

List of cases assessed in Croatia in 2004 in the field of antitrust (including mergers)

Decision No.	Date of decision	Title (including parties and sector)	Type: restrictive agreement (vertical/horizontal)/ abuse of dominance/ merger/advocacy	Description of practice or operation	Relevant market(s) and approximate market shares	Notification/ complaint/ own initiative/ consultation of draft law	Decision: exemption/ negative clearance/ rejection of complaint/ prohibition (fines)/ approval (conditional)	Details of assessment	Fine	Appeal	Comments
UP/I-030-02/2002-1/01/76	19.2.2004	BLITZ d.o.o., Zagreb, and COLUMBIA TRISTAR HOME ENTERTAINMENT, USA	Agreement	licensing and exclusive distribution	distribution of films and DVD's; Croatia; /	Notification	Procedural Order on termination of the proceeding	Due to the fact that the new Competition Act (Official Gazette 122/03; hereinafter: CA) entered into the force and that it contains in Article 11 paragraph 1 obligation of the Government of the Republic of Croatia to pass necessary regulations on block exemptions for certain categories of agreements, which shall have - as in EU - transitional period for compliance of existing agreements with new regulation, Agency terminated the proceedings.			Any assessment would in this case put the parties concerned in the unfavorable position towards other undertakings that concluded similar or other agreements in the same period before the Regulation in question entered into force. Same as in EU, Croatian undertakings do not have obligations to notify those agreements to the Agency.
UP/I-030-02/2002-2/01/77	19.2.2004	BLITZ d.o.o., Zagreb, and UNIVERSAL PICTURES, USA	Agreement	licensing and exclusive distribution	distribution of films and DVD's; Croatia; /	Notification	Procedural Order on termination of the proceeding	See details as in No. 1			See comments as in No. 1
UP/I-030-02/2002-3/01/128	19.2.2004	PANONSKA PIVOVARA d.o.o., Koprivnica, and CARLSBERG BREWERIES A/S, Denmark	Agreement	licensing	beer sector; Croatia; /	Own initiative	Procedural Order on termination of the proceeding	Licensee Panonska pivovara d.d. became daughter-company of the Licensor company of Carlsberg Breweries A/S			
UP/I-030-02/2000-4/01/174	19.2.2004	MATTEL EUROPA, B.V., Holland, and SPLIČANKA d.o.o., Split	Agreement	licensing	various of goods; Croatia; /	Own initiative	Procedural Order on termination of the proceeding	Withdrawal of the request for assessment by undertaking Mattel			There was no obligation to notify the Agency because it is agreement on non-excluded license.
UP/I-030-02/2002-5/01/142	8.4.2004	IMPULS SPORT d.o.o., Imotski, and ROBE DI KAPPA, Italy	Agreement	franchising	retail & wholesale sector of sportswear (ROBE DI KAPPA); Croatia	Own initiative	Procedural Order on termination of the proceeding	Undertaking IMPULS SPORT d.o.o. did not conclude the agreement in question			
UP/I-030-02/2002-6/01/102	8.4.2004	MOL AGRAM d.o.o., Zagreb, and MOL, Hungary	Agreement	franchising	retail of oil derivatives; Croatia	Own initiative	Procedural Order on termination of the proceeding	Undertaking MOL AGRAM d.o.o. did not conclude the agreement in question			
UP/I-030-02/2002-7/01/103	8.4.2004	FILA SPORT S.p.A., Italy, and SIM SPORT d.o.o., Zagreb	Agreement	exclusive distribution	retail & wholesale sector of sportswear ; Croatia	Own initiative	Procedural Order on termination of the proceeding	Due to the entry into force of the Regulation on Block exemption granted to certain categories of vertical agreements, and 6 months of transitional period left to undertakings to harmonize the provisions of their agreements (by 29 October 2004), Agency terminated the proceedings.			See comments as in No. 1
UP/I-030-02/2003-8/01/120	21.6.2004	FAIRTRADE d.o.o., Zagreb, and COLGATE PALMOLIVE ADRIA d.o.o., Zagreb	Agreement	exclusive distribution	wholesale of toothpaste and soaps, Croatia; /	Own initiative	Procedural Order on termination of the proceeding	See assessment as in No. 7			See comments as in No. 1
UP/I-030-02/2001-9/01/103	21.6.2004	TKK SRPENICA d.d., Srprenica, Slovenia, and BORNA TRGOVINA d.o.o., Zagreb	Agreement	exclusive distribution	additives used in paint & thin production; Croatia; /	Own initiative	Procedural Order on termination of the proceeding	See assessment as in No. 7			See comments as in No. 1
UP/I-030-02/2003-10/01/68	28.6.2004	BIOVEGA d.d., Zagreb, and ZLATNI TROKUT d.o.o., Zagreb	Agreement	franchising	eco-food production; Croatia; /	Own initiative	Procedural Order on termination of the proceeding	See assessment as in No. 7			See comments as in No. 1
UP/I-030-02/2002-11/01/92	28.6.2004	MAGMA d.d., Zagreb, and ESPRIT DISTRIBUTION Ltd., Germany	Agreement	distribution	wholesale and retail of women & men's wear; Croatia; /	Own initiative	Procedural Order on termination of the proceeding	See assessment as in No. 7			See comments as in No. 1
UP/I-030-02/2002-12/01/91	28.6.2004	MAGMA d.d., Zagreb, and MEXX EUROPE B.V., Holland	Agreement	franchising	wholesale and retail of women & men's wear; Croatia; /	Own initiative	Procedural Order on termination of the proceeding	See assessment as in No. 7			See comments as in No. 1
UP/I-030-02/2002-13/01/84	28.6.2004	MURA-TRGOVINA I USLUGE d.o.o., Zagreb, and LANTEA d.d., Zagreb	Agreement	distribution	wholesale and retail of women & men's wear; Croatia; /	Own initiative	Procedural Order on termination of the proceeding	See assessment as in No. 7			See comments as in No. 1
UP/I-030-02/2001-14/01/62	13.7.2004	MENART d.o.o. Zagreb, and BMG MUSIC INTERNATIONAL SERVICE/EDEL RECORDS/MEDIA RECORDS/AFI HOLLAND	Agreement	licensing	wholesale and retail of audio & video media; Croatia; /	Own initiative	Procedural Order on termination of the proceeding	See details as in No. 1			See comments as in No. 1

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UP/I-030-02/2002-15/01/100	17.9.2004	FORNETTI, Italy, and FORNETTI PECIVA d.o.o., Odra	Agreement	franchising	bakery products; Croatia/	Own initiative	Procedural Order on termination of the proceeding	See assessment as in No. 7			See comments as in No. 1
UP/I-030-02/2002-16/01/124	17.9.2004	BOSS, Italy, and RENIMO d.o.o., Zagreb	Agreement	franchising	wholesale and retail of women & men's wear; Croatia/	Own initiative	Procedural Order on termination of the proceeding	See assessment as in No. 7			See comments as in No. 1
UP/I-030-02/2004-17/01/01	8.4.2004	ZAGREBAČKA PIVOVARA d.d., Zagreb, and DISTRIBUTION PARTNERS	Agreement	software licensing	wholesale of beer; Croatia/	Notification	Procedural Order on termination of the proceeding	Upon notification, Party erased the provisions that requires individual exemptions and therefore it withdrew the request for individual exemption.			
UP/I-030-02/2003-18/01/51	22.1.2004	CROATIAN COMPETITION AGENCY, Zagreb, vs. PRESEČKI GRUP d.o.o., Krapina	Restrictive agreement	transport agreement	school bus transport of pupils; Krapinsko-zagorska County, City of Durmanec/	Own initiative	Procedural order on termination of the proceedings.	Agency terminated the proceeding because there were no conditions for continuing proceedings, while the agreement that was assessed by Agency was not restrictive agreement. Moreover, it was concluded in accordance with the provisions of the <i>special</i> Act that regulates the condition for contracts on transport of school pupils. Member of the school Council appealed against Agency procedural order.			Appeal against the Procedural order of the Agency was filed at Administrative Court on November 7, 2003. Agency submitted the answer to the complaint at the Administrative Court on January 26, 2004.
UP/I-030-02/2003-19/01/124	22.1.2004	IRIS d.o.o., Zagreb, and MARELLA S.p.A., Italy	Agreement	commercial cooperation (incl. elements of franchising)	wholesale and retail of women & men's wear; Croatia/	Own initiative	Decision on compliance with the provisions of the CA	Agreement in question is in compliance with the CA.			Proceeding was conducted in accordance with provisions of the <i>previous</i> CA.
UP/I-030-02/2003-20/01/92	19.2.2004	EUROLINE d.o.o., Zagreb, and DAIMLER CHRYSLER AG, Germany	Agreement	exclusive distribution	retail of cars; Croatia/	Notification	Decision on compliance with the provisions of the CA	Agreement in question is exclusive distribution of motor vehicles agreement, that is in compliance with the CA.			Proceeding was conducted in accordance with provisions of the <i>previous</i> CA.
UP/I-030-02/2003-21/01/43	19.2.2004	EUROLINE d.o.o., Zagreb, and SMART GmbH, Germany	Agreement	exclusive distribution	retail of cars; Croatia/	Notification	Decision on compliance with the provisions of the CA	Agreement in question is exclusive distribution of motor vehicles agreement, that is in compliance with the CA.			Proceeding was conducted in accordance with provisions of the <i>previous</i> CA.
UP/I-030-02/2003-22/01/157	29.4.2004	THE ANONYMOUS BUYERS, vs. INA INDUSTRIJA NAFTE d.d., Zagreb	Agreement	sales & distribution	retail of oil derivatives; Croatia/	Notification	Procedural order on dismissal of the request	There was no conditions for initiating the proceeding, because the contested agreement was in force for only a couple of months and it was terminated in 2003 by Director General of INA d.d. The new contract was concluded in 2003 and it's provision were in compliance with CA.			Since the Agency believed that agreement in question falls under category of prohibited agreements, and since there was a possibility that the Criminal Act was violated (Art 288), the Agency filed complaint to District Attorney Office, that initiated the proceedings against INA d.d. management.
UP/I-030-02/2000-23/01/84	19.10.2004	METROPOLIS MEDIA d.o.o., Zagreb, vs. CITY OF ZAPREŠIĆ and EUROPLAKAT-PROREKLAM d.o.o., Zagreb	Restrictive agreement	sales agreement	sales of commercials on jumbo-board; Croatia/	Own initiative	Decision on rejection of request	The contested agreement did not fall under category of <i>restrictive</i> agreements and it is in compliance with the CA. However, procedure stipulated by Act on self- government and Property and related rights Law was not violated since the announcement for Public Procurement was never published.			The Agency notified Central State Administrative Office for Public Administration of the Republic of Croatia, since they are in charged for the control over local self-government units.
UP/I-030-02/2000-24/01/129	19.10.2004	METROPOLIS MEDIA d.o.o., Zagreb, vs. CITY OF VELIKA GORICA and EUROPLAKAT-PROREKLAM d.o.o., Zagreb	Restrictive agreement	sales agreement	sales of commercials on jumbo-board; Croatia/	Own initiative	Decision on rejection of request	The contested agreement did not fall under category of <i>restrictive</i> agreements and it is in compliance with the CA. However, procedure stipulated by Act on self- government and Property and related rights Law was not violated since the Public Procurement was never published.			The Agency notified Central State Administrative Office for Public Administration of the Republic of Croatia, since they are in charged for the control over local self-government units.

