



REPUBLIC OF ALBANIA
COMPETITION AUTHORITY
COMPETITION COMMISSION

DECISION

No. 685, Dated 18.03.2020

“On taking temporary measures to restore competition in the market of wholesale and retail of pre-medical products”

The Competition Commission with the participation of:

Ms.	Juliana LATIFI	Chairman
Mr.	Eduard YPI	Vice/Chairman
Ms.	Leida MATJA	Member
Ms.	Adriana BERBERI	Member
Mr.	Helidon BUSHATI	Member

On its meeting dated 18.03.2020, examined the case with:

Object: On the monitoring of the market of retail and wholesale of pre-medical products.

Legal Base: Article 4, Article 9, Article 24, letter (d) and Article 44 of law no. 9121, dated 28.07.2003 “On Competition Protection”, as ammended.

The Competition Commission, after examining the report of the General Secretary on the monitoring of the market of retail and wholesale of pre-medical products,

NOTES THAT:

Based on some concerns in the media and the complaints submitted to the Competition Authority on the increase in the prices of pre-medical products, the Competition Authority based on article 28 of law no. 9121, dated 28.07.2003 “On competition protection”, as ammended, conducted a monitoring in this market, which consisted in the evaluation of the behaviour of the providers of these materials in all levels of trading (wholesail and retail).

The monitoring was focused on the trading of the products hand sanitizer, alcohol and masks, for which consumer demand has been increasing as a result of the situation created by the virus COVID-19.

From the on-site verification it was found that:

- the market lacks materials at the retail level (pharmaceutical network),

- unjustifiable increase in prices on all levels of trading of such materials (pharmaceutical warehouses and pharmaceutical network).

In the conditions of a health emergency, due to the risk of committing a serious and irreparable damage on competition in the market of wholesale and retail of pre-medical materials (disinfectant, alcohol and masks), as there is likely to be a violation of articles 4 and 9 of this law, due to the unjustifiable increase of trading price,

FOR THESE REASONS:

The Competition Commission, based on articles 4 and 9, article 24, letter (d) and article 42 of law no. 9121, dated 28.07.2003 “On competition protection”, as amended,

DECIDED:

1. Taking temporary measures as follows:
 - a. Prohibition of the behaviour of the undertakings which operate in the wholesale and retail network (importers, pharmaceutical warehouses and pharmacies) of pre-medical products, which directly or indirectly set unfair prices or trading conditions.
 - b. Aiming at avoiding abuse in the trading chain, the obligation of all undertakings which operate in the market of import and wholesale of pre-medical products to be transparent in setting selling prices for the products disinfectant, alcohol and masks.
 - c. Application of cost-oriented prices and their publication on the website of the undertakings, or in other communication channels.
2. The temporary measure will be in force until the end of the investigative procedure.
3. In case of non-compliance with the decision of taking temporary measures cited in point (1) of this decision, the undertakings which will be found in violation will be fined up to 10% of the annual turnover for severe violation of competition pursuant to article 74, point 1, letter b) of law no. 9121/2003.
4. The Secretary General is in charge of implementing this decision and notifying the interested parties.

This decision is effective immediately.

COMPETITION COMMISSION