

MEMORANDUM OF UNDERSTANDING ON COOPERATION

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

and the Directorate-General for Competition of the European Commission (hereinafter referred to as the DG Competition) on the other side,

hereinafter referred to as the “Sides”

having regard to the joint statement launching the EU-Russia Partnership for Modernisation agreed at the Rostov-on-Don Summit of 31 May-1 June 2010,

recognizing that anticompetitive actions can pose obstacles for expansion of trade relations and mutual investments between the Russian Federation and European Union,

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 European Union,

the Sides have reached the following understanding:

I. PURPOSE AND DEFINITIONS

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.
2. For the purposes of the present Memorandum of Understanding the below notions have the following definitions:
 - a) “territory of the Side” means:
 - for the FAS Russia the territory of the Russian Federation;
 - for the DG Competition the territory of the Member States of the European Union;

- b) “legislation of the Side” means:
- for the FAS Russian the legislation of the Russian Federation;
 - for the DG Competition the legislation of the European Union.
3. The present Memorandum of Understanding is based on the understanding of equality and mutual benefit.

II. COOPERATION AND COORDINATION

4. 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.
5. 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.
6. Should the Sides pursue enforcement activities concerning the same or related cases they will endeavour to coordinate their enforcement activities, where this is possible.
7. 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

8. 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.
9. 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.
10. 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.

IV. AVOIDANCE OF CONFLICTS

11. 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.
12. 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.
13. 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

14. 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.
15. 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.
16. 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. EXISTING LEGISLATION AND CONFIDENTIALITY OF INFORMATION

17. 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.
18. 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

19. 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 language will be English.

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.

The present Memorandum of Understanding is signed in Brussels on March 10th, 2011 in two copies, each in Russian and English.

For the Federal Antimonopoly
Service (Russian Federation)

For the Directorate-General for
Competition (European Commission)

Igor Artemyev
Head

Joaquín Almunia
Vice-President
Commissioner for competition