

ANNUAL REPORT 2018

Main Priorities for 2019



**ALBANIAN
COMPETITION
AUTHORITY**

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INTRODUCTION

ASPECTS OF ECONOMIC DEVELOPMENT FOR 2018

For the fourth consecutive year, the country's economic activity recorded a further increase in 2018. According to the latest data, GDP growth for the whole 2018 is estimated to be 4.2%, supported by improved financing conditions, improved business climate, increased foreign investments and positive developments in the outside environment. All sectors of the economy have had a positive performance, but the biggest growth has been noticed in the area of construction, services and industry. The growth of the economy is manifested by the decrease of the unemployment rate and employment growth. Fiscal indicators appear to be more stable reflecting a consolidated policy. Budget data shows a deficit of 1.6% of GDP at the end of 2018, 0.4 percentage points below the planned level. The reduced borrowing by the public sector, as well as the use of the international market as a source of funding, have helped increase the private sector lending opportunities.

The Bank of Albania's monetary policy has continued to be on the easing side, manifested in low interest rates and in supplying the market with abundant liquidity. As a result, financial markets have been quiet, liquid and at favorable interest rates for financing Albanian businesses and households.

Despite the developments mentioned above, inflationary pressures in the economy are still moderate, which is reflected in an annual inflation rate below the Bank of Albania target. The exchange rate had a strengthening trajectory in the second half of 2018, reflecting mainly favorable developments in the foreign sector of the country. However, its performance in the first months of the year has undergone some kind of correction as a reflection of a better balance between demand and supply for foreign currency.

Overall, the country's external position appears to be more favorable, mainly as a result of the growth of foreign direct investment.

According to the World Bank's "Doing Business 2019" report, Albania ranks 63 out of 190 countries in terms of facilities for launching new businesses. Economic development and facilitation of procedures have made possible for Albania to jump in this position from the 108th position in 2015. Referring to the latest Global Economic Forum report in 2018, the Albanian economy ranked 76th in the ranking of the Global Competitiveness Index (GCI), compared to the economy of the 140 participating States, showing a 10% improvement from the previous year's index.

Based on this overall economic and financial environment, the Competition Authority has exercised its activity in fulfilling the legal obligation to guarantee an optimal functioning of the markets, implying specifically to efficient and open markets where participants operate based on the principles of free competition in favor of economic growth and welfare of the population.

Free competition is considered as one of the main pillars on which the success of a market economy is based. In a figurative sense, free competition is a guarantee that the rules of the game are being

respected, imposing a fair competition between the actors, guaranteeing maximum effectiveness in the use of capital, manpower, production capacities and natural resources.

During 2018, the Competition Authority has continuously monitored a wide range of goods and services market, including the financial market. In assessing complaints and investigations, it has been interfering consistently in segments such as the fuel market, the financial and insurance market, the mobile phone market, the energy market, as well as many other segments of the economy.

The year 2018 can be summarized as follows:

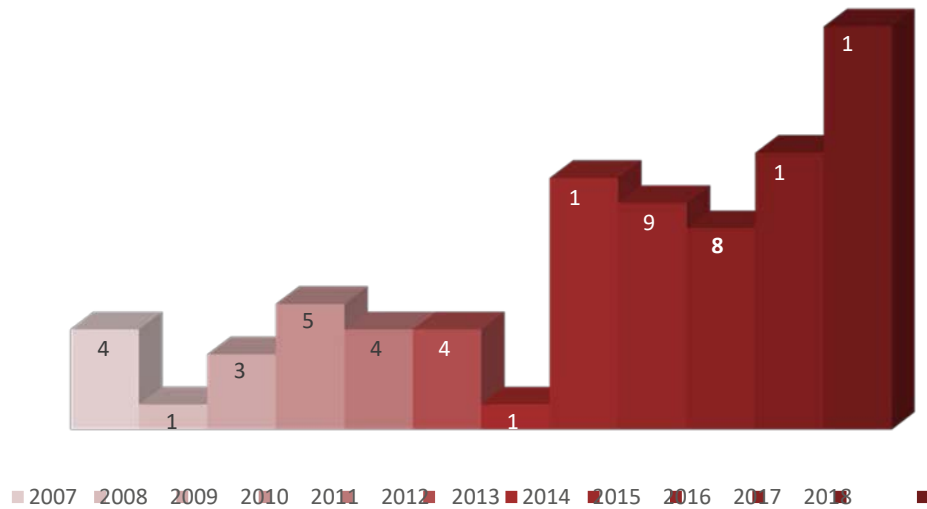
- 23 (twenty-three) monitoring procedures, of which the most important can be mentioned: the rental market for the storage and trading of Agro-Food products in the city of Tirana, TPL insurance market, banking services market and insurance brokerage market for banks; the air transport market, the loading and unloading market in the Port of Durres, the market for technical control of vehicles, etc.;
- 3 (three) studies, and opening general investigations in: the higher education sector, the free-trade sector, and the hospital service market;
- 16 (sixteen) investigative procedures carried out, the most important are: the rental market for the storage and trading of Agro-Food products in the city of Tirana; the market for the technical control of vehicles, the loading and unloading market in the Port of Durres, the mobile phone market, the banking sector, the insurance market, the public procurement market, the air transport market etc.;
- 87 (eighty-seven) decisions of the Competition Commission (two times more than last year), of which:
 - 30 (thirty) are authorization of concentrations, of which 13 in the domestic market and 17 in the overseas market;
 - 53 (fifty-three) legal assessments related to the situation in the electricity market, water, telephony, health, and many other segments.

During 2018, ACA has deposited into the state budget the total amount of **284,341,986 ALL**, of which the total amount of **15,237,500 ALL** is derived from the concentrations (notification and authorization of concentrations), and from the collection of fines the total amount of **269,104,486 ALL**. For the first time, the amount of fines collected together with the proceeds received from the authorization of concentrations (**284,341,986 ALL**) is **3.5 times** higher than the allocated ACA budget (**80,655,400 ALL**).

CC's decisions for 2018



Investigative procedures in years



THE SPEECH OF THE CHAIRWOMAN OF THE COMPETITION AUTHORITY

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

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

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

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

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

Special attention has been paid by the Authority to the communication with the various interest groups and important state authorities. In all cases, the Authority has been able to ensure that communication is as transparent and tailored according to the main characteristics of each interest group.

The Authority has been able to establish an effective cooperation **relationship** and of mutual information exchange with its international counterparts. International co-operation is considered important, especially in terms of increasing expertise, updating the current trends and enhancing the reputation of the Authority. Part of international co-operation has been the uninterrupted engagement of the institution in the **function of the country's European integration process**.

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

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

Thank you,

Prof.Dr. Juliana Latifi

PART ONE

MAJOR POLICY DIRECTIONS OF THE COMPETITION AUTHORITY FOR THE YEAR 2018

1.1 Implementation of the recommendations of the Resolution of the Assembly of the Republic of Albania

Pursuant to the recommendations given in the Resolution "On Evaluating the Activity of the Competition Authority for the year 2017" dated 03.05.2018, ACA has carried out its activity in these directions:

To strengthen the cooperation with the state administration bodies and regulatory entities in order to fulfill the recommendations given by the Competition Authority in function of the economic development of the country and for the benefit of all Albanian consumers.

ACA has fully implemented the recommendation under Resolution 2017 in this regard.

ACA during 2018 continued cooperation with state the administration bodies and regulatory entities. This cooperation, pursuant to Articles 69 and 70 of the law no.9121 / 2003, is carried out:

First: Through ex-ante, and ex-post evaluation of their legal acts, by-laws, and other normative acts;

Second: Increasing the level of cooperation through the conclusion of new cooperation agreements with some regulatory bodies, which dictate the competition in the respective markets where they operate.

Legal assessments of:

- 2 (two) draft laws brought respectively by the Assembly of Albania and MEI;
- 2 (two) draft normative acts brought by MSHMS;
- 40 (forty) draft normative acts in the energy market for ERE;
- 4 (four) draft normative acts in the water supply and wastewater treatment and disposal sector for ERRU;
- 5 (five) normative acts in the AKEP telephony market.

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

- Competition Authority with AKEP, prot.no. 286, Dated 04.05.2018;
- Competition Authority with ERRU, prot.no. 588, Dated 17.10.2018;
- Competition Authority with Albanian Post Office, prot.no. 606, Dated 24.10.2018;
- Competition Authority with the General Directorate for the Prevention of Money Laundering, prot.no. 620, Dated 01.11.2018;

- Competition Authority with the Audiovisual Media Authority, prot.no. 643, Dated 12.11.2018.

ACA, in function of the economic development of the country and for the benefit of all Albanian consumers, for the implementation of this point of Resolution 2017, has also implemented the **competition advocacy as one of the main pillars of Law No. 9121/2003** through strengthening proactive cooperation with state authorities and regulatory bodies, in order to increase competition culture.

- In the context of growth and awareness in a competitive environment, as well as within the international competition day, during October-November 2018, were organized three roundtables, entitled "Competition in Function of Economic Development" with business communities in cities of Kukës, Korça and Berat.
- In December 2018, ACA held a forum on "Competition and Business" in Tirana, in cooperation with the Albanian Parliament, Regulatory Entities (AKEP, ERE, Commissioner IDP), and business representatives (Konfindustria, Chamber of Industry and Commerce Tirana, and representatives of legal studios).

Regarding the fulfillment of the **sub-legal framework** and the fulfillment of obligations deriving from the "National Plan for European Integration 2017-2020", ACA during 2018 approved:

- Guideline no. 1, dated 25.06.2018 "On restrictions directly related and necessary to concentrations";
- Regulation no. 563, dated 25.10.2018 "On the organization and functioning of the activity of the Competition Authority";
- Guideline no. 2, dated 20.12.2018 "On the implementation of competition rules in the assessment of access agreements in the telecommunications sector".

All legal and sub-legal assessments, recommendations and the level of their implementation by the state administration bodies and regulators, are presented in the table attached to this material. (Table no.1)

To monitor the mobile phone market after the transfer of the rights of use of the frequencies of the undertaking "Plus Communication" sh.a. to undertakings "Vodafone Albania" sh.a. and "Telekom Albania" sh.a. To conduct market assessment after concentration, based on AKEP's analysis, to ensure that the behavior of undertakings operating in the mobile phone market does not have anticompetitive effects and to monitor the impact of the transaction on the retail market and in the end consumer.

ACA has fully implemented the recommendation under Resolution 2017 in this regard.

During 2018, ACA has overseen the mobile phone market in accordance with the recommendations under the Resolution, after the transfer of the rights of use of the undertaking "Plus Communication" sha to the undertakings "Vodafone Albania" sha and "Telekom Albania" sha for the implementation of the decisions of CC: no. 475, dated 21.09.2017 "On closing of the preliminary investigation in the retail market of mobile services and giving some

recommendations"; 484 and 485, dated 23.11.2017 "On the authorization of the concentration obtained through the transfer of ½ of the spectrum of the undertaking Plus Communication sha to Vodafone Albania sha and Telekom Albania sha".

Pursuant to Resolution 2017 and the above mentioned decisions, was monitored the retail market for mobile services, assessing the change in the post-concentration market structure, the implementation of the recommendations given to the regulator AKEP and the undertakings operating in the market; the behavior of these undertakings on tariffs set for the bundles, and it has cooperated with AKEP for the evaluation of documents issued for public consultation on its part.

Also in this market, ACA, with letter prot. no. 156/1, Dated 17.05.2018, sent its comments on the questions raised by AKEP in the document issued for public consultation " Mobile market analysis: the wholesale access and origin market; wholesale of international call termination markets and the retail market of mobile services ", who approved this document by decision no. 78, dated 01.10.2018.

AKEP, by decision no. 82, dated 01.10.2018, issued for public consultation the document for regulating the tariffs of the undertakings with FNT in the wholesale market of access and origination of mobile services, which contains AKEP's proposal for the method of regulating the tariffs of the undertakings designated by the FNT in the wholesale market of access and origination on mobile networks.

Regarding this document, CC decided to issue some recommendations by decision no. 568, dated 15.11.2018 "On the issuance of some recommendations to AKEP for the mobile services market", recommendations aimed at regulating the market in defining the OFNT in the majority market, the rules on how the OFNT should operate in the retail market, and the creation of market access facilities for MVNOs, setting clear obligations for the undertaking FNT for access and interconnection and common use of network facilities.

Currently, AKEP has repealed its analysis to the mobile phone market by decision no. 89, dated 15.11.2018 by deciding on its renewal. Regarding the above mentioned, we are awaiting the issuance of public consultation by AKEP for the analysis of the mobile phone market, in order to obtain the legal assessment under Articles 69 and 70 of Law no. 9121/2003.

To continuously monitor the activity of undertakings with exclusive and special rights, granted by the state, in order to identify and avoid monopolistic situations, as well as to monitor the implementation of the recommendations given to the state bodies by the Competition Commission, according to the markets they regulate.

ACA has fully implemented the recommendation under Resolution 2017 in this regard.

Regarding the above mentioned recommendation of the Resolution 2017, ACA during 2018 has carried out these investigations on undertakings with exclusive and special rights, granted by the state, as follows:

- a. *Market for the mandatory technical control of motor vehicles and their trailers*

The above mentioned service in the Republic of Albania is provided only through the undertaking “SGS Automotive Albania” SHPK (SGS), which has granted rights set forth in the Concession Agreement “On the Concession of the mandatory technical control of motor vehicles and their trailers in the Republic of Albania” signed on 03.09.2009.

