

**MEMORANDUM OF UNDERSTANDING ON ANTITRUST COOPERATION BETWEEN
THE UNITED STATES DEPARTMENT OF JUSTICE AND
THE UNITED STATES FEDERAL TRADE COMMISSION,
ON THE ONE HAND, AND
THE RUSSIAN FEDERAL ANTI-MONOPOLY SERVICE,
ON THE OTHER HAND**

The United States Federal Trade Commission ("FTC"), the United States Department of Justice ("DOJ") (together the "U.S. antitrust agencies"), and the Russian Federal Anti-monopoly Service ("FAS Russia"),

Desiring to enhance the effective enforcement of their competition laws by creating a framework for cooperation between the U.S. antitrust agencies and FAS Russia,

Recognizing the benefit of technical cooperation between the U.S. antitrust agencies and FAS Russia in order to enhance an environment in which the sound and effective enforcement of competition law and policy supports the efficient operation of markets and economic welfare of the citizens of their respective nations,

Recognizing that a well-functioning system for implementing competition law and policy includes not only competition agencies but also effective supporting institutions such as the judiciary, regulatory institutions, and the legal, business, and academic sectors, and

Recognizing that establishing a framework for regular communication between the U.S. antitrust agencies and FAS Russia will contribute to improving and strengthening their relationship, intend to cooperate as follows:

COOPERATION

The U.S. antitrust agencies and FAS Russia intend to keep each other informed of significant competition policy and enforcement developments in their respective jurisdictions, including proposed legislative and policy changes.

The U.S. antitrust agencies and FAS Russia recognize that it is in their common interest to work together in technical cooperation activities related to competition law enforcement and policy. Subject to reasonably available resources, the parties may jointly engage in appropriate activities in furtherance of that interest, such as, *inter alia*: (a) participating in training courses on competition law and policy organized or sponsored by one another; (b) providing comments on proposed changes to competition laws, regulations, guidelines or other policies; and (c) assistance, where appropriate, in promoting understanding of sound competition policy among important supporting institutions, such as the judiciary, other government agencies, the business community, bar associations, and academic institutions.

The U.S. antitrust agencies and FAS Russia plan to evaluate the effectiveness of the technical cooperation under this MOU on a regular basis to ensure that their expectations and needs are being met.

WORKPLAN

The U.S. antitrust agencies and FAS Russia intend to agree on a workplan of cooperative activities, which may be revised by mutual agreement.

COMMUNICATIONS

The U.S. antitrust agencies and FAS Russia may request advice from one another regarding matters of competition law enforcement and policy.

DOJ, FTC, and FAS Russia each plan to appoint a liaison for the purpose of facilitating contact in furtherance of this Memorandum. Communications may be carried out by telephone, electronic mail, videoconference, or in person, as appropriate.

Officials of the U.S. antitrust agencies and FAS Russia should meet, as appropriate, to exchange information on their current and contemplated policy and enforcement efforts and priorities.

CONFIDENTIALITY

It is understood that the U.S. antitrust agencies and FAS Russia do not intend to communicate information to the other if such communication is prohibited by the laws governing the agency possessing the information or would be incompatible with that agency's interests.

Insofar as information is communicated, the recipient should, to the extent consistent with its laws, maintain the confidentiality of any such information communicated to it in confidence.

EFFECTIVE DATE

Cooperation under this Memorandum is effective as of the date of its signature.

This Memorandum is intended to set forth an advisory framework for cooperation. The U.S. antitrust agencies and FAS Russia reserve their full discretion in implementing the Memorandum, and nothing in it is intended to change existing law, agreements, or treaties, or create enforceable rights.

Signed in Washington, DC on November 10, 2009 in three copies, in the Russian and English languages, with both languages being equally authentic.

Jon Leibowitz
Chairman
Federal Trade
Commission

Igor Artemiev
Head
Russian Federal Anti-Monopoly
Service

Christine Varney
Assistant Attorney General
United States Department of
Justice