

BOSNA I HERCEGOVINA
Konkurencijsko vijeće



БОСНА И ХЕРЦЕГОВИНА
Конкуренијски савјет

CONCLUSION

on suspension of the part of the proceedings

**Request of the Cantonal Pharmaceutical Association of Zeničko-Dobojski Canton,
Zenica against the Health Insurance and Reinsurance Institute of Federation of Bosnia
and Herzegovina, Sarajevo, and the Health Insurance Institute of Zeničko-Dobojski
Canton, Zenica**

**Sarajevo
July, 2014**



Number: 03-26-3-03-51-II/14
Sarajevo, 30th July 2014

Pursuant to Article 25 paragraph (1) item e), Article 42, paragraph (2) of the Competition Act ("Official Gazette" no. 48/05, 76/07 and 80/09), and Article 122, paragraph (2) and Article 123 paragraph (1) of the Administrative Procedure Act ("Official Gazette" no. 29/02, 12/04, 88/07, 93/09 and 41/13), in proceedings instituted by the Request to institute proceedings of the Cantonal pharmaceutical Association of Zeničko-Dobojski Canton, street Crkvice, Aneks B b.b., 72 000 Zenica against the Health Insurance and Reinsurance Institute of Federation of Bosnia and Herzegovina, Trg Heroja 14, 71 000 Sarajevo and the Health Insurance Institute of Zeničko-Dobojski Canton, Aska Borića 28 b, 72000 Zenica, Council of Competition of Bosnia and Herzegovina on its 95th (devedesetpetoj) session held on 30th July 2014 has adopted

CONCLUSION
on suspension of the part of the proceedings

1. The proceedings instituted upon Request of Cantonal pharmaceutical Association of Zeničko-Dobojski Canton street Crkvice, Aneks B b.b., 72 000 Zenica against the Health Insurance and Reinsurance Institute of Federation of Bosnia and Herzegovina, Trg Heroja 14, 71 000 Sarajevo and the Health Insurance Institute of Zeničko-Dobojski Canton, Aska Borića 28 b, 72000 Zenica, have been suspended in the part related to the adoption of decision on interim measure, in terms of Article 40 of the Competition Act due to withdrawal of the Applicant.
2. This conclusion is final and will be published in the "Official Gazette", the official gazettes of the Entities and Brcko District of Bosnia and Herzegovina.

Exposition

Council of Competition of Bosnia and Herzegovina (hereinafter: Council of Competition) has received a request to initiate proceedings (hereinafter: Request), on 6th March 2014, filed under number: 03-26-3-03-II / 14 of Cantonal Pharmaceutical Association of Zeničko-Dobojski Canton, Crkvice, Aneks B b.b., 72 000 Zenica (hereinafter: Association or the Applicant) through representative, attorney Edin H. Hrnjić, 1. ulica b.b., 72 230 Žepče, against Health insurance and Reinsurance Institute of Federation of Bosnia and Herzegovina, Trg Heroja 14, 71 000 Sarajevo (hereinafter: Health Insurance and reinsurance Institute of FBiH) and the Health Insurance Institute of Zeničko-Dobojski Canton, Aska Borica 28 b, 72000 Zenica (hereinafter: the Health Insurance Institute of Zeničko-Dobojski Canton), to determine the existence of a prohibited agreement, set forth in Article 4 paragraph (1) item b) and e) of the Competition Act (hereinafter the Act) as well as to adopt the decision on interim measures in terms of Article 40 of the Act.

Council of Competition has concluded that it is not possible without the proceedings to establish the infringement of the Act specified in the Request and made a decision to initiate the proceedings on 10th April 2014 No. 03-26-3-03-5-II / 14 to determine the existence of a prohibited agreement, set forth in Article 4 paragraph (1), item b) and e), as well as making decision on interim measures, pursuant to Article 40 of the Act.

At the oral hearing held on 21st July 2014, the Applicant has amended the Request, and withdrew its request for interim measures, pursuant to Article 40 of the Act, while it remains at the request relating to the existence of a prohibited agreement, set forth in Article 4 paragraph (1) item b) and e) of the Act, which was established in the Minutes of the mentioned oral hearings No. 03-26-3-03-49-II / 14 of 21st July 2014.

In accordance with Article 122 paragraph (1) of the Administrative Procedure Act, a party may withdraw its request (all or part) throughout the proceedings. Also, Article 123 paragraph (1) of the Administrative Procedure Act provides that a party may withdraw its Request, as long as the body conducting the proceedings passes a conclusion to suspend the procedure and delivers it to the party.

Council of Competition has assessed that there is no public interest for further conduct of proceedings and accordingly adopted the present conclusion to suspend the proceedings, pursuant to Article 122 paragraph (2) and Article 123 paragraph (1) of the Administrative Procedure Act, and decided as in the of enacting clause of this Conclusion.

Based on the above, Council of Competition has decided as in the enacting clause of this Conclusion.

Administrative fee

In regard to this Conclusion, the Applicant is obliged to pay administrative fee in the amount of KM 500,00 for the benefit of the Budget of Bosnia and Herzegovina Institutions in accordance with Article 2, Tariff number 108 paragraph (1) item b) of the Regulation on amount of administrative fees related to procedural actions before Council of Competition („Official Gazette of BiH“, no. 30/06 and 18/11).

Legal remedy

Appeal against this Conclusion is not allowed.

Unsatisfied party can initiate an administrative procedure before the Court of Bosnia and Herzegovina within 30 days upon receipt, namely publication of this Conclusion.

President

Gordan Raspudić