

Case No.: UP/I 034-03/12-01/009  
Case: CCA vs. Flora VTC Ltd., Virovitica  
Type of case: competition - abuse of dominant position  
Type of decision: initiative dismissed

On 30 November 2012, the Croatian Competition Authority (CCA) closed proceedings regarding the complaint submitted by M SAN EKO Ltd, Zagreb (M SAN EKO) against the alleged abuse of dominant position by FLORA VTC. The CCA found no evidence of such an alleged abuse. The case was assessed under the National Competition Act.

On 25 May 2012, M SAN EKO requested the CCA to investigate the conduct of FLORA VTC on the relevant market of collection and transport of electrical and electronic appliances waste (EE waste) in the Republic of Croatia. According to the complaint, FLORA VTC, acting as a concessioner for the collection and transport of EE waste, restricted M SAN EKO in the sense that it did not allow M SAN EKO to collect EE waste from all the possessors in the Republic of Croatia, but only from those possessors that were sellers of the EE appliances and equipment, even though M SAN EKO was an authorized collection operator for all the categories of EE waste and all the territory of the Republic of Croatia.

During its investigation the CCA found no evidence showing discriminatory conduct due to the facts that the system of management of electrical and electronic waste was strictly defined under the Ordinance on the management of waste EE appliances and equipment. The concession for collection and transport of EE waste was given to three undertakings (principals), namely FLORA VTC Ltd., CE-ZA-R Ltd., METIS Inc. All other undertakings, such as M SAN EKO, are acting as agents on behalf of the principals. It is the responsibility of the principal to set the collecting and transport scheme as it deems appropriate and efficient. In that manner, FLORA VTC is not obliged to involve any other undertaking if it estimates it could cover all the territory and all the categories by itself, but if it considers that the system would be more efficient if hiring an agent, it is free to do so, as well as appoint an agent to a certain limited geographical area or category of possessors.

The system is under the firm supervision by Ministry of Ministry of Environmental and Nature Protection and Environmental protection and energy efficiency Fund.

Based on the above mentioned findings, the CCA decided to dismiss the initiative.