

Class: UP/I 034-03/16-01/025
Reg.no: 580-09/74-2016-002
Zagreb, 20 December 2016

CCA vs. Boatbooker d.o.o., Zagreb
- Initiative relating to the alleged distortion of competition

Decision: Initiative dismissed due to lack of standing to act

Case summary:

Acting in line with the initiative for the initiation of the infringement proceeding against the undertaking Boatbooker d.o.o., Zagreb, submitted by the undertaking Latih Revizija d.o.o., Zagreb, the CCA dismissed the initiative concerned due to lack of standing to act.

In short, the complainant alleged that the undertaking Boatbooker cancelled the contract on the provision of accounting services without stating any reasons for doing so and without giving any notice about the changing of the terms of the contract entered into between these two parties to the agreement and thereby infringed the completion rules in the sense of a prohibited agreement.

Within the meaning of competition rules the alleged behaviour of Boatbooker could have raised competition concerns only if the undertaking concerned abused a dominant position in the relevant market, that is to say, if it held a dominant position in the provision of accounting services in the first place.

In the course of the investigation the CCA found that it can be ruled out with certainty that Boatbooker or any other undertaking in the territory of the Republic of Croatia holds a dominant position in the provision of accounting services, even if such a relevant market could be defined. On the other hand, the CCA noted that the alleged behaviour might raise concerns under the law applicable to contractual obligations regulating the mutual rights and obligations of the parties to the agreement on the provision of accounting services. Thus, the CCA referred the complainant to the competent court dealing with the matters relating to the protection of the rights of the parties under the law of obligations.