

Albania		
Competition Framework		
Competition Law	Law No. 9121 “On Competition Protection” dated July 28, 2003 is published in the Official Journal of Albania “Fletorja Zyrtare” (permalink: http://qbz.gov.al/cli/ligj/2003/07/28/9121). Law No. 9121 was most recently amended by Law No. 10 317 dated September 16, 2010 (permalink: http://qbz.gov.al/cli/ligj/2003/07/28/9121).	
Competition Authority	The Albanian Competition Authority (ACA) started its activity on March 1, 2004 based on Law No. 9121. Website: http://www.caa.gov.al/	
Policy-Making Agents		
-Diversification-		
How many agencies are responsible for competition enforcement?	Albania has one authority to ensure free and effective competition under Law No. 9121. ACA: is an independent public entity. The ACA is tasked with ensuring free and effective competition in the market under Law No. 9121. ACA is composed of the Commission (decision-making body) and the Secretariat (executive body) (see http://www.caa.gov.al/about/structure for the organizational chart). <i>[Please mention how many authorities have a general mandate to enforce competition in your jurisdiction. Include a brief reference on their duties e.g.: if they impose criminal, civil or administrative liability. The purpose is that readers can quickly understand, which are the agencies charged with competition enforcement in the jurisdiction, the difference between them, and if they have concurrent, overlapping, or exclusionary authority. Include the relevant provisions on which their powers are based. Exclude in this point sector regulators or enforcers]</i>	
Do sector regulators have a competition policy enforcement mandate?	No.	
Have the Competition Authority and other agencies signed protocols or memoranda of understanding with sector regulators?	No.	
Disaggregated Functions—Prosecutorial Model		
Are there different authorities or agencies that make the decision to investigate and the final ruling in the cases?	No	<i>[If the answer is yes, please explain briefly the enforcement process, and include the relevant provisions. The purpose of this question is to understand the enforcement model of the jurisdiction and establish how many independent authorities are involved in the enforcement process and what are their functions.]</i>
Are disputes presented for decision to judiciary authorities?	No	<i>[If the answer to your question is “Yes”, please introduce the name of the judiciary authorities that are involved and their role until the final decision in the process is achieved; exclude from this question judiciary authorities whose role in the process is the judicial review of administrative decisions.]</i>
Do private rights of action to challenge competition law infringements exist in your jurisdiction	Yes	Although a private right of action is possible per Article 65 of Law No. 9121, Albania lacks precedent for private enforcement of competition law.
* Please fill the next sections for each of the authorities mentioned in the prior sections excluding sector regulators		

ALBANIAN COMPETITION AUTHORITY

Status of the Competition Authority

Accountability	Please, answer "Yes" in the boxes of this line if any of the duties on the right column apply to the authority, and "No" if they do not.	Answer with X/√ as it applies		Please, in the boxes of this line mention the relevant provisions in which the obligations are based.
Does the Competition Authority have obligations before the executive?	Yes	X	Obligations to report to the executive on on-going investigations upon request.	
		X	The decisions of the Competition Authority may be vetoed by a ministry or by the executive branch.	
		√	The executive has to report on an annual basis to the executive.	Article 24 of Law No. 9121.
Does the Competition Authority have obligations before the legislature?	Yes	√	Obligation to publish an annual report on its activities.	Article 28 of Law No. 9121. Annual Reports are available on the ACA's website (http://www.caa.gov.al/publications/list/category/1/page/1)
		X	Obligation to stand before parliament and to respond to congressmen on an annual basis.	Article 24 of Law No. 9121 requires the ACA to give opinions upon Parliament's request on issues related to competition.
		X	Its activities are monitored by an independent auditor or by oversight committees.	
Does the Competition Authority have obligations before the judiciary or independent agencies?	Yes	√	Decisions of the Competition Authority are subject to judicial review.	Under Article 40 of Law No. 9121, the ACA's decisions may be appealed to the District Court of Tirana within 30 days from the date of notification of the ACA's decision. <i>Aside from the relevant provisions please mention the judicial authority charged with the review.</i>
		X	Decisions of the Competition Authority are subject to review or control of an independent authority different from the judiciary?	<i>Aside from the relevant provisions, please mention the authority charged</i>

