reforms that contribute to the strengthening of well-functioning market economies. Competition law advancement and capacity building for competition authorities constitute essential parts of the EBRD’s effort in the region, and contribute to the strengthening of the EU’s effort in promoting integrated trade areas in neighbouring countries.

Competition policy in Armenia

The State Commission for the Protection of Economic Competition of the Republic of Armenia (“RA”) (hereinafter “SCPEC” or the “Commission”) was established for the purpose of implementation of state policy in the sphere of economic competition protection, and acts pursuant to the RA Law “On Protection of Economic Competition” (hereinafter “the Law”) passed by the RA National Assembly on November 6, 2000. The main purpose of the Law is the protection and promotion of economic competition, ensuring appropriate environment for fair competition, fostering the development of entrepreneurship and protection of consumer rights. The Commission is independent of other state bodies in implementation of objectives and performance of functions set by the law.

Over the course of its transition period, Armenia’s economy was characterized by high levels of concentration in important markets. A highly prominent report by the World Bank in 2013 highlighted that competition in the country was hindered by market structures, restrictive regulation, distortive state aid, the presence of state owned companies, and ineffective enforcement of competition rules.

Recent years have seen renewed emphasis by the Armenian authorities on competition legislation and its enforcement, supported by advice and support from international organisations. This has led to notable improvements in the observed market structure for several basic commodities and to important changes in the legislation. However, based on the EBRD’s analysis, several persisting gaps need to be addressed. The most prominent challenges concerning competition legislation and its enforcement are:
1. Limitations in the existing legislation, especially regarding secondary legislation (i.e. guidelines), including the determination of abuses, the fine setting process, and limited investigative powers attributed to the competition authority.

2. Limitations in the enforcement capabilities of the competition authority, particularly related to: (i) the approach to market studies and assessing market dominance, due to their strong focus on prices and market shares and (ii) the lack of full transparency and communication on the methodology and procedures used for legislation enforcement.

3. Limitations in the advocacy role of the competition authority, lacking a strategic approach targeting priority areas and stakeholders.

EBRD will support competition policy enforcement by providing technical assistance to the State Commission for the Protection of Economic Competition (SCPEC RA) in Armenia, through a comprehensive capacity building project, based on extensive training, market studies and advocacy support. This project, funded by the EU and jointly developed with the World Bank, is in line with the Single Support Framework for EU support to Armenia and agreements between the EU and Armenia, including the Armenia-EU Comprehensive and Enhanced Partnership Agreement (“CEPA”).

**Rationale for EBRD involvement**

Competition plays an important part in the EBRD’s Country Strategy for Armenia, covering the period 2019-2024, approved by the Board of Directors on November 27th 2019. The monopolistic structure of the Armenian economy was found to continuously stifle competition, inhibiting the Bank’s activities in the country. The EBRD highlighted de-monopolisation and improving the business climate as one of its main priorities in the country. One of the ways in which the Bank planned to achieve this is through capacity building and institutional reforms with the competition authority. This Assignment would help the Bank contribute to this goal.

The Investment Climate Action Plan from November 2018 as part of the EU-EBRD Country-specific Investment Climate Reviews and Action Plans for Eastern Partnership Countries further confirmed necessity to intervene on competition policy through international support. The report highlights the need to foster transparency and de-monopolisation and implement reforms in the field of competition policy, addressing anti-competitive practices to promote a level playing field for businesses. This assessment calls for key technical assistance programs, including support to SCPEC RA to strengthen competition law enforcement. Specifically, it highlighted the need for capacity building, increasing transparency and the need to address key challenges in specific sectors where concentration and dominance by specific companies remain.

**2. Priority areas**

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1 Single Support Framework for Armenia 2014-2017
2 CEPA Agreement
In light of the analysis conducted by the EBRD, a mission to Yerevan and dialogue with authorities, and in view of the complementary proposal formulated by the World Bank regarding public procurement rules and state aid controls, the priority areas for this Assignment are as follows:

1. Support the development of secondary legislation in the form of guidelines;
2. Develop the enforcement capabilities of the SCPEC RA and increase transparency over methods and procedures used by SCPEC RA; and
3. Strengthen the advocacy activities of SCPEC RA.

