



**REPUBLIC OF SERBIA
COMMISSION FOR PROTECTION OF COMPETITION**

**ANNUAL ACTIVITY REPORT
OF THE COMMISSION FOR PROTECTION OF
COMPETITION
2020**



Belgrade, February 2021

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INTRODUCTION

The Commission for Protection of Competition (hereinafter, the Commission) was established by the Law on Protection of Competition (Official Gazette of the RS 79/05) commencing its operating activities following the Initial Convening of the Commission Council in April 2006.

The Annual Activity Report of the Commission for the year 2020 (hereinafter, the Report) is submitted to the to the National Assembly of the Republic of Serbia under Article 20 of the Law on Protection of Competition (Official Gazette of the RS 51/2009 and 95/2013).

The Report contains key information concerning the institutional framework in which the Commission exercises its authority entrusted to it by the Law, activities undertaken to achieve its entrusted mandate, and an overview of the conducted proceedings, namely:

- procedures to determine and sanction antitrust violations;
- procedures on requests for individual exemptions of restrictive agreements from prohibition;
- merger control procedures;
- procedures before courts;
- issuing opinions;
- conducting sector inquiries;
- activities to implement commitments in the process of accession to the European Union (EU);
- international cooperation;
- cooperation with regulatory bodies and government authorities and organizations, as well as
- activities to raise awareness on the importance of competition law and policy.

The legal framework governing competition in the Republic of Serbia, which also sets the competence and conduct of the Commission, is foremost defined by the following acts:

- Law on Protection of Competition (Official Gazette of the RS 51/2009 and 95/2013, hereinafter, the Law), and
- Stabilization and Association Agreement (entered into force on September 1, 2013), - Title VI - Approximation of Laws, Law Enforcement and Competition Rules – Article 73 – Competition and other economic provisions (hereinafter, SAA).

Furthermore, on proposals drafted by the Commission, the Government of the Republic of Serbia adopted a series of regulations prescribing in further detail the legal provisions of the subject matter. Acting under Article 21 of the Law, the Commission enacted a number of soft laws (instructions and guidelines) for the purpose of competition law enforcement. In line with the respective competences stipulated by the Law and the second revised version of the National Programme for the Adoption of the EU Acquis, the Commission has drafted and presented the following proposals of regulations to the Government for consideration and adoption:

1. Regulation on agreements on the repair and maintenance of motor vehicles and agreements on the distribution of spare parts exempt from the prohibition on restrictive agreements;
2. Regulation on technology transfer agreements exempt from the prohibition on restrictive agreements; and
3. Regulation on agreements between undertakings on the rail and road transport market exempt from the prohibition on restrictive agreements.

In the Serbia 2020 Progress Report drafted by the European Commission (EC) is acknowledged that the “legislative framework is broadly in line with Articles 101 and 102 TFEU and related provisions of the SAA” in terms of antitrust and mergers. The Commission is prepared to proceed with the implementation of activities aimed at harmonizing legislation with the EU acquis and contribute to the implementation of commitments of the Republic of Serbia under the SAA that concern competition. In that regard, the Commission continuously analyzes and considers acts and decisions of the European Commission and EU case-law concerning the application of competition rules.

Finally, rules governing general administrative procedure are implemented in proceedings before the Commission, contained in the Law on General Administrative Procedure (Official Gazette of the RS 18/2016 and 95/2018 – authentic interpretation), unless otherwise prescribed by the Law.

As a matter of operational transparency and more efficient exercise of the rights of undertakings, in addition to acts under which it operates, the Commission publishes on its official website (kzk.gov.rs) decisions concerning the rights and obligations of undertakings¹, its positions on the application of certain rules, press releases, etc.

¹ In accordance with the Decision on the method of publishing decisions and acts, and redaction or omission of information (anonymization) in decisions and acts of the Commission.

INSTITUTIONAL AND ADMINISTRATIVE CAPACITY

INSTITUTIONAL CAPACITY

The Law defines the Commission as an independent and autonomous organization that performs public competencies, accountable for its work to the National Assembly of the Republic of Serbia to which it submits annual activity reports. The Commission's independence from the executive branch is secured in a manner in which the Commission President and members of the Commission Council are elected, but also through its financial autonomy given that the Commission is funded from its own revenues and is authorized to enact its annual financial plans, approved by the Government of the Republic of Serbia.

The institution-building of the Commission started since its establishment, by the Law on Protection of Competition (Official Gazette of the RS 79/05), adoption of the Statute and other general acts. During 2020, a number of new normative acts of the Commission is adopted under the existing regulations, while certain individual acts have been amended under the existing regulations to improve operational efficiency.

The Council of the Commission enacts decisions and acts on the matters from the Commission's competence under the Law and the Statute of the Commission. The Commission Council operates by Council sessions. A total of 27 Council sessions are held during 2020. The work of the Council members, in a broad sense, also includes holding working sessions, meetings with representatives of state authorities, international entities and professional or trade associations, giving presentations at international and national scientific and expert events, chairing conferences, as well as publishing papers on competition policy and law, all directed towards a comprehensive and proactive competition advocacy.

ADMINISTRATIVE CAPACITY

The Administrative and Professional Service of the Commission performs professional operations under the competence of the Commission in accordance with the Law, Statute and other acts of the Commission.

As at 31 December 2020, the number of the Administrative and Professional Service employees has reached a total of 55, with five employees that have suspended their employment relationship during the reporting period.

Elected officials, i.e., the President of the Commission and members of the Commission Council, have entered into agreements on mutual rights and obligations that establish the fixed-term employment relationship. Three Council members are elected from among CPC staff and their employment relationship with the Commission is suspended.

Considering the HR needs, the Rulebook on Internal Organization and Job Classification classifies a total of 70 job positions in the Administrative and Professional Service. The employment of

professional and educated personnel contributes to the strengthening of administrative capacities of the Commission, both in terms of intensifying activities aimed at detecting and sanctioning infringements of competition and undertaking commitments relating to the accession of the Republic of Serbia to the European Union, that is, harmonization of related practices, and in particular activities aimed at promoting the objective and relevance of application of competition rules.

A number of staff at the Administrative and Professional Service have completed their respective PhD and MA studies, that is, they hold Masters of Science degrees in economics, legal, organizational management, and public administration studies. CPC employees have passed the Civil Service Exam, while 12 have passed the Judicial State Exam.

No.	Organizational unit	Total	University degree	College degree	Secondary education
1.	Secretary	0	0	0	0
2.	Office of the President	4	3	1	0
3.	Merger Investigation Division	9	9	0	0
4.	Restrictive Practices Division	9	9	0	0
5.	Division for Legal, Domestic and International Affairs	7	7	0	0
6.	Economic Analysis Division	6	6	0	0
7.	Division for Material and Financial Affairs	4	3	0	1
8.	Division for Normative and Legal, HR and General Administrative Affairs	11	4	2	5
	TOTAL:	50	41	3	6

Table 1 – Number and qualification structure of the CPC Administrative and Professional Service staff

Compared to the number of employees in other regional competition authorities, foremost in the ex-Yugoslav republics and comparable EU member states, the current number of CPC staff indicates that the Commission employs a smaller number of personnel relative to other national competition authorities.

The Commission will continue to strengthen its administrative capacities, given that the competition law is a specific field that requires continuous and constant education of employees and intensive monitoring of comparative practices.

ADDITIONAL EMPLOYEE EDUCATION

In January 2020, the third study visit to the Italian competition authority was held under the auspices of the current Twinning Project “Further Development of Protection of Competition in Serbia”, particularly designed for economists and oriented towards important issues concerning the conduct of economic and econometric analyses in antitrust cases brought before competition authorities. The study visit included a comprehensive exchange of knowledge and experiences through presentations provided by Italian peers on economic and econometric methods used in sector inquiries, merger investigation procedures and antitrust proceedings, as well as representative cases from AGCM (Italian: Autorità Garante della Concorrenza e del Mercato, AGCM) and CPC practices in which final decisions considerably relied on economic analysis. Six CPC staff members have visited Rome as participants of this study visit.

The uniqueness of operations in 2020, caused by the global pandemic and inability to organize trainings and workshops as in previous years, caused the organization of mainly online training events for CPC staff. Employees have participated in webinars organized both under the auspices of current international projects and by international and national organizations, the National Academy of Public Administration, in addition to participation at international conferences, namely:

- UNCTAD Annual Conference;
- OECD Global Forum on Competition;
- ICN Virtual Annual Conference;
- Istanbul Competition Forum;
- Summer School/Workshop on Digital Markets and New Regulatory Challenges, organized by European University Institute and the FCP - Florence Competition Programme;
- Workshop: The 4th Innovation Economics Conference, organized by King's College London and Concurrences;
- Visit to the OECD Competition Open Day event;
- ICN Training on Demand;
- ICN webinar on Enforcement Priorities in Action: Agency Effectiveness Perspective;
- Training events organized by the OECD Regional Centre for Competition and the Hungarian competition authority:
 - OECD RCC GvH Virtual Seminar on Competition Policy Responses to the Crisis;
 - OECD RCC GvH Virtual Seminar on Competition Policy to Ensure a Level Playing Field between Private and Public Firms, and
 - Introductory seminar for young staff on Competition Law Principles and Procedures.

COMPETITION POLICY IN THE TIME OF COVID-19 PANDEMIC

The year of 2020 was the year marked by the COVID-19 pandemic. Since the coronavirus outbreak, the Commission adjusted its work to new circumstances to ensure its full operational functionality and exercise of authorities entrusted by the Law, in parallel to the full and consistent implementation of all stipulated epidemiological measures to protect the health and well-being of its staff members and visiting parties.

The Commission continued to exercise its authority by deciding on the rights and obligations of undertakings under the Law in proceedings instituted on antitrust complaints of undertakings, as well as to process and sanction violations of competition law.

At the same time, having regard for the new reality and impaired and adversely affected operations, the Commission fully and consistently implemented the rules² designed to ensure that undertakings cannot bear the consequences of a failure to comply within the deadlines set by the Law or deadlines set in individual conclusions and other acts of the Commission requiring their action in ongoing administrative procedures. Although the time period for the adoption of decisions have been suspended for the duration of the state of emergency, the Commission continued to adopt decisions in merger cases.

The Commission also allowed for phone consultations during the full working hours, as well as via email. A new email address was provided for the submission of e-submissions, allowing for the dual modality of submissions, both electronically and via regular postal services. The Commission has in a timely and orderly manner informed undertakings and other stakeholders on all its positions, measures and activities taken under the exceptional circumstances caused by the pandemic, by publishing related information on its website. Also, the Commission implemented all necessary technical adjustments to enable the holding of online meetings (via internet platforms) as well as to ensure the provision of previously scheduled online training courses for its staff members, including those provided by other national authorities and organizations, in addition to virtual participation at international conferences, events, etc.

HANDLING REQUESTS UNDER THE LAW ON FREE ACCESS TO INFORMATION OF PUBLIC IMPORTANCE

The Commission keeps special records of requests made under the Law on Free Access to Information of Public Importance. Furthermore, the Commission keeps appropriate records under the Law on Personal Data Protection that are entered in the Central Register, maintained by the

² Regulation on the application of deadlines in administrative procedures during the state of emergency (Official Gazette of the RS 41/2020), entered into force on March 24, 2020. Given that the state of emergency has been lifted on 6 May 2020, the application of deadlines in administrative procedures under the Regulation ceased to apply on the same day.

Commissioner for Information of Public Importance and Personal Data Protection. The Annual Activity Report is submitted electronically to the Commissioner within the prescribed period.

The Commission in timely manner provides replies to requests that concern the provision of access to information of public importance.

In 2020, the Commission received a total of twenty-two requests for access to information of public importance under the Law on Free Access to Information of Public Importance, out of which nineteen were filed by attorneys at law, and two by citizens and the media each.

The appeals against CPC decisions rejecting the requests for access to information of public importance have been filed in three cases.

The Commissioner for Information of Public Importance and Personal Data Protection adopted one decision upholding a decision enacted by the Commission.

FINANCIAL MANAGEMENT REPORT

COMMISSION'S FUNDING

The funds for the Commission's operations are secured in accordance with the Law, from own revenues that the Commission generates from performing the tasks entrusted to it under the Law. The Commission is not a budget user.

The Commission's funding is governed by the provision of Article 31 of the Law, namely secured from revenues that the Commission generates from its activities, particularly from: 1) fees payable from issuing decisions and other acts from its competence under the Law; 2) donations, except from donations made by undertakings to whom the Law applies; 3) revenues from the sale of Commission's publications; and, 4) other sources in accordance with the Law.

Charging of activities from the Commission's competence is regulated by the Tariff, enacted by the Commission and approved by the Government of the Republic of Serbia.

The funding of the Commission's operations is carried out in accordance with a financial plan enacted by the Commission on an annual basis, submitted to the Government for approval no later than 1 November of the current year for the next year. If based on the annual statement of revenue and expense is determined that the total generated revenues of the Commission are exceeding the expenses, and following the allocation of funds for a contingency fund, the difference is transferred to the Budget of the Republic of Serbia.

The financial performance of the Commission is the subject of an audit carried out by the State Audit Institution. The Commission publishes a Final Statement of Accounts no later than three months following the financial year-end.

FINANCIAL RESULT FOR 2020

The Commission's funding was carried out in accordance with the 2020 Financial Plan of the Commission for Protection of Competition, approved by the Government of the Republic of Serbia on December 26, 2019.

In 2020, the Commission has achieved a positive financial result.

The revenues and expenditures of the Commission are reported on the cash basis.

The excess of revenues over expenses, following the allocation of funds for a contingency fund, will be transferred to the Budget of the Republic of Serbia pursuant to Article 32 of the Law.

REVENUES

The Commission generated revenues from issuing decisions, conclusions and other acts from its competence on the basis of requests of undertakings, including grant funds from foreign donations paid in line with the payment dynamics set out under the Grant Agreement between the Royal Norwegian Ministry of Foreign Affairs and the Commission for Protection of Competition of the Republic of Serbia, signed on November 1, 2017.

	2020		2020	Realization	
	Projected	Realization	%	Numeric (n)	%
Own revenues	426,955,802	392,517,806	99.25	-34,437,996	91.93
Project revenues	14,023,279	2,978,958	0.75	-11,044,321	21.24
Total revenues	440,979,081	395,496,764	100	-45,482,317	89.69

Table 1 – Revenue realization

Pursuant to Article 31 and Article 32 of the Law on Protection of Competition, the Commission's revenues are non-earmarked.

The Commission cannot significantly control the level of revenues or workload concerned by the Tariff, including the financial effects of operations that relate to this particular segment of its competencies.

	Dinar currency	Foreign currency	TOTAL
Revenues	138,831,734	253,686,072	392,517,806
Share in revenues (%)	35.37	64.63	100

Table 2 – Own revenue structure

The share of dinar and foreign currency revenues in the Commission's own revenues is 35.37 and 64.63 percent, respectively.

The revenues generated in 2020, as in previous years, were sufficient to fund the work of the Commission and to generate a certain excess of revenue over expenses for the transfer to the Budget of the Republic of Serbia.

The Commission's revenues in the amount of 395.50 million dinars are generated from:

1. Fee revenues from issuing acts from the Commission's competence in the amount of 392.48 million dinars, making up 99.24 percent of the total Commission revenues, and which are realized through:

- Fee revenues from issuing acts in merger control proceedings, in summary or investigation procedure, which represent the most significant revenue source of the Commission and whose share in total revenues of the Commission is 98.20 percent.
 - Fee revenues from issuing decisions on the basis of requests for individual exemption of restrictive agreements from prohibition, approving or not approving the exemption, whose share in total revenues is minimal, amounting to about 1.00 percent of own revenues.
 - Fee revenues from issuing acts in relation to Article 132(10) of the Law on Bankruptcy that regulates the sale of all assets of the bankruptcy debtor or of its discrete units, and from issuing acts in relation to Article 157(3) of the Law on Bankruptcy that regulates the measures provided in the reorganization plans, from the aspects of the application of said acts. The share of these revenues in own revenues is 0.04 percent.
2. Grant revenues from foreign sources in the amount of 2.98 million dinars, whose share in total revenues is 0.75 percent.
 3. Other operating income - agenda items, represent revenue from the reimbursement of expenses for sick leave incurred in the previous year, whose share in the Commission's own revenues is 0.01 percent.

The Commission's realized revenues in 2020 are lower than originally projected. The objective circumstances caused by the coronavirus outbreak have reduced the number of notified concentrations in 2020, causing a drop in revenues by 8.07 percent against the financial forecasts on the number of issued acts from the Commission's competence.

The Project revenue realization amounted to 2.98 million dinars, accounting for only 21.24 percent of the revenues projected from these sources.

The consequences of the economic fallout of the COVID-19 shock in 2020 have reflected particularly on the amount of revenue generated by the Commission from April to end-July 2020, causing a shortfall in revenue generated by the Commission by 10.3 percent than originally anticipated.

EXPENDITURES

The Commission's expenditures in 2020 amounted to 253.89 million dinars.

Account number	Item	Projection 2020	Realization 2020	Plan realization 2020 (%)	Share (%) in total expenditures
411	Wages and allowances of employees	204,638,491	171,797,519	83.95	67.67
412	Social contributions paid by employer	37,715,708	28,046,043	74.36	11.05
413	Benefits in-kind	400,000	329,010	82.25	0.13
414	Social benefits to employees	5,950,000	3,154,617	53.02	1.24
415	Compensation of expenses of employees	3,415,500	1,448,668	42.41	0.57
416	Remunerations, bonuses and other expenditures	15,278,174	14,891,338	97.47	5.87
421	Fixed costs	27,802,000	22,069,253	79.38	8.69
422	Travel expenses	5,843,750	407,869	6.98	0.16
423	Contract services	39,211,473	5,153,712	13.14	2.03
424	Specialized services	500,000	432,300	86.46	0.17
425	Current overhauling and maintenance	2,400,000	484,391	20.18	0.19
426	Material	7,279,304	2,842,152	39.04	1.12
444	Associated borrowing costs (exchange rate losses)	2,000,000	19	0.00	0.00
462	International membership donations	800,000	0	0.00	0.00
465	Other grants and transfers	24,375,788	0	0.00	0.00
482	Taxes, mandatory fees and fines	1,000,000	75,856	7.59	0.03
483	Fines and penalties pursuant to court rulings	1,000,000	117,750	11.78	0.05
512	Machines and equipment	5,266,270	1,825,313	34.66	0.72
515	Intangible assets - software	2,780,000	817,460	29.41	0.32

Total expenditures:	387,656,458	253,893,270	65.49	100.00
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Table 3 – Realization of the 2020 Financial Plan

The budget realization reached the level of 65.49 percent against the expenditure targets.

The budget underspending is caused both by the cost rationalization and COVID-19 pandemic, impeding the implementation of particular planned operations. Significant deviations are recorded in individual expenditure categories, and in particular under the following headings:

- 422 – Travel expenses – the realization rate under this heading reached only 6.98 percent of the expenditure targets. The coronavirus outbreak and related travel restrictions have caused exceptionally high levels of underspending and a total savings of 5.1 million dinars;
- 423 – Contract services – the realization rate reached 13.14 percent of the expenditure requirements due to the lack of progress in the realization of the majority of services that involve direct contact.

No expenditures are recorded under the budget heading 465 - Other grants and transfers, a heading planned under the Law on Temporary Arrangement of Baseline and Payment of Salaries and Wages and Other Permanent Income for Beneficiaries of Public Funds (Official Gazette of the RS 86/2019) that was in force at the time of drafting the 2020 Financial Plan of the Commission. Due to the expiry of the act, the planned headline was not realized in 2020.

In 2020, the Commission's realized expenditures were mainly dinar-denominated.

The largest share of total expenditures (67.67 percent) relates to wages and allowances of the Commission's staff. The structure of expenditures and a high share of expenditures on employee wages is expected given that employees are the main and most important resource of the Commission for Protection of Competition. Compensations for CPC employees are realized under the Labor Law, adopted decisions, and in accordance with the 2020 Financial Plan approved by the Government of the Republic of Serbia.

Fixed costs represent outlays for the lease of business premises, phone and postal services and payment processing fees, whose share of total expenditures is 8.69 percent.

Contract services – relate to expenditures and outlays for the provision of professional service agreements, printing services, professional education and training services for CPC staff, translation and interpretation, media monitoring services, software development and IT maintenance services, publication of tenders, catering services, entertainment and representation expenses, as well as for the Project related services, and are realized in the amount of 5.15 million dinars with a 2.03 percent share of total expenditures. The share of Project related services in this expenditure category is 41.30 percent.

Expenditure for the purchase of computers, software, licenses and other IT equipment is 1.04 percent of the Commission's total expenditures in 2020.

Other expenditures account for 20.60 percent of the Commission's total expenditures and relate to taxes and social contributions from wages, social contributions paid by employer, other expenditures for employees, cost of office supplies, maintenance of administrative equipment and other costs.

EXCESS OF REVENUES OVER EXPENSES

	2020		Plan realization	
	Projected	Realization	In %	In nominal value
Revenues	440,979,081	395,496,764	89.69	-45,482,317
Expenses	385,656,458	253,893,270	65.83	-131,763,188
Exchange rate losses	2,000,000	1,758,137	87.91	-241,863
EXCESS OF REVENUES:	53,322,623	139,845,357	262.26	86,522,734

Table 4 – Excess of revenues over expenses

In 2020, a drop in revenues and expenses against the forecast by 10.31 and 34.17 percent, respectively, and the exchange rate losses lower than projected by 12.09 percent, have resulted in the excess of revenues over expenses by 262.26 percent against the projected targets.

INCOME STATEMENT

REVENUES	AMOUNT	EXPENSES	AMOUNT
Revenues	395,496,764	Expenses	253,893,270
742321 – Fee revenues (1+2+3)	392,477,769	Class 4 (1+2+3+4+5+6+7+8+9)	251,250,497
1. For merger clearance decisions	388,244,953	1. Total labor costs	219,667,195
2. For opinions under the Law on Bankruptcy	141,102	2. Fixed costs	22,069,253
3. For decisions on individual exemptions	4,091,714	3. Travel costs	407,869
		4. Contract services	5,153,712
731121 – Current grants from foreign sources	2,978,958	5. Specialized services	432,300
		6. Current overhauling and	484,391

		maintenance	
744 – Exchange rate gains	0	7. Material	2,842,152
		8. Associated borrowing costs	19
771 – Miscellaneous and other revenues	40,037	9. Taxes, fines and fees	193,606
		Class 5 (10+11)	2,642,773
		10. Procurement of fixed assets	1,825,313
		11. Software procurement	817,460
TOTAL:	395,496,764	TOTAL:	253,893,270
		Exchange rate losses	1,758,137
EXCESS OF REVENUES OVER EXPENSES:			139,845,357

Table 5 – Income statement as at December 31, 2020

BUDGET TRANSFERS

If the annual statement of revenue and expense shows that the total revenues of the Commission are exceeding the expenses, and following the allocation of funds for a contingency fund, the difference is paid to the Budget account of the Republic of Serbia.

Since its establishment, the Commission has transferred a total of 1,247,811,466 dinars from the excess of revenue over expenses to the Budget account of the Republic of Serbia.

Based on the 2020 Final Accounts, over 70 percent of the excess of revenue over expenses will be transferred to the Budget account of the Republic of Serbia.

ANTITRUST INFRINGEMENTS

Acting in accordance with its competencies referred to in Article 21(1/1) of the Law, the Commission decides on the rights and obligations of undertakings. The Commission implements these types of entrusted tasks, inter alia, by conducting administrative proceedings *ex officio* to establish the existence of antitrust infringements and deciding on requests for individual exemption of restrictive agreements from prohibition.

Under Article 35 of the Law, the Commission institutes proceedings when based on submitted antitrust complaints (initiatives), information and other available data finds reasonable grounds to believe the existence of antitrust infringements.

Under Article 10 of the Law, restrictive agreements are agreements between undertakings which as their purpose or effect have a significant restriction, distortion or prevention of competition in the territory of the Republic of Serbia. Restrictive agreements serve to, directly or indirectly, set the purchase or selling prices or other conditions of trade, limit and control production, markets, technical development or investments, apply dissimilar business conditions to equivalent transactions with respect to variety of undertakings, by which undertakings are placed in unfavorable position against competitors, condition the conclusion of agreements with the acceptance of supplementary obligations which, given their nature and trading customs and practices, are not related to the subject of the agreement, and share markets or sources of supply. Restrictive agreements are prohibited and void, except in cases of exemption from prohibition pursuant to the Law.

