

**List of cases assessed by Croatian Competition Agency in 2006 in the field of antitrust - SUBSTANTIVE**

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
1	030-02/2005-01/02	13 January 2006	PIAGGIO HRVATSKA d.o.o., Split: request for individual exemption from the application of the provision of Art 9 para 1 of CA	Vertical agreement	selective distribution agreement	wholesale and maintenance of scooters; Croatia	Notification	Individual exemption - negative clearance	CCA determined that selective distribution agreements contained certain provisions containing restrictions. Following the submission by the party of the evidence of removing restrictive provisions from the agreements within the deadline set by the CCA decision, CCA granted individual exemption for the period of two years.			Agency authorizes the exemption of an agreement pursuant to Article 12 of the Competition Act (Art 57 item 2). The Agency may by means of a decision determine the measures and conditions indispensable for the exemption of the agreement, the deadlines for their fulfilment, and if so, the day of the entry into force of the exemption in question (Art 12 paragraph 5).
2	030-02/2004-2/01/40	2 February 2006	MARKO RAŠIĆ, Slavonski Brod, vs. KAMEN-INGRAD d.d., Velika	Abuse of dominance and restrictive practice	applying dissimilar conditions to equivalent transactions with other trading parties, thereby placing them at a competitive disadvantage	construction stone supplier market (2 exploitation fields) in Požeško-slavonska county; 100%	Notification	Prohibition decision - Decision on abuse of a dominant position	Undertaking Kamen-Inggrad, which holds quarry licence for quarry of Velikačanka II and Vetovo, from 5 June 2004 to 6 November 2005 had been applying dissimilar conditions with the undertaking Prjevoz i građevinarstvo Rašić, the truck operator from Slavonski Brod, thereby placing it at a competitive disadvantage and consequently causing its business losses.	Pursuant to the decision of the Agency upon violation of the provisions of this Act, the Agency made a claim to the magistrate court to start the minor offence proceedings against the undertaking concerned and the responsible person of the respective undertaking		In the course of the proceedings in question after having decided on interim measures (4 October 2005), the Agency entered its final decision on abuse of a dominant position and prohibited the undertaking Kamen-Inggrad to continue with such market behaviour.
3	030-02/2001-3/02/98	12 April 2006	CROATIAN COMPETITION AGENCY vs. ČISTOČA d.o.o., Zadar	Abuse of dominance and restrictive practice	mixed bundling	1) maintenance of cleanlines service (collection and garbage disposal); 2) waste disposal service; (Zadarska County; 100%	Own initiative	Prohibition decision - Decision on abuse of monopolistic position	CCA determined that undertaking ČISTOČA d.o.o. abused its monopoly in the waste disposal market with the view to further strengthen its dominant position in the waste collection and transportation market	Pursuant to the decision of the Agency upon violation of the provisions of this Act, the Agency made a claim to the magistrate court to start the minor offence proceedings due to the fact that Party failed to act according to the decision of the Agency		Decision is based on the 1995 Competition Act ("Official Gazette" No 48/95, 52/97, 89/98)
4	030-02/1999-4/02/44	12 April 2006	CROATIAN COMPETITION AGENCY, Zagreb, vs. TVORNICA DUHANA ROVINJ d.d., Rovinj	Abuse of dominance and restrictive practice	barrier to entry	1) production and sales of tobacco and tobacco products (monopolistic position); 2) primary processing of tobacco (dominant position); Croatia	Own initiative	Prohibition decision - Decision on abuse of a monopolistic and dominant position	CCA determined that undertaking Tvornica duhana Rovinj d.d. abused its dominant position in the tobacco sales and production market. The Agency held that TDR had abused its dominant position in two ways. First, it had increased its shareholding in Tvornica duhana Zadar (at that time the last remaining tobacco factory (besides TDR) in contravention of the Agency's earlier rulings. TDR had thus abusively prevented BAT from seizing control of Tvornica Duhana Zadar and from starting production in the market. Secondly, through its affiliated companies acting in the upstream market for tobacco-leaf processing, TDR had tried to close supply channels available to Tvornica Duhana Zadar and BAT.	TDR initiated a judicial review before the Croatian Administrative Court and the Agency's decision was overturned by the Administrative Court in 2002 on purely procedural grounds. The Agency reinstated proceedings and in April 2006 gave a new decision with substantially the same findings as before. As TDR appealed against this decision, the matter continues.	yes, see previous cell (due to lack of space)	Decision is based on the 1995 Competition Act ("Official Gazette" No 48/95, 52/97, 89/98)
