



REPUBLIC OF SERBIA
COMMISSION FOR PROTECTION OF COMPETITION
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**ACTIVITY REPORT FOR
THE COMMISSION FOR PROTECTION OF COMPETITION
FOR 2021**



in Belgrade, February 2022

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INTRODUCTION

The Commission for the Protection of Competition (hereinafter referred to as: (hereinafter, the Commission) was established by the Law on Protection of Competition (Official Gazette of the RS 79/05) commencing its operating activities following the Initial Convening of the Commission Council in April 2006.

It reports to the National Assembly, to which it submits its annual activity report. The Annual Activity Report of the Commission for the year 2021 (hereinafter: the Report) is submitted to the to the National Assembly of the Republic of Serbia under Article 20 of the Law on Protection of Competition (Official Gazette of the RS 51/2009 and 95/2013).

The Report contains key information concerning the institutional and administrative framework in which the Commission exercises its authority entrusted to it by the Law, activities undertaken to achieve its entrusted mandate, and an overview of the conducted proceedings, namely:

- procedures to determine and sanction antitrust violations;
- procedures on requests for individual exemptions of restrictive agreements from prohibition;
- merger control procedures;
- procedures before courts;
- proposing to the Government the adoption of regulations for the implementation of the Law on the Protection of Competition and the adoption of guidelines and instructions;
- issuing opinions;
- conducting sector inquiries;
- activities to implement commitments in the process of accession to the EU;
- international cooperation;
- cooperation with regulatory bodies, state bodies, bodies of territorial autonomy and local self-government and other authorities, as well as
- activities to raise awareness on the importance of competition law and policy.

The basic source of law is the Law on Protection of Competition (Official Gazette of the RS 51/2009 and 95/2013, hereinafter, t the Law) which defines the competence and actions of the Commission. In previous years, at the proposal of the Commission, the Government of the Republic of Serbia adopted a series of decrees that further specified the legal provisions in the matter in question, which significantly supplemented the legal framework for the protection of competition in Serbia.

Stabilization and Association Agreement between the European Communities and their member states, on the one hand, and the Republic of Serbia, on the other hand¹ - Title VI - Harmonization of regulations, application of competition law and rules - Article 73. Competition and other economic provisions (hereinafter: SAA) regulating the issues of competition protection². In this sense, when drafting laws and by-laws, regulations are harmonized with the legal acquis of the European Union (*acquis communautaire*). Furthermore, the Commission is obliged to ensure the full implementation of Article 73, point 1, sub-items i and ii, as well as item 2, which prescribes that any action contrary to this Article will be evaluated based on the criteria resulting from the application of the applicable competition rules in the Community, especially from Articles 101, 102 and 106 (formerly 81, 82 and 86) of the Treaty on the Functioning of the EU and interpretative instruments adopted by the community institutions, which includes primary and secondary EU legislation, the practice of EU institutions, as well as judgments of European judicial instances

In the procedure before the Commission, the rules of general administrative procedure, contained in the Law on General Administrative Procedure ("Official Gazette of the RS", No. 18/2016 and 95/2018 - authentic interpretation) are applied, unless otherwise prescribed by the Law.

A certain number of instructions and guidelines for the implementation of the Law, which were adopted by the Commission acting in accordance with Article 21, are also in force.

In the last year, the Commission adopted the Guidelines for the development of business compliance programs with competition regulations. Based on prior practice, it has been identified that competition infringements often occur due to ignorance or insufficient knowledge of market participants, and that it is necessary to raise the level of awareness among market participants about the need and ways to bring business into line with regulations in the field of competition protection. The goal of the guidelines is to help market participants in the process of adopting a program for harmonizing business with the rules on competition protection (compliance program), to guide them when drafting internal acts and regulations as well as when in the course of their operations.

In order to ensure greater legal security for market participants and the effectiveness of the procedure, the Commission also adopted the Instruction for inspection of case files with the request form for inspection of case files.

¹ The Law on Confirmation of the Stabilization and Association Agreement between the European Communities and their member states, on the one hand, and the Republic of Serbia, on the other hand, ("Official Gazette of the RS - International Agreements", No. 83/2008) entered into force on September 1, 2013.

² Article 73 sets forth of the SAA, the obligations of the Republic of Serbia in the field of state aid control, for which the State Aid Control Commission is responsible.

The improvement of competition protection implies, as a *conditio sine qua non*, the appropriate development and improvement of court practice in this area, which affects both the practice of the Commission and the business of market participants.

The Commission pays particular attention to judicial practice, both of national courts in controlling the legality of its decisions and conclusions, and to the practice of EU courts, which will be contributed by the Collection of legal principles of judicial practice of EU courts for the period 2018-2020³.

The progress report of the European Commission (EC) from Serbia from 2021, in addition to the findings on the results achieved so far, contains certain recommendations for future courses of action. Within its jurisdiction, the Commission undertakes all available mechanisms and activities in order to fulfill the EC recommendations, continuously analyzes and takes into account the acts and decisions of the European Commission and EU jurisprudence regarding the application of competition protection rules. The Commission pays special attention to this aspect, bearing in mind that it is also about fulfilling an international obligation.

As a matter of operational transparency and more efficient exercise of the rights of undertakings, in addition to acts under which it operates, the Commission publishes on its official website (kzk.gov.rs) decisions concerning the rights and obligations of market participants⁴, its positions on the application of certain rules, press releases, etc. The Commission publishes its decisions and acts in respect of which it has no legal obligation to publish.

INSTITUTIONAL AND ADMINISTRATIVE CAPACITY

Institutional Capacity

The Law defines the Commission as an autonomous and independent organization that exercises public powers and is accountable to the National Assembly for its work. The Commission's independence from the executive branch is secured in a manner in which the Commission President and members of the Commission Council are elected, but also through its financial autonomy given that the Commission is funded from its own revenues and is authorized to enact its annual financial plans, approved by the Government of the Republic of Serbia.

³ Prepared within the Twinning Project "Further Development of Protection of Competition in Serbia".

⁴ In accordance with the Decision on the method of publishing decisions and acts, and redaction or omission of information (anonymization) in decisions and acts of the Commission.

The institutional-building of the Commission began with the establishment of the Commission, the adoption of the Statute and other general acts, by-laws prescribed by the Law on Protection of Competition and other legal and other regulations, and it is still ongoing. In the course of 2021, the upgrading of the Commission's normative acts continued, with the adoption of a number of new and improvement of existing acts.

The work of the Council of the Commission takes place at the meetings of the Council of the Commission, where decisions are made within the jurisdiction of the Commission, in accordance with the Law and the Statute of the Commission. A total of 32 Council sessions are held during 2021. The work of the President and the Council members, in a broad sense, also includes holding working sessions, meetings with representatives of state authorities, international entities and professional or trade associations, giving presentations at international and national scientific and expert events, as well as other activities aimed at comprehensive and active promotion of the work of the Commission.

Administrative Capacity

The Administrative and Professional Service of the Commission performs professional operations under the competence of the Commission in accordance with the Law, Statute and other acts of the Commission.

As at 31 December 2021, the number of the Administrative and Professional Service employees has reached a total of 57, with five employees that have suspended their employment relationship.

The President of the Commission and members of the Commission Council, have entered into agreements on mutual rights and obligations that establish the fixed-term employment relationship. Three Council members are elected from among CPC staff and their employment relationship with the Commission is suspended. The employment of professional and educated personnel contributes to the strengthening of the Commission's administrative capacity, both in terms of intensifying activities to determine and sanction competition violations, as well as in assuming the obligations that the Republic of Serbia has in the process of joining the EU, i.e. harmonizing practices in this area, and activities in promoting the goal and importance of the application of competition protection rules.

A number of staff at the Professional Service have completed their respective PhD and MA studies, that is, they hold Masters of Science degrees in economics, legal, organizational management, and public administration studies. CPC employees have passed the Civil Service Exam, while 12 have passed the Judicial State Exam.

No.	Organizational unit	Total	University degree	College degree	Secondary education
1.	Office of the President	4	3	1	0
2.	Merger Investigation Division	10	10	0	0
3.	Restrictive Practices Division	9	9	0	0
4.	Division for Legal, Domestic and International Affairs	7	7	0	0
5.	Economic Analysis Division	5	5	0	0
6.	Division for Material and Financial Affairs	5	4	0	1
7.	Division for Normative and Legal, HR and General Administrative Affairs	12	4	2	6
	TOTAL	52	42	3	7

Table 1 – Number and qualification structure of the CPC Administrative and Professional Service staff

The Commission will continue to strengthen its administrative capacities, given that the competition law is a specific field that requires constant education of employees and intensive monitoring of comparative practices.

Additional Employee Education

In July 2021, as part of the Twinning project "Further development of competition protection in Serbia", the fourth study visit to the Italian competition protection authority (Autorita Garante della Concorrenza e del Mercato - AGCM) was held, which was intended to exchange experiences in the field of Competition Advocacy - representing competition, i.e. raising awareness about the importance of competition. Six CPC staff members have visited Rome as participants of the study visit.

The uniqueness of the work in 2021, which was caused by the global pandemic, meant that the employees of the Commission had training mainly through webinars. Employees have participated in webinars organized both under the auspices of current international projects and by international and national organizations, the National Academy of Public Administration, in addition to participation at international conferences, namely:

- Webinar on "Global Policy Dialogue - Post-COVID-19 resurgence of MSMEs and competition policy", organized by the United Nations Conference on Trade and Development (UNCTAD);
- University of Amsterdam webinar on the links between economic inequality and competition law (organized in cooperation with UNCTAD);
- International Competition Network (ICN) Virtual Annual Conference;
- Webinar "In the Spotlight Coscelli/Mundt – Leading your agency through change"

- Webinar of the International Competition Network on the Effectiveness of Competition Authorities (ICN AEWG) on "Digitalization, Innovation and Agency Effectiveness";
- ICN AEWG webinar for economists Market Studies: Economist's Perspective;
- "Kickoff Call" for the new ICN Year - Hear from the ICN Working Groups on New Work Product and How to Get Involved in this Year's Projects
- A four-week ICN seminar/workshop that involved working in groups with colleagues from competition authorities from around the world, to jointly solve a practical problem (virtual ICN Promotion & Implementation workshop);
- ICN's two-day virtual workshop on cartels;
- ICN's two-day virtual workshop on concentrations;
- The 20th annual conference of the Global Competition Forum of the OECD, on the topics of economic analysis and evidence in cases of abuse, as well as neutrality in the application of competition law;
- OECD Workshop on Regulatory Barriers to Competition
- OECD-RCC webinar - „Tackling bid rigging in public procurement“
- Joint seminar of OECD- RCC/FAS RUSSIA on "Competition Law and Intellectual Property Law";
- OECD- RCC-GVH seminar on the topic of Carryng out Effective Antitrust Investigations;
- RCC webinar on the topic of market studies: „Market Studies: A Key Driver for Competition Advocacy and Enforcement“;
- Virtual Annual Conference of the German Competition Authority;
- Seminars of the Academic Society for Competition Law SEE - ASCOLA on various topics related to protection and competition policy, one of which was on the topic "Policy report priority setting in EU and national competition law enforcement - focus on Eastern Europe", and
- Florence Competition Autumn Conference.

Handling Requests Under the Law on Free Access to Information of Public Importance

The Commission keeps special records of requests made under the Law on Free Access to Information of Public Importance.

In addition to the above, in accordance with the Personal Data Protection Act, the Commission keeps appropriate records that are registered in the Central Register of the Commissioner for Information of Public Importance and Protection of Personal Data.

The annual report to the Commissioner was submitted electronically within the prescribed period, by January 20, 2022.

In 2021, the Commission received a total of fifteen requests for access to information of public importance under the Law on Free Access to Information of Public Importance, out of which nineteen were filed by attorneys at law, and two by citizens and the media each. The applicants were lawyers in nine cases, citizens in two cases, and there were also four media requests.

The answers were delivered to the applicants in a timely manner.

In two cases, the requests were rejected by a decision, providing a statement of reasons. Appeals against the decision to reject the request were filed in two cases. The Commissioner for Information of Public Importance and Personal Data Protection adopted one decision reversing a decision enacted by the Commission.

ANTITRUST INFRINGEMENTS

Acting in accordance with its competencies referred to in Article 21(1/1) of the Law, the Commission decides on the rights and obligations of undertakings. The Commission implements these types of entrusted tasks, inter alia, by conducting administrative proceedings *ex officio* to establish the existence of antitrust infringements and deciding on requests for individual exemption of restrictive agreements from prohibition.

In line with Article 35 of the Law, the Commission initiates the procedure based on submitted initiatives, information and other available data, it can be presumed the existence of competition infringements.

In 2021, two *ex officio* proceedings were initiated in which the existence of a competition infringement was established. In one procedure, the existence of a restrictive agreement is determined, while in the other, possible abuse of a dominant position is examined.

One of the most efficient manners of collecting evidence in instituted proceedings is to conduct dawn raids. Under Article 53 of the Law, for the purpose of 3 proceedings the Commission has conducted inspections at a total of 6 locations.

In all cases where the infringement of competition law is established following the closure of an investigation procedure, the Commission sets out the measure(s) for protection of

competition as an administrative measure(s) under Articles 57 and 68 of the Law, in the form of an obligation of the party(ies) to pay a monetary amount to the Budget account of the Republic of Serbia. In 2021, the Commission imposed competition protection measures in four procedures in the total amount of slightly less than 117 million dinars.

Given that the purpose of the application of the Law is to address the identified market irregularities, the Commission in individual cases uses the institute of suspension of proceedings referred to in Article 58 of the Law to ensure its efficient conduct. In case of application of the aforementioned article of the Law, the party(ies) voluntarily undertake to implement measures to establish effective market competition and address the detected market weaknesses, while the Commission monitors and ensures their compliance. Otherwise, the Commission holds the right to reopen the suspended proceedings if the remedial measures are not executed properly.

ADMINISTRATIVE PROCEEDINGS

Proceedings Completed Under Article 10 of the Law - RESTRICTIVE AGREEMENTS

Party(ies) to the proceedings: Comtrade Distribution d.o.o. Beograd; Preduzeće za proizvodnju i trgovinu Tehnomanija d.o.o. Beograd; XLS d.o.o. Beograd; Gigatron eksport-import, prodaja i servis računara na veliko i malo d.o.o. Beograd; Tehnomedia Centar d.o.o. Zaječar; Emmezeta Srbija društvo sa ograničenom odgovornošću Beograd

Outline of the proceedings and CPC decisions: The proceedings were initiated against the company *Comtrade Distribution d.o.o. Beograd* due to the well-founded assumption that in the previous five years, and especially in 2019 and 2020, it influenced the prices in the further sale of Tesla brand products owned thereby. The proceedings were subsequently extended to other parties due to the well-founded assumption that they were also involved in determining the price of Tesla brand products for resale. In the course of the proceedings, statements, business documents were obtained from the parties and an insight into the electronic communication of the employees of the parties to the proceedings, working on tasks that are important for the formation policy and price changes, which was obtained by conducting dawn raids, was carried out. The Commission determined in its decision that the parties to the proceedings determined the prices in the further sale of consumer electronics products of the Tesla brand owned and distributed by the company Comtrade Distribution doo Beograd, thereby concluding a restrictive agreement. The Commission has imposed a measure for protection of competition in the total amount of RSD 46,696,304.50 against the parties concerned and prohibited any future behavior that would allow for the identical or similar infringements of competition law by way of restricting, distorting, or preventing

competition. The company *Gigatron doo Beograd* was additionally ordered to take measures to remove the established violation of competition, namely to separate the business related to the online sale of Tesla brand products through the *shop.tesla.info* website organizationally, technically and financially in relation to its regular business.

Party(ies) to the proceedings: Preduzeće za trgovinu i usluge *Roaming Electronics d.o.o. Vračar*; Preduzeće za proizvodnju i trgovinu *Tehnomanija d.o.o. Beograd*; *XLS d.o.o. Beograd*; *Gigatron eksport-import, prodaja i servis računara na veliko i malo d.o.o. Beograd*; *Tehnomedia Centar d.o.o. Zaječar*; *Emmezeta Srbija društvo sa ograničenom odgovornošću Beograd*

Outline of the proceedings and CPC decisions: The proceedings were instituted due to the well-founded assumption that the companies *Roaming Electronics doo Vračar* and *Tehnomanija d.o.o.* in the previous five years, and especially in 2019 and 2020, Belgrade influenced the prices of products whose importers or distributors are resold. With a supplementary conclusion, the proceedings were also instituted against other parties - customers of *Roaming Electronics doo Vračar*, because together with this supplier, they participated in setting prices for resale. In the course of the proceedings, statements, business documents were obtained from the parties and an insight into the electronic communication of the employees of the parties, working on tasks that are important for the formation policy and price changes, which was obtained by conducting dawn raids, was carried out. In its decision, the commission determined that the parties to the proceedings, save for the *Preduzeće za proizvodnju i trgovinu Tehnomanija d.o.o. Beograd*, directly and indirectly determined prices in the further sale of consumer electronics products, thereby concluding a restrictive agreement. The Commission has imposed a measure for protection of competition in the total amount of RSD 21,468,425.00 against the parties concerned and prohibited any future behavior that would allow for the identical or similar infringements of competition law by way of restricting, distorting, or preventing competition.

Proceedings against the *Preduzeće za proizvodnju i trgovinu Tehnomanija d.o.o. Beograd* was suspended, because together with the company *Roaming Electronics doo Vračar*, it represents one market participant, given that they are controlled by the same parent company.

Party(ies) to the proceedings: *Preduzeće za remont šinskih vozila MIP-RŠV DOO Čuprija*, *Preduzeće za proizvodnju, trgovinu i usluge Inter-mehanika DOO Skorenovac*, company *Tatravagonka bratstvo DOO Subotica*, and *Društvo s ograničenom odgovornošću za remont i proizvodnju šinskih vozila, mašinogradnju i metaloprerađivačku delatnost Šinvoz Zrenjanin*.

Outline of the proceedings and CPC decisions: In the re-decision proceedings, the Commission made a decision by which it determined that the parties to the proceedings agreed to participate by directly determining the prices for each individual offer by lot in the public procurement procedure number 3000/1539/2015 (101971/2015) of the contracting party TENT - Usluge remonta vagona marke „Arbel“, by which they concluded a restrictive agreement which significantly limited and distorted competition. The parties were imposed a competition protection measure in the total amount of RSD 10,909,400.00. They are prohibited from any future actions that would restrict, distort or prevent competition and commit the same or similar infringement of competition.

Party(ies) to the proceedings: Akcionarsko društvo Industrija mleka i mlečnih proizvoda Imlek, Padinska Skela; Kruna-Komerc d.o.o, Beograd

Outline of the proceedings to date: Acting on the initiative, the Commission obtained a contract by which the parties established cooperation and, among other things, agreed to jointly analyze the conditions of competition in the market of public procurement of milk and milk products, with the aim of determining the price policy and expanding the market of the product range of Imlek and its affiliated companies. As the Commission reasonably assumed that the contracting parties had agreed on commercial and other terms of trade for the purposes of participating in public procurement procedures for milk and milk products, it initiated proceedings to determine the existence of a restrictive agreement. Both parties to the proceedings, in terms of Article 58 of the Law, filed a proposal of obligations which they would be ready to willingly assume. Following the conducted market test, the Commission accepted the proposed obligations and suspended the procedure for a period of three years.

The obligations of *Akcionarsko društvo Industrija mleka i mlečnih proizvoda Imlek, Padinska Skela*:

1. in public procurement procedures that include products from the sales range of AD Imlek in the territory of the Republic of Serbia, does not enter into contractual relations with unrelated third parties in which it assumes the obligation to supply only one market participant in certain or all public procurement procedures. For the avoidance of any doubt, and bearing in mind the specifics of the goods that AD Imlek sells (in terms of, for example, quality, storage and the necessity of their health), the said measure does not imply the obligation of AD Imlek to deliver all its products to each person for the purpose of participation in public procurement, nor does it limit the right of AD Imlek to act independently in any public procurement procedure;
2. in public procurement procedures with clients or third parties who appear as potential bidders, i.e. suppliers in the public procurement in question, who turn to AD Imlek for the procurement of its goods, and in the event that they are awarded

the public procurement in question, apply the same principle of cooperation in terms of the contractual framework, that is, to conclude a standard contract with all such persons. The foregoing does not apply in situations where the ordering party or potential bidder to whom a certain public procurement is awarded requests, as a condition of cooperation, that the contract be concluded on its form, i.e. on a form that is not the form of AD Imlek. For the avoidance of doubt, when concluding a standard contract, it is possible and in accordance with the nature of the public procurement procedure to conclude various commercial terms (e.g. the price at which AD Imlek sells to the customer and/or potential bidder in public procurement, quantity, delivery parity, etc.) depending on the conditions of the specific public procurement, legal obligations and business interests of both contracting parties. As the draft standard contract for the sale of goods for the purposes of public procurement has been submitted to the Commission for the Protection of Competition for inspection, if during the period of execution of this measure there is a change in the model contract in whole or in part, AD Imlek undertakes to inform the Commission for the Protection of Competition without delay therefore and submit to the Commission for the Protection of Competition the altered model of the standard contract for inspection;

3. by February 28 at the latest of the current year for the previous year, submit a report, in written and electronic form, which will contain information on the number of contracts with clients that were awarded to AD Imlek for the purposes of participating in a specific public procurement, as well as information on the number of such contracts which were concluded on the standard form of the company AD Imlek and on the number of such contracts which were concluded on the forms of the contracting parties;
4. within thirty (30) days from the date of receipt of the conclusion on the termination of the procedure, on its official website, it shall state a special web address, i.e. the page for public procurement so that all interested third parties could send AD Imlek, as a producer of milk and dairy products, a request for the delivery of products from AD Imlek for the purposes of participating at a specific public procurement;
5. once a year, and no later than February 28 of the current year for the previous year, submit to the Commission for the Protection of Competition a report, in written and electronic form, which will contain data on all received requests from third parties that have addressed AD Imlek, as a manufacturer, in the capacity of potential tender bidders/suppliers, and in connection with the planned participation in public procurement, as well as information on the number of certificates issued by the company AD Imlek, in its capacity as a producer, to such third parties, and to whom it confirmed that it will be fully able to fulfill the relevant request of third parties in connection with the delivery of the requested products. The report will also contain information on third parties whose requests AD Imlek has rejected, stating the reasons for such rejection. For the purpose of avoidance of doubt, if during the period of validity of the measure in question there are no requests from third parties

addressed to the company AD Imlek in connection with participation in public procurement, the company AD Imlek undertakes to inform the Commission for the Protection of Competition;

6. without delay, and at the latest within thirty (30) days from the receipt of the conclusion on the termination of the subject procedure, appoint one or more persons/officers for supervision, within the company, who will be in charge of supervising the conclusion of standard contracts for the sale of goods in public procurement and authorized to report directly to the Commission for the Protection of Competition in connection with the performance of obligations under items 3, 4 and 5, in terms of Article 58 of the of the Law on Protection of Competition, which refer to the notification of the Commission for the Protection of Competition, as well as to the submission of answers to extraordinary inquiries of the Commission for Protection of Competition, with the help of all employees of the company, with the fact that the director of AD Imlek, upon reaching this conclusion, officially appoints the said person and that the authorized person in the company AD Imlek, without delay, informs the Commission for Protection of Competition about the person who will be appointed as the supervisory officer and his/her contact details in writing, as well as about any possible changes of that person/s in the following period of validity of the assumed commitments in the sense of Article 58 of the of the Law on Protection of Competition.
7. once a year, it implements a special employee education program on the regulations and rules on competition protection, which will also include the rules related to public procurement, in the form of mandatory training, for existing and new employees whose regular operations, the rules provided by the Law on Protection of Competition and which refer to public procurement, may be relevant. The said education program will be conducted either as a special training or as part of the training within the regular annual training of employees on the rules of competition protection according to the needs and capabilities of AD Imlek.

The liabilities of Kruna-komerc d.o.o. Beograd:

1. without delay, and at the latest within 30 (thirty) days from the receipt of the conclusion on the termination of the procedure, appoint one or more persons/officials within the company who will be in charge of supervising the conclusion of contracts related to public procurement and authorized to communicate and deliver answers to the Commission for the Protection of Competition in case of possible inquiries from the Commission for the Protection of Competition addressed to the company. An authorized person in the company Kruna-Komerc will immediately after the appointment of that person inform the Commission for the Protection of Competition about his data in written form (contact data), as well as in the event that during the validity of the proposed measures such person is replaced;

2. within 60 (sixty) days at the latest from the receipt of the conclusion on the termination of the procedure, draw up and adopt the internal act "Competition Policy", in which it will process the basic institutes of the Law on the Protection of Competition, with special reference to violations that may occur in the procedures of public procurements, with the aim that employees of the company who within the company manage tasks related to public procurement, train and acquire the necessary knowledge in the field of competition protection, and one copy of the adopted internal act is submitted to the Commission for the Protection of Competition immediately following its adoption;
3. at least once a year, it implements a special employee education program on regulations and rules on competition protection with special reference to the rules related to public procurement, in the form of mandatory training that would be held once a year, for existing and new employees in whose regular business, the rules provided for by the Law on the protection of competition related to public procurement, may be relevant. The said education program will be conducted either as a special training or as part of the training within the regular annual training of employees on the rules of competition protection according to the needs and possibilities of the Kruna Komerc company. In the event that in the period between the mandatory annual trainings there are changes and/or amendments to the laws that are relevant to the said area, the Kruna-Komerc company will hold extraordinary training for the company's employees holding relevant positions. Kruna Komerc will submit a report on the conducted trainings to the Commission for the Protection of Competition no later than February 28 of the current year, for trainings conducted in the previous calendar year;
4. with manufacturers, i.e. suppliers (except related parties of Kruna-Komerc) in contracts for the procurement of milk and dairy products for the purpose of Kruna-Komerc's participation in public procurement, will not enter into provisions for determining prices in further sales in order to create a more favorable position for Kruna-Komerc. For the purpose of avoidance of doubt, when concluding these contracts, it is possible and consistent with the nature of contractual relations and freedom of contract to conclude different conditions (such as the price at which the company Kruna-Komerc buys goods, quantity, parity of delivery, etc.) depending on the specific seller, legal obligations and business interests of both contracting parties. As proof of fulfillment of this obligation, Kruna-Komerc will submit a report in written and electronic form no later than February 28 of the current year for the previous calendar year, which will contain information on the number of public procurements in which Kruna-Komerc participated, as well as information on to the number of contracts concluded in connection with the need to procure milk and dairy products with producers, i.e. suppliers (except for Kruna-Komerc related parties) for the purpose of Kruna-Komerc's participation in public procurement. If there are no such contracts during the period of validity of the measure in question, Kruna-Komerc will also inform the Commission thereof. Additionally, Kruna-Komerc

undertakes not to cooperate with competitors and/or potential competitors in public procurement procedures, in order to determine the price policy.

Party(ies) to the proceedings: Bora Kečić – vangabaritni transporti d.o.o, Beograd, Preduzeće za puteve Kragujevac d.o.o, Kragujevac, Transportšped d.o.o, Beograd, and Agrorit d.o.o, Melenci, Zrenjanin.

Outline of the proceedings and CPC decisions: The antitrust proceedings were instituted based on reasonable grounds to believe that the parties to the proceedings, as direct competitors on the market for public procurement “Provision of hauling services for the remaining equipment of used excavator and stacker from Germany to Serbia” published by PE Elektroprivreda Srbije, were able to independently participate in the public procurement procedure. Moreover, for the agreement in question, no request was submitted to the Commission for its individual exemption from the ban. Following the conducted procedure, the Commission assessed that the conditions set forth in items (1) and (3) of the Commission's Opinion on the application of Article 10 of the Law on certain forms of cooperation between market participants in public procurement procedures from June 15, 2015 were met, that is, that the parties to the subject procedure do not represent competitors in the subject public procurement procedure, bearing in mind that they did not independently fulfill all the conditions prescribed by the subject public procurement. It was also established that two independent competitive bids could not be formed from the formed group of bidders. For the reason stated above, the Agreement on joint performance and submission of a joint bid is not considered a restrictive agreement, for which reason there was no obligation to submit a request for its exemption, so the procedure was suspended.

Party(ies) to the proceedings: Bora Kečić – specijalni transporti d.o.o, Beograd, Union Šped d.o.o, Beograd, and Bata d.o.o, Trešnjevac, Kanjiža.

Outline of the proceedings and CPC decisions: The procedure was initiated due to the well-founded assumption that the parties concluded a restrictive agreement, i.e. that, as direct competitors, they concluded an Agreement on joint performance and joint bidding in the public procurement procedure "Transportation of the remaining equipment of used excavators and dumpers from Germany to Serbia" of the client JP Elektroprivreda Srbija, and that they were able to independently participate in the public procurement procedure in question. Moreover, for the agreement in question, no request was submitted to the Commission for its individual exemption from the ban. Following the conducted procedure, the Commission assessed that the conditions set forth in items (1) and (3) of the

Commission's Opinion on the application of Article 10 of the Law on certain forms of cooperation between market participants in public procurement procedures from June 15, 2015 were met, that is, that the parties to the subject procedure do not represent competitors in the subject public procurement procedure, bearing in mind that they did not independently fulfill all the conditions prescribed by the subject public procurement. It was also established that two independent competitive bids could not be formed from the formed group of bidders. For the reason stated above, the Agreement on joint performance and submission of a joint bid is not considered a restrictive agreement, for which reason there was no obligation to submit a request for its exemption, so the procedure was suspended.

**Proceedings Pending as at 31 December 2021,
under Article 100 of the Law - RESTRICTIVE AGREEMENTS**

Party(ies) to the proceedings: MITECO-Kneževac doo Beograd, YUNIRISK doo Beograd, MODEKOLO doo Beograd; BREM GROUP doo Beograd, and KEMIS doo Valjevo.

Outline of the proceedings to date: Following the opening of a formal antitrust proceedings based on reasonable grounds to believe that the parties to the proceedings have agreed to bid in the Public procurement – Provision of services for permanent disposal of hazardous waste in company Magnohrom d.o.o. Kraljevo in bankruptcy, as a single group of bidders tendering a single joint bid, thus refraining from the competition via separate bids tendered in a smaller group of bidders, a dawn raid on business premises of the parties to the proceedings was conducted, and the required data were requested from the state authorities. Following the analysis of the collected data, the parties in the proceedings were delivered a Notice on the essential facts, evidence and other elements established in the proceedings, as well as an additional Notice, with an invitation to make a statement.

