

**DECISION**

**adopted upon Request for initiation of proceedings filed by the undertaking Crumb group d.o.o  
Bijeljina against the undertaking Telekomunikacije Republike Srpske a.d. Banja Luka**

**Sarajevo,  
November 2011**

Number: 05-26-2-028-92-II/10  
Sarajevo, 17<sup>th</sup> November 2011

Pursuant to Article 42 paragraph (2) of the Competition Act (Official gazette of BiH No. 48/05, 76/07 and 80/09) and Article 206 of the Administrative Procedure Act (Official gazette of BiH No. 29/02, 12/04, 88/07 and 93/09), in accordance with Article 4 paragraph (1) item d), in proceedings initiated upon Request for initiation of proceedings filed by the Crumb group d.o.o. Bijeljina, Knez Ivo od Semberije 4, Bijeljina, represented by attorney Avlijaš S. Ognjen, Trg Kralja Petra I, Bijeljina against the undertaking Telekomunikacije Republike Srpske a.d. Banja Luka, Kralja Petra Karađorđevića 61-a, Banja Luka, represented by attorney Dimitrijević Stevan, Gundulićeva 4, Banja Luka, Council of Competition at its 21<sup>st</sup> (twentyfirst) session held on 17<sup>th</sup> November 2011, has issued

### **DECISION**

- I. Request of the undertaking Crumb group d.o.o. Brčko District is rejected in part related to the existence of prohibited agreement in terms of Article 4 paragraph (1) item d) of the Competition Act by the undertaking Telekomunikacije Republike Srpske a.d. Banja Luka, which involves signing of the Agreement on collocation with the undertaking Aneks d.o.o. Banja Luka, as unfounded.
- II. Each party to the proceedings bears its own costs.
- III. This Decision is final and shall be published in «Official Gazette of BiH», official gazettes of Entities and Brcko District of BiH.

### **Exposition**

Council of Competition received the Request for initiation of proceedings (hereinafter: Request) No. 05-26-028-II/10 of 30th November 2010, in terms of Article 28 of the Competition Act (hereinafter: Act) filed by the undertaking Crumb group d.o.o. Bijeljina, Knez Ivo od Semberije 4, Bijeljina (hereinafter: Applicant or Crumb group) represented by attorney Ognjen S. Avlijaš, Trg Kralja Petra I, Bijeljina, against the undertaking Telekomunikacije Republike Srpske a.d. Banja Luka, Kralja Petra I Karađorđevića br. 93, Banja Luka (hereinafter: Telekomunikacije RS) represented by attorney Stevan Dimitrijević, Gundulićeva 4, Banja Luka, due to doubt on existence of prohibited agreement in terms of Article 4 paragraph (1) item d) and abuse of dominant position in terms of Article 10 paragraph (2) items a), b), c) and d) of the Competition Act.

### ***Parties to the proceedings***

The Applicant is a legal entity registered on 16<sup>th</sup> February 2006 at the Bijeljina Basic Court under number 080-0-Reg-06-000 041. Main registered business activity of the undertaking Crumb Group d.o.o. is the provision of telecommunication services and the same is an alternative provider of public fixed telephony services. Communications Regulatory Agency (hereinafter: CRA) issued a license to the Applicant for provision of fixed public telephone services No. DUFT-TS/05/06 on 19/07/2006, which is valid for 10 years, permission to use the phone numbers for calling cards (cards for calls abroad) and use the 10,000 numbers block in the telephone network (fixed phone) and 4 microwave links. During the proceedings, the Applicant has changed the seat of the company, and is now in the Brcko District at Bulevar mira 5, and the name of the company is Crumb Group d.o.o. Brcko District,

which is confirmed by examining the Decision on registration No. 096-0-Reg-10-001290 of 21<sup>st</sup> January 2011.

Undertaking Telekomunikacije RS is a public telecom operator in Bosnia and Herzegovina.

Main registered business activity of the undertaking Telekomunikacije RS is provision of telecom services in fixed and mobile networks in domestic and international traffic. CRA's Decision No. 03-29-2374-I/07 of 9<sup>th</sup> October 2007 (Official Gazette No. 81/07) declared undertaking Telekomunikacije RS and companies Hrvatske telekomunikacije d.o.o. Mostar and BH Telecom d.d. Sarajevo as operators with significant market power in the market of fixed and mobile telephony, which, among other things, means that the CRA can oblige them to provide interconnection services at cost, and under conditions stipulated by the Law on Communications (Official Gazette of BiH, no. 31 / 03, 75/06 and 32/10).

