

# Croatia

## Competition Framework

Competition Law

The Competition Act of Croatia was enacted on November 9, 2009 and was amended in 2013, 2021.

*[Please introduce the name of the laws constituting the National Competition Law Regime. Include the year of enactment and the corresponding amendments as well.]*

Competition Authority

The Croatian Competition Agency (CCA) was established by the Decision of the Croatian Parliament of 20 September 1995 and became operative in early 1997.

Website: <https://www.aztn.hr/en/>

*[Please introduce here the name of the competition authorities that are part of the enforcement process of the laws mentioned in the previous question. In that regard, please specify the norms that established those agencies, the year in which they started operation, and their website. Include tribunals only if they have a role in the process of founding guilt and imposing sanctions. This point specifically excludes judicial authorities that only have judicial review powers]*

### POLICY-MAKING AGENTS

#### -DIVERSIFICATION-

How many agencies are responsible for competition enforcement?

The Croatian Competition Agency (CCA) is responsible for enforcing and overseeing the implementation of competition law in Croatia. The duties and responsibilities of the CCA include:

**Antitrust Enforcement:** The CCA is responsible for investigating and sanctioning anti-competitive practices, such as cartels, price-fixing, market allocation, and abuse of dominant position. It has the authority to impose fines and other remedies on companies found in violation of competition rules.

**Merger Control:** The CCA reviews and assesses mergers and acquisitions that could potentially harm competition in the Croatian market. It ensures that mergers do not lead to a substantial lessening of competition or create dominant positions that could be anti-competitive.

**Market Monitoring:** The CCA monitors various markets to identify potential anti-competitive behavior, market distortions, and other issues that may require intervention.

**Advisory Role:** The CCA provides guidance and advice to businesses, stakeholders, and the government on competition-related matters.

**Advocacy:** The agency works to promote a competition-friendly environment by advocating for pro-competitive policies and regulations.

**Fines:** The CCA has the authority to impose administrative fines for violations of competition law. These fines were imposed on companies or individuals found guilty of engaging in anti-competitive practices, abuse of dominant position, or violations of merger control regulations.

**Consumer Protection:** The CCA also considers consumer welfare and ensures that anti-competitive practices do not harm consumers' interests.

**Cooperation with EU and Other Competition Authorities:** The CCA

	<p>collaborates with the European Commission and other national competition authorities within the European Union to ensure consistent enforcement of competition law across borders.</p> <p><i>[Please mention how many authorities have a general mandate to enforce competition in your jurisdiction. Include a brief reference on their duties e.g.: if they impose criminal, civil or administrative liability. The purpose is that readers can quickly understand, which are the agencies charged with competition enforcement in the jurisdiction, the difference between them, and if they have concurrent, overlapping, or exclusionary authority. Include the relevant provisions on which their powers are based. Exclude in this point sector regulators or enforcers]</i></p>
<p>Do sector regulators have a competition policy enforcement mandate?</p>	<p><b>Telecommunications Sector – Croatian Telecommunications Agency</b></p> <p><b>Article 31 of Law on Telecommunications of Croatia</b></p> <p>(2) The Croatian Telecommunications Agency shall cooperate with the body competent for the protection of competition and the body competent for the protection of consumer rights, in accordance with special laws regulating the issues of protection of competition and consumer protection.</p> <p>(3) Provisions of a separate law regulating the protection of competition shall apply to all issues relating to the provision of telecommunications services and all activities of legal and natural persons on the market, which are not regulated by this Act.</p> <p><b>Network Industries – Croatian Regulatory Authority for Network Industries</b></p> <p><b>Article 52 of Electronic Communications Act of Croatia</b></p> <p>(1) When imposing regulatory obligations on operators with significant market power, the Agency shall in particular perform the following:</p> <ul style="list-style-type: none"> <li>– identify relevant markets susceptible to ex ante regulation in accordance with Article 53 (Identification of markets susceptible to ex ante regulation) of this Act;</li> <li>– conduct market analysis consisting of the definition of relevant markets and of an assessment as to the existence of one or more operators with significant market power in order to assess whether the relevant market is effectively competitive in accordance with Article 54 (Market definition and analysis) of this Act;</li> <li>– impose regulatory obligations on the operators with significant market power if the analysed relevant market is not effectively competitive;</li> <li>– withdraw all regulatory obligations from the operators with significant market power if the analysed relevant market is effectively competitive;</li> </ul> <p>(2) The Agency shall carry out the procedure referred to in paragraph 1 of this Article on a regular basis, at least once in every three years.</p> <p>(3) An operator may request from the Agency to carry out the procedures referred to in paragraph 1 of this Article if it makes probable the existence of changes which exert a significant influence on regulatory obligations on the relevant market.</p> <p>(4) The Agency shall, when carrying out the procedures referred to in paragraph 1 of this Article, take special account of the application of the relevant Commission’s recommendation on relevant market susceptible to ex ante regulation and of the relevant Commission guidelines on market analysis and determination of significant market power.</p> <p>(5) During market analysis the Agency shall, where necessary, cooperate with the body competent for competition protection.</p>

