

Pursuant to Article 33 of the Law on Protection of Competition ("Official Gazette of the Republic Of Serbia" No.79/05), relating to Article 74 of the Law on Protection of Competition ("Official Gazette of the Republic of Serbia" No.51/2009) and Article 192 of the Law on General Administrative Procedure ("Official Gazette of the Federal Republic of Yugoslavia" No.33/97, 31/01 and "Official Gazette of the Republic of Serbia" No.30/10), the Council of the Commission, on its 158th session held on 04th October 2010, in the procedure instituted ex officio against companies DIJAMANT A.D. for oil, fats and margarines production, 14 Temisvarski drum Str., Zrenjanin, with its registered legal representative, Managing Director Zeljko Brozovic, represented by his Proxy, Attorney Bojan Vuckovic, employed at Law Office "Karanovic & Nikolic" 7 Lepenicka Str., Belgrade; M-RODIC d.o.o. 50 Temerinski put Str., Novi Sad; MERCATOR-S d.o.o., 50 Temerinski put Str. Novi Sad, with its registered legal representative, Director Vesna Sanader Miletic; CDE S d.o.o., 1a Otona Zupancica Str., Novi Beograd (New Belgrade), with its registered legal representative Vasileios Kakagiotis; CBA Trgovina d.o.o., 88b Omladinskih brigada Str., Belgrade, with its registered legal representative, General Manager Milan Zuber; TUS TRADE d.o.o. 10a Bulevar Mihajla Pupina Str., Novi Beograd (New Belgrade), with its registered legal representative, Director Tomaz Krizaj; IDEA d.o.o., 1 Knezopolska Str. Belgrade, with its registered legal representative, Director Vladimir Bokan; KTC d.o.o., 61 Pacirski put Str., Subotica, with its registered legal representative, Director Marina Popratnjak; METRO CASH & CARRY d.o.o., 120 Autoput za Novi Sad Str., Belgrade, with its registered legal representatives-members of the Steering Committee Cristian Hylkema, Davor Katalinic, Veronika Ivanova Pountcheva i Ekaterina Vasilyeva; PEVEC d.o.o., 81 Pancevacki put Str, Belgrade, company under bankruptcy, with its registered representative, receiver Branislav Ilic; TP JABUKA a.d., 5 Cica Ilijina Str., Belgrade, with its registered legal representative, Director David Sleakovic; PHIWA d.o.o., 17 Matije Korvina Str., Subotica, with its registered legal representative, Director Rudolf Walther; TS STORK GROUP d.o.o., bb (NN) Industrijska zona Str. Kula, with its registered legal representative Slavko Tomic; ANGROPROMET d.o.o. 76 Milosa Velikog Str., Kikinda, with its registered legal representative Rudolf Walther; DIS d.o.o., 18 Bulevar oslobodjenja Str., Krnjevo, with its registered legal representative, Managing Director Darko Acimovic; AMAN d.o.o., 52/A Vinogradska Str., Belgrade, with its registered legal representative a Director Milutin Djurdjevic; TRLE-NB d.o.o., 75 Kralja Petra I. Str., Djurdjevo, with its registered legal representative, Director Nikola Trtic; Bakery Company SRETEN GUDURIC a.d. 1 Pekarska Str. Uzice, with its registered legal representative, acting Managing Director Aleksandar Stanojevic; REAL MARKET d.o.o., 293 Smederevski put Str., with its registered legal representative, Director Slavko Tomic; PERUTNINA PTUJ d.o.o. 1 Generala Nikodija Stefanovica, Belgrade, with its registered legal representative, Director Franc Celan; DELTA MAXI d.o.o., 49 Takovska Str., Belgrade, with its registered legal representative, Director Dejan Jeremic; UNIVEREXPORT d.o.o. 165 Sentandrejski put Str. Novi Sad, with its registered legal representative, Director Vesna Vucurevic, in order to establish whether individual Contracts on Purchase and Sale, concluded between Dijamant a.d. and above listed companies represent the acts referred to in Article 7 of the Law on Protection of Competition which has or may have as an aim or consequence a significant prevention, restriction or distortion of competition on the relevant market, made the following

