



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

25/IV Savska St., Belgrade

Number: 4/0-02-64/2018-65

Reference number: 4/0-02-417/2017

Date: September 20, 2018

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 95/2013), 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), and Articles 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), on an *ex officio* proceedings for investigation of infringement of competition from Article 10 of the Law on Protection of Competition, instituted against the following companies: “Preduzeće Auto Čačak doo Konjevići, Čačak”, with registered seat in Čačak, bb Konjevići St., company number: 07649746, whose legal representative is Slobo Spasović; company “Ćirinac d.o.o. Beograd”, with registered seat in Belgrade, 50 Venizelosova St., company number: 17101072, whose legal representative is Dragan Živanović; company „Alpros d.o.o. Beograd“, with registered seat in Belgrade, 77a Pilota Mihaila Petrovića St., company number: 17350897, whose legal representative is Mladen Aleksić; company “Auto Kuća Samardžić d.o.o. Beograd”, with registered seat in Belgrade, 92e Borska St., company number: 17408283, whose legal representative is Slobodan Samardžić; company “ABC-Test d.o.o. Valjevo”, with registered seat in Valjevo, 13 Ljubomira Pavlovića St., company number: 07658796, whose legal representative is Vladan Tanasković; company “Auto Centar Cune d.o.o. Zrenjanin”, with registered seat in Zrenjanin, 7 Bagljaš zapad St., company number: 20662441, whose legal representative is Svetozar Velemirov; entrepreneur Boris Kuzmanovski – “Servis Euro Car”, with registered seat in Sremska Mitrovica, 25 Arsenija Čarnojevića St., company number: 55939713; company “D.o.o. AC Intersrem Veternik”, with registered seat in Veternik, Novi Sad, 112 Novosadski put St., company number: 08231176, whose legal representative is Vladimir Divjak; company “GP Motors Auto d.o.o. Lazarevac”, with registered seat in Lazarevac, 50 Janka Stajčića St., company number: 06541887, whose legal representative is Igor Petković; company “Auto Hermes d.o.o. Palić”, with registered seat in Palić, Subotica, 19a Horgoški put St., company number: 08297223, whose legal representative is Tibor Jelačik; entrepreneur Laćarac Slobodan – “ACL – Autocentar Laćarac”, with registered seat in Bačka Palanka, 113 Miletićeva St., company number: 50815790; entrepreneur Živica Rusovan – “SZTR Autoservis M&M Novi Sad”, with registered seat in Novi Sad, 47 Zadržna St., company number: 50480119; entrepreneur Nenad Radunović – “SZTR Auto-Aca Paraćin”, with registered seat in Paraćin, bb Milovana Glišića St., company number 50525350; entrepreneur Dragan Trnavac – “Trgovinsko uslužna radnja Auto Žoli Požarevac”, with registered seat in Požarevac, 11 Cvetka Pavlovića St., company number:

50122913; company “Marković Auto d.o.o. Arandjelovac”, with registered seat in Arandjelovac, bb Orašački put St., company number: 20488166, whose legal representative is Vladan Marković; company “Auto centar Stojanović d.o.o. Beograd”, with registered seat in Belgrade, 225 Jurija Gagarina St., company number: 17233564, whose legal representative is Miroslav Stojanović; company “Tomić auto 034 d.o.o.”, with registered seat in Kragujevac, 82a Gornjomilanovačka St., company number: 21042471, whose legal representative is Dragan Tomić; company “AKS Drive d.o.o. Šabac”, with registered seat in Šabac, bb Obilazni put St., company number: 20779071, whose legal representative is Kristina Vukotić and entrepreneur Dragan Marčetić – “Zanatska automehaničarska radnja”, with registered seat in Pančevo, 157C Novoseljanski put St., company number 50206149, whose joint procuration holder is attorney at law Blagoje Kondić, 6/III Kneza Miloša St., Belgrade; and, company “Interauto d.o.o. Čačak”, with registered seat in Čačak, 7 Skadarska St., company number: 07831005, whose legal representative is Milija Kostić and procuration holder is attorney at law Vlastimir Nikitović, 20 Hajduk Veljkova St., Čačak; at the 166th session held on September 20, 2018, the Council of the Commission for Protection of Competition enacts the following

DECISION

IT IS ESTABLISHED that the following undertakings:

