AGREEMENT ON COOPERATION IN COMPETITION POLICY BETWEEN THE AUTORITETI I KONKURRENCËS (THE ALBANIAN COMPETITION AUTHORITY) AND THE GAZDASÁGI VERSENYHIVATAL (THE HUNGARIAN COMPETITION AUTHORITY)

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The Autoriteti I Konkurrencës [ACA, the Albanian Competition Authority] and the Gazdasági Versenyhivatal [GVH, the Hungarian Competition Authority] (hereinafter jointly referred to as "the Parties"),

Expressing the wish to promote cooperation in the field of competition law and policy,

Aiming at the creation of favourable conditions for the development of bilateral relations,

Based on the principles of equality and mutual benefit,

Highlighting the role of competition policy in promoting the effective development of market economy,

Have agreed as follows:

Article 1. Objectives of the Agreement

The goal of the Agreement shall be to strengthen co-operation between the Parties in the field of competition law and policy both on the level of general policy matters and individual cases.

Article 2. Cooperation in general matters

1. To secure legal and organisational mechanism for interaction focused on prevention and termination of actions that may negatively affect competition in he Republic of Albania and the Republic of Hungary the Parties agree to;
   - exchange experience in conducting investigations of anticompetitive behaviours and violations of the competition legislation,
   - make available to each other annual reports, case descriptions, studies on competition policy and other relevant materials on the development of the antimonopoly legislation,

- provide assistance to each other in establishing necessary relations with legislative, executive and judiciary bodies of their states,
- provide opportunity to receive specialists of the other Party with the aim to exchange experience during individual cases
- provide assistance to each other in the determination of strategic and tactical aspects of the competition policy if requested.

2. The GVH shares its experiences with the ACA concerning the setting up of an effective law enforcement institution, organisation of competition law enforcement, competition advocacy and competition culture.
3. The GVH promotes the participation of ACA in the relevant seminars and workshops organised by the OECD-Hungary Regional Centre for Competition in Budapest (RCC).
4. In order to perform the task given by point 2 above, ACA experts will visit the GVH for consultation of topics agreed in advance. The visit is an ancillary program to the RCC events. The costs of the visit are covered by the GVH.
5. In order to perform the task given by point 2 above to the GVH, GVH experts, on the costs of the GVH, will visit the ACA for consultation of topics agreed in advance.

Article 3. Cooperation in individual cases

1. The provisions of the Agreement shall be applicable in the course of the consideration of actions, which have or could have a negative impact on competition in the Republic of Albania and the Republic of Hungary if these actions are performed by undertakings in the Republic of Albania and/or in the Republic of Hungary.
2. For the purposes of the Agreement the notion "the actions, which have or could have a negative impact on competition" shall mean:
   - abuse of dominant position;
   - agreements or concerted practices between undertakings which result or can result in the restriction of competition;
   - concentration of undertakings subject to notification both in Albania and in Hungary.
3. The Agreement shall not be applicable by the GVH in cases when its application would impeach the consistent application of the rules or the effective functioning of the European Competition Network.

Article 4. Notification

1. If one of the Parties establishes that actions of undertakings in the territory of its state can have a negative impact on competition in the territory of the other Party, the former shall notify the latter about that.
2. If one of the Parties establishes that competition in its state can be negatively affected by the actions of undertakings taken place in the territory of the other Party, the former shall notify the latter about that.
3. Notification shall be sent in written form and shall contain a brief account of the essence of the case, references to national legal norms, and other pieces of information, which the sending Party considers to be necessary for submission.
4. The Party, which received notification shall consider the possibility of taking the appropriate measures pursuant to requirements of national laws and shall inform the other Party of the results.

Article 5. Request of information

1. In the course of consideration of actions affecting competition, each Party shall have the right to send a request for information on activities of undertakings to the other Party. The other Party shall have the right to refuse to provide the requested information if such information was or could be submitted by the undertaking in question pursuant to national laws. A request can also be refused on grounds of confidentiality.
2. The requesting Party shall state the purpose of its request and the basic circumstances of the case.
3. The requested information shall be provided not later then three months after receipt of the request.

Article 6. Consultations

1. If requested the Parties shall hold consultations on matters covered by the present Agreement in order to avoid conflicting decisions in the case of the same infringement.
2. Request on holding the consultation should contain grounds of its necessity.
3. The Parties shall hold the consultation not later then three months after receipt of the request unless otherwise agreed.
4. In the case of disagreement the result of the consultations does not preclude the Parties to adopt final decisions.

Article 7. Protection of information

1. Information received as a result of application of this Agreement shall not be disclosed unless the Parties agree otherwise.
2. The Parties may refuse co-operation within the framework of the Agreement on the grounds of their state's interests concerning the safeguarding of commercial and other secrets according to national law.

Article 8. Settlement of disputes

Disputes about the interpretation and application of provisions of the Agreement shall be settled by holding consultations and negotiations.

Article 9. Concluding provisions

1. Without prejudice to points 3, 4 and 5 of Article 2 and unless special funds dedicated to it or otherwise agreed by the Parties, cooperation under the present agreement shall be financed by the requesting Party.
2. The Agreement shall come into force on the date of receipt of the last written notification that the Parties fulfilled all the intrastate procedures which are necessary for its coming into force.
3. The implementation of provisions of the Agreement shall not affect the rights and duties, which ensue from other international obligations of the Parties.

Done in Albania on 18 June 2009 in two original copies, in English language.

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Lindita MILO(LATI)
Chairwoman
Autoriteti I Konkurrencës
Prot no_____dated on June, 16, 2006

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Zoltán NAGY
President
Gazdasági Versenyhivatal
Prot no_____dated on June, 16, 2006