

---

**Council for Trade-Related Aspects of  
Intellectual Property Rights**

Original: English/  
anglais/  
inglés

**MAIN DEDICATED INTELLECTUAL PROPERTY  
LAWS AND REGULATIONS NOTIFIED UNDER  
ARTICLE 63.2 OF THE AGREEMENT**

ALBANIA

The present document reproduces the text<sup>1</sup> of Law N° 8044 on Competition, as notified by Albania under Article 63.2 of the Agreement (see document IP/N/1/ALB/1).

---

**Conseil des aspects des droits de propriété  
intellectuelle qui touchent au commerce**

**PRINCIPALES LOIS ET RÉGLEMENTATIONS CONSACRÉES À LA  
PROPRIÉTÉ INTELLECTUELLE NOTIFIÉES AU TITRE  
DE L'ARTICLE 63:2 DE L'ACCORD**

ALBANIE

Le présent document contient le texte<sup>1</sup> de la Loi n° 8044 sur la concurrence, notifiée par l'Albanie au titre de l'article 63:2 de l'Accord (voir le document IP/N/1/ALB/1).

---

**Consejo de los Aspectos de los Derechos de Propiedad  
Intellectual relacionados con el Comercio**

**PRINCIPALES LEYES Y REGLAMENTOS DEDICADOS A LA  
PROPIEDAD INTELECTUAL NOTIFICADOS EN VIRTUD  
DEL PÁRRAFO 2 DEL ARTÍCULO 63 DEL ACUERDO**

ALBANIA

En el presente documento se reproduce el texto<sup>1</sup> de la Ley N° 8044 sobre la Competencia, notificado por Albania en virtud del párrafo 2 del artículo 63 del Acuerdo (véase el documento IP/N/1/ALB/1).

---

<sup>1</sup> In English only. The text in the original language is available for consultation by interested Delegations at the WTO Secretariat./En anglais seulement. Les délégations intéressées peuvent consulter le texte dans sa langue d'origine, au Secrétariat de l'OMC./En inglés solamente. Las delegaciones interesadas podrán consultar en la Secretaría de la OMC el texto en su idioma original.

Law no.8044, date 7.12.1995

**ON COMPETITION**

Based on Article 16 of Law No.7491, date 29.04.1991 “On the Main Constitutional Provisions”, upon the proposal of the Council of Ministers,

**THE PARLIAMENT  
OF THE REPUBLIC OF ALBANIA  
DECIDED:**

**PART I**

**OBJECT, SCOPE OF APPLICATION, AND DEFINITIONS**

**Article 1  
Object**

Object of this law is to set up rules for the market-operators, their rights and obligations in circumstances of a fair competition.

**Article 2  
Scope of application**

The law will be implemented to all subjects that exert commercial, financial and productive activities in the territory of Republic of Albania as well as to the subjects that exert activities abroad, when the consequences of this activity are demonstrated in the home market.

**Article 3  
Subjects**

This law is applied to all physical and juridical persons, native or foreigners, private or state, that exert commercial, financial and productive activity, based on free competition, who supply or demand goods, the acquisition or consumption of which is subject to their free will and initiative.

**Article 4  
Definitions**

For the application of this Law, the following terms will be understood:

1. “Market” means the area defined in space and in destination where the goods offered or demanded, simultaneously from the point of view of the purchaser or supplier, are similar and exchangeable in terms of function, i.e. for which substitutes are available.
2. “Competition” means the activity, which results in goods exchange between independent market operators, who offer or demand in the same market different goods or services with similar function intending to arrange agreements with the purchasers, in which the goods compete in terms of price, quality, quantity, packaging, service, advertisement etc.
3. “Companies” means all economic units under private or public law, which offer or demand goods in the market to make a profit from this activity and which are independent and have competitive capacity.

A company may consist of one or more juridical persons, who are juridically independent, potentially competitive, and take part in the general organization of the company.

