



REPUBLIC OF ALBANIA
COMPETITION AUTHORITY

REGULATION

“On the Functioning of the Competition Authority”

Pursuant to articles 84, letter a, and 24, letter c of the law no. 9121, dated 28.07.2003 "On the Protection of Competition ", upon the proposal of the Secretary General.

COMPETITION COMMISSION

DECIDED:

**CHAPTER I
GENERAL PROVISIONS**

**Article 1
Purpose**

The purpose of this regulation is to determine the rules of functioning of the Authority Competition, the definition of competencies between the decision-making structure: The Competition Commission and the executive-structure: The Secretariat, and the manner of their implementation.

**Article 2
Scope of application**

This regulation is implemented by the Competition Authority in the fulfilment of the legal obligations for protection of the free and effective competition in the market and the regulation of competencies between the Competition Commission and Secretariat.

**Article 3
The Competition Authority**

1. The Competition Authority exercises its activity as a public institution, independent in function of the protection of free and effective competition in the market as well as the creation of a culture of competition in the Albanian environment through the drafting of national competition policy and controlling the enforcement of the competition legislation.
2. The Competition Authority for the exercise of its activity in implementation of the law as well as other legal and sublegal acts in force, cooperates with Parliamentary Committees, with central and local administration, other public institutions and other interested parties.

3. The Competition Authority shall draft and implement its budget according to the legal acts in force, coordinating the work with the Ministry of Finance and Economy and the Parliament of Albania.

4. The Competition Authority intends to establish mutual, bilateral and multilateral cooperation in the regional wider framework, as well it maintains relations with international organizations, participates in various activities organized inside and outside the country, in cooperation with these institutions, while respecting the joint agreements and legislation in force.

5. The Competition Authority shall ensure the completion of the competition legal framework through drafting sub-legal acts, such as regulations and guidelines. The Competition Authority aims at approximating the domestic legislation with the European Union legislation in the field of competition.

6. In order to ensure the smooth progress of the work of the Authority, as well as the accountability and correctness of the taking and implementation of actions, the Competition Commission and the Secretariat, in the performance of their duties, are guided by Law no. 9121, dated 28.07.2003 "On the Protection of Competition", as amended, as well as all sub-legal acts for its implementation. The Competition Secretariat also applies the provisions of Law no. 152/2013 "On civil servants", as amended, Law no. 9131, dated 08.09.2003 "On the Rules of Ethics in Public Administration", the Code of Administrative Procedures, as well as other sub-legal acts.

Article 4 **Definitions**

In this regulation, the following terms shall mean:

1. "**Law**" means law no. 9121, dated 28.07.2003 "On Protection of Competition" with all changes/amendments made so far, as well as those that can be done in the future, until its final repeal;
2. "**Competition Commission**" means the decision making structure of the Competition Authority by determination under Article 19 and competence under Article 24 of the law, the Commission shall be composed of the Chairman, Deputy Chairman and 3 members;
3. "**Chairman of the Competition Commission**" means the Head of the Competition Authority, with competencies defined in Article 25 of the Law;
4. "**Deputy Chairman of the Competition Commission**" is a member selected by the Competition Commission in accordance with Article 21 of the Law and who temporarily exercises the powers of the Head of the Institution in the absence of the latter;
5. "**Member**" means a member of the Competition Commission, part of the decision-making body in the Authority, its powers are exercised through votes at the Commission meetings;
6. "**The Cabinet of the Competition Commission Chairman**" means an ancillary structure at the Directorate level, on the dependency of the Competition Commission Chairman, which facilitates the latter's work in the exercise of its duties set by the law and this regulation;
7. "**Competition Secretariat**" means the implementing structure of the institution that operates in accordance with articles 27 and 28 of the law;
8. "**Secretary General**" is the highest civil servant in the Authority and is responsible for the progress of the activity of the Secretariat, in accordance with Article 29 of the Law;
9. "**Commission Meetings**" are the ordinary meetings held by the Commission in the exercise of the powers conferred by law, the meetings are chaired by the Chairman of the Commission;

10. **"Hearing sessions"** are sessions conducted by the Commission with under-investigations undertaking and interested parties, pursuant to Article 39 of the Law, the Commission shall give the parties the opportunity to express their views on the matter, before making the final decision;
11. **"Investigative Reports"** are reports drawn up by the Secretariat as a result of the investigations carried out in respect of the law and Administrative Procedures Code which are submitted to the Commission for decision-making.
12. **"Complaints"** are allegations and concerns of any interested party on issues related to limitations, distortions or impediments of competition and submitted to the Competition Authority for treatment in accordance with Article 29/1 of the Law;
13. **"Documentation Protocol"** means the registration, storage and usage of correspondence, as defined in the legality and the relevant provision of this Regulation.
14. **"Confidentiality"** means the maintenance of professional trade secrets by: - Members of the Commission; like and - all employees of the Secretariat; or - other persons authorized by the Commission for the implementation of Article 30 of the "Law".

