

MEMORANDUM OF UNDERSTANDING

on cooperation in the sphere of competition policy between the Federal Antimonopoly Service (Russian Federation) and the Authority for Fair Competition and Consumer Protection of Mongolia

The Federal Antimonopoly Service (Russian Federation) and the Authority for Fair Competition and Consumer Protection of Mongolia hereinafter referred to as the “Sides”,

RECOGNIZING that anticompetitive actions can pose obstacles for expansion of trade relations and mutual investments between the Russian Federation and Mongolia,

HAVING REGARD to the importance of cooperation and coordination of enforcement activities of the Sides for the enhancement of the effective, transparent and non-discriminatory enforcement of the competition laws in the Russian Federation and Mongolia,

ON THE BASIS OF the principles of equality and mutual advantage,

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, enforcement and advocacy.

II. COOPERATION AND COORDINATION

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

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. 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, formulation of opinions and proposals, when drafting laws and other comprehensive juridical acts in the sphere of competition. 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

5. If one of the Sides believes that anti-competitive actions carried out on the territory of the State of the other Side adversely affect competition on the territory of the State of the first Side, it may request that the other Side initiates appropriate enforcement activities.

6. 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 the legislation of its State and will inform the other Side about the results of such consideration.

7. 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.

8. 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 the respective competition legislation in their States.

9. 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 legislation, the other Side will endeavour to provide an opportunity to exchange views and conduct consultations on the issues raised by the informing Side.

10. Any disagreement between the Sides arising from the application and/or interpretation of the present Memorandum of Understanding will be solved by consultations and negotiations between them.

V. MEETINGS

11. 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.

12. 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.

13. 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.

VI. INTERACTION BETWEEN REGIONAL OFFICES

14. The Sides will share information on regional offices, located in border areas.

15. The Sides will contribute to the development of bilateral relations between regional offices in border areas and provide assistance in investigations related to anticompetitive practices of business entities of the Sides' states.

VII. COMMUNICATIONS UNDER THE PRESENT MEMORANDUM OF UNDERSTANDING

16. 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. The Sides will intend to notify each other promptly of all changes in their authorities with regard to competition law and competition enforcement. The working languages will be English and Russian.

VIII. FINAL PROVISIONS

17. The present Memorandum of Understanding is not an international treaty and does not create any rights or obligations under international law.

Cooperation as envisaged in the present Memorandum of Understanding should commence as of the date of signature by both Sides. The present Memorandum is subject to termination by either Side upon two-month prior written notification.

The present Memorandum of Understanding is signed in Moscow on March 22, 2017 in two copies, each in Russian and Mongolian.

**For the Federal Antimonopoly
Service (Russian Federation)**

**For the Authority for Fair
Competition and Consumer
Protection of Mongolia**