CC, by decision no. 562, dated 25.10.2018 “On the imposition of fines and obligations towards the undertaking ” SGS Automotive Albania “SHPK in the market of the mandatory technical control of motor vehicles and their trailers in the Republic of Albania and the issuance of some recommendations”, found out the abuse of the dominant position of SGS in the market and **fined this undertaking with the amount of 51,091,005 ALL (which was collected and deposited to the state budget)**, the obligation of SGS to stop the infringement of the competition and to take measures within 45 days, and decided to issue some recommendations for MIE to increase competition in this market.

b. The loading and unloading service market and related activities for bulked goods in the East terminal in the Port of Durrës

The above mentioned service at the East Terminal in the Port of Durrës is provided by the undertaking “EMS-Albanian Port Operator” SHPK, which has granted rights set forth in the concession contract for the management, operation and maintenance of the East Terminal of the port of Durrës, signed on 06.05 .2013.

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

c. "Tirana Airport Partners" SHPK

Based on law no. 9312, dated 11.11.2004"On the ratification of the concession agreement, between the Council of Ministers of the Republic of Albania and the concessionaire "Tirana Airport Partners" SHPK, for the construction, commissioning, operation and maintenance of the International Airport" Mother Teresa "Tirana, and for granting some incentives to this concession undertaking", Tirana International Airport (TIA) is the only airport in the Republic of Albania, operated by airline undertakings licensed to carry passenger air transport.

CC, by decision no. 538, dated 20.07.2018"On some recommendations for increasing competition in the air transport service market in the Republic of Albania", found that OSHA and the Concessionaire did not comply with the legal obligation provided for in point 19.2, letter (a) of the Concession Contract and did not take into account the recommendations given by the CC throughout the years. CC decided to give some recommendations to the Council of Ministers and OSHA, as well as to the Committee on Economy and Finance and the Committee on Production, Trade and Environment of the

Assembly of the Republic of Albania, to support the implementation of the recommendations given by ACA.

The recommendations given by the Competition Commission have served as an initiative for state institutions to make a legal assessment of the Concession Contract to establish the economic balance between its parties.

Trying to objectively materialize all decision-making and finding ways to enable the enforcement of decisions taken over the years by the Competition Commission.

ACA has significantly implemented the recommendation under the Resolution in this regard. During 2018, ACA has deposited into the state budget the total amount: 284,341,986 ALL.

For 2018, ACA has taken 6 (six) decisions with fines, executing 5 (five) decisions in the amount of 57,552,486 ALL.

An order of execution was issued for a decision of the Competition Commission, but was suspended by the First Instance Administrative Court until the end of the trial.

Regarding the execution of the decisions taken over the years by CC it must be emphasized that the fine imposed on AMC SHA was executed, by decision no. 59, dated 09.11.2007 "Imposing fines against AMC SHA and Vodafone SHA", for which an Order of Execution by the Court was issued (Order No. 3359, dated 09.11.2010, only for the part of AMC giving to the state budget an amount of 211,552,000 ALL.

During 2018 and onwards for 2019, the State Bailiff, based on the memo no. 277/1, dated 28.12.2018, of ACA, is following the enforcement of the procedures for the execution of the obligations, according to the information sent in the letter no. 257/2 prot., Dated 4.02.2019 by the General Directorate of Bailiffs. The fines to be executed by the State Bailiff are in the total amount of 4,000,000 ALL.

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

To continually oversee markets where undertakings with significant and growing market power operate, to ensure free and effective competition in the market.

ACA has fully implemented the recommendation under Resolution 2017 in this regard.

ACA, during 2018, has overseen markets where undertakings with significant and growing market power operate, more specifically:

- The market for the maintenance of fiscal equipment for fuel trading;
- Passenger air transport market to the Austrian Airlines undertaking;
- The market for the production, collection, processing and export of tobacco;
- Rental market for storage and trading of agro-food products in the city of Tirana;
- Banking sector;

- The import, production and trading of flour;
- The economic activity market developed by the Albanian Football Federation;
- Crude oil production and trading market;
- The hospital service market.

To improve the level of staff expertise in order to adapt to the dynamics of emerging and ever more complex markets.

ACA has fully implemented the recommendation under Resolution 2017 in this regard.

During 2018 it was possible to further strengthen the administrative capacities of the Competition Authority by increasing the number of employees with 4 inspectors in the technical directorates, approved by decision no. 59/2018 of the Assembly "On an addition to the structure and staff of the Competition Authority".

Part of this structure is the position of the Chief Economist who carried out economic and econometric analysis, it is expected that this structure will be set up at unit level to be in coherence with the ongoing demand in the EU Progress Reports for Albania in chapter 8- of the acquis "Competition and Liberalization" to provide a methodological and empirical approach to quantitative and qualitative analysis of data across all markets, prior to the decision of CC. This unit will operate within the number of employees approved with the new structure according to the Assembly Decision no.128 / 2018, dated 20.12.2018.

Several trainings have been conducted at home and abroad for new and existing technical staff, in order to enhance professional expertise, such as: 3 (three) trainings organized by TAIEX, 4 (four) trainings organized by OECD-GVH / RCC; Cress; UNCTAD, etc.

The Assembly asks the executive bodies of all levels to cooperate with the Competition Authority, by enforcing the obligation to request a legal assessment of ACA for any draft normative act having as its object or consequence the granting of exclusive rights or quantitative or qualitative limitations of competition in markets or different sectors of the economy.

This recommendation has been fully implemented.

In cooperation with the executive bodies of all levels, according to the tasks left by Resolution 2017, ACA, pursuant to Articles 69 and 70 of Law no. 9121/2003, has evaluated the following acts:

- 40 acts assessed on the energy sector submitted for an opinion by ERE;
- 5 acts assessed in the telecommunications market issued for public consultation by AKEP;
- 4 acts assessed in the water sector, sent for opinion by ERRU;
- 1 draft decision of the Ministry of Finance and Economy for state aid;
- 1 draft law by the Assembly on the project and the new building of the National Theater;

- 1 draft decision of the Council of Ministers "On the authorization of the Ministry of Health and Social Protection for the conclusion of special contracts (MEA)";
- 1 draft law from the Ministry of Infrastructure and Energy for the minimum stocks of crude oil security and its byproducts.

Implementation of the Competition Commission's recommendations for the concessionary contracts in force, which lead to competition distortions in the market.

CC recommendations, made during 2018 with their respective decisions, are being monitored.

During 2018, the CC has taken the following decisions, and ACA is at the stage of monitoring the implementation of these decisions:

a. "SGS Automotive Albania" SHPK

CC, by decision no. 562, dated 25.10.2018 "On the imposition of fines and obligations to the undertaking "SGS Automotive Albania" SHPK in the market for the mandatory technical control of motor vehicles and their trailers in the Republic of Albania and the issuing of some recommendations". The imposed fine is fully executed by being deposited into the state budget and we are in the phase of monitoring the implementation of obligations by SGS and the recommendations of MIE.

b. "EMS Albanian Port Operator" SHPK

CC, by decision no. 567, dated 07.11.2018, decided to close the in-depth investigation procedure against the undertaking "EMS-Albanian Port Operator" SHPK, the loading and unloading service market and related activities for bulked goods in the East Terminal in the Port of Durrës and giving some recommendations to MIE for promoting competition in this market, APD and the undertaking "EMS-Albanian Port Operator" SHPK, with dominant position in this market. We are in the phase of monitoring the implementation of the recommendations.

c. "Tirana Airport Partners" SHPK

CC, by decision no. 538, dated 20.07.2018 "On some recommendations for increasing competition in the air transport service market in the Republic of Albania" found that OSHA and the Concessionaire did not comply with the legal obligation provided for in point 19.2, letter (a), of the Concession Contract, and did not take into consideration the recommendations given by ACA through previous CC decisions.

Recommendations given by CC have served as an initiative for state institutions to make a legal assessment of the Concession Contract to establish the economic balance between its parties.

1.2 Sub-legal acts approved by the Competition Authority during 2018

In the framework of the process of approximation of legislation and PKIE, during 2018, ACA approved the sub-legal acts as follows:

1. *Guideline no. 2, dated 20.12.2018 "On the implementation of competition rules in the assessment of access agreements in the telecommunication sector", approximated pursuant to Directive 2014/104 / EU of 26 November 2014 "On rules related to actions for damages under the national laws of the Member States and the EU for violating the provisions of the Competition Law."*

This guidance brings further alignment of the Albanian legislation with the EU in the field of competition within the framework of PKIE 2017-2020. Its purpose is to establish the rules and procedures for evaluating and analyzing the access agreements in the telecommunication sector.

2. *Guideline no. 1, dated 25.06.2018 "On restrictions directly related and necessary to concentrations"; aligned according to EC notification (2005 / C 56/03) "On restrictions directly related and necessary to concentrations".*

Rules under the provisions of this directive reflect the essence of the EC practices and define principles for the assessment and authorization of concentrations by the Competition Authorities.

3. *Regulation "On the organization and functioning of the activity of the Competition Authority", approved by decision of CC no. 563, dated 25.10.2018.*

This regulation is drafted pursuant to article 24, letter c, of law no. 9121/2003, and the law no. 10269, dated 08.07.2010 "On Financial Management and Control" and by-laws issued for its implementation.

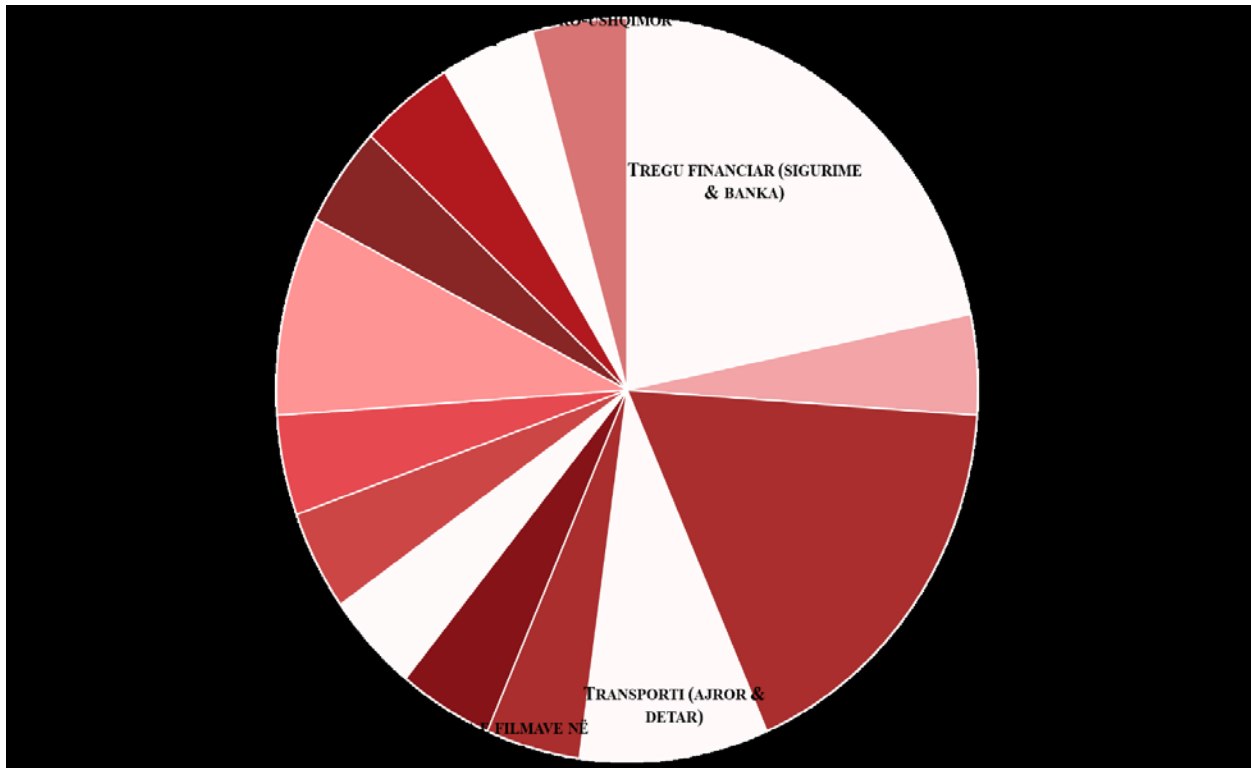
PART TWO

ENFORCEMENT OF THE COMPETITION LAW

2.1 Monitored Markets

ACA, pursuant to Article 28 of Law no. 9121/2003, has conducted monitoring, analysis and market studies for the development of free and effective competition.

During 2018 were carried out 23 monitoring in the following markets:



4 (four) markets have not gone through investigative procedures:

The meat butchering market

During January 2018, ACA carried out a monitoring of the butchering market in Fier and Berat. At the end of the monitoring, it was found that the legal framework on which this market operates has not changed, relating to the licensing and control criteria of subjects operating in the butcher market.

The monitoring showed that there is no significant increase in the price of this service (butcher), which would be contrary to Article 9 of Law 9121/2003.

The retail and wholesale market of fuel in Gjirokastra

Based on a complaint regarding the retail activity of fuel in Gjirokastra region of "A" SHPK, ACA pursuant to Article 28 of Law no. 9121/2003 carried out a monitoring in this market, where it turned out that the allegations raised by the complainant do not stand, as there are no signs of restriction of competition referred to Articles 8 and 9 of Law no. 9121/2003 because the undertaking "A" SHPK does not hold a dominant position.

