

I confirm:
 Chairman of the Commission on
 Business Environment and
 International Rankings of the Republic
 of Azerbaijan, First Deputy Prime
 Minister of the Republic of Azerbaijan
 Yagub Eyyubov

“ _____ ” _____ 2022

Roadmap for 2022-2023 to implement improvements in the relevant field on indicator "Market Competition" indicator of the World Bank Group's "Favorable Business Environment" project

No.	Requirements of subcomponents	Measures	Last execution date	Executive agencies	Responsible persons
1. Quality of regulations promoting market competition					
1.1. Quality of regulations on market competition					
1.1.1.	Anti-collusion/anti-cartel enforcement	1. Given that manifestations of collusions of market entities become apparent primarily in the prices and volume of supply of goods in the consumer market in order to identify such actions in a timely manner: 1.1. monitor the prices of a number of goods in the consumer market; 1.2. take measures under the requirements of antimonopoly legislation in the event where manifestations of collusions of market entities are detected during monitoring processes.	Permanent	Ministry of Economy (State Service for Antimonopoly Control and Supervision of the Consumer Market)	Jafar Babayev, Fuad Yadigarov, Kamran Umudov
		2. Acquiring necessary data from dominant entities in the market and investigating whether there are cases of breaches of competition (collisions) based on the provided information on a regular basis	Permanent		

		3. Surveying the practice of foreign competition authorities with high experience in this field, as well as the practice of international competition organizations, and submitting proposals to the Commission on the findings	01.04.2023		
1.1.2.	Whether anti-competitive practices are clearly defined in legislation	<p>Taking comprehensive measures in the above-mentioned direction upon adoption of the Competition Code of the Republic of Azerbaijan, which includes the provisions on the relevant sub-components</p> <p>Note: After surveying the advanced foreign practice (e.g. USA, Germany, Austria, Italy, Russia, Turkiye, Kazakhstan, Latvia, Lithuania, Hungary, Czech Republic), the draft of the Competition Code of the Republic of Azerbaijan, which meets the modern challenges, was drawn up, agreed with the relevant institutions and submitted accordingly for adoption.</p>	<p>Within 6 months upon adoption of the Competition Code of the Republic of Azerbaijan</p>	<p>Ministry of Economy (State Service for Antimonopoly Control and Supervision of the Consumer Market)</p>	<p>Jafar Babayev, Fuad Yadigarov, Vagif Atashov</p>
1.1.3.	Availability of incentive programs (e.g. procedural guarantees, confidentiality, whistleblower protection, etc.) promoting companies to disband cartels (waiver of collusions).				
1.1.4.	Merger control regulations				
1.1.5.	Clarity and scope of merger control regulations, including types of transactions that do not require to be reviewed (e.g. transactions that are below the notification threshold or subject to simplified merger control procedures)				
1.1.6.	Degree and type of merger verification fees				
1.1.7.	Procedural guarantees in antitrust investigations and a merger review process enabling parties to exercise self-defence rights				

1.1.8.	Whether the relevant authorities are empowered to conduct competition investigations and impose a range of sanctions	<p>Conducting propaganda and educational measures among entrepreneurs on implementing investigations and imposing sanctions in the field of competition only and solely by the competition authority given the international practice</p> <p>Note: Financial sanctions and fines (except criminal actions) for violation of antitrust legislation are imposed only and solely by the competition authority.</p>	Permanent	Ministry of Economy (State Service for Antimonopoly Control and Supervision of the Consumer Market, Agency for Small and Medium Business Development)	Jafar Babayev, Fuad Yadigarov, Sahin Nagiyev, Khamis Seyranov, Vagif Atashov
1.1.9.	Aspects of consumer rights protection	Developing "Rules for the examination of non-food goods (results of work) at the Consumer Goods Expertise Center" and drafts of amendments to the Law of the Republic of Azerbaijan "On Protection of Consumer Rights" in this regard to ensure the implementation of examination of goods (results of work) claimed to be faulty by the administrative body and submitting them for relevant purposes	01.07.2023	Ministry of Economy (State Service for Antimonopoly Control and Supervision of the Consumer Market)	Roman Garashov, Elnur Bagirov, Ilgar Hasanov, Vagif Atashov
1.2. Quality of the regulations for bidding under public procurement contracts					
1.2.1.	Whether the public procurement legislation provides for a fair evaluation process, legal certainty for companies, whether selected best practices promoting competition, transparency, integrity and price-quality ratio are included in the legislation	1. Completing the approval process of the latest public procurement draft law and submitting the final draft to the relevant authorities	01.12.2022	Ministry of Economy (State Service for Antimonopoly Control and Supervision of the Consumer Market), other relevant institutions	Ahmed Hasanov, Tural Ismayilov, Yusif Dadashzadeh
		2. Carrying out analyses and conducting a survey to identify shortcomings on implementing the new public procurement law, to survey the views of market participants and representatives of purchasing organizations	Within 6 months upon adoption of the law		
		3. Developing a project on amendments in the legislation on the basis of the identified problems and submitting for relevant purposes	Within 9 months upon adoption of the law		

