



**REPUBLIC OF ALBANIA
ALBANIAN COMPETITION AUTHORITY**

ANNUAL REPORT 2016

Challenges for 2017



**Rruga "Sami Frashëri", Nr. 4, Kati IV, Tirana, Albania 1004
competition@caa.gov.al**

+355 42234504

+355 42234497

INTRODUCTION	8
A FEW WORDS FROM THE CHAIRMAN OF THE COMMISSION OF THE COMPETITION AUTHORITY	10
PART ONE.....	12
MAJOR POLICY DIRECTIONS OF COMPETITION AND APPROVAL OF A SECONDARY LEGAL FRAMEWORK, IN FUNCTION OF THE IMPLEMENTATION OF THE LAW "ON PROTECTION OF COMPETITION"	12
1.2 Secondary Legislation - New regulations adopted in 2016.	13
PART TWO.....	15
ENFORCEMENT OF COMPETITION AND COMPETITION POLICY	15
2.1 Prohibited agreements and abuse of dominant position – Markets monitored and investigated. 15	
2.2 Monitored markets.	16
2.3 Investigations into prohibited agreements and dominant position.....	20
2.4 Exemption from the prohibition of agreements.....	30
2.4.1 Statistics regarding exemption from the prohibition of agreements.....	30
2.4.2 Përshkrimi i rasteve specifike.....	30
2.5 Control of concentrations.	33
2.6 Concentrations authorized and statistics regarding authorized concentrations.	34
2.6.1 Benefit of control (direct or indirect) of one or more undertakings or a part of the later - the specific cases of gaining control.	34
2.7 Disapproval of concentrations - specific cases.....	35
2.8 Reviewed cases that are not considered subject to authorization by the Competition Commission. 36	
2.9 Review of exclusive rights.....	41
2.9.1 Statistics over the years regarding the revision of exclusive rights.	41
2.9.2 Description of the case for granting the exclusive right.	42
PART THREE	45
COMPETITION AUTHORITY VS JUDICIAL TRIALS.....	45
3.1 Statistics regarding litigation in higher courts 3.	45
3.2 Cases in the Administrative Court of First Instance, Tirana.	46
3.3 Issues in Administrative Court of Appeal.	46
3.4 Issues in Administrative Panel of the Supreme Court.....	48
PART FOUR.....	52
ROLE OF COMPETITION AUTHORITY IN FORMULATING AND IMPLEMENTING OTHER POLICIES - COMPETITION ADVOCACY.....	52

4.1	Evaluation of acts and draft normative acts.....	52
4.2	The recommendations of the Competition Authority.....	56
4.3	Transparency and public relations advocacy function of the law on protection of competition....	58
PART FIVE.....		60
EUROPEAN INTEGRATION AND INTERNATIONAL COOPERATION		60
5.1	European integration	60
5.2	International cooperation	60
5.3	Bilateral cooperation	62
PART SIX.....		63
HUMAN RESOURCES.....		63
6.1	The organizational structure of the Competition Authority.....	63
6.2	Statistical data about CA staff training.	63
PART SEVEN		65
OBJECTIVES AND INSTITUTIONAL APPROXIMATION WITH EU STANDARDS AND PRACTICES		65
7.1	Competition Authority's objectives for 2017.....	65
7.2	Institutional alignment with the standards and practices of the EU.....	65
ANNEXES.....		67
Annex 1 - Statistical data on the decisions of the Competition Commission over the years.....		67
Annex 2 - The sectors of the economy where there were concentrations for the period 2012-2016.		68
Annex 3 - The decisions of the Competition Authority Commission for 2016.....		69
Annex 4 - Actual budget of the Competition Authority in 2016.		73
Annex 5 - Income from past mergers in the State Budget.....		73

List of abbreviations

CA	Competition Authority
AEPC	Authority of Electronic and Postal Communications
AMA	Audiovisual Media Authority
FSA	Financial Supervisory Authority
PPA	Public Procurement Agency
EU	European Union
BoA	The Bank of Albania
DGT	Directorate General of Taxation
ERE	The energy regulator
IHC	Security Fund of Compulsory Health Care
H index	Concentration index Herfindal
ICN	International Competition Network
IPA	Instrument for Pre-enlargement EU
EC	European Commission
SSAI	The High State Control
Law no. 9121/2003	Law no. 9121 dated 28.7.2003 "On Protection of Competition", the change
MSA	The Stabilisation and Association Agreement
OECD	The Organization for Economic Cooperation and Development
ROA	Return on assets
ROE	Return on Equity
RSH/RA	Republic of Albania
TAIEX	Technical Assistance and Information Exchange EU
UNCTAD	United Nations Conference on Trade and Development

30 sec.' What is competition?

"Mobile phones, gas and oil, standardization, certification, transport, dairy products, devices and pharmaceuticals, are markets of **COMPETITION, Freelance, hotel and tourism, insurance market, the market energy regulation **IN** the banking system, fishing, livestock and agricultural products, and real estate offices, **EVERYTHING**, Audiovisual media market, public procurement ""**

INTRODUCTION

ASPECTS OF THE ECONOMIC DEVELOPMENT FOR 2016 AND THE ROLE OF THE COMPETITION AUTHORITY

2016 can be considered the year of consolidation of the Albanian economy, which seems to have entered a growth trajectory.

International Monetary Fund¹, has estimated that the growth of GDP is expected to have reached 3.4% in 2016 and is projected to accelerate to about 4% in the medium term, supported primarily by large foreign direct investment associated with energy and an increase in domestic demand.

An important signal is the emergence of positive consumer trend for the fourth consecutive quarter since the third quarter of 2015. In the first half of 2016, the consumption recorded a real growth of 3.1% from a slight contraction of 0.7% for the year 2015².

Also, investment continued to record relatively high paces, observed since the first quarter of 2015, although during the first half of 2016, the pace of growth slowed somewhat, largely as a result of reduced investment in the extractive industry, connected with the fuel price conjuncture. Investments for the first half of 2016 grew by 6.2% in real terms by an increase of 12.5%, recorded in 2015 as whole.

From the optics supply, the main contribution to growth in the first half of 2016 was given from these branches: trade, hotels and restaurants and transport, with 5.4% real growth and contributed 0.8 percentage points; manufacturing industry increased 6.8% and contributed 0.4 percentage points; construction increased 4.4% and contributed 0.4 percentage points; and information and communication increased with 12.1% and contributed 0.3 percentage points. Meanwhile, the negative contribution to growth, for the first half of 2016 were the branches of agriculture, forestry and fishing and extractive industry.

Economic Sensitivity Indicator (ESI) or business and consumer confidence in the economy, which in the fourth quarter of 2016, increased by 9.4 percentage points and a leap of

18.6 percentage points above the long-term historical average, the highest level of confidence in the economy, in the past 10 years.

Even in terms of foreign direct investment, the economy recorded another positive growth, based on estimates by the World Bank, with 9% of GDP, ranking second in the region after Montenegro.

¹ www.imf.org/external/lang/albanian/np/sec/pr/2017/pr1717a.pdf

² Ministry of Finance Report "on the draft law" On budget of 2017 ", available at www.parlament.al

In the third quarter of 2016 according to the Bank of Albania, foreign direct investment grew by 13% compared with a year ago, or worth 288 million euro.

Finally, last year Albania returned again into a net exporter of electricity, for the first time after 6 years. According to official reports of KESH, last year were exported about 700 million kilowatt hours of energy in other countries as a result of significantly improving energy balance, due to increased domestic production and a significant reduction of abuses in the system.

This trend of economic development, no doubt requires the observance of the rules of competition, based on free and effective competition, where the Competition Authority (CA), plays its primary role as regulator and supervisor of enforcement of law No. 9121 / 2003, to ensure a functioning market economy.

The past year, the function of the country's economic development was accompanied by an active task of the CA, where the most significant, will include:

1. Monitoring, investigation and providing relevant recommendations in key and sensitive markets of the Albanian economy, with direct impact on the Albanian consumer, specifically:
 - Pharmaceutical market;
 - Market of collection of raw tobacco;
 - Public procurement market for the service of private security;
 - Dairy products market and its derivatives;
 - Fuel supply market in the geographical area of the airport;
 - Banking sector.
2. Cooperation with other regulatory authorities and providing relevant recommendations:
 - Public procurement market;
 - Financial leasing market;
 - Compulsory motor insurance market.
3. Potential role of CA in delivering preliminary legal assessment for each draft normative act, which has as its object or effect the granting of exclusive rights or quantitative or qualitative restrictions on competition in the markets or sectors of the economy, specifically:
 - Concessionaire draft contract "Public-private partnership in ROT form for the rehabilitation, operation and transfer of railway infrastructure of Ballsh Fier, Fier-Vlore";
 - Railway Code of the Republic of Albania;
 - Electricity market model;
 - Directive on rules establishing airport charges.



PROF. DR. JULIANA LATIFI
CHAIRWOMAN
COMMISSION OF THE COMPETITION AUTHORITY

"Competition not only serves as a basis for consumer protection; it is itself an incentive to progress " - Herbert Hoover

2016 was a year when the complex challenges of rapid recovery of the global economy encountered unforeseen developments political, economic, financial and social. After ending, the first analysis have emerged which indicate that 2016 will be remembered for: the growth of social inequality which has opened the doors to increased political populism; the emergence of the United Kingdom from the European Union or otherwise known as the term Brexit; increased global uncertainty and the crisis of refugees; significant growth of Russia in the international arena; sluggish and volatile growth of markets; ambitious reform plan announced by China.

On the home front last year will be remembered for the efforts of which culminated in the adoption by consensus of the Parliament of the judicial reform in July 2016. The adoption of this reform was also highly appraised by the Competition Authority, since the implementation of it will further increase the chances of imposing a fair game in the market where free spirit of entrepreneurship combined with free competition will ensure more prosperity and development.

Praising the performance of the economy in general, 2016 was characterized by a further invigoration of economic activity. Meanwhile thanks to the efforts and contribution of the Authority, effectiveness of markets has increased by ensuring allocation of financial resources and material goods in a more uniform and more comprehensive way. The Activity of the Competition Authority throughout the year has been oriented in fulfilling its main legal mission "to ensure free and effective competition in the market".

The focus of the Authority was not only monitoring, analyzing, and identifying ambiguous situations and issues but also propose concrete measures and recommendations to overcome them. Our institutional moto throughout last year was that the promotion and protection of free competition above all the interests of simple consumers and long-term social and economic prosperity of the country.

Our aim inter alia aimed our transformation into a source of ideas to help the decision-making authorities in identifying and designing structural reforms to enable thus freeing dormant potentials for innovation and sustainable growth. In line with international best

traditions the Competition Authority paid special attention to identifying and analyzing in detail the specific issues which are considered to have a systematic importance. We believe that a more rapid addressing of our findings and recommendations will lead to substantial improvement of an important branch, sector or economic policy; or why not a few at a time.

An institutional perspective by the end of 2016 coincides with the election by Parliament of the new Head of the Competition Authority after the end of mandate of the outgoing Head. For this purpose on the agenda of activities of the Authority for 2017, is included a number of objectives that besides improving institutional governance

will enable to strengthen the role of authority in its analysis, advisory and penalizing capacities.

Review of the Law "On Protection of Competition", the review of legislation base and organizational structure of the institution are priorities of 2017. Their approximation and adaptation to the challenges of time and compliance with the spirit of the EU will be directions which we will focus more specifically.

On behalf of the Competition Authority I would like to assure the Parliament that its activity will be in the spirit of the law in full resonance with national objectives for sustainable economic development of the country's financial and continuous alignment with the European Union.

PART ONE

MAJOR POLICY DIRECTIONS OF COMPETITION AND APPROVAL OF A SECONDARY LEGAL FRAMEWORK, IN FUNCTION OF THE IMPLEMENTATION OF THE LAW "ON PROTECTION OF COMPETITION"

1.1 Resolution of the Parliament of the Republic of Albania and the determination of the main policy directions of the Competition Authority for 2016.

Assembly of the Republic of Albania, through the resolution "On the assessment of the activity of the Competition Authority for 2015", dated 19.05.2016³, which constitutes a binding legal act for the operation of CA, filed the main competition policy for 2016, which defined the directions on taking concrete steps in order to fulfill the mission of the CA, for a free and effective competition in the market.

During 2016, CA pursuant to this Resolution, defined and implemented its policy:

1. Improving the work towards continuous interventions, especially in those markets, of which the number of complaints from market actors was higher and complaints were repeated every year, for alleged abusive behavior in the market.
2. Improving investigative tools, especially for down raid inspections, to provide sufficient evidence in cartel cases.
3. Monitoring the behavior of undertakings that were given exclusive and special rights by the State, giving each case the relevant recommendations.
4. Deepening the monitoring and investigation in markets where restrictions, disadvantages or distortions of competition are displayed, giving each case means of restoring competition in the relevant markets or recommendations for central institutions and regulators.
5. Further strengthening of administrative capacity, through training of inspectors, in order to increase the expertise not only for investigations but also to in-depth economic analysis, to identify the behavior of undertakings.
6. Increasing public awareness about anti-trust policy, through activities with third parties and business information campaigns regarding the benefits that come as a result of facilitating participation in the fines leniency program.
7. Coordination with state entities to ensure more competition in public procurement and the follow-up of the recommendations in the cases of the supply agreements.

³ Resolution No. 3 "Assessment of the activity of the Competition Authority for 2015". [2015] OJ No. 102

8. Active role, by providing legal assessments in advance, for each draft normative act, which has as its object or effect the granting of exclusive rights or quantitative or qualitative restrictions on competition in the markets or sectors of the economy.
9. Pursuing rigorously the trials and execution of penalties, in function of the law no. 9121/2003.
10. Continued cooperation with the School of Magistrates, for the training of judges, for recognition as full and adequate particularities of competition law and the European law in this area, aiming justification of their decisions, based on a real competition assessment, as a public good.

1.2 Secondary Legislation - New regulations adopted in 2016.

CA pursuant to Articles 70, 71 and 72 of the SAA, under which is foreseen the obligation and commitment that the Albanian Government for the approximation of legislation with the European one, during 2016 continued throughout this process, aiming the legal framework in the field of competition, gradually moves towards the full harmonization with EU legislation.

CA considers very important, not only the process of approximation of the legislation, but the degree of implementation of the relevant rules and regulations.

Acts adopted at the secondary level by the Competition Commission in 2016, aimed implementation of key policy directions of competition, in order for them to come and help facilitate procedures and their duration in the business sector.

Pursuant to Law no. 9121/2003, adopted Regulation no. 437, dated 05.10.2016 "On the procedures of commitments,"⁴ to set out the rules and procedures that apply in cases of termination and closure of the investigation, by making commitments.

This regulation is intended to normalized business activity, when it is faced with suspicious behavior. Decisions with commitments represent commitments offered by the undertakings, which are binding to create legal certainty, restore competitiveness in the market and ensure its effective conservation steadily.

Decisions with commitments turn commitments into a legal form and conclude that there is no need for further investigation by the ACA.

Through a commitment decision, the intention is not imposing administrative sanctions, but an end to the suspicious behavior, by imposing conditions that undertakings will address the raised concerns.

⁴ Council Regulation [EC] no. 1/2003 dated December 16, 2002, on the implementation of competition rules under Articles 81 and 82 of the Treaty (OJ L 1, 1.4.2003, p. 1-25) (32003R0001) (Article 9); Procedures Manual (March 2012);

Commission notice on best practices for proceedings under Articles 101 and 102 TFEU (2011 / C 308/06).

Such a legal act has been accepted by the business community and is part of many European counterpart authorities and its implementation, has had an immediate positive impact on the market.

Through this procedure, we have mutual gains, undertakings reduce their financial costs in case of detection of an infringement, while the CA dedicates its time and human resources, to investigating other anti-competitive behaviors.

Realization of the commitments scheme

TABLE 1



Guideline no. 419, dated 08.06.2016 "On the simplified procedures for the assessment of certain concentrations"⁵, aims to provide relief and shortened timelines for some kind of concentrations, which do not involve obstruction, restriction or distortion of competition in the market. The guideline, based on the nature of concentration, does not require detailed analysis, facilitates undertakings by providing detailed information and Competition Commission authorizes the concentration, without conducting further investigation and proper economic analysis.

The guideline is a legal act, with considerable scope in other corresponding authorities, for the shortening of deadlines and the quick resolution that authorizes the functioning of the undertakings that merge.

⁵ Commission Notice on simplified procedures in the treatment of certain concentrations under Council Regulation [EC] no. 139/2004 (52013XC1214 (02) (2013 / C 366/04).