Party(ies) to the proceedings: Porsche SCG doo Beograd, Autokomerc doo Beograd (Surčin), Društvo sa ograničenom odgovornošću za proizvodnju, trgovinu i usluge autocentar Manik-ACM Preljina, Privredno društvo Bros Auto doo Niš.

Outline of the proceedings to date: Further to the Inquiry into competitive conditions on the markets for sales and aftersales services for motor vehicles in 2017, 2018 and 2019, including the analysis of contractual relations between suppliers and distributors of the top-selling brands of motor vehicles in the territory of the Republic of Serbia, the Commission found reasonable grounds to believe the existence of restrictive agreements. Specifically, in the dealership agreements provided to the Commission for the Audi brand products/cars, the existence of a provision whereby the importer sets the resale prices of vehicles is

established. In the current course of the procedure, dawn raids have been carried out, and the determination of relevant facts in this procedure is ongoing.

Party(ies) to the proceedings: Original preduzeće za spoljnu i unutrašnju trgovinu i usluge doo Beograd (Novi Beograd); Mikops doo Export-Import za proizvodnju, trgovinu i usluge Niš; Preduzeće za usluge i trgovinu Birolinija društvo sa ograničenom odgovornošću Beograd (Čukarica); Biro Print Sistemi doo Beograd-Savski venac; Preduzeće za trgovinu i usluge Dikti Line doo, Beograd (Vračar); Društvo za spoljašnju i unutrašnju trgovinu Birodeveloping doo Niš; Društvo za proizvodnju, promet i usluge Birotehnika Export-Import doo, Jagodina, and Konica Minolta Poslovna rešenja SE doo Beograd (Novi Beograd).

Outline of the proceedings to date: A repeated proceedings against the parties is pending, launched to establish the existence of a restrictive agreement in the form of collusion between the parties to set the prices and conditions of tender, i.e., to refrain from bidding in public procurement for office equipment and devices manufactured by Konica Minolta. Once the factual situation was established, taking into account the remarks of the Administrative Court, a Notice on the essential facts and evidence and other elements established in the procedure was drawn up and delivered to the parties with a call for statements. The received statements are currently subject to analysis.

Party(ies) to the proceedings: AD Imlek, Padinska Skela; DOO Gomex Zrenjanin; DTL doo Beograd; RIČ doo Prokuplje; Domaća trgovina doo Beograd; Veropoulos doo Beograd; Qvattro Company doo, Beograd; Metlakomerc doo, Vinarce, Leskovac; Mikromarket NS doo, Novi Sad; AS Velpro doo Donji Dušnik; Aman doo Surčin, Beograd; NS-BOMI doo Stubline, Obrenovac; PTP DIS doo Krnjevo, Velika Plana; Univerexport doo Novi Sad

Outline of the proceedings to date: The agreements and annexes concluded by company Imlek with its buyers have contained provisions in respect of which the Commission found reasonable grounds to believe that may represent provisions setting the minimal resale prices, i.e., that the matter concerns restrictive agreements that directly provide for resale price maintenance. Therefore, the Commission instituted a total of 16 separate investigation procedures against company Imlek, as a seller, and its 16 buyers, later deciding on the joinder of proceedings for reasons of time efficiency procedural economy. The parties to the proceedings are provided the Statement of Objections and invited to make statements, which the parties have provided in a timely manner. In the light of the individual contribution to the occurrence and duration of the injury, market and financial power, the Commission suspended the proceedings against three companies, while AD Imlek, in accordance with Article 58 of the Law, submitted a proposal of commitments that it is

willing to undertake voluntarily in order to eliminate possible competition violations. Following the conducted market test, the Commission accepted the proposed obligations towards the party to the proceedings AD Imlek and suspended the procedure for a period of three years. As for the other parties, the proceedings are ongoing.

Obligations of AD Imlek:

1. with third, unrelated persons who turn to AD Imlek for the purchase of products from AD Imlek's sales range, apply the same principle of cooperation with regard to the contractual framework, i.e. to conclude a standard contract with such persons if the contract is concluded on the standard form of AD Imlek, that is, except in situations where the buyer requests, as a condition of cooperation, that the contract be concluded on its form, i.e. on a form that is not the form of the company AD Imlek, whereas in the new model contract of the company AD Imlek, including all accompanying attachments of such a contract, the so-called "loss-lead" provision is deleted. For the avoidance of doubt, when concluding a standard contract, it is possible and in accordance with the nature of contractual relations and the freedom of contracting to conclude different conditions (such as the price at which AD Imlek sells goods to its customer, quantity, delivery parity, etc.) depending on the specific customer, legal obligations and business interests of both contracting parties. As the draft standard contract for the sale of goods for the purposes of public procurement has been submitted to the Commission for the Protection of Competition for inspection, along with the accompanying annexes, if during the period of execution of this measure there is a change in the model contract, including its accompanying annexes, AD Imlek undertakes to inform the Commission for the Protection of Competition without delay therefore and submit to the Commission the applied type of the model agreement for insight;
2. without delay, and at the latest within thirty (30) days from the receipt of the conclusion on the termination of the subject procedure, appoint one or more persons/officers for supervision, within the company, who will be in charge of supervising the conclusion of standard contracts for sale and authorized to directly report to the Commission regarding the discharge of the obligation, in terms of Article 58 of the Law on Protection of Competition, under item 4, which refers to the notification of the Commission about the concluded sales contracts for the previous year, as well as to the submission of answers to the extraordinary inquiries of the Commission, with the help of all employees of the company, with the fact that the director of the company AD Imlek, upon reaching this conclusion, officially appoints the above person and that the authorized person in the company AD Imlek, without delay, informs the Commission about the person who will be appointed as the supervisory officer and his/her contact details in writing, as well as about all possible changes of that person/s in the following period of validity of the adopted obligations in terms of Article 58 of the Law on Protection of Competition.

3. once a year, it implements a special employee education program on the regulations and rules on competition protection, in the form of mandatory training, for existing and new employees whose regular operations, the rules provided by the Law on Protection of Competition and which refer to public procurement, may be relevant.
4. Once a year, and at the latest by February 28 of the current year for the previous year, submit a report, in written and electronic form, which will contain data on (i) the total number of concluded contracts on the standard form of AD Imlek, and (ii) the number total of concluded contracts that were not concluded on the standard form of AD Imlek company, with the fact that AD Imlek company will submit signed contracts or examples of signed contracts for the previous year for inspection at the request of the Commission, if it deems it necessary.

Party(ies) to the proceedings: Apatinska pivara Apatin d.o.o.; Mikromarket d.o.o. Novi Sad; AD BB Trade Žitište; Metro Cash & Carry d.o.o. Beograd; Veropoulos d.o.o. Beograd; Domaća trgovina d.o.o. Beograd; Gomex d.o.o. Zrenjanin, Medius d.o. o. Nova Pazova, Amand d.o.o. Surčin, AD Podunavlje Bačka Palanka, Dis d.o.o. Krnjevo; Univerexport d.o.o. Novi Sad, STR Jelena 2 Tošić Đuro, preduzetnik Pančevo, DOO Zenit Prijepolje.

Outline of the proceedings to date: The agreements and annexes concluded by company Apatinska pivara with its buyers have contained provisions in respect of which the Commission found reasonable grounds to believe that may represent the provisions setting the minimal resale prices, i.e., that the matter concerns restrictive agreements that directly provide for resale price maintenance. Therefore, the Commission instituted a total of 13 separate investigation procedures against Apatinska pivara, as a seller, and its 13 buyers, later deciding on the joinder of proceedings for reasons of time efficiency procedural economy. The antitrust proceedings brought against the parties is pending before the Commission, the available documentation is analyzed and all necessary procedural actions are taken.

Party(ies) to the proceedings: SF1 COFFEE DOO Novi Sad

Outline of the proceedings to date: Following the launch of a formal antitrust proceedings based on reasonable grounds to believe that company SF1 Coffee, importer and distributor of Nespresso- branded coffee machines, sets the resale prices of said products, the Commission has conducted a dawn raid on business premises of the party to the proceedings and third parties, individual buyers of company SF1 Coffee. The antitrust proceedings brought against the party is pending before the Commission, while all the information,

statements and data of significance for establishing the facts in this proceedings are obtained and analyzed.

Party(ies) to the proceedings: VISA Incorporated California USA, VISA International Service Association USA, and VISA CEMEA Holdings Limited United Kingdom.

Outline of the proceedings to date: In a proceedings instituted on reasonable grounds to believe that VISA Group, as a form of associated undertakings, has set the multilateral interchange fees that all banks under the Visa system must apply for each Visa card transaction in the Republic of Serbia as a minimum fee paid by merchants to acquiring banks, relevant data collected from all banks included in the VISA card system, as well as from a certain number of merchants, are analyzed.

Party(ies) to the proceedings: MasterCard Incorporated; MasterCard International Incorporated; Mastercard Europe S.A., Belgija

Outline of the proceedings to date: In proceedings assumed that the parties, as a form of associated undertakings, determined the minimum amount of the multilateral interchange fee, which all banks included in the MasterCard system in the prescribed amounts apply during each payment with payment cards from the MasterCard system at points of sale in the Republic of Serbia, relevant data collected from all banks included in the Mastercard card system, as well as from a certain number of merchants, are analyzed.

Party(ies) to the proceedings: Atlantic Group, Zagreb; Atlantic Brands doo Belgrade; Atlantic Grand doo Belgrade; Strauss Adriatic doo Šimanovci

Outline of the proceedings to date: The commission initiated proceedings to examine the existence of a restrictive agreement, given that it reasonably assumed that Atlantic Grupa and Strauss Adriatic, as the two largest participants in the wholesale market of ground coffee, as well as the two largest competitors, coordinated business strategies regarding prices ground coffee in the Republic of Serbia. In this way, the parties in the proceedings would replace mutual competition with cooperation. For the purposes of the procedure, the Commission carried out dawn raids at four locations, and the analysis of the collected data and the determination of relevant facts in this procedure is underway.

Proceedings Completed Under Article 16 of the Law - ABUSE OF DOMINANCE

Party(ies) to the proceedings: Akcionarsko društvo za saobraćajnu delatnost Niš-ekspres Niš.

Outline of the proceedings and CPC decisions: On a judgment of the Administrative Court, the Commission repeated proceedings against Niš-ekspres establishing that the company holds dominant position on the relevant market for the provision of platform services at bus stations in the territory of the City of Niš, and that it has abused said dominance by charging various prices for equivalent bus station services in relation to bus ticket purchases, thus discriminating the beneficiaries. Niš-ekspres was imposed a measure for protection of competition in the amount of RSD 37,593,636.00. The Commission also ordered the company to provide the platform services at the Bus station Niš to all users in a non-discriminatory manner, prohibiting any further actions that could prevent, restrict, or distort competition by abusing its dominant position. As evidence of performance of remedial measures, Niš-ekspres is obligated to submit to the Commission on a biannual basis, starting from the date of notification of the decision in this case, a service price-list valid at the bus station in the territory of the City of Niš.

Party(ies) to the proceedings: Akcionarsko društvo Autoprevoz-Janjušević Priboj

Outline of the proceedings and CPC decisions: The Commission gained knowledge that company Autoprevoz – Janjušević is the managing authority at the only bus station in Kragujevac and that it charges for the provision of bus station services - bus dispatch services in the amount of 800.00 dinars, in addition to not charging, at one point, for the provision of bus dispatch and parking services for the buses owned by company Autoprevoz – Janjušević, as a bus carrier.

It has been established that this company charges for the provision of bus station dispatch services in various amounts, depending on whether the carrier is providing intercity or international bus services, as well as whether such international carriers are offering connections to neighboring or other countries. The above may result in the abuse of a dominant position in the form of charging an unfairly high price for bus dispatch services, i.e. charging different prices for the same station services to different carriers. Acting in line with the provision of Article 58 of the Law, the party to the proceedings filed a request for suspension of proceedings, supplemented by the Proposal of commitments that the company is voluntarily willing to undertake to remove potential infringements of competition law, containing terms and conditions and deadlines for taking the measures

thereof. Following the conducted market test, the Commission accepted the proposed obligations and suspended the procedure for a period of three years.

Commitments assumed by Autoprevoz - Janjušević:

1. to establish a single price for bus dispatch services on intercity lines, on international lines with neighboring countries and other international lines, in the amount of 350.00 dinars for bus reception / 350.00 dinars for bus dispatch, i.e. dispatch services in the amount of 700,00 dinars;
2. to charge for bus dispatch and parking services for the buses belonging to the company Autoprevoz Janjušević a.d. Priboj;
3. to inform the Commission thereof within 3 working days from the date of adoption of the price list from item 1), along with submitting a copy of the price list.

Party(ies) to the proceedings: Sirmiumbus d.o.o. za trgovinu i usluge, Sremska Mitrovica.

Outline of the proceedings and CPC decisions: Antitrust proceedings were instituted to establish the existence of an act of abuse of dominance, effected by charging various platform ticket prices for passengers traveling abroad as the managing authority at the only bus station in the City of Sremska Mitrovica. Acting in line with the provision of Article 58 of the Law, the party to the proceedings filed a request for suspension of proceedings, supplemented by the Proposal of commitments that the company is voluntarily willing to undertake to remove potential infringements of competition law, containing terms and conditions and deadlines for taking the measures thereof, which, following the conducted market test, the Commission accepted and suspended the proceedings for a period of three years. As the party submitted evidence that it acted according to the mandated obligations and within the deadlines set by the Commission, after the expiration of three years from the conclusion on the termination of the procedure, the procedure was suspended.

Party(ies) to the proceedings: Distribution System Operator EPS Distribucija d.o.o.

Outline of the proceedings and CPC decisions: In a repeated proceedings to establish the existence of the abuse of a dominant position, and foremost by imposing the obligation to deposit the funds of a dedicated (guarantee) deposit in the name of ensuring the payment of bills in the name of the system access service, by EPS Distribucija, to all users of the distribution system, except for EPS Snabdevanje, a party to the procedure has, acting in accordance with the provisions of Article 58 of the Law, filed a request for suspension of proceedings, supplemented by the Proposal of commitments that the company is voluntarily willing to undertake to remove potential infringements of competition law, containing terms

and conditions and deadlines for taking the measures thereof. Following the conducted market test, the Commission accepted the proposal and suspended the procedure for a period of three years. As the party submitted evidence that it acted according to the mandated obligations and within the deadlines set by the Commission, after the expiration of two years from the conclusion on the termination of the procedure, the procedure was suspended.

**Proceedings Pending as at 31 December 2021,
under Article 16 of the Law - ABUSE OF DOMINANCE**

Party(ies) to the proceedings: Klett izdavačka kuća doo Beograd, Novi Logos doo Beograd и Freska doo Beograd - Klet grupa

Outline of the proceedings to date: Based on the data collected as part of the sectoral analysis of the textbook market for primary education in the Republic of Serbia for the period 2018-2020, data from the initiative filed against the Klet Group and other collected data and documentation, the Commission reasonably assumed that the Klet Group has a dominant position and that since 2014 it has been implementing business strategies that deviate from the regular conditions of market competition. This particularly refers to preventing or making it difficult for competitors to enter the market, price and rebate policies and benefits for schools in textbook selection procedures. In order to gather evidence, unannounced inspections were carried out at every Klet Group company, which all have their registered headquarters at the same address. The Commission collects information, statements and data, performs their analysis, and undertakes evidentiary actions that are important for the correct determination of the factual situation in this procedure.

Monitoring the implementation and compliance with commitments from conclusions on suspension of proceedings under article 58 of the law, enacted in the previous period,

Party(ies) to the proceedings: Public enterprise for passenger and freight transport Novi Autoprevoz, Vrnjačka Banja.

Type of antitrust infringement: Abuse of dominance

Outline of the proceedings to date: Antitrust proceedings have been instituted to establish the existence of an act of abuse of dominance, effected by charging various platform ticket prices as the managing authority at the only bus station in the City of Vrnjačka Banja. The party to the proceedings has, in line with Article 58 of the Law, filed a request for suspension of proceedings, supplemented by the Proposal of commitments that the

company is voluntarily willing to undertake to remove potential infringements of competition law, containing terms and conditions and deadlines for taking the measures thereof. Following the conducted market test, the Commission accepted the Proposal of commitments and suspended the procedure.

Commitments assumed by JP Novi Autoprevoz:

1. to adopt a new price list establishing the single bus station rate for all persons, irrespective of whether or not they are passengers or escorts entering the bus station platform areas, thus equating passengers travelling on urban and suburban, intercity and international bus transport lines, and regardless of whether or not they are users traveling with the purchase of a bus ticket at the bus station, on one hand, and passengers or escorts entering the bus station platform areas without the purchase of a bus ticket, on the other,
2. establish the platform pricing (bus dispatch services) solely depending on the terminal dwell time of busses at the bus station,
3. to establish a single bus station parking rate for every begun hour for buses (irrespective of whether they provide shuttle or charter bus services) and lorries,
4. that immediately after the approval of the price list from item 1) by the company's supervisory board, it should be submitted to the founder, that is, to the Assembly of the Municipality of Vrnjačka Banja, for approval;
5. after the adoption of the price list from item 1) at the session of the Vrnjačka Banja Municipality Assembly, it shall begin to be applied within 3 days at the latest and to inform the Commission in writing about the start of the application of the price list, along with submitting a copy of the price list.

JP Novi Autoprevoz has fulfilled most of its commitments, while the change in the price list of station services at the bus station in Vrnjačka Banja is still being monitored.

Party(ies) to the proceedings: PUC Gradska toplana Niš.

Type of antitrust infringement: Abuse of dominance

Outline of the proceedings to date: The proceedings have been instituted based on reasonable grounds to believe the existence of abuse of dominance by the party to the proceedings, effected by charging for the thermal energy supply services in a manner which derogates from the methodology prescribed by the Regulation on the establishment of pricing methodology of the cost of supplying end consumers, resulting in an increased amount of service costs relative to the level

that would have resulted from the use of the prescribed methodology, and the establishment of the connection costs to the district heating network in a manner not stipulated by the relevant legal framework, in addition to invoicing such costs to end consumers in a manner which could depart from the cost principle. The party submitted a proposal for the termination of the procedure with a proposal of commitment that it is willing to undertake voluntarily, which the Commission accepted after conducting a market test.

Commitments assumed by PUC Gradska toplana Niš:

1. in the following calculation of prices, to fully and consistently adhere to the Regulation on the establishment of pricing methodology of the cost of supplying end consumers, and provide clarifications concerning the implementation of specific articles of the Regulation, foremost the correction element,
2. to submit each proposal of the newly established price to the founder, supplemented with the Opinion of an advisory body, where a representative of a local consumer association is the full member,
3. to reserve a seat in the Supervisory board for a representative of the district heating system's users, holding the right of discussion and no right to vote,
4. in the case of any doubt regarding the calculation of any of the mandatory price elements for the provision of thermal energy supply services prescribed by the Regulation on the establishment of pricing methodology of the cost of supplying end consumers, to contact line ministry in written form requesting the interpretation of said regulation,
5. to publish the instructions/guidelines/explanations price elements for the provision of thermal energy supply services on its website, thus providing for public access to information and enabling a control function to the general public,
6. to solely apply the criteria set by the founder's relevant acts when establishing the connection price to the district heating network, that determine the amount of connection fees for using the district heating network, as well as to publish the prices on its website.
7. to regularly, namely after the end of a heating season, inform the Commission in written form on the implementation of proposed commitments, with evidence provided in support of the implementation.

Public utility company Gradska toplana Niš regulatory implements the commitments, on which it reports regularly to the Commission.

TYPE OF VIOLATION	Carryovers	Instituted in 2021	CPC COUNCIL DECISIONS			Pending proceedings
			Established infringement	Termination of proceedings	Suspension of proceedings	

Restrictive agreements	14	1	3	1	2	9
Abuse of dominance	6	1	1	1	2	3
TOTAL	20	2	4	2	4⁵	12⁶
	22		10			

INDIVIDUAL EXEMPTIONS OF RESTRICTIVE AGREEMENTS FROM PROHIBITION

Closed Proceedings of Individual Exemption of Restrictive Agreements from Prohibition

Party(ies) to the proceedings – Applicant(s): Telecommunications company "Telekom Srbija" a.d., Beograd and Tačno doo Beograd-Stari grad

Type and overview of the agreement: Vertical agreement – Television Programming Distribution Agreement The subject of the Agreement is the exclusive right to distribute the channel of the television program - channel - Tanjug, namely the right to rebroadcast and the right to commercial distribution.

CPC decision: The Commission granted the individual exemption from prohibition with a duration of 3 years.

Party(ies) to the proceedings – Applicant(s): Telecommunications company "Telekom Srbija" a.d., Beograd and Tačno doo Beograd-Stari grad

Type and overview of the agreement: Vertical agreement – Television Programming Distribution Agreement The subject of the Agreement is the exclusive right to distribute the television program - the Hype TV channel, namely the right to rebroadcast and the right to commercial distribution.

CPC decision: Exemption granted for a period of 15 (fifteen) months, i.e. until January 15, 2023

Party(ies) to the proceedings – Applicant(s): The telecommunications company "Telekom Srbija" a.d., Beograd and the Public Media Institution Radio-television of Serbia

⁵The data includes two suspended procedures following the expiration of time for monitoring the fulfillment of voluntarily assumed commitment under Article 58 of the Law.

⁶The data also includes the procedure for determining the existence of a restrictive agreement in the sense of Article 10 of the Law, suspended against one party only, whereas it is still ongoing against all other parties.

Type and overview of the agreement: Vertical agreement – Television Programming Distribution Agreement The subject of the Agreement is the exclusive right to distribute the specialized theme RTS programs, namely the right to rebroadcast and the right to commercial distribution.

CPC decision: Granted extension of the validity period of individual exemption from the prohibition on restrictive agreements, due to expire on October 01, 2022.

Party(ies) to the proceedings – Applicant(s): The telecommunications company "Telekom Srbija" a.d., Beograd and FACE Sarajevo doo

Type and overview of the agreement: Vertical agreement – Television Programming Distribution Agreement The subject of the Agreement is the exclusive right to distribute the television program - the FACE TV channel, namely the right to rebroadcast and the right to commercial distribution.

CPC decision: Granted exemption for a period of 3 (three) years, until July 2, 2024.

Party(ies) to the proceedings – Applicant(s): Telecommunications company Telekom Srbija a.d. Beograd and PUC RADIO TELEVIZIJA REPUBLIKE SRBIJE Banja Luka, Bosnia and Herzegovina

Type and overview of the agreement: Vertical agreement – Television Programming Distribution Agreement The subject of the Agreement is the exclusive right to distribute the television program - the RTRS and RTRS Plus channel, namely the right to rebroadcast and the right to commercial distribution.

CPC decision: Granted extension of the validity period of individual exemption from the prohibition on restrictive agreements, due to expire on July 1, 2022

Party(ies) to the proceedings – Applicant(s): Telecommunications company Telekom Srbija a.d. Beograd and Television "K3" doo Prnjavor, Bosnia and Herzegovina

Type and overview of the agreement: Vertical agreement – Television Programming Distribution Agreement The subject of the Agreement is the exclusive right to distribute the

television program - the K3 channel, namely the right to rebroadcast and the right to commercial distribution.

CPC decision: Granted extension of the validity period of individual exemption from the prohibition on restrictive agreements, due to expire on July 1, 2022

Party(ies) to the proceedings – Applicant(s): Telecommunications company Telekom Srbija a.d. Beograd and Vip Team United Unipessoal Lda&Comandita, Funchal Portugal

Type and overview of the agreement: Vertical agreement – Television Programming Distribution Agreement The subject of the Agreement is the exclusive right to distribute television programs - TV Hayat HD, TV Hayat SD, TV Hayat P1us HD, TV Hayat P1us SD, TV Hayat Fo1k HD, TV Hayat Fo1k SD, TV Hayat Music HD, TV Hayat Music SD, TV Hayatovci HD and TV Hayatovci SD, namely the right to rebroadcast and the right to commercial distribution.

CPC decision: Granted extension of the validity period of individual exemption from the prohibition on restrictive agreements, due to expire on July 1, 2023

Party(ies) to the proceedings – Applicant(s): Telecommunications company Telekom Srbija a.d. Beograd and RADIO TELEVIZIJA “BN” doo Bijeljina, Bosnia and Herzegovina

Type and overview of the agreement: Vertical agreement – Television Programming Distribution Agreement The subject of the Agreement is the exclusive right to distribute the television program - the “BN TV”, “BN Music” and ,”BN SAT”, channel, namely the right to rebroadcast and the right to commercial distribution.

CPC decision: Granted extension of the validity period of individual exemption from the prohibition on restrictive agreements, due to expire on July 1, 2023

Party(ies) to the proceedings – Applicant(s): Ad za osiguranje Uniqa neživotno osiguranje Beograd, and Ad za osiguranje Milenijum osiguranje Beograd

Type and overview of the agreement: Horizontal agreement - Agreement of a group of bidders on joint bidding in the procedure of public procurement of insurance services for

real estate, plants and equipment, of the client Joint Stock Company for the Railway Transportation of Goods "Srbija Voz" Belgrade.

CPC decision: The Commission granted the individual exemption from prohibition with a duration of one year from the date of commencement of the insurance coverage, in case of the award of a public works contract.

Party(ies) to the proceedings – Applicant(s): Telecommunications company Telekom Srbija a.d. Beograd and Vip Team United Unipessoal Lda&Comandita, Funchal Portugal

Type and overview of the agreement: Vertical agreement – Television Programming Distribution Agreement The subject of the Agreement is the exclusive right to distribute the television program - the OBN channel, namely the right to rebroadcast and the right to commercial distribution.

CPC decision: Granted extension of the validity period of individual exemption from the prohibition on restrictive agreements, due to expire on May 31, 2022

Party(ies) to the proceedings – Applicant(s): T International ad Senta, and Mercata VT doo Novi Sad.

Type and overview of the agreement: Request for exemption of a vertical agreement on exclusive distribution of goods from the product range of company Japan Tobacco International by the distributor Mercata VT.

CPC decision: The Commission granted the individual exemption in the period until September 30, 2025.

Party(ies) to the proceedings – Applicant(s): Michelin Romania S.A, Romania, TIGAR TYRES doo Pirot and Delmax doo Stara Pazova

Type and overview of the agreement: Request for exemption of a vertical agreement on exclusive distribution of goods from the product range of the Michelin Romania portfolio by the distributor Delmax.

CPC decision: The Commission granted the individual exemption in the period until December 31, 2022.

Party(ies) to the proceedings – Applicant(s): Philip Morris Products S.A, Switzerland and KT&G Corporation, Republic of Korea

Type and overview of the agreement: Request for exemption of a vertical agreement on exclusive distribution of goods from the product range of the KT&G portfolio by the distributor Philip Morris Products S.A.

CPC decision: The Commission granted the individual exemption in the period until October 26, 2025.

Party(ies) to the proceedings – Applicant(s): Philip Morris Operations ad Niš, and Nelt co doo Beograd.

Type and overview of the agreement: Request for exemption of a vertical agreement on exclusive distribution of tobacco products from the product range of company Philip Morris Operations by the distributor Nelt co.

CPC decision: The Commission granted the individual exemption in the period until July 17, 2024.

Party(ies) to the proceedings – Applicant(s): Stada Arzneimittel AG, Germany and Opella Healthcare International SAS, France

Type and overview of the agreement: Request for the exemption of the vertical agreement on the exclusive distribution of products from the portfolio of Opella Healthcare International SAS by the distributor Stada Arzneimittel AG.

CPC decision: The Commission granted the individual exemption in the period until October 31, 2026.

Party(ies) to the proceedings – Applicant(s): Henkel Srbija doo Beograd, and MD International doo Beograd.

Type and overview of the agreement: Vertical agreement on the distribution of part of the Henkel Srbija range from the product group detergents and household chemicals, which establishes exclusive distribution by MD International.

CPC decision: The Commission approved the individual exemption of the Draft Distribution Agreement from the moment of its conclusion until December 31, 2022, with the obligation to submit a signed copy of the contract to the Commission within five days from the conclusion of the contract.

Party(ies) to the proceedings – Applicant(s): Delta DMD doo Beograd, DMD Delta Crna Gora and Diageo Brands BV the Netherlands

Type and overview of the agreement: Vertical agreement for the distribution of Diageo Brands spirits: whisky, vodka, gin, rum and liqueurs, establishing exclusive distribution by Delta DMD.

CPC decision: The Commission granted the individual exemption until June 30, 2026

Party(ies) to the proceedings – Applicant(s): Company Dunav osiguranje doo, Beograd, DDOR Novi Sad doo and Globos osiguranje doo, Beograd

Type and overview of the agreement: Horizontal agreement on joint bidding in the procedure of public procurement of voluntary health insurance services for employees for the client Public Enterprise Elektroprivreda Srbije.

CPC decision: The Commission granted the individual exemption from prohibition with a duration of two years from the start of the insurance coverage period.

Party(ies) to the proceedings – Applicant(s): Centrosnergija doo Beograd and British American Tobacco Vranje ad Vranje and British American Tobacco South-East Europe doo Beograd

Type and overview of the agreement: Request to extend the exemption period of the vertical agreement on the exclusive distribution of products from the British American Tobacco portfolio by the distributor Centrosnergija, previously exempted in 2018.

CPC decision: The Commission granted the extension of the validity period of individual exemption, due to expire on October 01, 2022.

Party(ies) to the proceedings – Applicant(s): Hemofarm AD Farmaceutsko-Hemijska industrija Vršac and Innventa Pharm DOO

Type and overview of the agreement: Vertical agreement - draft Agreement on the exclusive distribution of the medicine LEVOFLOXACIN INNventa BOTT.INF 500 MG 1 100 ML until the transfer of the marketing authorization from Innventa Pharm DOO to Hemofarm AD, and until 31.01.2023 at the latest. years.

CPC decision: By virtue of a decision, the Commission conditionally approved an individual exemption from the prohibition of restrictive agreements until the transfer of the marketing authorization for the medicinal product LEVOFLOXACIN INNventa BOTT.INF 500 MG 1 100 ML, from the company Innventa Pharm DOO, to the company Hemofarm AD Farmaceutsko-Hemijska industrija Vršac.

Conditions for applicants:

1. to submit the Agreement on Exclusive Distribution with associated attachments within five days from the date of its conclusion;
2. to submit proof of the transfer of the marketing authorization for the drug LEVOFLOXACIN INNventa BOTT.INF 500 MG 1 100 ML from the company Innventa Pharm DOO to the company Hemofarm AD Farmaceutsko-Hemijska industrija Vršac, within five days from the day of the transfer.

