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**Market Studies and other Market Analysis Tools for Competition Authorities – Note by
Croatia**

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More documentation related to this discussion can be found at: oe.cd/msmat.

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1. Legislative power

1. The Croatian Competition Agency (CCA) has power to investigate specific infringements of competition law and to investigate market sectors which do not appear to be working well from competition law point of view.

2. The main legislative source of competition law in Croatia is the Croatian Competition Act (Official gazette nos. 79/2009, 80/2013, 41/2021, 155/2023 – the Competition Act), in addition to the directly applicable rules of EU competition law.

3. According to the Article 32 the expert team of the Agency shall perform administrative and expert activities relating to competition issues, in particular it shall:

1. carry out preliminary investigations in the relevant market with the view to defining sufficient indications of competition concerns on the basis of which it initiates the proceeding in the sense of Article 39 of Competition Act, and to that end it shall:

a) collect data and information from legal or natural persons, professional associations or economic interest groups, associations of undertakings, consumers associations, public administration authorities and local and regional self-government units which may have certain knowledge that can contribute to the investigation of the market and identifying market positions, regardless of the concrete cases handled by the Agency.

b) collect data and information from legal or natural persons, professional associations or economic interest groups, associations of undertakings, consumers associations, public administration authorities and local and regional self-government units which may have certain knowledge necessary for the definition of market position in particular markets, and before issuing a procedural order on initiation of the proceeding in a particular case, endeavour to restore effective competition in the relevant market, if this is in the public interest, and unless it involves significant distortion of competition.

4. Upon the written request of the Agency all central administration authorities, local and regional self-government units and public authorities shall submit to the Agency free of charge any requested data and documentation, including the data and documentation covered with business secrecy obligation, regardless of specific rules regulating the confidentiality of the data concerned.

5. According to Article 63, a fine in the amount ranging from HRK 10,000 to HRK 100,000 shall be imposed on the undertaking that is not a party to the proceeding carried out by the Agency where it fails to act in line with the request of the Agency referred to under Article 32 points 1a) and b), and Article 41 paragraphs (1) and (3) and Article 41a.

6. The CCA has no tool such as market investigation tool, which allows relevant authority to intervene in situations where competition does not work in proper manner without the proof of competition infringement. The CCA has no power to implement remedial actions to improve competition following the identification of competition issues in market studies.

2. Market studies as an advocacy tool

7. The market studies are research projects with the purpose of gaining in-depth understanding of how particular sectors or markets work and they enable competition agencies to go beyond the narrow limitations of merger control and antitrust cases.

8. The CCA regularly on annual basis conducts two surveys –press market survey and grocery retail market (including food, beverages, toiletries and household supplies) survey in the Republic of Croatia.

9. The CCA regularly conduct press market survey since 2005 and grocery retail market inquiry every year for almost 20 years, since 2006 and is done like fact-finding mission where the CCA sends out questionnaires to market participants ordering addressee to provide certain information. There is mandatory obligation to respond to a request for information.

10. Such a lengthy period of regular annual press market and grocery retail surveys enables the CCA to present results that are often reached by comparing and contrasting the results to prior inquiries' findings.

11. Besides those two surveys, that go on for two decades now, in the last ten years, the CCA conducted market studies in five other sectors, namely, insurance sector, dairy market, fuels sales sector and new sectors arising from digitisation - on-line hotel booking services and food delivery via online platforms.

12. Two new surveys lately derived from the need to gain insight and inform about the relationships in the market that are of most interest to the public, so the CCA conducted two inquiries - inquiry into vertical relations between suppliers and retailers in the food and non-food supply chain and the inquiry into price setting in grocery retail market. For the vertical relations inquiry, the sample was based on the CCA data from its regular annual grocery retail market study and included the most significant participants in the relevant vertical levels of the market.

13. Moreover, for example, when preparing opinions about certain liberal professional services practices and trying to address targeted regulatory distortions, advocacy team, conducts a complex in-depth comparison study to establish whether regulations and regulatory framework go beyond what is requisite to protect consumers and weaken or distort competition for the supply of liberal professional services.

