

The Legal Regime of Competition in Albania

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Abstract

The proper application of competition regulations serves as one of the foundational elements of Albania's free market system. As a result, these regulations are viewed as an economic constitution. The effective application of competition regulations can be carried out by governmental bodies through administrative actions (public enforcement) or directly by those impacted by violations of competition law via legal proceedings (private enforcement). In Albania's situation, public enforcement has undergone ongoing changes and improvements. Conversely, there have yet to be any instances of private enforcement, despite the opportunities for such actions, particularly in pursuing damages related to decisions made under Albanian Competition Law. Nonetheless, additional focus is required in areas such as the collection of penalties and the adoption of government recommendations, among others. To achieve fully effective implementation of competition regulations, all institutional participants, including the judiciary and businesses, must take part to ensure positive contributions to Albania's economic development.

Keywords: Albania, competition, reform, European Union.

JEL Classification: K33

1. Introduction

Competition policy in Albania commenced in 1995 when the initial competition legislation was passed. Albania was among the pioneering nations in the Western Balkans to formulate its own competition laws.

The Competition Act of 1995 laid the groundwork for establishing competition policy institutions in Albania by facilitating the creation of the first public agency responsible for safeguarding competition in the nation: the Directorate of Economic Competition. However, this body was not entirely independent, as it functioned under the Ministry of Trade and Tourism. The progress in the discussions aimed at finalizing the Stabilization and Association Agreement between Albania and the European Union, coupled with the inadequacies in competition protection under the original national Competition Act, highlighted the need for a comprehensive reform of Albanian competition legislation to align entirely with European Union legal frameworks.

The revised law was enacted in 2003, primarily aimed at ensuring free and effective competition in the marketplace, detailing the conduct regulations for businesses, and identifying the institutions charged with competition protection and their responsibilities. This legislation took effect on 1 December 2003 and created the necessary framework for significant enhancements to the legal and institutional structures of competition in the country to ensure that competition policy was effectively enforced.

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2. General aspects

The first Law n° 8044 (LPC) in Albania for competition was approved in December 1995.² The Law contained provisions for monopoly, abuse of dominant position, antitrust, mergers and unfair competition.

The stagnation in the implementation of the competition law of Albania was criticized by the European Commission in its EU integration report in 2003.

What the Commission said in this important summary of Albania developments so far that new laws were necessary, as well as by an independent institution responsible for its implementation. A deep reform of the law and the political policy of Albanian competition was increasingly necessary to promote the economic development of the country.³ In this context, the new Law n. 9121 on the protection of competition was approved in 2003.

The protection of free and effective competition is therefore the most important object of the LPC. For this objective, the LPC has set up an authority of competition, the ACA, responsible for its application as an independent public authority with large powers regarding the implementation of the law. One of the most important differences between the 2 laws is the fact that unjust competition clauses are no longer included in the LPC: their regulation is left to other institutions in their respective work areas, such as consumer protection, intellectual, metric and calibration properties, etc. Even the parties that have suffered under an unjust competitive practice can face the courts directly.⁴ There are no more exemptions from the applicability of the LPC - includes all sectors of the economy, private and public companies, as well as companies that work in sectors of general economic interest.

Furthermore, the LPC applies to companies operating outside the territory of Albania, provided that their behavior is internal behavior. An important feature of the LPC is that the protection of free and effective competition is considered an important aspect of the constitutional economic principles established in article 11 of the Albanian Constitution - in fact, article 11 of the Albanian Constitution is specifically mentioned in the preamble of the LPC. This type of legal project, that is, the mention of the constitutional principles in the preamble of another legal act is very rare.

The preambles usually mention only procedural articles of the Constitution or articles that are directly relevant for the legislation given (such as the laws that regulate the activity of the constitutional institutions, etc.).⁵

Applicants for the Competition Committee (ACA) must meet a certain number of criteria, in particular: at least 15 years of professional experience and university experience or at least a title of doctorate in economics or law (private or administrative law).⁶

The search for appropriate candidates to meet these requirements has not been easy, and the competition commission has worked with only 4 members for a long time. The competition committee can make a decision only after the investigated parties

² Ermal Nazifi, Petrina Broka, „Review of the ten years of developments in the Albanian competitive law”, *Yearbook of Antitrust and Regulatory Studies*, vol. 8, issue 11, 2015: 129-148.

³ *Ibid*, p. 132.

