

Newsletter

The Competition Authority during the months of July-September 2024 has taken 23 decisions:

- **Concentrations:** 16 decisions;
- **Recommendation:** 1 decision;
- **Decisions with fines:** 2 decisions;
- **Sub-legal acts:** 2 decisions;
- **Exemption from prohibition of the agreement:** 1 decision;
- **Other decisions:** 1 decision.



Among the most important decisions we can mention:

1 Recommendation

Providing some recommendations on changing the tariff level for the regional undertaking Water Supply and Sewerage Pogradec SHA.

The Competition Commission reviewed the application for the change of the tariff level for the regional undertaking Water Supply and Sewage Pogradec SHA.

From the review and evaluation of the information on the application for the change of the tariff level as well as the relevant draft decision "On the approval of the change of the tariffs for the water supply and wastewater disposal service for the regional undertaking Water Supply and Sewage Pogradec SHA", the Competition Commission, by decision no. 1094, dated 11.07.2024, decided to recommend to the Water Regulatory Authority as follows:

1. The changed tariffs, to be approved by the WRA for the regional enterprise Water Supply and Sewage Pogradec SHA, shall be oriented towards the cost of services and shall be based on the principle of non-discrimination.
2. The approval of the change of tariffs, considered by the KKRR, shall be published on the official website of the WRA.
3. To make transparent on the official website of the Municipality of Pogradec, the regional enterprise Water Supply and Sewerage Pogradec SHA the public hearing sessions held with stakeholders for the proposal to change tariffs.

2

Abuse of dominant position

The company ANTEA CEMENT SHA was fined in the amount of 97,700,736 Lek for a serious violation of Article 9, point 2, letters "a" and "c", of Law No. 9121/2003 "On the protection of competition".



During 2022, the Secretariat of the Competition Authority monitored the cement production/import and wholesale market, with the aim of identifying whether or not there are signs of restriction, distortion or obstruction of competition in this market.

In continuation of the procedure, after conducting inspections and analyzing data, an in-depth investigation report was drafted and communicated to the company Antea Cement SHA.

From the analysis of the sales prices of the company Antea Cement Albania SHA for the products gray cement 32.5 R with bags and 42.5 R refuxho, the comparison of the average sales price with the average production cost and the comparison of the average sales prices of the products inside and outside the country results that: the company Antea Cement Albania SHA applies excessive prices that have no reasonable relationship with the economic value of the product, as there is a significant difference between the average monthly sales price by cement type and the average monthly cost of cement production; in 2020, the average sales price of the product has increased, although the average cost of cement production has decreased; the sales price of cement abroad is lower than the sales price within the country; the company Antea Cement SHA has applied a lower price to one of its client companies in relation to other clients, for the period under investigation; Meanwhile, for another enterprise, it has unilaterally imposed unfair and unequal conditions for the same commercial transactions with its customers, placing them in unfavorable competitive conditions, behavior which is in contradiction with Article 9, point 2, letters a) and c), of Law No. 9121/2003.

As mentioned above, the Competition Commission, with decision no. 1091 dated 01.07.2024, decided to close the in-depth investigation procedure in the market for the production and sale of gray and white cement, as well as:

- The finding of abuse of the dominant position of the enterprise ANTEA CEMENT SHA in the market for the production and wholesale sale of gray cement.
- The fine of the enterprise ANTEA CEMENT SHA for serious violation of competition, specifically Article 9, point 2, letters a) and c), of Law No. 9121/2003, in the amount of 97,700,736 (ninety-seven million seven hundred thousand seven hundred thirty-six) Lekë.
- Monitoring the conduct of the enterprise Antea Cement SHA, for a period of 1 (one) year from the date of issuance of this decision.

3

Concentration

The case of the proposed concentration through the creation of a full-function joint venture by the companies Marcegaglia Steel S.P.A. and Manni Group S.P.A.

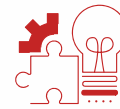
The Competition Commission has examined the proposed concentration through the creation of a full-function joint venture between the undertakings Marcegaglia Steel S.P.A. and Manni Group S.P.A.

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

For these reasons, the Competition Commission, **by decision no. 1109, dated 16.09.2024**, decided to authorize the proposed concentration through the creation of a full-function joint venture between the companies Marcegaglia Steel S.P.A. and Manni Group S.P.A.



Activities



On 18.07.2024, the Albanian Parliament held a plenary session where the Chairman of the Competition Commission, Mr. Denar Biba, presented the report on the activities of the Competition Authority for 2023.

In his speech, the Chairman of the Competition Authority, Mr. Biba presented a summary of the annual report on the activities of the Competition Authority, focusing on the main achievements of 2023, as well as on the implementation of the recommendations set out in the Resolution of the Parliament of the Republic of Albania.

During his speech, Mr. Biba informed the Parliament that during 2023, the Competition Commission has taken 93 decisions, carried out 15 monitoring and carried out 8 investigative procedures, in sensitive markets and with a direct impact on consumer welfare. During 2023, relations within and outside the country were intensified with the development of 5 activities: 1 (one) international conference, 1 (one) meeting with the academic world in Tirana and 3 (three) workshops with the business community. Within the framework of the National Plan for European Integration 2023 - 2025, the Competition Authority has fulfilled this plan 100%, by approving within the specified deadlines, 3 (three) foreseen sub-legal acts, in full compliance with European legislation in the field of competition. The Chairman of the Competition Authority emphasized that this institution will continue to fulfill its purpose as defined in Law no. 9121/2003, to ensure free and effective competition in the market, through monitoring, investigations and taking necessary measures in sensitive markets and with a direct impact on the welfare of the Albanian consumer, will continue the approximation of legislation within the framework of the European integration process and will remain engaged in promoting competition advocacy with stakeholders.

