

Republic of Serbia

COMMISSION FOR PROTECTION OF COMPETITION

Number: 4/0-02-08/2016-11

Date: December 12, 2016

Belgrade

Pursuant to Article 22(2) of the Law on Protection of Competition (“Official Gazette of the RS”, no. 51/09 and 95/13), Article 192(2) of the Law on General Administrative Procedure (“Official Gazette of the FRY, no. 33/97 and 31/01, and “Official Gazette of the RS”, no. 30/2010), and Regulation on criteria for setting the amount payable on the basis of measure for protection of competition and sanctions for procedural breaches, manner and terms for payment thereof and conditions for determination of respective measures (“Official Gazette of the RS”, no. 50/2010), deciding in the proceeding instituted *ex officio* against company Bora Kečić – Special transports LLC Company for road transport, production and trade services Belgrade – (Čukarica), with registered seat at 113, Stevana Filipovića Street, Belgrade, represented by legal representative Slavko Kosović, General Manager, via power of attorney of Milica Subotić, lawyer, from Janković, Popović and Mitić Law Firm from Belgrade, with registered office at 6, Vladimira Popovića Street, Gordana Mihailović, lawyer, from Mihailović and Višnjić Law Office from Belgrade, with registered office at 13, Internacionalnih brigada Street, and Milan C. Lukić, lawyer, from Belgrade, with registered office at 1a, Stanoja Glavaša Street, and Company for transport, clearing and services Large transport LLC, Belgrade (Palilula), with registered seat at 16, Poenkareova Street, Belgrade, represented by legal representative Veljko Popović, General Manager, for determining the existence of competition infringement – restrictive agreement pursuant to Article 10(1 and 2/1) of the Law on Protection of Competition, the Council of the Commission for Protection of Competition on its 87th Session held on December 12, 2016, enacts the following

DECISION

1. IT IS DETERMINED that companies Bora Kečić – Special transports LLC, Company for road transport, production and trade services Belgrade – (Čukarica), with registered seat at 113, Stevana Filipovića Street, Belgrade, and Company for transport, clearing and services Large transport LLC, Belgrade (Palilula), with registered seat at 16, Poenkareova Street, Belgrade, have agreed on individual participation in the public procurement procedure organized per lots no. JN 419-13-0, Transport of an energy transformer and manipulative activities in the premises of the Public enterprise Electro network of Serbia, and determined the prices of each individual bid as per lots, thus concluding a restrictive agreement that significantly restricted and distorted competition.

2. IT IS DETERMINED that restrictive agreement from Paragraph 1. of enacting terms of this decision is prohibited and void *ex lege*.

3. MEASURE FOR PROTECTION OF COMPETITION IS IMPOSED in the form of commitment of payment of a monetary sum against the companies from Paragraph 1. of enacting terms of this decision, being:

- Bora Kečić – Special transports LLC Company for road transport, production and trade services Belgrade – (Čukarica), with registered seat at 113, Stevana Filipovića Street, Belgrade, in the amount of 2.42% of the total annual revenue generated in 2013, which amounts to RSD 9,478,873.00 (in words: nine million, four hundred seventy-eight thousand, eight hundred seventy-three dinars),

- Company for transport, clearing and services Large transport LLC, Belgrade (Palilula), with registered seat at 16, Poenkareova Street, Belgrade, in the amount of 2.42% of the total annual revenue generated in 2013, which amounts to RSD 1,006,042.00 (in words: one million, six thousand, forty-two dinars).

4. IT IS ORDERED to the companies from Paragraph 1. of enacting terms of this decision to pay the monetary amount of the measure of protection of competition as individually determined in Paragraph 3 of enacting terms of this decision into the account of the budget of the Republic of Serbia, number 840 743224 843 94, model 97 - reference number: two-digit control number per model 97 – three-digit number of municipality, city or area – number of this decision.

5. DEADLINE IS SET to three (3) months from the date of receipt of the decision for executing the order from Paragraph 4. of enacting terms of this decision, under the threat of enforcement.

6. IT IS PROHIBITED to the companies from Paragraph 1. of enacting terms of this decision any further action which could prevent, limit or distort competition by the way of express or tacit secret agreements or exchange of confidential information.

7. This decision shall be published in the „Official Gazette of the Republic Serbia“ and on the Internet page of the Commission for Protection of Competition.