

**THE PARLIAMENT OF THE REPUBLIC OF ALBANIA**

**LAW NO. 9121, dated 28.07.2003**

**"ON COMPETITION PROTECTION"<sup>1</sup>**

In pursuance of article 11, point 1, 78, 81, point 1 and 83, point 1 of the Constitution, following the proposal of the Council of Ministers,

**THE PARLIAMENT OF THE REPUBLIC OF ALBANIA**

**DECIDED**

**PART I**

**GENERAL PROVISIONS**

**Article 1**

**Subject of the Law**

This law aims at the protecting fair and effective competition in the market place , defining the rules of conduct by undertakings, as well as the institutions responsible for protection of competition and their competencies.

Article 2

**Applicability**

1. This Law shall be applied to:

- a) all undertakings and associations of undertakings, which directly or indirectly have or may have an influence in the market;
- b) all undertakings, as in paragraph 1 of this article, that operate in the territory of the Republic of Albania, as well as to undertakings that operate abroad, when it is demonstrated that the consequences of these activities affect competition in the territory of Albania .

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<sup>1</sup> This English version of the Albanian law "on protection of competition" (consolidated) is not an official version. For any official use, please refer only to the Albanian Version, as published in the Official Gazette of the Republic of Albania.

c) Public undertakings and undertakings which have been granted by the state exclusive or special rights;

d) Undertakings entrusted with the operation of services of general economic interest or having the character of a revenue-producing monopoly insofar that in law or in fact their activity is not obstructed.

2. This Law shall not apply to relations between employers and employees, and to relations which are object of a collective contract between employers and trade union.

### Article 3

#### Definitions

Under this Law, the below-mentioned terms have these meanings:

1. "Undertaking" means any legal or natural person, private or public, which performs an economic activity. Public and local administration bodies, as well as public authorities and entities, are considered as undertaking if they engage in economic activity.

2. "Association of undertakings" means any kind of legal or factual association, legal or natural person, private or public, profitable or not profitable, which represents the interests of member undertakings.

3. "Economic Activity" means the type of manufacturing, commercial, financial or professional activity, associated with the purchase or sale of goods, as well as with the offering of service.

4. "Agreement" are the agreements and/or concerted practices of two or more undertakings, and the decisions or the recommendations of associations of undertakings, regardless their form, written or not, or binding force.

5. "Dominant position" is a position of economic strength enjoyed by one or more undertakings which enables them to prevent effective competition on the market by giving them the power to behave, with regard to demand or supply, independently of other market participants such as competitors, customers or consumers

6. "Product" means any goods sold or purchased, or services offered in the market by an undertaking.

7. "Relevant Market" means the market of those products, which are mutually interchangeable from the point of view of the consumer related to its characteristics, price and their intended use in the area, and which are supplied and demanded by the

undertakings concerned in a geographic area where the competition conditions are sufficiently homogenous and which can be clearly distinguished from neighboring areas.

8. "Competition Authority", hereinafter the Authority, is the body charged with the control of the application of this law.

9. "Competition Commission", hereinafter the Commission, is the decision-taking body of the Competition Authority.

## **PART II**

### **RESTRAINTS OF COMPETITION**

#### **CHAPTER I**

#### **AGREEMENTS**

##### **Article 4**

##### **Prohibited agreements**

1. Agreements which have as their object or effect the prevention, restriction or distortion of competition shall be prohibited, and in particular those which:

a) directly or indirectly fix purchase or selling prices, or any other trading conditions;

b) limit or control production, markets, technical development, or investment;

c) share markets or sources of supply;

ç) Apply dissimilar conditions to equivalent transactions to other trading parties, thereby placing them at a competitive disadvantage;

d) make the conclusion of contracts subject to acceptance by the other parties of supplementary obligations, which, by their nature or according to commercial usage, have no connection with the subject of such contracts;

shall be prohibited.

2. Prohibited agreements under point 1 of this article, which are not exempted under articles 5, 6 and 7 of this Law, are null.

##### **Article 5**

##### **Exemptions of Individual Agreements**

The prohibition of Article 4 (1) may not apply to agreements contributing to improving the production or distribution of goods and/or services or to promoting technical or technological or economic progress, while allowing customers or consumers a fair share of the resulting benefit, and which do not:

- 1) impose on the participating undertakings restrictions which are not indispensable to the attainment of these objectives; and
- 2) significantly restrict competition in respect of the products or services which are subject of those agreements.

#### Article 6

### **Exemptions of Categories of Agreements**

The Commission is entitled to adopt regulations on the categories of agreements to be excluded from the prohibition of Article 4 (1). These regulations shall detail the conditions to be met in order to benefit from the exemption of the prohibition laid out in Article 4 (1).

#### Article 7

### **Agreements of minor importance**

Agreements that do not significantly restrict competition on the market may be exempted from the prohibition of Article 4 (1) if the aggregate share of all the undertakings that are parties to the agreement does not exceed:

- a) 10 percent of the respective market where the participants are actual or potential competitors;
- b) 15 percent of the respective market where the participants are not actual or potential competitors.”

## **CHAPTER II**

### **THE ABUSE WITH MARKET DOMINANCE**

#### Article 8

### **Appraisal of dominant position**

The dominant position of one or more undertakings shall be appraised notably particularly by establishing the following:

- a) the relevant market shares of the investigated undertaking/s and those of the other competitors;
- b) the barriers to entry to the relevant market;
- c) the potential competition;
- ç) the economic and financial power of the undertakings;
- d) the economic dependence of the suppliers and purchasers;
- dh) the countervailing power of buyers/customers;
- e) the development of the undertaking's distribution network, and access to the sources of supply of products;
- ë) the undertaking's links with other undertakings;
- f) other characteristics of the relevant market such as the homogeneity of the products, the transparency of the market, the undertaking cost and size symmetries, the stability of the demand or the free production capacities.

#### Article 9

#### **Abuse of dominant position**

1. Any abuse by one or more undertakings of a dominant position in the market shall be prohibited.
2. Such abuse may, in particular, consist in:
  - a) directly or indirectly imposing unfair purchase or selling prices or other unfair trading conditions;
  - b) limiting production, markets or technical development;
  - c) applying dissimilar conditions to equivalent transactions with other trading parties, thereby placing them at a competitive disadvantage;
  - ç) making the conclusion of contracts subject to acceptance by the other parties of supplementary obligations which, by their nature or according to commercial usage, have no connection with the subject of such contracts.