⁴ *Ibid*, p. 133.

⁵ *Ibid*, p. 133.

⁶ *Ibid*, p. 134.

have the opportunity to be listened to. This is another important guarantee for a fair process. In this way, the committee acts as an almost-camp, based on the topics and tests of the secretariat on the one hand and the parts on the other.

The ACA decisions can be evaluated by the administrative court of Tirana, which decides both the benefits and the procedural aspects of cases.

In addition, ACA's work is watched by the Albanian parliament.⁷

Compared to its predecessor, the LPC regulates the question of the Tirana Court as the first court authorized to listen to all the requests for private damage regarding anti-concurrent practices in Albania. This new rule avoids the problems of choosing a competent court for those who have suffered damage due to a competitive practice.⁸ The new solution also guarantees better judicial services, because it is easier to train a limited number of judges (single court) in competition law and European jurisprudence in this sector. It is interesting to note that the main condition is that professional associations of competitors, suppliers, consumers and other buyers may require damage. This option is no longer available in the current legal framework.⁹ This is an important obstacle to the effectiveness of the private application of competition law in Albania.

According to the provisions of the Albanian Civil Procedure Code: "On behalf of her, a person can start a cause for the protection of a third party right if it is allowed by law". The LPC offers only this possibility for people who have suffered damage due to an anticoncurrence practice. However, it should be noted that consumer organizations that can face the Court through a representative action for the protection of consumer rights have only the right to request the violation of violation rights by the company. They cannot request compensation.¹⁰ In this case also, there is no mechanism that allows collective repair of damage. This option must be granted as soon as possible for consumer protection associations so that they can request compensation for damage suffering from consumers, including damage caused by contrary practices.

In this way, the effects of these measures on the protection of consumer rights will be more important - which guarantees better protection and greater deterrence. The improvement of private application will be one of the most important challenges that Albania confronts to further improve the implementation of its competition legislation. The LPC also allows individual and blocked exemptions and contains a minimis rule. The Albanian competition authority has also approved a leniency program, but there have not yet been requests.¹¹

The Competition Act of 2003 was modified in 2010 to achieve a further approach with the European Union legislation and to improve its practical implementation.¹²

In conclusion, the 2003 competition law is a solid base for an effective competition policy in Albania. However, its implementation is made possible only on the instrumental bases of the pertinent secondary legislation. Referring to the fulfillment of obligations, institutional initiatives and recent developments, notification and analysis

⁷ Ibid, p. 134.

⁸ Ibid, p. 135.

⁹ Ibid, p. 138.

¹⁰ Ibid, p. 139.

¹¹ Ibid, p. 140.

¹² Loreta Tozaj, „The overall albanian legal framework of competition”, *Management and Administration Journal*, vol. 44, issue 117, 2018: 65-70. <https://czasopisma.uph.edu.pl/znadministracja/article/view/417>.

of the European Commission in 2016, which Albania has a certain degree of preparation regarding the ability to meet competitive pressure and market forces within the Union. Albania has a certain level of preparation/ is moderately prepared in competition policy.¹³ There are some progress in the field of legislative coordination in all areas.

However, significant efforts are needed to improve legislative coordination and application in the field of state aid.¹⁴

The legislative framework is widely compliant with the acquisition and provisions of the stabilization and association agreement. The competition law is largely adapted to article 101 on the restrictive agreements and article 102 on the abuse of the dominant position of the agreement on the functioning of the European Union. The secondary legislation that offers further substantial rules and guidelines on how to apply competitive standards is widely compliant with the relative regulations and guidelines of the EU Committee.¹⁵ The anticoncurrence agreements in the perspective of the protection of competition and in Albanian practices and in the legal framework. The overall administrative and judicial capacities remain limited, and the country must need lasting efforts in order to strengthen them in order to be able to take charge of the obligations of medium - term membership.¹⁶

For this reason, the Council underlined in 2014 that a continuous implementation and a realization of reforms, including the judicial reform, for which the opening of negotiations is required (Commission 2014) to open the requirement of the judicial reform for the opening of EU negotiations in November 2014 in order to open up EU negotiations. The committee had three tasks, to create an indepth analysis of the current organizational status and the functioning of the judiciary to determine the problems and the needs; to design a strategic document for the objectives of the judiciary and to propose changes to the laws which require changes to allow the implementation of the judicial reforms.¹⁷

3. Institutional aspects

The current competition law in Albania regulates the three areas of the competition law, recognized by EU policy, which were heavily developed after regulation 1/2003.¹⁸

Contrary to the previous law, it has focused specifically in these three areas of competition legislation and the procedural aspects relating to the functioning of the national authority in the field of competition, while the previous legislation has concentrated on all areas of the market and the possibilities of unjust competition integrated in the current legal framework in the specific legislation

¹³ Ibid, p. 68.

