

Executive Summary

ANNUAL REPORT 2020

Main Priorities for 2021



“

***Competition is always a good thing;
it forces us to do our best***

”

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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

144 Staff training days

80 IPA Twinning

44 EBRD

13 February 2020

Approval of Guideline no. 4 "On best practices for the conduct of proceedings concerning the implementation of Articles 4 and 9 of law no. 9121/2003 "On Competition Protection", as amended".

18 March 2020

Approval of Guideline no. 5 "On competition in the markets for electronic communications networks and services".

04 June 2020

Resolution of the Assembly of Albania on the evaluation of the activity of ACA for 2019.

30 June 2020

Approval of Guideline no.7 "On empowering the Competition Authority to be as effective as possible in the implementation of law no. 9121/2003 "On Competition Protection", as amended, and to ensure the proper functioning of the market".

05 December 2020

Organisation of the activity "Public promotion of competition law" through video-projection in the building of the University of Tirana on the World Competition Day.

14 February 2020

CC decided the opening of the preliminary investigative procedures, and the adoption of temporary measures, in the retail market of mobile services.

18 March 2020

CC decided on the opening of the preliminary investigative procedures and the adoption of temporary measures, in the wholesale and retail market of pre-medical products.

14 May 2020

CC decided to ascertain the abuse of dominant position of the Albanian Football Federation, regarding the economic activity that it conducts, and the provision of conditions and obligations.

6 August 2020

CC decided on the closure of the preliminary investigative procedures in the retail market of mobile services and the approval of mandatory commitments, in the form of conditions and obligations for undertakings Vodafone Albania, Telekom Albania dhe Albtelecom.

23 September 2020

CC decided on the opening of the preliminary investigative procedures in the pharmaceuticals and medical equipments market.

24 December 2020

CC decided on the closure of the general investigative procedures in the higher education sector and giving some recommendations to:

- Ministry of Education, Sport and Youth;
- Public and private HEIs;
- INSTAT.

