

**List of cases assessed by Croatian Competition Agency in 2008 in the field of antitrust - SUBSTANTIVE (1 January - 31 December 2008)**

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)	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	030-02/2006-01/40	14 February 2008	VIRO TVORNICA ŠEĆERA d.d., Virovitica / PFEIFER & LANGEN, Germany	<b>Horizontal agreement</b>	business cooperation agreement (joint venture)	production and sales of sugar; Croatia	Notification	<b>Individual exemption - negative clearance</b>	Upon receipt of the Cooperation Agreement between the undertakings Viro d.d. from Virovitica and Pfeifer & Langen from Germany in May 2006, the obligation of the participating parties not to put in effect until its compatibility with competition rules is established. The analysis of the CCA revealed that the agreement envisages the establishment of a joint venture that does not fall under the concept of concentration where each of the companies, Viro and P&L, will hold 50 % share. Consequently, the CCA assessed the possibility for the individual exemption from the application of the provisions on prohibited agreements within the meaning of Competition Act. It was determined that certain provisions may lead to market sharing and price fixing between the parties and the parties were granted with the 30 days to remove those provisions from the Agreement. The individual exemption shall be put into effect after upon the submission to the CCA the revised text of the Agreement, and as such it will apply for 3 years.			On 25 April 2008, the parties submitted to the CCA revised agreement on the cooperation with changed provisions in accordance with the decision of the CCA. Based on the analysis of the submitted Agreement, the CCA granted individual exemption of the said agreement for the period of three years starting from 24 April 2008, as the day when the Agreement is aligned with the provisions, measures and conditions indispensable for the exemption.
2	030-02/2006-201/80	17 December 2008	SANABILIS d.o.o., Šibenik vs CITROEN HRVATSKA d.o.o., Zagreb	Restrictive agreement	exclusive distribution of motor vehicles and cars; exclusive distribution of spare parts and accessories; exclusive repair and maintenance	motor vehicles and cars sale, spare parts and accessories sale, authorized repair and maintenance; Croatia	Notification	<b>Rejection of complaint</b>	In the course of the proceedings, it was established that the provisions of the agreement in question are in compliance with the provisions of the Competition Act. According to the evidence and analysis during the proceeding, it was not proved that the undertaking Citroen imposed fixed selling prices to its distributors. On the contrary, it was established that distributors had freely determined the prices, enhancing intra-brand and inter-brand competition.			
3	030-02/2006-301/18	30 December 2008	CCA vs VIP NET d.o.o., Zagreb	Restrictive agreement	setting of minimum reselling prices	mobile telephony: wholesale and retail of prepaid boxes, mobile devices; Croatia	Own initiative	<b>Prohibition decision- prohibited agreement</b>	Agency established that undertaking VIPnet d.o.o. has restricted competition by conclusion of prohibited agreement, setting minimum reselling prices for their distributors and imposing of supplementary obligations which, by their nature or according to commercial usage, have no connection with the subject of such contracts. In the proceedings the necessary analysis proved that VIPnet concluded 94 agreements with its distributors on the sales of VIPme and Tomato prepaid vouchers, VIPme and Tomato prepaid Broadband CD boxes, packages and mobile phones which contained a number of hard core restrictions. The provisions in question involved fixing the maximum rebates for the resale of the above listed products, restricting of the buyers' right to freely set the sales prices.			The CCA shall, in accordance with the Competition Act, submit a claim to the designated Minor Offence court to start the minor offence proceedings against undertaking VIPnet d.o.o. and its responsible person.
4	030-02/2006-401/41	30 December 2008	SEDAM PLIN d.o.o., Virovitica and BRALA TRADE d.o.o., Posedarje vs PROPLIN d.o.o., Zagreb	<b>Abuse of dominance and restrictive practice</b>	application of dissimilar conditions to equivalent transaction with other trading parties, thereby placing them at a competitive disadvantage	retail and wholesale of liquefied petroleum gas (LPG); Croatia	Notification	<b>Prohibition decision - Decision on abuse of dominant position</b>	In the course of the proceedings it was established that the undertaking PROPLIN d.o.o. abused its dominant position in the period from 2004. till 2006. by applying dissimilar condition to equivalent transactions with other trading parties.			The CCA shall, in accordance with the Competition Act, submit a claim to the designated Minor Offence court to start the minor offence proceedings against undertaking PROPLIN d.o.o. and its responsible person.
