

RESOLUTION OF THE PARLIAMENT

ON THE EVALUATION OF THE ACTIVITY OF THE COMPETITION AUTHORITY FOR 2020

The Parliament of Albania:

- Assessing the role of the Competition Authority in ensuring a free and effective competition in the market, pursuant to law no. 9121, dated 28.7.2003 “On competition protection”, as amended;
- Recognizing the cooperation of this Authority with central and regulatory institutions for acts that may affect the functioning of competition in markets;
- Considering that the well-functioning of markets requires the involvement of all market actors and factors to make them competitive and as open as possible, aiming at consumer welfare,

Commends the activity of the Competition Authority during 2020 towards:

- The maximum commitment of the Competition Authority for the normal development of the institution’s activity, despite the difficult conditions created as a result of the Covid-19 pandemic, which is reflected in the approval of 87 decisions.
- The continuous monitoring together with other supervisory authorities, of concentrations authorized during 2019 in two of the markets with direct impact in the interests and well-being of the consumers, such as the mobile phone market and the financial market, in order to assess the effects that the change of control of the respective companies would bring to the market.
- The completion of investigative procedures in the 5 markets that have been investigated during 2019, for which there are reasonable suspicions of cases of abuse of dominant positions or prohibited agreements were found, such as: the market of banking services, the market of economic activities carried out by the Albanian Football Federation, the market of import of wheat , the market of production and trading of crude oil, the market of storage and diversion of electricity, as well as the completion of the general investigation in the higher education sector, accompanied with the respective obligations and recommendations for private and public HEIs, recommendations given to MESY and INSTAT.
- Increasing the number of investigations in traditional markets, as well as launching investigations in new markets very sensitive to the general public, such as the market of retail and wholesale of paramedical materials, whose demand has significantly increased as a result of the pandemic.
- Further approximation of the competition regulatory framework with the EU directives, by drafting and approving four bylaws in the form of guidelines during 2020, where among the most important is the adoption of the directive of the European Parliament and of the Council, ECN+ “On strengthening 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”, which provides assurance that the Competition Authority has all the appropriate tools to implement the competition law, providing guarantees and standards in its activity, as well as the other acts that will come in aid of undertakings, consumers and the general public in terms of issues related to competition in the markets of networks and electronic communication services, with best practices for carrying out procedures for the implementation of competition rules which are related to confidentiality and access to the Commissions files.
- Contributing to the Parliament and other institutions regarding the evaluation of legal and sub-legal acts, where for 2020 the Authority has evaluated a total of 37 acts. Pf which 3 draft

laws, 4 normative drafts, 24 bylaws in the energy market, 4 bylaws in the water supply and wastewater treatment sector as well as the Strategic Document and the Action Plan of AMA.

- Continuous training of the staff realized within the international cooperation framework through EBRD and IPA the projects, enabling the development of 12 trainings within the country and 10 trainings abroad, as well as an active participation in international organizations such as: UNCTAD, OECD/RCC, ICN, etc.

- Improvement over the years of the efforts of the institution in terms of advocacy towards many market participants, such as: consumers, business community and state institutions, where the document “Competition Advocacy and communication strategy” has been drafted and approved in cooperation with the technical assistance project provided by EBRD, the realization on December 5th of the “National Competition Day” and the signing of the Memorandum of Cooperation with the Information and Data Protection Commissioner.

- Prosecution of 3 lawsuits during 2020 where the Authority is sued by undertakings which by decision of the Commission have been found to be in abuse of dominant position and from which the administrative court of first instance has upheld the decision of the Authority.

- Giving concrete recommendations to regulatory bodies and central administration institutions, as well as enriching the Online Parliamentary Platform with these recommendations by continuously updating their status.

The Parliament requests the Competition Authority to engage in these directions for 2021:

- To continue monitoring's, investigations and analysis in sensitive markets with direct impact on consumer welfare, but also for other markets referring to similar practices of EU countries such as the audiovisual media market, port services and the sector of digital economy.

- To submit to the Parliament, within 2021, law no. 9121, dated 28.7.2003 "On the protection of competition", as amended.

- To further expand the intervention in the legislative process by not focusing in the evaluation of the draft of a new legal proposal, but also on the evaluation of existing legislation, in order to identify the undesirable consequences that a law may have had, by harmonizing this intervention at the national and local level.

- To be active and involved in the advocacy of reforms that promote competition in public procurement procedures and the issuing of state aid, contributing directly in saved income which allow the increase of expenses in other areas of the budget.

- To organize more trainings/seminars in the field of public procurement for contracting authorities and the business community, in order to guide toward the optimal design of public procurement procedures, to avoid prohibited agreements and bid rigging and to raise awareness in the importance of competition in public procurement.

- To create effective consulting mechanisms with businesses and social partners to ensure transparency and predictability of supporting measures and the legislation in the field of competition.

- To increase efforts for the further development of competition culture with particular focus on the academia, with the aim of ensuring a generation of professionals who will be trained in the areas of competition law and economy, and equipped with knowledge to address competition policies and regulatory issues.