

ALBANIAN COMPETITION AUTHORITY

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A merchant who approaches business with the idea of serving the public well has nothing to fear from the competition.

James Cash Penney

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INTERIM MEASURES

Decision no.784, dated 12.03.2021

On taking interim measures to restore competition in the market of import and wholesale of chemical fertilizers and agricultural inputs

From the evaluation of the information collected during the monitoring conducted on the main undertakings in the market of import and wholesale of chemical fertilizers and agricultural inputs, as well as in the premises of the Albanian Association of Traders of Chemical Fertilizers and Agricultural Inputs "AFADA", it resulted that: some undertakings enjoy exclusive rights to trade plant protection products; the undertakings have made joint imports and have ensured stock of products in warehouses, selling them with much higher prices than their cost of purchase.

The undertakings which operate in the market of import and wholesale of chemical fertilizers and agricultural inputs are to end their cooperation by behaving independently of each other while conducting their commercial activity in terms of: imports of products; setting the selling price and/or market share; as well as the use of exclusive rights.

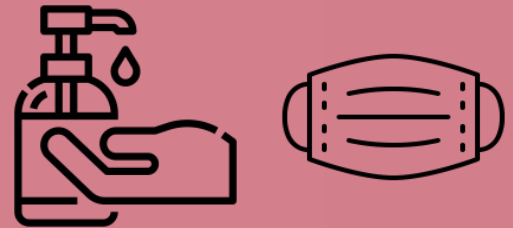


IMPLEMENTATION OF INTERIM MEASURES DECISIONS

Decision no. 766, dated 22.01.2021

On the implementation of CCD no. 685, dated 18.03.2020 "On taking interim measures to establish competition in the market of retail and wholesale of pre-medical materials" for the undertaking New Medical Plus SHPK

New Medical Plus SHPK was fined for not implementing the interim measures of CCD no. 685, dated 18.03.2020 "on setting interim measures to establish competition on the market of retail and wholesale of pre-medical materials", respectively in the amount of 1,000,000 (one million) Lek.



Decision no. 765, dated 22.01.2021

On the implementation of CCD no. 685, dated 18.03.2020 "On taking interim measures to establish competition in the market of retail and wholesale of pre-medical materials" for the undertaking Florfarma SHPK

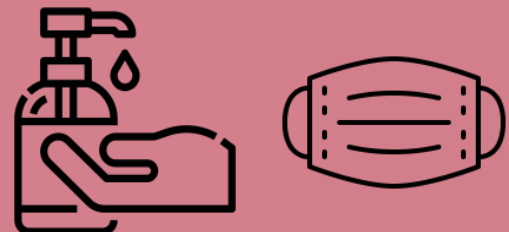
Florfarma SHPK was fined for not implementing the interim measures of CCD no. 685, dated 18.03.2020 "on setting interim measures to establish competition on the market of retail and wholesale of pre-medical materials", respectively in the amount of 1,000,000 (one million) Lek.



Decision no. 764, dated 22.01.2021

On the implementation of CCD no. 685, dated 18.03.2020 "On taking interim measures to establish competition in the market of retail and wholesale of pre-medical materials" for the undertaking Aquarius Medical SHPK

Aquarius Medical SHPK was fined for not implementing the interim measures of CCD no. 685, dated 18.03.2020 "on setting interim measures to establish competition on the market of retail and wholesale of pre-medical materials", respectively in the amount of 1,000,000 (one million) Lek.



MONITORINGS

Decision no. 779, dated 04.03.2021

On the monitoring of decision no. 723, dated 17.11.2020 “On closing, with conditions and obligations, the in-depth investigative procedure in the banking sector on Raiffeisen Bank, the National Commercial Bank, Credins Bank and Intesa SanPaolo Bank” for the period 2019-2020 and giving some recommendations.

Based on the information provided by the banks in question regarding their activity for the period 2019-2020, with Decision no. 779, the Competition Commission decided to recommend to Raiffeisen Bank, National Commercial Bank and Intesa SanPaolo Bank that during the approval of their monetary policies:

- a. To eliminate barrier costs, facilitating customer mobility between banks;
- b. To expand the range of products and services through digital platforms.

The market of Banking services



The conduct of the banks will be monitored for a period of 12 months from the date of the decision.

EXEMPTION FROM PROHIBITION OF THE AGREEMENT

Vendim nr. 786, datë 25.03.2021

On the exemption from the prohibition of the agreement concluded between the undertakings Philip Morris Products S.A and KT&G Cooperation

The agreement provides the creation of a hybrid product, a combination of “heat-non-burn” tobacco with electronic vapor technologies and the e-vapor product, which has not yet been marketed by any of the parties in the agreement.

The impact of the product provided in the agreement in the Albanian market is not immediate, but will be part of the expansion after the fulfillment of article 4.1 “Markets”, of the agreement.