4. “Goods” means all movable and immovable objects, services and transferable rights, which may be supplied or demanded in markets.

5. “Monopoly” means the situation in the market when a single participant has under his control the whole purchase or sale in a defined section.

6. “Domination of the market” means that situation in a market where is no or almost no competition, i.e. whenever the decision to acquire or consume has no perceptible repercussion on the form of competitive action or is unable to determine that. The market domination exists when a single company or a union of companies has a market share of more than 40 per cent.

7. “Horizontal restriction on competition” is the restriction created by the competitors of the same level of economic circulation.

8. “Vertical restriction on competition” is the restriction created by competitors of different levels of economic circulation.

9. “Merger” means the actual or juridical status of a company that exists under the following circumstances:

a) When all or the major part of the capital of another company is acquired as a result of fusion, transformation or by other means.

b) When shares are acquired of another company if this results in a participation and controlling situation in the sense of Chapter VI, Part II (Art. 217-230) of the Law No.7638 of November 19, 1992 “On Commercial Companies”.

c) Contract between two companies through which one of them is obliged to manage its business for the account of the other and to transfer to the company with which stipulated the contract all or part of its profits, or when the business activity of one company is leased to another one.

d) A merger is also established when at least half of the members of the supervisory board, the management board, or another body appointed to manage a company, are members in the management organs of the other company at the same time.

10. A “split” means splitting a company into several divisions that are economically independent as provided for in Chapter VI, Section IV (Article 243 and on) of Law No.7638 date 19.11.1992 “On Commercial Companies”.

11. “Business and professional associations” are free associations of active market participants on the purpose of promoting the interests of their members.

**PART II**  
**SPLIT AND PROHOTION OF MERGERS**

**Article 5**  
**Split of a Company**

Commercial companies that exert an economic activity and have a dominant market position, are obliged to split in parts in such a way that newly independent companies that are created gain economic independence and preserve their competitive abilities. Company splitting must be realized in six months since the date when the decision is taken to split the company as a market-dominant one.

**Article 6**  
**Duties of Companies for Split Preparation**

Market-dominant companies, within six months since the effective date of this law, present to the Economic Competition Department the following data:

- a) Value of assets, financial status, turnover for the last five years, number of employees, the total quantity of goods supplied in the Albanian market, information on relation with the other participants in the market, as well as links with other companies.
- b) The organizational division of the whole company into special units, which can be independent units based on business management criteria. Data listed in par. a) of this article are presented to the Economic Competition Department also for separate units.

**Article 7**  
**Duties of the Economic Competition Department for Split Preparation**

In cooperation with other authorities responsible for the transformation of companies, the Economic Competition Department based on its data and inquiries, after having the preliminary opinion of the company, draws up measures to eliminate the market domination, and to guarantee the independence of the parts of the company and their transformation into special companies.

**Article 8**  
**Split Execution**

The Ministry of Trade based on the files prepared by the Economic Competition Department, decides on company's splitting. Before taking the decision, it considers the opinion of the director of Economic Competition Department, as well as the opinion of company's representative.

**Article 9**  
**Presentation of Request for Merger**

A request is needed for big companies merger. The request for merger must be presented to the Economic Competition Department. This request can be presented only if the assets of one of the participating companies in the last financial year, reaches the accounting value in Lek of not less than 50 million leks, or if the assets of the participating companies totally in the last financial year, reaches the accounting value in Lek not less than 200 million leks.

## **Article 10 Request Review**

The Economic Competition Department, during the review of the request considers especially these factors:

- The structure of competition in the important markets, especially potential competitors in other countries.
- The market position of the participating companies as well as their economic and financial status.
- The possibilities for goods substitution for suppliers and purchasers, as well as their legal opportunities to enter in the market.

The strong development of technical, ecological and economical progress when this serves to public interest.

