



# Newsletter

**During the months of September-December, the Competition Authority has taken 46 decisions:**

- **Prohibited agreements:** 14 decisions;
- **Abuse of a dominant position:** 3 decisions;
- **Concentrations:** 20 decisions;
- **Recommendations:** 6 decisions;
- **Other decisions:** 1 decision;
- **Fine decisions:** 2 decisions.



**Among the most important decisions to mention:**

## **1 Abuse of a dominant position**

**Mobile services market: the wholesale market for international call termination**

The Competition Commission, by decision no. 952, dated 28.12.2022 decided:

- Finding the abuse of the dominant position of Vodafone Albania JSC in the mobile services market: the wholesale market of international call termination.
- The obligation of the undertaking Vodafone Albania SHA not to use the following elements in any case:
  - a) setting, directly or indirectly, unfair purchase or sale prices or other unfair trading conditions;
  - b) limiting production, markets or technical development;
  - c) the implementation of unequal conditions for the same commercial actions with the parties, placing them in a competitive disadvantage;
  - d) establishing conditions for the conclusion of contracts with other parties, so that the latter accept additional obligations, which, by their very nature or according to commercial practices, are not related to the object of the contracts in question.
- The closure of the in-depth investigation procedure against the undertaking Vodafone Albania SHA in the mobile services market: the wholesale market of international call termination.



## 2 Prohibited agreements

Wholesale market of fuel: diesel and gasoline

The Competition Commission, by decision no. 931, dated 16.12.2022, decided:

- Closure of the preliminary investigation procedure in the fuel trading market: diesel and gasoline.
- Undertakings operating in the wholesale market of fuel: diesel and gasoline, have the legal obligation not to make agreements and/or concerted practices, which have as their object or consequence the obstruction, limitation or distortion of competition in the market, especially:
  1. set, directly or indirectly, purchase or sale prices, or any other trading conditions;
  2. to limit or control production, markets, technical development or investment;
  3. to share markets or sources of supply;
  4. in commercial relations with other parties, apply different conditions for the same transactions, placing them in a competitive disadvantage;
  5. to condition the conclusion of contracts with the acceptance by other contracting parties of additional obligations which, by their nature or commercial use, are unrelated to the object of these contracts.

## 3 Concentration

The Competition Commission analyzed the notification of the concentration carried out through the acquisition of control of the undertaking Riofarma LLC from the undertaking TRIMED LLC.

Given that Riofarma LLC has no activity and is not a current competitor in the market, coordinated effects to influence competition in the market are very unlikely to occur in the future.

For these reasons, the intended transaction will not bring change and will not have an impact on the Albanian market.

Competition Commission by decision no. 923, dated 21.11.2022, decided to authorize the concentration obtained through the acquisition of control of Riofarma LLC from TRIMED LLC.







## Activities



In the framework of the promotion of the culture of competition, the protection of free and effective competition and the further alignment of the legal framework with the acquis of the European Union, the Competition Authority held on December 12, in the premises of the Maritim Hotel Plaza, the activity themed "Day of Competition and the presentation of the proposed changes in law no. 9121, dated 28.07.2003 "On the competition protection".

This activity started with the welcoming speech of the head of the Competition Authority, Mr. Denar Biba. Following the activity Mr. Biba had the pleasure of presenting to the guests the legal changes in law no. 9121, dated 28.07.2003 "On the of competition protection", changes which will be part of the discussions in other similar activities where different actors will have the opportunity to express themselves.

The meeting was greeted by Mrs. Elisa Spiropali, Minister of State for Relations with the Parliament, who in her speech praised the serious efforts to complete the legal framework in accordance with the EU acquis, the further promotion of the culture of competition in defense of the free economy and the consumer, as well as the promotion of interaction with the executive and cooperation with the counterpart institutions of the European Union in order to borrow the best practices in the field of competition.

The activity was greeted by Mrs. Reida Kashta, General Director of the Public Procurement Agency, Mrs. Armela Krasniqi, Chairperson of the Audiovisual Media Authority and Mr. Enio Jaço, President of the American Chamber of Commerce.

In this activity, was discussed the importance of strengthening the legal framework for the protection of free and effective competition for the proper functioning of the market, as well as the role of the Competition Authority, especially in matters such as public procurement.



In the framework of the promotion of the culture of competition, the protection of free and effective competition in the market and to effectively combat bid-rigging in public procurement procedures, the Competition Authority held, on December 20, at the premises of the Rogner Hotel Tirana, the round table with the business "Legislative framework for a more active role of the Competition Authority in public procurement procedures".

In his speech, the Chairman of the Competition Authority, Mr. Denar Biba, presented to the guests the main specifics of the legislation for the protection of competition, the need for a new and more proactive role of the ACA in the function of control, detection and punishment of agreements of prohibited in public procurement, legal changes related to agreements in offers as well as specific cases from the Authority's activity related to previous investigations in the public procurement market.

The meeting was greeted by Mr. Eduard Shalsi, Chairman of the Committee for Economy and Finance, who in his speech appreciated the cooperation of the ACA for the smooth functioning of the market for ensuring free and effective competition in the market for the improvement of public procurement procedures.

As a participant in this organization Mrs. Reida Kashta, General Director of the Public Procurement Agency in her speech presented the Joint Guideline, "Public Procurement and Protection of Competition, Integrity of the Public Procurement Process", a material drawn up with the best experience of the relevant staff, which was signed by the Chairman of the ACA, Mr. Biba and Mrs. Kashta, Director of APP, to strengthen cooperation between the two institutions, with the aim of identifying ways and means to address cases of prohibited agreements in public tenders, raising awareness for minimizing covert anti-competitive practices in procurement markets, obtaining joint initiatives to improve the knowledge of representatives of Contracting Authorities, etc.

The activity was greeted by Mr. Jonaid Myzyri, Chairman of the Public Procurement Commission and Mr. Enio Jaço, President of the American Chamber of Commerce.

