

**FEDERAL LAW NO. 135-FZ OF JULY 26, 2006  
ON PROTECTION OF COMPETITION**

(with the Amendments and Additions of December 1, 2007, April 29, June 30, November 8, 2008, July 17, December 27, 2009, April 5, May 5, November 29, 2010, March 1, June 27, July 1, 11, 18, November 21, December 6, 2011, July 28, December 30, 2012, July 2, 23, November 2, December 21, 28, 2013, June 4, July 21, 2014, June 29, July 13, October 5, 2015, July 3, 2016, July 29, 2017, February 19, April 23, June 4, July 29, November 28, December 27, 2018, July 18, December 2, 27, 2019, March 1, April 1, 24, December 8, 22, 2020, February 17, June 11, July 1, 2, 2021, February 16, April 1, June 11, December 5, 29, 2022, September 1, 2023)

**Passed by the State Duma on July 8, 2006**

**Passed by the Federation Council on July 14, 2006**

**Chapter 1. General Provisions**

**Article 1. Subject and Goals of This Federal Law**

1. This Federal Law shall define the organisational and legal outline of competition protection, including the prevention and suppression of the following:

- 1) monopolistic activities and unfair competition;
- 2) banning, restriction or removal of competition by the federal executive power bodies, the state power bodies of the constituent entities of the Russian Federation, local self-government bodies, other agencies or organisations exercising the functions of the said bodies, as well as by state off-budget funds and the Central Bank of the Russian Federation.

2. As the goals of this Federal Law shall be deemed ensuring of the common free market zone, free movement of commodities, freedom of economic activities in the Russian Federation, protection of competition and creation of conditions for the efficient functioning of commodity markets.

**Article 2. Anti-Monopoly Legislation of the Russian Federation and Other Normative Legal Acts on Competition Protection**

1. The anti-monopoly legislation of the Russian Federation (hereinafter referred to as the anti-monopoly legislation) shall be based on the Constitution of the Russian Federation, the Civil Code of the Russian Federation and comprise this Federal Law and other federal laws regulating the relations mentioned in Article 3 of this Federal Law.

2. The relations mentioned in Article 3 of this Federal Law may be regulated by decisions of the Government of the Russian Federation and normative legal acts of the federal anti-monopoly agency in the instances provided for by the anti-monopoly legislation.

3. If an international treaty made by the Russian Federation establishes rules other than those provided for by this Federal Law, the rules of the international treaty shall apply.

4. Decisions of interstate bodies adopted on the basis of the Provisions of International Treaties of the Russian Federation in their interpretation contrary to the Constitution of the Russian Federation shall not be subject to execution in the Russian Federation. Such a contradiction can be established in the procedure determined by federal constitutional law.

### **Article 3. Scope of This Federal Law**

1. This Federal Law shall extend to relations connected with competition protection, in particular with the prevention and suppression of monopolistic activities and unfair competition where Russian and foreign legal entities, organisations, the federal executive power bodies, the state power bodies of the constituent entities of the Russian Federation, local government bodies, other agencies or organisations exercising the functions of the said bodies, as well as the state off-budget funds, the Central Bank of the Russian Federation and natural persons, including individual businessmen, participate.

2. The provisions of this Federal Law shall apply to the agreements between Russian and/or foreign persons or organisations made outside the Russian Federation, as well as to the actions made by them, if such agreements and such actions affect the state of competition in the territory of the Russian Federation.

3. The provisions of this Federal Law shall not extend to the relations regulated by the uniform rules for competition in transboundary markets control of the observance of which is within the scope of authority of the Eurasian Economic Commission in compliance with an international treaty of the Russian Federation. The criteria for considering a market to be a transboundary one shall be established in compliance with an international treaty of the Russian Federation.

### **Article 4. Basic Concepts Applied in This Federal Law**

The following basic concepts shall be applied in this Federal Law:

1) a **commodity** shall mean an object of civil rights (including works and services, in particular financial services) intended for sale, exchange or other putting into circulation;

2) a **financial service** shall mean a banking service, insurance service, service in the securities market, a service under a contract of leasing, as well as a service rendered by a financial organisation and connected with attraction and (or) placement of monetary funds of legal entities and natural persons;

3) **exchangeable commodities** shall mean the commodities which are comparable as to their functional purpose, application, qualitative and technical characteristics, price and other parameters so that the acquirer thereof really replaces or is ready to replace either commodity by the other one when consuming them (in particular when consuming them for production purposes);

4) a **commodity market** shall mean the scope of a commodity's circulation (including a foreign-made commodity) which cannot be replaced by another commodity, or of exchangeable commodities (hereinafter referred to as a certain commodity) within whose bounds the acquirer can buy a commodity proceeding from economic, technical or another possibility or expediency and there is no such possibility or expediency outside it;

4.1) **network effect** - a property of a commodity market (commodity markets), in which the consumer value of a program (set of programs) for electronic computers in information and telecommunication networks, including the Internet, which ensures transactions between sellers and buyers of certain goods (hereinafter referred to as the digital platform), changes depending on the change in the number of such sellers and buyers;

5) an **economic agent** shall mean a profit-making organisation or a non-profit organisation engaged in profitable activities, as well as an individual businessman or other natural person which is not registered as an individual businessman but is engaged in profitable professional activities, in compliance with federal laws on the basis of the state registration and/or a licence and also by virtue of membership in a self-regulating organisation;

6) **financial institution** is a business entity that renders financial services - a credit

institution, a professional participant of the securities market, a market maker, a clearing institution, a microfinance organisation, a consumer credit cooperative, insurance entity, a non-state pension fund, a management company of investment funds, investment unit funds or non-state pension funds, a special depository of investment funds, investment unit fund or non-state pension funds, a pawnshop (a financial institution regulated by the Central Bank of the Russian Federation), or a leasing company (other financial institution, financial institution not regulated by the Central Bank of the Russian Federation);

7) **competition** shall mean rivalry of economic units when independent actions of each of them exclude or limit the potential of each of them to influence unilaterally the general terms of commodities' circulation in the appropriate commodity market;

8) **discriminating conditions** shall mean the terms of access to a commodity market, conditions of production, exchange, consumption, acquisition, sale or other transfer of a commodity under which an economic unit or several economic units find themselves in an unequal position as compared to other economic unit or other economic units;

9) **unfair competition** shall mean any actions of economic units (a group of persons) which are aimed at gaining advantages in the exercise of business activities, contravene the legislation of the Russian Federation, traditions of business intercourse, do not comply with the requirements for honesty, reasonableness and fairness and have caused or can cause losses to other economic units which are their competitors, or have breached or can breach their business reputation;

10) **monopoly activities** shall mean abuse by an economic unit or a group of persons of their dominant position, agreements or concerted actions banned by the anti-monopoly legislation, as well as other actions (omission to act) deemed to be monopolistic activities under the federal laws;

11) **systematic exercise of monopolistic activities** shall mean the exercise by an economic unit of monopolistic activities detected in the procedure established by this Federal Law more than twice with a three- year period;

12) **unreasonably high price of a financial service or unreasonably low price of a financial service** shall mean the price of a financial service or financial services which is fixed by the dominant financial organisation, essentially differs from the competitive price of the financial service and (or) impedes access of other financial organisations to a commodity market and (or) has a negative impact upon competition;

13) **competitive price of a financial service** shall mean the price at which the financial service can be rendered under the conditions of competition;

14) **coordination of economic activities** shall mean coordination of actions of economic agents by a third person which does not belong to the same group of persons as any of such economic agents and is not engaged in any activity on the commodity market where actions of the economic agents are coordinated. As coordination of economic activities shall not be deemed the actions of economic agents made within the framework of "vertical" agreements;

15) **anti-monopoly body** shall mean the federal anti-monopoly agency and territorial branches thereof;

16) **acquisition of stocks (shares) of economic companies** shall mean the purchase, as well as gaining any other opportunity to exercise the right of vote granted by stocks (shares) of economic companies on the basis of contracts of property trust management, contracts of joint activity, contracts of agency and other transactions or for different reasons;

17) **signs of competition restriction** shall mean the reduction of the number of economic agents that do not pertain to the same group of persons in a commodity market, rise or reduction of the price of a commodity which are not connected with the appropriate

changes of other general conditions of a commodity's circulation in a commodity market, refusal of economic agents not pertaining to the same group of persons to make independent actions in a commodity market, determination of the general conditions of a commodity's circulation in a commodity market by an agreement made by economic agents or in compliance with the instructions of another person to be followed without fail or as a result of coordination by the economic agents not pertaining to the same group of persons of their actions in a commodity market, as well as other circumstances making it possible for an economic agent or several economic agents to unilaterally influence the general conditions of a commodity's circulation in a commodity market, and also setting by the state power bodies, local authorities and organisations participating in the provision of the state or municipal services in the course of participation in the provisions of such services any requirements for commodities or for economic agents which are not provided for by the legislation of the Russian Federation;

18) agreement shall mean an understanding in writing contained in a document or several documents, as well as a verbal understanding;

19) a "**vertical**" agreement shall mean an agreement between economic agents one of which acquires a commodity while the other one provides (sells) the commodity;

20) **state or municipal preferences** shall mean granting by federal executive power bodies, state power bodies of constituent entities of the Russian Federation, local authorities, other agencies and organisations exercising the functions of the cited bodies to certain economic agents privileges which create more profitable conditions for their activities by way of transfer thereto state or municipal property and other objects of law or by way of granting privileges of a property nature, or the state or municipal guarantees;

21) **economic concentration** shall mean transactions or other actions whose making influences the state of competition.

22) the **person deemed to be the target of economic concentration** shall mean the one whose stocks (shares), assets, plant and/or intangible assets are acquired or contributed to the authorized capital and/or the one in respect of which the rights are acquired in the procedure established by Chapter 7 of this Federal Law.

24) **internal system for ensuring compliance with the antimonopoly legislation requirements** shall mean a set of legal and organisational measures stipulated by an internal act (internal acts) of a business entity or another person from among persons belonging to the same group of persons as this business entity if such an internal act (internal acts) is (are) applicable to this economic agent, and aimed at its compliance with antimonopoly legislation requirements, and prevent its violation.

## **Article 5. Dominant Position**

1. As dominant position shall be deemed the position of an economic unit (a group of persons) or of several economic units (groups of persons) in the market of a certain commodity making it possible for such economic unit (group of persons) or such economic units (groups of persons) to exert a critical influence upon the general conditions of a commodity's circulation in the appropriate commodity market and (or) to remove other economic units from this commodity market and (or) to impede access to this commodity market of other economic units.

As dominant shall be deemed the position of economic units (except for a financial organisation):

1) whose share in the market of a certain commodity exceeds fifty per cent, if only it is not established while considering a case on violating the anti-monopoly legislation or while exercising state control over economic concentration that, despite the excess of the said value, the position of an economic unit in a commodity market is not dominant;

2) whose share in the market of a certain commodity is less than fifty per cent, if the dominant position of such economic unit is detected by the anti-monopoly body on the basis of an invariable or slightly variable share of the economic unit in the commodity market, relative rate of shares in this commodity market belonging to competitors, probability of access to this commodity market of new competitors or on the basis of other criteria characteristic of this commodity market.

2. The position of an economic unit (except for a financial organisation) whose share in the market of a certain market does not exceed thirty five per cent may not be deemed dominant, except for the instances specified by Parts 3 and 6 of this Article.

2.1. One can not recognise as dominating a position of the economic subject - legal entity where the founder (participant) is a natural person (including the one registered as an individual entrepreneur) or several natural persons, if the receipts from the sale of goods in the recent calendar year of such economic subject are not greater than RUR 800 million, except for:

1) an economic subject forming part of a group of persons with another economic subject or other economic subjects on the grounds specified in Part 1 of Article 9 of the present Federal Law. The given exception does not apply to economic subjects included in a group of persons on the grounds specified in Item 7 of Part 1 of Article 9 of the present Federal Law; to economic subjects included in a group of persons where the participants are only those forming part of the group of persons on the grounds specified in Item 7 of Part 1 of Article 9 of the present Federal Law; to economic subject where the participant is an individual entrepreneur;

2) financial organisation;

3) subject of natural monopoly at the commodity market finding itself in a position of the natural monopoly;

4) economic subject having legal entities as founders or participants of economic subjects;

5) economic company having a share of participation of the Russian Federation, subject of the Russian Federation, municipal formation in the registered capital;

2.2. One cannot recognise as dominating a position of economic subject - individual entrepreneur not included in a group of persons with another economic subject or other economic subjects on the grounds specified in Part 1 of Article 9 of the present Federal Law, if the receipts from the sale of goods of such economic subject - individual entrepreneur for the recent calendar year is not greater than RUR 800 million, as well as an economic subject - individual entrepreneur included in a groups of persons with another economic subject on the grounds specified in Item 7 of Part 1 of Article 9 of the present Federal Law or included in a group of persons with an economic subject or economic subjects where the sole participant or each of them is one or several persons included in a group with economic subject or economic subjects on the grounds specified in Item 7 of Part 1 of Article 9 of the present Federal Law, if the total receipts from the sale of goods of such economic subjects for the recent calendar year is not greater than RUR 800 million.

3. As dominant shall be deemed the position of each economic unit from among several economic units (except for a financial organisation) as applied to which the combination of the following conditions can be observed:

1) the aggregate share of a maximum of three economic units with the share of each of them being more than shares of other economic units in the appropriate commodity market exceeds fifty per cent, or the aggregate share of at most five economic units with the share of each of them being more than shares of other economic units in the appropriate commodity market exceeds seventy five per cent (this provision shall not apply, if the share of at least one of the said economic units is less than eight per cent);

2) within a long time period (within at least one year or, if such time period is less than one year, within the time period of functioning of the appropriate commodity market) relative values of shares of economic units are invariable or slightly variable, and it is difficult for new competitors to get access to the appropriate commodity market;

3) the commodity sold or purchased by economic units may not be replaced by some other commodity when consumed (in particular when consumed for production purposes), the rise in the commodity's price does not cause the reduction of demand for such commodity corresponding to such rise, information about the price, terms of sale or purchase of this commodity in the appropriate commodity market is accessible to an indefinite group of persons.

4. An economic unit shall be entitled to bring to the anti-monopoly body or court the proof that the position of this economic unit in the commodity market is not dominant.

5. As dominant shall be deemed the position of an economic unit of a natural monopoly in a commodity market which is in the state of the natural monopoly.

6. Federal laws may establish the instances of declaring as dominant the position of an economic unit whose share in the market of a certain commodity constitutes less than thirty five per cent.

6.1. Abrogated upon the expiry of 90 days after the day of the official publication of Federal Law No. 275-FZ of October 5, 2015.

6.2. Abrogated upon the expiry of 90 days after the day of the official publication of Federal Law No. 275-FZ of October 5, 2015.

7. The conditions for acknowledging position of a financial institution regulated by the Central Bank of the Russian Federation dominant, taking into account the restrictions set by this Federal Law shall be established by the Government of the Russian Federation upon agreement with the Central Bank of the Russian Federation. The conditions for acknowledging position of other institution taking into account the restrictions set by this Federal Law shall be established by the Government of the Russian Federation. The dominant position of a financial institution regulated by the Central Bank of the Russian Federation shall be established by an anti-monopoly authority according to the procedure approved by the Government of the Russian Federation upon agreement with the Central Bank of the Russian Federation. The procedure for establishing a dominant position of other financial institution by an anti-monopoly authority shall be approved by the Government of the Russian Federation. The position of a financial institution whose share in the only commodity market in the Russian Federation does not exceed ten percent or twenty percent in the commodity market whose commodities are also circulating in other commodity markets of the Russian Federation, cannot be acknowledged dominant.

8. When analysing the state of competition provided for by Item 3 of Part 2 of Article 23 of this Federal Law, an anti-monopoly agency shall assess the circumstances affecting the state of competition, in particular the conditions of admittance to a commodity market, shares of economic agents in the markets of certain commodities, correlation of shares of commodity's purchasers and sellers, period when an opportunity exists to exert a decisive influence upon the general terms of a commodity's circulation in the commodity's market.

8.1. When analyzing the state of competition in the commodity market (commodity markets), in which transactions between sellers and buyers are carried out through the use of a digital platform, the antimonopoly authority establishes the presence of network effects and assesses the possibility of an economic entity owning a digital platform and ensuring, through its use, transactions between other persons, acting as sellers and buyers of certain goods, exert a decisive influence on the general conditions for the circulation of goods on the relevant commodity market, and (or) eliminate other economic entities from the commodity market, and (or) impede access to the commodity market for other economic entities,

including due to the number of transactions made through such a digital platform.

9. The time span for analyzing the state of competition shall be fixed depending on the objective of study, the specifics of a commodity market and availability of information. The shortest time span for analyzing the state of competition for the purpose of establishing the dominant position of an economic agent must constitute a year or the time period within which a commodity market exists, if it is shorter than a year.

#### **Article 6. Exclusively High Commodity Price**

1. As an exclusively high price of a commodity shall be deemed the price fixed by an economic agent holding a dominant position, if this price exceeds the sum of the expenses required for making and selling such commodity and profit, as well as the price that has formed under the conditions of competition in the commodity's market comparable from the point of composition of the commodity's purchasers or sellers, conditions of the commodity's circulation, conditions of access to the commodities market, state regulation, including taxation and customs tariffs regulation (hereinafter referred to as a comparable commodity market), if there is such market in the territory of the Russian Federation or outside it, in particular the one fixed:

1) by way of raising the previously fixed price of the commodity, if, in so doing, the following conditions are met in the aggregate:

a) the expenses required for the commodity's production and sale remain unchanged or their alteration does not correspond to alteration of the commodity's price;

b) the composition of the commodity's sellers or purchasers remains unchanged or alteration of the composition of the commodity's sellers or purchasers is insignificant;

c) the conditions of the commodity's circulation in the commodity's market, in particular those caused by state regulation measures, including taxation and tariff regulation, remain unchanged or their alteration is disproportionate to alteration of the commodity price;

2) by way of maintenance or non-reduction of the previously fixed commodity price, if, in so doing, the following conditions are met in the aggregate:

a) the outlays on the commodity's manufacture and sale have drastically reduced;

b) the composition of the commodity's sellers or purchasers provides for the possibility of a downward alteration of the commodity's price;

c) the terms of the commodity's circulation in the commodity's market, in particular those caused by state regulation measures, including taxation and tariff regulation, ensure the possibility of a downward alteration of the commodity's price.

2. If the conditions provided for by Part 1 of Article 13 of this Federal Law are met, the price of a commodity which is the result of innovative activities, that is, of activities leading to the creation of a new non-interchangeable commodity or a new interchangeable commodity whose production outlays are reduced and/or whose quality is improved, shall not be deemed exclusively high.

3. The commodity price shall not be deemed exclusively high, if it is fixed by a natural monopoly entity within the limits of the tariff of such commodity fixed in compliance with the legislation of the Russian Federation.

4. The commodity price shall not be deemed exclusively high, if the price formed under the conditions of competition in a comparable commodity market is not exceeded.

5. The price of a commodity shall not be deemed exclusively high if it is fixed at an exchange when the following conditions are concurrently met:

1) the volume of the commodity being sold through an exchange which is made or sold by an economic agent holding a dominant position in the appropriate commodity market is not below the value fixed by the federal anti-monopoly agency and the federal executive power body engaged in normative legal regulation of the area of activities where the

appropriate commodity is produced;

2) transactions are made by the economic agent holding a dominant position in the appropriate commodity market in the course of exchange trading that satisfy the requirements defined by the federal anti-monopoly agency and the federal executive power body engaged in normative legal regulation of the area of activities comprising the production of the appropriate commodity, in particular the requirements for the minimum number of exchange trading participants within a trading session;

3) the economic agent holding a dominant position in an appropriate commodity market which is accredited and/or is participating in trading (in particular by way of filing bids for participation in trading with a broker or brokers) presents to the exchange a list of affiliated persons in the procedure established by the federal anti-monopoly agency;

4) actions of the economic agent holding a dominant position in an appropriate commodity market and/or of affiliated persons thereof do not constitute market manipulation;

5) the economic agent holding a dominant position in an appropriate commodity market sells commodities through an exchange on a regular basis, with the volume of the commodities evenly distributed per trading sessions within a calendar month. The Government of the Russian Federation is entitled to define criteria for regularity and evenness of commodity sale through an exchange with respect to individual commodity markets;

6) the economic agent holding a dominant position in an appropriate commodity market registers off-exchange transactions involving the supply of the commodities circulating in such commodity market in the instances and in the procedure which are established by the Government of the Russian Federation;

7) the minimum volume of an exchange lot does not impede access to an appropriate commodity market;

8) the economic agent holding a dominant position in an appropriate commodity market sells the commodity through an exchange satisfying the requirements of the legislation of the Russian Federation for organised trading, including the requirements for observance of the confidentiality of information about the persons filing bids for participation in trading, in particular by way of filing such bids with a broker or brokers.

6. The price of a commodity fixed subject to the specifics of forming the starting price of products when sold through an exchange coordinated with an anti-monopoly agency shall not be deemed exclusively high.

7. The price of a commodity shall not be deemed exclusively high, if it does not exceed the one fixed at an exchange with the observance of the conditions provided for by Parts 5 and 6 of this article and, with this, the economic (commercial) terms of a transaction are comparable as to the quantity and/or volume of the commodities to be supplied, the time for discharging obligations, payment terms which are normally applied in transactions of this kind, and also as to other reasonable terms which can affect the price thereof.

8. When determining the exclusively high price of a commodity in compliance with Part 1 of this article, the exchange and off-exchange price indices established at the world markets of a similar commodity shall be taken into account.

#### **Article 7. Exclusively Low Commodity Price**

1. As an exclusively low commodity price shall be deemed the price fixed by the economic agent holding the dominant position, if this price is below the sum of expenses necessary for the production and sale of such commodity and profit, as well as below the price formed under conditions of competition in a comparable commodity market, if there is such a market in the territory of the Russian Federation and outside it, in particular the one fixed:



1) by way of reducing the previously fixed price of the commodity, if, in so doing, the following conditions are met in the aggregate:

a) the expenses required for the commodity's production and sale remain unchanged or their alteration does not correspond to alteration of the commodity's price;

b) the composition of the commodity's sellers or purchasers remains unchanged or alteration of the composition of the commodity's sellers or purchasers is insignificant;

c) the conditions of the commodity's circulation in the commodity's market, in particular those caused by state regulation measures, including taxation and tariff regulation, remain unchanged or their alteration is disproportionate to alteration of the commodity price;

2) by way of maintenance or non-raising of previously fixed commodity price, if, in so doing, the following conditions are met in the aggregate:

a) the outlays on the commodity's manufacture and sale have drastically risen;

b) the composition of commodity's sellers or purchasers provides for the possibility of alteration upward of the commodity's price;

c) the terms of the commodity's circulation in the commodity's market, in particular those caused by state regulation measures, including taxation and tariff regulation, ensure the possibility of alteration upward of the commodity's price.

2. The commodity price shall not be deemed exclusively low, if:

1) it is fixed by a natural monopoly entity within the limits of such commodity's tariff fixed in compliance with the legislation of the Russian Federation;

2) it is not below the price formed under the conditions of competition in a comparable commodity market;

3) its fixing by the commodity seller has not caused and could not cause limitation of competition in connection with a reduction of the number of economic agents in the appropriate commodity market which do not pertain to the same group of persons as the commodity's sellers and purchasers.

#### **Article 8. Concerted Actions of Economic Agents**

1. As concerted actions of economic agents shall be deemed the actions of economic agents in a commodity market, if there is no agreement made by them, that satisfy the following conditions in the aggregate:

1) the outcome of such actions corresponds to the interests of each of the said economic agents;

2) the actions are known in advance to each of the economic agents participating therein in connection with a public declaration of one of them about making such actions;

3) the actions of each of the said economic agents are caused by actions of other economic agents and do not result from the circumstances equally affecting all the economic agents in the appropriate commodity market. As such circumstances may be regarded, in particular, changes in controllable tariffs, changes in the prices of the raw-stuff used in the production of a commodity, changes in the prices of a commodity in the world commodity markets, a major change in the demand for a commodity within at least one year or within the term of functioning of the appropriate commodity market, if such term is less than one year.

2. Making actions by the persons cited in Part 1 of this article under an agreement shall not pertain to concerted actions but shall be deemed to be an agreement.

#### **Article 9. A Group of Persons**

1. As a group of persons shall be deemed the totality of natural persons and/or legal entities having one or several features from among the following ones:

1) an economic company (partnership, economic partnership) and a natural person or legal entity, if such natural person or such legal entity by virtue of their participation in this

economic company (partnership, economic partnership) or in compliance with the authority received from other persons, in particular on the basis of an agreement made in writing, have over fifty per cent of the total number of votes falling on voting stocks (shares) in the authorised (pooled) capital of this economic company (partnership, economic partnership);

2) a legal entity and the natural person or legal entity exercising the functions of the sole executive body of this legal entity;

3) an economic company (partnership, economic partnership) and a natural person or legal entity, if such natural person or such legal entity on the basis of the constituent documents of this economic company (partnership, economic partnership) or the contract made with this economic company (partnership, economic partnership) is entitled to give instructions to this economic company (partnership, economic partnership) to be followed without fail;

4) legal entities where over 50 per cent of the quantitative composition of the collective executive body and/or the board of directors (supervisory council, the fund's council) are the same natural persons;

5) an economic company (economic partnership) and a natural person or legal entity, if the personal executive body of such economic company (economic partnership) is appointed or elected on the proposal of such natural person or such legal entity;

6) an economic company and a natural person or a legal entity, if over fifty per cent of the quantitative composition of the collective executive body or the board of directors (supervisory board) of this economic company are elected at the suggestion of such natural person or such legal entity;

7) a natural person, the spouse, parents (including adoptive ones), children (including adopted ones), full-blood brothers and sisters, as well as half-blood brothers and half-blood sisters, thereof;

8) persons each of which pertain to a group with the same person due to some of the features specified in Items 1-7 of this Part, as well as other persons pertaining to the same group as any of such persons due to some of the features stated in Items 1-7 of this Part;

9) a business company (partnership, economic partnership), natural persons and/or legal entities which due to any of the features cited in Items 1-8 of this part pertain to the same group of persons, if such persons by virtue of their joint participation in this business company (partnership, economic partnership) or in compliance with the authority received from other persons have over fifty per cent of the total number of votes falling on the voting stocks (shares) in the authorised (pooled) capital of this business company (partnership, economic partnership).

2. The bans imposed by the anti-monopoly legislation in respect of actions (omission to act) of an economic agent in a commodity market shall extend to actions (omission to act) of a group of persons, if not otherwise established by federal law.

#### **Article 9.1. The Internal System for Ensuring Compliance with the Antimonopoly Legislation Requirements**

1. In order to comply with the antimonopoly legislation and prevent its violation a business entity may set up an internal system for ensuring compliance with the antimonopoly legislation requirements.

2. In order to establish the internal system for ensuring compliance with the antimonopoly legislation requirements a business entity shall adopt an internal act (internal acts) and/or apply other internal acts, including those belonging to another person from among persons that are members of the same group of persons as this business entity, if such internal acts cover this particular business entity. The above internal acts together shall contain:

- 1) requirements for the procedure for evaluating risks of antimonopoly legislation violation related to the business entity's operations;
  - 2) measures aimed at reduction by a business entity of risks of antimonopoly legislation violation related to its operations;
  - 3) measures aimed at the business entity controlling the functioning of the internal system for ensuring compliance with the antimonopoly legislation requirements;
  - 4) the procedure for familiarising employees of the business entity with the internal act (internal acts);
  - 5) information about the official responsible for the functioning of the internal system for ensuring compliance with the antimonopoly legislation requirements.
3. As a business entity adopts the internal act (internal acts) cited in Part 2 of this Article, it may include therein additional requirements for the organisation of the internal system for ensuring compliance with the antimonopoly legislation requirements.
  4. Information about the adoption (application) of the internal act (internal acts) cited in Part 2 of this Article shall be posted by the business entity on its Internet website. This information shall be posted in Russian.
  5. A business entity may send to the federal anti-monopoly body the internal act (internal acts) cited in Part 2 of this Article, or a draft internal act (drafts of internal acts) in order to establish if they meet the antimonopoly legislation requirements.
  6. Within 30 days, the federal anti-monopoly body shall consider the submitted internal act (internal acts) cited in Part 2 of this Article or a draft internal act (drafts of internal acts) and provide its opinion on whether they meet or fail to meet the antimonopoly legislation requirements.

#### **Article 9.2. Expertise**

1. When considering an application for giving consent to making a transaction, other action subject to state control, a case of violation of antimonopoly legislation, as well as for the purpose of exercising control by the antimonopoly authority over the execution of remedies issued in accordance with Item 4 of Part 2 of Article 33 of this Federal Law, the antimonopoly authority or the commission for considering a case on violation of the antimonopoly law at the request of the applicants for giving consent to the transaction, other actions subject to state control, the persons participating in the case on violation of the antimonopoly law, or on their own initiative, have the right to appoint an examination and involve experts to carry it out.
2. The expert opinion is taken into account by the antimonopoly body when making a decision based on the results of consideration of an application for giving consent to a transaction, other actions subject to state control, a decision on a case on violation of the antimonopoly law, as well as when deciding on the proper execution of a remedy issued in accordance with Item 4 of Part 2 of Article 33 of this Federal Law.
3. An expert engaged by the antimonopoly body or by the commission to consider a case on violation of the antimonopoly law is a person who meets the qualification requirements, which are determined by the federal antimonopoly body and must ensure the involvement as an expert of a person who has special knowledge on issues related to the application for consent under consideration to making a transaction, other action subject to state control, or a case of violation of the antimonopoly law. Information on the appointment of an expert examination, the involvement of experts to conduct it, and the period for conducting the expert examination are indicated when considering the said application in the decision of the antimonopoly authority, and when considering a case on violation of the antimonopoly law, in the determination of the commission considering the case on violation of the antimonopoly law. At the request of the expert, the term for the examination may be

extended.

**4.** An expert must be independent in relation to the chairman and members of the commission for considering a case on violation of the antimonopoly law, the persons participating in the case on violation of the antimonopoly law, and when considering an application for giving consent to a transaction, other action subject to state control, in relation to the employees of the antimonopoly body considering the relevant application, the parties to this transaction and the person who is the object of economic concentration, and also should not be closely related to the said persons.

**5.** An expert, with the written permission of the antimonopoly body, has the right to get acquainted with the materials related to the consideration of an application for giving consent to a transaction, other actions subject to state control, and when considering a case on violation of the antimonopoly law, with the written permission of the commission for considering a case on violation of the antimonopoly law has the right to get acquainted with the materials of the case on violation of the antimonopoly law, including those constituting a commercial secret, provided that the antimonopoly authority or the commission considering the case on violation of the antimonopoly law is provided with a written obligation not to disclose information constituting a secret protected by law. Such materials are handed over to the expert on the basis of an acceptance certificate signed by an employee of the antimonopoly authority and the expert.

**6.** Candidates for experts and issues on which an expert opinion is required are determined by the antimonopoly body or the commission for considering a case on violation of the antimonopoly law. When appointing an expert examination, applicants for consent to a transaction, other action subject to state control, persons participating in a case on violation of the antimonopoly law, have the right to propose to the antimonopoly body or commission considering the case on violation of the antimonopoly law candidacies of experts and representatives of expert organizations, and as well as matters requiring expert opinion.

**7.** Applicants for giving consent to a transaction, other action subject to state control, persons participating in a case on violation of antimonopoly legislation, have the right to challenge an expert if there are circumstances that may cast doubt on his impartiality. The decision to challenge an expert is made by the antimonopoly body or the commission for considering a case on violation of the antimonopoly law, which involved the expert in respect of whom the challenge was filed to participate in the case on violation of the antimonopoly law. An application for re-rejection of an expert shall be left without consideration if a recusal was previously declared in respect of this expert on the same grounds, and a decision on which was made.

**8.** In the event that the questions raised, on which an expert's opinion is required, go beyond the expert's special knowledge, or the materials and documents provided to him are unsuitable or insufficient for conducting an examination and giving an opinion, the expert is obliged to send to the antimonopoly body or commission for considering a case on violation of the antimonopoly law, who appointed the examination, a reasoned written statement about the impossibility of giving an opinion.