5	030-02/2000-5/02/04	28 December 2006	TVORNICA DUHANA ZADAR d.d., Zadar, and BAT HRVATSKA d.o.o., Zagreb, vs. ADRIS GRUPA d.d., Rovinj, and TDR d.o.o., Rovinj	Abuse of dominance and restrictive agreement	1) direct or indirect impose of unfair purchase or selling prices of other unfair trading conditions; 2) limitation of production, markets or technical development to the prejudice of consumers	retail and wholesale of tobacco and tobacco products; Croatia	Notification	Prohibition decision - Decision on abuse of a dominant position and restrictive agreements for the period 25 November 1999 - 1 October 2003**	Adris grupa d.d. (former Tvornica duhana Rovinj) d.d. - TDR d.d.) and its associated company Ronhill d.o.o., have been abusing their dominant position in the cigarette sales market by the adoption of their general terms of business and by the conclusion of agreements on sales of tobacco products in the period from 23 June 1999 and 1 October 2003. The undertaking Ronhill d.d. which held almost a monopoly, in the period in question, concluded agreements which by their nature may be considered exclusive purchase agreements, with its buyers, covering both wholesale and retail, the conclusion of which has nevertheless been prohibited to him on the account of its high level of dominance in the relevant market. Undertaking in question imposed on its buyers large shares of their likely needs in the form of quantity targets on the basis of which it also set discounts as well as penalties for non-compliance with the set quantity targets. TDR d.d. (now Adris grupa d.d.) and its associated company Ronhill d.o.o., whereby the letter was the only tobacco manufacturer and almost the sole supplier of cigarettes in the Croatian market in the period concerned, tied their buyers, on one hand on the account of the consumer preferences to brands of the producer in question, on the other hand due to scarce number of cigarette importers, leaving them very little opportunity to choose other cigarette suppliers, which consequently lead to creating barriers of entry to the relevant tobacco distribution market for all actual and potential competitors.	Pursuant to the decision of the Agency upon violation of the provisions of this Act, the Agency made a claim to the magistrate court to start the minor offence proceedings against the undertaking concerned and the responsible person of the respective undertaking		Decision is based on the 1995 Competition Act ("Official Gazette" No 48/95, 52/97, 89/98) Agency initiated proceedings for the establishment of abuse of a dominant position through the conclusion of prohibited agreements against the undertaking Adris grupa d.d. and its connected undertakings in the period from 1 October 2003 until today, given that the behaviour of the undertakings concerned after 1 October 2003 will be assessed within the meaning of the Competition Act in force.

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	030-02/2006-8/01/05	14 December 2006	KUNŠTEK BRANKO - owner of the Craft "AUTOTRANSPORTI KRAPINA-AUTOBUSNI KOLODVOR KRAPINA", and FANIKA VEŠLIGAJ, Krapina, vs. PRESEČKI GRUPA d.o.o., Krapina	Abuse of dominance and restrictive practice	refusal to deal	bus terminals services, City of Krapina	Notification	Rejection of complaint.	Presečki grupa - the biggest bus operator in the County (covering more than 90 % of scheduled bus services in the County), does not make use of the existing bus station Krapina which is owned by the undertaking Autotransporti Kunštek d.o.o. (owner of the Craft), but exclusively uses its own bus station Krapina Nova. By the construction of its own bus station Presečki grupa has not violated any legal provisions either in the area of land transport or competition, given that it had been issued all necessary permits for the provision of bus station services from the competent local authorities. Taking into account that all undertakings who provide scheduled bus services have equal access to both bus stations and the fact that it is the business policy of any undertaking to decide which bus station it will make use of, the Agency decided that the undertaking in question did not abuse its dominant position in the scheduled bus services market with the purpose of creating a dominant position in the related market covering the provision of bus station services.		yes	
	030-02/2003-7/02/147	27 July 2006	CROATIAN COMPETITION AGENCY, Zagreb, vs. BLITZ d.o.o., Zagreb	Abuse of dominance and restrictive practice and conclusion of prohibited agreement	directly or indirectly impose of unfair purchase or selling prices or other unfair trading conditions	distribution of videograms on VHS cassettes and DVD media relating to assignment of rights for use of videograms intended for home use, Croatia	Own initiative	Procedural order on termination of the proceeding	CCA carried out complete procedure and issued statement of objections. Comparative EU practice has been analysed (including DGCOMP Discussion paper on the application of Article 82) and all the arguments of the party have been taken into account. Finally, CCA determined that undertakings Blitz d.o.o. and Continental Film d.o.o. in question separately do not hold a dominant position in the relevant market and therefore cannot abuse it. Joint dominance of the undertakings concerned can neither be established, on the account of the fact that they are significantly competing undertakings in the market concerned. It was also established that the agreements with video-rental shops were not restrictive. The proceeding was initiated ex officio; therefore, it was terminated by procedural order on termination.			