The retail and wholesale market of fuel in Fier

Some of the undertakings operating in the fuel sales market raised concerns about fuel trading in Fier district by the undertaking "K" SHPK. ACA pursuant to Article 28 of Law no. 9121/2003 carried out a monitoring on the wholesale and retail market of fuels in Fier region to see if there are elements that limit or distort competition in this market.

From the analysis of the data administered by the Central Tax Administration and the data of the undertaking "K" SHPK, was evaluated the structure of the respective market, where it turned out that none of the undertakings operating in this market have any position or signs of restriction competition within the meaning of Articles 8 and 9 of Law no. 9121/2003.

"Call Center" Market Service

During 2018, ACA monitored and analyzed the Call Center market in relation to the possible transactions conducted in this market as well as the submission of some notifications of concentrations for transactions occurring in this market, namely sales and advertising services via telemarketing or tele-selling (sales by phone) inbound and outbound. For the assessment of the cases, ACA initiated the market monitoring procedure, which consisted in identifying competitors in the market, market structure, contracting and service delivery as well as market concentrations after the share buying / quotation procedures.

From the documentation administered it was found out that the market for Call Center Service is a market with a very large number of competitors, where the four largest undertakings hold about 50% market share. The market is still being monitored.

6 (six) monitored markets, for which the Competition Commission has decided to open the preliminary investigation:

The rental market for the storage and trading of Agro-Food products in the city of Tirana

ACA, in May conducted a monitoring in the rental market for storage and marketing of Agro-Food products in Tirana. From the monitoring it turned out that some traders were operating in trucks on the outside of the market place because they were not given a chance to get a rented area. Given that the conduct of the undertaking administering the leasing market for the storage and marketing of Agro-Food products in the city of Tirana may constitute to limitation, distortion or obstruction of competition within the meaning of Article 9 of Law no. 9121/2003, the Competition Commission by decision no. 512, dated 17.05.2018, decided to initiate the preliminary investigation procedure in this market.

The market for import, production and trading of flour

Monitoring the market of import and flour production began after the filing of a complaint. The monitoring showed that this market appears concentrated, with substantial parts of the undertaking market. For the above mentioned, in order to assess the behavior of the undertakings operating in this market, CC decided to open a preliminary investigation into the import, production and trading of flour by decision no. 551, dated 04.10.2018.

The "Conad" supermarket network

ACA, based on a complaint, carried out a monitoring on 10.05.2018 in the "Conad" supermarket network. During the monitoring it was concluded that the behavior of Conad Albania SHPK, as a central undertaking and as sole distributor in Albania for the import and wholesale trade of Conad branded products, could constitute a restriction of competition, based on Article 9 2, of Law no. 9121/2003. For this reason, CC, with decision no. 523, dated 07.06.2018, decided to open a preliminary investigation procedure in the market of food products bearing the "Conad" brand in the Republic of Albania, namely to Conad Albania SHPK.

Compulsory motor insurance market for third party liability, for the domestic TPL product

ACA has monitored the compulsory motor insurance market for third party liability for the domestic TPL product, with the purpose of assessing the trading conditions of this product and identifying whether there are any signs of restriction of competition in this market. After monitoring CC by decision no. 509, dated 02.05.2018, decided to open a preliminary investigation procedure in the mandatory motor insurance market for third party liability for the domestic TPL product to see if there are any restrictions of competition in this market.

The banking sector

The banking sector has been continuously subject to monitoring by ACA, in order to evaluate the implementation of recommendations given with CCs decision no. 453, dated 07.03.2017 "On the Provision of a number of Recommendations to the Bank of Albania, Albanian Association of Banks and Second-tier Banks", was carried out a monitoring in this sector for assessing the service of notaries and property appraisers in order to increase competition between service providers; publication of Code of Ethics by second-tier banks; taking measures to facilitate the mobility of customers from one bank to another by reducing the "blocking" costs, as well as increasing transparency by making these costs more understandable to the client; as well as assessing the structure of the markets according to the main products of the bank.

At the end of the monitoring, it was found that banks provide for clients a limited list of notaries or property appraisers, concentration on the credit market, mainly overdrafts, high commissions for closing the account and withdrawal CASH commissions and increase in commissions for issuing a certificate of account status, which is much higher than the value published on the bank's official pages.

Based on these arguments, CC, by Decision no. 516, dated 22.05.2018, decided to open a preliminary investigation procedure in the banking sector for Raiffeisen Bank, National Commercial Bank, Credins Bank and Intesa SanPaolo Bank.

The intermediary market of insurance by second tier banks

Near ACA, the regulator of non-bank financial market AMF, filed an update on the behavior of banks acting as intermediaries in insurance (brokerage), related to the life and property security service for borrowing bank clients. CC, by decision no. 526, dated 14.06.2018, decided to open a preliminary investigation procedure in the intermediary market of insurance by second tier banks.

13 (thirteen) monitored markets for the implementation of CCs decision 2017 -2018:

The international maritime transport market of motor vehicles and passengers

Pursuant to CCs decision no. 467, dated 04.07.2017 "On taking some measures to regulate competition in the international maritime transport market of motor vehicles and passengers in the port of Vlora and the closure of the preliminary investigation procedure".

ACA carried out the monitoring of this market, after the decision was made, and without the level of implementation of the recommendations given to the undertaking "G" SHPK and MIE in this decision. From the monitoring was found that the undertaking "G" SHPK subject to the monitoring did not bring any restrictions on customers in determining the price of the service. The monitoring period for this market was from 4.07.2017 until 4.01.2018.

It turns out that the recommendations addressed to MIE with the above mentioned CCs decision have not been implemented.

The fuel supply for aircraft market

This market, pursuing the CCs decision no. 470, dated 11.07.2017 "On closure of the in-depth investigation into market of fuel supply for aircraft market in the geographical area of "Tirana International Airport " has been monitored for a period of one year and it results that there are no requests for the introduction of new operators in this market. The monitoring period for this market was from 11.07.2017 until 11.07.2018.

Regarding the fuel supply for aircraft market, it turns out that the undertaking Air BP Albania SHA has not received any formal or informal requests for access to its equipment at Tirana International Airport.

The retail market of mobile services

CC, by decision no. 475, dated 21.09.2017 "On closing the preliminary investigation into the retail market of mobile services and issuing some recommendations", apart from a few recommendations for AKEP, has set up and monitor the retail market of mobile services for a period of 1 (one) year period, from October 1, 2017 to October 1, 2018.

Also, after receiving the AKEP decision no. 20, dated 13.11.2017 "On granting approval in advance to transfer the right to use the frequencies of the undertakings Plus Communication SHA to Telekom Albania SHA and Vodafone Albania SHA, CC by decisions no. 484 and 485, dated 23.11.2017 "On the authorization of the concentration obtained through the transfer of ½ of the spectrum of the undertaking Plus Communication SHA to Vodafone Albania SHA and Telekom Albania SHA, decided to authorize these concentrations and carry out the market evaluation after concentration based on AKEP analysis.

As mentioned above, ACA monitored the retail market of mobile services by assessing the change in the market structure after the concentration, the implementation of the recommendations given to AKEP, KMK, and mobile undertakings; the behavior of the undertakings regarding bundle tariffs, and has cooperated with AKEP for evaluating documents issued for public consultation.

Undertakings have notified ACA during the monitoring period regarding the change of the bundle tariffs they apply for the implementation of CCs decision no. 475, dated 21.09.2017.

CC has given some recommendations, which should be taken into consideration by AKEP during its analysis and decision-making.

ACA will continue to monitor this market for a period of 3 months.

The market for the import, storage, wholesale, distribution and retail of liquid gas for household and business consumption

By decision no. 476, dated 05.10.2017 "On the closure of the in-depth investigation into all segments of the market for the import, storage, wholesale, distribution and retail of liquid gas for household and business consumption" decided to close the investigation, as well as monitor all market segments for the import, storage, wholesale, distribution and retail of liquid gas for household and business consumption for a period of 1 (one) year from 16.10.2017 until 16.10.2018.

From the monitoring and evaluation of the relevant market structures, it results that there is a new entry in this market who has gained a significant market share. Also, importing and wholesale trading undertakings apply different selling prices from each other with significant differences, but it reflects the PLATZ stock market trend.

For the above mentioned, the market for the import, storage, wholesale, distribution and retail of liquid gas for household and business consumption will be monitored for a 6-month period for 2019 as we have a new market structure.

The movie screening market in the city of Tirana

Monitoring of the movie screening market in the city of Tirana follows the implementation of CCs decision no. 479, dated 26.10.2017 "On the closure of the preliminary investigation into the market of the movie screening market in the city of Tirana". During the monitoring period were analyzed market conditions for the development of free and effective competition in this market, was conducted an assessment of the behavior of the dominant undertaking "Cineplexx" SHPK and there have been no signs of restriction of competition from this undertaking, but its behavior will

be evaluated on an ongoing basis by ACA. The monitoring period is periodic every 6 months within 10 April and 10 October of each year.

Green Card Insurance Market

ACA has monitored the insurance market for the Green Card product for a two-year period under the implementation of CCs decision no. 499, dated 15.02.2018 "On exemption from prohibited agreement between the insurance companies for Green Card Insurance Market". For the implementation of this monitoring, which is still in process, ACA has cooperated with AMF, Albanian Insurance Bureau and insurance companies, requesting information on the implementation of the CC decision no. 499, dated 15.02.2018, and increase of competition in this sector. Monitoring will continue for the whole period of exemption from the ban on the agreement, until February 2020.

The import market, processing and packaging of coffee

After a concentration procedure, CC by decision no. 504, dated 29.03.2018 "On obtaining the control of the undertaking VALTELINA SHPK from ALB-ERK SHPK ", decided to authorize the concentration obtained through the benefit of controlling the undertaking Valtelina SHPK from ALB-ERK SHPK as well as market monitoring import, processing and packaging of coffee for a period of 6 months from 29.03.2018 until 29.09.2018.

In the end of the monitoring procedure, according to CCs decision was found that the market remains a competitive, with a large number of entrepreneurs, and none of the undertakings, which are great considered does not exceed the 10% market share in imports for all kinds of coffee and the behavior of the undertakings after the concentration is the same without raising doubts on the restriction of competition within the meaning of Articles 4 and 9 of Law No.9121 / 2003.

The market production, collection, processing and export of tobacco

CC, by decision no. 505, dated 29.03.2018 "On the suppression of the preliminary investigation into the tobacco market, collection, processing and export of tobacco products and the issuing of a recommendation for MBZHR" left this market under review for the period 01.12.2017 to 01.12.2018.

CCs Recommendation is fully implemented.

The air transport market, Austrian Airlines undertaking

ACA is monitoring the behavior of Austrian Airlines operating in the air transport market under the CCs decision no. 525, dated 14.06.2018 "On closing the preliminary investigation into the passenger air transport market to the Austrian Airlines undertaking and issuing some recommendations", which will continue the monitoring for a period of one year, until June 2019.

Financial Non-Banking Services market

CC, by decision no. 537, dated 20.07.2018 "On the authorization of the concentration obtained through the sale and transfer of shares of BFSE HOLDING BV to the undertaking AMRYTA CAPITAL LLP", decided that the credit, microcredit, financial leasing and factoring market

offered by the SFJBs, to be subject of monitoring for a period of one year from the date of the announcement of the decision.

The monitoring is intended to assess the behavior of subjects related to interest on loans offered in all forms, applicable fees for services, and the flexibility of customer mobility between service providers. The market will continue to be monitored until July 2019.

Hospital Services Market

CC, by Decision No. 539, dated 24.7.2018 "On the change of control of Hygeia Hospital Tirana SHA from the Diagnostic and Therapeutic Center of Athens, Hygeia S.A at American Hospital SHA "set up a monitor for the American Hospital SHA for a one-year period of 24.07.2018 until 24.07.2019.

In the framework of a study conducted in the hospital services market, this monitoring will be part of the overall open investigation in this market by decision no. 552, dated 04.10.2018 "On the opening of the general investigation procedure in the hospital service market".

The supermarket network "Conad"

CC, by Decision no. 560, dated 15.10.2018, "On closure of the preliminary investigation procedure against Conad Albania SHPK in the market of the food products holding the Conad brand in the Republic of Albania and the imposition of certain obligations" established the monitoring of this market for the period of 1 year 15.10.2018 until 15.10.2019.

The CC decision was appealed to the Judicial District Court.

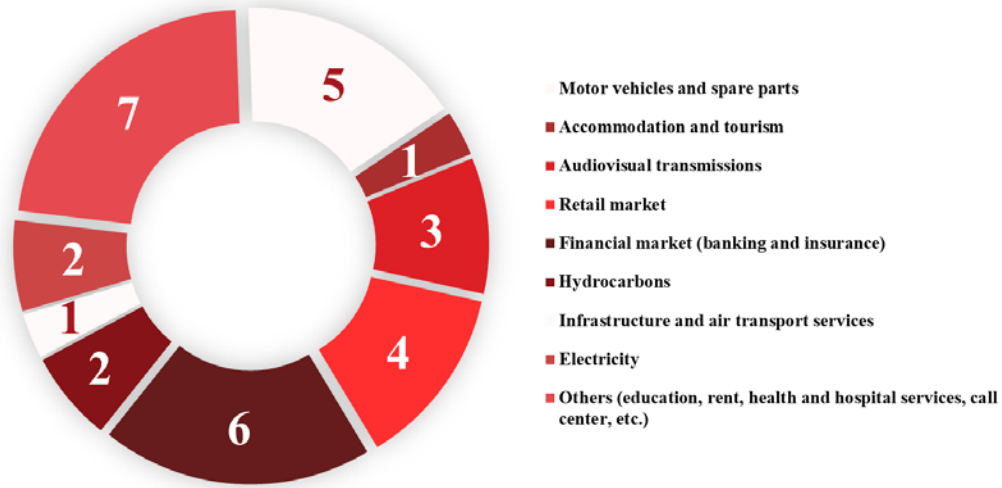
The loading and unloading service market and related activities for bulk goods at the East Terminal of Durres Port.

