

## Republic of Serbia

### COMMISSION FOR PROTECTION OF COMPETITION

Number: 4/0-02-34/2015-74

Date: November 10, 2015

Belgrade

Pursuant to Article 22(2), Article 57(1), and Article 68(1/2) of the Law on Protection of Competition (“Official Gazette of the Republic of Serbia, no. 51/09 and 95/2013), Article 192 of the Law on General Administrative Procedure (“Official Gazette of the Federal Republic of Yugoslavia, no. 33/97 and 31/01, and “Official Gazette of the Republic of Serbia”, no. 30/2010), Article 3 and 4 of the Regulation on criteria for setting the amount payable on the basis of measure for protection of competition and sanctions for procedural breaches, manner and terms for payment thereof and conditions for determination of respective measures (“Official Gazette of the Republic of Serbia, no. 50/2010), and Article 167(1) of the Law on Public Procurement (“Official Gazette of the Republic of Serbia”, no. 124/2012; 14/2015 and 68/2015), deciding in the competition infringement procedure instituted ex officio against: Amm Immovables d.o.o. Beograd (Zemun) company with registered head-office at 68b, Palmira Toljatija Street, Zemun, against the power of attorney by Sonja Avlijaš, General Manager, via the power of attorney by (...) <sup>1</sup> lawyer, Beteco Company for production, trade and services d.o.o. with registered head-office at 68b, Palmira Toljatija Street, Zemun, against the power of attorney by Branislav Avlijaš, General Manager, via the power of attorney by (...) lawyer, Sagoja d.o.o. Company for production, trade and services Beograd (Zemun) company with registered head-office at 2a, Branka Pešića Street, Zemun, against the power of attorney by Radomir Mitrić, General Manager, Advena line d.o.o. company with registered head-office at 9, Grampijeva Street, Belgrade-New Belgrade, against the power of attorney by Jelena Grubač, General Manager, for investigating competition infringement pursuant to Article 10(1 and 2/1) of the Law on Protection of Competition, the Council of the Commission for Protection of Competition on its 46<sup>th</sup> Session held on November 10, 2015, enacts the following

### DECISION

**1. IS DETERMINED** that companies Amm Immovables d.o.o. Beograd (Zemun) company, 68b, Palmira Toljatija Street, Zemun, Beteco Company for production, trade and services d.o.o., 68b, Palmira Toljatija Street, Zemun, Sagoja d.o.o. Company for production, trade and services Beograd (Zemun) company, 2a, Branka Pešića Street, Zemun, and Advena line d.o.o. company, 9, Grampijeva Street, Belgrade-New Belgrade, have concluded a restrictive contract arranging afore individual participation in the public procurement procedure whose subject is procurement

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<sup>1</sup> The act contains protected data. Protected data are marked using symbol (...) or in range the Commission finds to be an appropriate manner of protection.

of goods – uniforms, shoes and other equipment necessary for completion of an individual set of parties to the multinational operations, formed by lots and marked as JH no. 36/13, the contracting authority being the Republic of Serbia, Ministry of Defense, Department for material resources, Administration for supplies, Directorate for procurement and sale, whereby, directly or indirectly, has determined prices and other commercial conditions contained in every individual offer, thus significantly limiting and distorting competition and executing competition infringement pursuant to Article 10(2/1) of the Law on Protection of Competition.

**2. MEASURE FOR PROTECTION OF COMPETITION IS ESTABLISHED** in the form of commitment payment of monetary sum, against the undertakings from Paragraph 1 of enacting terms of this decision, and in following manner:

- Amm Immovables d.o.o. Beograd (Zemun) company, 68b, Palmira Toljatija Street, Zemun, in the amount of 5.1% of total annual revenue generated in 2012, i.e. RSD15,634,152.00.

- Beteco Company for production, trade and services d.o.o., 68b, Palmira Toljatija Street, Zemun, in the amount of 5.85% of total annual revenue generated in 2012, i.e. RSD11,194,970.00.

- Sagoja d.o.o. Company for production, trade and services Beograd (Zemun) company, 2a, Branka Pešića Street, Zemun, in the amount of 5.1% of total annual revenue generated in 2012, i.e. RSD7,003,473.00.

**3. IS ORDERED** to companies from Paragraph 1 of enacting terms of this decision to established the payment as measure for protection of competition individually determined in Paragraph 2 of enacting terms of this decision into the account of the budget of the Republic of Serbia no. 840 743224 843 94, model 97 - reference number: two-digit control number per model 97 – three-digit number of municipality, city or area – number of this decision.

**4. DEADLINE IS SET** to three (3) months from the date of receipt of the decision for the execution of order from Paragraph 3 of enacting terms of this decision, under the threat of enforcement measure.

**5. IS PROHIBITED** to business entities from Paragraph 1 of enacting terms of this decision any further acting that might prevent, limit or distort competition, by explicit or acquiescent contracting, as well as exchanging classified information.

**6. MEASURE PROHIBITING PARTICIPATION IN PUBLIC PROCUREMENT PROCEDURE AS A BIDEER IS IMPOSED** to companies Amm Immovables d.o.o. Beograd (Zemun) company, 68b, Palmira Toljatija Street, Zemun, Beteco Company for production, trade and services d.o.o., 68b, Palmira Toljatija Street, Zemun, and Sagoja d.o.o. Company for production, trade and services Beograd (Zemun) company, 2a, Branka Pešića Street, Zemun, in duration of 18 months from the date of validity of the decision.

**7.** This decision shall be published in the „Official Gazette of the Republic Serbia“ and on the Interet page of the Commission for Protection of Competition.