



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

25 Savska St., 4<sup>th</sup> Floor, Belgrade  
Number: 4/0-01-176/2021-35  
Reference number: 4/0-01-574/2020  
Date: July 2, 2021

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**Anonymized version**

The Council of the Commission for Protection of Competition, pursuant to Article 22(2) of the Law on Protection of Competition (“Official Gazette of the RS”, Nos. 51/2009 and 95/2013), and Article 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”, No. 50/2010), in proceedings brought ex officio against the following companies: Comtrade Distribution d.o.o. Beograd, company number: 17172140, having its registered office address at 125I Bulevar Zorana Đinđića Blvd., Belgrade-New Belgrade, represented by the Director, Mr. Nebojša Uskoković; Preduzeće za proizvodnju i trgovinu Tehnomanija d.o.o. Beograd, company number: 17233041, having its registered office address at 7b Milutina Milankovića St., New Belgrade, represented by the Director, Mr. Dejan Radulović; Gigatron eksport-import, prodaja i servis računara na veliko i malo d.o.o. Beograd, company number: 17479946, having its registered office address at 17 Kirovljeva St., Belgrade, represented by the Director, Mr. Vladan Janković, through its procuracy holder, attorney at law Mr. Nikola M. Mihajlović from Belgrade, 10/8 Banjalučka St.; Tehnomedia Centar doo Zaječar, company number: 20168501, having its registered office address at 44 Generala Gambete St., Zaječar, represented by the Director, Mr. Dragan Jovanović; Emmezeta Srbija društvo sa ograničenom odgovornošću Beograd (Novi Beograd), company number: 20276444, having its registered office address at 2A Partizanske avijacije St., Belgrade – New Belgrade, represented by the Directors, Mr. Slobodan Skolnik and Mr. Andrzej Pawel Sitarz, whose procuracy holder is attorney at law Ms. Bojana Miljanović from the Law Office of Karanović & Partners, 23 Resavska St., Belgrade; and, XLS d.o.o. Beograd (Zemun), company number: 21052868, having its registered office address at 44 Grmečka St., Belgrade – Zemun, represented by the Director, Mr. Milko Đerić, through its procuracy holder, attorney at law Ms. Tijana Kojović from the Law Office “BDK Advokati AOD”, 28 Bulevar kralja Aleksandra Blvd., Belgrade, to undertake investigations of infringements of competition law referred to in Article 10 of the Law on Protection of Competition, at the 57<sup>th</sup> session held on July 2, 2021, adopts the following

## **DECISION**

**I IT SHALL BE ESTABLISHED** that companies: Comtrade Distribution d.o.o. Beograd, 125I Bulevar Zorana Đinđića Blvd., Belgrade-New Belgrade; Preduzeće za proizvodnju i trgovinu Tehnomanija d.o.o. Beograd, 7b Milutina Milankovića St., New Belgrade; Gigatron eksport-import,

prodaja i servis računara na veliko i malo d.o.o. Beograd, 17 Kirovljeva St., Belgrade; Tehnomedia Centar doo Zaječar, 44 Generala Gambete St., Zaječar; Emmezeta Srbija društvo sa ograničenom odgovornošću Beograd (Novi Beograd), 2A Partizanske avijacije St., Belgrade – New Belgrade; and, XLS d.o.o. Beograd (Zemun), 44 Grmečka St., Belgrade – Zemun, have directly and/or indirectly fixed the resale prices of Tesla-branded consumer electronics, by way of which have entered into a restrictive agreement that has as its object or effect the appreciable restriction, distortion or prevention of competition 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 the enacting terms of this Decision is prohibited and void *ex lege*.