2.1. Press market survey

14. The reason and need for conducting the study in question primarily stems from the provisions of the Media Act, Official Gazette, 59/04, 84/11 and 81/13; hereinafter: ZoM) as a special regulation which, among other things, regulates competition in the field of public information (Article 1 paragraph 1 of ZoM). In this sense, in order to achieve the principle of freedom, i.e., independence and pluralism of the media, ZoM excludes the application of general competition rules. Furthermore, the provision of Article 37, paragraph 1 of ZoM stipulates that any concentration of the undertakings active in the circulation of general information dailies, i.e., on the market of general information weeklies, by which the market share of the participants of a concrete concentration of undertakings after its implementation would exceed 40 percent of the total sold circulation of general information dailies or weeklies in the Republic of Croatia, shall be prohibited.

15. The market shares in the relevant markets were defined based on paid circulation – the number of copies sold, and revenues realized by the undertakings concerned in the press advertising market, press wholesale and press retail.

16. The Croatian Competition Agency (CCA) conducted its regular press market survey in the Republic of Croatia for 2024, with the aim of determining the structure of this market. The survey covered 28 undertakings — newspaper broadcasters and press distributors — listed in the Register of press broadcasters and distributors kept by the Croatian Chamber of the Economy in line with the media regulations.

17. The results showed that in 2024, the total paid circulation of all general-interest daily newspapers in Croatia amounted to 24.2 million copies, while the total paid circulation of all general-interest weekly newspapers amounted to around 1.6 million copies.

18. In 2024, compared to 2023, the decline in daily newspaper circulation was slightly less pronounced (14%) than in 2023 compared to 2022 (15%), continuing a multi-year downward trend.

19. The weekly newspaper circulation fell by 5% compared to 2023, whereas in the previous year (2023 vs. 2022) the drop was 8%, indicating a somewhat milder decrease.

20. In 2024, Croatia's daily newspaper circulation fell 14% to 24.2 million copies, while weekly sales dropped 5% to 1.6 million. Advertising revenues for dailies held steady at €14.8M, with weeklies growing 12% to €4.6M. 24sata remained the top-selling daily, and Hrvatski tjednik led among weeklies. Retail press revenues rose 2%, reversing the previous year's decline, while Tisak plus lost ground to a new distributor in early 2025.

21. Broadcasters' advertising revenue from general-interest daily newspapers in 2024 was just under EUR 14.8 million. The advertising revenue from general-interest weeklies amounted to EUR 4.6 million. The general-interest daily newspaper advertising market showed relatively stable revenues compared to 2023, while the weekly segment recorded a 12% increase in advertising revenue.

22. During the press market survey for 2024, certain market changes occurred in 2025. As of 1 February 2025, the company Distribucija tiskanih medija d.o.o. replaced Tisak plus as a new press distributor. Another significant development was the designation of press distribution services within Croatia as a service of general economic interest (Official Gazette 64/2025). On 30 June 2025, the Ministry of Culture and Media and Croatian Post d.d. signed a Contract for the provision of press distribution services as a service of general economic interest.

2.2. Food delivery service via digital platforms

23. In November 2021 the Croatian Competition Agency (CCA) launched a market investigation into the provision of food delivery services via digital platforms in the Republic of Croatia with the aim of determining all the relevant facts relating to the pricing method for the provision of online food delivery services, inspecting the mutual relations between digital platforms and their most important partners – restaurants and catering establishments, and the mutual relations between the digital platforms and the food delivery workers (mandataries).

24. The emphasis of the research was additionally focused on the general terms and conditions used by individual digital platforms that actively provide food delivery services in the Republic of Croatia, as well as the contractual relations with restaurants and other catering establishments.

25. The reason for carrying out this sectoral research, among other things, has been the fast-emerging influence of digital platforms in the provision of food delivery services in

the Republic of Croatia, particularly due to the spread of the COVID-19 pandemic in the last two and a half years.