3. Objective

The main objective of this Assignment is to provide technical assistance to the SCPEC RA and stakeholders with a programme focused on supporting its institutional development and its implementation and enforcement capacity through these main Activities:

1. Provide recommendations to align Armenian competition law to international best practices;
2. Work with SCPEC RA to develop relevant secondary legislation in support of the operations of the SCPEC RA;
3. Provide a focused training programme to SCPEC RA’s staff;
4. Work with SCPEC RA to conduct market studies in support of SCPEC RA’s investigations;
5. Provide support to the advocacy strategy of the SCPEC RA; and
6. Organise short study visits to other competition authorities and expose SCPEC RA staff to international events.

4. Scope of Work

The selected Consultant will provide the services detailed in the activities set out below.

Activity 1: Provide recommendations to align Armenian competition law with international best practices

The first activity aims to provide recommendations to SCPEC RA on how Armenian competition law should be revised in order to be aligned with best international practices.

The Consultant will work with SCPEC RA staff by preparing a report that will identify the main gaps in existing competition law and suggest potential amendments aligning it with international best practices, in particular in relation to the EU model. The Consultant will share the report with EU DG-COMP experts for their review, and incorporate their recommendations in cooperation with working groups appointed for the implementation of the task. Final approval to the document will be provided by the EBRD and SCPEC RA.

SCPEC RA will appoint a working group composed of designated staff members that will work closely with the Consultant for the delivery of the report and provide continuous feedback. SCPEC RA will further be responsible for suggesting and organising meetings with local stakeholders (e.g. business associations; sector regulators, ministries etc.) to ensure that the
specificity of the Armenian context can be fully reflected in the report. It will be sole the responsibility of the SCPECRA to follow the legal process whereby the recommendations may be formally adopted as part of a revised competition law in Armenia.

Deliverables:

- The Consultant will prepare a report identifying the main gaps in existing competition law with specific recommendations to align Armenian competition law with international best practices, developed in close cooperation with the SCPEC RA working group. The report will be prepared in both Armenian and English.

**Activity 2: Produce relevant guidelines in support of the operations of SCPEC RA**

The second activity aims at addressing existing gaps in secondary legislation in Armenian competition law. This will further help to increase the transparency of the SCPEC RA’s operations and predictability of law enforcement, particularly for the private sector.

The Consultant will assist SCPEC RA’s staff in the preparation of two or three guidelines, intended to serve as pieces of secondary legislation (sub-statutory documents):

- A methodology for setting fines and procedures for submitting applications for exemption from liability;
- The procedures adopted for determining excessive prices and predatory prices (the definitions used in the RA Law on Protection of Economic Competition are those of an unjustified increase and decrease of price of goods);
- A third potential area will be explored during the project’s inception phase, based on a needs assessment.

The Consultant will work with legal and economics experts from SCPEC RA in order to prepare these guidelines. The guidelines will be produced taking into account the specific conditions in Armenia (with support from SCPEC RA), the already existing guidelines of the EU applied by the EC, the ones adopted by SCPEC RA (with support from SCPEC RA), guidelines such as those from the US Department of Justice, and others used in selected transition economies.

The Consultant will share the guidelines with EU DG-COMP experts for their review, and incorporate their recommendations in cooperation with working groups appointed for the implementation of the task. Final approval to the documents will be provided by the EBRD and SCPEC RA.

SCPEC RA will appoint a working group composed of designated staff members, who will work closely with the Consultant to deliver the draft guidelines and provide continuous feedback. Specifically, the role of SCPEC RA staff will be to ensure that the guidelines take into account the specific conditions in Armenia and existing guidelines adopted by SCPEC RA. SCPEC RA will be solely responsible for following the legal process to ensure that the draft guidelines will be formally adopted as binding legal documents in Armenia.
As part of the implementation of this activity, the Consultant will provide SCPEC RA’s staff members, selected to participate in working groups responsible for the delivery of the guidelines, with specific training on how to draft secondary legislation in light of best international practices. The scope and format of the training, as well as any reporting on the training (e.g. training curriculum and activities report), will be decided jointly with SCPEC RA and the EBRD during the project’s inception phase, and will be based on a needs assessment.

**Deliverables:**

- The Consultant will deliver training to SCPEC RA’s staff members, selected to participate in working groups responsible for the delivery of the guidelines, on how to draft secondary legislation in light of best international practices. The scope and format of the training, as well as any reporting on the training (e.g. training curriculum and activities report) will be decided jointly with SCPEC RA and the EBRD during the project’s inception phase.
- The Consultant will deliver two or three guidelines on the above mentioned topic, developed in close cooperation with the SCPEC RA working group. The guidelines will be prepared in both Armenian and English.