### ***Legal framework of the proceedings***

During the proceedings, Council of Competition applied provisions of the Act, Decision on relevant market (Official Gazette of BiH No. 18/06 and 34/10) and Administrative Procedure Act («Official Gazette of BiH», No. 29/02, 12/04, 88/07 and 93/09).

In addition, Council of Competition took into consideration provisions of the Law on communications («Official Gazette of BiH», No. 31/03, 75/06 and 32/10), Rules of interconnection No. 16/2002 of the Communications Regulatory Agency and Tariffs of fees and reimbursement of costs for the work of attorneys in Republic of Srpska („Official Gazette of Republic of Srpska “ No 68/05).

### ***Proceedings before the Council of Competition***

After submitting Request to the Council of Competition on 30<sup>th</sup> November 2011, the Applicant supplemented it on 7<sup>th</sup> December 2010 by document No. 05-26-2-028-1-II/10.

Having analyzed submitted documentation, Council of Competition found that it was not complete in terms of Article 28 paragraph (2) and sent requests for additional documentation No. 05-26-028-3-II/10 of 22<sup>nd</sup> December 2010 and No. 05-26-2-028-6-II/10 of 12<sup>th</sup> January 2011.

Applicant submitted requested supplements to the Request and proof of paid tax in document No. 05-26-2-028-4-II/10 of 31<sup>st</sup> December 2010 and in document No. 05-26-2-028-7-II/10 13<sup>th</sup> January 2011.

Having in mind Articles 8 and 11 of the Administrative Procedure Act, Council of Competition excluded documentation listed in the official note No. 05-26-2-028 -2-II/10 of 20<sup>th</sup> December 2010 from the case file No. 01-05-26-008-II/10 and invested in the subject case file No. 05-26-2-028-II/2010.

After Request has been completed, Council of Competition determined that conditions have been met to issue a Confirmation on receipt of complete and adequate Request in accordance with Article 28 paragraph (3) of the Act and it has been issued under number 05-26-2-028-8-II/10 on 2<sup>nd</sup> March 2011.

Based on the submitted information and documentation, the Council of Competition has assessed that it is not possible to establish the infringement of the Completion Act indicated by the Applicant, without the prior procedure and made a Conclusion to initiate proceedings No. 05-26-2-028-9-II/10 of 3<sup>rd</sup> February 2011 (hereinafter referred to as the Conclusion), which was sent to the undertaking Telekomunikacije RS , together with a Request to institute proceedings and Request for submission of documentation so it can send the answer to the Request within given deadline.

During the proceedings, Council of Competition asked CRA to submit information and technical clarifications relevant for the proceedings (documents No. 05-26-2-028-17-II/10 of 7<sup>th</sup> March 2011, No. 05-26-2-28-28-II/10 of 13<sup>th</sup> May 2011, No. 05-26-2-028-45-II/10 of 14<sup>th</sup> June 2011 and No. 05-26-2-028-61-II/10 of 16<sup>th</sup> August 2011), which were sent by CRA on 17<sup>th</sup> June 2011 No. 05-26-2-028-47-II/10, on 23<sup>rd</sup> June 2011 No.05-26-2-028-49-II/10 and on 23<sup>rd</sup> August 2011 No. 05-26-2-028-63-II/10.

During the proceedings, the Council of Competition scheduled and held a hearing on 25<sup>th</sup> May 2011 during which the Applicant, inter alia, declared that it is giving up part of the Request by which the proceedings were initiated, which refers to the suspicion of abuse of dominant position under Article 10 paragraph 2 item a) of the Act relating to the price of international call termination services. The Council of Competition, bearing in mind the above, in accordance with Article 122 paragraph 2 of the Administrative Procedure Act, adopted a decision suspending the proceedings in the part referring to the suspicion of abuse of dominant position under Article 10 paragraph 2 item a) of the Competition Act. Accordingly, the Council of Competition did not consider and take into account the allegations and evidence presented during the proceedings relating to this part of the Request, nor it decided on this part of the Request when making the final decision.