26. The analysis has covered the legislative framework and the implementation in the provision of online food delivery services. General indicators of the online food delivery market in the Republic of Croatia have been determined, such as the turnover of the individual digital platforms, the number of service users – restaurants and catering facilities, the pricing and price calculation in the provision of online food delivery services, the mutual relations between the digital platforms and their most important partners - restaurants and catering establishments, and the mutual relations between the digital platforms and delivery workers. The understanding of the comparative practice of the European Commission and individual national competition authorities has also been included in the market analysis.

27. With respect to the legislative framework applicable in the provision of food delivery services via digital platforms in the Republic of Croatia, the research results showed that there are no special provisions regulating the sector concerned. The main source of law in this area is the Electronic Commerce Act, OG 173/03, 67/08, 36/09, 130/11, 30/14, 32/19 that has transposed into the Croatian legal system the Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the internal market.

28. The Act on the Implementation of the Regulation (EU) 2019/1150 on promoting fairness and transparency for business users of online intermediation services, entered into force on 12 December 2020. The Regulation (EU) 2019/1150, OJ L 186 of 11 July 2019, pp. 57-79, aims to ensure that business users of online intermediation services and corporate website users in relation to online search engines are granted appropriate transparency, fairness, and effective redress possibilities, creating at the same time predictable, sustainable and trusted online business environment within the internal market open to innovation.

29. In addition to the above-mentioned provisions, a legal entity that performs information society services is obliged to comply with other general and secondary provisions in the Republic of Croatia. Also, all subjects in food business are obliged to comply with food regulations in the part of the activities that are under their control.

30. Furthermore, the CCA found that there have been no legal and/or factual entry barriers to the market concerned, that is, the market has not been subject to any detailed ex ante regulation. No significant infrastructure is required because the activity is primarily performed through a digital application and the people who work as delivery workers, do this by using their own means of transport. These are services that cannot be performed by just one undertaking in the market.

31. For this research, the CCA created a sample of undertakings that primarily provide online food delivery services, i.e., three digital platforms that are dominant in the market concerned. These are Wolt Zagreb d.o.o., Zagreb, Bolt Services HR d.o.o., Zagreb and GlovoApp Technology d.o.o., Zagreb. The founders of these undertakings with their seats in the Republic of Croatia are parent companies in Finland in Helsinki (Wolt), the Republic of Estonia in Tallinn (Bolt) and the Kingdom of Spain in Barcelona (Glovo). Wolt started providing online food delivery services in the Republic of Croatia in December 2018, Glovo started in March 2019, and Bolt in May 2020.

32. The research showed that at the end of 2021, one digital platform provided online food delivery services in the area of 27 towns and cities and covered the territory from the western to the southern part of the Republic of Croatia, including the four biggest cities:

Zagreb, Split, Rijeka and Osijek. Second surveyed digital platform has provided these services in the area of 11 towns and cities, also including the cities of Zagreb, Split, Rijeka and Osijek, whereas third provider of these services has been active in three cities (Zagreb, Split, Osijek) with an expansion plan.

33. Furthermore, based on the statements given by the above-mentioned undertakings active in the provision of online food delivery services, in the second phase of the research, the CCA surveyed the users of online food delivery services, namely, the restaurants and other catering establishments. It included a total of top ten undertakings – restaurants and catering facilities, which have been the partners – service users of the surveyed food delivery digital platforms, according to their realized turnover from food delivery and/or the number of deliveries in 2020.

34. The digital platforms and the restaurants in question have been requested information concerning the business relationships between the parties to the agreement, such as the general terms and conditions, agreements in effect, annexes, etc.

35. In relation to the structure of the online food delivery market in the Republic of Croatia in the period from 2019 to 2021, the research results showed that the undertaking Wolt represented the most significant online food delivery platform.

36. Regarding the importance of the use of digital platforms as an intermediary in comparison with the total sales of a particular restaurant, the research showed that the share of online food delivery was ranging from 14 per cent to 90 percent and more in the total sales of an individual restaurant.

