



Republic of Serbia
**COMMISSION FOR PROTECTION
OF COMPETITION**

25/IV Savska St., Belgrade
Number: 5/0-02-354/2019-9
Date: July 18, 2019

Pursuant to Article 58(3) of the Law on Protection of Competition (Official Gazette of the RS 51/2009 and 95/2013), the Commission for Protection of Competition publishes the following

NOTICE

of the commitment proposal offered by the Public enterprise for carriage of passengers and goods Novi Autoprevoz Vrnjačka Banja, which said PE is voluntarily willing to undertake in order to remove potential infringements of competition, and the call on all interested parties to submit written observations, positions, and opinions on the proposed commitments

Based on an initiative, the Commission for Protection of Competition (hereinafter, the Commission) has gained knowledge that the PUBLIC ENTERPRISE FOR CARRIAGE OF PASSENGERS AND GOODS NOVI AUTOPREVOZ VRNJAČKA BANJA, company number 20932716, with registered seat at the address 3 Vojvođanska St., Vrnjačka Banja (hereinafter, the Party or PE Novi Autoprevoz), as a managing company of the only bus station in the town of Vrnjačka Banja charges dissimilar bus station service fees with the purchase of a bus ticket of different bus carriers operating on the identical routes. In the course of the investigation of the merits of the claims alleged in the initiative, the Commission has established that the PE Novi Autoprevoz also charges the bus station service fees to passengers in dissimilar amounts and depending on the nature of routes offered by bus carries – urban and suburban, intercity, or international lines. In addition to the dissimilar charging policy applied with respect to the bus station services regarding different groups of passengers, based on the available pricelists the Commission has established that the PE Novi Autoprevoz also charges the platform tickets as the bus station service fee, set in different amounts from the bus station service fee charged with the purchase of a bus ticket for the urban and suburban, and international transport services. In terms of services charged to bus carriers, it is established that the PE Novi Autoprevoz also charges the bus station service fees to bus carries in dissimilar amounts depending on the nature of routes offered by said bus carries – urban and suburban, intercity, or international lines, as well as on the nature of international lines offered – to neighboring or other European countries.

In light of the above, based on the Conclusion no. 5/0-02-354/2019-1 of March 25, 2019, enacted by the Commission President, the Commission has instituted *ex officio* proceedings against the PE Novi Autoprevoz in order to determine the existence of an act of abuse of dominance, within the meaning of Article 16 of the Law on Protection of Competition (Official Gazette of the RS 51/2009 and 95/2013 - hereinafter, the Law).

Pursuant to the provision of Article 58(1) of the Law, the Commission may enact a conclusion on the suspension of antitrust investigation, if the party, based on the content of a conclusion on the opening of antitrust proceedings or facts established in the proceedings, submits a proposal of remedial commitments that is voluntarily willing to undertake in order to eliminate potential infringements of competition, containing terms and conditions and deadlines for taking the measures thereof.

On April 11, 2019, the PE Novi Autoprevoz has filed the submission titled “Application for the suspension of proceedings”, amended by the submission of June 17, 2019, titled “Application of the amendment to the Application for the suspension of proceedings”. The said submissions also contain a commitment proposal that the company is voluntarily willing to undertake in order to remove potential infringements of competition, with terms and conditions and deadlines for taking the proposed commitments, i.e. remedial measures thereof (hereinafter, the Commitment proposal). The Commission has established that the Commitment proposal is admissible, submitted in a timely manner and by a duly authorized person.

Pursuant to Article 58(3) of the Law, the Commission publishes on its website a notice of the commitment proposal offered by the party, and the call on all interested parties to submit written observations, positions and opinions on the remedial measures, no later than 20 days from the date of publication of the notice. In light of the above, the Commission hereby publishes the Notice informing the public that the PE Novi Autoprevoz has offered the following Commitment proposal:

The PE Novi Autoprevoz has committed to specify in its pricelist the following elements:

1. 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 in urban and suburban, intercity and international bus 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. The platform pricing (bus dispatch services) solely depending on the terminal dwell time of busses at the bus station platforms.
3. The single bus station parking rate for every begun hour for buses (irrespective of whether they provide shuttle or charter bus services) and lorries.

The proposal and suggestion presented by the Municipality of Vrnjačka Banja, as a founder of the PE Novi Autoprevoz, is to subsidize the provision of bus station services with the purchase of a bus ticket at the bus station teller windows, by 58% for all passengers (locals, tourists) traveling from the bus station to bus stops located in the territory of the Municipality of Vrnjačka Banja regardless of the nature of lines, and which would relate to all bus carriers offering bus carriage services from the bus station in Vrnjačka Banja and whose timetables include registered bus stops in the territory of the Municipality of Vrnjačka Banja.

The Party has also committed to adopting a new pricelist during the company’s Supervisory Board meeting no later than 3 days from the date of submission of the Conclusion of the Commission on the suspension of proceedings, and immediately after the adoption of the pricelist by the company’s Supervisory Board to submitting a copy of said pricelist to the founder, that is, the Municipal Assembly of Vrnjačka Banja for the adoption, to be put on the agenda of the first subsequent session of the Municipal Assembly. Following the adoption of the pricelist at the meeting of the Municipal Assembly of Vrnjačka Banja, the new pricelist will enter into force no later than 3 days from the date of adoption, while a copy will be provided to the Commission for inspection. The pricelist concerned will continue to be in effect until the bus station costs would be considerably

increased in cumulative terms or pending the enactment of a rulebook by the competent ministry by way of which the price ceiling for the bus station services would be regulated.

All interested parties are herewith called on to provide written observations, positions and opinions on the Commitment proposal offered by the PE Novi Autoprevoz, no later than 20 days from the date of publication of the Notice to the following address: Commission for Protection of Competition, 25 Savska St., IV Floor, 11000 Belgrade.

The submissions used to file observations, positions and opinions should contain a note referencing said contributions to the published Commitment proposal offered by the PE Novi Autoprevoz.

The observations, positions and opinions may be also submitted electronically during the same period, to the email address: biljana.makevic@kzk.gov.rs.

**COUNCIL OF THE COMMISSION
FOR PROTECTION OF COMPETITION**