

SERBIA: COMPETITION

Serbian Competition Commission maintains the momentum in imposing fines

Three days after issuing a highly controversial decision imposing fines on two Serbian dairies for a conduct established under the previous legislation when the Commission did not have the authority to issue fines (see BDK Newsletter no. 3/2011)¹ has completed yet another abuse of dominance case, this time against the public cemetery in the town of Kragujevac (*Javno Komunalno Preduzeće Gradska groblja Kragujevac*). The Commission found that the company managing the city cemetery holds a dominant position on the relevant product market of lease of cemetery plots on the relevant geographic territory: It also established that such dominant position has been abused by “tying” the leases to other services provided by the cemetery which, by their nature and commercial usage, have no connection with the lease of plots, such as production and installation of gravestones and grave markings.

The Commission imposed on the cemetery six different behavioral measures and a fine in the amount of 2.9% of the company’s total annual income generated in 2009 (close to EUR 250,000).

Two additional investigations for alleged abuses of dominance are currently pending before the Commission, against the companies from the FMCG sector.

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¹http://www.bdklegal.com/upload/documents/newsletter/Competition/Resolution_on_Imlek_and_Subotica.pdf