



ALBANIAN COMPETITION AUTHORITY

ANNUAL REPORT 2021

Priorities of the Institution for 2022

Executive Summary



“

***Competition is not only the basis of protection to
the consumer, but is the incentive to progress.***

”

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MISSION

Investigation of anti-competitive conduct

Merger Control

Review of exclusive rights

Promotion of competition advocacy



30"

STATUS *Independent*

Public

Institution

5 Commissioners

46 Staff

72

Training days
for employees

June 10, 2021

The CC, by decision no. 807, dated 10.06.2021, approved the Guideline "On best practices in cases of implementation of concentration control procedures".

March 12, 2021

The CC, by decision no. 781, dated 12.03.2021 approved the Guideline "On the best practices for submitting evidence of an economic nature and collecting data, in cases related to the implementation of Article 4 and 9 of Law no. 9121/2003 "On the competition protection", as amended, as well as in cases of ".

May 24, 2021

Resolution of the Assembly of Albania for the assessment of the activity of the ACA for 2021.

February 11, 2021

The CC, decided to open the diluted investigation procedure in the market where non-bank financial entities operate.

March 12, 2021

The CC, decided to open the preliminary investigation procedure, as well as to take a temporary measure in the import and wholesale market of chemical fertilizers and agricultural inputs.

March 25, 2021

The CC decided to open the preliminary investigation procedure in the procurement market with the object "Food purchase 2021".

May 28, 2021

The CC, decided to open the preliminary investigation procedure in the import, production and trading market of vegetable oil.

September 2, 2021

The CC, decided to open the preliminary investigation procedure against the undertaking Star Parking LLC in the market of management of the parking facilities of Tirana International Airport.

September 2, 2021

The CC, decided to close the in-depth investigation procedure in the market of loading-unloading, import, storage, wholesale of LPG with obligations for the concessionaires PIA SHA, Romano Port SHA and Port MBM.

