



REPUBLIC OF ALBANIA
-COMPETITION AUTHORITY-
Competition Commission

D E C I S I O N

No. 26, Dated 02. 12. 2005

On

**Requirement of Information from the Albania Mobile Communication
sh.a.**

Pursuant to Article 24, Article 33, paragraph 2, of Law No. 9121, dated 28.07.2003, titled "On Protection of Competition", the Competition Commission, at its meeting on 02.12.2005, reviewed the request by the Secretariat of the Competition Commission, through which it required Albania Mobile Communication sh.a., information in connection with the Investigation opened by the Competition Authority into the Mobile Telecommunication Sector.

Upon review of the documentation, the Competition Commission,

NOTED THAT:

- Upon decision of the Competition Authority, No. 21 dated 11.10.2005, was launched an in-depth Investigation into the Albanian Mobile Communication sh.a. and Vodafone sh.a.;
- The abovementioned decision was officially communicated to the interested companies through Note Verbal No. 349, dated 25.10.2005, signed by the Secretary General.
- Through Note Verbal No. 356, dated 27.10.2005, signed by the Secretary General, the two companies were required to provide information to the Competition Authority within fifteen days of the receipt of the note. The requirement was based on the fact that these two companies were under investigation pursuant to Article 13 of Law No. 9121, dated 28.07.2003, titled "On Protection of Competition", and the "Code of Administrative Procedures". Vodafon sh.a. has responded accordingly to the requirement of the Competition Authority Secretariat, while Albania Mobile Communication sh.a. has not provided information until this day.

- Albania Mobile Communication sh.a. filed a complaint with the Competition Commission (protooled by the Competition Commission with the following references: No. 383, dated 10.11.2005), through which it asked the Competition Commission to invalidate Decision No. 21, dated 11.10.2005 issued by the Commission, and notified that the company suspended unilaterally [any action implied by the said decision]. Such complaint should have been addressed to a governmental body, higher in hierarchy than the Competition Commission, because the later has already expressed his position by issuing the decision. The Competition Commission considers the complaint filed by Albania Mobile Communication sh.a. as not based in the law, and finds its way of presentation in breach of the rules of procedure.

FOR THE ABOVE REASONS:

Pursuant to Article 24, letter “d”, and Article 33, paragraph 2 of Law No. 9121, dated 28.07.2003, titled “On Protection of Competition”, the Competition Commission,

DECIDED:

- I. To approve the request for information made by the by the Secretariat of the Competition Commission to Albania Mobile Communication sh.a. Such request was made through Note Verbal No. 349, dated 25.10.2005, signed by the Secretary General. The information was required in connection with the in-depth Investigation opened by the Competition Authority. Albania Mobile Communication sh.a. is required to submit the requested information to the Competition Authority, within seven calendar days from the receipt of this decision. The following isformation is requested:
 - 1) The privatization agreement;
 - 2) A copy of the license that enables Albania Mobile Communication sh.a. to operate in the Republic of Albania;
 - 3) A copy of the Decision of Registration in the court of the company;
 - 4) The Statute and Foundation Act;
 - 5) The balance sheet of Albania Mobile Communication sh.a. of the year prior to the privatization;
 - 6) The annual balance sheets of Albania Mobile Communication sh.a., from the year of the privatization until today;
 - 7) All the agreements between Albania Mobile Communication sh.a. and the Regulatory Entity for Telecommunications.
- II Default to comply with this decision shall imply the imposition of a fine on Albanian Mobile Communication sh.a., in compliance with the Law No. 9121, dated 28.07.2003, titled “On Protection of Competition” and Note Verbal No. 349, dated 25.10.2005 and signed by the Secretary General.

III. To ensure full confidentiality of information to be provided by Albania Mobile Communication sh.a.

This decision enters into effect immediately.

This decision was proclaimed today, on 02.12.2005, in Tirana.

THE COMPETITION COMMISSION

Franc Zhupa
(_____)
Member

Raimond Cimbi
(_____)
Member

Teuta Shkenza
(_____)
Member

Lush PËRPALI

DEPUTY CHAIRMAN

