



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

---

**D E C I S I O N**

**No. 38, Dated 16.05. 2006**

**On**

**Imposition of fine on Çalik Seker Konsorsiyum Yatirim A.S.**

Pursuant to Article 24, letter “d”, Article 12, Article 74, paragraph 1, letter “ç”, of Law No. 9121, dated 28.07.2003, titled “On Protection of Competition”, the Competition Commission, at its meeting on 16.05.2006, reviewed the procedures concerning the notification procedures of the concentration of the National Commercial Bank by Çalik Seker Konsorsiyum Yatirim A.S.

Upon review of the documentation, the Competition Commission,

**N O T E D T H A T:**

1. By means of the Agreement entered into between the parties, the Supplements and Additions to it, and the Minutes of Meeting dated 19.12.2005, drafted in relation to the Extraordinary Meeting of the Shareholders Assembly of the National Commercial Bank, was decided to realize the transfer of shares and to notify the concentration.

2. The notification of concentration to the Competition Authority by the buyer, Çalik Seker Konsorsiyum Yatirim A.S., was not done within one week [of the signing of the agreement], as defined under Article 12, paragraph 2 of the Law No. 9121, dated 28.07.2003 “On Protection of Competition”, but during the month OF February of the year 2006. This delay constitutes a breach of the Law and is subject to sanctions, which imply the imposition of a fine.

**FOR THE ABOVE REASONS:**

The Competition Commission, based on Article 24, letter “d”, Article 12, Article 74, paragraph 1, letter “ç”, of Law No. 9121, dated 28.07.2003, titled “On Protection of Competition”,

**D E C I D E D:**

**VENDOSI:**

1. To impose a fine on Çalik Seker Konsorsiyum Yatirim A.S, for delaying, beyond the legal time limits the notification on concentration. The fine shall be equal to 2% of the annual turnover of Çalik Seker Konsorsiyum Yatirim A.S, for the year 2004, which amounts at (545.789.711 Lek), but only for the portion of purchased shares, which constitutes 60% of the aforementioned amount (i.e. 327.473.827 Lek).

Therefore, the resulting 2% of the last amount, which corresponds to the amount of the fine, is 6.549.476 Lek (six million, five hundred forty-one thousand and four hundred seventysix).

2. The Tax and Duties Police shall implement the decision on the imposition of fine, defined under paragraph 2 of the first point of this Decision.

This decision enters into effect immediately.

This decision was proclaimed today, on 16.05.2006, in Tirana.

**THE COMPETITION COMMISSION**

**Franc Zhupa**  
(\_\_\_\_\_)  
**Member**

**Raimond Cimbi**  
(\_\_\_\_\_)  
**Member**

**Teuta Shkenza**  
(\_\_\_\_\_)  
**Member**

**Lush PËRPALI**  
\_\_\_\_\_  
**DEPUTY CHAIRMAN**