PART TWO

ENFORCEMENT OF COMPETITION AND COMPETITION POLICY

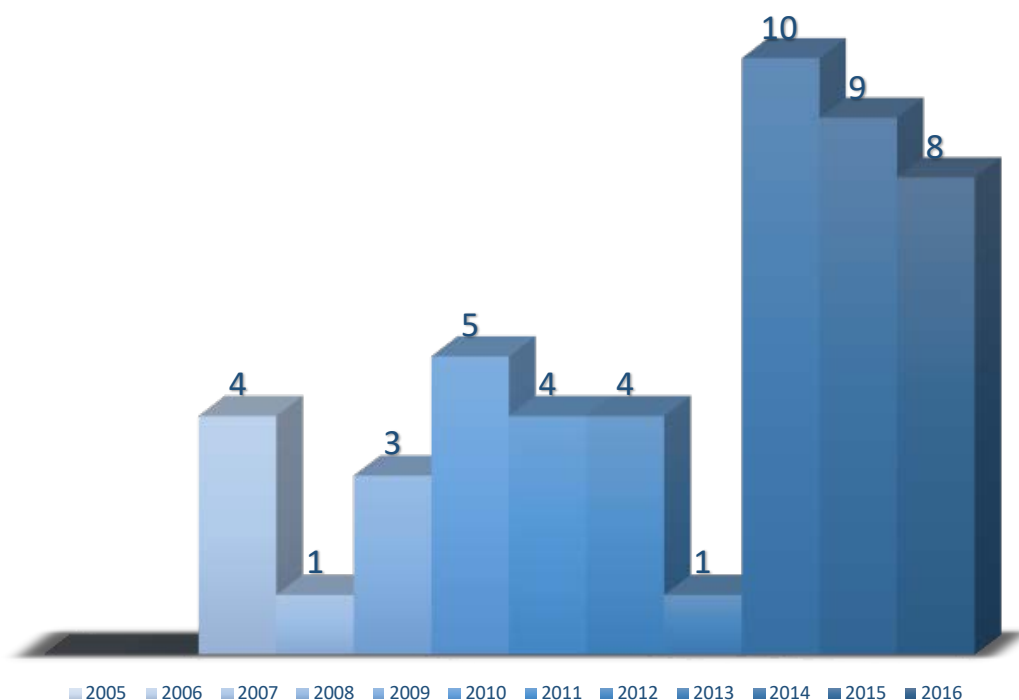
2.1 Prohibited agreements and abuse of dominant position – Markets monitored and investigated.

Law no. 9121/2003 aligned with the EU acquis, has as main purpose the protection of free and effective competition in the market, defining the rules of conduct in the market, against anticompetitive practices, which consist of prohibited agreements or abuse of a dominant position of several undertakings.

Number of practices investigated and evaluated by the CA over the years has increased, reaching a peak in 2014 with 10 cases (agreements and abuse of dominant position) while for 2016, the procedures have been followed for 6 cases.

Investigative procedures prohibited agreements and abuse of dominant position in years.

TABLE 2



Sectors and major markets of the economy where monitored and investigated, and received recommendations by the CA, in 2016, are mainly financial markets, such as the general investigation in the banking sector and both preliminary and in-depth investigation in the market of compulsory motor insurance; health products market (insulin); collection and sale of crude tobacco; public procurement; agro-industry (milk and its derivatives); and refueling of aircrafts at Tirana International Airport.

Major markets monitored and investigated for the 2016

TABLE 3



2.2 Monitored markets.

i. Monitoring in the audiovisual media market

The monitoring was conducted after complaints received at the CA by undertakings TRING TV, ABCOM as well as the Association of Cable Operators.

The Secretariat, based on Article 28, letter a, of Law no. 9121/2003, launched the monitoring procedure of the audiovisual media market assessment on the exclusivity agreement, for undertaking Digitalb SHA which required exemption from the agreement on the basis of Article 5 of Law no. 9121/2003 and the guideline "On the assessment of vertical agreements".

Estimation of contracts applied by the undertaking Digitalb SHA, the CA evaluated that: they are a contractual right of the parties to the trade relations and disputes arising from these contracts, can be resolved according to the Civil Code and other legal acts in force, without prejudice to Articles 4, 5 and 9 of law no. 9121/2003.

ii. Monitoring market of certification-inspection of transport fuels and hazardous substances.

At the CA, through the application form no. 112 Prot., Dated 10/03/2016, information was presented on the undertaking "Almeta GMBH" SHPK and "EL BU 2009" SHPK, which according to the complainant, performed their activity in the field of certification of vehicles engaged in the transport of fuel, which are considered as dangerous.

From the realization of the procedure of monitoring and evaluation of data presented by the Ministry of Transport and Infrastructure, it was found that there are 3 undertakings operating in the market of inspection-certification of vehicles transporting hazardous

substances (ADR) "Almeta" SHPK, "Auto techno test" SHPK, "Orlu" SHPK, and the market is open for new entrants to all those entities that meet the criteria to be licensed.

In conclusion, the foregoing in the assessment of Articles 8 and 9 of Law no. 9121/2003, it was found that the undertakings "Almeta GMBH" SHPK and EL-BU 2009 SHPK, are not the only undertakings in the inspection-certification that they perform, on the basis of licenses available to them.

The market showed that there was no legal barriers to entry and undertakings operating in the transport of dangerous goods cope with competitive prices, with regard to the inspection-certification service ADR.

iii. Monitoring of public procurement market on "Purchase of equipment and provision of services included in the field of information and communication technology for the period 2014 - 2015".

The Secretariat, in 2016 conducted the monitoring procedure of public procurement market on "Purchase of equipment and provision of services included in the field of information and communication technology for the period 2014-2015".

The following procedure was monitored, and all information on procedures public procurement with the object of monitoring from the official website of PPA was administered.

In conclusion, the evaluation of materials administered during the procedure of monitoring found that:

- The number of economic operators participating in the procurement procedures in the relevant market is relatively large by reducing the possibility of prohibited agreements on offer.
- Bids submitted by bidding operators in these public procurement procedures, varied from 63% to 90% of the limit fund.
- From the review of public procurement procedures for the years 2014 - 2015, there were no bids and schemes of anti-competitive conduct in the procurement procedures. Also, the winners presented their bids which are taken into account until the completion of proceedings under the provisions of the Law "On public procurement".
- No rotation has been established, in the award of undertakings that participate in these procedures. Also, it appears that there is instability in the market shares by value or number of procedures bids received for the years 2014 and 2015, and there were no signs of prohibited agreements, in the form of rotating offers.

Finally, it was concluded that there are no evident signs of competition restriction provisions of Article 4 of Law no. 9121/2003.

iv. Monitoring of the fuel market.

The oil market has been constantly in the spotlight of the CA, scoring through investigative procedures or being kept under monitoring.

Monitoring has shown that the fuel market is consolidated and presented with extended structures at all levels of trade, from customs free warehouses to retail stations. Investments in infrastructure such as storage or retail stations, have consolidated undertakings that have financial power.

Consequently, the market for import and wholesale of fuel is concentrated where large undertakings have maintained the stability of market shares. Being a market that offers homogeneous products without any legal barriers, new entries and exits are noted, but that potential competition is not capable of bringing structural changes.

Problems in terms of fuel quality or safe weighting have made competition among undertakings to be weak and consumer choice be directed not by price, but towards the logo of the retail station.

Given these characteristics of the market, monitoring conducted by the Secretariat aimed to evaluate three issues: the structure of the import price and the load on the fiscal burden on this price; unintegrated undertaking behavior in relation to the retail price and other financial indicators; assessment of financial indicators of undertaking trading wholesale and retail prices for "unfairly high" rates and profit transfer from one trading level to the next.

After analyzing and evaluating the indicators, it was found that in the level of wholesale the flexibility of the sales price is noted, which follows the international exchange and the purchase price, while at the retail level, the selling price is less dynamic, not reflecting the purchase price.

The integration of fuel undertakings in both levels of trade (wholesale and retail), has created policies to price such that the higher margin of profit provided by undertakings of retail integrated with those wholesale, a margin which is higher than the retail undertakings, which are disintegrating. Referring to the ROA index it was observed that the largest undertakings in the wholesale and retail trade ("Kastrati" SHA and "Kastrati" SHPK had the highest level of return on assets, compared with other undertakings, index which has improved in 2015.

For an undertakings with significant market power, the indicators of financial performance (profit margin and ROA) raise doubts about applying prices "unfairly high" from "Kastrati" SHPK. To ensure that the conduct of undertakings doesn't contradict with law No.9121 / 2003; CA will continue to monitor this market.

v. Monitoring of the pharmaceutical market.

The pharmaceutical market is an open and liberalized market, which has been frequently evaluated by the CA. Criteria specified in the licensing of new companies in the market, does not constitute barriers for new entrants and moreover, their placement is very important for ensuring quality and safe service for the life and health of the public.

The fact that in the pharmaceutical market, approximately 45% of medicines are part of the reimbursement scheme from IHC, stipulates that part of the market is regulated by the laws and regulations of the scheme of compulsory health insurance.

The Order of Pharmacists, through letter no. 169 Prot., Dated 25.02.2016 addressed to CA, claiming that the decision No. 71, dated 22.12.2015, of the Administrative Council of FSKSH, who determines the criteria to be met for the contract with the pharmacy Fund, set criteria which can create unfairness and selectivity between pharmaceutical subjects that will be contracted by the Fund and unfair competition between pharmaceutical entities; discrimination on a number of pharmaceutical entities, although they are engaged in activities in accordance with legal regulations in force.

Pursuant to Article 69 of Law no. 9121/2003, the CA assessed the potential effects of restricting competition in the pharmaceutical market, which belongs to the open network of pharmacies, since the entry into force of the decision of the Administrative Council's IHC.

At the end of the evaluation and after hearing the representatives of the Council 20 IHC's Administration, the Competition Commission concluded that the use of criteria of distances between pharmacies and health institutions as well as the distance between pharmacies,

to conclude contracts with IHC, does not constitute criteria related to the performance of operators in the market and have no cause-consequence link, with the opportunistic behavior of doctors/pharmacists. In these conditions, it is necessary to find alternative IHC instruments for control of object-rating market, through bylaws, which will be later issued by the Administrative Council's IHC.

Also, regarding the ex-post assessment of the administrative act, the Competition Commission, through decision no. 418, dated 30.05.2016 "On some recommendations on the decision of the Administrative Council's IHC, on the criteria to be met by pharmacies and pharmaceutical agencies to conclude contracts with the Fund" decided to recommend to the Administrative Council IHC, according to provisions of article 69 of law No. 9121/2003, to send in advance the CA, the project acts that in particular, can lead to quantitative restrictions on market access and trade.

Drafts and other bylaws, which define the criteria to be met by pharmacies and pharmaceutical agencies, for the conclusion of contracts with the Fund and procedures for connection of standard contracts for 2017, will be subject to monitoring by the CA.

At the CA, the undertakings "IMI-FARMA" SHPK (pharmaceutical warehouse), filed a complaint form through which this undertakings, complained for the exemption from FSKSH's drug reimbursement list, the drug named Somatropine 8 mg (24 Nj.N), imported by this undertakings.

From the evaluation of the act, it was found that the exit from the market of Somatropinës 8 mg and 10 mg, means increasing market concentration on this drug, limiting the product in the form dose indicator and the pharmaceutical manufacturing firms.

The criteria used by the Technical Commission of Subsidized Medications, about the lowest price, is regarded as an important element in cases of monopolistic markets, where there are no other offers in the market. But when the market has willing providers, who have been active in the market, until the entry into force of the reimbursement list for 2016, acts contrary to law no. 9121/2003, as the reimbursement list brings new supply restriction, restriction of consumer choice and the application of dissimilar conditions of trading actions with the same parties and setting them in a competitive disadvantage.

For all that was assessed, the Chairman of the CA, through an official letter urges IIHC that increased competition in the pharmaceutical market should be a priority for the Fund and the Ministry of Health, where consumers have a choice of quality and price in the market; and in case of revision of the List of subsidized medications, to create opportunities to expand the list for Somatropine with other form dose drugs and pharmaceutical manufacturers.

For both issues, IIHC made no changes in the list of reimbursable drugs or criteria for entering into contracts for 2016. With the adoption of the new list of 2017 drugs and pharmacy contract for 2017, we will assess the impact of the CA's recommendations on two decisions of IIHC.

Monitoring carried out in 2016 under the relevant markets

TABLE 4

	Nr.
Audiovisual media	1
Certification services	1
Public procurement / ICT products and services	1
Fuels	1
Pharmaceutical products	1
Total	5

2.3 Investigations into prohibited agreements and dominant position.

i. Pharmaceutical market.

Based on complaints received by the CA, alleging that the undertakings "Fufarma" performed sales related to the wholesale market for pharmaceutical product "Insulin Glarkinë Lantus ", the Competition Commission's decision no. 415, dated 04.05.2016 opened the "*Preliminary investigation procedure in the import, wholesale and retail product market for Lantus Insulin Glarkinë*".

After conducting the preliminary investigation procedures and after evaluating all the documentation administered during the investigation proceedings in the import, wholesale and retail sale market of medicinal product "Lantus" (Insulin Glarkinë) it was noted that:

- The analysis of sales by date, does not conclude that there is a proven link between product sales of Lantus Solostar and Enterogermina, to meet the conditions for a possible violation of Article 9 of Law no. 9121/2003.
- The dual control of sales by order, did not result (for cases reviewed) that the client, who had commissioned the product Lantus, was automatically billed also for Enterogermina.

Competition Commission decision no. 440, dated 10.11.2016 decided to "Closure the procedure of preliminary investigation in the import, wholesale and retail sale market of medicinal product" Lantus "(Insulin)", after the conclusion of the investigation, that there were no signs of restriction competition in the market for the period under investigation.

ii. Production, collection, processing and export of tobacco.

Given the several articles published in the press in connection with the collection of tobacco monopoly in the area Belsh, Elbasan, pursuant to Article 28, letter "a" of Law no. 9121/2003, CA inspectors monitored the situation in this geographical area, which is the largest in tobacco production in the country.

From the data obtained in the field through records maintained by farmers as well as with the undertakings "MIKA KORÇA" it showed that in 2016 the undertakings had not completed the payments towards the farmers for the tobacco product, that had been delivered to the undertakings.

The monopolistic position (single buyer), which the undertakings "MIKA KORÇA" SHA has on this market, did not come because of the limitations of laws or regulations and this position is not prohibited by law no. 9121/2003. But the power that this undertakings had on setting purchase prices and lack of competition in the purchase of tobacco products constitutes indications that we could be facing an abuse of dominant position.

For these reasons, the Competition Commission decided with decision no. 424, dated 29.06.2016 "On the opening of the preliminary investigation procedure in market of production, gathering, processing and export of tobacco", for the period 01.06.2015 - 31.05.2016.

After the evaluation of all documentation administered during the inspection procedures, and analysis of the behavior of the undertakings with a dominant position, which carries out market production, gathering, processing and export of tobacco, the results found no signs of abuse of dominant position, under the provisions of Article 9 of law no. 9121/2003.

The monopolistic market structure of collection of tobacco in the country and concerns identified during the investigation, require increased competition in the relevant market through the opening of the market, and increased countervailing farmers' power through organizing themselves.

Also, the Ministry of Agriculture, Rural Development and Water Management ensures that this situation will not happen in the future, as has collection operators have already been added, undermining the position of the dominant undertakings "MIKA KORÇA" SHA, and in the legal changes that are expected to be adopted by the Assembly, are well sanctioned, the relations between farmers and processors.

For these reasons, the Competition Commission, by Decision no. 438, dated 05.10.2016, closed the preliminary investigation procedure in the market of production, gathering, processing and export of tobacco, since there were no signs of competition restriction under Article 9 of Law no. 9121/2003.

Also, the Commission decided to recommend to the Ministry of Agriculture, Rural Development and Water Management:

- Measures for opening the market of collection of tobacco produced in the country, to promote the development of free and effective competition.
- Assistance of the specialists of the Ministry of Agriculture, Rural Development and Water Management in the process of categorization of tobacco by quality and setting respective prices specified in the contracts between the parties, in particular collection stations assigned by the undertakings.
- Monitor the implementation of payment by the undertakings "MIKA KORÇA" SHA, within the period prescribed in the contract signed by the undertakings and farmers.

iii. Refueling aircraft in the geographical area of the international airport "Tirana International Airport".

The Competition Commission, through decision no. 116, dated 29.05.2009 "On the exemption from the prohibition of the agreement between the" TIA "SHPK and" AIR BP Albania ", has exempted from the ban, the above-mentioned agreement, point 3.7 of which gave exclusive rights to "AIR BP " on December 31, 2014 on trading of fuel for aircraft.

Despite starting from January 1, 2015, the exclusivity of marketing of fuel for aircraft, in the geographical area of Tirana International Airport ends, this market remains a monopoly of undertakings "Air BP" as the only operator that provides this service in the market of passenger air transport, based on the contract between "TIA" and "ABP". The second undertakings, due to the construction of infrastructure of refueling, has the exclusivity of this service, until April 22, 2025.

The cause of launch of investigation procedures became a document that was sent to the CA, on 27/04/2016, no.157 prot., from the Association of Petroleum on "Problems related to the monopoly of aircraft kerosene supply in Tirana International Airport Mother Teresa, in which they laid some concerns about the inability of undertakings operating in the market of import and sale of fuel, to trade aircraft fuel.

The Association requested the intervention of the CA regarding (a) the possibility that should be given to other undertakings, to take land into use to provide the required infrastructure for the supply of aircraft fuel; (b) oil trading undertakings that may agree with

airlines, have the opportunity to put trucks on the territory of the airport, based on contracts they sign with airlines; and (c) if it is reached, the terms and conditions that will be offered to other undertakings, should be non-discriminatory, and the concessionaire should not have the right to seek profit on fuel, due to the effect the monopoly has on the airport.