Party(ies) to the proceedings – Applicant(s): Cetin doo Beograd⁷ and VIP Mobile doo⁸ Beograd

Type and overview of the agreement: Request for extension of the validity period of individual exemption of a horizontal agreement - Agreement on joint planning of the construction of sites and optical cables, exempted in 2016 for a period of 4 years.

⁷ The company was created by the status change of the separation from the company Telenor doo Beograd, which initially concluded a restrictive agreement.

⁸ After passing the decision on extending the exemption period, the name of the company was changed to A1 Srbija doo Beograd.

CPC decision: The Commission conditionally granted the extension of the validity period of individual exemption, due to expire on November 15, 2023.

Conditions for applicants:

1. to provide notification of every location or fiber optic route built under the agreement
2. to provide notification of individually built location or fiber optic route for each contracting party,
3. to provide notification of expressed interest of any competing party to accede to the agreement concerned, within 15 days from the date of receipt of a request for accession or a colocation request.

Party(ies) to the proceedings – Applicant(s): Telenor doo Belgrade and Telecommunication company Telekom Srbija Akcionarsko društvo, Beograd

Type and overview of the agreement: Vertical agreement - Agreement on the right to use optical fibers, which regulates and defines the rights and obligations of the contracting parties in connection with the use of the optical network of the Telekom company at a fixed location by the Telenor company, in order to provide fixed telephony services, distribution of media content and Internet access.

CPC decision: By virtue of a decision, the Commission conditionally approved the individual exemption of the agreement in question for a period of seven years, i.e. until April 21, 2028.

Conditions for applicants:

1. to submit data on the conclusion of contracts that have as their subject the use of optical fibers, with the obligatory indication of data on the contracting parties, the contractual period for which the contract was concluded and the number of user rooms that can be connected based on those contracts;
2. to submit data on requests for the conclusion of contracts that have as their subject the use of optical fibers, and for which the contract has not been concluded, with mandatory information on the name of the market participant who is the applicant, that is, to whom the request was submitted and the reason for not concluding the contract;
3. to submit data on the conclusion of contracts that have as their subject the distribution of media content, with the obligatory indication of data on the contracting parties, the program content that will be distributed and the contractual period for which the contract was concluded and requests for the conclusion of contracts that have as their subject the distribution of media content, and for which

the contract was not concluded, with the mandatory indication of the name of the market participant who is the applicant, that is, to whom the request was submitted and the reason for not concluding the contract.

Conditions for Telenor doo Beograd:

1. that within a period of three years from the moment of connection of the first user on the basis of the Agreement on the right to use optical fibers, they submit six-monthly reports, which must contain data on the total number of new premises of users that, in the execution of the Agreement on the right to use optical fibers, are connected to the company's network in the reporting period, as well as the cumulative number of total connections since the beginning of reporting under this order;
2. to submit data on the number of users, out of the total number connected in the reporting period, who were not users of the services of any other operator until they were connected;
3. to submit data on the number of users, out of the total number connected in the reporting period, who used exclusively the services of another operator until the connection, specifying the operator whose services they stopped using after the connection;
4. to submit data on the number of users who in the previous period used some of the services of Telenor doo Beograd, as well as services of other operators, and in the reporting period decided to use only the services of Telenor doo Beograd;
5. to submit data on the number of users who stopped using the services of Telenor doo Beograd in the reporting period for any reason.

Party(ies) to the proceedings – Applicant(s): Telenor doo Belgrade and Telecommunication company Telekom Srbija Akcionarsko društvo, Beograd

Type and overview of the agreement: Vertical agreement - Agreement on the provision of Ethernet Bitstream services, which regulates and defines the rights and obligations of the contracting parties in connection with the use of the optical network of the Telekom company at a fixed location by the Telenor company, with the aim of providing electronic communication services based on data transmission technology, fixed telephony, as well as the provision of other services to Telenor users at a fixed location.

CPC decision: By virtue of a decision, the Commission conditionally approved the individual exemption of the agreement in question for a period of seven years, i.e. until April 21, 2028.

Conditions for applicants:

1. within a period of three years they deliver notices on the conclusion of contracts that have as their subject the provision of Ethernet Bitstream services, with the mandatory indication of data on the contracting parties, the contractual period for which the contract was concluded and the number of user rooms that can be connected based on those contracts;
2. to submit data on requests for the conclusion of contracts that have as their subject the provision of Ethernet Bitstream services, and for which the contract has not been concluded, with mandatory information on the name of the market participant who is the applicant, that is, to whom the request was submitted and the reason for not concluding the contract;
3. to submit data on the conclusion of contracts that have as their subject the distribution of media content, with the obligatory indication of data on the contracting parties, the program content that will be distributed and the contractual period for which the contract was concluded and requests for the conclusion of contracts that have as their subject the distribution of media content, and for which the contract was not concluded, with the mandatory indication of the name of the market participant who is the applicant, that is, to whom the request was submitted and the reason for not concluding the contract.

Conditions for Telenor doo Beograd:

1. within a period of three years from the date of serving of the decision, they submit six-monthly reports, which must contain data on the total number of new premises of users that, in the execution of the Agreement on the provision of Ethernet Bitstream services, are connected to the company's network in the reporting period, as well as the cumulative number of total connections since the beginning of reporting under this order;
2. to submit data on the number of users, out of the total number connected in the reporting period, who were not users of the services of any other operator until they were connected;
3. to submit data on the number of users, out of the total number connected in the reporting period, who used exclusively the services of another operator until the connection, with the indication of the operator whose services they stopped using after the connection; to submit data on the number of users who in the previous period used some of the services of Telenor doo Beograd, as well as the services of other operators, and in the reporting period decided to use only the services of Telenor doo Beograd;
4. to submit data on the number of users who stopped using the services of Telenor doo Beograd in the reporting period for any reason.

Party(ies) to the proceedings – Applicant(s): Company Dunav osiguranje doo, Beograd and Globos osiguranje doo, Beograd

Type and overview of the agreement: Horizontal agreement on joint bidding in the procedure of public procurement of property, facility and equipment insurance services for the Contracting Party, the National Bank of Serbia.

CPC decision: The Commission suspended the procedure upon the request for individual exemption because, in accordance with the Opinion on the application of Article 10 of the Law to certain forms of cooperation between market participants, it assessed that it was not a restrictive agreement.

Party(ies) to the proceedings – Applicant(s): PREDUZEĆE ZA PROIZVODNJU, PROMET, TURIZAM, SAOBRAĆAJ I USLUGE EKSPORT-IMPORT AUTO ČAČAK DOO, ČAČAK

Type and overview of the agreement: The draft contract with the importer, which represents the import contract between the manufacturer as a seller and the importer as a buyer for a specific territory of ŠKODA brand products.

CPC decision: The procedure initiated upon the request for the exemption of the restrictive agreement was suspended due to the party's withdrawal from the request in question.

Proceedings of Individual Exemption of Restrictive Agreements from Prohibition, Pending as at 31 December 2021

Party(ies) to the proceedings – Applicant(s): Novo Nordisk Pharma doo Beograd, and Phoenix Pharma doo Beograd.

Type of agreement seeking negative clearance or exemption: Vertical Agreement - Annexes to the Commercial Agreement on the Distribution of Medicines, by which agreement Phoenix Pharma is appointed as the exclusive distributor of pharmaceutical products produced by Novo Nordisk. The contract was previously approved and extended by the decisions of the Commission, with the fact that the issued approval refers to medicines for which attachments and Annexes to the Commercial Contract were previously concluded.

Party(ies) to the proceedings – Applicant(s): Roche doo, Beograd and Adoc doo, Beograd

Type of agreement seeking negative clearance or exemption: Request for individual exemption of the vertical agreement - Draft agreement on the distribution of drugs manufactured by Roche by the exclusive distributor Adoc.

Party(ies) to the proceedings – Applicant(s): Roche doo Beograd, and Phoenix Pharma doo Beograd.

Type and overview of the agreement: Request to extend the duration of the individual exemption of the vertical agreement - the Agreement on the distribution of medicines manufactured by Roche by the exclusive distributor Phoenix Pharma, previously approved and extended by the decisions of the Commission.

Party(ies) to the proceedings – Applicant(s): Swixx Biopharma AG, Švajcarska and Sanofi Aventis group, Francuska

Type and overview of the agreement: Request for individual exemption of the vertical agreement - Draft agreement on the distribution of medicines manufactured by Sanofi Aventis by the exclusive distributor Swixx Biopharma.

Party(ies) to the proceedings – Applicant(s): Apatinska pivara d.o.o. Apatin and Diageo Ireland Unlimited Company, St. James's Gate, Dublin

Type and overview of the agreement: Request for individual exemption from the prohibition of a restrictive agreement - Letters of intent of the specified parties to enter into an exclusive distribution agreement for certain products of Diageo Ireland.

Party(ies) to the proceedings – Applicant(s): Actavis doo, Beograd and ADOC doo, Beograd

Type of agreement seeking negative clearance or exemption: Vertical agreement on exclusive distribution through public procurement of medicinal products licensed by Actavis, by distributor ADOC.

Party(ies) to the proceedings – Applicant(s): Futura plus doo Beograd, Štampa sistem doo Beograd, British American Tobacco Vranje ad Vranje and British American Tobacco South-East Europe doo Beograd

Type of agreement seeking negative clearance or exemption: Request for extension of the exemption period of the vertical agreement on the display of tobacco products from the British American Tobacco portfolio in the retail stores of the companies Futura plus and Štampa sistem, previously exempted in 2019.

Monitoring the implementation and compliance with commitments from conditionally approved exemptions in the previous period

Party(ies) to the proceedings – Applicant(s): Elixir Prahovo Industrija hemijskih proizvoda doo Prahovo, and Phosphea Danube doo Beograd.

Type of the exempt agreement and overview of commitments: Vertical agreement – Supply agreement for feed phosphates, granted the extension of the validity period of individual exemption in 2019 with a duration period of 3 years, on condition of submitting reports to the Commission every 6 months by the contracting parties, containing the following mandatory elements:

- competitive conditions on the markets for production and sales of feed phosphates in the territory of the Republic of Serbia;
- increase/decrease in demand of feed phosphates;
- purchases of feed phosphates by companies Elixir Fosfati and Phosphea Danube,
- requests to purchase feed phosphates by company Elixir Fosfati exceeding 2,500 tonnes of the solution in a single reporting period,
- potential changes to regulatory framework governing markets for phosphoric acid and/or feed phosphates.

Party(ies) to the proceedings – Applicant(s): Hemofram ad, Vršac and Generic Pharma Ltd, Ireland

Type of the exempt agreement and overview of commitments: Vertical agreements - License Agreement and Delivery Agreement, which establish the exclusive distribution of Generic Pharma products by Hemofarm, exempted for a period of 4 years from the date of the decision as of February 10, 2020, with the condition that the following are submitted to the Commission at intervals of 12 months:

- data on distribution contracts concluded by Hemofarm with other distributors,
- overview of the requests for authorization for participation in public procurements issued by Hemofarm, providing the reasons for not issuing the requested authorizations on a case-by- case basis,
- if a dosage of medicine is introduced into the distribution, which has not been encompassed by the Distribution agreement.

Party(ies) to the proceedings – Applicant(s): Merck Sharp & Dohme BV the Netherlands, and Phoenix Pharma doo Beograd.

Type of the exempt agreement and overview of commitments: Vertical agreement on the exclusive distribution of medicines Merck Sharp & Dohme by Phoenix Pharma, previously conditionally exempted in 2014 and extended by the decisions of the Commission. The period of duration of the individual exemption has been extended until February 14, 2022, with the condition that the following are submitted to the Commission at intervals of 6 months:

- data on concluded distribution contracts,
- data on the participation of Phoenix Pharma and other drug distributors in public procurement procedures,
- overview of the requests for authorization for participation in public procurements issued by Merck Sharp & Dohme, providing the reasons for not issuing the requested authorizations on a case-by- case basis,
- information if Merck Sharp & Dohme becomes an authorized wholesaler.

Requests for individual exemption	Carryovers	Filed in 2021	DECISION			Pending
			Exemption granted	Suspension of proceedings	Exemption dismissed	
TOTAL	2	30	23 ⁹	2	-	7
	32		25			

⁹Data also includes the 4 conditionally cleared exemptions

INITIATIVES

One of the sources of knowledge about circumstances that indicate a potential competition infringements are the complaints, which can be submitted by natural and/or legal entities, domestic and foreign, etc. The Commission has published on its website the instructions on the content of antitrust complaints referred to in Articles 10 and 16 of the Law on Protection of Competition, as well as the forms.

The Commission reviews the antitrust complaints received, to establish the existence of valid claims causing concern of antitrust violations, as alleged by the complaints. Following processing, it informs the complainants, who are not anonymous, about the outcome of the complaint, that is, about the established circumstances and reasons for the Commission's specific action upon such complaint.

	Carryovers	Filed in 2021	Processed and completed		Pending
			<i>By notification</i>	<i>By initiating proceedings</i>	
TOTAL	11	22	12	1	20
	33		13*		

**Three complaints were completed, the so-called advocacy activities, i.e. giving opinions.*

Type of proceedings	Carryovers from previous reporting period (2020)	Reporting period (2021)	Number of decisions	Carryovers to the following reporting period (2022)
Restrictive agreements	14	1	6	9
Abuses of dominance	6	1	4	3
Individual exemptions of restrictive agreements from prohibition	2	30	25	7
Filed antitrust complaints	11	22		20
TOTAL	33	54	35	39
	87			

Table 10 – Summary overview of operations, CPC Restrictive Practices Division

MERGER INVESTIGATIONS

The Commission decides on the permissibility of concentrations, i.e., mergers in administrative procedures, and addresses the rights and obligations of the merger parties. The purpose of merger controls is to protect competition, i.e., prevent antitrust violations by merger implementation, in particular by creating or strengthening a dominant position post-merger. Mergers between undertakings are permitted unless they significantly restrict, distort, or prevent competition on the market of the Republic of Serbia or its part.

The merger investigation procedure is based on an *ex ante* merger control. The Commission establishes the permissibility of a concentration against criteria referred to in Article 19 of the Law and adopts the appropriate decision.

Where in a merger control proceedings the Commission can find reasonable grounds to believe that the proposed merger fulfills the conditions on permissibility referred to in Article 19 of the Law, it enacts a merger clearance decision in summary procedure. The merger control proceedings instituted *ex officio* are governed by Article 62 of the Law, stipulating the conditions under which the Commission can approach such investigations. The clearance of mergers subject to conditions is regulated by Article 66 of the Law stipulating that the Commission can enact a merger clearance decision, in addition to regulating special conditions, period of performance and arrangements for monitoring compliance in the context of a cleared merger.

On its website, the Commission also provides instructions on the method of calculating merging parties' assets and turnover, including its position on the application of Article 61 of the Law and the view of the Commission regarding the application of Article 17, paragraph 1 of the Law, as well as the merger notification forms.

The Regulation on the content and method of submission of merger notifications, adopted in 2016, has greatly streamlined and facilitated the filing of merger notifications since it enables undertakings, under the conditions laid down by the Regulation, to notify the Commission on the proposed merger in summary form and provide considerably less information and documentation. This notably reduces the costs both for undertakings and the Commission, especially with regard to economy of its resources. In 2021, the number of notified concentrations to the Commission was 242, of which 218 were merger notifications, i.e. 90.08% of the total number) were submitted in summary form. A total of 170 or 70.25% out of the total number of notified merger notifications in 2021 are filed by foreign legal persons, while 72 merger notifications (29.75%) are filed by national legal persons or economic entities – undertakings registered and operating on the market of the Republic of Serbia.

Type of proceedings	Closed proceedings	2022 Carryovers
Mergers investigated in summary procedure (type of the act – decision): <ul style="list-style-type: none"> • cleared • suspended 	211 1	41
Mergers investigated in <i>ex officio</i> proceedings (type of the act – decision), of which: <ul style="list-style-type: none"> • unconditionally cleared • conditionally cleared • law violation - competition protection measure • law violation - suspension • law violation 	1 1 2 1	1
Refusal to examine merger notifications due to failure to meet revenue thresholds (type of the act – conclusion)	5	
Dismissed notifications due to lack of concentration (act type - conclusion)	11	
CLOSED PROCEEDINGS, TOTAL	233	42

Table – Overview of merger control proceedings, 2021

Based on the business activity criterion as an indicator of the most frequent type of merger notifications reported to the Commission, the food industry and real estate management stand out with 23 merger notifications each, the chemical industry with 21 notifications, the automotive industry with 18 notifications, as well as the telecommunications sector, provision of information technology services, media and energy sector with 15 notifications each. Also, a significant number of notifications have related to the insurance, banking and pharmaceutical sector, provision of health care services, metal industry etc.

Out of the total number of issued decisions on clearance of mergers in summary procedure (211), the largest number of issued decisions refers to those cases in which control is acquired over another market participant, or part thereof (174 decisions or 82.46%). In the case of joint venture by two or more market participants, 35 decisions (16.59%) were issued, and two decisions (0.95%) were issued based on mergers or other status changes.

MERGERS CLEARED IN SUMMARY PROCEDURE

Concentrations created by acquisition of direct or indirect control by one or more undertakings over another or more undertakings, or over part or parts of other undertakings (Article 17(1/2) of the Law):

1. The concentration of market participants resulting from the acquisition of individual control by the company MOJA SUPERNOVA doo, Republic of Serbia, over the part of the business of the company LONET KDS DOO, Republic of Serbia, which relates to the provision of retail services of Internet access and distribution of media content, the purchase of telecommunications equipment with connections;
2. The concentration of market participants resulting from the acquisition of individual control by the company United Media S.à.rl Luxembourg, over the operations of the company CITY MAGAZINE ROULARTA DOO, Republic of Serbia, which relates to the publication of magazines and the operation of the CITY MAGAZINE internet portal;
3. Concentration between undertakings created by acquisition of individual control on the part of company MOJA SUPERNOVA doo, Republic of Serbia, over company ELITE-KLNET DOO, Republic of Serbia, by way of purchase of 100% of shares,
4. The concentration of market participants resulting from the acquisition of individual control by the company MOJA SUPERNOVA doo, Republic of Serbia, over the part of the business of the company NAŠA KABLOVSKA DOO, Republic of Serbia, which relates to the provision of retail services of Internet access and distribution of media content, the purchase of telecommunications equipment with connections and assuming rights and obligations for the further provision of these services to end user;
5. The concentration of market participants resulting from the acquisition of individual control by the company MAN Energy Solutions SE, Germany, over the company H-TEC Systems GmbH, Germany, by the purchase of shares;
6. Concentration between market participants resulting from the acquisition of individual control on the part of company DONATORY Limited, Republic of Cyprus, over joint stock company Scanmed S.A, Poland, by way of purchase of shares;
7. Concentration of market participants resulting from the acquisition of individual control by the company SCHNEIDER ELECTRIC HOLDINGS, INC, United States of America, over the companies OPERATION TECHNOLOGY, INC, United States of America, ETAP AUTOMATION, INC, United States of America, and ETAP AUTOMATION DMCC, United States of America Arab Emirates, by purchasing shares;

8. The concentration of market participants resulting from acquisition of individual control on the part of company MOJA SUPERNOVA doo, Republic of Serbia, over company KDS-NET DOO, Republic of Serbia, by way of purchase of 100% of shares,
9. The concentration of market participants resulting from the acquisition of individual control by the company United Media S.à.rl Luxemburg, over the company Nova Broadcasting Group EOOD, Bulgaria, by purchasing 100% of the shares;
10. The concentration of market participants resulting from the acquisition of individual control by the company Robert Bosch GmbH, Germany, over the company The Kobi Company, Belgium, by purchasing 100% of the shares;
11. Concentration of market participants resulting from the acquisition of individual control by the company Immofinanz AG, Austria, over companies: 1) LCP Projekt doo, Republic of Serbia, 2) SCP Projekt doo, Republic of Serbia, 3) SBSP Projekt doo, Republic of Serbia, and 4) ZCP Projekt doo, Republic of Serbia, by purchasing 100% of shares;
12. Concentration of market participants resulting from the acquisition of individual control by Mayr-Melnhof Cartonboard International GmbH, Austria, over Kotkamills Group Oyj, Finland, by purchase of shares;
13. Concentration of market participants resulting from the acquisition of individual control by the company METINVEST B.V. the Netherlands, over companies: 1) ТОВАРИСТВО З ОБМЕЖЕНОЮ ВІДПОВІДАЛЬНІСТЮ ІНДАСТРІАЛ КОАЛ ХОЛДИНГ, Ukraine, 2) ПРИВАТНЕ АКЦІОНЕРНЕ ТОВАРИСТВО ШАХТОУПРАВЛІННЯ ПОКРОВСЬКЕ, Ukraine, 3) ТОВ ЗБАГАЧУВАЛЬНА ФАБРИКА СВЯТО-ВАРВАРИНСЬКА, Ukraine, 4) ТОВ ШАХТОБУДІВЕЛЬНА КОМПАНІЯ, Ukraine, 5) ТОВ ШАХТА СВЯТО-ПОКРОВСЬКА №3, Ukraine, 6) ТОВАРИСТВО З ОБМЕЖЕНОЮ ВІДПОВІДАЛЬНІСТЮ СВЯТО-ІЛІНСЬКИЙ МАШИНОБУДІВНИЙ ЗАВОД, Ukraine, 7) ТОВ ВУГЛЕПРОМТРАНС, Ukraine, 8) ПРАТ ШБМУ №1, Ukraine, and 9) ПРАТ АП УКРБУД, Ukraine, by way of purchase of shares;
14. The concentration of market participants resulting from the acquisition of individual control by the company Gebi doo PO Čantavir, Republic of Serbia, over the operations of the company Zrnocoop doo production of mill products Kula - in bankruptcy, Republic of Serbia, which includes real estate and equipment owned by this company necessary for grains storage;
15. The concentration of market participants resulting from the acquisition of control by the GALEN PHARM Pharmacy, Republic of Serbia, over the part of the business of the Subotica Pharmacy, Republic of Serbia, which relates to the performance of pharmaceutical activities in the territory of the city of Subotica;

16. Concentration of market participants resulting from the acquisition of individual control by the company United Media S.à.rl Luxemburg, over the company DAN GRAF DOO, Republic of Serbia, by purchasing 62.23% of shares;
17. The concentration of market participants resulting from the acquisition of individual control by the company Intesa Sanpaolo SpA, Italy, over the company Lombarda Vita SpA, Italy, by the purchase of shares;
18. The concentration of market participants resulting from the acquisition of individual control by the company Assicurazioni Generali SpA, Italy, over the company Aha Insurance Societe Anonyme, Greece, by way of purchase of shares;
19. The concentration of market participants resulting from the acquisition of individual control by the company TRG Emerging Europe Private Equity Fund SCSp, Luxembourg, over the company Optimapharm doo Zagreb, Croatia, by purchasing 80% of the shares;
20. The concentration of market participants resulting from the acquisition of individual control by the company BELJE plus doo, Croatia, over the part of the business of the company MEGGLE HRVATSKA doo, Croatia, which relates to the processing of raw milk and the production of dairy products in the dairy production plant of this company in Osijek;
21. The concentration of market participants resulting from the acquisition of individual control by the company United Media S.à.rl Luxemburg, over the company Vestnik Telegraf EOOD, Bulgaria, by purchasing 100% of the shares;
22. Concentration of market participants resulting from the acquisition of individual control by the company Mondi Corrugated BV, The Netherlands, over the company Olmuksan International Paper Ambalaj Sanayi ve Ticaret Anonim irketi, Turkey, by purchasing shares;
23. Concentration of market participants resulting from the acquisition of individual control by the company Holcim Participations (US) Inc., United States of America, over the company Firestone Building Products Company LLC, United States of America, and its subsidiaries, by purchasing 100% of shares;
24. Concentration between undertakings created by acquisition of individual control on the part of company Petrol Slovenska energetska družba dd, Slovenia, over company CRODUX DERIVATI DVA, Croatia, by way of purchase of shares,
25. The concentration of market participants resulting from the acquisition of individual control by the company SITECH Sitztechnik GmbH, Germany, over the company SITECH Dongchang Automotive Seating Technology Co. Ltd, the People's Republic of China, by way of purchase of shares;

26. The concentration of market participants resulting from the acquisition of individual control by the company Generali CEE Holding BV, The Netherlands, over the company Saneo SA, Poland, by the purchase of shares;
27. The concentration of market participants resulting from the acquisition of individual control by the company Fortenova Grupa dd, Republic of Croatia, over the company Poslovni sistemi Mercator dd, Slovenia, by purchasing a 69.57% stake;;
28. Concentration of market participants resulting from the acquisition of individual control by the company TRATON SE, Germany, over company Navistar International Corporation, United States of America and its subsidiary companies, by purchasing shares,
29. Concentration of market participants resulting from the acquisition of individual control by the company Allied Universal Topco LLC, United States of America, over the company G4S PLC, United Kingdom of Great Britain and Northern Ireland, and its subsidiaries, by purchasing shares;
30. The concentration of market participants resulting from the acquisition of individual control by the company Bulgaria Telecommunication Company EAD, Bulgaria, over the company NET1 EOOD, Bulgaria, and the company ComNet, Bulgaria, by purchasing shares;
31. The concentration of market participants resulting from the acquisition of individual control by the company United Media S.à.rl, Luxembourg, over the companies Regional, digital media doo, Slovenia, and Tovarna sanj, media agency doo, Slovenia, by purchasing 100% of the shares;
32. The concentration of market participants resulting from the acquisition of individual control by the company Inter IKEA Holding BV, The Netherlands, over the operations of the company Ingka Holding BV, The Netherlands, which relates to the furnishing of retail facilities;
33. The concentration of market participants resulting from the acquisition of individual control by the company Bulgaria Telecommunication Company EAD, Bulgaria, over the company Digital Cable Television OOD, Bulgaria, through the purchase of shares;
34. Concentration of market participants resulting from the acquisition of individual control by Mayr-Melnhof Cartonboard International GmbH, Austria, over International Paper (Poland) Holding Sp. zoo, Poland, including its subsidiaries International Paper- Kwidzyn sp. z o. o., Poland, and PPH TOR-PAL Sp. z o. o., Poland, by purchasing shares;
35. The concentration of market participants resulting from the acquisition of individual control by the company Barentz International BV, The Netherlands, over the

- company NOACK & Co GmbH, Austria, and all its subsidiaries, by purchasing an 80% stake;
36. Concentration of market participants resulting from the acquisition of individual control by the company Orbico doo, Croatia, over the company SC INTERBRANDS Marketing & Distribution SRL, Romania, including its subsidiaries Professional Brands Marketing & Distribution SRL, Romania, and Joy Trading SRL, Romania;
 37. Concentration of market participants resulting from the acquisition of individual control by the company AIT Buyer, LLC, United States of America, over the company AIT Worldwide Logistics Holdings, Inc., United States of America, and its subsidiaries, by purchasing shares;
 38. The concentration of market participants resulting from the acquisition of individual control by the company The Goodyear Tire & Rubber Company, United States of America, over Cooper Tire & Rubber Company, United States of America, and its subsidiaries, by purchasing shares;
 39. Concentration of market participants resulting from the acquisition of individual control by the company KPS Capital Partners LP, United States of America, over the Hydro Rolling business of the company Norsk Hydro ASA, Norway, which relates to the production and sale of rolled aluminum products;
 40. Concentration of market participants resulting from the acquisition of control by the company Bain Capital Investors LLC, United States of America, over the Kantar business of the company WPP plc, Jersey, which relates to research, consulting, analytics and data collection and processing services;
 41. Concentration of market participants resulting from the acquisition of individual control by the company Hisense Home Appliances Group Co., Ltd, People's Republic of China, over the company Sanden Holdings Corporation, Japan, and its subsidiaries, by purchasing shares;
 42. The concentration of market participants resulting from the acquisition of individual control by the company Eagle Hills Zagreb Real Estate, Republic of Croatia, over the company Sunce Ulaganja doo, Republic of Croatia, and the company Sunce Hoteli dd, Republic of Croatia, as well as individual control over the following subsidiaries of the company Sunce Hoteli dd: 1) Aerodrom Brač doo, Croatia, 2) Brač 500 Plus doo, Croatia, 3) Eko Promet doo, Croatia, 4) Brela Jakiruša doo, Croatia, 5) Sunce Vital doo, Croatia, 6) Zlatni rat – Poljopriborda doo, Croatia 7) Zlatni rat - Servis doo, Croatia, 8) Zlatni rat - Tenis centar doo, Croatia, 9) Plaža Zlatni rat doo, Croatia, and joint control over WOT Hotels Adriatic Asset Company doo, Croatia, and WOT Hotels Adriatic Management doo, Croatia, which will be carried out together with another member of these companies;

43. Concentration of market participants resulting from the acquisition of individual control by the company Libra HoldCo SARL, Luxembourg, over the company OEP 14 Cooperatief UA, The Netherlands, and over its subsidiary Lutech SpA, Italy, through the purchase of shares;
44. The concentration of market participants resulting from the acquisition of individual control by the company Acibadem City Clinic BV, The Netherlands, over the company Opšta bolnica Bel Medic, Republic of Serbia, by purchasing a 70% share;
45. The concentration of market participants resulting from the acquisition of individual control by the company Meggle Group GmbH, Germany, over the company Stegmann Emmentaler Käsereien GmbH, Germany, by the purchase of shares;
46. The concentration of market participants resulting from the acquisition of individual control by the company Kingspan Holding Netherlands BV, Tiel, The Netherlands, over the company Logstor International Holding Sarl, Luxembourg, through the purchase of shares;
47. Concentration of market participants resulting from the acquisition of individual control by the company Masmovil Ibercom, SA, Spain, through its special purpose subsidiary Kaixo Telesom, SAU, Spain, over the company Euskaltel, SA, Spain, through the purchase of shares;
48. Concentration of market participants resulting from the acquisition of individual control by the Pharmacy Institution Dr. Max, Republic of Serbia, over the operations of the Pharmacy Institution Jagodina, Republic of Serbia, which refers to the performance of pharmaceutical activity at the primary level in the territory of the Pomoravski District, namely in the territory of the City of Jagodina;
49. Concentration of market participants resulting from the acquisition of individual control by the company Iris BidCo GmbH, Germany, over the company Eyewear Holding GmbH, Germany, as well as its subsidiary Rodenstock GmbH, Germany, including their subsidiaries, by purchasing shares;
50. Concentration of market participants resulting from the acquisition of individual control by the commercial company Shoppster doo, Republic of Serbia, over the commercial company YU-PD Express doo, Republic of Serbia, by acquiring 100% of shares;
51. Concentration of market participants resulting from the acquisition of individual control by the company Don Don doo, Republic of Serbia, over part of the business of the company Batagon E.E.S. doo, Republic of Serbia, by purchasing production capacities and assets intended for the production of bakery products;

