



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

25 Savska St., 4th Floor, Belgrade

No.: 4/0-02-56/2020-33

Ref. No.: 4/0-02-111/2019

4/0-02-801/2018

Date: November 30, 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 101 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 to investigate the infringement of competition rules referred to in Article 10 of the Law on Protection of Competition against companies: DRUŠTVO SA OGRANIČENOM ODGOVORNOŠĆU AUTO CENTAR MILOŠ ČAČAK, 9 Aleksandra Savića St., Trbušani, Čačak, company number 17467468, whose legal representative is Miloš Ristanović, OGI MD AUTO CENTAR DOO ZA PROIZVODNjU, TRGOVINU I USLUGE ČAČAK, 1 Miladina Boškovića St., Čačak, company number 20080159, whose legal representative is Marijana Popović and procuration holder is Dejan Popović, 1 Miladina Boškovića St., Čačak, AKCIONARSKO DRUŠTVO ZA PREVOZ ROBE I PUTNIKA ŠUMADIJA TRANSPORT I ODRŽAVANJE ČAČAK, 111 Tanaska Rajića Blvd., Čačak, company number 07182422, whose legal representatives are Nemanja Savić and Tomislav Savić, DRUŠTVO SA OGRANIČENOM ODGOVORNOŠĆU ZA PROIZVODNjU, PROMET I USLUGE AUTO-JOVANOVIĆ, KONJEVIĆI, 3 Crvene Armije St., Konjevići, company number 06367984, whose legal representative is Nikola Jovanović, BAVARIA TEAM DOO ČAČAK, 11 Moravska St., Čačak, company number 21105643, whose legal representative is Milica Mijailović and procuration holder is Atty. Đorđe Ilić, 11 Cara Dušana St., Čačak, DRUŠTVO ZA USLUGE TEHNIČKOG PREGLEDA BRAČA BOŽOVIĆ 032 D.O.O. ČAČAK, 2b Gavriła Principa St., Čačak, company number 21117579, whose legal representative is Ratko Božović and procuration holder is Atty. Nebojša Tasić, 32a Gospodar Jevremova St., Belgrade, DOO N&S AUTO 032 ČAČAK, 37 Bulevar Oslobođenja Blvd., Čačak, company number 21120766, whose legal representative is Nebojša Đorđević, DRUŠTVO ZA PROIZVODNjU, USLUGE I PROMET AUTOSERVIS AD ČAČAK, 2 Milutina Mandića St., Čačak, company number 06379028, whose legal representative is Vladan Dunjić, PREDUZEĆE ZA PROIZVODNjU PROMET ROBA I USLUGA ANK DOO, PRELjINA, Preljina, Čačak, company number 06668054, whose legal representative is Branislav Đurović, KOMANDITNO DRUŠTVO NINEX-PETROL EKSPORT-IMPORT, VAPA, 47 Stari put za Kraljevo St., Vapa, Čačak, company number 17292811, whose legal representative is Mirko Niketić and procuration holder is Atty. Sonja Marušić, 5 Rajićeva St., Čačak, DRUŠTVO AUTO CENTAR SVIV DOO ČAČAK, 29 Stari put za Kraljevo St., Trnava, Čačak, company number 21036315, whose legal representative is Veselin Milović, at the 31st session held on November 30, 2020, the Council of the Commission for Protection of Competition enacts the following

DECISION

I IT SHALL BE ESTABLISHED that undertakings:

- DRUŠTVO SA OGRANIČENOM ODGOVORNOŠĆU AUTO CENTAR MILOŠ ČAČAK, 9 Aleksandra Savića St., Trbušani, Čačak, company number 17467468,
- OGI MD AUTO CENTAR DOO ZA PROIZVODNjU, TRGOVINU I USLUGE ČAČAK, 1 Miladina Boškovića St., Čačak, company number 20080159,
- AKCIONARSKO DRUŠTVO ZA PREVOZ ROBE I PUTNIKA ŠUMADIJA TRANSPORT I ODRŽAVANJE ČAČAK, 111 Tanaska Rajića Blvd., Čačak, company number 07182422,
- DRUŠTVO SA OGRANIČENOM ODGOVORNOŠĆU ZA PROIZVODNjU, PROMET I USLUGE AUTO-JOVANOVIĆ, KONJEVIĆI, 3 Crvene Armije St., Konjevići, company number 06367984,
- BAVARIA TEAM DOO ČAČAK, 11 Moravska St., Čačak, company number 21105643,
- DRUŠTVO ZA USLUGE TEHNIČKOG PREGLEDA BRAĆA BOŽOVIĆ 032 D.O.O. ČAČAK, 2b Gavriła Principa St., Čačak, company number 21117579,
- DOO N&S AUTO 032 ČAČAK, 37 Bulevar Oslobođenja Blvd., Čačak, company number 21120766,
- DRUŠTVO ZA PROIZVODNjU, USLUGE I PROMET AUTOSERVIS AD ČAČAK, 2 Milutina Mandića St., Čačak, company number 06379028,
- PREDUZEĆE ZA PROIZVODNjU PROMET ROBA I USLUGA ANK DOO, PRELJINA, Preljina, Čačak, company number 06668054,
- KOMANDITNO DRUŠTVO NINEX-PETROL EKSPORT-IMPORT, VAPA, 47 Stari put za Kraljevo St., Vapa, Čačak, company number 17292811,
- DRUŠTVO AUTO CENTAR SVIV DOO ČAČAK, 29 Stari put za Kraljevo St., Trnava, Čačak, company number 21036315,