During the oral hearing the Applicant stated that it extends its Request in terms of service "phone card" because it considered that by providing this service the undertaking Telekomunikacije RS abused a dominant position within the meaning of Article 10 paragraph (2) item a) of the Act, and afterwards in the submission No. 05-26-2-028-35-II/10 of 2<sup>nd</sup> June 2011 and the submission No. 05-26-2-028-37-II/10 of 7<sup>th</sup> June.2011 informed the Council of Competition that it gave up this part of the Request, and that it shall ask protection of their rights through the competent court. Bearing in mind the foregoing, the Council of Competition did not expand the Conclusion, nor it considered the allegations relating to the provision of the service "phone card".

Bearing in mind the complexity of the case, and that for determination of the facts and assessment of the evidence conduct of additional analysis is necessary and the fact that it is a sensitive market, the Council of Competition found that the deadline for the final decision under Article 11 paragraph (2) of the Competition Act should be extended for an additional three months pursuant to Article 41 paragraph (1) of the Act, and on 06/08/2011 under the number 05-26-2-028-40-II/10 issued a Conclusion on extending the deadline for additional 3 (three) months to determine the existence of prohibited agreements and abuse of dominant position.

Council of Competition has not made a final decision within the statutory deadline in Article 41 paragraph (1) item c) and (2) of the Act, and the undertakings Crumb Group d.o.o. and Telekomunikacije RS filed specific requests to the Council of Competition for issuing a decision under Article 11 paragraph (3) of the Act on 10<sup>th</sup> April 2011 under the number 05-26-2-028-72-II/10, respectively, on 10<sup>th</sup> October 2011 under the number: 05-26-2-028-74-II/10.

Acting on the above requests for issuing a decision, the Council of Competition stated that the deadline for the final decision in terms of Article 41 paragraph (1) item c) of the Act passed, and in accordance with Article 11 paragraph (3) of the Act on 12<sup>th</sup> October 2011 issued Decision No. 05-26-2-028-76-II/10, according to which it is considered ex lege that there is no abuse of dominant position within the meaning of Article 10 of the Act. In Decision No. 05-26-2-028-76-II/10 of 12.10.2011. it was not decided on the request of the applicant in part related to the existence of a prohibited agreement under Article 4 of the Act, as well as the costs of the proceedings, and the Council of Competition in accordance with Article 206 of the Administrative Procedure Act issues this additional decision.

On 10<sup>th</sup> June 2011, Council of Competition received the Request for exemption of the Council of Competition's member Ms Gordana Zivkovic, under the number 05-26-2-028-71-II/ filed by undertaking Crumb group, upon which Conclusion No. 05-26-2-028-90-II/10 was issued whereby the Request for exemption has been rejected as unfounded.

Council of Competition received a Request for a review of the decision within the meaning of Article

43 paragraph (5) of the Competition Act filed by the undertaking Crumb Group d.o.o. Brcko District under the number: 05-26-2-028-83-II/10 of 21<sup>st</sup> October 2011, seeking review of the Decisions of the Council No. 05-26-2-028-76-II/10 of 12<sup>th</sup> October 2011, based on which Conclusion No. 05-26-2-028-91-II/10 was adopted on 17<sup>th</sup> November 2011 whereby the Request for review of the decision has been dismissed as unfounded.

### ***Allegations of the Applicant***

Undertaking Crumb group filed a Request against undertaking Telekomunikacije RS because it considered that the undertaking Telekomunikacije RS concluded an agreement prohibited under Article 4 paragraph 1), item (d) of the Act and in the Request for proceedings, and other submissions filed during the proceedings concerning the existence of an agreement prohibited under Article 4 of Act essentially states:

- That together with undertaking Telrad d.o.o. Banja Luka (hereinafter: Telrad), which is a network operator of the Applicant, it met all technical requirements for establishing interconnection with undertaking Telekomunikacije RS; that CRA confirmed that the network operator undertaking Telrad, pursuant to Articles 2 and 3 of The rules on interconnection, with the authorization of the Applicant, can sign the interconnection agreement on 25<sup>th</sup> October 2006;

- That in accordance with Article 11.3 of the Reference interconnection offer (hereinafter referred to as RIO) undertaking Telrad filed completed application for the establishment of interconnection to the undertaking Telekomunikacije RS on 7<sup>th</sup> November 2006, and that the undertaking Telekomunikacije RS determined the day of the negotiations for 11<sup>th</sup> December 2006, although according to the RIO document it was required to examine the completed application, elaborate technical solutions for the implementation of interconnection and to inform the relative alternative operator within 20 working days from day of its receipt; During the meeting held Applicant was informed that undertaking Telekomunikacije RS has no set price for this type of service, that it is preparing a contract proposal and price lists, as well as the ongoing renovation of the rooms designed for collocation of equipment of new operators;