Under Article 16 of the Law, the abuse of dominance is prohibited. The abuses of dominance are in particular considered to be practices which, directly or indirectly, impose unfair purchase or selling prices or other unfair business conditions, limit production, markets or technical development, apply dissimilar business conditions to equivalent transactions with respect to a variety of undertakings, by which some undertakings are placed in unfavorable position compared to competitors, and condition the conclusion of agreements with the acceptance of supplementary obligations by other party which, given their nature and trading customs and practices, are not related to the subject of the agreement.

In 2020, a total of 8 proceedings are instituted *ex officio* to establish the existence of infringements of competition law, out of which in 7 instituted proceedings the Commission investigates the existence of restrictive agreements, while one proceedings concerns the issue of potential abuse of dominant position.

One of the most efficient manners of collecting evidence in instituted proceedings is to conduct dawn raids. Under Article 53 of the Law, for the purpose of 5 proceedings the Commission has

conducted a total of 18 dawn raids in 2020 (with several dawn raids taking place at the same time in multiple locations for the purpose of the same proceedings).

In all cases where the infringement of competition law is established following the closure of an investigation procedure, the Commission sets out the measure(s) for protection of competition as an administrative measure(s) under Articles 57 and 68 of the Law, in the form of an obligation of the party(ies) to pay a monetary amount to the Budget account of the Republic of Serbia. In 2020, the Commission has set out the measures for protection of competition to close proceedings in the total amount of about 63 million dinars.

Given that the purpose of the application of the Law is to address the identified market failure(s), the Commission in individual cases uses the institute of suspension of proceedings referred to in Article 58 of the Law to ensure its efficient conduct. In case of application of the aforementioned article of the Law, the party(ies) voluntarily undertake to implement individual measures to establish effective market competition and address the detected market weaknesses, while the Commission monitors and ensures their compliance. Otherwise, the Commission holds the right to reopen the suspended proceedings if the remedial measures are not executed properly.

ADMINISTRATIVE PROCEEDINGS

PROCEEDINGS COMPLETED UNDER ARTICLE 10 OF THE LAW – RESTRICTIVE AGREEMENTS

Party(ies) to the proceedings: D.o.o. Auto centar Miloš, Čačak; Ogi MD Auto centar d.o.o. za proizvodnju trgovinu i usluge, Čačak; A.d. za prevoz robe i putnika Šumadija transport i održavanje, Čačak; D.o.o. za proizvodnju, promet i usluge auto-Jovanović, Konjevići; Bavaria team d.o.o, Čačak; Društvo za usluge tehničkih pregleda Braća Božović 032 d.o.o, Čačak; D.o.o. N&S Auto 032, Čačak; Društvo za proizvodnju usluge i promet autoservis a.d, Čačak; Preduzeće za proizvodnju i promet roba i usluga ANK d.o.o, Preljina; K.d. Ninex-Petrol, Eksport-import, Vapa; Društvo auto centar Sviv d.o.o, Čačak.

Outline of the proceedings and CPC decisions: The antitrust proceedings was instituted based on the reasonable grounds to believe that the parties to the proceedings, as mutual competitors, have colluded to fix prices for the provision of roadworthiness testing and vehicle classification services for various categories of motor vehicles in the territory of the City of Čačak. During the proceedings, the Commission obtained statements and business documentation of the parties, adduced evidence based on expert reports and witness hearings and held a public debate. In its decision, the Commission established that the parties to the proceedings have reached a direct agreement on the selling price of roadworthiness testing services, thus have entered into restrictive agreement. The Commission has imposed a measure for protection of competition in the total amount of RSD 3,087,026.00 against the parties concerned and prohibited any future behavior that would allow for the identical or similar infringements of competition law by way of restricting, distorting, or preventing competition.

Party(ies) to the proceedings: Preduzeće za proizvodnju, promet i usluge Keprom doo, Beograd (Zemun); Akcionarsko društvo Senta-promet trgovinsko preduzeće PO Senta; Filly farm zdravstvena ustanova – apoteka, Velika Plana; Oaza zdravlja zdravstvena ustanova – apoteka, Beograd; Apoteka Užice, Užice.

Outline of the proceedings and CPC decisions: The proceedings was brought against company Keprom and other parties as the company’s buyers, based on reasonable grounds to believe the vertical collusion to fix selling prices and other conditions of trade for products from the Keprom’s portfolio, given that agreements on cooperation have contained provisions on resale price maintenance. During the proceedings, the Commission obtained documents and statements from the parties to the proceedings, in addition to evidence gathered during a dawn raid. Upon closing the investigation procedure and providing the parties the right to make a statement on the facts established and evidence adduced, the Commission enacted a decision on the infringement of competition law by entering into restrictive agreements on resale price maintenance. The Commission imposed a measure for protection of competition law in the total amount of RSD 13,175,340.00 against the parties to the proceedings and prohibited any future similar behavior that could prevent, restrict, or distort competition.

Party(ies) to the proceedings: Yuglob d.o.o. privatno preduzeće za spoljnu trgovinu, trgovinu, zastupanje, posredovanje, konsalting i inženjering i usluge, Borča; Keprom d.o.o, Beograd (Zemun); Preduzeće za trgovinu i usluge Aksa d.o.o, Beograd; K-Pharma zdravstvena ustanova – apoteka, Beograd; Medicom d.o.o, Šabac; NS Pharm d.o.o, Novi Sad; Zdravstvena ustanova Apoteka Kraljevo; Farmalogist d.o.o, Beograd; Vega d.o.o, Valjevo; Lekovit d.o.o, Šabac.

Outline of the proceedings and CPC decisions: The antitrust proceedings was brought *ex officio* against company Yuglob and its buyers – other parties to the proceedings, based on reasonable grounds to believe that said parties have vertically colluded on resale price maintenance for products from the Yuglob’s portfolio and restricted the autonomous and independent price policy behavior. During the proceedings, the Commission obtained documents and statements from the parties to the proceedings and conducted a dawn raid. Also, the Commission decided on requests filed by individual parties to suspend antitrust proceedings by dismissing such requests. Upon closing the investigation procedure and providing the parties the right to make a statement on the facts established and evidence adduced, the Commission enacted a decision establishing that the parties to the proceedings have entered into restrictive agreements arranging for resale price maintenance in order to restrict and distort competition. The Commission enacted a decision and imposed a measure for protection of competition in the total amount of RSD 9,087,307.16, prohibiting any future behavior that would in identical or similar manner infringe competition law by way of restricting, distorting, or preventing market competition.

Party(ies) to the proceedings: MIKROLIFT SERVIS REMONT I MONTAŽA LIFTOVA I ELEKTRIČNIH UREĐAJA CVETKOVIĆ MIRKO PREDUZETNIK BABUŠNICA, Babušnica, and SCLIFT2018 D.O.O. BABUŠNICA, Babušnica.

Outline of the proceedings and CPC decisions: Based on an antitrust complaint, the Commission launched an antitrust proceedings *ex officio* against undertakings MIKROLIFT and SCLIFT, rival bidders in a public procurement for elevator repair services published by a hospital from Pirot. Following the antitrust proceedings during which the key evidence is collected in a dawn raid, the Commission enacted a decision establishing that undertakings MIKROLIFT and SCLIFT have mutually coordinated their behaviors prior to bidding in a small value procurement by exchanging business sensitive information and colluding on the content of essential elements of the bids filed in the public procurement concerned by directly setting the prices, thus entering into a restrictive agreement, and imposed a measure for protection of competition in the form of obligation to pay a monetary amount of RSD 49,468.00 in total.

Party(ies) to the proceedings: Mobil 3D Cinema doo; Culture Center Inđija.

Outline of the proceedings and CPC decisions: In initiating antitrust proceedings, the Commission had reasonable grounds to believe the existence of competition infringement by entering into a restrictive vertical agreement that contains a non-compete clause, for which the parties requested or obtained no individual exemption from prohibition. During the proceedings, the Commission obtained statements and relevant documentation from the parties to the proceedings and contacted other parties to identify the nature of relations between the parties to the proceedings. The Commission paid particular attention to reconfirming the validity of the preliminary defined relevant market, thus addressing the Film Center Serbia, as a relevant institution, with a request to provide information on cinema presentations. Having obtained the information requested, the Commission redefined the relevant product market, in respect of which it could not be conclusively shown that the market share of the parties to the proceedings exceeds 25 percent. Also, given that the Commission established that the case concerns a one-year agreement, it is held that the non-compete clause at issue is exempt within the meaning of Article 13 of the Law, constituting grounds for the closure of proceedings.

Party(ies) to the proceedings: Preduzeće za promet, posredovanje i zastupanje Farmix doo Beograd, Preduzeće za unutrašnju i spoljnu trgovinu Beohem-3 doo, Beograd, Pharmaswiss doo Preduzeće za proizvodnju, unutrašnju, spoljnu trgovinu i zastupanje Beograd; Makler društvo sa ograničenom odgovornošću za obavljanje komercijalnih poslova marketinga i poslova spoljnotrgovinskog prometa Beograd.

Outline of the proceedings and CPC decisions: The Commission found reasonable grounds to believe that companies Farmix, Beohem-3, Makler, and Pharmaswiss, as rival bidders, have shared

the market for healthcare supply within the Centralized Public Procurement system of the medicines for hemophilia treatment from 2014-2017, i.e., had concerns on the existence of a prior agreement on the forms of their participation in CPPs since 2014. In order to gather evidence, the Commission conducted dawn raids on business premises of said companies. Based on data, contracts, e-correspondence and other business documentation collected, as well as other available information and data, the Commission could not conclusively find that the parties have infringed competition rules or entered into restrictive agreements, which constituted grounds for the closure of proceedings.

PROCEEDINGS PENDING AS AT 31 DECEMBER 2020 UNDER ARTICLE 10 OF THE LAW – RESTRICTIVE AGREEMENTS

Party(ies) to the proceedings: VISA Incorporated California USA, VISA International Service Association USA, and VISA CEMEA Holdings Limited United Kingdom.

Outline of the proceedings to date: In a proceedings instituted on reasonable grounds to believe that VISA Group, as a form of associated undertakings, has set the multilateral interchange fees that all banks under the Visa system must apply for each Visa card transaction in the Republic of Serbia as a minimum fee paid by merchants to acquiring banks, the Commission is collecting all data and information of significance to establish the relevant facts. Furthermore, the parties have also submitted to the Commission two proposals to suspend proceedings under Article 58 of the Law, each containing a proposal of commitments that the parties are voluntarily willing to undertake to remove potential infringements of competition law, containing terms and conditions for taking the measures thereof. The parties have abandoned one of the proposals, while the other was rejected by the Commission seeing that proposed commitments have not directly concerned the acts or actions causing the potential infringement of the law.

Party(ies) to the proceedings: Companies MasterCard Incorporated, MasterCard International Incorporated, and Mastercard Europe S.A., Belgium.

Outline of the proceedings to date: In a proceedings instituted on reasonable grounds to believe that the parties, as a form of associated undertakings, have set the multilateral interchange fees that all banks under the MasterCard system must apply for each MasterCard card transaction in the Republic of Serbia as a minimum fee paid by merchants to acquiring banks, the Commission is collecting all data and information of significance to establish the relevant facts.

Party(ies) to the proceedings: Imlek a.d. Beograd, and Kruna-komerc d.o.o. Beograd.

Outline of the proceedings to date: In considering the agreement concluded between the parties to the proceedings that prescribed for, inter alia, joint review of competitive conditions on the market for public procurement of milk and dairy products with a view to establishing a price

policy and expand markets for the products from Imlek and its affiliates' product range, the Commission found reasonable grounds to believe that the contractual parties have agreed on business and other conditions of trade for the purpose of bidding in public procurements of milk and dairy products, which as its purpose or effect may have a significant restriction, distortion, or prevention of competition in the territory of the Republic of Serbia, and instituted an antitrust proceedings. During the proceedings, the Commission is collecting data and information of significance to establish relevant facts, as well as statements of the parties to the proceedings. Also, the parties have submitted a proposal for suspension of proceedings under Article 58 of the Law, which was rejected by the Commission.

Party(ies) to the proceedings: Bora Kečić – vangabaritni transporti d.o.o, Beograd, Preduzeće za puteve Kragujevac d.o.o, Kragujevac, Transportšped d.o.o, Beograd, and Agrorit d.o.o, Melenci, Zrenjanin.

Outline of the proceedings to date: The Commission instituted an antitrust proceedings based on reasonable grounds to believe that the parties to the proceedings, as direct competitors on the market for public procurement “Provision of hauling services for the remaining equipment of used excavator and stacker from Germany to Serbia” published by PE Elektroprivreda Srbije, were able to independently participate in the public procurement procedure instead as a group of bidders based on the Joint venture and bidding agreement that was not exempt from prohibition. The proceedings is pending.

Party(ies) to the proceedings: Bora Kečić – specijalni transporti d.o.o, Beograd, Union Šped d.o.o, Beograd, and Bata d.o.o, Trešnjevac, Kanjiža.

Outline of the proceedings to date: The Commission instituted an antitrust proceedings based on reasonable grounds to believe that the parties to the proceedings, as direct competitors on the market for public procurement “Provision of hauling services for the remaining equipment of used excavator and stacker from Germany to Serbia” published by PE Elektroprivreda Srbije, were able to independently participate in the public procurement procedure instead as a group of bidders based on the Joint venture and bidding agreement that was not exempt from prohibition. The proceedings is pending.

Party(ies) to the proceedings: AD Imlek, Padinska Skela; DOO Gomex Zrenjanin; DTL doo Beograd; RIČ doo Prokuplje; Domaća trgovina doo Beograd; Veropoulos doo Beograd; Qvattro Company doo, Beograd; Metlakomerc doo, Vinarce, Leskovac; Mikromarket NS doo, Novi Sad; AS Velpro doo Donji Dušnik; Aman doo Surčin, Beograd; STR Lončarević Milorad Lončarević PR, Čačak; Miroč AD, Kladovo; STR Jelena 2 Tošić Đuro preduzetnik, Pančevo; NS-BOMI doo Stubline, Obrenovac; PTP DIS doo Krnjevo, Velika Plana; Univerexport doo Novi Sad.

Outline of the proceedings to date: The agreements and annexes concluded by company Imlek with its buyers have contained provisions in respect of which the Commission found reasonable grounds to believe that may represent provisions setting the minimal resale prices, i.e., that the matter concerns restrictive agreements that directly provide for resale price maintenance. Therefore, the Commission instituted a total of 16 separate investigation procedures against company Imlek, as a seller, and its buyers, later deciding on the joinder of proceedings for reasons of time efficiency procedural economy. The parties to the proceedings are provided the Statement of Objections and invited to make statements, which the parties have provided in a timely manner. Furthermore, Imlek has also provided a proposal of commitments under Article 58 of the Law that the company is voluntarily willing to undertake in order to remove potential infringements of competition law, containing terms and conditions for taking the measures thereof. The Commission will decide on the proposal later in the proceedings.

Party(ies) to the proceedings: Apatinska pivara Apatin d.o.o, Mikromarket d.o.o. Novi Sad, AD BB Trade Žitište, Metro Cash & Carry d.o.o. Beograd, Veropoulos d.o.o. Beograd, Domaća trgovina d.o.o. Beograd, Gomex d.o.o. Zrenjanin, Medius d.o. o. Nova Pazova, Aman d.o.o. Surčin, AD Podunavlje Bačka Palanka, Dis d.o.o. Krnjevo, Univerexport d.o.o. Novi Sad, STR Jelena 2 Tošić Đuro, preduzetnik Pančevo, DOO Zenit Prijepolje.

Outline of the proceedings to date: The agreements and annexes concluded by company Apatinska pivara with its buyers have contained provisions in respect of which the Commission found reasonable grounds to believe that may represent the provisions setting the minimal resale prices, i.e., that the matter concerns restrictive agreements that directly provide for resale price maintenance. Therefore, the Commission instituted a total of 13 separate investigation procedures against company Apatinska pivara, as a seller, and its buyers, later deciding on the joinder of proceedings for reasons of time efficiency procedural economy. The antitrust proceedings brought against the parties is pending before the Commission, the available documentation is analyzed and all necessary procedural actions are taken.

Party(ies) to the proceedings: MITECO-Kneževac doo Beograd, YUNIRISK doo Beograd, MODEKOLO doo Beograd; BREM GROUP doo Beograd, and KEMIS doo Valjevo.

Outline of the proceedings to date: Following the opening of a formal antitrust proceedings based on reasonable grounds to believe that the parties to the proceedings have agreed to bid in the Public procurement – Provision of services for permanent disposal of hazardous waste in company Magnohrom d.o.o. Kraljevo in bankruptcy, as a single group of bidders tendering a single joint bid, thus refraining from the competition via separate bids tendered in a smaller group of bidders, the Commission conducted a dawn raid on business premises of the parties to the proceedings. The antitrust proceedings brought against the parties is pending before the Commission. All the necessary information, statements and data are obtained and analyzed, while the Commission is

also adopting the measures of inquiry that are of significance for establishing the facts in this proceedings.

Party(ies) to the proceedings: Preduzeće za trgovinu i usluge Roaming Electronics d.o.o. Vračar, and Preduzeće za proizvodnju i trgovinu Tehnomanija d.o.o. Beograd.

Outline of the proceedings to date: To establish the facts constituting reasonable grounds to believe the resale price maintenance, the parties to the proceedings have been subjected to a dawn raid. On the occasion, the Commission seized agreements, e-correspondence and other business documents concerning the subject-matter of the proceedings. The Commission is currently reviewing all the files.

Party(ies) to the proceedings: Comtrade Distribution d.o.o. Beograd.

Outline of the proceedings to date: The proceedings is instituted based on reasonable grounds to believe the existence of infringement of competition law, committed in the form of resale price maintenance by company Comtrade Distribution as the Tesla brand owner. During the proceedings to date, the Commission conducted dawn raids on business premises of the party concerned and third parties, individual buyers of company Comtrade Distribution d.o.o. The antitrust proceedings brought against the party is pending before the Commission and all information and evidence gathered in dawn raids are analyzed. Considering that the party had submitted a proposal for suspension of proceedings within the meaning of Article 58 of the Law, the Commission will decide on the matter prior to taking further procedural steps.

Party(ies) to the proceedings: SF1 COFFEE DOO Novi Sad.

Outline of the proceedings to date: Following the launch of a formal antitrust proceedings based on reasonable grounds to believe that company SF1 Coffee, importer and distributor of Nespresso-branded coffee machines, sets the resale prices of said products, the Commission has conducted a dawn raid on business premises of the party to the proceedings and third parties, individual buyers of company SF1 Coffee. The antitrust proceedings brought against the party is pending before the Commission, while all the information, statements and data of significance for establishing the facts in this proceedings are obtained and analyzed.

Party(ies) to the proceedings: Porsche SCG doo Beograd, Autokomerc doo Beograd (Surčin), Društvo sa ograničenom odgovornošću za proizvodnju, trgovinu i usluge autocentar Manik-ACM Preljina, Privredno društvo Bros Auto doo Niš.

Outline of the proceedings to date: Further to the Inquiry into competitive conditions on the markets for sales and aftersales services for motor vehicles in 2017, 2018 and 2019, including the analysis of contractual relations between suppliers and distributors of the top-selling brands of motor vehicles in the territory of the Republic of Serbia, the Commission found reasonable grounds to believe the existence of restrictive agreements. Specifically, in the dealership agreements provided to the Commission for the Audi brand products/cars, the existence of a provision whereby the importer sets the resale prices of vehicles is established. In the proceedings to date, the Commission conducted a dawn raid on the business premises of company Porsche SCG Beograd, while the information and data of significance are collected to establish the relevant facts in this proceedings.

Party(ies) to the proceedings: Preduzeće za remont šinskih vozila MIP-RŠV DOO Čuprija, Preduzeće za proizvodnju, trgovinu i usluge Inter-mehanika DOO Skorenovac, company Tatravagonka bratstvo DOO Subotica, and Društvo s ograničenom odgovornošću za remont i proizvodnju šinskih vozila, mašinogradnju i metaloprerađivačku delatnost Šinvoz Zrenjanin.

Outline of the proceedings to date: In a repeated antitrust proceedings based on a court's referral, the Commission investigates potential existence of a restrictive agreement in the form of a direct price maintenance in each individual bid tendered in the separate lots under the Public procurement No. 3000/1539/2015 (101971/2015) published by TENT as the contractual authority – The provision of overhauling services for the Arbel freight wagons. The course of the present proceedings will depend on the ruling of the Supreme Court of Cassation, based on the claim for judicial rereview of the Administrative Court's ruling No. 22 U 519/2018 of July 6, 2018, filed by the Commission.

Based on publicly available data obtained from the Serbian Justice Portal, the deliberations have taken place, though the Commission has not yet been informed on the outcome of said deliberations.

Party(ies) to the proceedings: Original preduzeće za spoljnu i unutrašnju trgovinu i usluge doo Beograd (Novi Beograd); Mikops doo Export-Import za proizvodnju, trgovinu i usluge Niš; Preduzeće za usluge i trgovinu Birolinija društvo sa ograničenom odgovornošću Beograd (Čukarica); Biro Print Sistemi doo Beograd-Savski venac; Preduzeće za trgovinu i usluge Dikti Line doo, Beograd (Vračar); Društvo za spoljašnju i unutrašnju trgovinu Birodeveloping doo Niš; Društvo za proizvodnju, promet i usluge Birotehnika Export-Import doo, Jagodina, and Konica Minolta Poslovna rešenja SE doo Beograd (Novi Beograd).

Outline of the proceedings to date: A repeated proceedings against the parties is pending, launched to establish the existence of a restrictive agreement in the form of collusion between the parties to set the prices and conditions of tender, i.e., to refrain from bidding in public

procurements. The course of further proceedings will depend on the ruling of the Supreme Court of Cassation, based on the claim for judicial rereview of the Administrative Court's ruling No. II-1 U 17605/19 of May 14, 2020, filed by the Commission. One of the parties to this potential restrictive agreement has applied for leniency under Article 69 of the Law and provided appropriate evidence in support of the claims.

PROCEEDINGS COMPLETED UNDER ARTICLE 16 OF THE LAW – ABUSE OF DOMINANCE

Party(ies) to the proceedings: Akcionarsko društvo za saobraćajnu delatnost Niš-ekspres Niš.

Outline of the proceedings and CPC decisions: On a judgment of the Administrative Court, the Commission repeated proceedings against Niš-ekspres establishing that the company holds dominant position on the relevant market for the provision of platform services at bus stations in the territory of the City of Niš, and that it has abused said dominance by charging various prices for equivalent bus station services in relation to bus ticket purchases, thus distinguishing between individual ticket holders. Niš-ekspres was imposed a measure for protection of competition in the amount of RSD 37,593,636.00. The Commission also ordered the company to provide the platform services at the Bus station Niš to all users in a non-discriminatory manner, prohibiting any further actions that could prevent, restrict, or distort competition by abusing its dominant position. As evidence of performance of remedial measures, Niš-ekspres is obligated to submit to the Commission on a biannual basis, starting from the date of notification of the decision in this case, a service price-list valid at the bus station in the territory of the City of Niš.

PROCEEDINGS PENDING AS AT 31 DECEMBER 2020 UNDER ARTICLE 16 OF THE LAW – ABUSE OF DOMINANCE

Party(ies) to the proceedings: Akcionarsko društvo Autoprevoz – Janjušević Priboj.

Outline of the proceedings to date: Based on an antitrust initiative, the Commission became aware that company Autoprevoz – Janjušević is the managing authority at the only bus station in Kragujevac and that it charges for the provision of bus station services - bus dispatch services in the amount of 800.00 dinars, in addition to not charging, at one point, for the provision of bus dispatch and parking services at the bus terminal in the City of Kragujevac for the buses owned by company Autoprevoz – Janjušević, as a bus carrier. It is established that Autoprevoz – Janjušević charges for the provision of bus station dispatch services in various amounts, depending on whether the carrier is providing intercity or international bus services, as well as whether such international carriers are offering connections to neighboring or other countries. The Commission thus found reasonable grounds to believe the existence of competition infringement in the form of abuse of dominance, since the charging of bus station dispatch services in an unfairly high amount leads to exploitation of service users, while the different pricing for identical bus services in respect of various bus carriers causes discrimination. The Commission will establish the existence of potential abuse of dominance in an investigation procedure brought against the company.