have reached an agreement by which the parties concerned have directly set the sales prices of vehicle inspection services, and in that manner have entered into restrictive agreements referred to in Article 10(2/1) of the Law.

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, specifically imposed on:

- undertaking DRUŠTVO SA OGRANIČENOM ODGOVORNOŠĆU AUTO CENTAR MILOŠ ČAČAK, in the amount of RSD 50,250.00 (in words: fifty thousand two hundred fifty and 00/100 dinars);
- undertaking OGI MD AUTO CENTAR DOO ZA PROIZVODNjU, TRGOVINU I USLUGE ČAČAK, in the amount of RSD 415,730.00 (in words: four hundred fifteen thousand seven hundred thirty and 00/100 dinars);
- undertaking AKCIONARSKO DRUŠTVO ZA PREVOZ ROBE I PUTNIKA ŠUMADIJA TRANSPORT I ODRŽAVANJE ČAČAK, in the amount of RSD 532,690.00 (in words: five hundred thirty-two thousand six hundred ninety and 00/100 dinars);
- undertaking DRUŠTVO SA OGRANIČENOM ODGOVORNOŠĆU ZA PROIZVODNjU, PROMET I USLUGE AUTO-JOVANOVIĆ, KONJEVIĆI, in the amount of RSD 141,800.00 (in words: one hundred forty-one thousand eight hundred and 00/100 dinars);
- undertaking BAVARIA TEAM DOO ČAČAK, in the amount of RSD 788,548.00 (in words: seven hundred eighty-eight thousand five hundred forty-eight and 00/100 dinars);
- undertaking DRUŠTVO ZA USLUGE TEHNIČKOG PREGLEDA BRAĆA BOŽOVIĆ 032 D.O.O. ČAČAK, in the amount of RSD 8,580.00 (in words: eight thousand five hundred eighty and 00/100 dinars);

- undertaking DOO N&S AUTO 032 ČAČAK, in the amount of RSD 16,050.00 (in words: sixteen thousand fifty and 00/100 dinars);
- undertaking DRUŠTVO ZA PROIZVODNjU, USLUGE I PROMET AUTOSERVIS AD ČAČAK, in the amount of RSD 119,450.00 (in words: one hundred nineteen thousand four hundred fifty and 00/100 dinars)
- undertaking PREDUZEĆE ZA PROIZVODNjU PROMET ROBA I USLUGA ANK DOO, PRELjINA, in the amount of RSD 60,140.00 (in words: sixty thousand one hundred forty and 00/100 dinars);
- undertaking KOMANDITNO DRUŠTVO NINEX-PETROL EKSPORT-IMPORT, VAPA, in the amount of RSD 930,778.00 (in words: nine hundred thirty thousand seven hundred seventy-eight and 00/100 dinars);
- undertaking DRUŠTVO AUTO CENTAR SVIV DOO ČAČAK, in the amount of RSD 23,010.00 (in words: twenty-three thousand ten 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 and no later than 3 (three) days from 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 IT SHALL BE DISMISSED as unfounded, requests for suspension of proceedings initiated by the Conclusion No. 4/0-02-801/2018-1 of November 16, 2018 enacted by the President of the Commission for Protection of Competition, submitted by undertakings:

- KOMANDITNO DRUŠTVO NINEX-PETROL EKSPORT-IMPORT, VAPA, 47 Stari put za Kraljevo St., Vapa, Čačak,
- BAVARIA TEAM DOO ČAČAK, 11 Moravska St., Čačak, and
- OGI MD AUTO CENTAR DOO ZA PROIZVODNjU, TRGOVINU I USLUGE ČAČAK, 1 Miladina Boškovića St., Čačak.

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.