

CONCLUSION

on suspension of proceedings initiated upon Request for initiation of proceedings No. 04-26-2-011-8-II/11 dated 12th October 2011 against the undertaking Tenfore d.o.o. Banja Luka, representative of the undertaking *Western Union* on the territory of Bosnia and Herzegovina

**Sarajevo
February, 2012**

Number: 04-26-2-011-115-II/12
Sarajevo, 8th February 2012

Pursuant to Article 25 paragraph (1) line e), Article 42 paragraph (2) of the Competition Act („Official Gazette of BiH“, No. 48/05, 76/07 and 80/09) and Article 122 paragraph (2) of the Law on Administrative procedure („Official Gazette of BiH“, No. 29/02, 12/04, 88/07 and 93/09), following the written statement on giving up the proceedings filed by undertaking *MoneyGram Payment Systems Inc., 1550 Utica Avenue South, Minneapolis, Minnesota 55.416, United States of America*, through the representative, attorney Marić Branko, Mehmeda Spahe 26, 71000 Sarajevo, Bosnia and Herzegovina, received on 24th January 2012 No. 04-26-2-011-102-II/12, Council of Competition at its 27th session (twentyseventh), held on 8th February 2012, has adopted the following

CONCLUSION

1. Proceedings instituted by the Council of Competition's Conclusion No. 04-26-2-011-8-II/11 of 12th October 2011, based on the Request for proceedings of the undertaking MoneyGram Payment Systems Inc., 1550 Utica Avenue South, Minneapolis, Minnesota 55 416, United States, against undertaking Tenfore d.o.o Banja Luka, Veselina Maslese 1, 78000 Banja Luka, representative of the undertaking Western Union in the territory of Bosnia and Herzegovina, in order to establish the existence of an agreement prohibited by Article 4 paragraph (1) of the Competition Act and abuse of dominant position within the meaning of Article 10 paragraph (2) items a) and b) of the Competition Act, due to the Applicant's withdrawal of the Request.
2. This Conclusion shall be published in the „Official Gazette of BiH“, official gazettes of Entities and Brcko District of Bosnia and Herzegovina.

Exposition

Council of Competition received a request to institute proceedings on 13th June 2011 number: 04-26-2-011-II/11, submitted by the undertaking MoneyGram Payment Systems Inc., 1550 Utica Avenue South, Minneapolis, Minnesota 55 416, USA, (hereinafter : Applicant or MoneyGram), through a representative, attorney Branko Maric, Mehmeda Spahe 26, 71000 Sarajevo, Bosnia and Herzegovina, in the sense of Article 27 paragraphs (1) and (3) of the Competition Act (hereinafter: Act), against undertaking Tenfore d.o.o. Banja Luka, representative of the undertaking Western Union in Bosnia and Herzegovina, in order to establish the existence of an agreement prohibited by Article 4 paragraph (1) of the Act and the abuse of dominant position within the meaning of Article 10 paragraph (2) items a) and b) of the Act and Article 9 paragraph (1) item a), e) and g) of the Decision on defining categories of dominant positions ("Official Gazette" no. 18/06 and 34/10).

Since the received Request was not complete, Council of Competition, in accordance with Article 31 paragraph (1) of the Act, sent a request for amendment to the Applicant, No. 04-26-2-011-1-II/11 on 04/07/2011.

The Applicant requested the extension of the deadline for submission of responses, submission number 04-26-2-011-2-II/11 dated 13th July 2011, and the Council of Competition in accordance with Article 31 paragraph (2) of the Act, having found that there are good

reasons for the extension thereof, approved the Applicant extension of the the deadline for submitting responses, document No. 04-26-2-011-3-II/11 dated 19th July 2011.

The Applicant amended Request and submitted required documentation on 28th July 2011, submission No. 04-26-2-011-4-II/11, after which the Council of Competition found that the Request is complete and adequate in the sense of Article 28 paragraph (1) of the Act, and issued a certificate of receipt of a correct and complete notification, on 09/22/2011, number 04-26-2-011-5-II/11, within the meaning of Article 28 paragraph (3).

Based on the submitted documents, the Council of Competition has assessed that it is not possible without the prior procedure to establish a violation of the Act that the Applicant indicates, and adopted Conclusion on initiation of proceedings No. 04-26-2-011-8-II/11 (hereafter: Conclusion) against undertaking Tenfore d.o.o. Sarajevo.

After adopting the Conclusion, Council of Competition has been informed the decision of the District Economic Court in Banja Luka, number: 057-0-Reg-11-000614 of 12th June 2011, the to the name and the seat have been changed so that the former name of the undertaking Tenfore d.o.o. Sarajevo, Fra Andela Zvizdovića, Sarajevo, was replaced as Tenfore d.o.o. Banja Luka, Veselina Maslese 1, 78000 Banja Luka.

During the proceedings, in order to collect material evidence in the relevant market of international transfers of money between natural persons without opening bank accounts in Bosnia and Herzegovina, Council of Competition addressed the following relevant institutions: Central Bank of Bosnia and Herzegovina, Banking Agency of the Republic of Srpska, Banking Agency of Federation of BiH, the Republic of Srpska Ministry of Finance, Ministry of Finance of Federation of BiH, Directorate for Finances of the Brcko District of BiH, the State Investigation and Protection Agency (SIPA), as well as banks that operate in the territory of Bosnia and Herzegovina, and undertakings JP BH Pošta d.o.o. Sarajevo, the enterprise for postal transport of Republic of Srpska a.d. – Pošte Srpske and Western Union Network (FRANCE) SAS, Paris, French Republic.

In the course of the proceedings, since this is the case with the parties with opposing interests, Council of Competition, in accordance with Article 39 of the Act, has scheduled a hearing for the day 25/01/2012, which was not held because the Applicant on 24/01/2012 in the submission number 04-26-2-011-102-II/12 withdrawn its Request on the basis of which the proceedings were initiated and requested the revocation hearing.

In accordance with Article 105 paragraph (4) of the Law on Administrative Procedure ("Official Gazette" no. 29/02, 12/04, 88/07 and 93/09) Council of Competition, in documnt number: 04-26-2-011-112 - II/11 of 31/01/2012, informed undertaking Tenfore d.o.o. Banja Luka that it can submit request for reimbursement of costs incurred by participating in the procedure.

Bearing in mind the above, in terms of Article 122 paragraph (2) of the Law on Administrative Procedure, the Court decided as in operative part of this Conclusion.

Administrative tax

In accordance with Article 2 tariff number 108 paragraph (1) item b) of the Decision on amount of administrative fees related to the procedural actions before the Council of Competition (Official Gazette of BiH, No. 30/06 and 18/11) the Applicant is obliged to pay

administrative tax amounting to 500,00 KM for the benefit of the Budget of the institutions of Bosnia and Herzegovina.

Legal remedies

Appeal against this Conclusion is not allowed.

Unsatisfied party can initiate administrative procedure before the Court of Bosnia and Herzegovina within 30 days from the day of receipt or publication of this Decision.

President

Ibrica Lakišić