



REPUBLIC OF ALBANIA

-COMPETITION AUTHORITY-

Press Release

On Competition Commission Decision No. 374, dated 09.10.2015

“On the approval of the Guideline “On Conditions and obligations in concentration cases””

Albanian Competition Commission with the decision no. 374, dated 08.10.2015 approved the Guideline “On Conditions and obligations in concentration cases”, which has been drafted after the translation and approximation of the European Commission Notice on remedies acceptable under Council regulation 9EC) no. 139/2004 and under Commission Regulation (EC) no. 802/2004 (52008XC1022 (01)), (OJ C 267, 22.10.2008, p.1-27). This guideline will be part of the secondary legal framework in competition field, in accordance and respecting the provisions of the Law no. 9121, dated 28.07.2003 “On Competition Protection” (amended), and also in fulfilling the obligations of the National Plan for the European Integration.

The scope of this guideline, is to define the rules and measures, on certain commitments that the parties in a concentration commits and where expressing the interest on modifying to take the approval for that concentration.

The measures (*Remedies*) are modification that are done to a concentration, proposed from the parties in a concentration, with the intention to eliminate the problems and competition concerns, raised from the concentration and identified from the Competition Authority during the concentration control procedure.

The participating parties in a concentration are allowed to modify the concentration, which created and brings concerns for the completion in the market, with the final intention to take clearance from the Competition Commission.

Main element is the proportionality of the remedies. The Competition Authority evaluates if a concentration is compatible with the national market or not, and is full responsibility of the parties to offer the relevant proposal/commitments for eliminating the competition concerns. If the parties fail in offering these measures, then the Commission will take a decision prohibiting the concentration.

The draft guideline has been discussed within the secretariat of the Competition Authority and has been sent nearby the third interested parties and legal firms for opinions, comments and suggestions. Also, respecting the transparency principles, the draft guideline has been published in the official website of the Competition Authority for comments and suggestions.