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25	UP/I-030-02/2003-01/158	22.1.2004	SPIRIT OF MUSIC, Zagreb, vs. DANCING BEAR, Zagreb/ACQUARIUS RECORDS d.o.o., Zagreb/Menart d.o.o., Zagreb/ DALLAS RECORDS, Zagreb	Abuse of dominance and restrictive practices	refusal to deal	purchase and trade of phonograms, i.e. audio/video media (CD, DVD etc.); Croatia: /	Notification	Procedural order on termination of the proceeding.	Undertaking SPIRIT OF MUSIC withdrew their request.			
26	UP/I-030-02/2003-01/18	19.2.2004	CROATIAN COMPETITION AGENCY, Zagreb, vs. MERCATOR-H d.o.o., Velika Gorica	Abuse of dominance and restrictive practices	refusal to deal	wholesale trade in groceries, predominantly food, beverages and sanitary products, Croatia: /	Own initiative	Procedural order on termination of the proceeding	Agency determined that Mercator-H d.o.o. does not have dominant position, and therefore was not able to abuse it. Moreover, the agreements with suppliers that were initiative to start the proceeding of assessment by the Agency, were no longer in force. Therefore, there were no reasons to continue the proceedings.			
27	UP/I-030-02/2003-01/107	19.2.2004	BASIS d.o.o., Zagreb, vs. CROATIAN NATIONAL BANK, Zagreb	Abuse of dominance and restrictive practices	barrier to entry	licensed software for exchange offices; Croatia: /	Notification	Procedural Order on termination of the proceeding	Undertaking BASIS withdrew the request.			
28	UP/I-030-02/2002-01/158	9.4.2004	BLITZ d.o.o., Zagreb, vs. CROATIAN ASSOCIATION OF VIDEO SHOP OWNERS, Zagreb	Abuse of dominance and restrictive practices	refusal to deal	retail of video media (videotapes, DVD's); Croatia: /	Notification	Procedural Order on termination of the proceeding	Undertaking BLITZ withdrew the request.			
29	UP/I-030-02/2003-01/6	21.5.2004	CROATIAN COMPETITION AGENCY, Zagreb, vs. KONZUM d.d., Zagreb	Abuse of dominance and restrictive practices	refusal to deal	retail trade in groceries, predominantly food, beverages and sanitary products, Croatia: /	Own initiative	Procedural Order on termination of the proceeding	Prior to the resolution in this case, advocacy made by Agency resulted in re-establishment of effective competition on the relevant market, i.e. undertaking KONZUM d.d. concluded with LURA d.d. (the biggest dairy manufacturer) Agreement on business cooperation (allowing distribution and sell of LURA's milk and dairy products, soft drinks and biscuits in retail stores of KONZUM d.d.)			
30	UP/I-030-02/2000-01/178	21.5.2004	ALLIANZ ZAGREB d.d., Zagreb, vs. CROATIA OSIGURANJE d.d., Zagreb	Abuse of dominance and restrictive practices	tying	car insurance; Croatia: /	Notification	Procedural Order on termination of the proceeding	Undertaking ALLIANZ withdrew the request			
31	UP/I-030-02/2004-01/19	21.6.2004	ORACLE HRVATSKA d.o.o., Zagreb, vs. CROATIAN NATIONAL BANK, Zagreb	Abuse of dominance and restrictive practices	barrier to entry	licensed software for exchange offices; Croatia: /	Notification	Procedural Order on termination of the proceeding	Undertaking Oracle Hrvatska d.o.o. withdrew the request due to the fact that Croatian National Bank - on its own initiative - modified the restrictive conditions that it announced that shall be contained in the public procurement process.			Since Croatian National Bank modified conditions prior to announcement of the public procurement, Agency terminated the proceeding without transferring the jurisdiction to the Public Procurement Office.
32	UP/I-030-02/2004-01/39	28.7.2004	TILIA TRGOVINA d.o.o., Kutina, vs. KOMUNALNI SERVISI d.o.o., Kutina	Abuse of dominance and restrictive practices	refusal to deal	transport of deceased person and selling of funeral accessories	Notification	Procedural Order on termination of the proceeding	Undertaking TILLA Trgovina withdrew the request			
33	UP/I-030-02/2004-01/09	22.7.2004	AUTORAD d.o.o., Zagreb, vs. P.Z. AUTO d.o.o., Zagreb	Abuse of dominance and restrictive practices	termination of agreement on distribution and servicing	repair of cars; Croatia: /	Notification	Procedural order on termination of the proceedings	Undertaking P.Z. AUTO, as general importer of VW motor vehicles for Republic of Croatia, returned undertaking AUTORAD, priority long time official distributor and servicer of the VW motor vehicles, in the network of official servicers of those vehicles. Therefore, undertaking AUTORAD withdrew its request.			the network of official servicers of the VW motor vehicles is direct consequence of the meeting held by the Agency and written opinion issued by the Agency regarding the new Regulation on Block Exemption granted to agreements on distribution and servicing of motor vehicle. In the opinion and on the meeting Agency informed P.Z. AUTO that dealers, whose contract has been terminated, should stay in business as repairs, due to their skills and knowledge. Particular in this case when distributor whose contract has been terminated was authorised servicer for over 20 years. This interpretation of the Agency is in
34	UP/I-030-02/2004-01/48	16.9.2004	AUTOHRVATSKA Pula d.o.o., Pula, vs. P.Z. AUTO d.o.o., Velika Gorica	Abuse of dominance and restrictive practices	barrier to entry	distribution and maintenance of motor vehicles of "Audi" and "VW"; Istarska county; /	Notification	Procedural order on termination of the proceedings	See assessment as in No. 33			See assessment as in No. 33

