PROTECTION OF COMPETITION

1.38

WHITE BOOK BALANCE SCORE CARD

Recommendations:	Introduced in the WB:	Significant progress	Certain progress	No progress
Adoption of the new Competition Law and relevant bylaws as soon as possible	2020			√
In order to enhance transparency and legal certainty, the Commission should issue clear guidelines and instructions containing the manner of application of certain provisions of the Law, with the involvement of interested parties in commenting proposed documents	2010		√	
The fees in the Tariff Rules should be decreased to a reasonable sum, especially in the merger control area.	2009			√
The Commission should publish issued opinions and decisions on individual exemptions within the shortest possible period from their issuance, i.e. to altogether improve transparency and predictability of decisions.	2018			√
The Commission should issue publications of the relevant definitions of product markets grouped by industries every six months, with the aim of harmonizing practice.	2018			√
Sector inquiries should contain more precise findings related to possible infringements of competition and competitive concerns to enable market participants to immediately comply behaviour in accordance with the findings of the Commission.	2021		√	
Judges of the Administrative Court should complete advanced training in both competition law and economics. All rulings of the Administrative court and the Supreme Court of Cassation should be made publicly available, and explained in detail in terms of the substantive issues of the Commission's decisions.	2010			√
The Commission's practice should be consistent with respect to all market players with detailed reasoning in relation to exceptions from the previous practice and the EU practice. In merger control cases, requests for additional information must be related to the assessment of the concentration having in mind broad discretionary powers of the Commission. Considering the penal nature of decisions in the area of competition protection and the significant powers of the Commission, predictability as well as consistency and legal certainty are of crucial importance for all market players.	2021		√	

CURRENT SITUATION

The harmonization with EU competition rules in Serbia began with the adoption of the currently applicable Competition Law in 2009 (the "Law"). The Law set material and technical preconditions in place for the independent work of the Commission for the Protection of Competition (the "Commission"). The Law was amended in 2013, whereas the corresponding by-laws were adopted back in 2009 and 2010, and the new Regulation on the Content and Manner of Submission of Merger Notifications ("Merger Control Regulation") in 2016.

In 2022, there were no developments in the field of the adoption of the new law and bylaws. It appears that there might have been a lack of legislative initiative by the Commission to bring about changes and improvements in regulations within this area during that time.

Despite the apparent lack of legislative initiative in adopting new laws and bylaws, the Commission has been actively working on raising awareness about the importance of complying with competition protection regulations. The preparation of the Model Program of Compliance with the Rules on Protection of Competition, along with accompa-

nying Guidelines on Competition Compliance Programs, suggests that efforts are being made to encourage businesses and organizations to adhere to competition protection regulations voluntarily. Also, the Commission has adopted a new Instruction concerning bid rigging practices in public procurement procedures. The adoption of the new Instruction demonstrates the Commission's commitment to adapting its practices and procedures to reflect changes in the legal framework, including the Law on Public Procurement and amendments to the Criminal Code that have been enacted since the previous Instruction was adopted in 2011.

Given that the annual report of the Commission has not yet been published at the time of writing this text, the information below is presented in accordance with the information available on the Commission's official website. In comparison to 2021, the number of notified concentrations decreased in 2022. Out of 101 resolved concentrations published on the Commission's official website, all of them were cleared in summary proceedings, indicating that no Phase II in-depth investigations were conducted for any of these cases during 2022. Also, based on publicly available information the Commission did not open any Phase II in-depth investigations in 2022. This could suggest that the Commission found no significant competition concerns or other issues that would warrant a more thorough examination of any of the concentrations happening in the previous year.

In 2022, the Commission initiated three new procedures for investigation of the competition infringements, two for an alleged entering into restrictive agreements and one for an alleged abuse of dominance.