**Activity 3: Deliver technical training to SCPEC RA’s staff**

The aim of this activity is to ensure more effective enforcement of competition law by SCPEC RA’s staff through practical technical training to SCPEC RA staff.

The Consultant will develop a training curriculum based on (i) a needs assessment conducted with SCPEC RA staff in Yerevan, and (ii) an in-depth analysis of the baseline curriculum and skills of the staff currently employed by SCPEC RA undertaken as part of the project’s inception phase. The purpose of these assessments is to gather information on the training needs reflective of the group to be used by the consultant in devising the most effective training plan, maximising learning outcomes. This is important in light of the likely heterogeneous background of the group of trainees, covering a range of experience levels. Training participants will be selected by SCPEC RA; the approximate number of participants will be agreed among the Consultant, SCPEC RA and the EBRD during the project’s inception phase. The consultant is expected to review all CVs of the trainees, conduct interviews with a broadly representative sample of the group to understand better the background of staff members, and conduct other activities as jointly agreed between the Consultant, the SCPEC RA and EBRD during the inception phase.

The training curriculum is expected to seek to address the following technical gaps, to be confirmed during the project’s inception phase:

- **Assessment of market dominance:** The training will focus on theoretical and quantitative tools to conduct market definition (e.g. SSNIP test, demand substitution and price correlation analysis, demand estimation) and analyse market dominance (market shares, pricing power, barriers to entry, actual and potential entry as constraints
to market dominance, countervailing buyer power). The aim of this training is to ensure that SCPEC RA has the technical ability to move away from a mechanic approach based on market shares and prices in the analysis of dominance;

- **Methodology to conduct market studies:** The training will train SCPEC RA staff to utilise best practice methodology to conduct market investigations and analysis based on OECD recommendations and international practice. The aim of this training is to ensure that SCPEC RA has the technical ability to consider broader determinants such as the demand structure, the regulatory environment, the existence of factors conducive to collusive behaviours etc in addition to other key variables (e.g. prices) in its practice of market assessments.

- **Assessment of abuses of dominance:** The training will focus on qualitative and quantitative tools to analyse abuses of dominance, with particular emphasis on cases of excessive and predatory pricing, in line with the existing provision in Armenian law according to which “unreasonably low and high prices” may constitute an abuse, as well as new guidelines to be developed as part of Activity 1.

- **Dawn raids:** This will entail practical on-the-job training on how to conduct Dawn raids, taking into account EU and international best practices. This is required for the purpose of extending the inspection powers of SCPEC RA in the future.

The Consultant will ensure that the training is practical and combines aspects of competition law and economic theory, with extensive case-law coverage and econometric training where suitable and required. It will include examples of how more advanced jurisdictions handle related cases. SCPEC RA and the EBRD, having assessed a draft submitted by the Consultant, will give the final approval on the structure of the training.

As part of the development of the training curriculum and delivery of the training, the Consultant will further develop “toolkits” on the topics mentioned above, which SCPEC RA will refer to for antitrust investigations and merger control in the future in addition to new guidelines developed as part of Activity 1.

In order to facilitate sustainability of the various training activities, the Consultant will further develop a Training of Trainers (TOT) module, based on international best practice, to support the ongoing training of SCPEC RA in the future. The Consultant will then train a small group of trainers, selected by the SCPEC RA from among the group of training participants, on how to utilise the TOT module to carry out training. The exact format of the training to trainers and the TOT module will be agreed with the EBRD and SCPEC RA during the project’s inception phase. At this stage, it is expected that each module shall contain a handbook or technical material (if appropriate), and outline of the course, case studies, training questions and reading materials.

The Consultant will deliver the trainings in English, in a series of ca. 90 half-a-day seminars (ca. 270 hours) spread across the duration of the project (27 months). The exact sequencing of the seminars will be determined during the project’s inception phase.

The Consultant will cover the costs for any training materials (e.g. printed copies of training materials, books), audiovisual equipment and the cost of translation/ simultaneous
interpretation where needed from the allocated budget. In addition, the Consultant will purchase up to six licenses of STATA needed for the delivery of the econometrics training; a maximum of EUR 10,000 has been allocated under the budget for this purpose.