	<p><b>Energy Sector - Croatian Energy Regulatory Agency</b></p> <p><b>Energy Act of Croatia</b></p> <p>Market Liberalization: The Energy Act aims to promote competition and market liberalization in the energy sector. It establishes the legal framework for opening up the energy market to competition, allowing new players to enter the market and compete with existing providers.</p> <p>Anti-Competitive Practices: The Energy Act prohibits anti-competitive practices that could distort or restrict competition in the energy market. This includes practices such as abuse of dominant market positions, price-fixing, bid-rigging, and market sharing among energy companies.</p> <p>Licensing and Market Entry: The Energy Act sets out the licensing requirements and procedures for companies seeking to enter the energy market. This process ensures that only qualified and reliable companies can operate in the market, which contributes to fair competition.</p> <p>Market Monitoring: The Energy Act empowers regulatory authorities to monitor the energy market and investigate potential anti-competitive behavior. This includes conducting market studies, investigating complaints, and taking appropriate actions to address any competition concerns.</p> <p>Tariff Regulation: The Energy Act may also include provisions related to tariff regulation to prevent unfair pricing practices that could hinder competition in the energy sector. It ensures that energy prices are transparent and non-discriminatory.</p> <p>Merger Control: The Energy Act may address merger control in the energy sector. It may set out criteria and procedures for assessing mergers and acquisitions to prevent anti-competitive consolidation that could harm fair competition.</p> <p><i>[Please introduce the name agencies that have powers to enforce any aspect of competition law, including merger control, in specific sectors. Introduce the relevant provisions on which their powers are based]</i></p>
<p>Have the Competition Authority and other agencies signed protocols or memoranda of understanding with sector regulators?</p>	<p>N/A</p> <p><i>[Please mention here any provision or interinstitutional agreement that allows the competition authorities to coordinate behavior to effectively enforce competition law]</i></p>

**DISAGGREGATED FUNCTIONS—PROSECUTORIAL MODEL**

<p>Are there different authorities or agencies that make the decision to investigate and the final ruling in the cases?</p>	<p>No</p>	<p><i>[If the answer is yes, please explain briefly the enforcement process, and include the relevant provisions. The purpose of this question is to understand the enforcement model of the jurisdiction and establish how many independent authorities are involved in the enforcement process and what are their functions.]</i></p>
<p>Are disputes presented for decision to judiciary authorities?</p>	<p>Yes</p>	<p>Article 66.1 of Competition Act of Croatia: The Agency shall cooperate with the competent judicial [...] authorities in resolving the cases in respect of undue distortion of competition in the territory of the Republic of Croatia.</p> <p>Article 42.1 of Competition Act of Croatia: Prior to the conduct of a surprise inspection of the business premises, land and means of transport, the Agency shall</p>

		<p>make a request to the High Administrative Court of the Republic of Croatia to issue a warrant authorizing the Agency to conduct a surprise inspection of the business premises, land and means of transport, to examine all documents, records and objects found there, and to seal any business premises or records and to temporarily seize objects, particularly if it can be reasonably suspected that the evidence necessary for the infringement proceeding relating to distortion of competition.</p> <p><i>[If the answer to your question is "yes", please introduce the name of the judiciary authorities that are involved and their role until the final decision in the process is achieved; exclude from this question judiciary authorities whose role in the process is the judicial review of administrative decisions.]</i></p>
Do private rights of action to challenge competition law infringements exist in your jurisdiction	Yes	<p>Article 37.1 of Competition Act of Croatia:</p> <p>The initiative for the initiation of the proceeding falling under the scope of the Agency, in other words, a request, a proposal, a notice or a complaint – may be submitted in writing by any legal or natural person, professional association or economic interest group or association of undertakings, consumers association, the Government of the Republic of Croatia, central administration authorities and local and regional self-government units.</p> <p>Article 38 of Competition Act of Croatia:</p> <p>(4) If the Agency finds that the behaviour indicated in the initiative for the initiation of the proceeding referred to under Article 37 hereof poses no significant impediment of competition in the relevant market, or where it finds that the content of the initiative after having been inspected by the Agency cannot be considered an enforcement priority within the meaning of this Act and Article 101 or Article 102 TFEU, the Agency shall adopt a decision stating that there is no public interest for the initiation of the proceeding in this 34 particular case and inform the complainant thereof.</p> <p>(5) If, on the basis of the received initiative referred to under Article 37 of this Act and after having carried out a preliminary investigation of the relevant market, the Agency finds that there is no legal basis for the initiation of the proceeding within the meaning of this Act, it shall at the latest within six months from the day of the receipt of the initiative for the initiation of the proceeding issue a decision thereof and communicate it to the complainant referred to under Article 37 of this Act.</p> <p><i>[If the answer is "yes", please explain briefly the process and who are the persons entitled to exercise those rights; mention the relevant provisions]</i></p>