to understand

THE AUTHORITY

PROCEEDS

12,41

million ALL

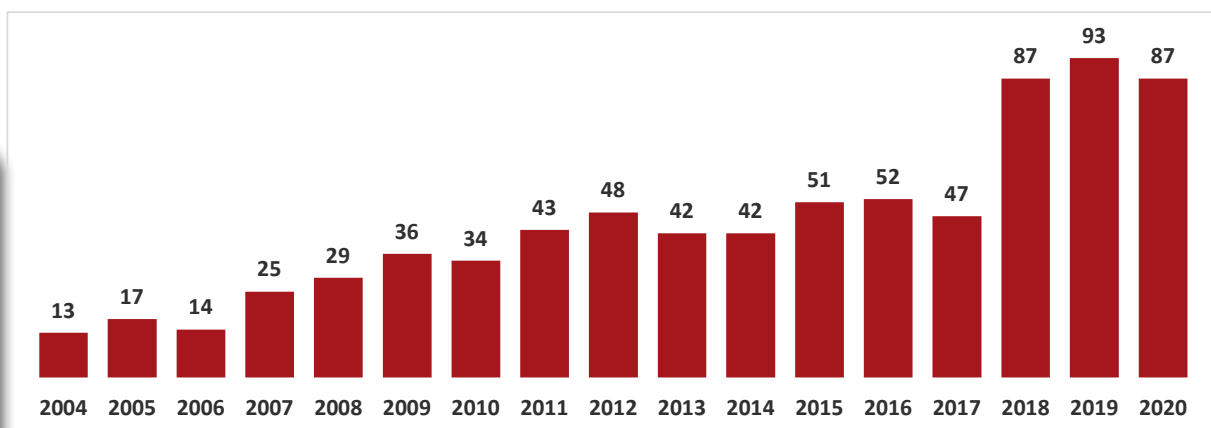
Fees from merger notification
filings

BUDGET

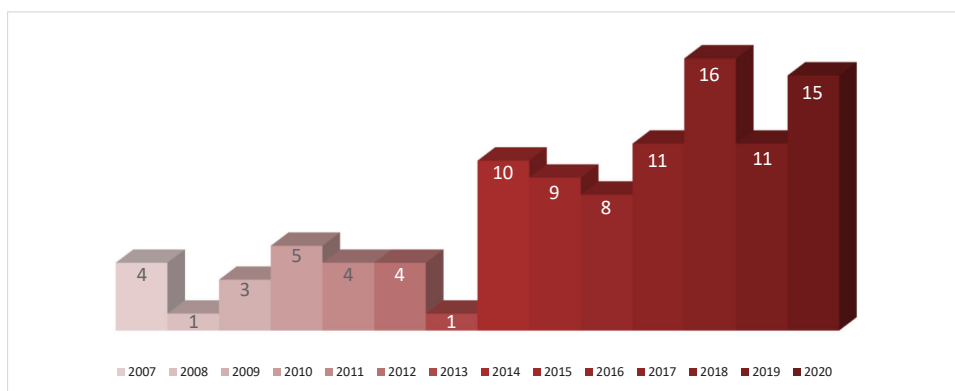
75,7

million ALL

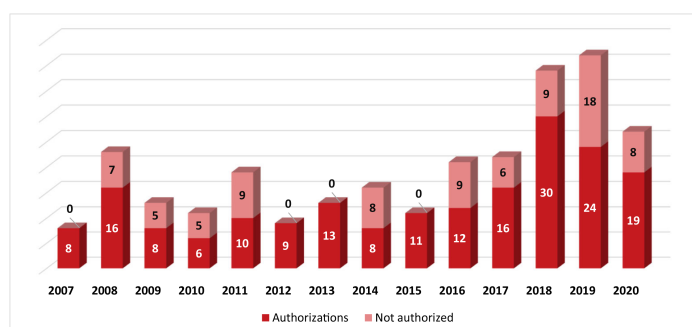
Budget 2020



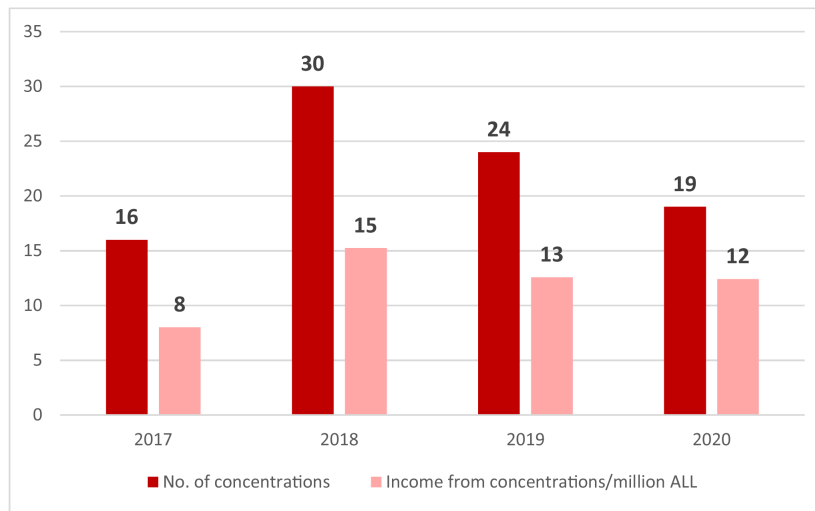
Total decisions / year



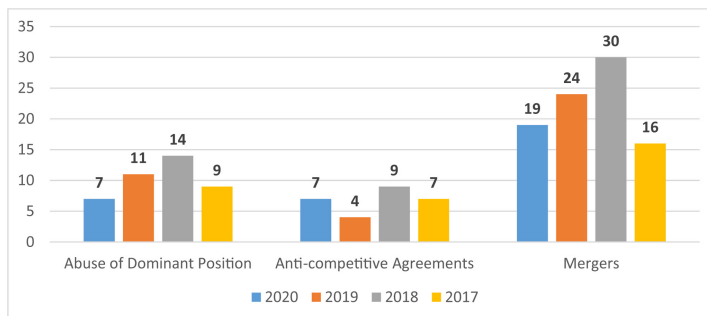
Investigative procedures / year



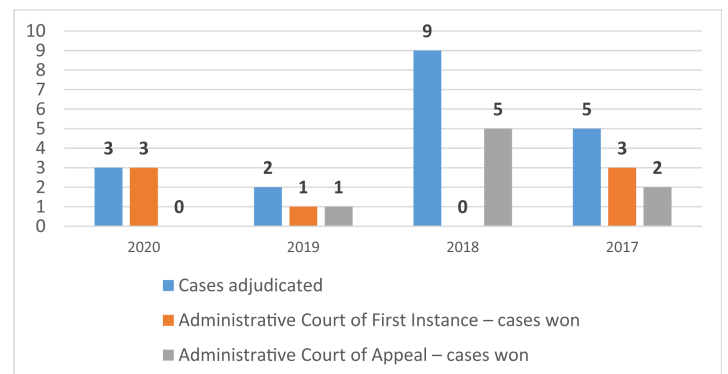
Merger authorizations



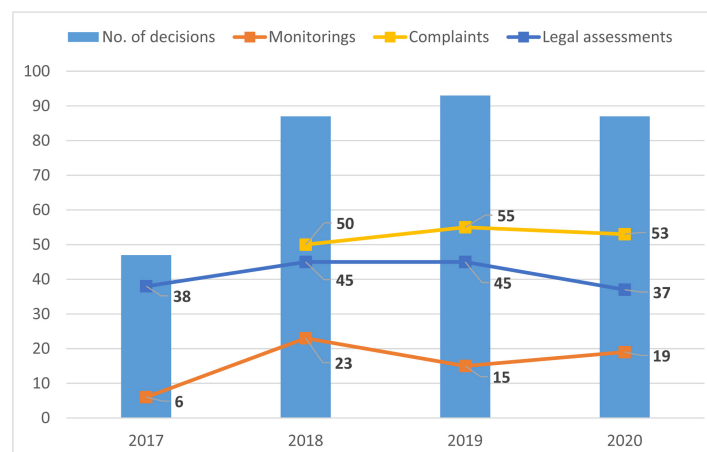
Income from concentrations



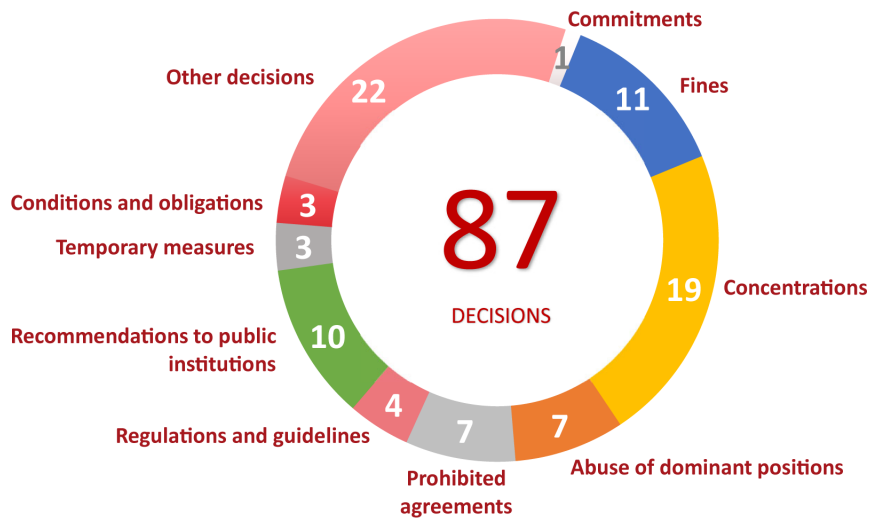
**Number of decisions
according to main pillars of competition**



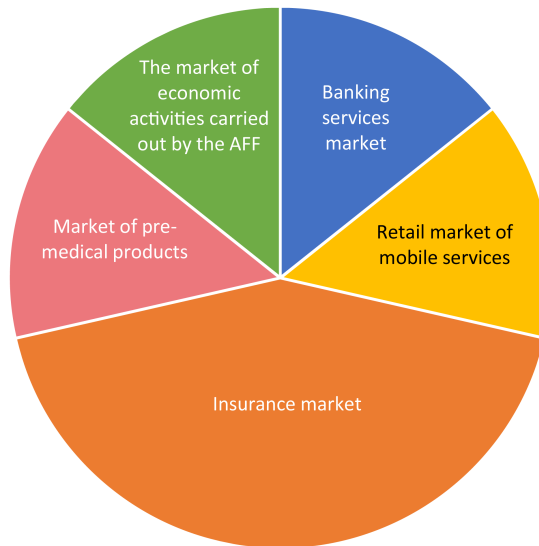
Cases adjudicated



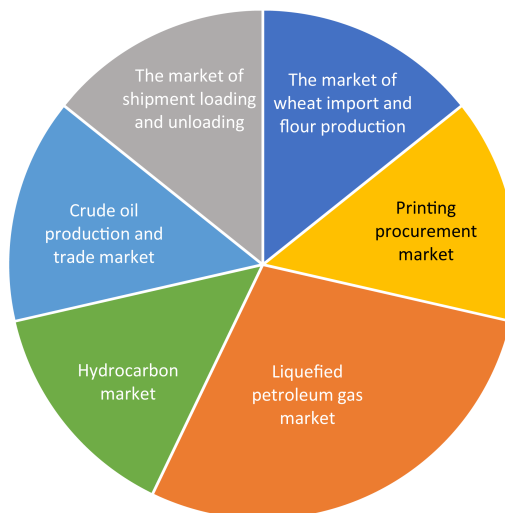
Completed procedures



Decisions taken during 2020



Non-production market cases during 2020



Production market cases during 2020

INTRODUCTORY REMARKS BY THE CHAIRWOMAN OF THE COMPETITION COMMISSION

The year 2020 will be remembered for a very long time, as one of the most challenging periods that humanity has faced in the last 70 years. The outbreak of the COVID-19 pandemic worldwide, created uncertainty and great fear around the world at the beginning of last year. In response, the government authorities overwhelmingly adopted social distancing and isolation measures for the population.

The political, economic and social dimension of the worldwide reality were characterized by great uncertainties throughout the year, meanwhile the cost of the pandemic was very high, not only concerning the loss of life, but especially in terms of economic and financial activity globally. Our economy experienced likewise the consequences of the pandemic, manifesting output decline, job losses, and rising public debt.

During the last year, the activity of the Competition Authority has taken place in this challenging environment. Therefore, an adequate response to these challenges was required, broadly based on the basic principles of competition theory and best practices in crisis response. From this perspective, our activity has aimed at, among other things, the uninterrupted investigations of various markets, which are assessed as highly speculative due to the pandemic.

Hereinafter, I will briefly focus on the activity of the Competition Authority during 2020.

The main priority of our work has been the continuous follow-up and fulfillment of all recommendations given by the Assembly of the Republic of Albania in the Resolution “On the evaluation of the activity of the Competition Authority for 2019”. I would like to take this opportunity to inform the Assembly of the Republic of Albania that all the tasks set by the Assembly have been handled with responsibility and on a case-by-case basis. At the end of 2020, we find that all recommendations have been exhaustively addressed, through a series of binding decisions for several entities, operators and institutions concerned.