SCPEC RA will identify suitable premises for the training and will cover all cost related to the rental and use of the location, including refreshments. SCPEC RA will attend to all practical, logistical and organisational arrangements for the delivery of training (printing, coffee breaks/refreshments, projectors) including the placing of all course materials on a suitable website for ready use in future training.

Following the training, the Consultant will conduct an evaluation of training outcomes to measure the results of the training, including any Training of Trainers, and capture the results in a report. The evaluation method proposed by the Consultant should go beyond the use of satisfaction surveys and together with the results for the needs assessment allow for an effective “before and after” comparison of learning outcomes. The evaluation method will be agreed with the EBRD during the project’s inception phase. The Consultant will further provide advice to the SCPEC RA on the creation of a training department within the authority based on the experience of selected competition authorities in Europe, and capture this advice in a short report.

**Deliverables:**

- The Consultant will first conduct a comprehensive needs assessment of the training needs and current capacities of the SCPEC RA officials and staff. The Consultant will share a short report summarizing the main learning and conclusions for the design of the training curriculum with the SCPEC RA and EBRD for approval.
- The Consultant will develop a training curriculum, for each of the training topics. These will be submitted to the SCPEC RA and the EBRD for comment and approval alongside the above assessment at least three weeks prior to the start of the respective training, and should include plans for the appropriate use of evaluation methods to assess learning outcomes. Handouts and training materials to be used by participants will be provided to participants at least one week before the start of the training.
- Based on the training materials, the Consultant will develop a toolkit, which will guide antitrust investigations and merger control by SCPEC RA staff in the future.
- At the end of the series of seminars, the Consultant will produce a report outlining the main results achieved by the training, including any Training of Trainers and provide a description of the results of the ‘before and after’ assessment.
- The Consultant will prepare a short report capturing advice on the creation of a training department within the Authority, based on the experience of selected competition authorities in Europe.
- The Consultant will also develop and implement a TOT (training of trainers) module in line with international best practices.

**Activity 4: Conduct market studies in support of SCPEC RA’s investigations**
The aim of this assignment is to strengthen the approach to market analyses through on-the-job training, in line with best international practices, such as those developed by the OECD and implemented by EU competition authorities.

The Consultant will start by conducting a thorough needs assessment to identify at least three economic sectors which will be subject to a competitive assessment. At this stage, it is expected that the following sectors may be covered: the financial sector, digital sectors, pharmaceuticals, fuel and other basic commodities. The sectors to be covered during project implementation will be agreed jointly with SCPEC RA and EBRD during the project’s inception phase.

Market studies will be conducted by the SCPEC RA under the guidance and supervision of the Consultant. Access to data and relevant stakeholders will be provided by the SCPEC RA, which will appoint a reference person to liaise with the Consultant on the implementation of the activity. Each market study will take approximately 9 months.

SCPEC RA will be fully in charge of providing access to the relevant data needed to analyse market dynamics, as well as to local stakeholders, whose views will be needed for the conduct of market investigations.

Over the course of the implementation of this activity, the Consultant will assess the organisation and effectiveness of the department within SCPEC RA currently in charge of market analysis, with a view to provide recommendations on how this could be revised to maximise effectiveness. This assessment will further be informed by the needs assessment of technical skill levels of SCPEC RA staff undertaken as part of Activity 3. As part of the implementation of the activity, and informed by these assessments, a selected number of SCPEC RA’s staff will receive specific coaching and mentoring to become or strengthen their role as focal points within the SCPEC RA for the conduct of market studies, over and above any training activities carried out as part of Activity 3. The Consultant will capture the results of their assessment of the effectiveness of the department in a short report, together with recommendations on how the department’s effectiveness could be further improved. This report will further summarise the scope and impact of coaching and mentoring received by staff. The Consultant will further update the toolkit/ internal guidelines on the conduct of market studies developed as part of Activity 3 to ensure these can be used by SCPEC RA staff in the implementation of market studies in the future.

The result of the market studies will be presented, if deemed appropriate, in specific seminars organised by SPEC RA, as part of the plan to strengthen the Authority’s advocacy efforts. The Consultant will assist the preparation of these seminars, as further detailed under Activity 5. Follow-up meetings concerning potential recommended regulatory changes may be organised with relevant counterparts.

