



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) of the Law on Protection of Competition (“Official Gazette of the RS”, no. 51/09 and 95/13), Article 192(2) of the Law on General Administrative Procedure (“Official Gazette of the FRY”, no. 33/97 and 31/01, and “Official Gazette of the RS”, 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 RS”, no. 50/2010), and Article 167(1) of the Law on Public Procurement (“Official Gazette of the RS”, no. 124/2012; 14/2015 and 68/2015), deciding in the procedure instituted *ex officio* against companies: Amm Immovables Ltd. Belgrade (Zemun), with registered seat at the address 68b Palmira Toljatija Street, Zemun, represented by Sonja Avlijaš, General Manager, via plenipotentiary attorney (...) <sup>1</sup>, Beteco Company for production, trade and services Ltd. Belgrade (Zemun), with registered seat at the address 68b Palmira Toljatija Street, Zemun, represented by Branislav Avlijaš, General Manager, via plenipotentiary attorney (...), Sagoja Ltd. Company for production, trade and services Belgrade (Zemun), with registered seat at the address 2a Branka Pešića Street, Zemun, represented by Radomir Mitrić, General Manager, and Advena line Ltd. Belgrade-New Belgrade, with registered seat at the address 9 Gramšijeva Street, Belgrade-New Belgrade, represented 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. IT IS DETERMINED** that companies Amm Immovables Ltd. Belgrade (Zemun), with

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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.

registered seat at the address 68b II 4 Palmira Toljatija Street, Zemun, Beteco Company for production, trade and services Ltd., Belgrade (Zemun), with registered seat at the address 68b Palmira Toljatija Street, Zemun, Sagoja Ltd. Company for production, trade and services Belgrade (Zemun), with registered seat at the address 2a Branka Pešića Street, Zemun, and Advena line Ltd. Belgrade-New Belgrade, with registered seat at the address 9 Gramšijeva Street, Belgrade-New Belgrade, have concluded a restrictive contract arranging predetermined individual participation in the public procurement procedure whose subject is procurement of goods – uniforms, shoes and other equipment necessary for completion of individual sets for participatory parties in the multinational operations, formed by lots and marked as JN no. 36/13, contracting authority: Republic of Serbia, Ministry of Defense, Department for material resources, Administration for supplies, Directorate for procurement and sale, whereby they have, directly or indirectly, determined prices and other commercial conditions contained in every individual offer, thus significantly executed acts related to limiting and distorting competition, and performing 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 a monetary sum, against undertakings from Paragraph 1 of enacting terms of this Decision, and in the following manner:

- Amm Immovables Ltd. Belgrade (Zemun), with registered seat at the address 68b Palmira Toljatija Street, Zemun, in the amount of 5.1% of the total annual revenue generated in 2012, i.e. RSD 15,634,152.00 (in words: fifteen million, six hundred thirty-four thousand, one hundred fifty-two Dinars);

- Beteco Company for production, trade and services Ltd., with registered seat at the address 68b Palmira Toljatija Street, Zemun, in the amount of 5.85% of the total annual revenue generated in 2012, i.e. RSD 11,194,970.00 (in words: eleven million, one hundred ninety-four thousand, nine hundred seventy Dinars);

- Sagoja Ltd. Company for production, trade and services Belgrade (Zemun), with registered seat at the address 2a Branka Pešića Street, Zemun, in the amount of 5.1% of the total annual revenue generated in 2012, i.e. RSD 7,003,473.00 (in words: seven million, three thousand, four hundred seventy-three Dinars).

**3. IT IS ORDERED** to companies from Paragraph 1 of enacting terms of this Decision to established the payment as a measure for protection of competition, individually determined in the 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 this Decision for the execution of order from Paragraph 3 of enacting terms of this Decision, under the threat of enforcement measure.

**5. IT 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 tactic contracting, as well as by exchanging classified information.

**6. MEASURE PROHIBITING PARTICIPATION IN PUBLIC PROCUREMENT PROCEDURES AS BIDEERS IS IMPOSED** against companies: Amm Immovables Ltd. Belgrade (Zemun), with registered seat at the address 68b Palmira Toljatija Street, Zemun, Beteco Company for production, trade and services Ltd. Belgrade (Zemun)., with registered seat at the address 68b Palmira Toljatija Street, Zemun, and Sagoja Ltd. Company for production, trade and services Belgrade (Zemun), with registered seat at the address 2a Branka Pešića Street, Zemun, in the duration of 18 (in words: eighteen) months from the date of validity of this 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.