

*Food for Thought*  
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**Muja Law** brings you the latest issue of *Food for Thought*.

*This issue covers some interesting aspects of the Competition Law not only in Albania, but also in other countries around the world during the situation created by COVID-19 infection.*

In order to deal with this unprecedented situation, the Albanian Competition Authority (“ACA”) as also other counterpart authorities have taken measures in proportion to the required necessity.

As for the above, ACA has issued a specific Newsletter covering some of the most important measures taken in this regard by the following countries:

➤ **Albania**

ACA has taken a temporary measure to establish competition in the wholesale and retail market of pre-medical materials - hand disinfectant, alcohol and masks, for which the consumer demand has been increasing as a result of the situation from COVID-19 virus.

*In this regard, ACA has requested:*

- 1) The prohibition of enterprises’ conduct which directly or indirectly imposes unfair trading prices or conditions;
- 2) The avoidance of abuse in the trading chain;
- 3) The application of cost-oriented prices and their publication.

➤ **Italy**

The Italian Competition Authority has investigated online sales platforms regarding the setting of high prices for disinfectant gel and protective masks in the context of the situation created in the country.

➤ **Spain**

The Spanish Competition Authority, in line with the Royal Decree declaring a state of emergency, has suspended most of the proceedings, but keeps the electronic portal open for procedures for which the parties can prove that the postponement would be to the detriment of the public interest.

### ➤ France

The French Competition Authority has indicated that it is not possible to guarantee normal concentration deadlines as staff are working from home.

### ➤ United Kingdom

The UK Competition Authority has set up a COVID-19 task force to ensure the implementation of measures in markets affected by public health emergency and to advise the Government on legal issues during the pandemic.

### ➤ Australia

The Australian Competition Authority has allowed banks to cooperate with each other on a small business facilitation package as a result of the situation created by COVID-19.

ensure business continuity in compliance with the EU's concentration regulations. Due to the complexity and problems caused by COVID-19, companies are suggested to postpone notifications of planned concentrations until a second notice, if possible.

*That is because:*

- 1) CGD services are likely to face difficulties in gathering information from third parties, such as customers, competitors and suppliers in the coming weeks;
- 2) All the services of the Commission may face restrictions on access to information and databases as well as the exchange of information as a result of measures taken to work from home.

*Sending information physically is not recommended, and in cases of physical delivery, the persons in charge at the CGD should be contacted because it is operating with reduced staff.*

### *State Aid*

The European Union Commission on 19 March 2020 has adopted a temporary framework on state aid measures aimed at supporting the economy in the face of COVID-19 pandemic. This framework will be in force until December 2020.

*It provides five types of assistance:*

- 1) Direct grants, tax benefits and prepayments;
- 2) State guarantee for loans obtained from companies in banks;
- 3) Subsidizing public loans for companies;
- 4) Protective measures for banks which channel state aid into the real economy;

### ➤ European Union

#### *Concentrations*

The EU's Competition's General Directorate ("CGD") has taken a number of measures to



5) Short-term export credit insurance (insurance related to non-payment of the loan by a non-resident / foreign client).

The Commission has also approved state aid to member states aimed at protecting the economy and various enterprises as a result of the situation created by the COVID-19 virus.

*State aid schemes have been approved for Denmark, Portugal, Italy, Germany, France, Latvia, Luxembourg, Spain and the United Kingdom.*

### ➤ European Competition Network

The European Competition Network (“ECN”) has issued a joint statement regarding the implementation of the Competition Law during the “CORONA” crisis.

ECN is aware of the socio-economic consequences caused by the COVID-19 virus on EU territory. In virtue of this statement, the competition rules provide a fair framework of action between companies and this objective also lies in a period when companies and the entire economy are suffering the consequences of crises.

*ECN understands that this extraordinary situation could lead to the need for companies to cooperate in ensuring the supply and fair distribution of products for which there is a shortage in the market. In these circumstances, ECN will not actively intervene against the temporary necessary measures taken to avoid supply shortage.*

Given the current circumstances, ECN provides that the above measures are unlikely to be problematic, as they would either not be considered a restriction of competition provided for in Article 101 of the Treaty on

the Functioning of the European Union (“TFEU”) / 53 European Economic Area (“EEA”), or would generate efficiency, which will most likely be larger than the constraints.

*In the event that companies have doubts about the compliance of these cooperative initiatives with TFEU, they may turn to ECN for further guidance.*

At the same time, in virtue of this statement, it is extremely important to ensure that products that are considered essential in protecting the health of consumers (i.e. protective masks and disinfectant gels) remain available at competitive prices.

ECN will not hesitate to take action against entities that unfairly benefit from the situation created through the cartelization or abuse of a dominant position.

*In this context, ECN points out that existing rules allow manufacturers to set ceiling prices for their products, which may be helpful in limiting unjustified price increases by distributors.*





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**Muja Law** is a family-run law office where we work hard for the success of our clients and to provide excellence in legal service. Our roots go back to 2001 when our Managing Partner, Krenare Muja (Sheqeraku), opened her law practice office in Tirana, Albania. Krenare’s son Eno joined her in 2014, and the other son Adi entered the practice in 2019. What started in Tirana as a small, family-run law office has grown and flourished in the community for the last 20 years. The office consists of various respected and talented lawyers who possess outstanding educational and community service backgrounds and have a wealth of experience in representing a diverse client base in various areas of the law.

The office is full-service and advises clients on all areas of civil, commercial and administrative law. With significant industry expertise, we strive to provide our clients with practical business driven advice that is clear and straight to the point, constantly up to date, not only with the frequent legislative changes in Albania, but also the developments of international legal practice and domestic case law. The office delivers services to clients in major industries, banks and financial institutions, as well as to companies engaged in insurance, construction, energy and utilities, entertainment and media, mining, oil and gas, professional services, real estate, technology, telecommunications, tourism, transport, infrastructure and consumer goods. In our law office, we also like to help our clients with mediation services, as an alternative dispute resolution method to their problems.

While we have grown over the past 20 years and become recognized as one of Albania’s leading law offices, we are grounded in the essence of “who” we are and “where” we started. We understand the importance of family, hard-work, and dedication.

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