As above, the Competition Commission Decision no. 417, dated 18.05.2016, decided to launch a preliminary investigation procedure in the supply of aircraft fuel market, in the geographical area of Tirana International Airport Mother Teresa on the existence or not of limitations, exclusions, restrictions or distortions of competition, for the period 1.1. 2015 - 18.5.2016.

Analysis of the supply of aircraft fuel market JET A -1 karosene at Tirana International Airport Mother Teresa, found that only the undertakings "AIR BP ALBANIA" is an importer and wholesaler for this product. Also, the assessment of the financial balances of the undertakings "AIR BP ALBANIA", showed that in 2015, the profit after tax is significant when compared with the fuel market in the country.

For these reasons, the Competition Commission through Decision no. 432-432 / 1, dated 14.09.2016, decided on the opening of the in-depth investigation procedure in the market of aircraft fuel supply in the geographical area of the International Airport "Tirana International Airport Mother Teresa" for the period January 2014 - June 2016.

Upon completion of the report by the Secretariat, the presented case is in the process of file review and hearing sessions with the parties under investigation, according to the provisions of article 39 of Law no. 9121/2003.

iv. Public procurement on "Safeguard facilities for 2015", divided into 13 lots, developed by the General Directorate of Taxation.

The cause for the launch of procedures, was a document sent by the GDT, at the CA protocol, no.417, dated 26.10.2015, which informed that in the procurement procedure developed by GDT, on "Safeguard of objects in which are accommodated the tax administration "divided into 13 lots, it was found that during the opening of bids for economic operators and particularly in Tirana Lot, 6 (six) of the economic operators bidders have submitted offers of equal economic value. GDT made available to the CA, offers from undertakings that have participated in the tendering procedure "Safeguard of objects in which are accommodated the tax administration ".

From the offers identical appearance, there suspicion were raised that there may be prohibited agreement among operators, which contradicts the law no. 9121/2003.

Competition Commission Decision no. 380, dated 02.11.2015 decided to "Open the preliminary investigation procedure in the public procurement market on" Safeguard of facilities for 2015 ", divided into 13 lots, developed by the General Directorate of Taxation" to see whether or not there were any signs of competition restriction.

The methodology used in the investigation is based on the guideline "On countering the prohibited agreements on public procurement offers" aligned with the OECD methodology for coordinating the fight against the bids in public procurement.

To evaluate the behavior of enterprises in the public procurement market of private service for physical security the data collected during the inspections in the undertakings was evaluated and the documents were administered by the Contracting Authority, since during unannounced inspections, conducted in the participating undertakings in this procurement procedure, there were no direct evidences, to prove the cooperation in the preparation of bids in public procurement procedures.

Identical bids, in these conditions, it appears to have been due to the recommendations made by the PPA and the PPC (Public Procurement Commission), on 1.4.2015, on the method of the procurement procedure for obtaining private security safeguard service, which has led undertakings toward the valid minimal price, that is identical with the value determined by the PPA and the PPC.

Also, the above, do not prove that undertakings have applied schemes of defined offer agreements, according to the methodology used "On countering of prohibited agreements on bids in public procurement", since the winning bid was at 86.91% of the fund limit, giving another indication to the analysis, which leads to the lack of an agreement in this tender; since the significant difference from the value of the fund limit, indicates that there are no evidences of prohibited behavior.

After evaluating all the documentation administered during the inspection procedures, conducted in the undertakings under investigation and assessment of documents sent by the Contracting Authority in connection with the procurement procedures on "Safeguard of facilities for 2015, divided into 13 lots, developed by GDT "it showed that there were no signs of cooperation between undertakings in the preparation of tenders in public procurement procedures in this market, as provided in Article 4 of law no. 9121/2003.

Finally, the Competition Commission with decision no. 407, dated 08.03.2016 decided:

- Closure of the preliminary investigation procedure in the public procurement market on "Safeguard of facilities for 2015", divided into 13 lots, developed by GDT "after the completion of this investigative procedure since there were no signs of competition restriction for the period under investigation ;
- To recommend to the PPA, in cooperation with contracting authorities, in the case of service of private security:
 - a. when calculating the limit fund, to consider covering all operating costs and a normal profit margin for undertakings of physical security by calculation of experts, in order not to set the price of bidders by the procuring authority;
 - b. to follow the implementation of contracts, because pricing abnormally low, means failing to receive the procured service (the number of guard posts or shifts / lower working hours than contracted);

- c. exclusion from public procurement, of undertakings that participated in prohibited agreements in public procurement under the CA decision.
- v. *In-Depth market investigation in the market of processing and trading of packaged milk and its derivatives.*

After the monitoring conducted in the dairy market and its derivatives suspicions arose that there could be an agreement between two or more undertakings, which operate in this market.

Komisioni i Konkurrencës me vendimin nr. 400, datë 10.02.2016 "*Për hapjen e hetimit paraprak në tregun e përpunimit dhe tregtimit të qumështit të ambalazhuar dhe nënprodukteve të tij*", nisi hetimin paraprak për të parë nëse ka ose jo, shenja të kufizimit të konkurrencës, për periudhën kohore 1 janar 2014 – 31 janar 2016.

Competition Commission through Decision no. 400, dated 10.02.2016 decided "On the opening of the preliminary investigation in the market of processing and trading of bottled milk and its derivatives", began a preliminary investigation to see whether or not there were signs of competition restriction, for the period January 1 2014 - January 31, 2016.

At the conclusion of the preliminary investigation stage, it was noted from the analysis of the concentration indicators, that the market shares of the undertakings during the period under investigation, and comparison of prices charged by the undertakings for the investigation period, for products in the relevant market, the undertakings "Lufra" SHPK and "Erzeni" SHPK which owned 75- 80% of the market, presented doubts about the existence of a prohibited agreement.

For these reasons, the Competition Commission through Decision no. 413, dated 21.04.2016 decided on "The opening of the in-depth investigation procedure in the market of processing and trading of bottled milk and its derivatives, for undertakings" Lufra "SHPK and" Erzeni "SHPK"" with object the existence or not of a prohibited agreement or potential abuse of a joint dominant position in the market for the period January 1, 2014 - March 31, 2016.

At the conclusion of the investigation it was concluded, that the evidence collected during the procedure of in-depth investigation into the market of processing and marketing of packaged milk and its derivatives, on undertakings "Lufra" SHPK and "Erzeni" SHPK, did not show signs of restraint of potential competition from a prohibited agreement or abuse of a dominant position in the market, within the scope of Articles 4 and 9 of the law no. 9121/2003. According to the investigative report, market concerns identified in the investigation, should be addressed by the responsible institutions, with a view of promoting and protecting competition.

For these reasons, the Competition Commission through Decision no. 444, dated 30.11.2016 decided "On closing of the in-depth investigation procedure in the market of processing and trading of bottled milk and its derivatives on undertakings" Lufra "SHPK and" Erzeni "SHPK".

With this decision, the Commission decided to recommend the Ministry of Agriculture and Food, Ministry of Finance, AARD (Agency of Agricultural Rural Development) and GDT:

- Verification of the functioning of the VAT refund scheme in the relevant market of processing and trading of packaged milk and its derivatives, according to guideline no. 19, dated 03.11.2014 "On the implementation of the special regime scheme of compensation to agricultural producers for the purposes of added tax value."
 - Analysis of the financial statements of the undertakings under investigation "Erzeni" SHPK and "Lufra" SHPK, to see reasons of non-reflected sales increase by 2-5 times, in the financial result.
- vi. *Preliminary and in-depth investigation in the market of compulsory motor insurance with third party liability (MTPL interior).*

Given the articles in the press, in connection with an increase in the price of compulsory motor insurance with third party liability (MTPL), by all insurance undertakings by about 25%, on 24/08/2016, inspectors of the CA conducted a monitoring on the market.

From the monitoring that was carried out at the sales agents of insurance policies, as well as the their statements, it is found that on 24.08.2016, they applied the rising cost of compulsory motor insurance with third party liability (MTPL), for all categories and from all insurance undertakings to the extent of 20%.

This increase is reflected in the online system of issuing policies (MTPL) from the insurance agents, of all insurance companies, on 24.08.2016. Also it was observed that these sales premiums varied symmetrically from one insurance undertakings to another, with the same value of 12 ALL. This behavior may constitute a prohibited agreement pursuant to Article 4 of Law no. 9121/2003.

As above, the Competition Commission through Decision no. 430, dated 07.09.2016, decided to launch a preliminary investigation procedure into the market of compulsory motor insurance with third party liability (MTPL interior), for the investigative period January 1, 2016 - September 7, 2016.

An examination of the documentation that was administered during the inspection, noted that all insurance companies had set the date August 24, 2016, to apply the changed prices for the product MTPL interior, increasing the price for all categories (16 categories), in the same value of 16.7%, by informing undertakings "Star Broker" via official letter, on August 23, 2016 (excluding undertakings "Ansig" whose letter dated 24 August 2016). In accordance with the above, the undertakings "Star Broker" SHA has implemented the change of tariffs for categories of MTPL sales system at the same time, for all insurance undertakings, on the date 24.08.2016, 00:00.

By comparing the sales of MTPL premium, applied before 24.08.2016, with the sale of MTPL premium, applied from the date 24.08.2016, it was observed that the amount of the premium increase was 16.7% for all undertakings and all product categories.

In conclusion, the increase in the same day and the same value of premium selling MTPL domestic product, by all insurance undertakings that operate in the domestic market MTPL, could constitute a coordinated behavior based on Article 4, paragraph 1, letter "a" and "c" of the Law no. 9121/2003.

For this reason, the Competition Commission through Decision no. 435, dated 21.09.2016 decided "Opening the in-depth investigation procedure in market of compulsory motor insurance with third party liability (MTPL interior), to undertakings providing non-life insurance" to see whether or not there are any violations of Article 4 of law no. 9121/2003 and evaluate the laws and regulations, which could bring restrictions in the relevant market for the period from 01/01/2016 - 09/20/2016.

Competition Commission in 2016 estimated that the regulated markets, regulatory bodies and in this case, FSA, in performing their duties to regulate economic activity under the supervision of entities are obliged to apply the provisions of Law no. 9121/2003 and to ensure free and effective competition in the markets under regulations.

As above, the Competition Commission, through decision no. 443, dated 30.11.2016 "On measures and obligations for insurance companies and some recommendations for the Financial Supervisory Authority on restoring competition in the market of compulsory motor insurance with liability to third parties" decided:

- Commitments of undertakings under investigation, become mandatory in the form of conditions and obligations, as follows: a) connection of more than one service contract with the brokerage companies and undertakings of agencies / agents as physical persons; b) Increased service to the insured in terms of damages and different premium delivery sales by customer category; c) Measures, that in their systems enable the undertakings to apply the differentiated system Bonus / Malus;
- Recommend to the Economy and Finance Commission of the Assembly of the Republic of Albania, to force the FSA to take measures to ensure free and effective competition in the market of compulsory motor insurance with third party liability (MTPL domestic) through extraction of bylaws related to: a) full implementation of the Bonus / Malus system for compulsory motor insurance with third party liability, by differentiating insurance premiums according to the history of damages; b) Direct Compensation for insured parties that would significantly increase competition among insurance companies.

The FSA filed the administrative complaint for partial revocation of the decision of the Competition Commission, for the FSA recommendations. The Competition Commission after examining the complaint approved decision no. 448, rejecting the appeal and upholding the decision no. 443, dated 11.30.2016 "On measures and obligations for insurance companies and some recommendations for the Financial Supervisory Authority on restoring competition in the market of compulsory motor insurance with liability to third parties".

vii. General inquiry into the banking sector.

The Competition Commission, after reviewing the monitoring report in the banking market, through decision no. 373, dated 16.09.2015, pursuant to article 41 of Law no. 9121/2003 has opened the procedure of "General Investigation in the banking sector", to assess whether competition in this sector is limited or distorted as a result of the behavior of one or more banks. This investigation aimed to assess competition in the banking sector, identifying problems that can lead to restriction of competition and make recommendations for improving the competitive environment in this vital market, for the Albanian economy.

In this investigation the Panzar Rosse model is used, which aimed to build H statistics , for the period 2010-2015 in the banking sector. H statistics calculations, resulting 0.742, where competition in the banking sector for the period under analysis is in terms of a monopolistic competition.

The relevant products obtained in the analysis include: accounts; deposits with/without time-lapse; consumer loans; credit limit (OVD); mortgage loans; credit cards; debit cards; bank transfer; securities in the primary market, offered by commercial banks in the territory of the Republic of Albania.

At the conclusion of the investigation procedures several recommendations were proposed to the Bank of Albania (BoA), which holds the status of the Licensor-supervisor of the banking system, the Albanian Association of Banks (AAB) and second-tier banks.

The Competition Authority has requested comments and suggestions from BoA and AAB on the General Investigation report on the banking sector and recommendations. In response to the request of the CA, BoA and Albanian Association of Banks have submitted their opinions and comments regarding this report and recommendations.

After consultation session with BoA and AAB, the Competition Commission will express through a decision under the provisions of Articles 69 and 70 of Law no. 9121/2003.

viii. In-Depth investigation into public procurement market on "Improving, updating vertical / horizontal signage in national axes and improving national road safety".

The CA from a disturbance in the press about the lack potential competition in the service of road signs, requested information from the Albanian Road Authority, regarding the procurement procedures performed on "Improving, updating signage Lot I and Lot II.

Situated in a situation, which may contain signs of potential limitations of competition in the procurement on "Improving, updating vertical / horizontal signage for national axes and improving road safety " Lot I and Lot II, the Commission Competition, pursuant to Article 42, through the decision no. 376, dated 15.10.2015, decided to launch a preliminary investigation into this market, to see whether or not there were any signs of competition restriction.

Based on the report of the preliminary investigation, the Competition Commission concluded that there are signs of restriction of competition, thus expressed through decision no. 386, dated 14.12.2015 "For the opening of the in-depth investigation procedure

in the public procurement market with subject: " Improving, updating vertical / horizontal signage in national axes and improving road safety "to see whether or not there are any signs of competition restriction.

Assessing the behavior of undertakings in the public procurement market of improving, updating vertical / horizontal signage in national axes and improving road safety, are conducted based on the guide " On countering the prohibited agreements on public procurement offers " tailored methodology that applies OECD, to coordinate the fight against bidding in public procurement.

During the investigation proceedings, the SSAI (State Supreme Audit Institution) through letter no. 787/18 protocol. dated 24.02.2016, recommends to the CA investigating the risk of the existence of a prohibited agreement in public procurement bids, developed by the Albanian Road Authority for 2014-2015, based on the findings of the audit conducted in the ARA facilities for road signs.

The CA has requested from SSAI, that following the procedure of the in-depth investigation in this market, to make available the facts and evidence that dispose about the schemes of winning through rotation, as well as other elements of market control, the existence of collusion between operators and monopolization of the market in procurement procedures carried out by the contracting authority "Albanian Road Authority".

In response to the request of the CA, SSAI has made available a part of the final report of the audit exercise in ARA. Based on this report, it did not result in additional evidence and facts regarding the possibility of a prohibited agreement, in public procurement bids for road signs.

After evaluating all the documentation administered during the investigation and the documentation submitted by the undertakings bidding in the procurement procedure and the documentation administered during inspections conducted at the headquarters of the undertakings under investigation, there were no elements of cooperation of undertakings in preparation bids, in procurement procedures in public procurement market, on " Improving, updating vertical / horizontal signage in national axes and improving road safety ", as provided in Article 4 of law no. 9121/2003.

Upon the completion of the investigation, the Competition Commission expressed through decision no. 409, dated 21.03.2016, recommending to the Albanian Road Authority to draft a procurement process to promote the participation of operators of small and medium economic and foreign operators, such as: a) reducing the size of lots, to increase access to as many operators in the procurement processes; b) to avoid as much as possible, the operators union as a factor that increases the likelihood of long-term cooperation, to the detriment of competition; c) determining the deadlines for the preparation of bids, in accordance with the nature of the procurement and contract value to be procured, in particular when participation could include foreign operators.

Investigations into prohibited agreements and dominant position in 2016 by markets.

TABLE 5

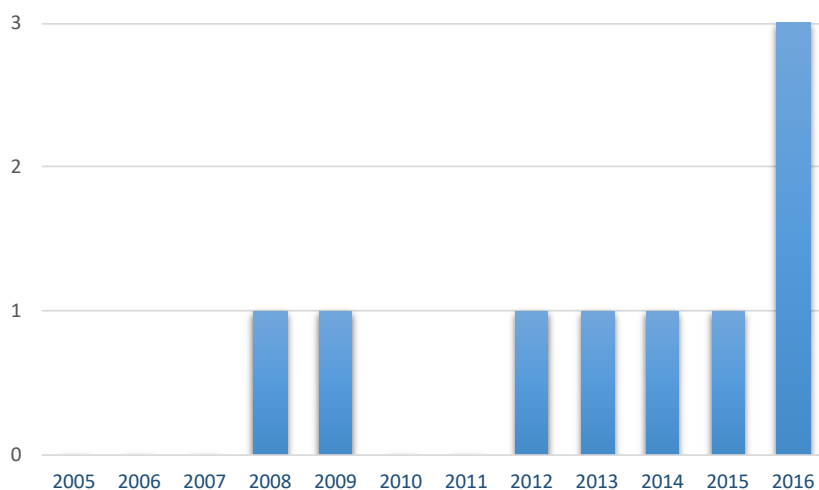
Pharmaceutical products	1
Tobacco products	1
Fuels & TIA	1
Public procurement	2
Dairy products	1
Insurance	1
Banking	1

2.4 Exemption from the prohibition of agreements.

Under Article 5 of Law no. 9121/2003 may be excluded from the application of paragraph 1 of Article 4 each agreement that contributes to improving the production or distribution of products or to promoting technical or economic progress, if enough of these benefits go in favor of customers and consumers when: they do not contain restrictions of activities of the undertakings concerned, that is not necessary to achieve the objectives; does not limit significantly, the competition about the products or services covered by these agreements..

