

# ANNUAL REPORT 2018

*Main priorities for 2019*

## Executive Summary



COMPETITION  
AUTHORITY  
OF ALBANIA



“

**Competition** plays a role not only on price  
but also on quality, service  
and **variety** of supply.

**The Albanian Competition Authority:**  
sanctions, controls and clarifies:  
It is **the referee of competition's game.**

”

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# MISSION

Control of mergers and  
acquisitions

Investigation of anti-  
competitive conducts

Review of exclusive rights

Promotion of Competition  
advocacy

30''

STATUS *Independent  
Public  
Institution*

**5** Commissioners

**43** Staff

60 Staff training  
days

### 03 May 2018

Resolution of the Assembly of Albania on the evaluation of the activity of the ACA for 2017

### June 19-20, 2018

In cooperation with "OECD-GVH / RCC", ACA held a 3-day seminar in Tirana "On Concentration Control", with representatives from 27 Competitiveness Authorities from Europe and Asia.

### 25 October 2018

Regulation "On the organization and functioning of the activity of the Competition Authority"

### 14 December 2018

The Forum "Competition and Business", in cooperation with the Parliament of the Republic of Albania, regulatory bodies (AKEP, ERE, Commissioner IDP), and business representatives (Konfindustria, Tirana Chamber of Commerce and Industry and representatives of legal studios).

### 04 September 2018

CC decided to take temporary measures against the undertaking "EKMA Albania" LTD for restoring the competition in the rental market for storage and trading of agro-food products in the city of Tirana.

### 25 October 2018

Placing fines and liabilities on "SGS Automotive Albania" LTD in the market of the mandatory technical control of motor vehicles and their trailers in the Republic of Albania

### 22 November 2018

Authorization of concentration in the banking market obtained through the sale of 88.89% of shares of Societe Generale Albania S.A from Societe Generale to OTP Bank Nyrt.

### 24 dhjetor 2018

Execution of the fine imposed by CC's decision no. 562, dated 15.10.2018 "On the imposition of fines and obligations to the undertaking "SGS Automotive Albania" LTD in the market for the mandatory technical control of motor vehicles and their trailers in the Republic of Albania".

***Revenues collected from the fines, together with the revenue from the authorization of concertation results to be 3,5 times higher than the entire budget of the institution.***

to understand  
THE AUTHORITY

PROCEEDS

284

million ALL

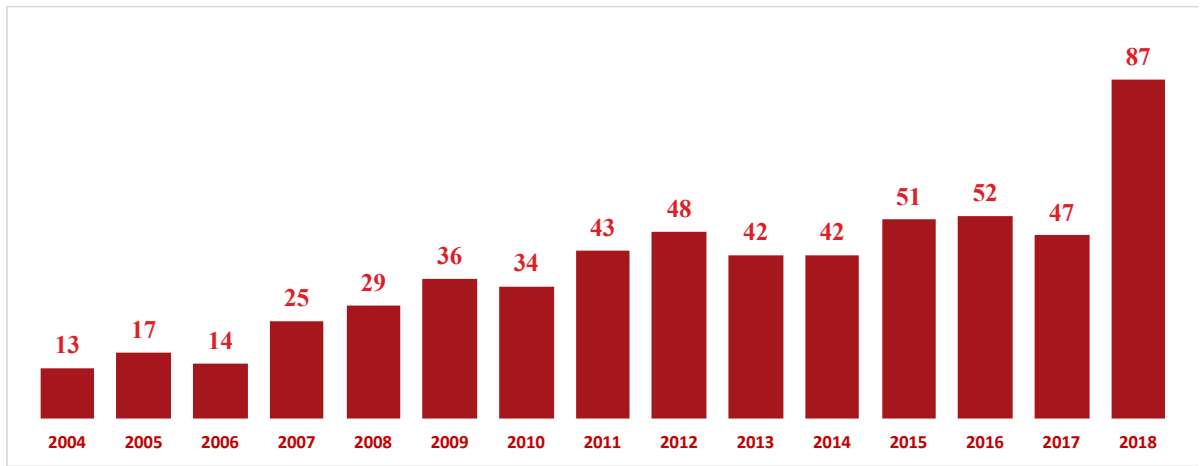
Fees from merger notification  
filings and fines

