

The Code of Ethics Competition Authority

Pursuant to Article 24 of Law no 9121 of 28.07.2003 “On Competition Protection”, taking account of Law no 8549 of 11.11.1999 “On Civil Servants”, Law no 9131 of 08.09.2003 “On the Public Administration Rules of Ethics”, Law no 9367 of 07.04.2005 “On Preventing the Conflict of Interest while Exerting Public Functions”, Law no 9121 of 28.07.2003 “On Competition Protection”, Law no 8484 of 12.05.1999 “On the Administrative Procedure Code”, as well as the experience of the competition authorities of EU member countries,

The Competition Commission approves this Code of Ethics:

Article 1

Purpose

The purpose of this Code is to set general standards for the activity of the Competition Authority, compliant to the mission of this independent institution in exerting its activity in function of development and protection of free and effective competition in the market.

Article 2

Scope of Application

- 2.1. This Code of Ethics is applicable for all the officials of the Competition Authority.
- 2.2. In the understanding of this Code, the term "official" means:
 - a) Members of the Competition Commission;
 - b) Cabinet staff;
 - c) Civil servants;
 - d) Staff or collaborators with a temporary contract.

Article 3

General provisions

- 3.1. While exerting his/her tasks, the official works to reach the highest standards of the professional and personal ethics, compliant to the legislation in power.
- 3.2. The provisions of this Code are based upon and meet the general principles, as those of justice, parity, lawfulness, impartiality, responsibility, proportionality, efficiency, protection of state secrecy and confidentiality, as well as other principles stipulated

in Law no 9121 of 08.7.2003 “On Competition Protection”, Administrative Procedure Code, Law no 9131 of 08.09.2003, “On the rules of ethics in public administration”, and Law no 9367 of 7.4.2005, “On Preventing Conflict of Interests while Exerting Public Functions”.

Article 4

General principles

- 4.1. The official carries out his/her tasks with responsibility, professionalism, devotion and decisiveness, dedicating the appropriate time and energy to them.
- 4.2. The official acts impartially, avoid unfair favors, presents or any other type of profit that affects or can potentially affect impartiality while exercising his/her tasks and is transparent while taking decisions. The official should be cautious as to avoid misunderstandings and the negative consequences to the reputation of his/her institution or staff.
- 4.3. During performance of tasks charged by law, the official shall create a relation of trust and cooperation between peers and third parties. To this end, both in the written and verbal communication, the official shall be polite, ready to cooperate and to reply the soonest possible. The official shall use a simple language and reason his/her replies, cooperating in recognizing and resolving various problems.

Article 5

Prohibition of discrimination

Any distinction on such grounds as race, nationality, age, disability, gender, civil status, family connections, social origin, religion, sexual inclinations, and political affinity in all the activity of the Competition Authority is prohibited.

Article 6

Principle of impartiality

- 6.1. While exercising his/her activities, the official does honestly and impartially treat all the entities he/she enters into relations with.
- 6.2. While performing his/her tasks, the official:
 - a) does not undertake tasks and does not issue instructions or promises regarding the issues falling under the competency of the Authority bodies;
 - b) does not take part in non-official meetings with entities interested in issues under consideration, if such meetings are not duly authorized by his supervisor.

- c) does not meet entities interested in the activity of the Authority, unless at least another official is present;
- 6.3. The official finding himself/herself in the above situations or who can be found in such situations in the future, shall notify the direct supervisor or the Commission for such occurrences/potential occurrences.
- 6.4. The official can be a member of various political and non-political organizations. At any case, the political viewpoints of the official or his/her opinions on politics shall be clearly expressed as individual viewpoints, and in no case in his/her function as a staff of the Authority.

Article 7

Conflict of Interest

- 7.1. The Commission member and the employee shall not take decisions or carry out activities that compose a conflict of interest while performing their tasks.
- 7.2. In the understanding of this Code of Ethics, a conflict of interest is the situation in which the official has a direct or indirect interest into, that affects, can affect or seem to affect an unfair performance of his/her public tasks and responsibilities.