5	030-02/2007-501/15	30 December 2008	CROATIA AIRLINES d.d., Zagreb vs. ZRAČNA LUKA ZAGREB d.o.o. (ZAGREB AIRPORT) and ZRAČNA LUKA ZAGREB - UGOSTITELJSTVO d.o.o., Zagreb	Abuse of dominance and restrictive practice	1) direct or indirect impose of unfair purchase or selling prices, 2) application of dissimilar conditions to equivalent transaction with other trading parties, thereby placing them at a competitive disadvantage	ground handling; Zagreb airport	Notification	Prohibition decision - Decision on abuse of dominant position	The Agency determined that the undertaking Zračna luka Zagreb – Ugostiteljstvo d.o.o., abused its dominant position on the market of ground handling between 1 March 2007 until 25 May 2007, by suspending the providing of this service to the undertaking Croatia Airlines d.d., and by subjecting of providing of that service with the agreement of the undertaking Croatia Airlines d.d. to use also catering services from the undertaking Zračna luka Zagreb – Ugostiteljstvo d.o.o. The Agency also established that the undertakings Zračna luka Zagreb d.o.o., sole provider of ground handling services for the Airport Zračna luka Pleso and undertaking under its control Zračna luka Zagreb – Ugostiteljstvo d.o.o., starting from 1 September 2007 onwards restricted competition by abusing its dominant position on the relevant market by the use of different price lists to the users of services of transport, embarkation and unloading of meals and beverages from airplanes of the area of Zračna luka Pleso directly imposing unfair prices of services, applying different prices for same services without justified costs difference for providing those services.			The CCA shall, in accordance with the Competition Act, submit a claim to the designated Minor Offence court to start the minor offence proceedings against undertaking ZRAČNA LUKA ZAGREB - UGOSTITELJSTVO d.o.o. and its responsible person.
6	030-02/2006-601/20	30 December 2008	SERVICE WORKHOUSES OF CROATIAN CHAMBER OF CRAFTSMEN - CHAMBER OF SPLITSKO-DALMATINSKA COUNTY (CAR REPAIR PROFESSION SECTION) vs EUROHERC OSIGURANJE d.d., Zagreb, and JADRANSKO OSIGURANJE d.d., Split	Abuse of dominance and restrictive practice	barriers to entry	repair of cars; Splitsko-dalmatinska county	Notification	<b>Rejection of complaint</b>	In the course of the proceedings, the Agency did not determine that the undertakings EUROHERC OSIGURANJE d.d. Zagreb and JADRANSKO OSIGURANJE d.d. Split abused their dominant position by directing insured persons to particular service workhouses and thus, by applying dissimilar conditions to equivalent transactions placed the other service workhouses at a competitive disadvantage.			

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7	030-02/2007-01/29	26 February 2008	KONZUM d.d., Zagreb / IREDAL d.o.o., Split	Merger	acquisition of majority of share capital	wholesale and retail in groceries, predominantly food, beverages and sanitary products ; Croatia	Notification	Notice of approval of concentration (in first phase)				
8	030-02/2008-01/19	29 April 2008	DIOKI d.d., Zagreb / RIJEČKI LIST d.o.o., Rijeka / NOVI LIST d.d., Rijeka	Merger	acquisition of majority of share capital	1) publishing of general daily newspapers, enigmatic magazines, advertising and erotic newspapers; 2) general daily newspapers advertising; Croatia	Notification	Notice of approval of concentration (in first phase)				
9	030-02/2008-01/25	12 June 2008	DR. AXEL DIEKMANN, Germany and NAXOS MEDIEN BETEILIGUNGEN GmbH, Austria / NCL MEDIA GRUPA d.o.o., Zagreb	Merger	acquisition of majority of share capital	1) publishing of: general weeklies, weeklies for woman, health monthlies, IT monthlies, sport monthlies; 2) advertising; Croatia	Notification	Notice of approval of concentration (in first phase)				
10	030-02/2008-01/20	10 July 2008	PETROL d.d., Ljubljana, Slovenia / EURO-PETROL d.o.o., Rijeka	Merger	acquisition of majority of share capital	retail and wholesale of oil derivatives; Croatia	Notification	Notice of approval of concentration (in first phase)				
11	030-02/2008-01/17	10 July 2008	ADRIA MEDIA ZAGREB d.o.o., Zagreb / DAMJANA VJENČANJA d.o.o., Zagreb	Merger	acquisition of majority of share capital	1) publishing of wedding magazines, 2) publishing of electronic publications (wedding issues); 3) advertising in wedding magazines; Croatia	Notification	Notice of approval of concentration (in first phase)				
12	030-02/2008-01/29	29 July 2008	VOLKSWAGEN AG, Germany / SCANIA AB, Sweden	Merger	acquisition of majority of share capital	1) sale of heavy trucks (above 16 tons), 2) sale of buses, 3) sale of industrial and boat engines (diesel)	Notification	Notice of approval of concentration (in first phase)				This is cross-border concentration.