CC, by decision no. 567, dated 07.11.2018 "On closure of the in-depth investigation procedure towards the undertaking "EMS Albanian Port Operator "SHPK, in the loading and unloading service market and related activities, for the goods bulked in the East Terminal of Durres Port and making some recommendations ", CC has also decided to monitor the behavior of the undertaking "EMS-Albanian Port Operator" SHPK for a period of 1 (one) year. During the monitoring period, the undertaking "EMS-Albanian Port Operator" SHPK should report to the Competition Authority every 3 (three) months regarding the implementation progress of this decision and relations with third parties. Pursuant to this decision of the CC, the behavior of the EMS Albanian Port Operator will be evaluated for a period of 1 (one) year from 07.11.2018 until 07.11.2019.

2.2 Concentrations control

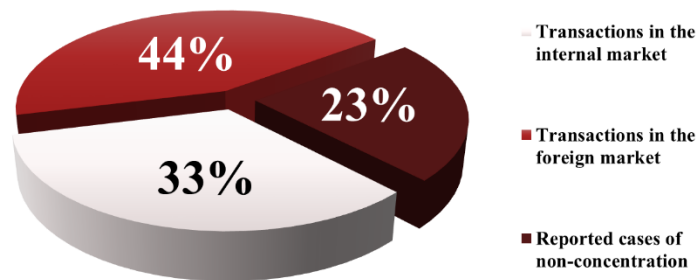
During 2018, ACA, pursuant to Articles 10 and 12 of Law no. 9121/2003, carried out the evaluation of 39 notified cases of concentrations, of which 30 have been authorized by the CC and 9 of them did not fulfill the criteria of law no. 9121/2003.

Economy sectors with the largest number of transactions for 2018:



From the assessment of the concentrations results that:

- 44% of notified cases are transactions that occurred in the foreign market, 17 authorization decisions;
- 33% of notified cases are transactions that occurred in the Albanian market, 13 authorization decisions;
- 23% are notifications that did not fulfill the criteria to be mandated by CC, 9 legal evaluations.



2.2.1 Transactions in the internal market

In the cases of notified transactions in the Albanian market, CC has estimated the following:

Accommodation market - hotel and tourism

CC, by decision no. 494, dated 24.01.2018 "On the authorization of the concentration obtained through the acquisition of the full control of the undertaking Mak Albania SHPK by the Kastrati SHA" decided to authorize this concentration, as it was found that this concentration did not show

signs of competition restriction in the market or in a part of it in particular, as a result of the creation or strengthening of a dominant position.

Financial market (banking) and insurance

In this market during 2018 were carried out 6 concentration procedures, out of which 4 transactions occurred in the Albanian market.

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

- IuteCredit Albania SHA/Final SHA

CC, by decision no. 534, dated 05.07.2018 "On the authorization of the concentration obtained through the sale and transfer 100% of shares of the undertaking Final SHA to Iutecredit Albania SHA" decided to authorize this concentration, as it was found that the concentration did not show signs of competition restriction in the market or a particular part as a result of the creation or strengthening of a dominant position. After concentration IuteCredit Albania SHA will own 4.9% of the market of services provided by non-bank financial institutions.

- OTP Bank Nyrt/Societe Generale & Societe Generale Albania SHA

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

- Union Bank SHA/ International Commercial bank SHA

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

Vehicle and spare parts market

In this market, during the year 2018, were implemented 5 (five) concentration procedures, of which 1 (one) transaction occurred in the Albanian market.

- Bolv Oil SHA/Autovizion SHA

CC, by decision no. 528, dated 25.06.2018 "On the authorization of the concentration obtained through the sale and transfer of 89% of shares from Autovizion SHA to Bolv Oil SHA " decided to authorize this concentration, as it was found that this concentration shows no signs of competition restriction in the market or part of it in particular, and fine the undertaking Bolv Oil SHA in the amount of 500,000 ALL for non-disclosure within the deadlines provided for Article 12, point 2 of Law no. 9121/2003. After the concentration, Bolv Oil will own 0.14% of the import market of vehicle spare parts, 2.8% of the market for the import of vehicle oils, 3.8% of the gas import market and 2.9% of diesel import market 10 ppm.

Retail market

ACA has carried out 4 concentration procedures in this market during 2018, of which 1 transaction occurred in the Albanian market.

- Alb-Erk SHPK / Valtelina SHPK

CC, by decision no. 504, dated 29.03.2018 "On obtaining control of the undertaking Valtelina SHPK by Alb-Erk LLC", decided to authorize the notified concentration, as it was found that this concentration did not show any obvious signs of competition restriction on the market or in one Part of it in particular, as a result of the establishment or strengthening of the dominant position, as well to see the effects that this transaction would bring to the market, to fine the Alb-Erk SHPK undertaking at the amount of 971,200 ALL for non-notification of the transaction within the deadlines set out in Article 12, point 2 of the law. After concentration Alb-Erk will own 35% of the import, processing and marketing of coffee. Also, this market was monitored for a period of 6 months from the date of the announcement of the decision.

Audio-visual broadcasting market

In this market, during the year 2018, 3 concentration procedures has carried out, of which 1 transaction occurred in the Albanian market.

- Z.A. F/Z.E.GJ/TV Klan SHA

CC, by decision no. 513, dated 17.05.2018 "On the authorization of the concentration obtained through the sale and transfer of the 20% stake of TV Klan SHA by Mr. E. Gj. to Mr A. F. "decided to authorize this concentration, as it was found that this concentration does not show signs of competition restriction in the market or in part of it in particular as a result of the creation or strengthening of the dominant position. After concentration, Klan TV will own 20% of the audiovisual broadcast market.

Infrastructure and air transport market

In this market, during the year 2018 has been implemented 1 concentration procedure and this transaction has occurred in the Albanian market.

- Air Albania SHPK

CC, by decision no. 549, dated 27.09.2018 "On the authorization of the concentration obtained through the creation of the joint venture Air Albania SHPK", decided to authorize this

concentration, as it was found that this concentration does not show signs of competition restriction in the market or in part of it in particular as a result of the creation or strengthening of the dominant position.

The energy market

In this market, during the year 2018 has been implemented 1 concentration procedure and this transaction has occurred in the Albanian market.

- Shushica Hydropower SHPK

CC, by decision no. 519, dated 31.05.2018 "On the authorization of the concentration obtained through the establishment of a joint venture, Shushica Hydropower SHPK, Trema Engineering 2 SHPK, GR Albania SHPK and ALB-STAR SHPK" decided to authorize this concentration after it was ascertained that this concentration does not show signs of competition restriction in the market or in a part of it in particular as a result of the creation or strengthening of a dominant position.

Transactions in other markets

During the year 2018, were carried out 6 concentration procedures, of which 3 transactions occurred in the Albanian market, respectively in rental markets; laundry service, disinfection and dry cleaning; health and hospital services.

- Z.G.J, Z.P.K/InRE SHPK

CC, by decision no. 507, dated 02.05.2018 "On the authorization of the concentration obtained through the sale and transfer of 100% quotes of the undertaking InRE SHPK to Z.G. J. and Z. K.", decided to authorize this concentration, as it was found that this concentration does not show any signs of restriction of competition in the market or part of it in particular as a result of the creation or strengthening of a dominant position.

- Servizi Italia S.P.A/Z.F.D/Sanitary Cleaning SHPK

CC, by decision no. 524, dated 14.06.2018 "On the authorization of the concentration obtained through the change of control in the Sanitary Cleaning Company LLC", decided to authorize this concentration, as it was found that this concentration shows no signs of restriction of competition in the market or in a part of in particular, as a result of the creation or strengthening of the dominant position. After concentration, Sanitary Cleaning SHPK will own 4.71% of the laundry, cleaning and desalination service market.

- American Hospital SHA / Hygeia Hospital Tirana SHA

CC, by decision no. 539, dated 24.07.2018 "On changing the control of Hygeia Hospital Tirana SA from the Diagnostic and Therapeutic Center of Athens, Hygeia SA to the American Hospital SHA", decided to authorize this concentration, as it was found that this concentration shows no signs of restriction competition in the market or part of it in particular as a result of the creation or strengthening of a dominant position and to monitor for one year the behavior of the undertaking after the concentration and the obligation to notify ACA of any change in the price of offered

services. After concentration, American Hospital SHA will own 11.5% of the hospital services market.

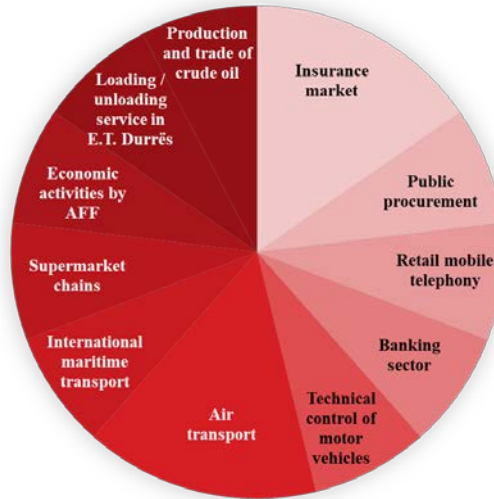
2.2.2 External market transactions

Pursuant to Article 12 of Law no. 9121/2003, object of the concentration assessment are cases occurring on the external market which generate income in the Albanian market directly or indirectly. CC, for 2018, has authorized 17 such cases by means of the decisions listed below:

1. Decision no. 496, dated 08.02.2018 "On obtaining the full control of the Buse Gaz S.r.l. undertaking by Messer Belgium N.V. directly and indirectly through its wholly controlled the undertaking Messer Romania S.r.l. ". The relevant market in this transaction was considered the industrial gases market.
2. Decision no. 502, dated 21.03.2018 "On Authorization of Concentration obtained through the control of the purchase of Nestle USA Inc. by Ferrero International S.A." The relevant market in this transaction was considered the market for the production and sale of chocolate sweets; the market for the production and sale of sugar confectionery.
3. Decision no. 508, dated 02.05.2018 "On the authorization of the concentration obtained through the sale and transfer of shares of Turgut Ozal Education SHA to the undertaking BF Cooperatief U.A.". The relevant market in this transaction was considered the market of providing educational services at all levels of education.
4. Decision no. 510, dated 10.05.2018 "On the authorization of the concentration obtained through the sale and transfer of 6.50% stake of Intelligent Apps GmbH, from HNH Group Ltd to Daimler Mobility Services GmbH". The relevant market in this transaction was considered the taxi service market.
5. Decision no. 511, dated 10.05.2018 "On Authorization of Concentration Related to obtaining joint control by BMW and Daimler AG on some undertakings". The relevant market in this transaction was considered the market of all passenger transport services.
6. Decision no. 529, dated 25.06.2018 "On the change of control of Sport Vision d.o.o. Podgorica undertaking, Montenegro by Sport Vision d.o.o. Bijeljina, Bosnia and Herzegovina ". The relevant market in this transaction was considered the import, wholesale and retail market of sports items.
7. Decision no. 533, dated 05.07.2018 "On the authorization of the concentration achieved through the acquisition of the sole control of Sky PLC by Comcast Corporation". The relevant market in this transaction was considered the market for the production and delivery of television content, the wholesale supply of television channels and the retail supply of television services.
8. Decision no. 536, dated 20.07.2018 "On Authorization of Concentration obtained through the acquisition of control by United Media on Direct Media, Media Point, Pink BH and Pink MNE". The relevant market in this transaction was considered the market of providing marketing communication services and media buying.
9. Decision no. 537, dated 20.07.2018 "On the authorization of the concentration obtained through the sale and transfer shares of BFSE Holding B.V to Amryta Capital LLP". The

- relevant market in this transaction was the credit, microcredit, financial leasing and factoring market offered by non-bank financial institutions.
10. Decision no. 540, dated 24.07.2018 "On Authorization of Concentration obtained through the merger of Siemens AG with Alstom SA". The relevant market in this transaction was considered the supply market of railway vehicles, signaling and electrification.
 11. Decision no. 554, dated 08.10.2018 "On the authorization of the concentration obtained through the acquisition of control by Messer Group GmbH and Yeti Investments S.a.r.l on several assets of Linde Aktiengesellschaft and Praxair Inc. through MG Industries GmbH". The relevant market in this transaction was considered the market of industrial gases.
 12. Decision no. 555, dated 08.10.2018 "On the authorization of the concentration achieved through the acquisition of control by INA Diesel industry d.d. and Prvo Plinarsko Drustvo d.o.o on Petrokemija d.d ". The target undertaking and the agreement parties operate in different product markets and since the transaction has no effect on competition in the Albanian market as well as referring to the practice of the European Commission in similar matters.
 13. Decision no. 556, dated 08.10.2018 "On the authorization of the concentration obtained through the acquisition control of the undertakings First Data Slovakia S.R.O and First Data Hellas Processing Services and Holdings S.A. from the undertaking SIA S.p.A ". The relevant market in this transaction was considered the market for card payment processing, ATM processing, and delivery of POS terminals and related services.
 14. Decision no. 559, dated 15.11.2018 "On the authorization of the concentration obtained through the acquisition of joint control over a new undertaking created by Dr.Ing.h.c.F.Porsche Aktiengesellschaft and Schuler Aktiengesellschaft". The relevant market in this transaction was considered the production market of metal parts.
 15. Decision no. 565, dated 29.10.2018 "On the authorization of the concentration obtained through the acquisition control of Gorenje Gospodinjski Aparati D.D. by Hisense Group CO. LTD ". The relevant market in this transaction was considered the import and retail market of household appliances.
 16. Decision no. 566, dated 07.11.2018 "On the authorization of the concentration obtained through the acquisition of joint control by Daimler FS and Volkswagen FS on Mobility Trader Holding GmbH". The relevant market in this transaction was considered the online platform for the sale of used vehicles.
 17. Decision no. 570, dated 22.11.2018 "On the authorization of the concentration obtained through the acquisition of control of Danske Commodities A / S by Equinor Refining Norway AS". The relevant market in this transaction was considered the wholesale electricity market.

