

ALBANIA			
COMPETITION FRAMEWORK			
Competition Law	The Competition Law no 9121/2003, “On Competition Protection,” amended by Law no. 10317/2010, was enacted on July 28, 2003.		
Competition Authority	The Competition Commission (“Autoriteti i Konkurrencës”) started functioning in March 2004. Website: http://www.caa.gov.al/?lng=en		
STATUS OF THE COMPETITION AUTHORITY			
Accountability			
Does the Competition Authority have obligations before the executive?	No	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.
		X	The Competition Authority has to report on an annual basis to the executive.
		Other obligations/comments: Non, the Competition Commission is an independent body and its independence is prescribed in its competition law that states that no one can influence the decisions of the Competition Commission.	
Does the Competition Authority have obligations before the legislature?	Yes	√	Obligation to publish an annual report on its activities.
		√	Obligation to stand before parliament and to respond to congressmen on an annual basis.
		√	Its activities are monitored by an independent auditor or by oversight committees.
		Other obligations/comments: See article 24 of the Competition Law.	
Does the Competition Authority have obligations before the judiciary?	Yes	√	Decisions of the Competition Authority are subject to judicial review.
		Other obligations/comments: Decisions of the Competition Commission on concentration procedures are final. Other decisions can be appealed to the Tirana District Court.	
Independence			
Are the criteria for appointment and removal of the head/board members clear and transparent?	Yes	See Competition Law, articles 20 (“Criteria”), 21 (“Election process”) and 23 (“Irreconcilability and release of Commission’s members”).	
Does the executive have powers to decide on specific cases based on public interest?	No		
Does the executive retain decision-making powers over the Competition Authority?	No		
Is the Competition Authority obliged to publish its reasoned decisions to ensure transparency?	Yes	See Competition Law, articles 52 and 64 (“Publication of the merger notification and initiation of in-depth investigation procedures”). The decisions are published in both the Authority Official Bulletin and in the website.	
Is there a provision of the national budget allocated by law to the Competition Authority to ensure its proper functioning?	Yes	Current fiscal year budget for 2012: Approximately ALL 60,264,000. See article 31 of the Competition Law.	
Can the Competition Authority be financed by its own means (notification fees, fines, etc.)?	No	See article 31(2) of the Competition Law.	
GOVERNANCE OF THE COMPETITION AUTHORITY			
Is the Competition Authority governed by a single chairman or by a collegiate body?	Collegiate body	It is a collegiate body of five members, one of which is the chairman. According to article 21 of the Competition Law, Commission’s all members are appointed by the Assembly for a five-year term of office and the chairman is selected by the Assembly.	
Are the heads appointed by a minister?	No		
Are the heads appointed by representatives of more than one government branch?	Yes	The Assembly appoints all members, but to maintain the independence of the Authority, the five members of the Commission are selected from candidates proposed by the president of Albania (one member), the Council of Ministers (two members), and parliament (two members), voted for by the Assembly.	
Is there a fixed period during which removal is prohibited?	Yes	Five years. Causes for termination are established in article 22 of the Competition Law.	
Is the tenure of the heads renewable?	Yes	Up to two times consecutively. See article 21(2) of the Competition Law.	
Are the heads required to have certain minimum qualifications (degree in law or economics, age, experience)?	Yes	See article 20 of the Competition Law.	
ARCHITECTURE			
Is the Competition Authority a stand-alone agency with an independent physical location or is it part	Stand-alone agency	Rruga “S. Frashëri”, Nr. 4, Kati IV, Tiranë, Albania.	

of a bigger entity such as a minister?			
POLICY-MAKING AGENTS -DIVERSIFICATION-			
How many agencies are responsible for competition enforcement?	One agency.		
Do sector regulators have competition policy enforcement mandate?	Sector regulators	Article 70 of the Competition Law rules that “[w]hen carrying out the assigned tasks related to the regulation of the economic activity with the Republic of Albania, central and local administration bodies, regulatory entities shall ensure fair and effective competition. In particular, the Authority should assess regulatory barriers to competition incorporated in the economic and administrative regulation, for general interest reasons. In this case, the Authority makes relevant recommendations. The Authority, in applying this law in regulated sectors, cooperates with regulatory entities and other regulatory institutions.”	
Have the Competition Authority and other agencies signed protocols or memoranda of understanding with sector regulators?	Telecommunications regulator	Yes	
	Energy regulator	Yes	
	Transport regulator	No	
	Other	Competition Authority has signed Memoranda of Understanding with almost all regulatory bodies, governmental institutions in charge with business services, trade and commercial associations, e.g, the Bank of Albania, National registration Centre, etc.	
POLICY DUTIES			
Does the Competition Authority have exclusive mandate on competition or multiple mandates?	Exclusive competition mandate	X	Concurrent consumer protection mandate.
		X	Concurrent IP mandate.
		Other Mandates: Not applicable.	
PORTFOLIO INSTRUMENTS			
Law Enforcement			
Does the Competition Authority have powers to investigate cartels?	Yes	See Part II of the Competition Law, only civil and administrative cartels, not criminal.	
Does the Competition Authority have powers to conduct dawn raids at premises?	Yes	See article 36 of the Competition Law.	
Can the Competition Authority investigate <i>ex officio</i> cases?	Yes	See article 42 of the Competition Law.	
Does the Competition Authority have powers to accept leniency applications?	Yes	See article 77 of the Competition Law.	
Does the Competition Authority have powers to accept seek criminal punishment?	No		
Advocacy			
Can the Competition Authority issue opinions on draft legislation?	Yes	The opinions are not binding.	
Is the executive and/or the legislature obliged to request the opinion of the Competition Authority when drafting legislation that may impact competition?	Yes	See article 24 of the Competition Law listing the competences of the Commission and article 69 of the Competition Law, which in particular, rules that “Central and local administration bodies require the Authority estimation for any draft normative act. . . .”	
Rulemaking			
Can the Competition Authority issue guidelines or other type of secondary legislation?	Yes	√	Guidelines on the calculation of fines.
		√	Guidelines on merger control.
		X	Guidelines on the economic analysis of abuse of dominance cases.
Research & Reporting			
Can the Competition Authority carry out market studies?	Yes	See article 41 of the Competition Law ruling that “[i]f, in any sector of the economy, the rigidity of prices or other circumstances suggest that competition is being restricted or distorted in the market, the Authority, by its initiative or at the request of the Assembly or of regulatory institutions of specific sectors, may conduct a general inquiry into that sector.”	
Can the Competition Authority report to the legislature on the results of market studies?	Yes	This is usually done in the annual report. Also, if it’s asking by parliament for a specific issue.	
DECISION-MAKING FUNCTIONS			
Aggregated Functions			
Does the Competition Authority make the decision to investigate and to prosecute cases?	Yes		
Does the Competition Authority make guilty findings?	Yes		

Does the Competition Authority impose punishments?	Yes	
Is there a single body that carries out the investigation and the guilty findings within the Competition Authority?	No	
Can the Competition Authority's decisions be appealed to a court?	Yes	
Disaggregated Functions—Prosecutorial Model		
Are there different authorities that make the decision to investigate and to prosecute cases?	No	
Are disputes presented for decision to a separate entity/tribunal?	No	