“International Cooperation in Competition Law Enforcement”

(ACA experience)

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International Cooperation in Competition Law Enforcement

• The *mains focus* in the International Cooperation:

• Developing relationships with **National Competition Authorities** and with **International Organizations** that operate in the field of competition.
The model of cooperation

• **Bilateral cooperation** – through **Memorandums of Understanding** with the Competition Authorities - Italy, Hungary, Austria, Kosovo, Turkey, Croatia, and Malta.

• **Multilateral agreements** - in the framework of the “Sofia Competition Forum”.

Bilateral agreements

• In the framework of bilateral agreements and in the framework of the financial support by EU programs, we have made possible the training of ACA civil servants staff.

• In recent years through TAIEX Program, our inspectors have been trained by the Austrian Competition Authority and Italian Competition Authority.
Communication Network

• In the context of cooperation, we participate in various international organizations and we are part of the Communication Network.

• OECD-GVH/RCC; UNCTAD, ICN.
OECD-GVH/RCC Framework

• **Regional Center for Competition** in Budapest (RCC) - the Competition Authorities from South East European countries.

• **RFI (Request for information)** - RFI is a way how we share information, and receive the answer to various questions.
One case - Administrative fees

Authorization of concentrations

• Amendments to the Regulation “On administrative fees in the case of authorization of concentrations - merger & acquisition”.

• In the first phase, and the in-depth investigation phase.

• We shared the information for tariffs between the countries of the Balkan region and in EU countries.

• And especially we have analyzed the model of the countries in the region, which have the same economic level with Albania.
Session of the IGE/UNCTAD

• Attending the annual meetings of the *Intergovernmental Group of Experts on Competition Law and Policy* at UNCTAD.

• We can mention here the case, when issues in the football sports sector were on the agenda of the 17th session of the IGE.

• ACA has **opened the investigation** for the economic activity of the Albanian Football Federation.
In the framework of ICN


- We look forward to the cooperation of the Competition Authorities in the future under this Document.
OECD Manuals

• It is important to note that:

• all the ACA investigative activity, in terms of the markets investigated, are based on OECD manuals as best practice.

• The investigations carried out in recent years, referring to:

  • banking and insurance market; hospital market; public procurement; fuel market, telecommunications market; education market, etc.
OECD Global Competition Forum

• The ACA, for the **first time in 2018**, participated and made a **written contribution** to the OECD Global Competition Forum.

• (1) *Investigative powers in practice Session* (2) *Regional cooperation Session*.

• This year, 5-6 December 2019, the contribution will be to the Session IV- competition for the market
The cases of concentration transactions

• ACA in its activity has faced a few cases, where the national market has been affected by activities taking place outside the Republic of Albania - in particular in the cases of concentration transactions.

1. Acquisition by OTP Bank Nyrt of many General subsidiaries in the region.

2. The case of the acquisition of Avon Products by Natura Cosméticos SA.
In the framework of European Integration

• Albania has the candidate status in EU, from June 2014.

• Law no.9121/2003 “On protection of Competition”, as amended is *in line* with TFEU:

  1. Art.101 – Prohibited agreement & Art.102 - Abuse of dominance position.


  3. Sub legal acts are in the line with *EU acquis*. 
ECN + Directive

• ECN + Directive should also be applied to candidate countries.
• ECN + aims:
  1. to empower competition authorities to be more effective enforcers and to ensure the proper functioning of the internal market;
  2. to ensure cooperation between them - not only for the *implementation of investigative procedures* & to provide the *execution of the decisions* given by them.
For the future

• Through *coordinating our activities*, in the case of authorizing concentrations.

• Through exchanging information - allows us to *evaluate a region's benchmark*, based on comparative methods.

• Through *transposing EU legislation into national legislation*. 
Thanks for your attention!