2.3 Service Markets / Non-Productive



2.3.1 Exemption from Prohibition of Agreement

Green Card Insurance Market

By ACA, has been notified the agreement on the sale and administration of the Green Card, from Sigal Uniqa Group Austria SHA, "Intersig VIG" SHA, "Atlantic" SHA, "Sigma Inter-albanian VIG" JSC, "Albsig" JSC "Eurosig" SHA "Ansig" SHA and "Insig" SHA.

CC, by decision no. 499, dated 15.02.2018 "On exemption from prohibited agreement between the insurance companies for Green Card Insurance Market", decided as follow: The agreement is exempted from the ban only by respecting the terms and obligations expressly provided for in this decision.

2.3.2 Prohibited Agreements

2.3.2.1 Completed Investigations

Compulsory motor insurance market for third party liability, for the domestic TPL product.

CC by decision no. 561 dated 15.10.2018, "On giving some recommendations and the closure of the preliminary investigation into the mandatory vehicle insurance market for third party liability for the domestic TPL product", decided as follows: To recommend to AFSA within 90 days: (1) To approve the insurance premium risk for each insurance company based on a report prepared by the undertakings' actuary, and not approving and orientating the same premium risk for the entire MTPL market; (2) To take measures to prohibit the trading of mandatory insurance policies that are in breach of the provisions of Law no. 52/2014 "On the Activity of Insurance and Reinsurance"; (3) To take measures to allow only the display of the trading systems used by agents of the

insurance company in which it operates; (4) To prohibit agents to trade on behalf of other insurance companies for which they are not licensed; (5) To request to the ACA the initiation of relevant legal procedures in case it finds anticompetitive behavior by undertakings operating in the mandatory vehicle insurance market for third party liability;

In order to promote free and effective competition in the market and to avoid any possible anti-competitive behavior, undertakings that exercises their activity in the mandatory vehicle insurance market for third party liability, within 90 days must: (1) Prohibit the trading of mandatory insurance policies in breach of the provisions of Law no. 52/2014 "On the Activity of Insurance and Reinsurance"; (2) Agents / employees of insurance companies must trade only on behalf of the insurance company for which they are licensed;

The monitoring of the mandatory vehicle insurance market for third party liability by the ACA for a period of 6 (six) months.

Public Procurement Sector

In the conclusion of the in-depth investigation was found an agreement on bids in the public procurement procedure "Request for Proposal" with the object "Repairs of the office premises Administrative Unit Lukovë" in the Municipality of Himara, between these undertakings "Tea-D" SHPK and "AEK & CO "SHPK, which constitutes a prohibited agreement within the meaning of Article 4, paragraph 1, letter (a) of Law no. 9121/2003 and CC with the decision no. 535, dated 17.07.2018 "On the imposition of a fine on 'Tea-D' LLC and 'A.E.K. (1) Finding the Invalidity of a Prohibited Agreement between undertakings in the Public Procurement Procedure (2) On the imposition of a fine on 'Tea-D' SHPK and 'A.E.K. & CO 'SHPK for prohibited agreements in the public procurement sector, CO "SHPK for serious violations of competition, in amount of 100,000 (one hundred thousand) ALL for each one.

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

The retail market of mobile services

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

Referring to the above obligation, it results that the undertakings "Vodafone Albania" SHA and "Telekom Albania" SHA, until December 21, 2017, when the deadline ends, to set by the Municipal Assembly to enforce the obligation under point 3 of CCs decision no. 475, dated 21.09.2017, have not filed any information with the ACA related to the application and publication of unit price for each service (ALL / min, ALL / sms, ALL / MB, etc.) containing the standard packages.

As mentioned above, CC by Decision no. 495, dated 08.02.2018, "On fines imposed to undertakings Vodafone Albania SHA and" Telekom Albania "SHA for failure to comply with the obligation imposed by the Competition Commission in Decision no. 475, dated 21.09.2017.

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

Also, CC, with decision no. 568, dated 15.11.2018 "On the issuance of some AKEP postal recommendations in the mobile services market", based on AKEP's decision no. 82, dated 01.10.2018, decided among other things to: Recommend AKEP: (1) The access fee for the undertaking with FNT Vodafone must be cost-oriented; (2) Applying the margin squeeze test before launching packages from the Enterprise with FNT to eliminate the anti-competitive behavior of the FNT enterprise with regard to price compression and market withdrawal by applying low retail tariffs; (3) To subcontract the tariffs of retail mobile services for undertaking with the FNT, in accordance with the provisions of Law no. 9918/2008 simultaneously with the wholesale access market for origin, to promote effective competition in this market, without waiting for the results of regulating access market; (4) Creation of market access facilities for MVNOs, establishing clear obligations for undertaking FNT for access and interconnection common use of network facilities.

Currently, AKEP will conduct a mobile phone market analysis and the ACA will comment on the issued documents to be for public consultation.

2.3.2.2 The following investigations

Banking Sector

ACA, in support of decision no. 453, dated 07.03.2017 "On issuing some recommendations for Bank of Albania, Albanian Association of Banks and Second Tier Banks ", a decision based on the General Investigation of this Market, in 2018 opened two investigations in the banking market namely:

CC, by decision no. 516, dated 22.05.2018, decided to open a preliminary investigation procedure in the banking sector for Raiffeisen Bank, National Commercial Bank, Credins Bank and Intesa SanPaolo Bank, if there are elements of restrictions provided in Articles 4 and 9 of the Law on the Banking Market Services.

CC, based on the complaint of the insurance undertakings conveyed by the AMF, by decision no. 526, dated 14.06.2018, decided to initiate a preliminary investigation procedure in the life and non-life mediation market of second tier banks.

Currently the investigative procedures opened with the above mentioned CCs decision are ongoing.

2.3.3 Abuse of dominant position

2.3.3.1 Completed Investigations

The market for the mandatory technical control of motor vehicles and their trailers:

CC, by decision no. 562, dated 25.10.2018 on the imposition of fines and liabilities to the undertaking "SGS Automotive Albania" SHPK in the market for the mandatory technical control of road vehicles with motor vehicles and tire trailers in the Republic of Albania and the issuance of some recommendations decided among others: (1) Finding the abuse of the dominant position of the undertaking "SGS Automotive Albania" SHPK. (2) Fines of "SGS Automotive Albania" SHPK for restriction of competition, namely Article 9, paragraph 2, letters (a) and (ç) of Law no. 9121/2003, at the rate of 5.69% of the total turnover of the undertaking for the previous financial year (2017), namely in the amount of 51 091 005 (fifty-one million ninety and one thousand five) ALL; (3) Obligation of the undertaking "SGS Automotive Albania" SHPK to stop the infringement of the competition and within 45 days to take the necessary measures. (4) To be recommended to the Ministry of Infrastructure and Energy as follows: (i) Liberalizing the market in terms of delivering this service, including providing technical service, as most EU countries offer. (ii) For the time of extension of this concessionaire, within 90 days, must adopt a regulation for the functioning and monitoring of the SGS Concessionaire, in which all procedures, services are provided.

The fine imposed by CC with the above decision is fully executed.
We are awaiting the implementation of the recommendations by MIE.

The passenger air transport market

CC, by decision no. 525, dated 14.06.2018 "On the closure of the preliminary investigation into the passenger air transport market to the undertaking Austrian Airlines and the issuance of certain recommendations", decided as follows: (1) Austrian Airlines, as an undertaking with dominant position in the relevant market, has the obligation not to place its passengers in unfavorable conditions of competition, pursuant to the Air Code and Instruction no. 1, dated 26.02.2013 "On the compensation and assistance of passengers in the case of non-acceptance of the aircraft and cancellation or delay in flights" must: (i) Submit to any passenger damaged by a refusal of boarding or cancellation of a flight, a written notice giving the right to compensation and assistance, according to the provisions of the Instruction no. 1, dated 26.02.2013; (ii) to minimize as far as possible ticket trading on aircraft capacity, by avoiding any potential anticompetitive behavior on the market and especially during the high season. In the event of non-fulfillment of the obligations of this decision, Austrian Airlines shall be fined up to 10% of annual turnover for serious restriction of competition. (3) Monitor the conduct of Austrian Airlines operating in the air transport market for a period of 1 (one) year, reporting to ACA every four (four) months regarding the prices it has applied, the number of complaints it has had, overbooking cases. (4) Civil Aviation Authority pursuant to the Air Code and Instruction no. 1, dated 26.02.2013 "On the compensation and assistance of passengers in case of non-acceptance of the aircraft and cancellation or delay of flights", is recommended that within a 90 day deadline: (i) Carry out the price analysis applied by the air carriers with a dominant position in the market to prevent discriminatory tariffs and practices, abusively high prices as a result of a dominant position and abusively low prices. (ii) Requires the airport managing body to ensure that the general information on passengers' rights is clearly and visibly displayed within the airport in order to ensure that passengers at the airport to be informed of the cancellation of their flight and their rights.

ACA is in the process of monitoring the implementation of this decision by Austrian Airlines and AAC.

Air transport market

CC by decision no. 538, dated 20.07.2018 "On some recommendations for increasing the competition in the air transport service market in the Republic of Albania" ascertained that OSHA and the concessionaire did not comply with the legal obligation provided for in point 19.2 (a) of the concession contract and did not take into account the recommendations given by ACA through previous CC decisions.

CC decided to make recommendations to the Commission of Economy and Finance and the Committee on Production, Trade and Environment of the Assembly of the Republic of Albania, your support to enable the implementation of the recommendations of this Decision.

Recommendations given by CC have served as an initiative for state institutions to make a legal assessment of the Concession Contract to establish the economic balance between its parties.

Trading market of supermarkets (Conad)

CC by decision no. 560, dated 15.10.2018, "On closure of the preliminary investigation procedure against "Conad Albania" SHPK in the market of the food products holding the Conad brand in the Republic of Albania and the imposition of certain obligations" decided as follows: (1) Conad Albania SHPK, in order to avoid any restriction of competition from the application of the resale price determination, should take the following measures: (i) To not apply the sale invoices (inside and outside of the software system), advised prices and theoretical margin; (ii) Within 60 days from the date of adoption of this decision, to inform the Competition Authority of the measures taken to application of the above recommendation. (2) In case of not fulfilling of the obligations set out in point (II) of this decision, the undertaking "Conad Albania" SHPK is penalized with a fine of up to 10% of its annual turnover for serious restricting of competition. (3) Monitoring of the undertaking behavior "Conad Albania" SHPK for a period of one year.

In the investigative procedures of this case, the ACA also considered information requests (RFI) in the OECD-GVH / RCC network, where international experience was exchanged between state members.

The CC decision was appealed to the Judicial District Court.

The market loading and unloading service and related activities for bulk cargos in the East Terminal Port of Durrës.

CC by decision no. 567, dated 07.11.2018, decided "On closure of the in-depth investigation procedure against the undertaking "EMS-Albanian Port Operator" SHPK, in the loading and unloading service market and related activities, for the goods bulked in the East Terminal Port of Durrës and giving some recommendations as follows: (1) To recommend to the Ministry of Infrastructure and Energy, to take the following measures within 90 days: (i) Verification and

assessment of compliance with the current functioning of the loading and unloading service of the goods in the harbor (as a category of port services) with the legal relevant regulatory framework in force, and supplementation of the legal / sub-legal base (if necessary) for operation proper market in the loading and unloading service of goods in the port. (2) Durres harbor Authority within 90 days must: (a) Approve a regulation on the operation of East Terminal Port harbor of Durrës, where, among others, the following must be determined. (i) Procedures for the provision of services provided by the EMS Concessionaire APO; (ii) The operation of the maritime agent and the forwarding agent as the respective representative of the owner / charterer of the vessel and the owner of the goods in relation to the right to select the licensed steward operator. (b) Draft regulation must be sent in advance to the ACA before being approved. (3) To recommend to EMS-Albanian Port Operator SHPK, with a dominant position in the loading and unloading market and related activities, for bulk goods at the East Terminal Port of Durres, that during the exercise of its activity in the market must: (a.) Apply equitable trading conditions for the same commercial transactions to undertakings with which it enters into contractual relations; (b) Not impose additional terms / obligations which, by their very nature or commercial practices, are irrelevant to the subject of the contracts in question, when entering into contracts with other parties; (c) The method of shipbuilding is carried out according to the principle "first entering, first served"; (4) In case of non-fulfillment of the obligations of this decision, the undertaking "EMS-Albanian Port Operator" SHPK is fined up to 10% of annual turnover for serious restriction of competition.

