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DEVELOPING SOUND COOPERATION FOR FREE AND EFFECTIVE COMPETITION!



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ACTIVITY 1.2 PREPARATION AND PUBLICATION OF A COMMENTARY OF THE ALBANIAN LAW ON COMPETITION

This activity aims at strengthening the knowledge of the Albanian Competition Authority's staff about antitrust regulation. The first mission of such activity, held from February 3rd to 7th, 2020, was focused on analyzing and preparing the commentary on selected articles concerning substantial aspects of the Albanian Competition Law - expressly specified by the Albanian Competition Authority. A second mission will take place during the second semester of the Project implementation, devoted to analyze selected articles concerning procedural aspects of the above-mentioned law. During the first mission, a focus group made up of experts from the Spanish Competition Authority (CNMC) and



officials of the Albanian Competition Authority, focused on the following activities: a) Selection of the articles relating substantial issues of the Law; b) Research of the most relevant European Case Law related to the articles already identified; c) Drafting the commentary of the selected articles analyzing the aspects concerned in order to further develop and clarify concepts that may arise whilst applying such legal provisions. The final goal of this mission is to provide Albanian Competition Authority with a legal comment on relevant aspects of the Law in the light of European Union Case Law, so as to strengthen ACA's capacities on implementation of competition regulation. The experts who delivered the aforementioned activity were Ms. Nuria Castellano Hurtado and Mr. Eduardo Crespo Muñoz. Ms. Hurtado is a Case Handler at the Industry and Energy Division of CNMC. She holds a Degree in Law and Political Sciences and Public Administration and she has a wide knowledge in Pharma Market, Industrial markets, horizontal agreements, gun jumping, abuse of dominant position, sham litigation etc. Ms. Hurtado has worked in several DGCOMP Advisory Committees on antitrust/mergers policies.

Mr. Eduardo Crespo Muñoz is a Legal Counsel at the CNMC. He holds a Degree in Law and Political and Administration Sciences and a professional background on cartel cases, single and continuous infringement and transposition of ECN+ Directive. Mr. Crespo Muñoz has participated in ECN Plenary and other ECN meetings in Brussels.





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JURISDICTIONAL ISSUES

PROCEDURAL ASPECTS



SUB-ACTIVITY 2.4.3

WORKSHOP ON MERGER ANALYSIS

The abovementioned mission took place from Monday 10th to Friday 14th February 2020 at the Albanian Competition Authority premises. Its main goal was to provide Albanian Competition Authority's staff with a practical view of how a merger control procedure works. The STEs were in charge of explain the case to the Albanian staff (modified from a real one) which served to illustrate both routine and specific aspects of the procedure. This workshop focused on the practical application of all the theory concerning merger analysis that the Albanian Competition Authority officials have been studying throughout the previous activities devoted to Merger control. Within the framework of the aforementioned workshop, participants dealt with the resolution of two cases in digital markets, such as the online food-delivery market in Spain, and another merger case on the audiovisual sector in Spain. The markets analyzed were chosen in order to cover some of the aspects ACA members wanted to get a deeper knowledge about. Moreover, other aspects that were found out to be of special interest in previous activities on Merger control were also addressed. Among others, the explanation of how to conduct a merger case on regulated markets (energy and telecommunications sector), the description of a prohibition case under the European Commission jurisdiction as well as some cases dealt within the Spanish Competition Authority involving "gun-jumping". The experts in charge of delivering this mission were Mr. Mario Eleno Sánchez and Ms. Teresa Abad Hernández. Mr. Sánchez holds a



Degree in Physics and is currently working as a Case handler at the Industry and Energy Division of the CNMC. Mr. Eleno has a good expertise in Mergers, energy sector, dawn-raids and he has been involved in the past in DGCOMP Advisory Committees. Ms. Teresa Abad Hernández is a Case Handler at the Information Society Division of the CNMC, she holds a Degree in Law and Business Administration & Management. She is specialized on Analysis of anti-competitive behavior, analysis and control of mergers and acquisitions and she has been part on different advisory Committees and Public Hearings on anti-competitive behaviors.



