



Republic of Serbia
**COMMISSION FOR PROTECTION
OF COMPETITION**

Number: 5/0-02-07/2016-1

Date: January 19, 2016

Belgrade

Pursuant to Article 58(9) of the Law on Protection of Competition (Official Gazette of the Republic of Serbia 51/09 and 95/13), deciding on the Request for suspension of proceeding and the Proposal of commitments submitted on the part of Joint-stock company “Železnice Srbije” from Belgrade, with registered seat at the address 6 Nemanjina Street, Belgrade-Savski venac, whose legal representative is Miroslav Stojčić, General Manager, Council of the Commission for Protection of Competition on the 55th session held on January 19, 2016 enacts the following

C O N C L U S I O N

I PROCEEDING IS SUSPENDED instituted on grounds of *ex officio* investigation of competition infringement against Joint-stock company “Železnice Srbije” from Belgrade, with registered seat at the address 6 Nemanjina Street, Belgrade-Savski venac.

II The Proposal of commitments **IS ACCEPTED** submitted on the part of Joint-stock company “Železnice Srbije” from Belgrade, with registered seat at the address 6 Nemanjina Street, Belgrade-Savski venac, whereby Joint-stock company for Public Railway Infrastructure Management “Infrastruktura Železnice Srbije“, with registered seat at the address 6 Nemanjina Street, Belgrade, pursuant to the Statement of December 4, 2015 entered under company’s number 1/2015-2450, is voluntarily willing to undertake such commitments in order to eliminate possible competition infringements.

III COMMITMENTS and DEADLINES FOR EXECUTION THEREOF ARE ESTABLISHED with respect to Joint-stock company for Public Railway Infrastructure Management “Infrastruktura Železnice Srbije“, with registered seat at the address 6 Nemanjina Street, Belgrade, in accordance with the Statement of December 4, 2015 entered under company’s number 1/2015-2450, in the following manner:

- 1) that within 3 business days from the date of adopting the 2016 Budget Law, prepare the 2016 Operating program proposal;
- 2) that within 3 business days from the date of adopting the 2016 Operating program proposal, submit the said to the line Ministry for obtaining approval of the Government of the Republic of Serbia;

- 3) that within 3 business days from the date of submitting the 2016 Operating program proposal to the line Ministry for obtaining approval of the Government of the Republic of Serbia, in writing inform the Commission for Protection of Competition on the matter;
- 4) that within 3 business days from the date of obtaining approval of the Government of the Republic of Serbia to the 2016 Operating program proposal, in writing inform the Commission for Protection of Competition on the matter;
- 5) that within 30 days from the date of obtaining approval of the Government of the Republic of Serbia to the 2016 Operating program proposal, prepare the Program of rail infrastructure maintenance, organization and regulation of rail traffic, and building and reconstruction of rail infrastructure;
- 6) that within 3 business days from the date of adopting the Program of rail infrastructure maintenance, organization and regulation of rail traffic, and building and reconstruction of rail infrastructure, submit the said to the line Ministry for obtaining approval of the Government of the Republic of Serbia;
- 7) that within 3 business days from the date of adopting the Program of rail infrastructure maintenance, organization and regulation of rail traffic, and building and reconstruction of rail infrastructure, in writing inform the Commission for Protection of Competition on the matter;
- 8) that within 3 business days from the date of submitting the Program of rail infrastructure maintenance, organization and regulation of rail traffic, and building and reconstruction of rail infrastructure to the line Ministry for obtaining approval of the Government of the Republic of Serbia, in writing inform the Commission for Protection of Competition on the matter;
- 9) that within 3 business days from the date of obtaining approval of the Government of the Republic of Serbia to the Program of rail infrastructure maintenance, organization and regulation of rail traffic, and building and reconstruction of rail infrastructure, in writing inform the Commission for Protection of Competition on the matter;
- 10) that within 3 business days from the date of concluding the Contract regulating mutual rights and obligations related to financing rail infrastructure management expenses in part representing the difference between actual rail infrastructure management expenses and generated revenues from the charges for rail infrastructure use and service costs, with the Government of the Republic of Serbia as other contracting party, in writing inform the Commission for Protection of Competition on the matter;
- 11) that within 15 days from the date of concluding the Contract regulating mutual rights and obligations related to financing rail infrastructure management expenses in part representing the difference between actual rail infrastructure management expenses and generated revenues from the charges for rail infrastructure use and service costs, with the Government of the Republic of Serbia as other contracting party, enact the Decision on determining the

amount of charges for rail infrastructure use;

