



REPUBLIC OF ALBANIA
COMPETITION AUTHORITY

Press release

On Authorization of Concentration “Albanian Airlines Mak -Advanced
Construction Group”
and the fine on Albanian Airlines Mak

Competition Commission in the meeting held at 17.09.2009 took issued the decision on Authorization of Concentration realized due to the selling of the 100% of the shares of Albanian Airlines MAK to Advanced Construction Group.

Concentration consists on the changing of control of the company Albanian Airlines Mak according to the article 10, section 1, letter b of the law “On Competition Protection”. Undertakings that are participant in the concentration fulfill the turnover trash hold of the interior market defined in the article 12, section 1 of the Law.

The market structure didn’t change after the concentration. According to the article 10, section 1, letter b we have replacement of the proprietorship. The customer will save and help to develop the commercial profile of Albanian Airlines. Due to the Competition analysis, concentration realization does not change market structure after the concentration and thus Competition Commission decided to authorize the concentration realized via selling 100% of the shares of Albanian Airlines to Advanced Construction Group.

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In the 18.09.2009 meeting, Competition Commission took with the majority of votes the Decision no.123 “Fine on Albanian Airlines MAK ”.

The procedures of the realized concentration, for non-notification from the parties initiate with the decision no.100, 03.02.2009. The undertaking didn’t reply to ACA for the information fulfillment although our institution required again information in the decision no. 112 15.05.2009 “On information reception from Albanian Airlines Mak.”

On Jun 26, 2009 Competition Commission in appliance to the article 39 of the Law “ On Competition Protection” heard the parties on their claims regarding the Law breaking “On Competition Protection” regarding the realized concentration. The parties asked for 15 days to present their evidences, although these evidences never show up at Albanian Competition Authority.

From the competition analysis it has been found that the realized concentration doesn't bring any consequences for the market competition. Parties involved in the concentration have broken the law from the non-notification of the concentration breaking thus the legislation.

Competition Commission based on the article 73, section 1, letter b, took the plurality decision on fining Albanian Airlines MAK with a rate of 2 600 000 lek. This decision has had also a minority report. According of the article 80 of the Law for the collection of fines it is charged the Sector of Tax Investigations at General Directorate of Taxation.