Market monitoring has been at the center of the Authority's activity. During 2020, 19 monitoring procedures were conducted, of which 6 derived from the decision-making of the Competition Commission throughout 2019. The focus of monitoring has been on the analysis of the market regarding a range of products and services directly related to consumers. There have been evaluated 27 cases related to concentration control, of which 19 have been authorized by the Competition Commission, whereas 8 cases have not met the criteria of authorization. The ACA has poured the amount of 12,410,000 ALL into the state budget, which derives from the authorization of concentrations.

The investigation of prohibited agreements and abuse of a dominant position has been an important part of the Authority's activity. Banking services market, specific insurance market products, retail market of mobile services, wheat import and flour production market, as well as wholesale and retail market of pre-medical materials have been at the center of the investigative procedures concerning prohibited agreements.

Similarly, attention has been given to the identification of abuse of dominant position. At the center of this investigation has been the market of economic activities carried out by the Albanian Football Federation; loading and unloading, import, storage and wholesale market of liquefied gas; loading and unloading, import, storage and wholesale market of fuels; crude oil production and trade market; as well as the market of container ship loading and unloading service in the Port of Durrës.

As a result of this intense activity, there has been significant decision-making of the Competition Commission of binding and sanctioning nature. During 2020, 11 sanctions were given, in the amount of 20,038,640 ALL. A part of our decisions have been appealed in court by other parties, where there has been good progress of the judicial process because ACA has succeeded in the cases in the administrative court of first instance, whereas another part is yet to be tried by other instances of the court.

The Competition Authority has made particular efforts to fulfill the obligations arising from the EU integration process of our country. Notwithstanding the challenging circumstances, the Authority was able to successfully conclude the Twinning Project with the Spanish National Commission of Markets and Competition (CNMC). In conclusion, legislative proposals were drafted concerning some additions and changes that should be made to law no. 9121, on 28.07.2003, "On Competition Protection", as amended, in order to provide full alignment with the standards and practices of EU member states in the area of competition.

The previous year brought a lot of challenges that continue to be present in the beginning of 2021. Numerous uncertainties characterize the near and slightly distant future. The risks are mostly related to the course of the pandemic, its duration and health care protocols, while they may be of a structural nature in the longer term. Besides this prognosis, the Authority will continue to monitor at a 360 degree angle the performance of markets in Albania, by taking outmost care to dictate and intervene whenever it finds distortions of competition or abuse of dominant positions in the market.

The Competition Authority is fully aware of the objective difficulties that the country is facing in this time of pandemic, but I would like to take this opportunity to assure the Assembly and the general public that we will continue with full responsibility, caution and perseverance our path to fulfillment of the legal mandate of the Authority.

Thank you,

Prof. Dr. Juliana Latifi

Secondary legislation

ACTS APPROVED WITHIN THE FRAMEWORK OF PKIE 2020-2022

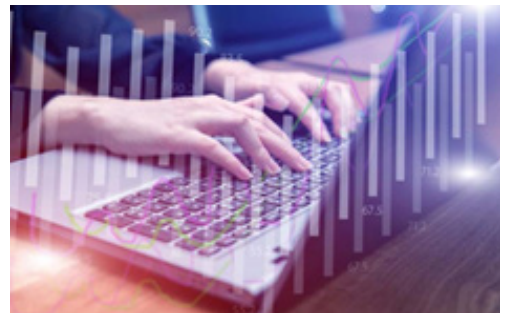
Guideline no. 4, dated 13.02.2020 “On best practices for the conduct of proceedings concerning the implementation of Articles 4 and 9 of law no. 9121/2003 “On Competition Protection”, as amended”.

The Guideline defines the principles on which the activity of the ACA should be based, in particular: legality, transparency, the right to information of the parties, confidentiality, proportionality, impartiality, objectivity, non-discrimination, as defined by law no. 9121/2003, and the Code of Administrative Procedures.



Guideline no. 5, dated 18.03.2020 “On competition in the markets for electronic communications networks and services”

The Guideline provides the obligation to ensure that the dominant / main providers of electronic communications networks and publicly available telephone services, operate as separate legal entities on their public electronic communications network and cable television network.



Guideline no. 7, dated 30.06.2020 “On empowering the Competition Authority to be as effective as possible in the implementation of law no. 9121/2003 “On Competition Protection”, as amended, and to ensure the proper functioning of the market”

The Guideline aims to address very important aspects of the Competition Authority's activity, related to the right to conduct investigations, to impose administrative sanctions, to provide legal certainty and guarantees to companies under investigation and third parties, to guarantee the applicability of the Penalty Relief Program, etc.



OTHER ACTS APPROVED IN APPLICATION OF LAW NO. 9121/2003 “ON COMPETITION PROTECTION”, AS AMENDED

Guideline no. 6, dated 15.5.2020 “On confidentiality and access to file”

The Guideline aims to clarify the concepts and procedures related to the access to file and confidentiality, therefore assisting parties under investigation and interested third parties, pursuant to the provisions of law no. 119/2014 “On the right to information”, of the Code of Administrative Procedures, of law no. 9121/2003 "On Competition Protection", as well as the relevant sub-legal acts.



Monitored markets

The Competition Authority, pursuant to Article 28 of law no. 9121/2003, conducts market monitorings and analysis, aiming at developing free and effective competition.

During 2020, the Competition Authority monitored and analyzed markets with a direct impact on the interests of the Albanian consumer, and new markets as well, regarding the dynamics of their development, the behavior of undertakings operating in these markets, consumer demands, and other elements, which are related to the legal and economic barriers to entry for new operators in the market.



Financial market (banks and non-banks)



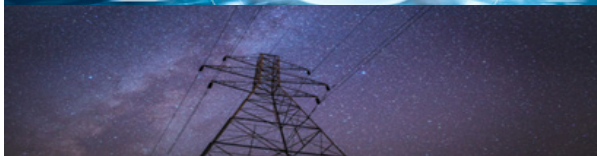
Hydrocarbon market



Insurance market



Procurement market



Energy market



Market of pre-medical materials



Electricity storage and diversion market



Rental housing market

Monitored markets

Air, sea and land transport market



The market of loading and unloading in the Durrës Eastern Terminal



Hospital services market



Mobile services market



Higher education market



Market of wheat import, import, production and trade of flour



Agro-food market



Telecommunication market



Investigative procedures

Formulari i ankesës

I. Informacioni përsa i përket, ankuesit ose bashkimit të ndërmarrjeve që ngrenë ankimin.

(1). Jepni të dhëna të plota për identitetin e personave fizik ose juridik të cilët bëjnë ankimin.	Emri mbiemër _____ Adrese _____
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Closure of the preliminary investigative procedures in the retail market of mobile services and the approval of mandatory commitments for undertakings Vodafone Albania, Telekom Albania and Albtelecom

On 13.02.2020, the Albanian Consumer Center filed a complaint regarding the unjustified price increases by mobile network operators, without informing mobile services consumers and to the detriment of their economic interests.

The Competition Commission, by decisions no. 679 and no. 680, dated 14.02.2020, decided to open the preliminary investigative procedures in the retail market of mobile services, as well as to take temporary measures to restore competition in this market.

Following the monitoring of the implementation of the decisions, it was noticed that the operators stopped the application of the new standard 30-day prepaid packages.

The Competition Commission, by decision no. 703, dated 06.08.2020, decided on the closure of the preliminary investigative procedures in the retail market of mobile services, as well as the approval of mandatory commitments in the form of conditions and obligations for undertakings Vodafone Albania, Telekom Albania dhe Albtelecom, as following:

- a. Increase of transparency on new/changed products launched in the market;
- b. Access for all;
- c. More mobile data for everyone – digital solidarity packages for COVID-19;
- d. Compliance of price change practices for competition law;
- e. Offering of a wider range of prices, affordable for the Albanian market, according to the economic indicators of Albania;
- f. Notification of ACA regarding any price changes.