*\* Please fill the next sections for each of the authorities mentioned in the prior sections excluding sector regulators*

**CROATIAN COMPETITION AGENCY**

**STATUS OF THE COMPETITION AUTHORITY**

<b>Accountability</b>	Please, answer "Yes" in the boxes of this line if any of the duties on the right column apply to the authority, and "No" if they do not.	Answer with X/√ as it applies		Please, in the boxes of this line mention the relevant provisions in which the obligations are based.
Does the Competition Authority have obligations before the executive?	No	X	Obligations to report to the executive on on-going investigations upon request.	<i>[Introduce the relevant</i>

				<i>provisions]</i>
		X	The decisions of the Competition Authority may be vetoed by a ministry or by the executive branch.	<i>[Introduce the relevant provisions]</i>
		X	The executive has to report on an annual basis to the executive.	<i>[Introduce the relevant provisions]</i>
Does the Competition Authority have obligations before the legislature?	Yes	√	Obligation to publish an annual report on its activities.	Article 30 of Croatian Competition Act  <i>[Introduce the relevant provisions]</i>
		X	Obligation to stand before parliament and to respond to congressmen on an annual basis.	<i>[Introduce the relevant provisions]</i>
		X	Its activities are monitored by an independent auditor or by oversight committees.	<i>[Introduce the relevant provisions]</i>
Does the Competition Authority have obligations before the judiciary or independent agencies?	Yes	√	Decisions of the Competition Authority are subject to judicial review.	High Administrative Court  Article 36(4), 47a(2), Article 67 of Croatian Competition Act  <i>[Aside from the relevant provisions please mention the judicial authority charged with the review.]</i>
		X	Decisions of the Competition Authority are subject to review or control of an independent authority different from the judiciary?	<i>[Aside from the relevant provisions, please mention the authority charged with the review.]</i>
		<b>Other obligations/comments:</b>  <i>[Please introduce any other obligation or comment that you consider relevant.</i>  <i>Introduce any comment that you consider relevant regarding the status of accountability of accountability of the competition authority.]</i>		
<b>Independence</b>	Please, answer "Yes" or "No"			
Are the criteria for appointment and removal of the head/board members clear and transparent?	Yes	Article 38 of Competition Act of Croatia:		

		<p>(4) The president and other members of the Council shall be appointed and relieved from duty by the Croatian Parliament on the proposal of the Government of the Republic of Croatia. In the procedure for the appointment of the president of the Competition Council and its members the Government of the Republic of Croatia shall make a public call for the proposals for the candidates for the president of the Competition Council and its members.</p> <p>(5) The vice-president of the Council shall be elected on the proposal of the president of the Council by a majority vote of the members of the Council.</p> <p><i>[Please introduce the relevant provisions, and if the answer to this question is "no", explain briefly why in your opinion the criteria are not clear or transparent.]</i></p>
Does the executive have powers to decide on specific cases based on public interest?	No	<i>[Please introduce the relevant provisions, and if the answer to the question is "yes", explain in which cases the executive can decide on public interest bases.]</i>
Does the executive retain decision-making powers over the Competition Authority?	No	<i>[Please introduce the relevant provisions.]</i>
Is the Competition Authority obliged to publish reasoned decisions to ensure transparency?	Yes	<p>Article 49.5 of Competition Act of Croatia:</p> <p>The Agency [...] publish a summary of the case and the proposed commitments.</p> <p><i>[Please introduce the relevant provisions.]</i></p>
Is there a provision of the national budget allocated by law to the Competition Authority to ensure its proper functioning?	No	<p>Article 26a.4 of Competition Act of Croatia:</p> <p>The resources for the activities pursued by the Agency are provided from the state budget of the Republic of Croatia.</p> <p><i>[Please introduce the relevant provisions and the budget assigned to the authority for the current year and the next if it is already approved]</i></p>
Can the Competition Authority be financed by its own means (notification fees, fines, etc.)?	No	<p>Article 26a.7 of Competition Act of Croatia:</p> <p>The administrative fees, fines and periodic penalty payments set and imposed by the Agency shall be contributed to the state budget of the Republic of Croatia.</p> <p><i>[Please introduce the relevant provisions and mention the means by which the authority can be financed on its own]</i></p>
<b>GOVERNANCE OF THE COMPETITION AUTHORITY</b>		
Is the Competition Authority governed by a single chairman or by a collegiate body?	Collegiate Body	<p>Article 26a.1 of Competition Act of Croatia:</p> <p>The Competition Council is the managing body of the Agency. The Council consists of five members, one of whom is the president of the Council.</p> <p><i>[Answer "single chairman" if the directive organ of the authority is composed of one person. Answer "collegiate body" if the authority's directive organ is composed of two or more members, regardless if this organ is directed or presided by a chairman or president. Also mention how many board members or directors are part of the Direction Body]</i></p>
How are the members of the Authority's directive organ chosen?		<p>Article 26a.1 of Competition Act of Croatia:</p> <p>(3) In managing the Agency, the president of the Council organizes and runs the operational activities of the Agency, supervises and is responsible for its expert performance.</p> <p>(4) The president and other members of the Council shall be appointed and relieved from duty by the Croatian Parliament on the proposal of the Government of the Republic of Croatia. In the procedure for the appointment of the president of the Competition Council and its members the Government of</p>

