



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

25/IV Savska St., Belgrade  
Number: 4/0-02-530/2018-1  
Date: July 16, 2018

Pursuant to Article 35(2) of the Law on Protection of Competition (Official Gazette of the RS, 51/2009 and 95/2013), President of the Commission for Protection of Competition enacts the following

**CONCLUSION**

**I PROCEEDINGS IS INSTITUTED** *ex officio* for investigation of infringement of competition against the following undertakings:

- **YUGLOB DOO PRIVATNO PREDUZEĆE ZA SPOLJNU TRGOVINU, TRGOVINU, ZASTUPANJE, POSREDOVANJE, KONSALTING I INŽENJERING I USLUGE, BORČA**, company number 07488971, with registered seat in Belgrade-Palilula, bb Zrenjaninski put St., whose representative is Predrag Stevanić,
- **PREDUZEĆE ZA PROIZVODNJU, PROMET I USLUGE KEPROM DOO, BEOGRAD (ZEMUN)**, company number 06746284, with registered seat in Belgrade-Zemun, 18 Glavna St., office no. 41, whose representative is Boban Kežić,
- **PREDUZEĆE ZA TRGOVINU I USLUGE AKSA DOO BEOGRAD**, company number 17561278, with registered seat in Belgrade, 3 Nova Mokroluška St., whose representative is Jelena Đurđevac Radojević,
- **"K-PHARMA" HEALTH INSTITUTION – PHARMACY**, company number 17807307, with registered seat in Belgrade, 181 Mihajla Pupina Blvd., whose representative is Marija Đurović,

in order to establish the existence of restrictive agreements, within the meaning of Article 10 of the Law on Protection of Competition.

**II** All persons in possession of data, documents or other relevant information which could contribute to the accurate fact-finding in the proceedings are called upon to submit said to the Commission for Protection of Competition to the address 25/IV Savska St., Belgrade.

**III** This conclusion shall be published in the Official Gazette of the Republic of Serbia and on the website of the Commission for Protection of Competition.

## *Rationale*

Pursuant to the Conclusion enacted by the President of the Commission for Protection of Competition no. 4/0-02-368/2018-1 of April 24, 2018, the Commission has instituted proceedings *ex officio* against undertakings “Yuglob doo privatno preduzeće za spoljnu trgovinu, trgovinu, zastupanje, posredovanje, konsalting i inženjering i usluge, Borča” (hereinafter referred to as Yuglob) and “„Samostalna trgovinsko komisiona radnja-Bebi butik Roda Avramović Rade preduzetnik Beograd (Zvezdara)“. Pursuant to the Conclusion enacted by the President of the Commission for Protection of Competition no. 4/0-02-368/2018-5 of April 24, 2018, an order to conduct dawn raid on the premises of company Yuglob was issued. During the dawn raid, the following agreements were found and photocopied:

- General agreement on purchase and sale, concluded on January 1, 2016 between Yuglob and Keprom doo Beograd (hereinafter referred to as Keprom), Aksa doo Beograd (hereinafter referred to as Aksa) and "K-Pharma" Health institution – Pharmacy (hereinafter referred to as K-Pharma), filed with Yuglob under number 731 of September 8, 2016, with Keprom under number 1942 of August 12, 2016, with Aksa under number 1226 of August 12, 2016, and with HI Pharmacy K-Pharma under number 661 of August 12, 2016;
- General agreement on purchase and sale, concluded on January 1, 2017 between Yuglob and Keprom, Aksa and K-Pharma, filed with Yuglob under number 049 of January 24, 2018, with Keprom under number 3 of January 1, 2017, with Aksa under number 2 of January 1, 2017, and with K-Pharma under number 5 of January 5, 2017;

(hereinafter individually and collectively referred to as the Agreement(s)).

Upon reviewing the Agreements, it is established as follows:

- Yuglob is regarded as the seller;
- the subject matter of the Agreements concluded with undertakings Keprom, Aksa and K-Pharma is the sale and delivery of goods to the buyer from the seller’s product portfolio intended for further sale, namely: the Original Pavlović Ointment, baby care products NUK Germany and baby care products TIGEX France;
- in Article 2 of the Agreements, the parties have agreed on the buyer’s commitment not to establish the price of products in further sale below the seller’s invoice price.

Following a detail analysis of the Agreements, the Commission for Protection of Competition (hereinafter referred to as the Commission) has reasonably assumed that company Yuglob, as the seller, and Keprom, Aksa and K-Pharma, as buyers, have established the sale prices and other conditions of trade on the baby care products retail market. The reasonable assumption is based on the fact that the Agreements concerned contain provisions that set the prices in further sale, which restrict buyers to individually and autonomously make business decisions relating to the price policy of respective companies.

The provision of Article 10(1) of the Law on Protection of Competition (Official Gazette of the RS, 51/2009 and 95/2013 - hereinafter referred to as the Law), stipulates the following: Restrictive agreements are agreements between undertakings which as

their purpose or effect have a significant restriction, distortion or prevention of competition in the territory of the Republic of Serbia.

The provision of Article 10(3) of the Law stipulates that restrictive agreements are prohibited and void, except in cases of exemption from the prohibition pursuant to this Law.

Given a positive assessment on the fulfilment of conditions from Article 35(1) of the Law for instituting *ex officio* proceedings for investigation of competition infringement, and pursuant to the provision of Article 35(2) of the Law, it is decided as in Paragraphs I and II of enacting terms herein.

Pursuant to the provision of Article 40(1) of the Law, where is stipulated that a decision on instituting *ex officio* proceedings is published in the Official Gazette of the Republic of Serbia and on the website of the Commission, it is decided as in Paragraph III of enacting terms herein.

**Instruction on legal remedy:**

This conclusion is not susceptible to special appeal, but is permitted to institute administrative dispute by an appeal before the Administrative Court against the final decision of the Commission.

**PRESIDENT OF THE COMMISSION**

Dr. Miloje Obradović