

AGREEMENT ON COOPERATION IN THE FIELD OF COMPETITION POLICY
BETWEEN
THE COMMISSION FOR PROTECTION OF COMPETITION, REPUBLIC OF SERBIA
AND THE GAZDASÁGI VERSENYHIVATAL (THE HUNGARIAN COMPETITION AUTHORITY)

The Commission for Protection of Competition of the Republic of Serbia [CPC] and the Gazdasági Versenyhivatal [GVH, the Hungarian Competition Authority] (hereinafter jointly referred to as “the Parties”),

Expressing their intend to promote cooperation in the field of competition law and policy,

Aiming at the creation of favourable conditions for the development of bilateral relations,

On the basis of the principles of equality and mutual benefit, and

In order to promote the role of competition policy in effective development of market economy,

Have agreed as follows:

Objectives of the Agreement

Article 1.

The goal of the Agreement shall be to strengthen co-operation between the Parties in the field of competition law and policy, both on the level of general policy matters and individual cases.

Cooperation in general matters

Article 2.

1. To ensure legal and organisational mechanism for interaction focused on prevention and termination of actions that may have adverse affect on competition in the Republic of Serbia and the Republic of Hungary, the Parties agree to;

- exchange experience in conducting investigations relating to anticompetitive behaviour and violation of competition rules,
- make available to each other annual reports, case descriptions, studies on competition policy and other relevant materials on the development of antimonopoly legislation,
- provide assistance to each other in establishing necessary relations with legislative, executive and judiciary bodies of their states,

- provide opportunity for experts from one Party to visit the other Party, with the aim to exchange experience relating to individual cases,
 - provide assistance to each other in the determination of strategic and tactical aspects of the competition policy, if requested.
2. The GVH shall share its experiences with the CPC concerning the setting up of an effective law enforcement institution, organisation of competition law enforcement, competition advocacy and culture.
 3. The GVH shall promote the participation of CPC in the relevant seminars and workshops organised by the OECD/GVH Regional Centre for Competition in Budapest (Hungary) [RCC].
 4. In order to perform the task referred to in point 2 above, the CPC experts will visit the GVH for consultation on topics agreed in advance. These visits are ancillary programs to the RCC events. The cost of the visits shall be covered by the GVH.
 5. In order for the GVH to perform the task referred to in point 2 above, GVH experts, at the costs of the GVH, will visit the CPC for consultation on topics agreed in advance.

Cooperation in individual cases

Article 3.

1. The provisions of the Agreement shall be applicable in the course of consideration of actions, which have or may have an adverse effect on competition in the Republic of Serbia and/or in the Republic of Hungary, if these actions are performed by undertakings in the Republic of Serbia and/or in the Republic of Hungary.
2. For the purposes of the Agreement the notion "the actions, which have or may have an adverse effect on competition" shall mean:
 - abuse of dominant position;
 - agreements or concerted practices between undertakings which result or can result in the restriction of competition;
 - concentration of undertakings subject to notification both in Serbia and in Hungary.
3. The Agreement shall not be applicable by the GVH in cases when its application would impede the consistent application of the rules or the effective functioning of the European Competition Network.

Notification

Article 4

1. If one of the Parties establishes that actions of undertakings in the territory of its state may have an adverse effect on competition in the territory of the other Party, the former shall notify the latter about that.

2. If one of the Parties establishes that competition in its state can be affected by the actions of undertakings taken place in the territory of the other Party, the former shall notify the latter about that.
3. Notification shall be sent in written form and shall contain a brief account of the substantial facts of the case, references to national legal norms, and other pieces of information, which the sending Party considers to be necessary for the notification.
4. The Party, which received notification shall consider the possibility of taking the appropriate measures pursuant to requirements of national laws and shall inform the other Party of the results.

Request for information

Article 5.

1. In the course of consideration of actions affecting competition, each Party shall have the right to send a request for information on activities of undertakings to the other Party. The other Party shall have the right to refuse to provide the requested information, if such information was or could be submitted by the undertaking in question pursuant to national laws. A request can also be refused on grounds of confidentiality.
2. The requesting Party shall state the purpose of its request and the basic circumstances of the case.
3. The requested information shall be provided not later than three months after receipt of the request.

Consultations

Article 6.

1. If necessary, the Parties shall hold consultations on matters covered by this Agreement in order to avoid conflicting decisions in the case of the same infringement.
2. Request on holding the consultation should contain grounds of its necessity.
3. The Parties shall hold the consultation not later than three months after receipt of the request, unless otherwise agreed.
4. In the case of disagreement, the result of the consultations shall not preclude the Parties to adopt final decisions.

Protection of information

Article 7.

1. Information received as a result of application of this Agreement shall not be disclosed, unless the Parties agree otherwise.
2. The Parties may refuse co-operation within the framework of the Agreement on the grounds of their state's interests concerning the safeguarding of commercial and other secrets according to national law.

Settlement of disputes

Article 8.

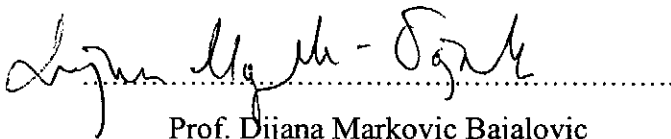
Disputes regarding interpretation and application of provisions of this Agreement shall be settled in an amicable manner by the Parties.

Final provisions

Article 9.

1. Without prejudice to points 3, 4 and 5, of Article 2, and unless special funds dedicated to it or otherwise agreed by the Parties, cooperation under this Agreement shall be financed by the requesting Party.
2. The implementation of provisions of this Agreement shall not affect any of the rights and obligations of the Parties deriving from other international agreements to which the Parties are signatories.

Done in Budapest on 24 June 2010 in duplicate each in Serbian, Hungarian and English, each text being equally authentic. In case of divergence in interpretation, the English text shall be considered as final.



Prof. Dijana Markovic Bajalovic

President

Commission for Protection of Competition

Republic of Serbia



Zoltán NAGY

President

Gazdasági Versenyhivatal

Republic of Hungary