



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

25 Savska St., 4th Floor, Belgrade

No.: 4/0-02-55/2020-11

Ref. No.: 4/0-02-49/2019

4/0-02-366/2018

Date: October 14, 2020

Pursuant to Article 22(2), Article 25(1), Article 57(1), and Article 68(1/2) of the Law on Protection of Competition (Official Gazette of the RS 51/2009 and 95/2013) 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 therein and conditions for determination of respective measures (Official Gazette of the RS 50/2010), in proceedings instituted ex officio to investigate the infringement of competition rules referred to in Article 10 of the Law on Protection of Competition against undertakings: PREDUZEĆE ZA PROIZVODNJU, PROMET I USLUGE KEPROM DOO BEOGRAD (ZEMUN), company number 06746284, with registered office in Belgrade-Zemun, 18 Glavna St., whose representative is Darko Golubović and procuration holder is Atty. Sanja Carević, 1 Šamačka St., Belgrade, AKCIONARSKO DRUŠTVO SENTA-PROMET TRGOVINSKO PREDUZEĆE PO SENTA, company number 08720100, with registered office in Senta, 13 Poštanska St., whose legal representative is Zoran Samardžić and procuration holder is Atty. Slobodan Kremenjak, 30 Makedonska St., Belgrade, “FILLY FARM” ZDRAVSTVENA USTANOVA – APOTEKA, company number 17502140, with registered office in Velika Plana, bb Miloša Velikog St., whose legal representative is Verica Spasojević, “OAZA ZDRAVLJA” ZDRAVSTVENA USTANOVA – APOTEKA, company number 17670352, with registered office in Belgrade, 42 Kanarevo brdo zona II St., whose legal representative is Olga Pavlović, APOTEKA “UŽICE”, company number 17040405, with registered office in Užice, 43 Dimitrija Tucovića St., whose legal representative is Radoica Nišavić, at the 27th session held on October 14, 2020, the Council of the Commission for Protection of Competition enacts the following

DECISION

I IT SHALL BE ESTABLISHED that undertaking PREDUZEĆE ZA PROIZVODNJU, PROMET I USLUGE KEPROM DOO BEOGRAD (ZEMUN), company number 06746284, with registered office in Belgrade-Zemun, 18 Glavna St., has entered into agreements entitled “General Purchase and Sale Agreement” which in Article 2(2) provide that “The Buyer undertakes not to establish the resale price of products below the invoice price of the Seller”, with the following undertakings:

- AKCIONARSKO DRUŠTVO SENTA-PROMET TRGOVINSKO PREDUZEĆE PO SENTA, company number 08720100, with registered office in Senta, 13 Poštanska St., on

January 1, 2017, filed with company Keprom doo Beograd under No. 163 of January 11, 2011,

- “FILLY FARM” ZDRAVSTVENA USTANOVA – APOTEKA, company number 17502140, with registered office in Velika Plana, bb Miloša Velikog St., filed with company Keprom doo Beograd under No. 5455 of August 2, 2011,
- “OAZA ZDRAVLJA” ZDRAVSTVENA USTANOVA – APOTEKA, company number 17670352, with registered office in Belgrade, 42 Kanarevo brdo zona II St., filed with company Keprom doo Beograd under No. 782 of March 3, 2011,
- APOTEKA “UŽICE”, company number 17040405, with registered office in Užice, 43 Dimitrija Tucovića St., filed with company Keprom doo Beograd under No. 555 of February 10, 2011,

making the contractual arrangements for resale price maintenance, which constitutes an infringement of competition rules referred to in Article 10(2/1) of the Law on Protection of Competition.

II IT SHALL BE ESTABLISHED that restrictive agreements referred to in Paragraph I of enacting terms herein are prohibited and void ex lege.

III MEASURE FOR PROTECTION OF COMPETITION SHALL BE SET OUT in the form of a commitment to pay a monetary sum, imposed on undertakings referred to in Paragraph I of enacting terms herein, specifically:

- undertaking PREDUZEĆE ZA PROIZVODNJU, PROMET I USLUGE KEPROM DOO BEOGRAD (ZEMUN), a commitment to pay monetary compensation of RSD 7,718,621.00 (in words: seven million seven hundred eighteen thousand six hundred twenty-one and 00/100 dinars);
- undertaking AKCIONARSKO DRUŠTVO SENTA-PROMET TRGOVINSKO PREDUZEĆE PO SENTA, a commitment to pay monetary compensation of RSD 2,449,690.00 (in words: two million four hundred forty-nine thousand six hundred ninety and 00/100 dinars);
- undertaking “FILLY FARM” ZDRAVSTVENA USTANOVA – APOTEKA, a commitment to pay monetary compensation of RSD 1,030,052.00 (in words: one million thirty thousand fifty-two and 00/100 dinars);
- undertaking “OAZA ZDRAVLJA” ZDRAVSTVENA USTANOVA – APOTEKA, a commitment to pay monetary compensation of RSD 995,514.00 (in words: nine hundred ninety-five thousand five hundred fourteen and 00/100 dinars);
- undertaking APOTEKA “UŽICE”, a commitment to pay monetary compensation of RSD 981,463.00 (in words: nine hundred eighty-one thousand four hundred sixty-three and 00/100 dinars).

IV IT SHALL BE ORDERED to undertakings referred to in Paragraph I of enacting terms herein to execute payments in respect of the measure for protection of competition referred to in Paragraph III of enacting terms herein, to the Budget account of the Republic of Serbia, No. 840 743224 843 94 MOD 97 – with reference number: two-digit control number MOD 97 – three-digit number of the municipality, city or area – number of this decision.

V DEADLINE SHALL BE SET OUT to 12 (twelve) months from the date of receipt of this decision for the execution of orders referred to in Paragraph IV of enacting terms herein, under threat of enforcement measures.

VI IT SHALL BE ORDERED to undertakings referred to in Paragraph I of enacting terms herein that immediately after the execution of the order referred to in Paragraph IV of enacting terms herein, submit proof of payment thereof to the Commission for Protection of Competition.

VII IT SHALL BE PROHIBITED to undertakings referred to in Paragraph I of enacting terms herein, to take any further action that could restrict, distort, or prevent competition in a manner as described in Paragraph I of enacting terms herein.

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

PRESIDENT OF THE COMMISSION

Nebojša Perić, m.p.