13	030-02/2008-01/11	29 July 2008	ČAKOVEČKI MLINOVI d.d., Čakovec, GAVRANOVIĆ, d.o.o., Zagreb, METSS d.o.o., Čakovec, RIBOLA, d.o.o., Kaštel Lukšić, SONIK d.o.o., Zadar, TRGOVINA KRK d.d., Malinska, i VICTA d.o.o., Split, and Antonio Vuksan-Čuso, Zagreb / TRGOCENTAR d.d., Virovitica	Merger	acquisition of majority of share capital	1) retail in groceries, predominantly food, beverages and sanitary products; Virovitičko-podravska, Osječko-baranjska, Bjelovarsko-bilogorska, Koprivničko-križevačka county and City of Zagreb); 2) wholesale and retail in groceries, predominantly food, beverages and sanitary products; Croatia	Notification	Notice of approval of concentration (in first phase)				
14	030-02/2008-01/31	29 July 2008	MARS Inc., USA / Wm.: WRIGLEY Jr. Comp., USA	Merger	acquisition of majority of share capital	confectionery products (chewing-gums and candies); Croatia	Notification	Notice of approval of concentration (in first phase)				This is cross-border concentration.
15	030-02/2008-01/38	15 September 2008	DUKAT MLIJEČNA INDUSTRIJA D.D., Zagreb / KIM MLJEKARA KARLOVAC d.d., Karlovac	Merger	acquisition of majority of share capital	dairy industry (fresh milk processing and production of 5 groups of milk products); Croatia	Notification	Notice of approval of concentration (in first phase)				

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16	030-02/2008-01/28	15 September 2008	GAVRILOVIĆ d.o.o., Petrinja / ISTRACOMMERCE d.d., Pazin	Merger	acquisition of majority of share capital	wholesale and retail in groceries, predominantly food, beverages and sanitary products; Istarska and Primorsko-goranska County	Notification	Notice of approval of concentration (in first phase)				Agency made a claim to the Minor Offence Court to start the minor offence proceeding against undertaking Gavrilovic for the failure to notify the proposed merger within the dead-line set by the Competition Act.
17	030-02/2008-01/43	2 October 2008	PORSCHE AUTOMOBIL HOLDING SE, Germany / VOLKSWAGEN AG, Germany	Merger	acquisition of majority of share capital	car industry; Croatia	Notification	Notice of approval of concentration (in first phase)				This is cross-border concentration.
18	030-02/2008-01/70	30 December 2008	GAVRILOVIĆ d.o.o., Petrinja / PURIS d.d., Pazin	Merger	acquisition of majority of share capital	turkey ("white") meet; Istarska and Primorsko-goranska County	Notification	Notice of approval of concentration (in first phase)				
19	030-02/2008-01/06	30 December 2008	KONZUM d.d., Zagreb / LOKICA d.o.o., Driš	Merger	acquisition of majority of share capital	wholesale and retail in groceries, predominantly food, beverages and sanitary products; Croatia and Šibensko-kninska County (Šibenik, Vodice and Murter)	Notification	<b>Decision on conditional approval of the concentration (in the second phase)</b>	By its decision on conditional approval of the concentration, the Agency imposed to undertakings KONZUM d.d., Zagreb and LOKICA d.o.o., Driš, measures for elimination of possible significant negative impacts of the merger on the relevant market, and deadlines for their implementation.			Imposed measures are obliteration of the the undertaking Konzum d.d. is to sell, terminate the lease agreement, transfer to another undertaking or reallocate retail stores in the City of Šibenik, Vodice i Murter to an undertaking with no significant capital or personal connections with the undertaking Konzum d.d. or its associated undertakings, as well as obligation of the undertakings Lokica d.o.o. and JOLLY-JBS to comply with their commitments in relation to the agreements concluded prior to the concentration with the wholesalers and retailers.