¹⁴ Ibid, p. 68.

¹⁵ Ibid, p. 68.

¹⁶ Gentjan Skara, Bojana Hajdini. "Enforcement of the European Union Law before the Albanian Constitutional Court and the High Court", *Journal of Liberty and International Affairs*, vol. 7, issue 3, 2021, p. 229-249, <https://doi.org/10.47305/JLIA2137229s>.

¹⁷ Ibid, p. 231.

¹⁸ Endri Papajorgi, Artela Roshi, „ECJ Case 27/76 United Brands v Commission and Case 85/76 Hoffmann-La Roche analyzed in the framework of Albanian Competition law”, *Academic Journal of Business, Administration, Law and Social Sciences*, Vol. 9, issue 2, 2023: 12 - 20, <https://doi.org/10.2478/ajbals-2023-0002>.

The ACA was founded in 2004 applies the Law no.9121/2003 and over the years have strengthened cooperation with the market control authorities.¹⁹ Market regulators in the respective fields are the Authority for Electronic and Postal Services (AKEP) in telecommunications and post-market markets, The Bank of Albania (BOA) on the financial and banking markets, the Financial Market Supervisory Authority (AMF) on financial and insurance markets; the Authority of the energy regulator (ERE) on the natural gas and electricity markets; the Water Regulatory Authority (ERRU) in the water supply and the sector of the disposal of wastewater and treatment, the Agency for Public Procurement (APP) on public procurement markets, the audiovisual Media Authority (AMA) in the activity of the audiovisual media and its support services, the Albanian civil aviation authority (ACAA) on the air traffic markets, the authority of the port of Durrës (PMA), the authority of the port of Vlora (PAV) and the Maritime Authority of Shëngjin (PASH) on the Maritime Transport Market and the ministries that are responsible for transport, energy, agriculture, mining, etc.

The ACA intervenes on the markets, monitoring them in relation to cartel or merger.²⁰ The Committee is made up of five members elected by Parliament on the basis of a proposal by the President (1 member), the Council of Ministers (2 members) and the Parliament (2 members).²¹ The secretariat is legally declared as functionally independent of the Committee. However, the functional separation is not complete, since the Commission supervises the work of the secretariat and chooses the secretary general, who manages the secretariat. The secretariat is responsible for conducting investigations. After completing an investigation, the secretary general submits a report to the commission who decides a case. ACA launches surveys based on a decision taken by the Commission or a complaint of third parties. The ACA survey powers are similar to those of the EC.²²

However, the ACA needs the approval of the court in order to carry out an unexpected inspection of the private chambers. After completing an investigation, the commission regularly decides an hearing.

Before the committee takes a final decision, the Committee discusses a case together with the Secretary General, the Department heads and the members of the research group.

The Committee can make decisions on violation, distribution decisions and decisions on temporary measures in antitrust cases. It can impose fines, periodic fines and some procedural fines. The number of investigations and completed cases have constantly increased since the ACA is established. The maximum amount of fines complies with EU legislation. ACA tended to impose high fines in practice.²³ Albania was subject to a judicial reform in 2012 which had a significant impact on competitive

¹⁹ Organisation for Economic Cooperation and Development, *Interactions between competition authorities and sector regulators – Contribution from Albania*, 2022, [https://one.oecd.org/document/DAF/COMP/GF/WD\(2022\)4/en/pdf](https://one.oecd.org/document/DAF/COMP/GF/WD(2022)4/en/pdf), accessed on 10.12.2025.

²⁰ Ibid, p. 4.

²¹ Dijana Marković-Bajalović, „Competition Enforcement Models in the Western Balkans Countries – The Rule of Law Still Terra Incognita?”, *Yearbook of Antitrust and Regulatory Studies*, vol. 13, issue 22, 2020: 27-66. <https://doi.org/10.7172/1689-9024.YARS.2020.13.22.2>.

²² Ibid, p. 42.