CHAPTER II ORGANIC STRUCTURAL PROVISIONS

SECTION I COMPETITION COMMISSION

Article 5 Structure and organization

1. The Competition Authority is composed of the Competition Commission as the decision-making body and The Secretariat as an administrative and investigative body.
2. The organizational structure of the Competition Authority is approved by the Assembly based on Law no. 9584, dated 17.07.2006, "On salaries, remuneration and structure of independent constitutional institutions and other independent institutions, established by Law", as amended, with the proposal of the Competition Authority.

Article 6 Competences of the Competition Commission

The Competition Commission exercises its decision-making activity as a collegial body in accordance with article 24 of Law no. 9121, dated 28.07.2003 "On the Protection of Competition". The Competition Commission, in accordance with Article 35 of the Law, upon the request of the Secretariat, authorizes by writing the inspectors for conducting inspections.

Article 7 The powers of the Chairman

1. The Chairman is the Head of the Competition Authority and chairs the Competition Commission. The Chairman is appointed by the Assembly of Albania and its powers are defined in Article 25 of the Law, specifically:
 - a) Prepares, calls and chairs the meetings of the Commission;

- b) Coordinates the work among the members of the Commission;
 - c) Signs the acts of the Commission, with the exception of decisions, which are signed by all members of the Commission present at the meeting.
 - ç) Represents the Authority in relations with third parties.
2. In the absence of the Chairman, these duties are performed by the Deputy Chairman.

Article 8

Competences of the Cabinet of the Competition Commission's Chairman

1. The Cabinet of the Competition Commission's Chairman is a subsidiary structure and directly dependent on the Chairman, organized at a Directorate level and consists of the Director, the Advisor and the Secretary. They are appointed by the Chairman and have the function of assisting the Chairman in fulfilling tasks.
2. The Cabinet of the Commission's Chairman has the following competencies:
 - a) Assist the Chairman of the Commission in organizing committee meetings, hearings, or various organizations required by the Chairman;
 - b) Keeps the minutes of the meetings of the Commission, which, after being declared, are signed by all the present members and are registered in the Commission's Register. In cooperation with the Secretariat distributes the relevant materials to the members of the Commission within the deadlines set out in this Regulation;
 - b) Maintains relations with printed and visual mass media, as well as social networks;
 - c) Issues press releases to third parties regarding the official activities of the Competition Commission and Chairman;
 - ç) Monitor the fulfilment of the tasks left by Chairman and asks for their implementation within the deadline, requires information, progress reports, comments or suggestions on the performance of duties;
 - d) Based on the information prepared by each director on the work plan and by the Secretary General every month, informs the Chairman about the level of their realization;
 - f) Perform any other task assigned by the Commission's Chairman.

Article 9

Meetings of the Competition Commission

1. The meetings shall be convened by the Chairman of the Commission, who shall decide on the date and time of the meetings. In case of changing the date and time of the meeting, the Commission members, shall be notified immediately of any change.
2. As a rule, the meetings of the Competition Commission take place once a week, except when the Commission decides by a majority vote. The Chairman decides on the agenda of each meeting. The order of the day shall be distributed to the members of the Commission 7 calendar days before the date of the meeting.
3. If necessary, the Chairman may convene extraordinary meetings when this is due to the workload created in the Commission, and the emergence of issues for consideration, in this case the procedure it is considered regular if the majority of the members of the Commission participate in the meeting.
4. The meetings of the Commission may be attended by the Secretary General and the Director of the relevant directorate of the Secretariat, if necessary or for further clarification may attend other Secretariat specialists or external experts who have been involved in dealing with issues in consideration.

5. The Chairman may postpone or close the meeting ahead of time, in cases when the situation of collection development justifies this action. In these cases, a verbal verdict should be taken, which will be reflected in the minutes of the meeting.

Article 10

Hearing sessions

The Commission may hold a hearing session before the final decision is taken, whereby the parties to the process, interested parties as well as state institutions are given the opportunity to express in writing and/or verbally.

2. At the request of interested parties, the Competition Commission may hold hearings sessions in every moment of the procedure, whereby the parties are afforded access to the hearing session by the Competition Commission.

3. In hearings sessions, the Commission may also invite third parties or experts concerned with the matters that are treated.