**9.** For giving a knowingly false conclusion, the expert bears responsibility, provided for by the legislation of the Russian Federation.

**10.** An expert carries out an examination on a reimbursable or non-reimbursable basis. The costs of paying for the services of an expert are covered from the federal budget in accordance with the procedure established by the legislation of the Russian Federation, or from the funds of applicants for consent to a transaction, other action subject to state control, persons participating in a case of violation of antimonopoly legislation. The costs of paying for the services of an expert cannot be charged to the applicants for giving consent to a transaction, other action subject to state control, persons participating in a case on violation

of the antimonopoly law, without their written consent.

## Chapter 2. Monopolistic Activities

### Article 10. Prohibition of Abuse by an Economic Unit of Its Dominant Position

1. The actions (omission to act) of an economic unit occupying a dominant position which result or can result in barring, restricting or eliminating competition and (or) infringe upon the interests of other persons (economic agents) in the sphere of business activities or of an indefinite circle of consumers shall be prohibited, including the following actions (omission to act):

1) fixing and maintaining a monopolistically high or monopolistically low price of a commodity;

2) withdrawing a commodity from circulation, if such withdrawal has caused the rise in the price of the commodity;

3) imposing upon a contractor the terms and conditions of a contract which are not favourable for him or do not pertain to the subject of the contract (unreasonable demands to transfer financial assets, other property, including property rights, as well as to give consent to making a contract on condition of entering thereto the provisions in respect of the commodities which the contractor is not interested in, and other demands which are not economically or technologically substantiated and (or) are not directly provided for by the federal laws, normative legal acts of the President of the Russian Federation, normative legal acts of the Government of the Russian Federation, normative legal acts of authorised federal executive bodies or judicial acts;

4) reduction or termination of a commodity's production which are not economically or technologically substantiated, if this commodity is in demand or orders to supply it are placed and it is possible to manufacture it on a profitable basis, as well as if such reduction or termination of a commodity's production is not directly provided for by the federal laws, normative legal acts of the President of the Russian Federation, normative legal acts of the Government of the Russian Federation, normative legal acts of the authorised federal executive bodies or by judicial acts;

5) refusal to make a contract with some purchasers (customers) or evasion of it which are not economically or technologically substantiated, if it is possible to produce or supply the appropriate commodity, as well as if such refusal or evasion are not directly provided for by the federal laws, normative legal acts of the President of the Russian Federation, normative legal acts of the Government of the Russian Federation, normative legal acts of the authorised federal executive bodies or judicial acts;

6) fixing different prices (tariffs) of the same commodity which is not substantiated economically, technologically or in some other way, if not otherwise established by the federal laws;

7) fixing by a financial organisation an unreasonably high or unreasonably low price of a financial service;

8) creation of discriminating conditions;

9) impeding access to a commodity market or withdrawal from a commodity market of other economic units;

10) breaking the price formation procedure established by normative legal acts.

11) price manipulation in the wholesale and/or retail markets of electric energy (power).

2. An economic unit shall be entitled to provide evidence that its actions (omission to act), specified in Part 1 of this Article (except for the actions stated in Items 1, 2, 3, 5, 6, 7

and 10 of Part 1 of this Article) can be declared permissible in compliance with the requirements of Part 1 of Article 13 of this Federal Law.

3. For the purpose of preventing the creation of discriminatory conditions a federal law or a regulatory legal act of the Government of the Russian Federation may establish the rules for non-discriminatory access to commodity markets and/or to the commodities made or sold by natural monopoly entities whose activities are regulated in compliance with Federal Law No. 147-FZ of August 17, 1995 on Natural Monopolies, as well as to the infrastructure facilities directly used by these natural monopoly entities for rendering services in the areas of activities of natural monopolies. The cited rules shall contain the following:

1) a list of the commodities and infrastructure facilities to which non-discriminatory access is provided;

2) a list of data making it possible for participants of an appropriate commodity market to compare the conditions of commodities' circulation in the commodity market and/or of access to the commodity market, as well as of other essential information which is necessary for access to the commodity market and/or circulation of commodities in the commodity market;

3) a procedure for disclosing the information provided for by Item 2 of this part, in particular about the commodities made or sold by the economic agents cited in Paragraph One of this Article, the value of these commodities and rate of payment for providing access to a commodity market, probable volume of production or sale of these commodities, about technical and technological capacities as to the supply of these commodities;

4) a procedure for reimbursement of economically sound outlays of economic agents cited in Paragraph One of this part, on the production and/or sale of appropriate commodities and/or arrangement of access to a commodity market;

5) conditions of carrying out competitive procedures for providing access to the commodity market where the economic agents cited in Paragraph One of this part exercise their activities, when it is possible from economic, technological or other points of view and if other procedures for providing access to the commodity market are not stipulated by the legislation of the Russian Federation;

6) essential terms and conditions of agreements and/or model agreements of providing access to the commodity market and/or to commodities of the economic agents which are cited in Paragraph One of this part;

7) a procedure for determining consumers to be serviced without fail, for fixing the minimum level of their supply and establishing the procedure for providing access to commodity markets and/or commodities, if it is impossible to meet in full their demand for the commodity made and/or sold by the economic agents cited in Paragraph One of this Part, subject to the necessity to protect the rights and legitimate interests of citizens, enhance security of the State and protect nature and cultural valuables;

8) conditions of providing access to a commodity market and/or to infrastructure facilities of the economic agents cited in Paragraph One of this part and, where it is provided for, the requirements for taking technological and technical measures, in particular when effecting connection (technological linking up);

9) requirements for characteristics of an appropriate commodity, if not otherwise provided for by the legislation of the Russian Federation.

4. The requirements of this Article shall not extend to the actions related to the exercise of the sole rights in respect of the results of intellectual activities and the individualisation means of a legal entity equated with them, means of products', works' or services' individualisation.

5. In the event of detecting the abuse by an economic agent of a dominant position established by an effective decision of an antimonopoly body, for the purpose of preventing

the creation of discriminatory conditions the rules for non-discriminatory access to the commodities made and/or sold by the economic agent that holds the dominant position and is not the subject of a natural monopoly whose share in an appropriate market is over 70 per cent shall be established by an act of the Government of the Russian Federation (the rules for non-discriminatory access to the services of the financial organisations supervised by the Central Bank of the Russian Federation shall be endorsed by the federal antimonopoly agency by approbation of the Central Bank of the Russian Federation). The cited rules shall contain the following:

- 1) a list of the commodities to which non-discriminatory access is provided;
- 2) a list of the information enabling the participants of an appropriate market to ensure the possibility of comparison of the terms of circulation of commodities in the commodity market, as well as of other essential information which is necessary for access to the commodity market and/or commodities' circulation in the commodity market;
- 3) a procedure for disclosing the information provided for by Item 2 of this part, in particular on commodities, the cost of these commodities or principles of fixing the price of a commodity and of payment for it, the probable volume of output and sale of these commodities, technical and technological possibilities of providing these commodities;
- 4) essential terms of contracts and/or model agreements on providing access to commodities;
- 5) a procedure for determining the consumers to be served without fail, establishing their minimum level of supply and the procedure for providing access to commodities if it is impossible to meet in full a need for a commodity subject to the necessity of protection of the rights and legitimate interests of citizens, ensuring the state security, protection of the environment and cultural heritage.

6. The rules provided for by Part 5 of this article may contain a condition on mandatory public sale of a commodity.

7. The rules for non-discriminatory access to the services rendered by the operator of the national payment card system, by operators of the services of the payment infrastructure of the national payment card system, by the operator of the payment system of the Central Bank of the Russian Federation, by the operator of the services of the payment infrastructure of the payment system of the Central Bank of the Russian Federation shall be defined in the procedure established by the Federal Law on the National Payment System.

8. The rules for non-discriminatory access to the services involved in transfer of thermal energy or a heat supply agent and the rules for non-discriminatory access to the services involved in connection (technological linking up) to heat supply systems shall be established by the Government of the Russian Federation in respect of the subjects of natural monopolies whose activities are regulated in compliance with Federal Law No. 147-FZ of August 17, 1995 on Natural Monopolies, as well as in respect of a single heat supply organisation not being the subject of a natural monopoly when it exercises the activities involved in connection (technological linking up) to heat supply systems where it is established by Federal Law No. 190-FZ of July 17, 2010 on Heat Supplies.

**Article 10.1.** Prohibition on monopolistic activity by an economic entity owning a digital platform

1. Actions (inaction) provided for by Part 1 of Article 10 of this Federal Law, committed by an economic entity owning a digital platform and ensuring through its use transactions between other persons acting as sellers and buyers of certain goods, are prohibited, if the following conditions are present in the aggregate:

- 1) the network effect gives such an economic entity the opportunity to exert a decisive influence on the general conditions for the circulation of goods on the commodity market, in

which transactions between sellers and buyers are carried out through a digital platform, and (or) to eliminate other economic entities from this commodity market, and (or) hinder access to this product market for other economic entities;

2) the share of transactions made between sellers and buyers through a digital platform exceeds, in value terms, thirty-five percent of the total volume of transactions made on the relevant commodity market;

3) the revenue of such an economic entity for the last calendar year exceeds two billion rubles.

2. An economic entity has the right to provide evidence that its actions (inaction) specified in Part 1 of Article 10 of this Federal Law (with the exception of the actions specified in Items 1, 2, 3, 5, 6, 7 and 10 of Part 1 of Article 10 of this Federal Law) may be recognized as admissible in accordance with the requirements of Part 1 of Article 13 of this Federal Law.

### **Article 11. Prohibition of Agreements Restricting Competition of Economic Agents**

1. Agreements between competing economic agents, that is, between economic agents selling commodities in the same commodity market or between the economic agents acquiring commodities in the same commodity market, shall be deemed a cartel and shall be forbidden, if such agreements lead to or can lead to the following:

1) fixing or maintenance of prices (tariffs), discounts, additions (additional payments) or extra charges;

2) rise in, reduction or maintenance of, prices when trading;

3) market sharing on the basis of the territorial principle, volume of a commodity's sales or purchases, assortment of commodities being sold or composition of sellers or purchasers (customers);

4) reduction or termination of a commodity's production;

5) refusal to make contracts with certain sellers or purchasers (customers).

2. "Vertical" agreements between economic agents (except for "vertical" agreements which are deemed allowable in compliance with Article 12 of this Federal Law) shall be prohibited, if:

1) such agreements lead or can lead to fixing the price of a commodity's re-sale, except when the seller fixes the maximum price of a commodity's re-sale for the purchaser;

2) such agreements provide for the purchaser's obligation not to sell a commodity of the economic agent which is the seller's competitor. This prohibition shall not extend to agreements on arranging by the purchaser of a commodity's sale under the seller's or manufacturer's trademark or firm name.

3. Agreements between economic agents which participate in the wholesale and/or retail markets of electric energy (power), or are commercial infrastructure organisations, technological infrastructure organisations, or network organisations shall be prohibited, if such agreements lead to price manipulation in the wholesale and/or retail markets of electric energy (power).

4. Other agreements between economic agents (except for the "vertical" agreements which are declared permissible in compliance with Article 12 of this Federal Law) shall be prohibited, if such agreements lead or can lead to a restriction of competition. The following agreements, in particular, may be deemed as such:

1) on imposing upon the contractor the terms and conditions which are unfavorable for him or do not pertain to the subject of an agreement (unfounded demands to transfer financial assets or other property, including property rights, as well as giving consent to make an agreement on condition of including thereto provisions in respect of commodities which



are of no interest for the contractor, as well as other requirements);

2) on fixing by an economic agent various prices (tariffs) of the same commodity, this not being substantiated from the economic, technological or other points view.

3) on creating for other economic agents obstacles for access to a commodity market or exit from a commodity market;

4) on establishing conditions of membership (participation) in professional or other associations.

5. Natural persons, profit-making organisations and non-profit organisations shall not be allowed to coordinate economic activities of economic agents, if such coordination causes any of the effects specified by Parts 1-3 of this Article which may not be deemed admissible in compliance with Articles 12 and 13 of this Federal Law or which are not provided for by federal laws.

6. An economic agent is entitled to provide evidence that the agreements achieved by it which are provided for by Parts 2 - 4 of this article may be declared permissible in compliance with Article 12 and Part 1 of Article 13 of this Federal Law.

7. The provisions of this article shall not extend to agreements made by economic agents pertaining to the same group, if one of such economic agents is exercising control over another economic agent or if such economic agents are controlled by a single person, except for the agreements between economic agents engaged in the kinds of activities whose simultaneous exercise by a single economic agent is not allowed in compliance with the legislation of the Russian Federation, as well as agreements provided for by Item 2 of Part 1 of this Article.

8. Control in this article, in Articles 11.1 and 32 of this Federal Law shall mean the ability of a natural person or legal entity to determine directly or indirectly (through a legal entity or through several legal entities) decisions adopted by another legal entity by way of one or several of the following actions:

1) disposal of over fifty per cent of the total number of votes falling at the voting stocks (shares) constituting the authorised (reserve) capital of a legal entity;

2) exercise of the functions of the executive body of a legal entity.

9. The requirements of this article shall not extend to agreements on granting and/or alienating the right to use an intellectual activity result or an individualization means of a legal entity or an individualization means of products, works or services.

10. The requirements of this article shall not extend to joint activities agreements made with a preliminary approbation of an antimonopoly body obtained in the procedure established by Chapter 7 of this Federal Law.

#### **Article 11.1. Prohibition of Concerted Actions of Economic Agents Restricting Competition**

1. Concerted actions of competing economic agents shall be prohibited, if such concerted actions lead to the following:

1) fixing or maintenance of prices (tariffs), discounts, additions (additional payments) or extra charges;

2) a rise in, reduction or maintenance of, prices when trading;

3) market sharing on the basis of the territorial principle, volume of a commodity's sales or purchases, assortment of commodities being sold or composition of sellers or purchasers (customers);

4) termination or reduction of commodities' production;

5) refusal to make agreements with specific sellers or purchasers (customers) where such refusal is not provided for by federal laws.

2. Concerted actions of economic agents which participate in the wholesale and/or

retail markets of electric energy (power), or are commercial infrastructure organisations, technological infrastructure organisations, or network organisations shall be prohibited, if such concerted actions lead to price manipulation in the wholesale and/or retail markets of electric energy (power).

3. Other concerted actions of competing economic agents, which are not provided for by Parts 1 and 2 of this article, shall be prohibited, if such concerted actions lead or can lead to restriction of competition. As such concerted actions may be deemed the following ones:

1) imposing upon the contractor terms and conditions which are unfavorable for him or do not pertain to the subject of an agreement (unfounded demands to transfer financial assets or other property, including property rights, as well as giving consent to make an agreement on condition of including therein provisions in respect of commodities which are of no interest for the contractor, as well as other requirements);

2) fixing by an economic agent various prices (tariffs) of the same commodity, this not being substantiated from the economic, technological or other point view.

3) creating for another economic agents obstacles for access to a commodity market or exit from a commodity market.

4. An economic agent is entitled to provide evidence that the concerted actions made by it which are provided for by Parts 1-3 of this article may be declared permissible in compliance with Part 1 of Article 13 of this Federal Law.

5. The prohibitions cited in this article shall not extend to concerted actions of economic agents whose aggregate share in a commodity market does not exceed twenty per cent and, with that, the share of each of them in the commodity market does not exceed eight per cent.

6. The provisions of this article shall not extend to concerted actions of economic agents pertaining to the same group, if one of such economic agents is exercising control over another economic agent or if such economic agents are controlled by a single person.

#### **Article 12. Admissibility of Agreements**

1. "Vertical" agreements in writing shall be permissible (except for "vertical" agreements between financial organisations), if these agreements are contracts of franchising.

2. "Vertical" agreements (except for "vertical" agreements between financial organisations) between economic units shall be allowable, if the share of each of them in the commodity market of the commodity which is the subject of a "vertical" agreement does not exceed twenty per cent.

3. It is permitted to have agreements specified in Part 4 of Article 11 of the present Federal Law between economic subjects dominating position of which cannot be recognised in compliance with Parts 2.1 and 2.2 of Article 5 of the present Federal Law, if the total receipts of such economic subjects from the sale of goods for the recent calendar year is not greater than RUR 800 million.

#### **Article 13. Permissibility of Actions (Omission to Act), Agreements, Concerted Actions, Transactions and Other Actions**

1. The actions (omission to act) of the economic units provided for by Part 1 of Article 10 of this Federal Law (except for the actions (omission to act) specified by Items 1 (except when the price of a commodity which is a result of innovative activities is fixed or maintained), 2, 3, 5, 6, 7 and 10 of Part 1 of Article 10 of this Federal Law), coordination of economic activities of economic entities, provided for by Part 5 of Article 11 of this Federal Law, the agreements and concerted actions provided for by Parts 2 - 4 of Article 11 and Article 11.1 of this Federal Law, the transactions and other actions provided for by Articles

27-29 of this Federal Law, as well as joint activities agreements made between economic agents may be declared permissible, if such actions (omission to act), agreements and concerted actions, transactions or other actions do not make it possible for some persons to remove competition in the appropriate commodity market, do not impose with respect to their participants or third persons the restrictions not complying with the attainment of the aims of such actions (omission to act), agreements and concerted actions, transactions and other actions, as well as if they result or may result in the following:

1) improvement of production and of commodities' sales, or stimulation of technological or economic progress, or enhancement of the competitive ability of Russian-made commodities in the world commodity market;

2) purchasers' gaining advantages (benefits) comparable to the advantages (benefits) gained by economic units as a result of actions (omission to act), agreements, concerted actions and transactions.

**1.1.** Abrogated upon the expiry of 90 days after the day of the official publication of Federal Law No. 275-FZ of October 5, 2015.

**2.** The Government of the Russian Federation shall be entitled to define the instances of permissibility of the agreements complying with the conditions specified by Items 1 and 2 of Part 1 of this Articles (general exceptions). General exceptions in respect of the agreements and concerted actions specified in Parts 2 - 4 of Article 11, Articles 11.1 and 16 of this Federal Law shall be defined by the Government of the Russian Federation on the proposal of the federal anti-monopoly body, shall be introduced for a specific period of time and provide for the following:

1) kind of an agreement;

2) terms which may not be regarded as permissible in respect of such agreements;

3) obligatory conditions for ensuring competition that must be contained in such agreements;

4) abrogated.

**3.** The general exceptions may provide, along with the conditions stated in Part 2 of this Article, for other conditions which agreements must comply with.

**Article 14.** Abrogated upon the expiry of 90 days after the day of the official publication of Federal Law No. 275-FZ of October 5, 2015.

## **Chapter 2.1. Unfair Competition**

### **Article 14.1. Banning Unfair Competition by Discreditation**

Unfair competition by way of discreditation, that is, dissemination of false, incorrect or distorted data that can inflict a loss upon an economic agent and/or cause damage to the business reputation thereof is not allowed, in particular in respect of the following:

1) quality and consumer properties of the commodity offered for sale by another competing economic agent, the purpose of such commodity, methods and conditions of its making and application, the results expected from the use of such commodity, its fitness for definite aims;

2) quantity of the commodities offered for sale by another competing economic agent, the availability of such commodity in the market, possibility of its acquisition under definite conditions and the actual level of demand for such commodity;

3) conditions under which a commodity is offered for sale by another competing economic agent, in particular the commodity's price.

#### **Article 14.2. Banning Unfair Competition by Way of Misleading**

Unfair competition by way of misleading is not allowed, in particular in respect of the following:

- 1) quality and consumer properties of the commodity offered for sale, the purpose of such commodity, methods and conditions of its making and application, the results expected from the use of such commodity, its fitness for definite aims;
- 2) quantity of the commodities offered for sale, the availability of such commodity in the market, possibility of its acquisition under definite conditions and the actual level of demand for such commodity;
- 3) place of making the commodity offered for sale, such commodity's manufacturer, the seller's or manufacturer's warranty;
- 4) conditions under which a commodity is offered for sale, in particular the commodity's price.

#### **Article 14.3. Banning Unfair Competition by Way of Incorrect Comparison**

Unfair competition by way of incorrect comparison of an economic agent and/or of the commodity thereof with another competing economic agent and/or the commodity thereof, including the following:

- 1) comparison with another competing economic agent and/or the commodity thereof by way of using the words "the best", "the first", "Number One", "the most", "only", "the sole", other words or designations creating the impression about the supremacy of the commodity and/or economic agent without citing the specific characteristics or comparison parameters which are objectively confirmed or if the statements containing the cited words are false, incorrect or distorted;
- 2) comparison with another competing economic agent and/or the commodity thereof where there is no indication of specific comparable characteristics or parameters or the results of whose comparison may not be objectively verified;
- 3) comparison with another competing economic agent and/or the commodity thereof based exclusively on insignificant or non-comparable facts and containing a negative assessment of the activities of a competitive economic agent and/or the commodity thereof.

#### **Article 14.4. Banning Unfair Competition Connected with Acquisition and Use of the Exclusive Right to the Means of Individuation of a Legal Entity, Means of Individuation of Commodities, Works or Services**

1. Unfair competition connected with the acquisition and use of the exclusive right to individuation means of a legal entity or individuation means of commodities, works or services (hereinafter referred to as individuation means) is not allowed.

2. The decision of an antimonopoly body on a breach of the provisions of Part 1 of this article in respect of the acquisition and use of the exclusive right to a trade mark shall be forwarded by the person concerned to the federal executive power body in charge of intellectual property for declaring invalid the provision of legal protection to the trade mark.

#### **Article 14.5. Banning Unfair Competition Connected with the Use of the Results of Intellectual Activities**

Unfair competition by an economic agent taking the actions involved in the sale, exchange or other kind of putting a commodity on the market is not allowed, if, in so doing, the results of intellectual activities are unlawfully used, except for the individualization means possessed by a competitive economic agent.

**Article 14.6. Banning Unfair Competition Connected with the Creation of Confusion**

Unfair competition by way of an economic agent taking actions (failing to act) that can create confusion with to the activities of a competing economic agent or the commodities or services provided by a competing economic agent onto the civil market on the territory of the Russian Federation, is not allowed, in particular:

1) unlawful use of a designation which is identical to the trademark, firm's name, commercial designation, denomination of the place of origin of a competing economic agent's commodity or one which is similar to them to the degree of confusion by way of placing it on commodities, labels, packages or using in some other way in respect of commodities which are sold or put onto the civil market in some other way on the territory of the Russian Federation, as well as by way of using it on the Internet, in particular placing it in the domain name or while using other addressing methods;

2) copying or imitating the external appearance of the commodity put onto the market by a competing economic entity, such commodity's packing, its label, denomination, colour scheme or firm's style on the whole (in the aggregate of the firm's dress, salesroom's or showcase's dressing) or the elements individualising the competing economic entity and/or the commodities thereof.

**Article 14.7. Banning Unfair Competition in Connection with Unlawful Obtainment, Use and Dissemination of Information Constituting a Commercial or Other Secret Protected by Law**

Unfair competition connected with unlawful obtainment, use and dissemination of information constituting a commercial or other secret protected by law is not allowed, in particular:

1) obtainment and use of the cited information which is possessed by another competing economic entity without the consent of the person enjoying the right to dispose of it;

2) use or dissemination of the cited information which is possessed by another competing economic entity as a result of breaking the terms of the contract made with the person enjoying the right to dispose of it;

3) use or dissemination of the cited information whose holder is another competing economic entity and which is received from the person that has or has had access to the cited information as a result of discharging official duties, if the time period of its confidentiality fixed by law or contract has not expired.

**Article 14.8. Banning Other Forms of Unfair Competition**

Other forms of unfair competition, along with those provided for by Articles 14.1-14.7 of this Federal Law, are not allowed.

**Chapter 3. Prohibition of the Acts, Actions (Omissions), Agreements, Concerted Actions of the Federal Executive Power Bodies, the State Power Bodies of the Constituent Entities of the Russian Federation, Local Government Bodies, Other Agencies or Organisations, Exercising the Functions of the Said Bodies, Organisations Participating in Rendering State or Municipal Services, as Well as of the State Off-Budget Funds and the Central Bank of the Russian Federation Which Restrict Competition**

**Article 15. Prohibition of the Acts and Actions (Omissions) of the Federal Executive Bodies, the State Power Bodies of the Constituent Entities of the Constituent**

Entities of the Russian Federation, Local Government Bodies, Other Bodies and Organisations Exercising the Functions of the Said Bodies, Organisations Participating in Rendering State or Municipal Services, as Well as of the State Off-Budget Funds and the Central Bank of the Russian Federation, Restricting Competition

1. The federal executive bodies, the state power bodies of the constituent entities of the Russian Federation, local government bodies, other bodies and organisations exercising the functions of the said bodies, organisations that participate in rendering state or municipal services, as well as the state off-budget funds and the Central Bank of the Russian Federation, shall not be allowed to adopt acts and (or) make actions (omission to act) which lead or can lead to barring, restricting or eliminating of competition, except for the instances of adopting such acts and (or) making such actions (omission to act) provided for by the federal laws; in particular, the following shall be prohibited:

1) imposition of restrictions in respect of the establishment of economic units in some area of activities, as well as imposition of bans or restrictions in respect of the exercise of some types of activity or production of some types of commodities;

2) unreasonable prevention of the exercise of activities by economic agents, in particular by way of establishing requirements for commodities or economic agents which are not provided for by the legislation of the Russian Federation;

3) imposition of bans or restrictions in respect of free movement of commodities in the Russian Federation, of other restrictions in respect of the rights of economic subjects to the sale, purchase or other type of acquisition, or exchange of commodities;

4) instructing economic units as to the first-priority supplies of commodities to a certain category of purchasers (customers) or as to making contracts in the first-priority order;

5) imposing restrictions for acquirers of commodities as to the choice of the economic units which supply such commodities.

6) providing access to information for an economic agent on a priority basis;

7) granting a state or municipal preference in defiance of the requirements established by Chapter 5 of this Federal Law;

8) creation of discriminatory conditions;

9) establishing and/or collecting payments, which are not provided for by the legislation of the Russian Federation, when providing state or municipal services, as well as of the services which are necessary and obligatory for providing state or municipal services;

10) giving instructions to economic agents as to the acquisition of commodities, except as provided for by the legislation of the Russian Federation.

11) failure to take measures aimed at transformation or liquidation of a unitary enterprise exercising activities in a commodity market which is in the state of competition or establishment of a unitary enterprise, except as provided for by this Federal Law.

2. It shall be forbidden to confer the powers upon the state power bodies of the constituent entities of the Russian Federation or local government bodies whose exercise leads or can lead to barring, restriction or elimination of competition, except for the instances provided for by federal laws.

3. It is prohibited to combine the functions of the federal executive power bodies, of the executive power bodies of the subjects of the Russian Federation, of the other power bodies and of the local government bodies and the functions of the economic subjects with the exception of the cases established in the federal laws, in the Decrees of the President of the Russian Federation, in the decisions of the Government of the Russian Federation as well as the endowing of the economic subjects with the functions and the rights of the above-said bodies including with the functions with the functions and with the rights of the bodies for the state control and supervision unless otherwise established in Federal Law No.

238-FZ of October 30, 2007 on the State Corporation for the Construction of Olympic Objects and for the Development of the City of Sochi as a Mountain Climate Resort, in Federal Law No. 317-FZ of December 1, 2007 on the "Rosatom" State Corporation on Nuclear Power and in the Federal Law on the "Roscosmos" State Corporation on the Outer-Space Activity.

**Article 16.** Prohibition of Agreements or Concerted Actions of the Federal Executive Bodies, the State Power Bodies of the Constituent Entities of the Russian Federation, Local Government Bodies, Other Bodies or Organisations Exercising the Functions of the Said Bodies, as Well as of the State Off-Budget Funds and the Central Bank of the Russian Federation, Restricting Competition

The agreements between the federal executive bodies, the state power bodies of the constituent entities of the Russian Federation, local government bodies, other bodies and organisations exercising the functions of the said bodies, as well as the state off-budget funds and the Central Bank of the Russian Federation, or between them and economic units, or the exercise of concerted actions by these bodies and organisations, shall be prohibited, if such agreements or such exercise of concerted actions lead or can lead to barring, restriction or elimination of competition, in particular to the following:

- 1) rise in, reduction or maintenance of, prices (tariffs), except for instances when such agreements are provided for by the federal laws or normative legal acts of the President of the Russian Federation or normative legal acts of the Government of the Russian Federation;
- 2) fixing different prices (tariffs) of the same commodity which is not substantiated economically, technologically or in any other way;
- 3) ) market sharing on the basis of the territorial principle, volume of a commodity's sales or purchases, assortment of commodities being sold or composition of sellers or purchasers (customers);
- 4) restricting access to a commodity market or withdrawal from it of economic units.

**Chapter 4. Anti-Monopoly Requirements for a Public Sale, Call for Quotations of Commodity Prices, Call for Bids, the Specifics of Making Contracts with Financial Organisations, of the Process of Making Contracts in Respect of State and Municipal Property, of the Process for the Antimonopoly Authority When Considering Complaints Against Violations of the Process of Holding a Public Sale and of the Process of Conducting Contracts, of the Order of Following Measures During the Implementation of a Project for the Construction of a Capital Construction Facility**

**Article 17.** The Anti-Monopoly Requirements for a Public Sale, Call for Quotations of Commodity Prices and Call for Bids

1. When holding auctions, or making a call for quotations of commodity prices or a call for bids (hereinafter referred to as a call for quotations) it shall be forbidden to take actions which lead or may lead to the barring, restriction or elimination of competition, including the following:

- 1) coordination by organisers of auctions, a call for quotations or a call for bids or by customers of their participants' activities, as well as making agreements between auction organisers and/or orderers with the participants of these auctions, if such agreements are aimed at or lead or can lead to restriction of competition and/or creation of preferential conditions for any participants thereof, unless otherwise provided for by the legislation of the Russian Federation;
- 2) creation for a participant of an auction, call for quotations and call for bids or for

several participants of an auction, call for quotations or call for bids of preferred conditions for their participation in the auction, call for quotations and call for bids, in particular by way of providing access to information, unless otherwise established by federal law;

3) breaking the procedure for determining the winner or winners of the auction, call for quotations or call for bids;

4) participation of organisers of an auction, call for quotations or call for bids, or of customers and (or) of employees of auction organisers or employees of customers in the auction, call for quotations or call for bids.

2. Along with the bans concerning the conduct of an auction, call for quotations or call for bids established by Part 1 of this Article, it shall be prohibited for the organisers or customers of an auction, call for quotations or call for bids to be the federal executive power bodies, executive power bodies of the constituent entities of the Russian Federation, local government bodies and the state off-budget funds, as well as when holding an auction, call for quotations or call for bids with the aim of purchasing goods, works and services for meeting the state or municipal needs, to impose restrictions in respect of admittance to the action, call for quotations or call for bids which are not provided for by federal laws or other normative legal acts.

3. Along with the bans established by Parts 1 and 2 of this Article, it shall be prohibited, when holding an auction, call for quotations or call for bids for the purpose of purchasing goods, works and services for meeting state or municipal needs, to restrict competition between the participants of the auction, call for quotations or call for bids by way of including into the composition of lots goods, works or services which are not technologically and functionally connected with the goods, works or services whose supply, carrying out or rendering constitute the object of the auction, call for quotations or call for bids.

4. Failure to follow the rules established by this Article shall serve as a basis for declaring invalid by a court the corresponding auction, call for quotations or call for bids and the transactions made on the basis of the results of such auction, call for quotations or call for bids, in particular on the basis of a claim made by the anti-monopoly body. The anti-monopoly body, in compliance with the present article, can apply to court to invalidate the tenders, call for a quotation, call for bids and transactions concluded as a result of such tenders, call for a quotation, call for bids, if such tenders, call for a quotation, call for bids are obligatory in compliance with the legislation of the Russian Federation.

5. The provisions of Part 1 of this article shall extend, in particular, to all the purchases of goods, works and services made in compliance with Federal Law No. 223-FZ of July 18, 2011 on Purchasing Goods, Works and Services by Individual Kinds of Legal Entities.

