



REPUBLIC OF ALBANIA
-COMPETITION AUTHORITY -
Competition Commission

No.____ Prot.

Dated : 15/ 05 / 2009

DECISION

No. 112, dated 15.05.2009

On

“Requirement of information from the company “Albania AirLine MAK Sh.p.k.”.

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: Requirement of information from the company “Albania AirLine MAK Sh.p.k.”.

Legal basis : Article 24, letter “d”, Articles 10-12, in particular Article 33 „Obligation to notify“ of Law No. 9121, dated 28.07.2003, titled “On the Protection of Competition”.

The Competition Commission, after reviewing the request forwarded by the Secretary General and the information provided by the Directorate of Information and Market Monitoring in relation to the procedure for the control of the concentration realized through the sale of 100% of shares at the company Albania AirLine MAK Sh.p.k. by the company Advanced Construction Group sh.p.k., a procedure that was opened by Decision Nr. 100, dated 03.02.2009 adopted by the Competition Commission,

NOTED THAT:

- Through note verbal No. 485/6 Prot, dated 04.02.2009, the company Albania AirLines MAK Sh.p.k. was notified on the opening of the procedure for the control of

the concentration realized through the sale of 100% of shares at the company Albania AirLine MAK Sh.p.k. by the company Advanced Construction Group sh.p.k.. The procedure that was opened by Decision Nr. 100, dated 03.02.2009 adopted by the Competition Commission;

- Through note verbale No. 485/7 Prot, dated 24.03.2009, the Secretariat has informed the company Albania AirLines MAK Sh.p.k. on the sanctions that would apply in case the company fails to fulfill this legal obligation;

- As a result of the default of the company Albania AirLines MAK Sh.p.k. to provide the required information, has been impeded the continuation of the procedure for the control of this concentration;

- If the information provided shall not be accurate, or incomplete, or shall be provided after the established deadline, may be imposed sanctions on the form of fines up to 1% of the annual turnover of the preceding financial year, pursuant to Article 73 of Law No. 9121, dated 28.07.2003, titled "On the Protection of Competition".

FOR THESE REASONS:

The Competition Commission, pursuant to Article 24, letter "d", Articles 10-12, in particular Article 33 „Obligation to notify“ of Law No. 9121, dated 28.07.2003, titled "On the Protection of Competition".

DECIDED:

1. To require from the company Albania AirLines MAK Sh.p.k. to the completion of the form of notification according to the Guideline "On the Form of Notification of Concentration" (find enclosed to this decision the form and the guideline), within 15 days from the date of the notification.

1- The Secretary General is in charge to communicate such decision to the relevant institutions.

2- This decision enters into effect immediately.

THE COMPETITION COMMISSION

Lush Perpali

Servete Gruda

Rezana Konomi

Koço Broka

(_____)

(_____)

(_____)

(_____)

Deputy Chairman

Member

Member

Member

Lindita Milo (Lati)

CHAIRWOMAN