52. The concentration of market participants resulting from the acquisition of individual control by the company AsterFarm doo, Republic of Serbia, over the Zlatni Lav Pharmacy, Republic of Serbia, by purchasing 100% of the shares;;
53. Concentration of market participants resulting from the acquisition of individual control by the company KAPPA STAR RECYCLING DOO, Republic of Serbia, over the company ARABESA RECYCLING DOO, Republic of Serbia, by purchasing 100% of the shares;
54. The concentration of market participants resulting from the acquisition of individual control by the company R2G Polska Sp. z.o.o., Poland, over SENDIT sp.z o.o., Poland, by purchasing shares;
55. The concentration of market participants resulting from the acquisition of individual control by the company EQT Fund Management S.à.r.l., Luxembourg, over the company Secna Natural Ingredients Group SL, Spain, by the purchase of shares;
56. The concentration of market participants resulting from the acquisition of individual control by the company Telekom Srbija a.d., Republic of Serbia, over the company mts AntenaTV d.o.o., Republic of Serbia, by the purchase of shares;
57. Concentration of market participants resulting from the acquisition of individual control by the company Adient rls, Ireland, over the company Yanfeng Adient (Langfang) Seating Co., Ltd., China, by purchase of shares;
58. Concentration between undertakings resulting from acquisition of individual control on the part of company Mercator-S d.o.o. Beograd, Republic of Serbia, over the operations of the company Olivia doo Belgrade, Republic of Serbia, which relates to retail trade, mainly food, and is an independent business unit;
59. The concentration of market participants resulting from the acquisition of individual control by the company BIMAL dd Brčko District BiH, Bosnia and Herzegovina, over the operations of the company ERAKOVIĆ d.o.o. Bečej, Republic of Serbia, which refers to the production and sale of animal feed;
60. The concentration of market participants resulting from the acquisition of individual control by the company Bulgaria Telecommunication Company EAD, Bulgaria, over the companies Networx - Bulgaria EOOD, Bulgaria, TVN Distribution Bulgaria EOOD, Bulgaria, and Telco Infrastructures EOOD, Bulgaria, by purchasing 100% of the shares in the aforementioned companies;
61. The concentration of market participants resulting from the acquisition of individual control by Nestlé SA, Switzerland, over The Bountiful Company, United States of America, and its operations related to the production and sale of vitamins, minerals and herbal supplements in the United States of America;

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62. The concentration of market participants resulting from the acquisition of individual control by the company ALSO Holding AG, Switzerland, over the company PIN Computers doo Novi Sad, Republic of Serbia, including its subsidiaries PIN Montenegro doo Podgorica, Montenegro, and PIN Computers doo Banja Luka, Bosnia and Herzegovina, by purchasing shares;
 63. The concentration of market participants resulting from the acquisition of individual control by the company Thunderbird Bidco Limited, England, over the company WRS Topco Limited, England, including its subsidiaries, by way of purchasing shares;
 64. The concentration of market participants resulting from the acquisition of individual control by the company Bain Capital Investors LLC, United States of America, over the company Valeo Foods Group Limited, Jersey, by way of purchase of shares;
 65. The concentration of market participants resulting from the acquisition of individual control by the companies AFI EUROPE NV, The Netherlands, AFI ZMAJ WEST doo Beograd, Republic of Serbia, and AFI ZMAJ EAST doo Beograd, Republic of Serbia, over part of AIK BANKA ad Beograd, Republic of Serbia, which can represent an independent business entity, by purchasing property that includes cadastral plots 16355/1/2/3/4 and 16350/1/2/3/4 of the Cadastral Municipality of Zemun, i.e. real estate located on these cadastral plots, namely building land on the said plots and buildings located on cadastral plots 16355/1 and 16350/1 of the Cadastral Municipality of Zemun;
 66. Concentration of market participants resulting from the acquisition of individual control by the company Nomad Foods Europe Limited, England, over companies: 1) LEDO plus doo, Croatia, 2) Frozen food industry Frikom doo Beograd, Republic of Serbia, including its subsidiary FRIKOM BEOGRAD DOOEL Cucer Sandevo, North Macedonia, 3) LEDO doo Čitluk, Bosnia and Herzegovina, 4) IRIDA doo, Croatia, 5) LEDO Jegkrem es Fagyasztit Elelmiszer Gyarto es Forgalmazo Korlatolt Felelossegu Tarsasag, Hungary, 6) LEDO, podjetje za trgovino s sladoledom, zmrznjeno hrano in storitve, d.o.o, Slovenia, 7) Ledo doo Podgorica, Montenegro, by purchasing 100% of the shares in the aforementioned companies, as well as the operations of the company Fortenova Grupa dd, Croatia, which are located at Obilić, Miloševo, AP of Kosovo and Metohija;
 67. The concentration of market participants resulting from the acquisition of individual control by the company Naftna industrija Srbije a.d., Republic of Serbia, over a part of another market participant that may represent an independent business entity, namely over the gas station owned by the company Celtik-centar Vitkovo d .o.o, Republic of Serbia, located in Vitkovo, cadastral plot 1450/3 and 1450/1 KO Vitkovo, registered in the Real Estate Folio no. 855, in accordance with the Gas Station Lease Agreement;
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68. The concentration of market participants resulting from the acquisition of individual control by the company Sika AG, Switzerland, over the part of the business of the company Yokohama Rubber Co., Ltd., Japan, which is related to the production and sale of adhesives and sealants;
69. The concentration of market participants resulting from the acquisition of individual control by the company Telekom Srbija ad, Republic of Serbia, over the operations of the Public Company Pošta Srbije Belgrade, Republic of Serbia, which relates to the provision of retail services of Internet access and distribution of media content, by purchasing part of the cable distribution system and electronic communication equipment of the Pošta Net working unit;
70. The concentration of market participants resulting from the acquisition of individual control by the business company Millennium Team doo Belgrade, Republic of Serbia, over the business company Omega Beton doo Belgrade, Republic of Serbia, by purchasing 100% of the shares;
71. The concentration of market participants resulting from the acquisition of individual control by the company Discovery, Inc., United States of America, over part of the assets and operations of the company AT&T, United States of America, related to the business segment of WarnerMedia, United States of America;
72. The concentration of market participants resulting from the acquisition of individual control by the company Synthos SA, Poland, over part of the assets of the company Trinseo SA, Luxembourg, and its subsidiaries, which includes operations related to the production and sale of synthetic tires and which may represent an independent business entity;
73. The concentration of market participants resulting from the acquisition of individual control by the company Westavis Ingatlanforgalmazó és Szolgáltatást Korlátozott Felelősségű Társaság, Hungary, over the following companies: 1) OFFICE PLANET INGATLANFEJLESZTO KORLATOLT FELELOSSEGU TARSASAG, Hungary, 2) DRUSTVO ZA RAZVOJ PROJEKATA O NEKRETNINAMA ATLAS CENTAR DOO, Republic of Serbia, 3) DEMO INVEST DOO ZA KONSALTING I INVESTICIJE, Republic of Serbia, 4) GTC BBC doo, Republic of Serbia, 5) GTC BUSINESS PARK PREDUZECE ZA RAZVOJ PROJEKATA O NEKRETNINAMA DOO, Republic of Serbia, 6) GTC MEDUNARODNI RAZVOJ NEKRETNINA PREDUZECE ZA RAZVOJ PROJEKATA O NEKRETNINAMA DOO, Republic of Serbia, 7) COMMERCIAL AND RESIDENTIAL VENTURES PREDUZECE ZA RAZVOJ PROJEKATA O NEKRETNINAMA DOO, Republic of Serbia;
74. The concentration of market participants resulting from the acquisition of individual control by the company Mondelēz Nederland Services BV, The Netherlands, over the operations of the company Chipita Industrial and Commercial Company SA, Greece,

- which relates to the production and sale of croissants, cakes, sweet biscuits and other sweet and savoury snacks;
75. The concentration of market participants resulting from the acquisition of individual control by the company Diplomatic Logistic Centar doo, Republic of Serbia, over part of the property of the company Pevec doo, Republic of Serbia, which may represent an independent business unit, by purchasing the facility - the production and business complex Pevec;
 76. The concentration of market participants resulting from the acquisition of individual control by the company CTH Invest SA, Belgium, over the operations of Burton's Biscuit companies FRONTIER HOLDCO LIMITED, United Kingdom of Great Britain and Northern Ireland, and BURTON'S LIMITED PARTNERSHIP GP LTD, United Kingdom of Great Britain and Northern Ireland, relating to the manufacture and sale of biscuits in the United Kingdom of Great Britain and Northern Ireland;
 77. The concentration of market participants resulting from the acquisition of individual control by the company Assicurazioni Generali SpA, Italy, over the company Società Cattolica di Assicurazione SpA, Italy, and over its subsidiaries, by way of purchase of shares.
 78. The concentration of market participants resulting from the acquisition of individual control by Volkswagen Aktiengesellschaft, Germany, over a part of Automobil-Logistik-Mosolf GmbH, Germany, which may represent an independent business unit, by the purchase of assets used to provide general logistics and related services, in particular for the automotive industry, including maintenance and repair of motor vehicles;
 79. The concentration of market participants resulting from the acquisition of individual control by the company OTP Bank Nyrt, Hungary, over the company Biser Bidco S.à rl, Grand Duchy of Luxembourg, its subsidiary NOVA KREDITNA BANKA MARIBOR dd, Slovenia, and their subsidiaries, by way of purchase of shares;
 80. The concentration of market participants resulting from the acquisition of individual control by the BENU Pharmacy Institution, Republic of Serbia, over the OTO-MEDICALPHARM Pharmacy Institution, Republic of Serbia, by the purchase of shares;
 81. The concentration of market participants resulting from the acquisition of individual control by the company THREE POINT INVESTMENTS LTD, Cyprus, over the company MINIK DOO NOVI SAD, Republic of Serbia, by purchasing 100% of the shares;

82. The concentration of market participants resulting from the acquisition of individual control by the company DeLaval Holding BV, The Netherlands, over the company Dormviltjugoett AB, Sweden, by purchasing 100% of the shares;
83. The concentration of market participants resulting from the acquisition of individual control by the company DOO PIONIR INTERNACIONAL NOVI SAD, Republic of Serbia, over the company LUCKY GAMING INDUSTRY d.o.o. Belgrade, Republic of Serbia, by purchasing 100% of shares;
84. The concentration of market participants resulting from the acquisition of individual control by the company PJSC Sibur Holding, Russia, over the company TAIF JSC, Russia, and its subsidiaries, by purchasing shares;
85. The concentration of market participants resulting from the acquisition of individual control by the company Generali Asia NV, Netherlands, over the companies AXA AFFIN General Insurance Berhad, Malaysia, AXA AFFIN Life Insurance Berhad, Malaysia, and MRI Generali Insurance Berhad, Malaysia, by purchasing shares;
86. The concentration of market participants resulting from the acquisition of individual control by the company STAX TECHNOLOGIES, Republic of Serbia, over the company DOO PRIMA 2020 Čačak, Republic of Serbia, by the purchase of a part of the property that can represent an independent business unit and the purchase of 100% of the shares;
87. The concentration of market participants resulting from the acquisition of individual control by the company Pramerica SGR SpA, Italy, over the company Gruppo Servizi Associati SpA, Italy, including its subsidiaries, by purchasing shares;
88. The concentration of market participants resulting from the acquisition of individual control by the company Leather Srl, Italy, over the company Conceria Pasubio SpA, Italy, by purchasing 100% of the shares;
89. The concentration of market participants resulting from the acquisition of individual control by the company WIENER STADTISCHE OSIGURANJE ADO, Republic of Serbia, over a part of the company KMR DEVELOPMENT doo, Republic of Serbia, which may represent an independent business entity, by purchasing property;
90. The concentration of market participants resulting from the acquisition of individual control by the company Sebia SA, France, over the company WSHP Intermediate Holding Sarl, Luxembourg, as well as over its subsidiary ORGENTEC Diagnostika GmbH, Germany, together with related companies, by purchasing 100% of the shares;
91. The concentration of market participants resulting from the acquisition of individual control by the company Balkan Commodities doo, Republic of Serbia, over the companies GRANEXPORT DOO PANČEVO, Republic of Serbia, LUKA-BAČKA

- PALANKA DOO, Republic of Serbia, and DOO ŽITO-BAČKA KULA, Republic of Serbia, including property of the commercial company AGROGLOBE DOO NOVI SAD, Republic of Serbia, which includes silos and operations of this company related to the trade in grains and oilseeds;
92. Concentration of market participants resulting from the acquisition of individual control by the company KPS Capital Partners LP, United States of America, over the company Rustici SpA, Italy, by purchasing 100% of the shares;
 93. Concentration between undertakings created by acquisition of individual control on the part of company C.I.A.K. Auto doo Novi Sad, Republic of Serbia, over the business company LUKENA-AUTO PREDUZECE ZA PROIZVODNJU, TRGOVINU I USLUGE DOO, Republic of Serbia, by purchasing 100% of the shares;
 94. The concentration of market participants resulting from the acquisition of individual control by the company Merkurs Market SA, Republic of Poland, over the company Emmezeta Srbija doo, Republic of Serbia, and the company Emma Real Estate doo, Republic of Serbia, through the purchase of shares;
 95. The concentration of market participants resulting from the acquisition of individual control by the company MPZ AGRAR d.o.o., Republic of Serbia, over the company Mirotin DOO, Republic of Serbia, and its subsidiaries, by purchasing a 50.33% of shares;
 96. The concentration of market participants resulting from the acquisition of individual control by the company Phoenix Parentco, Inc., United States of America, over the company Parexel International Corporation, United States of America, by purchasing 100% of the shares;
 97. The concentration of market participants resulting from the acquisition of individual control by the company SH Project BV, The Netherlands, over the company Orion Telekom Holdings BV, The Netherlands, and its subsidiaries, through the purchase of shares;
 98. The concentration of market participants resulting from the acquisition of individual control by the company Deus Business Group DOO, Republic of Serbia, over the company Donerra DOO, Republic of Serbia, by purchasing 100% of the shares;
 99. Concentration of market participants resulting from the acquisition of individual control by the company Telemach Hrvatska doo for telecommunications services, Croatia, over the company OT-Optima Telekom dd for telecommunications, Croatia, by purchasing 54.31% of shares;
 100. The concentration of market participants resulting from the acquisition of individual control by the company Hemofarm AD Farmaceutsko-Hemijska industrija Vršac, Republic of Serbia, over the company DOO Hrimoni Pharma Vršac, Republic of

Serbia, by purchasing 100% of the shares, and over the operations of the company Innventa Pharm DOO, Republic of Serbia Serbia, which refers to the portfolio of defined pharmaceutical products marketed by the company Innventa Pharm DOO, and in particular: Levofloxacin INNventa solution for infusion, D-Manozinn PROTECT (sachet) 10;7 2.5 G, and Dolpirinn (sachet) 50 MG 30 1.5 G;

101. The concentration of market participants resulting from the acquisition of individual control by the company Orbico doo, Croatia, over the company ART TEHNO GROUP OOD, Bulgaria, by the purchase of shares;
102. Concentration between undertakings created by acquisition of individual control on the part of company Patent CO. Company for the production of services and trade DOO Mišićevo, Republic of Serbia, over the assets of the company Enterprise for production, construction, trade and services Slovan - Progres DOO Selenča, Republic of Serbia, and the assets of the company Slovan - Agrar DOO Bač Selenča, Republic of Serbia, which relate to business related to trade in grains and oilseeds, and which may represent an independent business unit, by purchasing immovable and movable items;
103. The concentration of market participants resulting from the acquisition of individual control by the company Gauselmann Spielbanken Beteiligungs GmbH, Germany, over the company Westdeutsche Spielbanken GmbH, Germany, and its subsidiaries, by purchasing 100% of the shares;
104. The concentration of market participants resulting from the acquisition of individual control of the company Ringier AG, Switzerland, over the company Ringier Axel Springer Media AG, Switzerland, by changing joint control to individual control;
105. The concentration of market participants resulting from the acquisition of individual control by the company ARCHER DANIELS MIDLAND EUROPE BV, The Netherlands, over the company Victoria Group DOO. Beograd, Republic of Serbia, as well as over its subsidiary Sojaprotein Company with limited liability for soybean processing Bečej, Republic of Serbia, by purchasing shares;
106. The concentration of market participants resulting from the acquisition of individual control by the company Gebi doo PO Čantavir, Republic of Serbia, over the operations of the company VZS Stočna hrana doo Subotica, Republic of Serbia, which relates to the production and sale of animal feed and pet food, by purchasing real estate, equipment and supplies owned by the company VZS Stočna hrana doo Subotica;
107. The concentration of market participants resulting from the acquisition of individual control by the healthcare institution DOM ZDRAVLJA MEDIGROUP DR RISTIĆ, Belgrade, over Neolab (now MEDILAB) with business related to laboratory services in the field of medical biochemistry, microbiology and pathohistology, of the following

entrepreneurs: 1) Slađana Vučković pr Poliklinika za laboratorijsku dijagnostiku iz oblasti medicinske biohemije mikrobiologije i patohistologije MEDILAB N Niš, Republic of Serbia, 2) VINKA ALANOVIĆ PR LABORATORIJA ZA MEDICINSKU BIOHEMIJU MEDILAB L LESKOVAC, Republic of Serbia, 3) RATKO PAUNOVIĆ PREDUZETNIK LABORATORIJA ZA MEDICINSKU BIOHEMIJU MEDILAB Z ZAJEČAR, Republic of Serbia, 4) Jasmina Milošević pr Laboratorija za kliničku biohemiju MEDILAB MD Niš, Republic of Serbia, 5) ALEKSANDRA VELIČKOVIĆ PR LABORATORIJA ZA MEDICINSKU BIOHEMIJU MEDILAB SB SOKOBANJA, Republic of Serbia, 6) MILIJANA GLIGOROV PR LABORATORIJA ZA KLINIČKU BIOHEMIJU MEDILAB SUR SURDULICA, Republic of Serbia, и 7) Žaklina Anđelković pr Laboratorija za biohemiju sa hematologijom i imunohemijom Medilab C Niš, Republic of Serbia;

108. The concentration of market participants resulting from the acquisition of individual control by the health institution DOM ZDRAVLJA MEDIGROUP DR RISTIĆ, Republic of Serbia, over the economic company TalijaLAB health consulting&development doo, Republic of Serbia, by purchasing 100% of the shares, including the businesses of all entrepreneurs - biochemical laboratories that operate under the business name TalijaLab and in the TalijaLab laboratory system, which are determined by the act on concentration;
109. The concentration of market participants resulting from the acquisition of individual control by the company Greiner AG, Austria, over the company Recticel NV/SA, Belgium, by the purchase of shares;
110. The concentration of market participants resulting from the acquisition of individual control by the company VINCI SA, France, over the company Energia u Servicios DINSA II, SLU, Spain, and its subsidiaries, by purchasing 100% of the shares;
111. The concentration of market participants resulting from the acquisition of individual control by the company Allied Beverages Adriatic doo, Belgrade, over the company Anđelković al doo, Republic of Serbia, by purchasing 100% of the shares, including the business of this company related to the production, distribution and sale of natural mineral water;
112. The concentration of market participants resulting from the acquisition of individual control by the company Pluto MidCo Sarl, Grand Duchy of Luxembourg, over the company TRG Pluto 1 doo, Croatia, by purchasing 100% of the shares;
113. The concentration of market participants resulting from the acquisition of individual control by the company FLS Germany Holding GmbH, Germany, over the company thyssenkrupp Mining Technologies GmbH, Germany, and its subsidiaries, including the plant technology business of the company thyssenkrupp AG, Germany and industrial solutions in the mining sector, by purchasing 100% of shares;

114. The concentration of market participants resulting from the acquisition of individual control by the company Dentotal Group Holding Limited SA, Romania, over the company Dentatechnika EOOD, Bulgaria, by purchasing 100% of the shares;
115. The concentration of market participants resulting from the acquisition of individual control by Phoenix Pharmahandel GmbH & Co. KG, Germany, over the company McKesson Europe Holdings GmbH & Co. KGaA, Germany, by way of purchase of 100% of shares.
116. The concentration of market participants resulting from the acquisition of individual control by the joint-stock company Raiffeisen banka ad Beograd, Republic of Serbia, over a joint-stock company Credit Agricole Banka Srbija a.d. Novi Sad, Republic of Serbia, as well as over its subsidiary SA Leasing Srbija doo Belgrade, Republic of Serbia, by purchasing shares;
117. Concentration between undertakings created by acquisition of individual control on the part of company MPC Holding doo, Republic of Serbia, over company Gruppo MB doo, Republic of Serbia, by way of purchase of shares,
118. The concentration of market participants resulting from the acquisition of individual control by the company Intesa Sanpaolo SpA Italy, over the company Compagnie de Banque Privee Quilvest SA, Grand Duchy of Luxembourg, by way of purchase of shares;
119. The concentration of market participants resulting from the acquisition of individual control by the company Preduzeće za proizvodnju, promet, turizam, saobraćaj i usluge eksport-import Auto Čačak doo, Republic of Serbia, over the company Akcionarsko društvo Beogradska industrija piva, slada i bezalkoholnih pića Beograd - u stečaju (in bankruptcy), Republic of Serbia;
120. Concentration between undertakings created by acquisition of individual control on the part of company AT-TRAKT DOO, Republic of Serbia, over company IPON BEZBEDNOST DOO, Republic of Serbia, by way of purchase of shares,
121. The concentration of market participants resulting from the acquisition of individual control by United Group BV, Netherlands, over Crystal Almond Intermediary Holdings Limited, Guernsey, and its subsidiaries, by purchasing 100% of shares;
122. The concentration of market participants resulting from the acquisition of individual control by the company Balkans Real Estate BV, The Netherlands, over the company Delta City 67 doo Belgrade, Republic of Serbia, by purchasing 100% of the shares;
123. Concentration between undertakings created by acquisition of individual control on the part of company ABC DEVELOPMENT doo, Republic of Serbia, over company Montoli Properties doo, Republic of Serbia, by way of purchase of 100% of shares,

124. The concentration of market participants resulting from the acquisition of individual control by the company Slovenia Broadband S.à.rl Veliko Vojvodstvo Luxembourg, over the company Tessa Energy EOOD, Bulgaria, by purchasing 80% of the shares;
125. The concentration of market participants resulting from the acquisition of individual control by the company Roche Holding AG, Switzerland, over the companies TIB Molbiol Syntheselabor GmbH, Germany, CHIPRON GmbH, Germany, GenExpress Gesellschaft fur Proteindesign mbH, Germany, TIB Molbiol Australia Pty. Ltd., Australia, TIB Molbiol SAS, Colombia, TIB Molbiol Srl, Italy, TIB Molbiol SL, Salle Isabel Colbrand 10, Nave 130, Spain, and TIB Molbiol LLC, United States, by purchasing 100% of the shares;
126. The concentration of market participants resulting from the acquisition of individual control by the company Vojvodina Tehnopromet doo, Republic of Serbia, over the company Minel concern ad, Republic of Serbia, by purchasing 86.06% of shares;
127. The concentration of market participants resulting from the acquisition of individual control by the company SMURFIT KAPPA ITALIA S.R.A, Italy, over the company Cartiera di Verzuolo Sr1., Italy, by purchasing 100% of the shares, including part of the assets of the company Burgo Group SpA, Italy , which consists of a paper factory and a plant for the production of electricity, which are used for the production of cardboard;
128. The concentration of market participants resulting from the acquisition of individual control by the company Bain Capital Investors LLC, United States of America, over the company Industria de Turbo Propulsores SAU, Spain, by purchasing more than 50% of the shares;
129. The concentration of market participants resulting from the acquisition of individual control by the company United Media S.à.rl Luxemburg, over the company Adria Media Ljubljana, založništvo in maržinjere, doo, Slovenia, by purchasing a 75% share;
130. The concentration of market participants resulting from the acquisition of individual control by the company MPZ AGRAR DVA d.o.o., Republic of Serbia, over the company Banatski Despotovac d.o.o., Republic of Serbia, by the purchase of shares;
131. The concentration of market participants resulting from the acquisition of individual control by the company Rieslaner spółka z ograniczon odpowiedzialno ci , Republic of Poland, over the business of G-MART Grzegorz Werbli ski, entrepreneur, Republic of Poland, which relates to transport services, including freight vehicles, and raw meat production lines, and over the business of Zakład Przetwórstwa Rolniczego spółka z ograniczon odpowiedzialno ci spółka komandytowa, Poland, related to the production and sale of pet food;

132. The concentration of market participants resulting from the acquisition of individual control by the company Autonet Group Holding AG, Switzerland, over the company Augsburg International Impex Sr1, Romania, by purchasing a 70% share;
133. The concentration of market participants resulting from the acquisition of individual control by the company Robert Bosch GmbH, Germany, over the company Protec Fire and Security Group Limited, United Kingdom of Great Britain and Northern Ireland, including its subsidiaries, by purchasing 100% of the shares;
134. The concentration of market participants resulting from the acquisition of individual control by the company Daimler Truck Holding AG, Germany, over the business of the company Daimler AG, Germany, which relates to the production and sale of trucks and buses, the provision of after-sales services for trucks and buses, as well as provision of leasing and financing services for trucks and buses;
135. The concentration of market participants resulting from the acquisition of individual control by the company Granite US Holdings Corporation, United States of America, over the business of the company EnPro Holdings, United States of America, which is related to the aftersales of gas compressors;
136. The concentration of market participants resulting from the acquisition of individual control by the company BEOHEMIJA DOO BELGRADE, Republic of Serbia, over the company HIPOL AD ODŽACI - in bankruptcy, Republic of Serbia, by purchasing the bankrupt debtor as a legal entity;
137. The concentration of market participants resulting from the acquisition of individual control by the company Evonik International Holding BV, The Netherlands, over the company LiteCon GmbH, Austria, by the purchase of shares;
138. The concentration of market participants resulting from the acquisition of individual control by the company Intesa Sanpaolo SpA, Italy, over the company Aviva Vita SpA, Italy, by the purchase of shares;
139. The concentration of market participants resulting from the acquisition of individual control by the company Table Intermediate, Inc., United States of America, over the company Troy Corporation, United States of America, by purchasing 100% of the shares;
140. The concentration of market participants resulting from the acquisition of individual control by the joint-stock company Banka poštanska štedionica a.d. Beograd, Republic of Serbia, over the joint-stock company Komercijalna banka a.d. Banja Luka, Bosnia and Herzegovina, by way of purchase of 100% of shares.
141. The concentration of market participants resulting from the acquisition of individual control by the company Agri Europe Cyprus Limited, Cyprus, over the companies Sberbank dd, Croatia, Sberbank BH dd Sarajevo, Bosnia and Herzegovina, Sberbank

- ad Banja Luka, Bosnia and Herzegovina, Sberbank Magyarorszag Zrt., Hungary, Sberbank Srbija ad Belgrade, Republic of Serbia, and Sberbank banka dd, Slovenia, by purchasing shares;
142. The concentration of market participants resulting from the acquisition of individual control by the company HELIOS sestavljeno podjetje za kapitalске naložbe in razvoj, d.o.o., Slovenia, over the business of the company Gudmark Group doo, Republic of Serbia, which relates to the production and sale of decorative and industrial coatings;
143. The concentration of market participants resulting from the acquisition of individual control by the Company for foreign and domestic trade and services NELT CO. doo Dobanovci, Republic of Serbia, over the company Fabrika dečje hrane doo, Republic of Serbia, by acquiring shares;
144. The concentration of participants in the market resulting from the acquisition of individual control by the company DGL INTERNATIONAL (UK) LTD, United Kingdom of Great Britain and Northern Ireland, over the company DP JUB delnička družba pooblaščenka d.d., Slovenia, and its subsidiaries, by purchasing shares;
145. The concentration of market participants resulting from the acquisition of individual control by the company Adient plc, Ireland, over the company Chongqing Adient Automotive Components Co., Ltd., China, through the purchase of shares;
146. The concentration of market participants resulting from the acquisition of individual control by the company Batting Limited, Cyprus, over the company Institut za izgradnju grada d.o.o. Beograd, Republic of Serbia, by purchasing 100% of the shares;
147. Concentration between undertakings created by acquisition of individual control on the part of company Robert Bosch GmbH, Germany, over company Siliconally GmbH, Germany, by way of purchase of shares;
148. The concentration of market participants resulting from the acquisition of individual control by the company RWA INTERNATIONAL HOLDING GMBH, Republic of Austria, over the company Patent Co. doo Misićevo, Republic of Serbia, and its subsidiary company, by purchasing shares;
149. The concentration of market participants resulting from the acquisition of individual control by the company Ferrero International SA, Luxembourg, over the operations of the company Eat Natural Limited, United Kingdom of Great Britain and Northern Ireland, and the company Hand 2 Mouth Limited, United Kingdom of Great Britain and Northern Ireland, which relates to the production, packaging, supply, distribution, marketing and sale of breakfast and snack cereals and bars;
150. The concentration of market participants resulting from the acquisition of individual control by the company Roaming Networks doo Belgrade, Republic of Serbia, over

- the company Kensing Towers doo Beograd, Republic of Serbia, by purchasing 100% of the shares;
151. The concentration of market participants resulting from the acquisition of individual control by the company ALD SA, France, over the company Fleetpool Holding GmbH, Germany, by purchasing 100% of the shares;
 152. The concentration of market participants resulting from the acquisition of individual control by the company CE POWER INDUSTRIES AS, Czech Republic, over the company BEOHEMIJA DOO, Republic of Serbia, by purchasing 100% of the shares;
 153. The concentration of market participants resulting from the acquisition of individual control by the company MET Renewables Holding, Switzerland, over the company Eolica Bulgaria EAD, Bulgaria, by purchasing 100% of the shares;
 154. The concentration of market participants resulting from the acquisition of individual control by the company Compagnie de Saint-Gobain a societe anonyme, France, over the companies Starcin Topco Sarl, Luxembourg, Starcin Invest SCA, Luxembourg, and Starcin GP Invest Sa rl, Luxembourg, by way of purchase of share;
 155. The concentration of market participants resulting from the acquisition of individual control by the company MOL Magyar Olajes Gazipari Nyilvanosan Miikodo Reszvenytarsasag, Hungary, over the company OMV SLOVENIA, trgovina z nafto in naftimi derivati, doo, Slovenia, by purchasing shares;
 156. The concentration of market participants resulting from the acquisition of individual control by the company BAIN CAPITAL INVESTORS, LLC, United States of America, over the company HITACHI METALS, LTD. Japan, by way of purchase of shares.
 157. The concentration of market participants resulting from the acquisition of individual control by the company Konzum plus doo, Croatia, over the company Miracolo Trgovina doo, Croatia, by purchasing 100% of the shares;
 158. The concentration of market participants resulting from the acquisition of individual control by the company EXTRA - AUTO TRANSPORT DOO VRBAS, Republic of Serbia, over the company ZGOP AD NOVI SAD, Republic of Serbia, by the purchase of shares;
 159. The concentration of market participants resulting from the acquisition of individual control by Metinvest BV, the Netherlands, over part of PUBLIC JOINT-STOCK COMPANY DNEPROVSKY IRON & STEEL INTEGRATED WORKS, Ukraine, which may represent an independent business entity;
 160. The concentration of market participants resulting from the acquisition of individual control by the company DTEK GRIDS BV, The Netherlands, over the company

- Private Joint Stock Company KIROVOGRADOBLENERGO, Ukraine, by the purchase of shares;
161. The concentration of market participants resulting from the acquisition of individual control by the company CEE-BIG BV, The Netherlands, over the companies SEK DOO, Republic of Serbia, and NEPI Real Estate Project Two doo, Republic of Serbia, by purchasing 100% of shares;
 162. The concentration of market participants resulting from the acquisition of individual control by the company GTC Magyarorszag Ingatlanfejlesztő Zártkörűen Működő Részvénytársaság, Hungary, over the company Napred 41 Beograd, Republic of Serbia, by purchasing shares;
 163. The concentration of market participants resulting from the acquisition of individual control by the company Naftna industrija Srbije a.d., Republic of Serbia, over the gas station located in Sremska Kamenica, at Vojvode Putnika 8, on cadastral plot no. 4259/2, registered in the Property List no. 6988 KO Sremska Kamenica, by taking this gas station on a long-term lease, in accordance with the Gas Station Lease Agreement concluded with natural persons who are the owners of this gas station;
 164. The concentration of market participants resulting from the acquisition of individual control by the company Ravago Chemicals SA, Luxembourg, over the company Indukern, SA, Spain, including its subsidiaries, by purchasing shares;
 165. Concentration between undertakings created by acquisition of individual control on the part of company J.S. Hamilton Poland sp. z o. o., Poland, over the company Institute for Occupational Safety, Fire Protection, Environmental Protection, Design and Engineering Inc. Novi Sad, Republic of Serbia, by way of purchase of shares,
 166. The concentration of market participants resulting from the acquisition of individual control by Holdingselskabet af 18. September 2020 Aps, Denmark, over the operations of Diana Food SAS, France, which relates to the production and sale of dyes and natural colorants;
 167. The concentration of market participants resulting from the acquisition of individual control by the company HSR GmbH, Germany, over the company CICMP Vertriebs-GmbH, Austria, by purchasing 100% of the shares;
 168. The concentration of market participants resulting from the acquisition of individual control by the company Telemach, širokopasovne komunikacije, d.o.o., Slovenia, over the company ARIO, družba za telekomunikacije in trgovino d.o.o., Slovenia, through the purchase of shares;
 169. The concentration of market participants resulting from the acquisition of individual control by the company Diagnostični center Vila Bogatin doo, Slovenia, over the company Neuroedina, Slovenia, by the purchase of shares;

170. The concentration of market participants resulting from the acquisition of individual control by the company Fortenova Group TopCo BV, The Netherlands, over the company Agrolaguna dd, Republic of Croatia, by purchasing 51% of the shares;
171. The concentration of market participants resulting from the acquisition of individual control by the company Intesa Sanpaolo SpA Italy, over the commercial company Cargeas Assicurazioni SpA, Italy, by way of purchasing shares;
172. The concentration of market participants resulting from the acquisition of individual control by the company Rero Energy doo Novo Miloševo, Republic of Serbia, over the company VRR BIOGAS DOO NOVO MILOŠEVO, Republic of Serbia, by purchasing 100% of the shares;
173. The concentration of market participants resulting from the acquisition of individual control by the company TV Digital Services GmbH, Germany, over the company Loom Technologies GmbH, Germany, by purchasing 100% of the shares;
174. The concentration of market participants resulting from the acquisition of individual control by the company XELLA SRBIJA DOO VREOCI, Republic of Serbia, over the company PGP RAPID AD APATIN, Republic of Serbia.

