

RUSSIAN FEDERATION

FEDERAL LAW

On protection of competition

Adopted
by the State Duma
on July 8, 2006

Approved
by the Federation Council
on July 14, 2006

Chapter 1. General provisions

Article 1. Subject and purposes of the present Federal law

1. The present Federal law defines organizational and legal foundations of protection of competition, including preventions and suppressions:

1) of monopolistic activity and unfair competition;

2) of banning, restricting, eliminating competition by federal executive bodies, bodies of state power of the RF subjects, bodies of local government, other bodies or organizations, exercising functions of the indicated bodies, as well as state off-budget funds, Central bank of the RF.

2. The purposes of the present Federal law are securing unity of economic space, free transfer of goods, freedom of economic activity in the Russian Federation, protection of competition and creation of conditions for efficient functioning of commodity markets.

Article 2. Antimonopoly legislation of the RF and other standard legal acts on protection of competition

1. Antimonopoly legislation of the RF (later - antimonopoly legislation) is based on the RF Constitution, Civil code of the RF and consists of the present Federal law, other federal laws, regulating the relations, indicated in article 3 of the present Federal law.

2. The relations, indicated in article 3 of the present Federal law, can be regulated by decrees of the RF Government, standard legal acts of the federal antimonopoly body in the cases, provided by antimonopoly legislation.

3. If the RF international treaty establishes other rules than those ones that are provided by

the present Federal law, the rules of the RF international treaty are applied.

Article 3. Purview of the present Federal law

1. The present Federal law covers the relations that are connected with protection of competition, in particular with preventions and suppressions of monopolistic activity and unfair competition, and in which Russian legal entities and foreign legal entities, federal executive bodies, bodies of state power of the RF subjects, bodies of local government, other bodies or organizations, exercising functions of the indicated bodies, as well as state off-budget funds, Central bank of the RF, natural persons, including sole traders, participate.

2. The provisions of the present Federal law are applied to the agreements between Russian or foreign persons or organizations, made beyond the RF boundaries, if with respect to such agreements the following conditions are met in the whole:

1) the agreements are made with respect to basic production facilities and (or) non-material assets, being on the RF territory or with respect to stocks (shares) of Russian economic societies, rights with respect to Russian commercial organizations.

2) the agreements result or can result in restriction of competition in the Russian Federation.

Article 4. Basic concepts, used in the present Federal law

In the present Federal law the following basic concepts are used:

1) article of trade (goods) - object of civil rights (including work, service, in particular financial service), intended for sale, exchange or other putting into circulation;

2) financial service - banking service, insurance service, service at securities' market, service by leasing contract, as well as service, rendered by financial organization and connected with attracting and (or) placing monetary funds of legal and natural persons;

3) interchangeable goods - goods that can be compared by their functional purpose, application, qualitative and technical characteristics, price and other parameters in such a way so that the getter actually substitutes or is ready to substitute one article of trade for another one in consumption (including in consumption for production purposes);

4) commodity market - sphere of circulation of goods (including goods of foreign origin) that can not be substituted by other goods, or interchangeable goods (later - certain goods), within the limits of which (including geographical) proceeding from economic, technical or other possibility or expediency the getter can purchase goods, and such possibility or expediency is absent beyond its limits;

5) managing subject - sole trader, commercial organization, as well non-commercial organization, exercising the activity bringing return to it;

6) financial organization - managing subject, rendering financial services, - credit organization, credit consumer's cooperative, insurer, insurance broker, society of mutual insurance, stock exchange, currency exchange, pawn-shop, leasing company, private pension

fund, management company of investment fund, management company of unit investment fund, management company of private pension fund, specialized depository of investment fund, specialized depository of unit investment fund, specialized depository of private pension fund, professional participant of securities' market;

7) competition - rivalry of managing subjects, in which the possibility of each of them in unilateral order to influence on general conditions of circulating goods at the corresponding commodity market is excluded or restricted by independent actions of each of them;

8) discriminatory conditions - conditions of access to commodity market, conditions of production, exchange, consumption, purchase, sale, other transfer of goods, in which managing subject or several managing subjects are placed in unequal position in comparison with other managing subject or other managing subjects;

9) unfair competition - any actions of managing subjects (group of persons) that are aimed at gaining advantages in exercising business activity, conflict with the RF legislation, customs of business intercourse, requirements of honesty, reasonableness and fairness and caused or can cause damages to other managing subjects - competitors or caused or can cause damage to their business reputation;

10) monopolistic activity - abuse by managing subject, group of persons by its dominant position, agreements or concerted actions, prohibited by antimonopoly legislation, as well as other actions (omission), recognized as monopolistic activity in accordance with federal laws;

11) systematic exercise of monopolistic activity - exercising monopolistic activity by managing subject, revealed in the order, established by the present Federal law, more than twice within three years;

12) unsoundly high price of financial service, unsoundly low price of financial service - price of financial service or financial services that is fixed by financial organization, occupying dominant position, essentially differs from competitive price of financial service and (or) makes difficulties for access to commodity market for other financial organizations, and (or) exerts negative influence on competition;

13) competitive price of financial service - price, at which financial service can be rendered in conditions of competition;

14) coordination of economic activity - coordination of managing subjects' actions by the third person, not included into one group of persons with any of such managing subjects. The actions of self-regulated organization in establishing conditions of access to commodity market or departure from commodity market for its members, exercised in accordance with federal laws, are not coordination of economic activity;

15) antimonopoly body - federal antimonopoly body and its territorial bodies;

16) purchasing stocks (shares) of managing societies - purchasing, as well as obtaining other possibility of exercising voting right, granted by stocks (shares) of managing societies, on the basis of contracts of trust property management, contracts of joint activity, contracts of agency, other transactions or by other grounds;

17) signs of restricting competition - reduction of the quantity of managing subjects, not included into one group of persons, at commodity market, growth or decrease of price of

goods, not connected with corresponding changes of other general conditions of circulation of goods at commodity market, rejection of managing subjects, not included into one group of persons, of independent actions at commodity market, definition of general conditions of circulation of goods at commodity market by the agreement between managing subjects or in accordance with instructions of other person, obligatory for their execution, or as a result of coordination by managing subjects, not included into one group of persons, of their actions at commodity market, as well as other circumstances, creating possibility for managing subject or several managing subjects in unilateral order to influence on general conditions of circulation of goods at commodity market;

18) agreement - power of attorney in writing, contained in the document or several documents, as well as power of attorney in oral form;

19) "vertical" agreement - agreement between managing subjects that do not compete with each other, one of which purchases article of trade (goods) or is its potential getter, and the other provides with article of trade (goods) or is its potential seller;

20) state or municipal assistance - gaining by federal executive bodies, executive bodies of the RF subjects, bodies of local government, other bodies or organizations, exercising functions of the indicated bodies, advantage that provides certain managing subjects in comparison with other market participants (potential market participants) with more favorable conditions of activity at the corresponding commodity market, by transferring property and (or) other objects of civil rights, rights of access to information in priority order;

21) economic concentration - transactions, other actions, which exercise influence on the state of competition.

Article 5. Dominant position

1. The position of managing subject (group of persons) or several managing subjects (groups of persons) at the market of certain goods, giving such managing subject (group of persons) or such managing subjects (groups of persons) possibility to exert decisive influence on general conditions of circulation of goods at the corresponding commodity market, and (or) eliminate other managing subjects from this commodity market, and (or) make difficulties for access to this commodity market for other managing subjects is dominant position. The position of managing subject (with exception of financial organization) is dominant:

1) which share at the market of certain goods exceeds fifty percent, if only in considering the case of antimonopoly legislation or in exercising state control for economic concentration it is not established that in spite of exceeding the indicated quantity, the position of managing subject at commodity market is not dominant;

2) which share at the market of certain goods is less than fifty percent, if dominant position of such managing subject is established by antimonopoly body proceeding from constant or subject to insignificant changes share of managing subject at commodity market, relative rate of shares at this commodity market, belonging to competitors, possibility of access to this commodity market of new competitors or proceeding from the other criteria, characterizing commodity market.

2. The position of managing subject (with exception of financial organization), which share at the market of certain goods does not exceed thirty five percent, except for the cases,

indicated in parts 3 and 6 of the present article, can not be considered dominant.

3. The position of each managing subject from several managing subjects (with exception of financial organization) is dominant, with reference to which the following conditions are in the whole fulfilled:

1) aggregate share of not more than three managing subjects, each share of which is more than shares of other managing subjects at the corresponding commodity market, exceeds fifty percent, or aggregate share of not more than five managing subjects, each share of which is more than shares of other managing subjects at the corresponding commodity market, exceeds seventy percent (the present provision is not applied, if the share of only one of the indicated managing subjects is less than eight percent);

2) within long period (within not less than one year or, if such period is less than one year, within the period of existing the corresponding commodity market) relative rates of shares of managing subjects are constant or subject to insignificant changes, as well as the access of new competitors to the corresponding commodity market is complicated;

3) goods, sold or purchased by managing subjects, can not be substituted for other goods in consumption (including in consumption for production purposes), growth of price of goods does not stipulate for decrease of demand on these goods that corresponds to such growth, information about price, conditions of sale or purchase of these goods at the corresponding commodity market is available to uncertain group of people.

4. The managing subject has a right to present evidence to antimonopoly body or court that the position of this managing subject at commodity market can not be considered dominant.

5. The position of managing subject - subject of natural monopoly at commodity market, being in the state of natural monopoly, is considered dominant.

6. Federal laws can establish cases of considering dominant the position of managing subject, which share at the market of certain goods is less than thirty five percent

7. The conditions of considering dominant the position of financial organization (with exception of credit organization), taking into account the restrictions, provided by the present Federal law, are established by the RF Government. The conditions of considering dominant the position of credit organization, taking into account the restrictions, provided by the present Federal law, are established by the RF Government by agreement with the RF Central bank. Dominant position of financial organization (with exception of credit organization) is established by antimonopoly body in the order, approved by the RF Government. The order of establishing dominant position of credit organization is established by the RF Government by agreement with the RF Central bank. The position of financial organization which share does not exceed ten percent at the single in the RF commodity market or twenty percent at commodity market, at which circulating goods are also circulated at other commodity markets in the RF.

Article 6. Exclusively high price of goods

1. The price, fixed by the managing subject, occupying dominant position, is exclusively high price of goods (with exception of financial service), if:

1) this price exceeds the price that in conditions of competition at commodity market, compared by the quantity of goods, sold for certain period, composition of purchasers or sellers of goods (defined proceeding from the purposes of purchase or sale of goods) and conditions of access (later - compared commodity market) is fixed by managing subjects, not included into one group of persons with purchasers or sellers of goods and not occupying dominant position at compared commodity market;

2) this price exceeds the sum of expenses and return, necessary for production and sale of such goods.

2. The price of goods is not considered exclusively high, if it does not correspond to only one of the criteria, indicated in part 1 of the present article. The price of goods, fixed by the subject of natural monopoly within the limits of the tariff for such goods, fixed by the body of regulating natural monopoly, is not considered exclusively high.

Article 7. Exclusively low price of goods

1. The price, fixed by the managing subject, occupying dominant position, is exclusively low price of goods (with exception of financial service), if:

1) this price is lower than the price that in conditions of competition at compared commodity market is fixed by managing subjects, not included into one group of persons with purchasers or sellers of goods and not occupying dominant position at such compared commodity market;

2) this price is less than the sum of expenses, necessary for production and sale of such goods.

2. The price of goods is not considered exclusively low, if it does not correspond to only one of the criteria, indicated in part 1 of the present article. The price of goods is not considered exclusively low, if its fixing by the seller did not result in restriction of competition in connection with reducing the quantity of managing subjects, not included into one group of persons with purchasers or sellers of goods at the corresponding commodity market. The price of goods, fixed by the subject of natural monopoly within the limits of the tariff for such goods, fixed by the body of regulating natural monopoly, is not considered exclusively low.

