



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

25/IV Savska St., Belgrade

Number: 4/0-02-61/2018-26

Reference number: 4/0-02-402/2017

Date: November 26, 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 95/13), 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 30/10) read in conjunction with Article 213(1) of the Law on General Administrative Procedure (Official Gazette of the RS 18/16), and Articles 3 and 4 of the Regulation on criteria for setting the amount payable on the basis of measures 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 50/10), deciding in the proceedings *ex officio* instituted for the investigation of infringement of competition from Article 10 of the Law on Protection of Competition brought against the following companies: “B2M” d.o.o., with registered seat in Belgrade-Grocka, Leštane, 15v Kružni put St., company number 17281038, whose legal representative is Borko Nerandžić and procuration holder is Sofija Rončević, attorney at law from Belgrade, 21 Ismeta Mujezinovića St.; “Trgodunav” d.o.o., with registered seat in Belgrade, 5 Velje Miljkovića St., company number 07766254, whose legal representative is Božo Đukić; “Grafo Trade” d.o.o., with registered seat in Belgrade, 13a Živka Davidovića St., company number 07762135, whose legal representative is Maksim Brstina; “Master Clean Express” d.o.o., with registered seat in Subotica, 56 Jovana Mikića St., company number 20605553, whose legal representative is Aniko Kocsis Kern, the Council of the Commission for Protection of Competition at the 175th session held on October 23, 2018, enacts the following

DECISION

- I IT IS ESTABLISHED** that undertakings, “B2M” d.o.o. Beograd, 15v Kružni put St., “Trgodunav” d.o.o. Beograd, 5 Velje Miljkovića St., “Grafo Trade” d.o.o. Beograd, 13a Živka Davidovića St., “Master Clean Express” d.o.o. Subotica, 56 Jovana Mikića St., have concluded a restrictive agreement under which have agreed in advance on individual participation in the public procurement no. JN 49/16 – Consumables for personal and collective hygiene maintenance, implemented by the Ministry of Defence, Material Resources Sector, Procurement Department, Procurement and Sales Directorate, by colluding over the prices and other conditions of trade contained in each individual bid, thereby infringing the competition from Article 10(2/1) of the Law on Protection of Competition.
- II IT IS ESTABLISHED** that the restrictive agreement from Paragraph I of enacting terms herein is prohibited and void *ex lege*.
- III MEASURE FOR PROTECTION OF COMPETITION IS SET** in respect of each undertaking individually from Paragraph I of enacting terms herein, in the form of commitments to pay a monetary sum, specifically:

- undertaking “B2M” d.o.o. Beograd, a payment commitment equal to 3% of the total annual turnover generated in 2016 in the territory of the Republic of Serbia, which amounts to RSD 18,730,440.00 (in words: eighteen million, seven hundred thirty thousand, four hundred forty and 00/100 dinars);
- undertaking “Grafo Trade” d.o.o. Beograd, a payment commitment equal to 2.5% of the total annual turnover generated in 2016 in the territory of the Republic of Serbia, which amounts to RSD 1,728,350.00 (in words: one million, seven hundred twenty-eight thousand, three hundred fifty and 00/100 dinars);
- undertaking “Trgodunav” d.o.o. Beograd, a payment commitment equal to 2.5% of the total annual turnover generated in 2016 in the territory of the Republic of Serbia, which amounts to RSD 106,325.00 (in words: one hundred six thousand, three hundred twenty-five and 00/100 dinars);
- undertaking “Master Clean Express” d.o.o. Subotica, a payment commitment equal to 2.5% of the total annual turnover generated in 2016 in the territory of the Republic of Serbia, which amounts to RSD 1,842,350.00 (in words: one million, eight hundred forty-two thousand, three hundred fifty and 00/100 dinars).

IV IT IS ORDERED to undertakings from Paragraph I of enacting terms herein to execute payments 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 - reference number: two-digit control number per model 97 – three-digit number of a municipality, city or area – number of this decision.

V DEADLINE IS SET to 4 (four) months from the date of receipt of this decision for the execution of order from Paragraph IV of enacting terms herein, under the threat of enforcement measure implemented by tax authority in accordance with regulations governing tax collection.

VI IT IS ORDERED to undertakings from Paragraph I of enacting terms herein to immediately, and no later than within 3 (three) days from the date of execution of order from Paragraph IV of enacting terms herein, to submit proof of executed payment to the Commission for Protection of Competition.

VII IT IS PROHIBITED to undertakings from Paragraph I of enacting terms herein to take any further actions that could restrict, distort or prevent competition in the manner as described in Paragraph I of enacting terms herein.

VIII COMMITMENT IS IMPOSED on undertakings “Grafo Trade” d.o.o. Beograd and “Master Clean Express” d.o.o. Subotica to execute individual payments as procedural costs to the account of the Commission for Protection of Competition number 840-880668-16, model 97 – reference number 61/2018, in the amount of RSD 22,990.50 (in words: twenty-two thousand, nine hundred ninety and 50/100 dinars) each, no later than 15 days from the date of receipt of this decision.

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