

Newsletter

The Albanian Competition Authority issued 19 decisions during the period from April to June 2024:

- **Abuse of dominant position:** 1 decision;
- **Prohibited agreement:** 2 vendime;
- **Concentrations:** 8 decisions;
- **Recommendations:** 2 decisions;
- **Decisions with fines:** 2 decisions;
- **Conditions and obligations:** 1 decision;
- **Other decisions:** 3 decisions.



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

1

Prohibited Agreement

The wholesale fruit and vegetable collection and sales market in the districts of Tirana, Elbasan, Berat, Fier, and Korça is placed under preliminary investigation.

The Competition Commission, after completing the monitoring procedure in the wholesale fruit and vegetable collection and sales market, reviewed in its meeting on June 14, 2024, the proposal from the Competition Secretariat to initiate a preliminary investigation in this market for the districts of Tirana, Elbasan, Berat, Fier, and Korça.

Referring to the market structure, vertical integration, the behavior of collecting enterprises, and the significant differences in the product value chain from producers, collectors, wholesalers to the end consumer, we may be facing anti-competitive behavior as a result of agreements and/or coordinated practices between two or more enterprises operating in the wholesale fruit and vegetable collection and sales market, as defined in Article 4 of Law No. 9121 dated 28.07.2003 "On the Protection of Competition."

For these reasons, the Competition Commission, by **decision No. 1085, dated 14 June 2024**, decided to open the procedure for a preliminary investigation in the wholesale fruit and vegetable collection and sales market to determine whether there are violations of Article 4 of Law No. 9121/2003 "On the Protection of Competition."

The preliminary investigation covers the period from 1 January 2023 to 31 May 2024.

2

Abuse of dominant position

The opening of the procedure for an in-depth investigation into the market for the provision and access to internet services by management undertakings and internet undertakings in residential areas where these undertakings conduct their activities.



The Competition Commission reviewed the case of opening a procedure for an in-depth investigation into the market for the provision and access to internet services by management undertakings and internet undertakings in residential areas where these undertakings conduct their activities.

The Competition Commission, in support of Articles 9 and 42 of Law No. 9121, dated 28.07.2003 "On the Protection of Competition," with decision No. 1025, dated 18.10.2023, "On the opening of the preliminary investigation procedure against management enterprises in residential areas of the Tirana district in the market of internet service access," decided to open a preliminary investigation procedure against management enterprises in residential areas of the Tirana district in the market for internet service access, for the period from 1 January 2020 to 13 October 2023.

In implementation of this decision, based on Article 33 of Law No. 9121/2003, data and information were requested from management enterprises and from enterprises providing internet access services.

Following the analysis of the collected information and data, it was found that:

1. There are issues regarding the restriction of access by other management enterprises in residential areas in the Tirana district.
2. Some management enterprises have common shareholders with internet companies and operate in the same residential area, thus creating vertical integration. This raises suspicions that there may be violations of Article 4 of Law No. 9121/2003 in the market for the provision and access to internet services.
3. According to Article 9 of Law No. 9121, dated 28.07.2003 "On the Protection of Competition," the behavior of management enterprises could constitute an abuse of a dominant position by refusing access to other enterprises providing this service, applying unequal conditions for the same commercial actions with parties, and creating favorable conditions for establishing a dominant position of internet companies within the residential areas they manage.

For these reasons, the Competition Commission, by **decision No. 1078, dated 10.05.2024**, decided to open the procedure for an in-depth investigation into the market for the provision and access to internet services by management enterprises and internet companies in residential areas where these enterprises operate. The in-depth investigation covers the period from 1 January 2020 to 10 May 2024.

3 Concentration

The case of concentration notification obtained through the direct acquisition of control over the undertaking Ancala Topco Limited and the indirect acquisition of 50% of the share capital of the undertaking Dragon LNG Limited, by the undertaking VTTI ENERGY UK LTD.

The Competition Commission reviewed the proposed concentration through the direct acquisition of control over the company Ancala Topco Limited and the indirect acquisition of 50% of the share capital of the company Dragon LNG Limited, by VTTI ENERGY UK LTD.

The proposed transaction will not create overlaps or upstream or downstream relationships between the parties' activities at the national level. For these reasons, the intended transaction will not result in any changes or have an impact on the Albanian market.

For these reasons, the Competition Commission, with Decision No. 1088, dated 21.06.2024, decided to authorize the proposed concentration through the direct acquisition of control over the company Ancala Topco Limited and the indirect acquisition of 50% of the share capital of the company Dragon LNG Limited, by VTTI ENERGY UK LTD.



Activities



In the framework of strengthening the human capacities of the Competition Authority, with the assistance of Taixex (Technical Assistance and Information Exchange Instrument of the European Commission), in cooperation with the Polish Office of Competition and Consumer Protection, the Workshop on Competition Law Enforcement and Advocacy was held on 7-8 May 2024.

This activity was attended by three representatives of the Polish Office of Competition and Consumer Protection, Ms. Marta Michalak, Mr. Jan Ulański and Mr. Antoni Napieralski, who have many years of experience in the field of competition.

This Workshop aims to acquire Polish experience and exchange experiences in antitrust procedures and new challenges for the competition authority in dealing with existing, sensitive and new markets.

Such workshops will continue to be held throughout 2024 and beyond as a mission of the CA for continuous staff training, access to European Union experiences, towards improving and updating work practices in the field of competition and the policies implemented in its function.





Activities



As part of further promoting the culture of competition with the academic world, on 15 May 2024, at the premises of "Epoka" University, in collaboration with the Competition Authority and the Department of Law at "Epoka" University, the first student conference was held on the topic "Competition, Market, and Technology."

The conference was attended by the Chairman of the Competition Authority, Mr. Denar Biba, representatives of the Competition Authority, the Dean of "Epoka" University, Mr. Lisen Bashkurti, the Rector, Mr. Ahmet Oztas, and professors and students from the Department of Law at this university.

The Competition Authority encourages the organization and establishment of such conferences as a tradition, viewing them as one of the best ways to further promote the culture of competition through the intensification of relationships with the academic world.

On 16 May 2024, the Chairman of the Competition Authority, Mr. Denar Biba, welcomed an official delegation from the Turkish Competition Authority at the premises of the Competition Authority.

During this visit, ideas and thoughts were exchanged on best practices between the two institutions, with a particular focus on the need for bilateral cooperation, the exchange of experiences, and the possibility of training sessions aimed at increasing the capacities of the staff of the Albanian Competition Authority.

At the end of the meeting, the Turkish Competition Authority delegation invited Chairman Mr. Biba and Mr. Eduard Shalsi to participate in the competition conference to be held in Istanbul, Turkey, from 30 September to 2 October 2024.