2.4.1 Statistics regarding exemption from the prohibition of agreements.

TABLE 6



2.4.2 Përshkrimi i rasteve specifike.

i. Exemption from the prohibition of the agreement "Digitalb - TV operators".

The Competition Authority in accordance with Articles 5 and 48 of the following law no. 9121/2003, received a letter from undertakings Digitalb SHA, for exemption from the prohibition of agreement TIP between "Digitalb - TV operators" with the object carriage of TV channels, in the Numerical platform of Digitalb.

The purpose of the announced agreement, is the inclusion in the terrestrial and satellite platform of TV channels of 15 TV operators, consisting of channel signal retransmission in wireless terrestrial and satellite in real time (live) and without any intervention on the original channel. The TV channel will be re-transmitted respectively encrypted / encoded, according to its territorial coverage and use of Digitalb.

Upon receipt of complete information, pursuant to article 52 of Law no. 9121/2003 an announcement was published on the website regarding this agreement, to invite third parties to express their opinions on the notified agreement within 30 days. Undertakings ABCOM expressed its opinions as a third party, demanding rejection of the request for exemption from the prohibition of undertakings Digitalb SHA. Undertakings TRING TV SHA has presented its opinion on the request for exemption from the prohibition Agreement "Digitalb - TV operators", asking the CA to evaluate the agreement as a prohibited agreement, which does not qualify for exemption. The Association of TV Broadcasters, Cable and Local Valor - RTL, believes that the new TIP agreement does not satisfy means and conditions to benefit from the exemption.

The CA referred AMA, which has been informed since the notified agreement under Article 34 of Law no. 9121/2003, was asked to express its position on this agreement.

Pursuant to Article 39 of Law no. 9121/2003, the Competition Commission held a hearing with the parties, "ABCOM" TRING and cable TV Broadcasters Association of Local Valor dated 20/07/2016; Digitalb and regulator AMA (Audiovisual Media Authority).

The Competition Commission expressed through the decision n0. 428, dated 27.07.2016 "On individual exemption from the prohibition of the Agreement-Tip" Digitalb - TV operators ", as based on Article 5 of Law no. 9121/2003, the Competition Commission finds that: The agreement TIP between Digitalb and television operators, exempted for all operators who have expressed their willingness to sign the agreement in respect of terms and conditions: a) in Article 5 point 2 is removed "X TV is obliged not to offer a broadcast channel to any platform / other operator satellite, terrestrial, digital cable, or any other form of transmission, with or without charge within the territory of the Republic of Albania [...]"; in Article point 4 is removed "X TV cannot transmit on its website in real time or live broadcasts" and points 4.1 and 4.2.

The Competition Commission through decision no. 429, dated 27.07.2016 "On some recommendations and evaluations to the Authority of the Audiovisual Media" said that: 1) in geographical areas (national, regional, local), which are included in the provisions of Article 87 of Law no. 97/2013 "audiovisual media in the RA", should fulfill obligations as defined in this article and the AMA rules for the obligation of carrying 2) Interested parties should address the competent body AMA, according to the Law no. 97/2013 on issues that have nothing concerning the Protection of Competition, as regards to problems arising from the implementation of that law.

To respect the decision of the CA no. 428, dated 27.07.2016, on removing contents of the agreement excluded from the ban, having the "X TV" for not providing broadcast channel, on any platform / operator other than satellite, terrestrial, digital cable, or any other form of

transmission, with or without charge within the territory of the Republic of Albania, the Competition Commission, expressed through decision no. 436, dated 27.09.2016 "For a change in the decision no. 428, dated 27.07.2016 "On individual exemption from the prohibition of the Agreement -Tip" DIGITALB - TV operators ", removing the exclusive transmission and distribution of the television channel, in all known forms of transmission.

ii. Exemption from the prohibition of agreement KESH-OSHEE for surpluses.

ERE (energy regulator entity) opinion was sent to the CA regarding "Agreement for the sale of electricity between undertakings and KESH SHA and OSHEE for surplus electricity, including surplus in terms of the large flows in order to meet the losses in the distribution system for 2015".

After evaluation of the agreement, the terms of its implementation and benefit of the public interest, with the decision nr.405, dated 01.03.2016, the Competition Commission approved the amendment to the "exemption agreement for the sale of electricity between KESH and OSHEE, regarding the surplus electricity in terms of the large flows in order to meet losses in the distribution network by June 2016 ".

ERE sent for opinion to the CA, the "Agreement for the sale of electricity between KESH SHA and OSHEE SHA for surplus electricity, including surplus in terms of the large flows in order to meet the losses of the distribution system for the year 2016 ". The agreement included the postponement of the deadline of the existing agreement until June 31, 2016.

Also, the Albanian Association of Electricity Suppliers (AAES) presented for information to the CA the request directed to ERE, to respect the legal norms concerning the examination modalities of potential cooperation between companies KESH SHA and OSHEE SHA about supply electricity for covering the losses of the distribution system for 2016, claiming that the bilateral agreement signed between KESH and OSHEE, restricts competition by not allowing participation in procurement procedures for electricity trading companies licensed by ERE .

For the evaluation of the agreement, were considered materials managed and made available by the Association of Suppliers of electricity, the information came from OSHEE SHA and KESH SHA, in connection with the procedures of buying electricity and price purchase price of electricity to cover losses in January 2016 from OSHEE, existing information on historical selling prices and purchasing electricity in previous periods, and public interest benefit from the implementation of the agreement.

Competition Commission through decision no. 434, dated 21.9.2016, approved the "exemption from agreement for the sale of electricity between KESH and OSHEE, for the surplus electricity in terms of the large flows in order to meet losses in the distribution network for the period July 1 to December 31, 2016 ".

2.5 Control of concentrations.

Concentrations of undertakings are cases where a sustainable change of control is caused as a result of: a) the merger of two or more undertakings or parts of undertakings independent of each other; b) gaining control, directly or indirectly, by one or more physical persons who also have control of at least one other undertakings or by one or more undertakings, on one or more undertakings or parts thereof through the purchase of shares, shares or assets, contract or any lawful means; c) to control directly or indirectly on one or more undertakings or parts thereof; and d) creating a joint venture, which does not have as object or effect the coordination of competitive activities between two or more independent enterprises.

A merger becomes subject to review by the CA, then notifies the CA for making authorization only if it meets the condition laid down in Article 12, paragraph 1 of Law no. 9121/2003: "Concentrations of undertakings are notified to the Authority, to receive authorization if the last financial year preceding the concentration:

- the turnover of all the undertakings concerned together, the international market is more than 7 billion ALL and the turnover of at least one participating undertakings in the domestic market, has more than 200 million ALL;
- turnover of all participating undertakings in the domestic market is more than 400 million ALL and a turnover of at least participating enterprises, the domestic market is more than 200 million ALL".

Concentration that meets the abovementioned provision (Article 12, paragraph 1 of Law no. 9121/2003), must be notified within 30 days of the agreement for the merger or acquisition of control, or the creation of a joint venture.

During 2016, there has been increase in the number of notifications of concentrations near the CA. This difference is due to the dynamics in the domestic market as well as transactions between foreign companies (Foreign to Foreign undertakings), which have turnover in the domestic market and therefore, classified as transactions which must be notified to the CA.

Concentrations authorized for 2016

TABLE 7

Financial services	4
Construction	3
Air travel infrastructure	2
Gaming	2
Fuels	1

2.6 Concentrations authorized and statistics regarding authorized concentrations.

During 2016, a total of 21 cases were reviewed in concentration practices, from which were authorized 12 cases related to the acquisition of control, merger of undertakings or the creation of a new undertakings, 1 case unauthorized and 8 cases of legal assessments.

Concentrations occurred were examined as to the effects brought on the market, viewed from the standpoint of consumers and improvement of efficiency in the market, both from the premises likely to create or strengthen a dominant position of undertakings focused on the market, in full compliance with legislation and directives.

2.6.1 Benefit of control (direct or indirect) of one or more undertakings or a part of the later - the specific cases of gaining control.

Pursuant to Article 10, paragraph 1) letter b) of Law no. 9121/2003, as amended in 2016, the CA reviewed these cases of gaining control.

In specific cases of gaining control, the Competition Commission concluded its decisions, when the transactions showed no signs of restriction of competition in the market or a part thereof, in particular as a result of the creation or strengthening of a dominant position.

The decision nr.398, dated 09.02.2016 authorized the concentration realized through the acquisition of control of the undertakings SABMiller Plc. from undertakings Anheuser-Busch InBev. Relevant market in this transaction was considered market production, sales and distribution of beer.

Decision nr.399 dated 9.02.2016 authorized the concentration realized through the acquisition of control of the undertakings EHW SHPK. from a single partner. Relevant market in this transaction was considered market production and processing of meat (Sausages and ham) for consumption by humans as well as trading.

Decision no. 414, dated 04.05.2016, authorized the concentration realized through the acquisition of indirect full control of the undertakings Petroleum Geo-Jade Petroleum Corporation from Bankers Petroleum Ltd., through undertakings 1958082 Alberta Ltd. Relevant market in this transaction was considered market research, development, manufacturing, oil and gas, trade and export of oil and gas products.

Decision no. 420, dated 08.06.2016, authorized the concentration realized through the acquisition of control of the undertakings "Tirana International Airport" SHPK from undertakings Keen Dynamics Limited. Relevant market in this transaction was considered infrastructure services market airports, airlines offered assistance and services in the world.

Decision no. 421, dated 22.06.2015 authorized the concentration realized through the acquisition of control by the undertakings Asahi Group Holdings Ltd, of the beer business

owned by SABMiller Plc. Relevant market in this transaction, the market was considered the production, sale and distribution of beer.

Decision no. 422, dated 22.06.2016, authorized the concentration realized through the acquisition of control of the undertakings Veneto Banca spa from undertakings Quaestio Capital Management SGR, through the Atlante Fund. Relevant market in this transaction was considered the market of banking services to individuals and corporate banking services.

Decision no. 425, dated 14.07.2016, authorized the concentration realized through the acquisition of indirect control of the undertakings A4 Holding spa from undertakings Albertis INFRAESTRUCTURAS s.a. The relevant market in this transaction was considered in the infrastructure construction market.

Decision no. 426, dated 20.07.2016 authorized the concentration realized through the acquisition of control of the undertakings Insig SHA by the undertakings Eurosig SHA. Relevant market in this transaction was considered life and non-life insurance market.

Decision no. 427, dated 20.07.2016 authorized the concentration realized through the acquisition of control of undertakings Novamatic Gaming Industries GmbH, 100% of the capital by undertakings Albanich Osterreichische Gesellschaft MBH Holding. The relevant market in this transaction was considered the lottery market.

Decision no. 431, dated 14.09.2016, authorized the concentration realized through the acquisition of control of undertakings EurokontCAt SHPK., 100% of the capital by undertakings Lion Real Estate Albania SHPK. Relevant market in this transaction was considered the real estate market, maintenance and lease of real estate.

Decision no. 433, dated 21.09.2016, authorized the concentration realized through the acquisition of control of undertakings GMBF Investment Sarl, by undertakings NV Biscuits Delacre SA and United Biscuits Industries SAS, through the acquisition of 100% of the shares. Relevant market in this transaction was considered production and sales of chocolate confectionary, production and sales market of sweets in the form of cream, manufacturing and sales market of sweets containing milk and the production and sales market of biscuits.

Decision no. 445, dated 13.12.2016 authorized the concentration realized through the acquisition of control of undertakings Besa Fund SHA, by the undertakings VisionFund Albania SHPK. Relevant market in this transaction was considered the microcredit loan market offered by SFJB.

2.7 Disapproval of concentrations - specific cases.

Case - Continental Oil & Gas LLC / Transatlantic Petroleum Ltd / Stream Oil Ltd.

The transaction was notified by letter No. 61 Prot., Dated February 4, 2016, by the undertakings Continental Oil & Gas LLC with object: the acquisition of sole control of the

undertakings Stream Oil & Gas Ltd. (and indirectly the Transatlantic Albania Ltd.) from undertakings Continental Oil & Gas LLC.

Relevant market in this transaction was considered research, discovery and production of oil and natural gas.

Through official letter no. 61/3 Prot., Dated 29.03.2016 "Request for expressing opinion" of the CA to the Ministry of Energy and Industry, requested an opinion on the concentration in question.

Through official letter no. 61/4 Prot., Dated 29.03.2016 "Request" of the CA, to the undertakings Continental Oil & Gas, the latter was informed that "the procedure of control of concentration, provided for in Articles 53-64 of the Law no. 9121/2003, was suspended and will begin immediately after the deposit of "Final Agreement", signed by the parties Continental Transatlantic Oil & Gas and Petroleum Ltd, as envisaged in the Memorandum of Understanding dated 14.01.2016.

Official letter no. 61/7 Prot., Dated 03.05.2016 "Request" of the CA, to the undertakings Continental Oil & Gas, the latter was informed that "the procedure of control of concentration, provided for in Article 56, paragraph 3 of Law no. 9121/2003, will begin immediately after the deposit of

"Final Agreement" signed by the parties Continental Transatlantic Oil & Gas and Petroleum Ltd, as envisaged in the Memorandum of Understanding dated 14.01.2016.

Transaction realizes indirect acquisition of indirect and exclusive control of undertakings Stream Oil & Gas Ltd. By undertakings Continental Oil & Gas LLC, in the sense of Article 10/1 / b and 12 of Law no. 9121/2003 was concentration, which must be authorized by the Commission Competition but was not authorized due to the removal of concessions by Albpetrol.

2.8 Reviewed cases that are not considered subject to authorization by the Competition Commission.

Under Article 6 of the "Regulation for the implementation of procedures for concentration of undertakings", in 2016, the CA presented 8 cases of transaction, which are not considered subject to authorization by the Competition Commission as a result of non-fulfillment of criteria for change of control of undertakings under the concentration or non-fulfillment of the minimum throughput requirement, stipulated in the law.

ABCom SHPK – LushiCa TV SHPK

The transaction was notified by letter no. 475 Prot., Dated 16/12/2015 and had as its object the implementation of the acquisition of shares and as a result, control of the undertakings LushiCA SHPK from undertakings ABcom SHPK.

In this case, undertakings LushiCA SHPK was established on a temporary basis for a year and with the aim of transferring the assets from the seller to the undertakings ABCom SHPK. Moreover, all actions creating LushiCA TV SHPK and the transfer of its assets to ABCom SHPK, took place almost simultaneously and therefore did not result in any change in the structure of the relevant market.

The transaction did not result in a change of control on a lasting basis, for the new undertakings, and therefore could not qualify as a concentration under Article 10), points 1), letter b) of Law no. 9121/2003.

Interlogistic sh.p.k. – Mr. Edmond Hido

The transaction was notified by letter no. 28 Prot., Dated 19/01/2016 and had as object the transfer of 100% of the shares of the undertakings INTERLOGISTIC SHPK. by individual Mr. Edmond Hido.

Undertakings INTERLOGISTIC SHPK, which was part of Group Marketing & Distribution, has been the subject of "Purchase Contract no. Rep 2925 and no. 217 Kol, dated 15.12.2015, the object of transferring 100% of the shares of the undertakings from single partner Mrs. Hido to individual Mr. Edmond Hido.

This transaction occurred between members of a family which caused no qualitative change in control of the INTERLOGISTIC Sh.pk and therefore did not constitute a concentration within the meaning of Article 10 of Law no. 9121/2003.

The transaction of 100% transfer of the shares of the undertakings INTERLOGISTIC SHPK from the single partner Mrs. Majlinda Hido to Mr. Edmond Hido, did not create the conditions for a lasting change of control in the undertakings concerned, did not constitute a concentration and therefore, pursuant to Article 56 of Law nr. 9121/2003, it was not subject to the granting of authorization by the Competition Commission.

Amadeus Group It s.a. – Adria Airways Slovenski Letalski Prezovnik

The transaction was announced at the CA through letter no. 94 Prot., Dated 25/02/2016. The transaction was conducted under the "Agreement for the sale of quotas" signed between Amadeus Group It SA (acquirer) and Adria Airways Slovenski Letalski Prezovnik (seller) on February 1, 2016, with the object of obtaining full and sole control of the undertakings (i) Podjeje Sloventia Amadeus doo, (ii) NMC Shkup dooel and (iii) NMC Tirana Sh.pk (target), by acquiring the entire capital of the latter.

From a preliminary assessment of the dossier, the transaction resulted in the acquisition of control completely and only by the undertakings Amadeus IT Group of undertakings (i) Podjeje Sloventia Amadeus doo, (ii) NMC Shkup dooel and (iii) NMC Tirana Sh.pk by the acquisition of all the capital of the undertakings Adria Airways Slovenia constituted a concentration, which meets requirement of Article 10, paragraph 1, letter b) of Law no. 9121/2003. But in this case was not completed the condition of the domestic market

turnover according to Article 12 of Law nr. 9121/2003 and therefore was not subject to authorization by the Competition Commission.