The market of economic activities carried out by the Albanian Football Federation

The Competition Commission, by decision no.693, dated 14.05.2020 determined the abuse of dominant position of the Albanian Football Federation, in relation to the economic activity it conducts, and gave the following conditions and obligations:

- The Albanian Football Federation is obliged:
 - To reduce the duration of the exclusive broadcasting rights to a period of not more than 3 (three) years, where the rights are to be separated and sold to different operators;
 - To divide the procurement of two categories "Superior Category" and "Albanian Cup", with difference in the offer of package A (main, important matches) and B (other matches), so that they do not belong to one single operator;
 - To remove the exclusivity in future contracts of sale of audiovisual rights "Highlights" and create the opportunity for wider participation for audiovisual operators.
- The obligation of FSHF to distribute the funds received with destination determined by UEFA, FIFA, etc., in a transparent and correct procedure, in the presence of the Professional League, in order to maintain fair and effective competition in the market. This procedure should be made public on the official website of FSHF – www.fshf.org.
- The obligation to implement a transparent procedure for the selection of the main sponsor and other sponsors, enabling wider participation of undertakings in the market. This procedure should be made public on the official website of FSHF – www.fshf.org.
- The obligation of FSHF to avoid any kind of direct or indirect property connection between its sponsors and property representation in the undertaking DIGITALB, links which affect the restriction or distortion of competition, created due to its dominant position.
- The obligation of FSHF in the future to enter into any contract that establishes exclusive rights or special rights in the territory of the Republic of Albania, for certain undertakings or products, to carry out transparent, non-discriminatory procurement procedures without setting restrictive criteria and exclusion in the relevant market. These contracts should be brought for preliminary evaluation to the Competition Authority.
- The obligation of FSHF to draft a methodology for determining ticket prices, in order to orient the cost of service and ticket price. Preliminary evaluation of the methodology by the Competition Authority is required.



Closure of the in-depth investigative procedures in the market of wheat import, import, production and trade of flour



The Competition Commission, by decision no. 700, dated 24.07.2020, established the coordinated behavior between the undertakings Agro Blend SHPK, Miell Tirana SHA, Bloja SHA, Atlas SHA and Atlas Mills SHPK, in the market of wheat import, import, production and trade of flour.

The undertakings Agro Blend SHPK, Miell Tirana SHA, Bloja SHA, Atlas SHA and Atlas Mills SHPK are obliged:

1. To not fix, directly or indirectly, purchase or selling prices, or any other trading conditions;
2. To not limit or control production, markets, technical development or investments;
3. To not share market or sources of supply;
4. To report every 3 (three) months to ACA the data on purchases and sales in fulfillment of the obligations given.

The Ministry of Finance and Economy and the Ministry of Agriculture and Rural Development, in cooperation with each other, must ensure the issuance of a joint sub-legal act in order to realize the division of imported flour product according to characteristics, product quality, final destination of use and protein percentage in the “Combined Nomenclature of Goods” as defined in the instruction of MBZHR no. 207, dated 31.03.2015:

- wheat flour for bread production with protein percentage of 12%;
- pizza base, croissants, noodles with protein percentage of 12.5%;
- flour for cakes, pies, biscuits, pancakes with protein percentage of 9%;
- pasta with protein percentage of 11%.

The National Food Authority, as the supervisory authority for quality and safety of food products, is recommended to control the protein level (% protein) for the imported flour product, in order to use this product in its final destination, after the update of the “Combined Nomenclature of Goods”.

The undertakings Agro Blend SHPK, Miell Tirana SHA, Bloja SHA and Atlas Mills SHPK will be under monitoring for a period of 1 (one) year.

Crude oil production and trade market

The Competition Commission, by decision no.702, dated 30.07.2020, decided “On the closure of the in-depth investigative procedures towards the undertaking Bankers Petroleum Albania LTD in the crude oil production and trade market, with certain obligations and recommendations for the undertakings Bankers Petroleum Albania LTD, Albpetrol and AKBN”.



Albpetrol SHA is recommended, in compliance with the Hydrocarbon Agreement: (i). To foresee / plan the needs of the domestic market for the necessary supplies of crude oil; (ii). To supervise domestic market supply plans by Bankers Petroleum Albania LTD.

AKBN is recommended, in compliance with the Hydrocarbon Agreement: (i). To foresee / plan the needs of the domestic market for the necessary supplies of crude oil, in cooperation with Albpetrol; (ii). To supervise and monitor crude oil production plans by Bankers Petroleum Albania LTD.

The undertaking Bankers Petroleum Albania LTD, as a subject with dominant position in the crude oil production market in the Republic of Albania, must:

- Apply similar trading conditions for equal commercial transactions to the undertakings with which it enters into contractual relations;
- Supply crude oil refining undertakings in the domestic market, in compliance with the provisions of the Civil Code concerning contractual relations.

The obligation of Bankers Petroleum Albania LTD to submit to the ACA for preliminary evaluation any draft contract that will be concluded with each refinery, in compliance with the obligations arising from law no. 9121/2003 “On Competition Protection”, as amended.

The behavior of the undertaking Bankers Petroleum Albania LTD will be under monitoring for a period of 1 (one) year, from the entry into force of this decision.



General investigation

Higher education sector

The Competition Authority, by decision no. 706, dated 10.09.2020, decided to close the general investigative procedures in the higher education sector, to give some recommendations for MESY, INSTAT, public and private HEIs, as well as to impose some obligation for private HEIs, as following:



MESY is recommended to:

Carry out a comprehensive market study in order to determine the requirements for students / specialists, which should be published before the beginning of each academic year and should provide:

- Orientation of HEIs for the opening of new study programs.
- Balance of supply and demand in the labor market.
- Reduction of the inflation of professionals in certain fields.
- Protection of the interests of consumers, by directing their demand towards an offer, which will guarantee employment in a short time after graduation.

Public and private HEIs are recommended:

- To calculate the cost per student for each study program and to make public the tuition fees, for each academic year.
- To make transparent the way of using the funds by publishing it on their official websites.
- To make transparent the research fund, criteria and procedures that key units, core units and researchers as individuals must follow to obtain financial support for research.
- To enable the provision of information on the quality of the HEI, before the beginning of each academic year in order to facilitate the choice of customers (students).

The obligation of private HEIs:

To separate their economic account with a separate NIPT from the economic account of the undertaking (SHPK/SHA) or the foundation that has created and financed it.

INSTAT is recommended:

To collect data on higher education and enable the provision of comparative information on the quality of HEIs for each academic year, in order to facilitate the choice of students, regarding:

- the level of employment of graduates by fields, and
- their profiles in the relevant domestic labor market.

COVID - 19

Wholesale and retail market of pre-medical materials

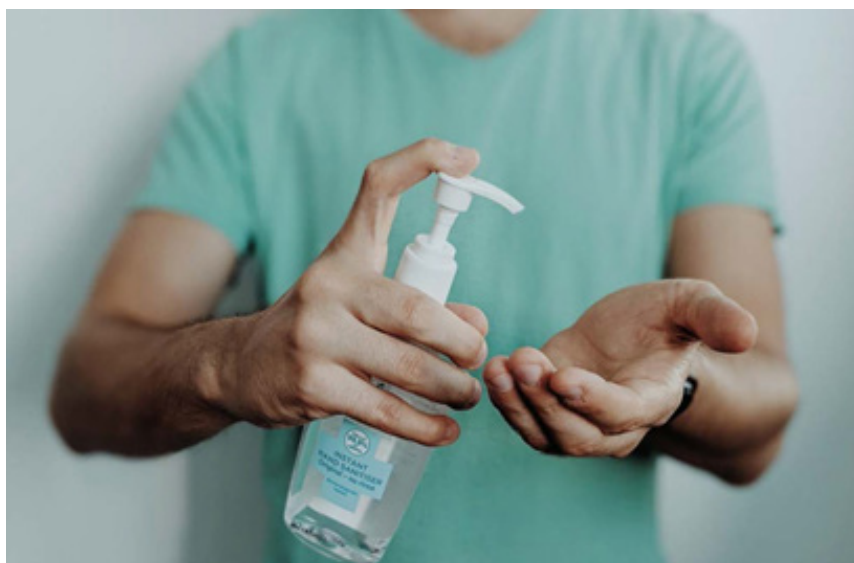
Following a significant number of complaints submitted to the Competition Authority regarding the price increase of pre-medical products, a monitoring was conducted in this market concerning the trade of hand disinfectants, alcohol and masks, for which consumer demand has increased as a result of the situation created by the COVID-19 pandemic.