Concentrations resulting from a joint venture agreement or by acquisition of joint control (Article 17, paragraph 1, item 3 of the Law):

1. The concentration of market participants resulting from the establishment of joint control by the companies Adolf Würth GmbH & Co. KG, Künzelsau-Gaisbach, Germany, and KOEFIK doo, Republic of Serbia, over the commercial company CRAFTER doo, Republic of Serbia;
2. The concentration of market participants resulting from the establishment of joint control by the company United Group BV, The Netherlands, over the companies MAINSTREAM DOO, Republic of Serbia, and IT4BIZ DOO, Republic of Serbia, by purchasing 70% of the shares, which will be carried out together with other members of these companies;
3. The concentration of market participants resulting from the establishment of joint control by the company Vivaldi Holdings S.à rl, Luxembourg, over the company VW Volleyball World SA, Switzerland, through the purchase of shares, which will be carried out together with another member of this company, the Fédération Internationale de Volleyball, Switzerland;
4. The concentration of market participants resulting from the acquisition of joint control by the company Gallus Bidco Limited, United Kingdom of Great Britain and Northern Ireland, and the natural person Urs Spitz, Switzerland, over the company Biosynth Beteiligungs AG, Switzerland, by purchasing shares;

5. The concentration of market participants resulting from the establishment of joint control by the company TRG Emerging Europe Private Equity Fund SCSp, Luxembourg, over the company MyFamily Srl, Italy, by purchasing a 32.47% share, which will be carried out together with other members of this company.
6. The concentration of market participants resulting from the joint investment of the companies Volkswagen Aktiengesellschaft, Germany, and Enel SpA, Italy, with the aim of creating a new market participant operating on a long-term basis and which will invest, build and operate a network of high-voltage ultra-fast charging stations for electric vehicles in Italy;
7. The concentration of market participants resulting from the acquisition of joint control by the companies PPC RENEWABLES SA, Greece, and GEOENERGY AEGEAN SMSA, Greece, over the company GEOTHERMAL TARGET TWO II SINGLE-MEMBER SA, Greece, by the purchase of shares;
8. The concentration of market participants resulting from a joint investment by the company Dr. Ing. hcF Porsche Aktiengesellschaft, Germany, and TransnetBW GmbH, Germany, in order to establish a joint venture that will operate on a long-term basis in the market of IT consulting services and provide services of smart energy systems, and have all the functions of an independent market participant;
9. The concentration of market participants resulting from the establishment of joint control by the company Ringier AG, Switzerland, over the companies Digital Ventures OOD, Bulgaria, and Sportal.bg AD, Bulgaria, including its subsidiaries: Golf Bulgaria EOOD, Bulgaria, and Profit Media Group OOD, Bulgaria, which will be carried out together with another member of these companies;
10. The concentration of market participants resulting from the acquisition of joint control by the company BP Europa SE, Germany, over the company Digital Charging Solutions GmbH, Germany, by the purchase of 33.33% of the shares, which they will carry out together with the existing members of this company, the companies Bayerische Motoren Werke Aktiengesellschaft, Germany, and Daimler AG, Germany;
11. The concentration of market participants resulting from the establishment of joint control by the companies EP Corporate group, as, Czech Republic, and E-Commerce and Media Investments as, Czech Republic, over the company Supratuc2020 SL Spain, by purchasing a 50% share, which will be carried out together with a member of this company, the company NEWCOBECO SAU, Spain;
12. The concentration of market participants resulting from the joint investment of Magna Metalforming GmbH, Austria, and LG Electronics Inc., Republic of Korea, with the aim of creating a new market participant that operates on a long-term basis and has all the functions of an independent market participant, by establishing a joint

- venture that will primarily deal with the production and sale of components for electronic vehicles;
13. The concentration of market participants resulting from a joint investment by the companies Robert Bosch GmbH, Germany, and PartsTech, Inc., United States of America, with the aim of creating a new market participant that operates on a long-term basis and has all the functions of an independent market participant, by establishing a joint venture;
 14. The concentration of market participants resulting from the acquisition of joint control by the company Bain Capital Investors LLC, United States of America, and the company Cinven Capital Management (VII) General Partner Limited, British Channel Islands, over the operations of the company Lonza Group AG, Switzerland , which relates to the production and sale of special ingredients used in the control of microbes and in the application of technology and provision of services in the chemical industry;
 15. The concentration of market participants resulting from the acquisition of joint control by the companies FCA Italy SpA, Italy, and ENGIE EPS Italia Srl, Italy, over the company EPS E-Mobility Srl, Italy, by having the company FCA Italy SpA purchase 50.1% share in EPS E-mobility Srl from its current owner ENGIE EPS Italia Srl, which retains 49.9% of the shares;
 16. The concentration of market participants resulting from the establishment of joint control by the company Arena Channels Group DOO, Republic of Serbia, over the company Arena Sport DOO, Slovenia, by purchasing a 50% share, which will be carried out together with another member of this company;
 17. The concentration of market participants resulting from the acquisition of joint control by the companies BroadPeak Diamond SLP, Cayman Islands, Asia Green Fund Management Limited, Cayman Islands, and Saudi Arabian Industrial Investments Company, Kingdom of Saudi Arabia, over the business of DuPont de Nemours, Inc. , United States of America, relating to clean technologies;
 18. The concentration of market participants resulting from a joint investment by the company Volkswagen AG, Germany, and the company Rimac Automobili doo, Croatia, with the aim of establishing a joint company that will operate on a long-term basis and have all the functions of an independent market participant;
 19. The concentration of market participants resulting from the acquisition of joint control by the company CNP Assurances SA, France, and the company UniCredit SpA, Italy, over the company Aviva SpA, Italy, by the purchase of shares;
 20. The concentration of market participants resulting from the establishment of joint control by the company adp Gauselmann GmbH, Germany, over the company

MERKUR XTIP SLOTS DOO STARA PAZOVA, Republic of Serbia, by the purchase of 51% of the shares, which will be carried out together with another member of this company, the natural person Miroslav Sarić, residing in the Republic of Serbia;

21. The concentration of market participants resulting from the acquisition of joint control by the companies Diagnostični center Vila Bogatin d.o.o., Slovenia, and ALFI PE d.o.o., specialni investicijski sklad, k.d., Slovenia, over the business company MDT&T podjetje za medicinsko diagnostiko, terapijo in tehnologijo d.o.o., Slovenia, and its subsidiary Šubic-Diabetologija Interna Medicina doo, Slovenia, by purchasing shares;
22. The concentration of market participants resulting from the establishment of joint control by the company SS Beverages Holdings II BV, Netherlands, over the company Casa del Caffè Vergnano SpA, Italy, by the purchase of 30% of the shares, which will be carried out together with other members of this company;
23. The concentration of market participants resulting from the acquisition of joint control by the companies Volkswagen Aktiengesellschaft, Germany, and Trinity Investments Designated Activity Company, Ireland, over the company Europcar Mobility Group SA, France, through the purchase of shares;
24. The concentration of market participants resulting from the acquisition of joint control by the companies GENERALI EUROPE INCOME HOLDING SA, Luxembourg, Grand Duchy of Luxembourg, and ELECTRICITÉ DE FRANCE SA, France, over the company SCI OPG Avenue de France, France, through the purchase of shares;
25. The concentration of market participants resulting from the acquisition of joint control by the company Robert Bosch GmbH, Germany, over the company Sunlight.io Limited, Great Britain, by the purchase of 26.3% of shares, which will be carried out together with other shareholders of this company;
26. The concentration of market participants resulting from the joint investment of the companies Stellantis NV, The Netherlands, and FIH Mobile Limited, Cayman Islands, with the aim of creating a new market participant operating on a long-term basis and which will be mainly active in the development of digital cockpits and personalized related services;
27. The concentration of market participants resulting from the acquisition of joint control by the companies Eko Unija SN doo Stara Pazova, Republic of Serbia, and Transmetal Plus doo Smederevo, Republic of Serbia, over the companies CE-ZA-R doo Belgrade, Republic of Serbia, and REC-EE -O doo Belgrade, Republic of Serbia, by purchasing shares;

28. The concentration of market participants resulting from the establishment of joint control by the companies RAG-Stiftung, Germany, and Open Grid Europe GmbH, Germany, over the existing company H2UB GmbH, Germany, which operates on a long-term basis and has all the functions of an independent market participant;
29. The concentration of market participants resulting from the acquisition of joint control by the companies WP GG Holdings XV BV, The Netherlands, and Trifecta Holdco S.à rl, Luxembourg, through the company WP/AP Telecom Holdings IV BV, The Netherlands, over the company TMobile Netherlands Holding BV, the Netherlands, by acquiring 100% of the shares;
30. The concentration of market participants resulting from a joint venture by the companies Energy City Development Company, Kingdom of Saudi Arabia, and Hutchison Port Investments Limited, Cayman Islands, through its subsidiary Color Path Holdings Limited, People's Republic of China, for the purpose of establishing a joint venture, which will operate on a long-term basis and have all the functions of an independent market participant, and will be active in the development, marketing, management and maintenance of the dry port in the King Salman Energy Park in Saudi Arabia;
31. The concentration of market participants resulting from the joint venture of Continental Automotive Holding Netherlands BV, the Netherlands, and Shanghai Horizon Intelligent Automotive Technology So. Ltd., People's Republic of China, in order to establish a joint venture that will operate on a long-term basis and have all the functions of an independent market participant, and which will primarily deal with the design, development and sale of integrated hardware and software solutions in the automotive industry;
32. The concentration of market participants resulting from the establishment of joint control by the company Equistone Partners Europe Limited, United Kingdom of Great Britain and Northern Ireland, over the company Trebetherick Investments Limited, United Kingdom of Great Britain and Northern Ireland, through the purchase of shares, which will be carried out with a natural person Justin Burton, co-owner of this company;
33. The concentration of market participants resulting from the establishment of joint control by the company KOEFIK DOO, Republic of Serbia, over the company Charge&GO doo, Republic of Serbia, by the purchase of a 50% share, which will be carried out with another member of this company, natural person Miloš Kostić ;
34. The concentration of market participants resulting from the establishment of joint control by the company Eurizon Capital SGR SpA, Italy, over the company Adria Ferries SpA, Italy, by the purchase of 33.341% of shares, which will be carried out

together with another member of this company, the company Equinox Holding SRL, Italy;

35. The concentration of market participants resulting from a joint investment by the companies Saudi Aramco Development Company, Kingdom of Saudi Arabia, and Cognite AS, Kingdom of Norway, with the aim of creating a new market participant that operates on a long-term basis and has all the functions of an independent market participant, by establishing joint venture.

Concentrations resulting from a merger or other status change in which there is a merger of market participants in the sense of the law regulating the position of business companies (Article 17, paragraph 1, item 1 of the Law);

1. The concentration of market participants resulting from the acquisition of individual control by the company Eurobank ad, Republic of Serbia, over the company Direktna banka ad, Republic of Serbia, by the merger of the company Direktna banka ad with the company Eurobank ad, after which the company Direktna banka ad will cease to exist;
2. Concentration of market participants resulting from the merger of the companies Banka Poštanska štedionica a.d., Republic of Serbia, and mts banka a.d., Republic of Serbia, resulting from the merger of the company mts banka a.d. with the company Banka Poštanska štedionica a.d

NOTIFIED MERGERS SUBJECT TO *EX OFFICIO* PROCEEDINGS

CLOSED PROCEEDINGS

Kingspan Holding Netherlands – TeraSteel

The Commission has unconditionally approved the concentration of market participants resulting from the acquisition of individual control by Kingspan Holding Netherlands BV, the Netherlands, over the following companies: TeraSteel SA, Romania; TeraSteel doo, Serbia; TeraSteel Slovakia, Slovakia; Wetterbest SA, Romania, including its subsidiary Cortina WTB SRL, Romania, by purchasing shares.

When assessing the effects of the concentration, the Commission concluded that its implementation will cause certain horizontal effects on the relevant markets and significant horizontal overlapping of the activities of the participants in the concentration on these markets (the market for the production and sale of foam sandwich panels, the market for the production and sale of mineral fiber sandwich panels, the market of production and sale of single-layer construction sheets), given that it is a horizontal concentration whose participants are direct competitors. The realization of the concentration will lead to a change

in the structure of the relevant markets and an increase in the applicant's market share. The applicant will, after implementing the concentration, acquire a dominant position on one of the three defined relevant markets, namely on the market for the production and sale of foam sandwich panels, with a market share of /50-60/%. In this market, there is the greatest overlap in the operations of the participants in the concentration, while in the other two markets, these overlaps are negligible (mineral fiber sandwich panel market), i.e. their operations are negligible (construction sheet market).

Analyzing the criteria for assessing the permissibility of a concentration provided by the Law, especially (but not exclusively) the structure of the relevant markets and the market shares of the participants in the concentration, and their main competitors, the possibility of choosing suppliers, as well as that there are no barriers to market entry or exclusive distribution rights, the Commission has assessed that the concentration will not significantly limit, distort or prevent competition in the relevant product markets. The Commission assessed that the effects of the concentration will not have a negative impact on competition in the Republic of Serbia, bearing in mind that access to the supply and distribution markets of sandwich panels and construction sheets will not be limited. None of the participants in the concentration have their own retail network, and therefore there are no vertical effects on the defined relevant markets.

Kingspan Holding Netherlands – Trimo

The commission has conditionally approved the concentration of market participants resulting from the acquisition of individual control by Kingspan Holding Netherlands, the Netherlands, over the company Trimo, arhitekturne rešitve, d.o.o. Slovenia, and its subsidiaries, through the purchase of shares. In the test procedure that was carried out, the market for the production and sale of mineral fiber sandwich panels was defined as the relevant product market for the evaluation of the subject transaction.

The commission determined that following the concentration there will be a significant consolidation of the participants in the concentration on the relevant market. The joint market share of the participants in the concentration on the relevant market is /60-70/%, the market share of the first competitor is /10-20/%, while the other market participants individually have a market share of less than /0-5/%. Therefore, the Commission concluded that there will be a significant change in the market structure on the relevant market, i.e. a significant increase in the applicant's market share and the acquisition of a dominant position on the market, as well as a significant increase in the degree of concentration of this market, which was highly concentrated even prior to the concentration.

Special conditions for the approval of the concentration have been determined, as well as the deadlines for execution thereof:

1. The commercial company Kingspan Holding Netherlands BV ("Kingspan") and/or its affiliated company undertakes that within 4 years from the date of delivery of the Commission's decision conditionally approving the concentration:
 - a) preserve the operations of Trimo Inženjering, Srbija ("Trimo Srbija") and TeraSteel, Srbija ("TeraSteel Srbija") in accordance with good business practice and, in particular, refrain from decisions that result in: liquidation or other form of cessation of business of either company Trimo Srbija or TeraSteel Srbija, including any decision on the transfer of property with the same effect; changes in the predominant activities of Trimo Srbija and/or TeraSteel Srbija; changes in the business name of Trimo Srbija and/or TeraSteel Srbija; changes in brands and special know-how of the companies Trimo Srbija and/or TeraSteel Srbija;
 - b) ensure that the operations of the companies Trimo Serbia and TeraSteel Serbia remain separate, and in particular that they will not make decisions on status changes that may lead to the loss of legal subjectivity of one or both companies (such as decisions on the merger of the companies Trimo Serbia and TeraSteel Serbia or the merger of one company with another);
 - c) there is no exchange of confidential data and/or commercially sensitive information directly between Trimo Srbija and TeraSteel Srbija.
2. If, within 4 years from the date of delivery of the decision, and due to circumstances beyond Kingspan's control, i.e. due to circumstances that could not be prevented,

- removed or avoided, Kingspan (and/or its affiliated company) decides to liquidate or permanently close the production capacities of Trimo Srbija and TeraSteel Srbija, Kingspan (and/or its affiliated company) undertakes to publicly announce the sale of assets of Trimo Srbija and/or TeraSteel Srbija or shares that Kingspan (and/or its affiliated company) owns in Trimo Srbija and TeraSteel Serbia.
3. The company Kingspan undertakes that within 4 years from the date of delivery of the decision, Kingspan (and/or its affiliated company) shall submit written annual reports to the Commission:
 - a) on the degree of utilization of the production capacities of Trimo Srbija and TeraSteel Srbija in Serbia;
 - b) on the annual quantity and value of the production of mineral fiber panels in the production capacities of Trimo Srbija and TeraSteel Srbija in Serbia; and
 - c) in case of a reduction (more than 10%) in the utilization of the production capacities of Trimo Srbija and TeraSteel Srbija, an explanation of the reasons for such a reduction.

By stipulating these special conditions and deadlines for their execution, the existing concern for competition was removed, that is, it was estimated that the conditions for the approval of the concentration prescribed by Article 19 of the Law were met.

MONITORING THE IMPLEMENTATION AND COMPLIANCE WITH COMMITMENTS FROM CONDITIONAL CLEARANCE DECISIONS

During 2021, the Commission continued to monitor the manner of implementation and compliance with commitments contained and laid down in the Commission's conditional clearance decisions from the previous period, representing an obligation of individual undertakings set out in each individual decision on conditional merger clearance and whose period of performance also covered this reporting period. Within the predefined time intervals set out in each individual decision on conditional merger clearance, the Commission monitored the manner in which the undertakings concerned have implemented and complied with the commitments, through agreed regular reporting.

Company Preduzeće za proizvodnju hleba i peciva Don Don d.o.o.Beograd – a part of Akcionarsko društvo za prerađu žitarica Žitopromet, Zaječar

The decision from 2019 conditionally cleared the merger of market participants, which results from the acquisition of individual control of the company Don Don d.o.o. Belgrade, over the part of the company Žitopromet, Zaječar, which can represent an independent business entity and which includes: bakery production plant, mill and silo for flour at the

location in Zaječar, ul. Kraljevića Marka no. 2, with associated equipment and inventory, purchase of immovable and movable property in enforcement proceedings.

The said decision stipulates the following conduct measures:

1. The obligation to report on the production capacities of the bakery production plants of Žitopromet, Zaječar and Žitopek a.d., Niš, part of the Don Don Group (the production capacity of the bakery production plant in Zaječar before and after the overhaul of its equipment and the production capacity of the bakery production plant of Žitopek a.d. .d. in Niš, the degree of utilization of production capacities in Zaječar and Niš; produced quantities of the relevant product in the bakery production facilities in Zaječar and Niš; sold quantities of the relevant product in wholesale on the relevant geographic market and expressed as a percentage the ratio of those sold in wholesale in relation to the produced quantities of the relevant product in the bakery production facilities in Zaječar and Niš; the total quantities of the relevant product sold in wholesale and expressed as a percentage the ratio of the total quantities of the relevant product sold in wholesale in the relevant geographic market in relation to the total quantities of the relevant product sold in wholesale by the company Don Don d.o.o. Beograd);
2. The obligation to report on the rebate policy of Don Don d.o.o. Beograd on the relevant geographic market (a complete rebate scale by customer groups that would represent the rebate policy of Don Don d.o.o. Beograd on the relevant geographic market);
3. The obligation to report on the weighted average wholesale prices of the relevant product of the company Don Don d.o.o. Beograd on the relevant geographic market (average weighted wholesale price of the relevant product of the company Don Don d.o.o. Beograd on the relevant geographic market, without VAT and with the expressed percentage of transport costs within that price).

The ordered conduct measures will be applied twice a year for a period of three years from the finality of the Commission's decision. In 2021, the Commission continued monitoring behavioral measures by Don Don, through submitted reports for the third reporting period October 16, 2020 - April 15, 2021 and for the fourth reporting period April 16, 2021 - 15 October 2021, with mandatory elements relating to 2020 and 2021. In order to implement the measures prescribed by the decision, Don Don submitted to the Commission reports containing data on the production capacities of the bakery production facilities of Žitopromet, Zaječar and Žitopek a.d., Niš, part of the Don Don Group, on the rebate policy of the Don Don company in the relevant geographical market, and about the weighted average wholesale prices of the relevant product of the Don Don company in the relevant geographic market. The Commission will continue to monitor the conduct of this company in the coming year as well.

Roaming Electronics – WINWIN SHOP/ Emmi House/ WINWIN RETAIL

The Commission cleared the merger between undertakings subject to conditions, created by acquisition of individual control on the part of company Roaming Electronics doo, Beograd, over the following companies: 1) WINWIN SHOP doo, Čačak, 2) Emmi House doo, Čačak, and 3) WINWIN RETAIL doo, Čačak, by way of purchase of share or acquisition of operations.

The conditional merger clearance decision set out special requirements and deadlines thereof, namely the divestment measures that concern a part of operations on the retail markets for small household appliances, large household appliances, TV, audio and video equipment, mobile and landline telephones, computers and other IT equipment.

The divestment procedure was completed in accordance with the measure from paragraph II, item 1(b) of the enacting clause of the Commission's decision from 2019 (subleasing of the aforementioned retail premises or alienation through cancellation of the lease agreement, i.e. termination of the lease). The Commissioner for Oversight in the Disinvestment Procedure submitted a final report informing the Commission that all facilities intended for divestment were successively closed, depending on the date of mutual termination of the lease agreement. The Commissioner for Supervision notes that as of March 21, 2021, all the listed facilities were closed and vacated, in accordance with the Commission's decision. The report of the supervisory commissioner contains an overview of all facilities with the dates when each specific facility ceased to operate, i.e. when it was vacated.

Sunoko doo Novi Sad - Star Šećer doo Senta

The Commission cleared the merger, by means of a decision in 2016, between undertakings subject to conditions, created by acquisition of control on the part of company Sunoko doo Novi Sad over company Star Šećer doo Senta, and thus over company Fabrika šećera TE-TO Senta AD.

The decision laid down the requirements in respect of company Sunoko, set in the form of behavioral measures and a mandatory reporting commitment before the Commission in order to preserve the market structure and maintain the production capacities in full, including of the sugar plant TE-TO Senta on the market, ensure the transparency in monitoring potential variations to sugar prices on the market, improve the transparency in sugar trading policy and business relations with buyers, as well as to guarantee the provision of full and complete information to the Commission on the scope and type of investments to be realized in TE-TO Senta sugar plant aimed at improving the manufacturing system efficiency.

In 2021, the company Sunoko submitted a Report on the implementation of the measures of conduct determined by the Commission's decision, which contains information on the processed amount of sugar beet and produced sugar in the factories of the company Sunoko, information on public advertising of the sale of the factory in the event of liquidation or a decision of a legal entity that results in the permanent closure of some of the sugar mills under its control, information on the six-month movement of sugar prices, information on the policy of selling sugar to domestic customers, information on changes to valid contracts of TE-TO with customers and information on measures and actions undertaken with the aim of maintaining business of the TE-TO company.

Information was also submitted that by the decision of the Commercial Court in Subotica as of May 25, 2017, the bankruptcy proceedings were opened against the TE-TO Sugar Factory a.d. Senta, due to permanent inability to pay, i.e. that by the decision of this court as of September 20, 2017, bankruptcy proceedings against this bankrupt debtor were determined, and that the company Sunoko doo Novi Sad on June 28, 2019, in the bankruptcy proceedings, and on the basis of the concluded Agreement on the purchase and sale of immovable and movable property of the bankrupt debtor, bought a part of the property of this bankrupt debtor, that is, the company TE-TO Senta in bankruptcy. Bearing in mind the above, and especially the fact of the onset of legal consequences of the opening of bankruptcy proceedings, Sunoko is unable to provide data on price changes for the past six months. By submitting the aforementioned data and taking into account their content, Sunoko has fulfilled the prescribed conditions, considering the deadlines set by the decision for their execution.

Compagnie des Levures Lesaffre S.A. - Alltech Serbia doo Senta

The Commission conditionally cleared a merger by means of decision as of 2018, created by acquisition of control on the part of company Compagnie des Levures Lesaffre S.A. over company Alltech Serbia d.o.o.Senta. The company Alltech Serbia Fermentaciona Industrija doo Senta has changed its name - to Biospringer RS doo Senta.

In order to implement the measures prescribed by the decision, the company Compagnie des Levures Lesaffre SA also submitted a report to the Commission in 2021 with mandatory elements related to the year 2020, within the stipulated period. Data related to the degree of utilization of the production capacities of the company Biospringer RS have been submitted, namely the volume and value of yeast extract production, as well as on the volume and value of baker's yeast production and sales (separately for liquid, viscous paste and dried powder forms) of company Biospringer RS in 2020.

By submitting the previously specified data, the company Compagnie des Levures Lesaffre SA fulfilled the conditions prescribed by the Commission in the form of behavioral measures within the deadline and in full.

INVESTIGATIONS OF MERGERS NOT CLEARED BY THE COMMISSION

CLOSED PROCEEDINGS

Proceedings brought against company Fortenova Grupa d.d., Croatia

Following the investigation procedure, the Commission determined by way of decision that the concentration resulted from the acquisition of individual control by the company Fortenova Grupa dd, Zagreb, Republic of Croatia, over the following companies: Frikom d.o.o. Beograd, Mg Mivela d.o.o., Beograd, Atlas Ambassador d.o.o. Beograd, Kron d.o.o., M-profil SPV d.o.o. Beograd, mStart Business Solutions d.o.o., Beograd, Nova Sloga d.o.o. Trstenik, PIK Vrbovec d.o.o. Beograd, Dijamant a.d. Zrenjanin, Kikindski Mlin a.d. Kikinda, Kompas d.o.o. Beograd, AGKOR posredovanje u osiguranju d.o.o. Beograd, TP Angropromet Eksport-Import d.o.o. Niš, BEOJANA d.o.o. Beograd, BEOKONA d.o.o. Beograd, BOPANA d.o.o. Beograd, BEOSLANA d.o.o. Beograd, BEOVONA d.o.o. Beograd, IDEA d.o.o. Beograd, ADRIATICA.NET d.o.o. Beograd, Super Kartica d.o.o. Beograd, implemented contrary to the legal obligation to obtain prior approval for the implementation of the concentration from the Commission. It was also determined that the concentration in question meets the conditions of permissibility from Article 19 of the Law.

By the same decision, a measure of competition protection was determined for the company Fortenova Grupa dd, in the form of an obligation to pay a sum of money in the amount of 8,820,000.00 (eight million eight hundred and twenty thousand) dinars.