- 12) that within 3 business days from the date of enacting the Decision on determining the amount of charges for rail infrastructure use, in writing inform the Commission for Protection of Competition on the matter;
- 13) that within 3 business days from the date of enacting the Decision on determining the amount of charges for rail infrastructure use, submit the said to the line Ministry for obtaining approval of the Government of the Republic of Serbia;
- 14) that within 3 business days from the date of submitting the Decision on determining the amount of charges for rail infrastructure use to the line Ministry for obtaining approval of the Government of the Republic of Serbia, in writing inform the Commission for Protection of Competition on the matter;
- 15) that within 3 business days from the date of obtaining approval of the Government of the Republic of Serbia to the Decision on determining the amount of charges for rail infrastructure use, in writing inform the Commission for Protection of Competition on the matter;
- 16) that within 15 days from the date of enacting the Act on elements of a contract for rail infrastructure use by the line Ministry, pursuant to Article 17 of the Law on Railway, adopt the Model Contract for railway infrastructure use;
- 17) that within 3 business days from the date of adopting the Model Contract for railway infrastructure use, in writing inform the Commission for Protection of Competition on the matter;
- 18) to prepare the Draft timetable regulating international and national traffic no later than eleven and six months, respectively, prior to commencing with the implementation of the new timetable;
- 19) that within 3 business days from the date of preparing the Draft timetable, in writing inform the Commission for Protection of Competition on the matter;
- 20) that within 15 days from the date of concluding the Contract regulating mutual rights and obligations related to financing rail infrastructure management expenses in part representing the difference between actual rail infrastructure management expenses and generated revenues from the charges for rail infrastructure use and service costs, with the Government of the Republic of Serbia as other contracting party, enact the Methodology for evaluation of criteria for allocation of rail route;
- 21) that within 3 business days from the date of enacting the Methodology for evaluation of criteria for allocation of rail route, in writing inform the Commission for Protection of Competition on the matter;
- 22) that within 3 business days from the date of enacting the Methodology for evaluation of

criteria for allocation of rail route, submit the said to the line Ministry for obtaining approval of the Government of the Republic of Serbia;

- 23) that within 3 business days from the date of submitting the Methodology for evaluation of criteria for allocation of rail route to the line Ministry for obtaining approval of the Government of the Republic of Serbia, in writing inform the Commission for Protection of Competition on the matter;
- 24) that within 3 business days from the date of obtaining approval of the Government of the Republic of Serbia to the Methodology for evaluation of criteria for allocation of rail route, in writing inform the Commission for Protection of Competition on the matter;
- 25) that subsequent to:
 - a) ratification of the Contract regulating mutual rights and obligations related to financing rail infrastructure management expenses in part representing the difference between actual rail infrastructure management expenses and generated revenues from the charges for rail infrastructure use and service costs, with the Government of the Republic of Serbia as other contracting party,
 - b) obtaining the approval of the Government of the Republic of Serbia to the Methodology for evaluation of criteria for allocation of rail route,
 - c) obtaining the approval of the Government of the Republic of Serbia to the Decision on determining the amount of charges for rail infrastructure use, and
 - d) adopting the Model Contract for railway infrastructure use,within 15 days from the date of fulfilment of all itemized conditions, enact the Network statement.
- 26) that within 3 business days from the date of enacting the Network statement, in writing inform the Commission for Protection of Competition on the matter;
- 27) that within 3 business days from the date of enacting the Network statement, submit the said to the line Ministry for obtaining approval of the Government of the Republic of Serbia;
- 28) that within 3 business days from the date of submitting the Network statement to the line Ministry for obtaining approval of the Government of the Republic of Serbia, in writing inform the Commission for Protection of Competition on the matter;
- 29) that within 3 business days from the date of obtaining approval of the Government of the Republic of Serbia to the Network statement, in writing inform the Commission for Protection of Competition on the matter;
- 30) that within 3 business days from the date of obtaining approval of the Government of the Republic of Serbia to the Network statement, publish the said document;
- 31) that within 3 business days from the date of publishing the Network statement, in writing inform the Commission for Protection of Competition on the matter;
- 32) that subsequent to publishing the Network statement, approach the sales of routes to carriers that fulfil statutory requirements regulating access to public rail infrastructure;

33) to enact the Timetable pursuant to the Rules on timetable capacity allocation;

34) that within 3 business days from the date of enacting the Timetable, in writing inform the Commission for Protection of Competition on the matter.

IV IT IS ORDERED to the undertaking from Paragraph III of enacting terms herein, that by December 31, 2018 regularly submit to the Commission for Protection of Competition periodic reports on the fulfillment of commitments, in the following manner: report covering the period from January-June of the current year be submitted by July 15, and report covering the period from July-December of the previous year be submitted by January 15, whereby the first report shall be submitted by August 1, 2016.

V This conclusion shall be published on the website of the Commission for Protection of Competition.