Deliverables:

- The Consultant will ensure the successful completion and delivery of three market studies by the SCPEC RA in cooperation with the Consultant.
- The Consultant will produce a short report to capture the results of the assessment of effectiveness of the department in charge of market analysis, together with
recommendations on how the department’s effectiveness could be further improved. This report will further summarise the scope and impact of coaching and mentoring provided to the staff by the Consultant.

- The Consultant will develop an internal manual on how to conduct on market studies, based on the toolkit developed as part of Activity 3, to guide SCPEC RA staff in the implementation of market studies in the future.

**Activity 5: Support to the advocacy strategy of SCPEC RA**

The development and implementation of a comprehensive communication and advocacy strategy (“the strategy”) will aim at further raising awareness about the importance of competition and competition law in the country, build the credibility and profile of the authority and act as a reference point for all future advocacy related activities.

1. **Communication and advocacy strategy**

The Consultant will support SCPEC RA in developing a coherent communication and advocacy strategy, which SCPEC RA will adopt. SCPEC RA will be responsible for identifying the relevant stakeholders who will be consulted during the preparation of the advocacy strategy and adopting the strategy upon completion. The Consultant will provide coaching and mentoring sessions to selected SCPEC RA’s staff on how to implement the advocacy strategy as part of the implementation of this Activity.

The strategy will be a comprehensive document highlighting the objectives and instruments to be used by SCPEC RA in its advocacy mandate. As part of the project’s inception phase, the Consultant, will undertake a needs assessment in order to inform the specific objectives and structure of the strategy, to be agreed with the EBRD and SCPEC RA. At this stage, it is expected to include the following components:

- **A description of how to build and deliver advocacy and communication programs**: Based on case studies for businesses, consumer groups and government bodies, this part will highlight how SCPEC RA could achieve a clear understanding among the targeted groups of (i) the benefits of competition, (ii) the basic provisions of the law with respect to the Authority, and (iii) the role of the Authority as an adviser to the government regarding policy review and/or formulation.

- **The identification of contact points within government bodies**: The strategy will identify individuals and offices within the central and local governments, and regulatory agencies, capable of serving as a first point of contact for policy makers seeking advice on competition matters.

- **A description of how to engage with academia and institutes of higher education**: The strategy will identify ways to educate students in competition law and its practices through a specific programme, with the aim of emphasising its benefits to the wider society.
• **Advocacy and communication instruments**: The strategy will identify the most appropriate advocacy and stakeholder communication tools. Messages and instruments should be clearly defined based on the circumstances of the jurisdiction.

2. **Seminars with external stakeholders**

Seminars with external stakeholders will be organised by the SCPEC RA with the support of the Consultant in order to promote the role of the SCPEC RA externally. There will be up to six seminars in total spread across the project’s duration. SCPEC RA will define a list of participants and be responsible for inviting relevant stakeholders. SCPEC RA will also be responsible for identifying and covering the cost of suitable venues, including a coffee break. The Consultant will produce the programmes for each seminar, and draft handouts in collaboration with SCPEC RA. The Consultant will cover the cost for any technical equipment and translation/simultaneous interpretation where required.

The exact content and format will be agreed on during the project’s inception phase; at this stage they are expected to include:

- The dissemination of the results of the market studies conducted by SCPEC RA with support from the Consultant under Activity 4;
- A presentation of the newly prepared Advocacy Strategy;
- A discussion of the recent amendments in the Armenian competition law and persisting limitations; and
- The interface between competition law and sectoral regulation.

SCPEC RA will disseminate the strategy via its website. SCPEC RA will be responsible for ensuring maximum visibility for the events through appropriate media coverage.

**Deliverables:**

- The Consultant will draft the new Communication and Advocacy Strategy, working in close cooperation with the relevant experts appointed by SCPEC RA. The strategy will be provided in Armenian and English for approval by both SCPEC RA and the EBRD.
- The Consultant will produce programmes, including the content, for each of the seminars. These will be shared with the EBRD and CPC for approval at least three weeks prior to the seminars. Handouts will be provided to participants at least one week before the seminars.
- At the end of the seminar series, the Consultant will provide a report to EBRD which will outline the topic, speakers, attendees, and content on the seminars. This report will further summarise the scope and impact of coaching and mentoring received by staff.