In the proceedings in question, the Commission assessed the effects of the concentration on the following relevant markets in the Republic of Serbia: the market for the production and sale of ice cream; market of production and sale of frozen food; market of production and sale of non-carbonated mineral water; market of production and sale of carbonated mineral water; the market of production and sale of non-alcoholic beverages; market of production and sale of fresh meat and meat products; market of production and sale of refined edible sunflower oil; market of production and sale of table margarine; market of production and sale of spreadable margarine; mayonnaise production and sales market; flour production and sales market; the market for the production and sale of pasta (noodles, macaroni, etc.); market of tourist agency services; market of insurance mediation and consulting services related to claims processing. According to the party, the acquirer of control did not operate on any relevant product market in Serbia, according to which the Commission concluded that the concentration will not have negative effects on competition on the relevant markets and that there are no overlaps in the operations of the participants in the concentration. The

Commission took into account that the implementation of this concentration did not cause any vertical effects on the markets where the companies from the composition of Agrokor, i.e. the Fortenova group (in the capacity of suppliers or buyers of the surveyed market participants), have significant market shares on the Serbian market. It was concluded that the concentration fulfills the conditions of permissibility, because its implementation does not result in a significant limitation, distortion or prevention of competition on the Serbian market or its part.

Ex officio proceedings: Pharmaceutical company “Janković” Novi Sad - part of the Zrenjanin Zrenjanin Pharmacy

Following the investigation procedure, the commission found that the concentration resulted from the acquisition of individual control by the pharmacy institution "Janković", Novi Sad, over the operations of the health institution Apoteka Zrenjanin, which relates to the performance of pharmaceutical activities in the City of Zrenjanin, in accordance with the Agreement on concession for the financing, revitalization, management and performance of pharmaceutical activities in the city of Zrenjanin concluded on March 4, 2019 between the City of Zrenjanin and the Pharmacy Institution "Janković", implemented contrary to the legal obligation to obtain prior approval for the implementation of the concentration from the Commission. It was also determined that the concentration in question meets the conditions of permissibility from Article 19 of the Law.

By the same decision, a measure of competition protection was determined for the Pharmacy Institution "Janković", in the form of an obligation to pay a sum of money in the amount of 2,939,647.00 (two million nine hundred and thirty-nine thousand six hundred and forty-seven) dinars.

In the case in question, the effects of the concentration on the relevant retail market of pharmaceutical products and medical devices in specialized stores - pharmacies in the territory of the City of Zrenjanin were evaluated.

On the basis of the entire established factual situation, the Commission concluded that by implementing this concentration, the Pharmacy Institution "Janković" with nine pharmacies took over 32 pharmacies within the Zrenjanin Pharmacy (of which 17 are in villages), which led to a horizontal overlap of their business activities, so that the joint market share of the participants in the concentration, after the concentration, in the territory of the City of Zrenjanin amounts to 56.16% (including pharmacies in the villages). According to the Commission's assessment, although it will be the largest participant in the relevant market in terms of the number of pharmacies, the Pharmaceutical Institution "Janković" will still have competitive pressure, primarily from PI "Benu", PI "Lilly drogerie" and PI "Dr Max". The Commission also took into account the fact that the "Janković" Pharmaceutical Institution, according to the Concession Agreement, is obliged to manage all pharmacies

taken over, without the possibility of choosing. According to the statements of the Pharmacy Institution "Janković", 20 out of 32 pharmacies taken over on the basis of the Concession Agreement are practically not profitable in business, considering the number of inhabitants in the places where they are located and the fact that they are very small markets, as well as the fact that they neither work full time, nor every day of the week.

Ex officio proceedings: Ernst & Young U.S. LLP - Zilker Technology d.o.o.

The Commission initiated the ex officio procedure, in order to examine the concentration that was implemented and not approved in accordance with the Law, and which, according to the well-founded assumption, resulted from the acquisition of control by the company Ernst & Young US. LLP, United States of America, over the company "Zilker Technology" doo Belgrade.

During the implementation of the procedure, it was established that the participants in the concentration in the relevant accounting year did not achieve the total annual income determined by Article 61 of the Law, and that in the specific case there was no obligation to report the concentration. In view of the above, the Commission suspended the proceedings in question by decision as of December 30, 2021.

PENDING PROCEEDINGS:

Ex officio proceedings: MAT-REAL ESTATE d.o.o.-RADIJATOR

The examination procedure against the company MAT-REAL ESTATE doo, Novi Sad, was initiated in order to investigate the concentration that was carried out even though it was not approved in accordance with the Law, and which, according to the well-founded assumption, resulted from the acquisition of control by the said business company over the business company AKCIONARSKO DRUŠTVO ZA PROIZVODNJU RADIJATORA, KOTLOVA I USLUŽNOG LIVA RADIJATOR, BEOGRAD – STARI GRAD - U STEČAJU, now RADIJATOR DOO ZRENJANIN.

In order to properly and completely establish the factual situation, the company MAT-REAL ESTATE doo was ordered to submit relevant data, information and documents. The proceedings are ongoing.

Ex officio suspension of the proceedings: East Media - Politika novine i magazini (PNM)

Based on the Commission Council's conclusion of March 25, 2015, the Commission suspended proceedings *ex officio* due to the existence of a preliminary issue, instituted by the Commission President's Conclusion of November 27, 2014 against the Russian company East Media to investigate a merger implemented prior to obtaining clearance under the Law. The merger concerned was created by way of purchase of 50 percent of shares in PNM by the Russian company from the Austrian company Ost holding GmbH, an affiliated legal entity of company WAZ Medienbeteiligungsgesellschaft Balkan GmbH (WAZ) from Essen, Germany.

The suspension of the proceedings concerned will be in effect until the State Attorney's Office of the Republic of Serbia resolves the preliminary issue, since the Commission is not competent to act in this matter. The preliminary legal issue relates to the validity – potential invalidity of the Purchase and Sales Agreement concluded between companies East Media and Ost holding, which represents the legal basis for the merger concerned. The issue occurred from the established likelihood that the seller, Ost holding, has failed to act in accordance with the incorporation charter document of PNM when selling 50 percent of shares to East Media, thus withholding the associated and clearly defined priority rights of the other PNM shareholder, company Politika ad, majority-owned by the Republic of Serbia.

JUDICIAL REVIEW IN COMPETITION CASES

The Commission's decisions are final. Actions may be brought before the referring court against final decisions of the Commission no later than 30 days from the day of notification in the case, which are then heard by the Administrative Court. The law prescribes instruction deadlines for the court's rulings, no later than three months from the receipt of a statement of defence or on the expiry of the time period for filing a defence.

The Supreme Court of Cassation decides on extraordinary legal remedies. The law prescribes instruction deadlines for the court's rulings, no later than three months from the receipt of a statement on extraordinary legal remedies or on the expiry of the time period for filing a statement.

The commission analyzes the positions taken at the sessions of the Supreme Court of Cassation, as well as the conclusions and positions taken at the sessions of all the judges of the Administrative Court, and especially the court decisions that were made in the control of the legality of its decisions and conclusions.

Administrative Court Decisions

In 2021, a total of 13 administrative disputes were conducted before the Administrative Court in which the Commission was a party to the proceedings. Out of the said number, a total of 12 procedures were completed, of which nine decisions were made in favor of the Commission, and three decisions were made in favor of the party. One case is still being processed.

1. The judgment of the Administrative Court upheld the claim of the plaintiff Fortenova Grupa doo Zagreb, Croatia, annulled the decision of the Commission which terminated the proceedings on the notification of the concentration due to the resolution of the previous issue and sent the case back to the competent authority for a new decision.
2. The judgment of the Administrative Court rejected the lawsuit of the plaintiff PRORET doo Belgrade, due to the lack of active identification to initiate an administrative dispute. In the aforementioned case, the lawsuit was filed against the Commission's decision to reject the plaintiff's request to repeat the examination of the concentration resulting from the acquisition of control of the company Roaming Electronics over the companies WINWIN SHOP, Emmi House and WINWIN RETAIL.
3. Administrative Court - Court Unit Niš's ruling, upholding the action brought by the plaintiff, company Niš ekspres ad Niš, annulling the Commission's decision establishing an infringement of competition law and referring the case back to the competent authority for reassessment (abuse of dominance).
4. By the decision of the Administrative Court, Division in Niš, the objection against the decision of the Administrative Court, which rejected the claim of the plaintiff due to the lack of active identification for initiating an administrative dispute, was rejected. The action was brought against the merger clearance decision of the Commission for protection of competition, approving the acquisition of control on the part of company Telekom Srbija over company BPP ING.
5. The judgment of the Administrative Court, Department in Kragujevac, rejected the lawsuits of the companies OGI MD AUTO CENTAR doo Čačak and BAVARIA TEAM doo Čačak, in order to annul the decision of the Commission, which determined the violation of competition by concluding a restrictive agreement.
6. The judgment of the Administrative Court, Department in Kragujevac, rejected the lawsuit of the company PD Alti doo Konjevići bb, Čačak, for the annulment of the Commission's decision rejecting as impermissible the request of the prosecutor to repeat the examination of the concentration resulting from the acquisition of control of the company Roaming Electronics over the companies WINWIN SHOP, Emmi House and WINWIN RETAIL.
7. The judgment of the Administrative Court upheld the lawsuit of the company Fortenova Group TopCo BV Amsterdam, the Netherlands, and annulled the decision of the Commission, which rejected the appeal of this company against the conclusion

- of the President of the Commission on the rejection of the merger notification, and the case was sent back to the competent authority for retrial and decision.
8. The ruling of the Administrative Court, Division in Novi Sad, rejected the lawsuits of the companies Akcionarsko društvo Senta promet TP PO Senta from Senta and Apoteka Užice from Užice, for the purpose of annulling the decision of the Commission, which established a violation of competition by concluding a restrictive agreement.
 9. The judgment of the Administrative Court rejected the lawsuit of the plaintiff Media S.a.r.l. Luxembourg, due to the lack of active identification to initiate an administrative dispute. The lawsuit in the aforementioned case was filed against the decision of the Commission, which decided on an individual exemption from the prohibition of restrictive agreements - the Agreement on the provision of Ethernet Bitstream services, concluded between market participants, Telenor doo Belgrade, and Telekom Srbija ad Belgrade.
 10. Administrative Court's ruling, dismissing the actions brought by the plaintiff, company Serbia Broadband – Srpske kablovske mreže doo Beograd (SBB), for lack of standing to bring administrative proceedings. The lawsuit in the aforementioned case was filed against the decision of the Commission, which decided on an individual exemption from the prohibition of restrictive agreements - the Agreement on use of optical fibers, concluded between market participants, Telenor doo Belgrade, and Telekom Srbija ad Belgrade.
 11. The judgment of the Administrative Court rejected the lawsuit of the plaintiff Media S.a.r.l. Luxembourg, due to the lack of active identification to initiate an administrative dispute. The lawsuit in the aforementioned case was filed against the decision of the Commission, which decided on an individual exemption from the prohibition of restrictive agreements - the Agreement on use of optical fibers, concluded between market participants, Telenor doo Belgrade, and Telekom Srbija ad Belgrade.
 12. Administrative Court's ruling, dismissing the actions brought by the plaintiff, company Serbia Broadband – Srpske kablovske mreže doo Beograd (SBB), for lack of standing to bring administrative proceedings. The lawsuit in the aforementioned case was filed against the decision of the Commission, which decided on an individual exemption from the prohibition of restrictive agreements - the Agreement on the provision of Ethernet Bitstream services, concluded between market participants, Telenor doo Belgrade, and Telekom Srbija ad Belgrade.

Proceedings Pending Before the Administrative Court as at 31 December 2021.

With the lawsuit of Metlakomerc d.o.o. Leskovac, an administrative dispute was initiated in order to annul the decision of the Commission, which suspended the procedure of examination of the infringement of competition referred to in Article 10 of the Law, against

the three parties to the proceedings. The lawsuit requested a partial annulment of the decision, citing that the plaintiff should also have been included in the contested decision on the suspension of the competition infringement investigation procedure. The Commission submitted the response to the lawsuit and case files to the Administrative Court.

Supreme Court of Cassation Decisions

In 2021, a total of eight proceedings were conducted before the Supreme Court of Cassation under extraordinary legal means in which the Commission for the Protection of Competition was a party to the proceedings. Of the said number, four procedures were completed, and all four decisions were made in favor of the Commission. Four cases are still processed.

1. The judgment of the Supreme Court of Cassation rejected the request of the company AMM IMMOVABLES doo Belgrade to review the court decision - the judgment of the Administrative Court rejecting the plaintiff's lawsuit, in the part of the first and second paragraph of the Commission's conclusion, which suspends the investigation of competition infringement against this plaintiff and rejects the plaintiff's request for reimbursement of costs of the administrative procedure.
2. The verdict of the Supreme Court of Cassation rejected the request of Beteco doo Beograd for review of the court decision - the ruling of the Administrative Court which rejected the plaintiff's claim against the Commission's conclusion rejecting the plaintiff's request for compensation for the costs of administrative proceedings.
3. By the judgment of the Supreme Court of Cassation, the request of the company Serbia Broadband-Srpske cable network d.o.o. was rejected. Belgrade (SBB) for review of the court decision - the decision of the Administrative Court - Department in Niš which rejected the objection against the decision of the Administrative Court rejecting the claim of the plaintiff due to the lack of active identification to initiate an administrative dispute. In the aforementioned case, the lawsuit was filed against the decision of the Commission, which approved the concentration by acquiring control of the company Telekom Srbija over the company Telemark Systems.
4. By the judgment of the Supreme Court of Cassation, the request of the company Serbia Broadband-Srpske cable network d.o.o. was rejected. Belgrade (SBB) for review of the court decision - the decision of the Administrative Court - Department in Niš which rejected the objection against the decision of the Administrative Court rejecting the claim of the plaintiff due to the lack of active identification to initiate an administrative dispute. In the aforementioned case, the lawsuit was filed against the decision of the Commission which approved the concentration by acquiring control of Telekom Srbija over BPP ING.

Proceedings Pending Before the Supreme Court of Cassation as at 31 December 2021

1. The Commission submitted a request to the Supreme Court of Cassation for a review of the court decision - the ruling of the Administrative Court, which annulled the decision of the Commission, which determined the competition infringement by concluding a restrictive agreement ("rigged bid in the public procurement procedure") between the companies: MIP-RŠV doo Ćuprija, Inter-mehanika doo Skorenovac, Tatravagonka bratstvo doo Subotica and Šinvoz doo Zrenjanin.
2. The companies Bora Kečić d.o.o. Beograd and Large Transport d.o.o. Beograd submitted to the Supreme Court of Cassation a request for a review of the court decision - the ruling of the Administrative Court that rejected the lawsuit in order to annul the decision of the Commission that rejected the request of the aforementioned companies to repeat the procedure (competition infringement by concluding a restrictive agreement - "rigged bid in the public procurement procedure"). The Commission provided the Statement of defence and case files to the Supreme Court of Cassation.
3. The Commission submitted a request to the Supreme Court of Cassation for a review of the court decision - the ruling of the Administrative Court, the Niš department, which annulled the decision of the Commission, which determined the competition infringement by concluding a restrictive agreement ("rigged bid in the public procurement procedure") between the companies: Original doo Beograd, Konica Minolta business solutions SE doo Beograd, Mikops doo Niš, Birolinija doo Beograd, Biro print sistemi doo Beograd, Dikti Line doo Beograd, Birodeveloping doo Niš and Birotehnika doo Jagodina.
4. The company PRORET doo Beograd submitted to the Supreme Court of Cassation a request for a review of the court decision - the decision of the Administrative Court, which rejected the applicant's objection against the decision of the same court on the dismissal of the lawsuit due to the lack of party identification. The Commission provided the Statement of defence and case files to the Supreme Court of Cassation.

OPINIONS

The commission gives opinions to competent authorities on proposed regulations, as well as on valid regulations that have an impact on competition on the market of the Republic of Serbia (Article 21, paragraph 1, point 7) of the Law.

In addition, the Commission issues opinions regarding the application of regulations in the field of competition protection (Article 21, paragraph 1, item 8) of the Law. Such opinions represent explanations for the correct application of regulations, as well as an opinion on a certain provision in terms of its general application, and not its application to a specific legal situation. To that end, an opinion related to the application of regulations in relation to a

specific business activity can be considered in terms of the aforementioned provision of the law. On the other hand, if the exercise of the market participant's rights in proceedings before another authority or organization depends on the Commission's opinion regarding the application of regulations in the field of competition protection, and especially if this is provided for by a special law, the Commission can also issue an opinion in relation to a specific the situation. The position in question was published on the website of the Commission.

In the course of 2021, the Commission gave a total of 21 opinions in accordance with the provisions of Article 21, Paragraph 1, Items 7) and 8) of the Law on Protection of Competition, namely: 10 opinions on draft laws or current laws, seven opinions on other regulations and acts that have an impact on competition on the market, three opinions when acting on initiatives to examine competition violations and one opinion on the provisions of the Bankruptcy Law.

No.	Types of opinions given	Number of opinions given
1.	Opinions on draft laws, i.e. applicable laws	10
2.	Opinions on draft and current regulations and other acts that have an impact on market competition	7
3.	Opinions given when acting on initiatives to investigate competition infringements	3
4.	Opinions based on the provisions of the Law on Bankruptcy	1
TOTAL		21

Table - Overview of given opinions by type and number

OPINION ON PROPOSED REGULATIONS AND CURRENT REGULATIONS THAT HAVE AN IMPACT ON MARKET COMPETITION

In the course of 2021, the Commission gave 10 opinions to competent authorities on draft laws, i.e. current laws.

The opinions were published on the Commission's website, and their summary will be presented below.

Opinion on the Law on Copyright and Related Rights

In accordance with its jurisdiction, the Commission considered the Law on Copyright and Related Rights ("Official Gazette of the RS", no. 104/2009, 99/2011, 119/2012, 29/2016 - decision of the CC and 66/2019) and indicated to the competent proponent on the possibility

of harmonizing certain provisions of this law with the provisions of the Law on Protection of Competition, namely the provisions of Article 170, paragraph 4 and Article 201v, paragraph 1, item 2).

It has been assessed that the aforementioned provisions may have negative consequences for competition, because in practice, the prescription of minimum prices creates a climate in which prohibited agreements between competitors, market division and elimination of mutual competition arise, whereby investments in innovation and quality improvement are reduced to a minimum or disappear completely. Setting the lowest prices can also harm consumers, which is why it represents one of the most severe restrictions on competition.

The Commission monitors the effects of the opinion in question.

Opinion on the Draft Law on Energy Efficiency and Rational Use of Energy

The Ministry of Mining and Energy submitted to the Commission the Draft Law on Energy Efficiency and Rational Use of Energy, with an explanation, for the purpose of giving an opinion.

The commission, bearing in mind that the mentioned issues are not within its jurisdiction, proposed in its opinion the deletion of the word "Commission for the protection of competition" in articles 90 and 97 within the framework of chapter XIII of the Draft Law, under the title "Incentives for highly efficient cogeneration and individual participants in the energy market".

The Commission's opinion on the Draft Law on Energy Efficiency and Rational Use of Energy was fully accepted.

Opinions on the Draft Law on Regulation of the Market of Agricultural Products

The Ministry of Agriculture, Forestry and Water Management submitted to the Commission, on two occasions, the Draft Law on the regulation of the market of agricultural products, with accompanying material, for the purpose of giving an opinion.

In its first opinion, the Commission pointed to the provision of Article 17, paragraph 1, item 6) of the Draft Law, which stipulates that a producer organization is established to achieve at least one of the goals listed in this provision, and as one of the goals in subsection (2) of the provisions in question stated "bid concentration and placing on the market the products of the members of the organization, exclusively through direct sales".

The opinion of the Commission, indicates that the wording of the provision, in the part that refers to the phrase "exclusively through direct sales", introduces unnecessary restrictions

regarding the method and channel of sales, and it is proposed to delete the marked part of the sentence.

The opinion also proposes to delete the provision of Article 17, paragraph 3 of this article, which stipulates that a member of a producer organization in the fruit and vegetable sector can place a maximum of 25% of its entire fruit and vegetable production on the market directly, and not through the producer organization. It was pointed out that in the explanation of the Draft Law, no reasons were given that would indicate the purpose of introducing the restriction in question, which would take into account the specifics of the fruit and vegetable sector and put them in a disadvantageous position compared to agricultural producers in the hops, tobacco, wine and milk sectors and dairy products.

The opinion also proposes the addition of a provision that would have a wider effect in the legal regulation in question, after Article 23 of the Draft Law, which may say: "All market participants to whom this Law refers are obliged to act in their operations in accordance with the regulations regulating the protection of competition."

In the second address of the line ministry, a new amended Draft Law on the regulation of the market of agricultural products was submitted, with accompanying material, which replaces the previously submitted text. Based on the content of the new Draft, it is evident that the opinion of the Commission was accepted in the part that refers to the deletion of the provision that introduces unnecessary restrictions on market placement of the products of the members of the organization, exclusively through direct sales. In the second opinion, the Commission repeated the proposal to delete the unnecessary restriction for the member of the producer organization in the fruit and vegetable sector, who can put a maximum of 25% of its entire production on the market directly, and not through the producer organization, as well as the proposal to add a provision according to which market participants are required to act in accordance with the regulations governing the protection of competition in their business operations.

The Commission's opinions on the Draft Law on the regulation of the market of agricultural products were partially accepted

Opinion on the Draft Law on Amendments to the Water Law

The Ministry of Agriculture, Forestry and Water Management submitted to the Commission the Draft Law on Amendments and Supplements to the Law on Water, with accompanying material, for the purpose of giving an opinion.

The Commission issued an opinion that, from the perspective of the competence of the Commission for the Protection of Competition, there are no objections to the text of the Draft Law.

Opinions on the Draft Law on Amendments to the Law on Free Access to Information of Public Importance

During the public hearing, which was held from May 27 to June 16, 2021, the Commission submitted an opinion to the Ministry of State Administration and Local Self-Government on the Draft Law on Amendments to the Law on Free Access to Information of Public Importance.

The Commission's opinion states that the draft law in question accepted the proposals presented in the opinion of the Commission as of August 3, 2018 which were given to the text of the draft of the same law from 2018.

The Commission also reiterated the position from its opinion as of December 31, 2018 proposing the addition of Article 10 of the Draft Law, which provides that in addition to the institutions from the then valid law against whose decisions appeals are not allowed, this right is also denied to the decisions of the National Bank of Serbia. In the opinion, it was suggested that the decisions of the Commission, which according to the law is an independent and autonomous organization, answerable to the National Assembly for its work and whose decisions are final in the administrative procedure, should be exempted from the right to appeal.

After the public hearing, the Ministry of State Administration and Local Self-Government submitted to the Commission a draft law that underwent significant changes, which did not adequately address the proposals presented by the Commission in its opinions from 2018, as well as in its opinion dated June 15, 2021(in the course of the public hearing), and in which extensive explanations with reasons indicating the positions taken by the Commission are given.

In the second opinion from 2021, the Commission focused special attention on the provision of Article 3 of the Draft law, which in paragraph 1 item 2) prescribes that the authority can deny the applicant access to information of public importance, if this would endanger, disrupt or hinder, among other things, the conduct of the investigation of competition violations in the sense of the law regulating the protection of competition, until ending the procedure;

The opinion states that the wording of item 2) of the relevant provision of the Draft Law is not acceptable to the Commission, due to the fact that, in addition to the investigation of competition infringement, the Commission is also conducting merger investigation proceedings and proceedings on the request for individual exemption of a restrictive agreement from the ban. In all proceedings, great attention is paid to data protection because the Commission, acting in accordance with the jurisdiction prescribed by law,

comes into possession of sensitive data that are of great importance for legal and natural persons who make such data available to the Commission. The need to protect such data does not end with the completion of the procedure, that is, the Commission's obligation to protect such data extends to the period after the end of the procedure.

Considering the above, in the opinion it is proposed that in Article 3, paragraph 1, item 2) of the Draft Law, the words: "conducting the investigation of competition infringement in the sense of the law regulating the protection of competition" should be replaced by the words: "conducting the proceedings in the sense of the law regulating the protection of competition".

The above-mentioned practice is also generally accepted in EU competition law, because according to the Notice of the European Commission on the rules of inspection of the case files conducted before the European Commission in proceedings for the protection of competition, the Guidelines for the preparation of merger decisions for public publication, as well as the Guidelines for the preparation of public disclosure by decisions made in accordance with Regulation 1/2003, the fact that data on customers, distributors, market plans, costs and prices as well as sales strategy are considered business secrets to which access may not be granted, is stated as an example.

In connection with the above, an amendment to item 6) of this article was also proposed, which would include protection even after the end of the procedure before the Commission, which would fully harmonize this provision with Article 4 of EU Regulation 1049/2001, which regulates the right to access documents of the European Parliament, Council and Commission.

The Commission's opinions on the Draft Law on Amendments to the Law on Free Access to Information of Public Importance were partially accepted.

Opinions to the Draft Law on Electronic Communications

The Ministry of Trade, Tourism and Telecommunications submitted to the Commission the Draft Law on Electronic Communications, with attachments, for the purpose of giving an opinion.

In its opinion, among other things, the Commission pointed out the need to amend the provision of Article 66, paragraph 1 of the Draft Law and suggested shortening the time limits for the analysis of existing relevant markets from five to three years, that is, the analysis of new markets from three to two years, in accordance with the guidelines of the European union.

The opinion also indicates that cooperation between the Regulator and the Commission in connection with market analysis is necessary at the earliest possible stage, certainly before the implementation of public consultations, which has been the case so far, so the Commission proposes to amend the provisions of Article 66, paragraph 3 of the Draft Law , so it reads: "In the process of market analysis, the Regulator cooperates with the authority responsible for the protection of competition, and before conducting public consultations."

The subject of the Commission's opinion are the provisions of Article 67 of the Draft Law, paragraphs 3 and 4, which regulate the criteria for determining operators with significant market power. The Commission in its opinion, pointed out that common significant market power may be observed in the context of institute of collective dominance that is known in the area of competition law and that is defined in a similar manner. However, the content of the aforementioned provisions is not entirely acceptable from the perspective of the application of regulations in the field of competition protection, and it is proposed to amend the provisions of Article 67, paragraphs 3 and 4 of the Draft Law, in order to harmonize them with the Law on Protection of Competition, so that they read:

"Common significant market power may be observed with two or more operators that are legally independent but connected by economic relations, have a common business interest, that is, act jointly or act as a single operator on a relevant market.

Common significant market power, in addition to specified or implicit agreements, concerted practices or other legal, structural or economic relations, may be based on other types of association and depends on economic assessment, especially the assessment of relevant market structure."

The Commission also propose for Article 76 of the Draft Law, to add, following paragraph 8, a paragraph 9 which would say:

"A joint investment, referred to in paragraph 1 of this article, made by two or more market participants, may be subject to assessment in accordance with the regulations governing the protection of competition."

The opinion encompasses the provision of Article 82 of the Draft Law, regulating obligation of providing retail services under certain conditions by the operator with significant market power that *can be imposed*, among others, with the *prohibition to unjustifiably bundle* certain services and/or provision of formal consent of the Regulator on the manner of forming and change of prices of services in case of bundling such services into a package.

According to the assessment of the Commission, stated provision should be more precise, since practice shows that end customers are not able to use an individual internet service on a fixed location because it is connected to the service of fixed telephony or cable TV.

Therefore, the Law should provide more details or state an example of the relevant type of unjustified bundling of services.

The subject opinion also proposed the amendment to Article 11 of the Draft Law, and in particular in item 5), which is proposed to say: "5) determining the conditions under which the transfer of the right to use radio frequencies is prohibited or determining the conditions under which the transfer of those rights is carried out, when the transfer of rights has not previously been decided by an individual legal act adopted in accordance with the regulation on the protection of competition, if it is certain that such a transfer of rights would significantly impair the competition in the electronic communications market;"

Given that neither the Law on Protection of Competition, nor any other regulation in the field of protection of competition, does not regulate the issue of the transfer of the right to use radio frequencies, it is proposed to amend the aforementioned provision in order to harmonize it with the provisions of the Law on Protection of Competition.

In paragraph 2 of the same Article of the Draft Law, the provision referring to Article 66, paragraph of the Draft Law has also been proposed, the amendment of which has previously been proposed, so that the subject provision says: "The regulator applies the measures from paragraph 1 of this article, in cooperation with the authority responsible for the protection of competition, in the manner prescribed in article 66, paragraph 3 of this law, and based on a comprehensive assessment of the conditions of competition on the market, which takes into account the circumstances from article 66, paragraph 2 of this law."

The Commission monitors the effects of the opinion in question.

Opinion on the Draft Law on Amendments to the Law on Railway

The Ministry of Construction, Transport and Infrastructure submitted the Draft Law on Amendments to the Law on Railways to the Commission for the purpose of giving an opinion.

The Commission issued an opinion that, from the perspective of the competence of the Commission for the Protection of Competition, there are no objections to the text of the Draft Law.

Opinion on the Draft Law on the Interoperability of the Railway System

The Ministry of Construction, Transport and Infrastructure submitted the Draft Law on Amendments to the Law on Interoperability of the Railways to the Commission for the purpose of giving an opinion.

Following the consideration of the Draft Law on the Interoperability of the Railway System and accompanying material, it was assessed that from the perspective of the competence of the Commission for the Protection of Competition, there are no objections to the text of the Draft Law in question.

OPINIONS ON DRAFT AND CURRENT REGULATIONS AND OTHER ACTS THAT HAVE AN IMPACT ON MARKET COMPETITION

In the course of 2021, the Commission gave seven opinions to competent authorities on proposals for regulations and other acts that have an impact on competition, namely:

Opinion on the Proposal for a Conclusion Adopting the Negotiating Position of the Republic of Serbia for Negotiating Chapter 10 - Information Society and Media, with explanation and text of the Negotiating Position

The Ministry of Trade, Tourism and Telecommunications has submitted to the Commission a Proposal for a conclusion adopting the Negotiating Position of the Republic of Serbia for Negotiating Chapter 10 - Information Society and Media, with an explanation and the text of the Negotiating Position, for the purpose of giving an opinion.

Within the proposal of the text of the Negotiating Position of the Republic of Serbia, in item II 1.1 Electronic communications and information and communication technologies (ICT), a sentence is also stated, which reads: "In this way, the introduction and effective implementation of key competition protection measures in the procedure of previous market regulation is ensured."

In its opinion, the Commission pointed out that the wording of the said sentence, due to inaccuracy, could lead to misinterpretation, and suggested that the said sentence be reworded so that the "measure of competition protection" is omitted from the text. The possible wording could say: "In this way, the introduction and effective implementation of key competition protection measures for the purpose of preserving and developing competition in the procedure of previous market regulation is ensured."