## CHAPTER III

### CONTROL OF CONCENTRATIONS

#### Article 10

##### **Concentrations of Undertakings**

1. A concentration of undertakings shall be deemed to arise where a change of control on a lasting basis results from:

- a) the merger of two or more independent undertakings or parts of undertakings;
- b) the acquisition, by one or more natural persons already controlling at least one undertaking, or by one or more undertakings, whether by purchase of securities or assets, by contract or any other legal means, of direct or indirect control of the whole or parts of one or more other undertakings;
- c) direct or indirect control of one or more undertakings or parts therein.

2. Control referred to Paragraph 1 (b) of this Article shall be constituted by rights, contracts or any other means which, either separately or in combination and having regard to the considerations of fact or law involved, confer the possibility of exercising decisive influence on an undertaking, in particular by:

- a) ownership or the right to use all or part of the assets of an undertaking;
- b) rights or contracts which confer decisive influence on the composition, voting or decisions of the management organs of an undertaking.

3. The creation of a joint venture shall not constitute a concentration within the meaning of this Article if its objects include, or it results in, the coordination of competitive activities between two or more independent undertakings. In this case, creation of joint ventures shall be assessed in accordance with Article 4 of this Law.”

#### Article 11

##### **Acquiring shares for reselling**

If financial, credit or insurance institutions acquire shares in another undertaking for the purpose of resale, this shall not be deemed to constitute a concentration as long as they do not exercise the voting rights attaching to the shares and provided that the resale occurs within one year.

#### Article 12

## **Control of Concentrations**

1. Concentrations of undertakings shall be notified to the Authority for its authorization, if, in the financial year preceding the concentration :

a) the aggregate worldwide turnover of all the participating undertakings exceeds ALL 7 billion, and the individual turnover in Albania of at least one of the participating undertakings exceeds ALL 200 million; or:

b) the aggregate turnover in Albania of all the participating undertakings exceeds ALL 400 million, and the individual turnover of at least one of the participating undertakings on the domestic market is over ALL 200 million.

2. Concentrations referred to in paragraph 1 of this Article shall be notified within 30 days following the conclusion of the agreement, the acquisition of a controlling interest or the creation of a joint venture having the characteristics described in Article 10 (3) of this Law, and from the announcement of the public bid for purchase or exchange.

3. For the purposes of this Article, participating undertakings means:

a) merging undertakings, in the case of a merger;

b) in the case of a takeover, the undertakings and/or persons referred to in Article 10 (1) (b) that take over other undertakings or parts thereof that are subject to a takeover and the undertaking or parts thereof which are the object of the takeover;;

c) in the case of joint ventures referred to Article 10 (3), undertakings that acquire control of a joint undertaking.”

## **Article 13**

### **Appraisal of Concentrations**

1. The Commission shall prohibit concentrations that significantly restrain effective competition on the market or in a part thereof, in particular as a result of creation or strengthening of a dominant position.

2. In making the appraisal, the Commission may also take into account the economic efficiencies resulting from the concentration, provided they meet all the following conditions:

- the efficiencies should contribute to the improvement of consumers' wellbeing, or, at least, neutralize the potential negative effects that the concentration would have;

- the efficiencies have, or should have, resulted from the concentration under review, and no other less anticompetitive alternative ways to generate them exist bar the concentration under review;

- the efficiencies must be verifiable.

3. In particular cases, the Commission may not prohibit a concentration where one of the involved undertakings is in serious risk of bankruptcy and does not have any less anticompetitive options at its disposal, if:

a) the undertaking is bound to exit the market in the foreseeable future unless the concentration takes place;

b) there are no serious prospects of re-organizing the activity of this undertaking.”

#### Article 14

### **Suspension of concentration**

1. A concentration, under article 10, shall not be put into effect :

a) before its notification to the Authority or

b) until it has been authorized by the Authority, or

c) until conditions attached to the authorization are fulfilled.

2. Legal and contractual transactions violating the prohibition of paragraph 1 of this article shall be of no effect, unless derogation has been granted as in article 60.

#### Article 15

### **Calculation of turnover**

1. Aggregate turnover shall comprise the amounts derived by the undertakings concerned in the preceding business year from the sale of products falling within the undertakings ordinary activities after deduction of taxes directly related to turnover.

2. Where the concentration consists in the acquisition of parts, whether or not constituted as legal entities, of one or more undertakings, only the turnover relating to the parts which are the subject of the transaction shall be taken into account with regard to the seller or sellers.

3. Two or more transactions, within the meaning of paragraph 2 of this article, which take place within a two-year period between the same undertakings, shall be treated as one and the same concentration arising on the date of the last transaction.



## Article 16

### **The turnover of participating undertakings part of a group**

1. If an undertaking concerned is part of a group, its aggregate turnover, under the meaning of article 15, shall be calculated by adding together the respective turnovers of the following:

a) the undertaking concerned;

b) those subsidiary undertakings in which the undertaking concerned, directly or indirectly owns more than half the capital or business assets, or has the power to exercise more than half the voting rights, or has the power to appoint more than half the members of the supervisory board, the administrative board or bodies legally representing the undertakings, or has the right to manage the undertakings' affairs;

c) those parent undertakings which have in an undertaking concerned the rights or powers

listed in point b);

ç) those subsidiary of parent undertakings in which an undertaking as referred to in point

c) of this paragraph has the rights or powers listed in point b);

d) those undertakings in which two or more undertakings as referred to in a), b), c) and ç) of this paragraph jointly have the rights or powers listed in point b).

2. The aggregate turnover of the undertakings concerned does not include the sale of products amongst undertakings as listed in paragraph 1 of this article.

3. Where undertakings concerned by the concentration jointly have the rights or powers listed in paragraph 1, point b) of this article, in calculating the aggregate turnover of the undertakings concerned:

a) no account shall be taken of the turnover resulting from the sale of products between the joint undertaking and each of the undertakings concerned or any other undertaking connected with any one of them, as set out in paragraph 1, points b) to d) of this article;

b) account shall be taken of the turnover resulting from the sale of products between the joint undertaking and any third undertakings. This turnover shall be apportioned equally amongst the undertakings concerned.

## Article 17

**The turnover of credit institutions, other financial institutions  
and insurance undertakings**

1. For credit institutions and other financial institutions, in place of turnover as regards Article 15, paragraph 1, shall be used the sum of the following income items on the annual accounts and consolidated accounts of banks and other financial institutions, after deduction of taxes directly related to those items:

- a) interest income and similar income;
- b) income from shares and other variable yield securities, income from participating interests, income from shares in affiliated undertakings;
- c) commissions receivable;
- ç) net profit on financial operations;
- d) other operating incomes.