	030-02/2005-8/02/10	27 July 2006	CROATIAN COMPETITION AGENCY, Zagreb, vs. CONTINENTAL FILM d.o.o., Zagreb	Abuse of dominance and restrictive practice and conclusion of prohibited agreement	directly or indirectly impose of unfair purchase or selling prices or other unfair trading conditions	distribution of videograms on VHS cassettes and DVD media relating to assignment of rights for use of videograms intended for home use, Croatia	Own initiative	Procedural order on termination of the proceeding	CCA carried out complete procedure and issued statement of objections. Comparative EU practice has been analysed (including DGCOMP Discussion paper on the application of Article 82) and all the arguments of the party have been taken into account. Finally, CCA determined that undertakings Blitz d.o.o. and Continental Film d.o.o. in question separately do not hold a dominant position in the relevant market and therefore cannot abuse it. Joint dominance of the undertakings concerned can neither be established, on the account of the fact that they are significantly competing undertakings in the market concerned. It was also established that the agreements with video-rental shops were not restrictive. The proceeding was initiated ex officio; therefore, it was terminated by procedural order on termination.			
	030-02/2005-9/02/52	1 December 2006	CROATIAN COMPETITION AGENCY, Zagreb, vs. KVASAC d.o.o., Prigorje Brdovečko	Abuse of dominance and restrictive practice	applying dissimilar conditions to equivalent transactions with other trading parties, thereby placing them at a competitive disadvantage	distribution (wholesale) of fresh bakery yeast, Croatia	Own initiative	Procedural order on termination of the proceeding	CCA carried out complete procedure and issued statement of objections. Comparative EU practice has been analysed (including DGCOMP Discussion paper on the application of Article 82) and certain arguments of the party have been taken into account. Finally, CCA determined that undertaking Kvasac d.o.o. holds a dominant position in the relevant market but its rebate policy is not abusive. The proceeding was initiated ex officio; therefore, it was terminated by procedural order on termination.			
	030-02/2006-10/01/14	16 March 2006	WIENER STADTISCHE ALLGEMEINE VERSICHERUNG AKTIENGESELLSCHAFT, Vienna, Austria / KADRAN N.V., Amsterdam, Holland	Merger	acquisition of majority of share capital	insurance, Croatia	Notification	Notice of approval of concentration. (in first phase)				ex-territorial concentration

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11	030-02/2006-01/16	16 March 2006	GLAXO GROUP LIMITED, United Kingdom / PLIVA-ISTRAŽIVAČKI INSTITUT d.o.o., Zagreb	Merger	acquisition of majority of share capital	R & D in pharmaceutical sector; Croatia	Notification	Notice of approval of concentration (in first phase)				
12	030-02/2006-01/75	28 December 2006	MAN AKTIENGESELLSCHAFT, Germany / SCANIA AB, Sweden	Merger	acquisition of majority of share capital	motor vehicles (trucks and buses); Croatia	Notification	Notice of approval of concentration (in first phase)				ex-territorial concentration
13	030-02/2006-01/66	28 December 2006	NOKIA CORPORATION, Finland / SIEMENS AG, Germany	Merger	merger association of undertaking	mobile and fixed telephony equipment and services; Croatia	Notification	Notice of approval of concentration (in first phase)				ex-territorial concentration
14	030-02/2005-01/54	9 May 2006	STYRIA MEDIEN INTERNATIONAL AG, Austria; G+J INTERNATIONAL PUBLISHING HOLDING GmbH, Austria; /SANOMA MAGAZINES INTERNATIONAL B.V., Netherlands	Merger	full-function joint venture / merger (in phase)	market of general information daily newspapers; market of press distribution; market of advertising in general information daily newspapers; Croatia	Notification	Decision on approval of the concentration (in the second phase)	The implementation of the concentration concerned will result in a new undertaking – Adria Magazines d.o.o. – which will operate on the Croatian press publishers market instead of four former undertakings – Burda Magazin d.o.o., Sanoma Magazines Zagreb d.o.o., X-Press d.o.o. and Adria Magazin d.o.o. The implementation of this concentration will also create joint market shares of the participants in the following relevant markets: publishers of monthly women's magazines, women's weeklies, monthly magazines covering issues in the field of nature, science, environment and similar and monthly computer magazines.			