	<p>the Republic of Croatia shall make a public call for the proposals for the candidates for the president of the Competition Council and its members.</p> <p><i>[Please describe the election process for choosing the members of the directive organ. Include relevant provisions; mention the branch government involved in this process]</i></p>	
<p>Is there a fixed period during which removal is prohibited?</p>	<p>No</p>	<p>Article 28.3 of Competition Act of Croatia:</p> <p>The president and the members of the Council shall be appointed for a five-year-term of office with the possibility of reappointment.</p> <p>Article 29 of Competition Act of Croatia:</p> <p>(1) At the proposal of the Government of the Republic of Croatia, the Croatian Parliament may relieve the president or any member of the Council from office before the end of the term:</p> <ol style="list-style-type: none"> <li>1. at his/her own request;</li> <li>2. if he/she is convicted of a criminal offence, which makes him/her unworthy to perform the duty of the president, i.e., the member of the Council;</li> <li>3. if he/she permanently loses the ability to perform the duties confirmed to him/her;</li> <li>4. if he/she, during his/her mandate, assumes any of the duties referred to in Article 28 paragraph (5) hereof (The president and the members of the Council may not be state officials, persons performing duty in any administrative body of a political party, members of management boards, supervisory boards or executive bodies of undertakings, or members of any kind of interest associations that could lead to a conflict of interest);</li> <li>5. if he/she, in performing his/her duty, violates the provisions of Article 28 hereof (Article 28: (4) The president and the members of the Council shall perform their duties professionally. (5) The president and the members of the Council may not be state officials, persons performing duty in any administrative body of a political party, members of management boards, supervisory boards or executive bodies of undertakings, or members of any kind of interest associations that could lead to a conflict of interest. (6) The president and the members of the Council may write and publish research papers and participate in expert conferences, academic workshops and projects (7) The president and the members of the Council are obligated to behave in a manner to protect the reputation of the Agency and not to challenge its independence and autonomy in decision making)/</li> </ol> <p><i>[If your answer is "yes", please introduce the duration of the tenure and the relevant provisions. If the answer is no, please refer if there are specific and restricted grounds under which the members of the Directive body can be removed; mention if they are elected for a term and introduce the relevant provisions]</i></p>
<p>Is the tenure of the heads renewable?</p>	<p>Yes</p>	<p>Article 28.3 of Competition Act of Croatia:</p> <p>The president and the members of the Council shall be appointed for a five-year-term of office with the possibility of reappointment.</p> <p><i>[Please introduce the relevant provisions]</i></p>
<p>Are the heads required by law to have certain minimum qualifications (degree in law or economics, age, experience)?</p>	<p>Yes</p>	<p>Article 28.2 of Competition Act of Croatia:</p> <p>(1) The president and the members of the Council may be appointed from any citizen of the Republic of Croatia who holds an undergraduate and graduate university degree or an integrated undergraduate or graduate university degree in legal or economic studies and has been conferred the adequate degree within the meaning of a separate law and has ten years of work experience in the professional field concerned.</p> <p>(2)The president and the members of the Council shall in addition to the terms of appointment laid down under paragraph (1) hereof:</p> <ol style="list-style-type: none"> <li>1. have the Bar Exam passed (if the person concerned is a lawyer), or</li> <li>2. have a certification exam passed or hold a master of science degree or</li> </ol>