Article 8. Concerted actions of managing subjects

1. The actions of managing subjects at commodity market, complying with the range of the following conditions, are concerted actions of managing subjects:

1) the result of such actions corresponds to interests of each of the indicated managing subjects only on condition that their actions are known beforehand to each of them;

2) actions of each of the indicated managing subjects are caused by the actions of other managing subjects and are not the consequence of circumstances, equally influencing on all managing subjects at the corresponding commodity market. In particular, change of regulated tariffs, change of prices for raw materials, used for production of goods, change of prices for goods at world commodity market, essential change of demand on goods within not less than one year or within the period of existing the corresponding commodity market, if such period is less than one year, can be such circumstances.

2. Carrying out by managing subjects actions by the agreement does not belong to concerted actions.

Article 9. Group of persons

1. The following are considered the group of persons:

1) managing society (partnership) and natural person or legal entity, if such natural person or such legal entity has more than fifty percent of total number of votes, related to voting stocks (shares) in authorized capital of this managing society (partnership) owing to its participation in this managing society (partnership) or in accordance with the authorities, received from other persons;

2) managing societies (partnerships) in which the same natural person or the same legal entity has more than fifty percent of total number of votes, related to voting stocks (shares) in authorized capital of each of these managing societies (partnerships) owing to its participation in these managing societies (partnerships) or in accordance with the authorities, received from other persons;

3) managing society and natural person or legal entity, if such natural person or such legal entity exercises functions of individual executive body of this managing society;

4) managing societies in which the same natural person or the same legal entity exercises functions of individual executive body;

5) managing society (partnership) and natural person or legal entity, if such natural person or such legal entity on the basis of constituent documents of this managing society (partnership) or the contract, concluded with this managing society (partnership) has a right to give instructions to this managing society (partnership), obligatory for execution;

6) managing societies (partnerships) in which the same natural person or the same legal entity on the basis of constituent documents of these managing societies (partnerships) or contracts, concluded with these managing societies (partnerships) has a right to give instructions to these managing societies (partnerships), obligatory for execution;

7) managing society and natural person or legal entity, if by the proposal of such natural person or such legal entity individual executive body of this managing society is appointed or elected;

8) managing societies, which individual executive body is appointed or elected by the proposal of the same natural person or the same legal entity;

9) managing society and natural person or legal entity, if by the proposal of such natural person or such legal entity more than fifty percent of quantitative composition of corporate executive body or board of directors (supervisory board) of this managing society is elected;

10) managing societies, in which more than fifty percent of quantitative composition of corporate executive body and (or) board of directors (supervisory board) of this managing society is elected by the proposal of the same natural person or the same legal entity;

11) managing societies, in which the same natural persons constitute more than fifty percent of quantitative composition of corporate executive body and (or) board of directors (supervisory board);

12) persons, being participants of the same financial industrial group;

13) natural person, his/her spouse, parents (including adoptive parents), children (including adopted children), full-blooded and not full-blooded brothers and sisters;

14) persons, each of which by some ground, indicated in clauses 1-13 of the present part, is included into the group with the same person, as well as other persons, included into one group with each of such persons by some ground, indicated in clauses 1-13 of the present part;

2. The prohibitions of actions (omission) of managing subject, managing subjects, established by the present Federal law, cover actions (omission) of group of persons.

Chapter 2. Monopolistic activity. Unfair competition

Article 10. Prohibition of abuse by managing subject of dominant position

1. The actions (omission) of the managing subject, occupying dominant position, are prohibited which result is or can be banning, restriction, elimination of competition and (or) infringement of other persons' interests, including the following actions (omission):

1) fixing, support of exclusively high or exclusively low price of goods;

2) withdrawal of goods from circulation, if the result of such withdrawal is increasing the price of goods;

3) obtusion to counteragent of conditions of the contract, unfavorable for it or not relating to the subject of the contract (requirements of transferring financial funds, other property, including property rights, economically or technologically not well-founded and (or) directly not provided by federal laws, standard legal acts of the RF President, standard legal acts of the RF Government, standard legal acts of authorized federal executive bodies or court decisions, as well as the agreement of concluding the contract on condition of including into it the provisions concerning goods in which the counteragent is not interested, and other requirements);

4) economically or technologically not well-founded reduction or termination of production of goods, if there is demand on these goods or the orders are placed for their deliveries in presence of possibility of their profitable production, as well as if such reduction or such termination of production of goods are not directly provided by federal laws, standard legal acts of the RF President, standard legal acts of the RF Government, standard legal acts of authorized federal executive bodies or court decisions;

5) economically or technologically not well-founded rejection or avoidance of concluding the contract with separate purchasers (customers) in case of possibility of production or deliveries of corresponding goods, as well as if such rejection or such avoidance are not directly

provided by federal laws, standard legal acts of the RF President, standard legal acts of the RF Government, standard legal acts of authorized federal executive bodies or court decisions;

6) economically, technologically or otherwise unfounded fixing of different prices (tariffs) for the same goods, if otherwise is not established by federal law;

7) fixing by financial organization of exclusively high or exclusively low price of financial service;

8) creation of discriminatory conditions;

9) creating obstacles for access to commodity market or departure from commodity market for other managing subjects;

10) violation of the order of price formation, established by standard legal acts.

2. The managing subject has a right to present evidence that its actions (omission), indicated in part 1 of the present article (with exception of the actions, indicated in clauses 1, 2, 3, 5, 6, 7 and 10 part 1 of the present article), can be considered admissible in accordance with the requirements of part 1 article 13 of the present Federal law.

3. The RF Government establishes the rules of access to goods of subjects of natural monopolies, aimed at prevention of creating conditions that place one consumer in unequal position in comparison with other consumers of goods of subjects of natural monopolies.

4. The requirements of the present article do not cover actions for exercising exclusive rights to results of intellectual activity and individualization facilities of legal entity, individualization facilities of production, work or services equated to them.

Article 11. Prohibition of agreements restricting competition or concerted actions of managing subjects

1. The agreements between managing subjects or concerted actions of managing subjects at commodity market are prohibited, if such agreements or concerted actions result or can result in:

1) fixing or supporting prices (tariffs), discounts, increases (additional payments), extra charges;

2) increasing, decreasing or supporting prices at public sales;

3) dividing commodity market by territorial principle, volume of sale or purchase of goods, range of sold goods or composition of sellers or purchasers (customers);

4) economically or technologically not well-founded rejection of concluding the contract with certain sellers or purchasers (customers), if such rejection is not directly provided by federal laws, standard legal acts of the RF President, standard legal acts of the RF Government, standard legal acts of authorized federal executive bodies or court decisions;

5) obtrusion to counteragent of conditions of the contract, unfavorable for it or not relating to the subject of the contract (unfounded requirements of transferring financial funds, other

property, including property rights, as well as the agreement of concluding the contract on condition of including into it the provisions concerning goods in which the counteragent is not interested, and other requirements);

6) economically, technologically or otherwise unfounded fixing of different prices (tariffs) for the same goods;

7) reduction or termination of production of goods, on which there is demand or the orders are placed for their deliveries in presence of possibility of their profitable production;

8) creating obstacles for access to commodity market or departure from commodity market for other managing subjects;

9) establishing conditions of membership (participation) in professional and other associations, if such conditions result or can result in banning, restriction or elimination of competition, as well as in establishing unfounded criteria of membership, being obstacles for participation in payment or other systems, without participation in which financial organizations, competing with each other, will not be able to render necessary financial services.

2. Other agreements between managing subjects (with exception of “vertical” agreements that are considered admissible in accordance with article 12 of the present Federal law) or other concerted actions of managing subjects are prohibited, if such agreements or concerted actions result or can result in restriction of competition.

3. Coordination of economic activity of managing subjects is prohibited for natural persons, commercial organizations and non-commercial organizations, if such coordination results or can result in the consequences, indicated in part 1 of the present article.

4. The managing subject has a right to present evidence that the agreements made by it or concerted actions exercised by it can be considered admissible in accordance with article 12 and part 1 article 13 of the present Federal law.

Article 12. Admissibility of “vertical” agreements

1. “Vertical” agreements are admitted in writing (with exception of “vertical” agreements between financial organizations), if these agreements are contracts of commercial concession.

2. “Vertical” agreements are admitted between managing subjects (with exception of “vertical” agreements between financial organizations), which share of each at any commodity market does not exceed twenty percent.

Article 13. Admissibility of actions (omission), agreements, concerted actions, transactions, other actions

1. Actions (omission) of managing subjects, provided by part 1 article 10 of the present Federal law (with exception of actions (omission), indicated in clauses 1, 2, 3, 5, 6, 7 and 10 part 1 article 10 of the present Federal law), agreements and concerted actions, provided by part 2 article 11 of the present Federal law, transactions, other actions, provided by articles 27-30 of the present Federal law, can be considered admissible, if such actions (omission),

agreements and concerted actions, transactions, other actions do not create possibility for separate persons to eliminate competition at the corresponding commodity market, do not impose on their participants or the third persons restrictions, not corresponding to achieving purposes of such actions (omission), agreements and concerted actions, transactions, other actions, as well as if their result is or can be:

- 1) improvement of production, sale of goods or stimulation of technical, economic progress or increase of competitive capacity of goods of Russian origin at world commodity market;
- 2) getting by purchasers advantages (benefits), compared advantages (benefits), obtained by managing subjects as a result of actions (omission), agreements and concerted actions, transactions.

2. The RF Government has a right to define cases of admissibility of agreements and concerted actions, corresponding to the conditions, indicated in clauses 1 and 2 part 1 of the present article (general exclusions). The general exclusions with respect to agreements and concerted actions, indicated in part 2 article 11 of the present Federal law, are defined by the RF Government by the proposal of federal antimonopoly body, introduced for certain period and provide:

- 1) kind of agreement or concerted action;
- 2) conditions that can not be considered as admissible with respect to such agreements or concerted actions;
- 3) obligatory conditions for providing competition that must be contained in such agreements;
- 4) obligatory conditions in which such concerted actions are admissible.

3. The general exclusions can provide alongside with the conditions, indicated in part 2 of the present article, other conditions to which agreements or concerted actions must correspond.

Article 14. Prohibition of unfair competition

1. Unfair competition is not permitted, including:

- 1) distribution of false, incorrect or distorted information that can cause damages to managing subject or cause damage to its business reputation;
- 2) misleading with respect to character, method and place of production, consumer's properties, quality and quantity of goods or with respect to their producers;
- 3) incorrect comparison by managing subject of goods produced or sold by it with goods produced or sold by other managing subjects;
- 4) sale, exchange or other putting into circulation of goods, if at that the results of intellectual activity were illegally used, as well as individualization facilities of legal entity, individualization facilities of production, work, services, equated to them;

5) illegal reception, use, disclosure of information, having commercial, official or other secret, protected by law.

2. Unfair competition, connected with purchase and use of exclusive right to individualization facilities of legal entity, individualization facilities of production, work and services, is not permitted.

3. The decision of federal antimonopoly body about violating the provisions of part 2 of the present article with respect to purchase and use of exclusive right to trade mark is sent by the interested person to federal executive body for intellectual property for declaring giving legal protection to trade mark invalid.