BUDGET

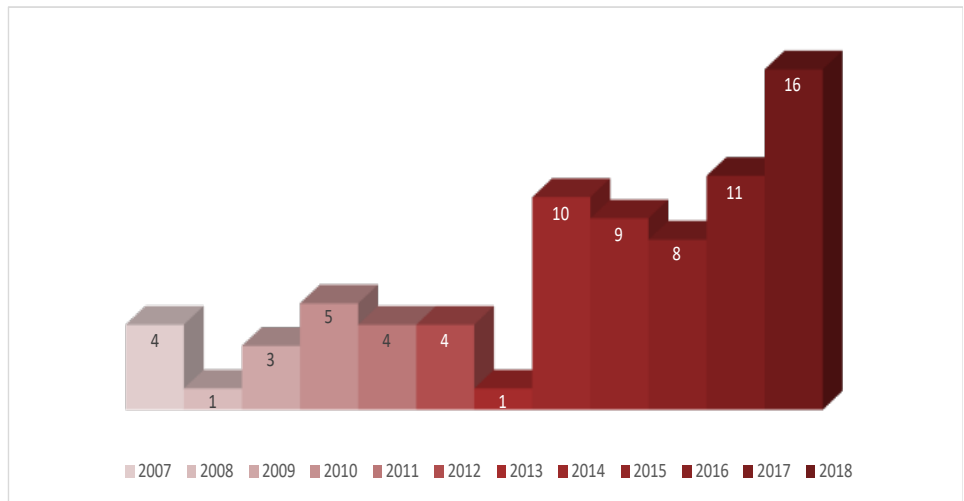
80

million ALL

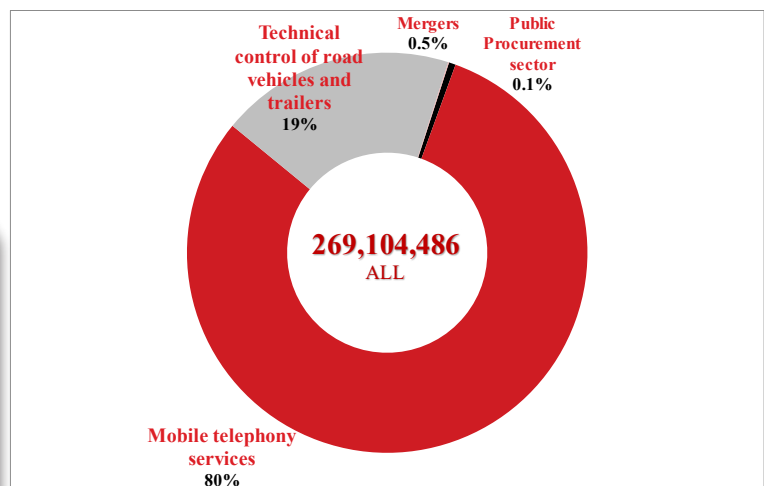
Budget 2018



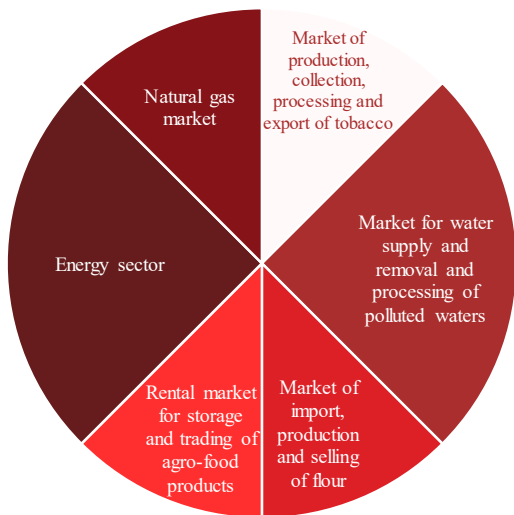
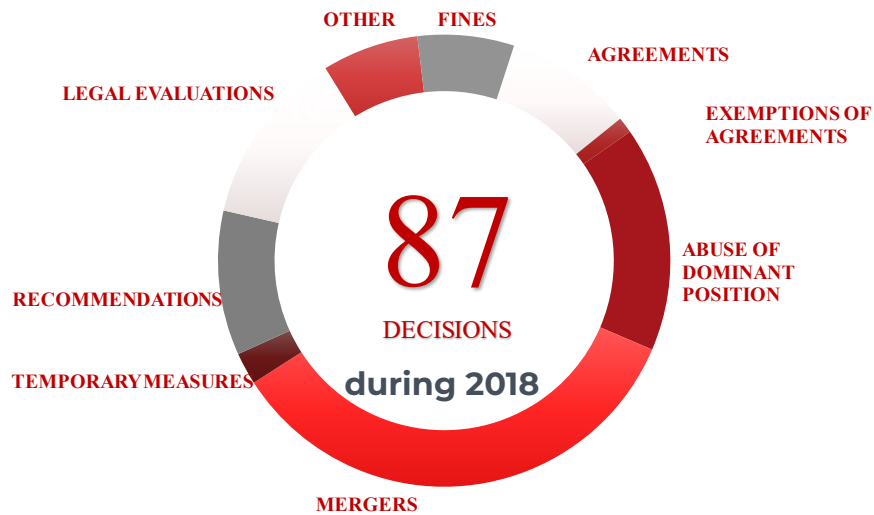
**Total decisions / year**



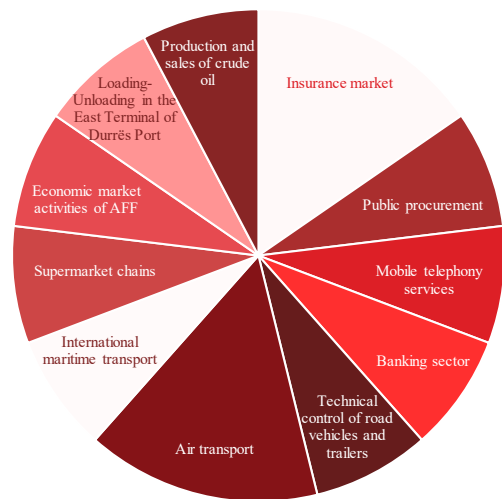
**Investigative procedures / year**



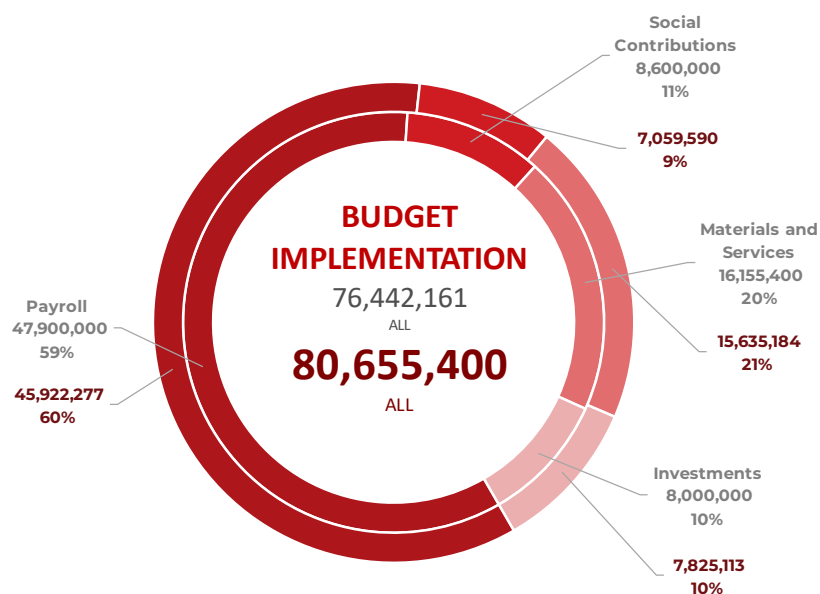
**Fines collected during 2018, by market**



**Production markets cases / 2018**



**Non-production markets / 2018**



**Budget 2018**





# INTRODUCTORY REMARKS BY THE CHAIRWOMAN OF ACA

The year 2018 coincides with a very complex and challenging period of activity for the Competition Authority in the fulfillment of the legal obligations deriving from the law no. 9121 / 2003 "On Protection of Competition", as amended. As in the past, throughout the year, the central focus of the institution's activity has been the mission to ensure the respecting of fair play rules by all market participants.

**Our activity has been multi-dimensional.** It has been materialized in a considerable number of decisions taken by the Competition Commission, the decision-making body of the Authority. In concrete terms, 87 decisions were taken during 2018, or twice as many as in 2017. In summary, decision-making has consisted of a number of findings in the form of recommendations, authorizations, legal assessments, interim measures including penalties.

Focusing on the above mentioned, it should be emphasized that in 2018, 6 fines were imposed, which enabled the collection and pouring of 269 million ALL to the state budget. For the first time in the Authority's activity, revenues collected from the fines, together with the revenue from the authorization of concentrations results to be 3.5 times higher than the entire institution's budget.

Another important activity of the institution has been the follow-up of the recommendations given by the Assembly of Albania in the Resolution "On Evaluating the Activity of the Competition Authority for 2017" dated 03.05.2018. From this point of view, the Authority has managed to address all the given recommendations, from which the ongoing monitoring of the activity of undertakings **with exclusive and special rights** given to them by the state, in order to identify and avoid monopolistic situations.

The institution's activity has also been focused on fulfilling the legal mission in formulating and implementing other policies, as well as in the advocacy of free competition. Part of this activity was the Authority's contribution in the evaluation of a number of documents of legal and sub legal nature, aiming the strengthening of market competition, minimizing abuse of dominant position and reducing concentration in the economy.

Special attention has been paid by the Authority to the communication with the various interest groups and important state authorities. In all cases, the Authority has been able to ensure that communication is as transparent and tailored according to the main characteristics of each interest group. The Authority has been able to establish effective cooperation and mutual information exchange with its international counterparts. International co-operation is considered important, especially in terms of increasing expertise, updating the current trends and enhancing its reputation. Part of international co-operation has been the uninterrupted engagement of the institution in the **function of the country's European integration process.**

The dynamics of economic and financial developments in the country, together with its major objectives in relation to its European future, create an overall continuously challenging environment for all important institutional actors in the area of decision-making and regulation.

The Competition Authority makes no exception. Its unique mission to ensure free and effective competition in the market will remain the major priority of our work in 2019. The authority will remain a committed advocate of free competition and consumer interests, believing that this will only fulfill the ultimate goal of more development and prosperity for all.