37. In the part that referred to the way in which the relations with delivery workers (mandataries) as an important stakeholder in the food delivery chain have been regulated, the research results showed that digital platforms used general terms of business and contracts with delivery workers (mandataries). One of the digital platforms stated that its relations with delivery workers had been regulated in a specific way, given that the digital platform concerned did not directly employ couriers and that the couriers could work through a partner company or be self-employed. All three digital platforms stated that they perform their activities exclusively as intermediaries between the restaurants, the delivery workers and the persons who order food.

38. In the part referring to the requirements that must be met by delivery workers, the results of the research have essentially been the same for all three digital platforms.

39. In the part related to the pricing method applied by the digital platforms concerned, the results of the research based on the statements of the three surveyed digital platforms showed that food prices have been regulated by the agreement and that the final price has been set independently and freely by the restaurants and other food service providers. There has been an obligation imposed on the restaurants and catering establishments to guarantee the price, concretely, the restaurant (partner) guarantees that the price of service of a particular digital platform would not exceed the price the partner applies when selling its products at its own point of sale, or that the price should not exceed the price offered on competing platforms. In their statements to the CCA, the surveyed restaurants and catering establishments stated that they freely set the final price of food on digital platforms and that the price of the product is identical to the price in their physical stores. In the case of promotional campaigns, the price is agreed with the food delivery service provider.

40. In relation to possible restrictions by the digital platform service providers on restaurants related to food prices, delivery conditions and priority of delivery, the research found that there have been no such restrictions.

41. With respect to intermediary fees that online food delivery service providers charge the restaurants and catering establishments, the research results showed that intermediary fees differ between the surveyed digital platforms. As for the way in which the intermediary fee is defined, the interviewed undertakings-owners of restaurants and catering establishments responded that the intermediary fee is subject to contracting or negotiation. One of the surveyed restaurants stated that the amount of intermediary fee to be paid to the food delivery service provider was agreed depending on the turnover achieved and the position of the restaurant, and that the percentage of the fee amount might vary.

42. Furthermore, the research in question also covered the fees that online food delivery service providers pay to food delivery workers and the way in which these fees have been calculated. In the case of one of the surveyed digital platforms the fee consisted of three parts: the basic fee, which is the same for each order in a particular delivery area depending on the means of transport, the additional fee for the air distance in kilometres, and in some cities, the bonuses that the courier gets if they meet a certain number of deliveries.

43. Second platform has calculated its fees similarly to the first digital platform, although it has described the individual parts of the fee differently. There have been weekly bonuses, additional promotion coefficients and additional top ups in case of unfavourable weather conditions, which has enabled the delivery workers to increase the final remuneration for the services they have provided.

44. Third digital platform has also calculated the remuneration amount based on the distance travelled per kilometre at the same time defining the amount for pick-up and delivery of the order. A minimum pay per delivery has also been defined.

45. In addition, there have been weekly and weekend incentives. These bonus payments have been calculated based on the number of deliveries made by the courier or delivery person during the incentive period. Also, the research revealed a possibility of increasing the pay of the delivery person by the attributable bonus payment multiplier per delivery. Thus, in the case of one of the digital platforms, the highest multiplier has been applied in the evening hours, but it has differed in individual cities although the order has been made through the digital application of the same digital platform. In the case of second digital platform, bonus approval has been additionally elaborated depending on the acceptance rate of the order.

46. One of the surveyed digital platforms has applied the same bonus system for delivery workers, depending on the number of deliveries and the means of transport, but it has made no difference between places – cities where delivery has been made. The same platform, unlike the other two, has paid different bonuses for different means of transport.

47. Regarding the advertising on digital platforms and the conditions for advertising the restaurants on these platforms, the application and the functioning of the rating systems for individual restaurants, the research results showed that out of three surveyed digital platforms, one of them has not been engaged in advertising of restaurants at all. On the other hand, seven out of ten surveyed restaurants confirmed that they have been using the advertising services on the digital platform. There have been no special advertising requirements for restaurants, and the advertising campaigns have been carried out within the regular advertising campaigns of the digital platform concerned.

48. All three surveyed digital platforms replied that they have had a rating system in place. The rating has been based on the ratings given by the users of the individual digital platform. The surveyed restaurants essentially responded that the rating system has been based on the ratings or experience of the end users and not of the digital platform itself.

