



**REPUBLIC OF ALBANIA**  
**-COMPETITION AUTHORITY -**  
**Competition Commission**

---

**DECISION**

**No. 100, Dated 03.02.2009**

**On**

**“The opening of the procedure for the control of the concentration realized through the purchase of 100% of the shares of Albania AirLine MAK Shpk by Advanced Construction Group Shpk”**

The Competition Authority, in its meeting held on 03.02.2009, with the participation of:

- |                           |                 |
|---------------------------|-----------------|
| ▪ Ms. Lindita Milo (Lati) | Chairwoman      |
| ▪ Mr. Lush Perpali        | Deputy chairman |
| ▪ Ms. Servete Gruda       | Member          |
| ▪ Mr. Koço Broka          | Member          |

Discussed the following issue :

Subject: The launching of the procedure for the control of the concentration realized through the purchase of 100% of the shares of Albania AirLine MAK Shpk by Advanced Construction Group Shpk.

Legal basis : Law No. 9121, dated 28.07.2003, titled “On the Protection of Competition”, Article 24, letter “d”, Articles 10-12, in particular Article 59, “Procedures opened for decline of notification”.

The Competition Commission, upon review of the request presented by the Secretary General, and the information submitted by the Department of Market Monitoring, which was obtained through the parties participating to the transaction realized for the acquisition of full control over the company Albania AirLines MAK Shpk,

**NOTED THAT:**

- The companies Albania AirLines MAK Shpk and Advanced Construction Group Shpk, on 04 July 2008<sup>(1)</sup>, have signed an agreement whose object was the buying and selling of company shares.
- This transaction, in the meaning of Article 10, paragraph 1 of Law No.9121, dated 28.07.2003, titled “On Protection of Competition”, is considered as being a concentration.
- The transaction fulfills the criteria defined under Article 12, paragraph 1 of Law No.9121, dated 28.07.2003, titled “On the Protection of Competition”, and on that basis, it should have been notified to the Competition Authority within the deadline defined under paragraph 2 of the same article.
- The buyer, which is the company Advanced Construction Group Shpk, has not observed the procedure for the notification of concentrations.

**FOR THESE REASONS:**

The Competition Authority, pursuant to Article 24, letter “d”, and Article 59 of Law No.9121, dated 28.07.2003, titled “On the Protection of Competition”,

**DECIDED:**

1. To launch, on its own initiative, the procedure for the control of the concentration realized through the purchase of 100% of the shares of Albania AirLine MAK Shpk by Advanced Construction Group Shpk.
2. The Secretary General of the Competition Authority is in charge to communicate this decision to the parties involved.
3. This decision enters into effect immediately.

**THE COMPETITON COMISSION:**

**Lush Perpali**  
(\_\_\_\_\_) **Deputy Chairman**

**Servete Gruda**  
(\_\_\_\_\_) **Member**

**Koço Broka**  
(\_\_\_\_\_) **Member**

**Lindita Milo (Lati)**  
\_\_\_\_\_  
**CHAIRWOMAN**

---

<sup>1</sup>According to the shares’ buying and selling agreement, as it is notarized.