#### **Article 17.1. The Details of the Procedure for Concluding Contracts in Respect of State and Municipal Property**

1. The conclusion of lease contracts, contracts for use without compensation, trust contracts and other contracts that envisage the assignment of rights of possession and/or use in respect of the pieces of state or municipal property which have not been assigned by a right of economic jurisdiction or operative management may be effected only according to the results of tenders or auctions for a right to conclude the contracts, except for the grant of said rights to such pieces of property:

1) under international treaties of the Russian Federation (including inter-governmental agreements) and the federal laws that establish another procedure for disposing of such property, acts of the President of the Russian Federation, acts of the Government of the Russian Federation and courts' decisions that have become final;

2) state bodies, local self-government bodies and also state non-budget funds and the



Central Bank of the Russian Federation;

3) state and municipal institutions;

4) non-profit organisations formed as associations and unions, religious and public organisations (associations) (including political parties, public movements, public foundations, public institutions, public self-organised activity bodies, trade unions, their agglomerations (associations) and primary trade union organisations), employers unions and partnerships of the owners of dwelling facilities, people-centered non-profit organisations, provided that they are engaged in activities aimed at solving social problems, development of civil society in the Russian Federation, as well as the other kinds of activities provided for by Article 31.1 of Federal Law No. 7-FZ of January 12, 1996 on Non-Profit Organisations;

5) solicitors/barristers, notaries and industry-and-commerce chambers;

6) medical organisations and organisations exercising educational activity;

7) for the purpose of placing communication networks and postal communication facilities;

8) to a person who has rights of possession and/or use in respect of a utility line if the property being assigned is a part of the relevant utility line and the given part of the utility line and the utility line are technologically interrelated in accordance with the legislation on the town-planning activity to the person which is awarded the status of a single heat supply organisation in price heat supply zones in compliance with Federal Law No. 190-FZ of July 27, 2010 on Heat Supplies;

9) in the procedure established by Chapter 5 of the present Federal Law;

10) to the person with whom a state or municipal contract has been concluded according to the results of a tender or auction conducted in accordance with Federal Law No. 44-FZ of April 5, 2013 on the Contractual System in the Sphere of Purchasing Goods, Works and Services for Meeting State and Municipal Needs, if a provision for the assignment of said rights has been made in the tender documentation or auction documentation for the purposes of performing that state or municipal contract, or to the person with whom the state or municipal autonomous institution concluded a contract as a result of a tender or an auction hold in compliance with the Federal Law No. 223-FZ of July 18, 2011 on Procurement of Goods, Works or Services by Certain Types of Legal Entities, if assignment of the cited rights envisaged in procurement documents for the purpose of implementation of such contract. The term for the assignment of said rights to such property shall not exceed the term for the completion of performance of the state or municipal contract, or a contract;

11) for a term not exceeding 30 calendar days in six consecutive calendar months (the grant of said rights to such property to one person for an aggregate term of over 30 calendar days in six consecutive calendar months without tenders or auctions is prohibited);

12) in place of immovable property the rights in respect of which are terminated due to demolition or renovation of the building, structure or installation which is or a part of which is that immovable property or in connection with the grant of rights to such immovable property to state or municipal organisations exercising educational activity, medical institutions. In this case, the immovable property to which the rights are assigned must be equivalent to the immovable property that has been earlier available in terms of location, area and value assessed in accordance with the legislation of the Russian Federation regulating appraisal activities. The conditions in which immovable property is deemed equivalent to immovable property that has been earlier available shall be established by the federal anti-monopoly body;

13) to a successor of a privatised unitary enterprise, if the property has not been included in the privatised unitary enterprise's assets subject to privatisation but is technologically and functionally connected to the privatised assets and is classified under federal laws as civil-law items not subject to transactions or as items which can be only under

state or municipal ownership.

14) which form part or parts of premises, building, construction or structure, if the total area of the property to be transferred is at most twenty square meters and does not exceed ten per cent of the area of the appropriate premises, building, construction or structure the rights to which are held by the person transferring such property;

15) to the person that has filed the only bid for participation in a tender or auction, if the cited bid satisfies the requirements and conditions provided for by tender documentation or auction documentation, and also to the person recognized to be the only participant in a tender or auction under the conditions and at the price which are provided for by a bid for participation in the tender or auction and the tender documentation or auction documentation but at the price which is not below the initial (minimum) contract (lot) price cited in a notice of holding the tender or auction. With this, the trade promoter shall make the contracts provided for by this part without fail;

16) transferred for sublease or for gratuitous use by the person to which the right of possession and/or use of state or municipal property are granted on the basis of the results of sales, or in case such sales have been declared frustrated, or if the cited rights are granted on the basis of a state or municipal contract or on the basis of Item 1 of this part.

17) public law company "Unified Customer in the Construction Industry", if such property is transferred in order to ensure implementation of engineering surveys, architectural and construction design, construction, reconstruction, overhaul, demolition of capital construction facilities included into the program of activities of the specified public law company for the current year and the planned period.

2. The procedure for concluding contracts described in Part 1 of the present article does not extend to the property disposed of in accordance with the Land Code of the Russian Federation, the Water Code of the Russian Federation, the Forest Code of the Russian Federation, the legislation of the Russian Federation on the sub-soil and the legislation of the Russian Federation on concession agreements, legislation of the Russian Federation on public-private partnership and municipal-private partnership.

3. The procedure set out in Part 1 of the present article shall govern the conclusion of lease contracts, contracts for use without compensation and other contracts envisaging assignment of rights of possession and/or use in respect of:

1) the state or municipal immovable property that belongs to state or municipal unitary enterprises by a right of economic jurisdiction or operative management;

2) the state or municipal immovable property assigned by a right of operative management to independent state or municipal institutions;

3) the state or municipal property belonging to state or municipal budget-financed and public institutions, and also to state bodies and local authorities, by a right of operative management.

3.1. Contracts of lease in respect of the state or municipal property of state or municipal educational organisations which are budget-financed and autonomous institutions, budget-financed and autonomous scientific institutions shall be made without holding tenders or auctions in the procedure and under the terms which are defined by the Government of the Russian Federation, provided that the following requirements are concurrently satisfied:

1) the leaseholders are economic companies set up by the establishments which are cited in Paragraph One of this article;

2) the leaseholders' activities lie in the practical application (introduction) of the results of intellectual activities (computer programmes, databases, inventions, utility models, industrial designs, selectional achievements, integral circuit layouts or manufacturing secrets (know-how) whose right of use is contributed to the authorised capitals thereof;

3) contracts of lease impose a ban on letting on lease and sublease this property

provided to economic companies under such contracts of lease, on transfer by economic companies of their rights and duties under such contracts of lease to other persons, on providing this property for gratuitous use and on pledge of such rights of lease.

**3.2.** Contracts of lease and contracts of gratuitous use in respect of the state or municipal property of state or municipal organisations exercising educational activity shall be made without holding tenders or auctions in the event of making these contracts with:

1) medical organisations for health protection of trainees and employees of organisations exercising educational activity;

2) public catering organisations for creating necessary conditions for organising catering of trainees and employees of organisations exercising educational activity;

3) organisations of physical culture and sports for creating conditions for enabling trainees to have physical training and go in for sports.

4) organisations for the purposes of using such property for carrying out scientific research and development or for the practical training of trainees.

**3.3.** The conclusion of contracts of gratuitous use in respect of the state or municipal property assigned by the right of economic jurisdiction or operative management to state or municipal unitary enterprises shall be effectuated without holding tenders or auctions with scientific organisations and the organisations pursuing educational activity, for the purposes of using such property for carrying out scientific research and development or the practical training of trainees.

**3.4.** Contracts of lease, contracts of gratuitous use in respect of the state property of federal state institutions of the penal system shall be concluded without holding tenders or auctions in the procedure determined by the federal executive power body exercising the functions of formulation and implementation of state policy and normative legal regulation in the sphere of the penal system while simultaneously meeting the following requirements:

1) the above state property is granted to the tenant, to the borrower with the aim of deploying a production involving labour participation of convicted inmates;

2) contracts of lease, contracts of gratuitous use shall impose a ban on subleasing the above state property, the transfer by the tenant, the borrower of their rights and obligations under such contracts of lease, contracts of gratuitous use to other persons, granting the above state property under gratuitous use to other persons, pledge of these leasehold interest, of rights deriving from the contract of gratuitous use;

3) a contract of lease, contract of gratuitous use shall be concluded with the first person to have applied for making a corresponding contract during six calendar months from the moment when the tender or auction for the right to conclude the relevant contract was declared abortive when not a single application was filed to bid at the tender or the auction on the terms and at the price stipulated by the tender documentation or the auction documentation but not below the starting (minimum) price of the contract (the lot) indicated in the notice of the tender or the auction, unless a new tender or auction for the right to conclude the relevant contract was declared.

**3.5.** The conclusion of lease agreements in respect of state or municipal property assigned to the right of economic management or operational management by state or municipal cultural organisations shall be carried out without holding competitive tenders or auctions in the procedure and on the terms defined by the Government of the Russian Federation, in the case of the conclusion of these agreements:

1) with public catering organisations in order to create the necessary conditions for organising catering for visitors and employees of state or municipal cultural organisations;

2) with legal entities and individual entrepreneurs engaged in retail trade of souvenir, publishing and audiovisual products, for the purposes of organising the retail trade of souvenir, publishing and audiovisual products corresponding to the objectives of the activities

of state or municipal cultural organisations in order to meet the needs of visitors to these cultural organisations

**3.6.** The conclusion of lease agreements, or contracts of gratuitous use in respect of state or municipal property related to the staging of a spectacle (performance) or stationary stage equipment and assigned to the right of operational management for state or municipal cultural organisations, for the use of the specified property in theatrical and entertainment, cultural and educational or show and recreational events shall be carried out without holding competitive tenders or auctions in the procedure, on the terms and in accordance with the list of types of the specified property defined by the Government of the Russian Federation.

**4.** Abrogated.

**5.** The procedure for conducting tenders or auctions for the right to conclude the contracts mentioned in Parts 1 and 3 of the present article and a list of the types of property in respect of which said contracts may be concluded by means of a sale in the form of a tender shall be established by the federal anti-monopoly body.

**5.1.** In compliance with Part 6 of this article a notice of holding a tender shall be placed at least thirty days before the end date for filing applications for participation in the tender while a notice of holding an auction shall be placed at least twenty days before the end date of filing applications for participation in the auction.

**6.** Starting from January 1, 2011, information on the holding of tenders or auctions for the right to conclude the contracts specified in Parts 1 and 3 of the present article shall be placed on the official internet website of the Russian Federation intended for information on public sales designated by the Government of the Russian Federation (hereinafter referred to as the official site of sales).

**7.** It is not allowed to make the agreements cited in Parts 1 and 3 of this article earlier than in ten days as from the date when information about the results of a tender or auction is inserted in the official site of sales.

**8.** When concluding and/or executing the contracts cited in parts 1, 3, 3.1 and 3.2 of this article, their price may be increased as agreed by the parties thereto in the procedure established by a contract.

**9.** Upon the expiry of validity term of the agreement of the state or municipal property concluded as a result of or without tenders in accordance with the legislation of the Russian Federation, except for the cases specified in part 2 of this article such contract shall be made for a new term with a leaseholder that has discharged the duties thereof in a proper way without holding a tender or an auction, if not otherwise established by the contract and if the validity term of an agreement is not limited by the legislation of the Russian Federation, provided that the following conditions are concurrently met:

1) the rate of rent shall be estimated on the basis of the results of assessment of the market value of a facility effected in compliance with the legislation regulating valuation activity in the Russian Federation, if not otherwise established by some other legislation of the Russian Federation;

2) the minimum time period for which a contract of lease is re-concluded must be at least three years. This time period may be only reduced on the basis of a leaseholder's application.

**10.** The lesser is not entitled to deny a leaseholder the conclusion of a contract of lease for a new term in the procedure and under the terms which are cited in Part 9 of this article, except for the following instances:

1) adoption in the established procedure of the decision providing for a different procedure for such property's disposal;

2) the leaseholder having debts on rent for such property or on charged forfeits (fines, penalties) in the amount exceeding the rate of rent for more than one period of payment fixed

by a contract of lease.

11. In the event of the lessor's refusal to make for a new term the contract of lease of the state or municipal property on the grounds which are not provided for by Part 10 of this article and of the conclusion within a year since the end date of the validity term of the given contract a contract of lease with another person, the leaseholder that has properly discharged the duties thereof under the contract of lease is entitled to demand to transfer upon him the rights and duties under the contract made and to repair the damage inflicted by the refusal to renew with him the contract of lease in compliance with the civil legislation.

#### **Article 18. The Specifics of Making Contracts with Financial Organisations**

1. The federal executive bodies, executive bodies of constituent entities of the Russian Federation, local self-government bodies and state off-budget funds shall make, regardless of the amount of a transaction, contracts with financial organisations solely on the basis of the results of a public tender or public auction to be held in compliance with the provisions of the Federal Law No. 44-FZ of April 5, 2013 on the Contractual System in the Sphere of Purchasing Goods, Works and Services for Meeting the State and Municipal Needs for rendering the following financial services:

- 1) attraction of monetary funds of legal entities for depositing;
- 2) opening and keeping of bank accounts, making settlements on these accounts;
- 3) Abrogated upon the expiry of 90 days after the day of the official publication of Federal Law No. 275-FZ of October 5, 2015;
- 4) trust management of securities;
- 5) non-governmental retirement insurance.

2. When holding a public tender or public auction in compliance with the requirements of this article, a federal executive power body, the executive state power body of a constituent entity of the Russian Federation, local authority or a governmental off-budget fund are entitled to establish the requirements aimed at assessing the financial stability and solvency of a financial organisation, except for the requirements about the availability of the following:

- 1) of the definite amount of the authorised capital, own assets, as well as about the compliance of a financial organisation and/or of the activities thereof with other characteristics in absolute indices, if only the requirement for compliance with such characteristics is not established by the legislation of the Russian Federation;
- 2) credit rating;
- 3) branches, representative offices and other structural units outside the place of rendering a financial service.

2.1. When holding a public tender or public auction in compliance with the requirements of this article, a federal executive power body, an executive power body of a constituent entity of the Russian Federation, local authority or state off-budget fund are entitled to establish more severe requirements for the evaluation of the financial stability and ability to pay of a financial organisation to be defined in compliance with the indices provided for by the legislation of the Russian Federation and established on the basis of the financial-and-economic reports/statements of the financial organisation submitted to the Central Bank of the Russian Federation. A federal executive power body, an executive power body of a constituent entity of the Russian Federation, local authority or state off-budget fund are only entitled to establish the requirement for the presence of a credit rating of a definite level assigned by a credit rating agency, if a financial organisation does not satisfy the cited more severe requirements for evaluation of its financial stability and ability to pay.

3. The alteration and dissolution of contracts of rendering financial services made by federal executive power bodies, executive power bodies of constituent entities of the Russian

Federation, local authorities and state off-budget funds in the procedure established by this article shall be allowed in the instances and in the procedure which are set by Federal Law No. 44-FZ of April 5, 2013 on the Contractual System in the Sphere of Purchasing Goods, Works and Services for Meeting State and Municipal Needs.

4. The validity term of contracts of rendering financial services made in the procedure established by Part 1 of this article (except for contracts of non-governmental pension provision) may not exceed five years, if not otherwise provided for by other federal laws.

5. The violation of this article's provisions shall serve as a ground for declaring invalid by court the appropriate sales or the transactions made on the basis of the results of such sales, in particular at the suit of an anti-monopoly agency.

**Article 18.1. A Procedure for Consideration by the Antimonopoly Body of Complaints against Violation of the Bidding Procedure and the Procedure for Concluding Contracts, Measures During the Implementation of a Project for the Construction of a Capital Construction Facility**

1. According to the rules of this article, an anti-monopoly agency shall consider the following complaints:

1) against actions (failure to act) of a legal entity, trade promoter, electronic site operator, tender or auction commission when arranging and holding sales, making contracts on the basis of the results of sales, or when sales whose holding is mandatory in compliance with the legislation of the Russian Federation are recognised as frustrated, as well as when arranging and making purchases in compliance with Federal Law No. 223-FZ of July 18, 2011 on Purchasing Goods, Works and Services by Individual Kinds of Legal Entities, except for complaints whose consideration is provided for by the legislation of the Russian Federation on the contractual system in the sphere of purchasing goods, works and services for meeting state and municipal needs;

2) against acts and/or actions (omissions) of a federal executive body, state body of a constituent entity of the Russian Federation, local authority or body or organisation exercising the functions of the cited bodies, of an organisation participating in rendering state or municipal services, officials of the cited bodies or organisations (hereinafter referred to as an authorised body) while conducting measures during the implementation of a project for the construction of a capital construction facility provided for by Article 5.2 of the Town-Planning Code of the Russian Federation (hereinafter also - measures during the implementation of a construction project) in respect of legal entities and individual businessmen which are the subjects of town-planning relations (except for the measures conducted by the state body authorized to effect the state registration of rights to property in compliance with the legislation of the Russian Federation) in respect of the following:

a) violating the fixed time for conducting activities for the implementation of the construction project;

b) demanding the conducting of measures for the implementation of a construction project that are not provided for in Article 5.2 of the Town-Planning Code of the Russian Federation, and (or) obtaining documents, information, materials, approvals that are not included in an exhaustive list of documents approved by the Government of the Russian Federation in accordance with the legislation of the Russian Federation on town planning, and also information, materials, approvals required for the activities in the implementation of a construction project;

c) illegal refuse to accept documents, applications;

d) presenting to the person filing the complaint, documents and information requirements that are not established by federal laws, other regulatory legal acts of the Russian Federation, regulatory legal acts of the subjects of the Russian Federation, in case

of implementation of activities for the implementation of a project for the construction of a capital construction facility provided for in Article 5.2 of the Town-Planning Code of the Russian Federation;

3) actions (omissions) of a regional network organisation rendering the services involved in electric energy transmission, of an organisation engaged in cold water supply and (or) water removal (in organising a water and sewage utilities), of an organisation engaged in hot water supply, gas distribution organisation, heat supply organisation (hereinafter referred to as an organisation engaged in network operation) provided for by Subitems "a" - "d" of Item 2 of this Part, when conducting measures for the implementation of the project for the construction of a capital construction facility provided for in Article 5.2 of the Town-Planning Code of the Russian Federation in respect of legal entities and individual businessmen which are the subject of town-planning relations.

2. Actions (omissions) of the trade promoter, the electronic site operator, tender or auction commission may be complained against an anti-monopoly agency by persons that have filed bids for participation in sales and, if such complaining is connected with violation of the procedure for placing information about holding sales or of the procedure for filing bids for participation in sales established by regulatory legal acts, also by another person (applicant) whose rights or legitimate interests may be infringed or violated as a result of breaking the procedure for arranging and holding sales; acts and/or actions (omissions) of an authorised body and/or of the organisation operating networks may be complained against by a legal entity or individual businessman whose rights or legitimate interests, in their opinion, are violated when implementing measures for a project for the construction of a capital construction facility or upon presentation of a requirement to take measures for a project for the construction of a capital construction facility, not provided for in Article 5.2 of the Town-Planning Code of the Russian Federation, and (or) to obtain documents, information, materials, approvals, not included into the exhaustive list of documents, information, materials, approvals required for the implementation of measures for a project for the construction of a capital construction facility approved by the Government of the Russian Federation in accordance with the town-planning legislation of the Russian Federation (hereinafter referred to in this article as an applicant).

3. Complaining against actions (failure to act) of the trade promoter, electronic site operator, tender or auction commission, authorised body and/or organisation operating networks with an anti-monopoly agency shall not be an obstacle for complaining against these acts or actions (failure to act) judicially.

4. Complaining against actions (omission to act) of the trade promoter, the electronic site operator, tender or auction commission in the procedure established by this article shall be allowed at the latest in ten days as from the date of summing up the sales results or, if the insertion of sales results in the information-telecommunication network Internet is provided for, as from the date of such insertion, except as provided for by this Federal Law.

5. Where a contract is not made on the basis of the results of sales or in case sales are declared frustrated, it is allowed to complain against actions (omission to act) of the trade promoter, electronic site operator, tender or auction commission with an anti-monopoly agency in the procedure established by this article within three months as from the date when the sales results are summed up or, if the insertion of sales results in the information-telecommunication network Internet is provided for, as from the date of such insertion.

5.1. Complaining against acts and/or actions (failure to act) of an authorized body and/or organisation operating networks in the procedure established by this article is allowed at the latest within three months from the date of adoption of an act and/or taking an action (failure to act) by the authorised body and/or the organisation operating networks.

**6.** A complaint against acts and/or actions (failure to act) of the trade promoter, electronic site operator, tender or auction commission, authorized body and/or organisation operating networks (hereinafter referred to as a complaint) shall be filed in writing with an anti-monopoly agency and must contain the following:

1) the denomination, indication of the location, postal address and contact telephone number of the trade promoter, electronic site operator, authorized body and/or organisation operating networks, acts and/or tender or auction commission whose actions (omission to act) are complained against;

2) the applicant's denomination, data on the location (if a legal entity), family name, first name and patronymic, data on the place of residence (if a legal entity), postal address, e-mail address, contact telephone number and fax number;

3) an indication of the sales which are complained against, if the insertion of information on the sales which are complained against in the site in the information-telecommunication system Internet is mandatory in compliance with the legislation of the Russian Federation, the address of the site where it is inserted (the cited information shall not be provided when complaining against acts and/or actions (failure to act) of an authorized body and/or organisation operating networks);

4) an indication of the actions (omissions) of the trade promoter, electronic site operator, tender or auction commission, acts and/or actions (omissions) of an authorised body and/or organisation operating networks, normative legal acts establishing the order of carrying out activities for the implementation of the construction project in respect of legal entities and individual businessmen which are the subjects of town-planning relations which are complained against and appropriate arguments;

5) a list of documents attached to the complaint.

**7.** A complaint may be forwarded to an anti-monopoly agency by postal or facsimile communication, e-mail or in some other way.

**8.** A complaint shall be signed by the applicant or by a representative thereof. A complaint filed by a representative of the applicant must have attached thereto a power of attorney or other document proving the authority of the applicant's representative to sign the complaint.

**9.** A complaint shall be returned to an applicant in the following instances:

1) a complaint does not contain the data provided for by Part 6 of this article;

2) a complaint is not signed or is signed by the person whose authority is not proved by documents;

3) availability of the effective judicial act containing conclusions about the presence or absence of a violation in acts and/or the actions (omission to act) of the trade promoter, electronic site operator, tender or auction commission, authorized body and/or organisation operating networks;

4) an anti-monopoly agency has rendered a decision in respect of the acts and/or the actions (omission to act) of the trade promoter, electronic site operator, tender or auction commission, authorized body and/or organisation operating networks.

5) acts and/or actions (failure to act) of an authorised body may be complained against in the procedure established by Federal Law No. 210-FZ of July 27, 2010 on Organising the Provision of State and Municipal Services.

**10.** The decision to return a complaint may be adopted within three working days as from the date when it comes to an anti-monopoly agency which on the date of adoption of the decision on the complaint's return is obliged to notify the applicant in writing about the adopted decision citing the reasons for the complaint's return.

**11.** In the event of acceptance of a complaint for consideration, an anti-monopoly agency shall insert within three working days as from the date of receiving it information



about receiving the complaint and about its content on the official site of sales or on the site of the anti-monopoly agency, shall forward to the applicant, the trade promoter, electronic site operator, tender or auction commission, authorised body and/or organisation operating networks a notice of receiving the complaint and of suspending sales pending consideration of the complaint on its merits (hereinafter referred to in this article as notice). In the notice shall be stated in brief the content of the complaint (the subject matter thereof), address of the official site of sales where information about the complaint's receipt is inserted or of the site of the anti-monopoly agency, as well as data on the place and time of the complaint's consideration. The notice shall be forwarded by postal or facsimile communication. In case of forwarding a notice by e-mail, it shall be sent to the trade promoter and to the tender or auction commission to the e-mail address cited in the notice of holding sales, to the electronic site operator to the e-mail address stated on the Internet site, and to the applicant to the e-mail address mentioned in the complaint to the e-mail addresses mentioned in the official sites of an authorised body and/or organisation operating networks.

**12.** The trade promoter, electronic site operator, tender or auction commission, whose actions (omission to act) are complained against, within one working day from the time of receiving a notice is obliged to notify the persons, that have filed bids for participation in sales, about its coming in, its content, place and time of its consideration.

**13.** The trade promoter, electronic site operator, tender or auction commission, authorized body and/or organisation operating networks, and the applicant, as well as the persons that have filed bids for participation in sales, are entitled to forward to an anti-monopoly agency an objection against a complaint or an addition to it and to participate in its consideration in person or through representatives thereof. An objection against a complaint must contain the data cited in Part 6 of this article. An objection against a complaint shall be forwarded to an anti-monopoly agency at the latest two working days before the date of the complaint's consideration.

**14.** An anti-monopoly agency is obliged to consider a complaint on its merits within seven working days as from the date when it is received, except as provided for by Part 14.1 of this Article.

**14.1.** If the commission of an antimonopoly agency when considering a complaint needs additional information, the time period for adoption of the decision may be extended once by the term fixed by Part 14 of this Article.

**15.** The trade promoter, electronic site operator, tender or auction commission, whose actions (omission to act) are complained against, are obliged to present for consideration of the complaint on its merits sales documentation, the amendments made in the sales documentation, auction documentation, bids for participation in a tender, bids for participation in an auction, records of opening envelopes with bids for participation in a tender, records of opening envelopes with bids for participation in an auction, records of assessment and comparison of bids for participation in an auction and records of an auction, audio and video records, as well as other documents and data drawn up in the course of arranging and holding sales.

**15.1.** An authorised body and/or organisation operating networks are bound to present for consideration of a complaint on its merits a substantiation in writing of the legality of the adopted act and/or the action (failure to act) made, citing the provisions of the regulatory legal acts establishing the procedure for adoption of such act and or taking such action (failure to act).

**15.2.** Where necessary an antimonopoly agency shall forward a request for providing other data and documents for the complaint's consideration to the trade promoter, electronic site operator, to the tender or auction commission, authorized body and/or organsaition operating networks and to an applicant. A request for providing other data and documents

shall be forwarded in the procedure established by Part 11 of this article. The requested data and documents shall be provided to an antimonopoly agency prior to considering a complaint on its merits.

**16.** A complaint shall be considered on its merits by the commission of an anti-monopoly agency. The non-appearance of persons who have been properly notified (notified by way of forwarding by the anti-monopoly agency the notice provided for by Part 11 of this article) about the time and place of the complaint's consideration on its merits shall not serve as an obstacle for such consideration.

**17.** When considering a complaint on its merits, the commission of an anti-monopoly agency shall consider the acts and/or actions (failure to act) of the trade promoter, electronic site operator, tender or auction commission, authorised body and/or organisation operating networks which are being complained against. If in the course of considering the complaint the commission of the anti-monopoly agency detects other violations in the acts and/or actions (failure to act) of the trade promoter, electronic site operator, tender or auction commission, authorized body and/or organisation operating networks, the commission of the anti-monopoly agency shall render a decision subject to all the detected violations.

**18.** As from the date of forwarding the notice provided for by Part 11 of this article sales shall be suspended pending consideration of the complaint against actions (omission to act) of the trade promoter, electronic site operator, tender or auction commission on its merits.

**19.** In the event of accepting a complaint for consideration, the trade promoter, to which a notice has been forwarded in the procedure established by Part 11 of this Article, is not entitled to make a contract before adoption by the anti-monopoly agency of a decision in respect of the complaint. A contract made in defiance of the requirements established by this item shall be deemed null and void,

**20.** On the basis of the results of considering a complaint on its merits the commission of an anti-monopoly agency shall render the decision on declaring it either well-founded or unfounded and, if a complaint is declared as well-founded or if other violations are detected which do not constitute the subject matter of complaining (violations of the procedure for arranging and holding sales, for making contracts on the basis of the results of sales or in case sales are declared frustrated violations of the order of carrying out activities for the implementation of the construction project in respect of legal entities and individual businessmen which are the subject of town-planning relations) shall render the decision that it is necessary to issue the direction provided for by Item 3.1 of Part 1 of Article 23 of this Federal Law.

**21.** The commission shall terminate consideration of a complaint as it is provided for by Items 3 - 5 of Part 9 of this article.

**22.** Within three working days as from the date of adoption of a decision in respect of a complaint an anti-monopoly agency shall forward to the applicant, the trade promoter, electronic site operator, tender or auction commission, to an authorised body and/or organisation operating networks whose acts and/or whose actions (omission to act) are being complained against copies of the decision or direction adopted on the basis of the results of the complaint's consideration and shall insert data on such decision or direction on the official site of sales or in the site of the anti-monopoly agency.

**23.** The decision or direction of the commission of an anti-monopoly agency may be complained against judicially within three months as from the date of the decision's adoption or of the direction's issuance.

**24.** An applicant is entitled to withdraw a complaint before adoption of a decision on the complaint's merits. An applicant that has withdrawn the complaint filed by him is not entitled to repeatedly file a complaint against the same actions (failure to act) of the trade

promoter, electronic site operator, tender or auction commission, authorised body and/or organisation operating networks in the procedure established by this article.

25. An anti-monopoly agency shall consider complaints against actions (omission to act) of the seller of state or municipal property and/or of the promoter of trading in state or municipal property held in the electronic form (hereinafter referred to in this article, as well as in Item 3.1 of Part 1 of Article 23 of this Federal Law, as the sales promoter) when selling state or municipal property in compliance with Federal Law No. 178-FZ of December 21, 2001 on Privatisation of State and Municipal Property in the procedure established by this article, subject to the following specifics:

1) it is allowed to complain against actions (omission to act) of the seller of state or municipal property and/or the sales promoter with an anti-monopoly agency within five working days as from the date of inserting in the official site in the information-telecommunication network Internet designated in compliance with Article 15 of Federal Law No. 178-FZ of December 21, 2001 on Privatisation of State and Municipal Property or, if the insertion in the given site is not provided for, as from the date of signing a record of declaring applicants as sales participants (a record of declaring applicants as participants in sales when selling state or municipal property by way of public offering or with no price declared), or within five working days as from the date of inserting in the given site or, if the insertion in the given site is not provided for, as from the date of signing a record of the results of holding sales of the property which is subject to privatization;

2) a complaint against actions (omission to act) of the seller of state or municipal property and/or the sales organiser shall be considered by an anti-monopoly agency within five working days as of from the date when the complaint is received;

3) if a complaint against actions (omission to act) of the seller of state or municipal property and/or sales organiser is considered before the last date for filing bids for participation in sales (bids for participation in sales when selling state or municipal property by way of public offering or with no price declared), the commission of the anti-monopoly agency is not entitled to render the decision on the issuance of a direction;

4) a complaint against actions (omission to act) of the seller of state or municipal property and/or sales organiser connected with declaring applicants as sales participants (participants in sales when selling state or municipal property by way of public offering or with no price declared) or with the denial of such declaring may not be filed upon the expiry of five working days as from the date of insertion in the official site in the information-telecommunication network Internet cited in Item 1 of this part or, if the insertion in the site is not provided for, as from the date of signing a record of declaring applicants as sales participants (a record of declaring applicants as participants in sales when selling state or municipal property by way of public offering or with no price declared).

## **Chapter 5. Granting State or Municipal Preferences**

### **Article 19. State or Municipal Preferences**

1. State or municipal preferences may be granted on the basis of legal acts of a federal executive body, state body of a constituent entity of the Russian Federation, local authority, another body or organisation exercising the functions of the said bodies, solely for the purpose of the following:

- 1) life support to the population of Arctic regions and of those equated to them;
- 2) development of education and science;
- 3) scientific research works;
- 4) environmental protection;

- 5) preservation, use, popularization and state protection of cultural heritage units (of historical and cultural monuments) of peoples of the Russian Federation;
- 6) development of culture, arts and preservation of cultural valuables;
- 7) development of physical training and sports;
- 8) enhancing the country's defence capacity and security of the state;
- 9) making agricultural products;
- 10) social maintenance of the population;
- 11) labour protection;
- 12) public health care;
- 13) support to small-scale and medium-scale businesses;
- 13.1) support to people-centered non-profit organisations in compliance with Federal Law No. 7-FZ of January 12, 1996 on Non-Profit Organisations;
- 13.2) support for individuals who are not individual entrepreneurs and apply the special tax regime "Tax on Professional Income";
- 14) for accomplishing the tasks defined by other federal laws, regulatory legal acts of the President of the Russian Federation and regulatory legal acts of the Government of the Russian Federation.