49. In the market study in question, the CCA carried out the analysis of the comparative practice of the European Commission and national competition authorities in the provision of online food delivery services. In that sense, it examined the relevant research studies in online food delivery market made by some national competition authorities.

2.3. Inquiry into price setting in grocery retail market

50. In response to frequent consumer inquiries and repeated media reports about identical or similar retail prices of food products in the Republic of Croatia, the Croatian Competition Agency (CCA), conducted a market study into the grocery retail sector focusing on how prices have been set for ten food products by the six largest grocery retailers in Croatia, including the analysis of the media statements about the suppliers' plans to increase the purchase prices in 2025.

51. The study of grocery retail prices was conducted using a sample of ten randomly selected food products: fresh milk, drinking yogurt, kefir, chicken breast, chicken wings, carbonated natural mineral water, still natural mineral water, carbonated soft drinks, powdered drink mix, and chocolate spread. The sample included both Croatian-made products and several widely recognized international brands. Products subject to maximum retail price regulation under the government Decision on direct price control measures for individual products and product categories in retail trade (OG 17/25 and 40/25) were excluded from the study.

52. The retail price analysis covered a six-month period, specifically from 1 September 2024 to 28 February 2025. It involved the six largest retail chains in Croatia, based on the data available to the CCA from its regular annual surveys of the grocery retail market.

53. In addition, the CCA reviewed the claims published in the media that, at the beginning of 2025, suppliers had notified retailers of the upcoming purchase price increases.

54. The data and statements were collected through questionnaires sent by the CCA to the retailers. The retailers were asked to provide the data on the purchase and retail prices of the selected products, applied gross margins, price calculation, and the use of recommended prices. Price list notices from suppliers proposing increases for both food and non-food products between October 2024 and January 2025 were also collected.

55. The results of the inquiry showed that, for most of the examined products, the retail prices varied between the retailers during the observed period. The retailers typically adjusted the retail prices on different dates. All participating retailers stated that they independently determined their retail prices and pricing methods, while simultaneously observing the behaviour of competing retailers using publicly available data.

56. The retailers cited several reasons for differences in retail prices of comparable products in Croatia versus other countries (e.g., Germany, Italy, Slovenia), including tax burdens, territorial specificities, global and national market trends, and significant food imports into Croatia. Regarding bakery and confectionery products, for which the highest average gross margin was recorded in 2023, the retailers explained this by unusually high write-off rates compared to other products, as well as extra labour and operational costs linked to in-store baking.

57. Concerning the suppliers' notifications to retailers about the planned price increases for food and non-food products, the study found that the suppliers proposed new (higher) prices at different times, reflecting a wide range of increase percentages (from 2.5% to 33%), and varying from supplier to supplier and depending on the specific product.

58. After thorough review and comparison of all collected data, and following a legal and economic analysis, the CCA concluded that there have currently been no sufficient indices to initiate ex officio proceeding against the retailers or suppliers in question regarding prevention, restriction, or distortion of competition under Article 8 of the Croatian Competition Act in the sense of prohibited agreements between undertakings.

2.4. Bar Association Directory entry fees

59. Pursuant to its powers under Article 32 paragraph 1 item a) of the Competition Act, the CCA investigated into the provisions regulating the membership in the Croatian Bar Association particularly regarding the Decision on registration fees for the entry into the Croatian Bar Association directory applicable to different categories of lawyers.

60. Concretely, the Decision sets the mandatory membership fee in the amount of HRK 37,500 for the first entry into the register. This requirement does not apply to lawyer trainees who have registered into the trainees register and worked at least three years as trainees. Lawyers' trainees who have spent at least two years pay a 50 % of the above-mentioned full amount of HRK 37,500 for the entry into the register.

61. With respect to the requirements for the entry into the attorney's register the CCA collaborated with the European Competition Network (ECN) and requested the relevant data from several jurisdictions regarding the matter: Austria, Belgium, Bulgaria, Cyprus, Czechia, Denmark, Estonia, France, Germany, Malta, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Norway, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, and also consulted the registry rates in other countries, Albania and Serbia.