The Commission's focus on investigating restrictive agreements involves two cases where resale price maintenance ("RPM") clauses in vertical agreements were suspected. One investigation concerns the wholesale market of ceramic tiles in the Republic of Serbia, while the other one covers a range of markets related to electronic devices such as mobile phones, tablets, accessories, "smart" watches, "smart" TV boxes, and peripheral computer equipment (keyboards and mice). Both cases are interesting in terms of the Commission's statements made and the approach taken vis-a-vis RPM clauses in the conclusions on the initiation of procedures. In the ceramic tiles investigation, the Commission suggests that the amount of the rebate granted to distributors on the domestic market may serve as an incentive to comply with the recommended retail prices, especially when they are compared with the export agreements. In the latter case concerning electronic devices, it is interesting to learn that the Commission has taken a cross-border approach to investigating potential RPM practices in the electronic devices market. By comparing prices charged to consumers in Serbia with prices in neighbouring countries such as Slovenia, Bulgaria, Croatia, Hungary, and Romania, the Commission aims to identify price disparities that could potentially be indicative of anti-competitive behaviour. In any case, it appears that RPM provisions continue to be a significant focus of the Commission in relation to restrictive agreements. RPM clauses are indeed one of the most investigated types of antitrust violations historically in Serbia.

A lot of attention was attracted by the procedure for abuse of dominance on the market of digital platforms for mediation in the sale and delivery of mainly restaurant food and other products against one of the largest platforms on the market. In the conclusion on the initiation of this procedure, the Commission stated that the number of practices such as awards for exclusive cooperation, large amounts of marketing fees conditional on exclusive cooperation, penalties for cooperation with other competitors, terms on termination of the agreements etc. may have led to an exclusionary type of abuse which may have prevented competitors from entering, sustaining, or expanding their position on the market. Also, the Commission is investigating whether the company applied unequal terms for the same practices with different business partners, primarily in terms of charging different commissions depending on whether they cooperate exclusively with the company or also with its competitors, which might have put some of the business partners at the competitive disadvantage.

Further, the Commission continued to examine failures to notify allegedly notifiable concentrations and initiated three new investigations in merger control matters, claiming that there was a change of control that was not notified to the Commission despite the legal thresholds being met. The first two cases encompass two acquisitions made by the same company active in the provision of private security services. The second case is related to e-commerce, whereas the Commission is examining the acquisition of a target company registered in North Macedonia. The latter case could provide valuable insights into how the Commission will navigate challenges in cross-border acquisitions and e-commerce markets. The enforcement activities undertaken by the Commission in 2022 (and previously in

2021) in relation to merger control indicate that the Commission closely observes all concentrations falling within its scope irrespective of the size of an acquirer and a target, their ownership, and the legal basis of the concentration.

In relation to merger control, the Commission's fees for merger control have remained unchanged and are still very high.

Furthermore, the Commission imposed fines in two restrictive agreements cases in 2022, one of those cases concerned a breach in the form of an RPM in vertical agreements with distributors, and the second one related to bid rigging between competitors. The individual fines imposed on infringers in those cases ranged from approximately EUR 28,000, being the lowest individual fine imposed, to approximately EUR 162,000, being the highest individual fine imposed in 2022.

The Commission terminated one antitrust proceeding in 2022. Namely, a case against a city heating plant that was initiated back in 2018 was terminated based on the fact that the city plant fully and completely acted in accordance with the commitments undertaken in 2019 for the next three years. The termination of the antitrust proceeding against a city heating plant based on its fulfilment of commitments highlights the Commission's willingness to resolve cases, subject to resolution of competition concerns, and promote compliance with competition laws.

POSITIVE DEVELOPMENTS

The trend of opening more investigations continued as well as drafting of the sector inquiries and analysis of the conditions of competition on the relevant markets.

In 2022, four sector inquiries/analyses have been completed and their results were published on the Commission's website, these being:

- a sector analysis of the state of competition in the market of other postal services, specifically courier services, from 2019 to 2021,
- a sector analysis of the state of competition in the textbook market for primary education, in the period 2018-2020,
- a sector analysis of the state of competition in the distribution channels of ceramic tiles and sanitary ware between 2018 and 2020, and
- a sector analysis of the intercity bus transport market in the Republic of Serbia.

Through the findings of sectoral inquiries/analyses, the Commission can provide clear and practical guidelines to market participants, helping them understand competition rules, potential pitfalls, and areas that require improvement. This guidance promotes compliance and reduces the risk of anti-competitive behaviour. Therefore, the need for clear and practical guidelines is paramount. The Commission, however, sometimes does not present clear conclusions about possible competition law infringements and identified concerns that prevent market participants to act proactively and align their behaviour with competition law.