Type of antitrust violation	Carryovers	Instituted in 2020	CPC Council decisions			Pending proceedings
			Established infringement	Suspension of proceedings	Closure of proceedings	
Restrictive agreements	13	7	4	-	2	14
Abuse of dominance	1	1	1	-	-	1
TOTAL	14	8	5	-	2	15
	22		7			

Table 6 – Overview of antitrust proceedings

MONITORING THE IMPLEMENTATION AND COMPLIANCE WITH COMMITMENTS FROM CONCLUSIONS ON SUSPENSION OF PROCEEDINGS UNDER ARTICLE 58 OF THE LAW, ENACTED IN THE PREVIOUS PERIOD

Party(ies) to the proceedings: Sirmimbus d.o.o. za trgovinu i usluge, Sremska Mitrovica.

Type of antitrust infringement: Abuse of dominance.

Outline of the proceedings to date: The Commission instituted antitrust proceedings against company Sirmimbus in 2017 to establish the existence of an act of abuse of dominance, effected by charging various platform ticket prices for passengers traveling abroad as the managing authority at the only bus station in the City of Sremska Mitrovica. The party to the proceedings filed a request for suspension of proceedings, proposing the following remedial measures in respect of a potential infringement of competition law:

- adoption of a new price list to establish the uniform price of the bus station services for all persons, irrespective of whether they are passengers or escorts entering the bus station's platform areas, thus equating passengers travelling by intercity and international transport, and users traveling with purchased bus tickets at the bus station, on one hand, and passengers or escorts entering the bus station's platform areas without purchased bus tickets, on the other,

- establish the platform pricing (bus dispatch services) solely depending on the terminal dwell time of busses at the bus station,
- adopt and begin to implement the price list within 3 days from the date of delivery of a conclusion on the suspension of proceedings, and which will continue to be in effect until the bus station costs are considerably increased in cumulative terms, that is, pending the enactment of a rulebook by line ministry that would regulate the price ceilings for the provision bus station services.

Further to publishing the Notice of Filing of the Proposal of Commitments on its website, with a call to all stakeholders to provide written remarks, positions and opinions on the proposed commitments, and receiving no written feedback within the period prescribed, the Commission has assessed that the proposed commitments and related deadlines provide for the establishment of effective competition on the relevant market and accepted the commitments. The proceedings is suspended in 2018, while the party to the proceedings has implemented almost all of the commitments set out in the conclusion on suspension of proceedings, apart from the remaining commitment of the party that is still being monitored, to inform the Commission on all adjustments to the pricelist of bus station services applicable at the bus station in the City of Sremska Mitrovica, pending the adoption of an act by the Government of the Republic of Serbia on a proposal of the ministry in charge of transport that would regulate the price ceilings for the provision of bus station services at the bus station in the City of Sremska Mitrovica.

Party(ies) to the proceedings: Public enterprise for passenger and freight transport Novi Autoprevoz, Vrnjačka Banja.

Type of antitrust infringement: Abuse of dominance.

Outline of the proceedings to date: The Commission instituted antitrust proceedings against company PE Novi Autoprevoz in 2019 to establish the existence of an act of abuse of dominance, effected by charging various platform ticket prices as the managing authority at the only bus station in the City of Vrnjačka Banja. The party to the proceedings filed a request for suspension of proceedings, supplemented by the Proposal of commitments that the company is voluntarily willing to undertake to remove potential infringements of competition law, containing terms and conditions and deadlines for taking the measures thereof. PE Novi Autoprevoz proposed the following:

- to adopt a new price list establishing 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 on urban and suburban, intercity and international bus transport 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,

- to establish the platform pricing (bus dispatch services) system solely depending on the terminal dwell time of busses at the bus station platforms, as well as a single bus station parking rate for every begun hour for buses (irrespective of whether they provide shuttle or charter bus services) and lorries,
- a proposal/suggestion was also presented by the Municipality of Vrnjačka Banja, as a founder of PE Novi Autoprevoz, 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 the 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.

PE Novi Autoprevoz committed to adopting a new pricelist during the company's Supervisory Board meeting no later than 3 days from the date of submission of a conclusion on suspension of proceedings, to submitting a copy of said pricelist to the founder for adoption, that is, the Municipal Assembly of Vrnjačka Banja, immediately upon the adoption of said pricelist by the company's Supervisory Board, and to start implementing the pricelist no later than 3 days from the date of adoption by the Municipal Assembly of Vrnjačka Banja. The party to the proceedings also committed to implementing the new pricelist as long as the bus station costs do not increase considerably in cumulative terms or pending the enactment of a rulebook by line ministry which would regulate the price ceilings for the provision of bus station services in the City of Vrnjačka Banja.

On its website, the Commission published the Notice of Filing of the Proposal of Commitments, with a call to all stakeholders to provide written remarks, positions and opinions on the proposed remedial measures. The Commission received one written feedback to the commitments that PE Novi Autoprevoz was voluntarily willing to undertake. Upon reviewing the feedback and a statement made by the party to the proceedings, the Commission established that said observation raises no doubts that the proposed remedial measures can restore effective competition on the market for the provision of bus station services at the bus station in the City of Vrnjačka Banja.

In assessing that the proposed commitments and deadlines for taking the measures thereof enable the establishment of effective competition on the relevant market, the Commission accepted the Proposal of commitments and suspended the antitrust proceedings in 2019.

PE Novi Autoprevoz fulfilled almost all of the commitments set out in the conclusion on the suspension of proceedings within the deadlines specified by the Commission, while the remaining commitment is still being monitored, of PE Novi Autoprevoz to inform the Commission on all adjustments to the pricelist of bus station services applicable at the bus station in the City of Vrnjačka Banja, pending the adoption of an act by the Government of the Republic of Serbia on a

proposal of the ministry in charge of transport that would regulate the price ceilings for the provision of bus station services at the bus station in the City of Vrnjačka Banja.

Party(ies) to the proceedings: Distribution System Operator EPS Distribucija d.o.o. Beograd.

Type of antitrust infringement: Abuse of dominance.

Outline of the proceedings and CPC decisions: In a repeated proceedings following the ruling of the Administrative Court upholding the claim of the party to the proceedings, annulling the Commission's decision from 2018 and referring back the case to the Commission for reassessment, the party filed a request for the suspension of proceedings, supplemented by the Proposal of commitments that the company is voluntarily willing to undertake to remove potential infringements of competition law, containing terms and conditions and deadlines for taking the measures thereof.

Since the case concerned the establishment of the existence of an act of abuse of dominant position, effected by EPS Distribucija foremost by imposing a commitment on its partners to allocate specific purpose (guarantee) deposit funds as security instruments for the payment of system access service with regard to all users of the electric power distribution system except for EPS Snabdevanje, the party to the proceedings proposed taking certain measures to remove the potential infringements of competition law, as well as additional activities to remove any doubt as to EPS Distribucija's future conduct.

Further to publishing the Notice of Filing of the Proposal of Commitments on its website, with a call to all stakeholders to provide written remarks, positions and opinions on the proposed commitments, and receiving no written feedback within the period prescribed, the Commission assessed that the proposed commitments and related deadlines provide for the establishment of effective competition on the relevant market. The Commission accepted the Proposal of Commitments and suspended the antitrust proceedings in 2018.

The party to the proceedings fulfilled almost all of the commitments set out in the conclusion on suspension of proceedings, while the Commission is still monitoring the commitments undertaken by EPS Distribucija to submit regular quarterly reports with statements and concerning the agreements on distribution system access concluded with its partners.

Party(ies) to the proceedings: PUC Gradska toplana Niš.

Type of antitrust infringement: Abuse of dominance.

Outline of the proceedings to date: The proceedings is instituted during 2018 based on reasonable grounds to believe the existence of abuse of dominance by the party to the proceedings, effected by charging for the thermal energy supply services in a manner which derogates from the

methodology prescribed by the Regulation on the establishment of pricing methodology of the cost of supplying end consumers, resulting in an increased amount of service costs relative to the level that would have resulted from the use of the prescribed methodology, and the establishment of the connection costs to the district heating network in a manner not stipulated by the relevant legal framework, in addition to invoicing such costs to end consumers in a manner which could depart from the cost principle. During the proceedings, the party proposed the Commission to suspend proceedings and filed a proposal of commitments that is voluntarily willing to undertake. The Commission accepted the proposed measures and suspended the proceedings in 2019, while the party committed to the following tasks:

- in the following calculation of prices, to fully and consistently adhere to the Regulation on the establishment of pricing methodology of the cost of supplying end consumers, and provide clarifications concerning the implementation of specific articles of the Regulation, foremost the correction element,
- to submit each proposal of the newly established price to the founder, supplemented with the Opinion of an advisory body, where a representative of a local consumer association is the full member,
- to reserve a seat in the Supervisory board for a representative of the district heating system's users, holding the right of discussion and no right to vote,
- in the case of any doubt regarding the calculation of any of the mandatory price elements for the provision of thermal energy supply services prescribed by the Regulation on the establishment of pricing methodology of the cost of supplying end consumers, to contact line ministry in written form requesting the interpretation of said regulation,
- to publish the instructions/guidelines/explanations price elements for the provision of thermal energy supply services on its website, thus providing for public access to information and enabling a control function to the general public,
- to solely apply the criteria set by the founder's relevant acts when establishing the connection price to the district heating network, that determine the amount of connection fees for using the district heating network, as well as to publish the prices on its website.
- to regularly, namely after the end of a heating season, inform the Commission in written form on the implementation of proposed commitments, with evidence provided in support of the implementation.

Public utility company Gradska toplana Niš regulatory implements the commitments, on which it reports regularly to the Commission.

INDIVIDUAL EXEMPTION OF RESTRICTIVE AGREEMENTS FROM PROHIBITION

Restrictive agreements may be exempt from prohibition if they contribute to improving the production or distribution of goods or contribute to promoting technical or economic progress, while providing consumers with a fair share of the resulting benefits. The restrictions must be indispensable to the attainment of objectives of the agreement, while such agreements must not afford the parties the possibility of eliminating competition in respect of a substantial part of the products in question (Article 11 of the Law). On a request filed by a party to the restrictive agreement, the Commission can exempt individual restrictive agreement of the prohibition (individual exemption), provided that the conditions referred to in Article 11 of the Law are met.

CLOSED PROCEEDINGS OF INDIVIDUAL EXEMPTION OF RESTRICTIVE AGREEMENTS FROM PROHIBITION

Party(ies) to the proceedings – Applicant(s): Merck Sharp & Dohme BV the Netherlands, and Phoenix Pharma doo Beograd.

Type and overview of the agreement: Request for extension of the validity period of individual exemption of a vertical agreement on distribution of pharmaceuticals, previously granted a conditional exemption in 2014 and extended in 2017 and 2018. Phoenix Pharma is appointed as exclusive distributor of pharmaceuticals manufactured by Merck Sharp & Dohme by means of the agreement concerned.

CPC decision: The Commission granted the extension of the validity period of individual exemption, due to expire on February 14, 2022, on the condition that the parties every 6 months submit to the Commission the following: information on concluded distribution agreements, information on Phoenix Pharma and other pharmaceutical distributors' participation in public procurements, overview of the requests for authorization for participation in public procurements issued by Merck Sharp & Dohme, providing the reasons for not issuing the requested authorizations on a case-by-case basis, and information if Merck Sharp & Dohme becomes an authorized wholesaler.

Party(ies) to the proceedings – Applicant(s): Hemofarm ad Vršac, and Generic Pharma Ltd Ireland.

Type and overview of the agreement: Vertical agreements – Licensing agreement and Delivery agreement, establishing the exclusive distribution of penicillin products manufactured by Hemofarm on the part of Generic Pharma.

CPC decision: The Commission granted the individual exemption with a duration of 4 years from the date of adoption of the decision, on the condition that the parties every 12 months submit to the Commission the following: information on distribution agreements entered into by Hemofarm

with other distributors, overview of the requests for authorization for participation in public procurements received by Hemofarm, providing the reasons for not issuing the requested authorizations on a case-by-case basis, and information on the introduction of new dosage forms or unit doses of the pharmaceutical drug product previously not included in the Distribution agreement.

Party(ies) to the proceedings – Applicant(s): Henkel Srbija doo Kruševac, and MD International doo Beograd.

Type and overview of the agreement: Vertical agreement on distribution of detergents and household chemicals manufactured by Henkel Srbija on the part of MD International.

CPC decision: The Commission granted the individual exemption with a duration of 12 months, from April 28, 2020 to April 28, 2021.

Party(ies) to the proceedings – Applicant(s): Novo Nordisk Pharma doo Beograd, and Phoenix Pharma doo Beograd.

Type and overview of the agreement: Request for extension of the validity period of individual exemption of a vertical agreement on exclusive distribution of pharmaceutical products manufactured by Novo Nordisk, appointing Phoenix Pharma as an exclusive distributor of pharmaceuticals envisaged by the agreement concerned, previously exempt in 2018 and extended in 2019.

CPC decision: The Commission granted the extension of the validity period of individual exemption, due to expire on April 21, 2023.

Party(ies) to the proceedings – Applicant(s): Philip Morris Operations ad Niš, and Nelt co doo Beograd.

Type and overview of the agreement: Request for extension of the validity period of individual exemption of a vertical agreement on distribution of the entire range of tobacco products manufactured by Philip Morris on the part of Nelt co, previously exempt in 2015.

CPC decision: The Commission granted the extension of the validity period of individual exemption, due to expire on July 16, 2021.

Party(ies) to the proceedings – Applicant(s): Roche doo Beograd, and Phoenix Pharma doo Beograd.

Type and overview of the agreement: Request for extension of the validity period of individual exemption of an agreement on distribution of pharmaceutical products manufactured by Roche on the part of Phoenix Pharma, previously exempt in 2018.

CPC decision: The Commission granted the extension of the validity period of individual exemption with a duration of 2 years from the date of adoption of the decision.

Party(ies) to the proceedings – Applicant(s): Ad za osiguranje Uniqa neživotno osiguranje Beograd, and Ad za osiguranje Milenijum osiguranje Beograd.

Type and overview of the agreement: Horizontal agreement on coinsurance, Joint venture and bidding agreement for the provision of insurance services to Infrastrukture železnice Srbije, a joint stock company for rail infrastructure management.

CPC decision: The Commission granted the individual exemption of the Joint venture and bidding agreement with a duration of one year in case of the award of a public works contract.

Party(ies) to the proceedings – Applicant(s): Company Dunav osiguranje ado Beograd, Generali osiguranje Srbija ado Beograd, and DDOR osiguranje ado Novi Sad.

Type and overview of the agreement: Horizontal agreement on coinsurance, Consortium agreement for the provision of insurance services to PE Elektroprivreda Srbije.

CPC decision: The Commission granted the individual exemption from prohibition of the Consortium agreement with a duration of 2 years from the date of adoption of the decision to the end of the insurance coverage period as defined under the public procurement.

Party(ies) to the proceedings – Applicant(s): Ad za osiguranje Uniqa neživotno osiguranje Beograd, and Ad za osiguranje Milenijum osiguranje Beograd.

Type and overview of the agreement: Horizontal agreement on coinsurance, Joint venture and bidding agreement for the provision of insurance services to the City Administration of Belgrade, Secretariat for Education and Child Welfare.

CPC decision: The Commission granted the individual exemption from prohibition of the Joint venture and bidding agreement with a duration of one year in case of the award of a public works contract.

Party(ies) to the proceedings – Applicant(s): Ad za osiguranje Uniqa neživotno osiguranje Beograd, and Ad za osiguranje Milenijum osiguranje Beograd

Type and overview of the agreement: Horizontal agreement on coinsurance, Joint venture and bidding agreement for the provision of insurance services to Srbija kargo, a joint stock company for freight railway transport.

CPC decision: The Commission granted the individual exemption from prohibition of the Joint venture and bidding agreement with a duration of one year from the date of adoption of the decision to the end of the insurance coverage period, due to expire on September 1, 2021.

Party(ies) to the proceedings – Applicant(s): DOO za proizvodnju, promet i usluge Elixir Group Šabac, and Serbia Zijin Bor Copper d.o.o. Bor.

Type and overview of the agreement: Vertical agreement – Agreement on purchase and sale of technical sulfuric acid from Zijin Bor operations, procured by company Elixir Group for use in the production of mineral fertilizers and phosphoric acid.

CPC decision: The Commission granted the individual exemption from prohibition with a duration of eight years from the date of adoption of the decision, due to expire on September 21, 2028.

Party(ies) to the proceedings – Applicant(s): STIHL d.o.o. Beograd, and Roanda Komerc doo Svilajnac.

Type and overview of the agreement: Vertical agreement – Selective distribution agreement on handheld garden, residential lawn and forestry mowers, such as chainsaws, trimmers, mowers, pressure washers, vacuum cleaners and other STIHL brand products, that is, on appointing a specialized dealer (selective distributor) based on the criteria set out by an individual agreement on specialized sales of STIHL products.

CPC decision: The Commission granted the individual exemption of said agreement from prohibition, due to expire on January 1, 2025.

Party(ies) to the proceedings – Applicant(s): STIHL d.o.o. Beograd, and several specialized distributors.

Type and overview of the agreement: Vertical agreement – Selective distribution agreement on handheld garden, residential lawn and forestry mowers, such as chainsaws, trimmers, mowers, pressure washers, vacuum cleaners and other STIHL brand products, that is, on appointing specialized dealers (selective distributors) based on the criteria set out by individual agreements on specialized sales of STIHL products.

CPC decision: The Commission granted the individual exemption of said agreements from prohibition, due to expire on January 1, 2025.

Party(ies) to the proceedings – Applicant(s): Nike European Operations Netherlands B.V, the Netherlands, and Sport Time Balkans preduzeće za trgovinu i posredovanje d.o.o. Beograd.

Type and overview of the agreement: Request for extension of the validity period of individual exemption of a vertical agreement – Distribution agreement, which concerns the exclusive distribution of Nike brand products.

CPC decision: The Commission granted the extension of the validity period of individual exemption from the prohibition on restrictive agreements, due to expire on May 31, 2023.

Party(ies) to the proceedings – Applicant(s): ARENA CHANNELS GROUP DOO BEOGRAD, and BONO d.o.o. Banja Luka, Bosnia and Herzegovina.

Type and overview of the agreement: Vertical agreement – Television Programming Distribution Agreement, which concerns the right to exclusive distribution of KUVO TV channel, namely the rights to rebroadcasting and the rights to commercial distribution.

CPC decision: The Commission granted the individual exemption from prohibition with a duration of 5 years, due to expire on August 20, 2025.

Party(ies) to the proceedings – Applicant(s): HYPE PRODUCTION DOO BEOGRAD, and DRUŠTVO ZA PROIZVODNJU, PROMET I INŽENJERING KOPERNIKUS TECHNOLOGY DRUŠTVO SA OGRANIČENOM ODGOVORNOŠĆU BEOGRAD.

Type and overview of the agreement: Vertical agreement – Television Programming Distribution Agreement, which concerns the right to exclusive distribution of Hype TV channel, namely the rights to rebroadcasting and the rights to commercial distribution.

CPC Decision: The Commission granted the individual exemption from prohibition with a duration of 5 years, due to expire on July 30, 2025.

Party(ies) to the proceedings – Applicant(s): Telecommunications company Telekom Srbija a.d. Beograd, and Vip Team United Unipessoal Lda & Comandita, Portugal.

Type and overview of the agreement: Vertical agreement – Television Programming Distribution Agreement, which concerns the right to exclusive distribution of FTV channel, namely the rights to rebroadcasting and the rights to commercial distribution.

CPC decision: The Commission granted the individual exemption from prohibition with a duration of 3 years, due to expire on July 30, 2023.

Party(ies) to the proceedings – Applicant(s): DEXY WORLD TV ZA PROIZVODNJU I EMITOVANJE TELEVIZIJSKOG PROGRAMA DOO BEOGRAD-NOVI BEOGRAD, and DRUSTVO ZA INZENJERING, TRGOVINU I USLUGE RADIJUS VEKTOR DOO, BEOGRAD.

Type and overview of the agreement: Vertical agreement – Television Programming Distribution Agreement, which concerns the right to exclusive distribution of Dexy World TV channel, namely the rights to rebroadcasting and the rights to commercial distribution.

CPC decision: The Commission granted the individual exemption from prohibition with a duration of 5 years, due to expire on April 30, 2025.

Party(ies) to the proceedings – Applicant(s): Michelin Romania S.A, Romania, and AGROHIM & KEMOIMPEX DOO BEOGRAD.

Type and overview of the agreement: Vertical agreement – Reseller Partner Agreement with accompanying annexes, which concerns the right to selective distribution of tires for passenger vehicles and light-duty trucks.

CPC decision: The Commission granted the individual exemption from prohibition, due to expire on December 31, 2022.

Party(ies) to the proceedings – Applicant(s): Michelin Romania S.A, Romania, and DELMAX DOO STARA PAZOVA.

Type and overview of the agreement: Vertical agreement – Reseller Partner Agreement with accompanying annexes, which concerns the right to selective distribution of tires for passenger vehicles and light-duty trucks.

CPC decision: The Commission granted the individual exemption from prohibition, due to expire on December 31, 2022.

Party(ies) to the proceedings – Applicant(s): Public broadcasting service Radio-televizija Srbije Beograd, and Telecommunications company Telekom Srbija a.d. Beograd.

Type and overview of the agreement: Vertical agreement – Television Programming Distribution Agreement, which concerns the right to exclusive distribution of RTS nauka TV channel, namely the rights to rebroadcasting and the rights to commercial distribution.

CPC decision: The Commission granted the individual exemption from prohibition with a duration of 3 years, due to expire on January 23, 2023.

Party(ies) to the proceedings – Applicant(s): PRIVREDNO DRUSTVO ZA PRUZANJE TELEKOMUNIKACIONIH USLUGA MONDO INC DOO BEOGRAD, and Telecommunications company Telekom Srbija a.d. Beograd.

Type and overview of the agreement: Vertical agreement – Television Programming Distribution Agreement, which concerns the right to exclusive distribution of KURIR TV channel, namely the rights to rebroadcasting and the rights to commercial distribution.

CPC decision: The Commission granted the individual exemption from prohibition with a duration of 5 years, due to expire on February 10, 2025.

Party(ies) to the proceedings – Applicant(s): S.C. Michelin Romania S.A. Bucharest, and Kit Commerce doo Beograd.

Type and overview of the agreement: Vertical agreement that concerns the establishment of a selective distribution system.

CPC decision: The Commission granted the individual exemption from prohibition, due to expire on September 12, 2022.

Party(ies) to the proceedings – Applicant(s): Preduzeće za proizvodnju guma Tigar Tyres, društvo sa ograničenom odgovornošću Pirot, and Delmax doo Stara Pazova.

Type and overview of the agreement: Vertical agreement that concerns the establishment of an exclusive distribution system for one of the brands from the product range of company Tigar Tyers.

CPC decision: The Commission granted the individual exemption from prohibition, due to expire on December 31, 2021.

Party(ies) to the proceedings – Applicant(s): Preduzeće za proizvodnju guma Tigar Tyres, društvo sa ograničenom odgovornošću Pirot, and Marso gume društvo sa ograničenom odgovornošću Beograd-Voždovac.

Type and overview of the agreement: Vertical agreement that concerns the establishment of an exclusive distribution system for one of the brands from the product range of company Tigar Tyers.

CPC decision: The Commission granted the individual exemption from prohibition, due to expire on December 31, 2021.

Party(ies) to the proceedings – Applicant(s): Preduzeće za proizvodnju guma Tigar Tyres, društvo sa ograničenom odgovornošću Pirot, and Agrohim & Kemoimpex doo Beograd (Savski Venac).

Type and overview of the agreement: Vertical agreement that concerns the establishment of an exclusive distribution system for one of the brands from the product range of company Tigar Tyers.

CPC decision: The Commission granted the individual exemption from prohibition, due to expire on December 31, 2021.

Party(ies) to the proceedings – Applicant(s): Heineken Srbija d.o.o Zaječar, and Coca-Cola Hellenic Bottling Company-Srbija Industrija bezalkoholnih pića d.o.o Beograd.