1.2.2.	Advanced regulatory practices incorporating environmental/sustainability insights into public procurement, focusing on areas benefiting market access and competition	1. Developing a normative legal document project on sustainable and green procurement policy and submitting it for relevant purposes	01.07.2023	Ministry of Economy (State Service for Antimonopoly Control and Supervision of the Consumer Market), Ministry of Justice	Ahmed Hasanov, Tural Ismayilov, Yusif Dadashzadeh
		2. Developing the draft amendment to the Law of the Republic of Azerbaijan "On Public Procurement" upon approval of the relevant green procurement policy document and submitting it for relevant purposes	Within 6 months upon adoption of the relevant regulatory legal document		
2. Adequacy of public services promoting market competition					
2.1. Institutional structure and quality of competition regulations enforcement					
2.1.1.	Feasibility to appeal competition authority decisions (e.g. whether companies are able to appeal a decision to a specialized independent agency or whether non-judicial agencies reserve the authority to overturn competition authority decisions)	Implementing publicity and awareness measures among market subjects on the administrative mechanism and (or) judicial appeals to the decisions and instructions of the competition authority on the violation of the competition legislation	Permanent	Ministry of Economy (State Service for Antimonopoly Control and Supervision of the Consumer Market, Agency for Small and Medium Business Development)	Jafar Babayev, Fuad Yadigarov, Shahin Nagiyev, Khamis Seyranov, Vagif Atashov
2.1.2.	Resources of a competition agency (e.g. budget and staff)	Publishing detailed information (in both Azerbaijani and English) about the resources (budget, staff, etc.) of the competition authority on the website of the institution and developing and submitting justified proposals on enhancing those resources	31.12.2022	Ministry of Economy (State Service for Antimonopoly Control and Supervision of the Consumer Market)	Jafar Babayev, Yusif Dadashzadeh, Ayten Huseynova, Vagif Atashov
2.1.3.	Cooperation with other government bodies (e.g. regulatory bodies)	Holding bilateral meetings with other state bodies in the field of competition and organizing joint events, as well as involving those institutions in the analysis, investigation and reviewing violation cases of antimonopoly legislation carried out by the competition authority to benefit from their experience.	Permanent	Ministry of Economy (State Service for Antimonopoly Control and Supervision of the Consumer Market)	Orkhan Mammadov

2.1.4.	Cross-border cooperation between competition authorities	1. Signing Memorandums of Understanding on cooperation with the relevant states (Russia, Turkiye, Georgia, Kyrgyzstan) in the field of competition policy and ensuring their implementation	31.12.2023	Ministry of Economy (State Service for Antimonopoly Control and Supervision of the Consumer Market)	Orkhan Mammadov
		2. Enhancing cooperation with international organizations specialized in the field of competition policy (Organization for Economic Cooperation and Development - OECD, United Nations Conference on Trade and Development - UNCTAD)			
2.1.5.	Whether or not to publish decisions by the competition authority and the economic and legal justification of those decisions	Disclosing information in accordance with the requirements of sub-component 2.1.5 on the decisions made by the competition authority (protecting information that is considered trade secrets) on the website of the competition authority and in the mass media	31.12.2022 (Information about decisions made in 2022) Within 15 days after the decisions	Ministry of Economy (State Service for Antimonopoly Control and Supervision of the Consumer Market)	Gulnar Huseyn
2.1.6.	Preparing and publishing guidance/promotional reports on antitrust and merger control instruments	Developing and disclosing materials and resources to public on defining markets, managing the merger and acquisition process, assessing the competitive environment, identifying the situation in regards with monopoly and other relevant rules and processes	Within 6 months upon adoption of the Competition Code of the Republic of Azerbaijan	Ministry of Economy (State Service for Antimonopoly Control and Supervision of the Consumer Market)	Jafar Babayev, Fuad Yadigarov, Kamran Umudov, Gulnar Huseyn
2.1.7.	Enforcement of sanctions	Making decisions without delay and submitting them to executive officers on strengthening control over the execution of decisions made by the competition authority, as well on directing the demand for compulsory payment of the fine (financial sanction) or its overdue amount in case the fine (financial sanction) imposed in connection with the breach of antimonopoly legislation is not paid duly or partially paid	Permanent	Ministry of Economy (State Service for Antimonopoly Control and Supervision of the Consumer Market)	Jafar Babayev, Vagif Atashov, Fuad Yadigarov, Khamis Seyranov, Shahin Nagiyev