to understand

THE AUTHORITY

PROCEEDS

16.658

million ALL

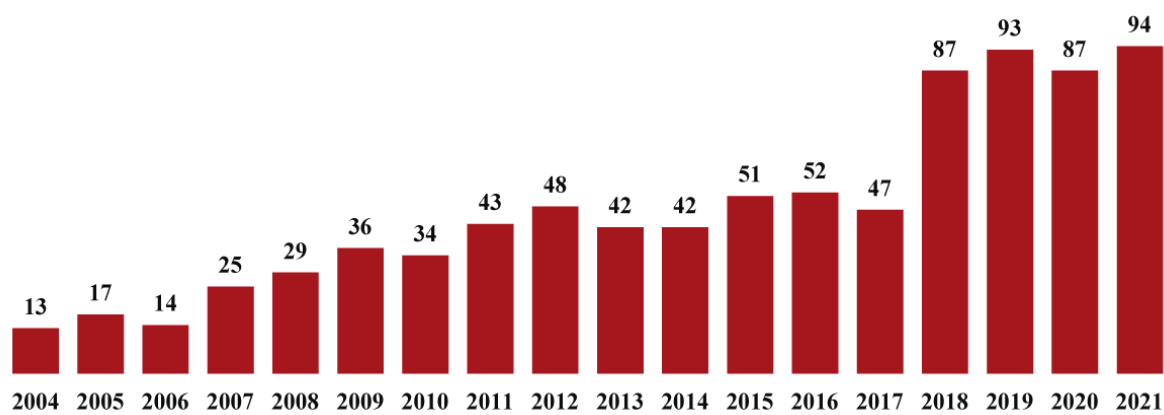
Fees from merger
notification filings

BUDGET

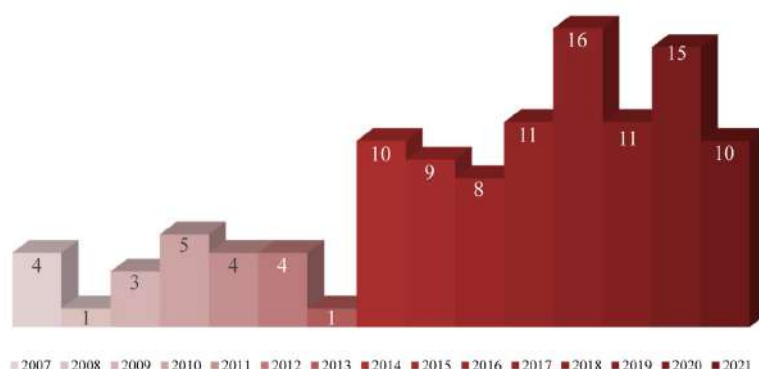
73.273

million ALL

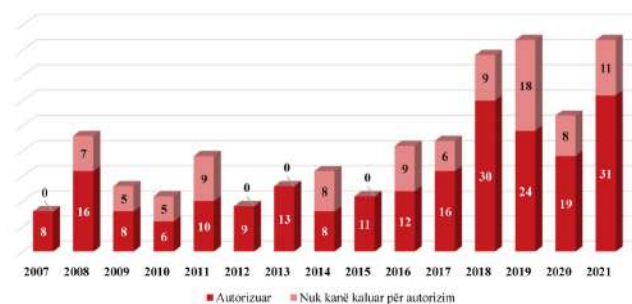
Budget 2021



Total decisions / year

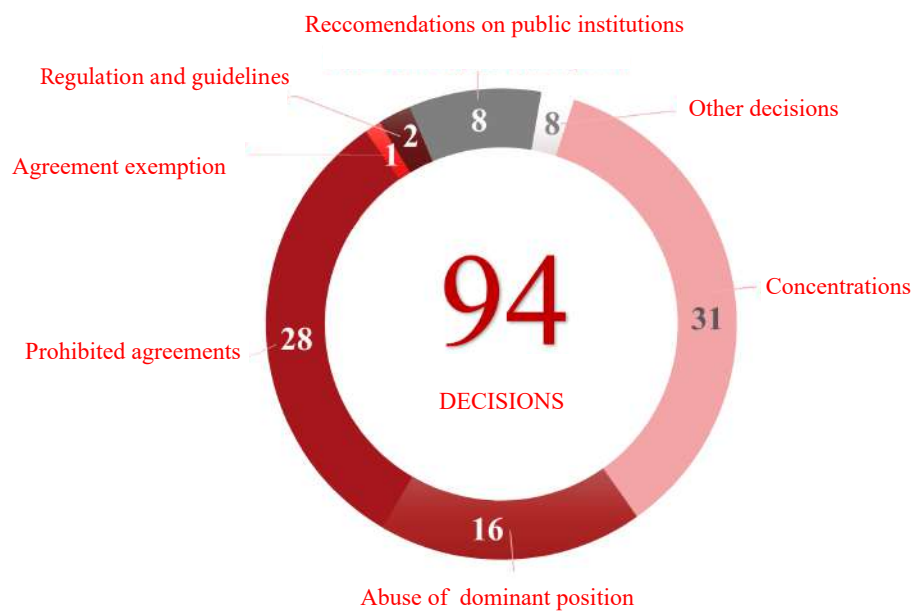


Investigative procedures / year

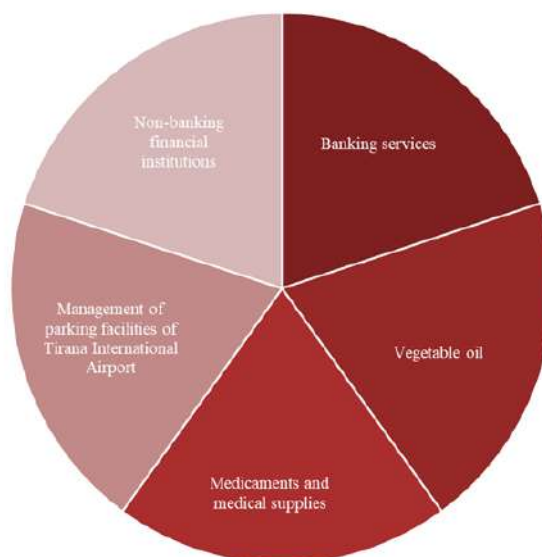


Merger authorizations

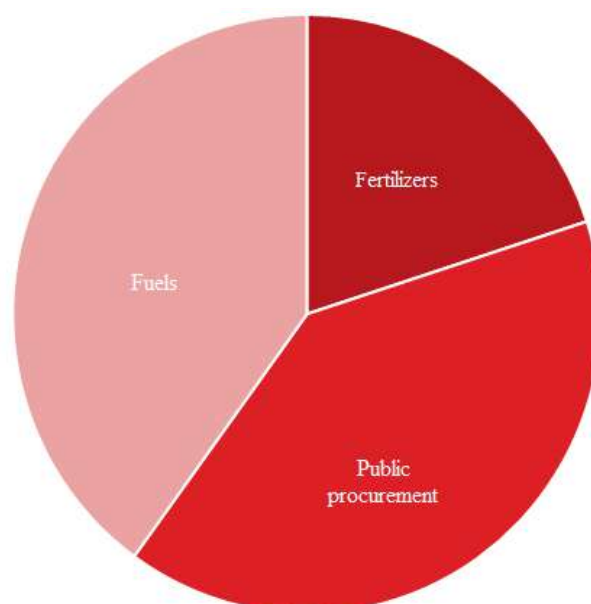
KEY FIGURES



Decisions taken during 2021



Non-production market cases during 2021



Production market cases during 2021

Secondary Legislation

ACTS APPROVED WITHIN THE FRAMEWORK OF PKIE 2021-2023

Within the process of harmonizing the legislation and respecting the deadlines provided in the National European Integration Plan 2021-2023, during 2021, the ACA has approved 2 (two) by-laws, provided for in this plan, in full compliance with the determined deadlines.

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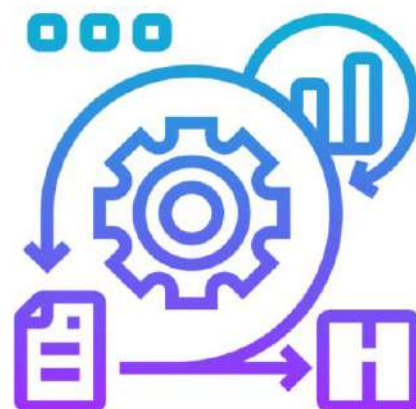
The guidance clarifies the procedures that are followed in the cases of analyzes and evaluations that are carried out for the control of concentrations, starting from the filing of the preliminary notification for a possible transaction until the end of the procedure and the taking of the final decision.

It emphasizes the importance of filing information and maintaining regular contacts between ACA and the notifying parties, for the early identification of problems and concerns that a transaction may raise, the deadlines and the importance of respecting them, the participation of all interested parties during the procedure, etc.

The CC, by decision no. 781, dated 12.03.2021 approved the Guideline "On the best practices for submitting evidence of an economic nature and collecting data, in cases related to the implementation of Article 4 and 9 of Law no. 9121/2003 "On the competition protection", as amended, as well as in cases of concentrations".

The guideline provides rules related to the submission of economic evidence, quantitative data, to ensure timely data, which are important for investigative procedures.