62. The CCA concluded that the registration fee in most of the countries was on average between EUR 100 and EUR 300, while some countries did not apply registration fees as such. It was also concluded that the differences in the fees depending on the category of registers (lawyers) were significantly smaller compared to the Republic of Croatia and, as a rule, amounted to around EUR 200 on average.

63. Under the Lawyers' Act, attorneys at law must be members of the Bar Association as an independent and autonomous organisation founded as a legal entity. One of the mandatory requirements of each attorney is the obligatory payment of the membership fee.

64. Consequently, in view of the importance of the service provided by lawyers as members of the Bar Association, it is indisputable from the point of view of the competition rules that lawyers, members of the chamber, are undertakings, in that regard, an association of undertakings.

65. Within the meaning of competition rules, it is also common ground that the chamber has the right to determine the amount of the registration fee in question, taking into account the different categories of persons registered in the directory of the Bar Association depending on whether they are lawyers' trainees, trainees with insufficient length of service, or persons who are registered into the directory of the Bar Association for the first time (so-called 'other lawyers'). In that regard, certain, adequate, and proportionate differences in the level of the registration fee may be regarded as objectively justified. However, the amount of the registration fee should not be significantly different.

66. Namely, as membership in the Bar Association for lawyers is mandatory and as payment of the registration fee is mandatory, it is concluded that the payment of the registration fee is a condition for entry into the market for the provision of legal services. Therefore, any condition for entry or participation in the market that is disproportionate, excessive, restrictive, certainly constitutes a barrier to entry and participation in that market from the point of view of competition rules.

67. In light of all the above, the CCA concluded that the amount of the registration fee of HRK 37,500 for the first registration of a lawyer in Bar Association directory is excessive and constitutes a barrier to entry to that category of persons.

68. From the point of view of competition rules, the amount of the registration fee in question is regarded as a financial condition or a possible financial barrier to entry into that market.

69. Therefore, this fee should not be significantly different and excessive, disproportionate, restrictive.

70. The CCA opinion in this case has been communicated to the Croatian Bar Association and the Ministry of Justice and Public Administration

3. Market studies as a prerequisite in enforcing merger control and antitrust cases

71. With the aim of preparation for enforcement, relevant facts need to be established. Even basic overview of the regulatory framework and markets in which undertakings operate is done in majority of the cases, although most include in depth analysis of the market circumstances. The studies done in advocacy task are used as excellent source of information for proceedings when related to the same market. In some cases, before starting official proceeding is needed to demonstrate the ownership structures of undertakings and careful analysis is required to ascertain whether there are significant issues for competition agency to intervene.

72. In example below, this approach provided a basis for assessing whether links between undertakings represent concerning indicator acting against competitive market functioning.

3.1. Inquiry into ownership links in radio broadcasters

73. Based on several submissions and publicly available information, the CCA opened the inquiry into the form of ownership connections of the undertakings Antena Zagreb, Narodni radio, Gold FM, Enter Zagreb, Extra FM, Top radio (all from Zagreb) and Radio Dalmacija and Ultra Split from Split, the Media Servis agency and the All Market Media agency, in which it conducted a preliminary examination of the situation on the relevant market.

74. The submissions essentially state that Ivan Jurić Kaćunić is the hidden owner of the radio broadcasters that are the subject of the investigation, that in this specific case, there is a kind of monopoly, dumping and price fixing of advertising by the aforementioned radio broadcasters and the entrepreneur Media Servis through the All Market Media agency, since all entrepreneurs are managed jointly and act as related parties, jointly operate in the market where they jointly hold more than 70% of the commercial radio media advertising market in the Republic of Croatia, and that in Zagreb and Split they hold almost 90% of the market and that in 2020 they jointly generated revenues exceeding 120 million kuna. It also points to the analysis conducted by the Media Daily portal, which, among other things, raises the issue of the holder of the registered trademark, where in this specific case the holder is Ivan Jurić Kaćunić, although he is not in the ownership structure of the entrepreneurs.

