

# Newsletter

## The Albanian Competition Authority issued 25 decisions during the period from October to December 2023:

- **Prohibited Agreement:** 1 decision;
- **Abuse of the dominant position:** 2 decisions;
- **Concentration:** 17 decisions;
- **Recomandation:** 1 decision;
- **Sub-legal acts:** 2 decisions;
- **Other decisions:** 2 decisions.



 Among the most significant decisions, we may highlight the following:

### 1 Opening of the in-depth procedure

The initiation of an in-depth investigation procedure in the public procurement market.

The Competition Commission reviewed the preliminary investigation report in the public procurement market concerning the undertakings Raimondo G.P SHPK and Li.Bo – Albania Branch SHPK.

During the assessment of the undertakings' behavior, it was observed that the undertakings might be using a cover bidding scheme by agreeing that one of the competitors would submit a bid containing specific terms that are unacceptable to the contracting authority.

As a result, based on Article 4, paragraph 1, of Law no. 9121, dated 28.07.2003, “On the protection of competition”, which prohibits all agreements aimed at or resulting in the prevention, restriction, or distortion of competition in the market, and the Guideline “On combating prohibited bid agreements in public procurements”, the behavior of the undertakings Raimondo G.P SHPK and Li.Bo – Albania Branch SHPK, in the procurement market with the objective “Purchase of equipment instruments, electric and digital tools (equipment for controlling and measuring cathodic protection CIPS and DCVG)”, developed by the contracting authority, Albanian Gas Services Company SHA, raises suspicions of potential competition restrictions through a questionable bid agreement between them.

For these reasons, the Competition Commission, by Decision no. 1026, dated 26.10.2023, decided to open an in-depth investigation procedure in the public procurement market against the undertakings Raimondo G.P SHPK and Li.Bo – Albania Branch SHPK. The in-depth investigation will cover the period from 26 September 2022, to 26 October 2023.

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## Opening of the in-depth investigation

**Opening of an in-depth investigation procedure against the undertakings Erzeni SHPK, Gjirofarma SHA, ADG SHPK (Lufra), and SHAKA Boboshticë SHPK in the market for the production and wholesale trade of dairy products.**

The Competition Commission reviewed the investigative procedure against the undertakings Erzeni SHPK, Gjirofarma SHA, ADG SHPK (Lufra), and SHAKA Boboshticë SHPK in the market for the production and wholesale trade of dairy products (cheese and butter).

Referring to the analysis of the market for the production and wholesale trade of dairy products, it appears that the behavior of undertakings with significant market shares, such as Erzeni SHPK, Gjirofarma SHA, ADG SHPK (Lufra), and SHAKA Boboshticë SHPK, may constitute abuse of dominant position according to Article 9 of Law no. 9121/2003.

For these reasons, the Competition Commission, by Decision no. 1045, dated 29.12.2023, decided to initiate an in-depth investigation procedure against the undertakings Erzeni SHPK, Gjirofarma SHA, ADG SHPK (Lufra), and SHAKA Boboshticë SHPK in the market for the production and wholesale trade of dairy products.

The in-depth investigation will cover the period from 1 January 2022, to 31 December 2023.

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## Concentration

**The case involves the notification of the concentration achieved through the acquisition of joint control of the company FIER Thermoelectric SHA by the companies DEPA Commercial S.A., GEK TERNA S.A., and GENER 2 SHPK.**

The Competition Commission reviewed the notification of the concentration achieved through the acquisition of joint control of the undertaking FIER Thermoelectric SHA by the undertakings DEPA Commercial S.A., GEK TERNA S.A., and GENER 2 SHPK.

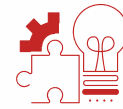
This concentration will not create any overlap or upstream or downstream relationships between the activities of the parties at the national level. For these reasons, the proposed transaction will not bring any change and will not have any impact on the Albanian market.

For these reasons, the Competition Commission, by Decision no. 1044, dated 29.12.2023, decided to authorize the concentration achieved through the acquisition of joint control of the undertaking FIER Thermoelectric SHA by the undertakings DEPA Commercial S.A., GEK TERNA S.A., and GENER 2 SHPK.





## Activities



The most important event of the year 2023 was the International Conference on the theme "20th Anniversary of the Law on Competition Protection in Albania: Independence and the Role of the Authority in Regulatory Reform, Law Enforcement, Advocacy, and Challenges towards Integration into the European Union," which took place on November 23 and 24, 2023.

In order to promote a culture of competition and commemorate Albania's 20-year journey in protecting free and effective competition in the market, this conference brought together experts from counterpart authorities from the region and Europe; representatives from the legislative, executive, and judicial branches of power; regulatory bodies; representatives from chambers of commerce, as well as participants from the academic and business world.

The conference was greeted by the Chairman of the Competition Authority, Mr. Denar Biba; the Chairman of the Committee on Economy and Finance, Mr. Eduard Shalësi; the Governor of the Bank of Albania, Mr. Gent Sejko; the UNDP Representative in Albania, Mr. Francisco Roquette; and the Deputy Ambassador of Germany to Albania, Mr. Thilo Schroeder.

Open discussions were also held in panels on topics such as the independence of the institution and its role in regulatory reform, challenges towards integration into the European Union, international cooperation, and the enforcement of competition law: antitrust and concentrations.

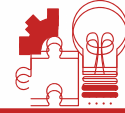
In the final section and his concluding remarks, the Chairman of the Competition Authority, Mr. Denar Biba, after thanking the co-organizers of the conference UNDP and GIZ, emphasized the importance of cooperation with international counterparts. He also thanked all participants and guests from the region and Europe for their contribution to this conference, successfully concluding the 20th anniversary of the Law on Competition Protection.







## Activities



The Competition Authority has also continued its collaboration with the academic world by organizing, on December 14, 2023, a workshop titled "Further Promotion of Competition Culture with the Academic World" in collaboration with the University of Tirana, held at the Faculty of Law. The workshop was attended by the Chairman of the Competition Authority, Mr. Denar Biba, representatives of the Competition Authority, professors, and students in the fields of law and economics.

These workshops and informative/educational meetings will continue to be organized by the Competition Authority not only in line with the suggestions of the Resolution of the Albanian Parliament, "On the assessment of the activities of the Competition Authority for the year 2022," but also as a mission that the authority has set for itself to further promote the culture of competition through intensified relations with the academic world on market regulation issues.

### The activity with the academic world.



### The activity with the business world

Continuing the collaboration with the business world, was held on 19 December 2023, a workshop, with representatives from the Business Association and the Chamber of Commerce on the topic "Legislative Framework for Competition Protection and the Need for a More Active Role of the Competition Authority in the Business Sector". Representatives from chambers of commerce, including Albanian, German, American, etc., legal offices, and businesses interested in gaining a more detailed understanding of competition protection legislation in Albania participated in this event. Such activities will continue to be organized in the following year as a tradition of the Competition Authority to foster communication with stakeholder groups, aiming at the awareness and promotion of the culture of competition.

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