It provides recommendations regarding the content and presentation of economic or econometric analyses, emphasizing the importance of how the data were collected, fully describing the data sources, the sample, the selection process.



Monitored markets

The Albanian Competition Authority, pursuant to Article 28 of Law no. 9121/2003, carries out market monitoring and analysis, in order to develop free and effective competition.

During 2021, the Albanian Competition Authority monitored and analyzed markets which have a direct impact on the interests of the Albanian consumer, but also new markets, in function of the dynamics of their development, the behavior of the undertakings operating in these markets, the needs of consumers, as well as other elements, which are related to the legal and economic barriers for the market entry of new operators.



Import, production and wholesale market of vegetable oil



Higher education sector



Wheat import market; import, production and trading of flour



Crude oil production and trading market



The insurance market for the Green Card

Monitored markets

**The market of economic activities developed
by the Albanian Football Federation**



Retail market of mobile services



Insurance market for TPL product



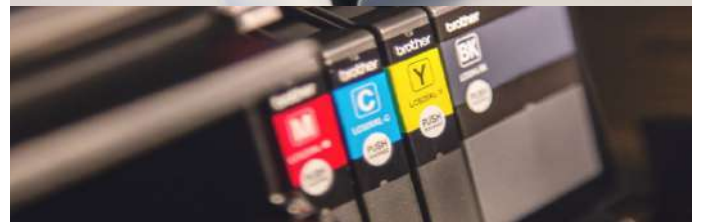
**Wholesale and retail market of
paramedical materials**



Play Station 5 Product Trading Market



**Monitoring of the demand of some economic
operators regarding the criteria for the
authorization of the manufacturer/distributor
for the trading of toners/paints in the public
procurement market**



Investigative procedure

Import and wholesale market of chemical fertilizers and agricultural inputs

Based on the concerns raised in the media about the increase in the price of chemical fertilizers, in order to evaluate the competition in this market, the CC, by decision no. 783, dated 12.03.2021 "On the opening of the preliminary investigation procedure in the market of import and wholesale of chemical fertilizers and agricultural inputs", decided to open the preliminary investigation in the market of import and wholesale of chemical fertilizers and agricultural inputs for the time period from 01.01.2020 to 31.03.2021.

Due to the risk of causing serious and irreparable damage to competition in the import and wholesale market of chemical fertilizers and agricultural inputs, the CC, by decision no. 784, dated 12.03.2021, decided "Taking a temporary measure to eliminate anti-competitive consequences according to Article 44, point 1 of Law no. 9121/2003".

In continuation of the procedure, pursuant to the decision of the Cabinet of Ministers no. 783, dated 12.03.2021, based on articles 35 and 36 of law no. 9121/2003, the inspectors of the Production Markets Supervision Directorate, during the period of the preliminary investigation, proceeded with carrying out inspections at the enterprises Arli Internacional LLC, Agro Blend LLC, MBM LLC, Eco-Green LLC, LILA LLC, AGRO-MENS LLC, ÇAÇA ShPK, IAM ShPK, AGROHELP-SA ShPK and BESNIKU ShPK.

The CC, by decision no. 806, dated 04.06.2021 "On the opening of the in-depth investigation procedure in the market of import and wholesale of chemical fertilizers DAP, Nitrate and Urea, to the undertakings: ARLI INTERNACIONAL SHPK, AGRO BLEND SHPK, MBM SHPK, ECO-GREEN SHPK, LILA SHPK, AGRO-MENS SHPK, ÇAÇA SHPK, IAM SHPK, AGROHELP-SA SHPK and BESNIKU SHPK", decided to open the in-depth investigation procedure in this market for the period January 1, 2020 to September 30, 2021. At the end of the investigation procedures, the investigation report has been submitted for review by the CC, which is developing the procedures provided for by Law no. 9121/2003.



Investigative procedures

Closing of the preliminary investigation in the procurement market with object: "Food purchase for 2021"

The CC, by decision no. 785, dated 25.03.2021 "On the opening of the preliminary investigation procedure in the procurement market with the object "Food purchase for the year 2021", Lot I, Lot IV and Lot V, developed by the Contracting Authority, General Directorate of Nurseries and Kindergartens of Tirana Municipality" decided to open the preliminary investigation procedure in the procurement market with the object "Food purchase for 2021", Lot I, Lot IV and Lot V, developed by the Contracting Authority, General Directorate of Nurseries and Kindergartens of Tirana Municipality" .

During the preliminary investigation procedure, referring to the Regulation "On Engagement Procedures", as well as Article 45 of Law no. 9121/2003, undertakings M.C. Catering LLC and Eagle Cons LLC have voluntarily presented their commitments, with the aim of solving the raised competition concerns in the procurement market subject to investigation and the immediate fulfillment of these commitments.

The CC, by decision no. 796, dated 29.04.2021 "On closing the preliminary investigation procedure in the procurement market with the object: "Food purchase for the year 2021", Lot I, Lot IV and Lot V, developed by the contracting authority, the General Directorate of Nurseries and Kindergartens of Tirana Municipality, and the approval of commitments as mandatory in the form of conditions and obligations for the undertakings Eagle Cons SHPK and M.C.Catering SHPK", has decided to close the preliminary investigation procedure and approve the commitments filed by the undertakings Eagle Cons SHPK and M.C. Catering LLC, as mandatory in the form of conditions and obligations.

The conditions and obligations given by the decision of the CC are also in line with the law no. 162/2020 "On public procurement" and by-laws in force, where according to Article 81 of DCM no. 285, dated 19.05.2021 "On the adoption of public procurement rules", it is provided that "interference in the offer will also be considered the participation of two or more bidders with the same partner and/or administrator in the same procurement procedure".



