

CROATIA		
COMPETITION FRAMEWORK		
Competition Law	The Competition Act (OG 79/09), Reg. No: 71-05-03/1-09-2 was enacted on June 1, 2009.	
Competition Authority	The Croatian Competition Agency started functioning in early 1997. Website: http://www.aztn.hr	
STATUS OF THE COMPETITION AUTHORITY		
Accountability		
Does the Competition Authority have obligations before the executive?	No	<p>X Obligations to report to the executive on on-going investigations upon request.</p> <p>X The decisions of the Competition Authority may be vetoed by a ministry or by the executive branch.</p> <p>X The Competition Authority has to report on an annual basis to the executive.</p>
Does the Competition Authority have obligations before the legislature?	Yes	<p>√ Obligation to publish an annual report on its activities.</p> <p>√ Obligation to stand before Parliament and to respond to congressmen on an annual basis.</p> <p>X Its activities are monitored by an independent auditor or by oversight committees.</p>
Does the Competition Authority have obligations before the judiciary?	Yes	<p>√ Decisions of the Competition Authority are subject to judicial review.</p> <p>Other obligations/comments: According to article 66 of the Competition Act, the Agency has to cooperate with judicial and other authorities in resolving the cases in respect of undue distortions of competition in Croatian territory.</p>
Independence		
Are the criteria for appointment and removal of the head/board members clear and transparent?	Yes	See Competition Act, article 28.
Does the executive have powers to decide on specific cases based on public interest?	No	
Does the executive retain decision-making powers over the Competition Authority?	No	
Is the Competition Authority obliged to publish its reasoned decisions to ensure transparency?	Yes	See Competition Act, article 59.
Is there a provision of the national budget allocated by law to the Competition Authority to ensure its proper functioning?	Yes	Current fiscal year budget for 2012: 21,423,230 Croatian Kuna. See Competition Act, article 26.
Can the Competition Authority be financed by its own means (notification fees, fines, etc.)?	No	See Competition Act, article 26.
GOVERNANCE OF THE COMPETITION AUTHORITY		
Is the Competition Authority governed by a single chairman or by a collegiate body?	Collegiate body	There are other four members in the Commission. See Competition Act, article 27.
Are the heads appointed by a minister?	No	See Competition Act, article 27. Appointed by the Croatian Parliament on the proposal of the Government of the Republic of Croatia.
Are the heads appointed by representatives of more than one government branch?	Yes	See Competition Act, article 27.
Is there a fixed period during which removal is prohibited?	Yes	According to Competition Act, article 29, five years.
Is the tenure of the heads renewable?	Yes	No limit for renewals is specified. See Competition Act, article 28(3).
Are the heads required to have certain minimum qualifications (degree in law or economics, age, experience)?	Yes	See Competition Act, article 28.
ARCHITECTURE		
Is the Competition Authority a stand-alone agency with an independent physical location or is it part of a bigger entity such as a minister?	Stand-alone agency	Savska cesta 41, 10000 Zagreb, Hrvatska.
POLICY-MAKING AGENTS -DIVERSIFICATION-		
How many agencies are responsible for competition enforcement?	Multiple agencies	Croatian National Bank has competence in competition for banking sector but only until Croatia joins the EU (1 July 2013). After that date, banking sector will also be under competence of the Competition Agency.
Do sector regulators have competition policy enforcement mandate?	Yes	See above.
Have the Competition Authority and other	Telecommunications regulator	Yes

agencies signed protocols or memoranda of understanding with sector regulators?	Energy regulator	Yes	
	Transport regulator	Yes	
	Other	Croatian Competition Agency has signed cooperation agreements in competition matters with all sector regulators.	
POLICY DUTIES			
Does the Competition Authority have exclusive mandate on competition or multiple mandates?	Multiple mandates	X	Concurrent consumer protection mandate.
		X	Concurrent IP mandate.
		Other mandates: Croatian Competition Agency also deals with State Aid.	
PORTFOLIO INSTRUMENTS			
Law Enforcement			
Does the Competition Authority have powers to investigate cartels?	Yes	Administrative cartels.	
Does the Competition Authority have powers to conduct dawn raids at premises?	Yes	<i>See</i> Competition Act, article 42.	
Can the Competition Authority investigate <i>ex officio</i> cases?	Yes	<i>See</i> Competition Act, article 38.	
Does the Competition Authority have powers to accept leniency applications?	Yes		
Does the Competition Authority have powers to accept seek criminal punishment?	No		
Advocacy			
The Competition Authority can issue opinions on draft legislation	Yes	<i>See</i> Competition Act, articles 30 and 32. The opinions are not binding.	
The executive and/or Legislative Branch is obliged to request the opinion of the Competition Authority when drafting legislation that may impact competition	Yes	<i>See</i> Competition Act, article 30.	
Rulemaking			
The Competition Authority can issue guidelines or other type of secondary legislation	Yes	√	Guidelines on the calculation of fines.
		X	Guidelines on merger control.
		X	Guidelines on the economic analysis of abuse of dominance cases.
Research & Reporting			
The Competition Authority can carry out market studies	Yes	<i>See</i> Competition Act, article 30.	
The Competition Authority can report to the Legislative Branch on the results of market studies	Yes	<i>See</i> Competition Act, article 30.	
DECISION-MAKING FUNCTIONS			
Aggregated Functions			
Does the Competition Authority make the decision to investigate and to prosecute cases?	Yes		
Does the Competition Authority make guilty findings?	Yes		
Does the Competition Authority impose punishments?	Yes		
Is there a single body that carries out the investigation and the guilty findings within the Competition Authority?	No	<i>See</i> Competition Act, article 30 and 32.	
Can the Competition Authority's decisions be appealed to a court?	Yes		
Disaggregated Functions—Prosecutorial Model			
Are there different authorities that make the decision to investigate and to prosecute cases?	No		
Are disputes presented for decision to a separate entity/tribunal?	No		