The Competition Commission, by decisions no. 684 and no.685, dated 18.03.2020, decided: "On the opening of preliminary investigative procedures in the wholesale and retail market of pre-medical materials", and "On taking temporary measures to restore competition in the wholesale and retail market of pre-medical materials".

It was found from the monitoring that there was an unjustifiable price increase at all levels of trade of these materials.

Consequently, the Competition Commission decided, by decision no.717, dated 15.10.2020, to fine some companies for not implementing the temporary measures by continuing to unjustifiably increase the prices for pre-medical materials (hand sanitizers, alcohol and masks).

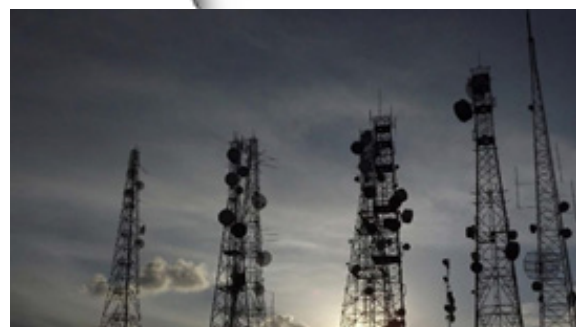
In these circumstances, the Competition Commission, by decision no. 716, dated 15.10.2020, decided "On the opening of the in-depth investigative procedures towards undertakings in the market of import and wholesale of masks, in the market of import, production and wholesale of alcohol and hand sanitizers, in the market of import and wholesale of thermometers".



Merger control

ABCom / Vodafone

The Competition Commission, by decision no. 676, dated 07.02.2020, authorized the concentration through acquisition of control of the undertaking ABCom SHPK by the undertaking Vodafone Albania SHA, with conditions and obligations. The undertakings are obliged to provide the division of economic accounts for fixed-line and mobile telephony services, and will be under monitoring for a period of 1 year.



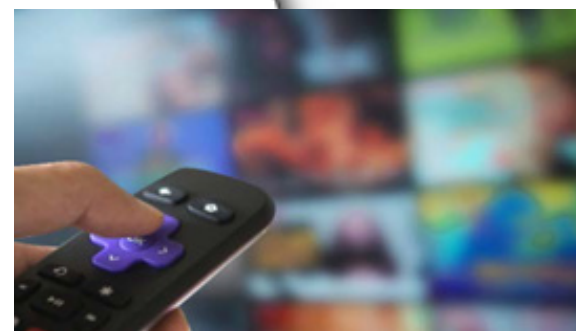
ALReg / Credins

The Competition Commission, by decision no. 686, dated 06.04.2020, "On the authorization of the concentration through purchase of 5% of shares of the undertaking Regjistri Shqiptar i Titujve Alreg SHA by the undertaking Banka Credins SHA" decided to authorize this concentration, as it was concluded that the transaction will not create a horizontal overlap between the purchasing party and the target company, and will not bring any change in the Albanian market.



APNet / ABCom

The Competition Commission, by decision no. 758, dated 28.12.2020, "On the authorization of the concentration realized through the acquisition of control of the undertaking ApNet SHPK by the undertaking ABCom SHPK" decided to authorize this concentration, as it was concluded that the transaction will not have a significant impact on the activity of ABCom as a whole and the combined market share of ABCom will not change after the concentration.



TIA / Kastrati

The Competition Commission, by decision no. 755, dated 09.12.2020, decided to authorize the concentration realized through the acquisition of control of the undertaking Tirana International Airport SHPK by Kastrati Group SHA, because no signs of restriction of competition were shown in the market as a whole or a part of it, as a result of the creation or strengthening of a dominant position. Kastrati Group SHA, as the purchasing company, must ensure compliance with Article 9 of law no. 9121/2003 "On Competition Protection", as amended, and will be under monitoring for a period of 1 (one) year.



Exclusive rights

Pharmaceuticals and medical equipment trade market

The medical equipment market is a new and dynamic market, due to the technological developments in the field of medical examination. From this perspective, it is necessary to assess the market restrictions following the grant of exclusive rights regarding the brands of medical equipment or their maintenance services.

There is asymmetric information in the market due to the relationship between the doctor and patients, the doctor and pharmaceutical manufacturers / importers, which can be one of the main causes of market failure in relation to supply and demand.

The Competition Commission, by decision no. 707, dated 23.09.2020, decided to open the preliminary investigative procedures in the pharmaceuticals and medical equipment market.



The market of loading-unloading, import, storage, and wholesale of liquefied petroleum gas (GLN)

The PIA, Romano Port and MBM port concessionaries are undertakings that have been granted exclusive rights by the state, through concession contracts in the ports where they operate.

Considering that the market is concentrated and has vertical integration, as well as the necessity to assess the behavior of these undertakings with a dominant position in the market of import, storage and wholesale of GLN, the Competition Commission, by decision no. 711, dated 8.10.2020, decided "On the opening of the in-depth investigative procedures in the market of loading-unloading, import, storage, and wholesale of GLN".



ACA facing court proceedings



Cases adjudicated in the Administrative Court of First Instance

During 2020, 3 (three) cases have been examined in the Administrative Court of First Instance in Tirana.

- **Litigation with claimant: Albanian Football Federation**

Object: Repeal of the CC decision no. 693, dated 14.05.2020, "On ascertaining the abuse of the dominant position of the Albanian Football Federation, regarding the economic activity that it conducts, and the provision of conditions and obligations".

The Administrative Court of First Instance dismissed the claim of the Albanian Football Federation.



- **Litigation with claimant: "Durrës Container Terminal" SHA**

Object: Repeal of paragraphs "I" dhe "II" of the CC decision no. 696, dated 11.06.2020, "On imposing a fine on the undertaking "Durrës Container Terminal" SHA for the abuse of dominant position in the market of loading and unloading of containers in the Durrës Container Terminal" and giving a recommendation to MIE dhe MFE".

The Administrative Court of First Instance dismissed the claim of the undertaking "Durrës Container Terminal" SHA.

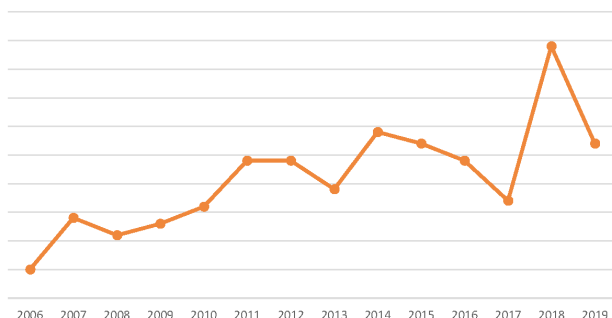


Cases to be tried by the Administrative Court of Appeal and the Supreme Court

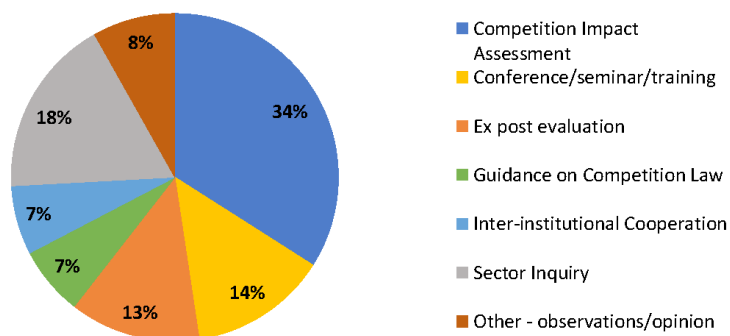
During 2020, no court cases related to the CC decisions have been examined by the Administrative Court of Appeal and the Supreme Court.