Furthermore, the Commission has been actively promoting compliance with competition law through its efforts, including the presentation of the Model Program of Compliance with the Rules on Protection of Competition and the accompanying Guidelines. Such initiatives are important for ensuring fair business practices and maintaining a competitive marketplace. By presenting the Model Program in various cities across Serbia in 2022, the Commission is aiming to raise awareness among businesses and stakeholders about the importance of adhering to competition regulations.

In terms of the events that took place in 2022 and the activities in the area of international cooperation, it can be pointed out that the Commission participated in the International Conference on Competition and Consumer Protection in Georgia. Furthermore, the Commission took part in the International Conference on Competition (ICC) and the Annual Conference of the International Competition Network (ICN) hosted in Berlin by the German competition authority, Bundeskartellamt. Apart from the Commission, approximately 450 participants from over 80 countries attended the conferences, highest representatives of competition authorities, judges, university professors, anti-trust lawyers, representatives of German ministries and other governmental bodies, international companies, etc. Also, in March 2022, the Commission and the Hellenic Competition Commission signed the Memorandum of Understanding on Antitrust Cooperation which is aimed at improving cooperation between the two authorities through the exchange of experiences and comparative practices in the field of antitrust.

Finally, as previously mentioned, in May 2022, the Commis-

sion adopted a new Instruction for the detection of bid rigging in the public procurement procedure, in the light of the new legal solutions that were adopted after the 2011 Instruction (e.g., in the Law on Public Procurement, and amendments to the Criminal Code).

REMAINING ISSUES

Lack of transparency in the Commission's work

The lack of transparency in the Commission's work is indeed a significant concern. Transparency is crucial in ensuring accountability, promoting fair competition, and building trust among stakeholders, including businesses and the public. When decisions are not promptly and comprehensively published, the ability of interested parties to understand the reasoning behind the decisions and assess their implications is hindered.

It is, therefore, of foremost importance that the Commission's decisions are published on the Commission's webpage to ensure transparency and provide timely information about its decisions as well as to maintain legal certainty. Delays in publishing decisions or not publishing decisions at all raise concerns about accountability and legal certainty in enforcing competition law. Even though the Commission should regularly publish its decisions, it is noticeable that the Commission does not publish all the decisions in relevant areas or that it publishes them with significant delays, which does not contribute to either transparency or legal certainty. This has been an issue in previous years, and it remains to be so in 2022. The cause for particular concern is that the Commission did not publish any decision in individual exemption proceedings in 2022 (except for a single decision on suspensions of individual exemption proceedings that was published on the Commission's website in July 2022).

Also, the Commission has not published any decision on the use of the Leniency programme, therefore this programme remains undeveloped. Additionally, the Commission does not publish information on submitted initiatives, even after the decision on such initiatives has been made. Even in cases of submitted initiatives, Commission delays its mandatory notification to the applicant, which should be done within 15 days as of the submission – certain initiatives were never responded.

Annual reports are published with delay, while the relevant court's decisions issued in the process of control of the Commission's decisions are not publicly available at all since such decisions are not published on the Commission's website. Another shortcoming is the fact that the database of the Commission's decisions does not allow for advanced search (with more detailed criteria).

Observance of deadlines and efficient review by the Commission

The efficient and timely decision-making process by the Commission is of the utmost importance to the business community. Delays in both merger control and antitrust cases can have far-reaching consequences for the parties involved and the overall market dynamics. The parties are often not allowed to proceed with their transactions or business operations until they receive the Commission's decision due to the standstill obligation, therefore, any delay in rendering decisions is postponing regular business operations which may cause substantial damages to the parties.

While the Competition Law might not always provide precise or rigid deadlines, it is still important for the Commission to conduct its reviews efficiently and effectively. The absence of specific deadlines should not be used as an excuse for unnecessary delays or inefficiencies in the review process. That is particularly important in the summary proceedings (Phase I), i.e. cases of no-issue concentrations and individual exemption procedures without competition effects on the Serbian market. For example, it happens that the Commission's review of a simple transaction that is undergoing a Phase I review lasts several months (e.g. over 3 months instead of a month as prescribed under the Competition Law, while we duly note that the one-month deadline starts as of completeness) due to the fact that the Commission is able to interpret the provisions of the law in a manner which enables it to extend such as deadline when there is no real need to analyse simple transaction with no effects on local markets for such a long period. For comparison, an in-depth (i.e. Phase II) review of transactions that may have effects on the local market is limited by the Competition Law to up to four months.