- “Preduzeće Auto Čačak doo Konjevići, Čačak”, with registered seat in Čačak, bb Konjevići St., company number: 07649746 and “Ćirinac d.o.o. Beograd”, with registered seat in Belgrade, 50 Venizelosova St., company number: 17101072, have concluded the “Service and Maintenance Agreement for the year 2015” no. 3, filed at “Auto Čačak” under number 268/2015 on February 12, 2015, and at „Ćirinac“ under number 39 on February 13, 2015, and the “Service and Maintenance Agreement for the year 2016” no. 4, filed at “Auto Čačak” under number 1729 on March 14, 2016, and at „Ćirinac“ under number 67 on March 14, 2016;
- “Preduzeće Auto Čačak doo Konjevići, Čačak”, with registered seat in Čačak, bb Konjevići St., company number: 07649746 and „Alpros d.o.o. Beograd“, with registered seat in Belgrade, 77a Pilota Mihaila Petrovića St., company number: 17350897, have concluded the “Service and Maintenance Agreement for the year 2015” no. 4, filed at “Auto Čačak” under number 274 on February 12, 2015, and at „Alpros“ under number 28/15 on March 3, 2015, and the “Service and Maintenance Agreement for the year 2016” no. 5, filed at “Auto Čačak” under number 1730 on March 14, 2016, and at „Alpros“ under number 60/16 on March 15, 2016, with no clear legibility of the affixing of a seal;
- “Preduzeće Auto Čačak doo Konjevići, Čačak”, with registered seat in Čačak, bb Konjevići St., company number: 07649746 and “Auto Kuća Samardžić d.o.o. Beograd”, with registered seat in Belgrade, 92e Borska St., company number: 17408283, have concluded the “Service and Maintenance Agreement for the year 2015” no. 2, filed at “Auto Čačak” under number 207 on February 12, 2015, and at „AK Samardžić” under number 104/15 on February 20, 2015, and the “Service and Maintenance Agreement for the year 2016” no. 2, filed at “Auto Čačak” under number 1727 on March 14, 2016, and at „AK Samardžić” under number 11/16 on January 8, 2016;
- “Preduzeće Auto Čačak doo Konjevići, Čačak”, with registered seat in Čačak, bb Konjevići St., company number: 07649746 and “ABC-Test d.o.o. Valjevo”, with

registered seat in Valjevo, 13 Ljubomira Pavlovića St., company number: 07658796, have concluded the “Service and Maintenance Agreement for the year 2015” no. 11, filed at “Auto Čačak“ under number 271 on February 12, 2015, and at „ABC Test“ under number 2/34/15 on February 19, 2015, and the “Service and Maintenance Agreement for the year 2016” no. 6;

- “Preduzeće Auto Čačak doo Konjevići, Čačak”, with registered seat in Čačak, bb Konjevići St., company number: 07649746 and “Auto Centar Cune d.o.o. Zrenjanin”, with registered seat in Zrenjanin, 45 Dimitrija Tucovića St., company number: 20662441, have concluded the “Service and Maintenance Agreement for the year 2015” no. 7, filed at “Auto Čačak“ under number 275 on February 12, 2015, and the “Service and Maintenance Agreement for the year 2016” no. 8, filed at “Auto Čačak“ under number 1733 on March 14, 2016;
- “Preduzeće Auto Čačak doo Konjevići, Čačak”, with registered seat in Čačak, bb Konjevići St., company number: 07649746 and “Interauto d.o.o. Čačak”, with registered seat in Čačak, 7 Skadarska St., company number: 07831005, branch “Prodajno servisni centar Kruševac Globoder”, have concluded the “Service and Maintenance Agreement for the year 2015” no. 8, filed at “Auto Čačak“ under number 276 on February 12, 2015, and at “Interauto d.o.o. Čačak” under number 84/15 on February 13, 2015, and the “Service and Maintenance Agreement for the year 2016” no. 12, filed at “Auto Čačak“ under number 1737 on March 14, 2016, and at “Interauto d.o.o. Čačak” under number 186/16 on March 24, 2016;
- “Preduzeće Auto Čačak doo Konjevići, Čačak”, with registered seat in Čačak, bb Konjevići St., company number: 07649746 and entrepreneur Boris Kuzmanovski – “Servis Euro Car”, with registered seat in Sremska Mitrovica, 25 Arsenija Čarnojevića St., company number: 55939713, have concluded the “Service and Maintenance Agreement for the year 2015” no. 14, filed at “Auto Čačak“ under number 361 on February 25, 2015, and the “Service and Maintenance Agreement for the year 2016” no. 15, filed at “Auto Čačak“ under number 4110 on June 3, 2016, with no clear legibility of the year on the affixing of a seal;
- “Preduzeće Auto Čačak doo Konjevići, Čačak”, with registered seat in Čačak, bb Konjevići St., company number: 07649746 and “D.o.o. AC Intersrem Veternik”, with registered seat in Veternik, Novi Sad, 112 Novosadski put St., company number: 08231176, have concluded the “Service and Maintenance Agreement for the year 2015” no. 1, filed at “Auto Čačak“ under number 269 on February 12, 2015, and at „AC Intersrem“ under number 314 on February 12, 2015, and the “Service and Maintenance Agreement for the year 2016” no. 1, filed at “Auto Čačak“ under number 1726 on March 14, 2016, and at „AC Intersrem“ under number 840 on March 17, 2016;
- “Preduzeće Auto Čačak doo Konjevići, Čačak”, with registered seat in Čačak, bb Konjevići St., company number: 07649746 and “GP Motors Auto d.o.o. Lazarevac”, with registered seat in Lazarevac, 50 Janka Stajčića St., company number: 06541887, have concluded the “Service and Maintenance Agreement for the year 2015” no. 12, filed at “Auto Čačak“ under number 5562 on September 4, 2015, and the “Service and Maintenance Agreement for the year 2016” no. 11, filed at “Auto Čačak“ under number 1736 on March 14, 2016, and at “GP Motors Auto d.o.o. Lazarevac” under number 01/2016 on March 28, 2016;
- “Preduzeće Auto Čačak doo Konjevići, Čačak”, with registered seat in Čačak, bb Konjevići St., company number: 07649746 and “Auto Hermes d.o.o. Palić”, with registered seat in Palić, Subotica, 19a Horgoški put St., company number: 08297223, have concluded the “Service and Maintenance Agreement for the year 2015” no. 5, filed at “Auto Čačak“ under number 273 on February 12, 2015, and the “Service and