Thank you,

**Prof.Dr. Juliana Latifi**

# Secondary legislation

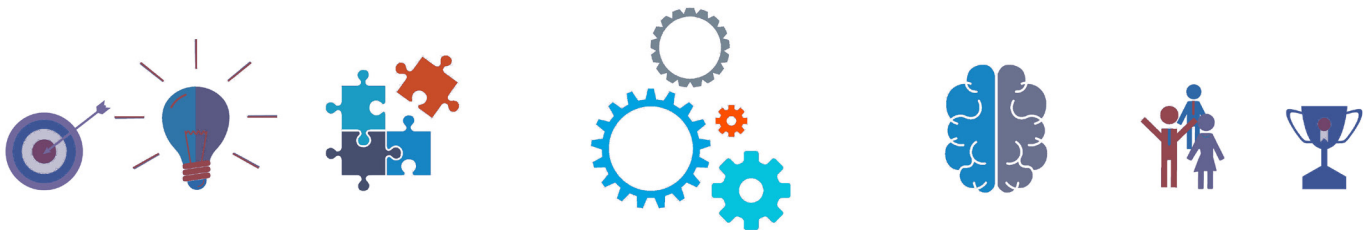
## Guideline no. 1, dated 25.06.2018 “On restrictions directly related and necessary to mergers”

The guideline is fully aligned with the Commission's Notice on restrictions directly related and necessary to concentrations. (2005/C 56/03).

The Guideline aims to provide interested undertakings with legal certainty by interpreting the concepts of the necessary constraints directly related to concentrations.

The provisions of the Guideline reflect the essence of the practices of the European Commission and lay down the principles for the assessment and authorization of mergers by the National Authorities.

**28 by-laws, transposed into domestic legislation and aligned with the acquis of the EU, in the framework of Chapter 8 of the SAA “Competition and Liberalization”.**



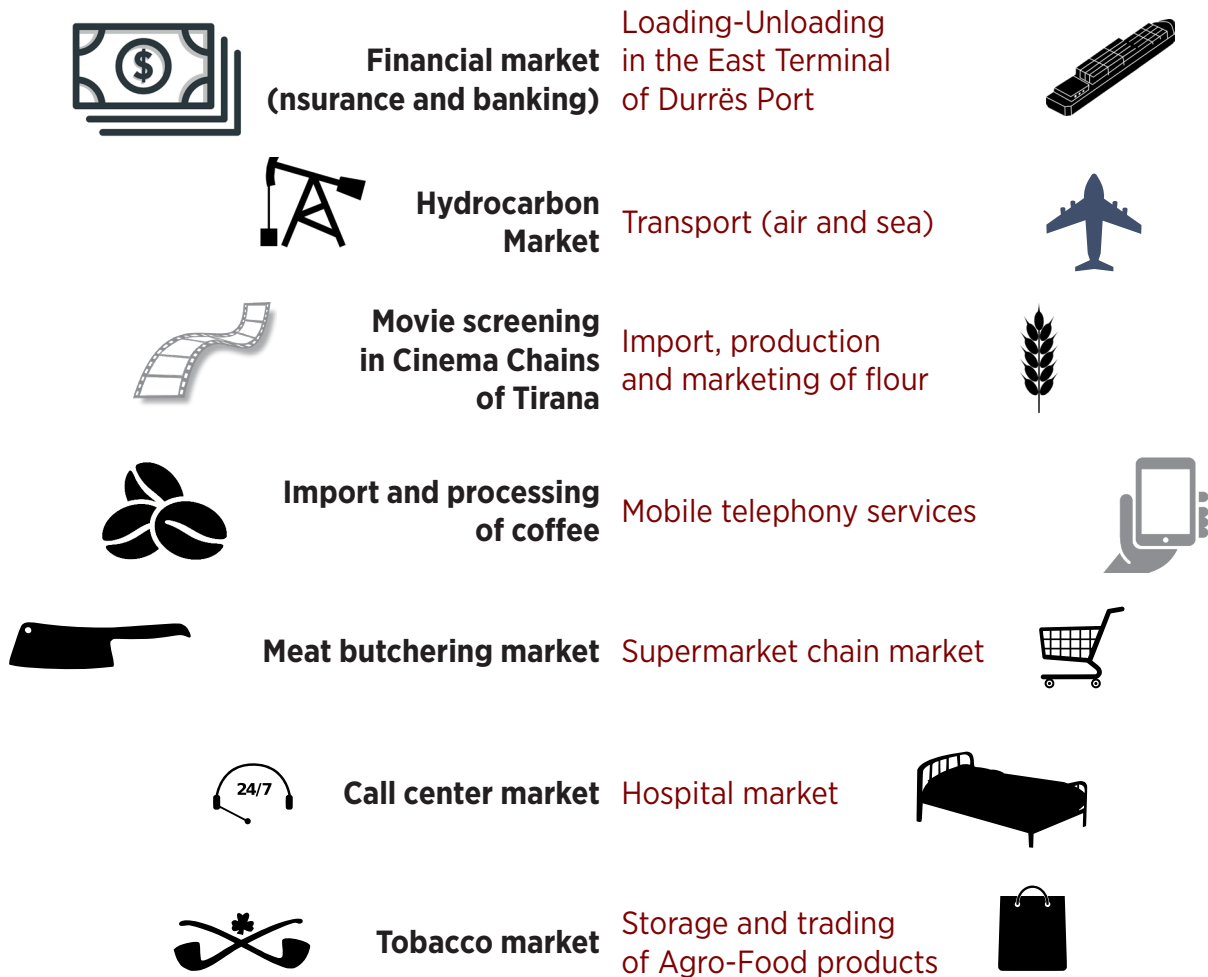
**Guideline no. 2, dated 20.12.2018 “On the implementation of competition rules in the assessment of access agreements in the telecommunications sector”**

This guidance has been drafted in accordance with the notice on the application of competition rules in the evaluation of agreements in the telecommunications sector. It aims at further aligning the Albanian legislation with the European legislation in the competition area, clarifying the assessment of certain agreements in the telecommunications sector, (Directive 2014/104/EU of the European Parliament and of the Council of 26 November 2014 “On certain rules governing actions for damages under national law for infringements of the competition law provisions of the Member States and of the European Union”).

# Market monitoring

ACA, pursuant to article 28 of Law no. 9121/2003, conducts market monitoring and analysis, with the purpose of developing free and effective competition in the market.

Competitive elements such as: the structure of the market, the dynamics of it's development, conduct of market participants in regards to their competitors, consumers, as well as legal and economic barriers for the new entrants in the market, are evaluated through market monitoring.



# Investigative procedures



## Mobile telephony services retail market

CC, through decision no. 475, dated 21.09.2017, decided to close the preliminary investigation procedure in the retail market for mobile services and to give some recommendations to AKEP and KMK. Pursuant to point 3 of the provision of this decision, undertakings operating in the mobile telephony market shall take measures for applying and publishing the unit price per service (ALL / min. , ALL / sms, ALL / MB, etc.) that standard bundles contain, by informing ACA within 90 days from entry into force of this decision.

Referring to the foregoing obligation, it results that the undertakings "Vodafone Albania" JSC and "Telekom Albania" JSC, until 21 December 2017, which coincides with the deadline set by the CC to enforce the obligation under point 3 of CC's decision no. 475, dated 21.09.2017, did not submit any information to the ACA regarding the measures taken for the application and publication of the unit price for each service (lekë / min, lekë / sms, lekë / MB, etc.) contained by the standard bundles.