		<p>a doctor's degree (if the person concerned is an economist).</p> <p><i>[If your answer is "yes", please make reference to the qualifications required by law and the relevant provisions].</i></p>	
<b>ARCHITECTURE</b>			
Is the Competition Authority a stand-alone agency with an independent physical location or is it part of a bigger entity such as a ministry?	Stand-alone	<p><i>If your answer is "part of a bigger entity", please explain briefly how the bigger entity is organized.</i></p>	
<b>POLICY DUTIES</b>			
Does the Competition Authority have an exclusive mandate on competition or multiple mandates?	Exclusive	<b>X</b>	Concurrent consumer protection mandate.
		<i>Answer with X/√ as it applies</i>	
		<b>X</b>	Concurrent IP mandate.
		<i>Answer with X/√ as it applies</i>	
		<b>Other mandates:</b>	
		<i>[Include any other mandates entrusted to the Competition Authority]</i>	
<b>PORTFOLIO INSTRUMENTS</b>			
<b>Law Enforcement</b>			
Does the Competition Authority have powers to investigate cartels?	Yes	<p>The Croatian Competition Agency imposes administrative fines on cartel cases.</p> <p>Article 2.c of Competition Act of Croatia:</p> <p>(3)“cartel” means an agreement or concerted practice between two or more competitors aimed at coordinating their competitive behaviour on the market or influencing the relevant parameters of competition through practices such as, but not limited to, the fixing or coordination of purchase or selling prices or other trading conditions, including in relation to intellectual property rights, the allocation of production or sales quotas, the sharing of markets and customers, including bid-rigging, restrictions of imports or exports or anticompetitive actions against other competitors.</p> <p>(4) “secret cartel” means a cartel, the existence of which is partially or wholly concealed.</p> <p>Article 30.1 of Competition Act of Croatia:</p> <p>A fine not exceeding 10 % of the total turnover of the undertaking realized worldwide in the last year for which financial statements have been completed shall be imposed on the undertaking which negligently or intentionally concludes a prohibited agreement or participates in any other way in the agreement that resulted in distortion of competition in the sense of Article 8 (Prohibited Agreements) of this Act and</p> <p>Article 101 TFEU (prohibits trade practices between EU countries which could prevent, restrict or distort competition)</p> <p><i>[If the answer is "yes", please mention the type of liability that the actions of the agency seek: civil, criminal, administrative. Introduce the</i></p>	



		<i>relevant provisions; briefly explain if the powers of the authority are limited to certain types of cartels and what kind of sanctions can be imposed.]</i>
Does the Competition Authority have powers to investigate unilateral Conduct?	Yes	<p>Article 13 of Competition Act of Croatia:</p> <p>Any abuse by one or more undertakings of a dominant position in the relevant market shall be prohibited, particularly involving the behaviour which consists of:</p> <ol style="list-style-type: none"> <li>1. directly or indirectly imposing unfair purchase or selling prices or other unfair trading conditions;</li> <li>2. limiting production, markets or technical development to the prejudice of consumers;</li> <li>3. applying dissimilar conditions to equivalent transactions with other undertakings, thereby placing them at a competitive disadvantage;</li> <li>4. 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.</li> </ol> <p>Article 13 of Competition Act of Croatia:</p> <p>(1) Pursuant to Article 13 of this Act or Article 102 TFEU the Agency shall issue a decision on abuse of a dominant position on the basis of which it shall:</p> <ol style="list-style-type: none"> <li>1. identify abuse of a dominant position and specify the practices of the undertaking abusing this position and consequently distorting competition, and define the duration of the abusive practices concerned;</li> <li>2. order a cessation of any further abusive practices by the undertaking referred to in point 1 of this Article;</li> <li>3. impose the measures, conditions and deadlines for the removal of adverse effects of such practices;</li> <li>4. impose a fine for the infringement of the provisions under this Act.</li> </ol> <p>(2) Within the meaning of paragraph (1) point 3 of this Article the Agency may also impose behavioural remedies and/or structural remedies which are proportionate to the infringement committed and which are necessary to bring the infringement to an end. Structural remedies can only be imposed either where there is no equally effective behavioural remedy or where any equally effective behavioural remedy would be more burdensome for the undertaking concerned than the structural remedy.</p> <p><i>[If the answer is "yes", please mention briefly if the competition authority is invested with the power to pursue exploitative and exclusionary effects, also make reference to relevant provisions, the type of liability that the actions of the authority seek, and what kind of sanctions can be imposed.]</i></p>
Does the Competition Authority have the powers to conduct <i>ex-ante</i> merger review?	Yes	<p>Article 19 of Competition Act of Croatia:</p> <ol style="list-style-type: none"> <li>(1) Any proposed concentration between undertakings referred to in this Act shall be notified to the Agency by the parties to concentration.</li> <li>(2) In the case where control or decisive influence is acquired over a whole or parts of one or more undertakings by another undertaking, prior notification of a concentration shall be submitted by the controlling undertaking. In all other cases, all undertakings parties to the concentration shall agree on the submittal of one joint notification.</li> <li>(3) A prior notification of a concentration shall be submitted to the Agency for assessment before the implementation of the concentration in question, following the conclusion of the</li> </ol>

