

# Newsletter

## The Albanian Competition Authority issued 25 decisions during the period from January to March 2024:

- **Concentrations:** 17 decisions;
- **Recommendations:** 4 decisions;
- **Conditions and obligations:** 1 decision;
- **Other decisions:** 3 decisions.



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

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### Extension of the time frame in the procedure for in-depth investigation

The extension of the specified time period outlined in section "II" of the decision of the Competition Commission No. 1045 dated December 29, 2023, "Regarding the initiation of an in-depth investigation against undertakings Erzeni SHPK, Gjiofarma SHA, ADG SHPK (Lufra), SHAKA Boboshticë SHPK in the market for the production and wholesale trade of dairy by-products (cheese and butter)."

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

Taking into account recent media reports, particularly regarding protests by farmers, especially in the regions of Vlorë, Gjirokastra, Saranda, Delvina, Tepelena, Përmet, Fier, etc., regarding the purchase price of milk by collectors and dairy processing factories, following the meeting held by representatives of the Competition Authority on 23 January 2024, with farmers from the Levan area in Fier, and;

Based on Article 4 and 9, Article 24, Letter (d), and Article 43 of Law No. 9121, dated 28 July 2003, "On Competition Protection", the Competition Commission, by Decision No. 1052, dated 25 January 2024, decided to extend the time period specified in Section "II" of Competition Commission Decision No. 1045 dated 29 December 2023, "Regarding the initiation of an in-depth investigation against the undertakings Erzeni SHPK, Gjiofarma SHA, ADG SHPK (Lufra), SHAKA Boboshticë SHPK in the market for the production and wholesale trade of dairy by-products (cheese and butter)," by 6 (six) months, including the period from 1 January 2024, to 30 June 2024.

The Competition Commission emphasizes the importance of fully implementing comprehensive investigation procedures designed to analyze the conduct of undertakings in the market. This is essential to guarantee an impartial decision-making process and determine whether there are indications of impeding, distorting, or obstructing competition. In the event of any violations, the Commission will take appropriate measures in accordance with the provisions outlined in Law No. 9121 dated 28 July 2003, titled "On Competition Protection".

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## Closing of the in-depth investigation procedure

The closure of the in-depth investigation procedure into the public procurement market concerning the undertakings Raimondo G.P Shpk and Li.Bo-Albania Branch Shpk, and the imposition of certain obligations on these two undertakings. →

The Competition Commission considered the closure of the in-depth investigation procedure in the public procurement market regarding the undertakings Raimondo G.P Shpk and Li.Bo-Albania Branch Shpk and the imposition of certain obligations on these two undertakings.

The Competition Authority determined that:

- The undertakings Raimondo GP SHPK and Li.Bo-Albania Branch SHPK share the same legal address, email, and phone number.

Regarding this finding, during the hearing session, it was explained that the establishment of a legal address and a single email and phone number resulted from the contracting of Prime Advisory Albania SHPK for consultancy and accounting services. The enterprises explained that they retained the contacts of Prime Advisory because communications needed to be in Albanian, and the representatives of the enterprises are not fluent in Albanian. Prime Advisory Albania SHPK itself provides consultancy and accounting services for several foreign undertakings.

- The enterprises Raimondo GP SHPK and Li.Bo-Albania Branch SHPK have several documents that show similar elements.

Regarding this finding, during the hearing session, the enterprises explained that translations were provided with the assistance of Prime Advisory Albania, notarizations were carried out by the notary of the enterprise to which Prime Advisory refers for various procedures, and documentation from third parties such as bid security, bank statements, etc., were generated by Prime Advisory Albania. However, documentation related to the offered amount was independently prepared by each enterprise.

- Information gathered during the in-depth investigation procedure by the enterprise Raimondo GP SHPK, which also speaks on behalf of the undertaking Li.Bo Branch SHPK.

Regarding this finding, during the hearing session, the enterprise Raimondo GP SHPK explained that it did not speak on behalf of Li.Bo Branch SHPK but only referred to it as a related undertakings in this investigative process.

- Furthermore, due to the manner in which the undertakings Raimondo GP SHPK and Li.Bo-ALBANIA Branch SHPK conduct business in Albania, considering that Li.Bo has been a supplier to Raimondo GP SHPK and also because direct evidence was not found during the inspection procedure to prove the existence of a prohibited agreement between the enterprises, the Competition Commission assesses that, despite the existence of suspicions, there is insufficient evidence to establish the full conviction that in the procurement market for the object "Purchase of special tools and equipment, electrical and digital tools (equipment for cathodic protection and CIPS and DCVG measurement)," the undertakings Raimondo GP SHPK and Li.Bo-ALBANIA did not violate Article 4, paragraph 1 of Law No. 9121/2003.

For these reasons, the Competition Commission, by Decision No. 1049, dated January 16, 2024, decided:

1. The closure of the in-depth investigation procedure in the public procurement market against the undertakings Raimondo G.P SHPK and Li.Bo-Albania Branch SHPK.
  2. The obligation of the undertakings Raimondo G.P SHPK and Li.Bo-Albania Branch SHPK to make the necessary changes within 90 days to conduct independent activities from each other, specifically:
  3. To change the location of their business operations;
  4. To have separate email addresses and phone numbers;;
- The obligation of the undertakings Raimondo G.P SHPK and Li.Bo-Albania Branch SHPK to independently participate in public procurement procedures when offering individually.

## 3 Concentration

The case of concentration notification obtained through the acquisition of control of the undertaking FAB INVEST SHPK by the undertaking INSIG JETE SH.A.

The Competition Commission reviewed the concentration notification obtained through the acquisition of control of FAB INVEST SHPK by INSIG JETE SH.A.

From the competition analysis, it emerged that none of the parties, operating in different markets, holds a significant market share, posing no concerns for competition in the market and not leading to the exclusion of other competitors from the market.

For these reasons, the Competition Commission, by Decision No. 1047, dated 16 January 2024, decided to authorize the concentration obtained through the acquisition of control of FAB INVEST SHPK by INSIG JETE SH.A.



## Activities



On 23 January 2024, the Chairman of the Competition Authority, Mr. Denar Biba, along with representatives of the Authority, held a meeting in the Fier area with farmers who have been conducting several economic protests in recent days..

This meeting took place in response to concerns raised by farmers regarding the decrease in the price of milk by processing factories, a decrease which they believe indicates an unfair competitive situation and has led to a financial crisis, forcing some of them to close their businesses.

Presently, the Competition Authority, through Decision No. 1045, dated 29 December 2023, has initiated an in-depth investigation into the production and wholesale market of dairy by-products for the undertakings Erzeni SHPK, Gjiofarma SH.A, ADG SHPK (Lufra), and SHAKA Boboshtice SHPK.

Through this investigation, as well as hearings with the affected parties, the Competition Authority will ascertain whether there are signs of restriction, distortion, or hindrance of competition. In the event of violations, appropriate measures will be taken in accordance with the provisions of Law No. 9121 dated 28 July 2003, "On Competition Protection".