4. As a rule, hearings sessions are closed to the public. The party that is heard may seek in advance the exclusion of the party/other parties, experts in charge of the case. The Commission decides whether meetings will be open or not.

Article 11

Decision Making

1. The decisions of the Competition Commission shall be taken in accordance with Article 26 of the Law.

2. The Commission takes a decision to undertake a general investigation in a sector of economy pursuant to Article 41 of the Law.

3. The Commission shall take a decision to initiate a preliminary investigative procedure pursuant to Article 42 of the Law, when there are signs of restriction of competition, the Commission takes a decision to initiate an in-depth investigation procedure pursuant to Article 43 of the Law.

4. The Commission, on the basis of the investigative report submitted by the Secretariat, shall decide wholly or in part of the Secretariat proposals or their partial or complete refusal.

5. The Competition Commission shall assess the scale of restriction or impediment of competition arising from draft acts of central and local institutions.

6. The report of the conclusions and proposals of the investigative report prepared by the Secretariat at any stage of the investigation shall be made by the Secretary General, the Chairman to refer the matter in question may designate a Member of the Commission or of the Cabinet.

Article 12

Argumentation, publication and form of decisions

1. The decisions of the Competition Authority's Commission shall be reasoned but not later than 15 days from their receipt at the relevant meeting of the Commission.

2. Any decision adopted by the Competition Commission shall be written and shall contain:

- a) The emblem of the Republic of Albania;
- b) The name of the institution;
- c) the title of the act;

- d) The object of the act;
 - e) The legal basis;
 - f) The reasoning part;
 - g) The ordering part;
 - h) The names of the members who participated in the voting;
 - i) The number and date of approval.
3. If during the voting process there are votes against, the member of the Commission shall record it in the signing part of the decision, adding his signature and the note "against". The vote against is accompanied with arguing thought.
4. The decisions of the Competition Commission together with the reasoned minority opinion, if any, shall be published in the Competition Authority's Official Decisions Bulletin and shall be posted on the ACA official website.

Article 13

Administrative acts

1. The types of administrative acts present in the executive and mandatory activity of the Authority, which are used to fulfil its functions are:
- a) "Order" is the Chairman or the Secretary General sub-legal act which has an internal nature and sets general behavioural rules or can regulate a concrete relationship;
 - b) "Instruction" is an ACA sub-legal act with an explanatory character that elaborates all the commandments of the law;
 - c) "Recommendation" is an administrative act through which the Authority seeks to regulate the activity of the controller or the state institution for a defined or indefinite period;
 - ç) "Authorization" is an administrative act through which the Authority allows a specific action for private enterprises or state institutions, as appropriate and conditional;
3. These administrative acts must contain the following elements:
- a) The authority or body issuing the act;
 - b) Parties to which they are addressed;
 - c) Submission of facts;
 - ç) The legal basis on which it is based;
 - d) Date of entry into force;
 - f) Signature of the holder.

SECTION II

SECRETARIAT

Article 14

Competencies of the Secretariat

1. The Secretariat is the executive body of the Competition Authority and is headed by the Secretary of the General.
2. The responsibilities of the Secretariat are set out in Article 28 of the Law and this Regulation. The Secretariat performs its duties in accordance with the law and the Administrative Procedures Code, the Secretariat's officers has the civil servant status.
3. The Secretariat monitors, analyses market conditions, conducts investigations, compiles and submits investigative reports at the Commission for decision-making, pursues and controls the

implementation of decisions taken by the Commission, provides the publication of decisions, sub-legal acts that are issued pursuant to this law and the annual report of the Authority.

Article 15

Competencies of the Secretary General

1. The responsibilities of the Secretary General are set out in Article 29 of the Law.
2. The Secretary General shall be responsible for the progress and coordination of the work of the Secretariat, signs all procedural decisions taken on behalf of the Secretariat.
3. The Secretary General shall be responsible for the implementation of the procedures of this law for the examination of cases, drafting and submitting the summary report of the investigation to the Commission, the annual work report Authority, cooperation with other institutions for solving cases and signing correspondence of the Secretariat.
4. The Secretary General as the authorizing officer is responsible for the implementation of financial management and control in accordance with law no. 10296, dated 8.7.2010 "On financial management and control", as amended.
5. The Secretary General for the activity of the Secretariat shall periodically and monthly report to Chairman of the Commission.
6. At the beginning of each month, the Secretary General shall submit to the Chairman a monthly activity report of the Secretariat as well as the work plan to be handled by the directorates in the following month.
7. In the absence of it or inability to act, by approval of the Commission, it can delegate responsibilities to one of the directors of the Secretariat's directorates.

