

Class: UP/I 034-03/13-01/047
Reg.no. 580-09/74-2016-219
Zagreb, 13 December 2016

Case: **Croatian Competition Agency vs. Croatian Chamber of Economy and 9 members of Croatian Association of Nautical Tourism (Croatian Marinas Association)**

Decision on termination of the proceeding

Case summary:

The High Administrative Court of the Republic of Croatia confirmed the claim of the ten undertakings that participated in the marinas' cartel that had been established by the CCA' decision of 17 March 2015 in which the representatives of the marinas who participated in the meeting of the Council of the Croatian Association of Nautical Tourism (Croatian Marina Association) under the aegis of the Croatian Chamber of the Economy in October 2012 in Biograd na moru, exchanged information relating to future pricing policies for berthing services.

In its 2015 decision the CCA found that when an undertaking reveals to its competitors strategic information concerning its future pricing plans, it is considered a hard core restriction and it imposed a total fine of 2.363,000 Kuna on the undertakings concerned.

However, the High Administrative Court found that the challenged decision had been based on insufficiently established facts of the case, annulled the decision of the CCA and **ordered the CCA to reverse the proceeding** in the case concerned and rectify the inconsistencies in compliance with the legal standing of the Court contained in its ruling.

Acting in compliance with the order of the Court, on 13 December 2016 the CCA adopted a new decision within the meaning of the standings of the Court and terminated the proceeding at issue due to the fact that the presumptions to carry out the proceeding ceased to exist. Taking into account the viewpoint of the Court and the fact that it explored all the possibilities of establishing the facts in the case concerned, the CCA decided that taking any further steps in the proceeding at stake would not be purposeful in compliance with the principle of effectiveness and efficiency, there was no public interest and there were no legal presumptions to carry out the ex officio proceeding. It therefore brought the decision on termination of the proceeding concerned.