



Republic of Serbia
COMMISSION FOR
PROTECTION OF
COMPETITION

25/IV Savska Street, Belgrade

Number: 4/0-01-151/2023-17

Reference: 4/0-01-442/2022

Date: October 16, 2023

Published text does not contain protected or omitted data.
Protected data is presented
with marking [...] or in range the Commission considers
appropriate manner of protection, and omitted data with mark
XXX.

Council of the Commission for Protection of Competition, pursuant to Article 22 paragraph 2 of the Law on Protection of Competition (“Official Gazette of the Republic of Serbia”, number 51/09 and 95/13), and Article 3 and 4 of the Decree on Criteria for Determining the Amount Paid on the basis of Competition Protection Measures and Process Penalties, Payment Manner and Deadline and Conditions for Determination of Such Measures (“Official Gazette of the Republic of Serbia” no. 50/2010), in deciding in procedure initiated ex officio against the company Polet-keramika Limited Liability Company Novi Bečej, registration number 20479221, with registered seat at the address: 13 Železnička Street, Novi Bečej, represented by the Director, Zoran Đelošević, with holders of power of attorney, lawyers Julijana Jevtić and Milica Subotić, with office in Belgrade, 31 Terazije Street, Apartment number 8, for investigating violation of competition from Article 10 of the Law on Protection of Competition, at the 137th meeting held on October 16, 2023, adopts the following

DECISION

IT HAS BEEN DETERMINED that the company Polet-keramika Limited Liability Company Novi Bečej, registration number 20479221, with registered seat at the address: 13 Železnička Street, Novi Bečej, by way of concluding the sales agreement in the capacity of the seller, including the provisions of Article 14, or Article 11, stating that it is recommended to the buyer to form the retail prices in their retail shops as well as retail outlets in their sales network in line with the current pricelist of the seller, and that using such recommended retail prices is in the interest of the buyer and the seller, where, in case the buyer fails to use such recommended retail prices, the seller shall reserve the right to act for the purpose of maintaining stability of the market, which provision is included in:

1. sales agreements number 02-25/106-2018, number 02-25/103-2019 and number 02-25/100-2020, concluded with the Limited Liability Company for Production and Trade, Koral, Pančevo;
2. sales agreements number 02-25/110-2018, number 02-25/100-2019 and number 02-25/101-2020, concluded with Ornament Limited Liability Company for Trade and Services, Veternik;
3. sales agreements number 02-25/109-2018 and number 02-25/102-2020, concluded with the Limited Liability Company for Production, Trade and Services Raša Župski, Aleksandrovac;
4. sales agreements number 02-25/108-2018 and number 02-25/103-2020, concluded with Limited Liability Company Merkur - komerc for Trade and Services, Zrenjanin;

5. sales agreement number 02-25/112-2020, concluded with Limited Liability Company Noks N.J. Zemun;
6. sales agreement number 02-25/115-2021, concluded with Limited Liability Company Jugodom, Novi Sad;

concluded restrictive agreements determining resale prices for ceramic tiles, thus, Polet-keramika Limited Liability Company Novi Bečej committed violation of competition from Article 10 paragraph 2 item 1) of the Law on Protection of Competition.

II IT HAS BEEN ESTABLISHED that the restrictive agreement referred to in paragraph I of the wording of this decision shall be prohibited and null *ex lege*.

III MEASURE OF PROTECTION OF COMPETITION HAS BEEN ENACTED for the company from paragraph I of the wording of this decision in the form of obligation of paying monetary amount of RSD 2.659.820.00 (two million six hundred fifty-nine thousand eight hundred and twenty).

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

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

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

VII Company from paragraph I of the wording of this decision **HAVE BEEN PROHIBITED** to act, in the future, in any way that might, limit, distort or prevent competition in a manner described in paragraph I of the wording of this decision.

VIII This decision shall be published in the "Official Gazette of the Republic of Serbia" and webpage of the Commission for Protection of Competition.

PRESIDENT OF THE COMMISSION

Nebojša Perić