Type and overview of the agreement: Vertical distribution agreement.

CPC decision: The Commission granted the individual exemption from prohibition with a duration of two years from the date of adoption of the decision, due to expire on April 30, 2022.

Party(ies) to the proceedings – Applicant(s): AKCIONARSKO DRUŠTVO INDUSTRIJA MLEKA I MLEČNIH PROIZVODA IMLEK, PADINSKA SKELA, BEOGRAD, and BIOPANON DOO BAČKA PALANKA.

Type and overview of the agreement: Horizontal agreement – Purchase and Sale Agreement concluded to continue with the interrupted production and sales of IMLEK branded products, disrupted due to unforeseen circumstances, force majeure – a fire incident at IMLEK production facilities.

CPC decision: The Commission granted the individual exemption from prohibition with a duration of six months from the date of adoption of the decision.

Party(ies) to the proceedings – Applicant(s): AKCIONARSKO DRUŠTVO ZA OSIGURANJE MILENJUM OSIGURANJE ADO, BEOGRAD, and AKCIONARSKO DRUŠTVO ZA OSIGURANJE UNIQA NEŽIVOTNO OSIGURANJE, BEOGRAD.

Type and overview of the agreement: Horizontal joint venture and bidding agreement, concluded for the purpose of the Public procurement of insurance services for carriage of goods by rail, published by Srbija Kargo Beograd as the contracting authority, a joint stock company for freight railway transport.

CPC decision: The Commission granted the individual exemption from prohibition with a duration of one year from the start of the insurance coverage period.

Party(ies) to the proceedings – Applicant(s): AKCIONARSKO DRUŠTVO ZA OSIGURANJE MILENIJUM OSIGURANJE ADO, BEOGRAD, and AKCIONARSKO DRUŠTVO ZA OSIGURANJE UNIQA NEŽIVOTNO OSIGURANJE, BEOGRAD.

Type and overview of the agreement: Horizontal joint venture and bidding agreement, concluded for the purpose of the Public procurement of general insurance services, published by Srbija Kargo Beograd as the contracting authority, a joint stock company for freight railway transport.

CPC decision: The Commission granted the individual exemption from prohibition with a duration of one year from the start of the insurance coverage period.

Party(ies) to the proceedings – Applicant(s): Dufry d.o.o. Beograd, and BELGRADE AIRPORT d.o.o. Beograd.

Type and overview of the agreement: Request for extension of the validity period of individual exemption of a lease agreement, previously exempt in 2017.

CPC decision: The Commission granted the extension of the validity period of individual exemption from prohibition, due to expire on December 31, 2024.

Party(ies) to the proceedings – Applicant(s): DDOR osiguranje ado Novi Sad, and Wiener Stadtische osiguranje ado Beograd.

Type and overview of the agreement: Horizontal coinsurance agreement, Joint venture and bidding agreement for the purposes of the Public procurement of insurance services for Transportation Technical School Pinki Novi Sad.

CPC decision: The Commission suspended the proceedings assessing that the agreement is not restrictive by its nature since the parties could not independently meet the requirements, instead, the parties could meet the requirements specified in the public procurement concerned only by tendering a joint bid.

Party(ies) to the proceedings – Applicant(s): Telenor doo Beograd, Telecommunicatoins company Telekom Srbija ad Beograd, and Arthur D Little Austria.

Type and overview of the agreement: Consulting services agreement.

CPC decision: The Commission suspended the proceedings assessing that the agreement is not restrictive by its nature or that it contains no restrictive provisions.

Party(ies) to the proceedings – Applicant(s): Industrija smrznute hrane Frikom d.o.o. Beograd, and Mars Balkan East d.o.o. Beograd-Novi Beograd.

Type and overview of the agreement: Vertical agreement – Distribution agreement, appointing company Frikom as a non-exclusive distributor on the part of company Mars.

CPC decision: The Commission suspended the proceedings assessing that the agreement contains no restrictive provisions or restrictions that would render this agreement restrictive.

Party(ies) to the proceedings – Applicant(s): Makler društvo sa ograničenom odgovornošću za obavljanje komercijalnih poslova marketinga i poslova spoljnotrgovinskog prometa, and Medicon društvo sa ograničenom odgovornošću.

Type and overview of the agreement: Horizontal agreement - Joint venture and bidding agreement for the purposes of the Public procurement of goods under Lot VII - Quintuple blood bags, published by the Blood Transfusion Institute of Serbia as the contracting authority.

CPC decision: The Commission suspended the proceedings assessing that the agreement is not restrictive by its nature since the parties could not independently meet the requirements, instead, the parties could meet the requirements specified in the public procurement concerned only by tendering a joint bid.

Party(ies) to the proceedings – Applicant(s): AKCIONARSKO DRUŠTVO INDUSTRIJA MLEKA I MLEČNIH PROIZVODA IMLEK, PADINSKA SKELA, BEOGRAD, and BIOPANON DOO BAČKA PALANKA.

Type and overview of the agreement: Request for extension of the validity period of individual exemption of a horizontal agreement – Agreement for Purchase and Sale of Goods.

CPC decision: The Commission suspended the proceedings due to withdrawal of the request by the party.

Party(ies) to the proceedings – Applicant(s): DDOR OSIGURANJE ADO, NOVI SAD, and WIENER STADTISCHE, BEOGRAD.

Type and overview of the agreement: Horizontal joint venture and bidding agreement, for the purposes of the Public procurement of insurance services for Regionalna deponija d.o.o. Subotica, as the contracting authority.

CPC decision: The Commission suspended the proceedings assessing that the agreement is not restrictive by its nature since the parties could not independently meet the requirements, instead, the parties could meet the requirements specified in the public procurement concerned only by tendering a joint bid.

PROCEEDINGS OF INDIVIDUAL EXEMPTION OF RESTRICTIVE AGREEMENTS FROM PROHIBITION, PENDING AS AT 31 DECEMBER 2020

Party(ies) to the proceedings – Applicant(s): JT International ad Senta, and Mercata VT doo Novi Sad.

Type of agreement seeking negative clearance or exemption: Request for exemption of a vertical agreement on exclusive distribution of goods from the product range of company Japan Tobacco International.

Party(ies) to the proceedings – Applicant(s): CETIN d.o.o. Beograd-Novi Beograd, and VIP Mobile doo Beograd (Novi Beograd).

Type of agreement seeking negative clearance or exemption: Request for extension of the validity period of individual exemption of a horizontal agreement governing terms and conditions of cooperation concerning the infrastructure collective investment undertaking.

MONITORING THE IMPLEMENTATION AND COMPLIANCE WITH COMMITMENTS FROM CONDITIONALLY APPROVED EXEMPTIONS IN THE PREVIOUS PERIOD

Party(ies) to the proceedings – Applicant(s): Telenor doo Beograd, and VIP mobile doo Beograd.

Type of the exempt agreement and overview of commitments: Horizontal agreement – Agreement on locations and fiber optic joint construction, exempt in 2016 with a duration period of 4 years from the date of entering into the agreement, on the condition that the Commission is informed during the exemption period on the following:

- every location or fiber optic route built under the agreement
- individually built location or fiber optic route for each contracting party,
- expressed interest of any competing party to accede to the agreement concerned, within 15 days from the date of receipt of a request for accession or a colocation request.

Party(ies) to the proceedings – Applicant(s): Roche doo Beograd, and Adoc doo Beograd.

Type of the exempt agreement and overview of commitments: Vertical agreement – Agreement on distribution of pharmaceuticals manufactured by Roche on the part of Adoc, exempt in 2018 with a duration period of 2 years from the date of adoption of the decision, on the condition of submitting reports to the Commission every 6 months on the implementation of said agreement, containing the following mandatory elements:

- agreements on distribution of pharmaceuticals covered by the exempt agreement, concluded by Adoc with other pharmaceutical wholesalers,
- information on participation of Adoc and other pharmaceutical wholesalers in public procurements of pharmaceuticals covered by the exempt agreement,
- overview of the requests for authorization for participation in public procurements issued by Roche, providing the reasons for not issuing the requested authorizations on a case-by-case basis.

Party(ies) to the proceedings – Applicant(s): Elixir Prahovo Industrija hemijskih proizvoda d.o.o. Prahovo, and Phosphea Danube doo Beograd.

Type of the exempt agreement and overview of commitments: Vertical agreement – Supply agreement for feed phosphates, granted the extension of the validity period of individual exemption in 2019 with a duration period of 3 years, on condition of submitting reports to the Commission every 6 months by the contracting parties, containing the following mandatory elements:

- competitive conditions on the markets for production and sales of feed phosphates in the territory of the Republic of Serbia;
- increase/decrease in demand of feed phosphates;

- purchases of feed phosphates by companies Elixir Fosfati and Phosphea Danube,
- requests to purchase feed phosphates by company Elixir Fosfati exceeding 2,500 tonnes of the solution in a single reporting period,
- potential changes to regulatory framework governing markets for phosphoric acid and/or feed phosphates.

	Carryovers	Filed in 2020	Decisions			Pending
			Granted exemption	Suspended proceedings	Denied exemption	
TOTAL	8	31	31	6	-	2
	39		37			

Table 7 – Overview of requests for individual exemption of agreements from prohibition

ANTITRUST COMPLAINTS (INITIATIVES)

Antitrust complaints or initiatives are one of the sources of intelligence that indicate potential infringements of competition rules and can be filed by natural and/or legal persons, nationals and foreign nationals, etc. The Commission has published on its website the instructions on the content of antitrust complaints referred to in Articles 10 and 16 of the Law on Protection of Competition, in addition to the request forms asking the Commission to investigate alleged infringements of competition law.

The Commission reviews the antitrust complaints received, to establish the existence of valid claims causing concern of antitrust violations, as alleged by the complaints. Following the review, the Commission informs the parties on the outcome of said complaints, in case they opted not to be anonymous.

	Carryovers	Filed in 2020	Reviewed and closed		Pending
			by sending notifications	by instituting proceedings	
TOTAL	15	32	35*	1	11
	47		36		

*based on one antitrust complaint closed by sending notification, the Commission launched a sector inquiry

Table 8 – Overview of antitrust complaints

Type of case	2019 Carryovers	2020 Reporting period	Number of decisions	2021 Carryovers
Restrictive agreements	13	7	6	14
Abuses of dominance	1	1	1	1
Individual exemptions of restrictive agreements from prohibition	8	31	37	2
Filed antitrust complaints	15	32		11
TOTAL	37	71	44	28
	108			

Table 10 – Summary overview of operations, CPC Restrictive Practices Division

MERGER INVESTIGATIONS

The Commission decides on the permissibility of concentrations, i.e., mergers in administrative procedures, and addresses the rights and obligations of the merger parties. The purpose of merger controls is to protect competition, i.e., prevent antitrust violations by merger implementation, in particular by creating or strengthening a dominant position post-merger. Mergers between undertakings are permitted unless they significantly restrict, distort, or prevent competition on the market of the Republic of Serbia or its part.

The Law defines the concept of mergers, lays down the rules and conditions governing merger notifications, deadlines for filing merger notifications, and regulates the standstill obligation i.e., an obligation not to put a merger into effect until it is cleared by the Commission. The Law also prescribes for types of decisions enacted by the Commission in merger control proceedings, decision-making authorities, time-limits within which merger-related decisions must be enacted, as well as the running of the period. Silence on the part of the Commission is deemed to constitute assent.

The merger investigation procedure is based on an *ex ante* merger control. The Commission establishes the permissibility of a concentration against criteria referred to in Article 19 of the Law and adopts the appropriate decision.

Where in a merger control proceedings the Commission can find reasonable grounds to believe that the proposed merger fulfills the conditions on permissibility referred to in Article 19 of the Law, it enacts a merger clearance decision in summary procedure. The merger control proceedings instituted *ex officio* are governed by Article 62 of the Law, stipulating the conditions under which the Commission can approach such investigations. The clearance of mergers subject to conditions is regulated by Article 66 of the Law stipulating that the Commission can enact a merger clearance decision, in addition to regulating special conditions, period of performance and arrangements for monitoring compliance in the context of a cleared merger.

On its website, the Commission also provides instructions on the method of calculating merging parties' assets and turnover, including its position on the application of Article 61 of the Law, as well as the merger notification forms.

The Regulation on the content and method of submission of merger notifications, adopted in 2016, has greatly streamlined and facilitated the filing of merger notifications since it enables undertakings, under the conditions laid down by the Regulation, to notify the Commission on the proposed merger in summary form and provide considerably less information and documentation. This notably reduces the costs both for undertakings and the Commission, especially with regard to economy of CPC resources. Positive effects of this Regulation are continuously confirmed in practice, supported by the 2020 data showing that the majority of merger notifications (86.3

percent of the total number) is filed in summary form under Article 3 of the Regulation on the content and method of submission of merger notifications. A total of 100 or 71.94 percent out of the total number of notified merger notifications in 2020 are filed by foreign legal persons, while 39 merger notifications (28.06 percent) are filed by national legal persons or economic entities – undertakings registered and operating on the market of the Republic of Serbia.

Type of proceedings	Closed proceedings	2021 Carryovers
Mergers investigated in summary procedure (type of the act – decision): <ul style="list-style-type: none"> • cleared • suspended 	120 1	25
Mergers investigated in <i>ex officio</i> proceedings (type of the act – decision), of which: <ul style="list-style-type: none"> • cleared, without conditions • instituted proceedings • pending • antitrust violations 	1	2 1 1
Refusal to examine merger notifications due to failure to meet revenue thresholds (type of the act – conclusion)	12	
CLOSED PROCEEDINGS, TOTAL	134	29

Table 9 – Overview of merger control proceedings, 2020

Based on the business activity criterion as an indicator of the most frequent type of merger notifications, the Commission notes the telecommunications sector with a total of 19 merger notifications, real-estate management and IT services sector with 13 merger notifications each, energy sector with 12, and chemical industry sector with 11 merger notifications. Also, a significant number of notifications have related to the insurance, food industry, banking and pharmaceutical sector, provision of health care services, etc.

Article 17 of the Law defines cases where a merger between undertakings occurs. If we classify the total number of issued merger clearance decisions in summary procedure (120) based on this legal criterion, it can be noted that the majority of issued decisions, as in previous years, relates to cases where one or several undertakings acquire direct or indirect control over another undertaking or its part (92 decisions or 76.67 percent). In cases of joint venture arrangements between two or more undertakings, agreed in order to establish a new undertaking or to acquire joint control over an existing undertaking that will operate on a long-term basis and have all functions of an independent undertaking, the Commission enacted a total of 27 decisions (22.55 percent), while based on concentrations or other status change in which a merger of undertakings occurs within

the meaning of the law governing status of companies, the Commission enacted one (0.83 percent) merger clearance decision in summary procedure

MERGERS CLEARED IN SUMMARY PROCEDURE

Concentrations created by acquisition of direct or indirect control by one or more undertakings over another or more undertakings, or over part or parts of other undertakings (Article 17(1/2) of the Law):

1. Concentration between undertakings created by acquisition of individual control on the part of company Stada Arzneimittel AG, Germany, over company Walmark AS, Czech Republic, and all its subsidiaries, by way of purchase of shares,
2. Concentration between undertakings created by acquisition of individual control on the part of company Avia Prime A.S., Czechia, over company JAT-TEHNIKA DOO Beograd, Republic of Serbia, by way of purchase of shares,
3. Concentration between undertakings created by acquisition of individual control on the part of company for production of bread and pastry Don Don d.o.o., Republic of Serbia, over a part of operations of company Pekarstvo d.o.o., Republic of Serbia, by way of purchase of production capacities and assets for the production of bakery products,
4. Concentration between undertakings created by acquisition of individual control on the part of company EXOR N.V., the Netherlands, over company GEDI Gruppo Editoriale S.p.A, Italy, by way of purchase of shares,
5. Concentration between undertakings created by acquisition of individual control on the part of company 2727957 ONTARIO INC., Canada, over company Continental Gold, Canada, by way of purchase of shares,
6. Concentration between undertakings created by acquisition of individual control on the part of company United Group Bulgaria EOOD, Bulgaria, over company Viva Telecom Bulgaria OOD, Bulgaria, by way of purchase of 100% of shares,
7. Concentration between undertakings created by acquisition of individual control on the part of company CEE-BIG B.V., the Netherlands, over company ES Logističke Nekretnine d.o.o. Beograd, Republic of Serbia, by way of purchase of 100% of shares,
8. Concentration between undertakings created by acquisition of individual control on the part of company Serbia Broadband – Srpske Kablovske Mreže d.o.o., Republic of Serbia, over company Pantić Electronic Cable Television d.o.o., Republic of Serbia, by way of purchase of shares,

9. Concentration between undertakings created by acquisition of individual control on the part of company L'Oréal S.A., France, over a part of company Prada S.p.A., Italy, which may represent an independent business entity, by way of acquiring an exclusive license,
10. Concentration between undertakings created by acquisition of individual control on the part of company International Flavors & Fragrances Inc., United States of America, over the nutrition and bioscience operations of company Dupont de Nemours, Inc., United States of America,
11. Concentration between undertakings created by acquisition of individual control on the part of company Pigments Spain S.L., Spain, over a part of operations of company Ferro Corporation, United States of America, consisting of a number of subsidiary companies, assets and means of production of intermediary products for tile coating,
12. Concentration between undertakings created by acquisition of individual control on the part of company Porsche Informatik Gesellschaft m.b.H., Austria, over company DASOF trgovsko in storitveno podjetje, d.o.o., Slovenia, by way of purchase of shares,
13. Concentration between undertakings created by acquisition of individual control on the part of company Intesa Sanpaolo Vita S.p.A, Italy, over company RBM Assicurazione Salute S.p.A., Italy, and its subsidiary companies, by way of purchase of shares,
14. Concentration between undertakings created by acquisition of individual control on the part of company Pozavarovalnica Sava d.d., Slovenia, over company NLB Vita d.d, življenjska zavarovalnica d.d, Slovenia, by way of purchase of shares,
15. Concentration between undertakings created by acquisition of individual control on the part of company Uralchem JSC, Russian Federation, over company Uralkali PJSC, Russian Federation, and its subsidiary companies, by way of purchase of shares,
16. Concentration between undertakings created by acquisition of individual control on the part of company Alfa BidCo d.o.o. Beograd, Republic of Serbia, over company HLEB I KIFLE DOO Beograd, Republic of Serbia, and its subsidiary company KIKLET DOO Beograd, Republic of Serbia, and its assets that will consist of shares in company LILLY DROGERIE PEKARSTVO DOO Beograd, Republic of Serbia, and operations of company ISHRANA D.O.O. Smederevo, Republic of Serbia,
17. Concentration between undertakings created by acquisition of individual control on the part of company J.S. Hamilton Poland sp. z o.o.. Poland, over company SP LABORATORIJA ad, Bečej, Republic of Serbia, by way of purchase of shares,
18. Concentration between undertakings created by acquisition of individual control on the part of company Apotekarska ustanova Dr. Max Beograd, Republic of Serbia, over a part of operations of Zdravstvena ustanova Apoteka Kruševac, Republic of Serbia, relating to the

- running of pharmaceutical healthcare operations at the primary level in the territory of the Rasina District,
19. Concentration between undertakings created by acquisition of individual control on the part of company SPORT TIME BALKANS DOO Beograd, Republic of Serbia, over a part of company MERCATOR-S d.o.o., Novi Sad, Republic of Serbia, which can represent an independent business entity, by way of purchase of assets,
 20. Concentration between undertakings created by acquisition of individual control on the part of company Farmalogist Holding d.o.o., Republic of Serbia, over companies Septima DOOEL Skopje, Republic of North Macedonia, and Pontera Pharma Solutions d.o.o. Podgorica, Montenegro, by way of purchase of shares,
 21. Concentration between undertakings created by acquisition of individual control on the part of company Velvet Care sp.z.o.o., Republic of Poland, over company MORACELL s.r.o., Czech Republic, by way of purchase of 100% of shares,
 22. Concentration between undertakings created by acquisition of individual control on the part of company DTEK OIL&GAS B.V., the Netherlands, over company Товариство з обмеженою відповідальністю КОСУЛІ, Ukraine, by way of purchase of shares,
 23. Concentration between undertakings created by acquisition of individual control on the part of company Telemach, širokopasovne komunikacije, d.o.o., Slovenia, over operations owned by the Institute KRS-ŠTEPANJSKO NASELJE zavod za telekomunikacije, Slovenia, that includes the network infrastructure and contractual relations for the provision of telecommunication services in the area of Štepanja vas, Ljubljana, Slovenia, which may represent an independent business entity,
 24. Concentration between undertakings created by acquisition of individual control on the part of company United link, spletni marketing, d.o.o., Slovenia, over company IDEO PLUS spletna prodaja, d.o.o., Slovenia, by way of purchase of 100% of shares,
 25. Concentration between undertakings created by acquisition of individual control on the part of company CEE-BIG B.V. the Netherlands, over company Aviv Arlon Prima doo, Zrenjanin, Republic of Serbia, by way of purchase of 100% of shares,
 26. Concentration between undertakings created by acquisition of individual control on the part of company WIENER STADTISCHE OSIGURANJE ADO Beograd, Republic of Serbia, over a part of company ANEX GROUP d.o.o. Beograd, Republic of Serbia, that may represent an independent business entity, by way of purchase of assets,
 27. Concentration between undertakings created by acquisition of individual control on the part of company Stada Arzneimittel AG, Germany, over a part of business operations of company GlaxoSmithKline Consumer Healthcare Holdings (No. 2) Limited, United Kingdom, that concerns the consumer healthcare portfolio with all accompanying rights,

28. Concentration between undertakings created by acquisition of individual control on the part of company Intesa Sanpaolo S.p.A., Italy, over company Unione di Banche Italiane S.p.A. Italy, by way of purchase of shares,
29. Concentration between undertakings created by acquisition of individual control on the part of company Telemach, širokopasovne komunikacije, d.o.o., Slovenia, over company Elcatel, podjetje za inženiring elektronskih naprav, marketing in prodajo, d.o.o. Piran, Slovenia, by way of purchase of shares,
30. Concentration between undertakings created by acquisition of individual control on the part of company Nova Ljubljanska banka d.d. Slovenia, over company KOMERCIJALNA BANKA AD, Republic of Serbia, by way of purchase of shares,
31. Concentration between undertakings created by acquisition of individual control on the part of company A1 Slovenija, telekomunikacijske storitve d.d. Slovenia, over company Studio Proteus, produkcija audio video kaset d.o.o., Slovenia, by way of purchase of shares,
32. Concentration between undertakings created by acquisition of individual control on the part of company Messer Group GmbH, Germany, over company AIR LIQUIDE CZ, s.r.o., Czech Republic, and company AIR LIQUIDE SLOVAKIA, s.r.o., Slovakia, by way of purchase of shares,
33. Concentration between undertakings created by acquisition of individual control on the part of company OMV Aktiengesellschaft, Austria, over company Borealis AG, Austria, and its subsidiary companies, by way of purchase of shares,
34. Concentration between undertakings created by acquisition of individual control on the part of company Metinvest B.V., the Netherlands, over the entire assets of company ISD Huta Częstochowa sp. Z o.o. w upadłości, Poland, comprising of a steel plant, by way of purchase of assets in insolvency proceedings,
35. Concentration between undertakings created by acquisition of individual control on the part of company Telemach, širokopasovne komunikacije, d.o.o., Slovenia, over company Ansat montaza in vzdrževanje elektronskih naprav d.o.o., Slovenia, by way of purchase of shares,
36. Concentration between undertakings created by acquisition of individual control on the part of company Optimum Ventures Magantokealap, Hungary, over company GTC Dutch Holdings B.V., the Netherlands, by way of purchase of 100% of shares,
37. Concentration between undertakings created by acquisition of individual control on the part of company GI International S.R.L., Italy, over company Work Service SA, Poland, and its subsidiary companies, by way of purchase of shares,
38. Concentration between undertakings created by acquisition of individual control on the part of company DRUŠTVA ZA INVESTIRANJE, TRGOVINU I USLUGE PLC

INTERENERGO DOO BEOGRAD, Republic of Serbia, over company Hydro Ljutina d.o.o. Priboj, Republic of Serbia, by way of purchase of shares,