The market of "smoke-free" cigarettes



The term of the exemption of the agreement is 2 (two) years from the date of this decision

INVESTIGATIVE PROCEDURES

Decision no. 772, dated 11.02.2021

On the opening of the in-depth investigation procedure in the market where the Non-Bank Financial Entities (SFJB) operate

Based on the analysis of administered data, market concentration indicators where non-bank financial entities operate have high values and based on the market behavior of entities with a dominant position, suspicions arise of abuse of this position in violation of Article 9 of law no. 9121/2003, amended, respectively by: Fondi Besa JSC in the credit market, Iute Credit JSC in the microcredit market, Tirana Factoring & Lease JSC in the factoring market, Mogo Albania JSC in the financial leasing market and the Financial Union of Tirana JSC in the market of payment and money transfer service (national and international) and electronic money.

Market where non-bank financial entities operate: credit market, microcredit, financial leasing, factoring, payment and transfer serviced and electronic money



Decision no. 762, dated 22.01.2021

On the opening of the in-depth investigation procedure in the market of procurement of printing service (printing and enveloping of invoices, control stamps, special postal products, etc.) developed by the Contracting Authorities AKBPM, Albanian Post JSC, UKT, OSHEE and UKD, to Enterprises: Inform Albania LLC, Albdesign PSP LLC, Kristalina.KH LLC, Euroform LLC, Interlogistic LLC, Marketing & Distribution LLC, Inpress LLC and Adel Co LLC

This decision was taken on the basis of administered data and at the end of the analysis carried out during the preliminary investigation, where suspicions were raised that the companies under investigation were involved in possible restrictive competition behavior through an agreement on bids between them.

Printing Procurement Market

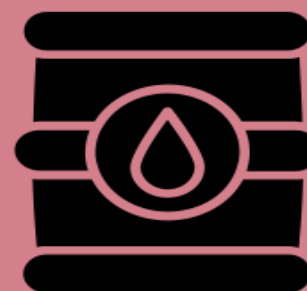


Decision no. 783, dated 12.03.2021

On the opening of the preliminary investigation procedure in the market of import and wholesale of chemical fertilizers and agricultural inputs

Based on the concerns raised in the media on the increase of the price of chemical fertilizers, CA has conducted monitoring in the market of import and wholesale of chemical fertilizers and agricultural inputs. From the evaluation of the collected information, it resulted that: in this market operate consolidated enterprises with significant market share where some of them enjoy exclusive rights in the trade of plant protection products, and where enterprises have realized joint imports and have ensure stock of products in warehouses by selling them at prices much higher than their purchase costs

Crude oil production and trading market



Decision no. 785, dated 25.03.2021

On the opening of the preliminary investigation procedure in the procurement market with object "Purchase of food for 2021", Lot I, Lot IV and Lot V, developed by the Contracting Authority, General Directorate of Nurseries and Kindergartens, Municipality of Tirana

From the evaluation of the information submitted by the General Directorate of Nurseries and Kindergartens, the Municipality of Tirana, as well as the PPC, reasonable suspicions are raised that MCCatering LLC and Eagle Cons LLC use the covered bid scheme by agreeing in advance which of them will submit the highest bid and which the winning bid in the procurement procedure where they will be participants, in order to qualify the one who has the lowest bid, creating the impression of a clean bid and a fair competition.

Procurement market with object "Purchase of food for 2021", Lot I, Lot IV and Lot V, developed by the Contracting Authority General Directorate of Nurseries and Kindergartens, Municipality of Tirana



Guidelines

Decision no. 778, dated 04.03.2021

On the approval of some additions and amendments to the Regulation "On determining the costs for following the procedures before the CA"

The CC decided to amend Article 4 "Tariffs for following the procedures in cases of control of concentrations" point 1 of the Regulation, as follows:

- a. Notification to the Competition Authority by the participating companies of a transaction, which does not meet the criteria set out in Article 10 or 12 of the law and for which the completion of the "Concentration Notification Form" is not required, is made against payment of 15,000 (fifteen thousand) lekë.
- b. Notification to the Competition Authority of the "Simplified Concentration Notification Form" by the participating enterprises, as defined in Articles 10 and 12 of the law (merging, acquiring control, for the establishment of a joint venture and for cases where part of the enterprise is affected by the transaction performed) is made against payment in the amount of 15,000 (fifteen thousand) ALL.
- c. Notification to the Competition Authority of the "Complete Concentration Notification Form" by the participating enterprises, as defined in Articles 10 and 12 of the law (merging, acquiring control, for the establishment of a joint venture and for cases where the enterprise is affected by the transaction performed) is made against the payment in the amount of 50,000 (fifty thousand) ALL. ”



Decision no. 781, dated 12.03.2021

Approval of the Guideline on best practices for the submission of economic evidence and data collection

This Guideline sets out the best practices regarding the generation, as well as the presentation of relevant economic and empirical evidence that can be taken into account when assessing a case / issue in relation to the application of Articles 4 and 9 of Law no. 9121/2003. For the Protection of Competition ”, as amended, or in cases of concentrations.

It provides rules regarding the submission of economic evidence, quantitative data, in order to provide timely data, which are relevant to investigative procedures.