**Activity 6: Organisation of short study visit to other competition authorities and exposure of SCPEC RA’s staff to international events**

The aim of this Activity is to provide SCPEC RA with exposure to international best practices by allowing staff members to observe how competition law is enforced in more advanced
jurisdiction, as well as allow SCPEC RA to build an international network of experts (academics, practitioners and enforcers), who could be consulted when support is needed.

This Activity is made up of the below two components. As part of the project’s inception phase, the Consultant will undertake a needs assessment to inform their plans to be proposed and agreed as part of the Activity’s implementation.

1. **Study visits**

The Consultant will organise four study visits, each lasting up to a week, for up to three SCPEC RA employees to competition authorities in Western Europe and advanced transition economies.

Each study visit will have specific learning objectives, to be agreed between the Consultant, the SCPEC RA, the EBRD and the hosting competition authority.

The Consultant will investigate the availability of other competition authorities to host the staff of SCPEC RA for study visits. The Consultant will prepare a detailed plan and budget for the practical implementation of the proposed study visits for approval by the SCPEC RA and EBRD, including measurable indicators to assess the success of the tour. The plan will include defined tasks for each of the participants.

On approval of the Consultant’s plan for the study visits, the Consultant will organise all relevant meetings with officials from the country, all international travel, all accommodation for the duration of the study visit. The Consultant will further cover the cost for any of these components, as well as for local transport costs, interpreter services, visa, and payment of allowable subsistence monies in cash to each participant to cover food and any other necessary costs. The Consultant may accompany the participants during their visits if necessary, facilitating discussions with the host regulatory authority.

2. **Attendance of international events**

The Consultant will support the SCPEC RA in organising the following activities over the course of project’s duration, utilising up to 10 percent of the budget for these purposes:

- **CRESSE summer school in competition and regulation**: SCPEC RA will select 4 economists and 2 lawyers to attend the CRESSE School of Regulation during 2020 or 2021, and will establish contacts with CRESSE to ensure enrolment and successful participation.

- **Attendance to selected international events organised by organisations such as International Competition Network, UNCTAD and OECD**: In cooperation with SCPEC RA, the Consultant will identify a series of international events, including meetings organised by the OECD, UNCTAD and the ICN, which will be beneficial for SCPEC RA’s staff. While it may not be possible to establish the whole list of events to be attended during the project’s inception phase, adequate advance planning will be expected.
The Consultant will prepare a plan and budget for the attendance of events for approval by the SCPEC RA and EBRD, including measurable indicators to assess the success of the event attendance. On approval of the Consultant’s plan, the Consultant will organise all international travel and all accommodation for the duration of the study visit. The Consultant will further cover the cost for any of these components, enrolment fees, costs for local transport costs, visa, and payment of allowable subsistence monies in cash to each participant to cover food and any other necessary costs.

The Consultant will further suggest a list of relevant publications (books, on-line subscriptions) in the field of competition law and economics, for the use of SCPEC RA’s staff, as part of the needs assessment. Up to one percent of the budget may be used by the Consultant to fund these activities.

**Deliverables:**

- The Consultant will submit a study visits proposal to both SCPEC RA and EBRD, including: (i) a list of potential competition authorities willing to host Armenian officials for a 3-5 days study visit; (ii) a concrete agenda, budget and assessment plan for the proposed study visits; (iii) a proposed timeline for the implementation of the study visits.
- The Consultant will submit a proposal regarding the participation in international events to both SCPEC RA and EBRD, including: (i) a list of potential events to attend and timeline; (ii) a concrete budget and assessment plan for the proposed study visits.
- Upon completion of the series of study visits, international events and participation at the CRESSE School of Regulation by SCPEC RA’s staff, the Consultant will provide a report (up to 15 pages), recording the main meetings, activities in which participants were involved, and results achieved.

5. **Implementation Arrangements**

The Consultant will report to the Bank’s Operational Leader (the OL) on all aspects of the Project.

The Consultant will keep the EBRD’s Operation Leader informed of the Assignment’s progress as required, particularly regarding any delays or envisaged delays which may impact the implementation of the scope of works or submission of deliverables.

The Consultant’s team should comprise leading international experts in competition law and its economic underpinnings, with experience in conducting technical cooperation programmes and in providing training to market officials, and/or other senior officials with responsibility for competition regulation, as well as local competition experts. The Consultant will work closely with SCPEC RA and the EBRD project team.