Maintenance Agreement for the year 2016” no. 7, filed at “Auto Čačak“ under number 1732 on March 14, 2016, and at „Auto Hermes“ under number 236-2/16 of March 19, 2016;

- “Preduzeće Auto Čačak doo Konjevići, Čačak”, with registered seat in Čačak, bb Konjevići St., company number: 07649746 and entrepreneur Laćarac Slobodan – “ACL – Autocentar Laćarac”, with registered seat in Bačka Palanka, 113 Miletićeva St., company number: 50815790, have concluded the “Service and Maintenance Agreement for the year 2015” no. 17, filed at “Auto Čačak“ under number 364 on February 25, 2015, and the “Service and Maintenance Agreement for the year 2016” no. 13, filed at “Auto Čačak“ under number 3946 on May 30, 2016;
- “Preduzeće Auto Čačak doo Konjevići, Čačak”, with registered seat in Čačak, bb Konjevići St., company number: 07649746 and entrepreneur Živica Rusovan – “SZTR Autoservis M&M Novi Sad”, with registered seat in Novi Sad, 47 Zadružna St., company number: 50480119, have concluded the “Service and Maintenance Agreement for the year 2015” no. 12, filed at “Auto Čačak“ under number 359 on February 25, 2015, and the “Service and Maintenance Agreement for the year 2016” no. 16, filed at “Auto Čačak“ under number 4109 on June 3, 2016;
- “Preduzeće Auto Čačak doo Konjevići, Čačak”, with registered seat in Čačak, bb Konjevići St., company number: 07649746 and entrepreneur Nenad Radunović – “SZTR Auto-Aca Paraćin”, with registered seat in Paraćin, bb Milovana Glišića St., company number 50525350, have concluded the “Service and Maintenance Agreement for the year 2015” no. 16, filed at “Auto Čačak“ under number 363 on February 25, 2015, extended to 2016 as well;
- “Preduzeće Auto Čačak doo Konjevići, Čačak”, with registered seat in Čačak, bb Konjevići St., company number: 07649746 and entrepreneur Dragan Trnavac – “Trgovinsko uslužna radnja Auto Žoli Požarevac”, with registered seat in Požarevac, 11 Cvetka Pavlovića St., company number: 50122913, have concluded the “Service and Maintenance Agreement for the year 2015” no. 15, filed at “Auto Čačak“ under number 362 on February 25, 2015, and the “Service and Maintenance Agreement for the year 2016” no. 20, filed at “Auto Čačak“ under number 4108 on June 3, 2016;
- “Preduzeće Auto Čačak doo Konjevići, Čačak”, with registered seat in Čačak, bb Konjevići St., company number: 07649746 and “Marković Auto d.o.o. Arandjelovac”, with registered seat in Arandjelovac, bb Orašački put St., company number: 20488166, have concluded the “Service and Maintenance Agreement for the year 2015” no. 18, filed at “Auto Čačak“ under number 365 on February 25, 2015, and the “Service and Maintenance Agreement for the year 2016” no. 18, filed at “Auto Čačak“ under number 3944 on May 30, 2016, and at “Marković Auto” under number 01/16 on April 7, 2016;
- “Preduzeće Auto Čačak doo Konjevići, Čačak”, with registered seat in Čačak, bb Konjevići St., company number: 07649746 and “Auto centar Stojanović d.o.o. Beograd”, with registered seat in Belgrade, 225 Jurija Gagarina St., company number: 17233564, have concluded the “Service and Maintenance Agreement for the year 2015” no. 6, filed at “Auto Čačak“ under number 272 on February 12, 2015, and at „AC Stojanović” under number 19/2015 on February 18, 2015, and the “Service and Maintenance Agreement for the year 2016” no. 3, filed at “Auto Čačak“ under number 1728 on March 14, 2016, and at „AC Stojanović” under number 23/2016 on March 15, 2016;
- “Preduzeće Auto Čačak doo Konjevići, Čačak”, with registered seat in Čačak, bb Konjevići St., company number: 07649746 and “Tomić auto 034 d.o.o.”, with registered seat in Kragujevac, 82a Gornjomilanovačka St., company number: 21042471, have concluded the “Service and Maintenance Agreement for the year 2015” no. 9, filed at “Auto Čačak“ under number 277 on February 12, 2015, and at “Tomić auto 034” under