As mentioned above, CC, through decision no. 495, dated 08.02.2018 "On imposing fines to "Vodafone Albania" SHA and "Telekom Albania" SHA for not fulfilling the obligation imposed by the Competition Commission by decision no. 475, dated 21.09.2017", decided:

1. The finding of non-fulfillment of the obligations imposed by the Competition Commission by decision no. 475, dated 21.09.2017 to "Vodafone Albania" JSC and "Telekom Albania" JSC;
2. To impose fines on the undertakings "Vodafone Albania" JSC and "Telekom Albania" JSC for serious competition restrictions, based on Article 74 of Law no. 9121/2003, to 0,02% of the turnover of the previous financial year of each undertaking, respectively in the amount of 3,011,173 (three million and one hundred seventy-three) ALL for "Vodafone Albania" JSC and in the amount of 1,779,108 (one million seven hundred seventy-nine thousand and one hundred eight) ALL for "Telekom Albania" JSC.

The fine imposed by the CC with the above decision is fully executed.



## Public Procurement Market

CC with decision no. 500, dated 07.03.2018, decided to open a preliminary investigation procedure in the public procurement market for the undertakings "Tea-D" LTD and "A.E. K & CO" LTD.

After evaluating all the administered documentation, signs of restriction of competition regarding the behavior of undertakings "Tea-D" LTD and "A.E. K & CO" LTD were found.

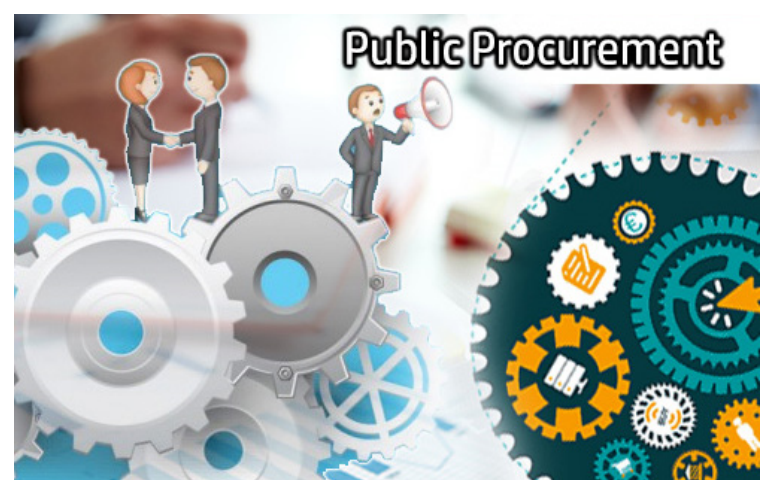
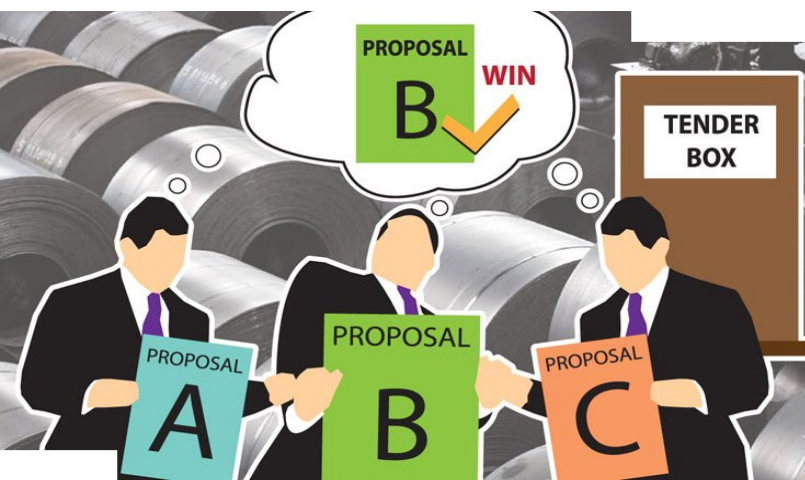
The agreement reached in the public procurement procedure "Request for Proposal" with the object "Repair of the office premises of the Administrative Unit of Lukovë" in the Municipality of Himara between these undertakings constitutes a prohibited agreement within the meaning of article 4, paragraph 1, letter (a) of Law no. 9121/2003.

CC by decision no. 535, dated 17.7.2018 "On imposing fines on 'Tea-D' LTD and "A.E.K. & CO" LTD due to prohibited agreements in the public procurement sector" decided:

- The finding of the invalidity of the prohibited agreement between the undertakings "Tea-D" LLC and "A.E. K & CO" LTD in the public procurement procedure "Request for Proposal" with the object "Repairs of the office premises of the Administrative Unit Lukovë" in the Municipality of Himara;

- To impose fines on the undertakings "Tea-D" LTD and "A.E. K & CO" LTD for restriction of competition, namely Article 4, point 1, letter (a) of Law no. 9121/2003, for "Tea-D" LTD in the amount 100,000 (one hundred thousand) ALL and for "A.E. K & CO" LTD in the amount of 100,000 (one hundred thousand) ALL.

The fine imposed by the CC with the above decision was fully executed and the decision was sent to the PPA, which excluded both undertakings participating in this prohibited agreement from participating in public procurement procedures.



# Investigative procedures

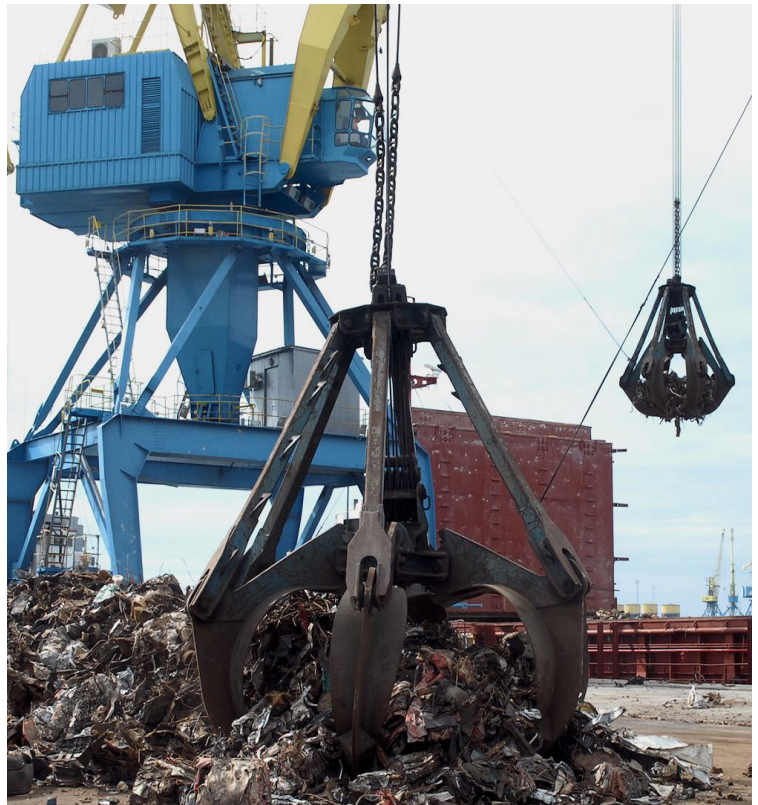
## Loading and unloading services and related activities for bulk cargo at the East Terminal, Port of Durrës

The above service at the Durrës Port Eastern Terminal is provided by the company "EMS- Albanian Port Operator" LTD, which enjoys the rights set forth in the concession contract for the management, operation and maintenance of the eastern terminal of the port of Durrës, signed on 06.05.2013.

