



REPUBLIC OF ALBANIA
-COMPETITION AUTHORITY -
Competition Commission

No.____ Prot.

Dated : 15/ 05 / 2009

DECISION

No. 110, dated 15.05.2009

On

“A recommendation regarding the draft-law “On public bids for purchasing titles”.

The Competition Authority, in its meeting held on 15.05.2009, with the participation of:

- | | |
|----------------------------|-----------------|
| ▪ Mrs. Lindita Milo (Lati) | Chairwoman |
| ▪ Mr. Lush Përpali | Deputy chairman |
| ▪ Mrs. Servete Gruda | Member |
| ▪ Mr. Koço Broka | Member |
| ▪ Mrs. Rezana Konomi | Member |

Discussed the following issue :

Subject: Evaluation of the draft-law “On public bids for purchasing titles”.

Legal basis : Article 24, letter “f”, and Article 69, paragraph 2 of Law No. 9121, dated 28.07.2003, titled “On the Protection of Competition”.

The Competition Commission, upon reviewing the following documentation:

- The Report presented by the Secretary General of the Competition Authority; and,
- Note verbal No. 3387, dated 10.04.2009, issued by the Ministry of Economy, Trade and Energy;

NOTED THAT:

Through its note verbale No. 3387, dated 10.04.2009, the Ministry of Economy, Trade and Energy requires the assessment of the Competition Authority with regard to draft-law “On public bids for titles”.

Pursuant to Article 69 of Law No. 9121, dated 28.07.2003, titled “On the Protection of Competition”, the Competition Authority is entitled to assess the degree of restriction

or limitation of competition that maybe caused by the application of normative acts in draft form.

The public offer has as objective the acquisition of control over the undertaking that is the object of the offer. In this context, the same offer purchase process requires regulatory normatives, alongside those that are foreseen is the dispositions for the groupings as stipulated under articles 206-212 of Law No. 9901, dated 14.04.2008, "On traders and commercial companies".

The Competition Commission is of the opinion that through this draft-law, it is aimed to have a clear definition of rules relating to the conditions and procedures for public bids to purchase titles emitted by a corporation, requesting that bids be public and transparent and monitoring this process by the Financial Supervision Authority.

Pursuant to Article 12 of Law No. 9121, dated 28.07.2003, titled "On the Protection of Competition", the concentrations of undertakings that fulfill the conditions determined under paragraph 1 of that article, are notified at the Competition Authority in order to obtain an authorization.

As a result of the acquisition of control that is anticipated to occur as a result of public bids for purchasing of titles, there can be a concentration.

FOR THESE REASONS:

The Competition Commission, pursuant to Article 24, letter "f", Article 69, paragraph 2, of Law No. 9121, dated 28.07.2003, titled "On the Protection of Competition".

DECIDED:

1- To recommend to the Ministry of Economy, Trade and Energy to add after paragraph 3 of Article 7 "The bid document" of the draft-law "On public bids for purchasing titles" a provision to the content as follows:

"When, through the obtaining of control that is foreseen to occur as a result of the publication of the bid document, maybe created a concentration in the meaning of Article 12, paragraph 1, of the Law" On protection of competition ", this concentration must be notified to the Competition Authority, to obtain authorization under the relevant provisions of this law. "

2- This decision enters into effect immediately.

THE COMPETITION COMMISSION

Lush Perpali

(_____)

Deputy Chairman

Servete Gruda

(_____)

Member

Rezana Konomi

(_____)

Member

Koço Broka

(_____)

Member

Lindita Milo (Lati)

CHAIRWOMAN