		<p>contract on the basis of which control or decisive influence has been acquired over the undertaking or a part of the undertaking or following the publication of the public bid on the basis of which control or decisive influence is acquired over the undertaking or a part of the undertaking.</p> <p>(4) By way of derogation from paragraph (3) of this Article, the parties to the concentration may submit a pre-notification of a concentration to the Agency even before the conclusion of the contract or the publication of the public bid on the basis of which control or decisive influence has been acquired over the undertaking or a part of the undertaking, if they, bona fide, provide evidence of the planned conclusion of the contract or announce their intent to publish the public bid.</p> <p><i>[If the answer is "yes", please explain briefly the process and which are the remedies that authority can seek or impose and mention the relevant provisions]</i></p>
<p>Is the notification of merger transactions mandatory?</p>	<p>Yes</p>	<p>Article 19 of Competition Act of Croatia:</p> <p>(1) In order to assess the compatibility of a concentration within the meaning of this Act, the parties to the concentration are obliged to notify any proposed concentration to the Agency if the following criteria are cumulatively met:</p> <ol style="list-style-type: none"> <li>1. the total turnover (consolidated aggregate annual turnover) of all the undertakings - parties to the concentration, realized by the sale of goods and/or services in the global market, amounts to at least HRK 1 billion in the financial year preceding the concentration in compliance with financial statements, where at least one of the parties to the concentration has its seat and/or subsidiary in the Republic of Croatia, and</li> <li>2. the total turnover of each of at least two parties to the concentration realized in the national market of the Republic of Croatia, amounts to at least HRK 100,000,000 in the financial year preceding the concentration in compliance with financial statements.</li> </ol> <p>(2) Where the parties to the concentration are unable to deliver financial statements for the financial year preceding the concentration at the time of the notification of concentration, the last year for which the parties to the concentration have concluded their financial statements shall be taken as the relevant year in the compatibility assessment procedure.</p> <p><i>[If the answer is "yes", please explain whether all the transactions shall be notified or if there is a threshold; mention relevant provisions]</i></p>
<p>Can the parties close the transaction before the final decision of the Authority (suspensory effect of merger notification)?</p>	<p>No</p>	<p>Article 22.8 of Competition Act of Croatia:</p> <p>In the case referred to under paragraph (7) point 2 (by which the concentration concerned is declared conditionally compatible, provided that certain commitments are undertaken within the time limits set by the Agency) hereof the parties to the concentration may pursue the activities relating to the implementation of the concentration concerned as of the day of the receipt of the decision by the Agency declaring the concentration conditionally compatible.</p> <p><i>[Please mention the relevant provisions and add any explanation that you deem necessary]</i></p>

Does the Competition Authority have the power to carry out <i>ex-post</i> merger investigations?	Yes	<p>Article 24.1 of Competition Act of Croatia:</p> <p>The Agency shall, ex officio, make a separate decision in which it shall set all necessary measures, whether behavioural or structural, aimed at restoring efficient competition in the relevant market and the deadlines for their implementation where the concentration concerned has been implemented without the obligatory prior notification of a concentration in line with this Act.</p> <p><i>[Please mention relevant provisions]</i></p>
Does the Competition Authority have the power to impose remedies on <i>ex-post</i> merger investigations?	Yes	<p>Article 24.2 of Competition Act of Croatia:</p> <p>[Where the concentration concerned has been implemented without the obligatory prior notification of a concentration in line with this Act] the Agency may, in particular:</p> <ol style="list-style-type: none"> <li>1. order for the shares or interest acquired to be transferred or divested;</li> <li>2. prohibit or restrict the exercise of voting rights related to the shares or interest in the undertakings parties to the concentration and order the joint venture or any other form of control by which a prohibited concentration has been put into effect in the sense of Article 15 of this Act to be removed.</li> </ol> <p>(3) The decision referred to in paragraph (1) (The Agency shall, ex officio, make a separate decision in which it shall set all necessary measures, whether behavioural or structural, aimed at restoring efficient competition in the relevant market and the deadlines for their implementation where the concentration concerned has been implemented without the obligatory prior notification of a concentration in line with this Act) of this Article may also contain the imposition of a fine prescribed under the provisions of this Act.</p> <p><i>[If the answer is yes, please mention the remedies that the Authority can impose; mention relevant provisions]</i></p>
Does the Competition Authority have powers to conduct dawn raids at premises?	Yes	<p>Article 30.8 of Competition Act of Croatia:</p> <p>In carrying out its managing activities the Council shall in particular: take a decision on the basis of which the Agency makes a request to the High Administrative Court of the Republic of Croatia to issue a warrant authorizing the Agency to conduct a surprise inspection of the business premises, land and means of transport, to examine all documents, records and objects relating to the business, to seal any business premises or records and to temporarily seize objects and documents which are subject to a surprise inspection</p> <p><i>[If the answer is "yes", please mention whether the dawn raids shall be authorized by a judge, and mention the relevant provisions]</i></p>
Can the Competition Authority investigate <i>ex officio</i> cases?	Yes	<p>Article 30.8 of Competition Act of Croatia:</p> <p>The Agency is empowered to set the priorities in its work also where it receives the initiative for the initiation of an <i>ex officio</i> proceeding within the meaning of this Act and Articles 101 (prohibits trade practices between EU countries which could prevent, restrict or distort competition) and/or 102 (prohibits abusive behaviour by companies holding a dominant position on any given market) TFEU</p> <p><i>[Please, mention the relevant provisions]</i></p>
Does the Competition Authority have powers to accept leniency applications?	Yes	<p>Article 47a of Competition Act of Croatia:</p>