CC by decision no. 567, dated 07.11.2018, decided "On closure of the in-depth investigation procedure against the undertaking "EMS-Albanian Port Operator" LTD, in the market of the service of loading, unloading and related activities, for the goods bulked in the East Terminal Port of Durrës and giving some recommendations", decided to give some recommendations for promoting competition in this market for MEI, Authority of Durrës Port and the undertaking "EMS-Albanian Port Operator" LTD, with a dominant position in this market.

- (a) Apply equitable trading conditions for the same commercial transactions to undertakings with which it enters into contractual relations;
- (b) Not impose additional terms / obligations which, by their very nature or commercial practices, are irrelevant to the subject of the contracts in question, when entering into contracts with other parties;
- (c) The method of shipbuilding shall be carried out according to the principle "first entering, first served";
- (d) In case of non-fulfillment of the obligations of this decision, "EMS-Albanian Port Operator" LTD shall be fined up to 10% of its annual turnover for serious restriction of competition.

This market will be monitored for 1 year.





## Leasing market for warehousing and trading of agro-food products in the city of Tirana

CC by decision no. 512, dated 17.05.2018, "On the opening of the preliminary investigation procedure in the "Leasing Market for the Storage and Trading of Agro-Food Products in the City of Tirana", decided to open a preliminary investigation to assess whether there are any signs of restriction of competition by EKMA Albania LTD, which has a dominant position in this market.

At the conclusion of the preliminary investigation, CC concluded that the conduct of the undertaking with dominant position "EKMA Albania LTD", by setting unfair trading prices and conditions, may constitute abuse of a dominant position with serious consequences for market competition. CC by decision no. 531, dated 25.06.2018, decided on "On opening the procedure of in-depth investigation into the undertaking EKMA Albania LTD, in the leasing market for warehousing and trading of agro-food products in the city of Tirana" decided to open the in-depth investigation procedure.

CC assessed that we could face an emergency situation because the risk of damage to competition was serious and irreparable. CC by decision no. 542, dated 04.09.2018, decided on "Taking temporary measures for the restoration of competition in the leasing market for warehousing and trading of agro-food products in the city of Tirana", decided to take temporary measures against "EKMA Albania" LTD.

At the conclusion of the investigation, CC by decision no. 572, dated 22.11.2018, "On imposing fines and obligations to the undertaking "EKMA Albania" LTD, in the rental market for storage and selling of Agro-food products in the city of Tirana" decided:

1. Fining "EKMA Albania" LTD for serious restriction of competition, namely Article 9, paragraph 2, letters (a), (c) and (ç) of Law no. 9121/2003, at 9.99% of its turnover for the previous financial year (2017), respectively in the amount of 43,168,617 ALL;

2. "EKMA Albania" LTD is constrained to stop the restriction of competition and within 30 days to take the necessary measures, as follows:

(a) Drafting lease contracts based on the provisions of the Civil Code (for the lease contract) to place its parties, the lessee and the lessor, on equal contractual terms in accordance with law and good commercial practices.

(b) The lessor must apply reasonable prices, oriented towards the costs and the average renting prices in the geographic area.

(c) The lessor should be transparent in detailing the respective voices and values included in the environmental lease bill.

(d) "EKMA Albania" LTD should immediately stop charging above the legal price approved by the competent institutions (invoiced by OSHEE and UKT).



# Merger Control

## Financial (banking) and insurance markets:

### **American Bank of Investment JSC/National Bank of Greece S.A/Bank NBG Albania JSC**

CC, by decision no. 501, dated 15.03.2018 "On the sale and transfer of the bank NBG Albania SHA shares, from the National Bank of Greece SHA to the American Bank of Investment" decided to authorize the concentration, since it was found that it shows no signs of restriction of competition in the market or in any part of it in particular, as a result of strengthening or establishment of a dominant position. After the concentration, ABI will own 6% of the market.

### **luteCredit Albania JSC/Final JSC**

CC, by decision no. 534, dated 05.07.2018 "On the authorization of the concentration obtained through the sale and transfer of 100% of the shares of Final SHA to lutecredit Albania SHA" decided to authorize this concentration, as it was found that it shows no signs of restriction of competition in the market or in any part of it in particular, as a result of strengthening or establishment of a dominant position. After the concentration, luteCredit Albania JSC will own 4.9% of the market of services provided by non-banking financial institutions.

### **OTP Bank Nyrt/Societe Generale & Societe Generale Albania JSC**

CC, by decision no. 571, dated 22.11.2018 "On the authorization of the concentration obtained through the sale of 88.89% of the shares of Societe Generale Albania SHA to OTP Bank Nyrt" decided to authorize this concentration, as it was found that the transaction does not change the structure of the market. After the concentration, OTP Bank will own 6% in the assets and deposit market and 8% in the credit market.

### **Union Bank JSC/International Commercial Bank JSC**

CC, by decision no. 576, dated 11.12.2018 "On the authorization of the concentration obtained through the acquisition of control of the International Commercial Bank JSC by Union Bank SHA" decided to authorize this concentration, as it was found that it shows no signs of restriction of competition in the market or in any part of it in particular, as a result of the strengthening or establishment of a dominant position. After the concentration, Union Bank will own 4% of the banking sector market.





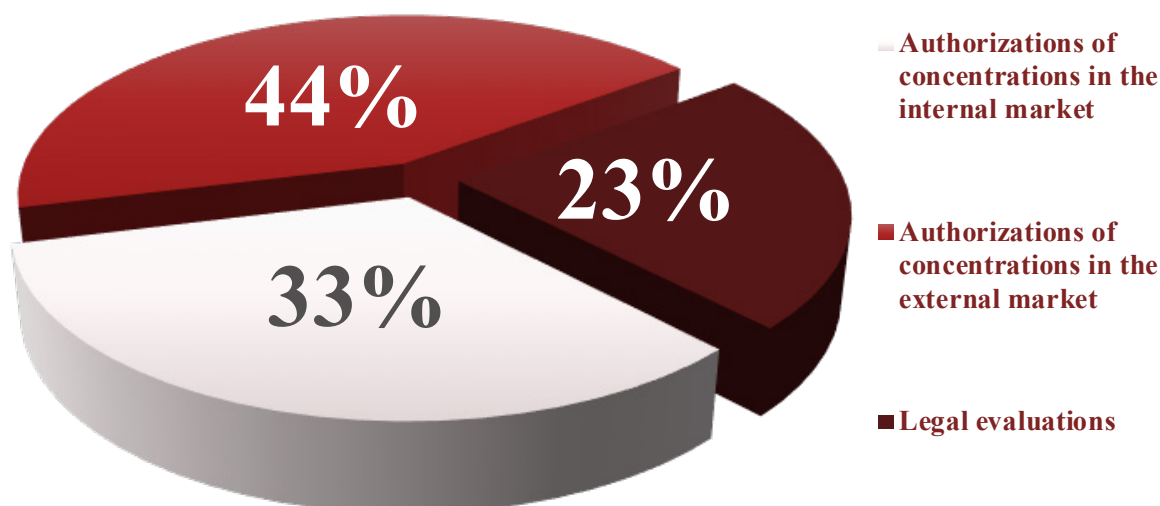
## External market

1. CC, by decision no. 529, dated 25.06.2018 "On the change of control of the undertaking Sport Vision d.o.o. Podgorica, Montenegro by Sport Vision d.o.o. Bijeljina, Bosnia and Herzegovina ", decided to authorize this transaction. The relevant market in this transaction was considered the market of importing, wholesale and retail of sports items.

