

List of cases assessed by Croatian Competition Agency in 2007 in the field of antitrust - SUBSTANTIVE (1 January - 31 December 2007)

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 on draft law	Decision: exemption/ negative clearance/ rejection of complaint/ prohibition (fines)/ approval (conditional)	Details of assessment	Fine	Appeal	Comments / Effects
1	030-02/2006-01/39	24 September 2007	COMPETITION AGENCY vs. BUS TRANSPORTERS	Cartel agreement	cartel agreement among 14 bus transport operators (price fixing)	public bus transport services; Croatia	Own initiative	Prohibition decision-prohibited agreement	Upon the assessment of the agreement entered into between 14 bus operators providing passenger transportation services between Zagreb and Split and Zagreb and Sibenik, the Agency established that the undertakings have agreed to fix prices of bus fares as of 1 July 2006 regardless of their operation costs incurred for the provision of the services concerned. The objective of such cartels is market foreclosure and market sharing to the disadvantage of the consumers who regardless of the quality of the services have been deprived from their right to choose the best price of the service.	Pursuant to the decision of the Agency upon violation of the provisions of the Competition Act, the Agency made a claim to the magistrate courts to start the minor offence proceedings against all 14 undertakings concerned (cartel members)	yes	Although 7 of the 14 cartel-members appealed the decision of the Agency, all of them changed their price lists in accordance with their operation costs incurred for the provision of the services. The price lists were changed during the procedure (from May until July 2007).
2	030-02/2005-01/45	18 January 2007	Craft KRIZANTEMA, Slavonski Brod, vs. KOMUNALAC d.o.o., Slavonski Brod	Abuse of dominance and restrictive practices	making the conclusion of contracts subject to acceptance by other parties of supplementary obligations which, by their nature or according to commercial usage, have no connection with the subject of such contracts	sale of funeral accessories, maintenance of graveyards and crematories, transport of deceased; City of Slavonski Brod	Notification	Rejection of complaint				Upon conclusion of the investigation and legal and economic analysis the Agency determined that the undertaking Komunalac Ltd did not prevent, restrict or distort competition on relevant market. Therefore, the Agency rejected the complaint of the undertaking Krizantema.
3	030-02/2005-01/50	12 July 2007	VIPNET d.o.o., Zagreb, vs. HT-HRVATSKE TELEKOMUNIKACIJE d.d., Zagreb, and T-MOBILE HRVATSKA d.o.o., Zagreb	Abuse of dominance and restrictive practices	making the conclusion of contracts subject to acceptance by the other parties of supplementary obligations which, by their nature or according to commercial usage, have no connection with the subject of such contracts.	telecommunication services; Croatia	Notification	Prohibition decision - Decision on abuse of a dominant position	Undertaking HT d.d. Zagreb and its connected company T-Mobile Hrvatska d.o.o. abused its dominant position, starting from 13 November 2003, in the relevant market covering the provision of telecom services through the conclusion of the Frame Contracts on the provision of telecom services including the appendices and annexes, with twenty three (23) different key accounts with their place of establishment in the Republic of Croatia. The assessment procedure in question has been carried out upon the complaint submitted by the undertaking VIPnet d.o.o. whereas the provisions raising anti-competitive concerns included the conclusion of contracts subject to acceptance by key accounts of supplementary obligations which, by their nature or according to commercial usage, have no connection with the subject of such contracts, and thus are considered as hardcore restrictions of competition within the meaning of competition rules (e.g. English clause).	Pursuant to the decision of the Agency upon violation of the provisions of the Competition Act, the Agency made a claim to the magistrate courts to start the minor offence proceedings against the undertakings that abused their dominant position	yes	Agency issued the decision determining the abuse of a dominant position of the undertakings Croatian Telecom and T-Mobile Ltd. In that decision, among others, it was ordered to those undertakings to remove or change the provisions of the agreements that were assessed as prohibited. On 13 November 2007. mentioned undertakings submitted to the Agency the Annex of the agreements in question, complying with the Agency's request, although they appealed the decision on Administrative Court.
