



# Newsletter

## During July-September 2023, the Competition Authority made 23 decisions:

- **Prohibited agreements:** 1 decision;
- **Abuse with dominant position:** 1 decision;
- **Concentrations:** 14 decisions;
- **Temporary measure:** 1 decision;
- **Imposed fine:** 1 decision;
- **Exemption from prohibition:** 1 decision;
- **Sub-legal act:** 1 decision;
- **Investigative procedure:** 1 decision;
- **Other decisions:** 2 decisions.



## Among the most important decisions to mention:

### 1 Temporary measure

Taking a temporary measure against the undertaking Tirana International Airport LLC in the market of taxi services for travelers from and to Tirana International Airport

The Competition Commission concluded the temporary measure against the undertaking Tirana International Airport LLC in the market of taxi services for travelers from and to Tirana International Airport. Based on Article 44 of Law no. 9121/2003, referring to the undertaking Tirana International Airport LLC in the taxi service market for travelers and towards the International Airport of Tirana, ACA assessed that we are facing an emergency due to the risk of serious and irreparable damage to compete in this market, as there is likely to be a violation of Article 9 of Law.

For these reasons, the Competition Commission by Decision no. 987, dated 24.05.2023, decided to take a temporary measure against the undertaking Tirana International Airport LLC in the taxi service market for travelers from and to Tirana International Airport, as follows:

- Allowing unconditional access to all undertakings offering taxi service from and to Tirana International Airport.
- To remove the sign with the text "Taxi without passengers is prohibited", which prohibits the provision of this service in violation of law no. 9121/2003.

In case of non-implementation of the decision on the temporary measure cited in point (I) of this decision, the undertaking Tirana International Airport LLC is fined up to 10% of the annual turnover for a serious violation of competition pursuant to article 74, point 1, letter (b) of Law no. 9121/2003.



## 2 Concentration

Notification of the concentration carried out through the merger by absorption of the undertaking GEGA OIL JSC by the undertaking GENKLAUDIS JSC.

The Competition Commission took into consideration the notification of the concentration carried out through the merger by absorption of the undertaking GEGA OIL JSC by the undertaking GENKLAUDIS JSC.

The concentration created overlaps between the parties activities at the national level in the oil and gasoline market, but without significant effects on the market structure due to the small market share of the absorbed undertaking.

For these reasons, the Competition Commission by Decision no. 992, dated 08. 06. 2023, decided to authorize the concentration carried out through merger by absorption of the undertaking GEGA OIL JSC by the undertaking GENKLAUDIS JSC.

## 3 Imposed fine

The fine of the undertaking GEGA OIL GROUP JSC, for not notifying within the deadline of the concentration obtained through the absorption merger of the undertaking Gega Oil JSC by the undertaking Genklaudis JSC

The Competition Commission decided to impose a fine of 5,000,000 (five million) ALL on the undertaking Gega Oil Group JSC, as a result of the non-notification within the deadline by the undertaking Gega Oil Group JSC of the concentration obtained through the absorption merger of the undertaking Gega Oil JSC by the undertaking Genklaudis JSC.

Referring to the documentation filed to the Competition Authority, it is found that the transaction was not notified within the deadline defined in article 12, point 2 of law no. 9121, dated 28.07.2003 "On competition protection".

From the evaluation of the documentation, the Competition Commission identified the fact that the undertakings participating in the transaction (Genklaudis JSC and Gega Oil JSC) have committed an administrative violation in the sense of Article 73 of Law no. 9121/2003, which is considered a minor violation.

After assessing the effects that the transaction has brought on the relevant market, it was found that there is an overlap between the activities of the parties at the national level in the oil and gasoline market, but without significant effects on the structure of the relevant market due to the small market share of the absorbed company.

For these reasons, the Competition Commission, by Decision no. 993, dated 08.06.2023 imposed a fine on the undertaking GEGA OIL GROUP JSC, in the amount of 5,000,000 (five million) ALL, for not notifying within the deadline of the concentration obtained through the absorption merger of the undertaking Gega Oil JSC from the undertaking Genklaudis JSC.



## 4 Abuse of dominant position

The opening of the preliminary investigation procedure against the undertaking Tirana International Airport LLC in the taxi service market for travelers to and from Tirana International Airport.

The Competition Commission took into consideration the findings recorded during the monitoring of the taxi service market for travelers from and to the Tirana International Airport, from which it was established that, in the external arrivals area (or otherwise the Kiss&Fly area) of the Tirana International Airport, through a sign with the text "Taxi without passengers is prohibited", access by other undertakings is not allowed to offer taxi service for travelers from the airport to Tirana who do not have passengers inside. This access is allowed only for taxis of the undertaking Auto Holiday Albania.

Tirana International Airport LLC holds a dominant position, as it is the only entity that offers essential facilities at the international airport of Tirana.

For the above, it is estimated that there may be a violation of Article 9 of Law no. 9121, dated 28.07.2003 "On competition protection", where it is determined that it constitutes abuse on the part of an undertaking with a dominant position, refusing to offer services/products by placing them in unequal conditions of competition.

For these reasons, the Competition Commission, by decision no. 984, dated 11.05.2023 decided to open the preliminary investigation procedure against the undertaking Tirana International Airport LLC in the taxi service market for travelers from and to Tirana International Airport.



## Activity



In the framework of promoting the culture of competition, protecting free and effective competition in the market and effectively combating bid - rigging in public procurement procedures, the Competition Authority held on June 6, the Workshop with the Albanian Commercial Union with theme "Bid-rigging in Public Procurement Procedures Pursuant to Law no. 9121, dated 28.07.2003 "On the Competition Protection".

In his speech, the Chairman of the Competition Authority, Mr. Denar Biba, presented to the guests, the main specifics of the legislation for the protection of competition, as well as concrete cases from the Authority's activity related to previous investigations in the public procurement market, with participants from the business world.

This workshop was greeted by Mrs. Mira Pogaçi, Executive Director of "Albanian Commercial Union" Association.

This activity served to strengthen the legal framework for the protection of free and effective competition for the proper functioning of the market, especially in matters of public procurement, as well as the increase of cooperation between the Competition Authority, the "Albanian Commercial Union" and the business world, with aimed at identifying ways and means to address cases of bid-rigging.