Investigative procedures

Tirana International Airport parking facilities management market



The undertaking ADIS LLC has filed a complaint to ACA for abuse of the dominant position by the undertaking Star Parking LLC, which has unjustifiably increased the fees for bus telepasses. The ACA, during the month of May 2021, carried out a monitoring in this market regarding the management of the parking facilities of Tirana International Airport by the undertaking Star Parking LLC. As the above, based on the raised problem, the behavior of Star Parking LLC may constitute a restriction, distortion or obstacle to competition pursuant to Article 9, point 2 of Law no. 9121/2003.

The CC, by decision no. 816, dated 02.09.2021 "On the opening of the preliminary investigation procedure against Star Parking LLC in the Tirana International Airport parking facility management market", decided to open the preliminary investigation procedure in this market. After the end of the investigative procedures, the CC, by decision no. 856, dated 21.01.2022, decided to open the in-depth investigation procedure against Star Parking LLC in the Tirana International Airport parking facility management market, to assess whether there is in violation of Article 9 of Law no. 9121/2003.



Investigative procedures

Import, production and wholesale market of vegetable oil

Based on the concerns raised in the media about the increase in the price of vegetable oil, ACA, pursuant to Article 28 of Law no. 9121/2003, has monitored the market of import, production and wholesale trading of vegetable oil, in order to evaluate the competition in this market.

Referring to the information administered during the monitoring, it was found that the price of sunflower oil has increased, starting from December 2020, with an increase of 10 Lek until the month of March and in the following months this increase has continued with 5 Lek each. The increase in the price of vegetable oil has been reflected in the retail market, bringing higher prices to the final consumer, behavior which may constitute a restriction, distortion or obstacle to competition, in the sense of Article 4 and Article 9 of Law no. 9121/2003.

The CC, by decision no. 803, dated 28.05.2021 "On the opening of the preliminary investigation procedure in the import, production and wholesale market of vegetable oil", decided to open the preliminary investigation procedure in this market. At the end of the investigation procedures, the investigation report has been submitted for consideration by the CC, which is developing the procedures provided by law no. 9121/2003.



Investigative procedures

The market where non-bank financial entities operate

The CC, by decision no. 712, dated 08.10.2020 "On the opening of the preliminary investigation procedure in the market where non-banking financial entities (SFJB) operate", decided to open the preliminary investigation procedure in this market, to assess the behavior of undertakings related to possible violations of competition based on articles 4 and 9 of law no. 9121/2003.

The CC, by decision no. 772, dated 11.02.2021 "On the opening of the in-depth investigation procedure in the market where non-bank financial entities (SFJB) operate", decided to open the in-depth investigation procedure for possible violations of Article 9 of Law No. 9121/2003 "On the protection of competition", amended, for undertaking:

- a) Besa Fund in the credit market;
- b) Iute Credit Albania in the microcredit / credit market;
- c) Tirana Factoring & Leasing in the factoring market;
- d) Mogo Albania in the financial rental market, and
- e) Financial Union of Tirana in the electronic money market, payment service and money transfer (national and international).

The CC, by decision no. 838, dated 29.09.2021 "For an addition to the decision of the Competition Commission no. 772, dated 11.02.2021 "On the opening of the in-depth investigation procedure in the market where non-bank financial entities (SFJB) operate", decided in decision no. 772, dated 11.02.2021 "For the opening of the in-depth investigation procedure in the market where non-bank financial entities operate, in point "1", the undertakings Raiffeisen Leasing is added.

The investigative procedures related to this investigation are ongoing.



Merger control

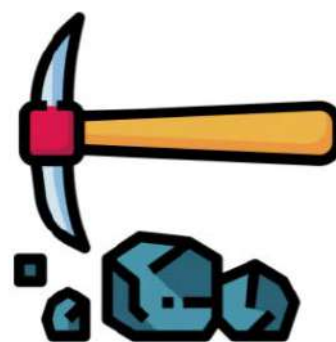
United Bank of Albania / Eurosig SHA

The Competition Commission, by decision no. 850, dated 02.12.2021 "On the authorization of the concentration obtained through the acquisition of control of the United Bank of Albania by the undertaking Eurosig SHA", decided to authorize the notified concentration. The corresponding market in these types is considered the banking market. The transaction does not show signs of restrictions on its part in the market, as a result of its creation or changes in the country. The behavior of the United Bank of Albania JSC will be subject to monitoring for a period of 1 year.



Albchrome Holding SHPK /Yildirim International Mining Investments B.V.

The Competition Commission, by decision no. 846, dated 16.11.2021 "On the authorization of the concentration obtained through the acquisition of control of the undertaking Albchrome Holding LLC and its subsidiaries from the undertaking Yildirim International Mining Investments B.V.", decided to authorize the notified concentration. The relevant market in this transaction was considered the chrome ore extraction and processing market and the ferrochrome production market. The transaction does not show signs of restricting competition in the market or a part of it in particular, as a result of the creation or strengthening of a dominant position.



Energy Plus SHPK / Duferco Pobreg SHPK

The Competition Commission, by decision no. 841, dated 27.10.2021 "On the authorization of the concentration obtained through the acquisition of control of the undertaking Energy Plus LLC from the undertaking Duferco Pobreg LLC", decided to authorize the concentration. The relevant market in this transaction was considered the market for the production of electricity and the market for the wholesale sale of electricity. The transaction showed no signs of restricting competition in the market or a part of it in particular, as a result of the creation or strengthening of a dominant position.