20	030-02/2008-01/01	26 February 2008	STYRIA MEDIA INTERNATIONAL AG, Austria / DNEVNIK d.o.o., Zagreb and POSLOVNI DNEVNIK DIGITAL d.o.o., Zagreb	<b>Merger in Media Sector</b>	acquisition of majority of share capital	publishing of daily business newspapers, publishing of electronic publications; Croatia	Notification	Notice of approval of concentration (in first phase)				The Media Act, stipulates the obligation for notification of merger in media sector regardless of the threshold of the participants. Mergers 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 Agency of Electronic Media as well as to the Agency.
21	030-02/2008-01/02	17 April 2008	EUROPAPRESS HOLDING d.o.o., Zagreb / DUBROVAČKI VJESNIK d.o.o., Dubrovnik	Merger in Media Sector	acquisition of majority of share capital	publishing of general weekly newspapers and advertising in general weekly newspapers; Croatia	Notification	Notice of approval of concentration (in first phase)				The Media Act, stipulates the obligation for notification of merger in media sector regardless of the threshold of the participants. Mergers 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 Agency of Electronic Media as well as to the Agency.
22	030-02/2007-01/39	31 January 2008	ZAGORSKA SPORTSKA MREŽA d.o.o., Zagreb	Merger in Media Sector	acquisition of majority of share capital	production and broadcast of radio programmes; Krapinsko-zagorska County	Notification	Notice of approval of concentration (in first phase)				The Media Act, stipulates the obligation for notification of merger in media sector regardless of the threshold of the participants. Mergers 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 Agency of Electronic Media as well as to the Agency.
23	030-02/2007-01/45	31 January 2008	TELEVIZIJA DALMACIJA d.o.o., Split	Merger in Media Sector	acquisition of majority of share capital	production and broadcast of TV programmes; City of Split and Splitsko-dalmatinska County	Notification	Notice of approval of concentration (in first phase)				The Media Act, stipulates the obligation for notification of merger in media sector regardless of the threshold of the participants. Mergers 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 Agency of Electronic Media as well as to the Agency.

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24	030-02/2007-01/32	14 February 2008	ADRIATIC MEDIA d.o.o., Zagreb	Merger in Media Sector	acquisition of majority of share capital	cable TV services: City of Zagreb	Notification	Notice of approval of concentration (in first phase)				The Media Act, stipulates the obligation for notification of merger in media sector regardless of the threshold of the participants. Mergers 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 Agency of Electronic Media as well as to the Agency.
25	030-02/2007-01/38	12 March 2008	OAR d.o.o., Osijek	Merger in Media Sector	acquisition of majority of share capital	production and broadcast of TV programmes; City of Osijek	Notification	Notice of approval of concentration (in first phase)				The Media Act, stipulates the obligation for notification of merger in media sector regardless of the threshold of the participants. Mergers 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 Agency of Electronic Media as well as to the Agency.
26	030-02/2008-01/07	12 March 2008	CIK "DR. BOŽO MILANOVIĆ" d.o.o., Pazin	Merger in Media Sector	acquisition of majority of share capital	production and broadcast of radio programmes; Istarska County	Notification	Notice of approval of concentration (in first phase)				The Media Act, stipulates the obligation for notification of merger in media sector regardless of the threshold of the participants. Mergers 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 Agency of Electronic Media as well as to the Agency.
27	030-02/2008-01/08	3 April 2008	TV PLUS d.o.o., Jastrebarsko	Merger in Media Sector	acquisition of majority of share capital	production and broadcast of TV programmes; Zagrebačka County	Notification	Notice of approval of concentration (in first phase)				The Media Act, stipulates the obligation for notification of merger in media sector regardless of the threshold of the participants. Mergers 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 Agency of Electronic Media as well as to the Agency.