2. It shall be forbidden to use state or municipal preferences for purposes which are at variance with those cited in the application for giving consent to grant state or municipal preferences.

3. A state or municipal preference shall be granted for the purposes provided for by Part 1 of this Article by preliminary approbation in writing by the anti-monopoly agency, except if such preference is granted:

- 1) on the basis of the federal law, legal act of the President of the Russian Federation, legal act of the Government of the Russian Federation, laws of constituent entities of the Russian Federation on the budget, regulatory legal acts of local authorities on the budget containing or establishing a procedure for defining the rate of a state or municipal preference and a specific recipient thereof;

- 2) by way of forwarding assets of reserve funds in compliance with the budget legislation of the Russian Federation to cover unforeseen financial outlays;

- 3) at a rate not exceeding the limit amount of settlements in cash in the Russian Federation between legal entities in respect of a single transaction, established by the Central Bank of the Russian Federation, if such preference is granted at most once a year to a single person.

- 4) in accordance with the state programs (sub-programs) of the Russian Federation, state programs (sub-programs) of the Russian Federation's constituent entities and municipal programs (sub-programs) containing measures aimed at development of small and medium-scale entrepreneurship.

4. As a state or municipal preference shall not be deemed:

- 1) granting of property and/or other objects of civil rights on the basis of the results of an auction arranged in compliance with the legislation of the Russian Federation, as well as on the basis of other procedures provided for by the legislation of the Russian Federation on the contractual system in the sphere of purchasing goods, works and services for meeting state and municipal needs;

- 2) transfer, allotment and distribution of state or municipal property to individuals for the purpose of liquidation of consequences of emergency situations, military operations and counterterrorism operations;

- 3) assignment of state or municipal property to economic agents for economic control over it or its day-to-day management;

- 4) granting property and/or other objects of civil rights on the basis of federal law or on

the basis of an effective court decision.

5) provision of property and/or other objects of civil rights to each participant in a commodity market on the equal basis.

6) provision by the awarding party to the concessionaire of state or municipal guarantees or property rights under a concession agreement concluded in accordance with Parts 4.1 - 4.12 of Article 37 of Federal Law No. 115-FZ of July 21, 2005 on Concession Agreements.

#### **Article 20. Procedure for Granting a State or Municipal Preference**

1. The federal executive power body, the state power body of a constituent entity of the Russian Federation, other bodies and organisations exercising the functions of the said bodies which intend to grant a state or municipal preference shall file with an anti-monopoly agency an application for giving consent to grant such preference according to the form defined by the federal anti-monopoly agency. The following shall be attached to the cited application:

1) a draft act which provides for granting the state or municipal preference citing the aim of granting, and amount of such preference if it is granted by way of property transfer;

2) a list of the kinds of activities which were exercised or are exercised by the economic agent in respect of which there is an intention to grant a state or municipal preference with the two years preceding the date when the application is filed or within the time period while the activity is exercised, if it is less than two years, as well as copies of the documents that prove and/or proved the right to exercise the said kinds of activities, if special permits are required and/or were required for its exercise under the legislation of the Russian Federation;

3) denominations of the kinds of commodities and volume of commodities made and/or sold by the economic agent in respect of which there is an intention to grant thereto a state or municipal preference within the two years preceding the date when the application is filed or within the time period while it is exercised, if it is less than two years, citing codes of the kinds of products;

4) the balance sheet of an economic entity in respect of which there is an intention to grant a state or municipal preference, as of the last reporting date preceding the date of filing an application, if there is no the specified balance sheet in the state information resource of accounting (financial) statements provided for in Article 18 of Federal Law No. 402-FZ of December 6, 2011 on Accounting (hereinafter referred to as the state information resource of accounting (financial) statements), or, if the business entity does not submit the balance sheet to the tax authorities, other documentation stipulated by the legislation of the Russian Federation on taxes and fees. If an economic entity files annual accounting (financial) statements in order to form a state information resource for accounting (financial) statements, the antimonopoly body shall obtain the economic entity's balance sheet from this state information resource using a unified system of interdepartmental electronic interaction;

5) a list of the persons forming the same group of persons with the economic agent in respect of which there is an intention to grant thereto a state or municipal preference citing the grounds for pertinence of such persons to this group;

6) copies of the constituent documents of the economic agent attested by a notary.

2. The anti-monopoly agency shall consider the filed application for granting consent to a state or municipal preference and documents and shall adopt one of the decisions cited in Part 3 of this Article within the time period of at most one month as of the date when such application and documents are received. If the filed application and/or documents do not comply with the requirements established by Part 1 of this Article, the anti-monopoly agency within ten days as of the date when the said application is received shall render a reasoned

decision on non-conformity of the filed application and/or documents in the procedure established by the federal anti-monopoly agency and shall return the application for giving consent to granting the state or municipal preference by registered mail with delivery confirmation with a copy of such decision attested in the established procedure to be attached thereto. With this, the time period of custody of the presented documents by the anti-monopoly agency, within which the applicant is entitled to obtain them on demand, shall be fourteen days as of the date when the applicant receives a notification of it. If in the course of considering the application for giving consent to granting a state or municipal preference an anti-monopoly agency comes to the conclusion that the actions, for whose making the anti-monopoly agency's consent is requested for, do not constitute a state or municipal preference, the anti-monopoly agency, within a ten-day-term as of the date when the said application is filed in the procedure established by the anti-monopoly agency, shall adopt a decision that the anti-monopoly agency's consent to making such actions is not required and shall notify the applicant of the adoption of such decision by registered mail, with delivery confirmation, attaching thereto a copy of the said decision certified in the established procedure.

3. An anti-monopoly agency on the basis of the results of considering the application for giving consent to granting of a state or municipal preference in the procedure established by the anti-monopoly agency shall adopt one of the following reasoned decisions and shall notify the applicant of the date when the cited decision is adopted by registered mail, with delivery confirmation attaching thereto a copy of the cited decision attested in the established procedure:

1) on giving consent to granting the state or municipal preference, if the state or municipal preference is to be granted for the purposes cited in Part 1 of Article 19 of this Federal Law and its granting cannot lead to elimination or prevention of competition;

2) on extending the time period for consideration of the application, if in the course of its consideration the anti-monopoly agency comes to the conclusion that granting of such preference could lead to elimination or prevention of competition, or that such preference may not correspond to the purposes cited in Part 1 of Article 19 of this Federal Law and it is necessary to obtain additional information for adoption of the decision provided for by Items 1, 3 or 4 of this Part. Subject to the said decision, the time period for consideration of this application may be extended by at most two months;

3) on the refusal to grant the state or municipal preference, if the state or municipal preference does not comply with the aims cited in Part 1 of Article 19 of this Federal Law and if its granting can lead to elimination or prevention of competition;

4) on giving consent to granting the state or municipal preference and imposing a restriction in respect of granting the state or municipal preference. Such reasoned decision with a substantiation of the imposition of the restriction or restrictions stated therein shall be adopted by the state anti-monopoly agency for ensuring the conformity of the state or municipal preference to the aims cited in Part 1 of Article 19 of this Federal Law and for a reduction of its negative impact upon competition. As restrictions may be deemed the following:

- a) a deadline for granting a state or municipal preference;
- b) a circle of persons which a state or municipal preference may be granted to;
- c) the rate of a state or municipal preference;
- d) purposes for granting a state or municipal preference;
- e) other restrictions whose imposition could affect the state of competition.

4. Where the decision on giving consent to granting a state or municipal preference is adopted in compliance with Item 4 of Part 3 of this article, the applicant shall be obliged to file the documents proving observance of the cited restrictions, whose list shall be established by

the anti-monopoly agency within a one-month term as of the date when the state or municipal preference is granted.

**Article 21. Effects of Failing to Comply with the Requirements of This Federal Law When Granting and/or Using a State or Municipal Preference**

If an anti-monopoly agency, while exercising control over the granting and the use of a state or municipal preference in the procedure established by the federal anti-monopoly agency finds that there are the facts of granting preferences in defiance of the procedure established by Article 20 of this Federal Law, or its use does not comply with the aims declared in the application for it, the anti-monopoly agency shall issue to the economic agent which such preference is granted to, to the federal executive power body, the executive body of a constituent entity of the Russian Federation, local authority or other bodies and organisations exercising the functions of the cited bodies that have granted such preference an order to take measures aimed at the return of property and other objects of civil rights, provided that the state or municipal preference has been granted by way of transfer of state or municipal property or other objects of civil rights, or an order to take measures aimed at termination of the use of the advantage by the economic agent that received the state or municipal preference, provided that the state or municipal preference has been granted in a different form.

**Chapter 6. Functions and Scope of Authority of the Anti-Monopoly Body**

**Article 22. Functions of the Anti-Monopoly Body**

The anti-monopoly body shall exercise the following basic functions:

1) shall ensure state control over the observance of the anti-monopoly legislation by the federal executive bodies, state power bodies of the constituent entities of the Russian Federation, local self-government bodies or other bodies or organisations exercising the functions of the said bodies, as well as by the state off-budget funds, economic units and natural persons, in particular over the use of land, subsoil, water bodies and other natural resources;

2) shall uncover violations of anti-monopoly legislation, take measures aimed at terminating violations of the anti-monopoly legislation and make answerable for such violations;

3) shall prevent monopolistic activities, unfair competition and other violations of anti-monopoly legislation by federal executive bodies, state power bodies of the constituent entities of the Russian Federation, local self-government bodies and other bodies or organisations exercising the functions of the said bodies, as well as by the state off-budget funds, economic units and natural persons;

4) shall exercise state control over economic concentration, in particular in the field of using land, subsoil, water bodies and other natural resources, as well as when holding auctions where it is provided for by federal laws.

**Article 23. Authority of the Anti-Monopoly Body**

1. The anti-monopoly body shall exercise the following authority:

1) shall initiate legal proceedings and consider cases on violations of the anti-monopoly legislation;

2) shall issue to economic units in the cases, specified by this Federal Law, orders to be followed without fail:

a) to terminate agreements and (or) concerted actions of economic units restricting competition and to take actions aimed at ensuring competition;

b) to terminate abuse by an economic unit its dominant position and to take actions aimed at ensuring competition;

c) to terminate for breach of rules on the non-discriminatory access to goods;

d) to terminate unfair competition;

e) to bar actions which could raise barriers to the emergence of competition and (or) can lead to the barring or elimination of competition and to breaches of the anti-monopoly legislation;

f) to remove the effects of breaches of anti-monopoly legislation;

g) to terminate other violations of anti-monopoly legislation;

h) to restore the situation preceding a breach of anti-monopoly legislation;

i) to make contracts, to change the terms and conditions of contracts or to dissolve contracts, if, when considering by the anti-monopoly body a case on breaching the anti-monopoly legislation by persons whose rights have been violated or can be violated, the appropriate application was made, or in the event of exercising by the anti-monopoly body state control over economic concentration;

j) to remit to the federal budget the income derived as a result of breaching the anti-monopoly legislation;

k) to change, or limit the use of, the firm's name if, when considering by the anti-monopoly body a case on breaching the anti-monopoly legislation by the persons whose rights have been violated or may be violated, the appropriate application was made, or in the event of exercising by the anti-monopoly body of state control over economic concentration;

l) to comply with economic, technological, informational and other requirements for elimination of discriminating conditions and to prevent their creation;

m) to make actions aimed at ensuring competition, in particular at providing in the procedure established by the federal laws and other normative legal acts, access to production facilities or information, to grant in the procedure established by federal laws or other normative legal acts the rights to objects of industrial property protection, to transfer the rights to property or to ban the transfer of the rights to property, to inform the anti-monopoly body in advance about the intention to take the actions provided for by an order, about the sale of a certain volume of products through an exchange, about a preliminary coordination with the anti-monopoly agency of the specifics of forming the starting price of products when sold through an exchange in the procedure established by the Government of the Russian Federation;

n) to terminate by a unitary enterprise the activities exercised in defiance of the requirements of this Federal Law;

o) to appoint an expert for the purpose of exercising control by the antimonopoly authority over the execution of a remedy issued in accordance with Item 4 of Part 2 of Article 33 of this Federal Law;

3) shall issue to the federal executive bodies, executive bodies of the constituent entities of the Russian Federation, local self-government bodies, other bodies or organisations exercising the functions of the said bodies, as well as to the state off-budget funds and to their officials, the following orders to be followed without fail, except for the cases established by Item 4 of this Part:

a) to reverse or modify acts breaching the anti-monopoly legislation;

b) to terminate or modify agreements breaching the anti-monopoly legislation;

c) to terminate other violations of the anti-monopoly legislation, in particular to take measures aimed at property return and other objects of civil rights granted as a state or municipal preference;



d) to take actions aimed at ensuring competition;

e) to liquidate a unitary enterprise that has been established or the activities of which have been changed in defiance of the requirements of this Federal Law and that does not exercise the kinds of activities provided for by Part 1 of Article 35.1 of this Federal Law;

f) to take measures aimed at termination by a unitary enterprise of activity which is exercised in defiance of the requirements of this Federal Law;

3.1) shall issue:

a) directions to be followed without fail on taking actions aimed at removing violations of the procedure for arranging and holding sales, for sales of state or municipal property (hereinafter referred to in this item as sales), of the procedure for making contracts on the basis of the results of sales to the sales promoter, electronic site operator, tender or auction commission, seller of state or municipal property and sales organiser or, should sales be declared frustrated, also directions to cancel the records drawn up in the course of holding sales, to make amendments in the sales documentation and a notice of holding sales or to cancel sales;

b) directions to be followed without fail to the federal executive body, state body of a constituent entity of the Russian Federation, local authority or body or organisation exercising the functions of the cited bodies, of an organisation participating in rendering the state or municipal services, to take actions aimed at removing violations of the order of carrying out in respect of legal entities and individual businessmen which are the subjects of town-planning relations activities for the implementation of the construction project;

c) directions to be followed without fail to organisations operating networks in the implementation of measures for a construction project to take actions aimed at removing violations of the order of carrying out activities for the implementation of the construction project in respect of legal entities and individual businessmen which are the subjects of town-planning relations, in particular directions to make contracts, to change the terms of contracts or to dissolve contracts, if the persons whose rights have been violated or may be violated have raised an appropriate demand;

3.2) shall issue admonitions as to the termination of actions (omission to act) that contain signs of breaching the anti-monopoly legislation as provided for by this Federal Law;

4) shall send to the Central Bank of the Russian Federation proposals as to bringing into accord with the anti-monopoly legislation the acts adopted by it and (or) to termination of actions, if such acts and (or) such actions violate the anti-monopoly legislation;

4.1) shall forward admonitions signed by the head or deputy head of the anti-monopoly agency as to the inadmissibility of breaching the anti-monopoly legislation by officials of economic agents, of the federal executive power bodies, state power bodies of constituent entities of the Russian Federation, local authorities and organisations that participate in rendering state or municipal services, of the state off-budget funds, who publicly announce their planned behavior in a commodity market, if such behavior can lead to violation of the anti-monopoly legislation;

4.2) shall consider complaints against violation of the procedure for holding sales or sales of state or municipal property which are mandatory in compliance with the legislation of the Russian Federation;

5) shall make answerable for breaching the anti-monopoly legislation profit-making organisations and non-profit organisations, officials thereof, officials of the federal executive bodies, executive bodies of the constituent entities of the Russian Federation, local self-government bodies, agencies or organisations exercising the functions of the said bodies, as well as officials of the state off-budget funds and natural persons, including individual businessmen, in the cases and in the procedure which are established by the legislation of the Russian Federation;

5.1) shall file with court applications for appealing against regulatory legal acts of the federal executive power bodies, the state power bodies of constituent entities of the Russian Federation, local self-government bodies, other bodies or organisations exercising the functions of the cited bodies, as well as of the state off-budget funds and the Central Bank of the Russian Federation, that contravene the antimonopoly legislation;

6) shall make claims and file applications with an arbitration court concerning violations of the anti-monopoly legislation, including claims and applications for the following:

a) for declaring ineffective or invalid in full or in part non-normative legal acts contravening the anti-monopoly legislation, in particular those creating groundless obstacles for the exercise of business activities, which are issued by the federal executive power bodies, state power bodies of constituent entities of the Russian Federation, local self-government bodies, other agencies or organisations exercising the functions of the said bodies, as well as by the state off-budget funds and the Central Bank of the Russian Federation;

b) for declaring invalid in full or in part the contracts not complying with anti-monopoly legislation;

c) for obligatory making of a contract;

d) for changing or dissolving a contract;

e) for liquidation of a legal entity, including a unitary enterprise, in the cases provided for by anti-monopoly legislation;

f) for recovering to the benefit of the federal budget the income derived as a result of violating anti-monopoly legislation;

g) for making answerable for violations of anti-monopoly legislation the persons that have violated it;

h) for declaring an auction invalid;

i) for compelling to execute decisions and orders of the anti-monopoly body;

7) shall participate in trying by a court of law or by an arbitration court cases connected with application and (or) violations of anti-monopoly legislation;

8) shall keep a register of persons that faced administrative charges for breaching the antimonopoly legislation. The data included into the cited register is not subject to publication in the mass media and insertion on the Internet. The procedure for forming and keeping the cited register shall be established by the Government of the Russian Federation;

9) shall place on the Internet website of the anti-monopoly body decisions and orders concerning the interests of an indefinite group of persons;

10) shall establish the dominant position of an economic unit when considering applications, materials, cases on breaching the anti-monopoly legislation and when exercising state control over economic concentration;

11) shall check the observance of the anti-monopoly legislation by profit-making organisations, non-profit organisations, the federal executive bodies, the state power bodies of the constituent entities of the Russian Federation, local self-government bodies, other agencies or organisations exercising the functions of the said bodies and natural persons, shall receive from them required documents and information, explanations in written or oral form, shall address in the procedure established by the legislation of the Russian Federation the bodies engaged in operative search activity for them taking operative search measures;

12) shall exercise control over activities of the legal entities engaged in arranging trade in the markets of certain commodities, for instance, in the market of electric energy (power) under the conditions of termination of the state control over the prices (tariffs) of such commodities, as well as shall exercise control over price manipulation in the wholesale and/or retail market of electric energy (power);

12.1) shall exercise control over granting and using the state or municipal preferences;

13) shall exercise other powers provided for by this Federal Law, other federal laws, decrees of the President of the Russian Federation and decisions of the Government of the Russian Federation.

2. Along with the powers specified in Part 1 of this Article, the federal anti-monopoly body shall exercise the following authority:

1) shall endorse the forms of presenting to the anti-monopoly body data on making the transactions and (or) other actions provided for by Article 32 of this Federal Law;

2) shall endorse by approbation of the Central Bank of the Russian Federation methods for determining an unreasonably high and unreasonably low prices of a service of a credit organisation;

3) shall endorse a procedure for analysis of the state of competition for the purpose of determining the dominant position of an economic unit and detecting other instances of barring, restricting or eliminating competition (a procedure for analysing the state of competition for the purpose of determining the dominant position of financial institution regulated by the Central Bank of the Russian Federation shall be endorsed by the federal anti-monopoly body by approbation of the Central Bank of the Russian Federation);

4) shall issue the normative legal acts provided for by this Federal Law;

5) shall give explanations in respect of the application by it of the anti-monopoly legislation;

6) shall issue in the established procedure opinions in respect of the effects of special protective, antidumping and compensatory measures, the effects of alteration of customs duties upon competition in the commodity market of the Russian Federation;

7) shall introduce proposals to the licencing authorities as to the cancellation and withdrawal of licences for the exercise by the economic units violating the anti-monopoly legislation of certain types of activities, or as to the suspension of such licences;

8) shall cooperate with international organisations, the state power bodies of foreign states, participate in the development and implementation of international treaties of the Russian Federation, in the activities of inter-governmental or inter-departmental commissions coordinating the international cooperation of the Russian Federation, in the implementation of international programmes and projects concerning the protection of competition;

9) shall generalise and analyse the practices of applying the anti-monopoly legislation and shall devise recommendations as to the application thereof;

10) shall submit annually to the Government of the Russian Federation a report on the state of competition in the Russian Federation and shall place it on the Internet website of the anti-monopoly body.

3. To settle the issues cited in Part 4 of this article the federal antimonopoly agency shall form collective bodies whose composition shall be endorsed by the head of the federal antimonopoly agency.

4. The collective bodies shall:

1) consider the materials as to the study and generalization of the practice of application of the antimonopoly legislation by antimonopoly bodies and shall give explanations in respect of the matters involved in its application;

2) review decisions and/or orders of regional bodies of the federal antimonopoly agency (hereinafter referred to as a regional antimonopoly body) on cases on breaching the antimonopoly legislation, if such decisions and/or orders break the uniformity of application of the antimonopoly legislation by antimonopoly bodies.

5. To review decisions and/or orders of regional antimonopoly bodies on cases on breaching the antimonopoly legislation rendered in respect of the organisations which are operators of payment systems, operators of services of the payment infrastructure when they exercise their activities in compliance with the Federal Law on the National Payment System,

as well as of the financial organisations which are subordinate to the Central Bank of the Russian Federation, representatives of the Central Bank of the Russian Federation shall be included into the composition of the collective body so that they make up half of the collective body's members.

6. The persons participating in a case on breaching the antimonopoly legislation shall file a complaint with the federal antimonopoly agency against a decision and/or order of a regional antimonopoly body breaking the uniformity of application of the rules of the antimonopoly legislation by the antimonopoly bodies within a month from the date of adoption of the decision or issuance of the order.

7. The persons participating in a case on breaching the antimonopoly legislation and a regional antimonopoly body shall be notified about the progress in considering a complaint against a decision and/or order of the regional antimonopoly body and the results of its consideration by way of inserting appropriate information on the official site of the federal antimonopoly agency on the Internet.

8. A decision in respect of a complaint shall be adopted by the collective body within two months from the date when it is received. The cited time period may be extended in the event of detecting a need for additional examination of the documents (information) which are necessary for considering the complaint but at most by a month.

9. The persons participating in a case on breaching the antimonopoly legislation and a regional antimonopoly body are entitled to participate in the meeting of the collective body intended for reviewing a decision and/or order of the regional antimonopoly body. The persons participating in a case on breaching the antimonopoly legislation and a regional antimonopoly body may participate in the meeting of the collective body intended for reviewing a decision and/or order of a regional antimonopoly body by using video conference communication systems on condition that they file a petition to this effect and that an appropriate regional antimonopoly body has technical video conference communication facilities.

10. On the basis of the results of considering a complaint against a decision and/or order of a regional antimonopoly agency the collective body is entitled:

- 1) to leave the complaint unsatisfied;
- 2) to reverse the decision and/or order of the regional antimonopoly body;
- 3) to change the decision and/or order of the regional antimonopoly body.

11. As grounds for changing or reversing a decision of a regional antimonopoly body shall be deemed breaking the uniformity in antimonopoly bodies applying the rules of the antimonopoly legislation.

12. The collective body is authorised to render decisions when at least half of its members are present.

13. Decisions of the collective body shall be reasoned.

14. The decision of the collective body adopted on the basis of the results of reviewing a decision and/or order of a regional antimonopoly body is subject to being issued in full within five days from the date of pronouncing the resolute part of the decision and shall be inserted on the official Internet site of the federal antimonopoly agency within at most five working days from the time of issuing it in full.

15. The decision of the collective body adopted on the basis of the results of reviewing a decision and/or order of a regional antimonopoly body shall enter into force from the time when it is inserted on the official Internet site of the federal antimonopoly agency.

16. The working routine of collective bodies shall be defined by the federal antimonopoly agency.

**Article 24.** The Rights of an Anti-Monopoly Agency's Employees When Exercising

## Control over Observance of the Anti-Monopoly Legislation

When exercising control over observance of the anti-monopoly legislation, an anti-monopoly agency's employees in compliance with the authority conferred on them shall enjoy the right, upon producing their official identification cards and the order of the head of the anti-monopoly agency on an inspection of the observance of the anti-monopoly legislation (hereinafter referred to as an inspection), of free access to federal executive power bodies, executive power bodies of constituent entities of the Russian Federation, local self-government bodies, other bodies and organisations exercising the functions of the cited bodies, as well as to state extra-budgetary funds, profit-making and non-profit organisations for the obtainment of the documents and information which are necessary for the anti-monopoly agency.

### **Article 25. Duty of Presenting Information to the Anti-Monopoly Body**

1. Profit-making organisations and non-profit organisations (officials thereof), federal executive power bodies (officials thereof), state power bodies of constituent entities of the Russian Federation (officials thereof), local government bodies (officials thereof), other agencies or organisations exercising the functions of the said bodies (officials hereof), as well as state extra-budgetary funds (officials thereof) and natural persons, including individual businessmen, shall be obliged to present to an anti-monopoly agency (to officials thereof) at a reasoned request thereof in due time the documents, explanations, information accordingly in written and oral forms (including information constituting commercial, official and other secrets protected by law), in particular acts, contracts, reference notes, business correspondence, other documents and materials made in the form of a digital record or in the form of a record made on electronic media which is necessary for the anti-monopoly agency in compliance with the authority placed upon it.

2. The Central Bank of the Russian Federation is obliged to provide regulatory acts adopted by the Central Bank of the Russian Federation, to a federal anti-monopoly authority upon written request of the latter, as well as the information (except for banking secret) necessary for carrying out by the federal anti-monopoly authority of the analysis of competition in the market of services rendered by financial institutions regulated by the Central Bank of the Russian Federation, and for control over the competitive situation.

3. Information constituting commercial, official or other secrets protected by law shall be presented to the anti-monopoly body in compliance with the requirements established by federal laws.

### **Article 25.1. Inspections Held by an Anti-Monopoly Agency**

1. An anti-monopoly agency, for the purpose of exercising control over observance of the anti-monopoly legislation, shall be entitled to hold planned and extraordinary inspections of federal executive power bodies, state power bodies of constituent entities of the Russian Federation, local self-government bodies, other bodies or organisations exercising the functions of the cited bodies or organisations, as well as of off-budget funds, profit-making and non-profit organisations, natural persons, including individual businessmen (hereinafter also referred to as an inspected person). Non-profit organisations shall be inspected solely as to the observance by them of the provisions of Articles 10, 11, 14-17.1 and 19-21 of this Federal Law when they exercise business activities or coordinate economic activities of other economic agents. This Federal Law may not serve as a ground for checking the compliance of non-profit organisations' activities to the aims of their activities provided for by the constituent documents of such organisations. Planned and extraordinary inspections shall be held in the form of visiting inspections and desk audits.

2. As a ground for holding a planned inspection shall be deemed the expiry of three

years as of the date of the following:

1) establishment of a legal entity or organisation, or the state registration of an individual businessman in the procedure established by the legislation of the Russian Federation;

2) the end of the last planned inspection of an inspected person held by an anti-monopoly agency.

3. A planned inspection shall be held at most once every three years. The subject of a planned inspection shall be the satisfaction by an inspected person of the requirements of the anti-monopoly legislation in the activities thereof.

4. As grounds for holding an extraordinary inspection shall be deemed the following:

1) materials coming from law enforcement bodies, other state bodies, local government bodies, public associations, from the Commissioner under the President of the Russian Federation for the Protection of Businessmen's Rights and from commissioners for the protection of businessmen's rights in constituent entities of the Russian Federation and showing the signs of breaching the anti-monopoly legislation;

2) reports and applications of natural persons, legal entities and mass media reports showing the signs of breaching the anti-monopoly legislation;

3) expiry of the time period for execution of the order issued on the basis of the results of trying the case of breaching the anti-monopoly legislation, or when exercising the state control over economic concentration in the procedure established by Chapter 7 of this Federal Law.

4) instructions of the President of the Russian Federation and the Government of the Russian Federation;

5) detecting by an anti-monopoly agency the signs of breaching the anti-monopoly legislation.

5. As the subject of an extraordinary inspection shall be deemed satisfaction of the requirements of the anti-monopoly legislation by an inspected persons in their activities or, if the ground for holding such inspection is Item 3 of Part 4 of this article, execution of the previously issued order.

5.1. Because of the grounds specified in Items 2 and 5 of Part 4 of the present article, an extraordinary on-site check of a small business is possible after coordination with the body of the prosecutor's office at the place of activities of such small business according to the procedure specified in the order of the Prosecutor General of the Russian Federation, except for the extraordinary on-site check of the subject of natural monopoly and the extraordinary on-site check of observance of the requirements specified in Part 1 of Article 11 of the present Federal Law.

6. An inspection shall be held in compliance with an order of the head of an anti-monopoly agency.

7. The order of the head of an anti-monopoly agency to hold an inspection shall contain the following data:

1) denomination of the anti-monopoly agency;

2) full names and positions of the official or officials authorised to hold the inspection and of experts and representatives of expert organisations attracted for holding the inspection;

3) denomination of the legal entity or full name of the individual businessman which is to be inspected, address of the location or place of residence of the person to be inspected;

4) goals, tasks and subject of the inspection, as well as the time period for holding it;

5) legal grounds for holding the inspection;

6) time of exercising, and list of, control activities which are required for achieving the aims and accomplishing the tasks of the inspection;

7) list of administrative regulations on holding control activities;

8) starting date and end date of the inspection.

8. The model form of an order to hold an inspection shall be endorsed by the federal anti-monopoly body.

9. The time period for holding an inspection shall be at most a month from its starting date cited in the order up to the date when an inspection report is delivered or mailed to the inspected person. On extraordinary occasions the cited time period may be extended by two months on the basis of reasoned proposals of the officials engaged in an inspection.

10. As a ground for extending the time period for holding an inspection shall be deemed the need for making expert examinations, investigations and tests, for translation into Russian of the documents presented by the inspected person in a foreign language and other necessary measures without which it is impossible to assess the conformity of the activities exercised by the inspected person to the requirements of the anti-monopoly legislation. With this, a procedure for extending the time period for holding an inspection shall be established by the federal anti-monopoly body.

11. An anti-monopoly agency shall be entitled within the framework of an inspection to inspect the activities of structural subdivisions of the inspected person, including branches and representative offices thereof.

12. The person to be inspected shall be notified of holding a planned inspection at least three working days before its start by way of forwarding thereto a copy of the order of the head of the anti-monopoly body to hold the inspection by registered mail with delivery confirmation or in some other way which is available.

13. The person to be inspected shall be notified about holding an extraordinary inspection at least twenty four hours before its start in any way available.

14. It is not permitted to notify in advance the person to be inspected of the start of an extraordinary inspection, if satisfaction of the requirements of of Articles 11, 16 and/or Item 1 of Part 1 of Article 17 of this Federal Law is to be inspected.

15. Information on carrying out of scheduled and unscheduled checks by the anti-monopoly body, on their results and on measures aimed at preclusion and (or) elimination of the consequences of detected infringements is subject to entry to the single register of inspections in compliance with the rules for compiling and keeping the single register of inspections endorsed by the Government of the Russian Federation.

16. When holding inspections, anti-monopoly agency's officials shall bear responsibility provided for by the legislation of the Russian Federation.

#### **Article 25.2. The Admittance of an Anti-Monopoly Agency's Officials to the Territory or to Premises for Holding an Inspection**

1. The officials of an anti-monopoly agency engaged in an inspection shall be admitted to the territory or premises of the inspected person upon producing by these officials their official identification cards and the order of the head of the anti-monopoly agency to inspect this person. The access of the officials engaged in an inspection to the habitation of the inspected person shall be forbidden.

2. If the access of the anti-monopoly body's officials engaged in an inspection to the territory or to the premises of the inspected person is barred, these officials shall draw up a report in the procedure established by the federal anti-monopoly body. If the inspected person refuses to sign the said report, an appropriate entry shall be made therein.

3. The form of the report shall be endorsed by the federal anti-monopoly body.

#### **Article 25.3. The Visual Examination**

1. The anti-monopoly agency's officials engaged in an inspection shall be entitled, for

the purpose of clarifying the circumstances which are important for making the inspection complete, to examine visually areas, premises (except for the inspected person's habitation), documents and articles of the inspected person.