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UP/I-030-02/2004-35/01/14	29.9.2004	DU-EKO d.o.o., Mlini, vs. ČISTOČA d.o.o., Dubrovnik, and CITY OF DUBROVNIK	Abuse of dominance and restrictive practices	barrier to entry	waste disposal/Dubrovačko-neretvanska County;/	Notification	Procedural order on termination of the proceedings	Undertaking DU-EKO withdrew the request			
UP/I-030-02/2004-36/01/50	26.11.2004	CHAMBER OF CRAFTS OF SPLITSKO-DALMATINSKA COUNTY, Zagreb, vs. TOMIĆ COMPANY, Zagreb	Abuse of dominance and restrictive practices	refusal to deal	car-maintenance and service of BMW cars; City of Split (southern Croatia); /	Notification	Procedural order on termination of the proceedings	Chamber of Crafts failed to enclose and submit all necessary data. In accordance with article 42 paragraph 2 of CA it was deemed that the Claimant has waived the claim.			
UP/I-030-02/2004-37/01/71	26.11.2004	AUTO KUĆA KOVAČEVIĆ d.o.o., Zagreb, vs. P.Z. AUTO d.o.o., Velika Gorica	Abuse of dominance and restrictive practices	refusal to deal	car-maintenance and service of VW cars; City of Zagreb; /	Notification	Procedural order on termination of the proceedings	See assessment as in No. 33			See assessment as in No. 33
UP/I-030-02/2003-38/01/46	22.1.2004	UDIO BORAN uslužna djelatnost & otpremništvo d.o.o., Zagreb, vs. LAGERMAX d.o.o., Zagreb	Abuse of dominance and restrictive practices	applying dissimilar conditions to equivalent transactions with other trading parties, thereby placing them at a competitive disadvantage	forwarding and custom clearance intercession services; Croatia;/	Notification	Procedural order on dismissal of the request	No conditions to initiate the proceedings, because Agency determined that provisions of the Obligatory relation Act may be violated in this case.			
UP/I-030-02/2003-39/01/105	14.7.2004	THE ASSOCIATION OF MERCHANTS, Zagreb, vs. ZAGREBAČKA PIVOVARA d.d., Zagreb	Abuse of dominance and restrictive practices	refusal to deal	beer supply; Croatia;/	Notification	Procedural Order on dismissal of the request	On multiple requests of the Agency to submit necessary information, the Association of Merchants never reply. Therefore, Agency terminated the request as incomplete in accordance with the provisions with the General Administrative Proceeding Act.			Proceeding was conducted in accordance with provisions of the previous CA.
UP/I-030-02/2004-40/01/6	11.3.2004	TIFON d.o.o., Zagreb, vs. CROATIAN HIGHWAYS d.d., Zagreb, and INA INDUSTRIJA NAFTE d.d., Zagreb	Abuse of dominance and restrictive practices	refusal to deal	Retail of oil derivatives; Croatia;/	Notification	Procedural order on dismissal of the proceedings	Agency terminated the proceeding because there were no conditions for continuing proceeding, while the agreement that was assessed by Agency was not restrictive agreement. Moreover, it was concluded in accordance with the provisions of the Act on Public Roads.			
UP/I-030-02/2004-41/01/8	8.4.2004	METEO CENTAR d.o.o., Zagreb, vs. STATE HIDROMETEOROLOGICAL INSTITUTE, Zagreb	Abuse of dominance and restrictive practices	barrier to entry	exclusive right to provide hydrometeorological forecast; Croatia;/	Notification	Procedural order on dismissal of the request	The scope of the request falls outside of Agency's jurisdiction			
UP/I-030-02/2004-42/01/36	13.7.2004	FOTO FELIX d.o.o., Dubrovnik, vs. VSP VIDEO d.o.o., Dubrovnik	Abuse of dominance and restrictive practices	barrier to entry	retail of photo products&accessories; Croatia;/	Notification	Procedural order on dismissal of the request	The scope of the request falls outside of Agency's jurisdiction			
UP/I-030-02/2004-43/01/45	27.7.2004	GUMITEHNIKA CRAFT Zagreb, vs. JURA KOLOPER, Zagreb	Abuse of dominance and restrictive practices	refusal to deal	car-maintenance and service; southern part of the City of Zagreb;/	Notification	Procedural order on dismissal of the request	The scope of the request falls outside of Agency's jurisdiction			

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44	UP/I-030-02/2004-01/46	1.9.2004	VATROZAŠTITA CRAFT, Zabok, vs. KRAPINSKO-ZAGORSKA COUNTY, Krapina	Abuse of dominance and restrictive practices	barrier to entry	maintenance of fire-protection device; Krapinsko-zagorska county;/	Notification	Procedural order on dismissal of the request	The scope of the request falls outside of Agency's jurisdiction			
45	UP/I-030-02/2002-01/104	18.10.2004	PRO-TRADE d.o.o., Zagreb, vs. KAUF LAND HRVATSKA k.d., Zagreb	Abuse of dominance and restrictive practices	applying dissimilar conditions to equivalent transactions with other trading parties, thereby placing them at a competitive disadvantage	retail of mobile phones, Croatia;/	Notification	Procedural order on dismissal of the request	The scope of the request falls outside of Agency's jurisdiction			
46	UP/I-030-02/2004-01/05	29.9.2004	TRENTON d.o.o., Split, vs. SMS-PREHRAMBENI RAZVOJNI CENTAR d.o.o., Split	Abuse of dominance and restrictive practices	barrier to entry	testing the quality of olive oil; Croatia;/	Notification	Procedural order on dismissal of the request	The scope of the request falls outside of Agency's jurisdiction			The Agency informed Ministry of Agriculture, Forestry and Water Management, about the case and indicated that the existing legislation with only one laboratory for testing of olive oil owned by the undertaking that also produces the olive oils, is not compatible with the CA.
47	UP/I-030-02/2004-01/69	26.11.2004	HEP-PLIN d.o.o., Osijek, vs. INA-INDUSTRIJA NAFTE d.d., Zagreb	Abuse of dominance and restrictive practices	directly or indirectly imposing unfair purchase or selling prices or other unfair trading conditions	distribution of natural gas; Virovitičko-podravska (19,12%), Požeško-slavonska (78,72%) and Osječko-baranjska county (98,52%);	Notification	Procedural order on dismissal of the request	The scope of the request falls outside of the Agency's jurisdiction.			Competent regulator is Croatian Energy Regulatory Council (VRED).
48	UP/I-030-02/2004-01/77	22.12.2004	AUTOCOMMERCE VIDAK d.o.o., Varaždin, vs P.Z. AUTO, Velika Gorica	Abuse of dominance and restrictive practices	applying dissimilar conditions to equivalent transactions with other trading parties, thereby placing them at a competitive disadvantage	retail of SEAT cars (P.Z. had less than 40% of market share), and car-maintenance and service; Croatia;/	Notification	Procedural order on dismissal of the request	The Agency dismissed the request because it had written proof that cooperation of AUTOCOMMERCE VIDAK and P.Z. AUTO was terminated based on mutual agreement. Namely, AUTOCOMMERCE VIDAK, upon termination of the contract, wrote to P.Z. AUTO thanking for previous cooperation and stating that termination of the contract was done in a fair manners.			Agency determined that claimant was not a long period of time official distributor and servicer of SEAT motor vehicles. Therefore, there was no obligation for P.Z. AUTO to return claimant in his official service network as it was case with claimants AUTORAD, AUTOHRVATSKA PULA and AUTO KUĆA KOVAČEVIĆ (see No. 33, 34 and 37).
49	UP/I-030-02/2004-01/03	22.1.2004	LEGIONAR FUMIĆ i dr. j.t.d., Brestovac, vs. GENERAL COUNTY HOSPITAL OF THE CITY OF POŽEGA	Abuse of dominance and restrictive practices	applying dissimilar conditions to equivalent transactions with other undertakings, thereby placing them at a competitive disadvantage	security service (persons and assets), City of Požega;/	Notification	Procedural order of dismissal of the request	Transfer of jurisdiction to the State Commission (or Office) for public procurement			Public Procurement procedure is regulated by Public Procurement Act (Official Gazette No. 117/01).
50	UP/I-030-02/2003-01/156	22.1.2004	COMBIS d.o.o., Dubrovnik, vs. FINA, Zagreb	Abuse of dominance and restrictive practices	barrier to entry	various of services; Croatia;/	Notification	Procedural order of dismissal of the request	Transfer of jurisdiction to the State Commission (or Office) for public procurement			

