



Newsletter

During January-March 2023, the Competition Authority made 18 decisions:

- **Prohibited Agreements:** 2 decisions;
- **Concentrations:** 12 decisions;
- **Temporary measure:** 1 decision;
- **Exemption from prohibition:** 1 decision;
- **Legal assessment:** 1 decision;
- **Other decision:** 1 decision.



Among the most important decisions to mention:

1 Temporary measure

On the legal assessment of the act-agreement between DPSHTRR, DPT, the National Association of Driving Schools, the Association of Driving Schools “Siguria në Rrugë”

The Competition Commission, in its meeting on 01.03.2023, considered the issue "On the legal evaluation of the act-agreement concluded between DPSHTRR, DPT, the National Association of Driving Schools, the Association of Driving Schools “Siguria në Rrugë”, in relation to determination of the payment fee and the minimum fiscal cost for the preparation and equipment with a driving license.

In compliance with Article 44 of Law no. 9121/2003 "On Competition Protection", the Competition Commission assessed that the Agreement Act on the determination of the payment fee and the minimum fiscal cost for the preparation and equipment with a driving license, through the determination of the minimum fee, has eminent risk of causing serious and irreparable harm to competition in the provision of these services, seriously reducing the benefits that competitive markets offer to consumers.

As above, the Competition Commission, by decision no. 964, dated 01.03.2023 decided:

I. Taking temporary measures against the signatory parties of the Agreement Act no. 2729 prot., dated 13.02.2023: to the General Directorate of Road Transport Services, the Association "National Driving Schools", the Association of Driving Schools “Siguria në Rrugë” and the General Directorate of Taxes, as follows:

1. Prohibition of the implementation of Agreement Act no. 2729 prot., dated 13.02.2023, regarding the determination of the payment fee and the minimum fiscal cost for the preparation and equipment with a driving license;

II. The deposition to ACA of all the practice followed until the signing of this Agreement Act, in order to carry out its legal assessment, based on Article 4, Article 69 and 70 of Law no. 9121/2003 "On the Competition Protection";

The temporary measure is taken for a period of time until the end of the administrative procedure and the final decision of the Competition Commission.

III. The non-implementation of this decision constitutes a serious violation of competition in the sense of Article 74, point 1, letter b), of Law no. 9121/2003.



2 Concentration

The Competition Commission considered the concentration obtained through the creation of a joint venture, with full functions, by the undertakings Eagle Hills Real Estate Development SHPK and Albanian Seaports Development Company SHA.

From the competition analysis, the transaction establishing the joint venture, Durrës Marina SHA will not create any overlap or upstream or downstream relationship between the activities of the parties. For these reasons, the completed transaction will not bring change and will not have an impact on the construction market; sale and management of real estate as well as in the construction market and yacht marina service in the city of Durrës.

For these reasons, the Competition Commission by Decision no. 971, dated 07.04.2023, decided to authorize the concentration obtained through the creation of a joint venture, with full functions, by the undertakings Eagle Hills Real Estate Development SHPK and Albanian Seaports Development Company SHA.

3 Opening of the in-depth investigation

The market of production and sale of cement products

The Competition Commission considered the production and wholesale of gray and white cement.

Referring to the analysis of the market for the production and sale of the cement product, it results that from the evaluation of the behavior of the undertakings in the market, elements can be observed which may constitute a violation of competition in the sense of article 4 and 9 of the law no. 9121/2003 "On competition protection" ", with consequences for market competition.

For these reasons, the Competition Commission by Decision no. 969, dated 24.03.2023 decided to open the in-depth investigation procedure in the gray and white cement production and wholesale market.





4

The process of European Integration

"Bilateral Screening" Meeting of Chapter 8 "Competition Policy" 

In the framework of the country's European integration process, on March 6, 7 and 8, 2023, took place the "Bilateral Screening" meeting in Brussels, in which the Competition Authority (ACA) - as the leader of Chapter 8 "Competition Policy", was represented by the Chairman of the ACA, Mr. Denar Biba and other representatives of the institution.

During three very intense days, the meeting was focused on the presentations of ACA representatives, regarding the Legal and Institutional Framework of Chapter 8 "Competition Policy"; Antitrust Rules - Prohibited Agreements, Dominant Position; Control of Concentrations and presentation of concrete cases of implementation of Law no. 9121/2003 "On the Protection of Competition".

The leaders of the meeting, part of the European Commission, presented a series of questions which received concrete and professional answers from the ACA representatives, conveying a very correct and dignified representation in this important meeting.



Activity



On March 29-31, 2023, was held the 71st "Spring" Meeting on Antitrust Legislation, organized by the American Bar Association (ABA), in Washington DC, USA.

At the invitation of ABA, in this activity, the Competition Authority was represented by the Chairman of the Competition Authority, Mr. Denar Biba.

Among the various meetings held during this activity of special importance was the reception of the heads of the competition authorities present in the Department of Justice, by the Head of the Federal Trade Commission, Mrs. Lina Khan and Assistant US Attorney General, Mr. Jonathan Kantan.

The topics discussed at this conference covered issues related to new and digital markets, the structure of conditions and obligations in dynamic industries, agreements in offers in public procurement procedures, etc.

Leaders of competition agencies from 30 different countries, local and international experts, representatives of public agencies, the academic community and the business sector participated in this activity.