15	030-02/2005-01/51	14 June 2006	EUROHERC OSIGURANJE d.d., Zagreb / JADRANSKO OSIGURANJE d.d. Split; EUROHERC ŽIVOTNO OSIGURANJE d.d., Zagreb; EURO DAUS d.d., Split; EUROAGRAM TIS d.o.o., Zagreb; EUROLEASING d.o.o., Osijek / SUNCE OSIGURANJE d.d., Zagreb	Merger	acquisition of control or prevailing influence of one or more undertakings over another undertaking, i.e. of more undertakings or a part of an undertaking, or parts of other undertakings	insurance; Republic of Croatia	Notification	Decision on approval of the concentration (in the second phase)	On the account of the non-notification of the concentration, the Competition Agency initiated misdemeanour proceeding against the participants of the concentration.		yes	
16	030-02/2005-01/49	2 February 2006	CIK "DR. BOŽO MILINOVIĆ" d.o.o. RADIO ISTRA, Pazin	Merger according to the Electronic Media Act*	acquisition of majority of share capital	production of broadcast radio programmes; Istarska county	Notification	Notice of approval of concentration (in first phase)				
17	030-02/2005-01/55	2 February 2006	RADIO DRAVA 92.5, Koprivnica	Merger according to the Electronic Media Act*	acquisition of majority of share capital	production of broadcast radio programmes; Koprivničko-križevačka county	Notification	Notice of approval of concentration (in first phase)				
18	030-02/2006-01/03	16 March 2006	RADIO NOVSKA d.o.o., Novska	Merger according to the Electronic Media Act*	acquisition of majority of share capital	production and broadcast of of radio programmes; Sisačko-moslavačka county	Notification	Notice of approval of concentration (in first phase)				
19	030-02/2006-02/01	16 March 2006	TELEVIZIJA SLJEME d.o.o., Zagreb	Merger according to the Electronic Media Act*	acquisition of majority of share capital	production and broadcast of TV programmes; Zagrebačka County	Notification	Notice of approval of concentration (in first phase)				
20	030-02/2006-02/07	30 March 2006	NEZAVISNA ISTARSKA TELEVIZIJA d.o.o., Pazin	Merger according to the Electronic Media Act*	acquisition of majority of share capital	production and broadcast of TV programmes; Istarska County	Notification	Notice of approval of concentration (in first phase)				

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	030-02/2006-21	02/17	30 March 2006	PETRINJSKI RADIO d.o.o., Petrinja:	Merger according to the Electronic Media Act*	acquisition of majority of share capital	production and broadcast of radio programmes: Sisačko-moslavačka County	Notification	Notice of approval of concentration (in first phase)			
	030-02/2006-22	02/04	12 April 2006	KANAL RI d.o.o., Rijeka:	Merger according to the Electronic Media Act*	acquisition of majority of share capital	production and broadcast of radio programmes: Primorsko-goranska County	Notification	Notice of approval of concentration (in first phase)			
	030-02/2005-23	01/41	9 May 2006	RADIO SENJ d.o.o., Senj	Merger according to the Electronic Media Act*	acquisition of majority of share capital	production and broadcast of radio programmes: Primorsko-goranska County	Notification	Notice of approval of concentration (in first phase)			
	030-02/2005-24	01/08	24 May 2006	GRADSKI RADIO VARAŽDIN RADIO 042 d.o.o., Varaždin	Merger according to the Electronic Media Act*	acquisition of majority of share capital	production and broadcast of radio programmes: Varaždinska County	Notification	Notice of approval of concentration (in first phase)			
	030-02/2006-25	01/27	24 May 2006	ADRIATIC MEDIA d.o.o., Zagreb / ISKON MEDIA d.o.o., Zagreb	Merger according to the Electronic Media Act*	acquisition of majority of share capital	electronic internet publications (web-site portal); Republic of Croatia	Notification	Notice of approval of concentration (in first phase)			
	030-02/2006-26	01/42	21 September 2006	RADIO LABIN d.o.o., Labin	Merger according to the Electronic Media Act*	acquisition of majority of share capital	production and broadcast of radio programmes; Istarska county	Notification	Notice of approval of concentration (in first phase)			
	030-02/2006-27	01/43	21 September 2006	RADIO CIBONA d.o.o., Zagreb / ZAGREBAČKI RADIO PLAVI 9 d.o.o., Zagreb	Merger according to the Electronic Media Act*	acquisition of majority of share capital	production and broadcast of radio programmes; Zagrebačka county	Notification	Notice of approval of concentration (in first phase)			
	030-02/2006-28	01/21	6 October and 28 December 2006	DTR TV I RADIO DIFUZIJA d.o.o., Buzet	Merger according to the Electronic Media Act*	acquisition of majority of share capital	production and broadcast of radio programmes; Istarska county	Notification	Notice of approval of concentration (in first phase)			
	030-02/2006-29	02/37	6 October 2006	ADRIATIC KABEL d.o.o., Zagreb / CENTAR MREŽA ADRIATIC d.o.o., Zagreb	Merger according to the Electronic Media Act*	acquisition of majority of share capital	cable TV services : City of Zagreb	Notification	Notice of approval of concentration (in first phase)			