²³ Ibid, p. 42.

affairs.²⁴

Administrative courts are founded by the law from 2012. These courts were responsible for the defenders's disputes against the decisions of the ACA. A damaged part can induce a cause to withdraw or modify an administrative act in whole or in part, or for the obligation of the public body to modify an administrative law or for the absolute void of a law. The Court must carefully determine the facts of the dispute without being bound by the requests of the parties. However, the parties during the hearing present their opinions in writing, except when they ask the Court to submit their statements orally. The Court can instruct the parties when they present their oral statements to focus on issues that are the burden of the proof of the ACA.²⁵

The judgment of the Court of first instance can be appealed to the Administrative Court of Appeal. The Court of Appeal can hold an audition if it believes that it is necessary to verify new facts and evidence that have been submitted to the Court or if the Court initially based its decision on serious procedural violations or false facts.²⁶

The methodology for determining fines is also regulated in the same way.²⁷

In particular, according to the regulations contained in the competitive laws of the countries in question, the calculation of fines is calculated in accordance with this procedure. First, the basic amount of each company or the association of companies is determined. The basic amount of the fine is determined in reference to the value of the sales of goods for which the violation was committed, taking into account the importance of the violation. When determining very serious violations (for example, prices and market share), the basic amount of up to 30% of the value of sales can be determined.²⁸ The fixed base amount can be adapted or adjusted according to aggravating or attenuating circumstances. It is important to mention that in Kosovo, Albania and Northern Macedonia, the practice of exemption from fines is applied to the company, that the responsibility for the competition initially reports on the existence of a prohibited agreement in which it is also participating.²⁹

The challenge for the Competition Authority in Albania remains the execution of the fines imposed for the violation of competition rules concerning agreements and other violations.³⁰

4. Practical aspects

The Law from 2003 defines the concept of a secret agreement in article 3. The agreements have positive and negative consequences. According to the negative consequences, we affirm the exclusion of other competitors through the occurrence of obstacles to access, weakening the competition between different brands, increasing the

²⁴ Ibid, p. 43.

²⁵ Ibid, p. 44.

²⁶ Ibid, p. 44.

²⁷ Adnan Jashari, Egzone Osmanaj, *Comparative analysis in relation to the prohibition of competitive similarities in Kosovo, North Macedonia and Albania*, Zbornik Pravnog fakulteta u Zagrebu, Vol. 73, No. 1, 2023: 119-156, <https://doi.org/10.3935/zpfz.73.1.05>.

²⁸ Ibid, p. 144.

²⁹ Ibid, p. 144.

³⁰ Ibid, p. 147.

possibility of concluding similarities between competitors and reducing competition among the distributors of the same brand.³¹

On the other hand, an agreement can also have positive effects, such as facilitating access to a new market, promotion and encouragement of sellers for new investments in equipment and new technologies, etc.

In the Treaty of the European Community there are two rules that prohibit agreements that are obliged to satisfy, therefore effective competition is insured. First of all, the agreements between two or more companies that limit competition are prohibited on the basis of article 81 of the treaty. This condition includes a diversified range of the attitude of companies. The most obvious example that contradicts article 81 is the sign between competitors (which can mean that dependence on prices or market exchange).

Secondly, the companies that are in the dominant market position are not authorized to abuse with such a dominant position, a ban provided for in article 82 of the European Community Convention). This may be the case of prices to eliminate competitors on the market.³² Article 4 of the law "on the protection of competition" defines cases in which an agreement is considered prohibited. The cartels are generally harmful to consumers, and for the entire society, which is involved in the fact that participants are involved in higher prices. The price is a classic element in all cases of cartels. With such behavioral lawyers, competitors try to avoid competition from prices between them at the expense of the consumer using higher prices. This can be done horizontally, but also on a vertical level.³³ At this level, the price mode occurs when a service provider or a manufacturer tries to force the distributor to apply a certain price for its products.

All this attitude is illegality and is involved in the most serious violations made for competition. Companies that motivate a secret agreement are mainly present in retail markets, for products in the field of services, in which companies generally compete more based on the price rather than quality. As a result of this attitude, consumers are required to pay higher prices than the competitive level. In particular, these horizontal agreements, which cannot be justified with advantages and economic efficiency, must necessarily be stopped.