Chapter 3. Prohibition of acts restricting competition, actions (omission), agreements, concerted actions of federal executive bodies, bodies of state power of the RF subjects, bodies of local government, other bodies or organizations exercising functions of the indicated bodies, as well as state off-budget funds, Central bank of the RF

Article 15. Prohibition of acts restricting competition, actions (omission), agreements, concerted actions of federal executive bodies, bodies of state power of the RF subjects, bodies of local government, other bodies or organizations exercising functions of the indicated bodies, as well as state off-budget funds, Central bank of the RF

1. Federal executive bodies, bodies of state power of the RF subjects, bodies of local government, other bodies or organizations exercising functions of the indicated bodies, as well as state off-budget funds, Central bank of the RF are prohibited to adopt acts and (or) exercise actions (omission) that result or can result in banning, restriction, elimination of competition, with exception of the cases of adopting acts and (or) exercising such actions (omission), provided by federal laws, in particular, the following are forbidden:

1) introducing restrictions with respect to creating managing subjects in some sphere of activity, as well as establishing prohibitions or introducing restrictions with respect to exercising certain kinds of activity or producing certain kinds of goods;

2) unfounded prevention of exercising activity by managing subjects;

3) establishing prohibitions or introducing restrictions with respect to free transfer of goods in the RF, other restrictions of managing subjects' rights to sale, purchase, other acquisition, exchange of goods;

4) giving indications to managing subjects about paramount deliveries of goods for certain category of purchasers (customers) or about concluding contracts in priority order;

5) establishing for purchasers of goods restrictions of choosing managing subjects that present such goods.

2. It is forbidden to provide bodies of state power of the RF subjects, bodies of local government with authorities, which exercising results or can result in banning, restriction, elimination of competition, with exception of the cases, established by federal laws.

3. It is forbidden to combine functions of federal executive bodies, executive bodies of the

RF subjects, other bodies of power, bodies of local government and functions of managing subjects, with exception of the cases, established by federal laws, decrees of the RF President, regulations of the RF Government, as well as providing managing subjects with functions and rights of the indicated bodies, including functions and rights of bodies of state control and supervision.

Article 16. Prohibition of agreements or concerted actions restricting competition of federal executive bodies, bodies of state power of the RF subjects, bodies of local government, other bodies or organizations exercising functions of the indicated bodies, as well as state off-budget funds, Central bank of the RF

It is forbidden to make agreements between federal executive bodies, bodies of state power of the RF subjects, bodies of local government, other bodies or organizations exercising functions of the indicated bodies, as well as state off-budget funds, Central bank of the RF or between them and managing subjects or exercise concerted actions by these bodies and organizations, if such agreements or such exercise of concerted actions result or can result in banning, restriction, elimination of competition, in particular in:

- 1) increasing, reducing or supporting prices (tariffs), with exception of the cases if such agreements are provided by federal laws or standard legal acts of the RF President, standard legal acts of the RF Government;
- 2) economically, technologically and otherwise unfounded fixing of different prices (tariffs) for the same goods;
- 3) dividing commodity market by territorial principle, volume of sale or purchase of goods, range of sold goods or composition of sellers or purchasers (customers);
- 4) restricting access to commodity market, departure from commodity market or eliminating managing subjects from it.

Chapter 4. Antimonopoly requirements to public sales and peculiarities of selecting financial organizations

Article 17. Antimonopoly requirements to public sales

1. In holding public sales the actions are forbidden that result or can result in banning, restriction or elimination of competition, including:

- 1) coordination by organizers of public sales or customers of their participants' activity;
- 2) creation of paramount conditions of participation in public sales for participant of public sales or several participants of public sales, including by means of access to information, if otherwise is not established by federal law;
- 3) violation of the order of defining the winner or winners of public sales;
- 4) participation of organizers of public sales or customers and (or) employees of organizers of public sales or employees of customers in public sales.

2. Alongside with the prohibitions in holding public sales, established by part 1 of the

present article, if federal executive bodies, bodies of state power of the RF subjects, bodies of local government, state off-budget funds are organizers or customers of public sales, as well as in holding public sales for placing orders for delivering goods, executing work, rendering services for state or municipal needs, the restriction of access to participation in public sales, not provided by federal laws or other standard legal acts, is forbidden

3. Alongside with the prohibitions in holding public sales for placing orders for delivering goods, executing work, rendering services for state or municipal needs, established by parts 1 and 2 of the present article, the restriction of competition is prohibited between participants of public sales by including into the composition of lots of production (goods, work, services), technologically and functionally not connected with goods, work, services, which delivering, executing, rendering are the subject of public sales.

4. The violation of the rules, established by the present article, is the basis for declaring invalid by court the corresponding public sales and transactions, concluded by the results of such public sales, including by the claim of antimonopoly body.

Article 18. Peculiarities of selecting financial organizations

1. Federal executive bodies, executive bodies of the RF subjects, bodies of local government, state off-budget funds, subjects of natural monopolies make selection of financial organizations by holding open competition or open auction in accordance with provisions of the federal law on placing orders for delivering goods, executing work, rendering services for state and municipal needs for rendering the following financial services:

- 1) attracting monetary funds of legal entities to deposits;
- 2) opening and keeping banking accounts of legal entities, making settlements by these accounts;
- 3) granting credit;
- 4) cashing monetary funds, bills, payment and settlement documents and cash service of legal entities;
- 5) issuing banking guarantees;
- 6) services at securities' market;
- 7) services by leasing contract;
- 8) property insurance;
- 9) personal insurance, including medical insurance;
- 10) private pension insurance;
- 11) liability insurance.

2. The violation of the provisions of part 1 of the present article is the basis for declaring invalid by court the corresponding public sales and transactions, including by the claim of

antimonopoly body.

Chapter 5. Rendering state or municipal assistance

Article 19. State or municipal assistance

1. In accordance with the authorities of bodies of state power or bodies of local government state or municipal assistance can be rendered for the purposes:

- 1) of securing vital activity of population in the areas of Deep North and localities equated to them;
- 2) of carrying out fundamental scientific researches;
- 3) of protecting environment;
- 4) of developing culture and preserving cultural heritage;
- 5) of making agricultural production;
- 6) of supporting subjects of small entrepreneurship, exercising paramount kinds of activity;
- 7) of social service of population;
- 8) of social support of unemployed citizens and contributing to employment of population.

2. The following is not state or municipal assistance:

1) giving advantage to certain person as a result of actions of authorized body, defined by federal laws, on the basis of the court decision, entered into force, by the results of public sales or otherwise, defined by the RF legislation on placing orders for delivering goods, executing work, rendering services for state or municipal needs;

2) assigning state or municipal property to managing subjects on the right of economic management or operative control;

3) transferring, allocating, distributing state or municipal property to certain persons for the purposes of eliminating consequences of emergency situations, military actions and carrying out counterterrorist operations;

4) giving monetary funds (budget credit, subsidy, subvention, budget investments), provided by law of the RF subject on budget for corresponding financial year or standard legal acts of representative body of local government on budget for corresponding financial year from budget of the RF subject for corresponding year, local budget for corresponding year to each person who appealed with request of giving monetary funds and corresponds to the requirement, established in the indicated law or standard legal act, to the kind of activity of the recipient and place of its exercising by the recipient.

Article 20. Order of rendering state or municipal assistance

1. State or municipal assistance is rendered with preliminary consent of antimonopoly body in writing, except for the cases, if state or municipal assistance is rendered:

- 1) in accordance with federal law;
- 2) in accordance with law of the RF subject on budget for corresponding financial year;

3) in accordance with standard legal act of representative body of local government on budget for corresponding financial year;

4) at the expense of reserve fund of executive body of the RF subject;

5) at the expense of reserve fund of body of local government.

2. Federal executive body, executive body of the RF subject, body of local government, having intention to render state or municipal assistance, send to antimonopoly body the petition of giving consent for rendering such assistance. The following are attached to the petition:

1) draft act that provides rendering state or municipal assistance, with indication of the purpose of rendering state or municipal assistance and amount of such assistance, if it is rendered by transferring state or municipal property;

2) list of kinds of activity, exercised by the managing subject, with respect to which there is intention to render state or municipal assistance, within two years, preceding the day of giving the petition, or within the period of exercising activity, if it is less than two years, as well as copies of the documents, confirming the right to exercising kinds of activity, if special permission is required in accordance with the RF legislation for their exercising;

3) name of kinds of production, volume of production, produced and sold by the managing subject, with respect to which there is intention to render state or municipal assistance, within two years, preceding the day of giving the petition, or within the period of exercising activity, if it is less than two years, with indication of codes of kinds of production;

4) balance sheet of the managing subject, with respect to which there is intention to render state or municipal assistance, by the period of the last reporting date, preceding the date of giving the petition, or, if the managing subject does not present balance sheet to tax authorities, other documentation, provided by the RF legislation on taxes and dues;

5) list of persons, included into one group of persons with the managing subject, with respect to which there is intention to render state or municipal assistance, with indication of grounds for including such persons into this group.

3. The RF Government can establish additional list of documents that are presented to antimonopoly body simultaneously with the petition of giving consent for rendering state or municipal assistance.

4. Antimonopoly body considers presented petition and documents and takes the decision by such petition in the term, not exceeding two months from the day of receiving petition and documents. If in considering presented petition and documents antimonopoly body takes the decision that the actions, indicated in the petition, for which exercising the consent of

antimonopoly body is requested, are not state or municipal assistance, antimonopoly body notifies the petitioner that the consent of antimonopoly body for exercising such actions is not required.

5. Antimonopoly body by the results of considering the petition of giving consent for considering state or municipal assistance takes the following decision:

1) to satisfy the petition, if state or municipal assistance is rendered for the purposes, indicated in part 1 article 19 of the present Federal law, and its rendering can not result in eliminating or banning competition;

2) to prolong the period of considering the petition, if in considering the petition antimonopoly body comes to conclusion that rendering such assistance can result in eliminating or banning competition, as well as possible non-correspondence of such assistance to the purposes, indicated in part 1 article 19 of the present Federal law, and necessity to receive additional information for taking the decision, provided by clauses 1, 3 or 4 of the present part. The period of considering the petition can be prolonged for not more than two months. Antimonopoly body immediately notifies the petitioner of taking such decision;

3) to refuse in satisfying the petition, if state or municipal assistance does not correspond to the purposes, indicated in part 1 article 19 of the present Federal law, or if its rendering can result in eliminating or banning competition;

4) to satisfy the petition and introduce restrictions with respect to rendering state or municipal assistance. Such decision is taken by antimonopoly body for providing correspondence of state or municipal assistance to the purposes, indicated in part 1 article 19 of the present Federal law, and reducing its negative influence on competition. The following can be restrictions:

a) limited period of rendering state or municipal assistance;

b) group of persons whom state or municipal assistance can be rendered;

c) amount of state or municipal assistance in case of transferring, allocating, distributing state or municipal property;

d) specific purposes of rendering state or municipal assistance;

e) other circumstances that can exert influence on the state of competition.

6. If antimonopoly body by the results of considering the petition takes the decision, provided by clause 4 part 5 of the present article, the petitioner is obliged to present to antimonopoly body the documents, confirming observance of restrictions, in the term, not exceeding one month from the date of rendering state or municipal assistance.

Article 21. Consequences of violating the requirements of the present Federal law in rendering and using state or municipal assistance

1. If the acts of rendering state or municipal assistance were not previously presented to antimonopoly body (with exception of the cases, provided by clauses 1-3 part 1 article 20 of the present Federal law), such acts can be declared by court invalid fully or partially, including by the claim of antimonopoly body. In case of declaring by court the act of rendering state or

municipal assistance invalid fully or partially, antimonopoly body issues to federal executive body, executive body of the RF subject, body of local government, rendered state or municipal assistance, the instruction of taking measures for returning property, if state or municipal assistance was rendered by transferring state or municipal property.

2. The acts, indicated in clauses 2 and 3 part 1 article 20 of the present Federal law, as well as acts of rendering state, municipal assistance correspondingly at the expense of means of reserve funds of executive bodies of the RF subjects, reserve funds of bodies of local government can be declared invalid by court with respect to rendering state or municipal assistance (including by the claim of antimonopoly body), if execution of these acts results or can result in banning or eliminating competition.

