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Croatian Competition Authority fines the supplier for prohibited vertical agreement

The Croatian Competition Agency ('CCA') imposed a fine of 350,000 HRK (approx. 50,000 EUR) on the undertaking Spinnaker distribucija d.o.o. ('Spinnaker') for distorting competition on the point-of-view sports cameras ('GoPro cameras') market in the Republic of Croatia.

Agreement

The proceedings were commenced based on an initiative alleging unjustified refusal to supply, and the CCA also conducted a dawn raid. A violation was found in Spinnaker's standard Agreement on selective distribution, which Spinnaker entered into with ten authorised distributors for the period between 1 April 2018 and 31 March 2019 ('Agreement'). The Agreement was found to contain a hardcore restriction. The distributors were obliged to purchase GoPro cameras only from Spinnaker and to refrain from selling them to any other distributors, i.e., they were only permitted to sell to end users. To ensure compliance with such contractual obligation, there was even a limited number of GoPro cameras per transaction available to each distributor.

Judgment

Since the Agreement contained a prohibited vertical restriction of limiting cross-supply among distributors within a selective distribution system, it was declared *ex lege* null and void.