Credins Bank SHA – Alreg Registry of Albanian Securities SHA

Through official letter Document no. 141 Prot., Dated April 8, 2016, to the CA it was announced a transaction of creating a new undertakings of Alreg Registry of Albanian Securities SHA, where Credins SHA is shareholder with 95% of shares. Based on the decision of the Assembly of Shareholders, no. 6, dated 29.06.2015 regarding the project "OTEAmf Securities Market ", as well as the Director General's decision no. 13 584, dated 16/03/2016," Credins Bank "SHA will first establish a joint stock undertakings , which will provide the services of clearing and settlement of transactions in securities. In the new undertakings Credins will own 95% stake, it has also received preliminary approval from the FSA through decision no. 133 dated 26.11.2015, to be called Albanian securities Registry, ALREG SHA.

From a preliminary assessment of the dossier it showed that the transaction creating a new undertakings Alreg SHA from Credins Bank SHA and a physical person does not meet the requirement of being a Joint Venture, and does not comply with the requirements under which a new undertakings must be created by some enterprise-parent with common rights and equal control and does not constitute a concentration after not meet the requirement of Article 10 paragraph 3) of Law no. 9121/2003 and therefore is not subject to authorization by the Competition Commission.

Changing the structure of ownership of the capital of Keen Dynamics Limited, buyer Tirana International Airport.

Through official letter no. 274 Prot., Dated July 21, 2016, the CA was announced about changing the ownership structure of the capital of Keen Dynamics Limited, buyer Tirana International Airport.

Undertakings FAL and through it also undertakings CEL, currently control the majority of the decision-making of Tirana International Airport Sh.pk. After realizing the expected transaction between the partners Keen end Dynamics Ltd, CEL and FPAM, about 25% of shares owned by CASIL to Keen Dynamics Ltd, the undertakings CEL (via FAL) will become the rightful owner of 100% of the undertakings capital Keen Dynamics Ltd, thus taking exclusive control of the latter.

The operation of acquiring full and indirect control, by the undertakings CEL of undertakings Keen Dynamics Ltd, by acquiring 25% equity in the latter, does not cause a qualitative change of control in the undertakings Keen Dynamics Ltd and consequently, It does not constitute a concentration within the meaning of Article 10 paragraph 1, letter b) of law no. 9121/2003.

The notified transaction was not a merger, since it did not meet the requirement of Article 10 of Law no. 9121/2003 and therefore not subject to the granting of authorization by the Competition Commission, under Article 56 of Law no. 9121/2003.

On changing the name of the network of supermarkets from "Carrefour" to "Interspar".

The latest observations from the terrain and from consultations with the press, showed that the supermarket chain under the trade name "Carrefour" has changed its name to "Interspar".

Historical Undertakings extract Spar Albania SHPK showed that: the network of supermarkets "Interspar" undertakings was administered by Spar Albania SHPK, which had changed the designation from Almark SHPK into Spar SHPK, on August 11, 2016. The only shareholders of Spar Albania SHPK, was Balfin group with 100% of shares. The undertakings exploited opportunities across the network of supermarkets that belonged to CM Balkans SHPK, under the Carrefour brand. CM Balkans, which has changed its name to "Food Distribution Center" is drawn from the sale of products in Carrefour supermarkets since April 2015, due to the large accumulated debts. Since April 2015, the supermarket chain was managed by the undertakings Almark SHPK< today known as Spar Albania SHPK.

From the extracts of the two undertakings, there were no quota alienation between the two companies mentioned above, in connection with trading activity of food retail products.

As above, there is no change of control resulted in the undertakings Food Distribution Center.

Carrefour supermarket chain is now administered from Spar Albania SHPK undertakings under the "Interspar" brand.

Ilbak MAdencilik Ve San. Tic. A.S - Tete Albania Tunnel & Mining SHPK.

Undertakings Tete Tunnel & Mining Sh.pk Albania submitted a request for preliminary assessment of the transaction, conducted between Tete Madencilik Sanayi Ve Madacencilik Ticaret AS ("Seller") and IlbCA Madencilik VE San. Tic c. AS ("Purchaser"), with the object of the sale of 51% of undertakings shares of Tete Albania Tunnel & Mining SHPK. This notification was made by letter no. 317 Prot., Dated 26.09.2016, under Article 6 of the Regulation "On the control of the notification of concentrations."

Tete Albania Tunnel & Mining SHPK ("Tete") was a corporation established by

Turkish undertakings Tete Madencilik Sanayi Ve Muhendislik Ticaret A.

Single member of undertakings Tete Madencilik Sanayi Ve Muhendislik Ticaret A had signed the "Contract of sale" transaction to transfer 51% of the shares of the Albanian undertakings Tete, with Turkish undertakings IlbCA Madencilik Ve San. Tic. AS, on 02/09/2016.

The transaction is the transfer of 51% of the undertakings shares Tete from Seller to Buyer, caused the difference in the quality control of the undertakings Tete, in the form of change of control into joint control, creating a concentration according to Article 10, point 1) letter b) of law no. 9121/2003.

Parties to the transaction did not meet the turnover criteria set out in article 12, paragraph 1, letter a) of Law no. 9121/2003.

As above, this transaction, which although constituted a concentration within the meaning of Law no. 9121/2003 did not meet the turnover criteria and therefore was not subject to authorization by the Competition Commission.

Petroleum Consulting Partners A.G. - GFI Albania SHPK.

Competition Authority on the basis of reports by the media and after verifying the information in the National Center of Registration (Business) on the transaction of acquisition of 99.9% of the registered capital of the undertakings GFI Albania SHPK from Global Fluids International SA, to Petroleum Consulting Partners AG , conducted on 01.09.2015, began the concentration control procedure. Under Articles 10 and 12 of Law no. 9121/2003, every conducted concentration must obtain Competition Commission authorization, in relation to meeting the criteria regarding sustainable change control and limit turnovers realized in the domestic and international market.

Through official letter no. 467 Prot., Dated 14.12.2015 it was announced the undertakings GFI Albania SHPK, regarding the obligation to notify the concentration as a result of the transaction occurred through the acquisition of 99.9% of the registered capital of the undertakings GFI Albania Sh.pk from Global Fluids International SA to Petroleum Consulting Partners AG, conducted on the date 01.09.2015.

Through official letter no. 467/5 Prot., Dated 22/01/2016, the Secretariat asked again for GFI Albania financial statements of Global Fluids International Sa, Eurocontrol Technics Group Inc. and Petroleum Consulting Partners AG although the deadline had lapsed as provided in the Code of Administrative Procedures and the request was made under Article 33 of Law no. 9121/2003 but the undertakings GFI Albania did not reply, undermining the assessment criteria under Article 12 of Law no. 9121/2003, for the authorization of the concentration.

The Competition Commission through its decision no. 403, dated 23.02.2016 urged undertakings GFI Albania sh.pk to deposit the financial statements for the financial year 2014 for the undertakings Petroleum Consulting Partners AG.

Competition Commission on October 20, 2016 held a hearing with representatives of the undertakings GFI Albania SHPK, during which they discussed the financial statements for 2014 for the undertakings Petroleum Consulting Partners AG. The Competition Commission asked once again the filing of financial statements in 2013 and 2014 of undertakings

Petroleum Consulting Partners AG, which should have been according to international accounting standards and aligned with the legislation.

Through Document no. 359/1 Prot., Dated 15/11/2016 the undertakings GFI Albania SHPK sent the CA the required documentation.

As a result, the evaluation of financial data reported showed that it did not meet the requirement of Article 12 of Law no. 9121/2003 regarding the turnover in the international market, and consequently the concentration was not subject to the granting of authorization by the Competition Commission.

2.9 Review of exclusive rights.


Even in 2016, the CA has continued to carry out evaluations of individual rights and exclusive data, taking into account the protection and preservation of the principles of free and effective competition in the market.

From the review and evaluation, it showed that generally the procedure for granting concessions the obligation of Article 69 still is not always respected, Law 9121/2013, which stipulates that: "The organs of central and local administration authority to require the evaluation of any draft normative act, which, in particular, has to do with a) quantitative restrictions on market access and trade; b) the establishment of exclusive rights or special rights in certain areas, for business or for certain products; c) imposing uniform practices in prices and conditions of sale ", to take to the CA for evaluation during the procedure of granting exclusive rights.

During 2016, the Competition Commission has made decisions for only 2 (two) cases with exclusive rights; in a case where the preliminary assessment was requested by the Ministry of Transport and Infrastructure, and in another case, the assessment is made at the initiative of the CA itself.

2.9.1 Statistics over the years regarding the revision of exclusive rights.

Exclusive rights (concessions) in years	2014	2015	2016
Concession contracts for the design, financing, design, production and setting up a system for issuing, distributing, locating and monitoring of fiscal stamps and stamps of drug control.	1		
Market service of compulsory technical inspection of motor vehicles and their trailers in Albania.			1
Concession contracts for financing, building and operation of scanning service of containers and other vehicles in the Republic of Albania and the scanning service fee.	1		
Concessional contracts for		1	

Final concession contract "BOT" (construction, operation and transfer) of a type MBM port in Porto Romano, Durrës.	
Concession contracts for service branding and monitoring of fuel.	

2.9.2 Description of the case for granting the exclusive right.

i. Exclusive rights to railway infrastructure Fier-Ballsh, Fier-Vlore.

Public-private partnership concession of ROT form for Fier railway infrastructure Ballsh, Fier-Vlore.

Competition Commission through Decision no. 396, dated 26.01.2016 has made some recommendations on the draft concession contract of public-private partnership the form ROT "For the rehabilitation, operation and transfer of railway infrastructure Fier-Ballsh, Fier-Vlore". This draft concession contract, envisaged the establishment of an exclusive right to determine, taking concessions as the only operator in the geographical area specified for the rehabilitation, operation and transfer of the railway infrastructure. This draft agreement, was based on private - public partnership and was regarded as a form of liberalization of rail service sector, which has been almost non-operational. The Competition Commission ruled that the draft agreement does not contradict with the provisions of Law no.

9121/2003, but pursuant to the provisions of this law, the CA has the power to monitor the behavior of the undertakings in the market, to prevent and identify cases of potential abuse of a dominant position in this market monopoly.

Competition Commission through this decision recommended to the Contracting Authority, Ministry of Transport and Infrastructure that pursuant to the Contract of Concession / Public Private Partnership to form ROT for the rehabilitation, operation and transfer of railway infrastructure Fier and Fier-Vlore "tariffs approved by the Contracting Authority should be cost-oriented. Ministry of Transport and Infrastructure must address the CA, where it finds that the possible violations at the Law no. 9121/2003, during the concession period.

ii. Market Assessment for service of compulsory technical inspection of motor vehicles and their trailers in RA.

Market technical inspection of vehicles, provides a public service obligation for users of motor vehicles and is offered on the market only by one undertakings, which has the right to determine the agreement Concession "concession service obligatory technical control of motor vehicles and their trailers, in the Republic of Albania ", signed on 03.09.2009, according to law no. 9663, date. 18.12.2006 "On concessions" - amended and its legal framework between the Ministry of Public Works, Transport and Telecommunications (now the Ministry of Transport and Infrastructure (MTI)) and concessionaire: SOCIETE GENERALE DE SURVEILLANCE SA, undertakings registered in the Commercial Register of Geneva. In

accordance with the concession agreement, the service market for vehicle technical control is a centralized market model (separated from the service), with a single undertakings service delivery.

After ex-post evaluation of the concession agreement, the CA through decision no. 312, dated 18.04.2014 "On some recommendations regarding the functioning of the market of technical vehicle service", decided to recommend the Ministry of Transport and Infrastructure, that in the short term, to require concessionary SA Societe Generale de Surveillance (SGS), to create more than one opportunity for customer choice for conducting mandatory annual technical inspection of vehicles in the city of Tirana; in the long term, the possibility of providing technical inspection of vehicles by some operators.

Based on the best methodologies of competition law as well as the stage in which the concession contract, consideration of the case focused on two directions: a) evaluate the performance of concession undertakings and the quality of service; and b) the price dynamics of change and comparison with the region.

The analysis of performance indicators found that the concessionary had completed investments in creating environments suitable for work, investment in equipment and software, in accordance with the instructions of the Ministry of Transport and Infrastructure and the EU directives, has brought the best experience enterprise "parent" with specialists and equipment, has implemented application "on-line" booking date of the technical inspection, the official website has comprehensive information on procedures, documentation, addresses, contacts for a quick and made available to customers, a contact number (posted even in an environment where technical inspection is performed) for any abusive behavior by employees of the concessionary undertakings.

Despite economic performance and financial assessment of service from the perspective of customers, evidenced through questionnaires showed that: a) more problematic vehicles to meet the criteria of commissioning technician are vehicles fueled with gasoline, but without elements binding the concessionary to establish additional equipment on the vehicle to reduce emissions; b) lack of customer awareness for the application of the hour advance reservation service receiving, leading to delays and queues in the implementation of control procedures; c) completion of a statement-type, designed by concessionary, puts the recipient of the service in adverse conditions, in case of damage caused during the technical control; d) there is still the phenomenon of additional payments, informal, to pass the test of technical control.

In connection with the evaluation of the service fees as specified in the concession contract, the CA, through decision no. 416, dated 18.05.2016 "On some recommendations for revision of tariffs and the opening of the service market for vehicle technical control," recommended to the contracting parties before changing service fees, that parties shall submit to the CA, relevant information on economic analysis for the deployment of these new tariffs. For 2016 onwards, the concession did not change the service fees for vehicle technical control.

About improving the service, the Commission recommended to the Ministry of Transport and Infrastructure, to take steps to open the market to competition, according to the practices and international best standards after the end of the concession period.

PART THREE

COMPETITION AUTHORITY VS JUDICIAL TRIALS

The Competition Authority always pays special care and attention to the performance of the prosecution and judicial processes. Competition Commission's decision are a significant indicator in order to ensure a free and effective competition in the market.

During 2016, 52 decisions were given by the Competition Commission, from the right to appeal was filed against for only 1 (one) decision. On the other hand, in addition to the appealed decision for the first time in 2016, activity of Competition Authority in relation to the judicial process, has continued against those issues, which are being heard in the Court of Appeal and the Administrative College of the High Court.

Decisions rendered by the Competition Commission in years, having concluded in violation of the law and containing penalties for undertakings, are subject to appeal in court, the fundamental reason for touching the economic-financial interests of offenders of the law No.9121 / 2003.

Referring to complaints of subjects appealing, it turns out that the decisions of the Competition Commission, in years have been appealed only on the merits and not on the side procedure, which highlights the fact that the Competition Authority, observes rigorously investigative and administrative procedures, on a case by case basis.

3.1 Statistics regarding litigation in higher courts 3.

TABELA 1

	Adm. Court of First Instance (suit)	Adm. Apels Court (appeal)	Supreme Court (recourse)
Issues under review	1 <i>Landeslease</i>	9 <i>Plu</i> <i>Tirana Lines</i> <i>TUT</i> <i>AMC</i> <i>Eurogjici</i> <i>Hyundai</i> <i>Geci</i> <i>Landeslease</i> <i>TUT</i>	11 <i>Romano Port</i> <i>Alba Trans</i> <i>Nazeri</i> <i>AMC</i> <i>ARMO</i> <i>Classic</i> <i>Atlas</i> <i>Intersig</i> <i>Ferlut</i> <i>Eurogjici</i> <i>TUT</i>
Issues examined	1	3	4
Won	1 <i>Landeslease</i>	2 <i>TUT</i> <i>Geci</i>	2 <i>Intersig</i> <i>Romano Port</i>
Lost	-	1 <i>Eurogjici</i>	2 <i>Classic</i> <i>Atlas</i>

3.2 Cases in the Administrative Court of First Instance, Tirana.

Administrative Court of First Instance, Tirana in 2016 was to review only 1 (a) matters for which it is expressed with the decision.

1. Administrative issue with plaintiff: Undertakings "Landeslease" SHPK; The Respondent: CA; Third Person: Undertakings "MUKA" SHPK; Object: "Amendment of Decision no. 412, dated 21.04.2016 "On some recommendations to increase competition in the leasing market and the financial sector" "Competition Commission. Administrative Court of First Instance in Tirana, after reviewing this issue with the decision no. 3898, dated 21.07.2016 has decided: Rejection of the lawsuit; leaving in force the decision of the CA. Against this decision by the undertakings has appealed at the Administrative Court of Appeal, Tirana.

3.3 Issues in Administrative Court of Appeal.

Administrative Court of Appeal in 2016 has received 9 cases, of which 3 were reviewed and 6 remain, for consideration in 2017.