## **Article 11 Decision for Merger**

The Economic Competition Department, within three months since the date of request presentation, is obliged to give a written answer if it has approved or not this merger. If this answer is missing the merger is considered valid. The Economic Competition Department can postpone the deadline by another three months if it was difficult to examine its effects on the market.

## **Article 12 Merger Registration**

The merger must be registered in the Economic Competition Department.

## **Article 13 Mergers Prohibition**

The Economic Competition Department prohibits the merger of companies in case this merger creates a dominant position on the market or when this dominant position can be created soon.

## **Article 14 Appeals Against Refusals**

In cases when the request of the participating companies of a merger is refused, those companies have the right to present their appeal to the Minister of Trade, who can approve such a merge, only when he/she observes exceptional advantages for the whole economy or for the public interests. The request must be presented within a month of receiving the negative answer from the Economic Competition Department and the decision regarding the appeal must be taken within three months since the appeal is presented.

## **Article 15 Conditions for Authorizations**

In decisions to be approved can be included also conditions which diminish the consequences of competition restrictions of this merge. If such conditions are not met, the approval can be annulled.

**PART III**  
**PROHIBITION OF COMPETITION RESTRICTIONS**

**CHAPTER I**  
**PROHIBITION OF HORIZONTAL AND VERTICAL RESTRICTIONS OF  
COMPETITION**

**Article 16**  
**Prohibitions**

Contracts, decisions, negotiations and other procedures defined by parties as well as recommendations from competitors who are at the same horizontal levels of production, sales or demand, which effect the economic activity restricting the competition are forbidden particularly with regard to the following issues:

- a) setting prices or other terms of business;
- b) the assigning of business territories, customers, drawing up of quotations;
- c) the restriction or the control of production, supply and demand and the monitoring of technical development and investments.

**Article 17**  
**Publication**

Prohibitions of the limitation of competition including the reasons must be published by the Economic Competition Department. They must be registered in a register accessible to the public and kept by Economic Competition Department.

**Article 18**  
**Prohibitions of Vertical Restrictions**

Agreements, contracts, negotiations and procedures between the companies that have vertical relations and different levels of sales intending to support illegal horizontal restrictions of competition are prohibited. Such actions are invalid.

**Article 19**  
**Dictate for Setting Prices and Price Recommendations**

1. Agreements, contracts and practices between companies are forbidden, if they dictate restrictions toward a participant in determining contractual prices and other conditions with third parties.
2. On request, the Economic Competition Department can make exemptions for the publishing business.

## **Article 20 Exclusiveness Relations**

Contractual relations are invalid if:

- a) they restrict a party's freedom to process or sell goods,
- b) they restrict a party's freedom to purchase goods or to sell goods to other parties,
- c) contain an obligation for a single party in a contract to couple the delivery of goods incompatible with the other party's interests.
- d) market domination of one of the party is established or strengthened
- e) the market for the bound goods is closed to outsiders and it is impossible to substitute goods,
- f) the competition on the market for the substitutable products is seriously restricted without being reasonably compensated by advantages for the consumer.

## **Article 21 Licensing Contracts**

1. It is forbidden for the holder of patents, trade marks and know-how, to agree, either alone or collaborating with others, on restriction of competition in licensing and other agreements which go beyond the agreements' contents. Such restrictions are only allowed if they protect exclusivity.

2. In particular, it is forbidden to agree on restrictions that last longer than the right of protecting the patent. Contracts for know-how not protected by law may not exceed 10 years. Any of the said agreements are invalid.

## **Article 22 Obligation for a Regular Contract**

Any person, who is holder of industrial property, know-how and who has arranged a forbidden agreement is obliged to accept offers to enter into an agreement to transfer his rights under normal market conditions.

## **Article 23 Exemptions for Restriction**

Restrictions which are defined in the agreement by the holder of industrial property know-how and relate to the exclusiveness, the territory of use, the period of time, the quantity and the scope of exercising the rights, are admissible. It is equally admissible to agree on quality control and mutual obligations for the exchange of experiences and on the granting of licenses to further develop the contractual right.