	030-02/2006-30	02/38	6 October 2006	ADRIATIC KABEL d.o.o., Zagreb / KABEL - NET d.o.o., Zagreb	Merger according to the Electronic Media Act*	acquisition of majority of share capital	cable TV services : City of Zagreb	Notification	Notice of approval of concentration (in first phase)			
	030-02/2006-31	02/69	23 November 2006	RTL HRVATSKA d.o.o., Zagreb	Merger according to the Electronic Media Act*	acquisition of majority of share capital	production and broadcast of TV programmes; Zagrebačka county	Notification	Notice of approval of concentration (in first phase)			
	030-02/2006-32	01/70	28 December 2006	MIROSLAV KRALJEVIĆ d.o.o., Požega	Merger according to the Electronic Media Act*	acquisition of majority of share capital	production and broadcast of radio programmes; Požeško-slavonska county	Notification	Notice of approval of concentration (in first phase)			
	030-02/2006-33	01/73	28 December 2006	RADIO CIBONA d.o.o., Zagreb	Merger according to the Electronic Media Act*	acquisition of majority of share capital	production and broadcast of radio programmes; City of Zagreb and Zagrebačka County	Notification	Notice of approval of concentration (in first phase)			
	030-02/2006-34	01/25	28 December 2006	RADIO MAESTRAL d.o.o., Pula	Merger according to the Electronic Media Act*	acquisition of majority of share capital	production and broadcast of radio programmes; Istarska county	Notification	Notice of approval of concentration (in first phase)			
	011-02/2005-35	01/19	16 February 2006	MINISTRY OF ECONOMY, LABOR AND ENTERPRENEUSHIP: request for opinion on Draft proposal of Electricity Energy Production Tariff System from renewable energy resources and cogeneration	Advocacy - draft legislation	regulation of the electricity sector		Consultation on draft bylaw	Expert opinion			The Agency determined the Draft proposal were in compliance with the CA provisions.

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	011-02/2005-36	01/20	16 February 2006	MINISTRY OF ECONOMY, LABOR AND ENTERPRENEUSHIP: request for opinion on Draft proposal of Regulation on minimum share of Electricity Energy produced from renewable energy resources and cogeneration	Advocacy - draft legislation	regulation of the electricity sector	Consultation on draft bylaw	Expert opinion	The Agency determined the Draft proposal were in compliance with the CA provisions.			
	011-02/2005-37	01/21	16 February 2006	MINISTRY OF ECONOMY, LABOR AND ENTERPRENEUSHIP: request for opinion on Draft proposal of Bylaw on usage of renewable energy resources and cogeneration	Advocacy - draft legislation	regulation of the electricity sector	Consultation on draft bylaw	Expert opinion	The Agency determined the Draft proposal were in compliance with the CA provisions.			
	011-02/2005-38	01/22	16 February 2006	MINISTRY OF ECONOMY, LABOR AND ENTERPRENEUSHIP: request for opinion on Draft proposal of Bylaw on gaining a Favourable Consumer Status and cogeneration	Advocacy - draft legislation	regulation of the electricity sector	Consultation on draft bylaw	Expert opinion	The Agency determined the Draft proposal were in compliance with the CA provisions.			
	011-02/2005-39	01/23	16 February 2006	MINISTRY OF ECONOMY, LABOR AND ENTERPRENEUSHIP: request for opinion on Draft proposal of Regulation on compensation for stimulation to production of Electricity Energy produced from renewable energy resources and cogeneration	Advocacy - draft legislation	regulation of the electricity sector	Consultation on draft bylaw	Expert opinion	The Agency determined the Draft proposal were in compliance with the CA provisions.			
	011-02/2006-40	01/06	16 March 2006	MINISTRY OF ECONOMY, LABOR AND ENTERPRENEUSHIP: request for opinion on Draft Proposal of the Act on Oil and Oil products	Advocacy-draft legislation	regulation of oil and oil derivatives market; Croatia	Consultation on draft law	Expert opinion	In the assessment of the Draft Proposal of the new Act on Oil and Oil Products, the Agency established that Article 16 of the Proposal is contrary to the Competition Act. According to Article 16 of the Proposal in question, the future managing body of the proposed Agency for mandatory supplies of oil and oil products should also include the representatives of the Competition Agency.			
	011-02/2006-41	01/08	30 March 2006	MINISTRY OF ECONOMY, LABOR AND ENTERPRENEUSHIP: request for opinion on Draft Proposal of the Trade Act	Advocacy-draft legislation	regulation of retail; Croatia	Consultation on draft law	Expert opinion	Agency issued opinion on the proposed Draft Proposal of Trade Act according to which the Draft Proposal in question does not contain provision which would affect competition, i.e. can prevent, restrict or distort the competition. However, Agency pointed some facts regarding exception for working on Sundays.			

