



**REPUBLIC OF ALBANIA  
COMPETITION AUTHORITY**

**GUIDELINE**

**ON THE NOTIFICATION FORM OF A CONCENTRATION AND FOR THE  
OPPORTUNITY OF A SIMPLIFIED NOTIFICATION.**

Pursuant to the articles 24, letter dh and 53, 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 concentrations (attached this Guideline) to be submitted nearby the Competition Authority. Definition of “Concentration” is stipulated by article 10 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 58 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 concentration within the strict time limits provided by “The Regulation for applying concentrations procedures of undertakings”.
- (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) Incorrect or misleading information in the notification will be considered to be incomplete information.

(d) 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.

(e) Article 73 point (1)(a) of the Law provides that incorrect or misleading information, where supplied intentionally or negligently, can make the notifying party or parties liable to fines of up to 1% of the total turnover. In addition, pursuant to Article 46, letter c) of the law, the Commission may also revoke its decision on the compatibility of a notified concentration where it is based on incorrect information for which one of the undertakings is responsible.

### **Article 3** **The need for a short notification**

(a) Short-form notification allows the notifying parties to limit the information provided in the notification to the following sections and questions:

- Section 1,
- Section 2, except questions 2.1 (a, b and d), 2.3.4, and 2.3.5,
- Section 3, only questions 3.1 and 3.2 (a),
- Section 5, only questions 5.1 and 5.3,
- Section 6,
- Section 10,
- Section 11 (optional for the convenience of the parties), and
- Section 12,
- The five largest independent customers, the five largest independent suppliers, and the five largest competitors in the markets in which the undertakings will be active. In this case, provide the name, address, telephone number, fax number and appropriate contact person of each such customer, supplier and competitor.

(b) With respect to the affected markets of concentration, indicate in the opinion of the notifying for each party, for the relevant geographic market, the sales in value and volume, as well as the market shares, for the year preceding the operation.

(c) The Authority may require full, or where appropriate partial, notification under the Form where this appears to be necessary for an adequate investigation with respect to possible competition problems.

### **Article 4** **Who must notify**

In the case of a merger within the meaning of Article 10 of the Law, the notification shall be completed jointly by the parties to the merger or by those acquiring joint control as the case may be.

In case of the acquisition of a controlling interest in one undertaking by another, the acquirer must complete the notification.

In the case of a public bid to acquire an undertaking, the bidder must complete the notification.

Each party completing the notification is responsible for the accuracy of the information, which it provides.

## **Article 5** **How to notify**

The notification 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 12, 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 16.00 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: [caal@icc-al.org](mailto:caal@icc-al.org)  
[www.caa.gov.al](http://www.caa.gov.al)  
Tirana, ALBANIA

## **Article 6** **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.

In the case of mergers or joint acquisitions, or in other cases where the notification is completed by more than one of the parties, business secrets may be submitted under separate cover, and referred to in the notification as an annex. All such annexes must be included in the submission in order for a notification to be considered complete.

**Article 7**  
**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 operation, “notifying parties” is used to refer only to the undertaking actually submitting the notification.

*Party (ies) to the concentration or parties:* these terms relate to both the acquiring and acquired parties, or to the merging parties, including all undertakings in which a controlling interest is being acquired or which is the subject of a public bid.

Except where otherwise specified, the terms “notifying party(ies)” and “party(ies) to the concentration” include all the undertakings which belong to the same groups as those “parties”.

*Affected markets:* Section 6 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 operation. 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.

The financial data requested in Sections 2.3 must be provided in Albanian currency (Lek) at the average conversion rates prevailing for the years or other periods in question.

**Article 8**  
**Entrance into force**

This Guideline enters into force immediately.

Chairman

Zef PREÇI