39. Concentration between undertakings created by acquisition of individual control on the part of the Investment fund EQT VIII SCSp, Luxembourg, managed by company EQT Fund Management S.a.r.l., Luxembourg, over company Schulke & Mayr GmbH, Germany, and its subsidiary companies, by way of purchase of 100% of shares in company Schulke & Mayr GmbH,
40. Concentration between undertakings created by acquisition of individual control on the part of company Lorca Telecom BidCo SA, Spain, over company MásMóvil S.A. Spain, by way of purchase of shares,
41. Concentration between undertakings created by acquisition of individual control on the part of company United Group B.V., the Netherlands, over company Hellenic Telecommunication and Telematic Applications S.A., Greece, by way of purchase of shares,
42. Concentration between undertakings created by acquisition of individual control on the part of company Enetel Solutions doo, Republic of Serbia, over company TEODESK doo, Republic of Serbia, by way of purchase of 60% of shares,
43. Concentration between undertakings created by acquisition of individual control on the part of company RAINBOW UK Bidco Limited, Great Britain, over company Waves UK Divestco Limited, Great Britain, by way of purchase of shares,
44. Concentration between undertakings created by acquisition of individual control on the part of company Kopernikus Technology d.o.o., Republic of Serbia, over a part of operations of company Invest-Inženjering d.o.o., Republic of Serbia, that consists of the cable infrastructure and equipment necessary for the provision of retail Internet access, media content distribution and land telephony services,
45. Concentration between undertakings created by acquisition of individual control on the part of company DeLaval Holding BV, the Netherlands, over operations of Milkrite Interpuls of company Avon Rubber p.l.c., United Kingdom of Great Britain and Northern Ireland, by way of purchase of shares in its subsidiary companies Milkrite InterPuls (Shanghai) International Trading Co. Ltd, China, Milkrite InterPuls Soluções Para Ordenha Ltda, Brasil, Avon Rubber Italia S.r.l., Italia, InterPuls S.p.A., Italia, Milkrite | InterPuls Inc. United States of America, and Milkrite InterPuls Limited, United Kingdom of Great Britain and Northern Ireland,
46. Concentration between undertakings created by acquisition of individual control on the part of company for production of bread and pastry Don Don d.o.o. Beograd, Republic of Serbia, over company Anvama d.o.o. Beograd, by way of purchase of shares,

47. Concentration between undertakings created by acquisition of individual control on the part of company TATRAVAGÓNKA a.s., Slovakia, over company ZASTROVA, a.s., Slovakia, by way of purchase of shares,
48. Concentration between undertakings created by acquisition of individual control on the part of company Generali Investments, družba za upravljanje, d.o.o., Republic of Slovenia, over company FONDOVI ILIRIKA FUND MENADŽMENT AD SKOPJE, Republic of North Macedonia, by way of purchase of 100% of shares,
49. Concentration between undertakings created by acquisition of individual control on the part of company Generali CEE Holding B.V., the Netherlands, over a part of operations of company Red Sands Life Assurance Company (Europe) Limited, Gibraltar, that may represent an independent business entity, by of purchase of life insurance portfolio,
50. Concentration between undertakings created by acquisition of individual control on the part of company Robert Bosch GmbH, Germany, over company Sfara Inc., United States of America, by way of purchase of shares,
51. Concentration between undertakings created by acquisition of individual control on the part of company United Media S.à.r.l., Luxembourg, over companies RIMI MEDIA GROUP DOO Beograd, Republic of Serbia, MATRIX D DOO Čačak, Republic of Serbia, RADIO SEVEN DOO Niš, Republic of Serbia, TDI RADIO DOO, Montenegro, and MAXIM MEDIA PLUS DOO Beograd, Republic of Serbia, and all subsidiary companies, by way of purchase of shares,
52. Concentration between undertakings created by acquisition of individual control on the part of company Gazprom export LLC, Russian Federation, over company Centrex Europe Energy & Gas AG, Austria, by way of purchase of 100% of shares,
53. Concentration between undertakings created by acquisition of individual control on the part of company Grand Slam Group d.o.o. Beograd, Republic of Serbia, over company Grand Production d.o.o. Beograd, Republic of Serbia, by way of purchase of shares,
54. Concentration between undertakings created by acquisition of individual control on the part of company Novo Investment d.o.o., Republic of Serbia, over company ZBET.RS d.o.o., Republic of Serbia, and its subsidiary company, by way of purchase of shares,
55. Concentration between undertakings created by acquisition of individual control on the part of company Moja Supernova d.o.o., Republic of Serbia, over a part of operations of company Vivatel d.o.o. Šimanovci, Republic of Serbia, that consists of the cable infrastructure and equipment necessary for the provision of retail Internet access and media content distribution services,

56. Concentration between undertakings created by acquisition of individual control on the part of company Intesa Sanpaolo S.p.A., Italy, over company Euroconsult Rental Division S.p.A., Italy, by way of purchase of shares,
57. Concentration between undertakings created by acquisition of individual control on the part of company Bluestar Adisseo Nutrition limited, Hong Kong, over company FRAmelco, the Netherlands, by way of purchase of shares,
58. Concentration between undertakings created by acquisition of individual control on the part of company Siemens Healthineers AG, Germany, over company Varian Medical Systems Inc., United States of America, and its subsidiary companies, by way of purchase of shares,
59. Concentration between undertakings created by acquisition of individual control on the part of company AHEAD Parent, LLC, United States of America, over company AHEAD DB Holdings, LLC, United States of America,
60. Concentration between undertakings created by acquisition of individual control on the part of company Sun Valley d.o.o., Republic of Serbia, over company VICTORIAOIL DOO ŠID, Republic of Serbia, by way of purchase of shares,
61. Concentration between undertakings created by acquisition of individual control on the part of company MYLAN N.V., Great Britain, over a part of assets owned by company ASPEN GLOBAL INCORPORATED, Mauritius, and its affiliated companies, that incorporates operations of this company in relation to four antithrombotic products in Europe and which may represent an independent business entity,
62. Concentration between undertakings created by acquisition of individual control on the part of company Schneider Electric SE, France, over company OSISOFT LLC, United States of America, by way of purchase of shares and business units,
63. Concentration between undertakings created by acquisition of individual control on the part of companies Gebruder Weiss GmbH, Germany, GW Global Holding GmbH, Austria, and GW International Holding GmbH, Austria, over the entire freight forwarding operations of company Ipsen Logistics GmbH, Germany, and company Ipsen Air Logistics GmbH, Germany, as well as by way of purchase of shares in the following companies: Ipsen Logistics BVBA, Belgium, Ipsen Logistics Sp. z.o.o., Poland, and Ipsen Logistics (M) Sdn. Bhd, Malesia,
64. Concentration between undertakings created by acquisition of individual control on the part of company Diagnostični center Vila Bogatin d.o.o. Slovenia, over company Kirurški sanatorij Rožna dolina d.o.o. Slovenia, by way of purchase of shares,
65. Concentration between undertakings created by acquisition of individual control on the part of company Euroimpeks d.o.o. uvoz-izvoz Skopje, Republic of North Macedonia, over

- company OPEL AUTOMOTIVE S d.o.o. Beograd, Republic of Serbia, by way of purchase of 100% of shares,
66. Concentration between undertakings created by acquisition of individual control on the part of Public enterprise SRBIJAGAS NOVI SAD, Republic of Serbia, over company PROGRESGAS-TREJDING D.O.O., Republic of Serbia, by way of purchase of shares,
67. Concentration between undertakings created by acquisition of individual control on the part of company Volkswagen AG, Germany, over the camera software business (including the associated testing and validation area) owned by company HELLA Aglaia Mobile Vision GmbH, Germany, by way of purchase of assets,
68. Concentration between undertakings created by acquisition of individual control on the part of company Bain Capital Private Equity (Europe), LLP, England, over company Ahlstrom-Munksjö Oyj, Finland, by way of purchase of shares,
69. Concentration between undertakings created by acquisition of individual control on the part of company Opšta bolnica MEDIGROUP, Republic of Serbia, over company Specijalizovana bolnica iz neurologije Affidea, Republic of Serbia, by way of purchase of shares,
70. Concentration between undertakings created by acquisition of individual control on the part of company EQT Fund Management S.à.r.l., Luxembourg, over operations of company Chr. Hansen Holding A/S, Denmark, that concern the production and sales of natural coloring solutions used in the food and beverages industry and related products and services,
71. Concentration between undertakings created by acquisition of individual control on the part of company Mavason Limited, Cyprus, over company R2G Polska Sp. z.o.o., Poland, including its subsidiary company, by way of purchase of shares,
72. Concentration between undertakings created by acquisition of individual control on the part of companies J. Christof E&P Services S.R.L., Romania, and Christof Private Firefighting Services S.R.L., Romania, over operations of company OMV Petrom S.A., Romania, relating to certain operations and general surface services ancillary to extraction of petroleum and natural gas in the territory of Romania,
73. Concentration between undertakings created by acquisition of individual control on the part of company CTH Invest S.A, Belgium, over operations of company Northern Foods Limited, United Kingdom of Great Britain and Northern Ireland, that concerns the manufacture and sales of cookies and biscuits in the United Kingdom of Great Britain and Northern Ireland,
74. Concentration between undertakings created by acquisition of individual control on the part of company Messer Medical Homecare Holding GmbH, Germany, over company Hans

- Müller HMP Medizintechnik GmbH, Germany, and company Hans Müller medizinische und technische Gase GmbH, Germany, by way of purchase of shares,
75. Concentration between undertakings created by acquisition of individual control on the part of company Intesa Sanpaolo S.p.A., Italy, over company REYL & Cie SA, Switzerland, by way of purchase of shares,
76. Concentration between undertakings created by acquisition of individual control on the part of company Česká spořitelna, a.s, Czech Republic, over operations of company Waldviertler Sparkasse Bank AG, Austria, that concern the retail and corporate banking services provided in the Czech Republic,
77. Concentration between undertakings created by acquisition of individual control on the part of company MET Renewables Holding AG, Switzerland, over company ЕНЕЛ ГРИЙН ПАУЪР БЪЛГАРИЯ ЕАД, Bulgaria, including its subsidiary companies in Bulgaria, by way of purchase of shares,
78. Concentration between undertakings created by acquisition of individual control on the part of company LSF10 XL Bidco SCA, Luxembourg, over company Xella International S.A., Luxembourg,
79. Concentration between undertakings created by acquisition of individual control on the part of company MERCATA VT DOO, Republic of Serbia, over company ABV Distribucija doo, Republic of Serbia, by way of purchase of shares,
80. Concentration between undertakings created by acquisition of individual control on the part of company Care&Repair doo, Republic of Serbia, over company SYSTEM ONE DOO, Republic of Serbia, by way of purchase of 100% of shares,
81. Concentration between undertakings created by acquisition of individual control on the part of company Potters Buyer LLC, United States of America, over the following companies, including their subsidiaries: Potters Ballotini Acquisition GmbH, Germany; Potters Holdings GP, Ltd., Cayman Islands; Potters Holdings L.P., Cayman Islands; Potters International Holdings S.à. r.l., Luxembourg; Potters Netherlands Holdings I C.V., the Netherlands; PQ Holdings Australia Pty Limited, Australia; Potters Leveraged Lender LLC, Delaware, by way of purchase of shares,
82. Concentration between undertakings created by acquisition of individual control on the part of company MANEKS DOO, Republic of Serbia, over company ELEKTROMONTAŽA D.O.O. Kraljevo, Republic of Serbia, by way of purchase of 100% of shares,
83. Concentration between undertakings created by acquisition of individual control on the part of company Atos IT Solutions and Services GmbH, Austria, over company SEC Consult Unternehmensberatung GmbH, Austria, by way of purchase of shares,

84. Concentration between undertakings created by acquisition of individual control on the part of company Artemis Acquisitions (UK) Limited, United Kingdom, over joint stock company Landini Giuntini S.P.A., Italy,
85. Concentration between undertakings created by acquisition of individual control on the part of company DELTA KONGRESNI CENTAR d.o.o. Beograd, Republic of Serbia, over a part of assets of Public enterprise Sava Centar, Republic of Serbia, owned by the City of Belgrade, which may represent an independent business entity,
86. Concentration between undertakings created by acquisition of individual control on the part of company ТОВ ЛІЕМТРАНС, Ukraine, over company ТОВ ЛІЕВАДА КАРГО, Ukraine, and its subsidiary companies ТОВ КОНТЕЙНЕРНИЙ ТЕРМІНАЛ ФАСТІВ, Ukraine, and ТОВ МДП, Ukraine, by way of purchase of shares,
87. Concentration between undertakings created by acquisition of individual control on the part of company Asseco SEE doo, Republic of Serbia, over company Things Solver doo, Republic of Serbia, by way of purchase of 53.76% of shares,
88. Concentration between undertakings created by acquisition of individual control on the part of company TATRAVAGÓNKA a.s., Slovakia, over company ŽOS Vrútky a.s., Slovakia, by way of purchase of shares, as well as by acquisition of joint control over companies ŽOS-EKO, s.r.o., Slovakia, ŽOS-MEDIKA, s.r.o., Slovakia, and ŽOS TRADING s.r.o., Slovakia, by way of purchase of shares from the former co-owner of the companies, where the other co-owner of the companies that will jointly execute control with company TATRAVAGÓNKA a.s., remains unchanged,
89. Concentration between undertakings created by acquisition of individual control on the part of company Naftna industrija Srbije a.d., Republic of Serbia, over a part of another undertaking that may represent an independent business entity, specifically over a patrol station owned by company NB COMPANY DOO LESKOVAC, Republic of Serbia,
90. Concentration between undertakings created by acquisition of individual control on the part of company Petrol Slovenska energetska družba dd, Slovenia, over company E 3, ENERGETIKA, EKOLOGIJA, EKONOMIJA, d.o.o., Slovenia, by way of purchase of shares,
91. Concentration between undertakings created by acquisition of individual control on the part of company Symrise AG, Federal Republic of Germany, over operations of company Sensient Technologies Corporation, United States of America, relating to fragrance and aroma chemicals business,
92. Concentration between undertakings created by acquisition of individual control on the part of company A1 Telekom Austria, Austria, over a part of operations of company NTT Austria GmbH, Austria.

Concentrations created in a joint venture agreement or by acquisition of joint control (Article 17(1/3) of the Law):

1. Concentration between undertakings created in a joint venture agreement entered into by companies Dr. Ing.h.c. F. Porsche Aktiengesellschaft, Germany, and Munchener Ruckversicherungs-Gesellschaft Aktiengesellschaft, Germany, by incorporating a fully-functional company that will operate in the IT consultancy and the so-called smart factory services sectors in all industries, where companies Dr. Ing.h.c. F. Porsche Aktiengesellschaft and Munchener Ruckversicherungs-Gesellschaft Aktiengesellschaft will each own an equal share in the joint venture company,
2. Concentration between undertakings created in a joint venture agreement entered into by companies Generali Real Estate S.p.A., Italy, and Apleona Real Estate GmbH, Germany, concerning company Sansa Beteiligungsverwaltungs GmbH, Austria, that will operate on a long-term basis and have all the functions of an independent undertaking,
3. Concentration between undertakings created by acquisition of joint control on the part of companies ENGIE S.A., France, Mirova S.A., France, and Predica Prévoyance Dialogue du Crédit Agricole S.A., France, over operations of company EDP – Gestão da Produção de Energia, Portugal, that consist of a portfolio of six hydroelectric power plants in the northern Portugal,
4. Concentration between undertakings created by acquisition of joint control on the part of companies Opportunity Transformation Investments Inc., United States of America, GLS Gemeinschaftsbank EG, Germany, UmweltBank AG, Germany, and Triodos Investment Management B.V., the Netherlands, over company Opportunity banka A.D. Novi Sad, Republic of Serbia, created by changing the individual into jointly executed control by way of purchase of shares on the part of companies GLS Gemeinschaftsbank, UmweltBank and Triodos Investment Management, and becoming a shareholder of company Opportunity banka,
5. Concentration between undertakings created by acquisition of joint control on the part of companies AXA Infrastructure Equity 1 SAS, France, and Predica Prevoyance Dialogue du Credit Agricole S.A., a societe anonyme, France, over company ELL Luxembourg 2 S.a r.l., Grand Duchy of Luxembourg, and its subsidiary companies, by way of purchase of shares,
6. Concentration between undertakings created by acquisition of joint control on the part of companies Generali SCF S.à r.l., Luxembourg, and Union Investment Real Estate GmbH, Germany, over company Zaragoza Properties SOCIMI, S.A., Spain, by way of purchase of the entire share capital in Zaragoza Properties SOCIMI, S.A. by the notifying party,
7. Concentration between undertakings created by acquisition of joint control on the part of companies MERCATA D.O.O. BEOGRAD, Republic of Serbia, and AUTORITAS

- INVESTMENT D.O.O. NOVI SAD, Republic of Serbia, and natural persons Aleksandar Seratlić and Saša Glušac, over company VELETABAK D.O.O. NOVI SAD, under the Framework Agreement,
8. Concentration between undertakings created by acquisition of joint control on the part of companies Bain Capital Europe Fund V SCSp, Luxembourg, and NB Renaissance Partners S.a.r.l SICAV-RAIF, Luxembourg, over company Engineering Ingegneria Informatica S.p.A., Italy, by way of purchase of the entire capital,
 9. Concentration between undertakings created in a joint venture agreement entered into by companies Zenith Electronics LLC, United States of America, and Luxoft USA, Inc. United States of America, to create a joint venture company under trading name LC2 LLC, incorporated under the laws of the State of Delaware, United States of America, that will be fully functional and operate on a long-term basis as an independent undertaking in the area of digital system integrations for the automotive industry,
 10. Concentration between undertakings created by acquisition of joint control on the part of funds managed by affiliated companies Advent International Corporation, United States of America, and Cinven Capital Management (VII) General Partner Limited, Guernsey, over company Thyssenkrupp Elevator AG. Germany, by way of purchase of the entire issued share capital,
 11. Concentration between undertakings created by incorporating a joint venture company under trading name Wolong ZF Automotive Electric Motors Co. Ltd., People's Republic of China, on the part of company ZF Friedrichshafen AG, Germany, and company Wolong Electric Group Co. Ltd, People's Republic of China, to create a new undertaking that will operate on a long-term basis and have all the functions of an independent undertaking,
 12. Concentration between undertakings created in a joint venture agreement entered into by company ALD S.A., France, and company Mitsubishi UFJ Lease & Finance Company Limited, Japan, by incorporating a new and fully operational company that will operate on a long-term basis as an independent undertaking,
 13. Concentration between undertakings created by acquisition of joint control on the part of companies CPP Investment Board Europe S.a.r.l., Grand Duchy of Luxembourg, KKR & Co. Inc., United States of America, and Axel Springer Gesellschaft für Publizistik GmbH & Co, Germany, over company Axel Springer SE, Germany, created by the change of a bipartite to a tripartite control by way of purchase of shares on the part of company CPP Investment Board Europe S.a.r.l. and becoming a shareholder of company Axel Springer SE,
 14. Concentration between undertakings created in a joint venture agreement entered into by companies SIJ – Slovenska industrija jekla d.d. Slovenia, and TPA tehnološki center d.o.o. Slovenia, to acquire joint control over company SIJ RAVNE STEEL CENTER distribucija

- in obdelava jekel d.o.o., Slovenia, and to incorporate a new company that will operate on a long-term basis and have all the functions of an independent undertaking,
15. Concentration between undertakings created in a joint venture agreement entered into by company Best in Parking & Real Estate AG, Austria, and company Inobačka d.o.o., Republic of Serbia, to incorporate a new jointly controlled undertaking that will operate on a long-term basis and have all the functions of an independent undertaking on the market for architectural planning, construction, management and maintenance of public parking garages,
 16. Concentration between undertakings created by acquisition of joint control on the part of companies PPF BEER TOPHOLDCO B.V., the Netherlands, and EXSA EXPORT SANAYI MAMULLERI SATIŞ VE ARAŞTIRMA A.Ş., Turkey, over company Temsa Ulaşım Araçları Sanayi ve Ticaret A.Ş., Turkey, and its subsidiary companies,
 17. Concentration between undertakings created by acquisition of joint control over company Electra Industries Ltd., Israel, on the part of company Electra Consumer Products (1951) Ltd, Israel, and company Bosch Thermotechnik GmbH, Germany, by way of purchase of 40% of equity interest in the share capital of company Electra Industries Ltd. by company Bosch Thermotechnik GmbH from the previous sole shareholder, company Electra Consumer Products-a (1951) Ltd,
 18. Concentration between undertakings created by acquisition of joint control on the part of companies Baynunah Agriculture LLC, United Arab Emirates, and Grainveta Limited, United Arab Emirates, over company Al Dahra Group Sole Proprietorship LLC, United Arab Emirates, created by the change from individual into jointly executed control by way of purchase of shares by company Grainveta Limited and becoming a shareholder of company Al Dahra Group Sole Proprietorship LLC,
 19. Concentration between undertakings created by acquisition of joint control on the part of companies Munchener Ruckversicherungs-Gesellschaft Aktiengesellschaft, Germany, and Shandong Hi-Speed Group Corporation, China, over company Taishan Property & Casualty Insurance Co., China,
 20. Concentration between undertakings created in a joint venture agreement entered into by companies KOEFIK DOO, Republic of Serbia and TRIMTAB CONSULTING DOO, Republic of Serbia, to incorporate a joint venture company under trading name FinCredible DOO, Republic of Serbia, that will operate on a long-term basis and have all the functions of an independent undertaking,
 21. Concentration between undertakings created by acquisition of joint control on the part of Public enterprise Elektroprivreda Srbije Beograd (Stari Grad), Republic of Serbia, and Mješoviti holding Elektroprivreda Republike Srpske – Matično preduzeće, akcionarsko društvo Trebinje, Bosnia and Herzegovina, over company Hidroelektroenergetski sistem

- Gornja Drina, društvo sa ograničenom odgovornošću za proizvodnju i prodaju električne energije Foča, Bosnia and Herzegovina,
22. Concentration between undertakings created by acquisition of joint control on the part of companies DTEK OIL&GAS DEVELOPMENT B.V., the Netherlands, and CURZON COMMODITIES TRADING LIMITED, United Kingdom of Great Britain and North Ireland, over companies LLC NADRA SERVICE INVEST, Ukraine, LLC NADRAPROSTIR, Ukraine, LLC UNOLIT OIL, Ukraine, and LLC VILENDA-RESOURCE 2000, Ukraine, by way of purchase of shares,
 23. Concentration between undertakings created by acquisition of joint control on the part of companies Društvo sa ograničenom odgovornošću za uvoz, izvoz, proizvodnju, promet i usluge u prometu DASTO-SEMTEL Bijeljina, Bosnia and Heryegovina, and NOVA BH društvo sa ograničenom odgovornošću Sarajevo, Bosnia and Herzegovina, over company Multiplex Service BH Društvo sa ograničenom odgovornošću Sarajevo, Bosnia and Herzegovina, by way of purchase of shares,
 24. Concentration between undertakings created by acquisition of joint control on the part of companies BCEC Management X Limited, Guernsey, BC Partners Management XI Limited, Guernsey, 4emme S.r.l., Italy, Alva S.p.A., Italy, Amca S.r.l., Italy, Cofiva S.A., Luxembourg, Fariniundici S.p.A., Italy, Ipercubo S.r.l., Italy, Lefa S.r.l., Italy, Mefa S.r.l., Italy, and P.M. Investments S.r.l., Italy, over company Società Finanziaria Macchine Automatiche S.p.A., Italy, and its subsidiary company I.M.A. Industria Macchine Automatiche S.p.A., Italy, by way of purchase of shares,
 25. Concentration between undertakings created by acquisition of joint control on the part of companies Leonardo S.p.A., Italy, and Thales S.A., France, over business operations relating to terrestrial systems for the management of space systems of company Vitrociset S.p.A., Italy, and its two subsidiary companies, that will be transferred to company Telespazio S.p.A., Italy, under the joint control of companies Leonardo S.p.A. and Thales S.A.,
 26. Concentration between undertakings created in a joint venture agreement entered into by companies Daimler AG, Germany, and AB Volvo, Sweden, to incorporate a new undertaking that will operate on a long-term basis in the development, production and sales sector, as well as after-sales services for fuel cell systems for heavy-duty vehicle applications, and have all the functions of an independent undertaking,
 27. Concentration between undertakings created by acquisition of joint control on the part of companies Europ Assistance Holding, France, and Pacifica S.A. France, over companies Europ Assistance France, France, and Viavita S.A.S., France, by way of purchase of shares.

