



Republika e Kosovës
Republika Kosova - Republic of Kosovo
Autoriteti Kosovar i Konkurrencës



Autoritet Kosova za Konkurenciju - Kosovo Competition Authority

Pursuant to Article 23, Articles 28 and 29 of LAW NO. 03 / L-229 ON PROTECTION OF COMPETITION and the Law Amending it No. 04 / L-226, Commission of the Kosovo Competition Authority composed of: Valon Prestreshi - Chairman, Ahmet Krasniqi - Deputy Chairman, Fatime Haziri - Member and Shaqir Morina Member, - Request from the Ministry of Infrastructure and Transport-Department of Civil Aviation on the assessment of the issue of the Draft Proposal for the Development of the Air Transport Market of the Republic of Kosovo, and giving its Professional Opinion, at the meeting held on 19.11.2019 gives the following:

PROFESSIONAL OPINION

- I. The Kosovo Competition Authority, hereinafter ref (Authority), engages in all forms of prevention, restriction or misuse of competition (Abuse of Dominant Position, Prohibited Agreements, Concerted Practices and Realization of illegal Concentrations) by private economic undertakings or public, but also by restrictions caused by state administration and regulatory bodies in or outside the territory of the Republic of Kosovo, if such actions have effects in Kosovo.
- II. The Kosovo Competition Authority (Ref. Authority), after reviewing the strategic development project, considers that such incentives potentially restricts competition but this issue should be addressed by the State Aid Commission.
- III. Therefore, from the Authority's point of view, we suggest the Ministry of Infrastructure and Transport and Pristina International Airport, " Adem Jashari ", to ensure that, in selecting potential operators who will benefit from the Market Promotion Incentive Program, Air Transport of the Republic of Kosovo, that the provisional prerequisites in the incentive scheme should not be of a discriminatory nature and will not exclude competitors who are potential to perform certain services provided in the incentive program for market development.
- IV. Potential competition involves the opportunity to enter the market of new competitors. New entrants may come from competitors operating in another geographic market (for example, foreign). Other companies may enter the market if barriers to entry are avoided or they are acceptable and competitive. Obstacles may be legal or may be contractual (for example, restrictive conditions).

- V. The fundamental principle of competition law and policy is to provide free market access to any undertaking which meets the conditions to compete in that market in the interests of users of products / services and can compete on price and quality.
- VI. The Authority issues this Professional Opinion, addressing the request from the standpoint of Competition Law and policy.
- VII. Therefore, any form of distortion of competition, ie discriminatory and exclusionary conduct, will be subject to the monitoring of the Kosovo Competition Authority.

COMMISSION
KOSOVO COMPETITION AUTHORITY

(_____)
Valon Prrestreshi
President

(_____)	(_____)	(_____)	(_____)
Ahmet Krasniqi Deputy President	Fatime Haziri Commisioner	Muhamed Krasniqi Commissioner	Shaqir Morina Commissioner