number 24/15 on February 24, 2015, and the “Service and Maintenance Agreement for the year 2016” no. 10, filed at “Auto Čačak“ under number 1735 on March 14, 2016, and at “Tomić auto 034” under number 85/16 on March 14, 2016;

- “Preduzeće Auto Čačak doo Konjevići, Čačak”, with registered seat in Čačak, bb Konjevići St., company number: 07649746 and “AKS Drive d.o.o. Šabac”, with registered seat in Šabac, bb Obilazni put St., company number: 20779071, have concluded the “Service and Maintenance Agreement for the year 2015” no. 10, filed at “Auto Čačak“ under number 278 on February 12, 2015, and at „AKS Drive“ under number 018 on February 24, 2015, and the “Service and Maintenance Agreement for the year 2016” no. 9, filed at “Auto Čačak“ under number 1734 on March 14, 2016, and at „AKS Drive“ under number 031 on March 17, 2016;
- “Preduzeće Auto Čačak doo Konjevići, Čačak”, with registered seat in Čačak, bb Konjevići St., company number: 07649746 and entrepreneur Dragan Marčetić – “Zanatska automehaničarska radnja”, with registered seat in Pančevo, 157C Novoseljanski put St., company number 50206149, have concluded the “Service and Maintenance Agreement for the year 2015” no. 13, filed at “Auto Čačak“ under number 360 on February 25, 2015, and the “Service and Maintenance Agreement for the year 2016” no. 17, filed at “Auto Čačak“ under number 4107 on June 3, 2016;

and that said agreements contain provisions which set the resale prices, representing the restrictive agreement, by way of which have committed the act of infringement of competition from Article 10(2/1) of the Law on Protection of Competition.

II IT IS ESTABLISHED that restrictive agreements from Paragraph I of enacting terms herein are prohibited and void *ex lege*.

III THE MEASURE FOR PROTECTION OF COMPETITION IS SET against said undertakings in the form of a monetary commitment, specifically:

- undertaking: “Preduzeće Auto Čačak doo Konjevići, Čačak”, obligation to pay a monetary amount of 0.22% of the total annual revenue generated in 2016, which amounts to 14,885,125.20 RSD (fourteen million, eight hundred eighty-five thousand, one hundred twenty-five and 20/100 dinars);
- undertaking: “Ćirinac d.o.o. Beograd”, 0.2% of the total annual revenue generated in 2016, which amounts to 895,112.00 RSD (eight hundred ninety-five thousand, one hundred twelve dinars)
- undertaking: „Alpros d.o.o. Beograd“, 0.2% of the total annual revenue generated in 2016, which amounts to 959,286.00 RSD (nine hundred fifty-nine thousand, two hundred eighty-six dinars);
- undertaking: “Auto Kuća Samardžić d.o.o. Beograd”, 0.2% of the total annual revenue generated in 2016, which amounts to 385,948.00 RSD (three hundred eighty-five thousand, nine hundred forty-eight dinars);
- undertaking: “ABC-Test d.o.o. Valjevo”, 0.2% of the total annual revenue generated in 2016, which amounts to 584,038.00 RSD (five hundred eighty-four thousand, thirty-eight dinars);
- undertaking: “Auto Centar Cune d.o.o. Zrenjanin”, 0.2% of the total annual revenue generated in 2016, which amounts to 357,606.00 RSD (three hundred fifty-seven thousand, six hundred six dinars);
- undertaking: “Interauto d.o.o. Čačak”, 0.2% of the total annual revenue generated in 2016, which amounts to 651,672.00 RSD (six hundred fifty-one thousand, six hundred seventy-two dinars);