2. For insurance undertakings, in place of turnover as regards Article 15, paragraph 1, shall be used the value of gross premiums written which shall comprise all amounts received and receivable in respect of insurance contracts issued by or on behalf of the insurance undertakings, including also outgoing reinsurance premiums, and after deduction of taxes charged by reference to the amounts above-mentioned.

3. Article 15, paragraphs 2, 3, and article 16 shall apply mutatis mutandis for paragraphs 1 and 2 of this article.

**PART III**

**COMPETITION AUTHORITY AND ADMINISTRATIVE PROCEDURES**

**CHAPTER I**

**ORGANIZATION AND FUNCTIONING OF COMPETITION AUTHORITY**

Article 18

**Competition Authority**

1. The Authority is a public entity, independent in the performance of its tasks. The Authority is a legal entity, with its registered seat in Tirana.
2. The Authority is composed of the Commission and the Secretariat.

Article 19

## **Competition Commission**

Commission is the decision-taking body of the Authority and is compound of five members. It acts as a permanent collegial body.

### Article 20

#### **Criteria to be elected as a Commission member**

A Commission member can be elected among candidates fulfilling the following conditions:

- a) to be Albanian citizens;
- b) to have not less than 15 years of work experience ;
- c) to be , for at least 5 years, members of the university academic body or to have title or scientific degree in economic or justice field, specialty "Civil/Administrative Law";
- d) shall not be dismissed from work or civil service as a result of disciplinary measures.

### Article 21

#### **Commission members election**

1. Commission members are appointed by the majority of the votes, in the presence of more than half of all the members of the Parliament of Albania, for a period of five years. The Parliament appoints the Chair of the Commission. The Deputy- Chair is elected by the majority of the votes of all the members in the first meeting of the Commission.

2. Commission members may be reappointed not more than twice consecutively. Only for the first time of appointment, when this law will enter into force, the Chair shall serve a five year term, the Deputy Chair four year term and three other members three year term.

3. Commission members are appointed by the Parliament, with alternative candidatures, on the basis of the proposals as following:

- a) One member is proposed by the President of the Republic of Albania;
- b) Two members are proposed by the Council of Ministers;
- c) Two members are proposed by the the Parliament of Albania.

4. Three months prior to the expiry of Commission member's term in office, the Authority shall notify the Parliament in a written form, and the Parliament shall initiate

the procedure for appointing a new member. When a Commission member's term in office has already expired and a new member has not been appointed yet, the incumbent member shall continue to be in office until she/he is replaced.

- 5. The compensation of the Commission members is determined by the Assembly.

## Article 22

### **Irreconcilability and release of Commission members**

1. Persons being part of high leading structures of political parties, members of leading structures of commercial associations or persons who exercise economic activity shall not be Commission members.

2. Commission members shall be replaced:

a) by the end of their serving term;

b) when he/she is released according to paragraph 3 of this article;

c) when he/she dies;

ç) when he/she resigns;

d) when he/she is condemned by a final decision of a Court for having committed a criminal offence;

dh) when he/she is prohibited or suspended by Court to exercise a duty as a civil servant or other function in public service or leading functions nearby juridical persons.

3. A member of the Commission is released by a majority decision, in the presence of more than half of all the members of the Parliament, where:

a) Has strongly infringed work ethics carrying out his/her duties;

b) Is affected by mental or physical incapacity to carry out his/her duties;

c) Is absent for more than one month for an unjustifiably reason;

ç) Resign from his/her Albanian nationality.

## Article 23

### **Conflicts of interests**

No members of the Commission, including Commission Chair and Deputy Chair, may take part in a case in which he/she has an interest, or if he/she has represented one of the concerned parties. In such instances, the Commission shall take a decision in the absence of Chairman, Vice Chairman or the member concerned.

#### Article 24

##### **Duties and Competences of the Commission**

The Commission shall have these competencies:

- a) To outline the national competition policy;
- b) (Abolished);
- c) To approve the regulation related to the internal functioning of the Authority;
- ç) To supervise the work of the Secretariat in the application of the provisions of this Law;
- d) To take decisions on the basis of this Law;
- dh) To issue regulation and guidelines necessary for the implementation of this Law;
- e) To submit an annual report of the Authority to the Parliament within the first three months of the consequent year;
- ë) To give opinions upon Parliament's Commission request on issues related to the competition and the legislation regarding this field;
- f) To give evaluations and recommendations to central and local administration and other public institutions, trade associations, labor unions, consumer associations, commercial and industrial chambers on issues related with competition;
- g) To represent the Authority, within and abroad the country, in relationships with other and homologue institutions.
- "h) Sets the priorities of investigations and the related deadlines."

#### Article 25

##### **Duties of the Chair of the Commission**

1. the Chair of the Commission shall have these duties:

- a) To prepare, call and lead Commission meetings;

- b) To co-ordinate work amongst Commission members;
  - c) To sign Commission's acts, with the exception of the decisions to be signed by all the present members in the meeting;
  - ç) to represent Authority in relation with third parties.
2. The Deputy-Chair carries out these duties in the absence of the Chair.

#### Article 26

##### **Decision taking**

1. Commission meetings for decision taking are valid when at least four members are present, from which one will be either the Chair or the Deputy- Chair, with the exception of the stipulated case in article 23 of this Law.
2. Decisions are taken with the vote of the simple majority of the present members The vote of the meeting leader breaks the ties. The abstention is not permitted.

#### Article 27

##### **Competition Secretariat**

1. The Secretariat shall be managed by the Secretary General, who is elected by the Commission.
2. The Secretariat officials detain the status of civil servants.
3. Secretariat investigators shall conduct the administrative investigations according the Code of Administrative Procedures, this Law and other legislation in force.

#### Article 28

##### **Responsibilities of the Secretariat**

For the supervision of the application of the provisions of this Law, the Secretariat shall:

- a) monitorize and analyze the conditions on the market to the extent necessary for the development of free and effective competition;
- b) conduct investigations in compliance with the procedures of Code of Administrative Procedures, this Law and other legislation in force;
- c) compile and submit investigation reports to the Commission for decision-taking;

ç) ensure publishing the decisions taken, by-laws issued according to this Law, and also the annual report of the Authority;

d) follow and supervise the implementation of the decisions taken by the Commission.

#### Article 29

### **Responsibilities of the General Secretary**

1. The Secretary General is in charge of the day-to-day work of the Secretariat. he/she, in absence or in incapacity to act, may delegate, by the approval of the Commission, his/her competences to one of the directors of Secretariat.

