



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

25/IV Savska St., Belgrade
Number: 5/0-02-354/2019-1
Date: March 25, 2019

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

CONCLUSION

I PROCEEDINGS SHALL BE INSTITUTED *ex officio* for the investigation of infringement of competition **against** the company:

JAVNO PREDUZEĆE ZA PREVOZ PUTNIKA I TRANSPORT ROBE NOVI AUTOPREVOZ VRNJAČKA BANJA, company number 20932716, with registered seat at the address: 3 Vojvođanska St., Vrnjačka Banja, represented by CEO, Ivan Dunjić,

in order to determine the existence of an act of abuse of dominance, within the meaning of Article 16 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 this proceeding are invited to submit said to the Commission for Protection of Competition to the following address: 25 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

On November 21, 2018, the Commission for Protection of Competition (hereinafter, the Commission) has received an initiative to investigate the infringement of competition from Article 16 of the Law on Protection of Competition (Official Gazette of the RS 51/2009 and 95/2013 – hereinafter, the Law) relating to company JAVNO PREDUZEĆE ZA PREVOZ PUTNIKA I TRANSPORT ROBE NOVI AUTOPREVOZ VRNJAČKA BANJA, company number 20932716, with registered seat at the address 3 Vojvođanska St., Vrnjačka Banja (hereinafter, PE Novi Autoprevoz).

In the Initiative is stated that PE Novi Autoprevoz charges the bus station service fee with the purchase of a bus fare in different amounts for different bus carriers operating on identical routes. The Vrnjačka Banja-Kraljevo route is provided as an example, where PE Novi Autoprevoz charges the bus station service fee in the amount of 60 dinars with the purchase of a bus fare with one bus carrier, while charging the bus station service fee in the amount of 24 dinars when purchasing a bus fare of another

bus carrier operating on the same route. The Commission has received copies of the bus fares for the route mentioned as evidence supporting this claim.

In order to assess the adequacy of statements presented in the Initiative, the Commission has contacted PE Novi Autoprevoz with the Request for provision of information no. 5/0-03-117/2019-1 of January 24, 2019. Acting on the Commission Request, the statement submitted by PE Novi Autoprevoz contains the company's views on the reasons for price variations in the bus station service charges when purchasing bus fares at the bus terminus in Vrnjačka Banja, for the identical route but various bus carriers. In the attachment to the statement, the company has also provided copies of the current and previously valid price lists for the bus station services at the bus terminus in Vrnjačka Banja.

In addition to the difference in prices for the bus station services charged to passengers, as specified in the Initiative, by reviewing the price lists submitted, the Commission has established that PE Novi Autoprevoz, as an operator of the only bus terminus in Vrnjačka Banja, charges the bus stations services to passengers in various amounts and depending on the nature of routes offered by bus carriers – urban and suburban, intercity, or international routes. In addition to charging various prices for bus station services to passengers, based on the price lists available, the Commission has further established that PE Novi Autoprevoz also charges the platform tickets as the bus station service in a different amount from the bus station service fee charged when purchasing bus fares for urban and suburban, and international transport services.

In terms of services charged to bus carriers, it is also established that PE Novi Autoprevoz also charges a bus station service fee to bus carriers in various amounts depending on the nature of routes offered by bus carriers – urban and suburban, intercity, or international routes, as well as on the nature of international routes offered – to neighboring or other European countries.

Having regard to the fact that charging various prices for identical bus station services, either to passengers or bus carriers, may represent an act of infringement of competition from Article 16 of the Law, it is assessed that the conditions for opening of an antitrust proceedings *ex officio* laid down in Article 35(1) of the Law are met, thus is decided as in Paragraphs I and II of enacting terms herein pursuant to the provision of Article 35(2) of the Law.

The Commission will investigate and establish whether the actions concerned carried out by PE Novi Autoprevoz represent an infringement of competition pursuant to Article 41 of the Law.

Pursuant to the provision of Article 40(1) of the Law stipulating that conclusions on instituting proceedings *ex officio* are to be 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 an administrative dispute against the final decision of the Commission.

PRESIDENT OF THE COMMISSION

Dr Miloje Obradović, m.p.