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51	UP/I-030-02/2004-01/31	9.4.2004	MESTROVIĆ PRIJEVOZ d.o.o., Zagreb, vs. PRIMARY SCHOOL JOSIP BROZ, Kumrovec	Abuse of dominance and restrictive practices	refusal to deal	school bus transport; City of Kumrovec; /	Notification	Procedural order of dismissal of the request	Transfer of jurisdiction to the State Commission (or Office) for public procurement			
52	031-02/2004-01/75	17.6.2004	TRANSTEC TRANSPORTNE TEHNOLOGIJE d.o.o., Zagreb, vs. HRVATSKE ŠUME d.d., Zagreb	Abuse of dominance and restrictive practices	refusal to deal	delivery of crane spareparts; Croatia; /	Notification	Procedural order of dismissal of the request	Transfer of jurisdiction to the State Commission (or Office) for public procurement			
53	UP/I-030-02/2004-01/84	1.9.2004	PROTECT d.o.o., Rijeka, vs. HPB d.d., Zagreb	Abuse of dominance and restrictive practices	applying dissimilar conditions to equivalent transactions with other trading parties, thereby placing them at a competitive disadvantage	24-hour bodyguard protection security service of business premises	Notification	Procedural order of dismissal of the request	Transfer of jurisdiction to the State Commission (or Office) for public procurement			
54	UP/I-030-02/2004-01/65	18.10.2004	ZOP-TEHNOLOŠKE USLUGE d.o.o., Rijeka, vs. PASTOR d.d., Zagreb	Abuse of dominance and restrictive practices	applying dissimilar conditions to equivalent transactions with other trading parties, thereby placing them at a competitive disadvantage	maintenance of fire-protection device; Primorsko-goranska county; /	Notification	Procedural order of dismissal of the request	Transfer of jurisdiction to the State Commission (or Office) for public procurement			
55	UP/I-030-02/2004-01/114	8.11.2004	TVIN d.d., Virovitica, vs. FACULTY OF AGRONOMIC, Zagreb	Abuse of dominance and restrictive practices	applying dissimilar conditions to equivalent transactions with other trading parties, thereby placing them at a competitive disadvantage	supply of furniture; Croatia; /	Notification	Procedural order of dismissal of the request	Transfer of jurisdiction to the State Commission (or Office) for public procurement			
56	UP/I 030-02/2004-01/75	26.11.2004	MIRKO MIJATOVIĆ, Knin, vs. HŽ d.o.o., Zagreb	Abuse of dominance and restrictive practices	refusal to deal	lease of business premises owned by HŽ d.o.o.; City of Knin; /	Notification	Procedural order of dismissal of the request	Transfer of jurisdiction to the State Commission (or Office) for public procurement			
57	UP/I 030-02/2004-01/79	22.11.2004	RAZRED ARHITEKATA HKAIG and CROATIAN ARCHITECTS ASSOCIATION, Zagreb, vs. CLINICAL HOSPITAL SPLIT, Split	Abuse of dominance and restrictive practices	applying dissimilar conditions to equivalent transactions with other trading parties, thereby placing them at a competitive disadvantage	drafting of notional project, in order to construct Clinical for women diseases and labour; Split	Notification	Procedural order of dismissal of the request	Transfer of jurisdiction to the State Commission (or Office) for public procurement			

List of cases assessed in Croatia in 2004 in the field of antitrust (including mergers)

No.	Decision No	Date of decision	Title (including parties and sector)	Type: restrictive agreement (vertical/horizontal)/ abuse of dominance/ merger/advocacy	Description of practice or operation	Relevant market's and approximate market shares	Notification/ complaint/ own initiative/ consultation of draft law	Decision: exemption/ negative clearance/ rejection of complaint/ prohibition (fines)/ approval (conditional)	Details of assessment	Fine	Appeal	Comments
58	UP/I 030-02/2004-01/80	22.11.2004	GRACOTECH - AKZ d.o.o., Zagreb, vs. BRODOTROGIR d.d., Trogir	Abuse of dominance and restrictive practices	refusal to deal	antitrust protection service of ships; shipyard of BRODOTROGIR d.d., Trogir; 100%	Notification	Procedural order of dismissal of the request	Transfer of jurisdiction to the State Commission (or Office) for public procurement			
59	031-01/2004-01/152	26.11.2004	PRIMACOTRANS d.o.o., Zagreb, vs. PRIJEVOZ TOPOLIĆ craft, Zagreb	Abuse of dominance and restrictive practices	interpretation of the provision of CA regarding unfair conduct	transport; Croatia; /	Notification	Procedural order on dismissal of request	The scope of the request falls outside of Agency's jurisdiction			
60	031-02/2004-01/144	22.12.2004	RUTING d.o.o., Kastav, vs. QUATRO COMPANY d.o.o., Split	Abuse of dominance and restrictive practices	abuse of dominant position	retail of Honda FJS 600 Silver Wing scooters; City of Split; /	Notification	Procedural order on dismissal of request	The scope of the request falls outside of Agency's jurisdiction.			
61	031-01/2004-01/151	22.12.2004	BARBEL - POLIKLINIKA ZA PLASTIČNU KIRURGIJU I OPĆU KIRURGIJU, Zagreb, vs. CERTAIN PRIVATE PLASTIC SURGERY CLINICS	Abuse of dominance and restrictive practices	false promotion - non-licensed business activity	plastic surgery service; Croatia; /	Notification	Procedural order on dismissal of request	The scope of the request falls outside of Agency's jurisdiction. Agency transferred a request to the Ministry of Health.			Non-administrative file.
62	031-01/2004-01/38	26.11.2004	MEDILAB d.o.o., Zagreb, vs. GENERAL HOSPITAL OF THE CITY OF OGULIN, Ogulin	Abuse of dominance and restrictive practices	applying dissimilar conditions to equivalent transactions with other trading parties, thereby placing them at a competitive disadvantage	purchase of surgically stuff; /	Notification	Administrative Note	Transfer of jurisdiction to the State Commission (or Office) for public procurement			Non-administrative file
63	031-01/2004-01/150	26.11.2004	SANYKO d.o.o., Zagreb, vs. GENERAL HOSPITAL OF THE CITY OF THE DUBROVNIK, Dubrovnik	Abuse of dominance and restrictive practices	applying dissimilar conditions to equivalent transactions with other trading parties, thereby placing them at a competitive disadvantage	purchase of surgically stuff; /	Notification	Administrative Note	Transfer of jurisdiction to the State Commission (or Office) for public procurement			Non-administrative file
64	031-01/2004-01/133	26.11.2004	DUMPING d.o.o., Tenja, vs. MUNICIPALITY AUTHORITY OF THE CITY OF OSJEK, Osijek	Abuse of dominance and restrictive practices	applying dissimilar conditions to equivalent transactions with other trading parties, thereby placing them at a competitive disadvantage	construction of: parking-place, public dump, public bath; City of Osijek; /	Notification	Administrative Note	Transfer of jurisdiction to the State Commission (or Office) for public procurement			Non-administrative file
65	UP/I 030-02/2004-01/76	26.11.2004	DAMIR KLARENDIĆ, Brač, vs. LOCAL GOVERNMENT, City of Brač	Abuse of dominance and restrictive practices	applying dissimilar conditions to equivalent transactions with other trading parties, thereby placing them at a competitive disadvantage	assignment of concession for the Port of Sutivan/Island of Brač	Notification	Administrative Note	Lack of the jurisdiction of the Agency. Request transferred to the Ministry of the Sea, Tourism, Transport and Development			Non-administrative file

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66	UP/I 030-02/2003-01/134	22.1.2004.	HERMES PLUS d.o.o., Zagreb, and EPSILON d.o.o., Zagreb	Merger	acquisition of majority of share capital	consultancy and procurement of software, Croatia: 10-15%	Own initiative	Notice on approval of concentration	Taking into consideration possible advantages and effects that would occur in the case of implementation of concentration, as well as probable hindrances to entered the market, the Agency established that the concentration should not have negative effects on the competition.			In the first phase of the proceeding, the Agency issued notice on the approval of the concentration
67	UP/I 030-02/2002-01/154	11.3.2004.	DINOVA TRGOVINA, d.o.o., Zagreb, and DIONA d.d. under bankruptcy	Merger	acquisition of majority of share capital	retail trade in groceries, predominantly food, beverages and sanitary products, City of Zagreb: <10%, County of Karlovac: <5%, County of Bjelovar-Bilogora: <5%	Notification	Notice on approval of concentration	See details as in No. 66			See comments as in No. 66
68	UP/I 030-02/2004-01/04	8.4.2004.	PROTECT & GAMBLE GERMAYN MANAGEMENT GmbH, and WELLA AG, Germany	Merger	acquisition of majority of share capital	sales of hair care products, Croatia: 10-15%	Notification	Notice on approval of concentration	See details as in No. 66			See comments as in No. 66
69	UP/I 030-02/2004-01/28	18.6.2004.	MEGGLE EASTERN EUROPE GmbH, Germany, and IPK MIA d.d. Osijek	Merger	acquisition of majority of share capital	production of diary, Croatia: 5-10%	Notification	Notice on approval of concentration	See details as in No. 66			See comments as in No. 66
70	UP/I 030-02/2004-01/29	21.6.2004.	CLT-UFA S.A., Luxembourg, and RTL HRVATSKA d.o.o., Zagreb	Merger	acquisition of majority of share capital	production of broadcast TV programmes, Croatia: 25-30%	Notification	Notice on approval of concentration	See details as in No. 66			See comments as in No. 66
71	UP/I-030-02/2004-01/34	12.7.2004.	BELIŠĆE d.d., Belišće, and BILOKALNIK d.d., Koprivnica	Merger	acquisition of majority of share capital	manufacture of corrugated paper (board) and of containers of paper(board), Croatia: 25-30%	Notification	Notice on approval of concentration	See details as in No. 66			See comments as in No. 66
72	UP/I-030-02/2004-01/47	28.7.2004.	CME MEDIA ENTERPRISES BV, Netherlands, and NOVA TV d.d., Zagreb	Merger	acquisition of majority of share capital	production of broadcast TV programs, Croatia: 10-20%	Notification	Notice on approval of concentration	See details as in No. 66			See comments as in No. 66
73	UP/I-030-02/2004-01/82	22.12.2004	WIENER STADISCHE ALLGEMEINE VERSICHERUNG AG, Beč, Austria, and AURUM d.d., Zagreb	Merger	acquisition of majority of share capital	life and non-life insurance; Croatia: 4,45% (after the implementation of concentration)	Notification	Notice on approval of concentration	See details as in No. 66			See comments as in No. 66
74	UP/I-030-02/2004-01/77	22.12.2004	MEPAS d.o.o., Široki Brijeg, Bosnia and Herzegovina, and BRODOMERKUR d.d., Split	Merger	acquisition of majority of share capital	wholesale of electrical household appliances; Croatia: 8,1%	Notification	Notice on approval of concentration	See details as in No. 66			See comments as in No. 66
75	UP/I 030-02/03-01/144	19.2.2004.	KONZUM d.d., Zagreb, and Japetić d.d., Jastrebarsko	Merger	acquisition of majority of share capital	retail trade in groceries, predominantly food, beverages and sanitary products, Karlovac, Jastrebarsko and south west part of Zagreb: <10,00%	Own initiative	Decision on approval of the concentration	Taking into consideration possible advantages and effects that would occur in the case of implementation of concentration, as well as probable hindrances to entered the market, the Agency established that the concentration should not have negative effects on the competition. The Agency concluded that the subject concentration does not result in creation or strengthening of a dominant position and it does not significantly influence the prevention, restriction or distortion of competition.			In the second phase of the proceeding, the concentration was assessed as allowed.