Furthermore, it is noticeable that the Commission has been applying a more complex methodology in analysing the individual exemption of restrictive agreements, It is essential that complex analysis in individual exemption proceedings should not adversely affect the efficiency of the

Commission's decision-making process, in terms of avoiding any unjustified delay. In practice, the review period of individual exemption requests is often prolonged beyond the 60 days deadline as envisaged by the Competition Law (and in some cases even lasts for 4-5 months). This is causing practical problems for the business community when it comes to implementing agreements and business policies which require prior approval of the Commission. The economic reality requires swift action from all parties including the Commission. Additionally, the rather restrictive and formalistic approach of the Commission is more evident, as well as deviations from the comparative EU practice in the interpretation of certain procedural legal institutes, which is especially relevant in the procedures of individual exemptions. It is necessary, in the context of preparations for the new competition law, to examine the acceptability of the concept of individual exemption, which the European Union abolished almost twenty years ago. In the 2019 version of the draft law, the legal institute of self-assessment was introduced, whereby the system of individual exemptions was also retained, which was the proposal of the Foreign Investors Council.

Due process rights

The proceedings before the Commission still do not sufficiently guarantee all procedural rights of the parties, such as the rights of the parties to have access to the case file and powers of the Commission in terms of the treatment of privileged communication. In certain merger control cases, the Commission extensively used its right to ask for additional information as it required information not relevant to the assessment of a concentration, which caused unnecessary delays. If the Commission uses its broad discretionary powers in requests for additional information, the Commission must elaborate on the aim and purpose of the requested information and its relevance for the assessment of the concentration.

Dawn raids as a rule rather than an exception

As for dawn raids, the Commission's decisions on dawn raids still lack explanations of reasonable suspicion that evidence will be removed or altered, which is a statutory condition for carrying out dawn raids. Dawn raids should be used only in cases where there is such suspicion. However, at the moment, it seems that the Commission is conducting dawn raids to gather evidence wherever it wishes, regardless of whether the statutory conditions have been met.

Dawn raids are powerful investigative tools that should be used judiciously and in accordance with legal requirements to ensure that evidence is not tampered with or destroyed. Proper justification and adherence to statutory conditions are crucial to maintaining the integrity of the investigative process.

Lack of an effective judicial review at the second instance

Judges of the Administrative Court, as a second court instance, still lack comprehensive knowledge in the areas of competition law and economics to be able to interpret the Commission's arguments and decisions properly. Decisions of the Administrative Court often lack detailed reasoning and consideration of the merits of the case, limiting their scope only to repeating the Commission's findings and consideration of the basic procedural issues, without analysing the arguments of the parties in dispute.

This is a serious shortcoming, as it prevents a confrontation of opinions, a comprehensive and adequate control of the Commission's decisions, and the development and harmonization of practices with EU standards (which is a requirement of the Stabilization and Association Agreement), while it also jeopardizes further appeal proceedings in cases when an extraordinary legal remedy is lodged. Detailed reasoning of the decisions of the Commission and the court, with particular consideration of arguments and evidence presented by the parties to the proceedings, is of considerable importance for establishing judiciary oversight of the Commission's work. Otherwise, the Commission would be in a position to misuse its powers and independence.

Calculation of penalties

The method of determining penalties is characterized by inconsistency and unpredictability in the application of the Law. For example, a substantial part of the existing guidelines is not in compliance with the law, the methodology for determining coefficients for individual factors in meting out the penalty is unclear, the Commission's decisions often do not include an overview of the established coefficients for individual factors nor proper reasoning, and total revenues of the party to proceedings is taken as a basis for the calculation of the fine, instead of calculating the fine based on revenues derived from only the relevant market where competition was infringed. In the last version of the draft Competition Law, it was provided that penalties will

be calculated based on the relevant turnover, i.e. turnover generated on the relevant market on which the competition infringement was made, which is significant progress with regards to the previous situation and which is also in line with the EU rules.

A clear and consistent methodology for calculating fines is essential to ensure fairness, transparency, and effective enforcement of competition law, especially considering that fines under competition law can be significant. Non-compliant guidelines, unclear coefficient determination, lack of reasoning, and the use of total revenues instead of relevant market turnover, can all lead to legal uncertainty and undermine the credibility of the enforcement process.