The subject opinion of the Commission has been fully taken into account.

Opinion on the Proposal for the Conclusion of the Negotiating Position of the Republic of Serbia for the Intergovernmental Conference on the Accession of the RS to the European Union for Chapter 15 - Energy

The Ministry of Mining and Energy has submitted to the Commission the Proposal of the Government's Conclusion, which establishes the Negotiating Position of the Republic of Serbia for Negotiating Chapter 15 - Energy, for the purpose of giving an opinion.

In its opinion, the Commission pointed out that the legislative framework, in the part of the internal market related to electricity, in addition to the Law on Consumer Protection, also includes the Law on Protection of Competition ("Official Gazette of RS", no. 51/09 and 95/13), and suggested supplementing the mentioned document.

Regarding the request to fill in the submitted PFE (assessment of financial effects) form, the opinion stated that the form in question is not applicable to the Commission, for the reason that the Commission is not a budget user, nor does it have financial obligations in the context of implementing measures and obligations from the Negotiating Position that is the subject of this Opinion.

The subject opinion of the Commission was partially accepted.

Opinion on the Proposal for a conclusion on determining the basis for concluding an agreement on partnership, trade and cooperation between the Republic of Serbia and the United Kingdom of Great Britain and Northern Ireland, with the text of the agreement, a joint declaration on the connection between the protocol on Ireland/Northern Ireland and the agreement on partnership, trade and cooperation

The Ministry of Trade, Tourism and Telecommunications submitted the documents mentioned in the title to the Commission for the purpose of giving an opinion.

Referring to Annex 1 to the Partnership, Trade and Cooperation Agreement, Item 7, the Commission pointed out that the exclusion of the application of Article 73, paragraph 2. of the SAA in this Agreement, is not adequate. The exclusion of the aforementioned provision of the SAA in this Agreement leads to legal uncertainty, as it leaves undefined which rules will be authoritative when evaluating the conduct from Article 73, paragraph 1 of the SAA, which remains in force. It is therefore proposed that the application of Article 73, paragraph 2 of the SAA not be excluded through this Agreement.

The Commission also pointed out that the provision of Article 9, paragraph 4 of the Agreement for Partnership, Trade and Cooperation, which stipulates that the Council for Partnership, Trade and Cooperation, established by this Agreement, may make decisions that differ from the decisions that are considered adopted by the Council or the Stabilization and Association Committee (bodies established under the SAA), can also lead to legal uncertainty. The above is especially valid in terms of the rights of the Republic of Serbia that were acquired in the period before the withdrawal of the United Kingdom from the European Union. As a result, it was proposed to foresee a protective provision according to which the Council can make decisions from the mentioned article, if they increase the level of already acquired rights of the Republic of Serbia based on the SAA.

The subject opinion of the Commission has not be taken into account.

Opinion on the Proposal of the Government's conclusion and the proposal of the platform for the participation of representatives of the Republic of Serbia at the informal meeting of the Ministerial Council of the Energy Community

The Ministry of Mining and Energy submitted to the Commission the Proposal for the conclusion of the Government for the participation of representatives of the Republic of Serbia at the informal meeting of the Ministerial Council of the Energy Community, under the chairmanship of the Republic of Serbia, with an explanation and a Proposal for a platform with attachments, for the purpose of giving opinions.

Remaining with its previously given opinions, the Commission also emphasized in this opinion that comments related to the method of calculating the fine and its maximum amount should be avoided in the text of the Platform Proposal. This is because, on page 5 of the Platform Proposal it is clearly stated that the introduction of financial penalties for the Contracting Parties is not acceptable for the Republic of Serbia, and the consideration of the amount of fines in the Platform Proposal could give the impression that there is room for further negotiations on this matter.

The subject opinion of the Commission was partially accepted.

Opinion on the Draft Rules on Preventing Abuses in the Electricity and Natural Gas Market

The Energy Agency of the Republic of Serbia submitted to the Commission an invitation to participate in the public hearing procedure and submit comments and suggestions on the Draft Rules on Prevention of Abuses in the Electricity and Natural Gas Market.

The opinion indicates that the provisions of the Draft Rules are not precisely formulated, which leads to arbitrary interpretation and the possibility of different interpretations, and ultimately to a negative impact on the legal security of market participants. The terms used in the text of the Draft Rules, such as "likely", "probability", "significant", further lead to uncertainty regarding the interpretation of the regulation in question.

The opinion also states that prescribing the exception from item 5.5 of the Draft Rules in relation to transmission operators and transport system operators when they purchase electricity and natural gas for the needs of the system, without the provided explanation of the provision, does not provide sufficient information, i.e. the basis for a proper assessment of the impact on market competition.

Apart from the aforesaid, the provision of Chapter 11 Draft rules in item 11.5. contains inaccuracies related to professional secrecy and professional responsibility, because it is not clear under what conditions the Agency can withhold the publication or disclosure of the

data at its disposal, that is, how the Agency will determine the existence of the probability of competition distortion.

The subject opinion of the Commission has not been taken into account.

Opinion on the Proposal for the Program for Improving the Management of Public Policies and Regulatory Reform with an Action Plan for the Period from 2021 to 2025

The Republic Secretariat for Public Policies submitted to the Commission the Proposal for the Program for Improving the Management of Public Policies and Regulatory Reform with an explanation and an Action Plan for the period from 2021 to 2025, for the purpose of giving an opinion.

In the opinion, it was indicated that within Chapter 5 of the Program Proposal, in the part of Special Objective 1, within measure 1.3. which envisages the systematic use of impact analysis tools, including the "Checklist of the effects of regulations on competition", it is necessary to state the following:

Acting in line with the provision of Article 21. paragraph 1, item 7 of the Law on the Protection of Competition, the Commission provides an opinion to the competent authorities on proposed regulations, as well as on current regulations that have an impact on competition in the market. "Checklist of effects of regulations on competition" is a tool used to determine whether a specific proposal/draft regulation may have an impact on competition on the market, in which case it is necessary to submit the said proposal/draft regulation to the Commission for the Protection of Competition in order to obtain an opinion."

The subject opinion of the Commission has been fully taken into account.

Opinion regarding the Draft report on the analysis of the wholesale market of call termination in the public telephone network at a fixed location and the Draft report on the analysis of the wholesale market of call termination in the mobile network

The Regulatory Agency for Electronic Communications and Postal Services submitted to the Commission, as part of the public consultation procedure, a request for an opinion on reports on the analysis of the electronic communications market, in connection with the Draft Report on the Analysis of the Wholesale Market of Call Termination in the Public Telephone Network at a Fixed Location and Draft report on the analysis of the wholesale market of call termination in the mobile network.

The findings and conclusions contained in the reports were assessed as acceptable, with suggestions for additional reasoning and supplementing the report.

In its opinion, the commission pointed out that, bearing in mind the changes in the European Union's regulatory framework for electronic communication networks and services regarding the reduction of the number of markets subject to previous regulation, as well as the market and technological changes that have taken place in this sector on the market of the Republic of Serbia between the Agency's two reporting periods, in the following period more attention should be paid to the analysis of potential competition in the form of other technologies, as the only possible form of future competition on the observed markets.

The Commission indicated that the potential competition on the call termination market, both in the fixed and mobile networks, cannot be viewed only from the point of view of the possibility of a new operator entering the market, because it is clear that such an operator will also be an operator with significant market power and have 100% market share in its network. According to the Commission's understanding, potential competition in these markets is reflected in the development of alternative services based on more advanced access technology, among which is OTT (over-the-top) service. In this sense, the Commission assessed that the statements from both reports in the part where potential competition is analyzed, it is necessary to supplement the indicators of the current trend in the movement of traffic made on the basis of unmanageable calls using OTT applications, as well as projections and conclusions related to the future development of these services.

When it comes to the Report on the analysis of the wholesale market of call termination in the public telephone network at a fixed location, the Commission assessed that in the process of defining the relevant market, a conclusion was not adequately drawn regarding the importance of (one-way) substitution related to traffic sent from mobile networks to fixed networks, bearing in mind that, especially compared to the previous reporting period, the share of outgoing traffic from mobile networks to fixed networks increased 3 to 4 times. The Commission pointed out that this trend in the electronic communications market can be considered irreversible, and therefore the Report must be completed with projections and conclusions related to the future development of outgoing and incoming traffic between fixed and mobile networks.

When it comes to the Report on the analysis of the wholesale market of call termination in the mobile network, the Commission assessed that the part of the Report related to the analysis of the relevant market, in which, among other things, reviews of the mutual incoming traffic between the three mobile operators were analyzed and presented, is necessary to be supplemented with indicators for virtual mobile operators.

The Regulatory Agency for Electronic Communications and Postal Services adopted the Commission's comments and supplemented its reports in accordance with the subject opinion and

published the Commission's opinion in its original form on its website as an integral part of its reports.

OPINIONS GIVEN DURING PROCEEDING ON MOTIONS TO INVESTIGATE VIOLATIONS OF COMPETITION

The Commission's action on the motions of natural and legal persons that indicate a potential competition infringement can be ended in different ways. One of the possible outcomes of the Commission's initiative is the so-called advocacy activities. In such situations, initiatives that indicate a potential restriction, distortion or prevention of competition are terminated by giving an opinion or a warning.

This kind of action by the Commission is most often practiced in situations where market participants behave in accordance with certain regulations, that is, general acts of state administration bodies, local self-government units and other holders of public authority, which do not fully comply with the rules of free competition. The Commission's activities in question affect the amendment of disputed regulations or general acts with the aim of harmonizing them with regulations on competition protection, thus influencing the behavior of market participants, i.e. establishing effective competition on the market.

In the course of 2021, the Commission provided three such opinions:

Opinion on the effect of Article 4 of the Rulebook on scheduling funerals and cremations as of December 10, 2014, on the competition

The Commission received the Initiative, which states that the PUC "Pogrebne usluge (Funeral services)" Belgrade, conditions the scheduling of funerals, which it performs as a trusted service, with the request that the remains of deceased persons be brought and left in the refrigeration units of the PUC "Pogrebne Usluge" .

Among other things, the commission analyzed the Rulebook on scheduling funerals and cremations as of December 10, 2014, which was brought by the PUC "Pogrebne usluge" Belgrade and noted that Article 4 of this Rulebook stipulates that in order to schedule a funeral at the cemeteries managed by the PUC "Pogrebne usluge" it is expressly required to bring the remains to its cooling devices.

As the Law on Communal Activities and accompanying acts exempts the funeral service in question from entrusting and enables competition and equal participation in the market of those performing communal activities, the Commission issued an opinion that it is necessary to

harmonize the provisions of the aforementioned Rulebook with the provisions of the Law on Communal Activities and secondary legal acts, for elimination of the possibility of future dispute proceedings of PUC "Pogrebne usluge". Otherwise, the Commission pointed out the possibility of initiating the investigation of competition infringement from Article 16 of the Law, against this public company.

PUC "Pogrebne usluge" Belgrade informed the Commission that it acted according to the issued opinion and amended the disputed provision of Article 4 of the Rulebook on scheduling funerals and cremations from 2014, and submitted proof thereof.

Opinion on the Decision on burials and cemeteries of the city of Subotica

The Commission received the Initiative to investigate the violation infringement related to the interference of competitors by PUC "Pogrebno" Subotica to provide funeral service (burial ceremony) in cemeteries managed by PUK "Pogrebno" Subotica.

Acting on the initiative, the Commission issued an opinion of the PUC "Pogrebno" Subotica that if it prevents or hinders one or more competitors from providing the service of organizing funerals and farewells or ceremonies in the territory of the cemetery managed by this public company, doing so without a legal basis, given that it acts in accordance with the provisions of the Decision on burials and cemeteries, subsequently challenged by the decision of the Constitutional Court.

Opinion on the impact of the Decision on amending the Decision on fees for the use of public areas for the territory of the city of Belgrade

The Commission received the Initiative to investigate the violation infringement, which related to the determining a lower amount of fees for placing advertising means on public areas and for market participants who have already concluded a public-private partnership agreement with the city, in relation to the amounts of fees that market participants will pay, who are yet to conclude such contracts. Various amounts of fees are stipulated in the Decision on Amending the Decision on Fees for the Use of Public Areas for the Territory of the City of Belgrade.

Proceedings according to the initiative in question ended after a new Decision was made on the amendment of the aforementioned Decision, which provided for the same amounts of compensation for all market participants who have signed public-private partnership contracts with the city, regardless of the moment of signing the contract.

Opinions based on the provisions of the Law on Bankruptcy

Following the adoption of the Law on Amendments to the Law on Bankruptcy ("Official Gazette of RS", No. 113/2017), the Commission issues opinions only for bankruptcy

proceedings that have not been completed by the date of entry into force of this law, i.e. by December 25, 2017.

Subject opinions are given in accordance with the provisions of Article 132, Article 135 and Article 157 of the Bankruptcy Law ("Official Gazette of the RS", No. 104/2009, 99/2011 - other law, 71/2012 - decision of the US, 83/2014), and in 2021 the Commission issued an opinion in the bankruptcy procedure, which related to the bankruptcy debtor's reorganization plan.

In the opinions of the Commission, which are given on the basis of the aforementioned provisions of the Law on Bankruptcy, it is particularly underlined that a buyer of the bankruptcy debtor that acquires the control and ownership interest in the bankruptcy debtor by way of executed purchase, is obligated to file a merger notification if the conditions referred to in Article 61 of the Law are met. of the Law.

SECTORAL ANALYSES

In cases where price movements or other circumstances indicate the possibility of limiting, distorting or preventing competition, the Commission can analyze the state of competition in a certain branch of the economy or certain categories of agreements in different branches of the economy (sectoral analysis). The Commission is obliged to publish the report on the conducted sectoral analyses in a suitable manner, and may invite market participants to provide their comments to the report.

The sectoral analyses of the state of competition are extremely important for the directions of further action of both competent authorities who propose legal acts and by-laws that regulate certain activities more closely, as well as the Commission, especially if data and information cause concern and indicate a possible competition infringement. But above all, through findings and recommendations, the Commission wants to direct the market participants to the operations that would be in accordance with the rules of competition protection. Sectoral analyzes can motivate market participants to reconsider their business practices.

In accordance with its legal authority, the Commission completed three sectoral analyzes and one analysis of competition conditions during 2021:

1. sectoral analysis of the state of competition in the channels of distribution of ceramic tiles and sanitary ware on the market of the Republic of Serbia;
2. sectoral analysis of the intercity bus transport market in the Republic of Serbia;

3. sectoral analysis of the state of competition on the textbook market for primary education in the Republic of Serbia;
4. analysis of competition conditions on the retail market of selected food products in the Republic of Serbia.

At the same time, two sectoral analyzes were launched: a sectoral analysis of the market of other postal services and a sectoral analysis of the market of digital platforms for mediation in the sale and delivery of mainly restaurant food and other products, the completion of which is planned for 2022.

Sectoral analysis of the state of competition in the channels of distribution of ceramic tiles and sanitary ware on the market of the Republic of Serbia

The subject of research of this analysis was to determine the relationship between the manufacturers, importers, wholesalers and retailers in the market of ceramic tiles and sanitary ware, assessing their market share and relative strength, analysis of contractual relationships, and the effects that these relationships may have on competition.

The main objective of the analysis was related to a comprehensive overview of the state, dynamics and types of competition at all levels of the distribution (sales) channel. The research made it possible to identify the weaknesses of the market structure, and accordingly, recommendations were made that should improve competition on the market.

The time span of the analysis referred to a period of three years (from 2018 to 2020).

The main result of the analysis is related to the type and amount of the pre-determined amount of the basic rebate that manufacturers and wholesalers give to other market participants. Based on the analyzed data and information, it was concluded that the exercise of the right to the basic rebate is not conditioned by the fulfillment of any criteria, and a recommendation was given to market participants to revise the need for the existence of a basic rebate, especially if it is not conditioned by objective economic criteria, and especially to leave freedom to customers to independently form prices in further sales. In addition to the aforesaid, a recommendation was given to improve the bylaws in order to resolve open issues, especially regarding the mark of conformity, defining families of ceramic tiles, implementing a system of evaluation and verification of performance of construction products. Also, the manufacturers and/or wholesalers who do not have contractual relations with retailers are recommended to regulate them with clearly defined conditions, especially in the part concerning the terms of sale.

Sectoral analysis of the intercity bus transport market in the Republic of Serbia

The subject analysis was prepared by the World Bank team, for the purposes of the Program for the Improvement of the Business Environment for Serbia, as part of the Cooperation Agreement between the Government of the Republic of Serbia and the International Finance Corporation. The Commission for the Protection of Competition participated in the preparation of the questionnaire, the collection of data from market participants, as well as in the preparation of the report itself in the form of comments and suggestions on the Report's proposals.

The research subject of this analysis was the identification of the basic characteristics of the market and the structure of the market, as well as the analysis of the regulatory environment, performance and state of competition in the intercity bus transport market.

The main objective of the analysis aimed at determining the structural impediments that prevent the development of competition, as well as giving practical recommendations intended for policy makers.

The time span of the analysis referred to a period of four years (from 2016 to 2019).

The main result refers to the analysis of the existing regulatory framework. The current regulatory framework contributes to sub-optimal market outcomes, and recommendations for improving the market of intercity passenger transport in road traffic are given, which are summarized in three measures to improve the market, namely: a) amendment of the Law on the Transportation of Passengers in Road Traffic in order to lower the conditions for issuing licenses for the transportation of passengers in road traffic and limiting the exclusive rights of road carriers and bus station operators, b) The Ministry of Construction, Transport and Infrastructure should consolidate data on intercity bus lines and make them publicly available, v) The Commission for the Protection of Competition should monitor the operations of large road carriers and station service providers and, as a rule, react to competition infringements. The Ministry of Transport should support the improvement of market competition, which should be set as one of the key objectives of the sector policy, in addition to ensuring passenger safety and access to services.

In connection with the presentation of the preliminary results of the analysis of the intercity bus traffic market and the recommendations given, on July 28, 2021 a virtual conference was held on the subject of sectoral analysis, which was attended by representatives of the Ministry of Construction, Transport and Infrastructure of the Serbian Chamber of Commerce, as well as market participants, in addition to representatives of the World Bank and the Commission.

Sectoral analysis of the state of competition on the textbook market for primary education in the Republic of Serbia

The research subject of this analysis was a comprehensive overview of the procedure for publishing and selling textbooks and textbook sets for primary education, as well as the conditions under which textbooks are sold on the market of the Republic of Serbia. The research involved determining the relationship between competitors - publishers on the textbook market, assessing their market share and relative strength, analyzing (contractual) relationships between textbook publishers on the one hand and their customers, distributors, bookstores and schools, as well as the effects that these relationships can have on the state of competition on the market.

The main objective of the analysis was to determine the state and dynamics of competition on the subject market, which meant identifying the weaknesses of the market structure, as a result of which end buyers of textbooks could have higher than optimal costs and intensifying competition between market participants.

The time span of the analysis referred to a period of three years (from 2018 to 2020).

The main results and findings of the analysis are as follows: a) the demand on the market for textbooks for primary education is price inelastic, b) the subject market is a highly concentrated market dominated by one market participant, c) the largest buyers of textbooks are textbook distributors, g) textbook publishers grant the largest rebates and various forms of discounts to large distributors of textbooks, d) a large number of publishers pointed to the presence of illegal actions when it comes to promotional and other activities in the process of selecting textbooks, f) retail prices of textbooks do not differ during the subscription period and in regular sales, i.e. in bookstores, e) textbooks are sold at recommended prices. Based on the findings and conclusions, the following recommendations were given to the Ministry in charge of education: a) enable complete transparency in the process and procedure of textbook selection, primarily by continuously publishing an up-to-date register of textbooks, b) formalize the issue of determining the retail price of textbooks, c) clearly and unambiguously, legally define permitted promotional and marketing activities, with the prohibition of all other forms, g) to prescribe clear, transparent and non-discriminatory criteria on the basis of which schools will choose textbooks, and to establish a mechanism for regular control of compliance with the prescribed criteria, d) preparation of a detailed project of analysis of costs in the value chain of the textbook market and the selection of financing models, as well as approval procedures and selection of textbooks, f) annual monitoring of the state of the textbook market.

Analysis of competition conditions on the retail market of selected food products in the Republic of Serbia

The research subject of this analysis was the collection and processing of relevant data on the monthly price movements of selected brands from the categories of carbonated soft drinks, ground coffee, edible sunflower oil, milk and dairy products, which are in the permanent product range of the six largest retail chains in the Republic of Serbia.

The main objective of the analysis was to determine the correlation between the retail prices of the selected brands. The movement of the prices of the observed brands was analyzed first of all from the aspect of the movement of stock prices of goods, as components with the largest share in the formation of retail prices.

The time span of the analysis referred to the time series of monthly data for a period of six years (from January 31, 2015 to December 31, 2020).

The main result of the analysis showed a high degree of positive correlation between the two largest brands of ground coffee producers, i.e. the existence of a very high degree of consistency in the price movements of these two products. By comparing the retail prices of ground coffee of the observed products, no correlation was established with the movement of raw coffee prices, that is, the values of the correlation coefficient were statistically significant and moderately negative. It was concluded that the prices on the market of the Republic of Serbia are not conditioned by changes in the prices of raw coffee on the world market, but are formed under the influence of other factors. Based on the analysis of price movements of selected brands from other product categories, no phenomena were observed that would indicate the possibility of limiting, distorting or preventing competition.

Sectoral analysis of the state of competition on the market of other postal services

The research subject of this analysis will be to determine the relationship between competitors on the market of other postal services. This implies an assessment of their market shares and relative strength, analysis of contractual relations, commercial policies of market participants, as well as analysis of the regulatory framework.

The main objective of the analysis refers to the identification of weaknesses in the market structure of other postal services, and other circumstances that would indicate the possibility of limiting, distorting or preventing competition.

The time span of the analysis referred to a period of three years (from 2019 to 2021).

The main results of the analysis will be presented in the Sectoral Analysis Report with conclusions and recommendations, which will be processed and performed using qualitative and quantitative techniques based on the collected data and information.

Sectoral analysis of the state of competition in the market of digital platforms for mediating the sale and delivery of mainly restaurant food and other products.

The research subject of this analysis will be to determine the relationship between competitors on the market of digital platforms for mediation in the sale and delivery of

mainly restaurant food and other products. This implies an assessment of their market shares and relative strength, analysis of contractual relations, commercial policies of market participants, as well as analysis of the regulatory framework.

The main objective of the analysis refers to the identification of weaknesses in the market structure of digital platforms for mediation in the sale and delivery of mainly restaurant food and other products and other circumstances that would indicate the possibility of limiting, distorting or preventing competition.

The time span of the analysis referred to a period of two years (2020 to 2021).

The main results of the sectoral analysis will be presented in the Sectoral Analysis Report with conclusions and recommendations, which will be processed and performed using qualitative and quantitative techniques based on the collected data and information.

COOPERATION WITH REGULATORY BODIES AND OTHER STATE AUTHORITIES AND ORGANISATIONS

In accordance with its legal competences, the Commission cooperates with state bodies, bodies of territorial autonomy and local self-government, and with regulatory bodies in certain economic sectors, in order to ensure the conditions for the application of the Law and other regulations regulating matters of importance for the protection of competition. To that end, the cooperation of the Commission with the competent authorities regarding the issuance of opinions on proposed regulations and current regulations that have an impact on competition in the market, and especially with the Republic Secretariat for Public Policies, which resulted in the creation of a Checklist of the effects of regulations on competition, is significant.

In the course of 2021, despite the continued conditions of the pandemic and the accompanying restrictions on gatherings, the Commission continued successful domestic cooperation, as well as activities aimed at raising awareness of the need and rules of competition protection.

Cooperation with the Office for Public Procurement is potentially of great importance, because it can contribute to the detection and processing of competition infringements, the so-called "bid rigging".

The Commission continuously undertakes activities in order to ensure a constant dialogue and provide a system of information exchange with competent bodies in the Republic of Serbia,

whose work can affect the development of competition on the market and the application of the Law on the Protection of Competition. The relationship with regulatory bodies such as RATEL, the Energy Agency, and others, needs to be constantly developed and directly cooperated for the needs of administrative procedures before the Commission.

The Commission contributed to the organization and participated in several workshops with sector regulators¹⁰, for representatives of the Commission and the National Bank of Serbia (with the presence of representatives of the Central Bank of Italy) and the Directorate for Railways, which was also attended by representatives of the Ministry of Construction, Transport and Infrastructure (with the presence of representatives of the corresponding Italian institution, the Public Transport Authority of the Piedmont Region). In the previous year, in 2020, under the auspices of the same project, joint workshops were held for representatives of the Commission and representatives of AERS, RATEL and REM. The subject of these workshops was the application of competition law in regulated sectors of the economy. They aimed to, through illustration on practical cases, show the relationship between regulations specific to certain sectors and the need to ensure the conditions for the existence of competition in those sectors. In addition to the above, a joint workshop was held for representatives of the Commission and the State Aid Control Commission. The topics of this workshop were the rules on the protection of competition and the rules on the control of state aid, as well as their application in pandemic conditions.

COMMISSION ACTIVITIES IN THE PROCESS OF ACCESSION OF THE REPUBLIC OF SERBIA TO THE EUROPEAN UNION

Relations with the European Union

The Commission participates in the accession process of the Republic of Serbia to the European Union (EU) through its contribution to the country's progress in terms of regulatory compliance with the EU acquis in the area of competition policy and by ensuring adequate enforcement of relevant legislation.

Pursuant to the Government's Decision on the formation of the Coordination for conducting negotiations on the accession of the Republic of Serbia to the European Union and the Team for support of the negotiations ("Official Gazette of the RS", no. 41/2021, 46/2021 and 53/2021), which adopted a new methodology for negotiations with the EU and introduced negotiation clusters, the Commission is part of the negotiation groups for the following chapters:

¹⁰ The workshops were held under the auspices of the Twinning Project "Further Development of Protection of Competition in Serbia".

- Chapter 8: Competition policy (within negotiation cluster 2 - Internal market)
- Chapter 10: Information society and media (within negotiation cluster 3- Competitiveness and inclusive growth)
- Chapter 14: Transport (within negotiation cluster 4 - Green deal and sustainable connectivity) and
- Chapter 15: Energy (within negotiation cluster 4 - Green deal and sustainable connectivity).

In addition to the aforementioned groups, in the context of cooperation with other state bodies, the Commission also participates in the work of negotiating groups for Chapter 5: Public procurement and Chapter 23: Judiciary and fundamental rights (both within the negotiating cluster 1- Fundamentals), as well as in the process of preparing the documents for the meetings of the Parliamentary Committee for the Stabilization and Association of the European Union and Serbia.

The Commission continuously participates in the work of the Subcommittee for the Internal Market and Competition, whose competence is to monitor the process of fulfilling the obligations from the SAA in these areas. Due to the pandemic of the COVID-19 virus, the last meeting of the Subcommittee for the Internal Market and Competition was held on June 18, 2020, through a virtual platform. As a result of the meeting of the Subcommittee, there were no objections from the representative of the European Commission to the work of the Commission.

During 2021, for the purposes of drafting the proposal of the Negotiating Position of the Republic of Serbia for Chapter 10 and Chapter 15, the Commission gave opinions, in terms of the rules on competition protection. Also, the Commission contributed to the preparation of the annex for the European Commission's annual report on Serbia's progress in Chapter 5, as well as continued to report on the implementation activities of the revised Action Plan for Chapter 23.

The EC Progress Report on Serbia – Chapter 8: Competition Policy

EC Progress Report on Serbia – Chapter 8: The competition policy, which was published on October 19, 2021 and structured according to negotiation clusters, stated the following:

- the legislative framework is in principle in accordance with Articles 101 and 102 of the TFEU and corresponding provisions of the SAA;
- The Commission is an independent institution based on the law, the implementation of which it is responsible for, and that over the years it has built a reputation as an operationally independent institution;
- in terms of the capacity to implement its competences, it is stated that the employees and case handlers are of an adequate level of expertise, and

- it was assessed that the Commission continued to investigate a significant number of cases of competition violations.

In addition to reviewing the actions of the Commission in the key segments of its activity, areas were identified in which there is a need for additional improvement:

- continuing work on harmonizing the legislative framework with EU guidelines and notices (Guidelines and Notices);
- increasing the transparency of the Commission's work and systematic publication of its decisions;
- improving the capacity and specialization of the judiciary for dealing with complex cases in the field of competition and
- confirming the practice of consulting the Commission on all relevant legal regulations and taking its opinions into account.

Of the above, the first and last two recommendations of the European Commission are contained in the previous Progress Report of the Republic of Serbia, which was published on October 6, 2020. Bearing this fact in mind, the Commission continuously undertook activities focused on the identified areas, within its competences, namely:

Harmonization of Legislation with the Acquis Communautaire

In accordance with the competences prescribed by the Law and with the second revision of the National Program for the Adoption of the EU Acquis, the Commission, after a repeated procedure of obtaining the relevant opinions of relevant state authorities, submitted to the Government of the Republic of Serbia in February proposals for three regulations on exemptions by category of agreement¹¹:

- Proposal for a Regulation on agreements on the repair and maintenance of motor vehicles and on the sale of spare parts that are exempt from the prohibition of restrictive agreements; The EU regulation is Council Regulation (EC) No. 461/2010 of May 27, 2010. This regulation further prescribes the special conditions related to the type and content of agreements on the repair and maintenance of motor vehicles and agreements on the sale of spare parts for motor vehicles, concluded between market participants operating at different levels of production or distribution to which the exemption from prohibition of restrictive agreements may refer;
- Proposal for a Regulation on agreements between participants in the rail and road transport market that are exempt from the prohibition of restrictive agreements. The EU regulation is Regulation no. 169/2009 of February 26, 2009. This regulation

¹¹ So far, they were not at the session of the RS Government.

prescribes in more detail the special conditions related to the type and content of agreements, decisions and concerted practices between participants in the rail and road transport market that may be exempted from the prohibition of restrictive agreements;

- Proposal on a Regulation on technology transfer agreements exempted from the prohibition of restrictive agreements. The EU regulation is Regulation no. 316/2014 of March 21, 2014. With Regulation no. 316/2014, guidelines were also adopted, which facilitate the application of this Regulation and contribute to the legal security and certainty of business operations of market participants. This regulation prescribes in more detail the special conditions related to the type, content and duration of technology transfer agreements that may be exempted from the prohibition of restrictive agreements. The provisions of this regulation do not apply to the assignment of technology rights contained in the research and development agreement and the specialization agreement.

