



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

25 Savska St., 4th Floor, Belgrade
No.: 4/0-02-85/2020-10
Ref. No.: 4/0-02-542/2019
Date: November 19, 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), Article 136 of the Law on General Administrative Procedure (Official Gazette of the RS 18/2016 and 95/2018 - authentic interpretation) 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 against undertakings: MIKROLIFT SERVIS REMONT I MONTAŽA LIFTOVA I ELEKTRIČNIH UREĐAJA CVETKOVIĆ MIRKO PREDUZETNIK BABUŠNICA, company number 50511537, with registered office in Babušnica, 39 Boška Buhe St., and SCLIFT2018 D.O.O. BABUŠNICA, company number 21410284, with registered office in Babušnica, 39 Boška Buhe St., whose legal representative is Saša Cvetković, to investigate the infringement of competition rules referred to in Article 10 of the Law on Protection of Competition, at the 29th session held on November 19, 2020, the Council of the Commission for Protection of Competition enacts the following

DECISION

I IT SHALL BE ESTABLISHED that undertakings: MIKROLIFT SERVIS REMONT I MONTAŽA LIFTOVA I ELEKTRIČNIH UREĐAJA CVETKOVIĆ MIRKO PREDUZETNIK BABUŠNICA, 39 Boška Buhe St., and SCLIFT2018 D.O.O. BABUŠNICA, 39 Boška Buhe St., have mutually coordinated their behaviors before submitting respective bids in the low-value public procurement JNMV No. 09-2/2019 – Lift Repair Services, published by the General Hospital Pirot as the procuring entity, by exchanging business sensitive information and colluding on the content of essential elements of their bids submitted in the public procurement concerned, thus directly setting the prices, whereby the parties have entered into a restrictive agreement and infringed the competition rules referred to in Article 10(2/1) of the Law on Protection of Competition.

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

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

- undertaking MIKROLIFT SERVIS REMONT I MONTAŽA LIFTOVA I ELEKTRIČNIH UREĐAJA CVETKOVIĆ MIRKO PREDUZETNIK BABUŠNICA, a commitment to pay

monetary compensation of **RSD 41,964.00** (in words: forty-one thousand nine hundred sixty-four and 00/100 dinars); and

- undertaking SCLIFT2018 D.O.O. BABUŠNICA, a commitment to pay monetary compensation of **RSD 7,504.00** (in words: seven thousand five hundred four 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 implemented by tax administration authority under regulations governing tax collection.

VI IT SHALL BE ORDERED to undertakings referred to in Paragraph I of enacting terms herein that no later than 3 (three) days from the date of 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 REMEDIAL MEASURE SHALL BE SET OUT AND IT SHALL BE PROHIBITED to undertakings referred to in Paragraph I of enacting terms herein, to take any further actions that could infringe the competition rules in a manner that is identical or similar to the infringement referred to in Paragraph I of enacting terms herein, by restricting, distorting, or preventing competition.

VII COMMITMENT SHALL BE DETERMINED in respect of undertakings MIKROLIFT SERVIS REMONT I MONTAŽA LIFTOVA I ELEKTRIČNIH UREĐAJA CVETKOVIĆ MIRKO PREDUZETNIK BABUŠNICA and SCLIFT2018 D.O.O. BABUŠNICA, to execute individual payments to the account of the Commission for Protection of Competition No. 840-880668-16, MOD 97 – Ref. No. 85/2020, to cover the costs of the proceedings in the amount of RSD 22,500.00 each (in words: twenty-two thousand, five hundred and 00/100 dinars), no later than 15 days from the date of receipt of this decision, under threat of judicial enforcement.

IX 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