



**Republika e Kosovës- Republika Kosova-Republic of Kosovo  
Komisioni Kosovar i Konkurrencës  
The Kosovo Competition Commission  
Kosovska Komisija za Konkurenciju**

PA/IV/08 2010

Pristine, 1.09.2010.

**DECISION**

No. 04 date 1.09.2010.

On the practice of coordinating fiscal cash for the sale, between the enterprise L.L.C Dukagjini and Enterprise L.L.C, "GEKOS.

Kosovo Competition Commission in composition of :

Z. Osman Ejupi	Chairman
Z. Ahmet Krasniqi	Member
Z. Halit Shabani	Member
Z. Gani Asllani	Member
Z. Deniz Jonuzi	Member

In a meeting date 1.09.2010 reviewed issue with:

**Object:**

Suspicion for the coordinating practice for the sale of fiscal cash, from enterprises L.L.C, Dukagjini and L.L.C, "GEKOS.

## **Legal Bases:**

Article 26.6 and article 3.2. Capital b. e Law for Competition no. 2004/36 date 08 September 2004 empowered with UNMIK regulation no. 2004/44 date 29 October 2004 and article 13 and 37 of Law for administrative procedures Administrative No.02/L-28 empowered with UNMIK regulation no. 2006/33 date 13 may 2006.

## **Party in the Investigation:**

Entreprise L.L.C "Dukagjini " Pristine

## **Period of Investigation:**

Period of investigation determined from KCC is from 09 June to 30 August 2010. Kosovo Competition Commission in its administrative procedure, on 30. 08.2010 considered the beginning of investigation for coordinated practice of enterprises S L.L.C Dukagjini and L.L.C "GEKOS" for selling of fiscal cash. Kosovo Competition Commission after investigation and hearings sessions date 10.08.2010 and 25.08.2010.

### **NOTE THAT:**

**I.** Enterprise L.L.C Dukagjini and Enterprise L.L.C "GEKOS" are licensed by the Commission for fiscal cash formed by the Ministry of Economy and Finance consists of: Agim Çela, Bujar Shita, Fehmi Mehmeti, Rifat Hyseni and Zilif Lufi, this commission which has decided no. KAF - 12/2009, dated 11/26/2009, By which select the economic operator L.L.C Dukagjini business no. 70048929 to sell install and maintain electronic fiscal equipment PEF throughout the territory of Kosovo for a period of four years.

Also the same commission on the same day gives license the second operator L.L.C "GEKOS" with the decision nr. KAF-11/2009 business no. 80191014, as well as sell, install and maintain electronic fiscal equipment PEF throughout the territory of Kosovo for a period of four years.

Competition Commission on the basis of public opinion, contact with the business community has expressed suspicion that in the market we have non-legal competition, with elements that are contrary to Article 3, and 15 of the Law on Competition no. 2004/36 of 8 September 2004.

## **II. Followed Procedures**

Kosovo Competition Commission according official duties, on the basis of knowledge from customers and public information began deepens investigation on June 9, 2010. On the basis of inspections made in undertaking L.L.C Dukagjini commission has provided documentation that the commission considered as necessary for the investigation of this market as the decision to select the operator, the license and the necessary legal basis.

## **III. Geographic Market**

Competition Commission finds that the geographic market for both operators is the whole territory of Kosovo.

#### **IV. Enabling the abuse of dominant position**

Despite the fact that two operators mentioned above are licensed for the sale, installation and maintenance of electronic equipment fiscal cash register, L.L.C Dukagjini only until 10.08.2010 there is no contract or has sold and any product of its own making thus enabling L.L.C "GEKOS" to have a dominant position in the market of the Republic of Kosovo, which is inconsistent with Articles 14 and 15 of the Law on Competition no. 2004/36

#### **V. Hearing Session**

After evaluating the existence of a dominant position in the market in Kosovo, Kosovo Competition Commission decided to invite owners respectively representatives L.L.C "GEKOS and L.L.C "DUKGJINI" that the date 10.08.2010 at 10 to attend the hearing where the "GEKOS" representative was Mr..Driton Shuki while Dukagjini Mr. Bashkim Shahini.

After a debate held in the session, that exists in the record of 10. 08. 2010, and in the second session came the conclusion that:

Fiscal cash registers throughout the territory of Kosovo, sells, installs and maintains enterprise L.L.C "GEKOS" by the companies. "ENTERNET.

L.L.C Dukagjini spite the fact that has been licensed for the sale, installation and maintenance of electronic fiscal cash equipment did not come to market with any product with limited market and enable "GEKOS" to have a dominant position with a concerted practice which are contrary to Article 3.2 letter c. the Law on Competition no. 2004/36.

#### **FOR THESE REASONS:**

Kosovo Competition Commission based in article 26. 6 of the Law on Competition No. 2004/36 dated September 8, 2004 got this:

#### **DECISION**

L.L.C **Dukagjini** the pronounced administrative sanction of 100,000 euros (One hundred thousand euro) according to Article 35.1 letter e. for violation of section 3.2 letter b.

#### **Legal Advice:**

Unsatisfied party may appeal within 15 days of the Commission for review under section 36 of UNMIK Regulation nr.2004/44, dated October 29, 2004.

This decision is effective immediately.

#### **KOSOVO COMPETITION COMMISSION**

**Ahmet Krasniqi**

**Halit Shabani**

**Gani Asllani**

**Deniz Jonuzi**

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**Member**

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**Member**

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**Member**

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**Member**

**Osman Ejupi**

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**Chairman**