- That it had information that the undertaking Telekomunikacije RS on 10<sup>th</sup> August 2006 signed a contract with undertaking Aneks d.o.o. Banja Luka (hereinafter: Aneks), owner of the same license as the Applicant, within the statutory period of 3 months from the date on which the undertaking Aneks got the license, and by such action Applicant was knowingly brought to inferior position on the market;

- that if fulfilled the formal conditions for the conclusion of an interconnection contract with the undertaking Telekomunikacije RS, and that according to Rule No. 16/2002 deadline for reaching agreement on the terms of the contract is 90 days after the start of negotiations and that the deadline expired on 7<sup>th</sup> February 2007, and the Applicant informed the CRA in written thereof on 2<sup>nd</sup> February 2007, on which it has not received any response;

- that undertaking Telrad also urged the undertaking Telekomunikacije RS on 18<sup>th</sup> April 2007 in writing and that in response of 26<sup>th</sup> April 2007 it was stated that once again CRA has been addressed regarding the issue of transferring rights to sign an interconnection agreement from the Applicant to the undertaking Telrad;

- that on 10<sup>th</sup> July 2007, the Applicant submitted a request to establish interconnection to the undertaking Telekomunikacije RS;

- that the Applicant on 27<sup>th</sup> August 2007 signed an interconnection agreement with the undertaking Telekomunikacije RS.

### ***Allegations of Telekomunikacije RS***

During the proceedings, undertaking Telekomunikacije RS on 21/03/2011 submitted the required documentation, and also requested an extension of the deadline for Answer to the Request. Council of Competition, bearing in mind the complexity of the case, assessed the Request as justified and approved the additional period of 20 days.

Council of Competition received a response to the request of the undertaking Telekomunikacije RS on 13<sup>th</sup> April 2011 under the number: 05-26-028-21-II/10, whereby, as in other filings submitted during the proceedings, undertaking Telekomunikacije RS concerning the existence of an agreement prohibited under Article 4 of the Act essentially states the following:

- It submits process complaint and suggests rejection of the Request in part related to the existence of prohibited agreement on the grounds that Applicant states "doubt about the existence of a prohibited agreement under Article 4 paragraph (1) item d) of the Act", but does not mention what kind of agreement it is, who signed it and why it is prohibited. Since specific agreements related to the mentioned "suspicion" have not been cited, based on available data it can be concluded that the Request of the Applicant in this part was clearly unfounded. Telekomunikacije RS further point out that the meaning of Article 4 paragraph (1) item d) is conclusion of agreements whose purpose or effect is coordinated behavior of two or more market participants in order to discriminate third parties;

### ***Oral hearing***

Council of Competition, in accordance with Article 39 of the Act, scheduled and held a hearing (the record number 05-26-2-28-30-II/10) on 25<sup>th</sup> May 2011 at which representatives of the parties stated the facts and circumstances underlying the Request. Both sides opted to remain at the previously given arguments, so they were given opportunity to take a stand on the facts and circumstances that have not been declared about so far, and to ask each other questions if they wish.

During the hearing Applicant pleaded giving up part of the Request by which the proceedings were initiated, which refers to the suspicion of abuse of dominant position under Article 10 paragraph 2 item a) of the Act relating to the price of termination of international calls.

At the oral hearing the parties were given additional time to plead on the evidence reviewed during the hearing. After the hearing the Applicant provided submission No. 05-26-2-028-32-II/10 of 1<sup>st</sup> June 2011, in which, inter alia, it attached document "clarification to the minutes of 25<sup>th</sup> May 2010". Undertaking Telekomunikacije RS in respect of this document pointed an objection (submission number 05-26-2-028-48-II/10 of 06/20/2011), considering that the same should be dismissed, given that the Applicant at the oral debate had the opportunity to point out the objections and comments on the minutes and the minutes of the hearing has already been signed. Council of Competition has assessed the complaint justified, so that it did not consider the disputed document in the final decision.