Concentrations resulting from mergers or other status changes in which a merger of undertakings occurs within the meaning of the law governing status of companies (Article 17(1/1) of the Law):

1. Concentration between undertakings resulting from a merger of company Peugeot S.A., France, and company Fiat Chrysler Automobiles N.V. the Netherlands, by incorporating a new company under trading name DutchCo as a result of the merger.

NOTIFIED MERGERS SUBJECT TO *EX OFFICIO* PROCEEDINGS

CLOSED PROCEEDINGS

Privredno društvo za proizvodnju, promet i usluge Agromarket doo Kragujevac – Akcionarsko društvo Galenika-Fitofarmacija za proizvodnju hemikalija za poljoprivredu, Beograd

The Commission has unconditionally cleared the merger between undertakings, created by acquisition of control on the part of company Privredno društvo za proizvodnju, promet i usluge Agromarket doo Kragujevac, by way of purchase of shares in company Akcionarsko društvo Galenika-Fitofarmacija za proizvodnju hemikalija za poljoprivredu, Beograd.

In the investigation procedure, the Commission analyzed the effects of the proposed transaction on the following relevant product markets in the Republic of Serbia:

1. market for production of pesticides (herbicides, fungicides and insecticides);
2. wholesale trade market for herbicides;
3. wholesale trade market for fungicides;
4. wholesale trade market for insecticides.

Based on the facts established, the Commission concluded that company Agromarket will become the largest pesticide producer in the territory of the Republic of Serbia as a result of this concentration, holding a /30-40/% market share. A comprehensive analysis of data obtained in the investigation procedure shown that 55 percent of sold or marketed pesticides on the market of the Republic of Serbia are sourced from abroad. The Commission has acknowledged this fact and further established that there is no significant concern as to the amalgamation of the merger parties on the pesticide production market. With regard to the wholesale trade markets for herbicides, fungicides and insecticides, the Commission established that on only one of the markets identified, namely the wholesale trade market for herbicides, company Agromarket will acquire a dominant position as a result of the merger concerned, holding a /40-50/% market share. Finally, the Commission has established that no anticompetitive horizontal and vertical effects of the concentration concerned will happen on any of the defined relevant markets.

PENDING PROCEEDINGS

Privredno društvo Kingspan Holding Netherlands B.V. Holandija – TeraSteel S.A., Romania/ TeraSteel d.o.o Leskovac, Serbia/ TeraSteel Slovakia SRO, Slovakia/ Wetterbest SA, Romania

The Commission pursued further the merger control proceedings *ex officio*, instituted on receipt of a merger notification by said undertakings, which is created by acquisition of individual control on the part of company Kingspan Holding Netherlands B.V., the Netherlands, over the following companies: 1) TeraSteel S.A., Romania, 2) TeraSteel d.o.o Leskovac, Serbia, 3) TeraSteel Slovakia SRO, Slovakia, 4) Wetterbest SA, Romania, including its subsidiary company Cortina WTB SRL, Romania, to investigate the permissibility of the notified merger under Article 19 of the Law.

Based on data and information contained in the merger notification and notification addenda, it derives that the implementation of said merger would cause significant horizontal overlaps in operations between the merger parties on the market for production and wholesale trade of foam sandwich panels, holding significant market shares.

Company Kingspan Holding Netherlands B.V., the Netherlands, – Trimo, arhitekturne rešitve, d.o.o., Slovenia

The Commission pursued further the merger control proceedings *ex officio*, instituted on receipt of a merger notification by said undertakings, which is created by acquisition of individual control on the part of company Kingspan Holding Netherlands B.V., the Netherlands, over company Trimo, arhitekturne rešitve, d.o.o., Slovenia, and its subsidiary companies, to investigate the permissibility of the notified merger under Article 19 of the Law.

Based on data and information contained in the merger notification and notification addenda, it derives that the implementation of said merger would cause significant horizontal overlaps in operations between the merger parties on the market for production and wholesale trade of mineral wool sandwich panels, holding significant market shares.

MONITORING THE IMPLEMENTATION AND COMPLIANCE WITH COMMITMENTS FROM CONIDTIONAL CLEARANCE DECISIONS

During 2020, the Commission continued to monitor the manner of implementation and compliance with commitments contained and laid down in the Commission's conditional clearance decisions from the previous period, representing an obligation of individual undertakings set out in each individual decision on conditional merger clearance and whose period of performance also covered this reporting period. Within the predefined time intervals set out in each individual decision on conditional merger clearance, the Commission monitored the manner in which the undertakings concerned have implemented and complied with the commitments, through agreed regular reporting.

Company Preduzeće za proizvodnju hleba i peciva Don Don d.o.o. Beograd – a part of Akcionarsko društvo za preradu žitarica Žitopromet, Zaječar

The Commission cleared the merger between the parties subject to conditions, created by acquisition of individual control on the part of company Don Don d.o.o. Beograd, Republic of Serbia, over a part of company Žitopromet, Zeječar, Republic of Serbia, that may represent an independent business entity consisting of a bakery manufacturing plant, flour mill and flour silo located in Zaječar, 2 Kraljevića Marka St., with accompanying equipment and inventory, by purchasing the immovable and movable property in the enforcement proceedings. In its decision, the Commission prescribed a series of behavioral measures.

Don Don is obligated to submit semi-annual reports to the Commission within 30 days of the expiry of the reporting period, where the first 6-month reporting period begins to run from the validity date of the Commission's decision. Company Don Don has submitted reports for the first reporting period (Oct 15, 2019-Apr 15, 2020) in May 2020, and for the second reporting period (Apr 16-Oct 15, 2020) in November 2020, containing mandatory components that concern the year 2019 and 2020.

Roaming Electronics – WINWIN SHOP/ Emmi House/ WINWIN RETAIL

The Commission cleared the merger between undertakings subject to conditions, created by acquisition of individual control on the part of company Roaming Electronics doo, Beograd, over the following companies: 1) WINWIN SHOP doo, Čačak, 2) Emmi House doo, Čačak, and 3) WINWIN RETAIL doo, Čačak, by way of purchase of share or acquisition of operations.

The conditional merger clearance decision set out special requirements and deadlines thereof, namely the divestment measures that concern a part of operations on the retail markets for small household appliances, large household appliances, TV, audio and video equipment, mobile and landline telephones, computers and other IT equipment. The divestment procedure is taking place.

The follow-up of company Sunoko d.o.o. Novi Sad to the ordered structural and behavioral measures set out in the Commission's decision of August 11, 2016

The Commission cleared the merger between undertakings subject to conditions, created by acquisition of control on the part of company Sunoko doo Novi Sad over company Star Šećer doo Senta, and thus over company Fabrika šećera TE-TO Senta AD.

The decision laid down the requirements in respect of company Sunoko, set in the form of behavioral measures and a mandatory reporting commitment before the Commission in order to preserve the market structure and maintain the production capacities in full, including of the sugar plant TE-TO Senta on the market, ensure the transparency in monitoring potential variations to sugar prices on the market, improve the transparency in sugar trading policy and business relations with buyers, as well as to guarantee the provision of full and complete information to the Commission on the scope and type of investments to be realized in TE-TO Senta sugar plant aimed at improving the manufacturing system efficiency.

On April 14, 2020, company Sunoko submitted to the Commission the Report on the enforcement of behavioral measures set out in the Commission's decision, containing information on the processed quantities of sugar beet and manufactured sugar in the manufacturing plants owned by company Sunoko, information on public announcements on the sale of factory in the case of insolvency or adopted decision of a legal entity resulting in the permanent closing of individual sugar refineries under the company's management, information on the 6-month sugar price trends, information on the sugar trade policy in relation to domestic buyers, information on potential amendments to the concluded agreements between company TE-TO and its buyers, and information on measures and acts taken towards maintaining business operations of company TE-TO. On October 1, 2020, company Sunoko provided information to the Commission on the 6-month sugar price trends.

The follow-up of company Compagnie des Levures Lesaffre S.A. to the ordered behavioral measures set out in the Commission's decision of February 2, 2018

The Commission conditionally cleared a merger, created by acquisition of control on the part of company Compagnie des Levures Lesaffre S.A. over company Alltech Serbia d.o.o. Senta. The Commission imposed a set of behavioral measures against company Alltech Serbia Fermentaciona Industrija d.o.o. Senta, which later changed its business name to Biospringer RS d.o.o. Senta.

To enforce the measures, company Compagnie des Levures Lesaffre S.A. filed a report on March 23, 2020 containing mandatory reporting elements relating to 2019 and within the timeframe specified by the Commission's decision. The Commission received information on the capacity utilization rate of company Biospringer RS d.o.o. Senta, volume and value of yeast extract production, as well as on the volume and value of baker's yeast production and sales (separately for liquid, viscous paste and dried powder forms) of company Biospringer RS in 2019.

INVESTIGATION OF MERGERS IMPLEMENTED WITHOUT COMPLYING WITH THE NOTIFICATION AND CLEARANCE REQUIREMENTS

PENDING PROCEEDINGS

Proceedings brought against undertaking Apotekarska ustanova Janković, Novi Sad

The Commission instituted an *ex officio* proceedings against Apotekarska ustanova Janković, Novi Sad, to investigate a merger implemented prior to obtaining clearance under the Law on Protection of Competition, which, based on the reasonable grounds to believe, is created by the acquisition of control on the part of Apotekarska ustanova Janković over pharmaceutical operations of Apoteka Zrenjanin pursuant to the Concession Agreement for Financing, Revitalization, Management, and Running of Pharmaceutical Operations in the City of Zrenjanin, concluded on March 4, 2019 between the City of Zrenjanin and Apotekarska ustanova Janković.

In order for the Commission properly and completely establish the facts, Apotekarska ustanova Janković is ordered to provide relevant data, information and documentation.

Proceedings brought against company Fortenova Grupa d.d., Croatia

Based on publicly available information, the Commission learned that company Fortenova Grupa d.d., Croatia, has acquired shares in 21 companies in the Republic of Serbia previously operating within the former Agrokor Group, namely over the following companies: Frikom d.o.o, Mg Mivela d.o.o, Atlas Ambassador d.o.o, Kron d.o.o, M-profil SPV d.o.o, mStart Business Solutions d.o.o, Nova Sloga d.o.o, PIK Vrbovec d.o.o, Dijamant a.d, Kikindski Mlin a.d, Kompas d.o.o, AGKOR posredovanje u osiguranju d.o.o, TP Angropromet Eksport-Import d.o.o, BEOJANA d.o.o, BEOKONA d.o.o, BEOPANA d.o.o, BEOSLANA d.o.o, BEOVONA d.o.o, IDEA d.o.o, ADRIATICA.NET d.o.o., and Super Kartica d.o.o. In that manner, the company changed the form of control executed over the target companies, which constituted grounds to institute proceedings *ex officio* to investigate a merger implemented prior to obtaining clearance under the Law.

In the proceedings concerned, the Commission will investigate whether the party has acted in violation of Article 63 of the Law, as well as the permissibility of this merger under Article 19 of the Law which stipulates that the concentrations between undertakings are permitted, unless they significantly restrict, distort, or prevent competition on the market of the Republic of Serbia or its part, and especially if that restriction, distortion, or prevention is the result of creating or strengthening of a dominant position.

Suspension of proceedings ex officio: East Media – Politika novine i magazini (PNM)

Based on the Commission Council's conclusion of March 25, 2015, the Commission suspended proceedings *ex officio* due to the existence of a preliminary issue, instituted by the Commission President's Conclusion of November 27, 2014 against the Russian company East Media to investigate a merger implemented prior to obtaining clearance under the Law. The merger concerned was created by way of purchase of 50 percent of shares in PNM by the Russian company from the Austrian company Ost holding GmbH, an affiliated legal entity of company WAZ Medienbeteiligungsgesellschaft Balkan GmbH (WAZ) from Essen, Germany.

The suspension of the proceedings concerned will be in effect until the State Attorney's Office of the Republic of Serbia resolves the preliminary issue, since the Commission is not competent to act in this matter. The preliminary legal issue relates to the validity – potential invalidity of the Purchase and Sales Agreement concluded between companies East Media and Ost holding, which represents the legal basis for the merger concerned. The issue occurred from the established likelihood that the seller, Ost holding, has failed to act in accordance with the incorporation charter document of PNM when selling 50 percent of shares to East Media, thus withholding the associated and clearly defined priority rights of the other PNM shareholder, company Politika ad, majority-owned by the Republic of Serbia.

Pursuant to Article 2(2) of the Law on Prosecutor's Office (Official Gazette of the RS 55/2014), the State Attorney's Office is authorized and bound to undertake legal actions in order to protect ownership rights and interests of the Republic of Serbia.

JUDICIAL REVIEW IN COMPETITION CASES

Actions may be brought before the referring court against final decisions of the Commission no later than 30 days from the day of notification in the case, which are then heard by the Administrative Court. The law prescribes optional deadlines for the court's rulings, no later than three months from the receipt of a statement of defence or on the expiry of the time period for filing a defence.

The Supreme Court of Cassation decides on extraordinary legal remedies. The law prescribes optional deadlines for the court's rulings, no later than three months from the receipt of a statement on extraordinary legal remedies or on the expiry of the time period for filing a statement.

ADMINISTRATIVE COURT DECISIONS

A total of eight administrative appeals are closed during 2020 in which the Commission for Protection of Competition was a party to the proceedings. Five out of eight closed proceedings are ruled in favor of the Commission, while three cases are decided in favor of the plaintiffs.

1. Administrative Court's ruling, dismissing the actions brought by the plaintiff, company AMM IMMOVABLES doo Beograd, concerning the Paragraph I and the second conclusion enacted by the Commission on the suspension of antitrust proceedings brought against the plaintiff, by way of which the administrative expense claim of the plaintiff was rejected (restrictive agreement – "bid rigging").
2. Administrative Court's ruling, dismissing the actions brought by the plaintiff, company Serbia Broadband – Srpske kablovske mreže doo Beograd (SBB), for lack of standing to bring administrative proceedings. The action was brought against the Commission's merger clearance decision, approving the acquisition of control on the part of company Telekom Srbija over company BPP ING.
3. Administrative Court - Court Unit Niš's ruling, upholding the action brought by the plaintiff, company Niš ekspres ad Niš, annulling the Commission's decision establishing an infringement of competition law and referring the case back to the competent authority for reassessment (abuse of dominance).
4. Administrative Court's ruling, dismissing the actions brought by the plaintiff, company Serbia Broadband – Srpske kablovske mreže doo Beograd (SBB), against the Commission's decision rejecting the claims of the plaintiff to reassess a merger review case concerning the acquisition of control on the part of company Telekom Srbija over company Kopernikus Technology.
5. Administrative Court's ruling, upholding the actions brought by the plaintiff, company CarGo Technologies doo Beograd, and annulling the Commission Council's decision

rejecting the actions brought by the plaintiff against the Commission President's decision that rejected the opposition in respect of a notification on the antitrust complaint outcome.

6. Administrative Court's ruling, dismissing the actions brought by the plaintiff, company Serbia Broadband – Srpske kablovske mreže doo Beograd (SBB), for lack of standing to bring administrative proceedings. The action was brought against the Commission's merger clearance decision, approving the acquisition of control on the part of company Telekom Srbija over company Telemark Systems.
7. Administrative Court - Court Unit Niš's ruling, upholding the actions brought by the plaintiffs, companies Birodeveloping doo Niš, Konica Minolta Poslovna Rešenja Se doo Beograd, Original doo Beograd, Dikti Line doo Beograd, Birolinija doo Beograd, and Mikops doo Niš, annulling the Commission's decision and referring the case back to the defendant for reassessment (restrictive agreement – "bid rigging").
8. Administrative Court's ruling, dismissing the actions brought by the plaintiff, company Beteco doo Beograd, against the Commission's conclusion by way of which the administrative expense claim of the plaintiff was rejected (restrictive agreement – "bid rigging").

SUPREME COURT OF CASSATION DECISIONS

In 2020, the Supreme Court of Cassation ruled in six judicial review cases in which the Commission for Protection of Competition was a party to the proceedings, where all of the rulings are given in favor of the Commission.

1. Supreme Court of Cassation's ruling, rejecting the request of the plaintiff, company Serbia Broadband – Srpske kablovske mreže doo Beograd (SBB), for judicial review of the Administrative Court - Court Unit Niš's ruling rejecting the opposition in respect of the Administrative Court's ruling that dismissed the actions brought by the plaintiff for lack of standing to bring administrative proceedings. The actions brought by the plaintiff concerned the Commission's merger clearance decision, approving the acquisition of control on the part of company Telekom Srbija over company Radijus Vektor.
2. Supreme Court of Cassation's ruling, rejecting the request of the plaintiffs, companies B2M d.o.o. Beograd, Grafo Trade d.o.o. Beograd, and Trgodunav d.o.o. Beograd, for judicial review of the Administrative Court's ruling dismissing the actions brought by the plaintiffs to annul the Commission's decision that established an infringement of competition law (restrictive agreement – "bid rigging").
3. Supreme Court of Cassation's ruling, rejecting the request of the plaintiff, company Serbia Broadband – Srpske kablovske mreže d.o.o. Beograd (SBB), for judicial review of the Administrative Court - Court Unit Niš's ruling rejecting the opposition in respect of the Administrative Court's ruling that dismissed the actions brought by the plaintiff for lack of

standing to bring administrative proceedings. The actions brought by the plaintiff concerned the Commission's merger clearance decision, approving the acquisition of control on the part of company Telekom Srbija over company Kopernikus Technology.

4. Supreme Court of Cassation's ruling, rejecting the request of the plaintiff, company Serbia Broadband – Srpske kablovske mreže d.o.o. Beograd (SBB), for judicial review of the Administrative Court's ruling rejecting the opposition in respect of the Administrative Court's ruling that dismissed the actions brought by the plaintiff for lack of standing to bring administrative proceedings. The actions brought by the plaintiff concerned the Commission's merger clearance decision, approving the acquisition of control on the part of company Telekom Srbija over company Preduzeće SAT TV Meteor DOO.
5. Supreme Court of Cassation's ruling, rejecting the request of the plaintiff, company Serbia Broadband – Srpske kablovske mreže d.o.o. Beograd (SBB), for judicial review of the Administrative Court - Court Unit Novi Sad's ruling rejecting the opposition in respect of the Administrative Court's ruling that dismissed the actions brought by the plaintiff for lack of standing to bring administrative proceedings. The actions brought by the plaintiff concerned the Commission's merger clearance decision, approving the acquisition of control on the part of company Telekom Srbija over company AVCOM.
6. Supreme Court of Cassation's ruling, rejecting the request of the plaintiff, company Serbia Broadband – Srpske kablovske mreže d.o.o. Beograd (SBB), for judicial review of the Administrative Court - Court Unit Novi Sad's ruling rejecting the opposition in respect of the Administrative Court's ruling that dismissed the actions brought by the plaintiff for lack of standing to bring administrative proceedings. The actions brought by the plaintiff concerned the Commission's merger clearance decision, approving the acquisition of control on the part of company Telekom Srbija over company MASKO.

PROCEEDINGS PENDING BEFORE THE ADMINISTRATIVE COURT AS AT 31 DECEMBER 2020

1. Action brought by company Fortenova Group TopCo B.V. Amsterdam for the annulment of the Commission's decision dismissing the plaintiff's appeal against the Commission President's conclusion that rejected the merger notification due to the failure to act on the order to amend an incomplete merger notification. The Commission provided the Statement of defence and case files to the Administrative Court.
2. Action brought by company Fortenova Grupa d.d. Zagreb, Croatia, for the annulment of the Commission's decision suspending the merger control proceedings to resolve the preliminary issue. The Commission provided the Statement of defence and case files to the Administrative Court.
3. Action brought by company PRORET doo Beograd for the annulment of the Commission's decision rejecting the plaintiff's request for the revision of merger control proceedings that

cleared a merger that was created by acquisition of control on the part of company Roaming Electronics doo Beograd over companies Winwin Shop doo Čačak, Emmi House doo Čačak, and Winwin Retail doo Čačak. The Commission provided the Statement of defence and case files to the Administrative Court.

4. Action brought by company Apoteka Užice for the annulment of the Commission's decision establishing an infringement of competition law (case: Keprom and others, restrictive agreement – resale price maintenance). The Commission provided the Statement of defence and case files to the Administrative Court.
5. Action brought by company Senta promet PO Senta for the annulment of the Commission's decision establishing an infringement of competition law (case: Keprom and others, restrictive agreement – resale price maintenance). The Commission provided the Statement of defence and case files to the Administrative Court.
6. Action brought by company Ogi MD auto centar Čačak for the annulment of the Commission's decision establishing an infringement of competition law (case: roadworthiness testing services, restrictive agreement – fixing of prices for the provision of roadworthiness testing services). The Commission provided the Statement of defence and case files to the Administrative Court.

PROCEEDINGS PENDING BEFORE THE SUPREME COURT OF CASSATION AS AT DECEMBER 31, 2020

1. The Commission has filed a request before the Supreme Court of Cassation for judicial review of the Administrative Court's ruling annulling the Commission's decision that established the infringement of competition law by entering into a restrictive agreement ("bid rigging") between companies MIP-RŠV doo Čuprija, Inter-mehanika doo Skorenovac, Tatravagonka bratstvo doo Subotica, and Šinvoz doo Zrenjanin.
2. Companies Bora Kečić doo Beograd and Large Transport doo Beograd have filed a request before the Supreme Court of Cassation for judicial review of the Administrative Court's ruling rejecting the actions brought by the plaintiffs to annul the Commission's decision that rejected the request of said companies for the revision of proceedings (infringement of competition by entering into restrictive agreement – "bid rigging"). The Commission provided the Response to the request and case files to the Supreme Court of Cassation.
3. Company AMM IMMOVABLES doo Beograd has filed a request before the Supreme Court of Cassation for judicial review of the Administrative Court's ruling dismissing the actions brought by the plaintiff concerning the Paragraph I and the second conclusion enacted by the Commission on the suspension of antitrust proceedings brought against the plaintiff, by way of which the administrative expense claim of the plaintiff was rejected. The Commission provided the Response to the request and case files to the Supreme Court of Cassation.

4. Company Beteco doo Beograd has filed a request before the Supreme Court of Cassation for judicial review of the Administrative Court's ruling dismissing the actions brought by the plaintiff regarding the Commission's conclusion, by way of which the administrative expense claim of the plaintiff was rejected. The Commission provided the Response to the request and case files to the Supreme Court of Cassation.
5. The Commission has filed a request before the Supreme Court of Cassation for judicial review of the Administrative Court – Court Unit Niš's ruling annulling the Commission's decision that established the infringement of competition law by entering into a restrictive agreement ("bid rigging") between companies Original doo Beograd, Konica Minolta poslovna rešenja SE doo Beograd, Mikops doo Niš, Birolinija doo Beograd, Biro print sistemi doo Beograd, Dikti Line doo Beograd, Birodeveloping doo Niš, and Birotehnika doo Jagodina.

OPINIONS

Pursuant to Article 21(1/7) of the Law, the Commission delivers opinions to competent authorities on draft regulations, as well as on current regulations that have an impact on market competition in the Republic of Serbia.

Also, the Commission delivers opinions on the implementation of antitrust regulations. Such opinions represent clarifications for proper implementation of regulations, as well as views on particular provisions that are provided as general principles and not as instructions governing specific legal situations. Hence, an opinion on regulatory enforcement in relation to a specific business situation cannot be considered within the meaning of said legal provision. On the other hand, if the exercise of rights of undertakings in proceedings brought before other bodies or organizations depend on the delivery of the Commission's opinions on the competition law enforcement and, in particular, where provided for under special regulations, the Commission will provide an opinion in relation to a specific situation as well. The Commission publishes its positions on the official website.