On the other hand, the analysis of restrictions on competition and the balance of negative consequences and positive consequences must take into account the characteristics of small economies such as the Albanian market if the competition policy towards horizontal agreements which should determine the prices are the same with the guidelines considered internationally. In order to determine whether we are faced with an agreement or not, certain specific indicators must be assessed, the analysis of which would provide us with a complete image and determine the case by the case, whether we are before an agreement between companies or not, whose existence has signs of restrictions or competition prevention.³⁴

The law on the protection of competition covers control of mergers and competitive behavior (agreements and abuse of dominant positions). The law constitutes

³¹ Rezana Konomi Perolla, Zhaklina Peto, „The anti-competitive agreements in the prospective of the law on competition protection An inside in the Albanian practices and legal framework”, *Academicus. International Scientific Journal*, issue 12, 2015: 59-72.

³² Ibid, p. 64.

³³ Ibid, p. 64.

³⁴ Ibid, p. 65.

the basis of an independent competition authority, contains detailed rules for administrative and civil procedures and provides fines. Definitions and general provisions include standard rules for the definition of businesses and the extraterritorial effect of the law. The law aims to protect free and efficient competition (article 1 LPC).³⁵

Free competition concerns the freedom of market players in order to offer or acquire goods and services without restriction, and is based on the principle of the market economy provided for in the Albanian Constitution. This makes competition law a fundamental legal basis for the operation and guarantee of the market economy.

The objective is to protect effective competition, which is used as a general reference to maximize social well-being. Article 4 reflects article 81 EC by prohibiting agreements which cause competition, restriction or distortion of competition as an object or prevention.³⁶ According to Albanian law to protect the competition, obligations should submit a request for an exemption from this prohibition (article 5, 6 and 7).

Although one can imagine deleting the obligation to inform, it could also be offered in an optional revised law of obligations which aim at more legal certainty. The more the law is applied, the more companies need legal security. The exemption can be granted whether the limitation of competition, pursuant to article 4, can be justified on the basis of economic efficiency.³⁷

The agreement should be the most suitable way to reduce costs and manage article 1 states that the law applies to all companies and associations of the companies that carry out activities in the territory of the Republic of Albania or apply to the companies that carry out activities abroad, when the consequences of this activity are demonstrated on the domestic market. The concept of the companies and associations of companies is widely defined in article 2.³⁸ The law is based on article 11 of the Constitution of the Republic of Albania, which defines the economic system of Albania as a market economy and guarantees the freedom of economic activity. Article 6 contains some examples of vertical chords which may be excluded, and article 7 LPC announces some special conditions for license agreements.

Unlike the previous law, which made the structural separation of companies compulsory in a dominant position, the new provisions prohibit the abuse of the dominant position, and not the dominant position itself. However, the new law expressly provides structural remedies as one of the measures that can be adopted in the event of abusive behavior. Although the law was established and adopted before applying the new regulation 1/2003, the Albanian law introduced a provision similar to that of the new regulation of article 9 1/2003. Article 8 LPC contains the criteria for evaluating a dominant position: the relevant market share of the examination examined and that of other competitors; entry barriers; potential competition; the economic and financial power of companies; the economic dependence of suppliers and buyers; the consideration of buyers/customers; the development of the company's commercial network and access to supply sources for products; And the links of the company with

³⁵ Pranvera Kellenzi, „Competition Law in Albania”, 28 July 2003, *e-Competitions* July 2003, Art. N° 25931, <https://www.concurrences.com/en/bulletin/news-issues/july-2003/Competition-law-in-Albania>.

³⁶ *Ibid*, p. 2.

³⁷ *Ibid*, p. 2.

³⁸ *Ibid*, p. 2.

other companies.

The law refers to other characteristics of oligopolistic markets such as the homogeneity of the products, market transparency, cost and size, stability of demand or free production capacity. The relevant market is defined in article 3 LPC, and the competition authority was based on the relevant market on the relevant market on the relevant market on the relevant market.³⁹ The approach to the granting of a certain number of criteria for determining domination is flexible enough to cover certain situations such as economic dependence.

Article 8 LPC explicitly afflicting economic dependence on suppliers and buyers and can be interpreted as coverage cases that cannot dominate, as a supplier that depends economically on a buyer and vice versa. Article 9, paragraph 2, LPC is based on article 82 EC and contains examples of offensive behavior.