2. The Secretary General is responsible for:

a) applying the rules of this Law to deal with the cases;

b) drafting and submitting the final report of the investigation to the Commission for decision taking;

c) coordinating the the work of the Secretariat Departments ;

ç) preparing the annual report of the Authority;

d) co-operating with other institutions, within and abroad the country for resolving the cases;

dh) signing Secretariat written correspondence.

#### Article 29/1

### **Complaint Handling**

Third parties or parties that have an interest in issues related to competition restriction, distortion or obstruction may submit a complaint or notifications to the Competition Authority . The Authority shall maintain and ensure confidentiality to the complainant if the recent requests it.

Regardless their form of submission complaints or notifications shall be forwarded for professional handling to the Authority Secretariat within the specified timeframe after being recorded in the Protocol Logbook. Complaint handling procedures shall comply with the “Regulation on the functioning of Albanian Competition Authority”. .”

#### Article 30

### **Keeping confidentiality and commercial secrets**

1. The members of the Commission and all Secretariat employees, or other persons authorized by the Commission to apply this Law shall be subject to professional secrecy and shall not divulge to any person or authority whatsoever confidential information acquired owing to their duties, except the cases when it is needed to testify before a court. Such obligation continues to apply also after the termination of the duty.
2. Secretariat publications shall not contain information constituting commercial secret..

#### Article 31

### **Financing of the Authority**

1. The Parliament approves the annual budget for financing the Authority activity, which constitutes a separate article in the State Budget.
2. The revenues collected according to this Law, including revenues from sanctions, are disbursed to the State Budget and shall be used according the legal acts in force.
3. The authority keeps accounts on factual expenditures and revenues, in compliance with Albanian accounting legislation.

## **CHAPTER II**

### **GENERAL ADMINISTRATIVE PROCEDURES**

#### Article 32

### **General principle**

In carrying out its duties, the Authority applies the Code of Administrative Procedures, except the cases when the Law provides the contrary.

#### Article 33

### **Obligation to inform**

1. The Authority, by means of a request from the Secretariat or the Commission, may always request of third parties, undertakings or associations of undertakings to provide it with all the information required for the implementation of this Law, including confidential information or business secrets.
2. Where the undertakings or persons do not provide the information required within the period set in the request of the Secretariat or provides incomplete information, or



when the Commission considers the information as necessary, the Commission may demand the information concerned by a decision.

3. The Secretariat request and the Commission decision shall set the legal basis, the purpose and the time limit within which such information must be provided, as well as the fines provided by the Law in case of non-compliance with the request or decision.

4. Abolished

#### Article 34

##### **Obligations of public administration structures**

Central and local administration bodies, as well as other public institutions, co-operate with Competition Authority to ensure the provision of necessary information and evidences.

#### Article 35

##### **Investigative Competencies (responsibilities)**

1. The Secretariat conducts all the necessary investigations to the undertakings and associations of undertakings, according to the procedures stipulated in this Law.

2. Upon the Secretariat request, the Commission shall give a written authorization to the Secretariat investigators to conduct necessary investigations, according to the procedures provided by this Law. The Secretariat investigators must present the authorization when conducting an investigation, which contains the object and the purpose of the investigation and also the sanctions of the articles 73, 74, 76 and 78 of the Law.

3. When the necessary investigation is delayed, the Authority requires the assistance of the State Police .

#### Article 36

##### **Inspection in business premises**

The Secretariat investigators and other persons authorized by a Commission request to investigate, may carry out searches by:

a) entering into the premises, the means of transport, and on the premises of undertakings during working hours;

b) examining the books and other business records, irrespective of the medium on which they are stored, such as in a written or electronic form;

- c) taking or providing, copies, or extracts from the books or records;
- ç) sealing any premises or books or business records, for not more than 72 hours, if it is necessary for the investigation;
- d) asking any representative or member staff of the undertaking for explanation relating to the subject-matter for facts and documents regarding the object and the purpose of the inspection.

#### Article 37

##### **Inspections in other premises**

1. The Secretariat investigators authorized by the decision of the District Court which has in jurisdiction the place of the inspection, are empowered to enter:

a) the domicile of the administrators, managers, directors and other staff members, as well as at the domicile and on the business premises of individuals (and legal persons, whether external or internal, in charge of commercial, accounting, administrative, tax and financial management, between 7.00 and 18.00;

b) other premises, equivalent to the domicile, if there is reason to believe, given the facts and concrete circumstances of the case, that in such premises are to be found books or other professional documents which are deemed necessary to prove a serious infringement of Articles 4 and 9 of this Law.

2. The Secretariat investigators, authorized by a Commission decision to investigate, possess the powers provided in article 36, points a, b, c, d and in article 38 of the Law.

#### Article 38

##### **Seizure**

1. If it is necessary for the investigation, the investigators of the Authority may seize objects which may be of importance as evidence in the investigation for not more than 72 hours. The person affected by the seizure shall be informed thereof without undue delay.

2. The District Court where the seizure takes place, by a request of the Authority may extend the time limit of the seizure as referred in paragraph 1 of this article, for not more than 6 months.

3. The investigators must take minutes, a copy of which shall be presented to the person affected by the seizure. The person affected shall be informed of the right to request judicial review of the seizure.

## Article 39

### Hearings of the parties

Before the Commission takes a final decision, the undertakings and the associations of undertakings have the right of being heard on the subject of the proceedings. The Commission shall base its decisions only on objections on which the parties concerned have been able to comment.

## Article 40

### Appeal of decisions

1. An appeal can be lodged against the Authority decisions before the District Court of Tirana , within 30 days from the date of the notification of the Authority decision.
2. The appeal does not suspend the application of the Authority decisions which authorize concentrations and interim measures pursuant article 44 of the Law.
3. The District Court of Tirana may decide for a suspension of the whole or part of these measures.

## CHAPTER III

### PROCEDURES ON AGREEMENTS AND ABUSE OF DOMINANT POSITION

#### SECTION I

#### PROCEDURES ON INVESTIGATIONS

## Article 41

### **Inquiries into sectors of the economy**

1. The Authority may conduct a general inquiry in any [sector of the economy](#), on its own initiative or [following](#) a request by the Parliament or other regulators, if the rigidity of prices or other circumstances suggest that competition is being restricted or distorted in the market.
2. The Authority may request undertakings or associations of undertakings to provide all the information required for conducting the enquiry.
3. The Authority may publish a report on the industry-wide inquiry results. The Authority may invite interested parties to comment on the inquiry results.

