



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

Number: 4/0-02-76/2017-21

Date: December 8, 2017

Belgrade

Pursuant to Article 22(2), Article 57(1), and Article 68(1/2) of the Law on Protection of Competition (Official Gazette of the RS 51/09 and 95/13), Article 192 of the Law on General Administrative Procedure (Official Gazette of the FRY 33/97 and 31/01, and Official Gazette of the RS 30/2010) in reference to Article 213(1) of the Law on General Administrative Procedure (Official Gazette of the RS 18/2016), and 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 50/2010), deciding in the proceeding instituted *ex officio* against Preduzeće za remont šinskih vozila „MIP-RŠV“ DOO, with registered seat in Čuprija at the address 8-10 Železnička St., whose legal representative is Slavica Kojić and authorized representative is Miodrag Antić, attorney at law from Čuprija, 8 Kneza Miloša St., Preduzeće za proizvodnju, trgovinu i usluge „Inter-mehanika“ DOO, with registered seat in Skorenovac at the address 53 Bratstva Jedinstva St., whose legal representative is Vladimir Đurđević and authorized representatives are Branislav Popovac and others, attorneys at law from Belgrade, 16/3 Katanićeva St., company „Tatravagonka bratstvo“ DOO, with registered seat in Subotica at the address 2 Bikovački put St., whose legal representatives are Miroslav Štepan, Vladimir Sedlak и Milan Krišak and authorized representatives are Dragomir and Nenad Vuletić, attorneys at law from Subotica, 17 Vase Stajića St., and Društvo s ograničenom odgovornošću za remont i proizvodnju šinskih vozila, mašinogradnju i metaloprerađivačku delatnost „Šinovoz“, with registered seat in Zrenjanin at the address bb Beogradska St., whose legal representative is Radomir Miljuš, on the objective of investigating infringement of competition from Article 10 of the Law on Protection of Competition, on the 131st session held on December 8, 2017, Council of the Commission for Protection of Competition enacts the following

DECISION

I IT IS ESTABLISHED that Preduzeće za remont šinskih vozila „MIP-RŠV“ DOO, with registered seat in Čuprija at the address 8-10 Železnička St., Preduzeće za proizvodnju, trgovinu i usluge „Inter-mehanika“ DOO, with registered seat in Skorenovac at the address 53 Bratstva Jedinstva St., company „Tatravagonka bratstvo“ DOO, with registered seat in Subotica at the address 2 Bikovački put St., and Društvo s ograničenom odgovornošću za remont i proizvodnju šinskih vozila, mašinogradnju i metaloprerađivačku delatnost „Šinovoz“, with registered seat in Zrenjanin at the address bb Beogradska St., have agreed participation by direct price fixing for each individual bid per lots in the public procurement procedure no. 3000/1539/2015 (101971/2015) – Arbel type freight cars maintenance, published by the ordering party TENT, wherewith have

concluded restrictive agreement within the meaning of Article 10, paragraph 1 and 2, item 1) of the Law on Protection of Competition, by which have considerably restricted and distorted competition.

II IT IS ESTABLISHED that the restrictive agreement from Article I of enacting terms herein is void *ex lege*.

III MEASURE FOR PROTECTION OF COMPETITION IS SET individually for each undertaking from Article I of enacting terms herein in the form of payment commitment in the amount of 2% of the total annual revenue generated in 2015 on the market of the Republic of Serbia, and specifically for:

- Preduzeće za remont šinskih vozila „MIP-RŠV“ DOO, with registered seat in Čuprija at the address 8-10 Železnička St., in the amount of RSD 2,320,480.00 (in words: two million, three hundred twenty thousand, four hundred eighty dinars);

- Preduzeće za proizvodnju, trgovinu i usluge „Inter-mehanika“ DOO, with registered seat in Skorenovac at the address 53 Bratstva Jedinstva St., in the amount of RSD 1,475,000.00 (in words: one million, four hundred seventy-five thousand dinars);

- company „Tatravagonka bratstvo“ DOO, with registered seat in Subotica at the address 2 Bikovački put St., in the amount of RSD 2,138,900.00 (in words: two million, one hundred thirty-eight thousand, nine hundred dinars);

- Društvo s ograničenom odgovornošću za remont i proizvodnju šinskih vozila, mašinogradnju i metaloprerađivačku delatnost „Šinovoz“, with registered seat in Zrenjanin at the address bb Beogradska St., in the amount of 4,975,020.00 (in words: four million, nine hundred seventy-five thousand, twenty dinars).

IV IT IS ORDERED to undertakings from Article I of enacting terms herein to execute individually set payment commitments on the basis of the measure for protection of competition from Article III of enacting terms herein to the Budget account of the Republic of Serbia, number 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 for undertakings from Article I of enacting terms herein to three (3) months from the date of receipt of this decision for the execution of order from Article IV of enacting terms herein, under the threat of enforcement measures implemented on the part of tax administration in accordance with regulations governing tax collection.

VI IT IS ORDERED to undertakings from Article I of enacting terms herein that within five (5) days following the execution of order from Article IV of enacting terms herein submit to the Commission for Protection of Competition a proof of executed payment.

VII IT IS PROHIBITED to undertakings from Article I of enacting terms herein any further acting that might restrict, distort or prevent competition by express or tacit collusion on the participation conditions, and particularly by direct price fixing in public procurement procedures.

VIII This decision shall be published in the Official Gazette of the Republic Serbia and on the web page of the Commission for Protection of Competition.