



REPUBLIC OF ALBANIA
-COMPETITION AUTHORITY-
Competition Commission

D E C I S I O N

No. 42, Dated 27.10. 2006

On

Recommendations in relation with the Guideline No. 4, dated 16.06.2005, titled: "On some additions and amendments to Guideline No. 1, dated 01.01.1996, issued by the Council of Ministers and titled ""On Public Procurement" as changed"

Pursuant to Article 24, letters "d" and "f", of Law No. 9121, dated 28.07.2003 "On Protection of Competition", the Competition Commission revised the report titled "On Recommendations in relation with the Guideline No. 4, dated 16.06.2005, titled: "On some additions and amendments to Guideline No. 1, dated 01.01.1996, issued by the Council of Ministers and titled ""On Public Procurement" as changed", prepared by the Secretariat of the Competition Authority and presented by its Secretary General.

Upon review of the Report, the Competition Commission,

NOTED THAT:

On the basis of the Guideline No. 4, dated 16.06.2005, titled: "On some additions and amendments to Guideline No. 1, dated 01.01.1996, issued by the Council of Ministers and titled ""On Public Procurement" as changed", the procurement entity, subject to the object of procurement, is obliged to proof to the specialized institutions, such as the Competition Authority and the Directorate of Trademarks, the exclusivity of the selected candidate.

Pursuant to Law No. 9121, dated 28.07.2003 "On Protection of Competition", the certification of the exclusivity of the candidate selected for the performance of various objects of procurement, is not within the remit of the Competition Authority.

FOR THIS REASON:

Pursuant to Article 24, letters “d” and “f”, of Law No. 9121, dated 28.07.2003 “On Protection of Competition”, the Competition Commission:

DECIDED:

1. To approve, in principle, the recommendations made on Guideline No. 4, dated 16.06.2005, titled: "On some additions and amendments to Guideline No. 1, dated 01.01.1996, issued by the Council of Ministers and titled ““On Public Procurement” as changed”,

In the last paragraph of point 2 of Guideline No. 4, dated 16.06.2005, titled: "On some additions and amendments to Guideline No. 1, dated 01.01.1996, issued by the Council of Ministers and titled ““On Public Procurement” as changed”, the words “the Competition Authority” should be deleted, because they are in contradiction with Law No. 9121, dated 28.07.2003 “On Protection of Competition”,

Was: "In the case foreseen under letter "gj" of paragraph 1, of Article 19 of Law No. 7971, dated 26.07.1995 ““On Public Procurement" as changed”, in relation to the application of the direct procurement procedure, the procurement entity, subject to the object of procurement, is obliged to proof to the specialized institutions, such as the Competition Authority and the Directorate of Trademarks, and any other relevant, specialized institutions, the exclusivity of the selected candidate.

To become: "In the case foreseen under letter "gj" of paragraph 1, of Article 19 of Law No. 7971, dated 26.07.1995 ““On Public Procurement" as changed”, in relation to the application of the direct procurement procedure, the procurement entity, subject to the object of procurement, is obliged to proof to the specialized institutions, such as the Directorate of Trademarks, and any other relevant, specialized institutions, the exclusivity of the selected candidate.

2. To present to the Council of Ministers the abovementioned amendments.