List of cases assessed in Croatia in 2004 in the field of antitrust (including mergers)

No.	Decision No	Date of decision	Title (including parties and sector)	Type: restrictive agreement (vertical/horizontal)/ abuse of dominance/ merger/advocacy	Description of practice or operation	Relevant market's and approximate market shares	Notification/ complaint/ own initiative/ consultation of draft law	Decision: exemption/ negative clearance/ rejection of complaint/ prohibition (fines)/ approval (conditional)	Details of assessment	Fine	Appeal	Comments
76	UP/I 030-02/03-01/154	19.2.2004.	PHOENIX GmbH, Germany, and MEDIFARM-VELEBIT d.d., Varaždin	Merger	acquisition of majority of share capital	wholesale of pharmaceutical goods, Croatia: 20-25%	Notification	Decision on approval of the concentration	See details as in No. 75			See comments as in No. 75
77	UP/I 030-02/2004-01/15	23.7.2004.	KONZUM d.d., Zagreb, and MEDIATOR d.o.o., Dubrovnik	Merger	acquisition of majority of share capital	retail trade in groceries, predominantly food, beverages and sanitary products, County of Dubrovnik-Neretva: 35-40%	Notification	Decision on approval of the concentration	See details as in No. 75			See comments as in No. 75
78	UP/I 030-02/2003-01/35	29.4.2004.	KONZUM d.d. Zagreb, and ZADRANKA d.d., under bankruptcy, Zadar	Merger	contract on lease of the business premises	retail trade in groceries, predominantly food, beverages and sanitary products, County of Zadar: 30-35%	Notification	Decision on approval of the concentration	See details as in No. 75			See comments as in No. 75
79	UP/I-030-02/2004-01/33	28.7.2004.	EPH d.o.o., Zagreb, and SLOBODNA DALMACIJA d.d., Split	Merger	acquisition of majority of share capital	market of general information daily newspapers, Croatia: 35-40%; market of press distribution (press wholesale market), Croatia: 85-90%; market of advertising in general information dailies, Croatia: 35-40%	Notification	Decision on conditional approval of the concentration	Taking into consideration possible advantages and effects that would occur in the case of implementation of concentration, as well as probable hindrances to entered the market, the Agency established that the subject concentration could result in significant prevention, restriction or distortion of the competition. Therefore, Agency ordered following measures: the obligation of the undertaking EPH d.o.o. to sell its share in the undertaking Tisak d.d. within 6 months from the receipt of the Decision or to sell its share in the undertaking Distri Press d.o.o. within additional 3 months as well as the obligation of undertaking EPH d.o.o. to notify about the Buyer of the shares in question.	Yes (on 3rd party's request to the Agency to determine that it has status of party in the proceedings - in accordance with Art 40 of CA - the Agency issued Procedural order on dismissal of the request. That party filed a complaint at the Administrative Court.	In the second phase of the proceeding, the concentration was assessed as conditionally compatible, provided that structural measures are observed and conditions met within time limits, set by the Agency.	
80	UP/I 030-02/2003-01/39	23.1.2004.	CARLSBERG BREWERIES AS, Denmark, and PANONSKA PIVOVARA d.d., Koprivnica	Merger	acquisition of majority of share capital	beer sector /	Own initiative	Claim to the Misdemeanour Court in accordance with Article 62 paragraph 1 item 2	The parties to the concentration had the obligation to submit the notification of concentration to the Agency. Since they failed to fulfill their obligation, the Agency filed the claim at the misdemeanor court in order to initiate the minor offence proceeding.	5,000 Kuna (2,000 E) for undertaking PANONSKA PIVOVARA, as legal person; 5,000 Kuna (670 E) for executive, as the responsible (natural) person of the undertaking – legal person concerned	The Misdemeanour Court in Koprivnica imposed the fine to the undertaking PANONSKA PIVOVARA d.d. for failing to notify the concentration, based upon Act. 63 paragraph 1 and 2 of the CA.	
81	UP/I 030-02/03-01/103	19.2.2004.	ADRIA RESORTS d.o.o., Rovinj, and 6 HOTELS IN THE CITY OF DUBROVNIK	Merger	acquisition of majority of share capital	tourist sector; Dubrovačko-neretvanska county; /	Own initiative	Procedural Order on termination of the proceeding	Although undertaking ADRIA RESORTS d.o.o. published in media its intention to merge, on Agency's request for notification, it informed the Agency that it withdraw its interest in merger.			

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82	UP/I 030-02/2003-01/127	19.2.2004.	PIONEER-SJEME d.o.o., Zagreb, and IPK ORANICA d.o.o., Osijek	Merger	acquisition of majority of share capital	Growing of cereals, Croatia: <5%, Agricultural service activities, Croatia: 10-15%	Own initiative	Procedural Order on termination of the proceeding	There was no obligation to notify the concentration while the requirements on the thresholds were not fulfilled.			
83	UP/I 030-02/2003-01/64	15.3.2004.	MLINAR d.d., Križevci, and ŽITNJAK d.d., Zagreb	Merger	acquisition of majority of share capital	retail trade in groceries, predominantly food, beverages and sanitary products, City of Zagreb: <10%, Sisak: 10-15%	Own initiative	Procedural Order on termination of the proceeding	See details as in No. 82			
84	UP/I 030-02/2003-01/113	21.6.2004.	MESNA INDUSTRIJA BRACE PIVAC d.o.o., Vrgorac, and PKK KARLOVAČKA MESNA INDUSTRIJA d.d., Karlovac	Merger	acquisition of majority of share capital	retail of meat and meat products, Croatia: 10-15%	Own initiative	Procedural Order on termination of the proceeding	See details as in No. 82			
85	UP/I 030-02/2003-01/115	21.6.2004.	MESNA INDUSTRIJA BRACE PIVAC d.o.o., Vrgorac, and BERMES d.o.o., Donja Pušća	Merger	acquisition of majority of share capital	retail of meat and meat products, Croatia: 10-15%	Own initiative	Procedural Order on termination of the proceeding	See details as in No. 82			
86	UP/I 030-02/2003-01/04	28.7.2004.	EPH d.o.o., Zagreb, and DISTRI-PRESS d.o.o., Zagreb	Merger	acquisition of majority of share capital	market of press distribution (press wholesale market), Croatia: 85-90%, market of advertising in general information dailies, Croatia: 35-40%	Own initiative	Procedural Order on termination of the proceeding	Since merger EPH/SLOBODNA DALMACIJA include whole press wholesale market, Agency terminated the proceedings because the final decision was reached in merger between EPH and SLOBODNA DALMACIJA, and includes this merger.			
87	UP/I 030-02/03-01/70	19.2.2004.	KTC d.o.o., Križevci, and STRAHINČIĆA d.d., Krapina	Merger	contract on lease of the business premises	retail trade in groceries, predominantly food, beverages and sanitary products, County of Krapina-Zagorje: 20-25%	Own initiative	Procedural Order on the termination of the proceeding	See details as in No. 82			
88	UP/I 030-02/2002-01/134	23.1.2004.	EPH d.o.o., Zagreb, and MERIDIJAN 16 d.o.o., Zagreb	Merger	acquisition of majority of share capital	publishing of newspapers, Croatia: <5%	Notification	Procedural Order on the dismissal of the notification	There was no obligation to notify the concentration while the requirements on the thresholds were not fulfilled.			
89	UP/I 030-02/2004-01/13	9.4.2004.	H.B.I. d.o.o. hotelijerstvo i turizam, Zagreb, and HOTELI MLINI d.d., Mlini	Merger	acquisition of majority of share capital	hotels and motels, with restaurant, County of Dubrovnik-Neretva: 10-15%	Notification	Procedural Order on the dismissal of the notification	See details as in No. 88			
90	UP/I 030-02/2002-01/59	9.4.2004.	EUREST LUXEMBOURG d.o.o., Zagreb, and HT d.d., Zagreb	Merger	acquisition of majority of share capital	telecommunication services; Croatia; / groceries, predominantly food, beverages and sanitary products, Jastrebarsko and	Notification	Procedural Order on the dismissal of notification	The request was dismissed due to the fact that notification was incomplete and illegible.			
91	UP/I 030-02/2003-01/28	13.4.2004.	ERA d.d., Slovenija, and TORNADO-BAKIN d.o.o., Samobor	Merger	acquisition of majority of share capital	telecommunication services; Croatia; / groceries, predominantly food, beverages and sanitary products, Jastrebarsko and	Notification	Procedural Order on the dismissal of notification	See details as in No. 88			
92	UP/I 030-02/2004-01/21	18.6.2004.	AUTOBUSNI PROMET d.d., Varaždin, and CROATIA BUS d.d., Zagreb	Merger	acquisition of majority of share capital	passenger road transport, Croatia: 10-15%	Notification	Procedural Order on the dismissal of notification	See details as in No. 88			
93	UP/I 030-02/2004-01/72	30.9.2004.	AGROKOR d.d., Zagreb, and AGROLAGUNA d.d., Poreč	Merger	acquisition of majority of share capital	wine-growing, Croatia: 15-20%	Notice on the acquisition of shares	Procedural Order on the dismissal of the notice	There was no obligation to notify the concentration while the requirements on the thresholds were not fulfilled.			In accordance with Agency's decision (class: UP/I 030-02/97-01/37; reg.no: 580-02/98-7), that imposed permanent measures of monitoring of business activity of the undertaking KONZUM d.d., AGROKOR (as a mother company of KONZUM) submitted notice of acquisition of the shares to the Agency. Above mentioned decision, was annulled by the Agency in December 2004 (see case No. 107).