Undertaking Telekomunikacije RS in its submission No. 05-26-2-028-42-II/10 of 13/06/2011 stated a complaint in terms of the value of dispute, which is marked by the Applicant. Telekomunikacije RS considered that the amount of dispute is unfounded and arbitrarily determined, and seeks that "Finding and opinion of the expert Radivoj Ikonc" is to be removed from the case file because the expertise may have a procedural nature only if it is determined by an official person, which is not the case, because the same is done at the request of the Applicant. The Applicant in its submission, the number of 05-26-2-028-50-II/10 of 23<sup>rd</sup> June 2011 pointed out that expert opinion has been done by a certified appraiser entered into the registry of the court experts which was published in the Official Gazette of the Republic of Srpska, since Council of Competition requested the Applicant to determine

the value of the dispute. Council of Competition by its document number 05-26-2-028-22-II/10 of 15/04/2001, and orally during the hearing requested the Applicant to comment on the value of the dispute in order to calculate the possible costs of the proceedings and the Applicant during the hearing in writing filed "Findings and Opinion of expert Radivoj Ikonic", however, the Council of Competition has not given the order for disputed expertise. As Article 43 paragraph (6) of the Act provides that decisions of the Council of Competition are not of influence for the potential criminal or civil liability (on which decide the competent courts), in this case the amount of dispute is significant only in terms of litigation costs. Bearing in mind the principle of efficiency and economy of the proceedings, the Council of Competition decided that in this case it would be correct to apply the provisions of the Tariff of fees and reimbursement of costs for the work of lawyers of Republic of Srpska concerning the calculation of costs in non-valued cases, and thus the "Findings and opinion of expert Radivoj Ikonic" was not taken into account when making decisions about the costs of the proceedings.

The Applicant in its submission No. 05-26-2-028-42-II/10 of 13/06/2011 stated a complaint in terms of representation of the undertaking Telekomunikacije RS, claiming that Telekomunikacije RS were represented by a person (Ratko Petaković), who could not represent it since it is an attorney from a foreign country who does not have approval of the Attorney's Chamber of RS or BiH nor relevant Ministry, relying on the provisions of Article 46 of the Law on General Administrative Procedure of the Republic of Srpska (Official Gazette of the Republic of Srpska number 13/02 and 87/07). In regard to this objection undertaking Telekomunikacije RS pointed out that it was properly represented in the proceedings, that authorized attorney was present at the hearing, and also empowered by natural person that is not prohibited by any provision of the Administrative Procedure Act. Rastko Petaković was present at oral hearing exactly in the capacity in which he introduced himself - as a business capable person. The applicant has not put this objection during the hearing; during the hearing it has been duly warned about the consequences of the absence of objections, and proposes that the Council of Competition as a whole rejects the comments of the Applicant because it does not meet the requirements prescribed in Article 148 of Administrative Procedure Act. Considering the allegations of the parties Council of Competition assessed that there were no irregularities in the representation, bearing in mind the Articles 50 and 55 of Administrative Procedure Act, because the oral hearing on behalf of the Telekomunikacije RS, in addition to Stevan Dimitrijevic, a lawyer from Banja Luka and other authorized persons from Telekomunikacije RS, approached Rastko Petaković, a natural person, acting as adviser, which is stated on the record of the hearing. The Applicant had no objections to the work during the oral hearing, although duly advised of the right to put them forward and of the consequences of the absence of objections.

### ***Relevant market***

In accordance with Article 3 of the Act and Articles 4 and 5 of the Decision on relevant market, a relevant market is determined as a market of certain products that are the subject of business activities of the undertakings on a certain geographic area.

The relevant product market comprises all products which consumers and / or users consider mutually substitutable, under acceptable conditions, particularly bearing in mind their essential characteristics, quality, common purpose, usage, sale conditions and prices.

The relevant geographic market comprises the whole or a substantial part of the territory of Bosnia and Herzegovina in which the undertakings operate in the sale and / or purchase of the relevant product under equal or sufficiently homogeneous conditions and which are significantly different from the conditions of competition in neighboring geographic markets.

As a relevant market of the proceedings it was established market for interconnection services.

After examining the RIP document it was found that the points of interconnection of undertaking Telekomunikacije RS are located in the Republic of Srpska, specifically in the following cities: Banja Luka, Mrkonjic Grad, Prijedor, Doboj, Derventa, Teslic, Brcko, Bijeljina, Zvornik, Eastern Sarajevo, Foca and Trebinje. Accordingly, the relevant market in geographical terms is determined as the market of the Republic of Srpska.

Consequently, the relevant market of the proceedings is the market for interconnection services in the Republic of Srpska.

