

Non-official translation

To organisations on the list

RULING

ON POSTPONING CONSIDERATION OF THE CASE No. 1-11-59/00-22-16

December 8, 2016

Moscow

The Commission on investigation of the case No. 1-11-59/00-22-16 on violation of antimonopoly legislation composed of:

Chairman of the Commission:

A.Y. Tsarikovskiy – Stats-Secretaty – Deputy Head of the FAS Russia;

Members of the Commission:

A.P. Tenishev – Head of Anti-Cartel Department of the FAS Russia;

D.V. Artyushenko – Deputy Head of Anti-Cartel Department of the FAS Russia;

N.V. Litvinova – Senior State Inspector of the First Division of Anti-Cartel Department of the FAS Russia;

A.S. Zemlyanaya – Chief Specialist Expert of Division for International Cooperation of the Department for International Economic Cooperation of the FAS





Russia (hereinafter – the Commission),

having considered the case No. 1-11-59/00-22-16 on signs of violation of Part 5 Article 11 of the Federal Law dated July 26, 2006 No. 135-FZ “On Protection of Competition” by Apple Rus Ltd. (107031, Moscow, Petrovka str., 5, TIN: 7707767220), Apple Holding B.V. (Leidseplein 29, Amsterdam, 1017PS, Netherlands; Company code: 08058671), Apple Sales Ireland (Hollyhill Industrial Estate, Hollyhill, Cork, Republic of Ireland; Registration number: 86705), Apple Operations International (Hollyhill Industrial Estate, Hollyhill, Cork, Republic of Ireland; Registration number: 76941), Apple Inc. (1 Infinite Loop, Cupertino, CA 95014, USA; Employer Identification Number: 94-2404110),

#### ESTABLISHED:

In the defendants' actions signs of coordination of economic activity of Apple iPhone smartphones' resellers were found, which supposedly has led to refusal of concluding contracts with certain purchasers, which is proved by the act of an Internet website review of December 7, 2016 No. 3-16. As it had been established by this act a company belonging to the international group Apple sent a letter to resellers and distributors of Apple goods, in which it asks them to sign a notification on seizing sales of Apple products and providing services related to the Apple products in Crimea from February 1, 2015.

Based on the above, additional evidence is needed regarding the case on No. 1-11-59/00-22-16 on violation of antimonopoly legislation.

In accordance with Parts 1 and 5 Article 47 of the Federal Law of July 26, 2006 No. 135-FZ “On Protection of Competition” the Commission



## RULED:

1. To postpone consideration of the case No. 1-11-59/00-22-16.
2. To schedule the consideration of the case No.1-11-59/00-22-16 on February 7, 2017 at 14 p.m. at the Board Hall, 11 Sadovaya Kudrinskaya str., floor 4, Moscow.
3. For Apple Rus Ltd. to provide within ten days since the date of receiving the giving Ruling the following information:
  - 3.1. Information on the person (the persons) who has sent to Apple Rus Ltd. the letter and/or instructed Apple Rus Ltd. on sending to resellers and/or distributors of the Apple iPhone smartphones the letters on obligation of these persons not to sell the Apple products and not no provide services related to the Apple products on the territory of the Crimean peninsula since February 1, 2015.
  - 3.2. The list of persons to whom the letter described in paragraph 3.1 of this Ruling was sent.
  - 3.3. Information on reasons and grounds for sending the letter described in paragraph 3.1 of this Ruling.
  - 3.4. The typical form of agreement with an authorized dealer of the Apple products (the Apple iPhone smartphones).
  - 3.5. Information on whether the agreements with authorized dealers of the Apple products concluded by Apple Rus Ltd. with resellers of the Apple iPhone smartphones have differences. In case if the mentioned agreements have differences, to provide the information on these differences and the reasons justifying them.
4. For the companies Apple Inc., Apple Operations International, Apple Sales Ireland and Apple Holding B.V. To provide within ten days after receiving this Ruling the information on whether your company has sent a letter (letters) to someone regarding sales of the Apple products' and provision of services related to the Apple products on the territory of the Crimean peninsula. If yes, to provide information on the persons to whom this letter was sent as well as the information on reasons and

grounds for sending it.

Chairman of the Commission \_\_\_\_\_ A.Y. Tsarikovskiy

Members of the Commission : \_\_\_\_\_ A.P. Tennishev

\_\_\_\_\_ D.V. Artyushenko

\_\_\_\_\_ N.V. Litvinova

\_\_\_\_\_ A.S. Zemlyanaya

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