RESOLUTION

I. IT IS ESTABLISHED that the provisions of:

1. Article 4.4. of the Supplement I/1.MSV-178, enclosed to the Frame Annual Contract No. 884/MSU-2008-000, concluded on 16th March 2009, between DIJAMANT a.d. for oil, margarine and fats production, 14 Temisvarski drum Str., Zrenjanin and companies M-RODIC d.o.o. and MERCATOR-S d.o.o., 50 Temerinski put Str. Novi Sad;
2. Article 6 from Annex 1 to the General Contract on Purchase and Sale, No. 350Z/2009, concluded on 30th April 2009, between DIJAMANT a.d. for oil, fats and margarine production, 14 Temisvarski drum, Zrenjanin and the Company CDE-S d.o.o., 1a Otona Zupancica Str., Novi Beograd (New Belgrade);
3. Rebate specifications from Annex 1. No. 10477/1 enclosed to the Annual Contract for 2009, concluded on 06th April 2009, between DIJAMANT a.d. for oil, fats and margarine production, 14 Temisvarski drum Str., Zrenjanin and the Company VEROPOULOS d.o.o., 86a Milutina Milankovica Str., Novi Beograd (New Belgrade);
4. Article 2 from Annex 1 to the Contract on Purchase and Sale of Goods, No. 16615 dated 07th July 2009, concluded between DIJAMANT a.d. for oil, fats and margarine production, 14 Temisvarski drum Str., Zrenjanin and the Company CBA Trgovina d.o.o., 88b Omladinskih brigade Str., Belgrade;
5. Article 3 from Annex to the Contract on Business Cooperation, No.266/2009, dated 15th April 2009., concluded between DIJAMANT a.d. for oil, fats and margarine production, 14 Temisvarski drum Str., Zrenjanin and TUS TRADE d.o.o., 10a Bulevar Mihajla Pupina, Novi Beograd (New Belgrade);
6. Article 2 of the Contract on Purchase and Sale of Goods, registered under number 608. for the period of time until September 30, 2009, and concluded on 12th January 2009 between DIJAMANT a.d. for oil, fats and margarine production, 14 Temisvarski drum Str., Zrenjanin and the Company KTC d.o.o., 61 Pacirski put, Subotica;
7. Article 1.3.2. from Annex to the Contract on Trade Conditions, dated 26th December 2008, registered under number 622/1, concluded between DIJAMANT a.d., for oil, fats and margarine production, 14 Temisvarski drum Str., Zrenjanin and the Company METRO CASH & CARRY d.o.o., 120 Autoput za Novi Sad Str., Belgrade;
8. Article 2 of the Contract on Purchase and Sale the Goods for the period of time until 30th September 2009 registered under number 37455, concluded on 01st December 2008

between DIJAMANT a.d. for oil, fats and margarine production, 14 Temisvarski drum Str., Zrenjanin and the Company PEVEC d.o.o. 81 Pancevacki put, Belgrade;

9. Article 2 of the Contract on Purchase and Sale of Goods for the period of time until 30th September 2009, registered under number 36687, concluded on 01st December 2008 between DIJAMANT a.d. for oil, fats and margarine production, 14 Temisvarski put Str., Zrenjanin and the Company TP JABUKA a.d. Belgrade, 5 Cica Ilijina Str., Belgrade;

10. Article 2 of the Contract on Purchase and Sale of Goods for the year 2009, registered under number 3371, concluded on 26th February 2009 between DIJAMANT a.d. for oil, fats and margarine production, 14 Temisvarski drum Str., Zrenjanin and the Company Phiwa d.o.o., 17 Matije Korvina Str., Subotica;

11. Article 2 of the Contract on Purchase and Sale of Goods for the year 2009 concluded on 04th June 2009, between DIJAMANT a.d. for oil, fats and margarine production, 14 Temisvarski drum, Zrenjanin and the Company VALDI d.o.o., 17 Matije Korvina Str., Subotica;

12. Article 2 of the Contract on Purchase and Sale of Goods for the year 2009 registered under number 776, concluded on 09th January 2009, between DIJAMANT a.d. for oil, fats and margarine production, 14 Temisvarski drum, Zrenjanin and the Company STORK GROUP d.o.o., bb (NN) Industrijska zona Str., Kula;

13. Article 2 of the Contract on Purchase and Sale of Goods for the year 2009 registered under number of 5133, concluded on 27th February 2009, between DIJAMANT a.d. for oil, fats and margarine production, 14 Temisvarski drum Str., Zrenjanin and the Company ANGROPROMET d.o.o. 76 Milosa Velikog Str., Kikinda;