2.2. Transparency and operational features in e-procurement platforms

2.2.1.	Transparency and operational features in e-procurement platforms	1. Developing proposals and implementation schedule for improving the single Internet portal of public procurement and submitting them to the Commission	31.12.2022	Ministry of Economy (State Service for Antimonopoly Control and Supervision of the Consumer Market) (Involving "SmartApp" LLC)	Ahmed Hasanov, Javid Nazarov
		2. Ensuring the implementation of works in accordance with the agreed proposals and implementation schedule and submitting a report on the completed works to the Commission	Each scheduled quarter		
2.2.2.	Operational features of the electronic procurement system	3. Preparing the list of changes to be made on the portal and the implementation schedule of works on the list of the new public procurement draft law and submitting to the Commission	Within 15 days upon adoption of the law		
		4. Implementing relevant changes in the portal on the implementation of the new public procurement law	Within 1 month upon adoption of the law		

3. Efficiency in the implementation of basic services promoting market competition

3.1. Effective implementation of the simplified merger review process

3.1.1.	Degree of complexity of the data inquiry process for the businesses	Electronic inquiry process of duly approved constitutive documents, the relevant agreement and decision on the creation, reorganization or liquidation of the economic entity, the volume of sales of the main products (services) in the relevant commodity market and information about assets from the parties who filed a motion for consent to mergers (combinations) in accordance with the requirements of the antimonopoly legislation	31.12.2023	Ministry of Economy (State Service for Antimonopoly Control and Supervision of the Consumer Market)	Jafar Babayev, Fuad Yadigarov, Adil Maharramov
3.1.2.	Time required for filing, reviewing and deciding on a merger notice and costs to companies in this field	Electronic merger notification submission, review and decision-making processes	31.12.2023	Ministry of Economy (State Service for Antimonopoly Control and Supervision of the Consumer Market)	Jafar Babayev, Fuad Yadigarov, Adil Maharramov

3.1.3.	Applying the simplified procedure in proper manner by the competition authorities	1. Automating the approval process in accordance with the requirements of antitrust legislation for mergers (combinations)	31.12.2023	Ministry of Economy (State Service for Antimonopoly Control and Supervision of the Consumer Market)	Jafar Babayev, Fuad Yadigarov, Vagif Atashov
		2. Developing an e-competition portal for the electronic acceptance of applications on mergers			
3.2. Time of concluding a public procurement contract					
3.2.1.	Estimating the period between the announcement of the tender and the announcement of the purchase decision	Preparing data on the statistics of the relevant periods and the analysis of the cases causing delays, as well as proposals on the elimination of delays within 6 months upon the implementation of the new public procurement law, and submitting it to the Commission	Within 1 month after the specified period	Ministry of Economy (State Service for Antimonopoly Control and Supervision of the Consumer Market)	Ahmed Hasanov, Tural Ismayilov, Yusif Dadashzadeh
3.2.2.	Estimating the costs of developing proposals before companies decide to participate in the procurement process	Preparing statistical data on usage and participation fees collected within 6 months after the implementation of the new law on public procurement and submitting them to the Commission	Within 1 month after the specified period	Ministry of Economy (State Service for Antimonopoly Control and Supervision of the Consumer Market)	Ahmed Hasanov
3.3. Time of payment under the contract					
3.3.1.	Assessing the time of payment made by the state to contractors under the contract	1. Preparing a report on the analysis of cases causing delay based on statistical data on the applications of contractors (shippers) to purchasing organizations for payment (application date and payment amount) and payment dates for 2022 and submitting it to the Commission along with relevant proposals	31.03.2023	Ministry of Economy (State Service for Antimonopoly Control and Supervision of the Consumer Market, State Tax Service) (State Treasury Agency) (Involving "SmartApp" LLC)	Ahmed Hasanov, Javid Nazarov
		2. Developing relevant technical facilities on the portal for submission of relevant invoices to the procuring organization through a single internet portal of public procurement and submission of payment confirmation notice by the procuring organization	31.08.2023		

		3. Preparing data mentioned in paragraph 1 of section 3.3.1 of this Roadmap in a comparative manner six months after the implementation of the new law on public procurement and submitting it to the Commission the	Within 1 month after the specified period		
3.4. Market dynamics and competitive behaviours					
3.4.1.	Certain markets specifications (e.g. rates for market exit)	Exercising the measurement of competition methods provided in the relevant document of the Organization for Economic Cooperation and Development (OECD) on "Methodologies to Measure Market Competition" and applying the "Competition Assessment Toolkit"	Within 6 months upon adoption of the Competition Code of the Republic of Azerbaijan	Ministry of Economy (State Service for Antimonopoly Control and Supervision of the Consumer Market)	Jafar Babayev, Fuad Yadigarov