The adoption of these regulations does not only mean the fulfillment of the obligation of the Republic of Serbia to harmonize national regulations with the law of the European Union, but also the provision of legal security for market participants when concluding such agreements.

In the reporting period, in addition to the Guidelines for developing a business compliance program with regulations on competition protection, which were discussed, the Commission's position regarding the application of Article 17, paragraph 1, of the Law on related transaction was published, which achieves alignment with Council Regulation (EC) no. 139/2004 of January 20, 2004 on the control of concentrations between economic entities, Official Gazette L. 24/2004, item 20.

Then, as part of the Twinning project, a Collection of Legal Principles of Jurisprudence of EU Courts was prepared for the period 2018-2020, which is expected to be of particular use value in terms of harmonizing the practice of the Commission.

Transparency of work and systematic publication of decisions

The Commission systematically publishes¹² its acts and protected versions of decisions on its website, including decisions for which there is no legal obligation to publish, in Serbian and English. This is not only for the sake of transparency, but for the interested public to be properly and sufficiently familiar with the Commission's decisions, positions and practice, which contributes to raising the level of legal certainty and security. All other information and work data, such as annual reports, informants, announcements, etc., can be found on the site.

¹² In line with Article 40 of the Law and the Decision on the manner of publication of decisions and acts and on the replacement, i.e. omission (anonymization) of data in the Commission's decisions and acts.

Improving the capacity of the judiciary

This important issue is in the competence of other institutions of the Republic of Serbia.

However, as part of the Twining project, the training of judges was held, primarily for judges and judicial assistants of the Administrative Court¹³, as a court whose competence is to control the legality of decisions of the Commission, and then of the Commercial and Commercial Court of Appeals¹⁴. The special quality of the training was represented by the fact that the lecturers were judges from the Association of Judges for European Competition Law. Due to the fact that the pandemic was still in full swing, the training had to be held through a hybrid model, and not in the full planned scope. In any case, there remains a need for training activities for judges on this narrowly specialized area of law to be carried out continuously and whenever possible, with physical interaction between national judges and their equivalents in the EU.

Consulting the Commission on all relevant legal regulations and taking its opinions into account

This issue implies the cooperation of other authorities and organizations, proponents of regulations, and the Commission undertakes activities aimed at raising awareness of the importance of competition protection, which it believes can contribute to the practice of consulting on relevant regulations. As a result of intensified activities on this issue, in 2021 the Commission issued, since its establishment, the largest number of opinions on drafts/proposals of regulations submitted by their proponents. The opinions of the Commission are not binding, but it has been observed that they are increasingly respected.

The Commission considers the cooperation with the Republic Secretariat for Public Policies to be particularly significant, on the creation of a checklist for assessing the effects of regulations on competition in the market, which has already been discussed. This list has become an integral part of the national Manual for the analysis of the effects of public policies and regulations in 2021, which is available on the website of the Republic Secretariat for Public Policies. In addition, the checklist is also mentioned in the Program for Improving the Management of Public Policies and Regulatory Reform for the period 2021-2025, proposed by the Republic Secretariat, on which the Commission gave its opinion, and which was adopted by the Government of the Republic of Serbia in November 2021.

¹³ The training was held for judges and judicial assistants of the Administrative Court from the seat of the court in Belgrade, but also for judges and judicial assistants of the Administrative Court in the divisions in Novi Sad, Kragujevac and Niš.

¹⁴ The judges of the Second Basic Court in Belgrade also joined the training on procedural and legal issues of competition protection.

INTERNATIONAL COOPERATION

The Commission implements international cooperation in the field of antitrust for the purposes of meeting Serbian international obligations in the field, as well as obtaining information pertaining to the protection of competition in other countries. Achieving international cooperation also brings numerous indirect benefits, such as the exchange of experiences, constant education and familiarization with the most current issues of competition protection in the world, as well as a comparative review of legal and by-law solutions, which can serve in the process of proposing changes in the national legal order.

The Commission implements international cooperation activities both on a bilateral basis, through agreements or protocols on cooperation with competition protection bodies of other countries, and through participation in the work of international organizations. The Commission also regularly submits contributions for the needs of the online international publication Global Competition Review, which provides a comprehensive overview of important information on the protection of competition worldwide, and in one place.

UNCTAD

The Commission's successful cooperation with the United Nations Conference on Trade and Development (UNCTAD) continued in 2021, despite the conditions of the pandemic that affected the format of cooperation. In July 2021, representatives of the Commission for the Protection of Competition, in cooperation with the Mission of the Republic of Serbia to the United Nations in Geneva, participated in a virtual meeting and discussion held on the occasion of the 19th session of the Intergovernmental Group of Experts in the Field of Competition Law and Policy. During the year, the representatives of the Commission also attended several conferences/webinars organized by or in cooperation with UNCTAD, such as the University of Amsterdam conference on the links between economic inequality and competition law.

Energy Community

In 2021, the Commission continued active cooperation with the Energy Community (EC), an international organization based in Vienna. The said cooperation is implemented by the Commission through the Ministry of Mining and Energy, whose high representatives participate in the work of EC institutions and lead the negotiation process, in connection with the amendments to the Treaty on the Establishment of the Energy Community¹⁵, on behalf of the Republic of Serbia.

¹⁵ Law on the Ratification of the Treaty on the Establishment of the Energy Community between the European Community and the Republic of Albania, the Republic of Bulgaria, Bosnia and Herzegovina, the Republic of

During the previous rounds of negotiations, the Commission gave several opinions on the proposal for amendments to the Agreement, as well as proposals for other acts, always pointing out the most important aspects from the point of view of competition protection and positive regulations of the Republic of Serbia. Apart from the issued opinions, in the course of 2021, the Commission, through its representative who is a member of the Delegation for Negotiations, participated in several virtual meetings held with representatives of the Ministry of Mining and Energy, the Energy Community and the European Commission, in the context of the process of amendments to the Treaty on the Establishment of the Energy Community. Finally, in addition to contributing to the process of amending the Agreement, the Commission continued to provide comments and remarks on the reports of the Energy Community, such as the Report on the Implementation of Soft Measures, annual Work Reports, etc.

CEFTA / Creation of Regional Economic Area

The Commission's cooperation with CEFTA takes place through the Ministry of Trade, Tourism and Telecommunications, as the CEFTA contact point on the side of the Republic of Serbia. In previous years, cooperation took place primarily in connection with the plan for the creation of the Regional Economic Area, in accordance with the agreement of the Prime Ministers of the Western Balkans at the Summit in Trieste in 2017. This is especially true for the proposal of the Action Plan for the establishment of the Regional Economic Area for the period 2021-2024, which was adopted at the summit in Sofia in November 2020. After that, in 2021, there were no new cooperation activities in this domain.

International Competition Network (ICN)

The Commission is a member of the International Competition Network (ICN). In the course of 2021, very active cooperation between the Commission and this international network was achieved. In the course of 2021, representatives of the Commission participated in numerous conferences, webinars and virtual workshops of the ICN: Then, the Commission made their contribution to the projects of this network, by submitting answers to questionnaires of ICN for the needs of the "Third Decade of ICN" project, as well as the project of the ICN working group for the effectiveness of competition protection authorities called "Prioritization Project and initiation of cases", as well as the project of the ICN working group on concentration control related to joint ventures and the procedure for notification and assessment of concentrations. The work of the representatives of the Commission in various working groups of ICN has been expanded: in addition to working groups in the field of concentrations, efficiency in the work of competition protection bodies

Croatia, the Former Yugoslav Republic of Macedonia, the Republic of Montenegro, Romania, the Republic of Serbia and the United Nations Interim Mission in Kosovo in accordance with Resolution 1244 of the United Nations Security Council, was published in the "Official Gazette of RS" No. 62 as of July 19, 2006.

and representation of competition protection, it is now also a working group for the so-called unilateral conduct.

OECD and the Regional Center for Competition (OECD-GvH RCC)

In 2021, the Commission continued to actively cooperate with the Organization for Economic Cooperation and Development (OECD). Although the Republic of Serbia is not a member of the OECD, the Commission provides its professional contribution to the activities of this organization in several ways:

- through a high-level exchange of experiences during the annual OECD conference "Global Competition Forum",
- through the participation of representatives of the Commission in numerous seminars and workshops of the Regional Center for Competition, which was founded in 2005 by the OECD and the Hungarian Competition Authority (GvH), as well as
- by submitting written submissions and answers to questions concerning the protection of competition in the Republic of Serbia.

Within the virtual event of the 20th Global Forum on Competition, held in December 2021, which brings together representatives of competition protection bodies and high-ranking officials of other institutions from around the world, the Expert Service of the Commission submitted a written contribution on the topic "Neutrality in the application of competition law". In addition to the above, the Commission played a very active role in the implementation of the OECD project entitled "Review of the Competitiveness of Southeast Europe" and thus contributed to its successful completion. During 2021, the Commission also submitted feedback on the use of various OECD products, as well as feedback regarding the report of this organization on the profile of Serbia. Finally, representatives of the Commission participated in a virtual meeting on the occasion of the launch of the new OECD project "Fair market conditions for competition in six OECD partner countries".

The participation of its representatives in the work of the RCC in Budapest is particularly important for the Commission, which organizes numerous useful workshops and seminars throughout the year. The expert service of the Commission participates in these workshops through the presentation of cases from practice, and during the pandemic, such an exchange of experiences continued virtually, that is, through webinars. The expert service of the Commission also contributed to the RCC Bulletin on selected topics in the field of competition law and policy, as well as to the videos of this regional center that related to the setting up of public bids in the public procurement procedure, neutrality in the application of competition law and the assumption of obligations, through provision of translation into Serbian language.

ASSISTANCE PROJECTS PROVIDED TO THE COMMISSION

Despite the challenges brought about by the corona virus pandemic, the Commission, during 2021, undertook all the necessary activities for the realization and finalization of international projects, the aim of which is to improve the protection of competition in the Republic of Serbia, through further harmonization of rights, then, through the improvement of capacities of the Commission, judiciary, regulators and other important shareholders, as well as strengthening awareness of the importance of competition protection. Together, these projects should contribute to the strengthening of the application and understanding of competition protection rules by all relevant shareholders, thus contributing to raising the capacity of the Serbian economy by strengthening market competition, which is an important factor for EU accession.

Bearing in mind that these are complex and comprehensive project activities, only the most important segments will be presented below.

Twinning Project “Further Development of Protection of Competition in Serbia”

Since its establishment, the Commission has had significant technical support from the European Union through several projects. The most significant project, which was implemented until mid-July 2021, as one of the modalities of IPA assistance to EU candidate countries for EU accession, is the Twinning project "Further development of competition protection in Serbia". This project was jointly implemented by the Competition Protection Authority of the Republic of Italy and the Commission for the Protection of Competition of the Republic of Serbia. The project was focused on several important aspects of competition protection, through three key components: 1) further harmonization of national legislation in the field of competition protection with the EU acquis; 2) effective application and enforcement of rules on competition protection, and 3) increasing awareness of competition law and policy among all relevant shareholders.

Within the first project component, the most important thing to highlight is the creation of a collection of legal principles of judicial practice of EU courts for the period 2018-2020.

Within the second project component, numerous useful virtual workshops were held for employees of the Commission and other institutions, including sector regulators. Also within this component, training was held for judges and judicial assistants of the Administrative Court, the Commercial Court and the Commercial Court of Appeal, which was discussed in more detail in the rest of the report.

Within the third project component, which was aimed at raising awareness of competition law, many activities had to be canceled or modified due to the pandemic, especially since the

nature of certain activities, such as public events and conferences, is such that they are physically makes the presence of participants more meaningful. Despite this, Twinning partners managed to hold, through a hybrid model, a series of educational workshops for students of the Faculty of Law and Economics of the main universities in Serbia (Belgrade, Novi Sad, Niš, Kragujevac). Three leaflets were prepared, intended for different part of the public.

All of the above was only possible due to the additional engagement of Twinning partners and the acquisition of the necessary equipment in order to provide conditions in which project activities could be carried out virtually. In this way, the project activities were carried out until mid-July 2021, when the project implementation period ended and the final project event was held. This final event, ie. the conference, although held in a virtual space, was very successful and received significant media coverage In mid-October 2021, the final report on the project was submitted, which was then approved.

Assistance Project of the Kingdom of Norway “Increasing Economic Growth Through Support to Promotion of Competition Policy”

With the support of the Embassy of the Kingdom of Norway in Belgrade, the Commission implemented the project under the auspices of the Ministry of Foreign Affairs of Norway. The commission managed to maintain continuity in the implementation of the project even in the conditions of the COVID-19 pandemic, where the important fact is that the period of initial support was extended until 31.12.2021.

The project was aimed at improving the implementation of competition protection rules and increasing the level of awareness of competition protection policy in the Republic of Serbia. In the course of 2021, training was held for the employees of the Commission for the use of advanced forensic equipment that is used when conducting dawn raids, and which was acquired in the previous period. This further improved the technical conditions for the detection and processing of data related to the illegal behavior of market participants, that is, which contribute to the increase in the rate of detection of competition violations. The aforementioned activities were made possible thanks to the savings achieved by the Commission during the implementation of the project.

As part of the component of the project concerned with raising awareness of the importance of competition among key interest groups, the Commission completed the development of a new website in 2021, which is expected to be available to the public soon. The purpose of creating a new website, in addition to an improved technological solution, is to increase the Commission's visibility and make it easier for users to find their way around. As a result of this project component, the work on communication via social networks continued.

In the end, it is important to highlight the fact that, as in the case of the Twinning project, the pandemic did cause certain important project activities not be implemented, where there was a condition of physical gathering and the presence of participants. Nevertheless, the support of the Embassy of the Kingdom of Norway in Belgrade and the Ministry of Foreign Affairs of this country was very significant and the Commission believes that the results of the project will only become visible over time.

Project "Improving the business environment in the Republic of Serbia"

This project was implemented by the Commission in cooperation with the World Bank/International Finance Corporation (IFC), based on the umbrella agreement on the implementation of the Project for the Improvement of the Business Environment in the Republic of Serbia, signed by the Government of the Republic of Serbia and the IFC. The project was finalized in 2021.

One of the components of this project concerned the improvement of the process of analyzing the effects of regulations on competition in the market of the Republic of Serbia, through the cooperation of the Commission with the Republic Secretariat for Public Policies. As part of the second project component related to the Commission, joint engagement concluded the sectoral analysis of the international rail transport market in 2020, and then the sectoral analysis of the intercity bus transport market in 2021.

AWARENESS RAISING ACTIVITIES TO PROMOTE COMPETITION

Public representation of competition protection policy and development of awareness of its importance and need is one of the powers of the Commission, which is of great importance for the implementation of other entrusted power. Continuous work is being done on the recognition of the Commission as an institution and its competences, and above all on the promotion of opportunities and methods of addressing the Commission.

Public representation and promotion of the competition protection policy is carried out through giving opinions on proposed regulations as well as on valid regulations that have an impact on competition in the market, through cooperation with other regulatory bodies and communication with state bodies and organizations, the academic and professional public, associations of market participants and professional and expert associations (Serbian Chamber of Commerce, NALED, AmCham, Foreign Investors Council, etc.) domestic and international partners and media. For example, in cooperation with the Serbian Chamber of Commerce, a free webinar "Competition on the public procurement market" was organized, where representatives of the Commission were lecturers. Among other things, the

participants were introduced to issues of importance for competition in public procurement procedures, as well as possible programs for business harmonization with the rules on competition protection.

Cooperation with the Media

The Commission continued to continuously improve the transparency of its work and, through cooperation with the media, made additional efforts to make the Commission's decisions and work visible to the general public (market participants, citizens and the media). The Commission's work is presented to the public with information on effective law enforcement, advocacy, international cooperation, as well as through the media.

The main and most common forms of communication with the public were the Commission's website, press releases, announcements in electronic and print media, social networks, publications, thematic events, video conferences, and animated educational films. All important decisions and notices about events in which the Commission participates are transparently and timely published both on the Commission's website and in all relevant media (print and electronic).

Due to the pandemic of the COVID-19 virus and the implementation of measures for its suppression, gatherings (conferences and round tables, thematic expert workshops and counseling as well as other gatherings of interested public) were organized on a reduced scale, which would be an occasion for communication with the media. Representatives of the Commission and the body for the protection of competition of the Republic of Italy held four two-day workshops as part of the activities of the Twinning project, which is aimed at promoting the culture of competition among the academic community, for students of the Faculty of Law and Economics of the University of Kragujevac, Niš, Novi Sad and Belgrade. The final online conference of the Twinning project "Further development of competition protection in the Republic of Serbia" was also organized, the work of which was followed by several domestic media.

As in previous years, the activities of the Commission attracted the attention of media representatives. The questions were mainly determined by the interest of the general public in relation to the specific proceedings that were conducted before the Commission, but the questions of media representatives also related to requests for a closer interpretation of certain legal norms, submission of solutions in certain cases or to the findings of analyzes of the conditions of competition in certain markets. The media did not use the institute of requests for the provision of information based on the Law and access to information of public importance, given that she responded to every inquiry submitted to her by media representatives in the shortest possible time.

During 2021, 1160 posts in print and electronic media were recorded in clippings, about the activities and procedures conducted by the Commission, which were primarily informative (neutral) or positive in connotation.

Website of the Commission

Due to full transparency in its work, the Commission continued with the previously established practice and part of the legal obligation of publishing all relevant documents on the Commission's official website (www.kzk.gov.rs), as well as announcements about all events in the Commission that are of interest for the public. The Commission's website records 306,029 individual entries in 2021, which is an increase compared to the previous year. All announcements of the Commission are available on its official website, in Serbian and English.

E-Bulletin

The commission launched an electronic bulletin with the aim of raising awareness about competition protection and its importance, and to familiarize the interested public in the Republic of Serbia with world practice in this area. In 2021, 46 editions of the electronic bulletin were prepared and distributed to around 1,450 electronic addresses in the Republic of Serbia, and parts of it were often broadcast in the media. This type of electronic publication is also used to distribute news from the Commission itself.

The great interest of market participants, the academia and professional public, and even the media in the electronic bulletin indicates that this form of communication needs to be further improved and made available to an even greater number of users.

Social Networks

On the basis of the Communication Strategy via Internet presentation and social networks, the Commission continued to improve Internet communications in 2021. The aim of the new and more open way of distributing information about the Commission's activities is to provide faster and easier access to all interested members of the public.

Announcements about activities and topics from the protection of competition are placed on the Commission's accounts on social networks - Facebook, Twitter, Youtube and LinkedIn.

FINANCIAL OPERATIONS REPORT

Commission's Funding

Funds for the work of the Commission are provided in accordance with the Law, from the Commission's own income, which it achieves by performing entrusted tasks. The Commission is not a budget user.

The Commission's funding is governed by the provision of Article 31 of the Law, namely secured from revenues that the Commission generates from its activities, particularly from: 1) fees payable from issuing decisions and other acts from its competence under the Law; 2) donations, except from donations made by undertakings to whom the Law applies; 3) revenues from the sale of Commission's publications; and, 4) other sources in accordance with the Law.

Charging of activities from the Commission's competence is regulated by the Tariff, enacted by the Commission and approved by the Government of the Republic of Serbia.

The funding of the Commission's operations is carried out in accordance with a financial plan enacted by the Commission on an annual basis, submitted to the Government for approval no later than 1 November of the current year for the next year. If based on the annual statement of revenue and expense is determined that the total generated revenues of the Commission are exceeding the expenses, and following the allocation of funds for a contingency fund, the difference is transferred to the Budget of the Republic of Serbia.

The financial performance of the Commission is the subject of an audit carried out by the State Audit Institution. The Final Statement of Accounts is published no later than three months following the financial year-end.

Financial Result for 2021

The Commission's funding in 2021 was carried out in accordance with the 2021 Financial Plan of the Commission for Protection of Competition, approved by the Government of the Republic of Serbia on February 11, 2021.

In 2021, the Commission has achieved a positive financial result.

The excess of revenues over expenses, following the allocation of funds for a contingency fund, will be transferred to the Budget of the Republic of Serbia pursuant to Article 32 of the Law.

REVENUES

In 2021, the Commission generated revenues from issuing decisions, conclusions and other acts from its competence on the basis of requests of undertakings, including grant funds from foreign donations paid in line with the payment dynamics set out under the Grant

Agreement between the Royal Norwegian Ministry of Foreign Affairs and the Commission for Protection of Competition of the Republic of Serbia, signed on November 2017

The revenues and expenditures of the Commission are reported on the cash basis.

REVENUE REALIZATION

Revenues	2021			Realization	
	Projected	Realization	% share	Numeric	%
Own revenues	412.090.040	604.864.125	99,5	192.774.085	146,78
Project revenues	8.690.040	3.058.001	0,5	-5.632.039	35,19
TOTAL REVENUES	420.780.080	607.922.126	100	187.142.046	144,48

Pursuant to Article 31 and Article 32 of the Law on Protection of Competition, the Commission's revenues are non-earmarked.

Funds for the work of the Commission are provided in accordance with the Law, from the Commission's own income, which it achieves by performing entrusted tasks.

Own revenue structure

Type	Dinar	Foreign currency	Total
Revenues	256.853.236	348.010.889	604.864.125
Share in revenues (%)	42,46	57,54	100

The share of dinar and foreign currency revenues in the Commission's own revenues is 42,46%, and 57,54% of the foreign currency ones.

The revenues generated in 2021, as in previous years, were sufficient to fund the work of the Commission and to generate a certain excess of revenue over expenses for the transfer to the Budget of the Republic of Serbia.

Commission's revenues

The Commission's revenues in the amount of 607.92 million dinars are generated from:

1. Income from the issuance of acts under the jurisdiction of the Commission in the amount of 603.83 million dinars, making up 99.33 percent of the total Commission revenues, and which are realized through:

- *Fee revenues from issuing acts in merger control proceedings, in summary or investigation procedure, which represent the most significant revenue source of the Commission and whose share in total revenues of the Commission is 98,76%.*
- *Fee revenues from issuing decisions on the basis of requests for individual exemption of restrictive agreements from prohibition, approving or not approving the exemption, whose share in total revenues is minimal, amounting to about 0,54% of own revenues.*

2 Grant revenues from foreign sources in the amount of 3.06 million dinars, whose share in total revenues is 0.50 percent.

3. Other operating income - agenda items in the amount of 1.03 million of dinars, represent income based on reimbursement of expenses from the previous year and participate with 0.17% in the total income of the Commission.

The Commission's realized revenues in 2021 are lower than originally projected.

When planning income, the initial guideline was the objective situation caused by the COVID-19 virus, which assumed a decline in economic activities in the Republic of Serbia. However, in 2021, there was a growth of the national economy, which resulted in the realization of revenues from the issuance of acts under the jurisdiction of the Commission at the level of 144.48% compared to the Plan for 2021.

The Project revenue realization amounted to 3.06 million dinars, accounting for only 35,19% of the revenues projected from these sources.

EXPENSES

The Commission's expenditures in 2021 amounted to 279.75 million dinars.

FINANCIAL PLAN REALIZATION FOR 2021

Account number	Item	Projected 2021	Realization 2021	Plan realization 2021 (%)	Share (%) in total expenditures
411	Wages and allowances of employees	205.588.176	188.340.269	91,61	67,33
412	Social contributions paid by employer	38.316.798	31.434.488	82,04	11,24
413	Benefits in-kind	500,000	323.200	64,64	0,12

414	Social benefits to employees	5.771.396	617.300	10,70	0,22
415	Compensation of expenses of employees	3.075.000	1.736.345	56,47	0,62
416	Remunerations, bonuses and other expenditures	17.833.384	17.779.360	99,70	6,36
421	Fixed costs	25.740.000	22.229.031	86,36	7,95
422	Travel costs	4.893.750	569.130	11,63	0,20
423	Contract services	22.291.360	8.044.200	36,09	2,88
424	Specialized services	1,000,000	801.900	80,19	0,29
425	Current overhauling	3.096.000	1.521.350	49,14	0,54
426	Material	5.308.000	2.478.025	46,68	0,89
444	Accompanying debit costs Exchange rate losses	1,000,000	0	0,00	0,00
462	International membership donations	120.000	0	0,00	0,00
482	Taxes, mandatory fees and fines	1,000,000	34.248	3,42	0,01
483	Fines and penalties as per court's decision	1,000,000	22.890	2,29	0,01
512	Machines and equipment	11.976.000	3.394.841	28,35	1,21
515	Intangible assets - software	4.428.000	420.314	9,49	0,15
	TOTAL EXPENDITURES	352.937.863	279.746.891	79,26	100,00

The budget realization reached the level of 79,26% against the expenditure targets.

The budget underspending is caused both by the cost rationalization and COVID-19 pandemic, impeding the implementation of particular planned operations. Significant deviations are recorded in individual expenditure categories, and in particular under the following headings:

422 – Travel expenses – the realization rate under this heading reached only 11,63% of the expenditure targets. The COVID-19 outbreak and related travel restrictions have caused exceptionally high levels of underspending and a total savings of 4.3 million dinars;

423 – Contract services – the realization rate reached 36,09% of the expenditure requirements due to the lack of progress in the realization of the majority of services that involve direct contact.

In 2021, the Commission's realized expenditures were mainly dinar-denominated.

The largest share of total expenditures 67,33% relates to wages and allowances of the Commission's staff. The structure of expenditures and a high share of expenditures on employee wages is expected given that employees are the main and most important resource of the Commission for Protection of Competition. Compensations for CPC employees are

realized under the Labor Law, adopted decisions, and in accordance with the 2021 Financial Plan approved by the Government of the Republic of Serbia.

Fixed costs represent outlays for the lease of business premises, phone and postal services and payment processing fees, whose share of total expenditures is 7,95% .

Contract services – relate to expenditures and outlays for the provision of professional service agreements, printing services, professional education and training services for CPC staff, translation and interpretation, media monitoring services, software development and IT maintenance services, publication of tenders, catering services, entertainment and representation expenses, as well as for the Project related services, and are realized in the amount of 8.04 million dinars with a 2,88% share of total expenditures. The share of Project related services in this expenditure category is 38,02% .

Expenditure for the purchase of computers, software, licenses and other IT equipment is 1,36% of the Commission's total expenditures in 2021.

Other expenditures account for 20,49% of the Commission's total expenditures and relate to taxes and social contributions from wages, social contributions paid by employer, other expenditures for employees, cost of office supplies, maintenance of administrative equipment and other costs.

EXCESS OF REVENUES OVER EXPENSES:

	2021		Plan realization	
	Projected	Realization	In %	In nominal value
Revenues	420.780.080	607.922.126	144,48	186.421.076
Expenses	354.612.263	279.746.891	78,89	-74.865.372
Exchange rate losses	1,000,000	0	0	-1.000.000
EXCESS OF REVENUES:	65.167.817	328.175.235	503,58	263.007.418

In 2021, the realized incomes are higher than the ones projected, by 44.48% and the realized expenditures are lower than those projected by 21.11% and exchange rate gains have been achieved. As the result of the realized economic parameters, a surplus of income compared to expenditures has been achieved, in the amount of 328.17 million of dinars.

INCOME STATEMENT 31.12.2021.

REVENUES	AMOUNT	EXPENSES	AMOUNT
REVENUES		EXPENSES	
742321 – Fee revenues	603.109.555	Class 4	275.931.737

(1+2+3)		(1+2+3+4+5+6+7+8)	
1. For merger clearance decisions	599.864.477	1. Total labor costs	240.230.962
2. For decisions on individual exemptions	3.245.077	2. Fixed costs	22.229.031
		3. Travel costs	569.130
731121 – Current grants from foreign sources	3.058.001	4. Contract services	8.044.200
		5. Specialized services	801.900
744 – Exchange rate gains	720.970	6. Current overhauling	1.521.350
		7. Material	2.478.025
771 – Miscellaneous and other revenues	1.033.601	8. Taxes, fines and fees	57.138
		Class 5 (11+12)	3.815.155
		10. Procurement of fixed assets	3.394.841
		11. Software procurement	420.314
TOTAL	607.922.126	TOTAL	279.746.891
EXCESS OF REVENUES OVER EXPENSES:			328.175.235

BUDGET TRANSFERS

Since its establishment, the Commission has transferred a total of 1,392,933,807 dinars from the excess of revenue over expenses to the Budget account of the Republic of Serbia.

Based on the 2021 Final Accounts, over 50% of the excess of revenue over expenses will be transferred to the Budget account of the Republic of Serbia.

CONCLUSION

Effective and proper implementation of the Law on the Protection of Competition, primarily the detection of cartels and other competition infringements, their processing and adequate sanctioning, as well as the control of concentrations in order to prevent significant restriction, distortion or prevention of competition, remains the main task and goal of the Commission. In the implementation of this task, the Commission strives to use all available modern mechanisms and tools/techniques, such as forensic equipment for data collection and processing, advanced econometric software, etc.

In the coming period, special attention will be paid to aspects of the digital economy, i.e. the application of competition rules in conditions of digitization, digital platforms, big data, etc.

The Commission continues to undertake activities aimed at harmonizing regulations with the EU acquis, harmonizing its practice with the rules and practice of the EC and EU competition bodies, as well as implementing the recommendations from the EC Report on Serbia's progress from 2021. With this, the Commission contributes to the fulfillment of the obligations of the Republic of Serbia from the SAA related to competition, but also to the creation of conditions for the protection of competition, for a pro-competitive and investment-oriented business environment.

Conducting sectoral analyses, giving opinions to competent authorities on proposed regulations, as well as other activities to represent competition protection policy and strengthen awareness of its importance for a competitive business environment, remain an important direction of its activities.

	Number of completed proceedings	Ongoing as on 31.12.2021.
ANTITRUST INFRINGEMENTS		
Restrictive agreements	6	9
Individual exemption of agreements from prohibition	25	7
Abuse of dominance	4	3
Motions to initiate proceedings	13	20
TOTAL	48	39
CONCENTRATIONS BETWEEN UNDERTAKINGS		
Cleared in summary procedure	211	41
In ex officio procedure (type of the act – decision)		
cleared, without conditions	1	
Conditionally cleared	1	
law violation	2	1

Refused notifications	16	
Suspended summary proceedings	1	
Suspended proceedings initiated ex officio	1	
TOTAL	233	42
OPINIONS		
Opinions on draft and current regulations and other acts that have an impact on market competition	20	1
Opinions as per Article 157 of the Law on Bankruptcy	1	/
TOTAL	21	1
SECTORAL ANALYSES		
TOTAL	4	2

Table – Overview of the Commission's activities in 2021