



*"Further Strengthening the
Competition Authority's capacities to protect the free and effective competition in the market"
(AL 15 IPA FI 02 18)
Project funded by the European Union*

SEPTEMBER 2019

NEWSLETTER NR.1



**DEVELOPING
SOUND
COOPERATION
FOR FREE AND
EFFECTIVE
COMPETITION!**





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Chapter 1.

First Steering Committee Meeting

Chapter 2.

Sub-activity 2.2.1 Analysis of the resources of the Albanian Competition Authority

Chapter 3.

Sub-activity 2.4.1 SWOT Analysis and mentoring program

“FURTHER STRENGTHENING THE COMPETITION AUTHORITY’S CAPACITIES TO PROTECT THE FREE AND EFFECTIVE COMPETITION IN THE MARKET” (AL 15 IPA FI 02 18)

ENHORABUENA! – RRUGE TE MBARE!

This Newsletter, will hereafter reach you every month in order to communicate the objectives, activities and achievements that the IPA Twinning Project “FURTHER STRENGTHENING THE COMPETITION AUTHORITY’S CAPACITIES TO PROTECT THE FREE AND EFFECTIVE COMPETITION IN THE MARKET” funded by the European Union, pursues through its implementation. Its general communication goal is to provide to relevant stakeholders’ clear and accurate information about the nature, the aims and the progresses of the project activities, accordingly to the Rolling Work-Plan and the Twinning Fiche. This tool therefore, is expected to contribute and increase expertise and capacity building among the beneficiary’s structure and its staff on the protection of free and effective competition in the Albanian market, based on legal framework in force and Union Acquis. Another objective is to offer to all relevant parts including the beneficiary’s staff, FIIAPP, CNMC a general view of the role of EU and the Member State, through the experience provided by Spanish Competition Authority (CNMC) experts, on enforcement of Competition law and policy. Summarizing this Newsletter is conceived to produce the following major outcomes:

- Communicate the benefits and the project aims to the main project interlocutors
- Involve and inform the hosting institution about benefits becoming from a twinning project and by the approximation to EU law with special regard to the process of the Albanian adhesion in the European Union
- Provide brief summaries of main goals and achievements of the ongoing activities

With the hope that the present project could contribute to build bridges among our human resources and institutional procedures we take advantage to thank in advance for your kind collaboration and look forward to see you soon!





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FIRST STEERING COMMITTEE MEETING

TIRANA 17TH OF SEPTEMBER 2019

According to the Twinning Manual *“the Implementation of a Twinning project is overseen by a Project Steering Committee, whose members are the Contracting Authority, the EUD (if applicable), the Member State PL, the junior Member State PL(s) (in case of consortium) and the Beneficiary PL, as well as the RTA and the RTA counterpart”*. The First Steering Committee Meeting convened by the RTA the 17th of September 2019 was opened by the ACA’s Chairwoman, Ms. Juliana Latifi. By welcoming all participants she gave a brief speech expressing her satisfaction for the reputation of the Spanish partners and the foreseen activities. Ms. Latifi stressed the importance that such kind of projects represent for improving ACA’s staff skills. She highlighted the significant link existing between the levels of attention that EU gives to Competition policies and the fundamental decision, that the European Council is expected to adopt in October 2019, in relation to the opening of negotiations with Albania

The second intervention was made by the General Director of CFCU (Contracting Authority), Ms. Veronika Korkaj. Ms. Korkaj said that she is very glad to deal with this project since it will provide essential skills to the ACA’s staff. *“Moreover, it affects a very sensitive sector, such is the competition field, for both EU and Albania”* – added Ms. Korkaj. The CFCU general director ensured all participants on the full commitment





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of the Institution she represents for a smooth and effective collaboration.

Ms. Isabel Lopez Sanz, the MS PL, after introducing herself, described the early steps of the Project, starting with the selection procedures of the RTA Assistants, which permitted to assign Ms. Marina Duhani as Language Assistant and Mr. Boiken Sinaj as RTA Assistant. Ms. Lopez Sanz further explained the official beginning of the Project with the arrival of the Spanish delegation (made up by the MS PL, RTA and the three Component Leaders) on July 23rd 2019. In order to set out a rolling Work Plan, during the last week of July, several meetings between the above-mentioned representatives and the respective Beneficiary Component Leaders, the Beneficiary PL and the RTA Counterpart, were held. The MS PL completed her intervention by thanking both Project partners which were involved in last August in defining the aforementioned WP.

