



Federal Antimonopoly Service
(Russian Federation)



MEMORANDUM OF UNDERSTANDING ON COOPERATION

The Federal Antimonopoly Service (hereinafter referred to as the FAS Russia) on the one side,

and the National Commission on Competition of Spain (hereinafter referred to as the CNC Spain) on the other side,

hereinafter referred to as the “Sides”

recognizing their capacity to interact as the national competition authorities,

expressing the wish to develop and strengthen cooperation in the field of competition policy,

aiming at the creation of favorable conditions for the development of bilateral relations, based on principles of equality and mutual benefit,

underlining the role of competition in the effective development of market economy,

have reached the following understanding:

I. PURPOSE

1. The purpose of the present Memorandum of Understanding is to promote development and strengthen cooperation between the Sides in the area of competition policy, legislation and enforcement.

II. COOPERATION AND COORDINATION

2. Cooperation between the Sides under the present Memorandum of Understanding will be subject to the current legislation of the Sides, including the legislation on protection of confidential information and business secrets.



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3. The Sides acknowledge that it will be in their common interest to exchange non-confidential information, experiences and views with regard to competition policy development and case investigations on violation of competition legislation that will be of mutual interest to the Sides.
4. Should the Sides pursue enforcement activities concerning the same or related cases they will endeavour to coordinate their enforcement activities, where this is possible.
5. The Sides consider that it will be in their common interests to provide each other technical assistance related to competition law enforcement and competition policy development for the purpose of sharing experience and views. Subject to the both Sides' reasonably available resources these initiatives may include, among others:
 - (a) the exchange of staff;
 - (b) the organization of seminars, fora, courses and other similar events;
 - (c) the exchange of publications and other publicly available documents.

III. ASSISTANCE TO BE PROVIDED BETWEEN THE SIDES

6. If one of the Sides believes that anti-competitive actions carried out on the territory of the other Side adversely affect competition on the territory of the first Side, it may request that the other Side initiates appropriate enforcement activities.
7. The requested Side will consider the possibility for initiating enforcement activities or expanding ongoing enforcement activities with respect to the anti-competitive actions, identified by the requesting Side, in accordance with the requirements of its legislation and will inform the other Side about the results of such consideration.
8. Nothing in this Memorandum of Understanding will limit the discretion of the requested Side to decide whether to undertake enforcement activities with respect to the anti-competitive actions identified in the request, or will preclude the requesting Side from withdrawing its request.



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IV. AVOIDANCE OF CONFLICTS

9. The Sides acknowledge that it will be in their common interest to minimize any potentially adverse effects of one Side's enforcement activities on the other Side's interests in the application of their respective competition laws.
10. Should one Side inform the other Side that enforcement activities of the latter may affect the informing Side's interests in its application of the competition law; the other Side will endeavour to provide an opportunity to exchange views and conduct consultations on the issues raised by the informing Side.
11. The Sides should discuss between them any questions arising from the implementation of the present Memorandum of Understanding, including questions on the interpretation or application of the present Memorandum of Understanding in as timely a manner as circumstances permit.

V. MEETINGS

12. The Sides will endeavour, in case of need, to conduct meetings to:
 - (a) discuss current issues, experiences and new developments of mutual interest with respect of competition policy development, legislation and enforcement or the operation of the present Memorandum of Understanding;
 - (b) exchange non-confidential information on competition environment in economic sectors of common interest;
 - (c) exchange views with respect to multilateral competition initiatives;
 - (d) exchange experience and information through study visits, seminars or comparable initiatives.
13. The Sides will take advantage of the opportunities to meet within the frameworks of the international events in which both Sides take part as well as use, where appropriate telephone and electronic mail.
14. All the expenses related to travels, meals, accommodation of the Sides' representatives in the territory of the receiving Side within the frameworks of participation in different events and meetings shall be covered by the sending Side.



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VI. EXISTING LEGISLATION AND CONFIDENTIALITY OF INFORMATION

15. Nothing in the present Memorandum of Understanding will require any Side to take any actions or to refrain from acting in a manner inconsistent with the existing legislation of the Sides or will require any change to that legislation.
16. Neither Side will be required to communicate information to the other Side if communication of such information is prohibited by the legislation of the Side possessing this information or if it would be incompatible with the interests of that Side in its application of the competition law.

VII. COMMUNICATIONS UNDER THE PRESENT MEMORANDUM OF UNDERSTANDING

17. Each Side will designate a contact point to which the information necessary for the effective execution of the present Memorandum of Understanding will be communicated.
18. The Sides will intend to notify each other promptly of all changes in their authorities with regard to competition law and competition enforcement.
19. Both Sides agree that English will be the official working language of the present Memorandum of Understanding.

VIII. FINAL PROVISIONS

20. Cooperation as envisaged in the present Memorandum of Understanding should commence as of the date of signature by both Sides.
21. The present Memorandum of Understanding shall not be considered as an international treaty and does not establish or purport to establish any legal rights or obligations.
22. The present Memorandum of Understanding will be applied from the date of its signature and will be effective for one year. Nevertheless, the Memorandum of Understanding could be extended tacitly, unless one of the Sides sends a written notice to the other on the intention to terminate its application.



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The present Memorandum of Understanding is signed in Madrid on “12” December, 2011 in two copies in the agreed working language.

For the Federal Antimonopoly
Service (Russian Federation)

For the National Commission on
Competition of Spain

Igor Artemyev
Head

Joaquin Garcia Bernaldo de Quiros
President