3. If in exercising control for using state or municipal assistance antimonopoly body establishes non-correspondence of its use to the purposes, stated in the petition, antimonopoly body issues to federal executive body, executive body of the RF subject, body of local government, rendered state or municipal assistance, the instruction of taking measures for returning property, if state or municipal assistance was rendered by transferring state or municipal property, or the instruction of taking measures for ceasing using advantage by managing subject, received state or municipal assistance, if state or municipal assistance was rendered in other form.

Chapter 6. Functions and authorities of antimonopoly body

Article 22. Functions of antimonopoly body

Antimonopoly body performs the following functions:

1) provides state control for observing antimonopoly legislation by federal executive bodies, bodies of state power of the RF subjects, bodies of local government, other bodies and organizations, exercising functions of the indicated bodies, as well as state off-budget funds, managing subjects, natural persons;

2) reveals violations of antimonopoly legislation, takes measures for ceasing violation of antimonopoly legislation and brings to responsibility for such violations;

3) prevents monopolistic activity, unfair competition, other violations of antimonopoly legislation by federal executive bodies, bodies of state power of the RF subjects, bodies of local government, other bodies and organizations, exercising functions of the indicated bodies, as well as state off-budget funds, managing subjects, natural persons;

4) exercises state control for economic concentration in the sphere of using land, bowels, water and other natural resources, including in holding public sales, in the cases, provided by federal laws.

Article 23. Authorities of antimonopoly body

1. Antimonopoly body performs the following authorities:

1) institutes and considers cases of violating antimonopoly legislation;

2) issues to managing subjects in the cases, indicated in the present Federal law, instructions, obligatory for execution:

a) of ceasing agreements and (or) concerted actions of managing subjects, restricting competition, and committing actions, aimed at providing competition;

b) of ceasing abuse of dominant position by the managing subject and committing actions, aimed at providing competition;

c) of ceasing violation of rules of non-discriminatory access to goods;

d) of ceasing unfair competition;

e) of banning actions that can be obstacle for occurring competition and (or) can result in restricting, eliminating competition and violating antimonopoly legislation;

f) of eliminating consequences of violating antimonopoly legislation;

g) of ceasing other violations of antimonopoly legislation;

h) of restoring position, existed before violating antimonopoly legislation;

i) of concluding contracts, changing conditions of contracts or canceling contracts if in considering by antimonopoly body the case of violating antimonopoly legislation by the persons, whose rights are violated or can be violated, the corresponding petition was stated, or in case of exercising state control for economic concentration by antimonopoly body;

j) of transferring return, received in consequence of violating antimonopoly legislation, to federal budget;

k) of changing or restricting use of firm-name if in considering by antimonopoly body the case of violating antimonopoly legislation by the persons, whose rights are violated or can be violated, the corresponding petition was stated, or in case of exercising state control for economic concentration by antimonopoly body;

l) of fulfilling economic, technical, informational and other requirements of eliminating discriminatory conditions and of preventing their creation;

m) of committing actions, aimed at providing competition, in particular of providing access to productive capacity or information in the order, established by federal law or other standard legal acts, of granting rights to objects of protecting industrial property in the order, established by federal law or other standard legal acts, of transferring rights to property or prohibition of transferring rights to property, of preliminary information of antimonopoly body about intention of committing actions, provided by the instruction;

3) issues to federal executive bodies, executive bodies of the RF subjects, bodies of local government, other bodies and organizations, exercising functions of the indicated bodies, as well as state off-budget funds, their officials, with exception of the cases, established by clause 4 of the present part, instructions, obligatory for execution:

a) of abolishing or changing acts, violating antimonopoly legislation;

b) of terminating or changing agreements, violating antimonopoly legislation;

c) of ceasing other violations of antimonopoly legislation;

d) of committing actions, aimed at providing competition;

4) sends to federal executive body for securities' market, the RF Central bank proposals of bringing in correspondence with antimonopoly legislation the acts adopted by them and (or) ceasing actions if such acts and (or) actions violate antimonopoly legislation;

5) brings to responsibility for violating antimonopoly legislation commercial organizations and non-commercial organizations, their officials, officials of federal executive bodies, executive bodies of the RF subjects, bodies of local government, other bodies and organizations, exercising functions of the indicated bodies, as well as officials of state off-budget funds, natural persons, including sole traders, in the cases and in the order, established by the RF legislation;

6) appeals to arbitration court with claims, applications of violating antimonopoly legislation, in particular with claims, applications:

a) of declaring inoperative or invalid fully or partially standard legal acts or non-standard acts of federal executive bodies, executive bodies of the RF subjects, bodies of local government, other bodies and organizations, exercising functions of the indicated bodies, as well as state off-budget funds, the RF Central bank, conflicting with antimonopoly legislation;

b) of declaring invalid fully or partially contracts, not corresponding to antimonopoly legislation;

c) of obligatory conclusion of the contract;

d) of changing or terminating the contract;

e) of liquidating legal entities in the cases, provided by antimonopoly legislation;

f) of collecting revenue, received in consequence of violating antimonopoly legislation, to federal budget;

g) of bringing to responsibility for violating antimonopoly legislation the persons, committed such violation;

h) of declaring public sales invalid;

i) of compulsion to perform decisions and instructions of antimonopoly body;

7) participates in considering by court or arbitration court the cases, connected with applying and (or) violating antimonopoly legislation;

8) keeps the register of managing subjects, having share at the market of certain goods at the rate of more than thirty five percent. The order of creating and keeping the register is established by the RF Government;

9) places on the site of antimonopoly body in the Internet decisions and instructions,

damaging interests of uncertain group of persons;

10) establishes dominant position of the managing subject in considering the case of violating antimonopoly legislation and in exercising state control for economic concentration;

11) makes inspection of observing antimonopoly legislation by commercial organizations, non-commercial organizations, federal executive bodies, bodies of state power of the RF subjects, bodies of local government, other bodies and organizations, exercising functions of the indicated bodies, as well as state off-budget funds, natural persons, receives from them necessary documents and information, explanations in written or oral form, in the order, established by the RF legislation, appeals to the bodies, exercising operational searching activity, with request of performing operational searching activities;

12) exercises in the order, established by the RF Government, control for activity of legal entities, providing organization of trade at markets of certain goods, for example, at the market of electric energy (power), in conditions of ceasing state regulation of prices (tariffs) for such goods;

13) performs other authorities, provided by the present Federal law, other federal laws, decrees of the RF President, regulations of the RF Government.

2. Alongside with the authorities, indicated in part 1 of the present article, federal antimonopoly body performs the following authorities:

1) approves forms of presenting information to antimonopoly body in effecting transactions and (or) actions, provided by article 32 of the present Federal law;

2) approves on consent with the RF Central bank procedure of defining exclusively high and exclusively low price of credit organization service and procedure of defining reasonableness of the price, fixed by credit organization, occupying dominant position, for the service, not rendered by other financial organizations;

3) establishes the order of making analysis of the state of competition for the purposes of establishing dominant position of managing subject and revealing other cases of banning, restricting or eliminating competition (the order of making analysis of the state of competition for the purposes of establishing dominant position of credit organization is approved by federal antimonopoly body on consent with the RF Central bank);

4) issues standard legal acts, provided by the present Federal law;

5) gives explanations concerning the questions of applying antimonopoly legislation by them;

6) gives conclusions in the established order of presence or absence of signs of restricting competition in introducing, changing customs tariffs or ceasing their action and in introducing special protective, antidumping and compensatory measures;

7) puts forward proposals to licensing bodies of cancellation, withdrawal of licenses for exercising certain kinds of activity by managing subjects, violating antimonopoly legislation, or suspension of validity of such licenses;

8) cooperates with international organizations, state bodies of foreign countries, participates

in developing and performing international treaties of the RF, in activity of intergovernmental or interdepartmental commissions, coordinating international cooperation of the RF, in implementing international programs and projects concerning the questions of protecting competition;

9) summarizes and analyzes practice of applying antimonopoly legislation, develops recommendations for its application;

10) annually makes the report to the RF Government of the state of competition in the RF and places it on the site of antimonopoly body in the Internet.

Article 24. Rights of employees of antimonopoly body in making inspections of observing antimonopoly legislation

in considering applications of violating antimonopoly legislation, considering cases of violating antimonopoly legislation, exercising control for economic concentration and defining the state of competition the employees of antimonopoly body in accordance with the authorities, imposed on them, in showing official certificates by them and decision of the head (its deputy) of antimonopoly body of making inspection of observing antimonopoly legislation have a right of free access to federal executive bodies, executive bodies of the RF subjects, bodies of local government, other bodies and organizations, exercising functions of the indicated bodies, as well as to state off-budget funds, commercial organizations, non-commercial organizations for receiving documents and information, necessary for antimonopoly body.

Article 25. Obligation of presenting information to antimonopoly body

1. Commercial organizations and non-commercial organizations (their officials), federal executive bodies (their officials), bodies of state power of the RF subjects (their officials), bodies of local government (their officials), other bodies and organizations, exercising functions of the indicated bodies (their officials), as well as state off-budget funds (their officials), natural persons, including sole traders, are obliged to present to antimonopoly body by its reasonable demand documents, explanations in written or oral form, information (including information, having commercial, official secret, other secret, protected by law), necessary for antimonopoly body in accordance with imposed authorities, for considering applications and materials of violating antimonopoly legislation, cases of violating antimonopoly legislation, exercising control for economic concentration or defining the state of competition.

2. The RF Central bank is obliged to present on request in writing of federal antimonopoly body standard acts, adopted by the RF Central bank, as well as information (except for information, having banking secret), necessary for making by federal antimonopoly body analysis of the state of competition at the market of services of credit organizations and exercising control for its state.

3. The information, having commercial, official secret, other secret, protected by law, is presented to antimonopoly body in accordance with the requirements, established by federal laws.

Article 26. Obligation of antimonopoly body for observing commercial, official secret, other secret, protected by law

1. The information, having commercial, official secret, other secret, protected by law, and received by antimonopoly body in exercising its authorities, is not subject to disclosure, with exception of the cases, established by federal laws.

2. For disclosure of the information, having commercial, official secret, other secret, protected by law, employees of antimonopoly body bear civil legal, administrative and criminal responsibility.

3. The damage caused to natural or legal person as a result of disclosure by antimonopoly body or its officials of the information, having commercial, official secret, other secret, protected by law, is subject to indemnification at the expense of the RF treasury.

Chapter 7. State control for economic concentration

Article 27. Creation and reorganization of commercial organizations with preliminary consent of antimonopoly body

1. With preliminary consent of antimonopoly body the following actions are exercised:

1) merging of commercial organizations (except for financial organizations), if total cost of their assets (assets of their groups of persons) by balance sheets for the period of the last reporting date, preceding the date of presenting the petition (also later - latest balance, in case of presenting the petition to antimonopoly body balance sheet for the period of the last reporting date, preceding the date of presenting the petition, is considered the latest balance), exceeds three billion rubles or total proceeds of such organizations (their groups of persons) from sale of goods for calendar year, preceding the year of merging, exceed six billion rubles or if one of such organizations is included into the register of managing subjects, having the share of more than thirty five percent at the market of certain goods (later - register);

2) joining of commercial organization (except for financial organization) to other commercial organization (except for financial organization), if total cost of their assets (assets of their groups of persons) by the latest balances exceeds three billion rubles or total proceeds of such organizations (their groups of persons) from sale of goods for calendar year, preceding the year of joining, exceed six billion rubles or if one of such organizations is included into the register;

3) merging of financial organizations or joining of financial organization to other financial organization, if total cost of their assets (assets of their groups of persons) by the latest balances exceeds the amount, established by the RF Government (in merging or joining of credit organizations such amount is established by the RF Government on consent with the RF Central bank);

4) creation of commercial organization, if its authorized capital is paid by stocks (shares) and (or) property of other commercial organization (with exception of financial organization), created commercial organization acquires with respect to these stocks (shares) and (or) property the rights, provided by article 28 of the present Federal law, and total cost of the assets by the latest balance of constitutors of created organization (their groups of persons) and persons (their groups of persons), which stocks (shares) and (or) property are deposited as contribution to authorized capital, exceeds three billion rubles, or if total proceeds of

constitutors of created organization (their groups of persons) and persons (their groups of persons), which stocks (shares) and (or) property are deposited as contribution to authorized capital, from sale of goods for the last calendar year, exceed six billion rubles, or if the organization, which stocks (shares) and (or) property are deposited as contribution to authorized capital, is included into the register;

5) creation of commercial organization, if its authorized capital is paid by stocks (shares) and (or) property of financial organization), created commercial organization acquires with respect to such stocks (shares) and (or) property the rights, provided by article 29 of the present Federal law, and the cost of the assets by the latest balance of financial organization, which stocks (shares) and (or) property are deposited as contribution to authorized capital, exceeds the amount, established by the RF Government (in depositing stocks (shares) and (or) property of credit organization as contribution to authorized capital such amount is established by the RF Government on consent with the RF Central bank).