OPINIONS ON DRAFT AND CURRENT REGULATIONS AND OTHER ACTS THAT HAVE AN IMPACT ON MARKET COMPETITION

In 2020, the Commission has delivered opinions to competent authorities on drafts or proposals of regulations and other acts that have an impact on market competition, namely:

- opinion on the Draft Revised Action Plan for Chapter 23: Judiciary and Fundamental Rights;
- opinion on the Draft Procedural Act on Cooperation between Competent Authorities in the Area of Compliance with Articles 18 and 19 of the Treaty Establishing Energy Community;
- opinion on the Draft Amendments to the Treaty Establishing Energy Community, Draft Protocol on Denomination of Parties and other updates of the Treaty, as well as the Draft Procedural Acts;
- opinion on Draft Law on Register of Administrative Procedures;
- opinion on the Proposal of the Platform for the participation of the delegation of the Republic of Serbia at the 18th Ministerial Council Meeting of the Energy Community, supporting material and the Proposal for a Government Conclusion on the acceptance of the Platform for the participation of the delegation of the Republic of Serbia at the Ministerial Council Meeting of the Energy Community.

OPINION ON THE DRAFT REVISED ACTION PLAN FOR CHAPTER 23 – JUDICIARY AND FUNDAMENTAL RIGHTS

The Ministry of Justice forwarded to the Commission, with a request for its opinion, the Draft Revised Action Plan for Chapter 23: Judiciary and Fundamental Rights.

The Commission delivered its opinion to the Draft Revised Action Plan for Chapter 23 that was adopted at the Government session, where the Commission's competence in relation to the section 3: Fundamental Rights, subheading: Freedom of Expression and Pluralism of the Media, was further recognized under the activity "Control of concentrations in the media in accordance with the Law on Protection of Competition and the Strategy for the Development of the Public Information System in the Republic of Serbia for the period 2020-2025". The Commission reiterated its competency to review mergers between undertakings under the Law. Furthermore, all the Commission's merger decisions, including those that relate to the media sector, are presented in the CPC Annual Activity Reports that are submitted to the National Assembly for consideration and adoption. Furthermore, the Commission publishes all merger decisions with an explanatory note containing, inter alia, an evaluation of merger effects, thus making them more available to the public.

OPINION ON THE DRAFT PROCEDURAL ACT ON COOPERATION BETWEEN COMPETENT AUTHORITIES IN THE AREA OF COMPLIANCE WITH ARTICLES 18 AND 19 OF THE TREATY ESTABLISHING ENERGY COMMUNITY

The Ministry of Mining and Energy forwarded to the Commission for Protection of Competition, with a request for its opinion, the Draft Procedural Act on Cooperation between Competent Authorities in the Area of Compliance with Articles 18 and 19 of the Treaty Establishing Energy Community. The document was drafted by the Energy Community Secretariat, an administrative body of this international organization, during the negotiations on amending the Treaty Establishing Energy Community, a process in which the Commission takes an active role.

On reviewing the text of the Draft provided, the Commission established that the subject matter it intends to regulate goes beyond the framework of a procedural act. Namely, it is apparent from the wording of the Draft that it pursues to regulate institutional and procedural issues or matters of procedures conducted by national authorities, which may have a considerable effect on the functioning of national institutions outside the Energy Community. Thus, the issues at hand belong to the domain of amendments to the Treaty Establishing Energy Community. In this regard, and specifically due to the differing relevance of the subject matters they regulate, the Treaty Establishing Energy Community also stipulates a different procedure for the adoption of these two types of acts, as well as amendments thereto.

It is therefore concluded that the Draft Procedural act is not acceptable for the reasons stated, and in particular due to the type of a subject matter it seeks to regulate, instead, it is necessary to continue the negotiations on amendments to the Treaty under the mandate and in accordance with the powers of all competent institutions of the Republic of Serbia. For those reasons, the Commission in its opinion has underlined that the that the conferral of any executive enforcement and investigative powers in the field of protection of competition other than the Commission for Protection of Competition would be contrary to the Law on Protection of Competition and a commitment of national legislators that the Commission is an autonomous and independent organization competent for the application of antitrust regulations.

OPINION ON THE DRAFT AMENDMENTS TO THE TREATY ESTABLISHING ENERGY COMMUNITY, DRAFT PROTOCOL ON DENOMINATION OF PARTIES AND OTHER UPDATES OF THE TREATY, AS WELL AS THE DRAFT PROCEDURAL ACTS

The Ministry of Mining and Energy forwarded to the Commission, with a request for its opinion, the Draft Amendments to the Treaty Establishing Energy Community, Draft Protocol on Denomination of Parties and other updates of the Treaty, as well as the Draft Procedural Acts.

On reviewing the materials provided, the Commission established that the Draft Amendments to the Treaty Establishing Energy Community, as well as Draft Protocol on Denomination of Parties and other updates of the Treaty, are not acceptable from the competency-based perspective of the Commission since from the content of the documents concerned follows that the proposals and suggestions provided by the Commission to the Ministry of Mining and Energy in the previous period are not taken into account. That particularly related to the proposal for amendments of Article 18, paragraph 2 of the Treaty that the Commission for Protection of Competition and the Commission for State Aid Control have forwarded to the Ministry as a joint position of the two institutions from September 2019. The purpose of this amendment was to specify the competence of relevant bodies of the Contracting Parties for the assessment of practices referred to in Article 18, paragraph 1 of the Treaty, and in such a way to avoid the legal uncertainty. Namely, at the time of signing the Treaty Establishing Energy Community, the Commission for Protection of Competition was not yet established as an autonomous and independent institution. Meanwhile, the Commission was established in 2006 under the Law on Protection of Competition adopted in 2005. This act and the 2009 Law on Protection of Competition have essentially transposed the provisions from Articles 101 and 102 of the Treaty on the Functioning of the European Union, which was also confirmed during the bilateral screening process with EC representatives, as well as in the annual EC Progress Reports on Serbia. Furthermore, the implementation of antitrust rules by the Commission in all industry sectors (not only in the energy and other sectors covered by the Treaty) is continuously monitored by the European Commission by means of a reporting mechanism on the implementation of the Stabilization and Association Agreement, which also entered into force in the period following the signing of the Treaty Establishing Energy Community.

As to the Draft Procedural Acts, the Commission maintains its view that it cannot take any position until the text of the initial Treaty is agreed on, and in particular, the provisions of the Treaty that represent a legal basis for the adoption of Procedural Acts, for reasons of the hierarchy of legal acts and different procedures for their adoption as prescribed under the Treaty.

OPINION ON THE PROPOSAL OF THE PLATFORM FOR THE PARTICIPATION OF THE DELEGATION OF THE REPUBLIC OF SERBIA AT THE 18TH MINISTERIAL COUNCIL MEETING OF THE ENERGY COMMUNITY, SUPPORTING MATERIAL AND THE PROPOSAL FOR A GOVERNMENT CONCLUSION ON THE ACCEPTANCE OF THE PLATFORM FOR THE PARTICIPATION OF THE DELEGATION OF THE REPUBLIC OF SERBIA AT THE 18TH MINISTERIAL COUNCIL MEETING

The Ministry of Mining and Energy forwarded to the Commission for Protection of Competition, with a request for its opinion, the Proposal of the Platform for the participation of the delegation of the Republic of Serbia at the 18th Ministerial Council Meeting of the Energy Community (EC), under the presidency of Montenegro. In addition to the Proposal of the Platform, the Commission received the supporting material and the Proposal for a Government Conclusion on the acceptance of the Platform for the participation of the delegation of the Republic of Serbia at the 18th Ministerial Council Meeting of the Energy Community.

With regard to the Proposal of the Platform for the participation of the delegation of the Republic of Serbia at the 18th Ministerial Council Meeting of the Energy Community, the Commission has proposed amending the document in a number of respects. The purpose of the Commission's intervention was to primarily draw attention to the following:

- the status of independence and autonomy of national competition and state aid authorities,
- the fact that laws governing protection of competition and state aid control stipulate for judicial review of decisions enacted by respective competent authorities, and that the review of such decisions by a supranational authority would be in violation of laws and the unity of legal order as a constitutional principle,
- the relation between the draft amendments to this Treaty and the current Stabilization and Association Agreement,
- the need to unify the position from the Proposal of the Platform, and that the introduction of monetary fines by amending the Treaty Establishing EC is unacceptable for the Republic of Serbia, etc.

In all other aspects, the Commission stated that it maintains the positions from the previously delivered opinions to proposals for amending the Treaty Establishing Energy Community, as well as to drafts of procedural and other acts prepared during negotiations on amendments to the Treaty.

OPINION ON THE DRAFT LAW ON REGISTER OF ADMINISTRATIVE PROCEDURES

The Public Policy Secretariat of the Republic of Serbia forwarded to the Commission for Protection of Competition, with a request for the provision of commentaries, proposals and suggestions, the Draft Law on Register of Administrative Procedures.

In its opinion, the Commission established that the definition of principles governing the organization and implementation of administrative procedures, as proposed under Article 1 of the Draft Law, would be in breach of the main principles of administrative procedures and the objective of the Law on General Administrative Procedure (Official Gazette of the RS 18/2016 and 95/2018 – authentic interpretation), as a systematic law.

This law may regulate the principles of regulation and conduct of procedures for recording data or running of the Register of administrative procedures and the related Methodology, but not the principles of regulation of administrative procedures. It is underlined that this amendment to the provision of Article 1 of the Draft Law would be necessary to consistently implement throughout the Draft Law, and in particular in the Section III Methodological Rules Governing Procedures.

In the opinion, the Commission also suggested amending the provision of Article 9(1/4) of the Draft Law on Register of Administrative Procedures, that within the framework of principles of procedural arrangements stipulates the principle of correlation of rates or fees, and further suggested adding words/sentences in italics so as to read:

„4) correlation of service charges or fees imposed in the procedure with the costs incurred during the procedure, which implies that the service charges or fees must correspond to the costs of conducting procedures and be established *by a decision in the procedure* in absolute terms, except in case of concessions and fees for use of public goods, *as well as in case when the procedure is conducted by an authority that is not a beneficiary of the Republic of Serbia budget;*”

Given the practice of the authority whose conduct would be regulated by the Draft Law on Register of Administrative Procedures and the pricing methods i.e., service charges or fees, the Commission proposed amending the provisions concerned as suggested, which is the result of the following:

- the need for a clear delineation between the two pricing methods or determining fees that arise in practice of the authorities, i.e., circumstances when the service charges or fees are set out by an individual act (decision, conclusion) or a general act (pricelist, tariff, etc.) when the general act may set out the fee in absolute terms but also in terms that can be quantifiable, based on the statutory information, and
- amendment that reads “as well as in case when the procedure is conducted by an authority that is not a beneficiary of the Republic of Serbia budget”, which is in compliance with the systematic law or Article 17(2) of the Budget System Law that stipulates: “...a special law

may allow a beneficiary of public funds that is not a beneficiary of the Republic of Serbia budget to determine the amount of charge for the public services that it provides”.

OPINIONS ON THE APPLICATION OF THE PROVISIONS OF THE LAW GOVERNING MERGERS

The Commission provided opinions in five instances on the compliance with the conditions governing merger notification requirements that relate to annual turnover thresholds of merger parties provided for by the Law, given that the undertakings have presented such requests due to the necessity of bankruptcy procedures.

In the cases concerned, the Commission was establishing whether the merger parties (directly or via affiliated undertakings within the meaning of the Law) have generated revenues as specified in Article 61 of the Law, based on which it has assessed the existence of a mandatory merger notification requirement.

OPINIONS GOVERNED BY THE PROVISIONS OF THE LAW ON BANKRUPTCY

The Law on Amendments to the Law on Bankruptcy (Official Gazette of the RS 113/2017) amended the provisions of the Law on Bankruptcy which related to the competence of the Commission to deliver opinions in proceedings conducted pursuant to this law.

As from the entry into force of the law concerned, legal grounds for delivering opinions of the Commission that are governed by the provisions of the Law on Bankruptcy have ceased to exist, except in bankruptcy cases not closed by the date on which this regulation has entered into force, i.e., by December 25, 2017. Accordingly, the Commission delivered three opinions in 2020 in bankruptcy cases that related to the reorganization plans of bankruptcy debtors.

Regardless of amendments to the Law on Bankruptcy as described above, in the Commission's opinions is underlined that a buyer of the bankruptcy debtor that acquires the control and ownership interest in the bankruptcy debtor by way of executed purchase, is obligated to file a merger notification if the conditions referred to in Article 61 of the Law are met.

SECTOR INQUIRIES

In accordance with its legal authority, the Commission conducted four sector inquiries during 2020:

1. sector inquiry into competitive conditions on the wholesale market for synthetic (mineral) fertilizers;
2. sector inquiry into the rail freight transport market;
3. sector inquiry into competitive conditions on the markets for sugar beet production, sugar beet buy out, sugar production from sugar beet processing, and sugar wholesale trade;
4. sector inquiry into competitive conditions on the tour operators market.

During 2020, the Commission also launched two more sector inquiries: sector inquiry into the market for intercity bus transport, and the sector inquiry into the market for primary school textbooks, with the estimated date of completion in 2021.

SECTOR INQUIRY INTO COMPETITIVE CONDITIONS ON THE WHOLESALE MARKET FOR SYNTHETIC (MINERAL) FERTILIZERS

The subject of this sector inquiry was the establishment of relations between competitors on the wholesale trade market for mineral fertilizers, in terms of estimating their market share and relative power, as well as the analysis of contractual relations between manufacturers and importers, on the one hand, and their buyers, on the other, and the effects that those relations may have on the state of competition on said market.

The main purpose of this research is to perform a comprehensive analysis of the state and dynamics of competition on the market concerned, which included the identification of potential market weaknesses on the market concerned.

As a result of the analysis and based on all obtained and publicly available data and information, no market weaknesses are identified that would indicate the need to further regulate the market concerned, while the current legal framework is assessed as satisfactory and in compliance with the Law on Protection of Competition. Undertakings have agreed that the fertilizer market is open and transparent, that the supply of fertilizers in the past couple of years is strong, and that the competition is intensive.

The analysis of the purchase agreements provided has affected the Commission to adopt a recommendation concerning the wholesale trades of mineral fertilizers with no rebate policy and which directly negotiate on prices with buyers, to adopt such a policy in accordance with the Law

on Protection of Competition. An increased transparency of discount scales would, in the Commission's opinion, would enable agricultural producers to make rational and informed decisions when selecting their preferred suppliers of fertilizers, as well as to cut their own costs and increase efficiency.

SECTOR INQUIRY INTO THE RAIL FREIGHT TRANSPORT MARKET

The inquiry is done in cooperation with WB Group representatives under the Serbia Investment Climate Program. For the purposes of this project, the inquiry was conducted by the Compass Lexecon and Karanović & Partners consortium.

The subject of the sector inquiry is the market for cargo transportation by railway, providing an in-depth analysis of the competition environment of this market along the value/supply chain, market structure and dynamics, regulatory environment and market performances, in addition to identifying practices and rules that can distort the level playing field and facilitate non-competitive market outcomes.

The main objective of the inquiry was to understand the factors that restrict effective competition on the rail freight transport market in the Republic of Serbia, as well as the manner in which the government interventions and behavior of undertakings impact the development of competition.

The inquiry found no material elements that would indicate any infringement of competition rules. Instead, the main reasons for insufficient market development established in the Report are as follows: low quality of rail infrastructure, outdated train path allocation procedures, and the lack of intermodal transport terminals, constituting substantial barriers to entry and business growth. Despite the deficiencies noted, it is established that the cargo transportation market in the Republic of Serbia is still in the early stages of development since it is open to competition only since 2016. As one of the reasons for such suboptimal situation, the authors also stated the domestic price regulation policy in force, noting that the fixed tariffs for national transportation services, as provided by the Government of the Republic of Serbia, hinder price competitiveness.

To present the draft analysis, conclusions and findings of the inquiry, a joint workshop attended by WB Group and CPC representatives was held on February 28, 2020, in addition to the sector regulator and line ministry officials, as well as undertakings, namely representatives from various rail cargo, freight forwarding and logistics companies. The workshop served to present the findings, results and conclusions of the sector inquiry concerned, as well as to introduce the recommendations based on the results obtained. The presentation of the results of the sector inquiry to undertakings and the sector regulator's officials prior to the official completion of analysis has proved to be a very helpful step in terms of verification of findings and provided recommendations.

SECTOR INQUIRY INTO COMPETITIVE CONDITIONS ON THE MARKETS FOR SUGAR BEET PRODUCTION, SUGAR BEET BUY OUT, SUGAR PRODUCTION FROM SUGAR BEET PROCESSING, AND SUGAR WHOLESALE TRADE

The subject of this research was to establish relations between competitors on the markets concerned from 2017-2019, assess their market share and relative power, analyze regulatory framework and look into the (contractual) relations between sugar beet producers, sugar beet purchasers, sugar producers, and wholesale traders of sugar products.

The main objective of the inquiry was to identify any potential issues and restrictions that may exist on the markets concerned from the standpoint of the Law on Protection of Competition.

The Report on the inquiry into these particular markets summarizes the conclusions made in reference to the markets concerned, provides an overview of the dynamics between basic parameters of the markets concerned, offers comparisons with the EU market, particularly considering the changes that have happened during the observed period, gives an analysis of contractual relations, rebate (discount) policy, and compares the selling prices on the domestic market and export prices. Considering the tendencies on the sugar market and reduction in the number of operating sugar refineries both on the national and European markets, it is established that the export potential of this industrial sector to the neighboring countries is very important factor, and that is necessary to maintain the production capacities and prevent the trend of closing and decline in the number of operating sugar refineries in the Republic of Serbia.

SECTOR INQUIRY INTO COMPETITIVE CONDITIONS ON THE TOUR OPERATORS MARKET

The subject of this sector inquiry was to establish relations between competitors on the tour operators market, which implies the estimate of their market share and relative power, as well as the analysis of (contractual) relations between tour operators and travel guarantee providers.

The main objective of the sector inquiry was to identify the structural weaknesses of the market concerned and potential issues in terms of intensifying competition, restricting or any other types of distortion or prevention of competition that may have affected the undertakings. The analysis covered a period of three years (2017, 2018, and 2019). The analysis also looked into specific periods when the new regulations governing tourism came into force, specifically those from January, October, and November 2020.

Based on data obtained from undertakings, the National Association of Tour Operators PU "JUTA" Beograd, insurance companies and competent national authorities, the Commission conducted a market analysis that in particular concerned the provision of travel guarantees necessary to obtain a license under the Law on Tourism, and which is contained in the Inquiry Report. The Report also contains the conclusions drawn by CPC staff and provides a list of recommendations.

SECTOR INQUIRY INTO THE MARKET FOR INTERCITY BUS TRANSPORT

The inquiry is conducted in cooperation with WB Group representatives under the Serbia Investment Climate Program.

The subject matter of the inquiry concerns the intercity bus transport of passengers by road (bus station and bus stop services), with a focus on the analysis of current market regulations and their enforcement, as well as on the identification of regulations that may hinder and restrict competition.

The objective of the inquiry is to provide recommendations for regulatory changes or other government interventions that may secure the improvement of competition in this particular industry sector.

As a preparatory step in this inquiry, a series of questionnaires as data sources are prepared, in addition to identifying economic entities that operate in the sector concerned and forwarding the requests for provision of data to more than 150 undertakings based on the type of questionnaire structured and their primary business activity, classified into three groups: entities as operating authorities of bus stations, entities as bus carriers, and entities as operating authorities of bus stations and bus carriers.

The inquiry report will be drafted over the next year, followed by a workshop where the economic entities and competent government authorities from the sector concerned will be presented the main findings of the analysis with a view of verifying the findings, recommendations and conclusions contained therein.

SECTOR INQUIRY INTO THE MARKET FOR PRIMARY SCHOOL TEXTBOOKS

The subject matter of the inquiry concerns the market for primary school textbooks given the identified significant differences in the prices of textbooks for the same school grades of various publishing houses.

The main objective of the research is to provide a detailed overview of, and insight into competitive dynamics on the market concerned. The research will provide for the identification of structural market weaknesses, causing the final costumers of textbooks to incur costs higher than optimum, as well as to reveal the existence of potential infringements of competition rules on this market.

The inquiry will look into the relations between competitors – publishers operating on the textbook market, assess their market share and relative power, analyze (contractual) relations between textbook publishers, on the one hand, and their buyers, distributors, bookshops and schools, on the other, as well as analyze the effects that those relations may have on the state of competition on the market concerned. The analysis will also investigate the way in which the prices of textbooks and textbook sets are formed, as well as the cost structure of textbooks.

NATIONAL AND INTERNATIONAL COOPERATION

The Commission continued the cooperation under pandemic conditions with various regulatory bodies, other government institutions and organizations, as well as with the academia. The cooperation enabled the exchange of data, information and positions towards efficient enforcement of legislation and raising awareness of competition rules.

The Commission established international cooperation in the field of antitrust for the purposes of meeting its international obligations in the field, as well as obtaining information pertaining to the protection of competition in other countries.

The cooperation with international organizations and national competition authorities from other countries brings significant benefits, such as raising the level of expertise and standardizing operating procedures, contributing to the effective law enforcement and promotion of competition policy development in Serbia, which is considered to be of particular relevance in attracting foreign investments.

To that end, the Commission is actively engaged in cooperation via projects, training and educational programs, participation of CPC representatives at events and fora organized by the partners, as well as by providing written contributions and information on selected topics from the field of antitrust in the Republic of Serbia.

COMMISSION ACTIVITIES IN THE PROCESS OF ACCESSION OF THE REPUBLIC OF SERBIA TO THE EUROPEAN UNION

The Commission participates in the accession process of the Republic of Serbia to the European Union through its contribution to the country's progress in terms of regulatory compliance with the EU acquis in the area of competition policy and by ensuring adequate enforcement of relevant legislation.

Under the Government Decision on Establishment of the Coordination Body for the Process of Accession of the Republic of Serbia to the European Union (Official Gazette of the RS, 84/2013, 86/2013, 31/2014, 79/2014, 92/2015, 23/2018, and 36/2019) that looks at the EU negotiation methodology to date, the Commission participates in the work of negotiation groups for the following chapters:

Chapter 8: Competition Policy

Chapter 10: Information Society and the Media

Chapter 14: Transport Policy, and

Chapter 15: Energy Policy.

Furthermore, the Commission also participates in the work of negotiation groups for Chapter 5: Public Procurements and Chapter 23: Judiciary and Fundamental Rights, as well as in drafting materials for the meetings of the EU/Serbia Subcommittee for Economic and Financial Issues and Statistics.

Under Negotiation chapters 5, 10, 14, and 15, the Commission was not required to meet any commitment, including any benchmark requirements during the previous year.

Under Negotiation chapter 23: Judiciary and Fundamental Rights, the Commission continuously reports on the implementation activities to the Action Plan for Chapter 23, in the segment where the Commission's competence is recognized. Specifically, it concerns an overview of the decisions taken in merger investigation cases in the media sector, enacted under the Law.

In addition to delivering opinions on the Revised Action Plan for Chapter 23 that recognized the Commission's competence in the segment Fundamental Rights – Freedom of Speech, including the media freedom and pluralism, the Commission took part in drafting the Strategy for the Development of Public Information System in the Republic of Serbia for the period 2020-2025, as well as in drafting the Action Plan for Implementation of Media Strategy, by appointing representatives in the relevant working groups.

ASSUMING COMMITMENTS FROM THE STABILIZATION AND ASSOCIATION AGREEMENT AND COOPERATION WITH EU INSTITUTIONS

As already mentioned, in exercising its duties, the Commission acts in accordance with the provisions of Article 73 of the Stabilization and Association Agreement (SAA) on matters that govern competition³. Under said provisions, the Commission is required to implement criteria resulting from the implementation of EU competition rules (particularly from articles of the Treaty on the Functioning of the European Union that regulate restrictive agreements and abuse of dominance) and interpretive instruments adopted by EU institutions.

In terms of assuming commitments under the SAA relating to regulatory compliance, according to EC, the Law on Protection of Competition and regulations adopted pursuant to the Law are harmonized with the EU acquis to a significant extent, which is reconfirmed in the Screening Report, as well as in the previous annual EC Progress Reports on Serbia. The Commission takes active role in the work of the Subcommittee on Internal Market and Competition, whose competence is to monitor the implementation of obligations under the SAA in respective areas.

For the last Subcommittee meeting held via a virtual meeting platform on June 4, 2020 due to the outbreak of the disease COVID-19, CPC representatives have prepared a written contribution, later discussed during the Subcommittee meeting. The contribution contained a detail description of

³ Article 73 of the SAA also stipulates commitments of the Republic of Serbia in the area of state aid control, which is in the competence of the Commission for State Aid Control.

legal framework governing competition, method of financing and capacities of the Commission, as well as the activities taken for more efficient implementation of the Law.

