

Joint Meeting of the Competition Committee's Working Party No.3 on Co-Operation and Enforcement (WP3) & the Working Group on Bribery in International Business Transactions (WBG)

June 14, 2016

One of the most dangerous form of violation of antimonopoly legislation is anticompetitive agreements. They are prohibited per se. Such prohibition is established in Article 11 of the Federal Law dated July 26, 2006 No. 135-FZ “On Protection of Competition” (hereinafter – the Law on Protection of Competition). In accordance with Article 23 of the Law on Protection of Competition the FAS Russia is empowered to bring to responsibility for violation of the antimonopoly legislation.

Russian legislation established as administrative (Article 14.32 of the Code of Administrative Offences of the Russian Federation) as criminal liability (Article 178 of the Criminal Code of the Russian Federation) for cartels. The FAS Russia is empowered to bring participants of a cartel only to administrative liability and could not bring them to criminal liability. Initiation and investigation of criminal cases as well as bringing to criminal liability is in the scope of functions of Ministry of Internal Affairs of the Russian Federation (MIA Russia).

That is why cooperation with law-enforcement authorities is necessary to bring participants of a cartel to criminal liability.

In 2014 the FAS Russia and MIA Russia issued a joint Order No. 878/215 “On Approval of the Regulation on Procedures of Cooperation between the Ministry of Internal Affairs of the Russian Federation and The Federal Antimonopoly Service”.

In accordance with the Order mentioned above the Parties plan, organize and hold joint actions on inspection of commercial and non-commercial organizations in order to identify, prevent and suppress anticompetitive actions.

In 2012 the Agreement on cooperation between Investigative Committee of the Russian Federation and the Federal Antimonopoly Service was signed. The FAS Russia actively works with the General Prosecutor Office of the Russian Federation.

The FAS Russia also executes function on control over public procurement. This function is also important for combating corruption and bid rigging.

One more task of the FAS Russia connected with combating corruption is control over subsidizing. In particular, it concerns subsidies to agricultural producers. The FAS Russia considers it is necessary to ensure that distribution of the funds, allocated as subsidies to support agricultural producers, must be transparent and reach the end addressees, and the mechanisms of support should be most efficient.

The FAS Russia started actively inspecting whether expenditures fit their intended purpose – support to agricultural producers in the subjects of the Russian Federation.