		<p>(1) The Agency shall grant access to the leniency statements or settlement submissions exclusively to the parties to the proceeding related to the leniency statements and settlement submissions concerned, exclusively to be able to exercise their rights of defence in the proceeding concerned.</p> <p>(2) The party in the proceeding falling under the authority of the Agency that obtained information in leniency statements and settlement submissions through access to the file may only use information taken from leniency statements and settlement submission where necessary to exercise its rights of defence in proceedings before the High Administrative Court of the Republic of Croatia in cases that are directly related to the case for which access has been granted, and only where such proceedings concern:</p> <ol style="list-style-type: none"><li>1. the allocation between cartel participants of a fine imposed jointly and severally on them by the Agency; or</li><li>2. the review of a decision by which the Agency found an infringement of this Act and Article 101 and/or 102 TFEU.</li></ol> <p>(3) The information obtained by the party during enforcement proceedings before the Agency shall not be used by that party in proceedings before the High Administrative Court of the Republic of Croatia before the Agency has closed its enforcement proceedings with respect to all parties under investigation by adopting a decision. This particularly concerns the following information:</p> <ol style="list-style-type: none"><li>1. information that was prepared by other natural or legal persons specifically for the enforcement proceedings of the Agency;</li><li>2. information that the Agency has drawn up and sent to the parties in the course of its enforcement proceedings; and</li><li>3. settlement submissions that have been withdrawn.</li></ol> <p>(4) Leniency statements shall only be exchanged between the competition authorities either:</p> <ol style="list-style-type: none"><li>1. with the consent of the applicant, or</li><li>2. where the competition authority receiving the leniency statement has also received a leniency application (for immunity from or reduction of fine) relating to the same infringement from the same applicant as the competition authority transmitting the leniency statement.</li></ol> <p>(5) Paragraph (4) thereof applies provided that, at the time the leniency statement is 45 transmitted by the leniency applicant (applying for immunity from or reduction of fine), is not open to the applicant to withdraw the information which it has submitted to the competition authority receiving the leniency statement.</p> <p>Article 65 of Competition Act of Croatia:</p> <p>(1) The Agency may grant immunity from fine to a member of a cartel or a secret cartel that is the first to come forward and informs the Agency on the existence of a cartel or a secret cartel and submits information, facts and evidence which at the time the Agency receives the application, enables the Agency to open the proceeding and to carry out a targeted inspection in connection with the secret cartel, provided that the Agency did not yet have in its possession sufficient evidence to open the proceeding and to carry out such an inspection or had not already carried out such an inspection, or in the Agency's view, is sufficient for it to find an infringement covered by the leniency programme referred under Article 8 hereof and/or Article 101 TFEU, provided that the Agency did not yet have in its possession sufficient evidence to find such an infringement and that no other undertaking previously qualified for immunity from fines in relation to that secret cartel.</p> <p>(4) The Agency can grant a reduction of fines to an undertaking participating in a cartel or a secret cartel which</p>
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		<p>does not qualify for immunity from fines referred to in paragraph 1 hereof, but submits compelling evidence of the alleged secret cartel which represents significant added value for the purpose of proving an infringement covered by the leniency programme, relative to the evidence already in the Agency's possession at the time of the application.</p> <p><i>[If the answer is "yes", please mention if there is any limitation for the applicants, what are the benefits, and mention the relevant provisions. Include any commentary that you consider relevant about the leniency program]</i></p>	
Does the Competition Authority have powers to accept seek criminal punishment?	Yes	<p>Article 65.7 of Competition Act of Croatia:</p> <p>The imposition of fines under the provisions of this Act is without prejudice to criminal liability of the person who has been imposed a fine.</p> <p><i>[If the answer is "yes", please mention the different kinds of sanctions that the agency can impose]</i></p>	
<b>Advocacy</b>			
Can the Competition Authority issue opinions on draft legislation?	Yes	<p>Article 30.10 of Competition Act of Croatia:</p> <p>In carrying out its managing activities the Council shall in particular: issue opinions on the compliance of proposed draft laws and other legislation with this Act</p> <p><i>[If the answer is yes, please specify if there is any kind of limitation to the agency's authority to issue opinions, include relevant provisions]</i></p>	
Is the executive and/or the legislature obliged to request the opinion of the Competition Authority when drafting legislation that may impact competition?	Yes	<p>Article 25.1 of Competition Act of Croatia:</p> <p>The Agency issues expert opinions at the request of the Croatian Parliament, the Government of the Republic of Croatia, central administration authorities, public authorities in compliance with separate rules and local and regional self-government units, regarding the compliance with this Act of draft proposals for laws and other legislation, as well as other related issues raising competition concerns.</p> <p><i>[If the answer is yes, include relevant provisions]</i></p>	
<b>Rulemaking</b>			
Can the Competition Authority issue guidelines?	Non-Binding	√	Guidelines on the calculation of fines.
		<i>Answer with X/√ as it applies</i>	
		√	Guidelines on merger control.
<i>Answer with X/√ as it applies</i>			
<i>Answer with X/√ as it applies</i>	Guidelines on the economic analysis of abuse of dominance cases.		
Can the Competition Authority issue binding regulation on competition?	No	<p><i>[Please, explain which kind of regulation and mention the relevant provision on which the powers are based]</i></p>	
<b>Research &amp; Reporting</b>			

