



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

Number: 4/0-03-62/2016-8

Reference: 4/0-03-945/2015

Date: March 15, 2016

Belgrade

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), Decision of the Council of the Commission for Protection of Competition on the election of an individual exercising powers of the Council’s Chairperson, no. 1/0-07-259/2016-1 of March 15, 2016, 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 individual exemption of restrictive agreement from prohibition submitted by companies Novo Nordisk Pharma LLC, Belgrade, with registered seat at the address 9b Milutina Milankovića Street, and Phoenix Pharma LLC, Belgrade, with registered seat at the address 2 Bore Stankovića Street, jointly represented by plenipotentiary attorney Siniša Brašanac from Belgrade, 80 Njegoševa Street, 11000 Belgrade, on the 61st Session held on March 15, 2016, Council of the Commission for Protection of Competition enacts the following

DECISION¹

I Exclusive Distribution Agreement concerning products Novorapid 100 IU, 10ml (insulin delivery device), Novorapid Flexpen 5 x 3ml, NovoMix Flexpen 100 IU/ml, 5 x 5ml, Levemir Flexpen 5 x 3ml, GlucaGen Novo HypoKit 1 x 1mg, NovoFine 30g x 8mm and NovoFine 31g x 6mm **IS EXEMPT FROM PROHIBITION**, contained in Article 16 of the Commercial Contract concluded on November 1, 2015, between companies Novo Nordisk Pharma LLC, Belgrade, with registered seat at the address 9b Milutina Milankovića Street, and Phoenix Pharma LLC, Belgrade, with registered seat at the address 2 Bore Stankovića Street, entered under number 7439 of November 23, 2015, in the case registry of Phoenix Pharma LLC.

¹ The act contains protected data. Protected data are marked with symbol [...] or in the range that the Commission finds to be an appropriate manner of protection. The act is prepared for publication in accordance with the “Decision on the manner of publication of acts and replacing or omitting (anonymization) data in the acts of the Commission for Protection of Competition” of May 7, 2013 enacted during the 144th Session of the Commission’s Council.

II PERIOD IS DETERMINED regulating individual exemption from prohibition of restrictive agreement from Paragraph I of enacting terms of this Decision, in the duration of 2 (two) years initiating from the day of enacting this Decision.

III Request applicants **ARE ORDERED** to submit a copy of the Annex to contract from Article 16 of the Commercial Contract to the Commission for Protection of Competition, no later than 3 (three) days from the day of signing the said document.

IV Commitment **IS ESTABLISHED** and **IS ORDERED** to the applicant of the Request, that as the compensation fee for issuing this Decision, execute the payment set in the amount of 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 4/0-03-62/2016, no later than seven days from the day of receiving this Decision.