4	030-02/2005-01/43	15 October 2007	MEDIA-IDEJA d.o.o., Zagreb, vs. TISAK d.d., Zagreb, and DISTRI-PRESS d.o.o., Zagreb	Abuse of collective dominance and restrictive practices	application of dissimilar conditions to equivalent transaction with other trading parties, thereby placing them at a competitive disadvantage.	daily press distribution wholesale market; Croatia	Notification	Prohibition decision - Decision on abuse of a collective dominant position	Case concerns joint abuse of a dominant position by the undertakings Distri Press and Tisak in the daily press distribution wholesale market in Croatia. The abuse covers the distribution of the daily newspaper "24 sata" published by the undertaking Media-Ideja d.o.o. to which a different price has been charged for the distribution services. The retail price of "24 sata" is 3 HRK. The price for the distribution services has been uniformly set under the general terms of operations, yet made dependant of the total number of distributed issues of the particular daily and the returns from the agents. To all other daily newspapers publishers, whose retail price for dailies is 6 HRK, only the uniform price has been charged, disregarding the returns from the agents. Thus, this is the way how two biggest and the only Croatian press distributors operating on the national level, Distri Press and Tisak, apply dissimilar conditions to equivalent transactions with different trading parties, thus discriminating the publisher Media-Ideja in respect of its competitors in the connected daily newspapers publishers market. The Agency established that the abuse started on 2 March 2006 and continues until today. Consequently, it ordered the undertakings Tisak and Distripress to terminate the anticompetitive practices concerned and to revise the general terms of operation which will then clearly and in a transparent manner under the principle of non-discrimination regulate the price of the daily papers distribution services which may not be made dependant of the sales price of the dailies.	Pursuant to the decision of the Agency upon violation of the provisions of the Competition Act, the Agency made a claim to the magistrate courts to start the minor offence proceedings against the undertakings that abused their dominant position	yes	Both parties have filed a claim at the Administrative Court. Undertaking Tisak submitted a request to the Agency for the suspension of the execution of the Agency's decision, but the Agency dismissed the request on the basis of no legal grounds for such a request. The period for revising the general terms of operation is still open. Upon the receipt of the new general terms (expected in February 2008), the Agency will assess their compatibility with the provisions of the Competition Act, i.e. if the decision of the Agency has been respected. The results of the assessment will be communicated to the European Commission.

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5	030-02/2007-01/03	15 February 2007	ERSTE BANK DER OESTERREISCHISCHEN SPARKASSEN AG, Austria / DINERS CLUB ADRIATIC d.d., Zagreb	Merger	acquisition of 100% of share capital	credit cards business; Croatia	Notification	Notice of approval of concentration (in first phase)				
6	030-02/2007-02/25	2 July 2007	KONZUM d.d., Zagreb / JADRANTRGOVINA d.o.o., Rovinj	Merger	acquisition of majority of share capital	retail trade in groceries, predominantly food, beverages and sanitary products; Istarska County and Croatia	Notification	Notice of approval of concentration (in first phase)				
7	030-02/2007-02/27	2 July 2007	MERCATOR - H d.o.o., Velika Gorica / PRESOFLEX d.o.o., Požega	Merger	acquisition of majority of share capital	retail trade in groceries, predominantly food, beverages and sanitary products; (press wholesale) market; Croatia	Notification	Notice of approval of concentration (in first phase)				
8	030-02/2007-02/26	12 July 2007	W2005, Holland; DVADESET OSAM d.o.o., Zagreb, represented by Attorney MARIO MARKOVIĆ, Zagreb	Merger	acquisition of majority of share capital in 4 tourist companies (Arenatourist d.d., Pula and 3 associated companies)	tourist sector; Istarska county	Notification	Notice of approval of concentration (in first phase)				
9	030-02/2007-02/17	12 July 2007	DOCU GROUP DEUTSCHE HOLDING GmbH, Germany/ SPRINGER SCIENCE+BUSINESS MEDIA DEUTSCHLAND GmbH, Germany (represented by LAW OFFICE VUKMIR I SURADNICI, Zagreb)	Merger	acquisition of majority of share capital	publishing of specialized magazines (real property, construction, tourism and catering); Croatia	Notification	Notice of approval of concentration (in first phase)				
10	030-02/2007-02/22	2 August 2007	RASPERIA TRADING LTD, Cyprus / RAIFFEISEN-HOLDING NIEDERÖSTERREICH-WIEN reg. Gen.m.b.H., Austria/ UNIQA Versicherungen AG, Austria/ STRABAG SE, Austria	Merger	acquisition of majority of share capital	construction; Croatia	Notification	Notice of approval of concentration (in first phase)				This was cross-border concentration