Radio Klan SHA / TV Klan SHA

The Competition Commission, by decision no. 795, dated 29.04.2021 "On the authorization of the concentration obtained through the benefit of the control of the Radio Klan SHA undertaking by the TV Klan SHA undertaking", decided to authorize the concentration. The relevant market in this transaction was considered the audio media services market. The transaction did not show signs of restricting competition in the market or in a part of it in particular, as a result of the creation or strengthening of a dominant position.



Court proceedings

Cases adjudicated in the Administrative Court of First Instance

In the Administrative Court of the First Instance of Tirana for the year 2021, have been examined 20 (twenty) cases.

- **Court case with plaintiff: "ÇAÇA LLC" undertaking**

Object: Repeal of the decision of the CC no. 794, dated 27.04.2021 "On the imposition of a fine against the undertakings Agroblend ShPK, MBM ShPK, CACA ShPK, for non-implementation of the taken temporary measure by decision no. 784, dated 12.03.2021 "On taking a temporary measure to restore competition in the import and wholesale market of chemical fertilizers and agricultural inputs".

The Administrative Court of the First Instance decided to dismiss the claim-lawsuit.



- **Court case with plaintiff: the company "Vodafone" JSC**

Object: Repeal of the decision of the CC no. 758, dated 28.12.2020 "On the authorization of the concentration obtained through the acquisition of control of the undertaking ApNet ShPK from the undertaking ABCom ShPK."

The Administrative Court of the First Instance rejected the claim of the commercial undertaking "Durrës Container Terminal" JSC.



- **Court case with the plaintiff: the undertaking "FUFARMA LLC"**

Object: Repeal of the decision of the CC no. 749, dated 19.11.2020 "On the implementation of point 4 of the decision of the Cabinet of Ministers no. 717, dated 15.10.2020 for the undertaking Fufarma LLC".

The Administrative Court of the First Instance decided to dismiss the claim-lawsuit.



Exclusive rights

The market of import, storage, wholesale of liquefied petroleum gas product

The CC, by decision no. 675, dated 07.02.2020 "On the opening of the preliminary investigation procedure in the market of import, storage, wholesale of the liquid petroleum gas product", decided to open the preliminary investigation procedure in this market.

Since the market is concentrated and has vertical integration, the undertakings PIA, Romano Port, MBM Port, can abuse the dominant position, refusing to trade or compressing the sale prices of LNG, as well as evaluating the behavior of these undertakings in the LPG import, storage, wholesale market, through undertakings where they are vertically integrated: Tenet, 5 Intergaz, A&V Gas, AV Distribution, Kastrati Group, Albania Gas Tech, Kevin Gaz, Emanuel Gaz. The Competition Commission assesses that we may be in violation of articles 4 and 9 of Law 9121, dated 28.07.2003 "On the competition protection", as amended, in the market of loading-unloading, import, storage, wholesale of LPG. For these reasons, the CC, by decision no. 711, dated 08.10.2020 "On the opening of the in-depth investigation procedure in the market of loading-unloading, import, storage, wholesale of LPG", decided to open the in-depth investigation procedure in the market of loading-unloading, import, storage, wholesale of LPG.

The CC, by decision no. 812, dated 02.09.2021 "For the closure of the in-depth investigation procedure in the market of loading, unloading, import, storage, wholesale of LPG with obligations for the concession undertakings PIA SHA, Romano Port SHA and Port MBM", decided:

I. The obligation of the concessionaires PIA SHA, Romano Port SHA, MBM Port in compliance with Article 9 of Law no. 9121/2003, in particular:

- a) not directly or indirectly setting unfair purchase or sale prices, or other unfair trading conditions;
- b) not applying unequal conditions for the same commercial actions with the parties, not placing them in a competitive disadvantage;
- c) not 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.



International cooperation

During the activity of 2021, ACA aimed to strengthen international relations with counterpart institutions, forums and competition training centers in the region and beyond.

The ACA staff has been trained in the framework of cooperation with organizations, as follows:



Other activities within the framework of cooperation with the OECD, UNCTAD and similar authorities, etc.:

Study Visit:

On November 22-23, 2021, a study visit took place within the framework of the Balkan initiative at the Turkish Competition Authority.

Conferences held virtually:

- On March 23-25, 2021, the Global Virtual Anti-Corruption Forum was held by the OECD, where 1 employee participated;
- On March 25, 2021, the Regional Dialogue - Competition Policy and MSMEs was held by UNCTAD UNECE, where 1 employee participated;
- On March 25-26, 2021, the ABA held the "69th Antitrust Law Spring Meeting", where 2 employees participated;
- On May 7, 2021, the virtual meeting of the "Internal Market, Competition and Consumer Protection" Subcommittee took place, where 6 employees took part;
- On July 7-9, 2021, the virtual workshop of the 19th Session of the Intergovernmental Group of Experts on Competition Law and Policy was held by UNCTAD, where 1 employee participated;
- On December 7, 2021, it was held virtually by the OECD Global Competition Forum on the topic "Economic analyzes in cases of abuse of dominant position", where 1 employee participated.