2. The inspected persons, a representative thereof, as well as other persons attracted by the anti-monopoly body to participation in the inspection, shall be entitled to participate in a visual examination. A visual examination shall be effected in the presence of at least two attesting witnesses. Any natural persons which are not interested in the outcome of the case may be summoned as attesting witnesses. It shall not be allowed for anti-monopoly agencies' officials to act as attesting witnesses. Where special knowledge is required for making a visual inspection, specialists and/or experts may be attracted to it on the initiative of the anti-monopoly agency.

3. If necessary, when making a visual examination, photographing, filming and video taping shall be carried out and copies of documents shall be made, as well as copies of electronic media.

4. A record shall be drawn up on the basis of the results of a visual inspection. The form of the record shall be endorsed by the federal anti-monopoly body.

#### **Article 25.4. Obtaining on Demand Documents and Information When Holding an Inspection**

1. An anti-monopoly agency's officials engaged in an inspection shall be entitled to obtain on demand from the person being inspected the documents and information which are required for holding the inspection. When holding a desk audit, a reasoned demand to present documents and information shall be sent to the person being inspected or a representative thereof by mail with delivery confirmation or shall be handed in to such person or to a representative thereof against their receipt. When holding a visiting inspection, a reasoned demand to present documents and information shall be handed in to the person to be inspected or to a representative thereof against their receipt. The form of the demand to present documents and information shall be endorsed by the federal anti-monopoly body.

2. The demanded documents shall be presented in the form of copies attested in the procedure established by the legislation of the Russian Federation. Where necessary, the anti-monopoly agency's officials engaged in an inspection shall be entitled to get familiar with the documents' originals.

3. The documents and information which were obtained on demand in the course of an inspection shall be presented within three working days as of the date when the appropriate demand is delivered. If the inspected person cannot present the demanded documents and information within three working days, such person within the day following the date of receiving the demand to present the documents and information shall notify in writing the anti-monopoly agency's officials engaged in the inspection that it is impossible to present the documents and information in due time citing the reasons for failing to do it in due time and the period within which the inspected person can present the demanded documents and information. Within two working days as of the date when such notice is received, the anti-monopoly agency's official on the basis of this notification shall adopt in the procedure established by the federal anti-monopoly body a reasoned decision on fixing a new time period for presentation of the documents and information or shall take a reasoned decision to deny extension of this time period citing the reasons for the refusal. A copy of the adopted decision attested and certified in the established procedure shall be forwarded to the inspected person in any available way.

4. Failure of the person being inspected to present in due time the data and information demanded in the procedure established by this Federal Law or presentation by such person of wittingly unreliable data and information shall be punishable under the



legislation of the Russian Federation.

**Article 25.4-1. An Anti-Monopoly Agency Obtaining Explanations When Holding Inspections**

1. When holding scheduled and unscheduled inspections, anti-monopoly agency's officials shall be entitled to obtain on a reasoned demand within an established term explanations which are of significance for the anti-monopoly agency's performance of its powers, from individuals, including from individual businessmen, from heads and staff of profit-making and non-profit organisations, from other organisations performing functions of the above organisations, from officials of federal executive bodies, of state bodies of the constituent entity of the Russian Federation, of local government bodies, of other bodies or organisations performing functions of the above organisations, or state extra-budgetary funds. Prior to obtaining the explanations, the anti-monopoly agency's official explains to the above persons their rights provided for by Article 51 of the Constitution of the Russian Federation, their duties envisaged by this Federal Law, as well as the right to give explanations in the presence of a lawyer or another person providing legal assistance.

2. Explanations provided by an individual, including an individual businessman, the head and staff of a profit-making or non-profit organisation, another organisation performing functions of the above organisations, by an official of the federal executive body, of the state body of the constituent entity of the Russian Federation, a local government body, of another body or organisation performing functions of the above bodies, or state extra-budgetary funds, on their own in writing or written down according to their oral account by an official of the anti-monopoly agency shall be signed by the above persons and attached to the inspection materials.

**Article 25.5. General Requirements for the Record Drawn Up While Making Actions Aimed at the Exercise of Anti-Monopoly Control**

1. Where it is provided for by this Federal Law, records shall be drawn up while making actions aimed at the exercise of anti-monopoly control (hereinafter referred to as actions). These records shall be drawn up in Russian.

2. The following shall be cited in the record:

- 1) the content of actions;
- 2) the time and place for taking actions;
- 3) the starting time and end time for taking actions;
- 4) the position and full name of the person who has drawn up the record;
- 5) the full name of each person that participates in taking actions or attends their taking and, where necessary, such person's address and citizenship, as well as information, if he/she has command of the Russian language;
- 6) the content of actions and the order of taking them;
- 7) the essential facts and circumstances detected in making actions.

3. A record shall be read by all the persons who have participated in taking actions or attended them. The said persons shall be entitled to make observations which shall be entered in the record.

4. A record shall be signed by the anti-monopoly official who has drawn it up, as well as by all persons who have participated in taking actions or attended them. A copy of the record shall be delivered or forwarded by registered mail with delivery confirmation to the inspected person.

5. Photographs and negative images, films, videotapes and other materials made while making actions shall be attached to the record.

**Article 25.6. The Legalisation of an Inspection's Results**

1. A report shall be drawn up on the basis of the results of an inspection in two copies, one of them to be delivered or sent by registered mail with delivery confirmation to the inspected person or a representative thereof.

2. The form of the report shall be endorsed by the federal anti-monopoly body.

3. The results of an inspection constituting a state, commercial, official or other secret protected by law shall be legalised subject to the requirements provided for by the legislation of the Russian Federation.

**Article 25.7. An Admonition as to the Impermissibility of Breaching the Anti-Monopoly Legislation**

1. For the purpose preventing breaches of the anti-monopoly legislation an anti-monopoly agency shall forward to an official of an economic agent, a federal executive power body, a state power body of a constituent entity of the Russian Federation, a local authority, an organisation participating in rendering the state or municipal services, a state off-budget fund an admonition in writing as to the impermissibility of making actions that can lead to breaches of the anti-monopoly legislation (hereinafter referred to as an admonition).

2. As a ground for forwarding an admonition of an economic entity's official shall be deemed a public statement of such official about its planned behaviour in a commodity market, if such behaviour can lead to breaching the anti-monopoly legislation and, with this, there is no ground for initiation and trying of a case on breaching the anti-monopoly legislation.

2.1. As grounds for sending an admonition to an official of a federal executive power body, a state power body of a constituent entity of the Russian Federation, a local authority, an organisation participating in rendering the state or municipal services or a state off-budget fund shall be deemed information about the actions (omission to act) planned by such official which are conducive to breaching the antimonopoly legislation, if there are no grounds for initiation and trying of a case on breaching the antimonopoly legislation.

3. The decision on forwarding an admonition shall be rendered by the head of an anti-monopoly agency at the latest in ten days as from the date when the anti-monopoly agency learnt about the presence of the grounds provided for by Part 2 or 2.1 of this article.

4. An admonition must contain the following:

1) conclusions as to the presence of grounds for forwarding the admonition;

2) the rules of the anti-monopoly legislation that can be violated by an economic agent, by a federal executive power body, a state power body of a constituent entity of the Russian Federation, a local authority, an organisation participating in rendering the state or municipal services or a state off-budget fund.

5. A procedure for forwarding an admonition and its form shall be endorsed by the federal anti-monopoly agency.

**Article 26. Duty of the Anti-Monopoly Body to Keep Commercial, Official and Other Secrets Protected by Law**

1. The information constituting commercial, official and other secrets protected by law and obtained by the anti-monopoly body while exercising its authority shall not be subject to disclosure, except for the instances provided for by the federal laws.

2. Employees of the anti-monopoly body shall be held liable under civil, administrative and criminal laws for disclosing information constituting commercial, official or other secrets protected by law.

3. The damage caused to a natural person or legal entity as a result of disclosure of

by the anti-monopoly body or by officials thereof of the information constituting commercial, official or other secrets protected by law shall be subject to repair from the budget of the Russian Federation.

## **Chapter 7. The State Control over Economic Concentration**

### **Article 26.1. Transactions and Other Actions Which Are Subject to State Control**

1. According to the rules of this chapter, as subject to state control shall be deemed transactions and other actions in respect of the assets of Russian organisations, as well as the plant and/or intangible assets located in the territory of the Russian Federation, or in respect of voting stocks (shares), rights with regard to Russian profit-making and non-profit organisations supplying commodities into the territory of the Russian Federation for the amount of over one billion roubles within the year preceding the date of making a transaction or other action which is subject to state control.

2. The provisions of this chapter shall not extend to the repo contracts made by the Central Bank of the Russian Federation in compliance with Federal Law No. 86-FZ of July 10, 2002 on the Central Bank of the Russian Federation (the Bank of Russia).

3. Abrogated upon the expiry of 90 days after the day of the official publication of Federal Law No. 275-FZ of October 5, 2015.

### **Article 27. Establishment and Re-Organisation of a Profit-Making Company, the Making of Agreements on Joint Activities by Competing Economic Entities by Preliminary Approbation of the Anti-Monopoly Body**

1. The following actions shall be taken by a preliminary approbation of the anti-monopoly body:

1) merger of profit-making organisations (except for financial organisations), if the total value of their assets (assets of their groups of persons) according to the accounting balance sheets as of the last reporting date preceding the date of merger of such profit-making organisations for it (hereinafter also referred to as the last balance sheet; in the event of filing a notice with the anti-monopoly body, as the last balance sheet shall be deemed the accounting balance sheet as of the last reporting date preceding the date of submitting the notice) exceeds seven billion roubles, or if the total proceeds of such organisations (their groups of persons) from the sale of commodities within the calendar year preceding the year of merger exceeds ten billion roubles;

2) affiliation of one or several profit-making organisations (except for financial organisations) by another profit-making organisation (except for a financial organisation), if the total value of their assets (assets of their groups of persons) according to the last balance sheets exceeds seven billion roubles or the total proceeds of such organisations (their groups of persons) from the sale of commodities within the calendar year preceding the year of affiliation exceeds ten billion roubles;

3) consolidation of financial institutions or merger of one or several financial institutions into other, if the total value of their assets, according to the last balance sheets, exceeds the level set by the Government of the Russian Federation upon agreement with the Central Bank of the Russian Federation (in case of consolidation or merger of financial institutions not regulated by the Central Bank of the Russian Federation, such level shall be established by the Government of the Russian Federation);

4) establishment of a profit-making organisation, if its authorised capital is paid by stocks (shares) and (or) by the property (except for monetary resources) of another profit-making organisation (except for a financial organisation) or the profit-making

organisation being established acquires stocks (shares) and/or property of another profit-making organisation (except for a financial organisation) on the basis of the transfer deed or the division balance sheet and acquires in respect of these stocks (shares) and (or) property) the rights provided for by Article 28 of this Federal Law and, with this, the total value of assets according to the last balance sheet of founders of the organisation being established (of their groups of persons) and the persons (of their groups of persons), whose stocks (shares) and (or) property (except for monetary funds) are contributed to the authorised capital of the profit-making organisation being established, exceeds seven billion roubles, or if the total proceeds of founders of the organisation being established (of their groups of persons) and of the persons (their groups of persons), whose stocks (shares) and (or) property are contributed to the authorised capital, from selling commodities within the last calendar year exceeds ten billion roubles;

5) establishment of a commercial institution, if its equity capital is paid for with shares (interest) and (or) assets (except for money) of a financial institution, and/or if the commercial institution to be established acquires such shares (interest) and/or assets of the financial institution on the basis of deed of transfer or a spin-off balance sheet, and acquires rights envisaged by Article 29 of this Federal Law on such shares (interest) and/or assets, and the value of assets, according to the last balance sheet of the financial institutions whose shares (interest) and/or assets are a contribution to the equity capital, exceeds the value set by the Government of the Russian Federation upon agreement with the Central Bank of the Russian Federation (if shares (interest) and/or assets (except for money) of financial institutions not regulated by the Central Bank of the Russian Federation are contributed to the equity capital, such value shall be established by the Government of the Russian Federation);

6) merger of a financial institution into a commercial institution (except for financial institutions), if the value of assets of the financial institution, according to the last balance sheet, exceeds the value set by the Government of the Russian Federation upon agreement with the Central Bank of the Russian Federation (in case of merger of a financial institution not regulated by the Central Bank of the Russian Federation, into a commercial institution (except for commercial institutions), such value shall be established by the Government of the Russian Federation);

7) merger of a commercial institution (except for financial institutions) into a financial institution, if the value of assets of the financial institution, according to the last balance sheet, exceeds the value set by the Government of the Russian Federation upon agreement with the Central Bank of the Russian Federation (in case of merger into a financial institution not regulated by the Central Bank of the Russian Federation, such value shall be established by the Government of the Russian Federation).

8) the making by competing economic entities of an agreement on joint activities on the territory of the Russian Federation, if the total value of their assets (assets of their groups of persons) according to the last balance sheets exceeds seven billion roubles or the total proceeds of such economic entities (of their groups of persons) from the sale of commodities for the calendar year preceding the year of making the agreement exceeds 10 billion roubles.

2. The demand for obtaining a preliminary consent of an anti-monopoly agency to making the actions provided for by Part 1 of this Article shall not apply if the actions specified in Part 1 of this Article are made by persons pertaining to the same group of persons for the grounds provided for by Item 1 of Part 1 of Article 9 of this Federal Law or if the transactions cited in Part 1 of this article are made subject to the conditions provided for by Article 31 of this Federal Law or if their making is provided for by acts of the President of the Russian Federation or acts of the Government of the Russian Federation.

## **Article 28.** Transactions with Stocks (Shares) and Property of Profit-Making

## Organisations in Respect of Profit-Making Organisations with the Preliminary Consent of the Anti-Monopoly Body

1. If the total value of assets according to the last balance sheets of the person acquiring stocks (shares), rights and (or) property and of the group of persons thereof or of the person being an economic concentration entity and of the group of persons thereof exceeds seven billion roubles or if their total proceeds from the sale of commodities within the last calendar year exceed ten billion dollars and, with this, the total value of assets according to the last balance sheet of the person being the economic concentration entity and of the group of persons thereof exceeds 800 million roubles, or if the transaction price exceeds seven billion rubles, the following transactions with stocks (shares), rights and (or) property shall be made with a preliminary consent of an anti-monopoly agency:

1) acquisition by a person (a group of persons) of voting stocks of a joint-stock company registered on the territory of the Russian Federation, if such person (group of persons) acquires the right to dispose of over twenty five of the said stocks, provided that prior to this acquisition such person (such group of persons) had not disposed of voting stocks of this joint-stock company or had disposed of at most twenty five per cent of voting stocks of the joint-stock company. The said demand shall not extend to founders of a joint-stock company when it is being established;

2) acquisition by a person (group of persons) of shares in the authorised capital of a limited liability company registered on the territory of the Russian Federation, if such person (the group of persons) acquires the right of disposing of over one third of the shares in the authorised capital of the limited liability company, provided that prior to this acquisition this person (group of persons) had not disposed of shares in the authorised capital of the company or had disposed of less than one third of shares in the authorised capital of the company. The said demand shall not extend to founders of a limited liability company when it is being established;

3) acquisition of shares in the authorised capital of a limited liability company registered on the territory of the Russian Federation by a person (a group of persons) disposing of at least one third of shares and of at most fifty per cent of shares in the authorised capital of this company, if such person (such group of persons) acquires the right to dispose of over fifty per cent of the said shares;

4) acquisition of voting stocks of a joint-stock company registered on the territory of the Russian Federation by the person (group of persons) disposing of at least twenty five per cent and of at most fifty per cent of voting stocks of the joint-stock company, if this person (the group of persons) acquires the right to dispose of more than fifty per cent of such voting stocks;

5) acquisition of shares in the authorised capital of a limited liability company registered on the territory of the Russian Federation by the person (the group of persons) disposing of at least fifty per cent and of at most of two thirds of shares in the authorised capital of this company, if such person (such group of persons) acquires the right to dispose of over two thirds of the said shares;

6) acquisition of voting stocks of a joint-stock company registered on the territory of the Russian Federation by the person (group of persons) disposing of at least fifty per cent and of at most seventy five per cent of voting stocks of the joint-stock company, if this person (group of persons) acquires the right of disposing of over seventy five per cent of such voting stocks;

7) acquisition for ownership, use or possession by an economic agent (a group of persons) of basic production facilities located on the territory of the Russian Federation (except for land plots and buildings, structures, constructions, premises and parts of premises and buildings in progress of non-industrial purpose and (or) intangible assets of

another economic unit (except for a financial organisation), if the balance sheet value of the property constituting the object of the transaction or of interrelated transactions exceeds twenty per cent of the balance sheet value of the basic production facilities and intangible assets of the economic agent alienating or transferring the property;

8) acquisition by a person (group of persons) as a result of one or several transactions (in particular on the basis of a contract of property trust management, contract of joint activities or contract of agency) of the rights entitling to determine the terms of exercising by an economic unit registered on the territory of the Russian Federation (except for a financial organisation) business activities or to exercise the functions of its executive body.

9) acquisition by a person (a group of persons) of more than fifty per cent of the voting stocks (shares) of a legal entity established outside the territory of the Russian Federation or of other rights enabling to determine the conditions of exercising business activities by such legal entity or to exercise the functions of the executive body thereof.

2. The demand for obtaining the preliminary consent of an anti-monopoly agency for making the transactions provided for by Part 1 of this Article shall not apply if the transactions specified in Part 1 of this Article are made by the persons pertaining to the same group of persons for the reasons provided for by Item 1 of Part 1 of Article 9 of this Federal Law or if the transactions cited in Part 1 of this article are made subject to the conditions provided for by Article 31 of this Federal Law, or if their making is provided for by acts of the President of the Russian Federation or by acts of the Government of the Russian Federation, or if transactions are made in respect of stocks (shares) of a financial organisation.

2.1. The provision of Part 1 of this article that requires seeking the preliminary consent of the anti-monopoly body for carrying out transactions shall not be applicable if the transactions mentioned in Part 1 of this article cause the establishment of the control -- lost after March 17, 2014 -- of a beneficial owner over a foreign legal entity registered in the procedure of redomiciliation in accordance with Article 5 of Federal Law No. 290-FZ of August 3, 2018 on International Companies and International Funds, on the condition that information on the given beneficial owner was provided at such state registration, and said transactions have taken place during the 10 years from the date of such state registration, and also cause the establishment of the beneficial owner's control over the given foreign legal entity in the same scope which existed before its loss. For the purposes of finding out if the foreign legal entity is under such control the signs cited in Parts 1 and/or 2 of Article 5 of Federal Law No. 57-FZ of April 29, 2008 on the Procedure for Making Foreign Investments in Companies Which Are of Strategic Importance for Ensuring the Country's Defence and State Security shall be used in respect of a business undertaking of strategic importance for national defence and state security. The term "beneficial owner" is used in this article in the same meaning as in Article 3 of Federal Law No. 115-FZ of August 7, 2001 on Countering the Legalisation of Illegal Earnings (Money Laundering) and the Financing of Terrorism.

3. When estimating the total value of assets of the person acquiring stocks (shares), rights and/or property and of the group of persons thereof, as well as of the person which is the economic concentration entity and of the group of persons thereof, in compliance with Part 1 of this article shall not be taken into account the assets of the person selling (alienating) the stocks (shares) or rights in respect of the person which is the economic concentration entity (the selling person) and of the group of persons thereof, if as a result of a transaction the selling person and the group of persons thereof ceases to be entitled to determine the terms of exercising business activities by the person which is the economic concentration entity.

**Article 29. Transactions with Stocks (Shares), Assets of Financial Organisations and Rights in Respect Financial Organisations Made with the Preliminary Consent**

#### of the Anti-Monopoly Body

1. If the value of assets according to the last balance sheet of a financial organisation exceeds the value established by the Government of the Russian Federation (when making transactions with stocks (shares), assets of a credit organisation or rights in respect of a credit organisation, such value shall be established by the Government of the Russian Federation by approbation of the Central Bank of the Russian Federation), the following transactions with stocks (shares), assets of a financial organisation or rights in respect of a financial organisation shall be made with the preliminary consent of the anti-monopoly body:

1) acquisition by a person (group of persons) of voting stocks of a joint-stock company, if such person (such group of persons) acquires the right to dispose of over twenty five per cent of the said stocks, provided that before this acquisition such person (group of persons) had not disposed of voting stocks of this joint-stock company or had disposed of at most twenty five per cent of voting stocks of this joint-stock company. This demand shall not extend to founders of a financial organisation when it is being established;

2) acquisition by a person (group of persons) of shares in the authorised capital of a limited liability company, if such person (group of persons) acquires the right of disposing of over one third of shares in the authorised capital of this company, provided that prior to this acquisition such person (group of persons) had not disposed of shares of this company or had disposed of less than one third of shares in the authorised capital of this company. This demand shall not extend to founders of a financial organisation when it is being established;

3) acquisition of shares in the authorised capital of a limited liability company by the person (group of persons) disposing of at least one third of shares and of at most fifty per cent of shares in the authorised capital of this company, if such person (group of persons) acquires the right to dispose of over fifty per cent of the said shares;

4) acquisition of voting stocks of a joint-stock company by the person (group of persons) disposing of at least twenty five per cent and of at most fifty per cent of voting stocks of the joint-stock company, if this person (group of persons) acquires the right of disposing of over fifty per cent of such voting stocks;

5) acquisition of shares in the authorised capital of a limited liability company by the person (group of persons) disposing of at least fifty per cent and of at most two thirds of shares in the authorised capital of this company, if such person (group of persons) acquires the right to dispose of over two thirds of the said shares;

6) acquisition of voting stocks of a joint-stock company by the person (group of persons) disposing of at least fifty per cent and of at most seventy five per cent of voting stocks of the joint-stock company, if this person (group of persons) acquires the right to dispose of over seventy five per cent of such voting stocks;

7) acquisition by a person (group of persons) as a result of one or several transactions the assets of a financial organisation (except for monetary funds) whose amount exceeds the rate established by the Government of the Russian Federation;

8) acquisition by a person (group of persons) as a result of one transaction or several transactions (in particular on the basis of a contract of property trust management, a contract of joint activities or contract of agency) of the rights entitling to determine the terms of exercising business activities by a financial organisation or to exercise the functions of its executive body.

2. The demand for obtaining the preliminary consent of an anti-monopoly agency to making transactions provided for by Part 1 of this Article, shall not apply if the transactions specified in Part 1 of this Article are made by persons pertaining to the same group of persons for the reasons provided for by Item 1 of Part 1 of Article 9 of this Federal Law, or if the transactions cited in Part 1 of this article are made subject to the conditions provided for by Article 31 of this Federal Law, or if their making is stipulated by acts of the President of the

Russian Federation or by acts of the Government of the Russian Federation.

3. The provision of Part 1 of this article that requires the seeking of preliminary consent of the anti-monopoly body for carrying out transactions shall not be applicable if the transactions cited in Part 1 of this article cause the establishment of the control -- lost after March 17, 2014 -- of a beneficial owner over a foreign legal entity registered in the procedure of redomiciliation in accordance with Article 5 of Federal Law No. 290-FZ of August 3, 2018 on International Companies and International Funds on the condition that information on the given beneficial owner was provided at such state registration, and said transactions took place in the 10 years since the date of such state registration, and also cause the establishment of the beneficial owner's control of the given foreign legal entity in the same scope as that existed before its loss. For the purposes of finding out if the foreign legal entity is under such control the signs cited in Parts 1 and/or 2 of Article 5 of Federal Law No. 57-FZ of April 29, 2008 on the Procedure for Making Foreign Investments in Companies Which Are of Strategic Importance for Ensuring the Country's Defence and State Security shall be used in respect of a business undertaking of strategic importance for national defence and state security. In this article the term "beneficial owner" is used in the same meaning as in Article 3 of Federal Law No. 115-FZ of August 7, 2001 on Countering the Legalisation of Illegal Earnings (Money Laundering) and the Financing of Terrorism.

**Article 30.** Abrogated.

**Article 31.** Specifics of the State Control over the Economic Concentration Effected by a Group of Persons

1. The transactions or other actions specified by Articles 27-29 of this Federal Law shall be made without the preliminary consent of the anti-monopoly body but with subsequent notification of their making in the procedure provided for by Article 32 of this Federal Law, provided that the following conditions are met in the aggregate:

1) the transactions or other actions specified by Articles 27-29 of this Federal Law are made by the persons pertaining to the same group of persons;

2) the list of persons pertaining to the same group, with the reasons for such persons' pertinence to this group stated therein was submitted by any person pertaining to this group (by the applicant) to the federal anti-monopoly body in the approved form at the latest one month before making the transactions or taking other actions;

3) the list of the persons pertaining to the same group was the same at the time of making transactions or taking other actions as compared to the list of such persons submitted to the federal anti-monopoly body.

2. The federal anti-monopoly body within fourteen days of the date of receiving the list of the persons pertaining to the same group with the reasons for such persons' pertinence to this group stated therein shall send to the applicant one of the following notifications:

1) of receiving such list and placing it on the official Internet website of the federal anti-monopoly body, if such list has been submitted in the form endorsed by the federal anti-monopoly body;

2) of failing to comply with the form of submitting such list and of failing to meet the conditions specified by Part 1 of this Article.

3. The anti-monopoly body must be notified of the transactions and other actions made subject to the conditions provided for by this Article by the person which was interested in making the transactions or taking other actions specified by Articles 28 and 29 of this Federal Law or by the person which was established as result of making the transactions or taking other actions specified by Article 27 of this Federal Law - at the latest in forty five days as of the date of making such transactions or other actions.



4. The federal anti-monopoly body shall endorse the form of submitting the list of persons pertaining to the same group of persons with the reasons for such persons' pertinence to this group stated therein.

5. In case of establishing the fact of unreliability of presented data on the persons pertaining to the same group of persons, such data inserted on the official Internet site of the federal anti-monopoly body shall be removed by the federal anti-monopoly body from the said site.

**Article 32. Persons Submitting to the Anti-Monopoly Body Applications for, and Notifications of, Making Transactions or Taking Other Actions Subject to State Control, as Well as Documents and Data**

1. For the purpose of obtaining the preliminary consent of an anti-monopoly agency in the cases specified by Articles 27 - 29 of this Federal Law or for the purpose of notifying an anti-monopoly agency in the case specified by 31 of this Federal Law, the following persons shall address the anti-monopoly agency as applicants:

1) the persons making the actions provided for by Items 1 - 3, 6-8 of Part 1 of Articles 27 of this Federal Law;

2) the persons or one of the persons which render the decision of establishing a profit-making organisation where it is provided for by Items 4 and 5 of Part 1 of Article 27 of this Federal Law;

3) the persons acquiring stocks (shares), property and assets of economic agents, rights in respect of economic agents as a result of making the transactions provided for by Articles 28 and 29 of this Federal Law;

4) the persons which are charged under Article 31 of this Federal Law with the duty to notify the anti-monopoly agency of making transactions and other actions.

2. The persons cited in Items 1-3 of Part 1 of this Article shall file applications with an anti-monopoly agency for giving consent to making transactions and other actions.

3. The persons with are charged by Article 31 of this Federal Law with notifying the anti-monopoly body of making transactions and taking other actions shall submit to the anti-monopoly body a notification of making such transactions or taking other actions.

3.1. A petition or notification may be filed with an antimonopoly body in electronic form in the procedure established by the federal antimonopoly agency.

4. An application for, or notification of, making transactions and taking other actions may be submitted to the anti-monopoly body by a representative of the applicant.

4.1. A state duty shall be paid for adoption of the decision on making transactions and other actions which are subject to the state control at the rate and in the procedure which are established by the legislation of the Russian Federation on taxes and fees.

5. The following shall be submitted to an anti-monopoly agency concurrently with an application for, or notification of, making transactions and taking other actions which are subject to state control:

1) copies of the constituent documents of the applicant, if a legal entity, attested and certified by a notary public or the full name of the applicant, if a natural person, and data of the document certifying his/her identity (series and (or) number of this document, date and place of its issuance, body that has issued the document) as of the date of submitting the application or notification;

2) copies of constituent documents of the person which is the economic concentration entity attested by a notary, as of the date of presenting the cited application or notification or an application in writing that the applicant does not have such documents;

3) documents and/or data defining the subject and content of transactions or other actions which are subject to the state control;

4) data on the types of activities exercised by the applicant within the two years preceding the date of submitting the cited application or notification, or within the time period of exercising its activity, if it is less than two years, as well as copies of the documents proving the right to exercise certain types of activities, if under the legislation of the Russian Federation special permits are required for their exercise;

5) data on denominations of the types of products and on the volume of products made and sold by the applicant within the two years preceding the date of submitting the cited application or notification, or within the time period of exercising activities, if it is less than two years, indicating codes of the products' range;

6) data available to the applicant on the principal types of activities of the persons specified by Articles 27 - 39 of this Federal Law, on denominations of the types of products, on the volume of products made and sold by such persons within the two years preceding the date of submitting the application or notification or within the time period of exercising the activity, if it is less than two years, indicating codes of the products' range, as well as copies of the documents proving the right to exercise these kinds of activities, if under the legislation of the Russian Federation a special permit is required, or an application in writing that these data and documents are not available to the applicant;

7) the applicant's accounting balance sheet as of the last accounting date preceding the date of submitting the cited application or, when presenting the cited notification, as of the last accounting date preceding the date of making a transaction or other action if the specified balance sheet is not contained in the state information resource of accounting (financial) statements. If the applicant files annual accounting (financial) statements in order to form a state information resource for accounting (financial) statements, the antimonopoly body shall obtain the applicant's balance sheet from this state information resource using a unified system of interdepartmental electronic interaction;

8) data on the total balance sheet value of the applicant's assets and of the group of persons thereof, as of the last reporting date preceding the date when the cited application is presented or, when presenting the cited notification, as of the last accounting date preceding the date of making a transaction or other action;

9) data on the total balance sheet value of assets of the person which is an economic concentration entity and of the group of persons thereof, as of the last reporting date preceding the date when the cited application is presented or, when presenting the cited notification, as of the last accounting date preceding the date of making a transaction or other action, or the application in writing that such data are not available to the applicant;

10) the applicant's financial and economic, as well as other, accounting documents submitted to the Central Bank of the Russian Federation and to the federal executive power bodies engaged in regulation of the market of financial services, as of the last reporting date preceding the date when the cited application is presented or, when presenting the cited notification, as of the last accounting date preceding the date of making a transaction or other action, if the applicant is a financial organisation;

11) financial-and-economic and other accounting documents of the person, which is an economic concentration entity, to be submitted to the Central Bank of the Russian Federation and to the federal executive power bodies engaged in regulation in the market of financial services, if (stocks) shares, property and/or assets of a financial organisation and/or rights in respect of it are acquired, as of the last reporting date preceding the date when the cited application is presented or, when presenting the cited notification, as of the last accounting date preceding the date of making a transaction or other action, or the application in writing that such data are not available to the applicant;

12) list of the profit-making organisations where the applicant disposes of over five per cent of its stocks (shares) for any reason, as of the date of submitting the cited application or

notification, or an application in writing that the applicant does not dispose of stocks (shares) of profit-making organisations;

13) list of profit making organisations where the person which is an economic concentration entity disposes for any reason of over five per cent of the applicant's stocks (shares), as of the date of submitting the cited application or notification, or an application in writing that the applicant does not dispose of stocks (shares) of profit-making organisations, or an application in writing that such data are not available to the applicant;

14) list of persons that dispose for any reason of over five per cent of the applicants' stocks (shares) as of the date of presenting the cited application or notification;

15) list of person that dispose for any reason of over five per cent of stocks (shares) of the person that is an economic concentration entity, as of the date of submitting the cited application or notification, or an application in writing that such data are not available to the applicant;

16) list of the persons pertaining to the same group as the applicant, according to the form endorsed by the federal anti-monopoly agency, citing the features according to which they pertain to this group, as of the date of submitting the application, or, when presenting the cited notification, as of the date of making a transaction or other action. This list of the persons which are in the same group with the applicant shall comprise the persons which are under the applicant's control, the persons controlling the applicant, the persons pertaining to the same group with the applicant and exercising activities in the same commodity markets where the applicant exercises activities thereof, the persons participating in merger or affiliation and/or the person which is an economic concentration entity, as well as the persons which are under control thereof. The list of the persons which are in the same group with the applicant shall not comprise natural persons, if they are not individual businessmen and/or are not in the same group with an economic agent according to the features cited in Items 1 - 3, 5, 6 and 9 of Part 1 of Article 9 of this Federal Law;

17) list of persons which are in the same group of persons with the other persons cited in Articles 27 - 29 of this Federal Law according to the form endorsed by the federal anti-monopoly agency, citing the features according to which they pertain to this group, as of the date of submitting the application, or, when presenting the cited notification, as of the date of making a transaction or other action, or an application in writing that such data are not available to the applicant. The list of persons which are in the same group with the other persons, cited in Articles 27-30 of this Federal Law, shall comprise the persons participating in merger or affiliation and/or the person which is an economic concentration entity, the persons which are under control of the person which is the economic concentration entity, the persons pertaining to the same group of persons as the person which is an economic concentration entity and exercising activities in the commodity markets where the applicant and the person which is an economic concentration entity exercise their activities, as well as the person controlled by them. The list of the persons which are in the same group with the other persons cited in Articles 27-30 of this Federal Law shall not comprise natural persons, if they are not individual businessmen and/or are not in the same group with an economic agent according to the features cited in Items 1-3, 5, 6 and 9 of Part 1 of Article 9 of this Federal Law;

18) data on the persons in whose interests over five per cent of the applicant's stocks (shares) are possessed by nominal holders thereof, in particular on such persons established in the state where a preferential tax treatment is provided and/or whose legislation does not provide for disclosing and supplying information about a legal entity (offshore zones);

19) invalid from January 9, 2023 - Federal Law No. 620-FZ of December 29, 2022

20) document proving payment of the state duty for adoption of the decision on making transactions and other actions which are subject to state control.