11	030-02/2007-02/31	2 August 2007	ADRS GRUPA d.d., Rovinj / DUHAN d.d., Zagreb	Merger	acquisition of majority of share capital	retail trade in groceries; retail trade of cigarettes&tobacco products, newspapers and press; Croatia	Notification	Notice of approval of concentration (in first phase)				

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12	030-02/2007-02/30	2 August 2007	AGROKOR d.d., Zagreb / UNEX MPG d.o.o., Zagreb	Merger	acquisition of majority of share capital	advertising and marketing services; Croatia	Notification	Notice of approval of concentration (in first phase)				
13	030-02/2007-02/34	2 August 2007	COLAS S.A., France / CESTA-VARAŽDIN d.d., Varaždin	Merger	acquisition of majority of share capital	roads construction; Croatia	Notification	Notice of approval of concentration (in first phase)				
14	030-02/2007-02/37	24 September 2007	MOL Ltd, Hungary / TIFON d.o.o., Zagreb	Merger	acquisition of majority of share capital	retail of oil derivatives; Croatia	Notification	Notice of approval of concentration (in first phase)				
15	030-02/2007-02/40	23 November 2007	PHOENIX FARMACIJA Aktiengesellschaft & Co KG, Germany/UNIPHARM d.o.o., Zagreb	Merger	acquisition of majority of share capital	wholesale distribution of pharmaceuticals and medicinal products; Croatia	Notification	Notice of approval of concentration (in first phase)				
16	030-02/2006-01/33	15 March 2007	AGROKOR d.d., Zagreb / TISAK d.d., Zagreb	Merger	acquisition of majority of share capital	retail trade in groceries, predominantly food, beverages and sanitary products; press distribution (press wholesale) market; Croatia	Notification	Decision on conditional approval of the concentration (in the second phase)	<p>Conglomerate concentration (incl. more than 30 undertakings; wide range of business activities in Croatia as well as the whole region). The Agency proposed the remedies to restore conditions for effective competition, thereby especially taking into account the fact that Agrokor d.d. confers decisive influence on the decisions of the undertakings within the Agrokor group. This is also underpinned by a strong portfolio of products and wide range of activities carried out by the participating undertakings causing a so called portfolio effect which may lead to foreclosure to the disadvantage of the consumers given that the suppliers' choice is narrowed down whereas Agrokor might increase its prices or in any other way affect consumers' advantages. Additionally, the portfolio effect of the Agrokor group takes into account its significant market and financial power as a buyer of products and its potential influence on the suppliers of the products which it offers in its</p> <p>wholesale and retail centres. With the view to eliminating of the above mentioned anticompetitive effects the imposed measures involve the prohibition of the reallocation of Tisak's outlets to retail food and non-food outlets within the period of the following three years. Furthermore, Agrokor has been imposed an obligation, to ensure within the period of the following two years, that Tisak's supply must consist of at least 25 % of substitute products to the products which are supplied by Agrokor and its connected undertakings, whereby substitutes are considered products made by the competing undertakings to the Agrokor group in the food and non-food products retail market. In addition, the Agency ordered the undertaking Tisak that all the existing agreements concluded with the suppliers in respect of all kinds of products sold in the wholesale and retail should remain in effect within the period of one year whereby the commercial terms (e.g. deadlines and terms of payment) must remain the same or be more favourable than the existing ones used in the agreements in force</p> <p>provided that they are non-discriminating and transparent in respect of all suppliers. The Agency also prohibited Agrokor to sell the own brand products of the undertaking Konzum d.d. at Tisak's points of sale (such as its own brands "K plus", "Rial" or any other possible brands that may be created by the same undertaking or by the undertaking Tisak). Finally, in order to ensure transparency in the implementation of the imposed measures aimed at the elimination of the anticompetitive effects of the concentration in question the Council ordered Agrokor to appoint an independent auditing company, subject to the approval of the Agency, which will be in charge of monitoring of the implementation of the said remedies.</p>			Auditor Baker Tilly Discordia Ltd. submitted to the Agency, within the requested period of time, first auditing report regarding the status of the companies involved in concentration prior to the concentration, as requested by the CCA's decision. The CCA shall continue to monitor fulfillment of the measures and conditions set in the decision.