Regional Competition Center (OECD-GVH/RCC)



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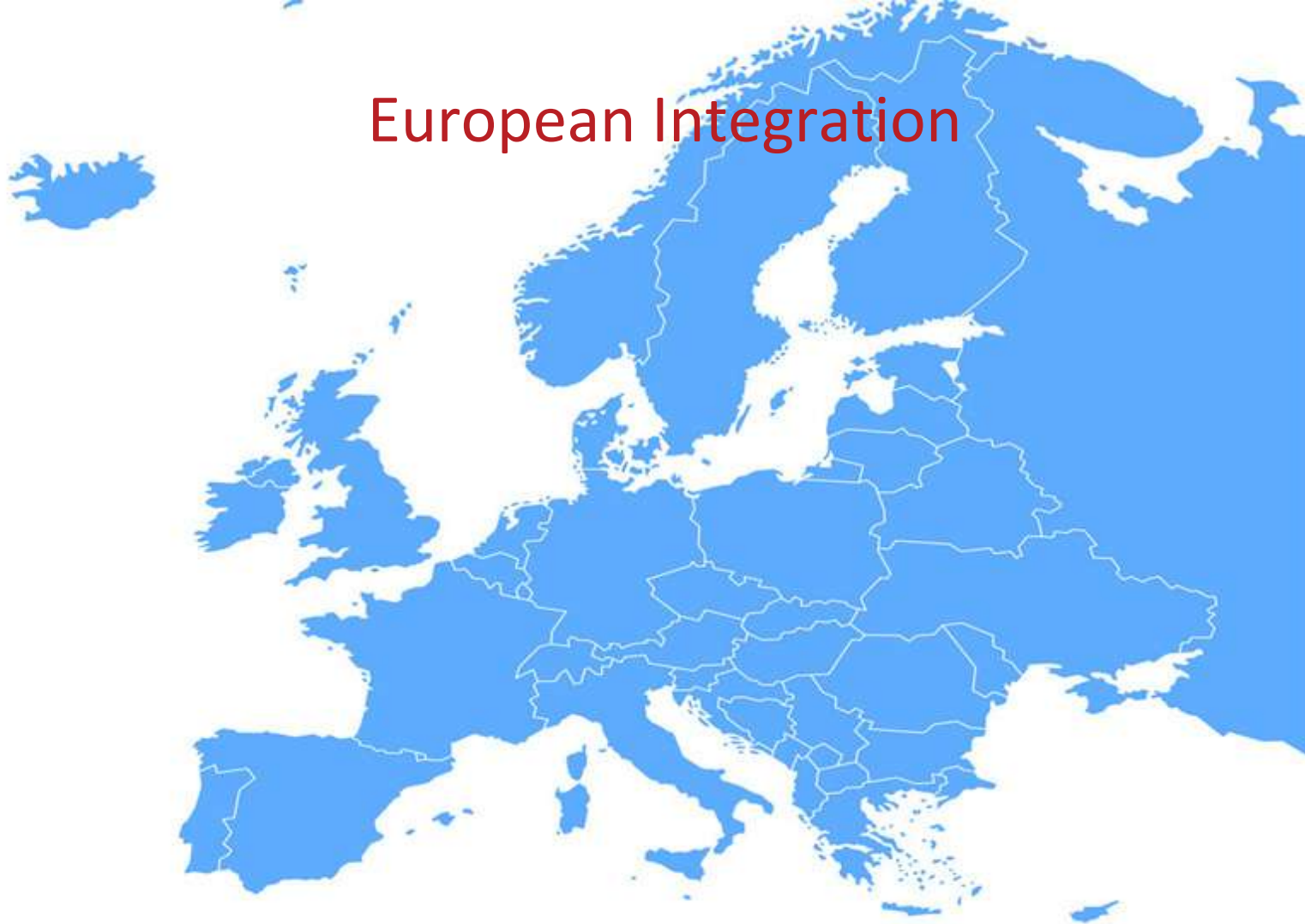
In the framework of the cooperation with OECD-GVH/RCC, the trainings were carried out in virtual form:

- On March 2-4, 2021, virtual training on the topic "Treatment of bid manipulation in public procurement" was conducted by RCC, where 2 employees participated;
- On May 18-19, 2021, virtual training on "Market studies: A key driver for advocacy and enforcement of competition law" was conducted by RCC, where 3 employees participated;
- On September 21-22, 2021, a virtual workshop was held by RCC on the topic "Evaluation of abusive behavior by dominant focus players in digital markets", where 3 employees participated;
- On December 9-10, 2021, a virtual seminar on "Conducting Effective Antitrust Investigations" was held by OECD-GVH, where 2 employees participated.

Virtual trainings/seminars:

- On February 4, 2021, UNCTAD held a virtual seminar on "The first meeting of the UNCTAD Working Group (GP) on Cross-Border Cartels, where 1 employee participated;
- On February 9, 2021, a virtual workshop with the Turkish Competition Authority "Competition Talks" was held by UNCTAD, where 1 employee participated;
- On February 23, 2021, the virtual workshop on "Methodologies for Measuring Market Competition" was held by the OECD, where 1 employee participated;
- On February 24, 2021, the virtual seminar on "Environment, Digital System, Regulation after Covid-19, Economic Recovery, Effects on Concentrations" was held by the OECD, where 1 employee participated;
- On February 25, 2021, a virtual seminar on "The Power of Online Platforms in the Market" was held by Cullen International, where 1 employee participated;
- On February 25, 2021, the Energy Community Forum held a virtual seminar on the topic "2021 edition of the "Energy Community Forum" dedicated to competition law in the energy sector", where 1 employee participated;
- On March 4, 2021, the virtual workshop on "Addressing national security risks in international transactions" was held by CLDP US Department of State, where 1 employee participated;
- On March 16, 2021, the virtual seminar on "Market Studies: Economists' Perspective" was held by the ICN AEWG, where 1 employee participated;
- On May 11, 2021, the Virtual Seminar "An economy that works for consumers" was held by the Maltese Competition Authority, where 1 employee participated;
- On October 7, 2021, a virtual seminar on the "Gender Inclusive Competition Policy Project" was held by the OECD, where 1 employee participated;
- On October 4-15, 2021, the virtual training on Public-Private Partnerships was conducted by the Joint Vienna Institute, where 1 employee participated;
- On November 9, 2021, the Balkan Initiative, the Turkish Competition Authority, held a virtual seminar on "Economic aspects of the antitrust law", where 1 employee participated.