2. CC, by decision no. 537, dated 20.07.2018 "On the authorization of the concentration obtained through the sale and transfer of BFSE Holding B.V shares to Amryta Capital LLP" decided to authorize this transaction. The relevant market in this transaction was considered the market of credit, microcredit offered by Financial Entities.

3. CC, by decision no. 565, dated 29.10.2018 "On the authorization of the concentration obtained through the acquisition of control of Gorenje Gospodinjski Aparati D.D. by Hisense Group CO. LTD "decided to authorize this transaction. The relevant market in this transaction was considered the market of import and retail of household equipment.

4. CC, by decision no. 566, dated 07.11.2018 "On the authorization of concentration obtained through the acquisition of joint control by Daimler FS and Volkswagen FS on Mobility Trader Holding GmbH" decided to authorize this transaction. The relevant market in this transaction was considered the online platform for the sale of used vehicles.



# Exclusive rights

## Investigation of abuse of the dominant position for exclusive rights

The market of the mandatory technical control of motor vehicles and their trailers (SGS)

CC by decision no. 562, dated 25.10.2018, "On the imposition of fines and obligations to the undertaking "SGS Automotive Albania" LTD in the market for the mandatory technical control of motor vehicles and their trailers in the Republic of Albania and the issuing of certain recommendations" decided:

1. Finding the abuse of the dominant position of the undertaking "SGS Automotive Albania" LTD in the market of the mandatory technical control of motor vehicles and their trailers in the territory of the Republic of Albania.

2. Fining "SGS Automotive Albania" LTD for restricting competition, namely Article 9, paragraph 2, letters (a) and (c) of Law no. 9121/2003, at the rate of 5.69% of the total turnover of the undertakings for the previous financial year (2017), namely in the amount of 51,091,005 (fifty one million ninety and one thousand five) ALL.

3. Obliging of the company "SGS Automotive Albania" LTD to stop the infringement of the competition and within 45 days to take the necessary measures, as follows:

- (a) Immediately apply the legal obligation to provide qualitative, satisfactory service, by using GCCLs at the TCCs with the largest flow of customers;
- (b) To put into operation 100% of the capacity of all TCCs (Technical control center) and MTCCs (Mobile).
- (c) Removal of point three from the Statement signed by the clients before submitting the requested documentation;
- (d) Develop a plan for redesigning the redistribution of service delivery posts in order to increase efficiency and increase the level of service, in the sense that those TCCs where the posts are unused or at a low level of use can be moved towards TCCs where there is a higher inflow.
- (e) Develop a plan of measures for offering and improving the service in the market of technical control for vehicles, with better trading conditions in accordance with the contract, and to notify the ACA;

4. To recommend to the Ministry of Infrastructure and Energy as follows:

(a) Liberalization of the market in terms of offering this service, including providing technical service, as offered by most EU countries.

(b) For the time of extension of this concessionaire, within 90 days:

- must adopt a regulation for the functioning and monitoring of the SGS Concessionaire, in which all provided procedures and services are defined,

- the approval of the annual investment plan, in order for the service to be qualitative and responsive to development trends, increasing the flow of vehicles annually and distributing the population.

(c) Review of the technical manual and in particular of the testing time of equipping the vehicles with the certificate of technical control.

(d) Completion of legal and sub legal acts by clearly defining the role of state bodies in accordance to the relationship between the Concessionaire, which has in management and administration the TCC infrastructure, and the way of resolving the disputes between them by the regulatory bodies.

The fine imposed by the CC with the above decision is fully executed.



# ACA facing court proceedings

## Adjudicated cases at the First Instance Administrative Court

Administrative case with the claimant "EKMA Albania" LTD, respondent Albanian Competition Authority; the object: Invalidation of the decision no. 542, dated 04.09.2018 "On taking temporary measures for restoring competition in the rental market for storage and trading of agro-food products in the city of Tirana". Regarding this case, the Administrative Court of first Instance decided to accept the claim by invalidating the decision of the ACA. An appeal against this decision was made at the Administrative Court of Appeal.

Administrative case with the claimant "Ekma Albania" LTD, respondent ACA, the subject: Repeal of the decision no. 572, dated 22.11.2018 "On taking temporary measures for restoring competition in the rental market for storage and trading of agro-food products in the city of Tirana".

## Cases in process of adjudication by the Administrative Court of Appeal

Administrative case with: the claimant "EMS APO"; third party ACA; the object: "The Suspension of Provisional Measures, decided upon by CC's decision no. 451, dated 28.02.2017 "To take temporary measures for restoring competition in the market of the service of loading, unloading and related activities for bulk cargo at the East Terminal Port of Durrës".

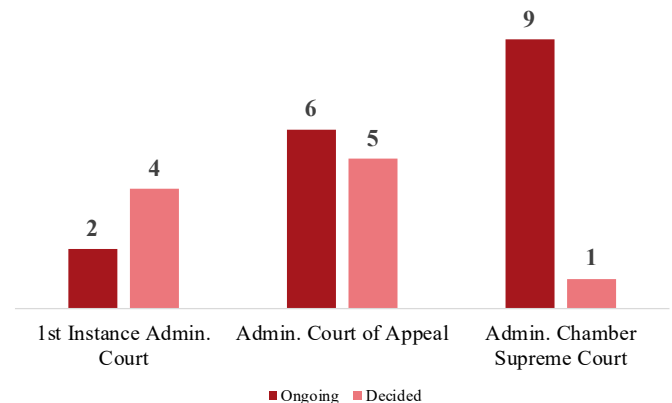
The Administrative Court of First Instance with Decision no. 80-2017-3056, dated 10.07.2017 decided: The dismissal of the claim and leaving in force the ACA decision. The Administrative Court of Appeal has ruled that the decision of the Administrative Court of First Instance is upheld.

## Cases in process of adjudication by the Administrative College of the High Court

Administrative case with the claimant "Alba Trans" LTD, respondent Albanian Competition Authority; the object: Objection of decision no. 290, dated 23.07.2013, of the CC for the part belonging to the claimant. The Court of the Tirana Judicial District decided to accept the lawsuit of this undertaking. A complaint against this decision by the ACA was filed with the Tirana Appeal Court.

Tirana's Court of Appeal, regarding this case, declared the subject-matter incompetence, pursuant to Law no. 49/2012, dated 03.05.2012 and forwarded it to the Administrative Court of Appeal, which by decision no. 2981, dated 11.07.2014, decided to leave in force the decision of the District Court of Tirana. ACA has filled a recourse against this decision.

A court trial at a counseling chamber was conducted by this court where it was decided to go to court.



## Execution of Competition Commission decisions

In 2018, ACA has taken 6 (six) fine decisions, executing 5 (five) of them in the amount of 57,552,486 ALL.

Regarding the execution of the decisions taken over the years by the CC, we emphasize the fact that the fine imposed on AMC JSC was executed, by decision no. 59, dated 09.11.2007 "Imposing a fine on AMC SHA and Vodafone SHA" for which an Order of Execution by the Court was issued (Order no. 3359, dated 09.11.2010, only for the part of AMC) leading to the state budget amount to 211,552,000 ALL.

Furthermore, the payments related to the notification and authorization of the concentrations have been transferred to the state budget in the amount of 15,237,500 ALL.



# Competition Advocacy

## Seminar "On Merger Control" in cooperation with OECD-GVH / RCC

A 3-day seminar "On Merger Control" was held in Tirana during the period of 19-21 June 2018, in cooperation with "OECD-GVH / RCC", with representatives from 27 Competition Authorities from Europe and Asia. This activity was made possible due to ACA's contribution to international relations between competition authorities over the recent years.