2. The requirement, provided by part 1 of the present article, of receiving preliminary consent of antimonopoly body for exercising actions is not applied, if the actions, indicated in part 1 of the present article, are exercised with observing the conditions, provided by article 31 of the present Federal law, or their exercising is provided by acts of the RF President or acts of the RF Government.

Article 28. Transactions with stocks (shares), property of commercial organizations, rights with respect to commercial organizations with preliminary consent of antimonopoly body

1. If total cost of the assets by the latest balances of persons (groups of persons), acquiring stocks (shares), rights and (or) property, and person (group of persons), which stocks (shares) and (or) property and (or) rights with respect to which are acquired, exceeds three billion rubles, and if their total proceeds from sale of goods for the last calendar year exceed six billion rubles and at that the cost of the assets by the latest balance of person (group of persons), which stocks (shares) and (or) property (or) rights with respect to which are acquired, exceeds one hundred fifty million rubles, or if one of the indicated persons is included into the register, with preliminary consent of antimonopoly body the following transactions with stocks (shares), rights and (or) property are effected:

1) acquiring by the person (group of persons) voting stocks of joint-stock company, if such person (group of persons) receives the right to dispose of more than twenty five percent of the indicated stocks on condition that before this acquisition such person (group of persons) did not dispose of voting stocks of this joint-stock company or disposed of less than twenty five percent of voting stocks of this joint-stock company. The indicated requirement does not cover constitutors of joint-stock company in its creation;

2) acquiring by the person (group of persons) shares in authorized capital of limited liability company, if such person (group of persons) receives the right to dispose of more than one third of shares in authorized capital of this company on condition that before this acquisition such person (group of persons) did not dispose of shares in authorized capital of this company or disposed of less than one third of shares in authorized capital of this company. The indicated requirement does not cover constitutors of limited liability company in its creation;

3) acquiring shares in authorized capital of limited liability company by the person (group of persons), disposing of not less than one third of shares and not more than fifty percent of

shares in authorized capital of this company, if such person (group of persons) receives the right to dispose of more than fifty percent of the indicated shares;

4) acquiring voting shares of joint-stock company by the person (group of persons), disposing of not less than twenty five percent and not more than fifty percent of voting shares of joint-stock company, if such person (group of persons) receives the right to dispose of more than fifty percent of such voting shares;

5) acquiring shares in authorized capital of limited liability company by the person (group of persons), disposing of not less than fifty percent and not more than two thirds of shares in authorized capital of this company, if such person (group of persons) receives the right to dispose of more than two thirds of the indicated shares;

6) acquiring voting shares of joint-stock company by the person (group of persons), disposing of not less than fifty percent and not more than seventy five percent of voting shares of joint-stock company, if such person (group of persons) receives the right to dispose of more than seventy five percent of such voting shares;

7) receiving in ownership, use or possession by the managing subject (group of persons) basic production facilities and (or) non-material assets of other managing subject (with exception of financial organization), if balance cost of the property, being the object of transaction or interconnected transactions, exceeds twenty percent of balance cost of basic production facilities and non-material assets of the managing subject, alienating or transferring property;

8) acquiring by the person (group of persons) as a result of one or several transactions (including on the basis of the contract of property trust management, contract of joint activity or contract of guarantee) the rights, allowing to define the conditions of exercising by the managing subject (with exception of financial organization) business activity or exercise functions of its executing body.

2. The requirement, provided by part 1 of the present article, of receiving preliminary consent of antimonopoly body for effecting transactions is not applied, if the transactions, indicated in part 1 of the present article, are effected with observing the conditions, provided by article 31 of the present Federal law, or their effecting is provided by acts of the RF President or acts of the RF Government or if the transactions are effected with stocks (shares) of financial organizations

Article 29. Transactions with stocks (shares), assets of financial organizations and rights with respect to financial organizations with preliminary consent of antimonopoly body

1. If total cost of the assets by the latest balance of financial organization exceeds the amount, established by the RF Government (in effecting transactions with stocks (shares), assets of credit organization or rights with respect to credit organization such amount is established by the RF Government on consent with the RF Central bank), with preliminary consent of antimonopoly body the following transactions with stocks (shares), assets of financial organization or rights with respect to financial organization are effected:

1) acquiring by the person (group of persons) voting stocks of joint-stock company, if such person (group of persons) receives the right to dispose of more than twenty five percent of the indicated stocks on condition that before this acquisition such person (group of persons) did

not dispose of voting stocks of this joint-stock company or disposed of less than twenty five percent of voting stocks of this joint-stock company. The indicated requirement does not cover constitutors of financial organization in its creation;

2) acquiring by the person (group of persons) shares in authorized capital of limited liability company, if such person (group of persons) receives the right to dispose of more than one third of shares in authorized capital of this company on condition that before this acquisition such person (group of persons) did not dispose of shares in authorized capital of this company or disposed of less than one third of shares in authorized capital of this company. The indicated requirement does not cover constitutors of financial organization in its creation;

3) acquiring shares in authorized capital of limited liability company by the person (group of persons), disposing of not less than one third of shares and not more than fifty percent of shares in authorized capital of this company, if such person (group of persons) receives the right to dispose of more than fifty percent of the indicated shares;

4) acquiring voting shares of joint-stock company by the person (group of persons), disposing of not less than twenty five percent and not more than fifty percent of voting shares of joint-stock company, if such person (group of persons) receives the right to dispose of more than fifty percent of such voting shares;

5) acquiring shares in authorized capital of limited liability company by the person (group of persons), disposing of not less than fifty percent and not more than two thirds of shares in authorized capital of this company, if such person (group of persons) receives the right to dispose of more than two thirds of the indicated shares;

6) acquiring voting shares of joint-stock company by the person (group of persons), disposing of not less than fifty percent and not more than seventy five percent of voting shares of joint-stock company, if such person (group of persons) receives the right to dispose of more than seventy five percent of such voting shares;

7) acquiring by the person (group of persons) as a result of one or several transactions the assets of financial organization, which amount exceeds the amount, established by the RF Government.

8) acquiring by the person (group of persons) as a result of one or several transactions (including on the basis of the contract of property trust management, contract of joint activity or contract of guarantee) the rights, allowing to define the conditions of exercising business activity by financial organization or exercise functions of its executing body.

2. The requirement, provided by part 1 of the present article, of receiving preliminary consent of antimonopoly body for effecting transactions is not applied, if the transactions, indicated in part 1 of the present article, are effected with observing the conditions, provided by article 31 of the present Federal law, or their effecting is provided by acts of the RF President or acts of the RF Government.

Article 30. Transactions, other actions of which exercising antimonopoly body must be notified

1. Antimonopoly body must be notified:

1) by commercial organization of its creation as a result of merging of commercial organizations (except for merging of financial organizations), if total cost of the assets by the latest balances or total proceeds from sale of goods for calendar year, preceding the year of merging, of commercial organizations, which activity is ceased as a result of merging, exceed two hundred million rubles, - not later than forty five days after the date of merging;

2) by commercial organization of joining of other commercial organization to it (except for joining of financial organization), if total cost of the assets of the indicated organizations by the latest balance or their total proceeds from sale of goods for calendar year, preceding the year of joining, exceed two hundred million rubles, - not later than forty five days after the date of joining;

3) by financial organization of its creation as a result of merging of financial organizations, if the cost of its assets by the latest balance does not exceed the amount, established by the RF Government (in creation as a result of merging of credit organization such amount is established by the RF Government on consent with the RF Central bank), - not later than forty five days after the date of merging;

4) by financial organization of joining of other financial organization to it, if the cost of the assets by the latest balance of financial organization created as a result of joining does not exceed the amount, established by the RF Government (in creation as a result of joining of credit organization such amount is established by the RF Government on consent with the RF Central bank), - not later than forty five days after the date of joining;

5) persons, acquiring stocks (shares), rights and (or) property (with exception of stocks (shares) and (or) assets of financial organizations), of effecting transactions, other actions, indicated in article 28 of the present Federal law, if total cost of the assets by the latest balance or total proceeds from sale of goods of persons (group of persons), indicated in article 28 of the present Federal law, for calendar year, preceding the year of effecting such transactions, other actions, exceed two hundred million rubles and at that total cost of the assets by the latest balance of the person (group of persons), which stocks (shares) and (or) property are acquired or with respect to which the rights are acquired, exceeds thirty million rubles or if one of such persons is included into the register, - not later than forty five days after the date of effecting such transactions, other actions.

2. The requirement, provided by part 1 of the present article, of notifying antimonopoly body is not applied, in case of effecting transactions, other actions with preliminary consent of antimonopoly body.

Article 31. Peculiarities of state control for economic concentration, exercised by the group of persons

1. Transactions, other actions, indicated in articles 27-29 of the present Federal law, are effected without preliminary consent of antimonopoly body, but with its consequent notification of their effecting in the order, provided by article 32 of the present Federal law, if the following conditions are in the whole fulfilled:

1) transactions, other actions, indicated in articles 27-29 of the present Federal law, are effected by persons, included into one group of persons;

2) the list of persons, included into one group of persons, with indication of the grounds, by

which such persons are included into this group, was presented by any person (petitioner), included into this group, to federal antimonopoly body in the form approved by it, not later than one month before effecting transactions, other actions;

3) the list of persons, included into this group, for the period of effecting transactions, other actions, was changed in comparison with the list of such persons, presented to federal antimonopoly body.

2. Federal antimonopoly body within ten days from the day of receiving the list of persons, included into one group, with indication of the grounds, by which such persons are included into this group, sends to the petitioner one of the following notifications of:

1) receiving such list and its placing on the official site of federal antimonopoly body in the Internet, if such list was presented in the form, approved by federal antimonopoly body;

2) violating the form of presenting such list and not observing the conditions, indicated in part 1 of the present article.

3. Antimonopoly body must be notified of transactions, other actions, exercised with observing the conditions, provided by the present article, by the person which was interested in effecting transactions, other actions, indicated in articles 28 and 29 of the present Federal law, or by the person which was created as a result of effecting transactions, other actions, indicated in article 27 of the present Federal law, not later than forty five days after the date of effecting such transactions, other actions.

4. Federal antimonopoly body approves the form of presenting the list of persons, included into one group of persons, with indication of the grounds, by which such persons are included into this group.

Article 32. Persons, presenting petitions and notifications to antimonopoly body of effecting transactions, other actions, subject to state control, as well as documents and information

1. For the purposes of receiving preliminary consent of antimonopoly body in the cases, indicated in articles 27-29 of the present Federal law, or for the purposes of notifying antimonopoly body in the cases, indicated in articles 30 and 31 of the present Federal law, the following persons are appealed to antimonopoly body as petitioners:

1) one of the persons, interested in effecting transactions, other actions, provided by articles 27-29 of the present Federal law;

2) persons, on which by articles 30 and 31 of the present Federal law the obligation to notify antimonopoly body of effecting transactions, other actions is imposed.

