



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

Number: 5/0-03-96/2010-6

Date: April 27, 2010

Belgrade

Pursuant to Article 35(2) of the Law on Protection of Competition (Official Gazette of the RS 51/09), the President of the Commission for Protection of Competition enacts the following

## **CONCLUSION**

### **I PROCEEDINGS SHALL BE INSTITUTED *ex officio* against:**

Public utility company “Gradska groblja”, with registered office at bb Jovanovački Rd, Kragujevac, represented by Dragan Radović, CEO, 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** This conclusion shall be published in the Official Gazette of the Republic Serbia and on the website of the Commission for Protection of Competition.

## **Rationale**

On the basis of documents provided and other available information, the Commission for Protection of Competition (hereinafter, the Commission) obtain knowledge of the facts that Public utility company “Gradska groblja” (hereinafter, PUC “Gradska groblja”), with registered office at bb Jovanovački Rd, Kragujevac, conditioned the lease of grave plots in allocated parts, that is, separate land parcels, envisaging the obligation of leaseholders to entrust the manufacture and assembly of headstones (burial monuments) solely to PUC “Gradska groblja”.

PUC “Gradska groblja”, founded by the Assembly of the City of Kragujevac, manages and maintains four cemeteries in the territory of the City of Kragujevac. The management and maintenance of cemeteries within the city limits, as well as the work of PUC “Gradska groblja”, are regulated by the Decision on burial services and cemeteries (Official Gazette of the City of Kragujevac 5/94 and 5/98). The Commission came into possession of decisions enacted by the Management Board of PUC “Gradska groblja” No.140b of June 30, 2005, and No.265 of March 10, 2010, on the allocation of parts of separate land parcels at Bozman cemetery under a special management regime, whereas the special management regime implies a contractual arrangement pretraining to individual service users, obligating them to entrust the manufacture and assembly of headstones (burial monuments) solely to PUC “Gradska groblja”. Based on said decisions, the leaseholders were forewarned of their obligation to build the leased grave plots, located in the allocated parts of separate land parcels at Bozman cemetery as regulated by the decisions enacted by the Management Board of PUC “Gradska groblja”, according to the provisions of the physical plans for city cemeteries by entrusting the manufacture and assembly of headstones (burial monuments) solely to PUC “Gradska groblja”, even though these

services are not related to the subject of agreement relating to the lease of individual grave plots. Moreover, in the light of the documents before the Commission, the Contract on the lease of grave plot No.095/10 and the Work contract No.142/20 of April 9, 2010, concluded by PUC "Gradska groblja" with a service user, it was found that separate arrangements were made for the lease of a grave plot and execution of works, where the Work contract under Article 3 envisaged the obligation of the leaseholder to entrust the manufacture and assembly of a headstone solely to PUC "Gradska groblja".

Based on the above, the Commission has reasonable grounds to believe that an act of infringement of competition has been committed within the meaning of Article 9 of the Law on Protection of Competition (hereinafter, the Law), which as its consequence has or may have a significant restriction, distortion, or prevention of competition, given that said act allegedly committed by PUC "Gradska groblja" may represent an act of abuse of dominance referred to in Article 16 of the Law.

Pursuant to Article 35(2) of the Law, all persons in possession of documents, data or other relevant information that could contribute to the accurate fact-finding in this proceeding are invited to present said evidence to the Commission for Protection of Competition, 7 Knjeginje Zorke St., Belgrade.

Pursuant to Paragraph II of enacting terms herein and in accordance with Article 40 of the Law, the conclusion on instituting proceedings *ex officio* shall be published in the Official Gazette of the Republic of Serbia and on the website of the Commission for Protection of Competition.

**Instruction on legal remedy:**

This conclusion is not susceptible to special appeal.

**PRESIDENT OF THE COMMISSION**

Prof. Dr. Dijana Marković-Bajalović

Submitted to:

- Public utility company "Gradska groblja", bb Jovanovački Rd, 34 000 Kragujevac
- Archives