Improvement of economic analysis

Although the Commission has made serious efforts to improve the quality of economic analyses, it is necessary to consistently apply economic analyses in all proceedings before the Commission, taking into account the specifics of each particular case, and further work is needed in improving the quality of reasoning behind the Commission's decisions. In the previous period, it was evident that the Commission has issued contradictory decisions with regard to its previous practice in certain cases, without proper reasoning for doing so.

Lack of clarity in the application of merger control rules

Some legal uncertainty is also caused by a lack of clarity in the application of merger control rules to transactions that involve the acquisition of control over parts of undertakings, as well as the acquisition of control on a short-term basis. These problems often arise in the interpretation of the term "independent business unit", usually related to the acquisition of control over real estate, where the business community needs clear and timely guidance from the Commission in respect of future practices, which still do not exist, i.e. are not published.

Leniency severely underused in practice

As for the leniency programme, the Commission did not publish any decision on the implementation of this programme, so it is unknown whether this institute is used in the practice and to which extent.

It is concerning to see that the leniency program is not being effectively utilized in practice. The leniency program is a vital tool in antitrust enforcement, designed to encourage companies to come forward and report their involvement in anti-competitive activities in exchange for reduced penalties or immunity. Its successful implementation can lead to the detection and deterrence of cartels and other anti-competitive behaviour while, at the same time, building trust between the business community and the Commission.

Further digitalisation

The need for further digitalisation of the process and work of the Commission has become evident during the COVID-19 pandemic and remains an issue up to date. The Commission should apply more resources to digitalisation which would ease and simplify their work in the given situation (e.g. holding meetings of the Council electronically, holding meetings with the parties electronically even when it is not possible to meet in person etc.).

New Competition Law and the relevant by-laws

Finally, it appears that the work on the preparation of the new Competition Law has been on hold since 2019. The Foreign Investors Council has been an active member of the Working Group for preparation of the new Competition Law and believes that the whole process of preparation and adoption of the new Law should be continued, as the draft of the new Competition Law provides various legal institutes which already exists within the EU acquis communautaire and which could be beneficial for the purpose of strengthening of the legal certainty in the Serbian competition law framework, such as negative clearance, calculation of fines on the basis of the relevant turnover, etc.

Also, a number of by-laws (e.g. on vertical and horizontal agreements) are severely out of date and need to be amended in order to reflect the economic reality and developed practice on the local and the EU level.

FIC RECOMMENDATIONS

- Adoption of the new Competition Law and relevant bylaws as soon as possible.
- In order to enhance transparency and legal certainty, the Commission should issue clear guidelines and instructions containing the manner of application of certain provisions of the Law, with the involvement of interested parties in commenting proposed documents.
- The Commission must decide in all competition cases efficiently and timely. Lack of a clear legal deadline in certain instances must not be an excuse for an inefficient review e.g. in Phase I merger case and individual exemption cases.
- The fees in the Tariff Rules should be decreased to a reasonable sum, especially in the merger control area.
- The Commission should publish decisions on individual exemptions within the shortest possible period from their issuance, i.e. to altogether improve transparency and predictability of decisions.
- The Commission should issue publications of the relevant definitions of product markets grouped by industries every six months, with the aim of harmonizing practice.
- Sector inquiries should contain more precise findings related to possible infringements of competition and competitive concerns to enable market participants to immediately comply behaviour in accordance with the findings of the Commission.
- Judges of the Administrative Court should complete advanced training in both competition law and economics. All rulings of the Administrative Court and the Supreme Court of Cassation should be made publicly available and explained in detail in terms of the substantive issues of the Commission's decisions.
- The Commission's practice should be consistent with respect to all market players with detailed reasoning in relation to exceptions from the previous practice and the EU practice. In merger control cases, requests for additional information must be related to the assessment of the concentration having in mind the broad discretionary powers of the Commission. Considering the penal nature of decisions in the area of competition protection and the significant powers of the Commission, predictability, as well as consistency and legal certainty, are of crucial importance for all market players.

STATE AID 1.71

WHITE BOOK BALANCE SCORE CARD

Recommendations:	Introduced in the WB:	Significant progress	Certain progress	No progress
Transparency of the procedure - introduction of the registry of state aid and effective control of the compliance with the obligation to report to the aid grantors.	2021		√	
Continuous and effective control of compliance with the law– utilizing different mechanisms envisaged in the Law in order to monitor granted state aid and also impose measures for incompatible state aid.	2021		√	

CURRENT SITUATION

The legal framework regulating the granting of state aid in the Republic of Serbia consists of the Law on State Aid Control from October 2019 (the "Law"), which entered into force on 1 January 2020, and the relevant bylaws.