Article 16

The structure of the Secretariat

1. The Authority functions according to the structure and organization approved by the Assembly by Decision no. 43/2017, dated 13.4.2017 "On the approval of the structure and organigram of the Competition Authority", The Secretariat is comprised of 6 respective directorates.
2. Directorates related to the implementation of the main pillars of law no. 9121/2003 are: Production Markets Surveillance Directorate, Non-Production/Services Markets Surveillance Directorate and Market Analysis and Methodologies Directorate and as supporting directorate: Legal and Judicial Affairs Directorate, Integration and Communication Directorate and Support Services Directorate.
3. The objectives of each directorate of Secretariat will be addressed in the following articles.

Article 17

Director of the Directorate

The Directorate Director is a middle-level civil servant, the main responsible for the success of work in the relevant department.

1. Coordinates the work within the directorate that is subordinate and is responsible for carrying out the assigned tasks by superiors, within the deadline.
2. Is responsible to technical and legally-based issues and problems within the directorate and ensures the sustainability and continuity of the respective activity.
3. Report to the Secretary General as the direct superior and to the Cabinet director for the work of the directorate, periodically and monthly.

4. It may attend the meetings of the Competition Commission on matters dealt by the directorate if it is necessary it may call the inspectors of the directorate it leads, who have worked or have information on the matter.
5. Prepare paperwork, analysis, reports and make proposals for job prosperity and improvement of standards in the duties performed by its directorate.
6. Make and participate in the drafting and implementation of the mid-term budget program and the annual budget of the directorate that it leads.
7. Performs periodic work performance evaluation, of the employees of the directorate.
8. Responsible for the discipline at work within the directorate that leads under the legislation in force for the civil servant status, within legal competencies, takes actions for any employee who breaks the rules.
9. The Directorate director carries out any other duties assigned to him by his superiors.

Article 18 **Duties of Chief Economist**

1. The Chief Economist shall be responsible to the Chairman and his immediate superior for development, coordination and depth economic and econometric analysis of market data, with a methodological approach and empirical analysis on quantitative or qualitative analysis to ensure free and effective competition in the market by law enforcement.
2. The chief economist performs the following duties:
 - a) Carry out economic assessment and in-depth quantitative research analysis for monitoring, investigating general or market study and scrutiny and control of concentrations authorization;
 - b) Developing methods and procedures for the quality of data to be collected through surveys or questionnaires for completing a database on markets, and pursuing insurance of the information required by the notifying parties in respect of the deadlines set out in implementation of the law and sub-legal acts;
 - c) Processing and analysis of statistical data from the statistical and econometric point of view;
 - d) Assess economic trends in the markets and sectors of the economy;
 - e) Establishes and administers databases related to changing the structures of relevant markets, as well as authorizing and controlling concentrations by the Authority over the years.

Article 19 **Forensic Inspectors – ICT**

1. The Forensic Inspector-ICT it refers to the direct supervisor for the collection, analysis, processing and administration of electronic data related to the object of investigation and report on this data.
2. Forensic Inspector - ICT performs the following tasks:
 - a) Participates by authorization in the inspection teams and manages the entire identification process and provision of data electronically, during the inspection phase of the undertakings under investigation;
 - b) Follows and applies the procedures, regulations and methodology applied to the administration and the analysis of sequestered or duplicated electronic data of the undertakings;
 - c) Report to the direct supervisor on the technical specifications of the collected electronic information, detailed procedures and methodology followed for collecting this information;
 - d) Administer, install and maintain the applications, forensic devices and electronic devices that are used during inspection and the forensic analysis laboratory;

- e) Developing regulations for the "Forensic IT" aspect of the investigation procedures;
- f) Preservation of official and commercial confidentiality for documented information, obtained from commercial entities and public institutions.

Article 20

Production Markets Surveillance Directorate

1. The Production Markets Surveillance Directorate has the duty to supervise and investigate the conditions of market for cases of abuse of dominant position, prohibited agreements and exclusion from the ban of the agreements, in the manufacturing markets, including, but not limited to, these production markets: energy; gas and fuels; construction; forests; extracting and mineral industries; agriculture/farming, livestock; fishing; chemical goods; manufacturing; as well as any other productive activity.
2. The directorate shall exercise the administrative activity under the direction of the Director responsible for the general activity of the directorate before the Secretary General, the Chairman and the Competition Commission, whenever this is required.
3. The directorate shall, at the beginning of each month, submit to the Secretary General a directorate monthly activity report as well as a work plan to be handled by the directorate in the following month.
4. The Production Markets Surveillance Directorate at the end of monitoring or inspection prepares the report relating to the relevant market, which it submits to the Commission through the Secretary General.
5. Production Markets Surveillance Directorate through monitoring and inspections authorized by the Commission, if it finds a violation of the law, proposes to impose sanctions for the violations found.
6. The Production Markets Surveillance Directorate monitors the implementation of decisions and recommendations left by the Competition Commission when it is found not to be implemented by undertakings or state institutions, the directorate proposes appropriate measures for their implementation.
7. The Production Markets Surveillance Directorate in cooperation with the Legal and Judicial Affairs Directorate makes evaluations on normative acts that may bring restrictions on competition in the production markets that it supervises.
8. The directorate shall prepare an annual report on the directorate activities no later than 31 January of each year or on a date to be determined by the Secretary General.