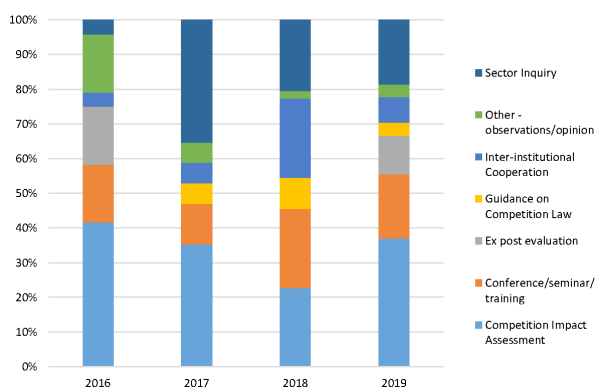
Competition Advocacy



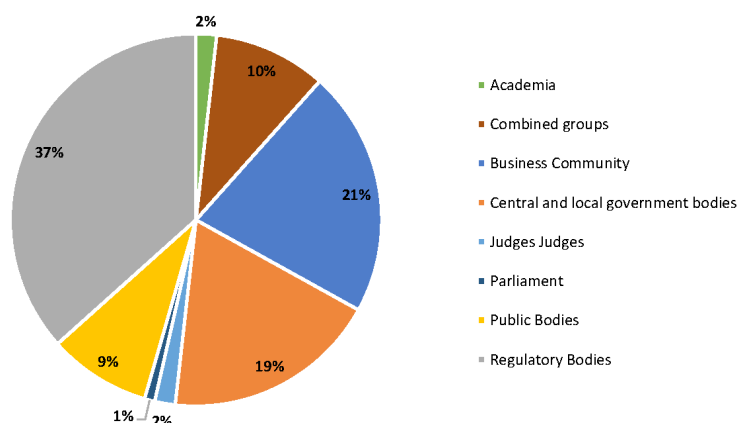
Number of advocacy initiatives from 2006 to 2019



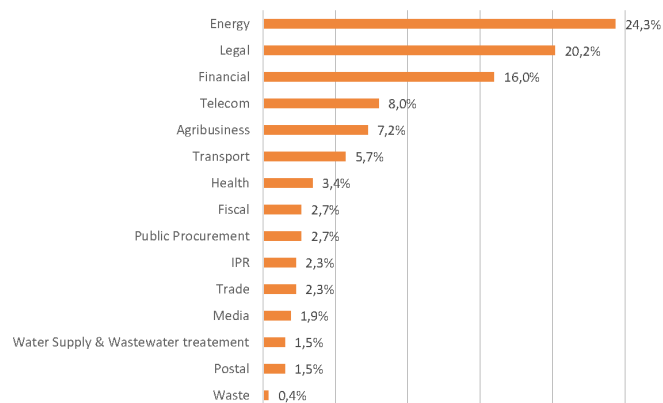
ACA's Competition Advocacy – by type (2006-2019)



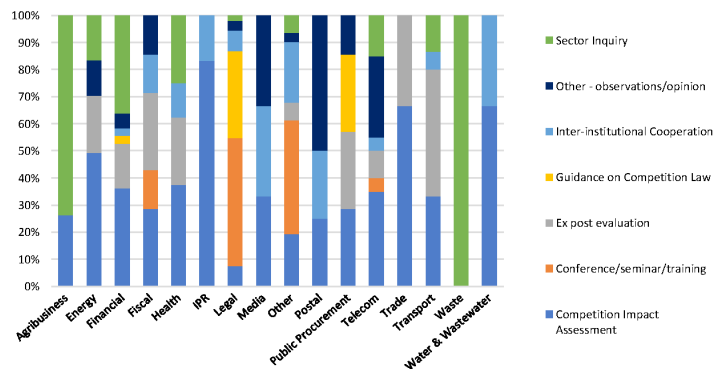
Distribution of ACA's advocacy initiatives from 2016 to 2019



ACA's Competition Advocacy – by target



ACA's Competition Advocacy – by sector (2006-2019)



ACA's Competition Advocacy – by sector and type of initiatives (2006-2019)

World Competition Day

On 5 December 2020, the Competition Authority organized the activity "Public promotion of competition law", through a video projection in the building of the University of Tirana for the World Competition Day.

December 5th marks the World Competition Day. On 5 December 1980 the United Nations General Assembly adopted the "Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices".

"The main challenge in market regulation and competition policy is to prohibit market players with a dominant position to engage in anticompetitive practices".¹

The Competition Authority considers this date as important for the promotion of competition, as well as awareness of market actors and stakeholders regarding the advantages of free and effective competition in the market.



It is worthwhile for consumers to get acquainted with the rules and principles of competition, in order to address the Competition Authority regarding issues which are subject to law no. 9121/2003 "On Competition Protection", as amended.

International cooperation

European Commission - EC



The Spanish National Commission of Markets and Competition - CNMC



ACA was the beneficiary of the Twinning Project with CNMC, within the IPA Twinning program funded by the European Commission: "Further strengthening the Competition Authority's capacities to protect free and effective competition in the market".

The project focused on 3 (three) main directions:

- Approximation of the national legal framework with European legislation.
- Strengthening the administrative capacity of ACA.
- The role of ACA regarding cooperation with different stakeholders.

Due to the Covid-19 pandemic, a significant part of the activities took place online through the Moodle platform.

The Spanish National Commission of Markets and Competition- CNMC



The Albanian Competition Authority and the Spanish National Commission of Markets and Competition signed a Memorandum of Understanding to promote cooperation in the field of competition policy and implementation of competition law, with the aim of creating favorable conditions for the development of bilateral relations, based on the principles of equality and mutual benefit.

European Bank for Reconstruction and Development - EBRD



During 2020, ACA was the beneficiary of the project "Technical assistance for the Albanian Competition Authority, capacity building, legislation drafting and advocacy support".

The following topics were the focus of the project:

- Analysis of concentrations and general investigations;
- STATA econometric program;
- Jurisprudence of the European Court of Justice;
- Drafting of the Document "Competition Advocacy and Communication Strategy".

CC, by decision no.757, dated 16.12.2020, approved the Document "Competition Advocacy and Communication Strategy".

The document is a **5-year Work Strategy** for ACA regarding the promotion of competition.

Regional Competition Center (OECD-GVH/RCC)



During 2020, the Albanian Competition Authority continued its cooperation with OECD-GVH/RCC through the ongoing training that this center offers to Central, Eastern and South-Eastern European countries:

On February 18th-20th, ACA participated in the training "Competition law enforcement and advocacy in the insurance and banking sector", in Budapest, Hungary.

The following trainings were held virtually:

- 1-2 July, "How competition policy responds to the crisis";
- 22-24 September, "Principles and procedures of competition law - Young staff";
- 15-16 December, "Competition policy to ensure a level of playing field between private and public firms".

The Competition Authority was also appointed to be featured in the OECD-GVH/RCC newsletter "Competition Policy for Southeast Europe, Within the Albanian Competition Authority".

Organisation for Economic Co-operation and Development - OECD



On February 25th and 26th 2020, ACA attended the following seminars:

- "Open Competition Day";
- "Vertical Agreements and Restraints".