75. The aim of research was to determine whether there is a mutual connection between the observed undertakings within the meaning of Article 4 of the Competition Act, whether there has been any concentration of undertakings within the meaning of Article 15 of the

Competition Act, if there has been a concentration, whether the participants were obliged to report it to the Competition Authority within the meaning of Article 17 of the Competition Act, and depending on the results of the research, whether there is an obligation for the Competition Authority to initiate proceedings ex officio within the meaning of Article 38, paragraph 2 of the Competition Act.

76. In cases of assessment of concentrations of undertakings, the legal situation is when previously independent undertakings join forces to achieve economic goals of growth and business development. Regardless of the method of connection through the concentration, these are previously independent undertakings between which there was no ownership connection before the implementation of the concentration.

77. Accordingly, the subject of research into the forms of ownership linkage in this specific case is eight electronic media broadcasters, six of which are in the Zagreb region and two in the Dalmatia region, as well as four entrepreneurs who cooperate with the aforementioned broadcasters and provide them with accounting services, lease of premises in Zagreb, at the address of which five of them have their registered office, advertising services and news service.

78. The submitted data on the structure of the market in which they operate and on the broadcasters they consider to be competitors show that the broadcasters consider the area of their concession to be the market in which they operate in a geographical sense and consider only broadcasters who have been granted the same concession area as competitors.

79. All the broadcasters observed stated that they have business cooperation with the Media Servis Global and All Market Media agencies, in that they have concluded business or business-technical cooperation agreements with Media Servis Global regarding the production of program content produced by Media Servis Global and published by the broadcasters, while they have concluded commission agreements with All Market Media, through which the agency sells the broadcaster's advertising space according to the broadcaster's commercial terms.

80. It was established that different natural persons are in the ownership structure of the observed broadcasters, that Ivan Jurić Kaćunić holds a controlling stake in Top radio and Radio Dalmacija, Antunović in Enter Zagreb and Ultra Split, that it is not the same concession area in terms of the Electronic media act for electronic media broadcasters, that there are no direct and/or indirect capital/personal ties between them, that of the observed electronic media broadcasters, 6 of them have a concession for the Zagreb listening area, and two of them for the Dalmacija region.

81. Of the six broadcasters from the Zagreb region, five of them are headquartered at Većeslava Holjevca 29, in the property of the lessor AMM Global Institute (excluding Top Radio, which has just started broadcasting). AMM Global Institute is controlled by Ivan Jurić Kaćunić and Knok, Barišić, Turić, Vukušić Hrvoje, Đurić and Antunović have the roles of creative consultants in it. Gold FM is not registered at the stated headquarters address.

82. Media Servis Global, which is controlled by Ivan Jurić Kaćunić, provides media service services for 7 of the monitored broadcasters (excluding Top Radio, which has just started broadcasting).

83. All Market Media provides advertising space rental services for seven of the monitored broadcasters (excluding Top Radio, which has just started broadcasting).

84. 4Media Global, which was transferred to a third party by Ivan Jurić Kaćunić on October 21, 2021, provides accounting services for five broadcasters in the Zagreb region (excluding Top Radio, which has just started broadcasting). All of the above services are

provided on the basis of business cooperation agreements concluded between the observed service providers and the observed broadcasters, with an agreed fee for the provision of the service.

85. All Market Medija provides advertising services to all observed electronic media broadcasters, regardless of whether they are in the Zagreb region or the Dalmatia region.

86. Media Servis Global provides news service services to all observed broadcasters, regardless of their concession area.

87. The, observed companies under the direct control of Ivan Jurić Kaćunić, which provide various services to observed electronic media broadcasters, do not perform the activities exclusively for the observed electronic media broadcasters, but also do business with third-party entrepreneurs.

88. Media Servis Global participates in the market for the production of news content in the Republic of Croatia with approximately [10-20]% market share, and its most significant competitors are HRT with approximately [80-90]% market share, and the Laganini Group, which consists of five broadcasters in the areas of Zagreb, Osijek, Rijeka, Požega and Slavonski Brod, with approximately [0-10]% market share.