## **CHAPTER II**

### **RULES OF COMPETITION**

#### **Article 24 Procedures on Competition Rules**

Business and professional associations compile the competition rules which are approved and registered in the register of the competition rules kept by the Economic Competition Department. In this register, changes and amendments are included as well. Competition rules, changes, and abrogation's are published regularly. When the business and professional associations request their abrogation the Economic Competition Department abrogate them without any' possible pretension.

#### **Article 25 Hearing Experts and Competitors for Registration**

Before registration, the Economic Competition Department hear competitors, suppliers and other purchasers as well as different professional associations which were not involved in drawing up the rules of competition.

#### **Article 26 Goal of Competition Rules**

The Economic Competition Department presents to the business and professional associations the rules in order to orientate the activity of these associations, to determine their attitudes concerning the competition, in order to normalize competition and simultaneously to protect the consumers rights.

## **PARTIV**

### **ACTS WHICH CONTRADIC COMPETITION**

#### **CHAPTER I**

#### **PROHIBITION FOR ILLEGAL ACTS TOW ARDS CONSUMERS**

##### **Article 27 Deception**

1. It is forbidden to use the means of communication to transmit oral or written data that do not make a real presentation of the persons to whom they are addressed thereby influencing their economic attitude.
2. It is forbidden to deceive by statements that hide important information creating in this way a false idea of goods.
3. It is forbidden for competitors to hide a dual position and perform direct transactions in order to gain illegal advantages by non respecting the competition rules. To decide if the deception exists or not all the circumstances and the data of the activity must be considered.
4. The entrepreneurs must prove in any case the data where their information are based on.



5. There are forbidden any false data that competitors intend to profit from. Such data regard:

- Immovable properties and possibilities of their use;
- The characteristics, integral parts, values or other qualities of goods.
- The quantity and weight of goods.
- The price, its relation to the market and price discounts.
- The conditions for the delivery or foreseen service, especially guarantees.
- The possibility to use the offered goods.
- The identity of the suppliers, his shares, his entitle or awards given to him or to his goods.
- The qualification of persons, whose recommendations are presented as evaluation by the entrepreneur.

6. The entrepreneur must be able to verify the statements made in his advertising.

### **Article 28** **Profiting from Statements of Origin**

It is forbidden to use designations in the business activity that give the impression that the goods so designated originate from a particular country , territory or town, in particular when this causes the assumption of a special quality or characteristic. This does not apply to designations generally used in business transactions in order to indicate the type or quality of the goods, as long as this does not give the impression of being a statement of origin.

### **Article 29** **Obligation of Denomination, Price and Labeling**

1. Suppliers are obliged to define the last prices clearly and unequivocally in Lek.
2. When it is important to compare prices between suppliers, pre-packaged goods must show the net quantity and net weight in units which are usual and valid in Albania.
3. Suppliers are obliged to give written instructions for goods, which are of particular importance for their use or duration. This applies in particular when their use or consumption may bear risks regarding to health.

### **Article 30** **Prohibition of Hidden Advertisements and Comparative Advertisements**

1. It is forbidden to transmit information in the media that hide their character advertising.
2. It is forbidden to make comparative advertisements if they are not complete or verifiable.

### **Article 31** **Physical or Psychological Pressure**

1. It is forbidden to exert physically or psychologically pressure in order to force the interested persons to enter into a transaction.
2. It is forbidden the psychological pressure through by advertising which interferes with privacy and is generally understood as molester as well as sending of unrequested goods and pressure to sell them.

### **Article 32**

### **Exploiting Lack of Experience**

It is forbidden to use advertising or sales' methods which exploit the confidence or the lack of experience of purchasers, in particular of children and young people, in a way which distracts attention from the object of the sales transactions.