Mr. Alberto Herrera Para, the RTA, started his presentation by first thanking the involved stakeholders, in particular the hosting institution’s staff for its valuable collaboration. Mr. Herrera continued by presenting to the participants the foreseen activities for the first semester of the Twinning Project implementation, as well as the main purposes thereof, all aimed at strengthening the Albanian Competition Authority’s capacities. He made also a brief resume of the first steps undertaken after the arrival in Albania likewise Ms. Lopez Sanz had previously done.

The RTA exposed then the aims, methods and resources required to carry out the activities of the project divided according to the following components:

- **COMPONENT 1:** Legal Framework and approximation with the EU legislation improved
- **COMPONENT 2:** Administrative capacity of the ACA strengthened





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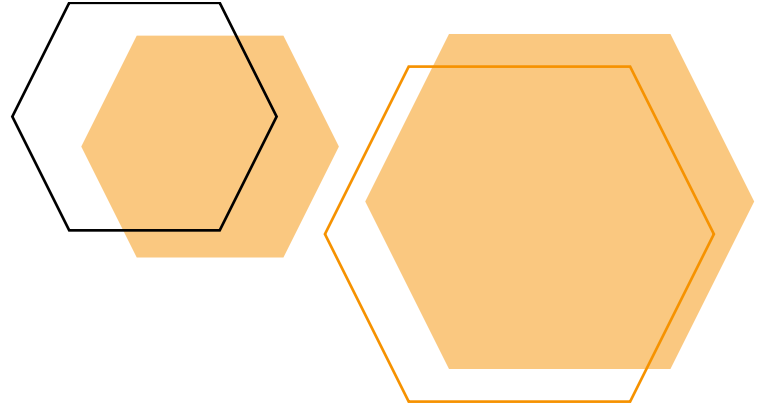
- **COMPONENT 3:** Authority capacity to reach out to different relevant stakeholders increased

Mr. Herrera described for each component the respective foreseen activities. During the first semester there are forecasted three activities for Component 1 (entailing 4 missions), six activities for Component 2 (implying 6 missions and an internship) and two activities to carry out for Component 3 (entailing three activities). The RTA finally illustrated the main aspects of the Communication and Visibility Plan elaborated in accordance with some recommendations made by the representatives of the European Union Delegation (EUD) in Tirana. Mr. Herrera explained to the participants the need to settle out internal and external communication actions in order to effectively disseminate the Project objectives and activities among the involved institutions and other related target groups. “Moreover, a kick-off event, will take place through the organization of a Forum which is aimed at increasing awareness on the ex-ante analysis as a strategic function of the ACA” – announced Mr. Herrera. He further underlined the determination to conduct an inclusive communication strategy, involving several stakeholders, such as educational institutions (two seminars are foreseen in the premises of two Albanian Universities), business environment, Public Administration and Regulators. The RTA concluded his intervention by thanking the participants for their collaboration. Mr. Enzo Damiani, the EUD representative greeted all participants and by adding some suggestions to the Communication and Visibility Plan, gave his agreement to this document.





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SUB-ACTIVITY 2.2.1 ANALYSIS OF THE RESOURCES OF THE ALBANIAN COMPETITION AUTHORITY

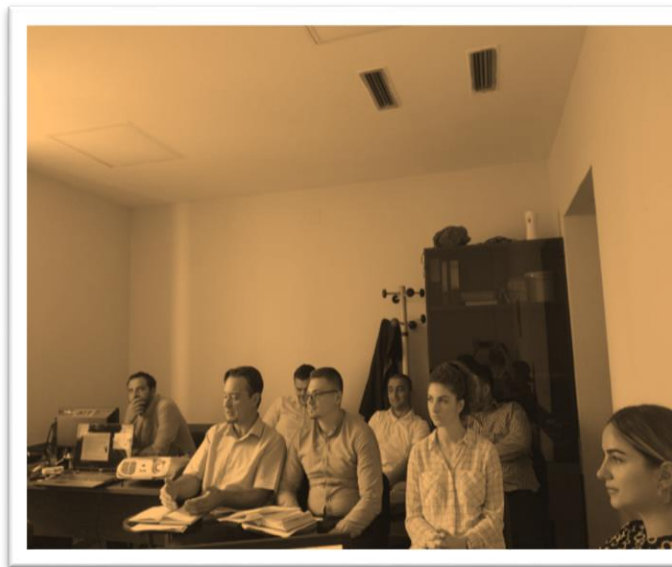
COMPARING AND DISCUSSING DIFFERENCES BETWEEN ACA AND CNMC ABOUT PRACTICAL EXPERIENCES AND TECHNOLOGICAL PROCEDURES ON DAWN RAIDS PERFORMANCE