Can the Competition Authority carry out market studies?	Yes	Article 30.11 of Competition Act of Croatia:  In carrying out its managing activities the Council shall in particular: define methodological principles for competition studies and market investigation.  <i>[If the answer is "yes", include relevant provisions]</i>
Can the Competition Authority report to the legislature on the results of market studies?	Yes	Article 26.6 of Competition Act of Croatia:  For the performance of its activities the Agency is responsible to the Croatian Parliament. The Agency submits to the Croatian Parliament the Annual Report on the Work of the Croatian Competition Agency not later than on 30 June of the current year.  <i>[If the answer is "yes", include relevant provisions]</i>
<b>DECISION-MAKING FUNCTIONS</b>		
<b>Aggregated Functions</b>		
Does the Competition Authority make the decision to investigate and make guilty findings?	Yes	Article 30.2 of Competition Act of Croatia:  In carrying out its managing activities the Council shall in particular: make a decision on the basis of which the Agency initiates and carries out the infringement proceeding relating to distortion of competition and the proceeding relating to the determination of the conditions necessary for the imposition of fines in respect of the infringement of competition rules under this Act and under Article 101 or 102 TFEU, and make a decision on the basis of which the Agency resolves the administrative matter and decides on the remedies and deadlines necessary to restore effective competition and imposes a fine, the respective deadlines and the manner of the execution of the fine.  <i>[If the answer is "yes", include relevant provisions]</i>
Does the Competition Authority impose punishments?	Yes	Article 9.2 of Competition Act of Croatia:  The Agency may impose behavioural remedies and/or structural remedies which are proportionate to the infringement committed and which are necessary to bring the infringement to an end.  Article 26.5 of Competition Act of Croatia:  The Agency identifies the infringement of this Act or/and Articles 101 and 102 TFEU and imposes fines and periodic penalty payments for the found infringements.  <i>[If the answer is "yes", please mention the different kinds of sanctions that the agency can impose]</i>
Is there a single body that carries out the investigation and the guilty findings within the Competition Authority?	Yes	Under Article 32 of Croatian Competition Authority, within the Croatian Competition Authority, the investigation and decision-making process related to anticompetitive conduct is conducted by the expert team of the Agency.  When the competition authority initiates an investigation into suspected anticompetitive behavior, it is responsible for conducting the entire investigative process. This includes

		<p>gathering evidence, conducting interviews with relevant parties, requesting information from companies, and carrying out any necessary on-site inspections.</p> <p>Once the investigation is complete, the same body within the AZTN is responsible for making decisions based on the findings of the investigation. If the authority determines that a violation of competition law has occurred, it issues a formal decision with relevant findings and may impose sanctions or remedies to address the anticompetitive conduct.</p> <p><i>[Regardless of the answer please explain briefly the enforcement process until the final decision is issued, include relevant provisions, and if the answer is "No" mention how the head of the body that carries out the investigation is elected and removed. The main idea of this last point is to establish whether the investigation authority is, in fact, independent from the decision-making body]</i></p>
<p>Can the Competition Authority's decisions be appealed to a court?</p>	<p>Yes</p>	<p>Article 9.2 of Competition Act of Croatia:</p> <p>Against the decision of the Agency no appeal is allowed but one can take action against the decision of the Agency by filing a complaint for an administrative dispute at the High Administrative Court of the Republic of Croatia within 30 days from the receipt of the decision. The claim shall be decided over by a panel of three judges with respect to the following points:</p> <ol style="list-style-type: none"> <li>1. misapplication or erroneous application of substantive provisions of competition law;</li> <li>2. manifest errors in application of procedural provisions;</li> <li>3. incorrect or incomplete facts of the case;</li> <li>4. inappropriate fine and other issues contained in the decision of the Agency.</li> </ol> <p><i>[Please, mention the judicial authority who is charged with the review, make reference to the relevant provisions, and if there is any requirement to exercise the right of the judicial review.]</i></p>
<p>Please add commentaries or information that you consider relevant and were not covered in any of the previous sections and questions.</p>		