



FEDERAL ANTIMONOPOLY SERVICE

International Cartel Investigations: New Levels of Cooperation

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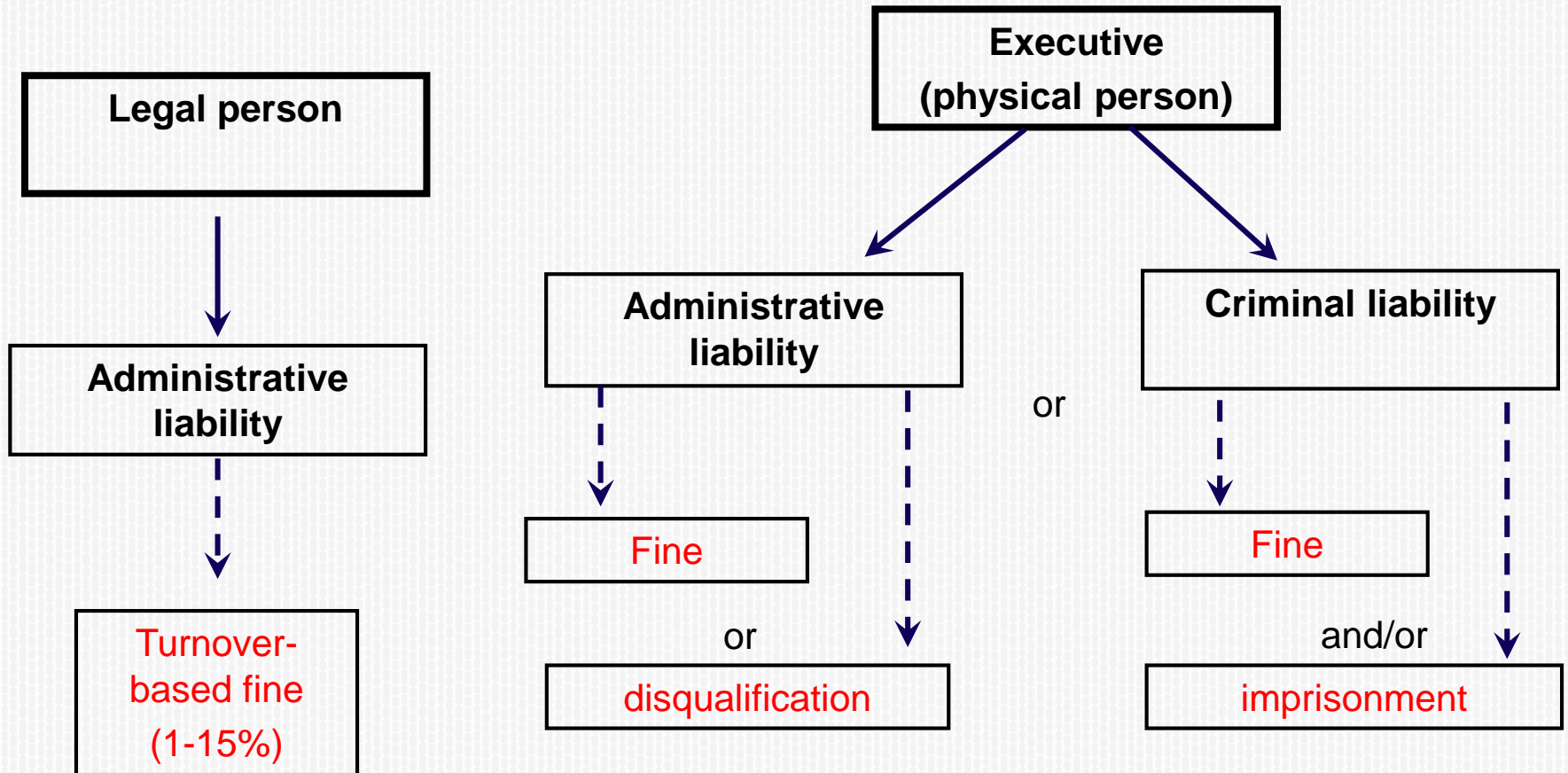
LEGAL FRAMEWORKS OF INTERNATIONAL CARTELS

INVESTIGATIONS IN RUSSIA

The Law applies to (Article 3 Part 2 of the Law On the Protection of Competition):

- the agreements concluded in the territory of the Russian Federation;
- the agreements concluded outside the Russian territory between Russian-based and (or) foreign individuals or organizations, as well as to their conduct, if such agreements or conduct impact the state of competition in Russian markets.