- undertaking: entrepreneur Boris Kuzmanovski – “Servis Euro Car”, 0.2% of the total annual revenue generated in 2016, which amounts to 51,243.69 RSD (fifty-one thousand, two hundred forty-three and 69/100 dinars);
- undertaking: “D.o.o. AC Intersrem Veternik”, 0.2% of the total annual revenue generated in 2016, which amounts to 802,420.00 RSD (eight hundred two thousand, four hundred twenty dinars);
- undertaking: “GP Motors Auto d.o.o. Lazarevac”, 0.2% of the total annual revenue generated in 2016, which amounts to 36,132.00 RSD (thirty-six thousand, one hundred thirty-two dinars);
- undertaking: “Auto Hermes d.o.o. Palić”, 0.2% of the total annual revenue generated in 2016, which amounts to 428,822.00 RSD (four hundred twenty-eight thousand, eight hundred twenty-two dinars);
- undertaking: entrepreneur Laćarac Slobodan – “ACL – Autocentar Laćarac”, 0.2% of the total annual revenue generated in 2016, which amounts to 15,313.91 RSD (fifteen thousand, three hundred thirteen and 91/100 dinars);
- undertaking: entrepreneur Živica Rusovan – “SZTR Autoservis M&M Novi Sad”, 0.2% of the total annual revenue generated in 2016, which amounts to 58,816.05 RSD (fifty-eight thousand, eight hundred sixteen and 5/100);
- undertaking: entrepreneur Nenad Radunović – “SZTR Auto-Aca Paraćin”, 0.2% of the total annual revenue generated in 2016, which amounts to 31,388.00 RSD (thirty-one thousand, three hundred eighty-eight dinars);
- undertaking: entrepreneur Dragan Trnavac – “Trgovinsko uslužna radnja Auto Žoli Požarevac”, 0.2% of the total annual revenue generated in 2016, which amounts to 28,168.55 RSD (twenty-eight thousand, one hundred sixty-eight dinars);
- undertaking: “Marković Auto d.o.o. Arandelovac”, 0.2% of the total annual revenue generated in 2016, which amounts to 28,132.00 RSD (twenty-eight thousand, one hundred thirty-two dinars);
- undertaking: “Auto centar Stojanović d.o.o. Beograd”, 0.2% of the total annual revenue generated in 2016, which amounts to 610,580.00 RSD (six hundred ten thousand, five hundred eighty dinars);
- undertaking: “Tomić auto 034 d.o.o.”, 0.2% of the total annual revenue generated in 2016, which amounts to 186,760.00 RSD (one hundred eighty-six thousand, seven hundred sixty dinars);
- undertaking: “AKS Drive d.o.o. Šabac”, 0.2% of the total annual revenue generated in 2016, which amounts to 623,812.00 RSD (six hundred twenty-three thousand, eight hundred twelve dinars);
- undertaking: entrepreneur Dragan Marčetić – “Zanatska automehaničarska radnja”, 0.2% of the total annual revenue generated in 2016, which amounts to 40,203.26 (forty thousand, two hundred three and 26/100 dinars).

IV IT IS PROHIBITED to undertakings from Paragraph I of enacting terms herein any further acting that may restrict, distort or prevent competition in the manner as described in Paragraph I of enacting terms herein.

V IT IS ORDERED to undertakings from Paragraph I of enacting terms herein to execute the payment in respect of the measure for protection of competition from Paragraph III of enacting terms herein, to the Budget account of the Republic of Serbia, number 840 743224 843 94, model 97 – with reference number: two-digit control number per model 97 – three-digit number of municipality, city or area – number of this decision.

VI DEADLINE IS SET to 6 (six) months from the date of receipt of this decision for the execution of order from Paragraph V of enacting terms herein, under the threat of enforcement measure.

VII IT IS ORDERED to undertakings from Paragraph I of enacting terms herein that immediately following the execution of order from Paragraph V of enacting terms herein, to submit to the Commission for Protection of Competition a proof of executed payment.

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