



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

25/IV Savska Street, Belgrade  
Number: 5/0-02-107/2021-20  
Reference: 5/0-02-290/2020,  
5/0-02-02/2019,  
5/0-02-08/2018,  
5/0-02-724/2017  
Date: December 24, 2021

Council of the Commission for Protection of Competition, pursuant to Article 22 paragraph 2, Article 25 paragraph 1, Article 57 paragraph 1 and Article 68 paragraph 1 item 1) of the Law on Protection of Competition (“Official Gazette of the Republic of Serbia”, number 51/09 and 95/13), Article 101 of the Law on General Administrative Procedure (“Official Gazette of the Republic of Serbia”, no. 18/2016 and 95/2018 - authentic interpretation) and Articles 3 and 4 of the Decision on Criteria for Determination of Tariff for Competition Protection Measures and Process Penalty, Payment Manner and Deadline and Conditions for Determination of Such Measures (“Official Gazette of the Republic of Serbia” no. 50/2010), in deciding in repeated proceedings against market participant Niš-ekspres doo Niš, registration number 07133731, with registered seat at: 160 Čamurlija Street, represented by Zoran Jovanović with holders of Power of Attorney Nemanja Vasiljević and Rada Janković, lawyers from Belgrade, 29 Terazije Street, for the determination of existence of abuse of dominant position, in the sense of Article 16 of the Law on Protection of Competition, at the 69th meeting held on December 24, 2021, adopts the following

**DECISION**

**I IT HAS BEEN ESTABLISHED** that the market participant Niš-ekspres doo Niš, with registered seat at: 160 Čamurlija Street, registration number 07133731, as the operation of the Bus Station Niš has a dominant position on the relevant market of service provision of bus station platform use on the territory of the city of Niš.

**II IT HAS BEEN ESTABLISHED** that the market participant Niš-ekspres doo Niš, with registered seat at: 160 Čamurlija Street Niš, abused its dominant position, as the operator of the Bus Station Niš, based on pricelist no. IO 208/2 from April 17, 2015, no. 301/1 from July 13, 2016 and no. 435/1 from February 12, 2018:

- 1) in the period from April 18, 2015 until November 20, 2018, charged different prices for the same station service related to tickets, by applying different prices based on the length of travel presented in kilometers:
  - RSD 15 including VAT for travel up to 50 km,

- RSD 45 including VAT for travel from 51 to 100 km,
- RSD 70 including VAT for travel from 101 to 200 km,
- RSD 80 including VAT for travel from 201 to 300 km,
- RSD 100 including VAT for travel over 300 km,

and

- 2) charged different prices to persons paying for station service related to tickets and buyers of platform ticket by charging the platform ticket to the buyers of the platform ticket:
  - in the period from April 18, 2015 until July 13, 2016 in the amount of RSD 100 including VAT,
  - in the period from July 14, 2016 until February 18, 2018 in the amount of RSD 160 including VAT for persons traveling with transport companies that did not submit their pricelists to Niš-ekspres, and in the amount of RSD 300 including VAT for other persons,
  - in the period from February 19, 2018 until November 20, 2018 in the amount of RSD 160 including VAT,

thus applying unfair business terms from Article 16 paragraph 2 item 1) of the Law on Protection of Competition, resulting in discrimination of users due to payment of different prices for the same service of platform use on the Bus Station Niš.

**III COMPETITION PROTECTION MEASURE HAS BEEN IMPOSED** to the market participant from paragraph I of the wording of this decision in the form of obligation of payment the monetary amount of RSD 37,593,636.00 (thirtysevenmillionfivehundredninetysixthousandandsixhundredandthirtysix and 0/100).

**IV Market participant from paragraph I of the wording of this decision HAS BEEN ORDERED** to execute one-time payment of the monetary amount for the purpose of competition protection measure from paragraph III of the wording of this decision to the account of the Budget of the Republic of Serbia number 840 743224 843 94, model 97 - with payment reference number: double figure control number per model 97 - three-figure code of the municipality, city or territory - number of this decision.

**V DEADLINE SHALL BE SET** to the market participant from paragraph I of this Decision of 12 (twelve) months from the date of delivery of this decision for the execution of order from paragraph IV of the wording of this decision under threat of enforcement implemented by Tax Administration in line with regulations prescribing tax collection.

**VI Market participant from paragraph I of the wording of this Decision HAS BEEN ORDERED** to, within 5 (five) days from the date of execution of order from paragraph IV of the wording of this decision, provide evidence on payment executed to the Commission for Protection of Competition.

**VII Market participant from paragraph I of the wording of this Decision HAS BEEN ORDERED** to provide the service of platform use to all users on the Bus Station Niš in a non-discriminatory manner.

**VIII Market participant from paragraph I of the wording of this Decision HAS BEEN ORDERED** to, in the period of 2 (two) years form the date of delivery of this decision, upon expiration of each 6-month period, starting from the date of delivery of this decision, deliver a pricelist of services on the bus station on the territory of the city of Niš to the Commission for Protection of Competition, as evidence on execution of order from paragraph VII of this decision.

**IX** Market participant from paragraph I of the wording of this decision **HAS BEEN PROHIBITED** to act, in the future, in any way that might prevent, limit or distort competition by abusing dominant position in a manner described in paragraph II of the wording of this decision.

**X REQUEST** of the market participant from paragraph I of the wording of this decision **HAS BEEN DISMISSED** related to the suspension of the initiated proceedings by way of conclusion of the President of the Commission for Protection of Competition number 5/0-02-724/2017-1 from November 17, 2017.

**XI** This decision shall be published in the “Official Gazette of the Republic of Serbia” and webpage of the Commission for Protection of Competition.

**PRESIDENT OF THE COMMISSION**

*(Signed)*  
**Nebojša PERIĆ**