#### **Article 33 Gifts**

It is forbidden to give to the consumers presents, gifts or valuable objects or to make price discounts which exceed the usual commercial standards, in order to persuade them to buy, if this is causing the danger of deception regarding the value of offered goods or other goods offered by the supplier.

#### **Article 34 Exploitation of Weaknesses for Gambling**

1. It is forbidden to exploit the weaknesses of the customer for purposes of sales promotion, organizing fortune games or lotteries not approved by the state, which mislead the public, generate psychological pressure to buy, try aggressively to draw attention attract someone through disproportionate advantages, or couple the game with the sale.
2. It is prohibited to exploit or to affect fear or superstition in order to promote sales and to shift the attention from the essential reasons, which influence the buying decision.

#### **Article 35 Unfair Attraction of Consumers**

It is forbidden to use persons not active in commerce to promote sales by exploiting personal relationships with relatives or friends to effect or arrange business transactions.

#### **Article 36 Creating Situation of Shortage**

It is forbidden to ask or to make payments for goods with high prices as result of restrictions in the competition or exploitation of a strong economic position.

## **CHAPTER II**

### **PROHIBITIONS FOR ILLEGAL ACTIONS A T COMPETITORS**

#### **Article 37 Obstructions on Sales, Purchases or Advertising**

The elimination or the efforts to eliminate competitors from sales, purchase and advertisement in order to gain any competitive advantage by excluding the consumers from the possibility to compare the goods, are prohibited.

**Article 38**  
**Disturbing Actions**

It is forbidden to interfere without any reason in business of any competitor and to disturb his production or sales in order to gain an advantage in the competition.

**Article 39**  
**Prices- Undercutting, Mass Distribution**

1. It is forbidden to gain a competitive advantage by reducing prices intending to force competitors from the market or to destroy them, or when this activity is accompanied by the deception of the purchasers.

2. The mass or free distribution of goods just to gain advantages in competition, is forbidden.

**Article 40**  
**Boycott**

It is forbidden to invite others to terminate the business relations with a third party or not to enter in such relations, either for delivery or for purchase, just to gain any advantage in competition.

**Article 41**  
**Discrimination of Competitors, Purchasers and Suppliers**

1. Companies which have dominant position on the market may not exploit their position to treat demands and offers in a way that obstacles directly or indirectly other competitors.

2. This discrimination is given when:

- high or low prices are imposed or other conditions are used discriminatory with different traders on the similar markets,
- production, sales or technical development are restricted,
- the agreements are conditioned by the acceptance of extra services which are neither objectively related to the subject-matter of the contract nor corresponding to commercial practice.

3. Different treatment of purchasers or suppliers based on deception is prohibited even when there is dominant market position.

4. The Economic Competition Department on its own initiative or upon request of any competitor or any trade association, can forbid the deception and ask to the competent court to declare the contracts invalid.

**Article 42**  
**Harming Business/Ruining Reputation**

In commerce it is forbidden to make or circulate false statements regarding the business of another person, the owner, or the manager of a company or its goods, which can damage their reputation.

## **CHAPTER III**

### **ABUSES**

#### **Article 43**

##### **Leading to wrongness**

1. It is forbidden, in commercial activity, to use symbols or other statements which could cause confusion regarding a competitor or his products. This applies in particular to the name of a company or to the design of products or services which are regarded as characteristic of a particular company or product.

2. To define the risk of confusion, all circumstances must be considered, such as the similarity of the trade marks, products, sectors of activity of competitors, their local vicinity as well as the range of similarity and the length of usage.

#### **Article 44**

##### **Imitation and Taking Possession of Other's Performance**

It is prohibited in business activity, to imitate ready-made products of a third-party with the intention of imitating or saving considerable expenses and efforts in order to gain advantages in competition.

#### **Article 45**

##### **Infringement of Ethics and Law**

It is forbidden to use advertising methods that are contrary to human dignity and to the ethics principles.