Regarding the recommendations, the APD has informed about the commencement of the procedure for drafting the regulation for the operation of the East Terminal of Durres Port. The MIE recommendations have been drafted in cooperation with the ministry and are awaiting their implementation.

ACA is awaiting the implementation of all recommendations given with CCs decision no. 567, dated 07.11.2018 and continues to monitor the loading and unloading service market and related activities for bulk cargos in the East Terminal Harbor of Durres.

2.3.3.2 The following investigations

The economic market activities developed by the Albanian Football Federation

CC by decision no. 564, dated 10.25.2018 decided "The opening of the preliminary investigation against the Albanian Football Federation regarding the economic activities that it conducts. FSHF conducts economic activities related to the sale of broadcasting rights, ticket sales, transfer of players, distribution of commercial items, binding of advertising contracts and sponsorship, which according to the provisions of law no. 9121/2003 and according to the EU practice and its member countries, is included in the scope of activity and the scope of law no. 9121/2003. In addition to the usual economic activities, FSHF has also been given some exclusive rights from the sale of which income is generated and because of this exclusivity FSHF holds a dominant position within the meaning of Article 8 of Law no. 9121/2003.

2.3.4 General Investigations

The hospital service market

CC by decision no. 552, dated 04.10.2018, decided "On the Opening of the General Investigation Procedure in the Hospital Service, since it conducted a market assessment of health services market focusing on hospital service with a view to carry out a full analysis of competition in terms of increasing the quality and economic efficiency, even after the transitions that occurred in this market.

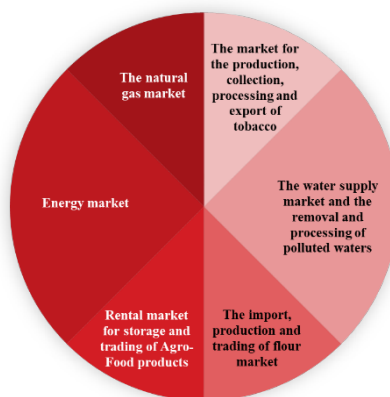
Higher Education

ACA conducted an assessment in the higher education sector in the public and private sector, and by decision no. 573, dated 26.11.2018, decided to open a general investigation procedure in the higher education sector in order to conduct a thorough analysis of the quality of service provided, both by public and private IAL, and respecting the rules of competition in this market.

Freelancer (public notary, lawyers and real estate evaluators) market

CC by decision no. 574, dated 26.11.2018, decided "On the opening of the General Investigation Procedure on the Freelancer Market" specifically for the services provided by notaries, lawyers and real estate evaluators especially in the services they provide in the banking system.

2.4 Production Markets



2.4.1 Abuse with dominant position

2.4.1.1 Completed Investigations

The market for the production, collection, processing and export of tobacco

CC by decision no. 505, dated 29.03.2018, "On closure of the preliminary investigation into the market for the production, collection, processing and export of tobacco and giving a recommendation to the Ministry of Agriculture and Rural Development", decided to recommend

in the draft law "On some amendments and additions to law no. 8691, dated 16.11.2000 "On the manufacture and trading of tobacco and cigarettes", as amended, shall take into consideration the previous CC decisions, where in 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", amended, add a point where to determine the co-operation of the AKDC with ACA in cases when it suspects a possible anticompetitive behavior by undertakings operating in the tobacco production, collection, processing and export market.

The recommendation given by CCs decision has been fully implemented.

The water supply market and the removal and processing of polluted waters

The ERRU, during 2018, forwarded to the ACA some decisions of the National Regulatory Commission together with the information on the change tariff application, as well as the relevant draft decisions "On the approval of tariffs for the water supply service". After reviewing and evaluating the information submitted, pursuant to Articles 69 and 70 of Law 9121/2003, the CC has expressed with several decisions, as follows:

1. Decision no. 522, dated 07.06.2018 "On issuing some recommendations ERRU on the application for changing the tariff level for "Water Supply Gramsh", through which the CC has decided among other things to recommend the ERRU, that in decision making to determine the obligation of the water supply undertaking "Gramsh SHA" to make the subsidies that it will benefit to cover the costs as well as the investments to improve the water network, using them in the most appropriate, efficient and profitable way, in order to reduce the cost from the current level and the effective use of water resources.
2. Decision no. 518, dated 22.05.2018, On issuing some of recommendations to the Water Regulatory Authority on the application for changing the fee level for" Sewerage Water Supply "SHA, through which the CC has decided: (1) not to accept the proposal made by the ERRU for UK Skrapar, because the submitted documentation is incomplete and insufficient to realize the assessment of this regulation in the framework of regulatory reform under Law no. 9121, dated 28.07.2003 "On Protection of Competition", as amended. (2) Tariffs to be approved shall be cost oriented to the services for which they are applied, the costs that may be needed to receive such services.

Rental market for storage and trading of Agro-Food products

CC by decision no. 512, dated 17.05.2018, "On the opening of the preliminary investigation procedure in the "Rental Market for the Storage and Trading of Agro-Food Products in the City of Tirana", CC estimated that we could face an emergency situation due to the risk of serious and irreparable damage to the competition by decision no. 542, dated 04.09.2018 "On taking temporary measures for the restoration of competition in the leasing market for the storage and marketing of Agro-Food products in the city of Tirana". CC decided to take temporary measures against the undertaking EKMA Albania SHPK.

At the conclusion of the procedure, CC with decision no. 575, dated 22.11.2018 on imposing fines and obligations to the undertaking "EKMA Albania" SHPK, in the leasing market for storage and selling of Agro-food products in the city of Tirana" decided among others (1) Fining "EKMA Albania" SHPK for serious restriction of competition at 9.99% of its turnover for the previous financial year (2017), respectively in the amount of 43,168,617 ALL. (2) EKMA Albania" SHPK is constrained to stop the restriction of competition and within 30 days to take the necessary measures as follows, (i) Drafting lease contracts based on the provisions of the Civil Code (for lease contract) to place its parties, the lessee and the lessor, on equal contractual terms in accordance with law and good commercial practices. (ii) The lessor reasonable apply the cost-oriented prices and the average rental price of the geographic area. (iii) The lessor should be transparent in detailing the respective voices and values included in the environmental lease bill. (iv) "EKMA Albania" SHPK should immediately stop charging the legal price approved by the competent institutions (invoiced by OSHEE and WUT).

The CCs decision has been appealed to the First Instance Administrative Court of Appeal.

Energy Market

ERE, during 2018, has forwarded to ACA the draft by-laws, pursuant to Law no. 43/2015 "On the Electricity Sector". From the review of draft income acts and pursuant to articles 9, 69 and 70 of law no. 9121/2003, CC expressed the following decisions:

1. Decision no. 520, dated 31.05.2018, On giving some recommendations on the methodology for determining the selling price of electricity by the Last Chance Supplier ", by which it was decided to recommend to the Energy Regulatory Entity: (1)The administrative costs for calculating the price of the last-resort supplier shall be reasonable, current and transparent; (2) Any revision of long-term (annual) prices shall be made on the basis of real data, which shall be transparent by providing a non-discriminatory price.
2. Decision no. 527, dated 14.06.2018 "On giving some recommendation to the Energy Regulatory Entity regarding the type contract for the purchase of electricity between Electricity Power Distribution Operator and EPP", are reflected in the legal provisions regarding the term of contracts and price regulation by orienting it towards real investment costs, based on reasonable return on their value and with a reasonable duration.

The natural gas market

ERE, during 2018, has forwarded to ACA the draft by-laws, pursuant to Law No.102 / 2015 "On the Natural Gas Sector". From the review of draft income acts and pursuant to articles 9, 69 and 70 of law no. 9121/2003, CC expressed the following decision:

1. Decision no. 550, dated 04.10.2018, decided "On giving some Recommendations on the Network Code on Interoperability and Data Exchange Rules Proposed by the Combined Natural Gas Operator Albgaz SHA", that the Grid Code on the Interoperability and Exchange

of Data Rules proposed by the combined natural gas operator Albgaz SHA, be transposed without changing its text or structure according to the provisions of Decision no. 2018/02 / PHLG-ENC, dated 12.01.2018 of the Permanent High Level Group of the Energy Community and European Union (EU) Regulation no. 715/2009.

2.4.1.2 The following investigations

The import, production and trading of flour market

At the conclusion of the monitoring process, the behavior of undertakings in the flour and import market in the Republic of Albania, from the point of view of the price level, the quality of production may constitute a restriction, distortion or impediment of competition within the meaning of Article 4 and 9 of Law no. 9121/2003, MA, by Decision no. 551, dated 04.10.2018 "On the opening of the preliminary investigation procedure in the market for import, production and marketing of flour", has decided to open a preliminary investigation in this market.

This procedure is in the processing phase of the information administered and drafting the report with the findings of the investigation.

Market of production and trading of crude oil

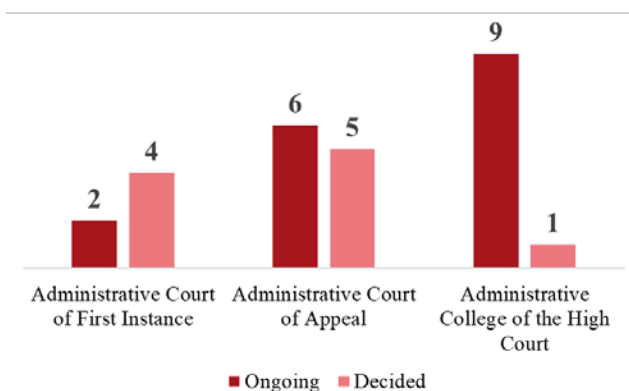
CC, by decision no.575, dated 03.12.2018 "For the opening of the preliminary investigation procedure against the undertaking "Bankers Petroleum Albania" LTD in the market of production and trading of crude oil, decided to open the investigation into this market. Since complaints filed by the undertakings have been requested and the taking of temporary measures for the Bankers, ACA on 11.12.2018, held a hearing with the complaining undertakings and the Bankers. CC by decision no. 578, dated 20.12.2018, decided to "Take temporary measures in the market for the production and trading of crude oil to Bankers Petroleum Albania LTD". The provisional measure is taken for a period of time until the conclusion of the investigative procedure, and in case of non-enforcement of the provisional measures within the time limits specified in this decision, the CC imposes periodic fines up to 5% of the average daily turnover.

PART THREE

COMPETITION AUTHORITY AND JUDICIAL PROCESSES

During 2018 were issued 86 decisions by the CC, of which 6 of them appealed to the First Instance Administrative Court of Tirana.

The trial also continued on the issues handled, at the Administrative Court of Appeal and at the High Court - the Administrative College.



3.1 Matters Judged at the Tirana First Instance Administrative Court (2018)

In the Tirana Administrative Court of First Instance 4 (four) cases were adjudicated, of which for 1 (one) of them the Court has decided not to accept the lawsuit about one of the claims of the claimant and acceptance for the other, whereas for 3 (three) other issues The Court has decided to abrogate the CC's Decision.

1. Administrative case with: the claimant “Vodafone Albania” SHA; respondent Albanian Competition Authority; the object: Invalidation of the decision no. 495, dated 08.02.2018 of the Competition Commission and the invalidation of point 3 of the decision no. 475, dated 21.09.2017 of the Competition Commission. Regarding this issue, the Tirana First Instance Administrative Court decided to leave in force the point 3 of Decision No. 04 / 475, dated 21.09.2017 of the Competition Commission and repeal Decision no. 495, dated 08.02.2018 of the Competition Commission, on the part of the claimant. An appeal against this decision was made at the Administrative Court of Appeal.
2. Administrative case with: the claimant “Telekom Albania” SHA; respondent Albanian Competition Authority; the object: partial invalidation of the decision no. 495, dated 08.02.2018 of the Competition Commission. Regarding this issue, the Tirana First Instance Administrative Court decided to accept the claim by deciding to repeal the Decision no. 495, dated 08.02.2018 of the Competition Commission, on the part of the claimant. An appeal against this decision was made at the Administrative Court of Appeal.
3. Administrative case with: the claimant “Ekma Albania “SHPK, respondent Albanian Competition Authority; the object: Invalidation of the decision no.542, dated 04.09.2018 “On taking temporary measures for restoring competition in the rental market for storage and

trading of agro-food products in the city of Tirana”. Regarding this case, the First Instance Administrative Court decided to accept the claim by invalidating the decision of the ACA. An appeal against this decision was made at the Administrative Court of Appeal.

4. Administrative case with: the claimant “Geci” SHPK; respondent Albanian Competition Authority and the Tirana Prosecutor office; the object: Invalidity of Executive Title Decision Nr. 229, dated 03.07.2012 of CC. Regarding this case, the Tirana Administrative Court of Appeal decided the annulment of the decision of the Tirana District Court, with which the lawsuit was received, as well as the return for retrial to the Tirana First Instance Administrative Court. The Administrative Court of the first instance has decided to accept the claim.