89. All Market Media achieved around [0-10] % market share in the market of advertising, leasing, media planning, creative and production support services in the Republic of Croatia in 2020. All Market Media estimates the share of radio in total media advertising values at [0-10] %.

90. In this way, the observed electronic media broadcasters that contract services with the observed companies controlled by Ivan Jurić Kaćunić achieve savings in fixed operating costs, especially in terms of the number of employees and the costs of compensation for employees, space costs and overhead costs and funds for work in these areas, and the like.

91. The CCA determined that between the observed undertakings, whether they are observed electronic media broadcasters or media agencies and other undertakings under the direct control of Ivan Jurić Kaćunić, who provide various services to the observed electronic media broadcasters, there is no direct or indirect, capital and/or personal connection that constitutes the basis for determining an undertaking under the control of another undertaking in the procedures for assessing concentrations within the meaning of Article 4 of the Competition Act.

92. The CCA concluded, after a comprehensive and exhaustive analysis in this specific case, that the changes in the ownership structure in the observed electronic media broadcasters, according to the time course of the exits and entries of natural and/or legal persons, primarily Ivan Jurić Kaćunić, in the observed broadcasters, are the result of harmonizing the actions of the observed entrepreneurs with special regulations prohibiting the concentration of media broadcasters in order to protect media pluralism.

93. The Agency for Electronic Media is responsible for assessing the admissibility of concentrations for the purpose of protecting media pluralism within the meaning of the Media Act, and the CCA when investigating the form of ownership connection in this specific case, did not in any case review the procedures and competences of the Agency for Electronic Media, both in the application of regulations within their competence in the area of protecting media pluralism, and in the application of the decision-making tool on granting a concession to Top Radio for the frequency 101MHz.

94. This analysis was heavily relied upon when the CCA in separate cases was assessing possible antitrust infringements.

95. The analysis of the collected data and documentation indicates that, in this specific case, there are no sufficient indicators or evidence, nor does the result from the EU criteria, which would indicate that the undertakings from the initiative are in a joint dominant position, within the meaning of Article 12, paragraph 3 of the Competition Act, on any of the relevant markets, i.e. the market for radio advertising services in the area of the City of Zagreb and Zagreb County, and radio advertising services in the area of the Dalmatia region (Zadar, Šibenik-Knin, Split-Dalmatia and Dubrovnik-Neretva Counties).

96. In this specific case, there are no indications to initiate proceedings for the determination of abuse of a dominant position *ex officio* against Ivan Jurić-Kaćunić, Antena Zagreb, Enter Zagreb, Extra FM, Gold FM, Narodni, Radio Dalmacija, Ultra Split, Media Servis and all market media.

97. In other case, related to the same undertakings, but from restrictive agreement perspective, no direct or indirect evidence has been established that would indicate indications of a prohibited agreement on prices or market sharing within the meaning of Article 8 of the Competition Act, or no indications have been established of an unauthorized contact between undertakings, which would have the aim and/or effect of distorting competition within the meaning of the Competition Act.

98. From all the above, in this specific case there are no conditions for initiating proceedings *ex officio* to establish a prohibited agreement between undertakings within the meaning of Article 39, and by applying Article 8 of the Competition Act.

99. Given its legal powers, the CCA is not able to influence the implementation of special laws and regulations governing the provision of media services, unauthorized changes of ownership related to the protection of pluralism and diversity of electronic media, nor the granting of concessions for the provision of television and radio media services, as well as possible trading in influence between the registered undertakings and forgery of documents, for which other bodies and/or institutions are competent, in this case the Agency for electronic media and the competent State Attorney's Office of the Republic of Croatia.

4. Conclusion

100. In conclusion, the CCA successfully uses market studies in its daily work. They are effective, but complex instruments that provide useful information that help us understand the different components that constitute market and what type of competition authorities' activities is necessary to deal with market imperfections. Market studies may have different starting purposes, but in the end serve competition agency as reliable source of information for possible competition enforcement.