However, it was necessary to change the formulation to clarify to companies and add some other examples of offensive behavior to the list, such as the refusal of the contract or the refusal to give access to essential infrastructures. The law explicitly offers dominant companies the opportunity to demonstrate that it has objective reasons to assume a certain behavior.⁴⁰

According to Article 9, paragraph 3 of LPC, behavior is not considered offensive if the dominant company justifies it for objective reasons. Offensive behavior can be used by direct or indirectly unjust purchase or indirect sales prices or other unjust commercial conditions, limiting production, markets or technical development; apply ineffective conditions to equivalent transactions with other commercial parties, so that they are placed in a competitive disadvantage, the conclusion of the contracts subject to acceptance by the other parties of further obligations; undertake prices or other conditions that have as the object or have the prevention of entry or the exclusion of the market for specific competitors or one of their products, refusal to act or refuse to give the license. The refusal to allow another access to your networks or other infrastructure structures of companies with a dominant position, against a sufficient reward, provided that, without such use, the other company is unable to work as a competitor of the company with a dominant position.⁴¹

The new law has strengthened the provisions of a previous notification and authorization of the concentrations between the companies and has considerably increased the thresholds. The mergers must be informed if the combined global turnover of all participating companies is over 70 milliard lek or if the internal combined turnover of all the participating companies is over 800 million losses. The law provides that the internal turnover of at least one participating company must be over 500 million lek.⁴²

This is the reason why the acquisition by a company that operates outside the territory of a control participant must inform the authorization authority authority in a company with an activity in Albania above the threshold.

Although the law has not provided the obligation to break companies before privatization, the law explicitly provides structural or behavioral remedies in the context of control of the merger, which in these cases can also be used. The ACA has issued a

³⁹ Ibid, p. 3.

⁴⁰ Ibid, p. 4.

⁴¹ Ibid, p. 4.

⁴² Ibid, p. 5.

simplified notification module that applies to these types of transactions. The introduction of an prior authorization procedure has enabled the power to assess the competitive conditions on various markets, in particular in the banking sector, in which Albania experienced a wave of mergers and acquisitions in 2007 and 2008, and experienced entries of foreign banks and other financial institutions.

The Competition Authority has done considerable work to improve the legal framework by issuing regulations and implementation directives and constantly update them. The implementation regulations on procedural rules and directives for notification forms are particularly interesting for the business world. The concentrations must be informed in the week following the conclusion of the contract or another type of binding obligation. The obligation to notify is accompanied by an LPC at article 10. The concept also covers the acquisition of a controlling participation of a natural person (see the definitions of "the company" and "economic activity" in article 3 LPC).⁴³ Article 13, paragraph 2, of LPC, says that the ACA may not prohibit concentrations, with one of the companies that takes the failure seriously. However, the ACA must evaluate whether this company is in a situation such as to leave the market in the near future without concentration without serious prospects to reorganize. In addition, the parties and authority must evaluate if there is no less competitive alternative.

The law explicitly offers the possibility of ACA to accompany the authorization with conditions and obligations. The ACA can impose a means which allows the elimination of contrary effects or measures which allow the correct use of conditions and obligations. Determination stipulates that funds should be proportional to the competitive effects of concentration. From a procedural point of view, the law provides for a two -story procedure; the ACA must decide within two months of the notification whether the incoming procedure that lasts or not must be opened or not. The deadlines can be extended with the agreement of the parties.

Article 14 LPC indicates that a concentration only before it informs near the authority or until it is approved by the authority, or until the approval conditions are met. The ACA can impose fines of companies from 2% to 10% of the total turnover of the previous year of work for the violation of the obligation of inactivity.⁴⁴ Article 61 LPC provides the sale of parties of companies and any form of participation in a company, the interruption or conclusion of contractual relations with third parties and the concession of licenses or, in general, the obligation to act in a certain way. The law has established a new independent competition authority. The authority was completed by the Committee, which has decision-making power and its secretariat. Five members elected by Parliament.

The new law gives the ACA and its secretariat the possibility to investigate and collect the necessary information. The companies are obliged to provide information requested by ACA.⁴⁵ Investigators can enter business buildings and offices. You can also enter the head of the company, including administrators, managers, administrators and other employees, provided that investigators have the approval of the courts. If necessary, the researchers of the Authority can seize objects, which can be important as evidence in investigations.

⁴³ Ibid, p. 5.

⁴⁴ Ibid, p. 5.

⁴⁵ Ibid, p. 6.