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94	UP/I 030-02/2002-01/65	4.11.2004.	VB-LEASING INTERNATIONAL HOLDING GmbH, Vienna, and PET PLUS LEASING d.o.o., Zagreb	Merger	acquisition of majority of share capital	financial leasing, Croatia: 15-20%	Notification	Procedural Order on the dismissal of the notification	There was no obligation to notify the concentration while the requirements on the thresholds were not fulfilled.			
95	UP/I 030-02/03-01/117	19.2.2004.	KONZUM d.d., Zagreb, and VRTNI CENTAR PISAČIĆ, d.o.o., Sv. Ivan Zelina	Merger	contract on lease of the business premises	retail trade in groceries, predominantly food, beverages and sanitary products, City of Zagreb: <5%	Notification	Procedural order on dismissal of the notification	See details as in No. 93			See comments as in No. 93
96	UP/I 030-02/03-01/118	19.2.2004.	KONZUM d.d., Zagreb, and MEDIMURKA d.d., Čakovec	Merger	contract on lease of the business premises	retail trade in groceries, predominantly food, beverages and sanitary products, County of Međimurje: 10-15%	Notification	Procedural order on dismissal of the notification	See details as in No. 93			See comments as in No. 93
97	UP/I 030-02/03-01/25	19.2.2004.	KONZUM d.d., Zagreb, and KRKA d.o.o., Šibenik	Merger	contract on lease of the business premises	retail trade in groceries, predominantly food, beverages and sanitary products, County of Šibenik-Knin: 25-30%	Notification	Procedural order on dismissal of the notification	See details as in No. 93			See comments as in No. 93
98	UP/I 030-02/03-01/67	19.2.2004.	KONZUM d.d., Zagreb, and SPAZ d.o.o., Zagreb	Merger	contract on lease of the business premises	retail trade in groceries, predominantly food, beverages and sanitary products, Pag i Novalja: <5%	Notification	Procedural order on dismissal of the notification	See details as in No. 93			See comments as in No. 93
99	UP/I 030-02/03-01/36	19.2.2004.	KONZUM d.d., Zagreb, and MOSLAVKA d.o.o., Bjelovar	Merger	contract on lease of the business premises	retail trade in groceries, predominantly food, beverages and sanitary products, County of Koprivnica-Križevci: <10%	Notification	Procedural order on dismissal of the notification	See details as in No. 93			See comments as in No. 93
100	UP/I 030-02/03-01/62	19.2.2004.	KONZUM d.d., Zagreb, and ZADOM-NOVA d.o.o., Buzin	Merger	contract on lease of the business premises	retail trade in groceries, predominantly food, beverages and sanitary products, City of Zagreb: 25-30%	Notification	Procedural order on dismissal of the notification	See details as in No. 93			See comments as in No. 93
101	UP/I 030-02/03-01/63	19.2.2004.	KONZUM d.d., Zagreb, and TRGOPROMET UMAG d.d., Umag	Merger	contract on lease of the business premises	retail trade in groceries, predominantly food, beverages and sanitary products, County of Istra: 20-25%	Notification	Procedural order on dismissal of the notification	See details as in No. 93			See comments as in No. 93
102	UP/I 030-02/03-01/66	19.2.2004.	KONZUM d.d., Zagreb, and TRGOCENTAR d.d., Čakovec	Merger	contract on lease of the business premises	retail trade in groceries, predominantly food, beverages and sanitary products, County of Međimurje: <5%	Notification	Procedural order on dismissal of the notification	See details as in No. 93			See comments as in No. 93

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103	UP/I 030-02/03-01/61	19.2.2004.	KONZUM d.d. Zagreb, and STRAHINJČICA d.d., Krapina	Merger	contract on lease of the business premises	retail trade in groceries, predominantly food, beverages and sanitary products County of Krapina-Zagorje and Jankomir: 30-35%	Notification	Procedural order on dismissal of the notification	See details as in No. 93			See comments as in No. 93
104	UP/I 030-02/2004-01/41	16.9.2004.	KONZUM d.d. Zagreb, and LURA KEKSI d.o.o., Osijek	Merger	contract on lease of the business premises	retail trade in groceries, predominantly food, beverages and sanitary products in mini markets, supermarkets and hypermarkets, County of Osijek-Baranja: 25-30%	Notification	Procedural order on dismissal of the notification	See details as in No. 93			See comments as in No. 93
105	UP/I 030-02/2003-01/69	19.2.2004.	KONZUM d.d. Zagreb, and NA-MA d.o.o., Osijek	Merger	acquisition of business premises	retail trade in groceries, predominantly food, beverages and sanitary products, County of Osijek-Baranja: 55-60%	Notification	Procedural order on dismissal of the notification	See details as in No. 93			See comments as in No. 93
106	UP/I 030-02/2004-01/74	4.11.2004.	KONZUM d.d., Zagreb, and CENTROPROMET d.d., Varaždin	Merger	acquisition of majority of share capital	retail trade in groceries, predominantly food, beverages and sanitary products, County of Varaždin: 40-45%	Notice on the acquisition of shares	Administrative note	See details as in No. 93			See comments as in No. 93
107	UP/I-030-02/1997-01/37	22.12.2004	KONZUM d.d., Zagreb, and PLASMES d.d., Zagreb	Merger	merger association of undertakings	retail trade in groceries, predominantly food, beverages and sanitary products, City of Zagreb: 34%	Own initiative	Decision on annulment of a part of the Decision of the Agency; issued in 1997 (Class: UP/I 030-02/97-01/37; reg.no: 580-02/98-7).	Due to the new circumstances on the relevant market, it was necessary to pass the Decision on annulment of a part of original decision (No III), which proposed permanent measures of monitoring of business activity of undertaking Konzum d.d.			Imposed measures were financial burden for undertaking and also there were no longer economical reasons for that.
108	011-02/2004-01/03	20.1.2004	MINISTRY OF ECONOMY, LABOR AND ENTERPRENEUSHIP: Draft proposal of amendments of the Trade Act	Advocacy	Regulation of the retail sector; Croatia		Consultation of draft law	Expert opinion	The Agency proposed amendments of the draft in regard of criterias for working on Sunday. Despite of proposed large number of criterias, the Trade Act allowed some undertakings with large market power to work on Sundays, because the main criteria were size of shops (in m2), and personal connections with the shop owners (small family stores). Agency pointed that the main criteria for exemption for working on Sundays should be market power of undertaking.			The amendments to the Trade Act were adopted without Agency's recommendation.
109	031-02/2004-01/13	30.1.2004.	CONSTITUTIONAL COURT OF THE REPUBLIC OF CROATIA: Amendments of the Trade Act	Advocacy	Regulation of the retail sector; Croatia		Consultation on law	Expert opinion	In its opinion the Agency stated the same issues and problems as in opinion to the Ministry (see No. 108.). Any amendments of the Trade Act which do not take into account market power of the undertaking shall be contrary to the principles of the CA.			Several undertakings filed complaint at Constitutional Court claiming that the Amendments of the Trade Act are not in compliance with the Constitution. Constitutional Court, having in mind Agency's opinion, as well as it's own reasons, annulled Amendments of the Trade Act, considering it unconstitutional.