The Assignment will be managed on a day-to-day basis by the Consultant. On each of the tasks, the Consultant shall report to and consult with the EBRD Project Team leading this project. Monthly reporting is envisaged at this stage, in the form of short briefing updating on the
development of project implementation. In addition, the Consultant will provide narrative and financial reports on an annual basis, as well as a final narrative and financial report at the end of the Action. Narrative reports are expected to include a complete overview of activities implemented during the assignment, a summary of outputs, and the identification of any major problems, which may have arisen during the performance of the contract, as well as an assessment of the impact of the assignment measured against the stated project objectives and the indicators of achievement. The precise format for these reports will be agreed with EBRD during the project’s inception phase and serves the dual purpose of informing the EBRD of progress against the project activities, as well as fulfilling the EBRD’s reporting requirements in respect of its donors. Any deviation from the above tasks, as further amended and agreed during the project’s inception phase, should receive prior approval.

SCPEC RA’s responsibilities
SCPEC RA will actively contribute to the proposed project. In particular, it is expected that SCPEC RA will:

a) Identify appropriate officials as counterparts for all Assignment activities;
b) Guarantee access to all necessary information in the context of the work;
c) Facilitate access to all relevant officials (including ensuring commitment of SCPEC RA’s staff time);
d) Provide all needed logistical support for the Consultant during the time they work in Armenia, as well as project activities taking place in Armenia;
e) Provide all other support defined during the project’s inception phase;
f) Provide comments within two weeks on any deliverables received from the Consultant, as well as promptly confirm acceptance of any deliverables reflecting such comments. The final authority to accept/approve any deliverables lies with the EBRD.

With respect to specific Assignment activities, SCPEC RA will be responsible for the implementation arrangements as specified in the relevant parts of Section 4 above.

SCPEC RA will nominate a specific (English speaking) official as the main contact point for the Assignment.

Inception phase and inception mission
The Consultant will organise an initial visit to Armenia (‘Inception Mission’), which will comprise meetings with senior officials, case handlers and staff of SCPEC RA. The meetings will take place at the premises of SCPEC RA. The purpose of the Inception Mission is to collect valuable information/insights on the implementation of the Assignment: (i) to conduct the needs assessment for each of the proposed activities, where required, and (ii) discuss the draft implementation timing and make practical arrangements.

Ahead of the Inception Mission, the Consultant will also be responsible for the development of a Draft implementation plan, which will be presented during a half a day kick-off meeting in the presence of the Consultant, EBRD and SCPEC RA’s senior management. The meeting will provide an opportunity for the Consultant, EBRD and SCPEC RA’s senior management to discuss the main implementation aspects of the Assignment, and in particular the attribution of roles and responsibilities for the delivery of the different activities/tasks defined in Section 4 of these terms of reference.
Upon the completion of the Inception Mission, the Consultant will prepare a needs assessment report, which will, inter alia, outline the results of the various needs assessments and the final implementation plan, incorporating any comments discussed during the Inception Mission and any required updates to the implementation plan as a result of the needs assessment. The final implementation plan, after being discussed with and endorsed by the EBRD and SCPEC RA, will guide the implementation of the Assignment and any deviation from the agreed proposal should be re-discussed and agreed by EBRD and SCPEC RA.

**Flexibility provision due to COVID-19 pandemic**

The implementation of all activities as described above and in what follows may be affected by the current travel restrictions imposed as a result of the COVID-19 pandemic. During the definition of the proposals (technical proposals only; while the financial proposals should provide for budget covering all expenses and assuming that travel is possible), the Consultant will be asked to suggest implementation strategies that take travel restrictions into consideration, for example through the use of online tools for learning activities and knowledge sharing (seminars), as well as the use of local consultants and experts to collect information on relevant economic activities (e.g. for the conduct of market studies). Flexibility will be embedded in the contractual agreement with consultants, both to allow different implementations strategies, and to make possible to reallocate funds across activities if travel restrictions do not allow the effective implementation of specific actions.

The “flexibility” provision described above is important to consider while reading the above description of activities implementation, as this is drafted under the assumptions that travel would be / or become possible during contract implementation.