Remain to be tried in the Administrative Court of First Instance two other cases (Table 2).

3.2 Cases judged in the Administrative Court of Appeal (2018)

In the Tirana Administrative Court of Appeal were adjudicated 5 (five) cases, for which the court has expressed in favor of ACA by rejecting the claim filed by the claimant.

1. Administrative case with: the claimant “Telekom Albania” SHA; respondent Albanian Competition Authority; the object: Determination of invalidity and / or annulment of Decision no. 59, dated 09.11.2007 of the Competition Commission. Regarding this case, the Tirana Administrative Court of Appeal decided to leave in force the decision of the Tirana District Court, which ruled to dismiss the plaintiff's claim.
2. Administrative case with: the claimant “Tirana Urban Trans” SHA; respondent Albanian Competition Authority and the Tirana Execution office; the object: Invalidation of the decision no. 290, dated 23.07.2013 of the Competition Commission due to statutory limitation. Regarding this case, the Tirana Administrative Court of Appeal decided to amend the decision of the Tirana District Court by definitively ruling down the plaintiff's claim.
3. Administrative case with: the claimant “Landeslease” SHA; respondent Albanian Competition Authority; the object: Determination of invalidity and / or annulment of Decision no. 412, dated 21.04.2016 of the Competition Commission. Regarding this case, the Tirana Administrative Court of Appeal decided to leave in force the decision of the Tirana First Instance Administrative Court, by which the claim of the plaintiff was rejected.
4. Administrative case with: the claimant “Hyundai” Shpk, respondent Albanian Competition Authority; the object: “Repeal of administrative act, decision of CC no.154, dated 01.10.2010 “On the prohibition of the agreement between the undertakings "Classic"Shpk, "Hyundai Auto Albania" Shpk, "Noti" Shpk and "Ultra Motors" Shpk and imposing fines on them for restriction of competition in the new car procurement sector”, regarding the fine for participation in the the bidding prohibition agreement. The Administrative Court of First Instance of Tirana, after reviewing this case with the decision No. 4553, dated 21.09.2015, decided: the rejection of the petition, leaving in force the decision of the ACA. Against this decision, the undertaking filed an appeal in the Tirana Administrative Court of Appeal. This court left in force the decision of the Administrative Court of First Instance by expressing in favor of the Competition Authority.

- Administrative case with: the claimant “EMS APO”; third party ACA; the object: “The Suspension of Provisional Measures, decided upon by the CC of No.451, dated 28.02.2017 “To take temporary measures to restore competition in the loading and unloading service market and related activities for bulk cargo at the East Terminal Port of Durres””. Administrative Court of First Instance with Decision No. 80-2017-3056, dated 10.07.2017 decided: The dismissal of the claim and leaving in force the decision of the ACA. The Administrative Court of Appeals has ruled that the decision of the First Instance Administrative Court is upheld.

Issues brought to trial by the Administrative Court of Appeals (2019) - Judges from the Administrative Court of Appeal 6 (six) litigation cases, for which the respective dates are expected (Table 2).

3.3 Matters judged by the Administrative College of the High Court (2018)

In the High Court of Tirana for the reporting period, 10 court cases were in the process of adjudication regarding the CC’s decisions, of which 1 case was in the Advisory Chamber where it was decided to pass the court session, while other cases were not adjudicated.

- Administrative case with: the claimant “Alba Trans” Shpk, respondent Albanian Competition Authority; the object: Objection of decision 290, dated 23.07.2013, of the CC for the part belonging to the claimant. The Court of the Tirana Judicial District decided to accept the lawsuit of this undertaking. A complaint against this decision by the ACA was filed with the Tirana Court of Appeal. The Tirana Court of Appeal, in connection with this case, declared the subject-matter incompetence, pursuant to Law no. 49/2012, dated 03.05.2012 and forwarded them to the Administrative Court of Appeal, which by decision no. 2981, dated 11.07.2014, decided to leave in force the decision of the Tirana District Court. Against this decision has filed a recourse to the respondent party ACA. A court trial at a counseling chamber was conducted by this court where it was decided to go to court.

For 2019, there are 9 (nine) cases handled for adjudication at the Administrative College of the High Court (Table 2).

First Instance Administrative Court	Administrative Court of Appeal	High Court
Suit	Complaint	Recourse
VodafoneAlbania	TelekomAlbania	Alba Trans
TelekomAlbania	Tirana UrbanTrans	AMC
EKMA	Landeslease	TiranaLines
Geci	Hyundai	Tirana UrbanTrans
EKMA	EMSAPO	Nazeri&Dea

SGS	VodafoneAlbania TelekomAlbania EMSAPO Tirana-Lines Armo Ekma Albania	AMC Ultra-Motors Ferlut Eurogjici&Toni Tirana UrbanTrans
6	11	10

3.4 Execution of Competition Commission decisions

For 2018 ACA was focused on the execution of the decisions taken by the CC throughout the years, including decisions made during 2018, who constitute executive titles. During 2018, were executed 5 important decisions of CC as follows:

1. A fine imposed on AMC Sha was executed, by decision no. 59, dated 09.11.2007 "On imposing fines to AMC Sha and Vodafone Sha" for which an Order of Execution was issued by the Court. Executed Value is 211,522,000 ALL;
2. Voluntary execution of the fine imposed by decision no. 504, dated 29.03.2018 "On obtaining control of the undertaking Valtelina SHPK from ALB-ERK SHPK". The amount of fine imposed and executed is 971,200 ALL;
3. Voluntary execution of the fine imposed by decision no. 528, dated 25.06.2018 "On the authorization of the concentration obtained through the sale and transfer of 89% of the shares of Autovizion SHA to Bolv Oil SHA". The amount of fine imposed and executed is 500,000 ALL;
4. A fine imposed by decision no. 535, dated 17.07.2018 "For imposed fines on undertakings 'Tea-D' SHPK and 'A.E.K. & CO 'SHPK for prohibited agreements in the public procurement sector. The First Instance Administrative Court issued the Order of Execution. The executed fine is in the amount of 100,000 (one hundred thousand) ALL for each undertaking;
5. A fine imposed by Decision No. 562, dated 15.10.2018, "On imposing fines and obligations on the undertaking "SGS Automotive Albania" SHPK in the market for the mandatory technical control of motor vehicles and their trailers in the Republic of Albania and giving some recommendations". The First Instance Administrative Court issued the Order of Execution. The amount of the executed fine is 51,091,005 ALL;
6. The fine imposed by decision no. 495, dated 08.02.2018 "For imposed fines on undertakings Vodafone Albania Sha and "Telekom Albania" Sha for not fulfilling the obligation imposed by the Competition Commission by Decision no. 475, dated 21.09.2017 ". The First Instance Administrative Court issued the Order of Execution. The fine imposed on Vodafone is in the amount of 3,011,173 ALL and the fine imposed on Telecom in the amount of 1,779,108 ALL.

Decision no. 572, dated 22.11.2018, "On imposing fines and obligations to the undertaking "EKMA Albania" SHPK, in the leasing market for storage and selling of Agro-food products in

the city of Tirana". An Order of Execution was issued by the First Instance Administrative Court (fine amounting to ALL 43,168,617).The case has been appealed to the Court, which has decided to suspend the fine. The right to appeal was exercised at the Administrative Court of Appeal.

No.	Collected fines during 2018	ALL
1.	ALBERK – CC’s decision no.504, dated 29.03.2018	971,200
2.	BOLV-OIL – CC’s decision no.528, dated 25.06.2018	500,000
3.	Vodafone – CC’s decision no.495, dated 08.02.2018	3,011,173
4.	Telekom – CC’s decision no.495, dated 08.02.2018	1,779,108
5.	AMC – CC’s decision no.27, dated 12.12.2005	211,552,000
6.	AEK&CO – CC’s decision no.535, dated 17.7.2018	100,000
7.	Tea-D – CC’s decision no.535, dated 17.7.2018	100,000
8.	SGS – CC’s decision no.562, dated 25.10.2018	51,091,005
Total		269,104,486

PART FOUR

THE ROLE OF THE COMPETITION AUTHORITY IN THE FORMULATION AND IMPLEMENTATION OF OTHER POLICIES - COMPETITION ADVOCACY

4.1 Evaluation of acts and draft normative acts

During 2018, ACA has taken into consideration and evaluated in accordance with Law No. 9121/2003 at the request of the proposing institutions, or on its own initiative, evaluated (ex-ante and ex-post) as follows:

1 (two) draft laws:

- Draft Law "On the definition of a special procedure for the evaluation, negotiation and conclusion of the contract with the object" Design and implementation of the urban project and the new building of the National Theater";
- Draft law "On the establishment, maintenance and management of the minimum reserves of crude oil security and its byproducts".

2 (two) draft normative acts as follows:

- Draft decision "On the authorization of the Ministry of Health and Social Protection for the conclusion of special contracts;
- Draft Decision "On the Approval of the Regulation" On the Conditions and Procedures for Granting and Authorizing Certain Categories of State Aid "(MSHMS)

37 (thirty-seven) draft normative acts in the energy sector: ERE, during 2018 has sent for opinion to ACA, draft bylaws pursuant to the law no.43 / 2015 "On the Electricity Sector", Law No.102 / 2015 "On the Natural Gas Sector" and Law no. 138/213 "On Renewable Resources" (Table 3).

4(four) draft normative acts in the water supply and wastewater treatment sector: The ERRU during the year 2018 has issued an opinion on the application for changing the tariff level for Water Supply Sewerage Skrapar SHA; Gramsh SHA; Vau i Dejes SHA Librazhd-Prenjas.

4.2 Competition Advocacy

Competition advocacy is one of the main pillars of Law no. 9121/2003.

During 2018 in the function of advocacy, ACA has carried out a series of activities as follows:

4.2.1 Seminar "On the Control of Concentrations" in cooperation with OECD-GVH / RCC

In cooperation with "OECD-GVH / RCC", on June 19-21, 2018, ACA held a 3day seminar in Tirana "On Concentration Control", with representatives from 27 Competitiveness Authorities from Europe and Asia. This activity was made possible thanks to the contribution ACA has provided in recent years in international relations between the Competition Authorities.

4.2.2 Forum "Competition and Business"

On December 14, 2018, ACA held in Tirana the Forum "Competition and Business" in cooperation with the Parliament of the Republic of Albania, regulatory bodies (AKEP, ERE, Commissioner IDP), and business representatives (Konfindustria, Tirana Chamber of Industry and Commerce and representatives of legal studios).

4.2.3 Roundtables

Within the framework of the Growth and Awareness of a Competitive Environment, during October-November 2018, were organized three round tables entitled "Competition in Function of Economic Development" with business communities in the cities of Kukës (October 30, 2018), Korça (16 November 2018) and Berat (23 November 2018). Specifically, in Kukes City, the event took place in cooperation with the Kosovo Competition Authority, focusing on the development of a regional Albania-Kosovo market.

4.2.4 Cooperation agreements with public institutions and regulatory bodies

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

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

PART FIVE

EUROPEAN INTEGRATION AND INTERNATIONAL COOPERATION

5.1 The contribution in the framework of European Integration

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

For the years 2017-2020, for the chapter 8 "Competition Policy", CA, in compliance with time limits, has achieved the approximation of competition legislation with the EU acquis, respectively two secondary acts:

- Guideline no.1, dated 25.06.2018 "On restrictions directly related and necessary to concentrations/mergers", which is fully aligned with Commission Notice on restrictions directly related and necessary to concentrations
- Guideline no. 2 dated 20.12.2018 "On the implementation of competition rules in the assessment of access agreements in the telecommunications sector".

5.2 International Cooperation

During 2018, ACA aimed the strengthening of international relations with counterpart institutions, forums and training centers in the region and beyond, by participating in the following activities:

Memorandum of Understanding:

- Memorandum of Understanding between the Turkish Competition Authority "Rekabet" and ACA, on 17-19 September 2018, in Ankara, Turkey.
- Memorandum of Understanding between the Competition Authority and the Consumer Protection of Malta, dated 2-5 December 2018 in Tirana.

Events:

- On 11-13 July 2018, was organized in Geneva the UNCTAD 17th meeting of the "Intergovernmental Expert Group on Competition, Law and Policy - IGE". At this UN session, the Chairperson of the ACA headed the second day of the meeting and at the same time she was a rapporteur for the whole meeting.
- ACA attended the 66th Annual Spring Meeting for Antitrust Law Session on 11-13 April 2018 in Washington DC, USA, organized by the American Bar Association and was presented with the paper "Promoting Competitiveness in Small Economies"
- On 29-30 November 2018, the 17th World Competitiveness Forum was held by the OECD in Paris, where ACA presented for the first time the contribution of the institution's experience among the 27 participating States in this forum, in two sessions, respectively of "Regional Co-operation on Competition" and in the session on "Investigative Powers in Practice".

ACA during 2018 has been engaged in participating in some TAIEX training:

- Expert Mission on " Merger Procedures" in cooperation with experts from the Italian and Lithuanian Competition Authority, which took place on 19-20 March 2018 in the premises of the ACA, Tirana.
- The study visit, in cooperation with the Austrian Competition Authority (BWB), took place on 17-19 September 2018 in Vienna, Austria, on "Economic Analysis and Legal Assessment in the Field of Competition"
- Expert Mission on "Unilateral Behavior and Coordinated Behaviors (Cartels)", in cooperation with the Bundeskartellamt Federal Cartels Office and the Lithuanian Competition Authority, which took place on 3-5 October 2018, in the premises of the ACA.