European Integration



The integration process constitutes one of the priorities and challenges of the Competition Authority's activity, as a leading institution and coordinator for Chapter 8 "Competition Policy" of the SAA.

In 2021, the Competition Authority, pursuant to VKM no. 422 dated 6.5.2020, is part of the Negotiating Group for the development of negotiations for the accession of the Republic of Albania to the European Union.

During 2021, ACA has drawn up the National Plan for European Integration 2022-2024, which is the basic document for setting priorities, planning, coordinating and monitoring the fulfillment of obligations within the implementation of the Stabilization-Association Agreement. ACA has prepared and integrated into this national plan Chapter 8 "Competition Policy", predicting short-term and medium-term legal initiatives within the process of harmonization of legislation with that of the EU.

Pursuant to the National Plan for European Integration (PKIE) 2021-2023, ACA, within the stipulated time, has fulfilled 100% the process of aligning legislation with European directives in the field of competition, specifically:

1. The CC, by decision no. 807, dated 10.06.2021, approved the Instruction "On best practices in cases of implementation of concentration control procedures".
2. The CC, by decision no. 781, Date 12.03.2021 approved the Instruction "On the best practices for submitting evidence of an economic nature and collecting data, in cases related to the implementation of 4 and 9 of Law no. 9121/2003 "On the protection of competition", amended, as well as in cases of concentrations".

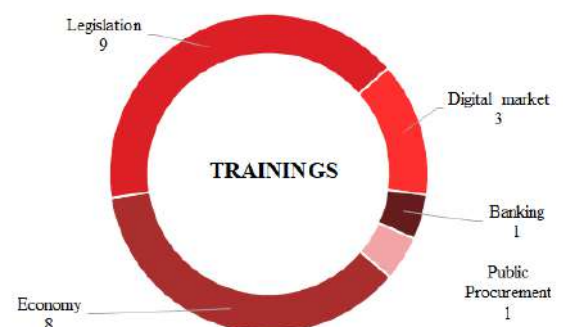
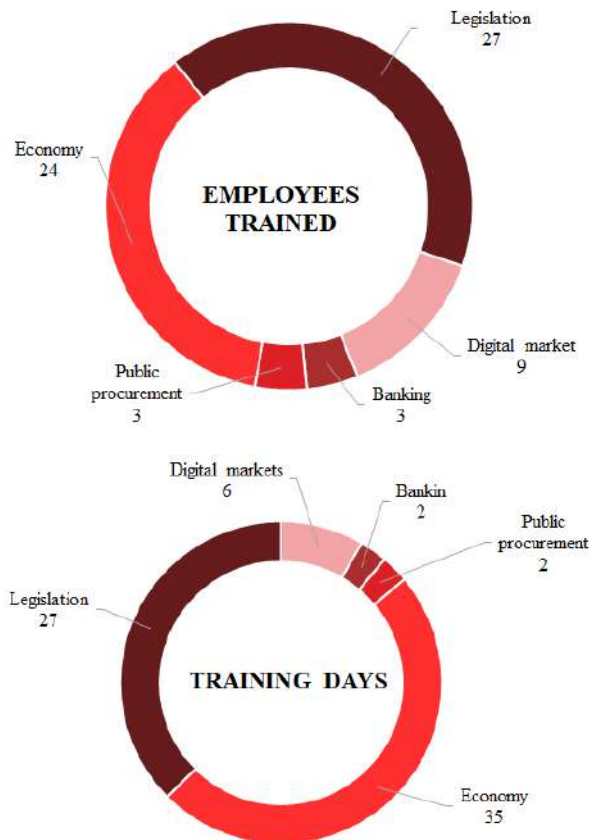


Human capacities

During the year 2021, within the framework of meeting the needs of the technical directorates, were carried out 8 recruitment procedures with parallel movements, promotions and admission to the civil service. All procedures were carried out in accordance with the requirements of law no. 152/2013 "On civil servants", as amended, as well as taking into consideration the career system in the civil service. The goal in these procedures has been and will remain the acceptance of staff with professional integrity and efficiency.



During 2021, were carried out 22 virtual trainings abroad, 46 virtual trainings inside the country and 1 study visit. Almost the entire technical staff of the institution has been trained, where a part of the employees turns out to have been trained more than once. All virtual trainings abroad were carried out within the international cooperation of ACA with ICN, RCC, OECD, UNCTAD and those within the country by the School of Public Administration (ASPA).



Priorities 2022



The Competition Authority, in accordance with the purpose of law no. 9121/2003, for a free and effective competition in the market, will continue monitoring, investigations and analyzes in sensitive markets and with a direct impact on the well-being of the Albanian consumer, such as:

- The mobile service market;
- Banking sector;
- Fuel market;
- The insurance market;
- Procurement market;
- Construction market;

Case-by-case evaluation of the conduct of undertakings, which enjoy a dominant position through concession agreements.

Institutional alignment with EU standards and practices

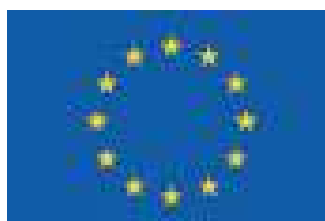
1. Proposal of legal amendments

In the framework of the integration process of Albania in the EU and the obligations arising from the SAA for our country, as well as in reflection of the problems arising from the implementation of law no. 9121/2003, the ACA has carried out the tasks according to PKIE 2021-2023 within the established deadlines. As a candidate country in the integration process, it is necessary to review the Albanian legal framework in the field of competition, updating it with the innovations of the legal framework of competition in the EU.

