

"Official Gazette of the RS" no. 107/2009

Pursuant to Article 12, Paragraph 4 of the Law on Protection of Competition ("Official Gazette of the RS" no. 51/09) and Article 42, Paragraph 1 of the Law on Government ("Official Gazette of the RS" no. 55/05, 71/05 – corr., 101/07 and 65/08),
The Government adopts the following

**REGULATION
ON THE CONTENT OF REQUEST FOR INDIVIDUAL EXEMPTION
OF RESTRICTIVE AGREEMENTS FROM PROHIBITION**

Article 1

This Regulation shall closely stipulate the content of request for individual exemption of restrictive agreements from prohibition (hereinafter: the request).

Article 2

The request shall contain:

- 1) business name, head office address and scope of operations of all parties to the agreement, in addition to the excerpts from company's register for all parties to the agreement;
- 2) business name, address, telephone number, facsimile number and e-mail address of applicant's representative or proxy, as well as the related power of attorney, if any;
- 3) nature, subject and aim of the agreement;
- 4) content of the agreement or signed agreement (contract with annexes);
- 5) assessment of the relevant market where parties to the agreement operate, pursuant to relevant regulation;
- 6) list and assessment of market shares of the main competing parties to the agreement;
- 7) list of affiliated companies of parties to the agreement, specifying registered business activity and actual activity for each affiliated company, as well as their market shares on the market related to the relevant market where parties to the agreement operate, i.e. relevant market where effects of the agreement are reflected;
- 8) assessment of the relevant market where effects of the agreement are reflected;
- 9) all available data on competition terms on the relevant market where effects of the agreement are reflected, particularly:
 - a) relevant market structure,
 - b) legal and other barriers to entry the relevant market,
 - c) market position of parties to the agreement and their economic and financial power,
 - d) option to choose suppliers and customers;
- 10) description and detailed rationale of resulting economic benefits directly deriving from the agreement, particularly:
 - a) manner and volume to which the agreement contributes to the increase of production and trade;
 - b) manner and volume to which the agreement contributes to the promotion of technical or economic advancement;
- 11) description and detailed rationale of overall effects of the agreement on consumers on the relevant market, such as:
 - a) goods and/or services price decrease,
 - b) goods and/or services quality increase,

- c) introduction of innovation,
- d) increase and expansion of goods and/or services selection range for consumers;
- 12) detailed rationale of the necessity of restrictive effect of the agreement, i.e. each individual restriction from the agreement;
- 13) detailed rationale of the level of competition constraints on the relevant market attributable to the existence of the agreement;
- 14) all available analyses, studies, presentations or other reports prepared for parties to the agreement, the subject being the assessment and analysis of competition conditions on the relevant market.

In addition to data and supporting documentation provided for in Paragraph 1 of this Article, the applicant may attach to the request other data and supporting documentation considered to contain information of potential relevance for the assessment of fulfilling conditions for exemption of agreement from prohibition.

Article 3

This Regulation shall enter into force on the eighth day from the date of publication in the "Official Gazette of the Republic of Serbia".

05 no.110-8323/2009
Belgrade, December 17, 2009