Article 21

Non-Production/Service Markets Surveillance Directorate

1. Non-Production/Service Markets Surveillance Directorate is responsible for overseeing and investigations of market conditions for cases of abuse of dominant position, prohibited agreements and exclusion from the prohibition of agreements, in the service markets, including but not limited to these services markets and other non-productive activities: the market for electronic communications; technology information and media; financial market; health; tourism; transportation, as well as services of any different nature.
2. The directorate shall exercise the administrative activity under the direction of the Director responsible for the general activity of the Directorate before the Secretary General, the Chairman and the Competition Commission, whenever this is required.

3. The directorate shall, at the beginning of each month, submit to the Secretary General a monthly activity report directorate as well as a work plan to be handled by the directorate in the following month.
4. Non-Production/Service Markets Surveillance Directorate at the end of monitoring or inspection, prepares a report on the relevant market, which it submits to the Commission through the Secretary General.
5. Non-Production/Service Markets Surveillance Directorate through monitoring and inspections authorized by the Commission, if it finds a violation of the law, proposes to impose sanctions for the violations found.
6. Non-Production/Service Markets Surveillance Directorate monitors the implementation of the decisions and recommendations left by the Competition Commission when it is found that their implementation by undertakings or state institutions are not being implemented, the directorate proposes appropriate measures for their implementation.
7. Non-Production/Service Markets Surveillance Directorate in cooperation with the Legal and Judicial Affairs Directorate makes evaluations on normative acts that may bring restrictions on competition in service and non-productive markets that it supervises.
8. The directorate shall prepare an annual report on the directorate activities no later than 31 January of each year or on a date to be determined by the Secretary General.

Article 22

Market Analysis and Methodologies Directorate

1. The Market Analysis and Methodologies Directorate has a duty to carry out the assessment of the conditions of markets, through complex economic analysis in cases of concentrations, general studies, monitoring and market inspection.
2. The directorate shall exercise the administrative activity under the direction of the Director responsible for the general activity of the Directorate before the Secretary General, the Chairman and the Competition Commission, whenever this is required.
3. The directorate shall, at the beginning of each month, submit to the Secretary General a directorate monthly activity report as well as a work plan to be handled by the directorate in the following month.
4. Market Analysis and Methodologies Directorate at the end of monitoring, inspection or concentration assessment, prepare the report based on the market and the participating undertakings in the concentration, which it submits it to the Commission through the Secretary General.
5. The Market Analysis and Methodologies Directorate shall administer general market databases for the market and in particular for each estimated concentration. For cases of undertaking concentrations that have a consistent change of control, the directorate conducts relevant assessments and analyses pursuant articles 53-64 of the Law.
6. In cases where the concentration shows signs of competition restriction pursuant the law, the directorate by authorization of the Commission conducts inspections to carry out in-depth inquiries regarding notified transactions at the Authority, which may be authorized under conditions and obligations pursuant the law. At the end of inspections, the directorate prepares a report for the Commission, with possible proposals for structural measures needs to be taken by the reporting companies and the impact they will have on the market.
7. The Market Analysis and Methodologies Directorate, through the Secretary General, shall inform by writing the Commission of the exact date of submission of the notification, of the

attached documents and of the completed notification form by the parties to the concentration pursuant to the Regulation "For applying concertation procedures of undertakings" as well as other sub-legal acts issued under the law on control of concentrations.

8. The directorate shall prepare an annual report on the activities of the directorate no later than 31 January of each year or on a date to be determined by the Secretary General.

Article 23

Legal and Judicial Affairs Directorate

1. Legal and Judicial Affairs Directorate carries out evaluations of acts, draft legal and sub-legal acts regarding their compliance with the law and the scale of restriction or obstruction of the law with the aim of approximating domestic legislation with the "Acquis Communautaire" and protection of competition.

2. The directorate shall exercise the administrative activity under the direction of the director responsible for the general activity of the directorate before the Secretary General, the Chairman and the Competition Commission, whenever this is required.