EC representatives have indicated the importance of the Commission's operational independence and observance of opinions delivered by the Commission on draft regulations, and expressed a particular interest in the capacity of Serbian judiciary to enforce the competition law. As a result of the Subcommittee meeting, no comments on the Commission's work were provided by EC representatives.

During 2020, the Commission also took part at the SAA Committee meeting, held virtually on November 17, 2020. On the occasion, the Commission reconfirmed its willingness to work together with the Ministry of Trade, Tourism and Telecommunications on drafting new legal solutions in the field of competition and indicated its continuous monitoring of the EU acquis development concerning antitrust, and in particular the ECN+ Directive.

EC PROGRESS REPORT ON SERBIA – CHAPTER 8: COMPETITION POLICY

In the EC Progress Report on Serbia – Chapter 8: Competition Policy, published on October 6, 2020, is established that the legislative framework is broadly in line with Articles 101 and 102 TFEU and related provisions of the SAA. It also established that the Commission has remained operationally independent and continued to investigate a significant number of antitrust cases. The Reports also provided an overview of the Commission's enforcement record in other key segments of its work, and identified areas that require further improvement. The areas concerned, in particular, concern the following:

- further alignment with the EU acquis,
- improvement of capacities and expertise of the judiciary for handling complex antitrust cases, and
- establishment of practice of consulting the Commission on all relevant legislation.

Only one of the abovementioned areas falls under the competency of the Commission, while the other two are under the authority of other institutions of the Republic of Serbia. However, in terms of the improvement of capacities of the judiciary in antitrust, the Commission indicates the importance of the current Twinning project "Further Development of Protection of Competition in Serbia" that as one of its important segments stipulates the training of national judges in competition law. The training opportunities are foremost envisaged for the judges of the Administrative Court whose jurisdiction concerns the control on the legality of the Commission's decision, as well as for the judges of the Commercial Court and the Commercial Appellate Court. A particular benefit of the Project relates to the fact that the training will be delivered by judges of various EU judicial instances and relevant national courts of EU Member states.

In terms of the third area that requires further improvements, there is no doubt that the provision of relevant draft regulations to the Commission for its opinions from the antitrust perspective is necessary, as well as more systematic and serious consideration of its opinions which, although issued as non-binding, are of utmost importance for the protection of competition in Serbia. However, it should be noted that the issue does not depend on the Commission and that it implies the cooperation of other bodies and organizations.

For the above-stated reasons, the Commission undertakes all the activities that it considers beneficial for the consultancy practice on relevant legislation. This primarily includes the activities directed at raising awareness on the importance of competition law and policy, cooperation with the Public Policy Secretariat of the Republic of Serbia and other bodies and organizations with a role in drafting regulations, as well as holding training sessions (seminars) for sector regulators' employees on antitrust issues. Also, the Commission analyzes the published and available draft and adopted regulations of significance for antitrust, and delivers opinions when needed.

HARMONIZATION OF LEGISLATION WITH THE ACQUIS COMMUNAUTAIRE

In view of the fact that the Acquis Communautaire is a dynamic category, as well as of the presence of sources of the so-called soft law which are of importance for the enforcement of competition rules in the Republic of Serbia, the Commission continuously monitors the tendencies and developments therein to ensure the implementation of activities directed at further harmonization of national legislation with EU acquis.

The Commission is a member of the Working group established by the Ministry of Trade, Tourism and Telecommunications, for drafting the text of a new competition act. The Working group has held multiple meetings thus far.

In accordance with its competences under the Law, as well as the second revision of the National Program for the Adoption of the Acquis (NPAA), the Commission has forwarded several draft regulations to the Government of the RS for adoption in 2018. The draft regulations have been returned to the Commission on October 30, 2020 to conduct the repeated procedure given that the materials have not been considered at government sessions during the term of the previous cabinet. For the reason stated, the Commission repeated the procedure for submission to the Government for consideration and adoption the following regulations:

- Draft Regulation on agreements on the repair and maintenance of motor vehicles and agreements on the distribution of spare parts exempt from the prohibition on restrictive agreements. Regarding the rules of competition to motor vehicle sector, the European Commission implements the Regulation (EU) No 461/2010 of 27 May 2010. The Regulation more closely stipulates special conditions concerning the type and content of agreements on the repair and maintenance of motor vehicles and agreements on the distribution of spare parts for motor vehicles, concluded between undertakings operating at

the different level of production or distribution chain that may be exempt from the prohibition on restrictive agreements;

- Draft Regulation on agreements between undertakings on the rail and road transport market exempt from the prohibition on restrictive agreements. Regarding the rules of competition to transport by rail, road and inland waterway, the European Commission implements the Regulation (EU) No 169/2009 of 27 February 2009. This Regulation more closely stipulates special conditions concerning the type and content of agreements, decisions and concerted practices between undertakings on the rail and road transport market that may be exempt from the prohibition on restrictive agreements;
- Draft Regulation on technology transfer agreements exempt from the prohibition on restrictive agreements. Regarding the rules of competition to technology transfer, the European Commission implements the Regulation (EU) No 316/2014 of 21 March 2014. In addition to the Regulation No 316/2014, the EC has also adopted guidelines on the application of rules to technology transfer agreements that facilitate the application of the EC Regulation and contribute to legal and business certainty of undertakings. This Regulation more closely stipulates special conditions on the type, content and duration of technology transfer agreements that can be exempt from the prohibition on restrictive agreements. The provisions of this Regulation do not apply in case of the assignment of technology rights from R&D and specialization agreements.

The adoption of these regulations implies not only the fulfillment of obligations of the Republic of Serbia to harmonize its legislation with EU *acquis*, but also provides for greater legal certainty of undertakings when entering into agreements of this sort.

RELATIONS WITH INTERNATIONAL ORGANIZATIONS

ENERGY COMMUNITY

The Commission continued to actively pursue cooperation with the Energy Community (EC) during 2020 as well, an international organization seated in Vienna, Austria. The Commission cooperates with this organization via the Ministry of Mining and Energy, whose senior representatives participate in the work of EC institutions and negotiate amendments to the Treaty Establishing Energy Community⁴ on behalf of the Republic of Serbia.

During the previous rounds of negotiations, the Commission provided several opinions on draft amendments to the Treaty, as well as other draft proposals, constantly pointing to the most

⁴ Law on Ratification of the Treaty Establishing Energy Community between the European Community and the Republic of Albania, Republic of Bulgaria, Bosnia and Herzegovina, Republic of Croatia, Former Yugoslav Republic of Macedonia, Republic of Montenegro, Romania, Republic of Serbia and United Nations Interim Administration Mission in Kosovo in compliance with the Resolution 1244 of the UN Security Council, published in the Official Gazette of the RS No. 62 of July 19, 2006.

important aspects from the perspective of competition rules and other positive regulations of the Republic of Serbia.

In late 2020, the Commission contributed to the drafting of the Platform for the participation of the delegation of the Republic of Serbia at the 18th Ministerial Council Meeting of the Energy Community, held virtually. Furthermore, the Commission continued providing commentaries and suggestions to EC reports, such as the Report on the Implementation of Soft Measures, Annual Reports on the Activities of the Energy Community, etc.

CEFTA / CREATION OF REGIONAL ECONOMIC AREA

The Commission's cooperation with CEFTA is conducted via the Ministry of Trade, Tourism and Telecommunications (as the CEFTAs Contact Point on behalf of the Republic of Serbia), foremost in relation to the plan to create a Regional Economic Area, pursuant to the Western Balkans Six Prime Ministers' agreement from the 2017 Western Balkans Summit that took place in Trieste, Italy.

In view of the continued process of planned regional integration efforts, with the support of CEFTA Secretariat, the Commission has on multiple occasions delivered opinions about the documentation that shape the process. In such manner, the Commission has provided commentaries to the Draft Multi-annual Action Plan Establishing a Regional Economic Area in the Western Balkans for the period 2021-2024 (REA 2). Also, the Commission presented its position about the documentation adopted at the EU-Western Balkans Summit held in Sofia, Bulgaria, on 10 November 2020, within the Berlin Process. On the occasion, the Commission emphasized the need to amend the Action Plan Establishing a Regional Economic Area in the Western Balkans for the period 2021-2024, from its competency-based perspective and the provisions of the CEFTA agreement on competition.

UNCTAD

The successful cooperation of the Commission with the United Nations Conference on Trade and Development (UNCTAD) has continued throughout 2020 as well. The Commission has actively and continuously participated in drafting papers on guiding principles and procedures pursuant to the Guiding Policies and Procedures under Section F of the UN Set on Competition, on the topic of the approaches taken to enforce competition laws against cross-border cartels. In October 2020, representatives of the Commission for Protection of Competition, in cooperation with the Mission of the Republic of Serbia to the United Nations in Geneva, Switzerland, have participated in the online meeting of the Intergovernmental Group of Experts on Competition Law and Policy.

OECD

In 2020, the Commission continued close cooperation with the Organization for Economic Cooperation and Development (OECD). Although the Republic of Serbia is not an OECD member state, the Commission contributes to the activities of this organization in several manners:

- by exchanging experiences at high level during the OECD annual conference “Global Forum on Competition”,
- by delegating representatives of the Commission to attend numerous seminars and workshops of the Regional Center for Competition (RCC), established in 2005 by OECD and the Hungarian Competition Authority, as well as
- by submitting written contributions and replies to inquiries on competition policy in the Republic of Serbia.

The Commission took part at the annual antitrust conference gathering representatives of more than one hundred national competition authorities and senior representatives of other institutions worldwide (19th Global Forum on Competition, held in early December 2020 in Paris, France, via an online platform). The Administrative and Professional Service of the Commission provided written contributions for the event, that is, articles on the topics: “Using market studies to tackle emerging competition issues” and “Abuse of dominance in digital markets”.

The Commission’s representatives have attended seminars and events organized by the Regional Competition Center and contributed through a number of case study presentations from the Commission’s practice.

ICN

The Commission is a member of the International Competition Network (ICN). During 2020, the Commission’s representatives took part at ICN’s virtually held seminars and workshops, also known as webinars. The Commission’s representatives also took part at the ICN Annual Conference, held via an online platform. In 2020, the Commission’s designated representatives became members of ICN working groups on merger, agency efficiency, and antitrust advocacy.

ASSISTANCE PROJECTS PROVIDED TO THE COMMISSION

The Commission undertook all necessary activities to implement the current international projects, designed to improve the competition policy in the Republic of Serbia by raising the awareness on competition and increasing the capacities of the Commission, regulators and other important actors. These projects should together contribute to strengthening the enforcement and understanding of competition rules by all relevant actors, thus increasing the competitive capacities of the Serbian economy, which is an important contributing factor on the path towards EU accession.

TWINNING PROJECT “FURTHER DEVELOPMENT OF PROTECTION OF COMPETITION IN SERBIA”

Since its establishment as a national competition authority, the Commission received significant technical support from the European Union via several projects. The EU-funded IPA Twinning Project “Further Development of Protection of Competition in Serbia” is the most significant ongoing project. The Project, jointly implemented by the Italian Competition Authority and the Commission for Protection of Competition, is directed at several important aspects of competition, as well as relevant actors from the area.

The Project consists of three key components which are designed to: 1) further harmonize national legislation in the area of competition policy with EU *acquis*; 2) ensure efficient implementation and enforcement of competition rules; and, 3) increase awareness on competition law and policy among all relevant stakeholders.

The Commission is the ultimate beneficiary of the Project, and in that capacity, its staff has attended a number of training courses and workshops held by EU experts from the area, whose purpose was to contribute to delivering of the second component of the Project. It is important to mention that even during 2020, a year strongly marked by an outbreak of the worldwide pandemic COVID-19, more than 40 workshops for the Commission staff were held virtually.

Given that the Commission is the ultimate, but not the sole beneficiary of the Project, a series of workshops have also been held for various sector regulators such as REM (Regulatory Authority of Electronic Media), AERS (Energy Agency of the Republic of Serbia), and RATEL (Regulatory Agency for Electronic Communications and Postal Services). The workshops have presented a significant opportunity for the exchange of experiences and discussions between the participating institutions on the enforcement of competition rules in regulated sectors of the economy. The Project also foresees holding of similar joint workshops for the Commission and NBS (National Bank of Serbia) representatives, as well as the Directorate for Railways and the Commission for State Aid Control.

In addition to placing the focus on regulatory bodies, the Project envisaged the continuation of training for the Serbian judiciary on substantive and procedural issues in the field of antitrust. Although a significant delay in judicial training occurred in 2020, caused by the pandemic, the Twinning partners have continued the planning with the representatives of courts and the Judicial Academy to ensure the proper accomplishment of envisaged training courses. The first part of the training on substantive legal issues in the field of antitrust is expected to be held in February 2021.

Substantive efforts are also placed on the analysis of the relevant EU legislation and case law, in addition to the planning of public events that raise the level of awareness on the protection of competition in Serbia. To implement these, as well as some of the remaining key Project activities (in light of the ongoing global COVID-19 pandemic situation), the Twinning agreement is extended by additional 6 months, leading to the total Project implementation period of 30 months.

ASSISTANCE PROJECT OF THE KINGDOM OF NORWAY “INCREASING ECONOMIC GROWTH THROUGH SUPPORT TO PROMOTION OF COMPETITION POLICY”

With the support of the Royal Norwegian Embassy in Belgrade, the Commission implements the Project “Increasing economic growth through support to promotion of competition policy” under the umbrella of the Norwegian Ministry of Foreign Affairs. The Commission managed to ensure the continuity of the Project implementation during the COVID-19 pandemic as well, while the initial support period (by 31 October 2019) is for now extended until 30 April 2021.

The Project is expected to achieve tangible results such as the improved enforcement of competition rules and the increased awareness of competition policy in the Republic of Serbia through the implementation of the following activities:

- promotion of new legal solutions in the field of antitrust,
- increasing the detection rate of anti-competitive business practices, and
- raising the level of competition culture and awareness on the importance of antitrust with the key stakeholders.

Significant savings have been made during the Project implementation against the initial plan and approved Project budget. Based on the Commission’s proposal, the partner approved the reallocation of non-disbursed funds for the procurement of suitable forensic equipment that would additionally improve the Commission’s technical capacities in detecting and processing of data evidencing anti-competitive behaviors of undertakings. The equipment is procured and used during dawn raids, which should contribute to increasing the rate of detection of anti-competitive business practices as one of the key objectives of the Project.

The Commission conducted a public procurement procedure to procure training services for the use and processing of data by using digital forensic hardware and software components. The training is intended for IT professionals for the purpose of gaining advanced practical knowledge and skills necessary for the identification, collection, processing and taking of evidence, in addition to identification of cases of withholding and destroying digital evidence.

Under the Project component that concerns the activity of raising the level of awareness on the importance of antitrust with the key stakeholders, the Commission has designed and published a video clip so that different undertakings would be familiarized with the possibility of using the Leniency program option when approaching the Commission.

The communication through social networks is continued in 2020 as well.

However, the implementation of particular segments of the Project activities is delayed due to the current outbreak of the disease COVID-19, pending the return to normalcy and creation of safe and favorable epidemiological conditions for all participants, as well as in-person participation

environment, although the Commission did it utmost to create all necessary conditions for the implementation of planned activities (by conducting the scheduled public procurements, etc.).

PROJECT „SERBIA INVESTMENT CLIMATE PROJECT”

The Project is implemented under the Agreement on the Implementation of the Serbia Investment Climate Project, signed by the Government of the Republic of Serbia and the International Finance Cooperation (IFC). To conduct a regulatory impact assessment on competition on the market of the Republic of Serbia, the Public Policy Secretariat of the Republic of Serbia and the Commission have jointly drafted a checklist during 2020 to evaluate the competitive impacts of regulations on competition, a tool used to identify whether the option concerned has or could have adverse impacts on competition.

The sector inquiry into the international rail freight market is conducted, while the sector inquiry into the intercity bus transport is pending.

PROJECT “CAPACITY BUILDING FOR THE SERBIAN COMMISSION FOR PROTECTION OF COMPETITION”

The Project “Capacity Building for the Serbian Commission for Protection of Competition” supported by the European Bank for Reconstruction and Development (EBRD) was started in 2018 and completed during 2020.

During 2020, a series of training courses on the interrelation between sector-specific regulation and competition law are held via the *Cisco Webex* online platform. The topics of the lectures covered the competition law and railway regulations; competition law and audiovisual regulations; competition law and air traffic, traffic management platforms and utility regulations; competition law and financial sector regulations. In addition to the Commission’s staff, the courses have been attended by RATEL employees, in addition to the Directorate for Railways, and the Civil Aviation Directorate of the Republic of Serbia.

Under the Project, a so-called Reader is drafted that contains a number of papers giving closer insight into the topics of the lectures held with relevant examples of case law. A Glossary of the most important competition law concepts is also produced.

Two study visits are organized under the Project, while the third study visit planned for 2020 is canceled due to the declared coronavirus COVID-19 pandemic in March 2020. The non-disbursed funds for study visits are reallocated for the procurement of two computers.

AWARENESS RAISING ACTIVITIES TO PROMOTE COMPETITION

Competition advocacy and raising public awareness of the importance and benefits of competition is among the competencies of the Commission, proven to be essential for the exercise of other entrusted responsibilities.

Activities on competition advocacy and the promotion of sustainable competition culture are carried out through the delivery of opinions on draft regulations and current regulations that have an impact on the market competition, as well as through the cooperation with other regulatory bodies and communication with government bodies and agencies, members of the academia and experts, associations of undertakings, national and international partners, and the media.

Activities on competition advocacy and the promotion of sustainable competition culture in 2020 were directed, as in previous years, at advancing the legal framework, promoting competition policy and competitive business environment, that is, raising awareness on the importance of competition by means of non-enforcement mechanisms and voluntary cooperation, while the sanctioning and law enforcement activities are undertaken as measures of last resort. Specifically, efficient law enforcement is a kind of competition advocacy.

COOPERATION WITH THE MEDIA

The Commission's operational transparency and successful communication with all relevant undertakings and stakeholders are essential in the exercise of its powers entrusted by the Law. The Commission's work is presented in the general public both through its efficient enforcement of regulations, overall advocacy efforts, international cooperation endeavors, and via the media.

The most important forms of communication with the public have been the press releases, statements in the electronic and print media, publications, thematic events, video conferences, animated educational videos and presentations, social networks, and the official webpage of the Commission.

In 2020, the Commission has transparently, accurately and on a timely basis made publicly available all relevant decisions and notifications on the events in which it has participated, in addition to publishing its official press releases, on which was also reported by all relevant media outlets (print and electronic media).

As in previous years, the reporting period was also marked by the interest of the media in all activities of the Commission. The scope of the media inquiries has mirrored the public interest in some of the specific proceedings conducted before the Commission, in addition to the requests of the media for more detailed interpretation of particular legal norms, provision of decisions adopted in individual cases, or findings from inquiries into competitive conditions that prevail on particular markets.

The Commission has promptly considered each request of the media by replying as soon as practicable, while taking into account that the replies do not contain the information covered by the obligation of professional secrecy, handled by the Commission in accordance with the Law.

There were more than 1 250 publications in the print and electronic media during the reporting period, covering the activities and cases conducted by the Commission, predominately given purely informatively or in a neutral connotation.

An important part of the Commission's operations giving rise to the communication with the media such are the thematic events – from conferences and round tables to thematic expert workshops and counseling sessions - as well as other forms of the gathering of stakeholders, in addition to the direct education events through counseling and campaigns envisaged for 2020, have been postponed due to the outbreak of the worldwide pandemic COVID-19 and the implementation of the Decision on the declaration of the state of emergency in the territory of the Republic of Serbia due to the infectious disease outbreak caused by the SARS-CoV-2 virus and preventive measures thereof.

VIDEO PRODUCTION

To improve the communication both with undertakings and the general public, the Commission continued to produce educational video materials during 2020 as well.

Intending to introduce and encourage undertakings doing business in the Republic of Serbia to use the Leniency program if they have taken part in a restrictive agreement, the Commission has under the Project “Increasing economic growth through support to promotion of competition policy” jointly implemented with the Kingdom of Norway and the Royal Norwegian Embassy in Belgrade, designed and produced a video to introduce undertakings with the possibility of using the Leniency program. The Program envisages the full or partial immunity from fines for cooperating parties facilitating the Commission's efforts in detecting and proving anticompetitive behaviors, and in particular the existence of cartels.

E-BULLETIN

To Commission continued with its practice of preparing and distributing e-bulletins during 2020 as well, with a total of 46 weekly editions of this competition publication to brief the Serbian public on international practices from the world of antitrust. This e-publication is distributed to around 1 700 e-addresses in the Republic of Serbia.

Strong interest in the e-bulletin shown by undertakings, experts and the academia, as well as the media, proves that this type of communication needs to be further improved and made available to the wider community.

WEBSITE OF THE COMMISSION

During the reporting period, the Commission continued with its previously established practice of full operational transparency both by publishing all relevant documents on its official website (www.kzk.gov.rs) and issuing press releases on all the major events involving the Commission that are considered of particular relevance to the public. All Commission's communications are available on its official website, both in Serbian and English.

All decisions enacted by the Commission that are brought on an own initiative or *ex officio* basis are publicly available to the professional, as well as general public. Also, the Commission

publishes reports on sector inquiries and inquiries into competitive conditions, opinions, and positions on the application of the provisions of the Law on Protection of Competition. The Commission's website was visited 290 029 times in 2020. The project supported by the Royal Norwegian Embassy in Belgrade envisages the development of a new website on a more advanced platform.

SOCIAL NETWORKS

Under the Communication Strategy of the Commission, further efforts are placed on the improvement of online communication via the Commission's website and social networks. The purpose of this new and more open approach towards the public and stakeholders is to provide more complete information on the Commission's work in a manner that will ensure the improved understanding of its role in securing and advancing the protection of competition on the market.

The Commission's social network accounts are regularly updated with information on its activities and antitrust topics (Facebook, Twitter, and LinkedIn), which are managed in full compliance with the Communication Strategy – an approach that considerably improves the Commission's visibility.

CONCLUSION

	Completed cases	Pending, as at 31 December 2020
INFRINGEMENTS OF COMPETITION LAW		
Restrictive agreements	6	14
Individual exemptions of agreements from prohibition	37	2
Abuses of dominance	1	1
Antitrust complaints	36	11
TOTAL:	80	28
CONCENTRATIONS BETWEEN UNDERTAKINGS		
Cleared, in summary procedure	120	25
In <i>ex officio</i> procedure (type of the act – decision)		
cleared, without conditions	1	/
pending	/	2
law violation	/	2
Refused notifications	12	/
Suspended proceedings	1	/
TOTAL:	134	29
OPINIONS		
Opinions on draft and current regulations, and other acts affecting competition	5	/
Opinions on the application of the provisions of the Law on Protection of Competition governing concentrations	5	/
Opinions under Article 157 of the Law on Bankruptcy	3	/
TOTAL:	13	/
SECTOR INQUIRIES		
TOTAL:	4	2

Table 10 – Overview of the Commission’s activities in 2020

The Commission for Protection of Competition continued to take actions in 2020 to ensure more efficient application of the provisions of the Law on Protection of Competition, both by conducting proceedings to establish the infringements of competition law, reviewing proposed concentrations between undertakings, launching sector inquiries, and delivering opinions and using other awareness-raising mechanisms to further emphasize the importance of competition policy (competition advocacy efforts).

The Commission's funding and its financial autonomy have not been jeopardized at any point during the reporting period. The revenues generated by the Commission are proportional to the volume and complexity of the work tasks and activities. The Commission cannot precisely estimate the number of cases and their nature, in the short or long term. Furthermore, under the novel coronavirus pandemic circumstances, the Commission was able to independently secure sufficient funds during the reporting period for its undisturbed operations, ensure the excess of revenues over expenses above the target, and transfer a part of its revenues to the Budget of the Republic of Serbia.

The Commission will, inter alia, work towards the further harmonization of regulations and practice with EC rules and practices in antitrust and other EU competition authorities, take the necessary measures in the fight against cartels and other infringements of competition law, be operationally transparent and undertake all necessary activities to raise the level of awareness on the importance of competition, foremost by delivering opinions to competent authorities on draft regulations.