1. Administrative issue with Plaintiff: Undertakings "PLUS COMMUNICATION" SHA, Respondent: CA; Third Person: Undertakings "Vodafone Albania" SHA and AEPC, Object: Partial Amendment of the administrative decision of the Competition Commission no. 303, dated 16.01.2014. "To close the in-depth investigation on" Vodafone "SHA and recommendations for AEPC". Administrative Court of First Instance, Tirana decided to reject the lawsuit of the undertakings, leaving in force the decision of the CA. Against this decision by the undertakings "PLUS" has appealed to the Administrative Court of Appeals in Tirana and are awaiting the date of judgment.
2. Administrative issue with Plaintiff: Undertakings "Tirana Lines"; Respondent: CA; Object: Amendment of Decision no. 290, no. 23.07.2013 of the Competition Commission, for its portion plaintiffs. This issue was on trial at the District Court of Tirana and crossed the judiciary competence of the Administrative Court of First Instance, Tirana. Administrative Court of First Instance, Tirana decided to reject the lawsuit, leaving in force the decision of the CA. Against this decision by the undertakings has appealed at the Administrative Court of Appeals in Tirana and are awaiting the date of trial.
3. Administrative issue with Plaintiff: Undertakings "Tirana Urban Trans" (TUT); The Respondent: CA; Object: Amendment of Decision no. 290, dated 23.07.2013 of the Competition Commission, for the part belonging to the plaintiff. Administrative Court of First Instance, Tirana decided to reject the lawsuit the undertakings, leaving

in force the decision of the CA. Against this decision the undertakings has appeal at the Court of Administrative Appeal of Tirana, which with the decision no. 554, dated 17.03.2016 decided: Uphold the decision of the Administrative Court of First Instance, Tirana. Against this decision there has been a recourse to the Supreme Court by the plaintiff, undertakings "Tirana Urban Trans" SHA; and we are waiting for the date of the trial.

4. Administrative issue with plaintiff, "AMC" SHA; The Respondent: CA; Object: The invalidity of the decision no. 59, dated 09.11.2007 of the Competition Commission. District Court in Tirana on this issue has decided to reject the lawsuit, confirming the legality of the decision no. 59, dated 09.11.2007 of the Competition Commission. Against this decision the plaintiff "AMC" SHA, filed an appeal at the Court of Appeal, which after consideration decided to uphold the decision of the District Court of Tirana. Against this decision, "AMC" filed an appeal with the Supreme Court, which after examining the retrial set to return this issue to the Administrative Court of Appeals in Tirana and is awaiting the date of trial.
5. Administrative issue with plaintiff, "Eurogjici Security" SHPK, "Eurogjici, Security 1" SHPK, "Toni Security" SHPK; The Respondent: CA; Object: Amendment of Decision no. 240, dated 26.07.2012 of the Competition Commission "for imposing penalties." Each of the plaintiffs, filed a separate lawsuit against the CA. In connection with these issues, the District Court of Tirana has accepted the lawsuit. Against this decision by the CA. It is presented an appeal to the Court of Appeal. The Court of Appeal, in connection with the subject matter revealed incompetence, pursuant to Law no. 49/2012 dated 03.05.2012 and passed the case on to the Administrative Court of Appeal, Tirana, which with the decision no. 1400 dated 30.05.2016 decided: to uphold the decision of the Administrative Court of First Instance, Tirana. Against this decision there has been a recourse to the Supreme Court, the Respondent, CA; and we are waiting for the date of the judgment.
6. Administrative issue with plaintiff, "Hyundai" SHPK; Respondent CA, with subject: "The repeal of the administrative act, decision no. 154, dated 01.10.2010 of the Commission of the Competition Authority regarding the fine for participating in a prohibited agreement in the offering. Administrative Court of First Instance in Tirana, after reviewing this issue with the decision no. 4543, dated 21.09.2015 has decided: Rejection of the petition; leaving in force the decision of the CA. Against this decision the undertakings has appealed at the Administrative Court of Appeal and are waiting for the date of the trial.
7. Administrative issue with plaintiff: Undertakings "Tirana Urban Trans" (TUT) SHPK; Respondent: Executive Office Tirana and CA, with subject: The repeal of the

administrative act, decision no. 290, dated 23.07.2013 of the Competition Commission, because it is extinguished due to limitation by law. Administrative Court of Tirana First Instance ruled: Acceptance of the lawsuit. Against this decision the CA has appealed to the Administrative Court of Appeals in Tirana and are awaiting date of trial.

8. Administrative issue with plaintiff: Undertakings "GECI" SHPK; respondent: Executive Office Tirana and CA, with Subject: Invalidity of an executive, decision no. 229, dated 07.07.2012 of the Competition Authority. The execution of the decision no. 229, dated 07.07.2012 of the CA, to be suspended until the end of the trial. By the CA it was requested declaration of incompetence of this court for review of the issue, which was rejected by the Court. The Tirana District Court, in the end decided: Receiving the lawsuit. Against this decision the CA has appeal to the Court of Appeal, which upheld the claim of the CA, for incompetence, passing to review the Administrative Court of Appeals in Tirana and is awaiting trial by this Court.
9. Administrative issue with plaintiff: Undertakings "Landeslease" SHPK; Respondent CA, Third Person: Undertakings "MUKA" SHPK; with subject: "Repeal of Decision" On some recommendations to increase competition in the leasing market and the financial sector "no. 412, dated 21.04.2016 of the CA ". Administrative Court of First Instance in Tirana, after reviewing this issue with the decision no. 3898, dated 21.07.2016 has decided: Rejection of the lawsuit; leaving in force the decision of the CA. Against this decision the undertakings has appealed to the Administrative Court of Appeals in Tirana and is awaiting the date of trial.

3.4 Issues in Administrative Panel of the Supreme Court.

The Supreme Court, in 2016 received 11 cases, of which 4 were reviewed and remain 7, to be reviewed in 2017.

1. Administrative issue with plaintiff "Undertakings" Romano Port "SHA; Respondent: CA Subject: Cancellation of points 1, 2 and 3 of the Decision no. 221, dated 11.04.2012 of the Competition Commission. To suspend the decision no. 221, no. 11.04.2012 of the Competition Commission until the end of the trial. Tirana District Court with the decision no. 10897 dated 14.11.2012 decided: "the dismissal of this civil case." This decision of the Tirana District Court, confirming the legality of the decision no. 221, dated 11.04.2012 of the Competition Commission. Against this decision, "Romano Port" SHA, has filed an appeal in the Court of Appeal. He Court of Appeals of Tirana, in the matter declared incompetence subject to the law no. 49/2012 dated 03.05.2012 and passed it on to the Administrative Court of Appeal.

The Administrative Court of Appeals in Tirana decided to uphold the decision of the District Court of Tirana. Against this a recourse of the decision was presented at the Supreme Court, Plaintiff, "Romano Port" SHA, and The Court decided: to deny the recourse, leaving in force eventually the CA decision.

2. Administrative issue with Plaintiff: Undertakings "Alba Trans" SHPK; Respondent: CA; Subject: Amendment of Decision 290, dated. 23.07.2013 of the Competition Commission, for the plaintiff's part. The Judicial District Court of Tirana decided to accept the claim of the undertakings. Against this decision the CA has appealed at the Court of Appeal. The Court of Appeal in the matter declared incompetence subject to the law no. 49/2012 dated 03.05.2012 and passed on to the Administrative Court of Appeal. The latter ruled, upholding the decision of the District Court of Tirana. Against this decision the plaintiff, and the CA are awaiting the date of trial.
3. Administrative issue with plaintiff: Undertakings "Nazeri" SHRSF & "DEA" SHRSF; Respondent: CA; Subject: Amendment of Decision no. 240, dated 26.07.2012, of the Competition Commission. In this regard, the Tirana District Court accepted the lawsuit. Against this decision the CA has submitted a complaint to the Court of Appeal. The latter, in this regard stated: lack of competence subject to the law no. 49/2012 dated 03.05.2012 and passed on to the Administrative Court of Appeal. The latter decided to uphold the decision of the District Court of Tirana. Against this decision the plaintiff, and the CA are awaiting the date of trial.
4. Administrative issue with plaintiff, "AMC" SHA; Respondent: CA; Subject: Amendment of the Competition Commission's decision no. 26-27 dated 02.12.2005 and 12.12.2005. This case was trialed in the High Court, following the appeal filed by CA, which after consideration decided to return the matter for retrial to the Court of Appeal in Tirana. The Court of Appeal in Tirana about this subject matter declared incompetence, pursuant to Law no. 49/2012 dated 03.05.2012 and passed it on to the Administrative Court of Appeal, Tirana, which decided to accept part of the claim, dismissing the judgment relating to the Competition Commission's decision no. 26, 02/10/2005 and accepted the lawsuit in connection with the Competition Commission's decision no. 27, 12.10.2005. Against this decision the CA has filed a recourse and is awaiting the date of trial.
5. Administrative issue with plaintiff, "ARMO" SHA; Respondent CA, Subject: Amendment of the decision no. 150, date. 20.07.2010 of the CA. Court of Appeal decision no. 2441, dated 17.10.2012 decided: "to uphold the decision no. 5681, dated 28.06.2011 of the Tirana Judicial District Court. "This latest decision no. 5681, dated 28.06.2011 decided: Receiving the lawsuit and amending Decision no. 150,

dated 20.07.2010 of the Competition Commission. Therefore, the Court of Appeal, despite our claims in the appeal and at the hearing court did not confirm the legality of the decision no. 150, dated 20.07.2012 of the Competition Commission. Against this decision CA filed an appeal to the Supreme Court and is awaiting the date of trial.

6. Administrative issue with plaintiff, "Classic" and "Noti" SHPK, Respondent CA, with subject: "The amendment of the administrative act, decision no. 154 dated 01.10.2010 of the Competition Commission, regarding the fine for participating in a prohibited agreement in the offering. The Court of Appeal, by decision no. 2096 dated 10.12.2012 decided: "Amending Decision no. 3171, dated 03.04.2012 of the Tirana Judicial District Court, dismissal of the lawsuit filed by "Noti and CLASSIC" SHPK. With this decision the Court of Appeal, conclusively confirmed the legality of the decision no. 154, dated 01.10.2010 of the Competition Commission. Against this decision, the plaintiffs filed an appeal with the Supreme Court, which through its Consultation Chamber expressed with the decision no. 228, dated 07.04.2016 where it decided to: "Amend the decision no. 2906, dated 10.12.2012 of the Court of Appeal and uphold the decision no. 3171, dated 03.04.2012 of the Tirana Judicial District Court".
7. Administrative issue with plaintiff, "Atlas" SHA; Respondent CA; Third party: "Bloja" SHA. Subject: Amendment of an administrative act, the decision nr.125, dated 08.10.2009 of the Competition Commission in connection with the conclusion of a prohibited agreement between the companies "Bloja" SHA and "Atlas" SHA. The Court of Appeals, through decision no. 979, dated 20.04.2012 decided: "to uphold the decision no. 359, dated 27.01.2011 of the Tirana Judicial District Court. Tirana District Court with the decision no. 359, dated 27.01.2011 had decided to accept the lawsuit, rescinding the decision no. 125, dated 08.10.2009 of the Competition Commission, only the part that belongs to the "Atlas" SHA. Against the Court of Appeal, CA filed an appeal with the Supreme Court, which decision no. 00-2016-213, dated 28.1.2016 decided "to accept the recourse".
8. Administrative issue with plaintiff: Insurance undertaking "INTERSIG-VIENNA INSURANCE GROUP" SHA; Respondent CA, Subject: Amendment, annulment of the decision no. 216, dated 01.03.2012 of the Competition Commission. Suspension of execution of that decision until final resolution of the case. Tirana District Court with the decision no. 11473 dated 23.11.2012 decided the "reject the lawsuit". With this decision, the Tirana District Court confirmed the legality of the decision no. 216, dated 01.03.2012 of the Competition Commission. Against this decision, the plaintiff "INTERSIG" SHA filed an appeal at the Court of Appeal, which after consideration decided to uphold the decision of the District Court of Tirana. Against this decision,

he then filed another appeal with the Supreme Court, which decided "to deny the recourse", leaving in force the decision the CA.

9. Administrative issue with plaintiff: Undertaking "Ferlut"; Respondent CA, with subject: Objection of Decision no. 290, dated 23.07.2013 of the Competition Commission, regarding the plaintiff's part. Administrative Court of First Instance, Tirana decided: to accept the claim of the undertaking. Administrative Court of Appeals in Tirana decided to uphold the decision of the Administrative Court of First Instance, Tirana. Against this decision, the Respondent filed a recourse, CA and is awaiting the date of trial.
10. Administrative issue with plaintiff, "Eurogjici Security" SHPK, "Eurogjici, Security 1" SHPK, "Toni Security" SHPK; The Respondent: CA; Subject: Objection of Decision no. 240, dated 26.07.2012 of the Competition Commission "for issuing a fine". Each of the plaintiffs, filed a separate lawsuit against the ACA. In connection with these matters Tirana District Court accepted the lawsuit. Against this decision the CA has submitted a complaint to the Court of Appeal. The latter, in this regard stated: lack of competence subject to the law no. 49/2012 dated 03.05.2012 and passed it on to the Administrative Court of Appeal, Tirana, which with the decision no. 1400 dated 30.05.2016 decided: to uphold the decision of the Administrative Court of First Instance, Tirana. Against this decision the CA has requested a recourse to the Supreme Court and is waiting for the date of the trial.
11. Administrative issue with plaintiff: Undertaking "Tirana Urban Trans" (TUT); Respondent: CA; Subject: Amendment of Decision no. 290, dated 23.07.2013 of the Competition Commission, regarding the part that belongs to the plaintiff. The Administrative Court of First Instance of Tirana decided to reject the lawsuit from the undertaking, leaving in force the decision of the CA. Against this decision the undertaking appealed to the Administrative Court of Appeal, which by decision no. 554, dated 17.03.2016 decided: to uphold the decision of the Administrative Court of First Instance, Tirana. Against this decision the plaintiff has requested a recourse to the Supreme Court, and we are waiting for the date of the trial.

PART FOUR

ROLE OF COMPETITION AUTHORITY IN FORMULATING AND IMPLEMENTING OTHER POLICIES - COMPETITION ADVOCACY

4.1 Evaluation of acts and draft normative acts.

During 2016, THE CA has TAKEN into consideration and evaluation, in accordance with Law no. 9121/2003, as the request of the sponsoring institutions or on its own initiative, a series of acts and normative acts or specific project, as follows:

1. Draft law "The Railway Code of the Republic of Albania". Competition Commission with decision no. 406, dated 01.03.2016 "On some recommendations on the draft" Code of the Republic of Albania railway "has recommended the Ministry of Transport and Infrastructure, the draft law implementing the following additions:

In Article 42, after paragraph 3, added a point with this content:

- a. "Railway Regulatory Authority, before the adoption of any agreement / contract concessional or grant of exclusive rights, should require the Competition Authority's opinion".

In Article 55 made the following additions:

- b. In paragraph 2, the following paragraph is added with the contents: "In cases where the regulatory body notes signs of anticompetitive behavior from undertakings operating in the markets of railway services, it forwards the case to the Competition Authority, by making available all relevant information."

At the end of paragraph 10, to be added: "In any case, the regulatory body shall notify the Competition Authority."

2. Draft law "On some amendments to Law no. 10076, dated 12.02.2009 "On compulsory insurance in the transport sector"." Competition Commission decision no. 439, dated 20.10.2016 For some recommendations on the draft law "On some amendments to Law no. 10076, dated 12.02.2009, "On Compulsory Insurance in the Transport Sector", recommends to the "Ministry of Finance that in the law: a) In Article 1, add the definition of the handling of damage occurring in the Republic of Albania, directly from the insurer to the insured, for all contracts of compulsory insurance of vehicle; b) in Article 7, to remove section 5, which provides for the entry into force of the Bonus-Malus system one year after entry into force of the law, since this system should enter into force simultaneously with the law itself;

c) Article 8, paragraph 2 to foresee the full implementation of the recommendation of the CA for direct insurance for all damages and not only for damages up to 100,000 ALL. ".".

3. The draft law "On some additions and amendments to Law no. 8691, dated 16.11.2000 "On the production and marketing of tobacco and cigarettes. "" The Competition Commission, through decision no. 442, dated 22.11.2016 "On some recommendations on the above-mentioned draft, recommends the Minister of State for Relations with Parliament and the Agriculture, Rural Development and Water Management, to: The above mentioned law, add a provision in Article 9 (the latter makes changes to Article 21 of a law), specifying the cooperation of the National Agency of Tobacco cigarette (CADC) disabled when the agency suspects a behavior possible anticompetitive undertakings operating in the production market , collection, processing and export of tobacco.
4. The draft law "On amendments and additions to Law no. 9947, dated 07.07.2008 "On industrial property " (as amended). Associated with this draft, we stated that: The draft law "On amendments and additions to the law nr.9947, dated 07.07.2008" On Industrial Property " '(as amended), is not in contradiction with the principles and competition rules.
5. Draft Law "On organic production, labeling of organic products and their control", where the CA agrees with the provisions of the law "On organic production, labeling of organic products and their control", since it is consistent with the principles and rules of competition, and the provisions of the organic law "On protection of competition".
6. Guideline of the Ministry of Transport and Infrastructure (MTI) "On the rules in setting tariffs Airport". The assessment showed that this instruction MTI "On the rules in setting tariffs Airport" has taken into account the recommendations given by the side of the Competition Commission's decision nr.308, dated 21.02.2014 "On some recommendations to increase competition market air transport service ", aimed at regulating airport charges, and aims to avoid any possible abuse of dominant position in the market of airport services from airport management bodies. Once the above is estimated that the instruction of MTI "On the rules in setting tariffs Airport" does not contradict the law no. 9121/2003.
7. The Competition Authority has conducted an assessment of documents AEPC "Market Analysis Wholesale Broadband Access to Internet and leased lines" and "Tariff regulation of undertakings with SMP (Significant Market Power) in the wholesale markets of broadband access and infrastructure assets and liabilities in

fixed networks - Public Consultation" documents, which are addressed to competition issues, while respecting the criteria of the law no. 9121/2003 determining the operators with SMP in the relevant markets.