The ACA can give recommendations and give opinions to the central and local government on the anti-concurrence effects of the planned legislation.⁴⁶ The law requires explicit central and local administrative structures to inform the ACA of a standard law project which, in particular, refers to quantitative restrictions regarding access to trade and market, to the adoption of exclusive rights or special rights in certain areas, for some companies or products, including uniform practices impossible in prices and conditions of sale. The objective is to provide local and central governments and other authorities with the necessary instruments and a clear methodology for the evaluation of the possible competitive effects of their laws. However, the ACA can keep the documents confiscated for only 72 hours, and the court can extend this deadline for a maximum of 6 months.⁴⁷ In addition to the assessment of the possible impact of the legislation project, the ACA must collaborate with other sectoral regulatory authorities in the application of the law.

5. New aspects

According to the model of the EU competition law, the 2003 law is relevant to any type of agreement: formal or informal, tacit or explicit, horizontal (that is to say the agreements between companies that are exploited at the same level of production) or vertical (that is, agreements between companies that can be exploited at different production levels), can prevent competition, restore competition, or competitive district) which can prevent or condemn competition.

Unlike the 1995 law, the application of the law is no longer limited to certain sectors, such as agriculture, forestry or food sectors. While the law provides for a specific treatment of intellectual and industrial property rights agreements for which the exception is automatically granted if the competition authority does not respond within three months of notification. Other agreements which fall under the gray list must be expressly released from competitive authority so as not to oppose the law.⁴⁸

As already mentioned in the law, the activity of the competition authority has focused on the implementation of the law "to protect competition", which is based on three main pillars which determine the protection of competition: abuse with the dominant position; Prohibited agreements in the form of cartels, merger or business concentration.

The mission of the Competition Authority is the protection of free and effective competition on the market thanks to the implementation of competition legislation. This legislation defines the rules of conduct to ensure the legal protection of the competition.⁴⁹ Unlike its predecessors law, which provides for appropriate powers to investigate and impose sanctions, the new law provides such an increase in application powers. An investigation can now be opened not only by the competition authority, not only on the basis of an official complaint, but also by the authority of an officer.⁵⁰ In addition, the new law authorizes the Competition Authority to enter the space during an

⁴⁶ Ibid, p. 6.

⁴⁷ Ibid, p. 6.

⁴⁸ Raimonda Duka, Erinda Bllaca, „Albanian competition policy versus implementation of the Competition Law”, *Romanian Economic and Business Review* vol. 7(1), 2012: 14-23.

⁴⁹ Ibid, p. 19.

⁵⁰ Ibid, p. 19.

investigation procedure, to confiscate documents which are supposed to be proof in the procedures which oblige witnesses to testify or to require that sanctions for a delayed or incomplete determination of the relevant documents are imposed by the investigation of the company.

In general, sanctions in cases where companies violate the legislation (which has increased by the new law) is sufficient to act in a certain way, to interrupt contractual relations, or not to refrain from the act of contractual relations in order to take the necessary measures to restore the status quo, in particular to separate the separation of sex uses or rescue.

Criminal responsibility can no longer be imposed in the event of violation of the Albanian competition law.⁵¹

According to the strategy of strengthening the global establishment of competitive legislation, the new law provides for an important element of the appeal. Parties that have undergone a loss by competitive behavior from a certain business can obtain compensation against this company in the civil chamber of court of the Tirana district.

This right to judicial appeal is added to the traditional administrative procedure before the Competition Authority, and such a procedure may be carried out independently of the administrative procedures carried out by the competitive authority. However, requests for exemption from the prohibition of an agreement and the concentrations control procedures are not the responsibility of the courts.

6. Conclusions

Albania possesses an up-to-date legal and institutional system aimed at safeguarding competition, which consistently adapts to the most recent changes in European Union competition legislation.

The laws in place at the national level facilitate a robust competition policy applicable to every sector of the economy.

Achieving success in this area mainly relies on the ongoing initiatives of the Albanian Competition Authority to foster a culture of competition among economic actors in the nation and to support national decision-makers in avoiding actions that could negatively impact competition.

The Authority's engagement in regulatory reforms and its promotion of competition through numerous recommendations to sector regulators certainly yield positive outcomes for the operation of the respective markets.

Addressing cartel activities presents a challenge that necessitates enhancements to the national leniency policy, as well as strengthening collaboration with partner-state entities regarding measures against bid rigging in public tenders.

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⁵¹ Ibid, p. 20.

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