During 2018, the Competition Authority continued co-operation with OECD-GVH / RCC through ongoing trainings that this center offers to Central, Eastern and South-Eastern European countries. ACA participated in the following activities:

- The "Competition and Corruption" Conference, held in Paris, on 28-30 November 2018;
- On March 6-8, 2018, ACA participated in the seminar "Cartel Detection Mechanisms" organized in Budapest, Hungary;
- ACA follows the communication through the Request for Information (RFI) network between counterpart authorities for issues they face in their daily work and which are required to provide adequate responses;
- ACA has published two articles in the Newsletter regarding the topics:
 - a) "Mobile Phones Dominating Not Only Our Lives, but also Competition";
 - b) "Competition Advocacy Experience of the Albanian Competition Authority".

ACA, also during 2018, has continued to be a participant of various working groups, part of the International Competition Network, namely:(1) Advocacy Working Group; (2) Agency Effectiveness Working Group; (3) Cartel Working Group; (4) Mergers Working Group; (5) Working Group on Unilateral Conduct Working in Unilateral Conduct Working Groups.

During 2018, ACA participated in the following Community Energy Secretariat (ECS) events:Seminar on "Acquisition of European Competition and State Aid Acquis in Energy Sectors" on 7 December 2018, Vienna, Austria; Vienna's 6-th Forum on "European Energy Law" on 27-28 September 2018, Vienna, Austria.

ACA has presented the Albanian experience with the preparation of two Global Competition Review publications during 2018, namely: (1) The Handbook of the Competition Economics 2019; (2) The Handbook of Competition Enforcement Agencies 2018.

ACA, following the cooperation with the Florence Competition Program, participated in the meetings as follows: "Abuse with Dominant Position under EU Competitiveness Law", Rome, Italy on 17 January 2018; "Implementation of the Antitrust Law in Europe After the Case of Intel and Cartel Bancaires", held in Florence, Italy on 20 April 2018.

ACA, following the cooperation with GIZ, participated in the meetings: (1) "Open Regional Fund - Legal Reform Project" (ORF LR), developed on 11 April 2018 in Belgrade, Serbia; (2) "Collective readiness procedures through injunctions" developed on 3-6 September 2018, in Bratislava, Slovakia.

Other activities - relations with counterpart authorities:

- Participation in the "60th Anniversary of the German Competition Authority", held on February 22-23, 2018, in Bonn, Germany.
- Participation in the "Annual Conference of the Serbian Authority", held on 20 April 2018 in Belgrade, Serbia.
- Participation in the Conference organized by the Italian, French, German and British Competition Authority on the topic "Future Perspectives on Media Markets: Competition, pluralism and regulatory oversight", 22 May 2018, Rome, Italy.
- The IV Conference "Politics Against Monopoly, Science, Practice, Education" - "Competition: Modern Digital, Cross Border", organized by the Federation of Russian Antimonopoly Service, held on 6-7 December 2018 in Moscow, Russia.

PART SIX

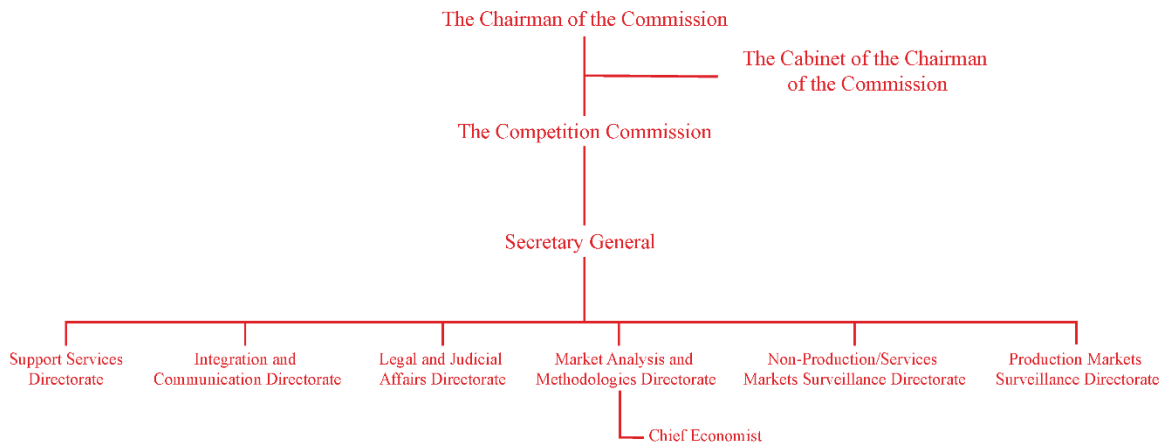
ORGANIZATION OF THE AUTHORITY

6.1 The organization of the Competition Authority

During 2018, the Competition Authority, in function of fulfilling the obligations under law no. 9121/2003 and recommendations of the Progress Report (2018), aims at strengthening capacities and adapting to the model of homologue institutions of the EU countries.

The structure adopted by Assembly Decision no. 59/2018 "On some amendments to the Assembly's decision no.43 / 2017" On the Approval of the Structure and the Organization of the Competition Authority ", the main aim was to increase the number of employees of four employees in the technical directorates to cover the growing activity , for all markets in the territory of the Republic of Albania, in order to meet the needs of the Albanian consumer through a free and effective competition, both in the manufacturing and service markets. Increasing the number of employees will ensure that analyzes, studies, inspections and all investigative procedures will be carried out sooner within the established legal deadlines.

The organizational structure of ACA is as follows:



6.2 Incomes entered into the budget and implementation of approved budget for ACA for 2018

During 2018, ACA has deposited into the state budget the total amount of **284,341,986 ALL**, of which the amount of **15,237,500 ALL** is deposited from the concentrations (notification and concentration authorization), and from the collection of fines amount of **269,104,486 ALL**.

Code	Name	Fact
		Lek
711	Revenues deposited in the budget received from the concentrations	15,237,500
	Revenues deposited in the budget from collection of fines	269,104,486
Total		284,341,986

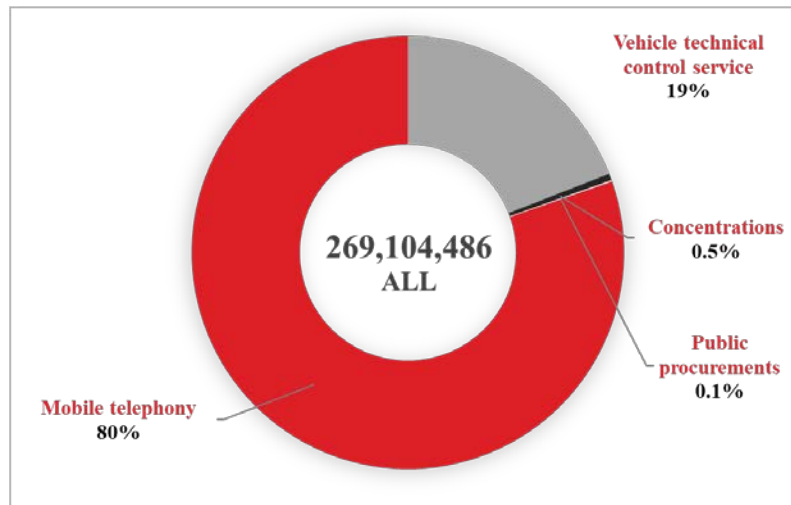
Table of ACS expenditure for 2018 (to be completed after reconciliation)

Code	Name	Plan (with changes)	Fact	/
		Lek		
600	Payroll	47,900,000	45,922,277	96%
601	Social Contributions	8,600,000	7,059,590	82%
602	Materials and Services	16,155,400	15,635,184	97%
231	Investments	8,000,000	7,825,113	98%
Totali		80,655,400	76,442,161	95%

Shortfall at 5% was mainly due to waste from procurement procedures

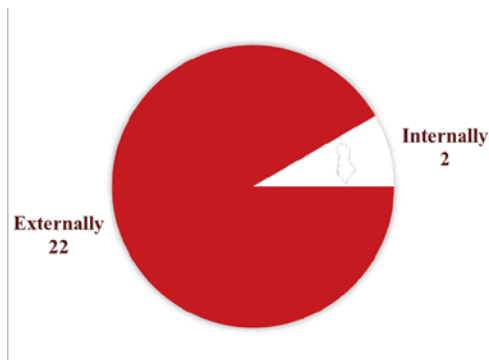
Fines deposited in 2018: **269,104,486 ALL**.

For the first time, the amount of fines collected with the proceeds received from the authorization of concentrations (**284,341,986 ALL**) is 3.5 times higher than the allocated ACA budget (**80,655,400 ALL**).

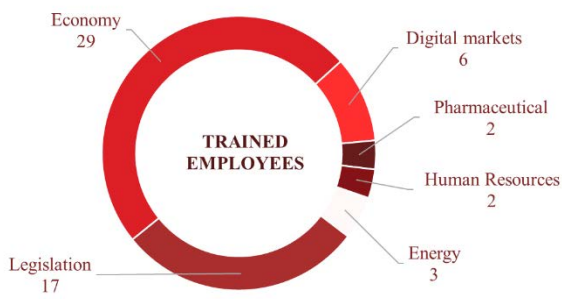
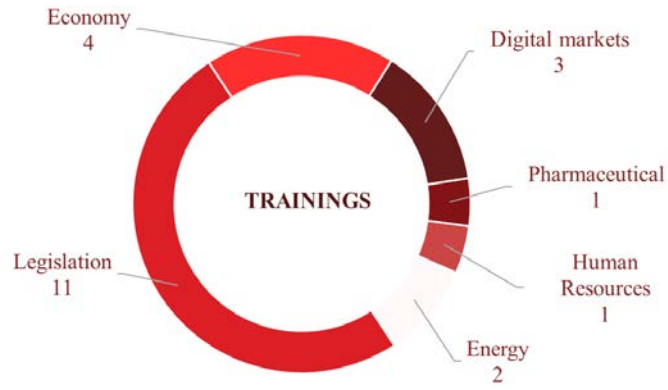


6.3 Recruitments

During 2018, in meeting the needs of technical departments, were carried out 8 parallel movement recruitment procedures, promotion and admission to the civil service. All the procedures were carried out in accordance with the requirements of Law No. 152/2013 "On Civil Servant" as amended, and considering the career system in the civil service. The purpose in these procedures has been and will remain the acceptance of staff with professional and efficient integrity.



During 2018, has been 22 trainings abroad and 2 internally, where a considerable number of 55 employees of the institution were trained, where some of the employees are trained more than once. All the trainings were conducted within the framework of the international cooperation of ACA with OECD-GVH / RCC, CRESSE, TAIEX, and internally from the Public Administration School.



PART SEVEN

ACA's PRIORITIES FOR 2019

7.1 ACA Priorities for 2019

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

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

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

7.2 Institutional alignment with EU standards and practices

During 2019, ACA will:

- The strengthen of the administrative capacity through the creation of a new unit in the organizational structure of the ACA, to be in coherence with the counterpart institutions, and the European Commission's requirements - the specific structure of the Chief Economist, which will in particular carry out economic and econometric analysis, and will provide a methodological and empirical approach to quantitative analysis of market data. The number of employees of three is approved with the organizational structure of the ACA with the decision of the Assembly of Albania no. 128/2018 dated. 20.12.2018 "On some amendments to Assembly Decision no. 43/2017 "On Approval of the Structure and Organ of the Competition Authority" for which will be followed the procedures provided by law 152/2013 "On Civil Servant", as amended.
- To train the new and existing staff to increase the quality of monitoring, inspection, reporting, analysis, quality assurance of CC decisions in court proceedings at all levels of the judiciary.

- To continue the implement of PKIE 2018-2020, as well as the tasks deriving from the MSA, as the leader of the 8th chapter of "Competition Policy".
- To follow up the relevant procedures under the IPA Twinning project for "Further Strengthening the Competition Authority's Capacities to Protect the Free and Effective Competition in the Market", which is open for application by EU member states, which aims to strengthen the institutional capacities of the ACA, in accordance with the national and European legislation in force.
- Follow the procedures under the European Bank for Reconstruction and Development (EBRD) project "Technical Assistance for ACA, Capacity Building, Drafting of Legislation and Advocacy", which is in the process of tendering.
- To apply in the framework of TAIEX for the organization of an expert training staff on the topic "The link between e-commerce and competition policy".
- To engage in enhancing co-operation with other counterpart institutions and regulatory bodies, by signing Memoranda of Understanding (MOU).
- To approve some additions and amendments to the Regulation "On Appointing Expenditures for Attending Procedures at the Competition Authority", which will reflect the experiences of counterpart authorities in European countries and our experience, especially regarding the fees applied by our institution for the control procedures concentrations.
- To take the initiative of reviewing the law no. 9121/2003 "On Protection of Competition" as amended, proposing some additions and changes in the framework of preparation for EU membership, through the identification of relevant provisions of Albanian law and their review of compliance with EU legislation, but also reflecting the problems, ambiguities and experience in practice now almost 10 years from the moment of the last revision made to the law.
- In the framework of cooperation with UNCTAD, the ACA has as its objective the realization of a joint project with the Ministry of Finance and Economy "Competition and Consumer Protection Policy in Albania", which envisages the training of the ACA staff regarding the assessment of exclusive rights and special, evaluation of public procurement procedures for banned bidding on bids, evaluation during concentration control procedures, exchanges of experience.