



ÕIGUSKANTSLER

Ian Plenderleith
Chairman of the Management Board
AS Tallinna Vesi
tvesi@tvesi.ee

Your ref 15.11.2010 No 6/1064788

Final response

LC 12.04.2011 No 7-4/101872/1101857

Dear Ian Plenderleith

Last year you turned to me with an application to check whether in the preparation of the methodology "Recommendations for calculating the price for water service" the Competition Authority complied with the principle of ensuring fundamental rights and freedoms and due process. As you know, I accepted your application and submitted a request for information to the Competition Authority.

Hereby I inform you that having analysed the subject of the application on the basis of the circumstances that have become known to me and on the basis of the valid law, I found that the Competition Authority has violated the due process towards you with regard to the part in which in the engagement notice it had marked a misleading purpose of engagement to the people not included in the administrative process. With regard to any other issues that you raised, I did not identify any violations.

Proceeding from the identified violation and the need for better compliance with the good engagement practices I have recommended the Competition Authority in the future when engaging people not included in the administrative process to mark clearly in the notices addressed to the parties engaged for which purposes the engagement is organised and what is the role of the parties engaged.

For clarification I shall note that from my perspective it cannot be concluded that the methodology under discussion is unlawful.

I shall terminate the proceeding in the subject of the application. I shall check if the recommendation is followed within a follow-up proceeding. Thereby I would like to turn your attention to the fact that even though pursuant to the Legal Chancellor Act the position of the Legal Chancellor about the subject of the application is final and cannot be contested, following the recommendation of the Legal Chancellor does not have an obligatory force on the supervision authority.

I apologise about the delay in the proceeding.

Thank you once again for the application.

Sincerely

/signed digitally/

Indrek Teder

Annex: Copy of the recommendation by the Legal Chancellor to the Competition Authority

Õiguskantsleri Kantselei

Kohtu 8, 15193 TALLINN. Tel 693 8404. Faks 693 8401. info@oiguskantsler.ee www.oiguskantsler.ee