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	011-02/2006-42/01/11	14 June 2006	MINISTRY OF ECONOMY, LABOR AND ENTERPRENEUSHIP: request for opinion on Draft Proposal of the Real Estate Intermediation Activities Act	Advocacy-draft legislation		real estate trading; Croatia	Consultation of draft law	Expert opinion	Agency issued its opinion stating that there is no provisions of the Draft proposal Act in question that are contrary to the CA.			
	011-02/2006-43/01/12	13 July 2006	MINISTRY OF ECONOMY, LABOR AND ENTERPRENEUSHIP: request for opinion on Draft Proposal of Gas Market Act	Advocacy-draft legislation		regulation of gas market; Croatia	Consultation of draft law	Expert opinion	Agency issued its opinion stating that there is no provisions of the Draft proposal of Gas Market Act that are contrary to the CA.			
	011-02/2006-44/01/15	7 September 2006	MINISTRY OF ECONOMY, LABOR AND ENTERPRENEUSHIP: request for opinion on Draft proposal on General Terms of Heat Energy Supply	Advocacy - draft legislation	regulation of heat energy supply market; Croatia		Consultation on draft bylaw	Expert opinion	The Agency determined that the Draft proposal on General Terms of Heat Energy Supply is in compliance with the CA provisions.			
	011-02/2006-45/02/17	14 December 2006	MINISTRY OF ECONOMY, LABOR AND ENTERPRENEUSHIP: request for opinion on Consumer Protection Act	Advocacy-draft legislation		various of services; Croatia	Consultation on draft law	Expert opinion	The Agency determined that Consumer Protection Act provisions were in compliance with the CA provisions.			
	011-02/2006-46/02/18	14 December 2006	MINISTRY OF ECONOMY, LABOR AND ENTERPRENEUSHIP: request for opinion on Cooperatives Act	Advocacy-draft legislation		various of services; Croatia	Consultation on draft law	Expert opinion	The Agency determined the Draft proposal were in compliance with the CA provisions.			
	011-02/2006-47/02/19	14 December 2006	MINISTRY OF ECONOMY, LABOR AND ENTERPRENEUSHIP: request for opinion on Draft Natural Gas Market Act	Advocacy-draft legislation		gas market; Croatia	Consultation on draft law	Expert opinion	The Agency determined the Draft proposal of Natural Gas Market Act were in compliance with the provisions of the Competition Act. Nevertheless, the Agency stated that it must be taken into account that any imposition of obligation to provide services of general economic interest entails the issue of compensation for the losses incurred by the provision of these services. Secondly, the Agency holds the view that it is not advisable to determine one distribution system operator in the Republic of Croatia for a time period of 30 years, and proposed this provision to be deleted from the Draft in question or modified as to clearly describe the criteria on the basis of which such a long time period had been set.			

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031-02/2005-48 01/103	13 January 2005	KOMUNALNO KLIČNA SELA d.o.o., Donja Zdenčina: request for opinion	Advocacy	water supply tariffs		Consultation of Law	Expert opinion	Agency issued its opinion that in case in question there is no significant prevention, distortion or restriction of competition. Agency is not authorised to interpret legislation which cover water supply services.			
031-02/2006-49 01/10	2 February 2006 9 May 2006	MINISTRY OF ECONOMY, LABOR AND ENTERPRENEUSHIP: request for opinion on the Draft of the Stability Pact for South Eastern Europe Initiative - <i>Multilateral Free Trade Agreement between states in South East Europe</i> - Proposal Decision on Amendments of accession to CEFTA agreement	Advocacy		free trade	Consultation of Law	Expert opinion	In both opinions Agency explained that, within the meaning of Art A22 of Agreement in question (Rules of competition) with reference to the undertakings, which regulate competition between contractors of the Agreement, are acceptable as a whole (i.e. in compliance with the CA provisions).			
031-02/2006-50 01/11	16 February 2006	POLJOPROMET d.o.o., Metković: request for opinion on definition of parallel import	Advocacy	parallel import		Consultation of Law	Expert opinion	Agency issued its opinion by which explained that there is no obstacle for parallel import for the products that on the territory that already have been given to the exclusive distributor for the same type of the product.			
031-02/2006-51 01/26	16 March 2006	LAW OFFICE "VEDRIŠ & PARTNERI", Zagreb: request for interpretation of provisions of Regulation on Block Exemption Granted to Agreements on Distribution and Servicing of Motor Vehicles	Advocacy	Block exemptions		Consultation of law	Expert opinion	Agency issued opinion regarding calculation of market share for the distribution of spare parts according to the Competition Act and Regulation on Block exemption granted to agreements on distribution and servicing of motor vehicles and Regulation on the definition of relevant market.			