**III MEASURE FOR PROTECTION OF COMPETITION SHALL BE SET OUT** against companies referred to in Paragraph I of the enacting terms of this Decision, in the form of individual payment commitment, specifically against:

1. Comtrade Distribution d.o.o. Beograd, 125I Bulevar Zorana Đinđića Blvd., Belgrade-New Belgrade, in the amount of RSD 34,383,574.00 (in words: thirty-four million three hundred eighty-three thousand five hundred seventy-four dinars),
2. Preduzeće za proizvodnju i trgovinu Tehnomaniija d.o.o. Beograd, 7b Milutina Milankovića St., New Belgrade, in the amount of RSD 5,508,011.50 (in words: five million five hundred eight thousand eleven and 50/100 dinars),
3. Gigatron eksport-import, prodaja i servis računara na veliko i malo d.o.o. Beograd, 17 Kirovljeva St., Belgrade, in the amount of RSD 4,204,160.00 (in words: four million two hundred four thousand one hundred sixty dinars),
4. Tehnomedia Centar doo Zaječar, 44 Generala Gambete St., Zaječar, in the amount of RSD 1,334,895.00 (in words: one million three hundred thirty-four thousand eight hundred ninety-five dinars),
5. Emmezeta Srbija društvo sa ograničenom odgovornošću Beograd (Novi Beograd), 2A Partizanske avijacije St., Belgrade – New Belgrade, in the amount of RSD 690,613.00 (in words: six hundred ninety thousand six hundred thirteen dinars), and
6. XLS d.o.o. Beograd (Zemun), 44 Grmečka St., Belgrade – Zemun, in the amount of RSD 575,051.00 (in words: five hundred seventy-five thousand fifty-one dinars).

**IV IT SHALL BE ORDERED** to companies referred to in Paragraph I of the enacting terms of this Decision to make the payment provided for in respect of the measure for protection of competition referred to in Paragraph III of the enacting terms of this Decision into the Budget account of the Republic of Serbia, No. 840 743224 843 94 Model 97 – with reference number: two-digit control number according to Model 97 – three-digit number of the municipality, city or area – number of this Decision.

**V DEADLINE SHALL BE SET OUT** to companies referred to in Paragraph I of the enacting terms of this Decision to 12 (twelve) months from the date of communication of this Decision for the execution of orders referred to in Paragraph IV of the enacting terms of this Decision, under threat of enforced collection measures implemented by tax administration under regulations governing tax collection.

**VI IT SHALL BE ORDERED** to companies referred to in Paragraph I of the enacting terms of this Decision that within a period of five (5) days from the execution of orders referred to in Paragraph IV of the enacting terms of this Decision submit proof of payment thereof to the Commission for Protection of Competition.

**VII IT SHALL BE ORDERED** to the undertaking **Gigatron eksport-import, prodaja i servis računara na veliko i malo d.o.o. Beograd**, 17 Kirovljeva St., Belgrade, to organizationally, technically and financially separate its operations that concern the online sales of Tesla-branded products on the website shop.tesla.info from its regular operations in such a way as to prevent any future conduct that could restrict, distort or prevent competition.

**VIII DEADLINE SHALL BE SET OUT** to the undertaking referred to in Paragraph VII of the enacting terms of this Decision, to 2 (two) months from the date of communication of this Decision to submit proof of execution of orders referred to in Paragraph VII of the enacting terms of this Decision to the Commission for Protection of Competition.

**IX IT SHALL BE PROHIBITED** to companies referred to in Paragraph I of the enacting terms of this Decision to take any further action that could restrict, distort or prevent competition in a manner as described in Paragraph I of the enacting terms of this Decision.

**X REQUEST SHALL BE REJECTED**, of Emmezeta Srbija društvo sa ograničenom odgovornošću Beograd (Novi Beograd), 2A Partizanske avijacije St., Belgrade – New Belgrade, for suspension of proceedings instituted by the President of the Commission for Protection of Competition in Conclusion No. 4/0-01-574/2020-1 of September 1, 2020, supplemented with Conclusion No. 4/0-02-176/2021-2 of February 5, 2021, in so far as it concerns Emmezeta Srbija društvo sa ograničenom odgovornošću Beograd (Novi Beograd).

**XI REQUEST SHALL BE REJECTED**, of XLS d.o.o. Beograd (Zemun), 44 Grmečka St., Belgrade – Zemun, for suspension of proceedings instituted by the President of the Commission for Protection of Competition in Conclusion No. 4/0-01-574/2020-1 of September 1, 2020, supplemented with Conclusion No. 4/0-02-176/2021-2 of February 5, 2021, in so far as it concerns XLS d.o.o. Beograd (Zemun).

**XII** 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**

*(Signed)*  
Nebojša PERIĆ