

Class: UP/I 034-03/19-02/012  
Reg.no: 580-11/30-2019-004  
Zagreb, 6 December 2019

**Subject: STUDENAC d.o.o., Omiš and SONIK TRGOVINA d.o.o., Zadar**  
**- Assessment of compatibility of concentration**  
**- Notice on compatibility of concentration in Phase I;**

**Case summary:**

On 6 December 2019 the Croatian Competition Agency (CCA) cleared in the first phase the concentration between the undertakings in the form of the acquisition of a direct controlling interest over SONIK TRGOVINA d.o.o. from Zadar, by the undertaking Studenac d.o.o. from Omiš on a permanent basis within the meaning of Article 15 paragraph 1 item 2 of the Competition Act, Official Gazette, 79/09 and 80/13.

Based on the complete notification of concentration within the meaning of Article 20 of the Competition Act, the defined structure of the relevant market that involved both the actual competitors (incumbents) and the potential competitors, the post-merger market share of the parties to the concentration, expected effects of the concentration in the form of benefits for the consumers, as well as other data and findings, the Competition Council found that it can be reasonably presumed that this concrete concentration between the undertakings concerned cannot constitute a prohibited concentration in the sense of Article 16 of the Competition Act.

Given that the concentration in question produces no anticompetitive effects in the relevant market, the Croatian Competition Agency (CCA) shall not issue a procedural order to open the proceedings for the assessment of the concentration in the sense of Article 22 paragraph 3 and Article 39 of the Competition Act.

Taking all the above said into account the notified concentration shall be cleared in the first phase in line with Article 22 paragraph 1 of the Competition Act.

In the sense of Article 20 paragraph 6 of the Competition Act the complete notification was received by the CCA on 13 November 2019 when the CCA received all the documents and data in line with Article 20 paragraphs 1 and 3 of the Competition Act.

The notification of the concentration was submitted in line with Articles 19 and 20 of the Competition Act and the provisions of the Regulation on notification and assessment of concentrations between undertakings (Official Gazette, 38/11).

The concentration of the undertakings in question will primarily produce effects in the following relevant market:

- groceries retail market – food, beverages and sanitary products in the territory of Zadar and Lika-Senj County, and in the territory of the Republic of Croatia.

Besides in the relevant product market defined as above the participants to the concentration are also active in the groceries wholesale market. Yet, the share of this activity in the total turnover of the participants to the concentration in 2018 is lower than 5 %.

Only the acquiring company – Studenac is active in the groceries retail market – food, beverages and sanitary products in the territory of its domicile territory – Split-Dalmatia County, Istra, Primorje-Gorski Kotar, Dubrovnik-Neretva, Zadar and Šibenik-Knin County.

The acquirer Studenac, i.e. El Grop, is also active in the upstream markets of the market concerned through its connected undertaking PAN-PEK d.o.o. that is active in the manufacturing and sale of bakery products.

After the CCA received the complete notification of concentration in line with Article 21 paragraphs 5 and 6 and Article 32 item 1 of the Competition Act, on 20 November 2019 it published on its official website (<http://www.aztn.hr>) the request for information from all interested parties with the view to receiving further written comments and explanations with respect to the concentration at issue that would contribute to better understanding of the market situation in the relevant markets concerned.

No replies to this request for information were submitted to the CCA within the prescribed deadline.

Pursuant to Article 22 paragraph 2 of the Competition Act this notice has been also published on the CCA website.