## Roundtables

In the framework of the growth and awareness of a Competitive Environment, three roundtables were organized during October-November 2018, under the title "Competition in Function of Economic Development" with business communities in the cities of Kukës (30 October 2018), Korça (16 November 2018) and Berat (23 November 2018). ACA in cooperation with the Kosovo Competition Authority organized the Seminar "Competition in functioning of Regional Cooperation Albania-Kosovo" in October 2018, in the city of Kukës.

## Forum "Competition and Business"

ACA held the Forum "Competition and Business" in cooperation with the Albanian Parliament, Regulatory Entities (AKEP, ERE, Commissioner IDP), and business representatives (Konfindustria, Tirana Chamber of Commerce and Industry and representatives of legal studios) on December 14, 2018 in Tirana.

## Cooperation agreements with public institutions and regulatory bodies

ACA, pursuant to Resolution 2017 has signed several cooperation agreements with public institutions and other regulatory bodies, as follows:

- ACA with AKEP, no. 286 prot., dated 04.05.2018;
- ACA with ERRU, no. 588 prot., dated 17.10.2018;
- ACA and Albanian Post JSC, no. 606 prot., dated 24.10.2018;
- ACA with the General Directorate for the Prevention of Money Laundering, no. 620 prot., dated 01.11.2018;
- ACA with the Audiovisual Media Authority, no. 643 prot., dated 12.11.2018.



# International cooperation

## Memorandum of Understanding (MOU):



- Memorandum of Understanding between the Turkish Competition Authority “Rekabet” and ACA, on 17-19 September 2018, in Ankara, Turkey.



- Memorandum of Understanding between the Maltese Competition and Consumer Affairs Authority and ACA, dated 2-5 December 2018 in Tirana.

## United Nations Conference on Trade and Development (UNCTAD)



On 11-13 July 2018, the UNCTAD 17th meeting of the “Intergovernmental Expert Group on Competition, Law and Policy – IGE” was organized in Geneva. ACA’s Chairperson chaired the second day of the proceedings at this meeting, and at the same time she was the rapporteur for the 17th session at UNCTAD.

## American Bar Association (ABA)



ACA attended the 66th Annual Spring Meeting for the Antitrust Law Section on 11-13 April 2018 in Washington DC, United States of America, organized by the American Bar Association, and was presented with the paper “Promoting Competition in small economies”.

## Organization for Economic Cooperation and Development (OECD)



The 17th World Competition Forum was held on 29-30 November 2018, where ACA presented for the first time the contribution of the institution’s experience among the 27 participating States this Forum, in two sections, respectively:

- “Regional Cooperation for Competition”;
- “For Investigative Powers in Practice”.

## Regional Competition Center (OECD-GVH/RCC)



During 2018, 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.

- ACA follows communication through the Request for Information (RFI) between counterpart authorities for issues they face in their daily work for which adequate responses must be provided.

- ACA has published two articles in the Newsletter regarding the topics:

- “Mobile Phones Dominating Not Only Our Lives, but also Competition”;
- “Competition Advocacy Experience of the Albanian Competition Authority”.

## International Competition Network (ICN)



During 2018 ACA continued to be a participant of various working groups, part of the International Competition Network, namely: The Layers Work Group; Working Group on Authority Effectiveness; Working Group for Cartels; Working Group on Concentrations; Working group for unilateral behavior in cases of abuse of dominant position.

## Energy Community Secretariat (ECS)



ACA has participated in the following activities conducted by the Energy Community Secretariat (ECS):

- “Acquisition of European Competition and State Aid Acquis in Energy Sectors” on 7 December 2018, Vienna, Austria;
- 6th Vienna Forum on “European Energy Law” on 27-28 September 2018.

# European Integration



The integration process is one of the priorities and challenges of the Competition Authority's activity. As a lead institution for the 8th chapter "Competition Policy", during 2018, ACA has fulfilled its mission, focusing on these main directions:

In the framework of the PKIE for the years 2017-2020 for Chapter 8 "Competition Policy and Liberalization", ACA, in respect of time limits, has achieved the alignment of competition legislation with the EU acquis, respectively two secondary acts:

- Guideline no. 1, dated 25.06.2018 "On restrictions directly related and necessary to concentrations".
- Guideline no. 2 dated 20.12.2018 "On the implementation of competition rules in the assessment of access agreements in the telecommunications sector"



## TAIEX:

During 2018, ACA has participated in several TAIEX trainings:

On 19-20 March 2018, an Expert Mission on "Merger Procedures" was held in ACA's premises, in cooperation with experts from the Italian and Lithuanian Competition Authorities.

On 17-19 September 2018 a study visit on "Economic Analysis and Legal Assessment in the field of Competition" was held in cooperation with the Austrian Competition Authority (BWB) in Vienna, Austria.

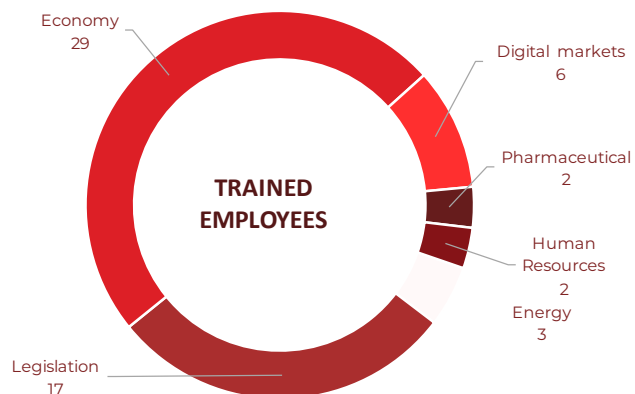
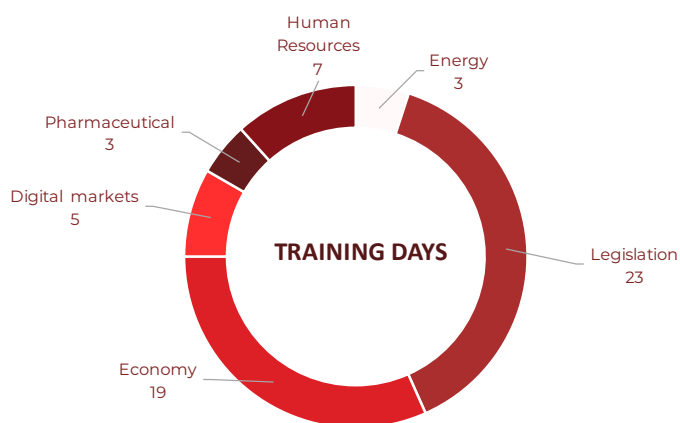
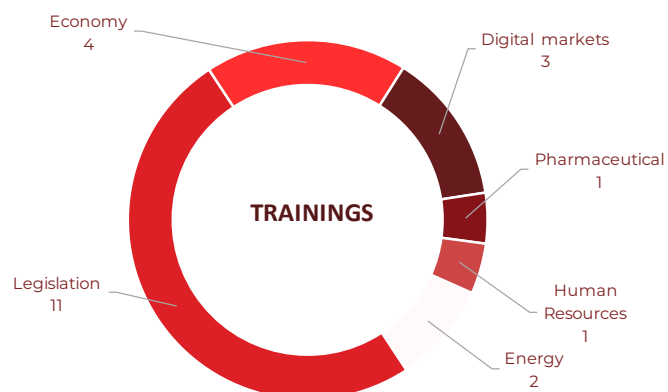
On 3-5 October 2018, an Expert Mission on "Unilateral Behavior and Coordinated Behaviors (Cartels)" was held in ACA's premises in cooperation with the Bundeskartellamt and the Competition Authority of Lithuania.