The Guideline provides recommendations regarding the content and presentation of economic or econometric analyzes, emphasizing the importance of the way data is collected, describing in full the data sources, example, selection process, etc., in order to facilitate the evaluation and repetition of any empirical result by CA and / or other parties.



RECOMMENDATIONS

Decision no. 782, dated 12.03.2021

On giving recommendations to the undertaking KESH JSC regarding the expression of interest of the undertaking "Noa Energy Trade" LLC for concluding an agreement for exchange of electricity with KESH JSC

Based on the competition analysis, it was concluded that the expression of interest from the company "Noa Energy Trade" LLC for reaching an agreement for exchange of electricity with KESH JSC, does not contain restrictive provisions within the meaning of law no. 9121/2003, "On Protection of Competition", as amended.

KESH JSC, as an operator with a dominant position, is obliged to request a preliminary assessment by the CC for each future contract which establishes special or exclusive rights, for certain enterprises or products.



Decision no. 768, dated 28.01.2021

On giving some recommendations to the Water Regulatory Entity on the application for change of the tariff level for the Water Supply and Sewerage Enterprise Patos JSC

At the end of the competition analysis, the CC decided to recommend WRA:

a . To approve tariffs oriented towards the cost of services and based on the principle of non-discrimination for the enterprise WSS Patos JSC,

b . To request from WSS Patos JSC, the allocation of costs for the two services provided: water supply and sewage, as well as the presentation of subsidies received by notifying the Competition Authority within 90 days for the implementation of this recommendation.

c . To conduct an annual compliance audit in the costing system and make transparent the description of the costing system including subsidies and investments received.



Decision no. 780, dated 04.03.2021

On some recommendations for increasing competition in the public auction with the object "Auction sale of the shares of the Football Club "Vllaznia", developed by the Municipality of Shkodra

The Selling Authority has excluded the participation of natural persons, as argued above, and has set numerous criteria which go beyond the spirit and purpose of the LPA, as mentioned: in addition to contracts, transactions and similar experiences; also similar sponsorships up to 40% of the initial auction value, etc. These criteria distort competition by creating inequality of opportunity between economic operators.

CC decided to recommend to the Selling Authority, the Municipality of Shkodra, the review of the criteria set out in the SAD, in order to ensure equal opportunities for different economic operators, increasing participation in this auction procedure



CONCENTRATIONS

Decision no. 773, dated 18.02.2021

On the authorization of the concentration realized through the acquisition of control of Navistar International Corporation by Traton SE

Decision no. 770, dated 04.02.2021

On the authorization of the concentration realized through the acquisition of control of H-TEC Systems GmbH by tMAN Energy Solutions SE

Decision no. 767, dated 28.01.2021

On the authorization of the concentration realized through the acquisition of control of the Branch of Inso - System Per le Infrastrutture Sociali S.p.A by Fincantieri Infrastrutture S.p.A.

Decision no. 760, dated 14.01.2021

On the authorization of the concentration realized through the acquisition of control of Aviva Vita SPA by Unione di Banche Italiane S.p.A.

Decision no. 761, dated 22.01.2021

On the authorization of the concentration realized through the acquisition of control of Lombarda Vita S.p.A by Unione di Banche Italiane S.p.A.



Manufacture of urban buses and diesel engines, commercial and passenger ships, commercial and passenger vehicles, and agricultural machinery



Design, manufacture and sale of equipment and plants, including hardware and software, as well as consulting and services in the field of hydrogen technology and related technologies



Projektimi dhe ndërtimi i infrastrukturave në sektorin e kujdesit shëndetësor, si dhe instalimi, transformimi, zgjerimi dhe mirëmbajtja e sistemeve dhe shërbimeve të objekteve dhe infrastrukturave të kujdesit shëndetësor në përgjithësi



Providing credit insurance, investment protection, bonds and other insurance services, reinsurance and fund management



Insurance company

REJECTION OF REQUEST FOR DECISION REVIEW

Decision no. 763, dated 22.01.2021

Rejection of the request of Vodafone Albania JSC for the review of decision no. 758 dated 28.12.2020 "On the authorization of the concentration of ApNet SHPK by ABCom SHPK"

With decision no. 758, dated 28.12.2020, the Competition Commission fined ABCom LLC 0.2% of its turnover for 2019 or 3,986,270 (three million ninety eight thousand two hundred and seventy) ALL for notifying the concentration outside the 30-day deadline from the conclusion of the agreement, violating article 12 point 2 of Law no. 9121, dated 28.07.2003 "On the Protection of Competition", as amended

The Competition Commission rejected the request of Vodafone Albania JSC for the review of point 2 of CCD no. 758 dated 28.12.2020, as the allegations that the fine is discriminatory, disproportionate and unprecedented, are not based on law and evidence.

How to get in touch with the Albanian Competition Authority?

Website: www.caa.gov.al Email: competition@caa.gov.al

Adress: "Sami Frashëri" Street, No. 4, Floor IV, Tirana,1004

Monday - Thursday 08:00 - 16:30,

Friday 08:00 - 14:00

Telephone: +355 4 2234

+355 42234504, +355 42234497



@AutoritetiK



Autoriteti Konkurrencës