There are no data on state aid granted in 2022 because the annual report is not available yet but only information from the annual report for 2021. The total absolute amount of state aid granted in 2021 amounted to RSD 221,876 million (EUR 1.6 billion) while its share in gross domestic product was 3.5% which is less compared to 2020 when the account of state aid in the GDP was 4.96%. The state aid without aid for agriculture accounted for 2.9% in 2021, compared to 4.1% in 2020.

In 2021, the agricultural sector was granted state aid in the absolute amount of RSD 40,897 million (approximately EUR 347.8 million), which is approximately the same amount as in 2020. State aid was granted to the industry and services sector in 2021 in the absolute amount of RSD 117,401 million (approximately EUR 999 million). Compared to 2020, this state aid represents an increase (in 2021 it was 52.9% while in 2020 it was 30.2%) The most common instrument for granting state aid in 2021 were subsidies, with a share of 62.1% in total state aid, followed by tax incentives with a share of 19.2%.

POSITIVE DEVELOPMENTS

Under the Law, the Commission for State Aid Control ("CSAC") functions as an independent body and is accountable to the National Assembly, ensuring independence from the executive power from a formal-legal point of view. In the previous period, there have been improvements in the financial independence and personnel capacities of the CSAC.

A precondition for legal certainty is the assurance of transparency of CSAC's work. The CSAC has a duty to publish its decisions on its website and to maintain a registry of granted aid, including a separate de minimis aid registry. The registry of granted aid is still waiting to be deployed.

Many bylaws have meanwhile been adopted. The most important are the decrees on regional and horizontal state aid, granting of state aid in the fields of culture and information, and state aid for recovery and restructuring of market participants in difficulties.

REMAINING ISSUES

In the last report on Serbia's progress in the EU accession process for the year 2022, European Commission indicated that despite a solid legal framework on state aid control, consistent implementation of these policies remains weak. The core obstacles to the further harmonization of national legislation with the European acquis:

- the lack of list of state aid schemes and of an action plan for their harmonization, especially of fiscal state aid schemes established in accordance with the Law on Corporate Income Tax,
- the lack of regional maps,
- the lack of a register of granted state aid,
- notification and the standstill obligations are still not be-

ing systematically respected and state aid is occasionally provided to economic operators, particularly foreign investors, without prior approval by the CSAC, and

– lack of strict enforcement with respect to agreements concluded with third countries.

In 2022, the CSAC adopted 109 decisions (according to the data available on the website of CSAC), of which 97 ascertain the existence of state aid and assess the compliance of state aid without any ex post procedure being commenced or recovery decision being taken. There are 5 binding opinions on draft regulations adopted of which 2 opinions indicate that the state aid was partially compliant. Also, CSAC adopted 7 notifications with binding instructions on how to comply aid with the applicable rules.

State aid policy must be predictable and consistent and primarily based on grantor schemes, while individual aid should be the exception. It is necessary to adopt clear plans and programs based on which companies and the public can be informed about that policy in a timely manner, and not from the decisions of the CSAC.

Attracting investment in underdeveloped regions, as well as defining a clear government strategy on investment areas (digitalization and green energy) with full respect for state aid rules, are key starting points for achieving a clear and cost-effective state aid allocation.

With the new law and bylaws in force, the CSAC must actively work on developing the awareness of all relevant parties about these rules, especially state aid grantors and beneficiaries whose knowledge is limited. The stated is a precondition for the involvement of the economy and the general public in the drafting of state aid policy, targeting vulnerable categories or sectors of the economy, so that specific, predictable, and effective solutions can be reached jointly.

It is necessary to raise awareness and capacity of state aid grantors, thus increasing the legal certainty of state aid beneficiaries when allocating funds.

FIC RECOMMENDATIONS

- Transparency of the procedure - introduction of the registry of state aid and effective control of the compliance with the obligation to report to the aid grantors.
- Continuous and effective control of compliance with the law– utilizing different mechanisms envisaged in the Law in order to monitor granted state aid and also impose measures for incompatible state aid.