LIABILITY OF LEGAL ENTITIES AND EXECUTIVES (PHYSICAL PERSONS)



In the Russian Federation " Leniency " is valid from 2010.

WHAT WE HAVE TODAY



During 2009-2012 there were signed

7 “NEW LEVEL” AGREEMENTS:

Austria, Hungary, Italy, Mexico, Spain, Serbia, Directorate General for Competition of the European Commission

THAT CONTAIN THE FOLLOWING FORMS OF COOPERATION:

- ✓ counsel on specific cases;
- ✓ information requests;
- ✓ consideration of mutual interests during investigations.

WHAT WE HAVE TODAY

MULTILATERAL TREATY BETWEEN RUSSIA, BELARUS AND KAZAKHSTAN

Agreement on common principles and rules of competition, signed in the course of establishing Single Economic Space (SES), which is an integral part of the legal framework for the EEA's* and the Belarus – Kazakhstan - Russian Federation Customs Union's.

The Treaty provides for the following forms of cooperation:

- ✓ **instructions to conduct procedural actions;**
- ✓ **law enforcement at the request of one of the Treaty's parties;**
- ✓ **confidential information exchange.**

* In 2015 will come into force the agreement between Russia, Belarus and Kazakhstan on the Eurasian Economic Union.

WHAT WE HAVE TODAY

The Headquarters for Joint investigations of antimonopoly law violations in CIS Member States - created in 2006 by decision of the members of the ICAP

Purpose of creation – conduction of joint market analysis (antimonopoly law violations' investigations) in socially sensitive and infrastructural markets.



SHORTCOMINGS OF EXISTING INTERNATIONAL COOPERATION IN CARTEL INVESTIGATIONS

- ✓ “New Level” agreements are interagency agreements, which are declaratory and are not binding on the state level;
- ✓ The existing Treaty covers only the territory of three countries: Russia, Belarus and Kazakhstan;
- ✓ The Headquarters for Joint Investigations of Antimonopoly law violations in CIS Member States is operational only in the territory of these countries, and its decisions have no binding international force.

PROBLEMS WAITING BE SOLVED

5 issues requiring discussions and decisions:

- ✓ **securing the balance of global and national interests;**
- ✓ **trust between competition authorities;**
- ✓ **existence of appropriate legal frameworks;**
- ✓ **differentiation in the levels of the information protection;**
- ✓ **ensuring the appropriate level of protection for confidential information received during cooperation.**

GOALS AND OBJECTIVES

The following needs to be defined:

- ✓ **mechanism of the exchange of information between competition authorities necessary for cartel investigations;**
- ✓ **procedure of joint inspections or inspections by request from the antimonopoly authority of business entities located in foreign countries;**
- ✓ **possibility to create common databases;**
- ✓ **notification procedure, transmission of documents to foreign defendants and their translation;**
- ✓ **procedure of the recovering of fines from a foreign legal entity.**

INTERNATIONAL ENFORCEMENT COOPERATION

REPORT ON THE OECD/ICN SURVEY
ON INTERNATIONAL
ENFORCEMENT CO-OPERATION
(DAF/COMP/WP3(2013)2)

MODALITIES AND PROCEDURES
FOR INTERNATIONAL
COOPERATION IN COMPETITION
CASES INVOLVING MORE THAN ONE
COUNTRY *(UNCTAD 13th
Intergovernmental Group of Experts
on Competition Law and Policy 10
July 2013, Geneva, Switzerland)*

OECD RECOMMENDATION
CONCERNING INTERNATIONAL
CO-OPERATION ON
COMPETITION INVESTIGATIONS
AND PROCEEDINGS (2014)

INTERNATIONAL
ENFORCEMENT
COOPERATION

?

MULTILATERAL INTERNATIONAL
CONVENTION ON COMBATING CARTELS

**COMPETITION AUTHORITIES OF ALL COUNTRIES,
UNITE!**

Thank you for your attention!



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