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17	030-02/2007-02/09	9 November 2007	SLOBODNA DALMACIJA d.d. Split/ŠIBENSKI LIST d.o.o., Šibenik	Merger	acquisition of majority of share capital	general-information weeklies; Croatia	Notification	Decision on approval of the concentration (in the second phase)		Agency made a claim to the magistrate courts to start the minor offence proceedings against undertaking SLOBODNA DALMACIJA d.d. and its responsible persons in respect of the concentration in question on its own initiative, on the grounds of the expiry of the time period, regulated by Competition Act, in which the parties failed to notify the proposed concentration to the Agency for assessment.		
18	030-02/2006-01/68	15 February 2007	REFUL RADIO d.o.o., Rijeka (concessionaire of SVID RADIO d.o.o., Rijeka)	Merger according to the Electronic Media Act*	acquisition of majority of share capital	production and broadcast of radio programs; Primorsko-goranska county	Notification	Notice of approval of concentration (in first phase)				
19	030-02/2006-01/71	15 February 2007	ZAGREBAČKI RADIO d.o.o., Zagreb	Merger according to the Electronic Media Act*	acquisition of majority of share capital	production and broadcast of radio programs; City of Zagreb and Zagrebačka County	Notification	Notice of approval of concentration (in first phase)				
20	030-02/2007-01/02	15 February 2007	RADIO IVANEC d.o.o., Ivanec	Merger according to the Electronic Media Act*	acquisition of majority of share capital	production and broadcast of radio programs; Varaždinska County	Notification	Notice of approval of concentration (in first phase)				
21	030-02/2007-01/04	15 February 2007	RADIO KOPRIVNICA d.o.o., Koprivnica	Merger according to the Electronic Media Act*	acquisition of majority of share capital	production and broadcast of radio programs; Koprivničko-križevačka county	Notification	Notice of approval of concentration (in first phase)				
22	030-02/2006-01/78	15 March 2007	RADIO STAR TV d.o.o., Umag	Merger according to the Electronic Media Act*	acquisition of majority of share capital	production and broadcast of radio programs; Istarska county	Notification	Notice of approval of concentration (in first phase)				
23	030-02/2006-01/79	15 March 2007	INFANTINFO d.o.o., Pula	Merger according to the Electronic Media Act*	acquisition of majority of share capital	production and broadcast of radio programs; Istarska county	Notification	Notice of approval of concentration (in first phase)				
24	030-02/2007-01/08	15 March 2007	ARENA RADIO d.o.o., Pula	Merger according to the Electronic Media Act*	acquisition of majority of share capital	production and broadcast of radio programs; Istarska county	Notification	Notice of approval of concentration (in first phase)				
25	030-02/2007-01/05	4 April 2007	RADIO DRAVA d.o.o., Koprivnica	Merger according to the Electronic Media Act*	acquisition of majority of share capital	production and broadcast of radio programs; Koprivničko-križevačka county	Notification	Notice of approval of concentration (in first phase)				
26	030-02/2007-01/13	9 May 2007	ZAGREBAČKI RADIO d.o.o., Zagreb	Merger according to the Electronic Media Act*	acquisition of majority of share capital	production and broadcast of radio programs; City of Zagreb and Zagrebačka county	Notification	Notice of approval of concentration (in first phase)				

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27	030-02/2007-01/10	24 April 2007	RADIO PITOMAČA d.o.o., Koprivnica	Merger according to the Electronic Media Act*	acquisition of majority of share capital	production and broadcast of radio programs; Virovitičko-podravska county	Notification	Notice of approval of concentration (in first phase)				