4. The Provisions of Articles 33 and 34 of this Law shall also apply to Paragraph 2 of this Article.”

#### Article 42

##### **Preliminary Investigations**

1. Upon approval from the Commission, the Secretariat may initiate a preliminary investigation by its own initiative (ex officio) ) or following a complaint submitted by concerned or third parties related to the prevention, restriction or distortion of competition. The Secretariat shall initiate a preliminary investigation whenever the Commission requests it.
2. Preliminary investigations do not give the right to access the Authority’s file.
3. The Authority shall maintain the confidentiality of the appellant if the latter requests it.

#### Article 43

##### **In-Depth Investigations**

1. Where there are indications of competition restrictions, the in-depth investigation procedures will start. The Commission decides for the start of the in-depth procedure and specify the procedural investigations steps. The decision is applied by the commission secretariat.
2. An in-depth investigation may be conducted for a period of 6 months from the date of the Commission decision on the opening of the in-depth inquiry.
3. The period of time referred to in Paragraph 2 of this Article may be extended by a Commission decision if further investigations are required in relation to additional evidence, data and specialized expertise needed to review the case.
4. The investigative procedures provided for in Articles 41 to 43 of this Law shall be conducted in accordance with the regulations adopted under this Law.
5. The Commission shall make a decision to close the investigations, in accordance with Articles 41 to 43 of this Law, and where no indications of competition restriction have been found. ”

#### Article 44

##### **Interim measures**

1. The Commission, on its initiative or following a request from the undertakings concerned and at any time of the procedure, may adopt all the necessary interim

measures, as stipulated in article 61, c), ç), d) and dh) of this law, in cases of an urgency due to the risk of serious and irreparable damage to competition on the basis that there might be an infringement of articles 4 and 9.

2. The decision, referred to in paragraph 1 of this article, is taken for a specific time and may be renewed when it is necessary.

#### Article 45

##### **Commission decisions**

1. Where the Commission finds that there is an infringement of articles 4 and 9, shall require the undertakings and associations of undertakings concerned to bring such infringement to an end by decision. To ensure the prohibition of the infringement, the Commission may impose on undertakings and association of undertakings any remedies necessary, including remedies of a structural nature. On the basis of the principle of the proportionality, structural remedies can be envisaged when the measures to act in a specified way or not to act, are not efficient.

2. Where the undertakings concerned offer commitments such as to meet the Authority's objections expressed in a preliminary estimation communicated to the undertakings, the Commission may, by decision, make those commitments binding on the undertakings as conditions and obligations.

#### Article 46

##### **Revocation of the decisions**

The Commission may revoke or modify its decisions by imposing conditions, or supplemented obligations, insofar as:

- a) One or some of the facts which has served as a basis of taking the decision has changed;
- b) The parties contravene an obligation attached to the decision;
- c) The decision is based on incorrect information or was obtained by means of deceit.

#### Article 47

##### **Publication of opening the investigation and of decisions**

1. The Authority shall give notice of the opening of an in-depth investigation in the Authority Official Bulletin. Such notice shall state the purpose of the investigation and the parties concerned. It shall further invite third interested parties to come forward if they wish to take part in the investigation. Non-publication shall not prevent the

investigation from being conducted. In case of non-publication, the notification shall be published in the first succeeding number of Official Bulletin.

2. The Commission decisions taken for the infringement of articles 4 and 9 shall be published in the Authority Official Bulletin. The publication shall state the names of the undertakings, their registered seat, economic activity of the undertakings concerned, the main content of the decision, including also any penalties imposed.

## **SECTION II**

### **PROCEDURES FOR EXEMPTION OF THE AGREEMENTS FROM PROHIBITION**

#### **Article 48**

##### **Competencies to grant exemptions**

The Commission is the only competent body to decide upon granting exemptions as referred in articles 5, 6 and 7 of this Law.

#### **Article 49**

##### **Notification of the agreements**

1. Pursuant to Article 5 of this Law, undertakings or associations of undertakings shall notify the Authority of any agreements and changes thereto.

2. Notifications shall in any event include the following:

a) name or other designation and place of business or registered seat of the participating undertakings;

b) kind of economic activity;

c) form, content and object of the agreements;

ç) market shares of the undertakings indicating the basis of their calculation and estimation;

d) the authorized person to represent the undertakings during the procedures.

3. The notification submitted to the Authority in compliance with Paragraphs 1 and 2 of this Articles must not contain any inaccurate data that provide the grounds for granting an exemptions to the notifying party or a third party under Articles 5 and 6 of this Law.”

4. This Article shall not apply to the exemption of categories of agreements referred to Article 6 of this Law.

## Article 50

### Individual Exemption Decisions

1. The agreements notified under Article 49 of this Law shall be exempted from the prohibition of Article 4 only following a decision from the Commission .
2. The exemption shall be effective as of the date of a complete notification. The exemptions under Article 5 of this Law are limited in time and may be granted to undertakings based on conditions and obligations.
3. If the Commission takes a decision to refuse to grant the exemption from the prohibition, the Commission may not impose any fines related to the violations caused by the concerned agreements during the time of its review. The Competition Commission may not impose any fines on those undertakings that have notified their agreements for the period from the notification date till the date of the decision whether to grant the exemption under Article 5 of this Law.
4. Upon a request an exemption may be extended provided that the conditions of Article 5 of this Law are still met. The extension may be granted only to participating undertakings that submit their written consent to the Authority. The statement shall be submitted by each undertaking individually within three months before the expiry of the exemption.”
5. This Article shall not apply to the exemption of categories of agreements referred to Article 6 (1) of this Law.

## Article 51

### Revocation of the exemption

1. The Commission may revoke or modify its decisions, by imposing conditions or obligations, insofar as:
  - a) one or some of the facts which has served as a basis of taking the decision has changed;
  - b) the parties contravene an obligation attached to the decision;
  - c) the exemption is based on incorrect information or was obtained by means of deceit;
  - ç) the parties abuse the granted exemption.
2. In the cases of points b), c) and ç) of paragraph 1 of this article, the exemption decision shall be revoked with retroactive effect.

## Article 52

### **Publication of the notifications and decisions for exemptions**

1. The requests for exemption are published in the Authority Official Bulletin. The publication shall state the names, residency and economic activity of the undertakings concerned, as well as the main content of the agreement, and time limit within which third interested parties may present their observacion.
2. Commission decisions taken in compliance with articles 5 and 6 of this Law are published in the Authority Official Bulletin. The Publication shall state the name of the undertaking, registered seat, and economic activity of the undertakings concerned as well as the main content of the decision.