8. The Competition Commission, after reviewing the project / methodology fixed tariff of electricity produced from renewable energy sources, based on previous recommendations regarding the draft law "On the sources of renewable energy" given by the Competition Commission in pursuant to Article 24, letër (D) and (f), and article 70 of Law no. 9121/2003, decision no. 408, dated 21.08.2016 of the Energy Regulatory Authority recommendation, gave the project / methodology the 15-year power sales contracts, as well as fixed sales prices of renewable energy.
9. On the rules of the "Procedures of purchasing electricity from OSHEE SHA to companies licensed to trade electricity", the Competition Commission has made some recommendations with decision no. 395, dated 26.01.2016 as follows: "The procedure of purchase, carried out on the basis of an electronic platform, which takes into account the principles of transparency and equal treatment of stakeholders licensed for trading of electricity. "CA recommended that the draft regulation of electricity purchase, include all actors of the electricity market, which complete the purchase of electricity and not only OSHEE, and the procedure of purchasing power, is carried out on the basis of an electronic platform, which take into account the principles of transparency and treatment licensed equal actors, expressed earlier in the Competition Commission's decision no. 334, dated 31.10.2014.
10. ERE in 2016, sent to the CA for opinion the draft bylaws, pursuant to Law No.43 / 2015 "On the Power Sector" and Law No. 138/213 "On renewable sources". From the above examination of the project, it was concluded that the act submitted to the CA's opinion, not inconsistent with law no. 9121/2003.
11. ERE announced that at the meeting of the Board of Commissioners of ERE, dated 31.03.2016 and through Decision no. 36 dated 31.03.2016 decided "Approval of the final certification of TAP AG as an independent operator of the transmission of natural gas." The Competition Commission was expressed in 2015 in connection with the certification of TAP AG as an independent operator of natural gas transmission.
12. ERE, by decision dated 29.4.2016, approved the initiation of procedures for reviewing and approving the "General Conditions of universal service contract to supply electricity to end customers", which ERE asked the opinion of the ACA. After reviewing the act presented, it was concluded that in principle it does not conflict with the law No.9121 / 2003. But based on the fact that the power supply is a public

good, essential and that this service is provided by a single operator, document no. 177/1 dated 01.06.2016, CA suggested that in Article 10.1, first paragraph of the draft, added the phrase "[...] has the obligation to send the final customer, at the address given in the contract invoice template electricity, within 10 days of reading [...]".

13. ERE informed the CA on the draft regulation "on new connections to the distribution system". To review the draft regulation submitted, it requested more detailed information concerning how or methodology, tariff determination in the relevant section 4 of the draft. At the conclusion of the review of the act, it was suggested to specify article 4.3, paragraph d, which defines ... "authorized entity for execution of works ...", as well as clarification of the status of the subject and the method of selection his evidenced responsibility for the quality of work and costs will be billed for the service rendered to customers or users of the network, as well as the impact of OSSH in this process. Also, by way of a letter also suggested to forecast the possibility of selection by customers / users of the distribution network of the operator, who will perform this service.
14. ERE and the Ministry of Energy and Industry came to CA for opinion on the draft decision "On approval of the electricity market". After reviewing the draft decision of the Competition Commission by official letter 233/1, dated 29.06.2016 it stated that the draft submitted in principle is very important for the energy market, opening and liberalization of its materialization with Albanian Energy Exchange. But, given that the submitted draft does not present clearly the roles, functions and how market operators will operate in the market and therefore, the effects of competition in the market, the Competition Commission will be expressed after the final market model is clarified.
15. ERE through decision no. 117, dated 15.07.2016 "On certification of transmission system operator", began proceedings to review the application for which it sought the opinion of the ACA. An examination of the present act was concluded that it does not conflict with the law No.9121 / 2003 and by letter no. 270/2 dated 08.08.2016 was emphasized that it is considered very important for the competitiveness of the electricity market, that only actors and significant market share (such as TSO), operate under the basic principles of competition, which are: non-discrimination; equal treatment; transparency; and cost-oriented tariffs.
16. ERE through decision no. 169, no. 31.10.2016 "On approval of the regulation on procedures for purchasing electricity to cover losses in distribution networks and transmission, for buying and selling electricity to ensure fulfillment of the obligations of public service," began the adoption of procedures for consideration of some

changes in the ERE decision, No. 103, dated 23.06.2016. After reviewing the act and its amendments, the CA stated that the proposed changes to the decision no. 169, no. 31.10.2016 are not inconsistent with law no. 9121/2003. Rather, the use of electronic platform for procurement procedures, would make the process more competitive and more transparent.

4.2 The recommendations of the Competition Authority.

1. Public procurement market consulting service, the Competition Commission with decision no. 441, dated 22.1.2016 "On some recommendations to increase competition in public procurement consulting service", decided to recommend to the Public Procurement Agency, to undertake the necessary legislative initiatives for amendments to the Standard Bidding Documents, as and to propose to the Council of Ministers following changes in DCM nr.914, dated 29.12.2014 "on approval of the rules of public procurement":
 - Revision of the system of evaluation of tenders for consulting service, by giving priority to criteria that reflect the quality of experience in tendering facility and / or aligning this point with the EU procurement legislation;
 - Review criteria on the experience of similar work last three years, in order to increase this term and encouraging new companies to participate in public procurement procedures.
2. In the leasing market and the financial sector, the Competition Commission with decision no. 412, dated 21.04.2016 "On some recommendations to increase competition in the leasing market and the financial sector", decided for Undertaking "Landeslease" SHA:
 - obligation to amend article 7, paragraph 4, of the leasing contract no. 1464, no. 339 rep., No. 208 col., Dated 31.01.2015, leaving "tenants" of selecting the right insurance undertaking, in order to ensure their vehicles contract with the best price possible.
 - Through paragraph II. of this decision, it was decided that: commercial banks, financial intermediaries and all companies licensed in the financial sector, have an obligation to provide customers the freedom of choice of insurance for each contract, giving them exclusivity clauses or exclusionary in written form, but also in their actual implementation.
3. In the audiovisual media market, the Competition Commission with decision no. 429, dated 27.07.2016 "On some recommendations and assessments to the Audiovisual

Media Authority", recommended that: In geographical areas (national, regional, local), which are included in the provisions of Article 87 of Law 97/2013 "For the media audiovisual RA ", carrying fulfilled obligations as defined in this article and rules of the audiovisual Media Authority for carrying liability.

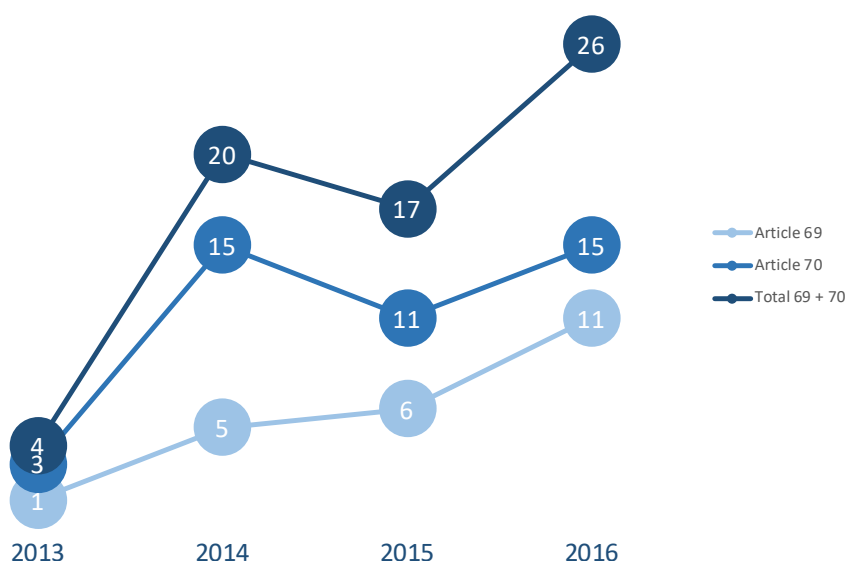
- Another recommendation is for stakeholders to take to the competent authority AMA approach, according to the Law No.97 / 2013 on matters not related to the protection of competition, as regards problems arising from the implementation of that law.

From this analysis, we can say that the 26 assessments that were finished in total for the reporting year, 15 of whom have been addressed by the regulators or derived during investigation / monitoring / exception, carried out by the institution on the basis of Article 70 Organic Law No.9121 / 2003. 7 are taken into account (1 of them step by step) by entities; 5 are not taken into account (of which one complained judicially and currently, the recommendation is upheld by the court); and 3 are taken into account, but their adoption process is not yet finished completely.

The rest of estimates from 11 of the CA acts are normative acts or specific project, brought to the CA by the central administration and are evaluated by the CA on the basis of Article 69 of the Organic Law No.9121 / 2003. Of this figure, 6 of them are fully taken into account; 1 of them only partially; 2 are not taken into account and 2 were initially taken into consideration; but they are still in the approval procedure in the Parliament.

Number of recommendations on legislation markets, on the basis of Articles 69; and / or 70 of the Law No.9121 / 2003.

TABLE 8



4.3 Transparency and public relations advocacy function of the law on protection of competition.

In implementing the program of transparency, in 2016, CA has implemented:

- Enforcement of the law "On right to information".
 - Implementation of the Law "On Public consultation".
 - Consultation with the media.
1. CA has addressed the answers to all requests for information under the register published on the official website of the CA. During 2016, at the CA have been filed 4 requests, which have had a response in respect of legal deadlines. The information requested relates to activities of the institution and the institution's adherence to all requirements, the Program for Transparency within the law no. 119/2014 "For the right to information".
 2. CA on its official website has published all of the Competition Commission decisions taken during 2016; the complaint forms, concentration forms, requests for information, which may be completed on-line by undertakings or consumers.
 3. CA has reviewed 11 cases of mergers, a process that is associated with prior publication of information on the transaction, the invitation made to interested parties to express their views before the Commission decision. The same procedure is followed for market monitoring reports.
 4. CA in 2016 has developed according to the law no. 9121/2003, 2 bylaws, which have been published in the web site of the CA, prior to the opinions of stakeholders, especially business associations, legal offices.
 5. CA publishes "Bulletin of the decisions of the Competition Commission" pursuant to the provisions of Law no. 9121/2003, on the web site of the institution, together with the "Annual Report".
 6. Even in 2016, in observance of the provisions of the Law No.9121 / 2003, the institution has continued to use all possible instruments to promote competition advocacy and strengthen the culture of competition, focused this in several ways:
 - *Regional Seminar. CA appreciates the cooperation with the local government and the business community. With this goal, in cooperation with the Chamber of Commerce and Industry and the University "Aleksander Moisiu" in Durres, held on June 28, 2016, the discussion table for national competition policy and the new program for business facilitation fines, aimed at cooperation with the business community for the detection of anti-competitive practices.*
 - *National Day of Competition, March 4, 2016. CA in collaboration with law firms, organized a seminar in Tirana on "Best Practices for notification of concentrations",*

which was the focus of discussion of the importance of data and documents to be included in the form notification of concentrations, finished processing applications from CA, cases of similar practices.

PART FIVE

EUROPEAN INTEGRATION AND INTERNATIONAL COOPERATION

5.1 European integration

The European integration process is one of our country's national objectives. After obtaining the status of candidate country on 24 June 2014, the European Commission in October 2016 filed a positive report on Albania, which was proposed to the European Council to open negotiations with the country. Progress Report of the European Commission for 2016, Chapter 8 as well as in other reports periodically EC is estimated contribution of CA, in the protection of free competition and effective market, and respect the rules competition.

CA has made its contribution in the context of reporting on the Progress Report and the National Plan for European Integration, leading the Chapter 8 "Competition Policy .

At the 8-th meeting of the EU Sub-Committee-Albania "On the internal market and competition, including consumer protection and health", held in dated May 26, 2016 representatives of DG Competition in the market interventions evaluated through investigative cases and the decision of the Competition Commission, recommendations for central and regulatory institutions and legislative approximation. Representatives of DG Competition, evaluations and considerations expressed for the work and activities of the institution, encouraging interference in markets, in defense of free competition.

60

5.2 International cooperation

i. The main activities in the framework of cooperation with UNCTAD.

Assistance of the Conference of the United Nations Trade and Development (UNCTAD) that was offered during the 2016 to the CA, consisted in conducting various trainings in the area of competition, focusing not only the staff of the CA but also system judicial, business community, and representatives of the academic world.

UNCTAD project during 2017 provides other activities that will strengthen CA's work, in particular the implementation of those activities in support of the recommendations that were highlighted in the document Peer Review (2015), which defines the main institutional challenges and should carry legal disabilities in years.

Recommendations within the scope of EC law⁶ by UNCTAD in cooperation with CA is provided and implemented the training of the Albanian judicial system. Throughout 2016, there were 2 two-day training workshops, at the School of Magistrates.

During 21-22 April 2016, a training judges Administrative Court of First Instance and Appeal was organized in Tirana, Civil Courts and related issues such as the standard of proof in cases of judicial review of decisions competition Commission - the focus - judicial review of decisions of the CA, because of the nature of competition cases, economic analysis of the cases and the necessity of knowing the scope of competition.

On 29 to 30 June 2016, the next second training with Albanian judges was held in Tirana.

This seminar concluded a cycle of training courses organized for the judiciary - the focus - the role of the judiciary in the field of competition, the standard of proof in the review of these cases; the nature of administrative sanctions / fines, and recognition of the methodology to be used for their calculation in the framework of competition rules. The seminar also brought the experience of member countries of the EU such as Italy, Hungary, Bulgaria and the Czech Republic, the legal framework and the methodology they use.

ii. Cooperation with Sofia Competition Forum.

CA is one of the states participating in the Competition Forum of Sofia (Sofia Competition Forum - SCF)⁷, which aims to promote cooperation and develop ties within the Balkan region, thus ensuring a uniform application of the competition rules. CA, plays an active role in this forum, not only through active participation, discussion and adoption of Albanian cases, but also in making contributions and topical information and issues raised.

During 2016, the Competition Authority has participated in two activities of this forum:

- June 2016 where they discussed issues related to the commitments of the parties in cases of anticompetitive practices and the conditions and obligations in cases of concentrations;
- November 2016 where they discussed issues relating to abuse of dominant position in the pricing policies in the energy and telecommunications sector.

During 2016, the institution has given his contribution in the framework of drafting a comparative survey among the member states regarding the procedures to be followed to have a fair and objective when reviewing a case anti-competitive.

iii. Cooperation with ICN (International Competition Network).

⁶ Staff working document of the European Commission; 2016 Report on Albania (Brussels, 09/11/2016); Chapter 8 "Competition Policy", p 48(<http://www.integrimi.gov.al/al/dokumente/raportet-e-ke-per-Albania/report-i-ke-2016> & page = 1

⁷ This Forum includes Bulgaria, UNCTAD, Albania, Bosnia and Herzegovina, Croatia, Kosovo, Montenegro, Macedonia and Serbia.

In a globalized economy, international cooperation on competition authorities, is an important element for strengthening the implementation of competition rules. CA, in this regard has been an active participant in the ICN (International Competition Network), taking part in two important activities developed:

- Workshop related to cartel practices, discussing the necessary means for the detection of prohibited agreements and the importance of cooperation between authorities on the effectiveness of detection of these practices, held on October 2 to 5 dates (Madrid);
- Workshop on the development of effective strategies for advocacy of competition, held on November 3 to 4 dates (Mexico).

5.3 Bilateral cooperation

CA pays great attention to bilateral cooperation. Such cooperation with the Kosovo Competition Commission, which has conducted an activity on October 13, 2016, which was presented experiences and Albanian legal framework and discuss the assistance that Albania can offer to the Kosovo Competition Commission.

PART SIX

HUMAN RESOURCES

6.1 The organizational structure of the Competition Authority.

Organizational structure of the CA, approved by decision of the Assembly of the Republic of Albania, no. 77/2015, has had no changes during 2016. The total number of employees for 2016 is 37, of which 5 Commissioners.

One of the objectives of 2016 for the CA, has been strengthening administrative capacities through continuous training to ensure free and effective competition in the market.

During 2016, the staff of the CA participated in seminars, national and international conferences, training and consultation meetings in various fields related to politics and the law on protection of competition, identifying and limiting agreements anti-trust, abuse dominant position, concentration, competition advocacy and legal assessment.