It is forbidden to gain a competitive advantage by consciously breaking laws and rules.

#### **Article 46**

##### **Corruption**

It is forbidden to gain a competitive advantage through bribery or corruption.

#### **Article 47**

##### **Attracting Clients**

It is forbidden to instigate customer to break a contract in order to conclude the contract with them and to gain advantage in competition.

It is forbidden to exploit dishonestly the infringement of a contract of a third party in order to gain an advantage in competition.

#### **Article 48**

##### **Attracting Employees**

It is forbidden to instigate an employee to breach a contract with a competing employer in order to employ them and to gain an advantage in competition.

**Article 49**  
**Protection of Business Confidentiality**

It is prohibited to acquire enterprise or business secrets in an illegal way or by influencing employees in order to use or to sell them.

It is forbidden, to give to others or to use enterprise or business secrets, knowledge of that has been required during relations of employment or other confidential relations, during the duration of these relations in order to gain advantages in competition for oneself or for third party or to damage the owner of the enterprise. This obligation is valid for a period of two years after the termination of the employment or the confidential relation if the owner of this business activity has a justified interest and if this does not lead to any unreasonable restriction of the business or the professional activity of the other.

**Article 50**  
**Unfair Competition by Employees**

1. During the period of his employment, it is forbidden for an employee to exert a competitive economic activity towards the employer on his or a third party's account, without the approval of the employer. In case of infringement the employer can terminate the employment relation without any previous notice.

2. The approval mentioned in the first paragraph must be given if the employer was aware of the employee's activity in the moment of the signature of the contract and if the termination of the contract has not been defined exactly.

3. The admission to exercise a competitive activity towards the employer, after the termination of the contract, is based in the agreements made in the employment contract. These must considerate the justified interests of the employer, as well as the interests of the employee to freely exert a professional and business activity. If such an agreement is achieved the employer must compensate the employee for the financial disadvantages after the termination of the employment relations.

4. An employee in a State enterprise or administration can not be a shareholder in a private company or member of the management or supervisory body of this kind of company, if this can obstacle him carrying out his duties conscientiously or create conflicts of interests.

**CHAPTER IV**

**EXEMPTIONS FROM IMPLEMENTATION OF SOME DISPOSITIONS**

**Article 51**  
**Exemptions for the Agricultural, Forest and Food Sector**

Articles 16, 18 and 19 are not applied to the contracts, to other common activities and recommendations of the producers and associations between them or to other companies as long as they are dealing with the production, sale, storage, processing of agricultural and forest productions without fixing any price,

The respective agreement or recommendation will be presented immediately to the Economic Competition Department.

**Article 52**  
**Exemption for Public Services Sector**

1. Articles 5, 9, 15 will not be applied to the public services companies, in particular for the electric energy, gas and water, as long as these are supplied through permanent pipelines or installations.
2. Articles 16, 18 and 19 are not applied to contracts stipulated between public service companies, in the meaning of the above paragraph, or with other public service companies, or with the district or local authorities, as long as these contracts divide the distribution areas and the agreements are related to territory distribution, the exclusivity of delivery, the supply or price fixing approved by supervisory and regulatory authorities.
3. Contracts with the content defined in the above mentioned paragraph must be registered in the Economic Competition Department. At the time of registration, evidence must be given that the contracts or the way of this application do not consist in an abuse of the market position gained as a result of the exemption, and in particular that they do not lead to more unfavorable conditions for consumers than those in case of existing competition.

**Article 53**  
**Exemptions for Some Transport Enterprises**

1. Articles 5, 9-16, 18 and 19, are not applicable to post telecommunications and the railways or to other companies of aviation and shipping, when it is previewed that the prices or other contractual terms require a public approval, or if their activity exceed the national borders.
2. Articles 5, 9-16, 18 and 19 do not apply to companies that are involved in transport of passengers if they serve the public interest in the establishment and preservation of traffic lines, and the restrictions are necessary in order to maintain the normal public service. The restrictions are effective only after registering with the Economic Competition Department.

