

**Republic of Serbia**

**COMMISSION FOR PROTECTION OF COMPETITION**

Number: 4/0-02-64/12-69

Reference: 4/0-02-14/2011

Date: September 20, 2012

Belgrade

Pursuant to Article 22(2), Article 57, 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 2 and 3 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), acting on enforcement of ruling of the Administrative Court no. 6 Y 6990/12 from August 21, 2012, and deciding on renewed proceedings of competition infringement – prohibited restrictive agreement pursuant to Article 10 of the Law on Protection of Competition instituted ex officio against the Idea d.o.o. company for domestic and international trade, with registered head-office at 11a, Autoput za Zagreb, Belgrade, against power of attorney by Aleksandar Seratlić, General Manager, via power of attorney by Rastko Petaković, lawyer, and other lawyers from Karanović&Nikolić Law Office, with registered head-office at 23, Resavska Street, Belgrade, and the Grand Prom d.o.o. company for production, trade and services, with registered head-office at 6A, Surčinska Street, Belgrade, against power of attorney by Andrej Bele, General Manager, via power of attorney by Milan Vuković, lawyer, with registered head-office at 23/10, Brankova Street, Belgrade, the Council of the Commission for Protection of Competition on its 105<sup>th</sup> Session held on September 20, 2012, enacts the following

**DECISION**

**1. IS DETERMINED** that Grand Prom d.o.o. company for production, trade and services, with registered head-office at 6A, Surčinska Street, Belgrade, refe.no. 17173006, as seller, and Idea d.o.o. company for domestic and international trade, with registered head-office at 11a, Autoput za Zagreb, Belgrade, refe.no. 06423566, as buyer, have concluded prohibited restrictive agreement by prescribing in a provision of the Annex I – Basic commercial terms and charges of the Contract on buying and selling no. 0058/2009, dated March 5, 2009, in section titled “Rebate”, stipulating commitment of the seller to grant the buyer 2% rebate for complying against recommended seller’s prices within the main rebate of 10% on invoice, for production

program products of the “Grand”, “Argeta” and “Štark”, thus significantly distorting competition on retail trade in non-specialized predominantly food merchandise and other consumer goods’ stores, such as self-service shops, outlet stores, supermarket and hypermarket stores (activity 52110 – Retail sale in non-specialized stores with predominantly food, tobacco and beverages) of the “Grand”, “Argeta” and “Štark” production program products on the territory of the Republic of Serbia.

**2. IS DETERMINED** that prohibited restrictive agreement from Paragraph I of enacting terms of this decision is void.

**3. IS PROHIBITED** to companies from Paragraph 1 of enacting terms of this decision any further acting in manner as described in Paragraph 1 of enacting terms of this decision, or acting in any other manner that have the same or similar objective or effect.

**4. Measure for protection of competition IS NOT ENFORCED** against the Idea d.o.o. company for domestic and international trade, with registered head-office at 11a, Autoput za Zagreb, Belgrade, relating to executed competition infringement act from Paragraph I of enacting terms of this decision.

**5. MEASURE FOR PROTECTION OF COMPETITION IS ESTABLISHED** against the Grand Prom d.o.o. company for production, trade and services, with registered head-office at 6A, Surčinska Street, Belgrade, in the form of commitment payment of monetary sum of 0.9% of total annual revenue generated in 2008, which amounts to RSD 112,439,961.00.

**6. IS ORDERED** to the Grand Prom d.o.o. company for production, trade and services, with registered head-office at 6A, Surčinska Street, Belgrade, to establish the payment as measure for protection of competition determined in Paragraph 5 of enacting terms of this decision in the amount of RSD 112,439,961.00 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.

Deadline is set to **(3) three months** from the date of receipt of the decision.

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