## **CHAPTER IV**

### **PROCEDURES ON CONCENTRATIONS**

#### Article 53

#### **Obligation to Notify**

**1.** The following undertakings shall have the obligation to notify:

- a) each undertakings participatings in a merger;
- b) the undertakings acquiring control over one or more other undertakings or part thereof;
- c) in the case of joint ventures referred to Article 10 (3), each undertakings acquiring control over a joint undertaking.

2. The notification shall be submitted in compliance with the Authority's Instruction on Notification Form.

#### Article 54

#### **Confirmation upon receipt of the notification**

The Authority shall acknowledge in writing to the notifying undertakings the receipt of the notification and shall communicate to them that the notification is complete. Where the notification is incomplete, the Authority shall ask the undertakings to complete the notification within a time limit.

#### Article 55

#### **Additional Information and Documents**



1. Undertakings concerned, undertakings being a part of a group as referred in article 16 of this Law, and undertakings which sell the whole or part of an undertaking, shall provide to the Authority, within a time limit specified by it, additional information and documents, as so far as they are of interest for assessing the concentration, even though the confirmation for receiving the complete information has been sent to them.

2. The Authority may request from other undertakings additional information and documents, in so far as they are of interest for assessing the concentration. Authority may inform them of the notified concentrations concerned, taking into account the business secrecy of the participating undertakings, of the undertakings being a part of a group as referred in article 16 of this Law, and also of undertakings which sell the whole or part of an undertaking.

3. Articles 33, 35 and 36 of this Law shall apply to the Authority activities referred to in Paragraphs 1 and 2 of this Article.”

#### Article 56

##### **Preliminary procedures**

1. If the concentration does not show any indications of significant restriction of competition in the market or a part therein, in particular as a result of established or strengthened dominant position, the Commission shall decide to authorize the concentration within two months from the date of the notification.

Where the Commission finds that the concentration shows such indications it shall decide to:

- a. authorize the concentration based on conditions and obligations; or
- b. open an in-depth investigation.

2. In an authorization based on conditions and obligations, the deadline referred to in Paragraph 1 of this Article shall be extended of two weeks if the participating undertakings commit to taking measures for eliminating the significant restriction of competition in the market or a part therein that has resulted, in particular, from the creation or strengthening of a dominant position. The proposed commitments from the undertaking are presented to the Authority not later than one month upon the date of notification receipt.

3. When it has not communicated within the deadlines set, concentration shall be deemed valid and may be put into effect without prejudice.

## Article 57

### **In-depth procedures**

1. The Commission, within three months starting from the initiation of in-depth proceeding, shall decide to declare if the concentration is prohibited or not.
2. In an authorization based on conditions and obligations, the deadline referred to in Paragraph 1 of this Article shall be extended of two months if the participating undertakings commit to taking measures for eliminating the significant restriction of competition in the market or a part therein that has resulted, in particular, from the creation or strengthening of a dominant position. The commitments proposed by undertakings are presented to the Authority not later than two months from the date of initiating the in-depth procedures.
3. When it has not communicated within the deadlines set, it shall be considered as a decision which authorizes a concentration and it may be put into effect without prejudice with the exception when:
  - a) the deadline has been extended by the Commission with the consent of notifying undertakings;
  - b) the deadline is extended by the request of the notifying undertakings;
  - c) abolishedArticle 57/1

### **Suspension of Deadlines**

The deadlines specified in Articles 56 and 57 shall be suspended by a Commission's decision if the in-depth procedure has been obstructed by the participating undertakings."

## Article 58

### **Time limit**

1. The period of two months to initiate the preliminary procedure, on the basis of article 56 of this Law shall start at the following working day of complete concentration notification. The period of three months to initiate the in-depth procedure, on the basis of article 57, paragraph 1 of this Law shall start at the beginning of the working day following the date of the decision taken to initiate the in-depth procedure.
2. The periods provided by the Law shall end with expiry of the day of the last week having the same name with that day with which has started the period, when the period

is defined in weeks and with expiry of the day of the last month having the same number with that day with which has started the period, when the period is defined in months. When such a day does not occur in the last month, the period shall end with the expiry of the last day of this month. Where the last day of the period is holiday, the period shall end in the following working day.

#### Article 59

### **Procedures in the absence of notification**

If a concentration has been implemented without notification, the Commission, after finding out the infringement on the obligation to notify, shall start, by its initiative, the procedures provided in this chapter. The deadline, provided in article 56 of this Law, begins when the Commission is in possession of complete information that should be provided in a notification of concentration.

#### Article 60

### **Temporary clearance**

1. The Commission may, on request from the undertaking concerned and at any time of the proceedings, may grant a temporary clearance for a concentration, which shall exempt the undertakings from the obligations set in article 14 of this Law. The temporary clearance may be granted if there are important reasons, in particular, to prevent serious and not repairable damages to participating undertaking or to a third party and taking into account the threat to competition posed by the concentration.
2. The temporary clearance may be subject to conditions and obligations in order to ensure an effective competition.

#### Article 61

### **Conditions and Obligations**

1. In case of an authorization with conditions and obligations, proportionally to the anti-competitive effects of the concentration, conditions and obligations may include, in particular:
  - a) Sale of parts of undertakings;
  - b) Sale of any kind of participation in an undertaking activity;
  - c) Breaking or concluding contractual relationship;
  - ç) Giving licenses;

- d) Obligation to act or not to act in a certain way;
  - dh) Any other remedy enabling the elimination of anti-competitive effects;
  - e) Any other remedy enabling the correct application of conditions and obligations.
2. The Authority shall give the opportunity to the undertakings to participate in the process of determining the conditions and obligations.

#### Article 62

##### **Re-establishment of competition**

1. If a prohibited concentration has been carried out or if a concentration is prohibited after completion and if a concentration has been carried out without achieving and completing entirely the conditions attached to the authorization decision given on the basis of article 56 and 57 of this Law, the Commission imposes the participant undertakings to take the necessary steps to restore the former situation, in particular to conduct the separation of the merged undertakings or to rescind from the participations or acquired assets.
2. The Commission may require the participant undertakings to make proposals with a view to re-establish effective competition and setting them a deadline to this end. If the Commission accepts the proposed measures, it may decide how and by when the undertakings taking part shall implement them.
3. If the undertakings do not take the necessary measures or the Commission receives the proposals and it rejects them, it may order, by a decision, any necessary measure to restore the previous situation. It may take interim measures in order not to restrict the effective competition.

#### Article 63

##### **Revocation**

The Commission may revoke the decision if:

- a) it is being taken based on the basis of inaccurate information supplied by the undertakings taking part;
- b) it has being taken by means of deceit;
- c) the undertakings concerned are in breach of an obligation attached to the authorization.