3. The directorate shall, at the beginning of each month, submit to the Secretary General a directorate monthly activity report as well as a work plan to be handled by the directorate in the following month.

4. The Legal and Judicial Affairs Directorate with authorization follows and protects the interests of the Authority in court proceedings at all instances, through the preparation of reprimands, appeals, recourse, preparation and compilation of materials to the court and informs the Chairman and Secretary General for their progress.

5. The Legal and Judicial Affairs Directorate assists the directorates of the Authority with legal aid for complaints, papers or other acts, when necessary, also helps with the inspection procedures of the undertakings under investigation.

6. The Legal and Judicial Affairs Directorate compiles information, papers, reports and responses to the legal merits of any legal act required.

7. The directorate shall prepare an annual report on the activities of the directorate no later than 31 January of each year or on a date to be determined by the Secretary General.

Article 24

Integration and Communication Directorate

1. The Integration and Communication Directorate has the duty to contribute to the European integration process in Albania within the framework of the Stabilization and Association Agreement and the National Plan of European Integration, to implement with correctness the priorities identified by the EU related to the action framework of the Competition Authority, which is the leader and coordinator of Chapter 8 "Competition Policy".

2. The directorate shall exercise the administrative activity under the direction of the director responsible for the general activity of the directorate before the Secretary General and the Chairman.

3. The Integration and Communication Directorate coordinates the work with the structures within the Authority, for commitments and tasks arising under the Stabilization and Association process, including the process of approximation of domestic legislation with the Acquis and building of administrative capacities within the ACA.

4. The directorate drafts the report on the activity of the institution, progress reports, meetings of the Stabilization Association Committee, meetings of the Subcommittee "Internal Market and Competition", and prepares reports the compatibility table of the draft legal act with the EU acquis with the aim of approximating the Ministry for Europe and Foreign Affairs regarding the activity of the Authority.
5. The directorate prepares the necessary documentation for participation in conferences, workshops, seminars, or international meetings of the Chairman, as well as the creation of relations with the organizers and institutions in the country host.
6. The Integration and Communication Directorate prepares information and reports to the supervisors before and after organization/participation regarding the ACA representations in national and international activities.
7. The Integration and Communication Directorate follows and assists the development of the signing and negotiations of memoranda and agreements of cooperation with domestic and foreign authorities, coordinates the cooperation between foreign institutions such as ICN, OECD, UNCTAD etc. and the Competition Authority, providing contact points with respective counterpart offices as well as updating this information.
8. The directorate shall prepare an annual report on the activities of the directorate no later than 31 January of each year or on a date to be determined by the Secretary General.

Article 25

Support Service Directorate

1. The Support Service Directorate has the task of organizing and creating working conditions through the effective and efficient management of financial resources in accordance with law no. 10296, dated 8.7.2010 "On financial management and control", as amended and the human resources in accordance with the law "On Civil Servant", ensuring that human resource management policies provide efficient services that meet the institution's staff requirements and encourage the development of the personnel.
2. The directorate shall exercise the administrative activity under the direction of the director responsible for the general activity of the directorate before the Secretary General and the Chairman.
3. Support Service Directorate manages the budget funds, ensures the implementation of the rules and financial management and control laws, by providing as accurate information as possible, accounting financial documentation and correspondence within and outside the institution.
4. Support Service Directorate establishes, administers, systematizes, updates and stores the data staff files, each employees of the institution (individual file), oversees the fulfilment of needs to the Authority regarding human resources, to the professional training of employees and controls the implementation of the Law "On Civil Servant" and the internal functioning rules of the Authority.
5. Support Service Directorate prepares programming, planning, quality assurance of the final budget document and the coordination of work during the ACA budget preparation process and ensures the implementation of the approved budget.
6. Support Service Directorate carries out all financial operations, compiles and implements the budget state and financial decisions, administers financial documentation, maintains, controls and analyses indicators of use of the state budget and until the closure and approval of the annual balance sheet of the institution. The directorate keeps accounting through chronological registration of all actions in compliance with the law on accounting, bank documentation as

payment orders, expenditure book and bank log where chronologically register all accounting operations and become the situation monthly and progressive reconciliation with the Treasury branch.

7. Support Service Directorate shall report the correspondence of the institution and any documents another official, indexes and updates inventory records, retains and outputs documents according to requests, manages the archive and maintains a relationship with the Central Archives.

8. The directorate shall prepare an annual report on the activities of the directorate no later than 31 January of each year or on a date to be determined by the Secretary General.