**Article 54**  
**Exemption for Banks and Insurance**

1. This law does not apply to the Albanian Bank.
2. The articles 16, 18 and 19 do not apply to contracts, other joint actions and recommendations of financial institutes, or the insurance companies if these contracts are dealing with business subject to approval or control by State bodies for the banking or insurance sectors. In order to be valid, they must be registered with the Economic Competition Department.

**Article 55**  
**Exemptions for Copyright Associations**

Articles 5, 9-16, 18 and 19 are not applied to the legal foundation of copyright companies and respective contracts, joint actions or recommendations which limit the competition for the period of their duration.

These contracts must be registered with the Economic Competition Department in order to be valid.

## **Article 56**

### **Control of Abusive Practices**

1. If the Economic Competition Department ascertains an abuse of the exemptions from the obligations defined by this law, it can oblige the companies involved to cease the abuse, or to change the contracts or their joint action, or it can request from the competent court to declare the contracts invalid.
2. Independently from their period of validity, after ten years, the registered contracts will be examined by the participating companies, the Economic Competition Department, the commercial supervisory authorities and other interested parties, with respect to the actual circumstances. If necessary, the contracts must be adapted to the changed circumstances.

## **PART V**

### **ECONOMIC COMPETITION DEPARTMENT**

#### **Article 57**

##### **Economic Competition Department**

The Economic Competition Department is created to protect the competition, it is a public institution under the dependence of the minister of trade and it is managed by a general director. The Economic Competition Department has its seat in Tirana. It can have offices in other towns of Albania. The offices in the districts have the task to be exclusively competent for the problems of their district meanwhile the problems related to the country or abroad are competence of the central directorate in Tirana.

The Council of Ministers is in charge to set up special provisions on the function of the Economic Competition Department, within thirty days this law comes into force.

#### **Article 58**

##### **Authorities**

The Economic Competition Department has under its authority:

- the promotion of economic competition;
- the protection against restrictions of or exemptions from the competition;
- decisions on the requested approvals as well as the respective refusals unless they are reserved to the Minister of Trade;
- the observation of the infringements or restrictions to the competition;
- the representation in the different negotiations and agreements with analogue institutions of other countries;
- the inspection of subjects to implement this law as well as their eventual penalty;
- the actions in the invalidity of different acts in the framework of the unfair competition;
- to issue orders on unfair profits payments in the state budget;
- market analysis and publishing of annual reports on the market structure in Albania;
- the publication of the information regarding the approval agreements, splits, mergers, abuses of dominant positions as well penalties.

The Economic Cooperation Department can order the immediate application of its measures if it concerns public health, other public matters or economic interests.

### **Article 59 Authorities to Review Facts**

1. To perform its tasks, the Economic Competition Department can:
  - (a) ask firms, associations, companies and other parties to provide information on economic, legal and organizational relations and obtain such information on the same issues from third parties;
  - (b) inspect the business documents in firms, associations, companies and other participants in the procedure;
  - (c) examine the documents obtained as a result of inspection or let the other parties to examine them.
2. The acts that order the measures mentioned in the Article 58 must specify the legal basis, the purpose, object and the scope of the action required.
3. For the purpose of performing the measures previewed in the Article 58, the firms, associations, companies and other participants in the procedure must allow for the examination of the documents and the access to all offices during working time and when is an delay to allow for such examination or other times.
4. The inspection of offices centers and the sequestration of documents requires a preliminary orders of the court. In case of any undue delay of this order the inspection and the sequestration of the documents is permitted without any delay after measures implementation. In case of any inspection or sequestration a report must be complied.
5. The knowledge gained and documents obtained as a result of measures as defined in the Article 58 can be used only for the procedures enacted. The documents, products, samples, etc. must be carefully stored by the Economic Competition Department and must be given at for any damage occurred.