2. The persons, interested in effecting transactions, other actions, provided by articles 27-29 of present Federal law, present to antimonopoly body petitions of giving consent for effecting transactions, other actions.

3. The persons, on which by articles 30 and 31 of the present Federal law the obligation to notify antimonopoly body of effecting transactions, other actions is imposed, present to antimonopoly body notifications of effecting such transactions, other actions.

4. The petition or notification of effecting transactions, other actions can be presented to antimonopoly body by the petitioner's representative.

5. Simultaneously with the petition or notification of effecting transactions, other actions, subject to state control, the following are presented to antimonopoly body:

1) notarially certified copies of constituent documents for the petitioner - legal entity or name of the petitioner - natural person, data of the document, identifying his/its personality (series and (or) number of the document, date and place of its issue, body, issued the document) for the period of the date of presenting the petition or notification;

2) documents, defining the subject and content of transaction, other action, subject to state control;

3) information about kinds of activity that were exercised by the petitioner within two years, preceding the day of presenting the petition or notification, or within the period of exercising activity, if it is less than two years, as well as copies of documents, confirming the right of exercising kinds of activity, if in accordance with the RF legislation special permissions are required for their exercising;

4) information about names of kinds of production, volume of production, created and sold by the petitioner within two years, preceding the day of presenting the petition or notification, or within the period of exercising activity, if it is less than two years, with indication of codes of production nomenclature;

5) information, belonging to the petitioner, about basic kinds of activity of persons, indicated in articles 27-30 of the present Federal law, names of kinds of production, volume of production, created and sold by such persons within two years, preceding the day of presenting the petition or notification, or within the period of exercising activity, if it is less than two years, with indication of codes of production nomenclature or application in writing that the petitioner does not dispose of this information;

6) balance sheet for the period of the last reporting date, preceding the date of presenting the petition or notification;

7) financial economic and other accounts, presented to the RF Central bank and to federal executive bodies, exercising regulation at the market of financial services;

8) list of commercial organizations, more than five percent of which stocks (shares) the petitioner is disposed on any basis, or application in writing that the petitioner does not dispose of stocks (shares) of commercial organizations;

9) list of persons, included into one group of persons with the petitioner, with indication of the grounds, by which such persons are included into this group;

10) list of persons, included into one group of persons with other persons, indicated in articles 27-30 of the present Federal law, with indication of the grounds, by which such persons are included into this group, or application in writing that the petitioner does not dispose of this information.

6. The petition of giving consent for merging of commercial organizations, joining to commercial organization of one or several commercial organizations, creation of commercial

organization or notification of such merging, joining or creation is signed by the petitioner, as well as other persons, participating in such merging, joining or creation. The petitioner simultaneously with this petition or notification presents to antimonopoly body documents and information, indicated in part 5 of the present article, of other persons, participating in such merging, joining or creation.

7. Federal antimonopoly body approves the form of presenting information, provided by part 5 of the present article.

Article 33. Taking decision by antimonopoly body by results of considering petition, Issuing instruction by antimonopoly body to the person presented notification

1. Within thirty days from the date of receiving the petition, provided by article 32 of the present Federal law, antimonopoly body is obliged to consider this petition and inform the petitioner in writing about taken decision.

2. By the results of considering the petition of giving consent for effecting transaction, other action, subject to state control, antimonopoly body takes the following decision:

1) of satisfying the petition, if the transaction, other action, stated in the petition, do not result in restriction of competition;

2) of prolonging the period of considering the petition in connection with necessity of its additional consideration, as well as receiving additional information for taking the decision, provided by clauses 1, 3, 4 and 5 of the present part by the results of considering the petition, if it is established that the transaction, other action, stated in the petition, can result in restriction of competition, including as a result of appearing or intensifying dominant position of the person (group of persons);

3) of prolonging the period of considering the petition of giving consent for merging of commercial organizations, joining to commercial organization of one or several commercial organizations, creation of commercial organization in the cases, indicated in article 27 of the present Federal law, in connection with defining the conditions, after which execution by the petitioner and (or) other persons, participating in such merging, joining or creation, antimonopoly body takes the decision about satisfying the petition, and defining the period of executing such conditions that can not exceed nine months. Such conditions are integral part of the decision about prolonging the period of considering this petition;

4) of satisfying the petition of giving consent for effecting transaction, other action, indicated in articles 28 and 29 of the present Federal law, and simultaneous issuing to the petitioner the instruction, provided by clause 2 part 1 article 23 of the present Federal law, of exercising actions, aimed at providing competition, in case of effecting transactions, other actions, stated in the petition;

5) of rejection of satisfying the petition, if the transaction, other action, stated in the petition, result in restriction of competition, including as a result of appearing or intensifying dominant position of the petitioner, as well as dominant position of the person which will be created as a result of effecting transaction, other action, stated in the petition, and if in considering the presented documents antimonopoly body reveals that information contained in them and having importance for taking the decision is inauthentic.

3. The period, indicated in part 1 of the present article, can be prolonged by the decision, provided by clause 2 part 2 of the present article, for not more than two months. In case of taking such decision antimonopoly body on its official site in the Internet places information about transaction, other action, stated in the petition of giving consent for effecting transaction, other action. Interested persons have a right to present information to antimonopoly body about influence on the state of competition of such transactions, other action.

4. The decision about prolonging the period of considering the petition, provided by clause 3 part 2 of the present article, is taken by antimonopoly body if merging of commercial organizations, joining to commercial organization of one or several commercial organizations or creation of commercial organization result or can result in restriction of competition, including as a result of appearing or intensifying dominant position of the person (group of persons) which will be created as a consequence of exercising such actions.

5. For the purposes of providing competition the conditions, provided by clause 3 part 2 of the present article, in particular can contain:

1) order of access to productive capacities, infrastructure or information which the petitioner disposes of, as well as other persons, participating in merging of commercial organizations, joining to commercial organization of one or several commercial organizations, creation of commercial organization;

2) order of granting other persons rights to objects of protecting industrial property which the petitioner disposes of, as well as other persons, participating in merging of commercial organizations, joining to commercial organization of one or several commercial organizations, creation of commercial organization;

3) requirements to the petitioner, as well as to other persons, participating in merging of commercial organizations, joining to commercial organization of one or several commercial organizations, creation of commercial organization; about transferring property to other person, not included into one group of persons with persons, indicated by the petitioner, and (or) other persons, about cession of choses in action and (or) obligations, indicated by the petitioner, and (or) other persons to other person, not included into one group of persons with the persons, indicated by the petitioner, and (or) other persons;

4) requirements to composition of group of persons, into which the petitioner is included, as well as other persons, participating in merging of commercial organizations, joining to commercial organization of one or several commercial organizations, creation of commercial organization.

6. After fulfilling the conditions, indicated in clause 3 part 2 of the present article, the petitioner presents to antimonopoly body the documents, confirming their fulfillment. Within thirty days from the time of receiving the indicated documents in case of confirming on their basis the fulfillment of such conditions in the established period antimonopoly body takes the decision about satisfying the petition of giving consent for merging of commercial organizations, joining to commercial organization of one or several commercial organizations, creation of commercial organization, in other case - the decision about rejection of satisfying the petition.

7. The decision, provided by clause 4 part 2 of the present article, about satisfying the petition of giving consent for effecting transaction, other action and simultaneous issue of instruction is taken by antimonopoly body if transactions, other actions, stated in this petition,

result in restriction of competition.

8. The decision of antimonopoly body of giving consent for effecting transactions, other actions ceases its validity, if such transactions, other actions are not effected within a year from the date of taking the indicated decision.

9. The persons, on which in accordance with article 30 of the present Federal law the obligation to notify antimonopoly body of effecting transactions, other actions, subject to state control, is imposed, before effecting such transactions, other actions have a right to present instead of notification the petition of giving consent for their effecting to antimonopoly body that is obliged to consider this petition in the order, established by the present article.

10. If transactions, other actions, provided by article 30 of the present Federal law, resulted or can result in restriction of competition, including as a result of appearing or intensifying dominant position of managing subject, the petitioner, presented the corresponding notification to antimonopoly body, or group of persons into which the petitioner is included, are obliged to exercise actions, aimed at providing competition, by instruction of antimonopoly body, issued in accordance with clause 2 part 1 article 23 of the present Federal law.

Article 34. Consequences of violating the order of receiving preliminary consent of antimonopoly body for effecting transactions, other actions, as well as the order of presenting notifications to antimonopoly body of effecting transactions, other actions, subject to state control

1. The commercial organization, created without receiving preliminary consent of antimonopoly body, including as a result of merging or joining of commercial organizations, in the cases, indicated in article 27 of the present Federal law, is liquidated or reorganized in the form of separation or division in court order by the claim of antimonopoly body, if its creation resulted or can result in restriction of competition, in particular as a result of appearing or intensifying dominant position.

2. The transactions, indicated in article 28 and 29 of the present Federal law and effected without receiving preliminary consent of antimonopoly body, are declared invalid in court order by the claim of antimonopoly body, if such transactions resulted or can result in restriction of competition, in particular as a result of appearing or intensifying dominant position.

3. The commercial organization, on which the obligation to notify antimonopoly body of exercising the actions, indicated in clauses 1-4 part1 article 30 of the present Federal law, is imposed, and which violated the order of notifying antimonopoly body of exercising such actions, is liquidated or reorganized in the form of separation or division in court order by the claim of antimonopoly body, if such actions resulted or can result in restriction of competition, in particular as a result of appearing or intensifying dominant position.

4. The transactions, other actions, indicated in clause 5 part 1 article 30 of the present Federal law and effected with violating the order of notifying antimonopoly body, are declared invalid in court order by the claim of antimonopoly body, if such transactions, other actions resulted or can result in restriction of competition, in particular as a result of appearing or intensifying dominant position.

5. Non-performance of the instruction of antimonopoly body that was issued in the order, provided by clause 4 part 2 article 33 of the present Federal law, is the basis for declaring the

corresponding transactions invalid in court order by the claim of antimonopoly body.

6. Non-performance of the instruction of antimonopoly body that was issued in the order, provided by article 33 of the present Federal law, other violation of the requirements of articles 27-32 of the present Federal law alongside with the consequences, indicated in the present article, involve responsibility in the cases, established by the RF legislation on administrative offences.

Article 35. State control for agreements of managing subjects restricting competition

1. Managing subjects, having intention to make the agreement that can be declared admissible in accordance with the present Federal law, have a right to appeal to antimonopoly body with application to examine correspondence of draft agreement in writing to the requirements of antimonopoly legislation.

2. Alongside with the application managing subjects, having intention to make the agreement, present to antimonopoly body documents and information in accordance with the list, approved by federal antimonopoly body.

3. Within thirty days from the date of receiving all documents and information, necessary for considering the application, antimonopoly body takes the decision about correspondence or non-correspondence of draft agreement in writing to the requirements of antimonopoly legislation.

4. The grounds for taking the decision about non-correspondence of draft agreement in writing to the requirements of antimonopoly legislation are:

- 1) presence of the conditions, provided by part 1 and 3 article 11 of the present Federal law;
- 2) inauthenticity of information, contained in the documents, as well as other information, presented by the managing subject and having importance for taking the decision;
- 3) non-presentation of documents and information, provided by part 2 of the present article.

5. In case of necessity the period of considering the application, indicated in part 1 of the present article, can be prolonged by antimonopoly body, but for not more than twenty days. Antimonopoly body informs the petitioner in writing of prolonging the period of considering the application with indication of the reasons of prolongation.

6. The decision of antimonopoly body about correspondence of draft agreement in writing to the requirements of antimonopoly legislation ceases its validity, if such agreement was not made within a year from the day of taking the indicated decision.

7. Antimonopoly body alongside with the decision about correspondence of draft agreement in writing to the requirements of antimonopoly legislation has a right to issue to participants of the agreement the instruction, aimed at providing competition.