Article 26

Supporting personnel

Supporting personnel is the driver responsible for conservation and maintaining of the vehicle under good technical conditions and sanitary workers is responsible for the maintenance and the cleaning of the environment and creating normal working conditions in the facility. Relationships with supporting staff are regulated by the Labour Code.

CHAPTER III

PROCEDURAL PROVISION

Article 27

The Secretariat's Responsibilities in Investigative Proceedings

1. The Secretariat shall follow the investigative procedures as provided for in Articles 41, 42 and 43 of the Law.
2. The Secretariat, after receiving a complaint from an interested party, or principally on its own initiative, when suspects that there are restrictions, distortions, or impediments to competition in the market, informs immediately the Commission, requesting approval for initiating the preliminary investigation. The Secretariat is obliged to start immediately prior investigation, when the Commission decides.
3. In cases where the investigative procedure may be compromised, the collection of the evidence is impossible from inspections pursuant to Articles 36 and 37 of the Law, the Secretariat is not obliged to communicate to the parties the initiation of the preliminary investigation procedure.
4. Investigated undertakings or other interested parties have no right to consult files at the stage of the preliminary investigation procedure.
5. The Secretariat shall, at the conclusion of any investigative procedure, prepare a reasoned report for the Commission with analysis and evidence, giving the relevant proposals, at the end is the Commission deciding on the proposals of the Secretariat.
6. The Secretariat shall implement and monitor the implementation of the Competition Commission Decisions.

Article 28

Complaints

1. Complaints, requests and notices from persons to be submitted to the Competition Authority must be filled in with complaint forms as provided in the regulation. Those who are not able to submit a written complaint, or do not want to do so, they can present it verbally. In this case, the protocol employee will take note of the complaint, request or notification made, will make note that the person who submits it does not want to file formally and sign it for itself together with another person present at the institution.
2. In the cases when a complaint, requests, or written notices are submitted to the Authority that are submitted by hand or by email for issues that are under the jurisdiction of the institution, they must be registered in the relevant protocol book.
3. The Competition Authority shall also consider the anonymous complaints on matters that are in the jurisdiction of the institution. These complaints are recorded in the protocol book and passed for preliminary assessment at the Secretariat. The Secretariat is not limited to the anonymous complaint but performs the necessary verifications and analyses regarding the matter.

Article 29

Complaint Forms

The Complaint Forms to be filled in when a person submits to the Competition Authority a complaint or notice must be signed and filed by the person making the complaint, or its legal representative, and shall contain:

- a) The specified identity of the complainant in case he accepts;
- b) The date of filling in and submitting the form;
- c) Allegations of suspected restrictions or breaches of competition against him, or other entities;
- d) The enterprise or institution suspected of being a violator of the law and to which it complains;
- e) Description of facts to which reference is made;
- f) Ranking the evidence of the alleged violation that he has;
- g) Other public institutions that were previously aware of the subject matter of the complaint;
- h) Any type of original, or photocopy, in which it supports the complaint, request or notice;
- i) All of the above provisions of this article, with the exception of its letter a, are mandatory be completed by the complainant who wishes to remain anonymous;
- j) The complaint forms are available on the Competition Authority's official website.

Article 30

Handling complaints

1. Within 24 hours from the time of the correspondence distribution by the Chairman, the Secretary General shall pass to the department in whose jurisdiction it is the prosecution of the case.
2. The Secretary General shall assess whether the request is in the jurisdiction of the Competition Authority and notify the Chairman immediately of this assessment.
3. The subject that has made the complaint or the request, at the conclusion of the procedure is notified by the Secretariat for the conclusions of the administrative proceeding of the complaint, request or notification.

Article 31

Documentation Protocol

1. The Competition Authority shall maintain a general register for registration, storage and exploitation of correspondence, arrived and initiated, in accordance with law no. 9154, dated 06.11.2003 "On Archives".
2. The correspondence received by the Authority shall be distributed by the Chairman of the Commission to the Secretariat, which applies the orders left by the Chairman.
3. Correspondence movement is performed on the basis of administrative hierarchy.
4. Outbound correspondence is originally drafted for the protocol office and archive, which registers the document in the register, confirms the delivery, sending the material with mail or handwriting. Registered correspondence is placed in the file and archived in the Competition Authority archive.

Article 32

Preserving Confidentiality

1. Members of the Commission, employees of the Secretariat and other persons authorized by the Commission for law enforcement safeguards the professional and commercial secret and do not provide confidential data secured in performing their duties, to other person or institution pursuant to Article 30 of the law. This applies even after ending their duty.
2. The Authority's publications shall not contain data that constitute trade secrets.