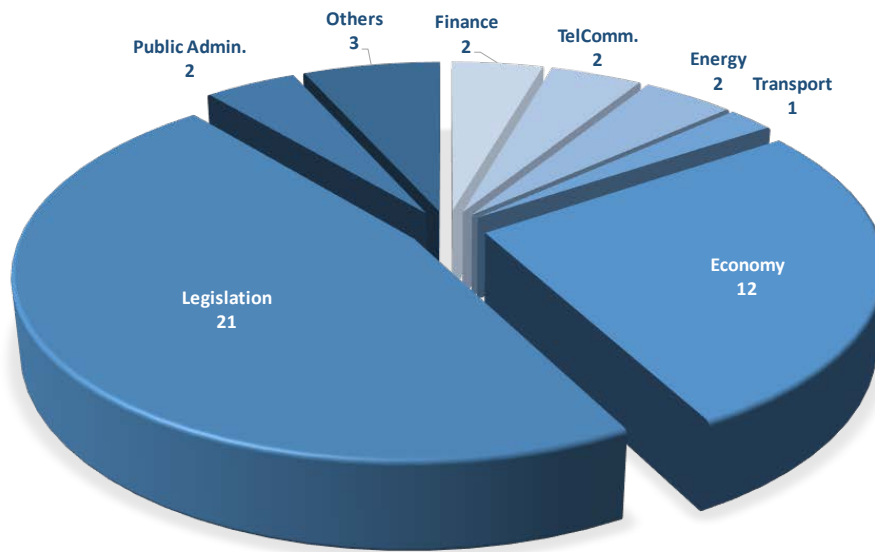
Also, cooperation with the Albanian School of Administration (ASPA) is conducted in public administration training, procurement and management of EU funds, as well as for programming and implementation of IPA II.

6.2 Statistical data about CA staff training.

Much of the training is conducted on legislation, economics, public administration, while according to more specific training areas are conducted mainly in the sectors of finance, energy, transport and telephone communications.

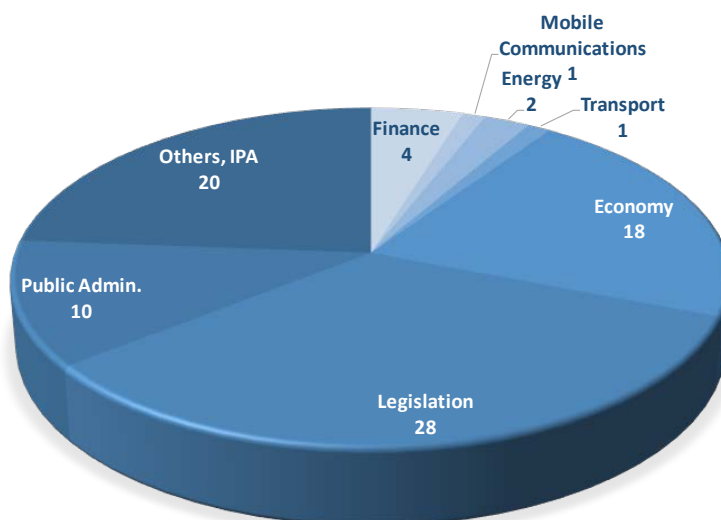
Employees trained by the respective markets for the 2016

TABLE 9



Day training under the relevant markets for the 2016

TABLE 10



PART SEVEN

OBJECTIVES AND INSTITUTIONAL APPROXIMATION WITH EU STANDARDS AND PRACTICES

7.1 Competition Authority's objectives for 2017.

- The Competition Authority will continue to monitor the markets to make them more competitive in a functioning market economy, in order to generate positive effects for consumers, business and the economy as a whole.
- The Competition Authority will deepen its activity in terms of determining how much clearer the rules of conduct of undertakings in all markets and particularly in markets such as electricity, gas and fuels, financial services, electronic communications and transport, by intervening case by case, to restore free and effective competition in the market.
- Competition Commission remains fully committed to removing barriers and enabling new entrants in the market, and to use all the instruments and resources available: administrative, financial, and intellectual to fight monopolies and cartels and to provide relief to honest business and economic development.
- The Competition Authority aims at increasing co-operation with public institutions that give one / some undertakings, exclusive rights or special rights, to fulfill the obligation of article 69 of Law no. 9121/2003 to seek a preliminary assessment of the CA, for each draft normative act that specifically relates to the establishment of exclusive rights or special rights in certain areas. CA will evaluate the degree of restriction or prevention of competition arising from any draft normative act and shall inform each case, the institutions will propose these acts and the Assembly.

7.2 Institutional alignment with the standards and practices of the EU.

During 2017, the CA shall:

- Assembly will be proposed to revise the structure of the Competition Authority to focus on increasing and strengthening institutional and human capacity in order to improve the quality of monitoring and inspection, preparation of reports, protecting the quality of the Competition Commission decisions in proceedings.
- We will take concrete steps to revise the law no. 9121/2003, for a more complete approach to European legislation, and drafting and adopting a

secondary legal framework in order to implement more efficient in the field of competition law.

- Will draft and adopt the regulation: "For the categories of agreements technology transfer", which would complete the legal framework in the field of competition and will predict how they performed the evaluation process for categories of agreements to transfer technology, by CA.
- We will continue to monitor regularly the implementation of the SAA, as part consisting of its Chapter 8, as well as the National Plan for European Integration, contributing relevant for the meeting of the Sub-Committee on the Internal Market and Competition.
- We will be the beneficiary of an IPA II project, worth 700,000 euros, through which aims to strengthen capacities.
- Within the short-term TAIEX instrument assistance, is expected to be realized during 2017 to strengthen the capacities of staff associated with the legal analysis and proper economic analysis in reviewing competition cases.
- In the framework of cooperation with UNCTAD, CA has as its objective: a comprehensive program of staff training; awareness of central and local public administration regarding the obligation to seek the opinion and assessment of CA's Cases of providing special and exclusive rights; Fines Leniency Program aiming to increase the number of applications and
- awareness of the benefits that come from this program; organization of training for the judiciary; assistance in cases of evaluation and analysis of important economic sectors such as the pharmaceutical market, insurance market, energy, etc. market.
- The year 2017 will be considered the year of transparency and establishing bridges of communication with stakeholders and the public, focusing on relations, print and electronic media / journalists; chambers of commerce (trade), American Chamber of Commerce and other chambers; regulatory institutions and businesses, which should reflect in their web- disabled counseling, legal regulations; public, to promote the sensitivity function; role of the CA.

ANNEXES

Annex 1 - Statistical data on the decisions of the Competition Commission over the years.

Total Decisions 445	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Decisions in total	13	17	14	25	29	36	34	43	48	42	42	51	52
Concentrations	2	-	4	9	11	8	6	10	9	13	8	11	12
Abuse dominant position				1	1	1	3	2	2	0	3	3	5
Prohibited Agreement				3		2	2	2	2	1	7	6	7
Exemptions from agreements					1	1	-	-	1	1	1	1	4
Regulations and guidelines	6	2	-	4	4	2	7	6	5	3	2	3	5
Recommendations for public institutions	1	3	1	2	5	10	5	5	5	1	4	11	12
Decisions issuing a fine	-	1	1	5	-	2	2	1	7	2	2	0	0
Interim measures										1	0	1	0
Commitments and conditions liabilities											1	2	1
Other decisions	4	12	9	6	7	12	11	18	24	22	14	15	6

Annex 2 - The sectors of the economy where there were concentrations for the period 2012-2016.

Product market	No. of authorizations (2012-2016)	Foreign companies	Albanian undertaking
Construction	6	3	3
Gaming, electronic casinos etc	3	1	2
Motor vehicles and parts	2	1	1
Tourism and accomodation	1		1
Media	1	1	
Retail	13	12	1
Financial services	11	5	6
Fuels	5	4	1
Mineral ore	2	1	1
Air travel infrastructure	3	3	
Electricity	3	2	1
Telecommunications	1		1
Maritime transport, containers	1	1	
Electronics and solutions	1	1	
Total	53	35	18

Annex 3 - The decisions of the Competition Authority Commission for 2016.

1. DECISION no. 395, dated 26.01.2016 "On some suggestions regarding the draft rules of procedures for purchasing electricity from OSHEE SHA to undertakings licensed to trade electricity"
2. DECISION no. 396, dated 26.01.2016 "On some draft recommendations on public-private partnership concession contract form ROT" For the rehabilitation, operation and transfer of railway infrastructure Fier-Ballsh, Fier-Vlore "
3. DECISION no. 397, dated 02.02.2016 "On approval of the Regulation" On protection, processing, storage and security of personal data "
4. DECISION no. 398, dated 09.02.2016 on "Authorization of concentration realized through the acquisition of control of the undertaking SABMiller Plc. from undertaking Anheuser-Busch InBev"
5. DECISION no. 399, dated 09.02.2016 on "Authorization of concentration realized through the acquisition of control of the undertaking EHW Sh.pk from a single partner "
6. DECISION no. 400, dated 10.02.2016 "On the opening of the preliminary investigation procedure in processing and trading market of bottled milk and its derivatives, to see if there is or not, signs of restricting competition"
7. DECISION no. 401, dated 23.02.2016 On approval of the annual report "On the activity Competition Authority for 2015 and goals for 2016. "
8. DECISION no. 402, dated 23.02.2016 "On granting the project assessment / Law" protection of whistleblowers"
9. DECISION no. 403, dated 02.23.2016 "On the obligation of the undertaking GFI Albania Sh.pk for depositing the financial statements of the undertaking Petroleum Consulting Partners AG"
10. DECISION no. 404, dated 01.03.2016 "On an amendment of the Competition Commission Decision no.373, dated 16.09.2015" On the procedure of opening a general investigation in the banking sector "
11. DECISION no. 405, dated 01.03.2016 for "exemption from the agreement for the sale of electricity between KESH and OSHEE, for the surplus electricity in terms of the large flows in order to meet losses in the distribution network by June 2016"
12. DECISION no. 406, dated 01.03.2016 "On some recommendations on project / law" Railway Code of the Republic of Albania "
13. DECISION no. 407, dated 08.03.2016 "On the closure of the preliminary investigation procedure on the public procurement market on" Safeguard of facilities for 2015 ", divided into 13 lots, developed by the Directorate General of Taxation"
14. DECISION no. 408, dated 21.03.2016 for "Some recommendations to the Energy

Regulatory Office on the draft methodology of fixed fee of electricity produced from renewable sources”

15. DECISION no. 409, dated 21.03.2016 "On the closure of the in-depth investigation into public procurement market on" Improving, updating vertical / horizontal signage and improving national road safety "and giving recommendations to the Albanian Road Authority".
16. DECISION no. 410, dated 31.03.2016 "On Electronic data management during inspections by the Competition Authority."
17. DECISION no. 411, dated 31.03.2016 "On the management of electronic systems and databases in the Competition Authority "
18. DECISION no. 412, dated 21.04.2016 "On some recommendations to increase competition in the financial lease and the financial sector"
19. DECISION no. 413, dated 21.04.2016 "On the opening of the in-depth investigation procedure in the processing and trading market of bottled milk and its derivatives of undertakings Lufra "Sh.pk and" Erzeni "Shpk"
20. DECISION no. 414, dated 04.05.2016 "On authorizing the concentration realized through the acquisition of full control of the undertaking Geo-Jade Petroleum Corporation from undertaking Bankers Petroleum Ltd., through undertaking 1958082 Alberta Ltd.
21. DECISION no. 415, dated 04.05.2016 "For the opening of the preliminary investigation procedure in the market of Import and wholesale and retail of medicinal product "Lantus" (Insulin) "
22. DECISION no. 416, dated 18.05.2016 "On some recommendations for revision of tariffs and the opening of the service market for vehicle technical control."
23. DECISION no. 417, dated 18.05.2016 "On the opening of the preliminary investigation procedure in the market of supply of aircraft fuel in the geographical area of the international airport" Tirana International Airport "
24. DECISION no. 418, dated 30.05.2016 "On some recommendations on the decision of the Administrative Council's IIHC on the criteria to be met by pharmacies and pharmaceutical agencies to conclude contracts with the Fund"
25. DECISION no. 419, dated 08.06.2016 on approval of the guideline "On simplified procedures in cases of concentrations”
26. DECISION no. 420, dated 08.06.2016 on "Authorization of concentration realized through the acquisition of control of undertaking Tirana International Airport Sh.pk from undertaking Dynamics Limited Keen"
27. DECISION no. 421, dated 22.06.2016 on "Authorization of concentration realized through the acquisition of control by undertaking Asahi Group Holdings Ltd. Of the beer undertaking owned by SABMiller Plc. "

28. DECISION no. 422, dated 22.06.2016 on "Authorization of concentration realized through the acquisition of control of Veneto Banca SpA from Quaestio Capital Management SGR SpA through the Atlante fund"
29. DECISION no. 423, dated 29.06.2016 "On the review of the undertaking Landeslease SHA request for revocation of Decision no. 412, dated 21.04.2016 of the Competition Commission"
30. DECISION no. 424, dated 29.06.2016 "On the opening of the preliminary investigation procedure in the market of production, gathering, processing and export of tobacco"
31. DECISION. 425, dated 14.07.2016 on "Authorization of concentration realized through the acquisition of indirect control of the undertaking A4 Holding SpA by undertaking Abertis INFRAESTRUCTURAS SA"
32. DECISION no. 426, dated 20.07.2016 on "Authorization of concentration realized through the acquisition of control by the undertaking Eurosig SHA of undertaking Insig SHA"
33. DECISION no. 427, dated 20.07.2016 on "Authorization of concentration realized through the acquisition of control by undertaking Novamatic Gaming Industries GmbH by acquiring 100% of the capital of undertaking Albanisch Osterreichische Holding Gesellschaft MBH"
34. DECISION no. 428, dated 27.07.2016 "On individual exemption from the prohibition of Agreement-Tip "DIGITALB - TV operators"
35. DECISION no. 429, dated 27.07.2016 "On some recommendations and evaluations to The Audiovisual Media Authority"
36. DECISION no. 430, dated 07.09.2016 "On the opening of the preliminary investigation procedure in the market of compulsory motor insurance with third party liability (MTPL interior)"
37. DECISION no. 431, dated 14.09.2016 on "Authorization of concentration realized through the acquisition of control by undertaking Eurokontakt Sh.pk 100% of the undertaking capital Lion Real Estate Albania Sh.pk"
38. DECISION no. 432, dated 14.09.2016 On the opening of the in-depth investigation procedure in the market supply of aircraft fuel in the geographical area of the international airport "Tirana International Airport"
39. DECISION no. 432/1, dated 09.14.2016 "On an amendment to the Decision no. 432 dated 14.09.2016"
40. DECISION no. 433, dated 21.09.2016 on "Authorization of concentration realized through the acquisition of control by undertaking GMBF Investment Sarl of undertakings Biscuits Delacre SA NV and United Biscuits Industries SAS through the acquisition of 100% of the shares"
41. DECISION no. 434, dated 21.09.2016 "On the exemption of the sale agreement electricity between KESH and OSHEE, for the surplus electricity in terms of large

flows in order to meet losses in the distribution network for the period 1 July 2016 to December”

42. DECISION no. 435, dated 21.09.2016 "On the opening of the in-depth investigation procedure in the market of compulsory motor insurance with third party liability (MTPL interior)”

43. DECISION no. 436, dated 27.09.2016 "On an amendment to the Decision no. 428, dated 27.07.2016 "On individual exemption from the prohibition of the Agreement - Tip" DIGITALB - TV operators”

44. DECISION no. 437, dated 05.10.2016 On approval of the Regulation "On the procedures of commitments”

45. DECISION no. 438, dated 05.10.2016 "On some recommendations and the closing of the preliminary investigation procedure in market of production, gathering, processing and export of tobacco”

46. DECISION no. 439, dated 20.10.2016 for "Some recommendations on project / law" On some amendments to Law no. 10076, dated 12.02.2009, "On compulsory insurance in the transport sector", resubmitted.

47. DECISION no. 440, dated 11.10.2016 "On the closure of the preliminary investigation procedure in the market of import, wholesale and retail sale of medicinal product" Lantus "(Insulin)”

48. DECISION no. 441, dated 22.11.2016 "On some recommendations to increase competition in public procurement consulting service”

49. DECISION no. 442, dated 22.11.2016 "On some recommendations on project / law" On some additions and amendments to Law no. 8691, dated 16.11.2000 "On the production and marketing of tobacco and cigarettes", amended "

50. DECISION no. 443, dated 30.11.2016 "On measures and obligations for insurance undertakings and some recommendations for the Financial Supervisory Authority on restoring competition in the compulsory motor insurance with third party liability market”

51. DECISION no. 444, dated 30.11.2016 "On the closure of the in-depth investigation procedure in the processing and trading market of bottled milk and its derivatives to undertakings" Lufra "Sh.pk and" Erzeni "Sh.pk and recommendations for growth of competition in the relevant market”

52. DECISION no. 445, dated 13.12.2016 on "Authorization of concentration realized through the acquisition of control by undertaking BESA Fund SHA of undertaking VisionFund Albania Sh.pk”

Annex 4 - Actual budget of the Competition Authority in 2016.

Item	Currency	Planed	Spent	Difference	Realization
Salaries, bonuses, expenses, etc.	<i>lekë</i>	45 500 000	45 344 000	156000	99.7%
Soicial Insurance payments	<i>lekë</i>	7 000 000	6 729 000	271 000	96.1%
Materials and services	<i>lekë</i>	10 300 000	8 587 000	873 000	91.1%
Investments	<i>lekë</i>	1 000 000	681 000	319 000	68.1%
Total	<i>lekë</i>	63 800 000	61 661 000	1 619 000	97.4 %

Annex 5 - Income from past mergers in the State Budget.

Item	Currency	Total Received
Merger Application Fees	<i>lekë</i>	6 505 000