

**Republic of Serbia**

**COMMISSION FOR PROTECTION OF COMPETITION**

Number: 4/0-02-276/2015-22

Reference: 4/0-02-645/2014-1

Date: September 18, 2015

Belgrade

Pursuant to Article 22(2), Article 57(1), 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), deciding in the competition infringement procedure pursuant to Article 10 of the Law on Protection of Competition, and instituted procedure ex officio against companies: „D&D Travel“ d.o.o. Niš, „DJD prevoz“ d.o.o. Niš, and „Jeremić prevoz“ d.o.o. Niš, all registered at the same address: 71a, Jastrebačkih partizana Street, Colony “9. maj“, Niš, the Council of the Commission for Protection of Competition on its 39<sup>th</sup> Session held on September 18, 2015, enacts the following

**DECISION**

**I IS DETERMINED** that companies D&D Travel“ d.o.o. Niš, „DJD prevoz“ d.o.o. Niš, and „Jeremić prevoz“ d.o.o. Niš, all registered at the same address: 71a, Jastrebačkih partizana Street, Colony “9. maj“, Niš, have concluded a restrictive contract arranging afore individual participation in public procurement procedure no. 46/2014 – Organized transport service of employees on behalf of the Clinical center Niš for 2014, whereby have determined prices and other commercial conditions contained in every individual offer, thus executing competition infringement pursuant to Article 10(2/1) of the Law on Protection of Competition (“Official Gazette of the Republic of Serbia, no. 51/09 and 95/2013).

**II 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.

**III MEASURE FOR PROTECTION OF COMPETITION IS ESTABLISHED** to companies D&D Travel“ d.o.o. Niš, „DJD prevoz“ d.o.o. Niš, and „Jeremić prevoz“ d.o.o. Niš, all registered at the same address: 71a, Jastrebačkih partizana Street, Colony “9. maj“, Niš, in the

form of commitment payment of monetary sum in the amount of 1.6% of total annual revenue generated in 2013, and in following manner: D&D Travel“ d.o.o. Niš company, RSD174,784.00, „DJD prevoz“ d.o.o. Niš company, RSD199,600.00, and „Jeremić prevoz” d.o.o. Niš company, RSD541,312.00.

**IV IS ORDERED** to companies D&D Travel“ d.o.o. Niš, „DJD prevoz“ d.o.o. Niš, and „Jeremić prevoz” d.o.o. Niš, all registered at the same address: 71a, Jastrebačkih partizana Street, Colony “9. maj“, Niš, to established the payment as measure for protection of competition as individually determined in Paragraph III 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.

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

**VI IS ORDERED** to companies D&D Travel“ d.o.o. Niš, „DJD prevoz“ d.o.o. Niš, and „Jeremić prevoz” d.o.o. Niš, all registered at the same address: 71a, Jastrebačkih partizana Street, Colony “9. maj“, Niš, to immediately following the establishment of payment determined in Paragraph IV of enacting terms of this decision, submit to the Commission for Protection of Competition the proof of established payment.

**VII** 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.

**VIII** The Commission shall enact separate conclusion on the proceeding’s related costs.