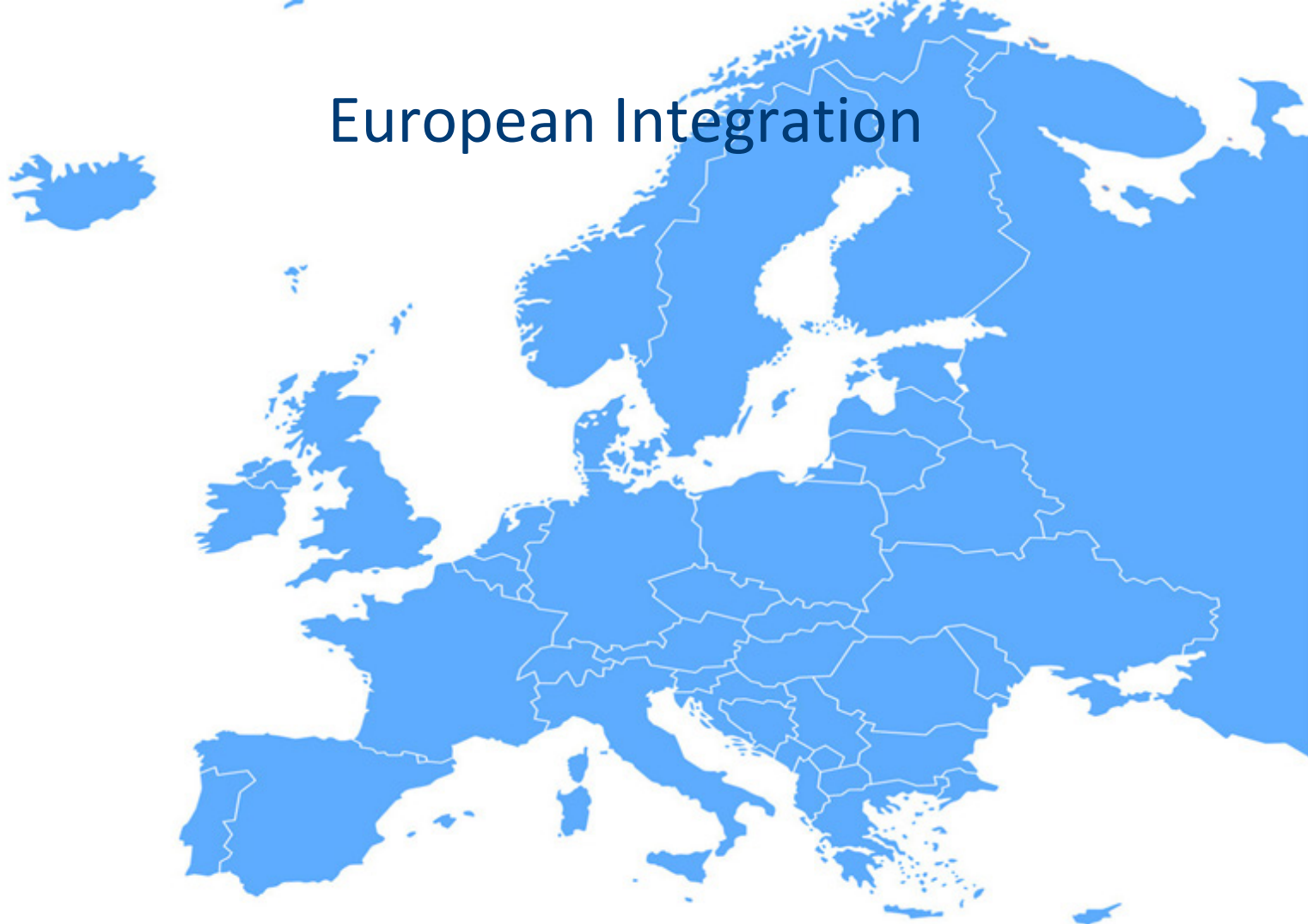
On December 7th – 10th 2020, OECD virtually delivered the 19th Global Competition Forum, where ACA presented its contribution in "Market studies to tackle emerging competition issues" session.



UNCTAD & Turkish Competition Authority

On December 15th – 16th, ACA was represented at the "Istanbul Competition Forum", organized by UNCTAD and the Turkish Competition Authority.

European Integration



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

In 2020, the Competition Authority, pursuant to Decision of Council of Ministers no. 422, dated 6.5.2020, is part of the Negotiating Group for the development of the accession negotiations of the Republic of Albania to the European Union.

Within the PKIE (2020-2022) framework, ACA has initiated working in cooperation with other institutions, also part of the PKIE, in order to identify the relevant acts to be aligned with the EU *acquis*.

During 2020, the IPA Twinning Project "Further strengthening the Competition Authority's capacities to protect free and effective competition in the market" was implemented, in cooperation with the Spanish National Commission for Markets and Competition.

Within the PKIE framework in the medium term, for years 2020-2022, regarding Chapter 8 "Competition Policy", ACA, in compliance with the deadlines, has completed the approximation of competition legislation with EU *acquis* through:

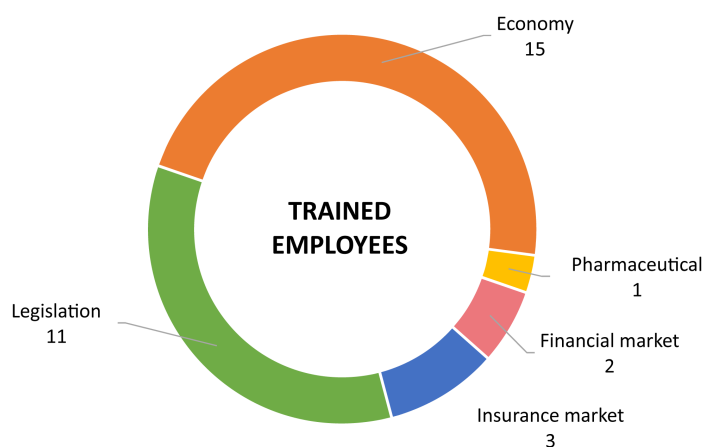
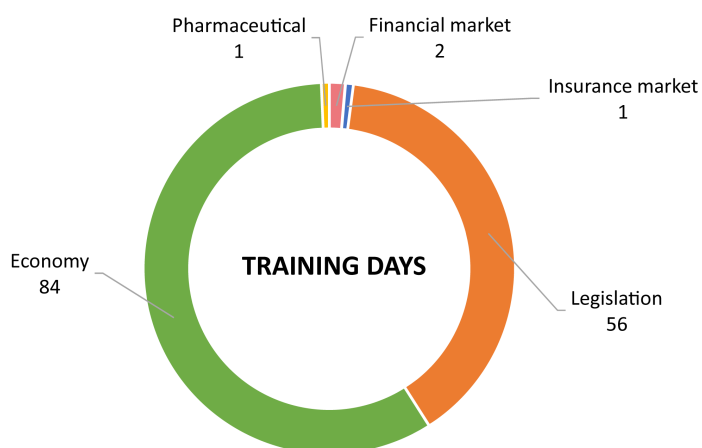
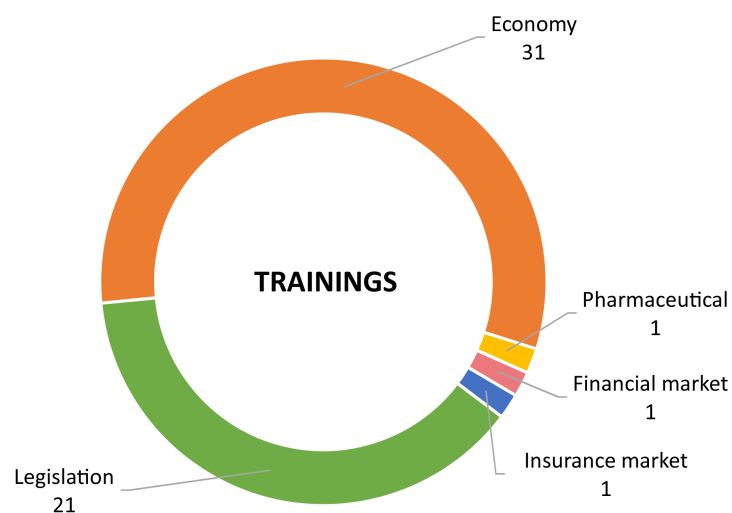
1. Guideline no. 4, dated 13.2.2020, "On best practices for the conduct of proceedings concerning the implementation of Articles 4 and 9 of law no. 9121/2003 "On Competition Protection", as amended".
2. Guideline no. 5, dated 18.3.2020, "On competition in the markets for electronic communications networks and services".
3. Guideline no. 6, dated 15.5.2020, "On confidentiality and access to file".
4. Guideline no. 7, dated 30.6.2020, "On empowering the Competition Authority to be as effective as possible in the implementation of law no. 9121/2003 "On Competition Protection", as amended, and to ensure the proper functioning of the market".