Article 33

Entrance and visits to Authority

The rules of access at the Authority are:

The entrance at the Authority is made for work, service and various meetings. Entries to the Authority should be under the surveillance of the cameras and accompanying employees.

2. All employees of the Authority shall be provided with a personal identification card, which serves for access to the Authority and their identification. These cards are provided by the Support Service Directorate, a structure that also manages the electronic system of employee movements.
3. Foreign persons (visitors) entering the Authority, for meeting up to directorate level, are accompanied both at the entrance and at the exit from the receiving person. For other cases at higher levels, the information employee accompanies the visitor to the requested office, or relates to the secretary of the Chairman to receive proper instructions.
4. Foreign persons (visitors) who come for work and meetings at the Authority are provided with a visitor card or by badge with the "VISITOR" note, which should be kept hanging in a visible place during the time visit to the Authority.
5. In the case of movements for work in different institutions, the employee receives permission from the direct supervisor and in case of director level, notifies the Secretary General, who informs the Chairman.
6. Upon termination of the employment relationship with the Authority, each employee submits the entry card to institution in the Support Service Directorate.
7. In the event of loss of a card, the employee immediately notifies his supervisor, who notifies the Support Service Directorate.

Article 34

Adhering to the code of ethics

1. Employees of the Authority are obliged to abide by ethical norms during the work hours, preserve dignity, and stay away from any improper action, attitude, or behaviour that can invalidate the good name of the employee and the institution they represent.
2. In carrying out the functions, the employee must observe the principles of ethics as follows:
 - a) To carry out the duties, in accordance with the legislation in force;
 - b) to act independently from the political standpoint and not to impede the implementation of the policies; decisions or actions of public administration authorities;
 - c) in the performance of duties, it must be honest, impartial, efficient, considering only the interest public;
 - ç) to be courteous in relations and communication with the citizens and with the superiors, colleagues of his subordinates;
 - d) Do not act arbitrarily, to the detriment of a person or entity, and must show respect for the rights and personal interests of third parties;
 - f) not allow his private interests to conflict with his public position, avoid conflicts and interests and never use the position for his private interest;
 - e) always behave in such a way that public confidence in honesty, impartiality and effectiveness of public service to be maintained and increased;
 - e) to maintain the confidentiality of the information in its possession but without prejudice to the enforcement of the obligations that derived from law no. 8503, dated 30.6.1999 "On the right to information on official documents", as amended. This confidentiality is not limited to time: the employees of the Authority, after leaving office, should not use the confidential information obtained during the performance of the duty for personal interest.
3. The employee of the Authority are obliged to respect the official working hours approved by the Council of Ministers Decision no. 511, dated 24.10.2002 "On duration and termination in institutions state", as amended.
4. The employee of the Authority are obliged to adhere to the norms and principles of ethics, as during the hours work and outside working hours.
5. Employees' clothing must be serious. Male and female employees should not be present in the work days in the premises of the Authority, with sportswear. All the employees of the Authority must take care for the exterior appearance, for a more dignified representation of their person and institution that they represent.
6. In working meetings, meeting with the head of the Authority, reporting to superiors, mobile phone device should be turned off or with no sound.
7. All employees holding a mobile number, with a fixed quota set by the institution, are forced to keep this number open during 24 hours.
8. In all the Authority premises it is forbidden to smoke and to drink alcoholic beverages.
9. In everyday communication within the institution, employees must respect the hierarchical scale.

During communication, each employee should be characterized by ethics and mutual respect in relation to each other and with higher hierarchical superiors. Verbal communication in the premises of the Authority should not be done loudly.
10. As a rule, meetings with external interested persons should take place in the public relations hall and not in the office premises where it works.

CHAPTER IV

FINAL PROVISIONS

Article 35 Sanctions

For any breach of the regulation by employees of the Competition Authority, when it does not constitute a criminal offense, disciplinary proceedings are initiated under Law 152/2013 "On civil servants", as amended, the Law "On rules of ethics in public administration ", Law "on prevention of conflict of interest in exercising public functions" as well as other sub-legal acts.

Article 36 Changes to the Regulation

1. Amendments to the Regulation "On the functioning of the Competition Authority" shall be made on the proposal of one or more Members of the Commission or on the proposal of the Secretariat.
2. Amendments to this Regulation shall be adopted by the Commission under the law.

Article 37 Repealed provision

Regulation "On the organization and functioning of the Competition Authority", approved by the Decision no. 2, dated 17.03.2004 of the Competition Commission, as well as any provision in the previous regulations of the Competition Authority, which contravenes this regulation, shall be abrogated.

Article 38 Entry into force

This regulation comes into force immediately.