28	030-02/2008-01/12	3 April 2008	ADRIATIC MEDIA d.o.o., Zagreb	Merger in Media Sector	acquisition of majority of share capital	cable TV services: City of Zagreb	Notification	Notice of approval of concentration (in first phase)				The Media Act, stipulates the obligation for notification of merger in media sector regardless of the threshold of the participants. Mergers 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 Agency of Electronic Media as well as to the Agency.
29	030-02/2008-01/23	17 April 2008	TELEVIZIJA DALMACIJA d.o.o., Split	Merger in Media Sector	acquisition of majority of share capital	production and broadcast of TV programmes; City of Split and Splitsko-dalmatinska County	Notification	Notice of approval of concentration (in first phase)				The Media Act, stipulates the obligation for notification of merger in media sector regardless of the threshold of the participants. Mergers 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 Agency of Electronic Media as well as to the Agency.
30	030-02/2008-01/26	12 June 2008	RADIO M - UDRUGA MLADEŽI, Vela Luka	Merger in Media Sector	acquisition of majority of share capital	production and broadcast of radio programmes; Splitsko-dalmatinska County	Notification	Notice of approval of concentration (in first phase)				The Media Act, stipulates the obligation for notification of merger in media sector regardless of the threshold of the participants. Mergers 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 Agency of Electronic Media as well as to the Agency.
31	030-02/2008-01/10	10 July 2008	RADIO KAŠTELA d.o.o., Kaštel Novi	Merger in Media Sector	acquisition of majority of share capital	production and broadcast of radio programmes; Splitsko-dalmatinska County	Notification	Notice of approval of concentration (in first phase)				The Media Act, stipulates the obligation for notification of merger in media sector regardless of the threshold of the participants. Mergers 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 Agency of Electronic Media as well as to the Agency.

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32	030-02/2008-01/51	30 October 2008	RADIO KOPRIVNICA d.o.o., Koprivnica	Merger in Media Sector	acquisition of majority of share capital	production and broadcast of radio programmes; Koprivničko-križevačka County	Notification	Notice of approval of concentration (in first phase)				The Media Act, stipulates the obligation for notification of merger in media sector regardless of the threshold of the participants. Mergers 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 Agency of Electronic Media as well as to the Agency.
33	030-02/2008-01/35	13 November 2008	RADIO ĐURĐEVAC d.o.o., Đurđevac	Merger in Media Sector	acquisition of majority of share capital	production and broadcast of radio programmes; Koprivničko-križevačka County	Notification	Notice of approval of concentration (in first phase)				The Media Act, stipulates the obligation for notification of merger in media sector regardless of the threshold of the participants. Mergers 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 Agency of Electronic Media as well as to the Agency.
34	030-02/2008-01/37	2 December 2008	EPH d.o.o., Zagreb / INFORMATIKA-MEDIJA d.o.o., Sesvete	Merger in Media Sector	acquisition of majority of share capital	edition of electronic publications for for reviewing and exchanging of video content; advertising in electronic publications for for reviewing and exchanging of video content; Croatia	Notification	Notice of approval of concentration (in first phase)				The Media Act, stipulates the obligation for notification of merger in media sector regardless of the threshold of the participants. Mergers 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 Agency of Electronic Media as well as to the Agency.
35	011-02/2008-01/02	3 April 2008	MINISTRY OF THE ECONOMY, LABOUR AND ENTREPRENEURSHIP: request for opinion on Draft proposal on Implementation of European Cooperatives Act (Societas Cooperativa Europea)	Advocacy-draft legislation		various of goods & services; 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.			
36	011-02/2008-01/04	29 April 2008	MINISTRY OF THE SEA, TRANSPORT AND INFRASTRUCTURE: request for opinion on Draft proposal on Amendments of Postal Act	Advocacy-draft legislation		postal services; 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.			
37	011-02/2008-01/05	8 May 2008	MINISTRY OF THE SEA, TRANSPORT AND INFRASTRUCTURE: request for opinion on Draft proposal on Electronic Communication Act	Advocacy-draft legislation		electronic communication services; Croatia	Consultation on draft law	Expert opinion	Agency issued its opinion in which it stated that Draft proposal in question contains certain provisions regarding concentrations (notification of concentrations) which are contrary to the Competition Act.			Agency's remarks have been completely accepted and incorporated in the text of the new act. The Act was adopted by the Parliament and published in the OG No. 73 on 26 June 2008.
