



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

Number: 4/0-02-91/2021-9

Reference: 4/0-02-7/2019, 4/0-02-  
74/2018, 4/0-02-76/2017 and 4/0-02-  
382/2016

Date: December 30, 2021

Belgrade

Council of the Commission for Protection of Competition, pursuant to Article 22 paragraph 2, Article 57 paragraph 1 and Article 68 paragraph 1 item 2) of the Law on Protection of Competition (“Official Gazette of the Republic of Serbia”, number 51/09 and 95/2013), and Articles 3 and 4 of the Decision on Criteria for Determination of Tariff for Competition Protection Measures and Process Penalty, Payment Manner and Deadline and Conditions for Determination of Such Measures (“Official Gazette of the Republic of Serbia” no. 50/2010), in deciding in repeated proceedings ex officio against the Railway Vehicles Overhaul Company “MIP-RŠV” DOO, with seat in Čuprija, 8-10 Železnička Street, with legal representative Slavica Kojić, and holder of the Power of Attorney Miodrag Antić, lawyer from Čuprija, 8 Kneza Miloša Street; Production Trade and Services Company “Inter-mehanika” DOO, with seat in Skorenovac, 53 Bratstva i jedinstva Street, with legal representative Vladimir Đurđević, and holders of Power of Attorney Branislav Popovac and others, lawyers from Belgrade, 16/3 Katanićeva Street; “Tatravagonka bratstvo” DOO company, with seat in Subotica, 2 Bikovački put Street, with legal representatives Vladimir Sedlak and Milan Kriššak, and holders of the Power of Attorney lawyers Dragomir and Nenad Vuletić from Subotica, 17 Vase Stajića Street and Limited Liability Company for Overhaul and Production of Railway Vehicles, Mechanical Engineering and Metal Processing “Šinvoz” with seat in Zrenjanin, 1 Industrijska Street, with legal representative Radomir Miljuš, for investigation of competition infringement from Article 10 of the Law on Protection of Competition, at the 70th meeting held on December 30, 2021, adopts the following

## **DECISION**

**I IT HAS BEEN ESTABLISHED THAT** Railway Vehicles Overhaul Company “MIP-RŠV” DOO, with seat in Čuprija, 8-10 Železnička Street, Production Trade and Services Company “Inter-mehanika” DOO, with seat in Skorenovac, 53 Bratstva i jedinstva Street, “Tatravagonka bratstvo” DOO company, with seat in Subotica, 2 Bikovački put Street, and Limited Liability Company for Overhaul and Production of Railway Vehicles, Mechanical Engineering and Metal Processing “Šinvoz” with seat in Zrenjanin, 1 Industrijska Street, agreed on participation by direct price agreement for each individual bid per lots in the procedure of public procurement number 3000/1539/2015 (101971/2015) of the Contracting Authority TENT - “Arbel” Wagon Overhaul

Services, thus concluding a restrictive agreement in the sense of Article 10 paragraphs 1 and 2 item 1) of the Law on Protection of Competition, hence significantly limiting and distorting competition.

**II IT HAS BEEN ESTABLISHED** that the restrictive agreement from item I of the wording of this decision shall be null ex lege.

**III COMPETITION PROTECTION MEASURE SHALL BE IMPOSED** for each market participant from item I of the wording of this decision, individually in the form of payment obligation of the monetary amount, namely:

- For Railway Vehicles Overhaul Company "MIP-RŠV" DOO, with seat in Čuprija, 8-10 Železnička Street, in the amount of RSD 2,320,480.00 (twomillionthreehundredtwentythousandfourhundredeighty and 00/100);
- For Production Trade and Services Company "Inter-mehanika" DOO, with seat in Skorenovac, 53 Bratstva i jedinstva Street, in the amount of RSD 1,475,000.00 (onemillionfourhundredandseventyfivethousanddinars and 00/100);
- For "Tatravagonka bratstvo" DOO company, with seat in Subotica, 2 Bikovački put Street, in the amount of RSD 2,138,900.00 (twomilliononehundredthirtyeightthousandninehundreddinars and 00/100);
- Limited Liability Company for Overhaul and Production of Railway Vehicles, Mechanical Engineering and Metal Processing "Šinvoz" with seat in Zrenjanin, 1 Industrijska Street, in the amount of RSD 4,975,020.00 (fourmillionninehundredseventyfivethousandtwentydinars and 00/100).

**IV** Market participants from paragraph I of the wording of this decision **HAVE BEEN ORDERED** to execute payment of the monetary amount for the purpose of competition protection measure from paragraph III of the wording of this decision to the account of the Budget of the Republic of Serbia number 840 743224 843 94, model 97 - with payment reference number: double digit control number per model 97 - three-digit code of the municipality, city or territory - number of this decision.

**V DEADLINE SHALL BE SET** to market participants from paragraph I of this Decision of 3 (three) months from the date of delivery of this decision for the execution of order from paragraph IV of the wording of this decision under threat of enforcement implemented by Tax Administration in line with regulations prescribing tax collection.

**VI** Market participants from paragraph I of the wording of this Decision **HAVE BEEN ORDERED** to, within 5 (five) days from the date of execution of order from paragraph IV of the wording of this decision, provide evidence on payment executed to the Commission for Protection of Competition.

- VII** Market participants from paragraph I of the wording of this Decision are **PROHIBITED FROM** any future actions that would limit, distort or prevent competition by direct or tacit agreement on participation terms, especially by direct price determination in public procurement process.
- VIII** This decision shall be published in the “Official Gazette of the Republic of Serbia” and webpage of the Commission for Protection of Competition.

**PRESIDENT OF THE COMMISSION**

*(Signed)*

**Nebojša PERIĆ**