



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

25 Savska St., 4<sup>th</sup> Floor, Belgrade

No.: 4/0-02-188/2020-15

Ref. No.: 4/0-02-52/2019

4/0-02-368/2018

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 companies YUGLOB DOO PRIVATNO PREDUZEĆE ZA SPOLJNU TRGOVINU, TRGOVINU, ZASTUPANJE, POSREDOVANJE, KONSALTING I INŽENJERING I USLUGE, BORČA, company number 07488971, with registered seat in Belgrade-Palilula, bb Zrenjaninski put St., whose representative is Predrag Stevanić and procuration holder is Atty. Zlatko Čatović, 47/24 Zorana Đinđića Blvd., Belgrade, SAMOSTALNA TRGOVINSKO KOMISIONA RADNJA-BEBI BUTIK RODA AVRAMOVIĆ RADE PREDUZETNIK BEOGRAD (ZVEZDARA), company number 56511792, with registered office in Belgrade-Zvezdara, 3 Rableova St., KEPROM DOO, BEOGRAD (ZEMUN), company number 06746284, with registered office in Belgrade-Zemun, 18 Glavna St., Shop No. 41, whose representative is Darko Golubović and procuration holder is Atty. Sanja Carević, 1 Šamačka St., Belgrade, PREDUZEĆE ZA TRGOVINU I USLUGE AKSA DOO BEOGRAD, company number 17561278, with registered office in Belgrade, 3 28. juna St., whose representative is Jelena Đurđević Radojević, and procuration holder is Atty. Sanja Carević, 1 Šamačka St., Belgrade, „K-PHARMA“ ZDRAVSTVENA USTANOVA - APOTEKA, company number 17807307, with registered office in Belgrade, 181 Mihajla Pupina Blvd., whose representative is Marija Đurović, and production holder is Atty. Sanja Carević, 1 Šamačka St., Belgrade, MEDICOM DOO ŠABAC, company number 07595166, with registered office in Šabac, 3 Pocerska St., whose representative is Predrag Vasilić, and procuration holder is Atty. dr Veljko Delibašić, 8 Vojvode Bogdana St., Belgrade, NS PHARM DOO NOVI SAD, company number 08656886, with registered office in Novi Sad, 12 Đorđa Zličića St., whose representative is Vanja Milović, ZDRAVSTVENA USTANOVA APOTEKA KRALJEVO, company number 06959881, with registered office in Kraljevo, 30 Trg Srpskih ratnika Sq., whose representative is Ivan Divac, FARMALOGIST DOO BEOGRAD, company number 17408933, with registered office in Belgrade, 3 Mirijevski Bulevar Blvd., whose representative is Danijela Radmanović, and procuration holder is Atty. dr Dragan Gajin, 4 Petra Kočića St., Belgrade, VEGA DOO VALJEVO, company number 07666063, with registered office in Valjevo, 41 Vuka Karadžića St., whose representative is Radomir Mladenović, SOPHARMA TRADING DOO BEOGRAD - NOVI BEOGRAD, company number 07829531, with registered office in Belgrade, 48V Zorana Đinđića Blvd., whose legal representative is Miloš Ristić, at the 27<sup>th</sup> 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 YUGLOB DOO PRIVATNO PREDUZEĆE ZA SPOLJNU TRGOVINU, TRGOVINU, ZASTUPANJE, POSREDOVANJE, KONSALTING I INŽENJERING I USLUGE, BORČA, company number 07488971, with registered office in Belgrade-Palilula, bb Zrenjaninski put St., by entering, as the Seller, into multiple agreements entitled “General Purchase and Sale Agreement”, in which the following provision was established: “The Buyer undertakes not to establish the resale price of products below the invoice price of the Seller”, with the following undertakings, as the Buyers:

- Affiliated undertakings KEPROM DOO, BEOGRAD (ZEMUN), company number 06746284, with registered office in Belgrade-Zemun, 18 Glavna St., Shop No. 41, PREDUZEĆE ZA TRGOVINU I USLUGE AKSA DOO BEOGRAD, company number 17561278, with registered office in Belgrade, 3 28. juna St., and „K-PHARMA“ ZDRAVSTVENA USTANOVA - APOTEKA, company number 17807307, with registered office in Belgrade, 181 Mihajla Pupina Blvd., **on January 1, 2016**, filed with Yuglob doo Beograd under No. 731 od September 8, 2016, with Keprom doo Beograd under No. 1942 od August 12, 2016, with Akxa doo Beograd under No. 1226 od August 12, 2016, and with „K-Pharma“ ZDRAVSTVENA USTANOVA – APOTEKA under No. 661 of August 12, 2016, and **on January 1, 2017**, filed with Yuglob doo Beograd under No. 049 of January 24, 2018, with Keprom doo Beograd under No. 3 of January 1, 2017, with Akxa doo Beograd under No. 2 of January 1, 2017, and with „K-Pharma“ Zdravstvena ustanova – apoteka under No. 5 of January 5, 2017, containing the provision at issue in Article 2(4) in both of the agreements referred herein;

- SOPHARMA TRADING DOO BEOGRAD - NOVI BEOGRAD, company number 07829531, with registered office in Belgrade, 48V Zorana Đinđića Blvd., **on January 1, 2017**, filed with Yuglob doo Beograd under No. 180 of March 13, 2017, containing the provision at issue in Article 2(3) of the agreement;

- MEDICOM DOO ŠABAC, company number 07595166, with registered office in Šabac, 3 Pocerska St., **on January 22, 2015**, filed with Yuglob doo Beograd under No. 374 of March 17, 2015, and with Medicom doo Šabac under No. 359 of January 23, 2015, containing the provision at issue in Article 2(3) of the agreement;