28	030-02/2007-01/20	2 July 2007	RADIO IVANEC d.o.o, Ivanec	Merger according to the Electronic Media Act*	acquisition of majority of share capital	production and broadcast of radio programs; Varaždinska and Međimurska county	Notification	Notice of approval of concentration (in first phase)				
29	030-02/2007-01/28	12 July 2007	RADIO MREŽNICA d.o.o., Duga Resa	Merger according to the Electronic Media Act*	acquisition of majority of share capital	production and broadcast of radio programs; Karlovačka county	Notification	Notice of approval of concentration (in first phase)				
30	011-02/2006-02/16	1 February 2007	MINISTRY OF CULTURE: request for opinion on Draft Proposal on the Amendments to the Electronic Media Act	Advocacy-draft legislation		electronic media services; Republic of Croatia	Consultation on draft law	Expert opinion	The Agency proposed the provisions which aim at protection of pluralism in the area of the media through the application of competition law and policy instruments to be revoked or significantly revised.			The CCA's proposal was not accepted.
31	011-02/2007-01/02	1 March 2007	MINISTRY OF THE INTERIOR: request for opinion on Draft proposal of publishing state documents and other press materials which need special protection due to the protection of essential state interest	Advocacy - draft legislation	publishing of state documents; Croatia		Consultation on draft law	Expert opinion	The Agency issued opinion stating that the assignment of the activities concerned to the Agency for Commercial Printing will not produce significant anticompetitive effects, provided that the conditions stipulated under the Public Procurement Act which provides for the possibility of exemption in the case of protection of special state interest, have been accordingly fulfilled.			
32	011-02/2007-02/04	15 March 2007	MINISTRY OF CULTURE: request for opinion on Draft proposal of Amendments to the Electronic Media Act	Advocacy - draft legislation		electronic media; Croatia	Consultation on law	Expert opinion	Agency issued its opinion in which it stated that Draft proposal of Amendments to the Electronic Media Act is not contrary to the Competition Act. However, from the competition policy point of view, Agency proposed that Section 5 ("Protection of pluralism and diversity of electronic media") of the Draft Act should be modified.			The CCA's proposal was not accepted.

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33	011-02/2007-01/05	4 April 2007	MINISTRY OF THE INTERIOR: request for opinion on Draft proposal of Decision on existence of essential state interest in providing services of State Authority bodies assets protection and Decision on existence of essential state interest in coining of coin of the Republic of Croatia and in manufacture of vehicle-registered plates	Advocacy - draft legislation	state authority bodies assets protection, coining of coin and manufacturing of vehicle-registered plates services; Croatia		Consultation on draft law	Expert opinion	Agency issued its opinion in which it stated that Draft proposal of Decision in question is not contrary to the Competition Act.			
34	011-02/2007-02/07	24 May 2007	MINISTRY OF ECONOMY, LABOUR AND ENTREPRENEURSHIP: request for opinion on Draft proposal on Amendments of Draft Electricity Act	Advocacy-draft legislation	regulation of the electricity sector		Consultation on draft law	Expert opinion	Agency issued its opinion in which stated that Draft proposal in question is not contrary to the Competition Act.			
35	011-02/2007-02/08	24 May 2007	MINISTRY OF THE ECONOMY, LABOUR AND ENTREPRENEURSHIP: request for opinion on Draft proposal on Amendments of Draft Electricity Market Act	Advocacy-draft legislation	regulation of the electricity sector		Consultation on draft law	Expert opinion	Agency issued its opinion in which it stated that Draft proposal in question is not contrary to the Competition Act.			