21) information on carrying out (non-carrying out) of the activity types envisaged by Article 6 of Federal Law No. 57-FZ of April 29, 2008 on the Procedure for Making Foreign Investments in Companies Which Are of Strategic Importance for Ensuring the Country's Defence and State Security by the person being the subject of economic concentration and the persons, more than five percent of votes of the voting shares (interest) composing the authorised capital of which the subject of economic concentration has the right of direct or indirect disposal (including the cases when such right is temporarily transferred to another person (other persons) under the agreement on trust management of assets, pledge, repo, security deposit agreement or other agreement or transaction) or the written statement that the applicant does not have such information;

22) the list of licences and/or other documents (including agreements) confirming the existence of the right to carry out the activity types envisaged by Article 6 of Federal Law No. 57-FZ of April 29, 2008 on the Procedure for Making Foreign Investments in Companies Which are of Strategic Importance for Ensuring the Country's Defence and State Security possessed by the subject of economic concentration and/or the persons, more than five percent of votes of the voting shares (interest) composing the authorised capital of which the subject of economic concentration has the right of direct or indirect disposal (including the cases when such right is temporarily transferred to another person (other persons) under the agreement on trust management of assets, pledge, repo, security deposit agreement or other agreement or transaction), or the written statement that the applicant has no information on the licences and/or documents. Together with the application or the notification of carrying out of transactions or other actions subject to state control, the applicant can provide copies of such licences and/or other documents, if any, to the anti-monopoly authority;

23) information on each beneficiary, beneficiary owner and controlling person of the applicant and on the grounds for the referral of the persons to the beneficiaries, beneficiary owners or controlling persons, if the applicant is the foreign investor or, if the person being the subject of economic concentration or the persons, more than five percent of votes of the voting shares (interest) composing the authorised capital of which the subject of economic concentration has the right of direct or indirect disposal (including the cases when such right is temporarily transferred to another person (other persons) under the agreement on trust management of assets, pledge, repo, security deposit agreement or other agreement or transaction), carry out the activity types envisaged by Article 6 of Federal Law No. 57-FZ of April 29, 2008 on the Procedure for Making Foreign Investments in Companies Which are of Strategic Importance for Ensuring the Country's Defence and State Security. Information on the beneficiaries of the applicant being the public company, in the meaning of Article 11 of the Tax Code of the Russian Federation can be provided in the form of a document containing the link to the official website of the applicant or another Internet site containing the information. The terms "foreign investor", "control" and "controlling person" in this Item are used in the meanings defined by Articles 3 and 5 of Federal Law No. 57-FZ of April 29, 2008 on the Procedure for Making Foreign Investments in Companies Which are of Strategic Importance for Ensuring the Country's Defence and State Security, and the terms "beneficiary" and "beneficiary owner" - in the meanings defined by Article 3 of Federal Law No. 115-FZ of August 7, 2001 on Countering the Legalisation of Illegal Earnings (Money Laundering) and the Financing of Terrorism. The information provided on each beneficiary, beneficiary owner and controlling person of the applicant and the grounds for referral of the persons to beneficiaries, beneficiary owners and the controlling persons, cited in this Item shall include:

a) full and abbreviated (if any) names, place of state registration, location and address, contact telephone number and e-mail - for legal entities, and surname, name and patronymic (if any), place of residence, contact telephone number and e-mail (if any) - for

individuals;

b) information on citizenship of the beneficiary owner and the controlling person - for individuals (for citizens of the Russian Federation - information on the existence of other citizenship and whether such citizen is the tax resident of the Russian Federation according to the legislation of the Russia Federation on taxes and duties);

c) taxpayer identification number - for individuals or legal entities, or the code of the foreign organisation not being a legal entity;

d) core types of activities of the beneficiary, beneficiary owner and the controlling person;

e) details of the documents (if any):

confirming the state registration of the beneficiary and the controlling person which is a legal entity, or the beneficiary, beneficiary owner or the controlling person who is an individual as the individual entrepreneur in accordance with the legislation of the respective foreign state, or confirming the fact of establishment (incorporation) of the beneficiary owner and the controlling person which is the foreign organisation not being a legal entity;

identifying the beneficiary, beneficiary owner and the controlling person who is an individual;

f) number (specifying the percent) of the shares (interest) composing the authorised capital of the applicant and/or of the votes vested to the shares (interest) composing its authorised capital, in respect of which the beneficiary, beneficiary owner or the controlling person exercises the right of ownership and/or use and/or disposal, or such rights are exercised in the interests of such persons;

g) indication of the signs of control of the applicant by the controlling person, envisaged by Article 5 of Federal Law No. 57-FZ of April 29, 2008 on the Procedure for Making Foreign Investments in Companies Which are of Strategic Importance for Ensuring the Country's Defence and State Security;

h) details and validity of the documents (if any) confirming that the person is the beneficiary, beneficiary owner or the controlling person of the applicant, including those confirming the participation of such person in another legal entity that are the shareholder (participant) of the applicant, conclusion with such legal entity of the agreement of simple partnership, agency, commission or trust management of assets or those confirming other grounds.

**5.1.** If the required documents and data cited in Part 5 of this article, except for the documents and information mentioned in Parts 5.2-5.4 of the present article, are not submitted in full, the application shall be deemed not submitted and the anti-monopoly body shall notify the applicant of it within a ten-day term. With this, the time period for custody by the anti-monopoly body of the submitted documents within which the applicant is entitled to obtain them on demand shall be fourteen days as of the date when the appropriate notice is received by the applicant.

**5.2.** Unless the copies of documents confirming the right to pursue types of activity (if special permits are required according to the legislation of the Russian Federation for the pursuance thereof) mentioned in Item 4 of Part 5 of the present article have been submitted by the applicant, then on an inter-departmental inquiry of the anti-monopoly body empowered bodies shall provide information on the existence of such permits.

**5.3.** Abrogated.

**5.4.** Unless the documents mentioned in Items 10 and 11 of Part 5 of the present article have been submitted by the applicant, then on an inter-departmental inquiry of the anti-monopoly body the Central Bank of the Russian Federation and the federal executive governmental bodies acting as regulators on the financial services market shall provide the financial and economic as well as other statements (the information contained therein) of the

applicant or of the person whose shares (stocks), property and/or assets and/or in respect of which rights are being acquired.

6. An application for giving consent to the merger of profit-making organisations, affiliation of one or several profit-making organisations by a profit-making organisation, merger of non-profit organisations, affiliation with a non-profit organisation of one or several non-profit organisation, establishment of a non profit organisation or a notification of such establishment shall be signed by an applicant and by other persons participating in such merger, affiliation or establishment, while a notification of such merger or affiliation shall be only signed by an applicant. An applicant shall file with an anti-monopoly agency concurrently with this application or notification the documents and data on other persons participating in such merger, affiliation or establishment which are cited in Part 5 of this article.

7. The federal anti-monopoly body shall endorse the form of submitting the data provided for by Part 5 of this Article.

8. Where a transaction or other action require the preliminary consent of an anti-monopoly agency and its subsequent notification for several reasons provided for by Articles 27 - 39 and 31 of this Federal Law, such transaction or other action shall be subject to coordination within the framework of a single application or a single subsequent notification.

9. Data on the petition for giving consent to making a transaction or other action which is received by an antimonopoly body indicating information about the participants and the subject of the transaction, other action stated in the application (with the exception of personal data of individuals).are subject to insertion on the official Internet site of the antimonopoly body. Persons concerned are entitled to present data to an antimonopoly agency on the influence upon the state of competition of such transaction or other action.

9.1. The Government of the Russian Federation is entitled to specify the instances when the antimonopoly agency has the right not to insert in the official site of the antimonopoly agency in the information-telecommunication network Internet data on the petition for giving the consent to making a transaction or other action that has come to the antimonopoly agency.

10. The persons cited in Part 1 of this article are entitled to apply to an antimonopoly body for the purpose of informing about the forthcoming transaction or about other action prior to filing a petition or notification with an antimonopoly body. The cited persons are entitled to present information and documents to an antimonopoly body, as well as to propose conditions the meeting of which is aimed at ensuring competition. When exercising the authority involved in the exertion of the state control over economic concentration, an antimonopoly body shall take into account the presented information and documents.

11. In the course of consideration of an application for giving consent to a transaction, other action subject to state control, the antimonopoly body shall have the right to request from state authorities the documents and information necessary for consideration of the application, while simultaneously providing such state authorities with the information necessary for these purposes and information contained in the application, in compliance with the requirements of the legislation of the Russian Federation on state secrets, bank secrets, commercial secrets or other secrets protected by law.

**Article 33. Rendering by the Anti-Monopoly Body a Decision on the Basis of Consideration of the Application and Issuance by the Anti-Monopoly Body of an Order to the Person Which Has Submitted the Notification**

1. The anti-monopoly body shall be obliged within thirty days as of the date of receiving the application provided for by Article 32 of this Federal Law to consider this application and notify the applicant in writing of the decision rendered with indicating the

reasons for its adoption.

2. On the basis of the results of considering an application for giving consent to making a transaction or taking other actions subject to the state registration the anti-monopoly body shall render the following decision:

1) on allowing the application, if the transaction or other action declared in the application does not lead to limitation of competition;

2) on extending the time period for considering the application because of the necessity of its additional consideration, as well as of obtaining additional information for rendering the decision on the basis of the results of considering the application provided for by Items 1, 3, 4 and 5 of this Part, if it is established that the transaction or other action declared in the application may lead to restriction of competition, in particular as a result of the emergence or strengthening of the dominant position of a person (a group of persons);

3) on extending the time period for consideration of an application for giving consent to a merger of profit-making organisations and/or non-profit organisations, affiliation of one or several profit-making organisations and/or non-profit organisations by a profit-making organisation or establishment of a profit-making organisation in the instances specified by Article 27 of this Federal Law, or for making the transaction provided for by Articles 28 and 29 of this Federal Law in connection with defining the conditions after whose meeting by the applicant and (or) by other persons participating in such merger, affiliation or establishment the anti-monopoly body shall decide to allow the application and in connection with defining the time period for meeting such conditions which may not exceed nine months. If a transaction or other action is carried out on the commodity market of the Russian Federation and (or) has an impact on it, as well as has an impact on the commodity markets of foreign countries (cross-border markets), with the consent of the Government of the Russian Federation, the antimonopoly body has the right to decide to extend the term specified in this Item, for a period determined by the Government of the Russian Federation, but not more than three years. Such conditions shall form an integral part of the decision on extending the time period for considering such application;

3.1) on the extension of the time limit for considering the application if the transaction or a different action requested in the application is to be approved in advance in accordance with Federal Law No. 57-FZ of April 29, 2008 on the Procedure for Making Foreign Investments in Economic Companies of Strategic Importance to the Country's Defence and State Security before the day of adopting the decision on such a transaction, such a different action in accordance with the said Federal Law;

3.2) on prolongation of the period for consideration of the application, if the transaction specified in the application is subject to preliminary approval in accordance with Item 3 of Article 6 of Federal Law No. 160-FZ of July 9, 1999 on Foreign Investments in the Russian Federation, until the day of taking of the decision on return of the application for preliminary approval of the transaction in accordance with Item 4 of Article 6 of said Federal Law;

3.3) on prolongation of the period for consideration of the application, if the notification of the necessity of suspension of the transaction specified in the application in accordance with Subitem 1 of Item 8, Article 6 of Federal Law No. 160-FZ of July 9, 1999 on Foreign Investments in the Russian Federation is sent to the applicant, until the receipt of the information on taking of the decision in accordance with Subitem 1 of Item 9, Article 6 of said Federal Law, on absence of the necessity of informing of the chairperson of the Governmental commission for control over the foreign investment in the Russian Federation (hereinafter in this Article - the Governmental commission) of such transaction, or of taking by the chairperson of the Governmental commission of the decision on absence of the necessity of preliminary approval by the Governmental commission of such transaction;

3.4) on prolongation of the period for consideration of the application, if the transaction

specified in the application is subject to the preliminary approval by the Governmental commission under the decision of the chairperson of the Governmental commission taken in accordance with Article 6 of Federal Law No. 160-FZ of July 9, 1999 on Foreign Investments in the Russian Federation, according to the procedure envisaged by Federal Law No. 57-FZ of April 29, 2008 on the Procedure for Making Foreign Investments in Companies Which are of Strategic Importance for Ensuring the Country's Defence and State Security, until the day of taking of the decision on such transaction in accordance with Federal Law No. 57-FZ of April 29, 2008 on the Procedure for Making Foreign Investments in Companies Which Are of Strategic Importance for Ensuring the Country's Defence and State Security;

4) on satisfying an application for giving consent to make the transaction or take another action specified by Articles 28 and 29 of this Federal Law and on concurrently issuing to the applicant and/or to the persons forming the group of persons thereof and/or to an economic agent thereof whose stocks (shares), property or assets, or the rights in respect of such agent are acquired, and/or to the person being established, the order provided for by Item 2 of Part 1 of Article 23 of this Federal Law to take actions aimed at securing competition in the event of making by the cited persons the transactions or taking by them other actions declared in the application;

5) on the refusal to allow the application, if the transaction or other action declared in the application will lead or could lead to restriction of competition (in particular as a result of emergence or strengthening of the applicant's dominant position, as well as of the dominant position of the person which will be established as a result of the transaction or other action declared in the application) and if the anti-monopoly body finds, when considering the submitted documents, that the information contained in them and important for decision-making is unreliable, or if the applicant filing the application has not presented the data available thereto which are requested by the anti-monopoly agency whose absence makes impossible the adoption of the decision on competition restriction or on the absence of competition restriction in respect of the application filed;

5.1) on the refusal to satisfy the application, unless the applicant filed the application for preliminary approval of the transaction or another act specified in the application, through the procedure envisaged by Federal Law No. 57-FZ of April 29, 2008 on the Procedure for Making Foreign Investments in Companies Which are of Strategic Importance for Ensuring the Country's Defence and State Security, within three months from the day of receipt of the decision cited in Item 3.1 of this Part, if the transaction or the act is subject to the preliminary approval in accordance with said Federal Law;

5.2) on the refusal to satisfy the application, unless the applicant filed the application for preliminary approval of the transaction specified in the application through the procedure envisaged by Federal Law No. 57-FZ of April 29, 2008 on the Procedure for Making Foreign Investments in Companies Which are of Strategic Importance for Ensuring the Country's Defence and State Security within three months from the day of receipt of the decision cited in Item 3.4 of this Part and of the notification of the necessity of the preliminary approval of the transaction by the Governmental commission envisaged by Item 11 of Article 6 of Federal Law No. 160-FZ of July 9, 1999 on Foreign Investments in the Russian Federation, if the transaction is subject to the preliminary approval by the Governmental commission under the decision of the chairperson of the Governmental commission taken in accordance with Article 6 of Federal Law No. 160-FZ of July 9, 1999 on Foreign Investment in the Russian Federation;

6) on the refusal to satisfy the application, if the decision has been adopted on the refusal to approve in advance the transaction or a different action requested in the application in accordance with the Federal Law No. 57-FZ of April 29, 2008 on the Procedure for Making Foreign Investments in Economic Companies of Strategic Importance to the



Country's Defense and State Security;

7) on the refusal to satisfy the application, if the preliminary approval of the transaction specified in the application and subject to the preliminary approval by the Governmental commission under the decision of the chairperson of the Governmental commission taken in accordance with Article 6 of Federal Law No. 160-FZ of July 9, 1999 on Foreign Investments in the Russian Federation is refused through the procedure envisaged by Federal Law No. 57-FZ of April 29, 2008 on the Procedure for Making Foreign Investments in Companies Which are of Strategic Importance for Ensuring the Country's Defence and State Security.

**3.** The period specified in paragraph 1 of this article may be extended by a decision provided for in Item 2 of Part 2 of this Article by no more than two months. If a transaction or other action is carried out on a cross-border market (cross-border markets) and (or) has an impact on it, with the consent of the Government of the Russian Federation, the antimonopoly body has the right to decide to extend the period specified in Part 1 of this Article for a period determined by the Government of the Russian Federation, but not more than for three years. If these decisions are made, the antimonopoly body on its official website in the information and telecommunications network "Internet" places information about the transaction, about another action stated in the application for consent to the transaction, other action subject to state control, indicating information about the participants and about the subject of the transaction, other action, stated in the application (with the exception of personal data of individuals). Interested parties have the right to submit to the antimonopoly body information on the impact on the state of competition of such a transaction or other action.

**3.1.** In the period before the antimonopoly body makes a decision on the results of consideration of an application for giving consent to a transaction, other action subject to state control, the persons who submitted the application have the right to submit written obligations to the antimonopoly body on the implementation of actions aimed at ensuring competition, which are taken into account by the antimonopoly body when making a decision based on the results of consideration of the application.

**3.2.** When an expert examination is appointed and an expert is involved in the consideration of an application for giving consent to a transaction, other actions subject to state control, the term for consideration of the application is suspended for the period of the examination.

**4.** The decision to prolong the time period for considering the application provided for by Item 3 of Part 2 of this Article shall be rendered by the anti-monopoly body, if the merger of profit-making organisations affiliation by a profit-making organisation of one or several profit-making organisations or establishment of a profit-making organisation lead or can lead to limitation of competition, in particular as a result of emergence or strengthening of the dominant position of a person (a group of persons) that will be created as a result of making such actions.

**5.** For the purpose of ensuring competition the conditions provided for by Item 3 of Part 2 of this Article may contain, among other things, the following:

1) procedure for access to the production facilities, infrastructure or information which are at the disposal of the applicant, as well as of the other persons participating in the merger of profit-making organisations, affiliation of one or several profit-making organisations by a profit-making organisation or establishment of a profit-making organisation;

2) procedure for granting to other persons the rights to the objects of industrial property protection which are at the disposal of the applicant, as well as of the other persons participating the merger of profit-making organisations, affiliation of one or several profit-making organisations by a profit-making organisation or establishment of a profit-making organisation;

3) demands towards the applicant, as well as the other persons participating a merger of profit-making organisations, affiliation of one or several profit-making organisations by a profit-making organisation or establishment of a profit-making organisation for the transfer of property to another person not pertaining to the same group of persons as the said applicant and (or) the other persons, for the assignment of the rights of claim and (or) liabilities of the said applicant and (or) other persons to another person not pertaining to the same group of persons as the said applicant and (or) other persons;

4) requirements towards the composition of the group of persons where the applicant and the other persons participating the merger of profit-making organisations, affiliation of one or several profit-making organisations by a profit-making organisation or establishment of a profit-making organisation pertain to.

**6.** After meeting the conditions specified by Item 3 of Part 2 of this Article the applicant shall submit to the anti-monopoly body the documents, that prove their meeting. The anti-monopoly body within thirty days as of the time of receiving the said documents, in the event of proving on the basis of them meeting of the conditions at the established time, shall render a decision provided for in Item 1 of part 2 of this Article on satisfying the application for giving consent to the merger of profit-making organisations, affiliation of one or several profit-making organisations by a profitmaking organisation, or establishment of a profit-making organisation, or making the transaction provided for by Articles 28 and 29 of this Federal Law, or a decision to satisfy an application for giving consent to the execution of a transaction, other action subject to state control, and on the simultaneous issuance of an order provided for in Item 4 of Part 2 of this Article, or otherwise, a decision to reject the application.

**6.1.** If, based on the results of consideration of an application for giving consent to a transaction or other action subject to state control, the antimonopoly authority comes to a preliminary conclusion that the transaction, other action stated in the application will lead or may lead to restriction of competition, before making a decision based on the results of consideration of the application, the antimonopoly body sends to the applicant, as well as other persons participating in the transaction or other action stated in the application, a conclusion on the circumstances of the application for giving consent to the transaction, other action subject to state control (hereinafter - the conclusion on the circumstances of the application).

**6.2.** The conclusion on the circumstances of the application is drawn up in writing, signed by an authorized official of the antimonopoly body and must contain:

1) factual and other circumstances established by the antimonopoly body based on the results of consideration of an application for giving consent to a transaction, other actions subject to state control, including those established in the course of an analysis of the state of competition conducted by the antimonopoly body, and information received at the request of the antimonopoly body, as well as a description of the evidence confirming the preliminary conclusions of the antimonopoly body that the transaction, other action stated in the application will lead or may lead to restriction of competition;

2) the proposed conditions that may be established by the antimonopoly body in relation to the applicant, as well as other persons participating in the transaction or other action declared in the application, in order to ensure competition.

**6.3.** The antimonopoly body considers an application for giving consent to a transaction, other action subject to state control, without summoning the persons participating in the transaction, other action declared in the application (examination of the application in absentia). If a conclusion is made on the circumstances of the application at the request of the persons participating in the transaction or other action declared in the application, including when such persons submit written proposals on the content of their

obligations to take actions aimed at ensuring competition, or on their own initiative, the antimonopoly authority shall appoint face-to-face consideration of the application, on which a ruling is adopted, which is sent to the applicant, as well as to other persons participating in the transaction or other action declared in the application. At the same time, the date of the face-to-face consideration of the application specified in the ruling cannot be set earlier than five working days from the date of sending the conclusion on the circumstances of the application to the indicated persons.

**6.4.** Persons participating in a transaction, other action declared in an application for giving consent to a transaction, or another action subject to state control, are entitled to provide explanations, evidence and arguments in writing to the antimonopoly authority in relation to the circumstances set out in the conclusion on the circumstances of the application until the completion of the consideration of the application and the adoption of a decision by the antimonopoly body.

**6.5.** The procedure for conducting a face-to-face consideration of an application for giving consent to a transaction, other actions subject to state control, is established by the federal antimonopoly body.

**7.** The decision to allow an application for giving consent to making a transaction or taking another action and to issue concurrently an order provided for by Item 4 of Part 2 of this Article shall be rendered by an anti-monopoly agency if the transaction or other action cited in the application will lead or could lead to a limitation of competition.

**8.** The operation of the anti-monopoly body's decision to give consent to making transactions or taking other actions shall be terminated if such transactions or other actions are not made within a year as of the date of rendering the said decision.

**9.** The persons that under Article 31 of this Federal Law are charged with notifying the anti-monopoly body of making transactions or taking other actions subject to state control shall be entitled, prior to making such transactions or taking other actions, to submit, instead of the notification, the application for giving consent to their making to the anti-monopoly body which is obliged to consider this application in the procedure provided for by this Article.

**9.1.** The economic entities wishing to make an agreement on joint activities, if the total value of their assets does not exceed the size provided for by Item 8 of Part 1 of Article 27 of this Federal Law, prior to making such agreements are entitled to file a petition for consent to an appropriate agreement with an antimonopoly body which is bound to consider this petition in the procedure established by this article.

**10.** If the transactions or other actions provided for by Article 31 of this Federal Law have led or can lead to limitation of competition, in particular as a result of emergence or strengthening of the dominant position of an economic unit, the applicant that has filed the appropriate notification with the anti-monopoly body or the group of persons to which the applicant pertains shall be obliged to take actions aimed at ensuring competition on the basis of the order of the anti-monopoly body issued in compliance with Item 2 of Part 1 of Article 23 of this Federal Law.

**11.** An anti-monopoly agency on the basis of an application of the person, which an order is issued to in the instances provided for by this article, as well as on its own initiative, may review its content or a procedure for its execution in connection with the occurrence of essential circumstances after its issuance that exclude the possibility and/or expediency of the order's execution in full or in part. As essential circumstances shall be deemed alteration of the productive or geographic boundaries of a commodity market, of the composition of sellers or buyers or loss of the dominant position by an economic agent. An application for reviewing an order must be considered by an anti-monopoly agency with a month from the date when it comes in. A procedure for reviewing an order shall be established by an anti-monopoly agency. The alteration of an order may not deteriorate the position of the

person which such order has been issued to.

**Article 34. Effects of Violating the Procedure for Obtaining the Preliminary Consent of the Anti-Monopoly Body to Carry Out Transactions or Take Other Actions, as Well as the Procedure for Submitting to the Anti-Monopoly Body Notifications of Making the Transactions or Other Actions Subject to State Control**

1. A profit-making organisation established without the preliminary consent of the anti-monopoly body, in particular as a result of merger or affiliation of profit-making organisations, in the instances specified by Article 27 of this Federal Law, shall be liquidated or reorganised in the form of detachment or division in the judicial procedure on the basis of a claim of the anti-monopoly body, if its establishment has led or may lead to the restriction of competition, in particular as a result of the emergence or strengthening of the dominant position.

2. The transactions specified by Articles 28 and 29 of this Federal Law and made without obtaining the preliminary consent of the anti-monopoly body shall be declared invalid in the judicial procedure on the basis of a claim made by the anti-monopoly body, if such transactions have led or may lead to the restriction of competition, in particular as a result of emergence or strengthening of the dominant position.

3. Abrogated.

4. The transactions or other actions specified by Article 31 of this Federal Law and made in defiance of the procedure for notifying the anti-monopoly body shall be declared invalid in the judicial procedure on the basis of a claim of the anti-monopoly body, if such transactions or other actions have led or may lead to the restriction of competition, in particular as a result of the emergence or strengthening of the dominant position.

5. A failure to follow an order of the anti-monopoly body, which is issued in the procedure provided for by Item 4 of Part 2 of Article 33 of this Federal Law shall serve as a ground for declaring the appropriate transactions invalid in the judicial procedure on the basis of a claim of the anti-monopoly body.

6. A failure to follow an order of the anti-monopoly body issued in the procedure provided for by Article 33 of this Federal Law or other failure to meet the requirements of Articles 27 - 29, 31 and 32 of this Federal Law, along with the effects stated by this Article shall entail liability in the instances established by the legislation of the Russian Federation on administrative offences.

**Article 35. State Control over the Agreements of Economic Units Restricting Competition**

1. Economic units intending to reach an agreement which may be declared admissible in compliance with this Federal Law shall be entitled to file an application with the anti-monopoly body for verifying the compliance of the draft agreement in writing with the requirements of the anti-monopoly legislation.

2. Economic units intending to reach an agreement, along with the application, shall submit to the anti-monopoly body the documents and data in compliance with the list endorsed by the federal anti-monopoly body.

3. The anti-monopoly body within thirty days as of the date of receiving all the documents and data required for considering the application shall render a decision on the compliance or non-compliance of a draft agreement in writing with the requirements of anti-monopoly legislation.

3.1. In the event of failure to present in full the documents and data which are required for consideration of an application, the application shall be deemed not filed, and an anti-monopoly agency within a ten-day term as from the date of receiving the cited

application shall notify the applicant of it. With this, the time period for keeping by an anti-monopoly agency of presented documents within which the applicant has the right to obtain them on demand shall be fourteen days from the date when the applicant receives the notification.

4. The following shall be deemed the grounds for rendering a decision on non-compliance of a draft agreement in writing with the requirements of the anti-monopoly legislation:

1) presence of the conditions provided for by Parts 1 - 4 of Article 11 of this Federal Law where there are no grounds for declaring a draft agreement admissible in compliance with Article 12 or 13 of this Federal Law;

2) unreliability of the data contained in the documents, as well as of other data which are presented by an economic unit and which are important for rendering a decision;

3) abrogated;

5. Where necessary, the time period for considering the application mentioned in Part 1 of this Article may be extended by the anti-monopoly body but at most by twenty days. The anti-monopoly body shall notify the applicant in writing of the extension of the time period for considering the application stating the reasons for the extension thereof.

6. The operation of a decision of the anti-monopoly body on the compliance of a draft agreement in writing with the requirements of anti-monopoly legislation shall be terminated if such agreement is not reached within a year as of the date of rendering the said decision.

7. The anti-monopoly body shall be entitled to issue to the parties to an agreement, along with a decision on the compliance of the draft agreement in writing with the requirements of the anti-monopoly legislation, an order aimed at ensuring competition.

8. The anti-monopoly body shall be entitled to reverse a decision on the compliance of a draft agreement in writing with the requirements of the anti-monopoly legislation, if:

1) after rendering the decision it was established that while considering the application of an economic unit intending to reach the agreement unreliable data were presented;

2) economic units intending to reach an agreement do not follow the order of the anti-monopoly body provided for by Part 7 of this Article.

3) if the conditions serving as a ground for declaring a draft agreement admissible in compliance with Article 12 or 13 of this Federal law have changed.

9. Economic agents that have made an agreement on the basis of the decision of an anti-monopoly agency on the compliance of the draft agreement in writing with the requirements of the anti-monopoly legislation are bound to terminate such agreement within a month since the time when any of them receives a reasoned decision adopted by the anti-monopoly agency in compliance with Item 3 of Part 8 of this article on the reversal of the decision on compliance of the draft agreement in writing with the requirements of the anti-monopoly legislation. The decision of the anti-monopoly agency on the reversal of the decision on compliance of a draft agreement in writing with the requirements of the anti-monopoly agency may be adopted, if the share of parties to the agreement in a commodity market has changed, as well as if the parties to the agreement fail to meet the conditions thereof.

10. Abrogated.

11. Abrogated.

12. Abrogated.

## **Chapter 7.1. Antimonopoly Requirements for the Establishment of Unitary Enterprises and for the Exercise of Activities by Them**

**Article 35.1. Prohibition of Establishment of Unitary Enterprises and of the Exercise of Activities by Them in Competitive Markets**

1. It shall not be allowed to establish, including by way of re-organisation, unitary enterprises or to change their activities, except for the following instances:

1) where it is provided for by federal laws, acts of the President of the Russian Federation or of the Government of the Russian Federation;

2) for ensuring the activities of the federal executive power bodies exercising the functions of formulation and implementation of state policy and normative legal regulation in the field of defence, in the field of intelligence activities, in the field of mobilisation preparedness and mobilisation in the Russian Federation, in the field of transport safety, in the field of international relations of the Russian Federation, in the field of state security guards, in the field of internal affairs, in the field of civil defence, protection of the population and territories against emergencies of a natural and artificial nature, of ensuring fire safety and human safety at water facilities, in the sphere of activities of national guard troops of the Russian Federation, of the federal executive power body engaged in the state administration in the field of ensuring the security of the Russian Federation, of the federal executive power body engaged in providing material and technical, as well as financial, support to the activities of the supreme state power bodies of the Russian Federation;

3) for exercising activities in the spheres of natural monopolies;

4) for ensuring vital activities of the population in the Arctic regions and in the areas which are equated to them;

5) for exercising activities in the field of culture, the arts, cinematography and preservation of cultural values;

6) for exercising activities outside the Russian Federation;

7) for exercising activities in the field of handling radioactive waste, including the burial of radioactive waste, the activities involved in the use of sea port infrastructure facilities which are exclusively in federal ownership and in the field of awarding unitary enterprises the status of a federal nuclear organisation.