# Human capacities

During 2018, 22 trainings were conducted abroad and 2 internally, where a considerable number of 55 staff members of the institution were trained, and some of the employees being trained more than once.

All the trainings were conducted in the framework of the international cooperation of ACA with OECD-GVH / RCC, CRESSE, TAIEX, and internally from the School of Public Administration.





# 2019 priorities



ACA, in accordance with the purpose of law no. 9121/2003, for a free and effective competition in the market, will continue its oversight and investigations mainly in markets with a direct impact on consumer interests and welfare:

- **Markets that are considered traditional** such as: telecommunications market, energy market, hydrocarbon market, financial and insurance market;
- **New markets** such as: the e-commerce market, the pharmaceutical market, the hospital market, the higher education market, the free-trade service market, the book publishing market, data protection and competition.



For the purpose of real-time identification of shares / share transaction, transactions that may be subject to concentration authorization by ACA, cooperation with the QKB will be required to add to the business database two specific areas related to the type of transaction and the turnover of the companies participating in the transaction.

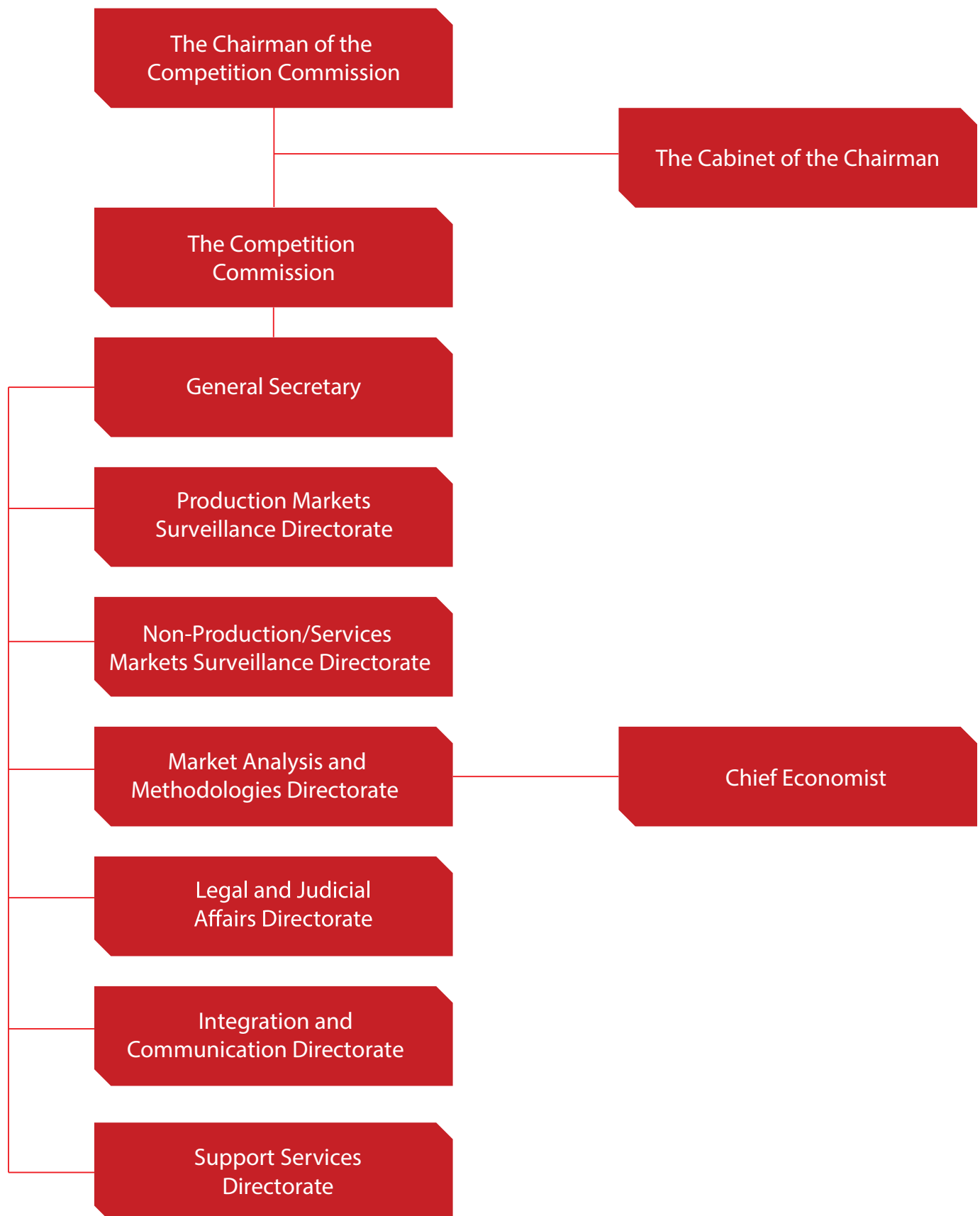
## Institutional alignment with EU standards and practices

During 2019, ACA will:

- Strengthen its administrative capacities through the creation of a new unit in the organizational structure in order to be in coherence with the counterpart institutions and the European Commission's requirements for Albania.
- The Chief Economist Unit: which will in particular carry out economic and econometric analysis and will provide a methodological and empirical approach to quantitative and qualitative analysis of market data.
- Train new and existing staff in order to increase the quality of monitoring, inspection, drafting reports, analyzes, as well as the quality of defense of CC's decisions in court processes in all judiciary levels.
- Continue to implement PKIE 2018-2020, as well as the tasks deriving from the SAA, as the leader of Chapter 8 "Competition Policy".
- Follow the relevant procedures within the IPA Twinning project for "Further Strengthening the Competition Authority's Capacities to Protect the Free and Effective Competition in the Market" (which is open for application by EU member states).
- Follow the procedures under the EBRD project "Technical Assistance for ACA, Capacity Building, Drafting of Legislation and Advocacy", which is in the process of tendering.
- Apply in the framework of TAIEX for the organization of an expert mission training staff on the topic "The link between electronic commerce and competition policy".
- Engage in enhancing cooperation with other counterpart institutions and regulatory bodies, by signing Memoranda of Understanding (MOUs).
- Approve some additions and changes to the Regulation "On setting expenditures for follow-up procedures at the ACA", which will reflect the experience of homologous Authorities of European countries and our experience, especially regarding the fees applied by our institution for merger control procedures.
- Initiate the revision of law no. 9121/2003, proposing some additions and changes in the framework of preparing for EU membership through the identification of relevant provisions of Albanian law and their review of compliance with EU legislation, but also reflecting issues, ambiguities and experience in practice of almost 10 years from the moment of the last revision made to the law.
- In the framework of cooperation with UNCTAD, ACA has as its objective the realization of a joint project with MFE "Competition and Consumer Protection Policy in Albania", which provides the staff of the ACA with trainings regarding the assessment of exclusive and special rights, evaluation of public procurement procedures for banned biddings, evaluation during concentration control procedures and exchanges of experience.



# The new ACA organizational structure



The information and data presented in this document are of a purely indicative nature, with a view to informing the public about the activity of the Competition Authority.



**COMPETITION  
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