The conflict of interest includes some other definitions, according to the various types of its appearance, such as:

- a) “case-by-case interest” is the situation with the conflict of interest in one of the following forms, which appears in a case-by-case basis and is related to a specific decision-making.
 - b) “Factual conflict of interest” is the situation in which private interests of the official affect, have affected or can affect an unfair performance of the tasks and responsibilities assigned to the official.
 - c) “Visual conflict of interest” is the situation in which the interests of the official seem in appearance or form to have affected, affect or potentially affect the ability to fairly perform the tasks and responsibilities of an official.
 - d) “Potential conflict of interest” is the situation in which the interests of an official can in the future cause a factual or visual conflict of interest if the official would be involved in certain tasks or responsibilities.
- 7.3. The official, when found in the above situations, reports to his/her direct supervisor, to the title-holder of the personnel unit or the Commission, which take appropriate measures as per the procedures and modalities provided for in Law no 9367 of 7.4.2005 “On Prevention of the Conflict of Interest while Exerting Public Functions” and in Law no. 9131 of 08.09.2003, “On the Rules of Ethics in Public Administration”.

Article 8

Presents or other profits

- 8.1. The official shall not accept for himself/herself or others presents or other items of an economic value from any entity, which interests are affected, can be affected or seems to be affected by the activity of the Authority, except for presents of a symbolic value.
- 8.2. With regards to the reaction to such presents and offers, the criteria and procedures provided for in Law no 9131 of 08.09.2003, “On the Rules of Ethics in Public Administration” are taken into account, and denunciation to the responsible bodies is made if so deemed necessary.

Article 9

Protection of personality of the official

- 9.1. Any official protects and respects the personality of his/her colleagues, dependents and supervisors during working relations. He/she must prevent any action or behavior infringing the dignity of others.
- 9.2. The official is prohibited to carry out any action of sexual harassment to the colleagues, dependants, superiors or third parties. In the understanding of this Code, sexual harassment is considered to be any action carried out by an official asking for favors of a sexual nature using his/her influence or position in the Authority.
- 9.3. The official, and in particular officials in leading positions take care of avoiding cases of sexual harassment at work or due to work in the Competition Authority. The official does immediately report any case of sexual harassment or any change of such a situation to the Chairman of the Competition Authority Commission.

Article 10

Use of information

- 10.1. The official shall not use for reasons of personal profits information that he/she ensures or has ensured while performing his/her duty. This rule shall be applied even after termination of the task, for as long as the institution does not render such information public.
- 10.2. The official shall not make public outside the institution issues examined by the Authority and shall not issue opinions or judgments on such issues if he/she has no relevant authorization by the title-holder of the institution.

10.3. The official shall not give information enabling the identification of other officials who are directly included in the relevant issue.

10.4. The official shall not issue information about measures taken or to be taken regarding the issues under consideration prior to their final approval by the Authority and before they are officially communicated to the parties.

10.5. The official takes care that the information he/she gets to know or has known because of his/her task: a) is preserved safely; b) is shared only with the other officials of the Competition Authority that need such information to do their job.

Article 11

Relations with press and electronic media

11.1. Officials can make public declarations about general competition issues or the activity of the Competition Authority. These declarations should put no prejudice on the investigation and decision-making activity of Competition Commission Secretariat.

11.2. The supervisor or the Competition Commission shall be notified immediately about explanations required by the media regarding the activity of the Competition Authority.

Article 12

Other activities

The official cannot carry out activities that are manifestly in breach of his/her functional tasks.

Article 13

Behavior in social life

13.1. The official shall not use the position he/she has in the Authority to profit goods he/she does not deserve. In relation with third parties, he/she avoids to declare or imply this position in all the cases when such mentioning does not reply to the objective requests.

13.2. The official requires no personal profit he/she is not entitled to according to the Law through the use of his/her status as a staff of the Authority.

13.3. The Official does not enter into relations that might compromise the independence of his/her judgment with persons connected to the issue under consideration by the Authority.

Article 14

Protection of assets of the institution

All the officials shall take care of protecting the assets of the institution and of using them efficiently.

Article 15
Sanctions and obligation for information

15.1. Any official is obligated to be aware of and apply this Code of Ethics while exerting his functions. Failure to apply this Code leads to disciplinary responsibility as per the relevant legislation, and in particular Law no. 9121 of 28.7.2003 "On Competition Protection", Code of Labor of the Republic of Albania" and Law no 8549, of 11.11.1999 "On Civil Servants".

15.2. Any official is obligated to inform the Commission or the Secretary General of any violations or suspicion of violation of this Code.