36	011-02/2007-02/09	24 May 2007	MINISTRY OF THE ECONOMY, LABOUR AND ENTREPRENEURSHIP: request for opinion on Draft proposal on Amendments of Draft Energy Activities Regulation Act	Advocacy-draft legislation	regulation of the electricity sector		Consultation on draft law	Expert opinion	Agency issued its opinion in which it stated that Draft proposal in question is not contrary to the Competition Act.			
37	011-02/2007-02/11	13 June 2007	MINISTRY OF THE ECONOMY, LABOUR AND ENTREPRENEURSHIP: request for opinion on Draft Proposal of the Real Estate Intermediation Activities Act	Advocacy-draft legislation		real estate trading; Croatia	Consultation on draft law	Expert opinion	Agency issued its opinion in which it stated that Draft proposal contain provisions that <u>could have effect</u> on restriction of competition.			CCA's opinion is partially accepted. The Act is published in Official Gazzette No 107/07.
38	011-02/2007-02/12	13 June 2007	MINISTRY OF THE ECONOMY, LABOUR AND ENTREPRENEURSHIP: request for opinion on Draft proposal on gas supply price charged by the natural gas suppliers in the case of suppliers for tariff customers	Advocacy-draft legislation		natural gas supply; Croatia	Consultation on draft law	Expert opinion	Agency issued its opinion in which it stated that Draft proposal in question is not contrary to the Competition Act.			
39	011-02/2007-02/15	2 July 2007	MINISTRY OF THE SEA, TOURISM, TRANSPORT AND DEVELOPMENT: request for opinion on Draft Proposal of the Railway market regulatory Agency Act	Advocacy-draft legislation	regulation of railway services (transport); Croatia		Consultation on draft law	Expert opinion	Agency issued its opinion in which it stated that Draft proposal Act in question is not contrary to the Competition Act.			
40	011-02/2007-02/16	2 July 2007	MINISTRY OF THE ECONOMY, LABOUR AND ENTREPRENEURSHIP: request for opinion on Draft Proposal on Act of Fund for financing degradation and waste disposal of nuclear fuel in the Nuclear Power Station Krsko, Slovenia	Advocacy-draft legislation		energy sector; Croatia	Consultation on draft law	Expert opinion	Agency issued its opinion in which it stated that Draft proposal Act in question is not contrary to the Competition Act.			

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41	011-02/2007-02/17	6 September 2007	MINISTRY OF AGRICULTURE, FORESTRY AND WATER MANAGEMENT: request for opinion on Draft Proposal on Processing and Usage of Wood and Wood Products Act	Advocacy-draft legislation		wood processing industry; Croatia	Consultation on draft law	Expert opinion	Agency issued its opinion in which stated that Draft Proposal on Processing and Usage of Wood and Wood Products Act is not contrary to the Competition Act.			
42	031-02/2006-01/131	18 January 2007	MINISTRY OF THE INTERIOR, Zagreb: request for opinion on Draft proposal on the Bylaw of the price for the minimum elements of security services price calculation	Advocacy	setting the minimum prices	security service (persons and property); Croatia	Consultation on bylaw	Expert opinion	The issue is covered by Private Protection Act. However, Agency issued opinion in which stated that Draft proposal of Bylaw in question, which regulates minimum prices of security services, is not in compliance with CA, because provisions which determine the setting of minimum and fixed prices restraint the competition between competitors.			The opinion of the CCA was accepted and the Bylaw is not adopted.
43	031-02/2006-02/105	1 February 2007	EKO-OZRA, Zagreb: request for opinion on Ordinance on packaging and packaging waste	Advocacy		waste management; Croatia	Consultation on bylaw	Expert opinion	The Agency determined the Ordinance on packaging and packaging waste is in compliance with the CA provisions.			
44	031-02/2007-02/03	15 February 2007	INSTITUT ZA SIGURNOST ZAGREB d.d., Zagreb (INSTITUTE FOR SAFETY ZAGREB d.d.): request for interpretation of CA provisions	Advocacy	request on obligation to notify the concentration (Government decision on transaction of 50% of shares to the Institute of safety research and development, Zagreb	safety research and development (environment, fire protection); Croatia	Consultation on law	Expert opinion	Agency issued its opinion, i.e. interpretation of Art 22 of the CA.			