### *Assessment of evidence*

With regard to the existence of prohibited agreements under Article 4 paragraph 1), item (d) of the Act, the Council of Competition took the decision cited in the exposition for the following reasons:

The Applicant in the proceedings pointed out that the undertaking Telekomunikacije RS concluded Contract on interconnection with undertaking Aneks, along with the Contract of collocation, and that by concluding these contracts they actually concluded an agreement prohibited under Article 4 paragraph 1), item (d) of the Act, because in that same period, the undertaking Telekomunikacije RS did not conclude these contracts with the Applicant, although it sought the same.

Undertaking Telekomunikacije RS filed the process complaint and suggested that the Request in part related to the existence of prohibited agreement is to be dismissed on the grounds that Applicant states "doubt about the existence of a prohibited agreement under Article 4 paragraph (1) item d) of the Act", but does not mention what kind of agreement it is, who concluded it, and why it is prohibited. Since specific agreements containing the "doubt" are not mentioned, based on available data it can be concluded that the Request of the Applicant in this part is clearly unfounded. Telekomunikacije RS further points out that the meaning of Article 4 paragraph (1) item d) is the conclusion of agreements for the purpose or effect of the coordinated behavior of two or more market participants in order to discriminate third parties, and that the Applicant has never proved the existence of a prohibited agreement, although it bears the burden of proof.

Bearing this in mind as well as the provisions of Article 4 paragraph 1), item (d) of the Act, the Council of Competition found that the prominent complaint was grounded in part which states that the meaning of Article 4 paragraph (1) item d) is the conclusion of agreements for the purpose or effect of the coordinated behavior of two or more market participants in order to discriminate third parties. In fact, the essence of Article 4 of the Act, i.e. prohibited agreements in terms of Act is that the prohibited agreements have for the purpose and effect the prevention, restriction or distortion of competition in the relevant market, and these are exactly the agreements that market participants use to agree on their coordinated actions to exclude other market participants. Interconnection contract and the Contract of collocation, which undertaking Telekomunikacije RS concluded with the undertaking Aneks do not contain a key element of Article 4 Act - the same goal and result is the prevention, restriction or distortion of competition, but it is a contract by which the undertaking Telekomunikacije RS provides the aforementioned services to the undertaking Aneks.

Considering the parties' submissions and evidence presented, the Council of Competition found that in this case obviously there is no prohibited agreement between undertakings Telekomunikacije RS and Aneks whereby the Applicant is put in a disadvantage in relation to competition, ie, there is no infringement of Article 4 paragraph (1) item d) of the Act, and therefore it was decided as in the item I. of the exposition.

### ***Costs of the Proceedings***

The Council of Competition adopted Decision on costs, pursuant to the provisions of Article 105 paragraph 1 and 3 of the Administrative Procedure Act.

In the submission No. 05-26-2-028-63-II/10 of 12/09/2011 the Applicant submitted a request for reimbursement in the amount of KM 31,153.30, while undertaking Telekomunikacije RS in submission No. 05-26-2-028-43-II/10 of 06/13/2011 submitted a request for reimbursement in the amount of 55,593.72 KM and in submission No. 05-26-2-028-56-II/10 of 1<sup>st</sup> August 2011 it filed the amended request for reimbursement to the total amount of KM 61,373.00, and in the submission No 05-26-2-028-89-II/10 of 09/11/2011 the request for reimbursement was again amended to the total amount of 74,898.72 KM

Article 105 paragraph 1 of the Administrative Procedure Act provides that as a rule, each party shall bear its own costs of the proceedings (including the costs of legal representation), and Article 105 Paragraph 3 of the same Act stipulates that expenses are to be reimbursed for legal representation only in cases where such representation was necessary and justified.

Examining submitted claims for reimbursement of costs, bearing in mind Article 105 paragraph 2 of the Administrative Procedure Act and the outcome of these proceedings before the Council, the party that could possibly be entitled to reimbursement of certain costs of the proceedings is undertaking Telekomunikacije RS. However, as in this case it is a legal entity that is one of the big companies, which is one of the most developed economic entities in Bosnia and Herzegovina, which has the human resources needed to represent the same, the Council of Competition found that legal representation by lawyers of the same was not necessary and justified in terms of Article 105 paragraph 3 of the Administrative Procedure Act, and ruled as in exposition.

### ***Legal remedies***

Appeal against Decision is not allowed.

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

**President**

**Ibrica Lakišić**