### **Article 60 Procedures of the Economic Competition Department**

1. The Economic Competition Department begins its activity based on request. All commercial operators, consumers and their relevant associations have the right to make a request when they prove to have a legitimate interest.
2. If the Economic Competition Department decides to start a procedure, it should given written notice without delay to the affected persons as well as to the applicant and give both the opportunity to make a statement.
3. The decision is taken on the basis of a hearing. On request of the damaged party and with the consent of the other, a decision can be taken without hearing.
4. The Economic Competition Department may allow for limited or unlimited participation of the public when there is any reason to fear an unauthorized disclosure of business or company secrets of one of the parties.



5. In particularly urgent cases, the decision can be proclaimed even without statements and any public or oral examination of the matter.
6. The decision of the Economic Competition Department is given in written form including its reasons.
7. The Economic Competition Department can decide its decision to be published in a reasonable (adequate) manner and the expenses to be covered by the person that violated the law.

### **Article 61** **Complaint to the Court**

1. It is possible to file a complaint against the decision of the Economic Competition Department or against the decision of the Minister.
2. The complaint must be presented to the competent court, within one month.
3. The court decides if the request should be completely or partially admitted or not.
4. The parties who participate in the court procedure are:
  - a) the Economic Competition Department;
  - b) the organ, which decision is objected;
  - c) the complaints.
5. All the provisions of the Civil Procedure Code will be applied to the court procedure.

## **.PART VI**

### **RIGHTS OF THIRD PARTIES**

#### **Article 62** **Claim for Compensation**

1. The competitors, suppliers and consumers or other parties whose economic interests are damaged as a result of actions prohibited by this Act or declared illegal, can file a claim for compensation of damage.
2. The amount of the claim for compensation is determined by the court based on due deliberations after all the circumstances have been considered.
3. The claim for compensation is prescribed if the damaged person does not claim it according to the dispositions of the Civil Code.
4. The owner of the company is responsible for the actions of his employees and agents as if they were his own action.

**Article 63**  
**Claims for Ceasing Action and Eliminating Consequences**

1. The competitors, suppliers, consumers and other purchasers as well as their relevant professional associations can directly file a motion to the court in order to cancel restrictions on competition or to re-establish the fairness of competition if the Economic Competition Department decides not to act on request or if it has not notified the applicant within three days.
2. The action can have as an object the prohibition of illegal attitude, revocation of the attitude or action, the confutation or the declaration of the invalidity of a contract.

**Article 64**  
**Authorities**

The district courts of the appropriate jurisdiction are authorized to solve disputes based on articles 62 and 63.

**Article 65**  
**Temporary Legal Protection**

If the protection of public or parties' interest requires a quick decision, procedures can begin with an immediate decision.

**Article 66**  
**Application of Other Rules**

The provisions of the Civil Procedure Code will be applied to the procedures defined in the part VI.

**PART VII**

**SANCTIONS**

**Article 67**

1. Fines not less than 10 000 lek and not more than 200 000 lek will be applied for companies that violate articles 16,40,43-50.
2. Fines not less than 40 000 and not more than 500 000 lek will be applied when:
  - the infringement for cases defined in the first paragraph are repeated within three years.
  - the infringements have resulted in consequences damaging heavily the trade, consumers and national economy.
3. The persons who have infringed or allow the infringement, in case when their infringement does not consist in a penal act, will pay a fine up to 30000 lek. The general directors or the companies' directors will pay penalties and fines, if they personally will violate this law.

**Article 68**  
**Penal Responsibility**

In cases when the violation of the law is intentional made and this causes heavy consequences for public health, the protection of environment or important economic interests and property, the infringement will be attended to by penal way.

**Article 69**

This law comes into force 15 days after publication in the Official Gazette.

**Proclaimed by decree no.1335 date 22.12.1995 of the President of the Republic of Albania Sali BERISHA.**

---