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110	011-01/22	5.11.2004.	MINISTRY OF ECONOMY, LABOR AND ENTERPRENEUSHIP: New draft of Trade Act	Advocacy	regulation of the retail sector, Croatia		Consultation of draft law	Expert opinion	Despite the fact that new proposal of the Trade Act limited criteria for working on Sundays, it still kept the small family stores as the main criteria. Agency warned the Ministry on the same issues as it has in a comment on previous Amendment of the Trade Act (see No. 108). Agency furthermore emphasized the need that the provisions of the unfair trade practices should be further elaborated in the Trade Act, particularly the possibility to sell the products below supply costs (i.e. for purpose of presentation of new products, seasonal sales etc.).			New proposal of the Trade Act is still in preparation.
111	011-02/2004-01/16	12.7.2004	MINISTRY OF ECONOMY, LABOR AND ENTERPRENEUSHIP: Consumer Protection Act	Advocacy	regulation of protection of consumers; Croatia.		Consultation of law	Expert opinion	Agency suggested that Consumer Protection Act should be amended in a way that price of good/services should be separate from other tariffs for maintaining of systems. That means that the consumer should pay just the goods/services that he/she used, and other tariffs for maintaining of systems can be imposed to the consumer, but not as a part of the price of the goods/services.			Constitutional Court of Croatia passed the Decision in July, 2003 stating that Article 50. of the Telecommunication By-law regarding subscription is not constitutional, and therefore it should be amended.
112	011-02/2004-01/08	29.3.2004.	MINISTRY OF ECONOMY, LABOR AND ENTERPRENEUSHIP: Draft Media Act	Advocacy	regulation of the media sector		Consultation of the draft law	Expert opinion	Agency proposed that this Act, as lex specialis, stipulates the obligation for notification in media sector regardless to the threshold of the participants. Also, concentrations where participants acquire more than 40% of the market share upon concentration, are prohibited. Other criteria's for assessment of concentrations are those stipulated in CA.			The Media Act was adopted with proposed amendments
113	011-02/2004-01/11	14.5.2004.	MINISTRY OF ECONOMY, LABOR AND ENTERPRENEUSHIP: Proposal of the amendments to the Postal Act	Advocacy	regulation of the postal sector (courier services)		Consultation of draft law	Expert opinion	The Agency determined the proposed amendments of the Postal Act were in compliance with the CA.			
114	031-02/2004-01/102	29.7.2004	CONSTITUTIONAL COURT OF THE REPUBLIC OF CROATIA: Postal Act	Advocacy	Article 14 of the Postal Act		Consultation of law	Expert opinion	The Agency proposed new Act on courier service in order to further liberalize this market.			
115	011-02/2004-01/11	26.11.2004	CROATIAN EMPLOYER ASSOCIATION: Proposal of the amendments to the Postal Act	Advocacy	regulation of the postal sector (courier services)		Consultation of the draft law	Expert opinion	Agency determined that proposed amendments to the Postal Act does not significant influenced the competition as stipulated in CA. Although, Croatian Post has exclusive right for providing of <i>certain</i> services (up to 100 gr weight), access to the <i>courier</i> services (above 100 gr weight) is equal for all undertakings.			Agency supports intention of the Ministry that stated in its explanation of the Proposal of the amendments of the Postal Act to further liberalize <i>postal services</i> market in the near future, since this is just the 1st step towards the liberalization.
116	011-02/2004-01/20	30.9.2004.	MINISTRY FOR THE EUROPEAN INTEGRATION: Proposal of the Regulation on managing Programs of the EU	Advocacy	management of the EU Programs		Consultation of the draft by-law	Expert opinion	The Agency found the provisions of the proposed Regulation in compliance with CA.			

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117	011-01/2004-01/24	10.11.2004	MINISTRY OF ECONOMY, LABOR AND ENTREPRENEURSHIP: Proposal of the Act on the amendments to the Energy Act	Advocacy	regulation of the energy sector		Consultation of the draft law	Expert opinion	The Agency proposed new chapter on the competition policy in the electricity sector in order to distinguish the jurisdiction between the Agency and the sector regulator. It suggested the necessity of the precise definition of the exclusive buyer and the establishment of the unique criteria for the regulation of prices for all exclusive buyers in accordance with the practice of the EU Member States.			Agency's proposal was excepted in special Act on regulation on Energy sector, that determines and distinguishes the jurisdiction between the Agency and energy sector regulator (VRED). Moreover, in this new Act, regulator is obliged to provide necessary expertise and technical assistance to the Agency, while implementing CA on competition issue in energy sector (Art. 10). Act was published in "Official Gazette", no 177/2004 on December 15, 2004.
118	011-02/2004-01/23	10.11.2004.	MINISTRY OF ECONOMY, LABOR AND ENTREPRENEURSHIP: Draft Electricity Act	Advocacy	regulation of the electricity sector		Consultation of the draft law	Expert opinion	See details as in No. 117.			See comments as in No. 117.
119	031-02/2004-01/63	22.12.2004	URBANISTICA d.o.o., Zagreb: Interpretation of the CA	Advocacy	trade sector		Consultation on law	Administrative Note	The scope of request falls outside of Agency's jurisdiction.			Non-administrative file
120	011-02/2004-01/26	22.12.2004	MINISTRY OF ECONOMY, LABOR AND ENTREPRENEURSHIP: Draft Act of the Production, Distribution and Heat Supply	Advocacy	regulation of the energy sector		Consultation of the draft law	Expert opinion	The Agency determined that provisions of proposed Draft Act of the Production, Distribution and Heat Supply are in compliance with the CA.			
121	011-02/2004-01/07	22.12.2004	CROATIAN UNION OF ASSOCIATIONS FOR CONSUMER PROTECTION : Telecommunication Act - Incentive for harmonization of Telecommunication Act with Consumer Protection Act and Obligation Act	Advocacy	regulation of telecommunication sector/Croatia		Consultation of law	Expert opinion	Agency stated in its opinion that competent regulator in this case is Croatian Telecommunication Agency and it should coordinate activities on harmonization of Telecommunication Act with Consumer Protection Act and Obligation Act, in accordance with the Constitutional Court Decision (see comment under No. 114).			
122	031-01/2003-01/93	22.1.2004.	CROATIAN CHAMBER OF CRAFTSMEN: Assistance on the roads	Advocacy	exclusive right granted to the Croatian Automobile Club to provide assistance on the roads		Consultation of law	Expert opinion	The Croatian Automobile Club is a legal person entrusted with the operation of services of general economic interest. In case of accident, it provides the service of assistance on the roads by receiving the call on its unique telephone number and communicating the nearest provider of such services. This is based on the public tender and agreements with other legal persons entrusted with this activity in whole Croatia, and therefore, such conduct is not incompatible with the CA.			Opinion of the Agency drew the attention to the need of transparency and providing of information by the Croatian Automobile Club to the other legal persons in charge of the same activities.
123	031-02/2004-01/43	29.4.2004.	CROATIAN UNION OF ASSOCIATIONS FOR CONSUMER PROTECTION: Interpretation of the CA	Advocacy	donations to the NGO's through the purchase of the products		Consultation of law	Expert opinion	Agency explained that the notice on products that indicates that by purchasing of that good, part of the price shall be donated to the NGO's, is compatible to the provisions of the CA.			