031-02/2006-52 01/30	16 March 2006	GOVERNMENT OF THE REPUBLIC OF CROATIA - OFFICE FOR PUBLIC PROCUREMENT: request for opinion	Advocacy	public procurement tender (tender documentation)		Consultation of law	Expert opinion	Agency issued opinion regarding proof of competence in public procurement proceeding. In this case public procurement proceeding is contrary to the Competition Act.			
031-02/2006-53 01/31	16 March 2006	HT - HRVATSKE TELEKOMUNIKACIJE d.d., Zagreb: request for interpretation of CA provisions	Advocacy	request on obligation to notify the concentration	telecommunication services; Croatia	Consultation of law	Expert opinion	Agency issued its opinion by which explained that there is no obligation to notify the concentration.			
031-02/2006-54 01/33	16 March 2006	REPUBLIC OF CROATIA CENTRAL - GOVERNMENT OFFICE FOR e-CROATIA, Zagreb, and SAP d.o.o., Zagreb: request for opinion	Advocacy	framework agreement on special conditions on purchase of IT equipment	IT services; Croatia	Consultation on draft law	Expert opinion	Agency issued its opinion stating that there are no provisions of the agreement in question that are contrary to the CA.			
031-02/2006-55 01/35	30 March 2006	LAW OFFICE IRENA TUŠAK MILETIĆ, Zagreb: request for interpretation of provisions of Regulation on Block Exemption Granted to Agreements on Distribution and Servicing of Motor Vehicles	Advocacy	Block exemptions		Consultation of law and bylaws	Expert opinion	Agency issued opinion regarding definition of trucks and trailers as motor vehicles, according to the Competition Act, Regulation on Block exemption granted to agreements on distribution and servicing of motor vehicles and Regulation on the definition of relevant market.			
031-02/2006-56 01/43	9 May 2006	EUROPLAKAT d.o.o., Zagreb, and METROPOLIS MEDIA d.o.o., Zagreb: request for interpretation of CA provisions	Advocacy	request on obligation to notify the concentration	sales of commercials on jumbo-board; Croatia	Consultation of law	Expert opinion	Agency issued its opinion by which explained that there is no obligation to notify the concentration.			

List of cases assessed by Croatian Competition Agency in 2006 in the field of antitrust - SUBSTANTIVE

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
57	031-02/2005-01/70	9 May 2006	VIP NET d.o.o. Zagreb, vs. T-MOBILE HRVATSKA d.o.o., Zagreb; request for opinion	Advocacy	possible abuse of dominance, i.e. restriction of free market competition	mobile telephony - tariff model "Simpa profil" (extra bonus for customer)	Consultation of law	Expert opinion	In its opinion, the Competition Agency informed the Croatian Telecommunications Agency that its opinion issued on 2 November 2005 remains unchanged, given that there have been no new facts or evidence established in the matter concerned, that would give rise to a different opinion of the Competition Agency.			Agency has already issued opinion based on the request submitted by the undertaking VIP NET d.o.o. (2 November 2005)
58	031-02/2006-01/05	9 May 2006	CROATIAN TELECOMMUNICATION AGENCY; request for opinion	Advocacy	possible abuse of dominance, i.e. restriction of free market competition	mobile and fixed telephony - prices and terms of users packages ("Package 1" and "Package 2")	Consultation of law	Expert opinion	In its opinion, the Competition Agency stated that the application of the tariff packages concerned may give rise to anti-competitive effects in the relevant market in question, and could possibly lead to exclusion of competitors from the market, taking into account that the prices concerned are of a temporary nature and as such could lead to abuse of a dominant position.			
59	031-02/2006-01/46	24 May 2006	MERGER BETWEEN NARODNE NOVINE d.d., Zagreb and VJESNIK - NAKLADE d.o.o., Zagreb; request for opinion	Advocacy		publishing of official printed forms, Croatia	Consultation of law	Expert opinion	Agency issued its opinion with regards to appliance of Competition Act and Media Act.			
60	031-02/2006-01/45	24 May 2006	MINISTRY OF ECONOMY, LABOR AND ENTERPRENEUSHIP; request for opinion on Draft Proposal of the Trade Agreement between Republic of Croatia and Republic of Jordan	Advocacy			Consultation of law	Expert opinion	Agency issued its opinion stating that there were no articles that are not in compliance with the Competition Act or State Aid Act.			
61	031-02/2006-01/50	24 May 2006	GOVERNMENT OF THE REPUBLIC OF CROATIA; Draft Proposal of Bylaw on Public-Private Partnership	Advocacy			Consultation of law	Expert opinion	Agency issued its opinion stating that there were no articles that are not in compliance with the Competition Act or State Aid Act.			
