

- November 2009 -

**SERBIA: COMPETITION**

**New decrees enacted under the Competition Law**

**- Decree on the Criteria for Determining the Relevant Market and the Decree on the Content and Manner of Submission of Concentration Filings -**

***(Uredba o kriterijumima za određivanje relevantnog tržišta i Uredba o sadržini i načinu podnošenja prijave koncentracije, Službeni glasnik RS br. 89/09)***

The new Serbian Law on Protection of Competition ("**Law**") applies to all proceedings initiated after 1 November 2009. The Decree on the criteria for determining the relevant market ("**Relevant Market Decree**") and the Decree on the content and manner of submission of a notice on concentration ("**Concentration Filing Decree**") came into force on 10 November 2009. Both Decrees seem to be a bit more refined in comparison to their previously-applicable counterparts which were enacted under the previous Serbian Competition Law.

The Relevant Market Decree places more emphasis on the demand-side substitution and supply-side substitution principles, in comparison to the previous regulation on the matter that was more focused on the "small but significant non-transitory increase in price test".

The Concentration Filing Decree specifies that not all sensitive (i.e. protected) data marked as such by the applicant will be afforded protection by the Competition Commission. Confidentiality will be assessed based on the test specified in Article 45 of the Law, i.e. the applicant will have to show that it is probable that significant damage may occur if the data (or the source of the data) is revealed. The Commission will then analyze whether the applicant's interest in protecting the data is significantly greater than the interest of the public to have such data revealed.

With regards to the actual format of the concentration notice, there is now a specific requirement that the notice be submitted in Cyrillic letters.

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