**6. Deliverables**

The Consultant is expected to submit the below key deliverables for the Assignment to the EBRD according to the following tentative timetable. A final timeline, including any additional deliverables described in the scope of the project, will be agreed with the EBRD and SCPEC RA at the beginning of the Assignment, and may be revised from time to time as jointly agreed:

<table>
<thead>
<tr>
<th>Deliverable</th>
<th>Due (months from contract commencement)</th>
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<tbody>
<tr>
<td>Draft implementation plan</td>
<td>1 month</td>
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<tr>
<td>Needs assessment report/ final implementation plan</td>
<td>2 months</td>
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<tr>
<td>Activity 6 – Study visits proposal</td>
<td>4 months</td>
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<tr>
<td>Activity 6 – International event proposal</td>
<td>4 months</td>
</tr>
<tr>
<td>Activity 3 – Training curriculum</td>
<td>6 months</td>
</tr>
<tr>
<td>Activity 3 – Toolkit on assessments for antitrust investigations and merger control</td>
<td>6 months</td>
</tr>
<tr>
<td>Activity 1 – Report with recommendations on aligning Armenian competition law with international best practices</td>
<td>6 months</td>
</tr>
<tr>
<td>Activity 2 – Guidelines on the first key area to support competition law enforcement</td>
<td>9 months</td>
</tr>
</tbody>
</table>
## Deliverables

<table>
<thead>
<tr>
<th>Deliverable</th>
<th>Due (months from contract commencement)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Activity 4 – First market study</td>
<td>9 months</td>
</tr>
<tr>
<td>Activity 5 – Communication and Advocacy Strategy</td>
<td>12 months</td>
</tr>
<tr>
<td>Interim Narrative Report and Interim Budget Report</td>
<td>14 months</td>
</tr>
<tr>
<td>Activity 4 – Internal manual on market studies</td>
<td>16 months</td>
</tr>
<tr>
<td>Activity 3 – Report with advice on training department</td>
<td>16 months</td>
</tr>
<tr>
<td>Activity 3 – Report on the implementation of the training of trainers (TOT) module</td>
<td>16 months</td>
</tr>
<tr>
<td>Activity 2 – Guidelines on the second key area to support competition law enforcement</td>
<td>18 months</td>
</tr>
<tr>
<td>Activity 4 – Second market study</td>
<td>18 months</td>
</tr>
<tr>
<td>Activity 3 – Training report</td>
<td>22 months</td>
</tr>
<tr>
<td>Activity 5 – Report on advocacy seminar series</td>
<td>22 months</td>
</tr>
<tr>
<td>Activity 6 – Report on study visits and international event participation</td>
<td>22 months</td>
</tr>
<tr>
<td>Activity 2 – Guidelines on the third key area to support competition law enforcement (if applicable)</td>
<td>27 months</td>
</tr>
<tr>
<td>Activity 4 – Third market study</td>
<td>27 months</td>
</tr>
<tr>
<td>Final project implementation report &amp; Final budget report</td>
<td>27 months</td>
</tr>
</tbody>
</table>

After the submission of the draft deliverables/reports, and upon the receipt of comments and suggestions from EBRD and SCPEC RA, the Consultant will prepare the final versions of the deliverables/reports within one week.

Unless otherwise agreed, the language of all deliverables and reports shall be English and Armenian. All deliverables and reports shall be submitted to the EBRD in electronic format.

The Consultant shall ensure that any deliverables under this Assignment which will be shared with third parties, other than EBRD, will contain the following disclaimer:

*This [report/deliverable] has been prepared exclusively for EBRD and is provided for illustration purposes only. EBRD makes no representation or warranty, express or implied, as to the accuracy or completeness of the information set forth in this report. EBRD has not independently verified any of the information contained in the report and accepts no liability whatsoever for any information, misstatement or omission contained herein. The report remains the property of EBRD.*

### 7. Donor Visibility

Given the assignment is funded by the European Union (EU) through the EBRD’s donor funded technical cooperation programme, the Consultant will be required to support the client to ensure visibility of these resources. Support on these visibility aspects can be obtained from the Bank’s Communications Department. Measures could include but not be limited to:
• All documents produced by the Consultant should mention EU support and bear the logo of the donor, when appropriate.
• EU support to the project should be acknowledged in any public communication (press releases, launch of facilities)
• Local representatives of the EU should be invited to any public event organised to promote the project (press conferences, inaugurations, possibly stakeholder participation programmes)

Please contact Lucia Sconosciuto (sconoscl@ebrd.com) or Volker Ahlemeyer (ahlemeyv@ebrd.com) for further information. Some donor visibility guidelines can also be provided by the Bank to Consultants at the start of an assignment.