2. The activities of unitary enterprises shall not be allowed in the commodity markets of the Russian Federation which are in the state of competition in the instances that are not provided for by Part 1 of this article, if the unitary enterprise's proceeds from such activities exceed 10 per cent of the aggregate proceeds of the unitary enterprise for the last calendar year. The restrictions provided for by this part shall not apply to unitary enterprises in the instances cited in Items 1, 2 and 7 of Part 1 of this article.

3. Where there is the need for removing the consequences of an emergency and prevention of a threat to the normal vital activities of the population, the Government of the Russian Federation is entitled on the basis of a reasoned proposal of the supreme official of a constituent entity of the Russian Federation (of the head of the supreme executive state power body of a constituent entity of the Russian Federation) to render the decision on the possibility of establishing a unitary enterprise or preservation of a unitary enterprise for exercising activities which are not provided for by Parts 1 and 2 of this article. The Government of the Russian Federation shall consider a reasoned proposal of the supreme official of a constituent entity of the Russian Federation (of the head of the supreme executive state power body of a constituent entity of the Russian Federation) and shall render a decision on it within at most two months.

**Article 35.2. Forwarding a Request for Issuance of the Statement of the Antimonopoly Agency about the Compliance of Establishment of a Unitary Enterprise or of Changing Its Activities with the Antimonopoly Legislation**

1. An authorised federal executive power body, an authorised state power body of a

constituent entity of the Russian Federation, a local government body and other organisations authorised to make actions aimed at the establishment of unitary enterprises (hereinafter referred to as an applicant) are entitled to send a request to the antimonopoly agency for issuance of a statement about the compliance of establishment of a unitary enterprises or of changing its activities with the antimonopoly legislation.

2. The form of the request provided for by Part 1 of this article shall be established by the federal antimonopoly agency.

**Article 35.3. Procedure for Consideration by the Antimonopoly Agency of a Request for Issuance of a Statement about the Compliance of Establishment of a Unitary Enterprise or of Changing Its Activities with the Antimonopoly Legislation**

1. Within 30 days from the date of receiving the request for issuance of the statement about the compliance of establishment of a unitary enterprise or of changing its activities with the antimonopoly legislation which is provided for by Article 35.2 of this Federal Law the antimonopoly agency is bound to consider this request and to send one of the following statements to an applicant in writing:

1) about the compliance of establishment of the unitary enterprise or of changing its activities with the antimonopoly legislation, if the unitary enterprise is established or its activities are changed in the instances provided for by Part 1 of Article 35.1 of this Federal Law;

2) about the non-compliance of establishment of the unitary enterprise or of changing its activities with the antimonopoly legislation, if the unitary enterprise is established and its activities are changed in instances which are not provided for by Part 1 of Article 35.1 of this Federal Law.

2. The statement about the compliance of establishment of the unitary enterprise or of changing its activities with the antimonopoly legislation shall be valid for a year from the date of its issuance by the antimonopoly agency.

**Article 35.4. Effects of Violation of the Prohibition on Establishing Unitary Enterprises and Their Exercising Activities in Competitive Markets**

1. A unitary enterprise which is established or the activities of which have been changed in defiance of the prohibition provided for by Part 1 of Article 35.1 of this Federal Law and which does not exercise the kinds of activities provided for by Part 1 of Article 35.1 of this Federal Law is subject to liquidation on the basis of an order of the antimonopoly agency issued on the basis of subitem (e) of Item 3 of Part 1 of Article 23 of this Federal Law or in the judicial procedure on the basis of a claim of the antimonopoly agency for liquidation of the unitary enterprise.

2. Should a court accept for consideration a claim of the antimonopoly agency for liquidation of a unitary enterprise before the date of entry into legal force of the court decision, any transactions shall be only made by such enterprise with the consent of the founder thereof.

## **Chapter 8. Liability for Violations of Anti-Monopoly Legislation**

**Article 36. Obligation to Follow Decisions and Orders of Anti-Monopoly Body**

Profit-making organisations and non-profit organisations (officials thereof), federal executive bodies (officials thereof), executive bodies of the constituent entities of the Russian Federation (officials thereof), local self-government bodies (officials thereof), other agencies

and organisations exercising the functions of the said bodies (officials thereof), as well as the state off-budget funds (officials thereof) and natural persons, including individual businessmen, shall be obliged to follow decisions and orders of the anti-monopoly body within the time periods established by such decisions and orders.

**Article 37. Liability for Breaching Anti-Monopoly Legislation**

1. For breaching anti-monopoly legislation officials of the federal executive bodies, executive bodies of the constituent entities of the Russian Federation, local self-government bodies, officials of other agencies and organisations exercising the functions of the said bodies, as well as officials of the state off-budget funds, profitmaking and non-profit organisations and officials thereof, natural persons, including individual businessmen, shall be liable under the legislation of the Russian Federation.

2. Calling the persons specified by Part 1 of this Article to account shall not exempt them from the duty to follow decisions and orders of the anti-monopoly body, to submit to the anti-monopoly body applications and notifications for consideration or to take other actions provided for by the anti-monopoly legislation.

3. The persons whose rights and interests have been infringed as a result of violation of the anti-monopoly legislation are entitled to make claims in the established procedure with a court of law or an arbitration court, in particular claims for restoration of violated rights, repair of damage, including lost profit, compensation for harm caused to property.

**Article 38. Compulsory Division or Detachment of Profit-Making Organisations, as Well as of Non-Profit Organisations Engaged in Profitable Activities**

1. In the event of the systematic exercise of monopolistic activities by a profit-making organisation occupying a dominant position, as well as by a non-profit organisation engaged in profitable activities, a court on the basis of a claim of the anti-monopoly body (in respect of the financial institution regulated by the Central Bank of the Russian Federation on the basis of a claim of the anti-monopoly body by approbation of the Central Bank of the Russian Federation) shall be entitled to make a decision on the compulsory division of such organisations or a decision on detaching one or several organisations from them. Organisations established as a result of compulsory division may not pertain to the same group of persons.

2. A court decision on compulsory division of a profit-making organisation or on detachment from a profit-making organisation of one or several profit-making organisations shall be rendered for the purpose of developing competition, if the totality of the following conditions are met:

1) it is possible to separate structural subdivision of a profit-making organisation;

2) there is no technologically determined interrelation between structural subdivisions of a profit-making organisation (in particular, thirty and less per cent of the total output of a structural subdivision, of the works carried out and services rendered by it are consumed by other structural subdivisions of this profit-making organisation);

3) it is possible for the legal entities established as a result of re-organisation to exercise independent activities in the appropriate commodity market.

3. A court decision on the compulsory division of a profit-making organisation or on detachment from a profit-making organisation of one or several profit-making organisations, as well as on such division or detachment with respect to a non-profit organisation engaged in profitable activities, shall be subject to execution by the proprietor or by the body authorised by him, taking into account the requirements provided for by the said decision and at the time fixed by the said decision which may not be less than six months.



## **Chapter 9. Trying Cases on Violations of Anti-Monopoly Legislation**

### **Article 39. Grounds for Bringing an Action against Violations of the Anti-Monopoly Legislation, Place of Such Legal Proceedings, as Well as the Effects of Considering a Case on Breaching the Anti-Monopoly Legislation**

1. The anti-monopoly body within the scope of authority thereof shall bring an action and shall consider cases in respect of breaching anti-monopoly legislation, shall render decisions on the basis of the results thereof and shall issue orders.

2. The following shall be deemed a ground for initiating proceedings and considering by the anti-monopoly body a case in respect of breaching the anti-monopoly legislation:

1) receiving from the state bodies or local self-government bodies materials showing signs of breaching anti-monopoly legislation (hereinafter referred to as materials);

2) application of a legal entity or natural person citing the signs of breaching the anti-monopoly legislation (hereinafter referred to as application);

3) the anti-monopoly body's detecting the signs of breaching anti-monopoly legislation;

4) a report of a mass medium showing the presence of the signs of breaching anti-monopoly legislation;

5) the result of an inspection during which breaches of the anti-monopoly legislation by profit-making organisations, non-profit organisations, federal executive power bodies, state power bodies of constituent entities of the Russian Federation, local authorities, other bodies or organisations exercising the functions of the cited bodies, by state off-budget funds were detected.

3. A case on a violation of the anti-monopoly legislation may be considered by the anti-monopoly body at the place of perpetrating the violation or at the location or place of residence of the person in respect of which the application or materials have been filed. The federal anti-monopoly body shall be entitled to consider the said case regardless of the place where a breach is made, or regardless of the location or place of residence of the person in respect of which the application or materials are filed.

4. The rules for delivering by an anti-monopoly body applications, materials and cases on violations of anti-monopoly legislation to another anti-monopoly body for consideration shall be established by the federal anti-monopoly body.

5. If in the course of considering a case on breaching anti-monopoly legislation an anti-monopoly body detects circumstances showing the presence of an administrative offence, the anti-monopoly body shall initiate legal proceedings in respect of the administrative offence in the procedure established by the legislation of the Russian Federation on administrative offences.

### **Article 39.1. An Admonition to Terminate Actions (Omission to Act) Containing the Signs of a Breach of the Anti-Monopoly Legislation**

1. For the purpose of suppressing actions (omissions) that lead or can lead to prevention, restriction, an elimination of competition and/or infringement of interests of other persons (economic entities) in the sphere of business activities, and/or infringement of interests of an indefinite circle of consumers, an anti-monopoly agency shall issue to an economic entity, a federal executive power body, a state power body of a constituent entity of the Russian Federation, a local authority, other body or organisation exercising the functions of the cited bodies, to an organisation participating in rendering state or municipal services or a state off-budget fund an admonition in writing to stop taking actions (omissions), to reverse or change the acts that contain the signs of breaching the anti-monopoly legislation or to remove the reasons and conditions which are conducive to such violation and to take measures aimed at eliminating the effects of such violation or to liquidate the unitary

enterprise or to take measures aimed at termination of the exercise of the activities of the unitary enterprise which is established and is exercising its activities in defiance of the requirements of this Federal Law (hereinafter referred to as an admonition).

2. An admonition shall be issued to the persons cited in Part 1 of this article in case of detecting the signs of breaching Items 3, 5, 6 and 8 of Part 1 of Article 10, Articles 14.1, 14.2, 14.3, 14.7, 14.8 and 15 of this Federal Law. The adoption by an anti-monopoly agency of the decision on initiating a case on breaching Items 3, 5, 6 and 8 of Part 1 of Article 10, Articles 14.1, 14.2, 14.3, 14.7, 14.8 and 15 of this Federal Law without issuance of an admonition and before the end of the time period for its execution shall not be allowed.

3. An admonition shall be issued within the period while a case on breaching the anti-monopoly legislation is being considered by the commission for consideration of the case on breaching the anti-monopoly legislation, if when considering such case the signs of violation of Items 3, 5, 6 and 8 of Part 1 of Article 10, Articles 14.1, 14.2, 14.3, 14.7, 14.8 and 15 of this Federal Law, which were not known at the time of initiation of such case, have been established.

4. An admonition shall contain the following:

- 1) conclusions as to the presence of grounds for its issuance;
- 2) rules of the anti-monopoly legislation that have been violated by actions (omission to act) of the person which the admonition is issued to;
- 3) list of actions aimed at termination of violation of the anti-monopoly legislation, removal of the reasons and conditions which are conducive to the origination of such violation, removal of the effects of such violation or to liquidate the unitary enterprise or to take measures aimed at termination of the exercise of the activities of the unitary enterprise which is established and is exercising its activities in defiance of the requirements of this Federal Law, as well as a reasonable term for making them.

5. An admonition is subject to consideration without fail by the person which it is issued to, within the time period fixed in the admonition. The time period for executing an admonition shall be at least ten days. The cited time period may be extended by an anti-monopoly agency on the basis of a reasoned petition of the person which an admonition is issued to, and where there are sufficient grounds to believe that the admonition cannot be executed within the cited time period.

6. An anti-monopoly agency must be notified of executing an admonition within three days as from the end date of the time period fixed for its execution.

7. If an admonition is executed, the case on violation of the anti-monopoly legislation shall not be initiated and the person that has executed the admonition shall not be subject to administrative liability for breaching the anti-monopoly legislation in connection with its removal.

8. In the event of failure to execute an admonition in due time and where there are signs of breaching the anti-monopoly legislation, an anti-monopoly agency is bound to render a decision on initiation of a case on breaching the anti-monopoly legislation within at most 10 working days from the date of expiry of the period fixed for execution of the admonition.

9. A procedure for issuance of an admonition and the form thereof shall be endorsed by the federal anti-monopoly agency.

#### **Article 40. The Commission for Considering Cases on Breaches of Anti-Monopoly Legislation**

1. To consider every case on breaching anti-monopoly legislation, the anti-monopoly body shall establish in the procedure provided for by this Federal Law a commission for considering cases on breaching the anti-monopoly legislation (hereinafter also referred to as the commission). The commission shall act on behalf of the anti-monopoly body. The

composition of the commission and the chairman thereof shall be approved by the anti-monopoly body.

2. The commission shall consist of employees of the anti-monopoly body. The head of an anti-monopoly agency, the deputy thereof or the head of a structural unit of the federal anti-monopoly agency may be the chairman of the commission. The commission shall include at least three members. A member of the commission shall be replaced on the basis of a reasoned decision of the anti-monopoly body.

3. When considering a case on breaching the anti-monopoly legislation by credit organisations, organisations which are operators of payment systems and operators of payment infrastructure services in the exercise by them of the activities in compliance with the Federal Law on the National Payment System, and also other financial institutions regulated by the Central Bank of the Russian Federation, representatives of the Central Bank of the Russian Federation shall be included into the composition of the commission, so that they constituted half of its members.

4. Abrogated from September 1, 2013.

5. The number of members of the commission (including the chairman thereof) for considering cases on breaching anti-monopoly legislation specified by Parts 3 and 4 of this Article must be even.

6. The commission shall be authorised to consider cases on breaching anti-monopoly legislation if no less than fifty per cent of the total number of the commission's members are attending its meeting but at least three members thereof.

6.1. Where there is no quorum for consideration of a case on breaching the anti-monopoly legislation, the commission members attending the meeting shall render the decision to postpone consideration of this case and to fix a new date for its consideration, this to be legalised by a ruling.

7. Issues arising in the course of considering a case on breaching the anti-monopoly legislation by the commission shall be settled by a majority vote of the commission's members. In the event of a tie vote, the commission's chairman shall have the casting vote. The commission's members shall not be entitled to abstain from voting. The commission's chairman shall be the last to vote.

#### **Article 41. Acts Adopted by the Commission**

1. The commission shall adopt statements about the circumstances of a case, admonitions, rulings, decisions and orders.

2. Upon terminating the consideration of a case on breaching the anti-monopoly legislation the commission at the meeting thereof shall adopt a decision. The commission's decision shall be legalised in the form of a document, shall be signed by the chairman and by all members of the commission attending its meeting. Any commission member who does not agree with the commission's decision shall be obliged to sign the act adopted by the commission and entitled to state in writing the dissenting opinion thereof that shall be attached to the case materials in a sealed envelope and shall not be pronounced. The commission's decision shall be made in one copy and attached to the case-file.

3. A decision on a case on breaching the antimonopoly legislation shall consist of the introductory and descriptive parts, as well as of the declaration and resolute part.

3.1. The introductory part of a decision in a case on breaching the antimonopoly legislation shall contain the denomination of an antimonopoly body, the composition of the commission that tried the case, the case-file number, the date of pronouncing the resolute part of the decision, the date of issuing the decision in full, the place where the decision is rendered, the subject of the tried case, the names of the persons participating in the case, the family names of the persons attending the commission's meeting, with the scope of

authority thereof to be specified.

**3.2.** The descriptive part of a decision on a case on breaching the antimonopoly legislation shall contain a brief statement of the claims made (if the case is initiated on the basis of the results of considering an application), of objections, explanations, applications and petitions of the persons participating in the case.

**3.3.** The following shall be cited in the declaration of a decision on a case on breaching the antimonopoly legislation:

1) the factual and other circumstances of the case established by the commission, including the circumstances established in the course of analysis of the state of competition made by an antimonopoly body and the circumstances established in the course of inspecting the satisfaction of the requirements of the antimonopoly legislation;

2) the proof serving as a basis for the commission's conclusions in respect of the circumstances of the case and arguments in favour of the adopted decision, the reasons for which the commission has rejected various actions, accepted or rejected the arguments of the persons participating in the case that substantiate their claims;

3) laws and other regulatory legal acts which the commission was guided by when adopting the decision.

**3.4.** The resolute part of a decision on a case on breaching the antimonopoly legislation shall contain the following:

1) conclusions about the presence or absence of grounds for termination of the case;

2) conclusions as to the presence or absence of a breach of the antimonopoly legislation in the defendant's actions (omissions);

3) conclusions on the presence or absence of grounds for issuance of an order and a list of the actions to be taken to be included into an order;

4) conclusions as to the presence or absence of grounds for an antimonopoly body taking other measures aimed at suppressing and/or removing the consequences of breaching the antimonopoly legislation, ensuring competition (including the grounds for bringing an action to court, for the transfer of materials to law enforcement bodies, for forwarding recommendations to the state bodies or local authorities on making actions aimed at ensuring competition).

5) conclusions on existence of grounds to release one of respondents in the case on breaching anti-monopoly legislation from administrative liability for the administrative offences provided for by the legislation of the Russian Federation on administrative offences for entering into an agreement restricting competition, for exercise of concerted actions restricting competition, and/or to mitigate administrative liability of one or several respondents in the case (without disclosing their designations).

**4.** The commission on the basis of its decision shall issue an order. An order shall be legalised in the form of a separate document for each person which is to take the actions determined by the commission's decision at the time established by the order and shall be signed by the chairman and the members of the commission attending the commission's meeting.

**5.** In the instances indicated in this Chapter, the commission's chairman or the commission shall issue a ruling. A ruling shall be legalised in the form of a separate document, shall be signed by the chairman and members of the commission and sent to the persons participating in the case, as well as to the other persons indicated in this Chapter.

**6.** Forms of the acts adopted by the commission shall be endorsed by the federal anti-monopoly body.

**7.** The acts cited in this article may bear the reinforced approved electronic signature of the commission's chairman and the commission's members.

**Article 41.1. Limitation Periods, as Regards Consideration of a Case on Breaching the Anti-Monopoly Legislation**

A case on breaching the anti-monopoly legislation may not be initiated and an initiated case shall be terminated upon the expiry of three years as of the date when the anti-monopoly legislation is breached or, in the event of a continued breach of the anti-monopoly legislation, as of the end date of the breach or as of the date of its detection.

**Article 42. Persons Participating in a Case on Breaching Anti-Monopoly Legislation**

1. The following persons shall be deemed parties to a case on breaching anti-monopoly legislation:

1) **applicant** is the person who has filed an application, as well as the state body or local self-government body which have sent materials;

2) **respondent** in a case is the person in respect of which an application is filed or materials are sent or in whose actions (omission to act) the anti-monopoly body has detected signs violations of anti-monopoly legislation. The said persons shall be declared as respondents in a case on breaching anti-monopoly legislation as of the time of initiating proceedings;

3) **persons concerned** are the persons whose rights and legitimate interests are concerned in connection with considering a case on breaching anti-monopoly legislation.

2. When considering a case on breaching anti-monopoly legislation, the persons participating in the case shall be entitled to exercise their rights and discharge their duties independently or through a representative thereof.

3. If in the course of considering a case on breaching anti-monopoly legislation the commission finds that the signs of violations of anti-monopoly legislation are contained in the actions (omission to act) of a person other than the respondent in the case, the commission shall bring such person as the respondent in the case. If the commission has not detected the facts showing the presence of the signs of breaching anti-monopoly legislation in actions of one of the respondents in a case, the commission shall issue a ruling on the termination of such respondent's participation in considering the case. A copy of the ruling on the termination of participation of the respondent in the case in considering the case shall be promptly sent to the persons participating in the case.

4. Abrogated upon the expiry of 90 days after the day of the official publication of Federal Law No. 275-FZ of October 5, 2015.

**Article 42.1. Other Persons Participating in Trying a Case on Breaching the Antimonopoly Legislation**

1. When trying a case on breaching the antimonopoly legislation, at the application of the persons participating in the case or on its own initiative the commission is entitled to engage experts, interpreters, as well as the persons having data on the circumstances being considered by the commission. Experts, interpreters, as well as the persons having data on the circumstances being considered by the commission, shall not be deemed persons participating in the case.

2. Abrogated.

3. Abrogated.

4. Information on the procedure for paying for the services of an interpreter and the source of financing for such payment are indicated in the ruling on the case of violation of the antimonopoly law, according to which the interpreter is involved in the consideration of the case.

5. Abrogated.

6. Abrogated.

7. Abrogated.

8. The commission shall issue a ruling on engaging experts, interpreters, as well as the persons having data on the circumstances being considered by the commission, in trying the case and shall forward to them a copy of such ruling within three days from the time when it is issued.

9. Abrogated.

**Article 42.2. Challenging Members of the Commission for Trying a Case on Breaching the Antimonopoly Legislation**

1. A member of the commission may not participate in proceedings in respect of a case on breaching the antimonopoly legislation and is to be challenged, if the commission member has a personal interest when discharging the official duties thereof that can lead to a conflict of interests.

2. The challenge may be proposed by the persons participating in a case on breaching the antimonopoly legislation.

3. A decision on the challenge shall be adopted by the commission for trying a case on breaching the antimonopoly legislation of which the challenged person is a member. The commission shall issue a ruling on the adopted decision. An application for repeated challenging of the commission member is subject to leaving unattended if the given commission member has been earlier challenged on the same grounds and a decision to this end has been rendered by the commission.

**Article 43. Rights and Duties of the Persons Participating in a Case on Breaching Anti-Monopoly Legislation**

1. As of the time of initiating legal proceedings concerning a violation of anti-monopoly legislation, the persons participating in the case shall be entitled to familiarise themselves with the materials of the case, abstract them, present evidence and familiarise with the evidence, put questions to other participants in the case, submit applications, give explanations in written or oral forms to the commission, advance their arguments in respect of all matters arising in the course of the cases' consideration, to familiarise themselves with the applications of other parties to the case, and to protest against applications and arguments of other parties to the case.

2. The persons participating in a case are entitled in the course of its consideration to fix in writing, as well as with the help of audio recording facilities, the process of its consideration. If while considering a case the information constituting state secret which is protected under law is announced, the commission chairman is entitled to render the decision on imposing a ban on making by the persons participating in the case the audio recording of the process of the case's consideration.

3. It is allowed to make photos and video recording of a case's consideration, to make radio and TV broadcasting of a case's consideration by approbation of the commission's chairman, except when a case is tried in closed session on the grounds provided for by this Federal Law.

4. The persons participating in a case are bound to use their rights with good faith while the case is being considered.

**Article 44. Consideration of an Application and Materials, as Well as Initiation of a Case on Breaching the Anti-Monopoly Legislation**

1. An application shall be filed in writing with an anti-monopoly agency and must contain the following data:

1) data on the applicant (full name and address of the place of residence, if a natural

person, denomination and location, if a legal entity);

2) data on the person in respect of which the application is filed which are available to the applicant;

3) description of the violation of the anti-monopoly legislation;

4) essence of the claims made by the applicant;

5) list of attached documents.

2. An application shall have attached thereto the documents showing the signs of breaching the anti-monopoly legislation (hereinafter referred to as documents). Where it is impossible to present documents, shall be cited the reason why it is impossible to present them, as well as the supposed person or body which such documents are available to.

3. If in the application or materials there are no data provided for by Parts 1 and 2 of this article, an anti-monopoly agency shall leave the application or materials unattended and the applicant shall be notified of it in writing within ten working days as from the date when they are received.

4. An anti-monopoly agency shall consider an application or materials within a month from the date when they are presented. Where there is no evidence, enabling the anti-monopoly agency to make a conclusion as to whether there are signs or there are no signs of breaching the anti-monopoly legislation, or they are insufficient, the anti-monopoly agency is entitled, for the purpose of collection or analysis of additional evidence, to extend the time period for consideration of the application or materials but at most by two months. The anti-monopoly agency shall notify the applicant in writing of extending the time period for consideration of the application or materials.

5. When considering an application or materials, an anti-monopoly agency:

1) shall establish if consideration of the application or materials are within the scope of authority thereof;

2) shall establish the signs of violation of the anti-monopoly legislation and shall determine the rules to be applied.

6. In the course of considering an application or materials an anti-monopoly agency is entitled to request profit-making organisations and non-profit organisations and their officials, federal executive power bodies and their officials, the state power bodies of constituent entities of the Russian Federation and their officials, local authorities and their officials, as well as state off-budget funds and their officials, natural persons, including individual businessmen, subject to the requirements of the legislation of the Russian Federation concerning state secrets, banking secrets, commercial secrets or other secrets protected under law, for the documents, explanations in writing and in oral form connected with the circumstances stated in the application or materials.

7. While considering an application and materials showing the presence of the signs of violation of Article 10 of this Federal Law, an anti-monopoly agency shall establish if the economic agent in respect of which this application and materials are filed holds the dominant position, except when an anti-monopoly agency renders the decision to deny initiation of a case on violation of the anti-monopoly legislation on the grounds provided for by Part 9 of this article.

8. On the basis of the results of considering an application and materials an anti-monopoly agency shall render one of the following decisions:

1) on initiating a case on breaching the anti-monopoly legislation;

2) on the refusal to initiate a case on breaching the anti-monopoly legislation.

3) on issuance of an admonition in compliance with Article 39.1 of this Federal Law.

9. An anti-monopoly agency shall render the decision on the refusal to initiate a case in the following instances:

1) the matters cited in the application and materials are not within the scope of

authority of the anti-monopoly agency;

2) there are no breaches of the anti-monopoly legislation;

3) a case has been initiated earlier in respect of the fact serving as a ground for filing an application;

4) in respect of the fact serving as a ground for filing an application and materials there is an effective decision of an anti-monopoly agency, except if there is the decision of an anti-monopoly agency on the refusal to initiate a case on breaching the anti-monopoly legislation in compliance with Item 2 of this part or the decision on termination of the case's consideration in compliance with Item 2 of Part 1 of Article 48 of this Federal Law and an applicant presents evidence of breaching the anti-monopoly legislation which were not known to the anti-monopoly agency at the time when such decision was adopted;

5) the limitation period provided for by Article 41.1 of this Federal Law in respect of the fact serving as a ground for filing an application and materials has expired;

6) the absence of signs of breaching the anti-monopoly legislation in actions of the person in respect of which an application or materials are filed is established by an effective decision of a court of law or an arbitration court;

7) the signs of breaching the anti-monopoly legislation as a result of execution of the admonition issued in the procedure established by Article 39.1 of this Federal Law have been removed.

**10.** The decision on the refusal to initiate a case on breaching the anti-monopoly legislation shall be forwarded by an anti-monopoly agency to an applicant at the time fixed by Part 3 of this article citing the motives for adoption of this decision.

**11.** The adoption of a decision on the basis of the results of considering an application and materials may be postponed if a different case is being considered by an anti-monopoly agency, court of law, arbitration court or by law enforcement bodies, the conclusions in respect of which will be of importance for the results of considering the application and materials before adoption and entry into force of an appropriate decision on the given case, the applicant to be notified by the anti-monopoly agency about it in writing.

**12.** In the event of adopting the decision on initiation of a case on breaching the anti-monopoly legislation, an anti-monopoly agency shall issue the order to initiate the case and to establish a commission. A copy of such order shall be forwarded to an applicant and respondent in the case within three days as from the date when such order is issued.

**13.** Within fifteen days as from the date of issuance of an order to initiate a case on breaching the anti-monopoly legislation and on establishing a commission, the commission chairman shall issue the ruling on taking over the case and shall forward a copy of the ruling to the persons participating in the case.

**14.** A ruling on setting the date for trying a case on breaching the antimonopoly legislation shall contain the following:

1) data on the persons participating in trying the case;

2) grounds that have caused the initiation of the case;

3) description of the detected signs of breaching the antimonopoly legislation, proof, factual and other circumstances that show their existence;

4) data on the date, time and place of holding a meeting of the commission.

**15.** The ruling on setting the date of trying a case on breaching the antimonopoly legislation may also contain a demand for the persons participating in the case providing explanations, documents and data which are necessary for trying the case in due time.

**Article 44.1.** The Procedure for Filing by an Economic Agent an Application to Enter into an Agreement Restricting Competition or to Carry out by It Concerted Actions Restricting Competition in Order to Mitigate Administrative Liability or



for Release from Administrative Liability for the Administrative Offences Provided for by the Legislation of the Russian Federation on Administrative Offences

1. An economic agent (a group of persons identified under the anti-monopoly legislation) that has entered into an agreement restricting competition or exercised concerted actions restricting competition, in order to mitigate administrative liability or for release from administrative liability for the administrative offences provided for by the legislation of the Russian Federation on administrative offences for making such an agreement or exercising such concerted actions may file with the anti-monopoly agency an application on making such an agreement or on carrying out such actions in the procedure envisaged by this Article, before the operative part of the decision is pronounced in a case on breaching the anti-monopoly legislation.

2. The application cited in Part 1 of this Article is filed by an economic agent (by a person belonging to a group of persons determined under the anti-monopoly legislation) to the anti-monopoly agency in writing or as an electronic document signed with encrypted and certified digital signature, and it shall contain:

1) information on the applicant (the surname, name, patronymic (if applicable) and residence address - for the individual and the place of seat - for the legal entity);

2) a description of the breach of the anti-monopoly legislation, in particular information on the goods, with regards to which the agreement was made or concerted actions were implemented (for agreements that are banned by Item 2 of Part 1 of Article 11 and by Item 1 of Part 1 of Article 17 of this Federal Law, - information about the subject matter of the sales and information that helps identify the sales), about the territory which was (are) covered by the agreement or concerted actions, about the duration of the agreement or concerted actions, about other parties to the agreement or concerted actions known to the applicant, about content of the agreement or concerted actions of the economic agents being parties to the agreement or concerted actions and about documents available to the applicant which support the above information;

3) a request for mitigation of administrative liability or for release from administrative liability for the administrative offences provided for by the legislation of the Russian Federation on administrative offences for making an agreement restricting competition or exercising concerted actions restricting competition.

3. An applicant has the right to make available documents confirming the circumstances detailed in the application cited in Part 1 of this Article, or copies of such documents.

4. If the application cited in Part 1 of this Article is filed by a group of persons, the above application is signed by each party to the agreement or to concerted actions.

5. The application cited in Part 1 of this Article is registered by the anti-monopoly agency in the uniform electronic log of applications stating the data listed in Items 1 and 2 of Part 2 of this Article, and which issues to the applicant a receipt confirming that the above application has been filed, accepted and registered, and indicating the date, time, the surname, name, patronymic (if applicable) and the position of the anti-monopoly agency's official who has registered the above application. If the above application lacks the information specified in Items 1 and 2 of Part 2 of this Article, the above application shall not be registered and it is returned to the applicant no later than on the day following the day of its receipt. The form of the uniform electronic log of applications, its keeping procedure, the form of and the receipt issuance procedure are endorsed by the federal anti-monopoly agency.

6. It is not allowed to disclose information about the application cited in Part 1 of this Article and received by the anti-monopoly agency and its content including data constituting a

state or other secret protected by law as well as information that has become known to an official in connection with the performance of his official duties. Officials guilty of disclosing this information shall be liable in accordance with the legislation of the Russian Federation.

7. If the application cited in Part 1 of this Article simultaneously is filed by two and more parties to the agreement or concerted actions to the federal anti-monopoly agency and a regional anti-monopoly agency, the above application filed with the federal anti-monopoly agency is considered to be filed first.