8. Antimonopoly body has a right to cancel the decision about correspondence of draft agreement in writing to the requirements of antimonopoly legislation if:

1) after taking the decision it was established that in considering the application of the managing subject, having intention to make the agreement, inauthentic information was presented;

2) managing subjects, having intention to make the agreement, do not fulfill the instruction of antimonopoly body, provided by part 7 of the present article.

9. Financial organizations are obliged to send to federal antimonopoly body notifications of all agreements, made in any form between them or with executive bodies, bodies of local government, as well as with any organizations in the order, provided by the present Federal law, except for:

1) agreements between financial organizations, having in the whole the share at commodity market that is less than the standard, established by the RF Government;

2) agreements, being contracts of rendering financial services;

3) agreements, being contracts, concluded by financial organization during ordinary economical activity.

10. The form of the notification, indicated in part 9 of the present article, is established by federal antimonopoly body. The following documents are attached to the notification:

1) copy of written agreement with enclosures;

2) information about basic kinds of activity of the persons who made the agreement and their income from basic kinds of activity;

3) financial economic accounts, presented to the RF Central bank and federal executive bodies, making regulation at the market of financial services.

11. Federal antimonopoly body has no right to request about other documents and information from financial organizations, with exception of the documents and information, indicated in part 10 of the present article.

12. The obligation to notify federal antimonopoly body of making written agreement is imposed on the person who made the agreement, within fifteen days from the date of its making.

Chapter 8. Responsibility for violating antimonopoly legislation

Article 36. Obligation of performing decisions and instructions of antimonopoly body

Commercial organizations and non-commercial organizations (their officials), federal executive bodies (their officials), executive bodies of the RF subjects (their officials), bodies of local government (their officials), other bodies and organizations exercising functions of the indicated bodies (their officials), as well as state off-budget funds (their officials), natural persons, including sole traders, are obliged to perform decisions and instructions of antimonopoly body in the term, established by such decisions and instructions.

Article 37. Responsibility for violating antimonopoly legislation

1. For violating antimonopoly legislation officials of federal executive bodies, bodies of state power of the RF subjects, bodies of local government, officials of other bodies and organizations exercising functions of the indicated bodies, as well as officials of state off-budget funds, commercial and non-commercial organizations and their officials, natural persons, including sole traders, bear responsibility, provided by the RF legislation.

2. Bringing to responsibility of the persons, indicated in part 1 of the present article, does not exempt them from the obligation to perform decisions and instructions of antimonopoly body, to present to antimonopoly body petitions or notifications for consideration or exercise other actions, provided by antimonopoly legislation.

Article 38. Compulsory division or separation of commercial organizations, as well as non-commercial organizations exercising activity bringing return to them

1. In case of systematic exercise of monopolistic activity by commercial organization, occupying dominant position, as well as non-commercial organization, exercising activity bringing return to it, the court by the claim of antimonopoly body (with respect to credit organization by the claim of antimonopoly body on consent with the RF Central bank) has a right to take the decision about compulsory division of such organizations or separation from their composition of one or several organizations. The organizations, created as a result of compulsory division, can not be included into one group of persons.

2. The court decision about compulsory division of commercial organization or separation from the composition of commercial organization of one or several commercial organizations is taken for the purposes of developing competition, if the following conditions are in the whole fulfilled:

1) there is the possibility of isolating structural subdivisions of commercial organization;

2) there is the lack of technically conditioned interconnection of structural subdivisions of commercial organization (in particular, thirty and less percent of total volume of production, produced by structural subdivision, executed work, rendered services is consumed by other structural subdivisions of this commercial organization);

3) there is the possibility of independent activity at the corresponding commodity market for legal entities, created as a result of reorganization.

3. The court decision about compulsory division of commercial organization or separation from the composition of commercial organization of one or several commercial organizations, as well as about division or separation with respect to non-commercial organization, exercising activity bringing return to it, is subject to performance by the owner or body, authorized by it, taking into consideration the requirements, provided by the indicated decision, and in the term that is defined by the indicated decision and can not be less than six months.

Chapter 9. Considering cases of violating antimonopoly legislation

Article 39. Grounds for instituting case of violating antimonopoly legislation, place of considering case, as well as consequences of revealing signs of administrative offence in considering case of violating antimonopoly legislation

1. Antimonopoly body within its authorities institutes and considers cases of violating antimonopoly legislation, takes decisions by the results of their consideration and issues instructions.

2. The ground for instituting and considering the case of violating antimonopoly legislation by antimonopoly body is:

1) arrival from state bodies, bodies of local government of the materials, indicating on the presence of the signs of violating antimonopoly legislation (later - materials);

2) application of legal or natural person (later - application);

3) revealing by antimonopoly body the signs of violating antimonopoly legislation;

4) mass media statement, indicating on the presence of the signs of violating antimonopoly legislation.

3. The case of violating antimonopoly legislation can be considered by antimonopoly body to the place of committing violation or to the place of location or place of residence of the person, with respect to which the application or materials are given.

4. The rules of presenting by antimonopoly body applications, materials, cases of violating antimonopoly legislation for consideration to other antimonopoly body are established by federal antimonopoly body.

5. If in considering the case of violating antimonopoly legislation antimonopoly body reveals the circumstances, evidencing the presence of administrative offence, antimonopoly institutes the case of administrative offence in the order, established by the RF legislation on administrative offences.

Article 40. Commission for considering cases of violating antimonopoly legislation

1. For considering each case of violating antimonopoly legislation antimonopoly body sets up the commission for considering the case of violating antimonopoly legislation in the order, provided by the present Federal law (also later - commission). The commission acts on behalf of antimonopoly body. The commission composition and its chairman are approved by antimonopoly body.

2. The commission consists of employees of antimonopoly body. The head of antimonopoly body or his deputy can be the chairman of the commission. The quantity of commission members must not be less than three persons. The substitution of the commission member takes place on the basis of reasonable decision of antimonopoly body.

3. In considering the case of violating antimonopoly legislation by credit organizations at the market of banking services the representatives of the RF Central bank, which constitute half of commission members, are included into the commission composition on regular basis.

4. In considering the case of violating antimonopoly legislation by financial organizations

(with exception of credit organizations), having licenses, granted by federal executive body for securities' market, the representatives of the indicated federal executive body, which constitute half of commission members, are included into the commission composition.

5. The quantity of commission members (including the chairman) for considering cases of violating antimonopoly legislation, indicated in parts 3 and 4 of the present article, must be even.

6. The commission is authorized to consider the case of violating antimonopoly legislation, if at the commission meeting not less than fifty percent of total number of commission members is present, but not less than three commission members.

7. The questions, arising in considering the case of violating antimonopoly legislation by the commission, are resolved by commission members by majority votes. In case of equality votes the vote of the commission chairman is decisive. The commission members have no right to abstain from voting. The commission chairman casts the last vote.

Article 41. Acts adopted by commission

1. The commission takes rulings, decisions, instructions.

2. On completion of considering the case of violating antimonopoly legislation the commission at its meeting takes the decision. The decision of the commission is drawn up as the document, signed by the commission chairman and all commission members, being present at the commission meeting. The commission member, not agreed with the decision of the commission, is obliged to sign the act, adopted by the commission, and state in writing separate opinion that is entered upon the case. The decision of the commission must be made in one copy and entered upon the materials of the case.

3. In the decision about the case of violating antimonopoly legislation the following are contained:

1) summaries of presence or absence of the grounds for termination of considering the case;

2) summaries of presence or absence of violating antimonopoly legislation in actions (omission) of the defendant by the case;

3) summaries of presence or absence of the grounds for issuing the instruction and list of actions, included into the instruction and subject to performance;

4) summaries of presence or absence of the grounds for taking other measures by antimonopoly body for suppressing and (or) eliminating consequences of violating antimonopoly legislation, providing competition (including grounds for appeal with the claim to court, for passing materials to law-enforcement agencies, for sending recommendations of exercising actions, aimed at providing competition, to state bodies or bodies of local government).

4. On the basis of the decision the commission issues the instruction. The instruction is drawn up as separate document for each person who is subject to exercise actions, defined by the decision, in the term, established by the instruction, and signed by the commission chairman and commission members, being present at the commission meeting.

5. In the cases, indicated in the present article, the commission chairman or commission takes the ruling. The ruling is drawn up as separate document, signed by the commission chairman and commission members and sent to the persons, participating in the cases, as well as other persons in the cases, indicated in the present article.

6. The forms of the acts, adopted by the commission, are approved by federal antimonopoly body.

Article 42. Persons, participating in case of violating antimonopoly legislation

1. The persons, participating in the case of violating antimonopoly legislation, are:

1) applicant - person, filed the application, state body, body of local government, sent materials;

2) defendant by the case - person with respect to which the application was filed, materials were sent or in which actions (omission) antimonopoly body revealed the signs of violating antimonopoly legislation. The indicated persons are considered defendants by the case of violating antimonopoly legislation from the time of instituting the case;

3) interested persons - persons, whose rights and legal interests are damaged in connection with considering the case of violating antimonopoly legislation.

2. In considering the case of violating antimonopoly legislation the persons, participating in the case, have a right to exercise their rights and obligations independently or through the representative.

3. If in considering the case of violating antimonopoly legislation the commission establishes that the signs of violating antimonopoly legislation are contained in actions (omission) of other person than defendant by the case, the commission brings such person as defendant by the case. If the commission did not reveal facts, evidencing the presence of the signs of violating antimonopoly legislation in the actions of one of defendants, the commission takes the ruling of ceasing participation of such defendant in considering the case. The copy of the ruling of ceasing participation of the defendant in considering the case is immediately sent to the persons, participating in the case.

4. The commission in considering the case of violating antimonopoly legislation has a right to use experts, interpreters, as well as persons, having information of the circumstances, considered by the commission. Experts, interpreters, as well as persons, having information of the circumstances, considered by the commission, are not the persons, participating in the case. The commission takes the ruling about using experts, interpreters, as well as persons, having information of the circumstances, considered by the commission, and sends them copies of such ruling within three days from the time of its taking.

Article 43. Rights of persons, participating in the case of violating antimonopoly legislation

From the period of instituting the case of violating antimonopoly legislation the persons, participating in the case, have a right to familiarize with materials of the case, make extracts

from them, produce evidence and familiarize with evidence, ask questions to other persons, participating in the case, present petitions, give explanations in written or oral form to the commission, give their reasons with respect to all questions, arising in considering the case, familiarize with petitions of other persons, participating in the case, protest against petitions, reasons of other persons, participating in the case.

Article 44. Consideration of application, materials and instituting case of violating antimonopoly legislation

1. Antimonopoly body considers the application or materials in the term, not exceeding one month from the day of their presentation. In case of insufficiency or absence of evidence, allowing antimonopoly body to make the conclusion about presence or absence of the signs of violating antimonopoly legislation, antimonopoly body for collection and analysis of additional evidence has a right to prolong the term of considering the application or materials, but not more than for two months. Antimonopoly body notifies the petitioner in writing of prolonging the term of considering the application or materials.

2. In considering the application or materials antimonopoly body has a right to request natural or legal persons, state bodies, bodies of local government with observing the requirements of the RF legislation on state secret, banking secret, commercial secret or other secret, protected by law about documents, information, explanations in written or oral form, connected with the circumstances, stated in the application or materials.

3. By the results of considering the application or materials antimonopoly body takes one of the following decisions:

1) about instituting the case of violating antimonopoly legislation;

2) about rejection of instituting the case of violating antimonopoly legislation in connection with absence of the signs of its violation.

4. In case of taking the decision about instituting the case of violating antimonopoly legislation antimonopoly body issues the order of instituting the case and setting up the commission. The copy of such order within three days from the day of its issue is sent to the petitioner and defendant by the case.

5. Antimonopoly body sends the decision about rejection of instituting the case of violating antimonopoly legislation to the petitioner in the term, established by part 1 of the present article, with indication of the reasons of taking such decision.