			<i>with the review.</i>
		<p>Other obligations / comments: Please introduce any other obligation or comment that you consider relevant.</p> <p><i>[Introduce any comment that you consider relevant regarding the status of accountability of accountability of the competition authority.]</i></p>	
Independence	Please, answer “Yes” or “No”		
Are the criteria for appointment and removal of the head/board members clear and transparent?	Yes	Articles 21 and 22 of Law No. 9121.	
Does the executive have powers to decide on specific cases based on public interest?	No	<i>[Please introduce the relevant provisions, and if the answer to the question is “yes”, explain in which cases the executive can decide on public interest bases.]</i>	
Does the executive retain decision-making powers over the Competition Authority?	No		
Is the Competition Authority obliged to publish reasoned decisions to ensure transparency?	Yes	Articles 28, 47, 64 of Law No. 9121.	
Is there a provision of the national budget allocated by law to the Competition Authority to ensure its proper functioning?	Yes	Article 31 of Law No. 9121 states that Parliament approves the ACA's annual budget. Budgets for 2015 to 2023 are published on the ACA's website at http://caa.gov.al/transparency/budget . The budget for 2023 is 78,540,000 leke (\$828,918.15 USD). According to last year's annual report, the budget for 2022 was \$71,600,000 leke (\$767,272.76 USD).	
Can the Competition Authority be financed by its own means (notification fees, fines, etc.)?	No	Article 31 states that revenues collected under Law No. 9121 are disbursed to the State Budget.	
Governance of the Competition Authority			
Is the Competition Authority governed by a single chairman or by a collegiate body?	Single Chairman.		
How are the members of the Authority's directive organ chosen?	Commission members must meet the criteria established by Article 20 of Law No. 9121. According to Article 21, to be elected as a Commission member, the Commission member must receive the majority of votes in the presence of more than half of all members of the Parliament.		
Is there a fixed period during which removal is prohibited?	No	<i>[If your answer is “yes”, please introduce the duration of the tenure and the relevant provisions. If the answer is no, please refer if there are specific and restricted grounds under which the members of the Directive body can be removed; mention if they are elected for a term and introduce the relevant provisions]</i>	
Is the tenure of the heads renewable?	Yes	Under Article 21 of Law No. 9121, Commission members may be reappointed for another term (but may not be reappointed more than twice consecutively).	
Are the heads required by law to have certain minimum qualifications (degree in law or economics, age, experience)?	Yes	<p>Article 20 of Law No. 9121 establishes that Commission members:</p> <ul style="list-style-type: none"> - must be Albanian citizens - have no less than 15 years of work experience - be members of the university academic body for at least 5 years or have a scientific degree in the economic or justice field, specialty “Civil/Administrative Law” - not dismissed from work or civil service as a result of disciplinary measures. <p>Article 22 of Law No. 9121 also establishes that persons who are part of high leading structures of political parties, commercial associations, or persons who exercise economic activity shall not be Commission members.</p>	
Architecture			
Is the Competition Authority a stand-alone agency with an independent physical location or is it part of a bigger entity such as a ministry?	Stand-alone	<i>If your answer is “part of a bigger entity”, please explain briefly how the bigger entity is organized.</i>	

Policy Duties			
Does the Competition Authority have an exclusive mandate on competition or multiple mandates?	Exclusive	X	Concurrent consumer protection mandate.
		X	Concurrent IP mandate.
		Other mandates:	
Portfolio Instruments			
Law Enforcement			
Does the Competition Authority have powers to investigate cartels?	Yes	Article 4 of Law No. 9121 establishes the various types of prohibited agreements. The ACA may impose fines (Articles 73, 74, 75, 76). The ACA may also impose fines not exceeding 5 million leks (\$53,580.50 USD) on individuals if they intentionally or negligently carry out or cooperate sanctioned actions.	
Does the Competition Authority have powers to investigate unilateral Conduct?	Yes	Article 9 of Law No. 9121 prohibits abuse of a dominant position in the market and explains the forms of conduct that qualify as abuse of a dominant position (such as directly or indirectly imposing unfair purchase or selling prices or other unfair trading conditions, or limiting production, markets, or technical development. The ACA may impose fines (Articles 73, 74, 75, 76). The ACA may also impose fines not exceeding 5 million leks (\$53,580.50 USD) on individuals if they intentionally or negligently carry out or cooperate sanctioned actions.	
Does the Competition Authority have the powers to conduct <i>ex-ante</i> merger review?	Yes	Under Article 10 of Law No. 9121, concentrations of undertakings are defined as a merger of 2 or more independent undertakings, the acquisition of control over 1 or more undertakings whether by purchase of securities or assets, by contract, or any other legal means, and the creation by 2 or more undertakings of a full function joint venture. Concentrations that meet the thresholds defined in Article 12 must be notified to the ACA. Under Article 14, concentrations under Article 10 may not be put into effect before giving notice to the ACA. Per Article 54, the ACA will provide written confirmation of receipt of the notification. If the ACA finds that the transaction does not show any indication of significant restriction of competition in the market, the ACA will authorize the concentration within 2 months from the date of the notification. If the ACA finds indications of significant restriction, the ACA will authorize the concentration contingent on meeting certain conditions and obligations or open an in-depth investigation. Per Article 57, the ACA will decide to declare whether a concentration is prohibited within 3 months of starting an in-depth investigation.	
Is the notification of merger transactions mandatory?	Yes	Under Article 12 of Law No. 9121, concentrations must be notified to the ACA if in the financial year preceding the concentration: <ul style="list-style-type: none">- the aggregate worldwide turnover of all the participating undertakings exceeds 7 billion (approx. \$75M USD) and the individual turnover of at least one participating undertaking in Albania exceeds 200 million (approx. \$2M USD) ; or <ul style="list-style-type: none">- the aggregate turnover in Albania of all the	