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031-02/2004-124/01/27	29.4.2004.	LAW OFFICE DIVJAK, TOPIĆ AND BAHTIJAREVIĆ: The provisions of the Electronic Media Act	Advocacy	definition of prohibited concentration		Consultation of law	Expert opinion	Agency explained to the claimant that the provisions of the Electronic Media Act, as well as CA, are applicable to all undertakings regarding their thresholds, no matter whether they have their business seat in Croatia, or abroad.			
031-02/04-125/01/38	3.5.2004.	MINISTRY OF ECONOMY, LABOR AND ENTREPRENEURSHIP: Interpretation of the CA.	Advocacy	tying arrangements		Consultation of law	Expert opinion	The sale of daily newspapers with books on reduced price, is in compliance with the provisions of the CA, because the buyer is not obliged to buy daily newspapers together with a book, while book has to be bought with newspapers only for one day, as a promotion of those newspapers. In addition to that, publishers of the daily newspapers limited number of titles that would be sold together with newspapers to up to 30 per year. Therefore, this practice can not be assess as tying arrangement.			This practice does not significantly prevent, restrict or distort competition, and brings benefits for consumers. Also, it is common in EU countries.
031-02/2004-126/01/38	15.6.2004.	GOLMAX d.o.o., Kloštar Ivanić: Interpretation of the parallel import of the products	Advocacy	parallel import of the products through passive sales		Consultation of by-law	Expert opinion	The parallel import of products though passive sales, despite the fact that on the relevant market there is exclusive distributor of that products, is in compliance with the provisions of the Regulation on Block Exemption for Vertical Agreements.			
031-02/04-127/01/35	21.6.2004.	CAROLO CANIS d.o.o. Karlovac: Decision of the Ministry of Agriculture, Forestry and Water Management	Advocacy	exclusive supply and distribution of animal microchips		Consultation of law and by-law	Expert opinion	The decision of the Ministry that allows undertaking "Medika" (wholesaler) to exclusively supply and distribute animal microchips does not significantly prevent, distort or restrict competition. The purpose of the questioned decision was the protection of public health.			
031-02/2004-128/01/55	21.6.2004.	CITY OF ZAGREB (MAJOR OFFICE): Referral of services for transport of heavy metal waste	Advocacy	referral of services without public tender		Consultation of law	Expert opinion	Agency stated that public tender for the referral of services in question is necessary to ensure equal access for all undertakings that are providing those services.			
031-02/2004-129/01/90	20.7.2004.	CROATIAN UNIONS: Interpretation of Attorney's fees	Advocacy	the significant increase of Attorney's fees		Consultation of law	Expert opinion	According to the Law on Legal Profession, the Bar Association can completely independent establish the fees for attorney's services, as well as the tariffs for registration or Bar Association members. New tariffs determined both minimum and maximum fees, which resulted in limited access to their services, as well as no competition among them. On the other hand, the fees for registration significantly differs in a way that attorney's trainee pays 100 Kuna (13 E) for registration, while all other lawyers that has the same Bar exam as trainees (and equal working experience) has to pay 37.000 Kuna's (5000 E) for the same registration. That approach creates significant barrier to perform that profession. The existing model of determining prices for attorney's fees by the Bar Association, as well as different registration fees, are not in compliance with the competition rules, nor with the legal systems of most European countries.			Agency submitted its opinion to the Government of the Republic of Croatia, as well as to the Ministry of Justice, and it attached the Report on competition in professional services made by EC. Agency's opinion was quoted in the media and Ministry of Justice started the initiative of the amendments of the Law on Legal Profession.

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130	031-02/2004-01/88	17.9.2004.	AUTO BIŠČAN d.o.o., Dubrovčan: Interpretation of Regulation on block exemption granted to agreements on distribution and servicing of motor vehicles	Advocacy	conditions for termination of agreement of distribution on motor vehicles		Consultation of by-law	Expert opinion	The Agency informed the undertaking Bišćan d.o.o. that is active on the motor vehicle market about the provision of Regulation and recommended adjustments of the agreements as soon as possible, despite the transitional period provided in Regulation.			
131	031-02/2004-01/115	29.9.2004.	COUNCIL FOR THE TELECOMMUNICATIONS: The prices of interconnection in Telecommunication sector	Advocacy	the prices of interconnections among the operators with significant market power		Consultation of law	Expert opinion	Agency stated in its opinion that if agreements on interconnection were concluded prior to the entry of the new operator to the market with the purpose to impede that entry, such agreements would fall under category of prohibited agreements. Agency informed Council for telecommunication about similar case handled by Czech Competition Agency, where the Czech Agency found those agreement to be prohibited.			Each interconnection agreement between operators with significant market power resulting in higher prices should be economically justified. Therefore, Agency recommended to the Council for the telecommunication, as competent regulator, to conduct detailed legal and economic analysis. It also informed Council for telecommunication on provisions of Telecommunication Act and CA that describes abuse of dominant position.
132	031-02/2004-01/129	29.9.2004.	MINISTRY OF ECONOMY, LABOR AND ENTREPRENEURSHIP: Opinion on the Agreements on sale of outstanding debts between Ministry and undertaking DIONA-DINOVA d.o.o., Zagreb	Advocacy	the compliance of the agreement on sale of outstanding debts with provisions of the CA		Consultation of law	Expert opinion	The Article 8 of the Agreement was found incompatible with the CA. That Article stipulated the obligation of the undertaking Dinova-Diona d.o.o. to offer 70% of domestic products on its shelves.			
133	031-02/2004-01/130	19.10.2004.	ADRIA RESORTS d.o.o., Rovinj: The concentration between undertakings JADRAN-TURIST ROVINJ d.d., Rovinj and ANITA d.d., Vrsar	Advocacy	request on obligation to notify the concentration		Consultation of law	Expert opinion	The internal transactions among <i>connected undertakings</i> are not considered as merger, and therefore there is no obligation for parties to notify the Agency.			
134	031-01/2004-01/105	26.11.2004	HYPO ALPE-ADRIA VRJEDNOSNICE d.o.o., Zagreb: Notice of acquisition of shares	Advocacy	Notice on acquisition in accordance to the Art. 41 of the CA		Consultation of law	Expert opinion	Claimant in accordance with the Art. 21 informed the Agency that it acquires shares of DIOKI d.d., Zagreb, and also that it disposed them within the one year following the acquisition.			
135	031-02/2004-01/126	19.10.2004.	P.Z. AUTO d.o.o., Zagreb: Interpretation of Regulation on block exemption granted to agreements on distribution and servicing of motor vehicles	Advocacy	explanation of the provisions of Regulation		Consultation of by-law	Expert opinion	The opinion given by the Agency has been already presented under no. 33, 34 and 37.			The direct result of this Opinion was that three dealers whose contracts were terminated were put back by P.Z. AUTO in network of official servicers (see case no. 33, 34 and 37).
136	031-02/2004-01/125	3.11.2004.	ASSOCIATION OF FIRE-FIGHTERS, Zagreb: Prices for maintenance of the fire-extinguisher equipment	Advocacy	the request for fixing prices for the maintenance of the fire-extinguisher equipment		Consultation of law	Expert opinion	The Agency emphasized that the CA prohibits agreements that directly or indirectly fix prices while this represents hard core restriction of competition.			
137	031-02/2004-01/113	8.11.2004.	DRIVING SCHOOL EUROSPOORT, Zagreb: Interpretation of the Act on Safety on Roads	Advocacy	Article 200 of the Act on the Safety on Roads		Consultation of law	Expert opinion	Article 200 of the Act was assessed as incompatible with the CA. That provision grants the license to provide <i>First Aid education</i> only to limited number of driving schools that were already authorized according to provision of previous Act, while the new entrants according to the provisions of the new Act, cannot obtain the same license. Therefore some undertakings are in a less favorable position on that market.			Agency submitted its opinion to the Ministry of Interior.

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031-01/2004-138/01/142	26.11.2004	Attorney BEATA GLINSKA KOVAČ, Zagreb: Interpretation of the CA	Advocacy	request on obligation to notify the concentration		Consultation of law	Expert opinion	Interpretation of Article 22 paragraph 4 of the CA (thresholds provisions).			
031-01/2004-139/01/132	22.12.2004	BOŽO PENDO, Korčula: Interpretation of Act on Safety on Roads	Advocacy	the compliance of the provision of Act on Safety on Roads (Art 201, 206, 208) with Competition Law		Consultation of law	Expert opinion	Agency stated that those Articles do not prevent, restrict or distort the competition.			Agency submitted a request to the Ministry of the Interior, to deliver to the Agency with Bylaw on number of driving schools, which determine sufficient number of driving schools in Croatia.
031-02/2004-140/01/135	22.12.2004	JURIS PROTECTA, Zagreb: Opinion of monopolization of taxi transport performance of taxi service	Advocacy	very high prices and limited access to that market		Consultation of law and by-laws	Expert opinion	Agency informed Juris Protecta that it is already in process of the collection of necessary information regarding taxi services. Since provision of city by-laws determines further limitations on performance of those activities, Agency shall review all those by-laws and submit it's final opinion. However, it is unquestionable that liberalization of that service is necessary through access to the market without barriers, and through the competition in prices of those services.			Liberalization of that service should increase the standard of that service (quality of cars, technical security etc.).
<p>Remarks</p> <p>* Distinguish between Decisions and Procedural orders, as well as explanation of abbreviations of company types (i.e. d.d.; d.o.o. etc.) are listed in cover.</p> <p>** Regulation on Block Exemption Granted to Certain Categories of Vertical Agreements was published on April 21, 2004, entered into force on April 29, 2004, and transitional period is 6 months (till October 29, 2004).</p> <p>*** Regulation on Block Exemption Granted to the Transfer Technology Agreements was published on January 4, 2005, entered into force on January 12, 2005, and transitional period is till March 31, 2005.</p> <p>**** Majority of proceedings that Agency terminated by procedural order because the new Block Exemption regulation for vertical agreements were adopted, beside the fact that they were included in that regulation, would fall - in accordance with information that Agency has - under De minimis Regulation, and therefore further conduction of those proceedings would be purposeless.</p>											