



BOSNIA AND HERZEGOVINA
Council of Competition

Number: 01-01-26-159/05
Sarajevo, 07 October 2005

Pursuant to Articles 25, 42, 43, paragraph (2) and Article 59 of the Act on Competition (“Official Gazette of BIH”, No. 48/05) and upon a complain with registration number 01-1-26-159/05, date 25 May 2005 submitted by the Office of Competition and Consumer Protection – Mostar, the Council Of Competition in its session held on 04 October 2005 adopted the following

DECISION

The Complain requesting the initiation of the investigation against the economic association “Una –regatta” d.o.o Bihac submitted by the Office of Competition and Consumer Protection –Mostar is rejected as groundless due to non-existence of infringement of the Act on Competition.

It is stated that the Government of Unsko-Sanski Canton in its Decision No. 03-017-1492/2005, dated on 24 March 2005 granted river Una concession to the economic association “Una regatta” d.o.o. Bihac for organisation of rafting services and traditional regattas on the river Una and that the mentioned Decision established monopoly activities in exploitation of River Una.

Complainant states that the Agreement on the business-technical cooperation, offered to all other legal persons who are carrying out these activities by the Authority granting a concession, is obvious infringement of the monopoly and particular infringement of Articles 4 and 5 of the Act on Competition (“Official Gazette of BIH”, No. 30/01- which was in force at that time).

On the basis of the inquires of the submitted documentation and additional analysis of this case, the Council of Competition ascertained that there was a dispute before the Cantonal Court in Bihać, instituted by the “UNA RC” d.o.o. from Bihać and “DUBRAVA” d.o.o. from Cazin as a partner group for cancellation of the said Decision on granting a concession.

On 16 May 2005, the Cantonal Court in Bihać passes on a Resolution No. U-419/05 by means of which the enforcing of a Decision of Committee for concession of the Unsko-Sanski Canton, No. 22-49-15047-6/04, dated on 22 February 2005, is postponed until the final decision of this court upon this administrative dispute.

Following all stated in the complain it is obvious that the concession has not been executed and therefore the Agreement on business-technical cooperation has not raised any legal consequences, and as there is no infringement of the Act on Competition it is decided as it is stated in the enacted terms of this Decision.

In a case that actual facts on the basis of which the decision was made are changed and in case that the Cantonal Court in Bihac confirms the said concession by its decision (act of the

Committee for Concession of Unsko-Sanski Canton, No. 22-49-15047/04), the Council of Competition may at the request of a party or *ex officio* re-examine this decision.

This Decision will be published in the “Official Gazette of BIH” and in official gazettes of the Entities and Brcko District of Bosnia and Herzegovina.

Legal remedy

This Decision is final and no appeal is allowed against it. Unsatisfied party shall be entitled to bring an administrative dispute before the Court of Bosnia and Herzegovina within thirty days (30 days) from the date of acceptance of this Decision, i.e. from the date of its publication.

President

Sena Hatibović