

Summary:

Class: UP/I 034-03/2016-02/002

Reg.no: 580-11/107-2016-021

Zagreb, 20 December 2016

- Decision imposing a fine for failure to notify;

The Croatian Competition Council took a decision on 20 December 2016 to impose a fine in the amount of 10,000 Kuna on the undertaking Tahia Projekti d.o.o. with its seat in Zagreb (formerly Tahia FM d.o.o.) for non-notification of the merger within the prescribed notification deadline in the sense of Article 19 paragraphs 1 and 3 of the Competition Act.

Acting in contravention with Article 19 paragraph 5 of the Competition Act the undertaking concerned acquired the indirect controlling interest over the undertaking Radio Croatia d.o.o. for the production, transmission and broadcasting of radio programmes, from Zagreb, through the undertaking Narodni FM d.o.o for the production and broadcasting of radio programmes, Zagreb – the company that changed its name to Tahia Digital. Concretely, on 18 April 2014 it implemented the above mentioned transactions that have not received prior clearance of the competition authority and acting so committed an infringement of competition rules.

Given the fact that in line with Article 62 a fine not exceeding 1 % of the total turnover is imposed on the undertaking for minor infringements of competition rules the CCA decided in this particular case to impose a fine in the amount of 10,000 Kuna corresponding to 0.48% of the total turnover realized by the undertaking Tahia Projekti, formerly Tahia FM in 2015.

The CCA decided that in this particular case the fine in the amount of 10,000 Kuna will have a deterrent effect on recidivism and a general deterrent effect preventing other undertakings from engaging in similar practices.

In line with the Competition Act and the Regulation on the method of setting fines (OG 129/2010 and 23/2015) in the proceeding for establishing the amount of fine for minor infringements under Article 62 of the Competition Act, the CCA took into account the mitigating circumstances of the case.

First, the undertaking concerned had not been previously sanctioned for infringements under Article 62 paragraphs 1 and 5 of the Competition Act. Second, it confessed the violation concerned and committed itself not to commit similar wrongdoings in the future. Third, after the CCA started the ex-officio proceeding against the undertaking concerned, it cooperated with the CCA. Fourth, the CCA decided within the proceeding that the infringement was committed involuntarily and by negligence. No aggravating circumstances were established.