38	011-02/2008-01/06	8 May 2008	MINISTRY OF THE JUSTICE: request for opinion on Draft proposal on Strategy Paper for preparation of the new Administrative Dispute Act	Advocacy-draft legislation		n/a	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	011-02/2008-01/07	8 May 2008	MINISTRY OF ECONOMY, LABOR AND ENTERPRENEURSHIP: request for opinion on Draft Proposal on Strategy of mineral raw materials management	Advocacy-draft legislation		mineral raw materials management; Croatia	Consultation on draft bylaw	Expert opinion	Agency issued its opinion in which it stated that Draft proposal in question is not contrary to the Competition Act.			
40	011-02/2008-01/08	28 May 2008	MINISTRY OF ECONOMY, LABOR AND ENTERPRENEURSHIP: request for opinion on Draft Proposal on Mining Act	Advocacy-draft legislation		mining; 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.			
41	011-02/2008-01/12	17 December 2008	MINISTRY OF ECONOMY, LABOR AND ENTERPRENEURSHIP: request for opinion on Draft proposal on Amendments of Electricity Energy Production Tariff System from renewable energy resources and cogeneration	Advocacy-draft legislation		regulation of the electricity sector; Croatia	Consultation on draft bylaw	Expert opinion	The Agency determined the Draft proposal is not contrary to the Competition Act.			

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42	011-02/2008-01/13	30 December 2008	MINISTRY OF ECONOMY, LABOR AND ENTREPRENEURSHIP: request for opinion on Draft proposal on General Terms on supply of natural gas	Advocacy-draft legislation		regulation of the gas supply sector; Croatia	Consultation on draft bylaw	Expert opinion	The Agency determined the Draft proposal is not contrary to the Competition Act.			
43	031-02/2007-02/99	26 February 2008	INA-INDUSTRIJA NAFTE d.d., Zagreb: request for interpretation of CA provision	Advocacy - opinions on the request of the parties	sales agreement	oil derivatives; Croatia	Consultation on law	Expert opinion	INA d.d. submitted to the Agency its standard agreement on the sale of oil derivatives with wholesale buyers and retail buyers on the Croatian market. The agreements in questions has not yet been put in force. The Agency determined that <u>one provision</u> , stating that the agreement will be terminated in case of any dispute between the party and INA, <u>raises competition</u> .			According to the Agency's comment, INA d.d. modified said provision and submitted the new standard agreement to the Agency, taking the commitment not to conclude the agreements with the disputed provision in the future.
44	031-02/2008-01/30	17 April 2008	MINISTRY OF INTERIOR: request for opinion	Advocacy	additional terms/obligations	maintenance of fire-protection device	Consultation on law	Expert opinion	Agency issued its opinion in which it stated that Draft proposal in question is not contrary to the Competition Act.			
45	031-02/2008-01/32	17 April 2008	UNION PETROLIERE EUROPEENNE INDEPENDANTE (UPEI), Paris, France: request for interpretation of CA provisions	Advocacy	inquiry about concentration between OMV, Austria / MOL, Hungary	wholesale and retail of oil derivatives; Croatia	Consultation on law	Expert opinion	Agency issued its opinion, i.e. interpretation of the Article 22 of the CA.			This is cross-border concentration, but proposed merger was aborted/withdrawn on 7 August 2008 (OMV withdrew its merger notification during European Commission investigation).
46	031-02/2008-01/26	29 April 2008	ATTORNEY IGOR SVILAR, 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 containing clarifications on the implementation of the Block Exemption Regulation in question			
47	031-02/2008-01/73	15 September 2008	OPĆINA STARIGRAD - PAKLENICA, Paklenica	Advocacy	barriers to entry	public tender for bench of green market (utility sector)	Consultation on law	Expert opinion	Agency issued its opinion in which it stated that practice in question is <u>contrary to the Competition Act</u> because the public tender sets the requirements suitable only for crafts and agricultural farms but excluding other legal persons (i.e. companies). Furthermore, the period of 10 years of the lease contracts may create barriers to entry for other participants on the market, while advantage given to the natural persons with permanent residence in the Municipality in question is not in compliance with the CA. The advantage given to the natural persons living in this Municipality and not taking into account other factors (such as price of the offer, quality of products or services, benefits for the consumers etc.), discriminates other undertakings, placing them at a competitive disadvantage.			