Regarding the above, the Assembly of Albania has assessed according to:

- Resolution "On the evaluation of the activity of the Competition Authority for the year 2019", approved on 04.06.2020, where it is foreseen that the ACA "Implement the legal amendments of law no. 9121, dated 28.07.2003 "On the protection of competition", amended, in accordance with the acquis of the European Union and the issues arising during the implementation of the law, as well as to revise the secondary legal framework".
- Resolution "On the evaluation of the activity of the Competition Authority for the year 2020", approved on 24.05.2021, where it is foreseen that the ACA "Within the year 2021 submit to the Assembly for amendment the law no. 9121, dated 28.07.2003 "On the protection of competition", amended".

ACA, during 2020, continued the process of identifying problems and interventions, which may be part of legal amendments. The institution has also been assisted in this process by the IPA Twinning project "Strengthening capacities for ACA to protect free and effective competition in the market", between the Albanian Competition Authority and the Spanish National Commission for Markets and Competition (CNMC), (completed in October 2020), who has evidenced that the law no. 9121/2003 is broadly aligned with the legal framework of the EU in the field of competition and the interventions related to the alignment with the Acquis are to a small extent.



Priorities 2022

The process of revising the law is a long, comprehensive process, where, in addition to the ACA's contribution to this process, central and independent institutions and interested third parties such as chambers of commerce, law firms, business associations, who will give their input, suggestions and comments. The legal amendments will also be sent to the Ministry for Europe and Foreign Affairs, as well as to the European Delegation Service before being deposited in the Parliament of Albania.

ACA, in January 2022, has set up a working group for the implementation of amendments to law no. 9121/2003 "On the protection of competition", amended. At the end of this process, the final draft of these amendments will go through the procedures provided for in the Constitution of the Republic of Albania. These procedures will be carried out in cooperation and with the support of the Committee for Economy and Finance and the Committee of Laws in the Assembly of Albania.

For the above, the ACA is in the process of preparing the draft amendments to the law no. 9121/2003 "On the protection of competition", amended.



2. Increasing the number of technical staff - ACA currently has 46 employees, divided into 5 directorates according to the structure approved by the Assembly of Albania no. 27/2021 "For some changes in the decision of the Assembly no. 43/2017 "On the approval of the Structure and Organization of the Competition Authority".

The technical directorates consist of 6 (six) inspectors, who cover with inspections all the markets in RSH.



In order to monitor, investigate and carry out analyzes of the markets and sectors of the Albanian economy, which are growing and diverse, there is a need to increase the number of technical staff with 6 (six) inspectors. This request stems from the needs of the ACA to increase and strengthen institutional capacities in order to fulfill the obligations arising from the law.

We also underline that even in the last Progress Report of the EC, the increase and strengthening of the institutional capacities of the ACA, as an institution which has its role as a leader and coordinator in Chapter 8 of the SAA "Competition Policies", has been requested. Taking into account the requirements from the amendments of the law no. 9121/2003, but also within the framework of obtaining new powers for the implementation of the law 9374/2005 "On state aid", amended, draft which will be presented soon to the Parliament of Albania. We estimate that the request for an addition to the structure and organization of the ACA for 6 inspectors is a minimum request, which has a very small effect on the budget, specifically in the amount of 6,415,232 ALL.

Priorities 2022

We bring to the attention of the Committee for Economy and Finance in the Assembly of Albania that:

Since 2003, with the approval of Law 9121/2003 "On the Protection of Competition", as amended, ACA has been operating on the 4th floor of an old building with total about 505 m2, where at the time of the start of its activity it consisted of a staff of 17 employees. The facility in which the ACA operates is owned by the Ministry of Infrastructure and Energy, which has 14 offices and 1 hall, which serves for trainings, interviews, hearings and a library.

- The capacity of the offices was planned for a staff of up to 25 employees. Currently, the structure of the ACA has a staff of 46 employees, approximately double the capacity planned at the time of the creation of this institution.



- The ACA operates with 8 people in one office, we highlight this fact to request support from the Committee for Economy and Finance in the Parliament of Albania to provide the ACA with suitable premises and sufficient space to exercise its activity in accordance with law no. 9121/2003 "On the protection of competition", amended, giving the appropriate evaluation and importance to this important institution even in relation to other independent institutions created by law.



3. Strengthening of administrative capacities, through the training of new and existing staff in order to increase the quality of monitoring, inspection, drafting of reports, analyses, defense of decisions of the KK in judicial processes, at all levels of the judiciary;

4. Appropriately and meaningfully addressing sensitive issues (handling complaints), as well as cooperation with central and local administration institutions, entities and other regulatory institutions for the regulation of economic activity in the territory of RSH to ensure fair competition and effective in the market;



5. The implementation of PKIE (2022-2024) and the tasks derived from the SAA, as a leader of chapter 8 "Competition Policy" and specifically the transposition into internal legislation of the Guide "On restrictions of competition "by object" for the purposes of identifying agreements , which may benefit from the De Minimis Notice", in accordance with the Directive on restrictions of competition "by object" for the purposes of identifying agreements which may benefit from the De Minimis Notice, European Commission Document, version dated 03 /06/2015 (Brussels 25.06.2014/SWD (2014) 198);



6. It is committed to increasing cooperation with counterpart institutions and regulatory entities, signing Memorandums of Understanding (MOU) with them, such as with the Bank of Albania, the General Directorate of Taxes, etc.

Institutional structure

