



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

Number: 4/0-03-859/2017-10

Date: March 3, 2017

Belgrade

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Pursuant to Article 22(2) of the Law on Protection of Competition (“Official Gazette of the RS”, nos. 51/09 and 95/13), Article 192 of the Law on General Administrative Procedure (“Official Gazette of the FRY”, nos. 33/97, 31/01 and “Official Gazette of the RS”, no. 30/2010), and Article 2(1/2) of the Tariff on the level of compensation for activities within the competence of the Commission for Protection of Competition (“Official Gazette of the RS”, no. 49/2011), deciding under the request for extension of the period of individual exemption of restrictive agreement from prohibition submitted by Merck Sharp & Dohme LLC, with registered seat at the address Waarderweg 39, NL 2031 BN Haarlem, Kingdom of the Netherlands, company registration number 34028467, and Phoenix Pharma LLC, Belgrade, with registered seat at the address 2 Bore Stankovića Street, company registration number 07517807, whose legal representative is Ružica Koren, General Manager, via plenipotentiary attorney Dragan Psodorov from the Law office Joksović, Stojanović i partneri, 38 Internacionalnih brigada Street, Belgrade, on its 99th Session of III Convocation held on March 3, 2017, Council of the Commission for Protection of Competition enacts the following

DECISION

I EXTENSION of the duration period of individual exemption of restrictive agreement from prohibition **IS APPROVED – Contract on Distribution**, concluded on February 14, 2014, between companies „Merck Sharp & Dohme LLC“ with registered seat at the address Waarderweg 39, NL 2031 BN Haarlem, Kingdom of the Netherlands, and „Phoenix Pharma LLC“, Belgrade, with registered seat at the address 2 Bore Stankovića Street, **conditioned** that signatory parties, **during the extended period of exemption of agreement from prohibition**, on semiannual basis (reporting period) initiating from the day of enactment of this Decision and no later than 15 (fifteen) days from the expiry of each reporting period, **submit** to the Commission for Protection of Competition a **written report** on the implementation of contract on exclusive distribution that must contain the following data:

- on concluded contracts on distribution of products as listed in Annex A of the Contract, between Phoenix Pharma and other wholesale pharmaceutical distributors;
- on participation in the public procurement procedures concerning pharmaceuticals from the Contract on exclusive distribution of Phoenix Pharma LLC Belgrade, with registered seat at the address 2 Bore Stankovića Street, company registration number 07517807, and other wholesale pharmaceutical distributors;
- list of requests for granting authorization for participation in public procurement procedures concerning products listed in Annex A of the Contract, issued by Merck Sharp & Dohme LLC with registered seat at the address Waarderweg 39, NL 2031 BN Haarlem, Kingdom of the Netherlands, company registration number 34028467, with rationales for each case when requests for authorization are not approved, and
- information in the case that Merck Sharp & Dohme LLC, Belgrade, becomes an authorized wholesale trader, immediately upon receiving appropriate licenses.

II PERIOD IS DETERMINED regulating the extension of individual exemption of restrictive agreement from prohibition from Paragraph I of enacting terms hereof, ending on February 14, 2018.

III Commitment IS ESTABLISHED and IS ORDERED to the applicants of request that as the compensation fee for issuing this Decision, execute the payment set in the amount of the RSD equivalent of EUR 1,200.00 calculated at the National Bank of Serbia's middle exchange rate on the day of payment, to the account of the Commission for Protection of Competition number 40-0000000880668-16 maintained with the Treasury Administration, reference number 4/0-03-56/2017, no later than seven days from the day of receiving this Decision.