45	031-02/2007-01/09	15 March 2007	CIK "DR. BOŽO MILANOVIĆ" d.o.o., Pazin - affiliation of 5 radio stations & advertising network: interpretation of CA provision	Advocacy	request on obligation to notify the concentration	production and broadcast of radio programs and sale of radio-commercials; Istarska county	Consultation on law	Expert opinion	Agency informed Claimant that the request for opinion is unintelligible (the content of the agreement of radio-stations affiliation is not strictly defined) and therefore Agency is not able to issue the opinion. Agency referred the Claimant to contact Council for Electronic Media.			
46	031-02/2007-01/12	26 February 2007	MINISTRY OF FOREIGN AFFAIRS AND EUROPEAN INTEGRATION: request for opinion on working document on Draft proposal of negotiation position of Republic of Croatia for chapter no 28 Consumers and health protection	Advocacy		consumers and health protection; Croatia	Consultations on law	Expert opinion	The Agency determined that the working document on Draft proposal in question is in compliance with the CA provisions.			
47	031-02/2007-01/06	15 March 2007	A.K. CULAK, Vrbovec: request for opinion of provisions of Regulation on Block Exemption Granted to Agreements on Distribution and Servicing of Motor Vehicles	Advocacy	block exemptions	car sale and post-sale; Republic of Croatia	Consultations on law	Expert opinion	Agency issued opinion regarding the interpretation of the Regulation on Block Exemption Granted to Agreements on Distribution and Servicing of Motor Vehicles, particularly regarding the possibility of multi-branding. It is stated that requirement of a special entrance for each a brand of cars is overburden for the distributor and that one neutral customers entrance for all brands is sufficient.			
48	031-02/2006-02/112	15 March 2007	PARKOVI PLUS d.o.o, Rijeka	Advocacy		utility; maintenance of green-yards; City of Rijeka	Consultation on law	Expert opinion	Agency issued opinion in which it stated that Decision of the Municipality of Rijeka to <i>abolish previous practice</i> to award the maintenance of green-yards to different undertakings -based on public bidding, and to <i>entrust</i> a single city-owned company, is in compliance with special regulations, but not desirable from the competition point of view (limitation of potential competitors, less efficiency, price increase through the closure of previously open market).			

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49	031-02/2007-02/15	15 March 2007	CROATIAN CHAMBER OF ECONOMY, Zagreb: request for opinion on Draft Proposal on Agreement of flat price of books determined by the of Publishers and booksellers association	Advocacy		book sale; Croatia	Consultation on law	Expert opinion	Agency issued opinion in which it stated that Draft Proposal on Agreement of flat price of books determined by the Publishers and booksellers association (Croatian Chamber of Economy) which shall be concluded between the Ministry of Culture, Ministry of Science, Education and Sport, and Ministry of economy, Labour and Entrepreneurship, is not contrary with Competition Act as long as it does not affect the trade between Croatia and the EU.			
50	031-02/2007-01/41	9 May 2007	CROATIAN GREEN MARKET ASSOCIATION, Zagreb; request for opinion	Advocacy		general terms of electric energy supply determined by undertaking Hrvatska Elektroprivreda (HEP); Croatia	Consultation on law	Expert opinion	Agency determined the practice of HEP is in compliance with the CA provisions.			
51	031-02/2007-01/10	9 May 2007	CROATIAN CHAMBER OF ECONOMY, Zagreb: request for opinion	Advocacy	draft proposal of agreement between cinema interpretators and distributors	cinema business; Croatia	Consultation on law	Expert opinion	Agency determined the draft proposal of agreement in question is in compliance with the CA provisions.			
