



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

25/IV Savska St., Belgrade

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Pursuant to Article 58(3) of the Law on Protection of Competition (Official Gazette of the RS 51/2009 and 95/2013), the Commission for Protection of Competition is publishing the following

NOTICE

on the submission of the proposal of commitments which company Sirmiumbus d.o.o. Sremska Mitrovica is voluntarily willing to undertake in order to eliminate possible infringements of competition, with a call to all interested parties for written remarks, positions and opinions on the proposed commitments

The Commission for Protection of Competition (hereinafter referred to as the Commission) has gained knowledge based on an initiative that company SIRMUMBUS DOO ZA TRGOVINU I USLUGE SREMSKA MITROVICA, company number 08446245, with registered seat at the address: bb Fruškogorska St., Sremska Mitrovica (hereinafter referred to as company Sirmiumbus or the Party), as the managing controller of a sole bus station in the City of Sremska Mitrovica has charged dissimilar platform ticket prices for international bus lines. Accordingly, by way of the Conclusion enacted by the Commission President no. 5/0-581/2017-1 of September 22, 2017, the Commission had instituted *ex officio* proceedings against company Sirmiumbus in order to establish the existence of act pertaining to the abuse of dominance within the meaning of Article 16 of the Law on Protection of Competition (Official Gazette of the RS 51/2009 and 95/2013 – hereinafter referred to as the Law).

Having analyzed the information and documentation collected during the proceedings, the Commission has established that company Sirmiumbus has passed the Price list of bus station services at the Bus station Sremska Mitrovica for the seasonal international lines, valid from June 15 to September 15, 2017. The price list mentioned has defined the price of bus station services at purchase of bus tickets for carriers who have outsourced the sales of bus tickets to BS Sremska Mitrovica in the amount of 20.00 dinars. The same price list has regulated that the platform ticket price for passengers traveling on international seasonal lines with carriers who have not outsourced the sales of bus tickets to BS Sremska Mitrovica amounts to the equivalent of 500.00 dinars. By way of a decision of July 5, 2017, the Price list of bus station services at the Bus station Sremska Mitrovica for the seasonal international lines was repealed. Pursuant to the aforementioned decision, as of July 9, 2017, the platform ticket for passengers traveling on international lines is not charged in the amount of 500.00 dinars but in the amount of 250.00 dinars. On October 1, 2017, company Sirmiumbus has passed the new Price list of bus station services at the Bus station Sremska Mitrovica. The price list mentioned also contains other circumstances which have not been the subject of the conclusion on instituting proceedings, but which may represent the infringement of competition from Article 16 of the Law, such as charging dissimilar amounts for bus station services at ticket purchase (which includes the access to platform area), platform tickets for intercity transport and platform tickets for international lines, as well as charging dissimilar prices for bus station dispatch services depending on the nature of

lines - intercity, municipal or international, as well as depending on whether international lines are carried out between neighboring countries or other European states.

The provision of Article 58(1) of the Law stipulates that the Commission may enact a conclusion on suspension of investigation of competition infringement, if the party, based on the content of the conclusion on instituting proceedings, that is, facts established in the proceedings, submits a proposal of commitments that is voluntarily willing to undertake in order to eliminate possible infringements of competition, containing terms and conditions for taking the measure.

On March 14, 2018, company Sirmiumbus has submitted a submission entitled "Request for suspension of proceedings", amended by a submission of April 19, 2018, headed "Amendment to the request for suspension of proceedings". The submissions mentioned also contain the proposal of commitments that company Sirmiumbus is voluntarily willing to undertake in order to eliminate possible infringements of competition, containing terms and conditions for taking the measure (hereinafter referred to as the Proposal of commitments). The Commission has established that the Proposal of commitments is admissible, timely and submitted by a duly authorized person.

Pursuant to Article 58(3) of the Law, the Commission publishes on its website a notice on the submitted proposal by the party to the proceedings, with a call to all interested parties for written remarks, positions and opinions to be submitted no later than 20 days from the date of publication of the notice. Within the meaning of the above-mentioned, the Commission is publishing the Notice that company Sirmiumbus has submitted the following Proposal of commitments:

Company Sirmiumbus undertakes to establish the following elements within the price list:

- uniform price of bus station services for all persons, irrespective of whether they are passengers or escorts entering the bus station's platform areas, thus equating passengers travelling by intercity and international transport, and users traveling with purchased bus tickets at the bus station, on one hand, and passengers or escorts entering the bus station's platform areas without purchased bus tickets, on the other;

- platform pricing (bus dispatch services) solely depending on the terminal dwell time of busses at the bus station.

Company Sirmiumbus undertakes to adopt and begin to implement the price list specified within 3 days from the date of delivery of the Conclusion on suspension of proceedings enacted by the Commission.

The price list specified would continue to be in effect until the bus station costs are considerably increased in cumulative terms, that is, pending the enactment of the Rulebook by competent ministry which would regulate the price ceiling for bus station services.

All interested parties are called upon to submit their remarks, positions and opinions in written form, relating to the Proposal of commitments submitted by company Sirmiumbus, no later than 20 days from the date of publication of this notice, at the following address: Commission for Protection of Competition, 25 Savska St., 4th floor, 11000 Belgrade.

The submission by way of which the remarks, positions and opinions are presented should contain a reference indicating that the said is referring to the published Proposal of commitments submitted by company Sirmiumbus.

Remarks, positions and opinions can also be submitted within the same period via email to: biljana.makevic@kzk.gov.rs.

The Commission is not under a legal duty to accept the proposal of commitments that the party is voluntarily willing to undertake.

If the Commission, on the basis of an analysis of any remarks, positions and opinions submitted in timely manner, and based on the analysis of market conditions, determines that it is likely that proposed commitments will ensure the fulfillment of objectives from the measure referred to in Article 59 of the Law, it will enact a conclusion determining the measure on the basis of given proposal and suspend the proceedings. The treatment of the party upon the conclusion on suspension of proceedings will be supervised *ex officio* by the Commission, while the proceedings may be continued whenever the circumstances referred to in Article 58(7) of the Law arise.

COUNCIL OF THE COMMISSION
FOR PROTECTION OF COMPETITION