14. Article 2 of the Contract on Purchase and Sale of Goods for the year 2009 registered under number 6068, concluded on 05th March 2009, between DIJAMANT a.d. for oil, fats and margarine production, 14 Temisvarski put Str. and the Company DIS d.o.o., 18 Bulevar oslobodjenja Str., Krnjevo;

15. Article 8 of the Contract on Sale, concluded on 03rd April 2009, between DIJAMANT a.d. for oil, fats and margarine production, 14 Temisvarski put Str. Zrenjanin and the Company AMAN d.o.o., 52/A Vinogradska Str., Belgrade.

16. Article 2 of the Contract on Purchase and Sale of Goods for the year 2009 registered under number 7873, concluded on 31st March 2009, between DIJAMANT a.d. for oil, fats and margarine production, 14 Temisvarski drum Str., Zrenjanin and the Company TRLE-NB d.o.o. 75 Kralja Petra I. Str., Djurdjevo;

17. Article 2 of the Contract on Purchase and Sale of Goods for the year 2009 concluded on 01st April 2009, between DIJAMANT a.d. for oil, fats and margarine production, 14 Temisvarski drum Str., Zrenjanin and the Company SRETEN GUDURIC a.d. Uzice , 1 Pekarska Str., Uzice;

18. Article 2 of the Contract on Purchase and Sale of Goods for the year 2009 concluded on 15th July 2009, between DIJAMANT a.d. for oil, fats and margarine production, 14 Temisvarski drum Str., Zrenjanin and the Company REAL-MARKET d.o.o. 293 Smederevski put Str., Belgrade;

19. Article 2 of the Contract on Purchase and Sale of Goods for the year 2009 registered under number 01/1885, concluded on 01st July 2009, between DIJAMANT a.d. for oil, fats and margarine production, 14 Temisvarski drum Str., Zrenjanin and the Company PERUTNINA PTUJ d.o.o., 01 Generala Nikodija Stefanovica Str. , Belgrade;

20. Supplement 1 to the Contract on the Basic Rebate Specification as a part of the General Contract on Purchase and Sale of Goods, registered under number 87491, concluded on 11th March 2009, between DIJAMANT a.d. for oil, fats and margarine production, 14 Temisvarski drum, Zrenjanin and the Company DELTA MAXI d.o.o. , 49 Takovska Str., Belgrade; and

21. Annex to the Contract on Purchase and Sale of Goods for the year 2009. registered under number 4633, concluded between DIJAMANT a.d. for oil, fats and margarine production, 14 Temisvarski drum Str., Zrenjanin and the Company UNIVEREXPORT d.o.o., 165 Sentandrejski put Str. Novi Sad;

are considered as legal acts that significantly restrict competition on the sale market of edible sunflower oil in non-specialized stores of mainly food commodities and other consumer goods on the territory of the Republic of Serbia;

II. Clauses in the contracts concluded between DIJAMANT a.d. and the companies listed in Item I. of the Enacting Terms of this Decision **ARE PROHIBITED** and, according to the Law itself, null and void.

III. The procedure against the companies IDEA d.o.o., 1 Knezopoljska Str., Belgrade and M-RODIC d.o.o., 50 Temerinski put, Novi Sad, **IS TO BE SUSPENDED.**

IV. IT IS ORDERED to the Company DIJAMANT a.d. for oil, fats and margarine production, 14 Temisvarski drum, Zrenjanin, not to contract any provisions containing a liability of the Buyer to apply a minimum, fixed and / or recommended price, nor in any way to encourage the Buyers to apply the price recommended, by a promise of reward, additional rebates or other benefits.

V. IT IS ORDERED to the Company DIJAMANT a.d., within fifteen (15) days from the day of receiving this Decision, to notify all its Buyers, in written form, that they are free to determine the price for DIJAMANT products by themselves for further sale.

VI. IT IS ORDERED to the company DIJAMANT a.d. to deliver to the Commission the evidence on executing the order from the Paragraph V of Enacting Terms of this Decision.

DEADLINE: Five (5) days from the date of executing this Decision.

VII. This Decision is to be published in "Official Gazette of the Republic of Serbia".