Human Capacities

During 2020, a total of 10 trainings were conducted abroad while 12 were conducted domestically, where a considerable number of **46 employees of the institution** were trained, with some employees being trained more than once.

All activities were **conducted within the international cooperation framework** of ACA with OECD-GVH/RCC. Meanwhile, trainings were conducted domestically by the School of Public Administration, as well as in the premises of the ACA for the IPA twinning project with the Spanish National Commission for Markets and Competition. Due to the Covid-19 pandemic, a considerable amount of trainings were conducted online.



2021 Priorities

①

The Competition Authority, in accordance with the purpose of law no. 9121/2003, for free and effective competition in the market, will continue the monitorings, investigations and analysis in sensitive markets and markets with direct impact to the Albanian consumer welfare, as following:



- mobile services market;
- energy market;
- hydrocarbon market;
- financial market;
- insurance market;
- pharmaceutical market (medicines and medical equipment);
- market of pre-medical products (masks, alcohol, hand sanitizer, thermometer);
- hospital services market;
- public procurement market.



②

During 2021, the priorities of ACA, in line with those of EU Member States, will be the analysis and study of new markets/sectors:



- digital economy sector;
- audiovisual media market;
- port services market.



③

The focus of the ACA throughout 2021 will be on the personal data protection and competition, as a matter of particular importance in the agenda of the counterpart Competition Authorities in the EU, as well as of the DG Competition.

Institutional alignment with EU standards and practices



1. **Proposal of legal amendments to law no. 9121/2003 “On Competition Protection”**, as amended, pursuant to Directive (EU) 2019/1 of the European Parliament and of the Council of 11 December 2018 - (ECN +) “On the empowerment of the Competition Authorities of the Member States to be more effective enforcers and to ensure the proper functioning of the internal market”, realized within the IPA Twinning Project between ACA and CNMC.



2. **Implementation of the Document “Competition Advocacy and Communication Strategy”.**



3. **Increase of the number of technical staff** by 4 (four) inspectors, in order to monitor, investigate and analyze the emerging and diverse markets and sectors of the Albanian economy, within the role of ACA as a leading institution and coordinator of Chapter 8 “Competition Policy” of the SAA.



4. **Strengthening of administrative capacity**, through training of new and existing staff in order to increase the quality of monitoring, inspection, drafting of reports, analysis, defense of CC decisions in court proceedings at all levels of the judiciary.

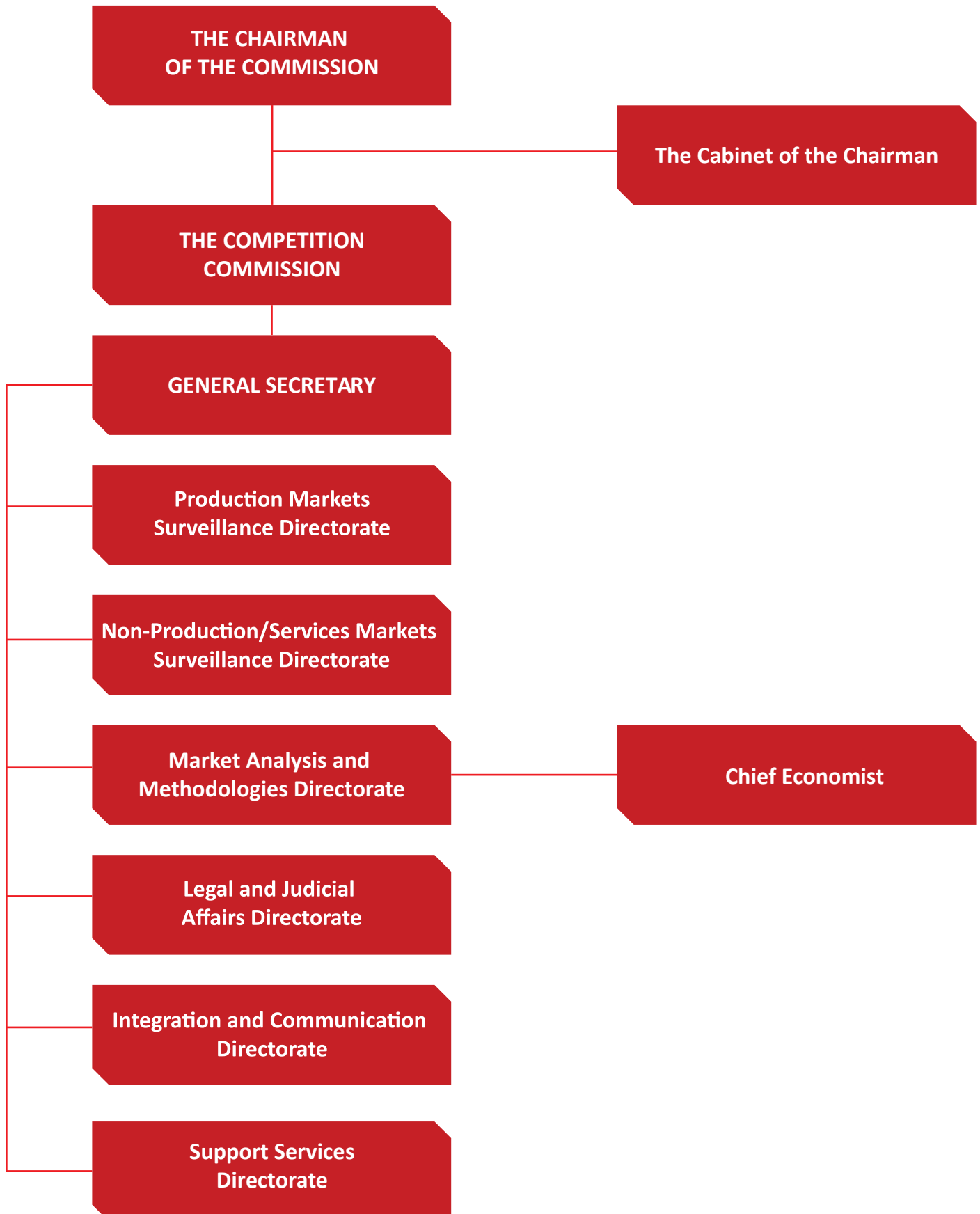


5. Appropriate and significant **addressing of sensitive issues** (handling of complaints), as well as intensification of cooperation with regulatory entities.



6. **Implementation of PKIE (2021-2023)**, and obligations deriving from the SAA, as a leader of the 8th chapter “Competition Policy”, and active participation in the Negotiating Group for the development of the accession negotiations of the Republic of Albania to the European Union.

The ACA organisational structure



The information and data present in this document are simply of an indicative nature, for the purpose of informing the public about the activity of the Competition Authority.

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