#### **Article 45. Considering a Case on Breaching Anti-Monopoly Legislation**

1. A case on breaching anti-monopoly legislation shall be considered by the commission within a time period of three months at the most as of the date of issuing a ruling on appointing the hearing of the case. In the instances connected with the necessity of obtaining additional information by the anti-monopoly body, as well as in the instances established by this Chapter, the said time period for consideration of the case may be extended by the commission, but at most by six months. The commission shall issue a ruling on extending the time period for considering the case and shall send copies of this ruling to the parties to the case.

2. A case on breaching the anti-monopoly legislation shall be considered at the commission's sitting. The parties to the case must be notified of the time and place of its consideration. In the event of the failure of the persons participating in the case and properly notified of the time and place of the case's consideration to appear at the commission's sitting, the commission shall be entitled to consider the case in the absence thereof. In the course of considering the case minutes shall be kept, to be signed by the commission's chairman. The commission shall be entitled to take down its sitting in shorthand or to effect a sound recording thereof; in so doing, a note shall be made in the minutes as to the use of technical facilities for recording the commission's sitting.

2.1. The commission, at the application of the persons participating in the case, as well as on its own initiative, is entitled to render a decision on trying a case on breaching the antimonopoly legislation by using video conference communication systems where there are technical video conference communication facilities. The procedure for using video conference communication systems when trying a case on breaching the antimonopoly legislation shall be established by the federal antimonopoly agency.

3. The chairman of the commission:

- 1) shall open the commission's sitting;
- 2) shall declare the commission's composition;
- 3) shall declare what case is to be considered, check the appearance at the commission's sitting of the persons participating in the case, verify the authority thereof, establish whether the persons who have failed to appear at the sitting have been properly notified and whether there are data on the reasons for their absence;
- 4) shall clarify whether it is possible to consider the case;
- 5) shall explain to the persons participating in the case their rights, determine the order of taking actions when considering the case;
- 6) shall preside over the commission's sitting, ensure conditions for a comprehensive and full examination of evidence and circumstances of the case, ensure consideration of applications and petitions of the parties to the case;
- 7) shall take measures aimed at ensuring the proper order during the commission's sitting.
- 8) shall pronounce an opinion about the circumstances of the case.

3.1. A case on breaching the antimonopoly legislation shall be tried in open session. It is allowed to try a case on breaching the antimonopoly legislation in closed session, if trying

of the cited case in open session can lead to divulgence of a state secret or if it is necessary to keep a commercial, service or other secret protected by law, in particular when satisfying a petition of a person participating in a case on breaching the antimonopoly legislation referring to such necessity. The specifics of trying cases on breaching the antimonopoly legislation whose materials contain a state secret in closed session shall be established by the federal antimonopoly agency by approbation of the federal executive power body authorized in the sphere of security. The commission shall issue a ruling on trying a case on breaching the antimonopoly legislation in closed session.

**3.2.** When trying a case on breaching antimonopoly legislation in close session, it shall be attended by the persons participating in the case, their representatives, experts and interpreters, if necessary, by decision of the commission, as well as the persons holding data on the circumstances being considered by the commission.

**3.3.** The materials of a case on breaching the antimonopoly legislation containing data that constitute a state, commercial, service or other secret protected by law shall be compiled and kept in compliance with the requirements of the legislation of the Russian Federation as a separate file.

**3.4.** The divulgence by the persons participating in a case, by their representatives, expert and interpreters of the data constituting a state, commercial, service or other secret protected by law shall entail liability in compliance with the legislation of the Russian Federation.

**4.** The commission at its meeting:

- 1) shall hear the persons participating in the case;
- 2) shall hear and discuss petitions, render decisions in respect of them that must be shown in the sitting's minutes;
- 3) shall examine evidence;
- 4) shall hear opinions and explanations of the persons participating in the case in respect of the evidence presented by the persons participating in the case;
- 5) shall hear and discuss the opinions of the experts attracted for issuing opinions;
- 6) shall hear the persons who have available data on the circumstances of the case in question;
- 7) on the basis of petitions of the persons participating in the case or on the initiative of the commission shall discuss the matters concerning the reasons for, and the necessity of, declaring a break in the commission's sitting, postponement and suspension of the case's consideration.

**5.** When considering a case on breaching the anti-monopoly legislation, the commission shall be entitled to request the persons participating in the case for documents, data and explanations in written or oral forms, as regards the issues arising in the course of the case's consideration, to attract other persons to participation in the case.

**5.1.** When trying a case on breaching the antimonopoly legislation, an antimonopoly body shall analyse the state of competition to the extent which is required for adopting the decision on the presence or absence of a breach of the antimonopoly legislation.

**6.** The chairman of the commission, after examining evidence in a case on breaching anti-monopoly legislation, stating the positions of the persons participating in the case and expert opinions; questioning the persons having available data on the circumstances being considered by the commission, shall announce that consideration of the case is terminated and shall ask the persons participating in the case and other persons to retire so that the can could render a decision.

## **Article 45.1. Evidence and Proof in a Case on Breaching the Antimonopoly Legislation**

1. Proof in a case on breaching the antimonopoly legislation means data on the facts that have been obtained in the procedure established by this Federal Law and on the basis of which the commission establishes the presence or absence of a breach of the antimonopoly legislation, the reasonableness of arguments of the persons participating in the case, as well as other circumstances which are significant for the complete and comprehensive trial of the case.

2. Each person participating in a case shall disclose the evidence to which he/she refers as the grounds of their claims and objections to the other persons participating in the case within the limits of the time period fixed by the commission.

3. As evidence in a case on breaching the antimonopoly legislation shall be admitted written proof and material evidence, explanations of the persons participating in the case, explanations of the persons holding data on the circumstances being considered by the commission, expert opinions, audio and video records, other documents and materials.

4. As written evidence in a case on breaching the antimonopoly legislation shall be deemed acts, contracts, reference notes, correspondence, other documents and materials which are significant for trying the case which are made in digital and graphic forms, including those received via facsimile, electronic or other communication means, by way of making copies of electronic data media or in some other way enabling one to establish the reliability of a document. The results of analyzing the state of competition made in the procedure established by the federal antimonopoly agency shall also be considered written evidence.

5. As material evidence in a case on breaching the antimonopoly legislation shall be deemed articles which due to their external appearance, location or other features can serve as a means for establishing circumstances which are significant for trying the case.

**Article 45.2. Procedure for Access of the Persons Participating in a Case on Breaching the Antimonopoly Legislation to the Case Materials Containing a Commercial Secret**

1. The persons participating in a case on breaching the antimonopoly legislation are entitled to study the applications, objections, explanations and other material presented on the initiative of a person participating in the case for confirming the presence or absence of the fact of breaching the antimonopoly legislation, except for the applications in the materials of the case for release from administrative responsibility for the administrative offences provided for by Parts 1 and 3 of Article 14.32 of the Code of Administrative Offences of the Russian Federation and/or for release from criminal responsibility for the criminal crimes provided for by Article 178 of the Criminal Code of the Russian Federation.

2. The conditions of commercial secrecy may not be established in respect of the applications, objections, explanations and other materials presented on the initiative of a person participating in a case in written and oral forms in respect of the issues arising in the course of trying the case on breaching the antimonopoly legislation.

3. The data and documents presented at the request or other demand of an antimonopoly body in respect of which the conditions of commercial secrecy are established and which are the materials of a case on breaching the antimonopoly legislation may be presented for study to the persons participating in the case against the receipt thereof by approbation of the holder of such data and documents.

4. The consent of the holder of the information constituting a commercial secret to familiarization of the persons participating in the case with such information shall be presented to the commission in writing in the course of trying the case on breaching the antimonopoly legislation and shall be attached to the materials of the case.

5. The receipts of the persons participating in a case as to the confidentiality of the

information constituting a commercial secrecy that has become known to them as a result of trying a case on breaching the antimonopoly legislation shall be presented to the commission before studying the materials of the case on breaching the antimonopoly legislation and shall be attached to the materials of the case.

**Article 46. Break in the Commission's Sitting**

1. The commission shall be entitled on the basis of the application of a person participating in a case on breaching anti-monopoly legislation, as well as on its own initiative, to declare a break in the commission's sitting for a time period of a maximum of seven days.

2. The commission shall continue considering a case on breaching anti-monopoly legislation after a break in its sitting from the point where it was interrupted. The evidence examined before a break in the commission's sitting shall not be repeatedly considered.

**Article 47. Postponement and Suspension of Considering a Case on Breaching Anti-Monopoly Legislation**

1. The commission shall be entitled to postpone consideration of a case on breaching anti-monopoly legislation:

1) on the basis of an application of a person participating in the case in connection with the impossibility of this person's appearance or a representative thereof at the commission's sitting for a sound reason provided by the appropriate documents;

2) in connection with the necessity of obtaining additional evidence;

3) for attracting to participation in the case of the persons who can contribute to consideration of the case, and other persons whose participation in the case, in the commission's opinion, is necessary;

4) Abrogated upon the expiry of 90 days after the day of the official publication of Federal Law No. 275-FZ of October 5, 2015;

5) in other instances provided for by this Chapter.

1.1. The commission is bound to postpone trying of a case on breaching the antimonopoly legislation in the event of the following:

1) if in the course of trying the case the signs of a violation of the antimonopoly legislation other than the one on the basis of whose signs the case has been initiated are detected in the defendant's actions (omissions);

2) if a person that has previously participated in the case with a different status (the person holding data on the circumstances of the case, an applicant) is put on trial as the defendant in the case;

3) the adoption of an opinion about the circumstances of the case.

1.2. In the event of postponing the trial of a case on breaching the antimonopoly legislation on the grounds provided for by Items 1 and 2 of Part 1.1 of this article, the ruling to this effect shall contain a description of detected signs of breach of the antimonopoly legislation, of evidence, factual and other circumstances proving the presence of such signs.

2. When postponing a case on breaching anti-monopoly legislation, the running of the time period for considering it shall not be interrupted. The consideration of a case at a new commission's sitting shall be resumed from the point where it was postponed.

3. The commission may suspend consideration of a case on breaching anti-monopoly legislation in the event and for a term of:

1) consideration by an anti-monopoly, court, preliminary investigation agencies of another case which is important for consideration of the case on breaching anti-monopoly legislation;

2) conducting an expert examination.

4. The running of the term of considering a case on breaching anti-monopoly

legislation shall be interrupted in the event of suspending consideration of the case and shall continue from the moment of resuming its consideration. The consideration of the case shall be resumed from the point where it was suspended.

5. The commission shall issue a ruling on the postponement, suspension and resumption of considering a case on breaching anti-monopoly legislation, as well as on appointing an expert commission whose copy shall be directed to the persons participating in the case within three days as of the date of its issuance. A copy of the ruling on appointing an expert examination shall be likewise sent to an expert within three days as of the date of issuing such ruling.

#### **Article 47.1. Integration or Detachment of Cases on Breaching the Anti-Monopoly Legislation**

1. An anti-monopoly agency at the application of the person participating in a case or on its own initiative shall be entitled in the procedure established by the anti-monopoly agency for the purpose of complete, comprehensive and unbiased consideration of cases to integrate for trying within the same proceedings two and more cases on breaching the anti-monopoly legislation, as well as to separate one or several cases for their trying within separate proceedings.

2. A ruling shall be issued by an anti-monopoly agency on integration of cases for their trying within the same proceedings or on separation of a case for its trying within separate proceedings.

3. The composition of the commission for considering integrated or separated cases shall be defined by an order issued by an anti-monopoly agency.

#### **Article 48. Termination of Considering a Case on Breaching Anti-Monopoly Legislation**

1. The commission shall terminate trying a case on breaching the antimonopoly legislation in the event of the following:

- 1) absence of a breach of the antimonopoly legislation in the actions (omissions) being considered by the commission;
- 2) liquidation of the legal entity which is the only defendant in the case;
- 3) death of the natural person being the only defendant in the case;
- 4) existence of an effective decision of an antimonopoly body on establishing the fact of breaching the antimonopoly legislation in respect of the actions (omissions) being considered by the commission;
- 5) expiry of the limitation period provided for by Article 41.1 of this Federal Law.

2. A decision to terminate the consideration of a case on breaching anti-monopoly legislation shall be rendered by the commission in compliance with the requirements established by Article 41 of this Where consideration of a case is terminated in compliance with Item 4 of Part 1 of this Article, the operative part of the decision on termination of the case's consideration shall contain data on substantiating the fact of breach by the defendant or defendants of the anti-monopoly legislation. Federal Law.

#### **Article 48.1. An Opinion about the Circumstances of a Case**

1. Before the end of trying a case on breaching the antimonopoly legislation, if in the defendant's actions (omissions) a violation of the antimonopoly legislation has been detected, the commission shall adopt an opinion about the circumstances of the case.

2. An opinion about the circumstances of a case shall be legalised in the form of a separate document to be signed by the chairman and members of the commission and shall contain the following:

1) factual and other circumstances of the case established by the commission, including the circumstances established in the course of analysis of the state of competition made by an antimonopoly body and circumstances established in the course of inspecting the satisfaction of the requirements of the antimonopoly legislation;

2) proof serving as the basis for the commission's conclusions about the circumstances of the case, reasons for which the commission has rejected various proof, accepted or rejected the arguments of the persons participating in the case that substantiate their demands and objections.

3. In the event of adoption of an opinion about the circumstances of a case, the case on breaching the antimonopoly legislation is to be adjourned.

4. A copy of an opinion on the circumstances of a case shall be forwarded to the persons participating in the case within five working days from the date of issuance of the ruling on adjourning the case on breaching the antimonopoly legislation. In so doing, the date of a regular hearing of the case may not be set earlier than in five working days from the date when a copy of the opinion about the circumstances of the case is forwarded to the persons participating in the case.

5. The persons participating in a case are entitled to present explanations and evidence to the commission and to forward arguments in writing in respect of the circumstances stated in an opinion about the circumstances of the case prior to the end of trying the case on breaching the antimonopoly legislation and pronouncement of the resolute part of the decision on it at the commission's meeting.

6. If the explanations, evidence and arguments presented by the persons participating in a case show that in the defendant's actions (omissions) there are signs of a breach of the antimonopoly legislation other than the one on the basis of whose signs an opinion about the circumstances of the case has been adopted, the commission, on the basis of Item 1 of Part 1.1 of Article 47 of this Federal Law, shall render a decision on adjourning the case on breaching the antimonopoly legislation. On such occasion, trying of the case shall be continued according to the rules provided for by this chapter.

7. If the explanations, evidence and arguments in respect of the circumstances stated in an opinion about the circumstances of a case presented by the person participating in the case show that in the actions (omissions) being considered by the commission there is no breach of the antimonopoly legislation, the commission shall terminate trying the case on breaching the antimonopoly legislation on the basis of Item 1 of Part 1 of Article 48 of this Federal Law.

#### **Article 49. Adoption by the Commission of a Decision on the Case Concerning a Violation of Anti-Monopoly Legislation**

1. The commission, when rendering a decision on the case on breaching the anti-monopoly legislation:

1) shall assess the evidence and arguments presented by the parties to the case;

2) shall assess the opinions and explanations of experts, as well as of the persons having available data on the circumstances under the commission's consideration;

3) shall determine the rules of anti-monopoly legislation and other laws of the Russian Federation violated as a result of taking the actions (of the omission to act) under the commission's consideration;

4) shall establish the rights and duties of the persons participating in the case;

5) shall solve the questions of issuing orders and of their contents, as well as of the necessity to take other actions aimed at eliminating and (or) preventing a violation of anti-monopoly legislation, including the question of sending materials to law enforcement bodies, of applying to court, of sending proposals and recommendations to the state bodies

or local government bodies.

2. The resolute part of a decision on a case on breaching the anti-monopoly legislation is subject to pronouncement upon the end of the case's consideration, must be signed by all the commission members participating in the adoption of the decision and attached to the case-file. The decision must be made in full within ten working days as from the date when the resolute part of the decision is pronounced. A copy of such decision must be promptly forwarded or handed in to the persons participating in the case. The date of making the decision in full shall be regarded as the date of its adoption.

**Article 50. Order in Respect of a Case on Breaching Anti-Monopoly Legislation**

1. Subject to the results of considering a case on breaching anti-monopoly legislation and on the basis of a decision on the case the commission shall issue to the respondent an order in respect of the case.

2. An order in respect of a case on breaching anti-monopoly legislation shall be made concurrently with a decision on it. A copy of the order shall be promptly sent or handed in to the person who is ordered to take the actions specified by the decision.

**Article 51. Execution of an Order in Respect of a Case on Breaching Anti-Monopoly Legislation. Effects of Failing to Execute an Order to Remit to the Federal Budget the Incomes Derived from Monopolistic Activities or Unfair Competition**

1. An order in respect of a case on breaching anti-monopoly legislation is to be executed at the established time. The anti-monopoly body shall exercise control over execution of issued orders.

2. Failure to execute in due time an order in respect of a case on breaching anti-monopoly legislation shall entail administrative liability.

3. The person whose actions (omission to act) are declared monopolistic activity or unfair competition in the procedure provided for by this Federal Law and are impermissible under anti-monopoly legislation shall be obliged on the basis of an order of an anti-monopoly body to remit to the federal budget the incomes derived from such actions (omission to act). In the event of failure to follow this order, the incomes derived from monopolistic activities or unfair competition is to be recovered to the benefit of the federal budget on the basis of a claim of the anti-monopoly body. The person to which the order has been issued to remit to the federal budget the income derived from monopolistic activities or unfair competition may not be held administratively responsible for the breach of the antimonopoly legislation in respect of which the given order has been issued, if the given order has been executed.

4. Failure to execute in due an order concerning a case on breaching anti-monopoly legislation shall be understood as execution of the Failure to execute the said order in due time shall be deemed a breach of the anti-monopoly legislation. order in part or evasion of its execution.

5. The time period for execution of an order in respect of the case on a breach of the anti-monopoly legislation may be extended by the commission by at most six months on the basis of a reasoned application of the respondent or respondents, if the reasons cited in the application are found as good. The application for extending the time period for execution of such order shall be forwarded to the anti-monopoly at the latest twenty working days before the expiry of the time period for execution of the order.

6. The ruling on extension of the time period for execution of the order or on the refusal to extend it shall be signed by the commission's chairman and by members thereof, and within ten working days as of the time when the application is received shall be forwarded to the respondent or respondents in the case by registered mail with delivery



confirmation or shall be handed in to their representative against receipt thereof.

7. Where the respondent or respondents in a case are brought to administrative responsibility for failure to execute the order in due time, the commission within five working days as of the date, when the decision on imposition of an administrative sanction issued, shall issue a ruling on fixing a new time period for execution of the previously issued order. Such ruling shall be signed by the commission's chairman and members thereof and shall be forwarded by registered mail with delivery confirmation or shall be handed in to the respondent, respondents or their representatives against receipt thereof.

**Article 51.1.** Explaining a Decision and/or an Order in Respect of a Case on Breaching the Anti-Monopoly Legislation. Correcting a Slip of Pen, Misprint or an Arithmetic Mistake

1. The commission that has adopted a decision and/or an order in respect of a case on breaching the anti-monopoly legislation is entitled on the basis of an application of a person participating in the case or on its own initiative to explain the decision and/or order without changing its content, as well as to correct the slips of pen, misprints and arithmetic mistakes made in the decision and/or order.

2. The commission shall issue a ruling in respect of explanation of a decision and/or order, or correction of a slip of pen, misprint and an arithmetic mistake.

3. A ruling in respect of explanation of a decision and/or order, or correction of a slip of pen, misprint and an arithmetic mistake shall be forwarded by the commission to the persons participating in the case within three working days as from the date when the ruling is made but at the latest in fifteen working days as from the date when an application comes in.

**Article 51.2.** The Review of a Decision and/or an Order in a Case on Breaching the Anti-Monopoly Legislation in View of New or Newly Discovered Facts

1. The decision and/or the order issued in respect of a case on breaching the anti-monopoly legislation issued on the basis of such decision may be reviewed in view of new or newly discovered facts by the commission that has adopted such decision and/or has issued such order on the basis of an application of a person participating in the case, as well as if the commission finds the grounds for review of the decision and/or order provided for by this article.

2. As the grounds for reviewing the decision and/or the order issued on the basis of it in respect of a case on breaching the anti-monopoly legislation shall be deemed the following:

1) detecting the circumstances that were not known and could not be known at the time of pronouncing the resolute part of the decision on the case but are of major importance for solution of the case;

2) falsification of evidence, or wittingly false testimony of a person having information about the facts in the case under consideration, or wittingly false expert opinion, or wittingly false translation entailing the adoption of an unlawful or ill-founded decision and/or issuance of an order on the basis of it.

3. An application for reviewing the decision adopted by an anti-monopoly agency and/or the order issued on the basis of it in respect of the case on breaching the anti-monopoly legislation in view of new and/or newly discovered facts shall be filed with the anti-monopoly agency whose commission has adopted such decision and/or has issued such order by the persons participating in the case within three months as from the date when they learnt or could have learnt about the circumstances serving as a ground for review of the decision and/or order.

4. On the basis of a petition of the person that has filed an application the missed time

period for filing the application may be restored by an anti-monopoly agency, provided that the petition is submitted within six months as from the date of establishing grounds for review of the decision and/or order and the anti-monopoly agency declares the reasons for missing the time period as sound.

5. The form and content of an application for review of the decision adopted by an anti-monopoly agency and/or the order issued on the basis of it in respect of a case on breaching the anti-monopoly legislation shall be determined by the federal anti-monopoly agency.

6. An anti-monopoly agency shall return to an applicant the application filed by him for review of the decision adopted by the anti-monopoly agency and/or of the order issued on the basis of it in respect of a case on breaching the anti-monopoly legislation in view of new or newly discovered facts within ten days as from the date of receiving such application, if it finds that:

- 1) the requirements for the application's form and content are not satisfied;
- 2) the application is filed upon the expiry of the fixed time period and there is no petition for its restoration or restoration of the missed time period for filing the application is denied.

7. An application for review of the decision adopted by an anti-monopoly agency and/or of the order issued on the basis of it in respect of a case on breaching the anti-monopoly legislation in view of new and/or newly discovered facts shall be considered by the commission that has adopted such decision and/or issued such order within a month from the date when the application comes to the anti-monopoly agency.

8. On the basis of the results of considering an application for review of the decision adopted by an anti-monopoly agency and/or of the order issued on the basis of it in respect of a case on breaching the anti-monopoly legislation in view of new and/or newly discovered facts the commission shall render one of the following decisions:

- 1) to allow the application and to review the decision and/or order;
- 2) to reject the application.

9. The commission shall forward to an applicant the decision on rejection of an application for review of the decision adopted by an anti-monopoly agency and/or of the order issued on the basis of it in respect of a case on breaching the anti-monopoly legislation within three days as from the time when it is adopted.

10. In the event of adoption of the decision to review the decision and/or the order issued on the basis of it in respect of a case on breaching the anti-monopoly legislation, the commission shall issue the ruling to review the decision and/or order. A copy of such ruling within three days as from the date when it is issued shall be forwarded to the persons participating in the case.

11. The decision and/or the order issued on the basis of it in respect of a case on breaching the anti-monopoly legislation shall be reviewed by the commission that has adopted the decision to be reviewed and/or that has issued the order to be reviewed in the procedure established by this chapter.

## **Article 52.** A Procedure for Complaining against Decisions and Orders of an Anti-Monopoly Agency

1. The decision and/or order of an anti-monopoly agency may be complained against with an arbitration court within three months as from the date when the decision is adopted or the order is issued. Cases on complaining against the decision and/or order of an anti-monopoly agency shall be within the scope of judicial cognizance of an arbitration court. A decision and/or order of a regional antimonopoly body may also be appealed against with the collective body of the federal antimonopoly agency.

1.1. If a decision and/or order of an antimonopoly body is appealed against with the collective body of the federal antimonopoly agency, the acts adopted in a case on breaching the antimonopoly legislation may be appealed against with an arbitration court within a month from the time of entry into force of the decision of the collective body of the federal antimonopoly agency.

2. In the event of taking over by an arbitration court of an application for complaining against an order, execution of the order of the anti-monopoly agency shall be suspended up to the date of entry into legal force of the arbitration court decision.

## **Chapter 10. Final Provisions and Entry of This Federal Law into Effect**

### **Article 53. Final Provisions**

1. From the date of this Federal Law's entry into force the following shall be declared invalidated:

1) Articles from 1 to 2, Paragraphs from 2 to 25 of Part 1 and Part 2 of Article 4, Sections from II to VII of Law of the RSFSR No. 948-I of March 22 of 1991 on Competition and Restriction of Monopolistic Activity in Commodity Markets (Vedomosti Syezda Narodnykh Deputatov RSFSR i Verkhovnogo Soveta RSFSR, 1991, No. 16, item 499);

2) Article 14 of Law of the Russian Federation No. 3119-I of June 24, 1992 on Making Amendments and Addenda to the Civil Code of the RSFSR, the Civil Procedure Code of the RSFSR, the Rules of Procedure of the Supreme Soviet of the RSFSR, laws of the RSFSR on the Jewish Autonomous Area, on the Elections of People's Deputies of the RSFSR, on Additional Powers of Local Soviets of People's Deputies under the Conditions of Transition to Market Relations, on a Farming Household, on Land Reform, on Banks and Banking in the RSFSR, on the Central Bank of the RSFSR (the Bank of Russia), on Property in the RSFSR, on Enterprises and Business Activities, on the State Tax Service of the RSFSR, on Competition and Restriction of Monopolistic Activities in Commodity Markets, on Top-Priority Provision of the Agroindustrial Complex with Material and Technical Resources, on Local Self-Government in the RSFSR, on Privatisation of State and Municipal Enterprises in the RSFSR, on the Fundamentals of the Budget System and Budgetary Process in the RSFSR, on State Duty; the Laws of the Russian Federation on a Territorial and Regional Soviet of People's Deputies, as Well as a Territorial and Regional Administration, on Commodity Exchanges and Exchange Trade (Vedomosti Syezda Narodnykh Deputatov Rossiyskoy Federatsii i Verkhovnogo Soveta Rossiyskoy Federatsii, 1992, No. 34, item 1966);

3) Items 1 to 4, Paragraphs 4 to 20 of Item 5, Items 6 to 26 and 30 to 34 of Article 1 of Federal Law No. 83-FZ of May 25, 1995 on Making Amendments and Addenda to the Law of the RSFSR on Competition and Restriction of Monopolistic Activity in Commodity Markets (Sobranie Zakonodatelstva Rossiyskoy Federatsii, 1995, No. 22, item 1977);

4) Item 1, Paragraphs from 2 to 7, from 9 to 13 of Item 2 and Item 3 of Article 1 of Federal Law No. 70-FZ of May 6, 1998 on Making Amendments and Addenda to the Law of the RSFSR on Competition and Restriction of Monopolistic Activity in Commodity Markets (Sobranie Zakonodatelstva Rossiyskoy Federatsii, 1998, No. 19, item 2066);

5) Federal Law No. 117-FZ of June 23, 1999 on the Protection of Competition in the Financial Services Market (Sobranie Zakonodatelstva Rossiyskoy Federatsii, 1999, No. 26, item 3174);

6) Federal Law No. 3-FZ of January 2, 2000 on Making Amendments and Addenda to Article 18 of the Law of the RSFSR on Competition and Restriction of Monopolistic Activity in Commodity Markets (Sobranie Zakonodatelstva Rossiyskoy Federatsii, 2000, No. 2, item 124);

7) Paragraphs from 2 to 5 and from 38 to 42 of Article 3 of Federal Law No. 195-FZ of December 30, 2001 on Putting into Operation the Code of Administrative Offences of the Russian Federation (Sobranie Zakonodatelstva Rossiyskoy Federatsii, 2002, No. 1, item 2);

8) Item 2 of Article 2 of Federal Law No. 31-FZ of March 21, 2002 on Putting Legislative Acts into Accord with the Federal Law on the State Registration of Legal Entities (Sobranie Zakonodatelstva Rossiyskoy Federatsii, 2002, No. 12, item 1093);

9) Items 1 to 4, Paragraphs 2 to 18 of Item 5, Items 6 to 33 of Article 1 of Federal Law No. 122-FZ of October 9, 2002 on Making Amendments and Addenda to the Law of the RSFSR on Competition and Restriction of Monopolistic Activity in Commodity Markets (Sobranie Zakonodatelstva Rossiyskoy Federatsii, 2002, No. 41, item 3969);

10) Federal Law No. 13-FZ of March 7, 2005 on Amending Articles 17 and 18 of the Law of the RSFSR on Competition and Restriction of Monopolistic Activities in Commodity Markets (Sobranie Zakonodatelstva Rossiyskoy Federatsii, 2005, No. 10, item 761);

11) Article 2 and 21 of Federal Law No. 19-FZ of February 2, 2006 on Amending Certain Legislative Acts of the Russian Federation and Declaring Invalidated Some Provisions of Legislative Acts of the Russian Federation in Connection with Adoption of the Federal Law on Placing Orders to Supply Goods, Carry Out Works and Render Services for Meeting State and Municipal Needs (Sobranie Zakonodatelstva Rossiyskoy Federatsii, 2006, No. 6, item 636).

2. From the date of entry into force of this Federal Law and until the bringing into accordance with this Federal Law other federal laws and other normative legal acts of the Russian Federation regulating the relations connected with the protection of competition in the Russian Federation, prevention and suppression of monopolistic activities and unfair competition, the said laws and other normative legal acts shall apply insofar as they do not contravene this Federal Law.

3. Until the procedure envisaged by Part 5 of Article 17.1 of the present Federal Law for holding tenders or auctions for a right to conclude the contracts specified in Parts 1 and 3 of Article 17.1 of the present Federal Law is established tenders for a right to conclude such contracts shall be conducted in the procedure established by Federal Law No. 115-FZ of July 21, 2005 on Concession Agreements, and auctions for a right to conclude such contracts shall be conducted in the procedure established by Federal Law No. 178-FZ of December 21, 2001 on the Privatisation of State and Municipal Property.

4. Abrogated from July 1, 2013.

4.1. On the territories of the Republic of Crimea and the city of federal importance Sevastopol the conclusion for a new term of the contracts envisaging transfer of the rights of possession and/or use in respect of state or municipal property which had been concluded before March 18, 2014 and also which were concluded from March 18, 2014 to July 1, 2015 with the small and medium businesses which have property discharged their obligations shall be effectuated in the procedure and on the terms envisaged by Parts 9 - 11 of Article 17.1 of the present Federal Law. As this is being done, the provision of Item 1 of Part 9 of Article 17.1 of the present Federal Law shall not be applicable and the rate of rent shall be determined in accordance with the normative legal acts of the Republic of Crimea and the city of federal importance Sevastopol adopted in accordance with Part 1 of Article 12.1 of Federal Constitutional Law No. 6-FKZ of March 21, 2014 on the Admission to the Russian Federation of the Republic of Crimea and on Establishment within the Composition of the Russian Federation of New Constituent Entities - the Republic of Crimea and the City of Federal Importance Sevastopol.

5. Until January 1, 2011 information on the holding of tenders or auctions for the right to conclude the contracts specified in Parts 1 and 3 of Article 17 of the present Federal Law shall be placed on the official website of the Russian Federation, the official website of a

subject of the Russian Federation, the official website of a municipal formation on the internet intended for the placement of information on public sales designated by the federal executive power body empowered by the Government of the Russian Federation, the paramount executive power body of the subject of the Russian Federation or the local government body, respectively. In this case, announcements of tenders or auctions, amendments thereto and announcements of refusal to hold tenders or auctions shall also be published in the official printed edition chosen on a competitive basis of the federal executive power body empowered by the Government of the Russian Federation, the paramount executive power body of the subject of the Russian Federation or the local government body.

6. It is not allowed to expend the validity terms of contracts of rendering financial services and to make them for a new term without holding public tenders or public auctions cited in Article 18 of this Federal Law.

7. Not applicable from August 16, 2018 - Federal Law No. 91-FZ of April 23, 2018

8. Not applicable from January 1, 2022 - Federal Law No. 11-FZ of February 17, 2021

**Article 54. Entry into Effect of This Federal Law**

This Federal Law shall enter into force upon the expiry of 90 days from the date of its official publication.

President of the Russian Federation

V. Putin

The Kremlin, Moscow

July 26, 2006

No. 135-FZ