62	031-02/2006-01/36	14 June 2006	ISSA FILM d.o.o., Zagreb, and VIDEO d.o.o., Zagreb; request for opinion	Advocacy	price-list	retail of video media (videotapes, DVD's); Croatia;/	Consultation of law	Expert opinion	The Competition Agency stated that the application of the ISSA-film d.o.o. price-list for small videoshop-keepers (assignment of rights to use videograms intended for home use) may give rise to anti-competitive effects in the relevant market in question, and could possibly lead to exclusion of competitors from the market, taking into account that the prices concerned could lead to abuse of a dominant position.			

List of cases assessed by Croatian Competition Agency in 2006 in the field of antitrust - SUBSTANTIVE

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
63	031-02/2006-01/61	3 July 2006	MINISTRY OF ECONOMY, LABOR AND ENTREPRENEURSHIP: request for opinion on Draft Proposal of the Trade Agreement between Republic of Croatia and UNMIK (UN Government of Kosovo)	Advocacy		trade agreement	Consultation of law	Expert opinion	Agency issued its opinion stating that there is no provisions of the Draft proposal Agreement in question that are contrary to the Competition Act.			
64	031-02/2005-01/31	13 July 2006	LAW OFFICE "KORPER & HARAMLIJA", Zagreb: AGREEMENTS BETWEEN HDS-ZAMP (CROATIAN COMPOSER'S SOCIETY) AND PUBLISHERS (MANUFACTURERS): request for opinion	Advocacy		audio copy-rights; Croatia	Consultation of law	Expert opinion	Agency issued its opinion stating that these standard agreements concluded between HDZ-ZAMP and publishers (manufacturers) which contain "most favourable party" clause are not contrary to the CA, i.e. can not be assessed as restrictive agreements nor abuse of dominant position. MFP clause is a part of the standard agreement recommended by the world copyright organization Bureau International des Societes Gerant les Droits d'Enregistrement et de Reproduction Mecanique, Paris.			
65	031-02/2006-01/70	13 July 2006	MEMBER OF PARLIAMENT QUESTION - SUBMITTED BY ALENKA KOČIŠ ČIČIN ŠAIN: request for opinion	Advocacy			Consultation on law	Expert opinion	The Agency determined that there is no legal obstacles for any local selfgovernment unit (as legal person) to establish a company. However, Agency considered that (as in this case) situation where City of Zagreb is simultaneously the regulator and competitor is not favourable from the competition point of view.			The question was triggered by establishment of the new company owned by City of Zagreb - ZAGREB PLAKAT d.o.o. for the sales of commercials on billboard, city-light and bigboard (outdoor publishing) in the City of Zagreb
66	031-02/2006-01/73	27 July 2006	LAW OFFICE ŽURIĆ AND PARTNERS, Zagreb: request for interpretation of CA provisions	Advocacy	request on obligation to notify the concentration - potential concentration (NARODNE NOVINE d.d. (OFFICIAL GAZETTE) / VJESNIK-NAKLADE d.o.o.)	public announcement in general daily newspapers; Croatia	Consultation on law	Expert opinion	Agency issued its opinion stating that proposed merger would not give rise to anti-competitive effects in the relevant market (general daily newspapers) and would not create abuse of a dominant position, provided that NN (Official Gazette) is still available on-line and available for purchase independently from Vjesnik. CCA is of the opinion that the availability of the announcement pages (which according to a special act have to be published in the Official Gazette) through Internet with the free possibility for the users to subscribe to the purchase of announcement pages only, removes completely any negative effects which could result from the described business operation on the relevant market of general daily newspapers publishing in Croatia.			
67	031-02/2006-01/83	7 September 2006	MINISTRY OF ECONOMY, LABOR AND ENTREPRENEURSHIP: request for opinion on Draft Proposal on Strategy of mineral raw materials management	Advocacy	regulation mineral raw materials management; Croatia		Consultation on law	Expert opinion	The Agency issued its opinion stating that there is no provisions on Draft Proposal on Strategy of mineral raw materials management that are contrary to the CA.			
68	031-02/2006-02/100	6 October 2006	TAU ON-LINE d.o.o., Zagreb, vs. OGLASNIK d.o.o., Zagreb: request for opinion	Advocacy	refusal to deal	publishing on internet & newspapers; Croatia	Consultation on law	Expert opinion	CCA issued its opinion stating that decision of undertaking OGLASNIK d.o.o. to refuse to advertise banner and advertisement of direct competitor (undertaking TAU ON-LINE d.o.o.) on the website owned by undertaking Oglasnik d.o.o., is not contrary to the CA provisions. Namely, for TAU ON-LINE there are no restrictions of access to the advertising market, since there is a variety of media where it may advertise: its own website, newspapers, TV and radio.			

