



**REPUBLIC OF ALBANIA
COMPETITION AUTHORITY**

GUIDELINE

ON THE NOTIFICATION FORM OF A AGREEMENT

Pursuant to the articles 24, letter dh and 49, point 3 of the law Nr. 9121, date 28.07.2003 “On Competition Protection”, Competition Commission

INSTRUCTS

**Article 1
Scope**

This Guideline specifies the information that must be provided by an undertaking or undertakings and the notification form of agreement (attached this Guideline) to be submitted nearby the Competition Authority. Definition of “Agreement” is stipulated by Chapter I, articles 4,5,6,7 of the Law Nr. 9121, date 28.07.2003 “On Competition Protection” (hereinafter referred the Law)

**Article 2
The need for a correct and complete notification**

All information required by the Notification Form must be correct and complete. The information required must be supplied in the appropriate Section of this Form. Annexes to this Form shall only be used to supplement the information supplied in the Form itself. In particular you should note that:

- (a) In accordance with Article 49 and 50 of the Law, the time-limits linked to the notification will not begin to run until all the information that has to be supplied with the notification has been received by the Authority. This requirement is to ensure that the Authority is able to assess the notified agreement to be justified on grounds of economic efficiency.
- (b) The notifying parties should check carefully, in the course of preparing their notification, that contact names and numbers, and in particular fax numbers, provided to the Authority are accurate, relevant and up-to-date.
- (c) If a notification is incomplete, the Authority will inform the notifying parties or their representatives of this in writing and without delay within 7 days. The notification will

only become effective on the date on which the Authority receives the complete and accurate information.

(d) Incorrect or misleading information in the notification will be considered following:

- In accordance with Article 73 point (1)(a) of the Law incorrect or misleading information, can make the notifying party or parties liable to fines of up to 1% of the total turnover.
- In accordance with Article 51 point (c) of the Law, the Commission may also revoke its decision on the compatibility of a notified agreement, stipulated in article 49, where it is based on incorrect information for which one of the undertakings is responsible.

Article 3 Obligation for notification

1. Notification must be submitted by any one undertaking or by all undertakings parties to agreement in accordance of Article 49 of the Law.
2. Whether the notification, is not signed by the legal representative of undertaking, but by an authorised person, then the latter must be provided with a written authorisation where is stated the right for representation.
3. If the event of a joint notice, the undertakings should appoint a single representative, who has the right to transmit and receive documents on behalf of notifying parties.
4. Notifying parties or their representatives must ensure an address, where the Authority can send the necessary correspondence.
5. Each party completing the notification is responsible for the accuracy of the information, which it provides.

Article 4 How to notify

The notification agreement must be completed in Albanian language.

The information requested by this Form is to be set out using the sections and paragraph numbers of the Form, signing a declaration as provided in Section 10, and annexing supporting documentation.

Supporting documents are to be submitted in their official language; where the official language it is not Albanian language, or English language, they must be translated into the Albanian language. The Authority can request in each time the translation of documents in Albanian language.

Supporting documents should have at least an original version or copy of the originals, certified by the notary. In the latter case, upon the request of the Authority, the notifying party must confirm that they are true and complete.

The notification must be delivered to the Authority on working days. In order to enable it to be registered on the same day, it must be delivered before 16.30 hrs on Mondays to Thursdays and before 14.00 hrs on Fridays, at the following address:

COMPETITION AUTHORITY
Rruga “S. Frashëri”, Nr. 4, Kati IV
Post Box 2435, Tel: 04/ 23 45 05, Fax: 04/23 45 04
E-mail: caa1@icc-al.org
www.caa.gov.al
Tirana, ALBANIA

Article 5 Confidentiality

If you believe that your interests would be harmed if any of the information you are asked to supply were to be published or otherwise divulged to other parties, submit this information separately with each page clearly marked “Business Secrets”. You should also give reasons why this information should not be divulged or published.

Article 6 Definitions and instructions for purposes of this Form

Notifying party or parties: in cases where a notification is submitted by only one of the undertakings party to an agreement, “notifying parties” is used to refer only to the undertaking actually submitting the notification.

Party to the agreement or parties: include all the undertakings which belong to the same groups as those “parties”.

Affected markets: Section 3 of this Form requires the notifying parties to define the relevant product markets, and further to identify which of those relevant markets are likely to be affected by the notified agreement. This definition of affected market is used as the basis for requiring information for a number of other questions contained in this Form. The definitions thus submitted by the notifying parties are referred to in this Form as the affected market(s). This term can refer to a relevant market made up either of products or of services.

Year: all references to the word “year” in this Form should be read as meaning calendar year, unless otherwise stated. All information requested in this Form must, unless otherwise specified, relate to the year preceding that of the notification.

Article 7 Entrance into force

This Guideline enters into force immediately.

Chairman

Zef PREÇI