#### Article 64

## **Publication of the notification and initiation of in-depth procedures**

1. The notification of a concentration and the decision to initiate an in-depth procedure must be published in the Authority Official Bulletin. Non-publication shall not prevent the beginning of time limits and of in-depth procedures.
2. The publication shall state names, residency, economic activity of the undertakings concerned, as well as the main nature of the concentration, and time limit within which third parties may communicate their observations. Third parties comments must be communicated in writing.
3. Commission decisions are published in the Authority Official Bulletin. The publication shall state the names, residency, economic activity of the undertakings concerned, the main content of the decision, including also any penalties imposed.

## **PART IV**

### **CIVIL PROCEDURES**

#### Article 65

#### **Actions arising from an obstacle to competition**

1. A person impeded in its activity, by a prohibited agreement as referred in article 4 of this Law, or by an abusive practice as referred in article 9 of this Law, may challenge this action in court and request:
  - a) removal or prevention of the practices restricting competition which risks to be carried out or are carried out in contradiction of these articles;
  - b) reparation or compensation from damages caused by these practices, in accordance with relevant provisions of the Civil Code.
2. The challenge may be undertaken despite the existence of proceeding before the Authority provided in this Law.
3. Requests for exemption from the prohibition of an agreement and procedures of concentrations control shall not be within the jurisdiction of courts.

#### Article 66

#### **Exercise of indictment**

1. In order to ensure removal or prevention of the obstacle to competition, the District Court of Tirana may rule, at the plaintiff's request, in particular, that:

a) contracts are null in whole or in part, with a retroactive effect;

b) the undertaking, at the origin of the obstacle, must conclude contracts on market terms with the undertaking impeded, under the conditions usually pertaining to the business concerned.

2. The District Court of Tirana shall send to the Authority copies of any decision taken in the application of this Law within one month from the day of issuing the decision.

#### Article 67

#### **Provisional remedies**

The District Court of Tirana may take a decision on provisional remedies at petitioner's request in cases of urgency due to the risk of serious and irreparable harm to competition caused by a prima facie infringement of articles 4 and 9.

#### Article 68

#### **Jurisdiction**

1. Challenges based on the application of this Law must be brought before the District Court of Tirana.

2. When the accused party requests Authority to grant an exemption from prohibition of an agreement, the District Court of Tirana suspends the procedure until the Commission takes its decision.

### **PART V**

#### **COOPERATION WITH OTHER INSTITUTIONS**

#### Article 69

#### **Duties of central and local administration structures**

1. Central and local administration bodies require the Authority estimation for any draft normative act which, in particular, includes:

a) quantitative restrictions concerning trading and market access;

b) establishment of exclusive rights or special rights in certain zones, for certain undertakings or products;

c) imposing uniform practices in prices and selling conditions.

2. The Authority shall assess the degree of restriction or prevention of competition brought by draft normative acts, defined in paragraph 1 of this article.

## Article 70

### **Role of the Authority with regard to regulation and regulatory reform**

1. When carrying out the assigned tasks related to the regulation of economic activity within the Republic of Albania, central and local administration bodies, regulatory entities shall ensure fair and effective competition.

2. In particular, , the Authority shall assess the regulatory barriers to competition incorporated in the economic and administrative regulations, for reasons of protecting a general economic interest. In this case, the Authority shall issue appropriate recommendations.

3. The Authority, in applying this law to regulated sectors, co-operates with regulatory entities and other regulatory institutions.

## Article 71

### **Exchange of information with homologue authorities**

1. The Authority may, on request pursuant to a bilateral or multilateral agreement, communicate information or the documents it holds or receives as part of its duties, to relevant structure of the Commission of the European Communities or to the authorities of other States exercising similar functions, subject to reciprocity and on conditions that the competent foreign authority is subject the same guaranties applied in the Republic of Albania concerning confidentiality and business secrets.

2. The Authority may also, conduct investigations at the request of foreign authorities exercising similar functions and under condition of reciprocity.

3. The assistance requested by a foreign authority exercising similar functions in the conduct of investigations or transmission of information held or received by the Authority can be refused if the acceptance of the request can undermine the sovereignty, security, essential economic interests or public order of the Republic of Albania.

## Article 72

## **Suspension or termination of proceedings**

Where the Authority and the competition authorities of other States, which have reached a bilateral or multilateral agreement between them, have received a complaint or are acting on their own initiative under this law against the same infringement, the fact that one authority is dealing with the case may be sufficient grounds for the others to suspend the proceedings before them or to reject the complaint.

### **PART VI**

#### **ADMINISTRATIVE VIOLATIONS AND SANCTIONS**

##### **Article 73**

##### **Fines for not serious infringement**

1. The Commission, by decision, may impose on undertakings or associations of undertakings fines not exceeding 1% of their aggregate turnover in the preceding business year where:

a) provide incorrect, incomplete or misleading information in response to a Commission request or decision under Article 33 (2) and (3) of this Law, or do not provide the data within the deadline specified in the Commission decision or the Secretariat request pursuant to Article 33 (3) and (4) of this Law;

b) provide incorrect, incomplete or misleading information in their notifications pursuant to Articles 12 and 49 of this Law, or provide inaccurate and incomplete additional data and documents pursuant to Article 55 of this Law;

c) they produce the required books or other business records in incomplete form during inspections under article 36, b) and c) of this Law, or refuse to submit to inspections ordered by a decision adopted pursuant to article 35, paragraph 1 and article 36, a) of this Law;

ç) refuse to answer any questions on facts and, under Article 36 (d) of this Law, provide inaccurate, incomplete or fraudulent answers or obstruct the inspections referred to in Article 36;

d) they break the seal put by the officials of the Authority in accordance with Article 36, ç) of this Law.

dh) do not notify a concentration pursuant to Articles 10 and 12 of this Law.

2. For calculating undertakings aggregate turnover, articles 15, 16 and 17 shall apply mutatis mutandis to paragraph 1 of this article.



## Article 74

### **Fines for serious infringements**

1. The Commission may impose to undertakings or associations of undertakings fines not exceeding 10 percent of their aggregate turnover in the previous financial year where:

- a) they infringe article 4 or article 9 of this Law;
- b) they contravene a decision ordering interim measures pursuant to article 44 of this Law;
- c) they fail to comply with a condition and obligation established by a decision pursuant to article 45, article 50, paragraph 2, articles 56, 57, and 60 paragraph 2 of this Law;
- d) they put into effect a concentration which results in competition restriction in the market, in contradiction with the obligation of article 14, except where the concentration is authorized expressly as referred in article 60 of this Law;
- dh) they put into effect a concentration prohibited by the Commission or do not take the necessary measures to restore the competition as referred in article 62 of this Law.