		participating undertakings exceeds 400 million (approx. \$4M USD) and the turnover of at least one participating undertaking in the domestic market exceeds 200 million (approx. \$2M USD).
Can the parties close the transaction before the final decision of the Authority (suspensory effect of merger notification)?	No	Under Article 14, concentrations shall not be put into effect before its notification to the ACA, until it has been authorized by the AACCA, or until conditions attached to the authorization have been fulfilled.
Does the Competition Authority have the power to carry out <i>ex-post</i> merger investigations?	Yes	Under Article 59 of Law No. 9121, the ACA may conduct <i>ex-post</i> merger investigations (the deadline for the investigation starts at the point at which the ACA is in possession of complete information that should have been provided in the notification of concentration).
Does the Competition Authority have the power to impose remedies on <i>ex-post</i> merger investigations?	Yes	The ACA may impose penalties for failing to notify the ACA of a concentration, implementing a concentration before approval or after prohibition, or for failing to observe remedies imposed by the ACA (see Articles 59, 62).
Does the Competition Authority have powers to conduct dawn raids at premises?	Yes	The ACA may conduct dawn raids (see the Regulation on Investigation Procedures). An order from a judge is required.
Can the Competition Authority investigate <i>ex officio</i> cases?	Yes	Article 28 of Law No. 9121.
Does the Competition Authority have powers to accept leniency applications?	Yes	Under Article 77 of Law No. 9121, the ACA may grant total or partial immunity from fines to undertakings which help provide evidence of the prohibited practice and identify perpetrators based on information not previously available to the ACA. Relief from financial penalties is granted in proportion to the contribution made to identify and prohibit the violation. The ACA has issued a Regulation on the Fine Leniency Programme (http://caa.gov.al/laws/read/id/80).
Does the Competition Authority have powers to accept seek criminal punishment?	No	<i>[If the answer is "yes", please mention the different kinds of sanctions that the agency can impose]</i>
Advocacy		
Can the Competition Authority issue opinions on draft legislation?	Yes	Under Article 24 of Law No. 9121, the ACA may give opinions upon Parliament's request on issues or legislation related to competition.
Is the executive and/or the legislature obliged to request the opinion of the Competition Authority when drafting legislation that may impact competition?	No	<i>[If the answer is yes, include relevant provisions]</i>
Rulemaking		
Can the Competition Authority issue guidelines?	Non-Binding	√ Guidelines on the calculation of fines.
		√ Guidelines on merger control.
		√ Guidelines on the economic analysis of abuse of dominance cases.
Can the Competition Authority issue binding regulation on competition?	Yes	Under Article 24 of Law No. 9121, the ACA issues regulations and guidelines necessary for the implementation of Law No. 9121. These regulations and guidelines are available on the ACA's website

		http://caa.gov.al/laws/list/category/1/page/1 .
Research & Reporting		
Can the Competition Authority carry out market studies?	Yes	Under Article 41 of Law No. 9121, the ACA may conduct inquiries into sectors of the economy, may request undertakings or associations to provide the information required for the enquiry, and may publish a report on the industry-wide results and invite comments from interested parties.
Can the Competition Authority report to the legislature on the results of market studies?	Yes	Under Article 41 of Law No. 9121, the ACA may conduct inquiries into sectors of the economy on its own initiative or following a request from Parliament or other regulators.
Decision-Making Functions		
Aggregated Functions		
Does the Competition Authority make the decision to investigate and make guilty findings?	Yes	Article 42 of Law No. 9121.
Does the Competition Authority impose punishments?	Yes	For serious infringements, the ACA may impose fines of up to 10% of respective turnover generated in the preceding business year (Article 74). Article 75 explains the valuation of the fine, which takes into account the gravity, extent, and duration of the infringement. Under Article 76, the ACA may impose periodic fines (for each working day of delay not exceeding 5% of their average daily turnover in the preceding business year). These periodic fines may be imposed to compel undertakings to cease infringements, comply with a decision, or comply with a commitment.
Is there a single body that carries out the investigation and the guilty findings within the Competition Authority?	No	The Secretariat conducts administrative investigations (see Articles 27 and 28). The Secretariat then compiles and submits investigation reports to the Commission for decision-making. When the Commission has decided a case, the Secretariat will then ensure the decision is published and follow and supervise the implementation of the decision.
Can the Competition Authority's decisions be appealed to a court?	Yes	The ACA's decisions may be appealed and reviewed by a court (Administrative Court of First Instance, Administrative Court of Appeal, and then the High Court).
Please add commentaries or information that you consider relevant and were not covered in any of the previous sections and questions.		