Powers for Inspections are a very valuable tool to fight the more damaging conducts, as cartels. Dawn raids in recent years, have enabled Competition Authorities for more valuable investigations and progressively improve their outcomes. The development of new forensic research tools, the implementation of tried-and-tested





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approaches gathered from previous inspections and the coordination among all parties involved in the investigations (courts, IT specialists, inspectors and the Competition Authorities) have also had a major impact on the effectiveness of the Competition Authorities capacity to detect cartels in cases where no direct evidence is available. Legal framework and procedural guarantees are relevant success factors too.

The two experts who came in Tirana for the aforementioned activity were Ms. Isabel Lopez Sanz and Felipe Oviedo Valencia. Ms. Isabel Lopez Sanz, has a large experience on EU Competition Law procedures and implementation, investigative powers under EU Competition law, cooperation issues etc. She has participated in several missions abroad such as in República Dominicana and Costa Rica in 2013 where she was working as consultant on Drafting the Competition meanwhile in Turkey she was involved in a TAIEX project in Turkey with regard to the Competition & EU Postal Directive. Mr. Oviedo Valencia has more than 24 years of experience in Preparation and execution of dawn raids with a focus on IT aspects. Forensic IT. Currently he is an advisor on Forensic IT at the CNMC chairman office. Our first mission week was therefore developed jointly with Albanian staff in order to have a picture of the ACA practical experience implementing articles 36 and 37 of the Albanian Law nº. 9121, (dated 28.07.2003) on Competition Protection, and the potential sanctioning procedures in accordance with the articles 73, 74, 76 and 78 of the referred law). Comparisons and discussions about differences with the CNMC practical experience implementing article 27 of the Spanish Competition Law in convergence with EU Competition Inspection Powers were held as well. Sub-Activity was moreover directed at exploring ACA practical experience on its technological procedures implementing articles 36 and 37 of Albanian Law nº. 9121, (dated 28.07.2003) on Competition Protection, and the potential sanctioning procedures in accordance with the articles 73, 74, 76 and 78 of the referred law). At the end of this activity the Spanish experts and their Albanian homologous held in-depth session with the purpose to better clarify their views on the abovementioned issues.





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ACTIVITY

2.4.1: SWOT ANALYSIS

SHARING EXPERIENCES WITHIN THE ACA
METHODOLOGICAL AND PRACTICAL
EXPERIENCE IN MERGER LEGAL FRAMEWORK
AND ANALYSIS

This activity entailed the organization of a mission by MS STEs, who was in charge of carrying out a SWOT Analysis, in order to determine the main difficulties addressed by ACA on implementing European regulations and the capabilities to implement best practices and the recent methodologies used by EU national competition authorities, applicable to the Albanian merger cases.

In order to achieve these goals, two CNMC case handlers Mr. José Ángel Molero González and Mrs. Lucía del Potro Miró delivered a capacity session which was attended by more than 22 ACA officials.

Mr. Molero González holds a wide experience in Merger Procedures, EU-funded Programs on technical assistance for public administrations. He has been working in several Projects of such nature in Africa and Latin America.





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Mrs. Lucía del Potro Miró has a long experience in merger analysis with particular focus on agricultural markets. Mrs. Potro Miró has also been part of ECN Food Subgroup and Mergers Advisory Committees.

The abovementioned meeting gave the opportunity to share views and practices on common and specific problems which could be easily detected along merger processes.

Spanish experts provided a broad explanation to the Albanians counterparts of their respective directorate within the CNMC, and further illustrated their experience on Concentration definition, notification aspects and thresholds.

The preparation of a SWOT Analysis on ACA’s strengths and weaknesses in this topics is one of the prominent outcomes of this activity and it is expected to be produced within October 2019.

The next activity, the 2.7 also falls into component 2 which aims at providing to ACA Staff knowledge in the best practices and the recent methodologies used by EU Competition Authorities with regard to data gathering for market studies/sector enquiries through surveys, questionnaires and usage of social media: quantitative and qualitative data, data cleaning & manipulation

This mission will be headed by Mr. Pedro Hinojo, Senior Advisor in the Advocacy Department CNMC and Mr. Toni Mollà i Grabulosa, Senior Data Management at the CNMC and it will take place from 30th of September to 4th of October 2019.