- NS PHARM DOO NOVI SAD, company number 08656886, with registered office in Novi Sad, 12 Đorđa Zličića St., **on April 21, 2017**, filed with Yuglob doo Beograd under No. 316 of April 21, 2017, and with NS Pharm doo Novi Sad under No. 619 of April 18, 2017, containing the provision at issue in Article 2(3) of the agreement;

- ZDRAVSTVENA USTANOVA APOTEKA KRALJEVO, company number 06959881, with registered office in Kraljevo, 30 Trg Srpskih ratnika Sq., **on January 1, 2016**, filed with Yuglob doo Beograd under No. 785 of September 26, 2016, and with Zdravstvena ustanova Apoteka Kraljevo under No. 397 of September 20, 2016, and **on January 1, 2018**, filed with Yuglob doo Beograd under No. 052 of January 26, 2018, and with Zdravstvena ustanova Apoteka Kraljevo under No. 01-2 of January 23, 2018, containing the provision at issue in Article 2(3) in both of the agreements referred herein;

- VEGA DOO VALJEVO, company number 07666063, with registered office in Valjevo, 41 Vuka Karadžića St., **on January 1, 2016**, filed with Yuglob doo Beograd under No. 194 of March 3, 2016, and with Vega doo Valjevo under No. 221/IV of April 8, 2016, containing the provision at issue in Article 2(3) of the agreement;

- FARMALOGIST DOO BEOGRAD, company number 17408933, with registered office in Belgrade, 3 Mirijeovski Bulevar Blvd., **on January 1, 2015**, filed with Yuglob doo Beograd under No. 385 of March 19, 2015, and with Farmalogist doo Beograd under No. 04-475/2015 of February 11, 2015, **on January 1, 2016**, filed with Yuglob doo Beograd under No. 153 of February 25, 2016, and with Farmalogist doo Beograd under No. UG-781/2016 of February 8, 2016, **on January 1, 2017**, filed with Yuglob doo Beograd under No. 017 of January 13, 2017, and with Farmalogist doo Beograd under No. UG-16/2017 of January 9, 2017, and **on January 1, 2018**, filed with Yuglob doo Beograd under No. 042 of January 19, 2018, and with Farmalogist doo Beograd under No. UG-560/2018 of

January 25, 2018, containing the provision at issue in Article 2(3) in all of the agreements referred herein,

has concluded restrictive agreements which, in an effort to restrict and distort competition, have arranged for the 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 YUGLOB DOO PRIVATNO PREDUZEĆE ZA SPOLJNU TRGOVINU, TRGOVINU, ZASTUPANJE, POSREDOVANJE, KONSALTING I INŽENJERING I USLUGE, BORČA, a commitment to pay monetary compensation of RSD 4,738,847.94 (in words: four million seven hundred thirty-eight thousand eight hundred forty-seven and 94/100 dinars);

- affiliated undertakings KEPROM DOO, BEOGRAD (ZEMUN), PREDUZEĆE ZA TRGOVINU I USLUGE AKSA DOO BEOGRAD, and „K-PHARMA“ ZDRAVSTVENA USTANOVA – APOTEKA, a commitment to pay monetary compensation of RSD 444,391.38 in total (in words: four hundred forty-four thousand three hundred ninety-one and 38/100 dinars), of which undertaking KEPROM DOO, BEOGRAD (ZEMUN) is obligated to pay monetary compensation of RSD 177,075.18 (in words: one hundred seventy-seven thousand seventy-five and 18/100 dinars), undertaking PREDUZEĆE ZA TRGOVINU I USLUGE AKSA DOO BEOGRAD is obligated to pay monetary compensation of RSD 242,689.14 (in words: two hundred forty-two thousand six hundred eighty-nine and 14/100 dinars), and undertaking „K-PHARMA“ ZDRAVSTVENA USTANOVA – APOTEKA, is obligated to pay monetary compensation of RSD 24,627.06 (in words: twenty-four thousand six hundred twenty-seven and 6/100 dinars);

- undertaking MEDICOM DOO ŠABAC, a commitment to pay monetary compensation of RSD 70,164.88 (in words: seventy thousand one hundred sixty-four and 88/100 dinars);

- undertaking NS PHARM DOO NOVI SAD, a commitment to pay monetary compensation of RSD 50,691.99 (in words: fifty thousand six hundred ninety-one and 99/100 dinars);

- undertaking ZDRAVSTVENA USTANOVA APOTEKA KRALJEVO, a commitment to pay monetary compensation of RSD 84,274.20 (in words: eighty-four thousand two hundred seventy-four and 20/100 dinars);

- undertaking FARMALOGIST DOO BEOGRAD, a commitment to pay monetary compensation of RSD 2,667,629.05 (in words: two million six hundred sixty-seven thousand six hundred twenty-nine and 5/100 dinars);

- undertaking VEGA DOO VALJEVO, a commitment to pay monetary compensation of RSD 742,241.72 (in words: seven hundred forty-two thousand two hundred forty-one and 72/100 dinars);

- undertaking SOPHARMA TRADING DOO BEOGRAD - NOVI BEOGRAD, a commitment to pay monetary compensation of RSD 289,066.00 (in words: two hundred eighty-nine thousand sixty-six 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, thus infringing the competition rules in a manner that is identical or similar to the infringement referred to in Paragraph I of enacting terms herein.

**VIII PROCEEDINGS SHALL BE SUSPENDED**, instituted ex officio to investigate the infringement of competition rules referred to in Article 10 of the Law on Protection of Competition against undertaking SAMOSTALNA TRGOVINSKO KOMISIONA RADNjA-BEBI BUTIK RODA AVRAMOVIĆ RADE PREDUZETNIK BEOGRAD (ZVEZDARA), company number 56511792, with registered office in Belgrade-Zvezdara, 3 Rableova St.

**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, m.p.