Republic of Serbia
COMMISSION FOR THE PROTECTION OF COMPETITION
25 Bulevar kralja Aleksandra I Karađorđevića, Belgrade
Reference: 4/0-01-356/2025-8
Reference: 4/0-01-585/2024
Date: July 31, 2025

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Council of the Commission for Protection of Competition, pursuant to Article 22 paragraph 2 and Article 57 paragraph 1 and 68, paragraph 1, item 2) of the Law on Protection of Competition ("Official Gazette of the Republic of Serbia", number 1 and 2), and Articles 3 and 4 of the Decree on the Criteria for Determining the Amounts Payable on the Basis of a Competition Protection Measure and a Procedural Penalty, the Manner and Deadlines for Their Payment, and the Conditions for Imposing Such Measures ("Official Gazette of the Republic of Serbia", No. 50/2010), acting in the proceedings initiated ex officio against DRUŠTVO SA OGRANIČENOM ODGOVORNOŠĆU ZA TRGOVINU ELEKTRIČNIM ALATIMA METABO CENTAR KRAGUJEVAC, Company Registration No. 20587920, with its registered office at: Industrijska 3D, Kragujevac, represented by its legal representative, Marija Pejčinović, Director, and represented by its authorised attorney, Nikola Poznanović, attorney-at-law from Belgrade, 8a Vladimira Popovića Street, and KAPRO INDUSTRIES LTD, Company No. 511414666, with its registered office at: Potter's Group, Korazim District, D.N. Beit Kerem, Potters, Israel, represented by its legal representative, Itsik Nissimov, Director, and represented by its authorised attorney, Tijana Lalić, attorney-at-law from Belgrade, 20 Kosančićev Venac Street,for the purpose of establishing the existence of a competition infringement under Article 10 of the Law on Protection of Competition, at the 137th meeting held on October 31, 2025, adopts the following

DECISION

I IT IS HEREBY ESTABLISHED that DRUŠTVO SA OGRANIČENOM ODGOVORNOŠĆU ZA TRGOVINU ELEKTRIČNIM ALATIMA METABO CENTAR KRAGUJEVAC, with its registered office at: Industrijska 3D, Kragujevac, and KAPRO INDUSTRIES LTD, with its registered office at: Potter's Group, Korazim District, D.N. Beit Kerem, Potters, Israel, operated in such a manner that, at the request of its customer, DRUŠTVO SA OGRANIČENOM ODGOVORNOŠĆU ZA TRGOVINU ELEKTRIČNIM ALATIMA METABO CENTAR KRAGUJEVAC, KAPRO INDUSTRIES LTD, under threat of suspension of supplies, required distributors of Kapro-branded tools located outside the territory of the Republic of Serbia to refrain, whether actively or passively, from selling Kapro-branded tools to distributors in the Republic of Serbia, and to cease and desist from any further active or passive sales thereof to distributors in the Republic of Serbia, thereby eliminating competition in the wholesale market for Kapro-branded tools in the territory of the Republic of Serbia, and thus entered into a restrictive agreement whose object was to significantly restrict, distort or prevent competition, within the meaning of Article 10, paragraphs 1 and 2, item 2) of the Law on Protection of Competition.

II IT IS HEREBY ESTABLISHED that DRUŠTVO SA OGRANIČENOM ODGOVORNOŠĆU ZA

TRGOVINU ELEKTRIČNIM ALATIMA METABO CENTAR KRAGUJEVAC, with its registered office at: Industrijska 3D, Kragujevac, entered into standard-form agreements with its customers containing, in Article 7 thereof, a restrictive provision pursuant to which the contracting parties agreed that the buyer was prohibited from reselling the goods concerned at prices below the purchase price, unless the seller had given its prior written consent on a product-by-product basis, thereby determining the applicable resale prices, i.e. the minimum resale prices for the products in its assortment, including, inter alia, Kapro-branded tools. By doing so, it entered into a restrictive agreement having as its object the significant restriction, distortion or prevention of competition in the market of the Republic of Serbia, within the meaning of Article 10, paragraphs 1 and 2, item 1) of the Law on Protection of Competition.

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

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

1. DRUŠTVO SA OGRANIČENOM ODGOVORNOŠĆU ZA TRGOVINU ELEKTRIČNIM ALATIMA METABO CENTAR KRAGUJEVAC, with its registered office at: Industrijska 3D, Kragujevac, in the amount of RSD 5,362,665.00 (in words: five million three hundred sixty-two thousand six hundred sixty-five dinars);
2. KAPRO INDUSTRIES LTD, with its registered office at: Potter's Group, Korazim District, D.N. Beit Kerem, Potters, Israel, in the amount of RSD 187,522.00 (in words: one hundred eighty-seven thousand five hundred twenty-two dinars);

V THE UNDERTAKINGS referred to in paragraph I in the enacting terms of this Decision ARE **HEREBY ORDERED** to pay the monetary amount of the competition protection measure individually determined in paragraph IV, items 1 and 2 of the operative part of this Decision, into the account of the Budget of the Republic of Serbia, account number 840-743224-843-94, payment code 97, using the following reference number: the two-digit control number under payment code 97 – the three-digit code of the municipality, city or territory – the number of this Decision.

VI DEADLINE SHALL BE SET of 6 (six) months from the date of receipt of this decision for the execution of order from paragraph V of the wording of this decision under threat of enforcement implemented by Tax Administration in line with regulations prescribing tax collection.

VII The Undertakings referred to in the enacting terms of this Decision **HAVE BEEN ORDERED** to, immediately, and within 3 (three) days from the date of execution of order from paragraph IV of the wording of this decision at the latest, to provide evidence on payment executed to the Commission for Protection of Competition.

VIII The Undertakings referred to in the enacting terms 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.

IX THE APPLICATION submitted by KAPRO INDUSTRIES LTD, with its registered office at: Potter's Group, Korazim District, D.N. Beit Kerem, Potters, Israel, for the discontinuance of the proceedings initiated by Order No. 4/0-01-585/2024-1 of the President of the Commission for the Protection of Competition, dated 4 April 2024, **IS HEREBY REJECTED.**

X 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