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ACTIVITY 3.2 STRENGTHENING RELATION WITH REGULATORY BODIES FOR COMPETITION MATTERS IN DIFFERENT SECTORS OF ECONOMY

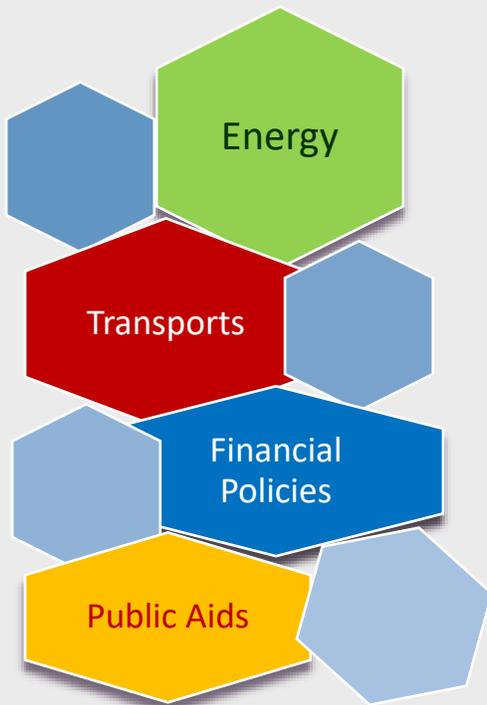


The Spanish experts from CNMC (Energy Directorate and Competition Advocacy Department), Ministry of Transport, Mobility and Urban Agenda and Ministry of Economy shared with the Albanian Competition Authority their experience in dealing with regulatory issues, as well as regulatory related competition issues. During the trainings, ACA's and other Albanian regulatory bodies' officials had the opportunity to learn the existing main underlining competition issues when dealing with regulation. The training included different activities and presentations that relate to both regulation and competition advocacy issues. In particular, the regulatory sessions focused on the interconnection between competition and sectorial legislation with regard to transport, energy and finance. On the other hand, the competition advocacy expert explained the work of the Spanish Competition Authority in relation to public procurement and, especially the recommendations made in order to foster competition in public tenders. As result of this activity, participants got a better understanding of the dynamics and interactions between sectorial regulation and the actions carried out by

the competition authority. In particular, different ways of collaboration between the regulatory and competition authorities were analyzed, as well as possible points of friction in the actions of the two and the possible criteria of application in aspects of confrontation between the two approaches.



Moreover, the attendance of staff from the regulatory authorities must be highlighted, since it contributed to enrich the participation and dialogue held within the framework of the mission. The experts involved in the implementation of this duty were: Ms. María Jose Samaniego (Responsible for Monitoring Electricity Markets, Energy Directorate, CNMC), Ms. Carmen Castilla Velasco(Technical Advisor in Deputy Directorate for Regulation of Land Transport, Ministry of Transports, Mobility and Urban Agenda), Ms. Eugenia Martí Cano(Senior Technical Advisor, Treasury and Financial Policy General Secretariat, Securities Markets and Financial Instruments Regulation Department) and Ms. Julia García – Royo Díaz (Deputy Head in Public Aid and Draft Regulation Reports Unit, Advocacy Department, CNMC).





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SUB-ACTIVITY 2.2.3 IMPROVING THE ALBANIAN COMPETITION AUTHORITY'S CAPACITIES TO MAKE DAWN RAIDS



The objective of this training held from February 24th to 28th, 2020 was to improve the Albanian Competition Authority's capacities to make dawn raids, particularly as regards the possible future implementation of ECN+ Directive. The Spanish short term experts, Ms. Rocío Becerril Basa (Deputy Assistant Director) and Mr. Jose Luis Pérez Carceller (Forensic IT Expert) who were in charge of carrying out this exercise decided to frame it in four major sections . They started with conducting an analysis of the ECN+ Directive, the study of some important cases with dawn raids in EU and in Spain and the IT procedures followed by the CNMC. The second day of the mission was conceived with the aim to examine Albanian legislation and ACA's capacities to carry out dawn raids. The STEs worked jointly with Albanian colleagues in this line, with the scope to have a better view of tools and technical resources of the Albanian Competition Authority. This endeavor was effective to envisage proposals for improvement, especially from the IT point of view. During this stage, some useful guidelines for the preparation of the protocol of proceedings were also set out. Through mission's third and fourth part, it was possible for the STEs to foster the study and preparation of the protocol of action in dawn raids. The abovementioned document including legal basis of the inspections with special attention to the technological tools that CNMC case handlers use in their inspections, was one of the main outputs of Sub-activity 2.2.3. This protocol embraces all the phases and procedures, including IT techniques that are mandatory when conducting an inspection. Ms. Rocío Becerril Basa holds a Degree in Agricultural engineering and she is specialized in Instruction of antitrust cases; instruction of monitoring cases, (both antitrust and mergers); team leader in dawn raids. Ms. Becerril Basa has served as a Professor of the course of introduction to the competition of the CEDDET function directed especially to Latin American Competition Authorities. Mr. Jose Luis Pérez Carceller is an IT Case Handler at the CNMC. He was graduated in IT Engineering and is specialized on Competition dawn raids, forensic IT. Mr. Pérez Carceller is also part of the ECN-FIT (European Competency Network – Forensic IT).The implementation of Sub-Activity 2.2.3 marks the completion of a sequence of 3 missions focused on dawn raids.