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## Article 75

### **Valuation of the fine**

1. In fixing the amount of the fine, regard shall be had both to the gravity and to the duration of the infringement. When it is possible to calculate or estimate objectively the illegal profits of undertakings acquired infringing this Law, such a profit constitutes the minimal amount of fine.

2. Where a fine is imposed on an association of undertakings, under this Law the fine shall not exceed 1%, in case of article 73 of this Law, of the aggregate turnover of the preceding business year, or 10%, in case of article 74 of this Law, of aggregate turnover of preceding business year of each of the active member undertakings in the market concerned in the infringement of the association of undertaking.

3. If the association is not solvent, the Authority may require payment of the fine to any of the undertakings which were members of the association at the time the infringement was committed. The amount required to be paid by each individual member cannot exceed respectively 1%, in case of article 73 of this Law, of its aggregate turnover in the

preceding business year, and 10 percent of the turnover in the respective market in the previous financial year, in accordance with Article 74 of this Law.

## Article 76

### **Periodic penalties /fines**

1. The Authority may, by decision, impose on undertakings periodic penalty payments for each working day of delay not exceeding 5% of their average daily turnover in the business year preceding, which is calculated from the date the decision has been taken, in order to compel them:

a) to put an end to an infringement of Article 4 and 9, in accordance with a decision taken pursuant to Article 45 of this Law;

b) to comply with a decision ordering interim measures taken pursuant to Article 44 of this Law;

c) to comply with a commitment made binding by a decision pursuant to Article 45, article 50, paragraph 2, articles 56, 57, and 60 paragraph 2 of this Law;

ç) to supply complete and correct information which the Commission has requested by decision taken pursuant to Article 33, paragraph 2 of this Law;

d) to submit to an inspection which the Commission has ordered by decision taken in accordance with Article 35 of this Law;

dh) to fulfill the commitments to take the necessary measures for restoring the competition as referred in article 62 of this Law.

2. For calculating the aggregate turnover of undertakings, articles 15, 16 and 17 shall apply mutatis mutandis for paragraph 1 of this article.

3. Where the undertakings have satisfied the obligation which the periodic penalty payment was intended to enforce, the Authority may fix the definitive amount of the periodic penalty payment at a figure lower than that which would arise under the original decision. Article 75, paragraph 2 shall apply mutatis mutandis for this paragraph of this article.

## Article 77

### **Leniency**

1. The Commission may grant total or partial immunity from fines to the undertaking which, together with others engaged in a practice prohibited by the provisions of article 4, where they help providing evidence of the prohibited practice and identifying the perpetrators based on information not previously available to the Authority.
2. The Commission issues an advice of leniency to the undertakings indicating the conditions for its application, specified in "Regulation for fines and leniency. This advice is transmitted to the undertakings and remains confidential.
3. In the event of a decision the Commission may, if the conditions specified in the advice of leniency were observed, grant relief from financial penalties in proportion to the contribution made to identify and prohibit the violation.

#### Article 78

##### **Individual fines**

1. The Commission may impose fines on individuals not exceeding 5 million lek on individuals, if they, intentionally or negligently, carry out or co-operate to carry out actions sanctioned in accordance with article 73, paragraph 1 and article 74, paragraph 1 of this Law.
2. Imposing fines as referred in paragraph 1 of this article shall be subject of prescribed time limits of 3 years in case of article 73, paragraph 1 and of 5 years in case of article 74, paragraph 1 of this Law.

#### Article 79

##### **Judicial review**

1. Appeals against an Authority decision issuing sanctions may be filed before the District Court of Tirana within 30 days from the date when that decision was taken.
2. The appeals shall not suspend the execution of the decision referred to in Paragraph 1 of this Article.

#### Article 80

##### **The body in charged of fine execution**

“The fines that the Competition Authority imposes shall be enforceable and shall be executed in accordance with the Civil Procedure Code. The Competition Authority shall not have an obligation to pay in advance the enforcement fee.”

## **PART VII**

### **TRANSITIONARY PROVISIONS**

#### Article 81

##### **The Assembly obligation for Commission election**

The Assembly is in charge of electing five members of the Commission and to appoint its Chairman within 30th of November 2003.

#### Article 82

##### **Estimation of normative acts in force**

1. The Authority estimates, on the date of entrance into force of this Law, the level of restriction or prevention of competition from normative acts into power, in particular from acts stipulated in article 69, paragraph 1.
2. After two years and after being consulted with the relevant state bodies, the Authority prepares a particular report, accompanied with the recommendations for due changes for the Council of Ministers and for the Assembly, with the problems raised in these acts concerning with competition restrictions.

#### Article 83

##### **Transition provisions**

1. The existing agreements, on the date of entrance into power of this Law, must be notified within nine months in order to be exempted from the prohibition referred to article 4. The exemption, on this case, shall be granted from the time of entrance into power of this Law.
2. This Law shall not be applied for concentrations of undertakings if they are put into effect within one month from the entrance into power of this Law and when the agreement for merger or control acquisition and also the announcement of public bid for buying or exchange have been made before entrance into power of this Law. For such concentrations the Law no. 8044, dated 7.12.1995 “On Competition” shall be applied.
3. If the agreement which restrict competition or abusive practices of dominant position are notified and the effects on competition are eliminated within 6 months from the entrance into force of this Law, the foreseen sanctions of this Law shall not be applied.

## Article 84

### **Issuance of normative acts**

The Authority is in charge of issuing the normative acts as follows:

1. The regulation on the Authority functioning;
2. The regulation on defining the expenses to follow the procedures nearby the Authority;
3. The regulation for applying concentrations procedures of undertakings;
4. The regulation on fines and leniency.

#### Article 84/1

Previous provisions shall continue to apply to ongoing cases, inquiries and concentration reviews regardless the stage they are at when this Law enters into force, until a final decision is taken by the Competition Commission.

#### Article 84/2

Competition Authority acts for which appeals have been filed with the Court shall continue to be reviewed in accordance with the laws and regulations that were in power when the judicial review was opened.

## Article 85

### **Abrogation**

Law no.8044, date 7.12.1995, "On Competition" shall be abrogated.

## Article 86

### **Entrance into force**

This Law enters into force on 1st of December 2003.

Enounced with the statute No.3927, 14.08.2003 of the President of the Republic of Albania, Z.Alfred Moisiu

Non-Official Translation