52	031-02/2007-01/42	24 May 2007	MINISTRY OF THE INTERIOR - ASSOCIATION OF FIRE PROTECTION EXTINGUISHER SERVICES: request for opinion	Advocacy		fire-protection service; Croatia	Consultation on law	Expert opinion	Agency issued its opinion to the Ministry of Interior stating that the work of the Public Firefighting Service, when servicing the fire protection extinguishers in market, is not contrary to the CA.			
53	031-02/2007-01/54	12 June 2007	CROATIAN TELECOMMUNICATIONS AGENCY, Zagreb; request for opinion on Vodafone Homebox service	Advocacy		fixed telephony; Croatia	Consultation on law	Expert opinion	Agency provided an explanation of the provisions of the Competition Act regarding the abuse of dominant position, as well as relevant market definition.			
54	031-02/2007-02/69	20 July 2007	PHOENIX FARMACIJA d.d., Zagreb, represented by LAW OFFICE ČAČIĆ & partners: request for interpretation of CA provisions	Advocacy	inquiry about obligation to notify the concentration PHOENIH FARMACIJA d.d., Zagreb / JADRAN-PHARMA d.o.o., Rijeka	wholesale of pharmaceutical goods, Croatia	Consultation on law	Expert opinion	Agency issued its opinion, i.e. interpretation of the Article 22 of the CA.			

List of cases assessed by Croatian Competition Agency in 2007 in the field of antitrust - SUBSTANTIVE (1 January - 31 December 2007)

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 on draft law	Decision: exemption/ negative clearance/ rejection of complaint/ prohibition (fines)/ approval (conditional)	Details of assessment	Fine	Appeal	Comments / Effects
55	031-02/2007-02/73	24 September 2007	ONE2PLAY d.o.o., Zagreb, vs. EKO OZRA d.o.o., Zagreb: request for opinion	Advocacy	conflict of jurisdiction - trademark protection (marking and selling of children's toys)	parallel import; Croatia	Consultation on law	Expert opinion	From the point of view of Croatian competition legislation, there are no obstacles to parallel import of products through passive sales to the same geographical area in which there already exists an undertaking to which a license has been granted for the trade mark standing on the packaging of the products that are imported through passive sales to the Republic of Croatia.			
56	031-02/2007-02/91	31 October 2007	MINISTRY OF THE INTERIOR: request for opinion on Draft Proposal on Private Security Industry Act	Advocacy		security services; Croatia	Consultation on law	Expert opinion	Agency issued opinion in which stated that the Draft Proposal on Private Security Industry Act, is contrary to the Competition Act. Provisions of the Draft Act concerned empower the Association to fix the minimum prices for the provision of security services for all service providers regardless of their actual operating costs, disregards the needs of the service users and thereby excludes competition on the market for some 300 private security undertakings.			
57	031-02/2007-02/100	28 December 2007	PLIVA d.d., Zagreb: request for opinion	Advocacy	intention to establish voluntary health insurance company (supplementary health insurance)	pharmaceutical sector and supplementary health insurance; Croatia	Consultation on law	Expert opinion	Party's request concerned the intention of pharmaceutical producer Pliva to establish a voluntary health insurance company which would sell only Pliva's products in two cheapest insurance policies, while the other policies would sell all products regardless their producer. The party's question was whether this would present an abuse of dominant position or a prohibited agreement. Agency issued opinion in which it stated that the business operations' risk is the risk of the party, while the exclusivity itself is not always prohibited. In a separate proceeding it could be determined through legal and economic analysis if a concrete business operation raises concerns regarding the impact on the competitors or/and end users. It also stated that the agreements among undertaking and end users do not fall under the provisions regulating prohibited agreements.			

CROATIAN COMPETITION AGENCY; LEGAL AFFAIRS AND ECONOMIC ANALYSIS DIVISION

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*The Media Act, as *lex specialis*, stipulates the obligation for notification in media sector regardless of the threshold of the participants. Exceptionally, concentrations in these sector, where participants acquire more than 40% of the market share upon concentration, are prohibited. Other criteria for assessment of concentrations are those stipulated in CA. Any change of shareholder structure of electronic media publisher should be notified to the Council of Electronic Media as well as to the Agency.