6. The commission chairman in the term, not exceeding fifteen days from the day of issuing the order of instituting the case of violating antimonopoly legislation and setting up the commission, takes the ruling of considering the case and sends copies of the ruling to the persons, participating in the case.

Article 45. Considering the case of violating antimonopoly legislation

1. The case of violating antimonopoly legislation is considered by the commission in the term, not exceeding three months from the day of taking the ruling of considering the case. In the cases, connected with the necessity of receiving by antimonopoly body additional

information, as well as in the cases, established by the present article, the indicated term of considering the case can be prolonged by the commission, but not more than for six months. The commission takes the ruling of prolonging the term of considering the case and sends copies of this ruling to the persons, participating in the case.

2. The case of violating antimonopoly legislation is considered at the commission meeting. The persons, participating in the case, must be notified of time and place of its consideration. In case of failure to appear to the commission meeting of the persons, participating in the case and properly notified of time and place of considering the case, the commission has a right to consider the case in their absence. In considering the case the protocol is kept that is signed by the commission chairman. The commission has a right to make stenograph recording or audio recording of its meeting, at that the note in the protocol of using technical facilities of recording of the commission meeting must be made.

3. The commission chairman:

1) opens the commission meeting;

2) announces the commission composition;

3) announces which case is subject to consideration, examines the appearance of the persons, participating in the case, to the commission meeting, checks their authorities, establishes, if the persons, not coming to the meeting, were properly notified, and if there is information about reasons of their non-appearance;

4) clears up the question about possibility of considering the case;

5) explains the persons, participating in the case, their rights, defines the order of committing actions in considering the case;

6) leads the commission meeting, provides conditions for thorough and complete examination of evidence and circumstances of the case, provides consideration of applications and petitions of the persons, participating in the case;

7) takes measures for securing proper order at the commission meeting.

4. At the commission meeting:

1) persons, participating in the case, are heard;

2) petitions are heard and discussed, decisions that must be stated in the protocol of meeting are taken by them;

3) evidence is examined;

4) opinions and explanations of the persons, participating in the case, are heard with respect to evidence produced by the persons, participating in the case;

5) opinions of experts used for making conclusions are heard and discussed;

6) persons, having information about circumstances of the considered case, are heard;

7) by the petition of the persons, participating in the case, or by the commission initiative the questions of grounds and necessity of announcing the interval in the meeting, delay, suspension of considering the case, are discussed.

5. In considering the case of violating antimonopoly legislation the commission has a right to request persons, participating in the case, about documents, information and explanations in written or oral form by the questions, arising in considering the case, bring other persons for participation in the case.

6. After examining evidence by the case of violating antimonopoly legislation, statements of positions of the persons, participating in the case, experts' conclusions, making inquiry of the persons, having information about the circumstances, considered by the commission, the commission chairman announces about completion of considering the case and asks the persons, participating in the case, and other persons to retire for taking the decision by the commission.

Article 46. Interval in the commission meeting

1. The commission by the petition of the person, participating in the case of violating antimonopoly legislation, as well as on personal initiative has a right to announce the interval in the commission meeting for the period, not exceeding seven days.

2. The consideration of the case by the commission of violating antimonopoly legislation after the interval in its meeting is prolonged from the time of its interruption. The repeated consideration of evidence, examined before the interval in the commission meeting, is not made.

Article 47. Delay and suspension of considering the case of violating antimonopoly legislation

1. The commission has a right to delay consideration of the case of violating antimonopoly legislation:

1) by the petition of the person, participating in the case, owing to this person's or his representative's failure to appear to the commission meeting because of good reason, confirming by the corresponding documents;

2) in connection with necessity of obtaining additional evidence;

3) for bringing to participation in the case the persons, assisting consideration of the case, other persons, which participation in the case is necessary in the commission's opinion;

4) if in considering the case in actions (omission) of the defendant by the case the signs of other violation of antimonopoly legislation were revealed than the violation by which signs the case was instituted;

5) in other cases, provided by the present part.

2. In delaying the case of violating antimonopoly legislation the validity of the term of its consideration is not interrupted. The consideration of the case at new commission meeting is

resumed from the time of its delay.

3. The commission can suspend considering the case of violating antimonopoly legislation in case and for the term:

1) of considering by antimonopoly body, court, bodies of preliminary investigation of other case, having importance for considering the case of violating antimonopoly legislation;

2) of making expertise.

4. The validity of the term of considering the case of violating antimonopoly legislation is interrupted in suspending consideration of the case and continued from the time of resuming consideration of the case. The consideration of the case is continued from the time of its suspension.

5. The commission takes the ruling of delay, suspension, resumption of considering the case of violating antimonopoly legislation, as well as of setting expertise, which copy within three days from the day of its taking is sent to the persons, participating in the case. The copy of ruling of setting expertise is also sent to the expert within three days from the day of taking such ruling.

Article 48. Termination of considering the case of violating antimonopoly legislation

1. The commission terminates considering the case of violating antimonopoly legislation in case:

1) of voluntary elimination of violating antimonopoly legislation and its consequences by the person, committed such violation;

2) of absence of violating antimonopoly legislation in the actions (omission), considered by the commission;

3) of liquidating legal entity - the only defendant by the case;

4) of natural person's death - the only defendant by the case;

5) of presence of court decision, entered in legal force, in which the summaries of presence or absence of violating antimonopoly legislation in the actions (omission), considered by the commission, are contained.

2. The decision about termination of considering the case of violating antimonopoly legislation is taken by the commission in accordance with the requirements, established by article 41 of the present Federal law.

Article 49. Taking decision by the commission according to the case of violating antimonopoly legislation

1. The commission in taking the decision according to the case of violating antimonopoly legislation:

- 1) estimates evidence and reasons, presented by the persons, participating in the case;
- 2) estimates experts' conclusions and explanations, as well as persons, having information of the circumstances, considered by the commission;
- 3) defines the standards of antimonopoly and other legislation of the RF, violated as a result of actions (omission), considered by the commission;
- 4) establishes rights and obligations of the persons, participating in the case;
- 5) resolves the question of issuing instructions and their content, as well as necessity of exercising other actions, aimed at elimination and (or) prevention of violating antimonopoly legislation, including the question of sending materials to law-enforcement agencies, of appealing to court, of sending proposals and recommendations to state bodies or bodies of local government.

2. The decision with respect to the case of violating antimonopoly legislation, taken by the commission, is subject to announcement on completion of considering the case. At that only its resolute part can be announced. The decision must be prepared in full volume in the term, not exceeding ten working days from the day of announcing resolute part of the decision. The copies of such decision are immediately sent or presented to the persons, participating in the case.

Article 50. Instruction according to the case of violating antimonopoly legislation

1. By the results of considering the case of violating antimonopoly legislation on the basis of the decision according to the case the commission issues the instruction to the defendant by the case.
2. The instruction according to the case of violating antimonopoly legislation is prepared simultaneously with the decision. The copy of the instruction is immediately sent or presented to the person who is prescribed to commit actions, defined by the decision.

Article 51. Performance of instruction according to the case of violating antimonopoly legislation. Consequences of non-performance of instruction of transferring return received from monopolistic activity or unfair competition to federal budget

1. The instruction according to the case of violating antimonopoly legislation is subject to performance in the term, established by it. Antimonopoly body exercises control for performing issued instructions.
2. The failure to perform in the term the instruction according to the case of violating antimonopoly legislation involves administrative responsibility.
3. The person whose actions (omission) in the order, established by the present Federal law, are considered monopolistic activity or unfair competition and are inadmissible in accordance with antimonopoly legislation, by antimonopoly body's instruction is obliged to transfer return received from such actions (omission) to federal budget. In case of failure to perform this instruction the return received from monopolistic activity or unfair competition is subject to collection to federal budget by the claim of antimonopoly body.

4. By the failure to perform in the term the instruction according to the case of violating antimonopoly legislation is meant performance of the instruction partially in the term, established by this instruction, or avoidance of its performance.

Article 52. Order of appealing decisions and instructions of antimonopoly body

The decision or instruction of antimonopoly body can be appealed within three months from the day of taking the decision or issuing the instruction. In case of filing the application to court or arbitration court the performance of the instruction of antimonopoly body is suspended till coming court decision into legal force.

Chapter 10. Final provisions and coming the present Federal law into force

Article 53. Final provisions

1. From the day of coming the present Federal law into force one should declare invalid:

1) articles 1-2, paragraphs two - twenty five part one and part two article 4, sections II-VII of the RSFSR Law of March 22, 1991 N 948-I "On competition and restriction of monopolistic activity at commodity markets" (Bulletins of the RSFSR Congress of people's deputies and the RSFSR Supreme Soviet, 1991, N 16, art.499);

2) article 14 of the RF Law of June 24, 1992 N 3119-1 "On making alterations and amendments to the RSFSR Civil code, the RSFSR Civil procedure code, Regulation of the RSFSR Supreme Soviet, the RSFSR laws "On Jewish autonomous region", "On elections of the RSFSR people's deputies", "On additional authorities of local Soviets of people's deputies in conditions of transfer to market relations", "On peasant (farming) industry", "On land reform", "On banks and banking activity in the RSFSR", "On the RSFSR Central bank (Bank of Russia)", "On ownership in the RSFSR", "On enterprises and business activity", "On state tax service in the RSFSR", "On competition and restriction of monopolistic activity at commodity markets", "On paramount provision of agroindustrial complex with material technical resources", "On local government in the RSFSR", "On privatization of state and municipal enterprises in the RSFSR", "On foundations of budget system and budget process in the RSFSR", "On state duty"; the RF laws "On regional, provincial Soviet of people's deputies and regional, provincial administration", "On commodity exchanges and exchange trade" (Bulletins of the RSFSR Congress of people's deputies and the RSFSR Supreme Soviet, 1992, N 34, art.1966);

3) clauses 1-4, paragraphs four - twenty clause 5, clauses 6-26, 30-34 article 1 of the Federal law of May 25, 1995 N 83-FZ "On making alterations and amendments to the RSFSR law "On competition and restriction of monopolistic activity at commodity markets" (Collection of the RF legislation, 1995, N 22, art.1977);

4) clause 1, paragraphs two - seven, nine - thirteen clause 2 and clause 3 article 1 of the Federal law of May 6, 1998 N 70-FZ "On making alterations and amendments to the RSFSR law "On competition and restriction of monopolistic activity at commodity markets" (Collection of the RF legislation, 1998, N 19, art.2066);

5) the Federal law of June 23, 1999 N 117-FZ "On protection of competition at the market of financial services" (Collection of the RF legislation, 1999, N 26, art.3174);

6) the Federal law of January 2, 2000 N 3-FZ "On making alterations and amendments to article 18 of the RF law "On competition and restriction of monopolistic activity at commodity markets" (Collection of the RF legislation, 2000, N 2, art.124);

7) paragraphs two - five, thirty eight - forty two article 3 of the Federal law of December 30, 2001 N 196-FZ "On coming the RF Code on administrative offences into force" (Collection of the RF legislation, 2002, N 1, art.2);

8) clause 2 article 2 of the Federal law of March 21, 2002 N 31-FZ "On bringing legislative acts in correspondence with the Federal law "On state registration of legal entities" (Collection of the RF legislation, 2002, N 12, art.1093);

9) clauses 1-4, paragraphs two - eighteen clause 5, clauses 6-33 article 1 of the Federal law of October 9, 2002 N 122-FZ "On making alterations and amendments to the RSFSR law "On competition and restriction of monopolistic activity at commodity markets" (Collection of the RF legislation, 2002, N 41, art.3969);

10) the Federal law of March 7, 2005 N 13-FZ "On making alterations to articles 17 and 18 of the RSFSR law "On competition and restriction of monopolistic activity at commodity markets" (Collection of the RF legislation, 2005, N 10, art.761);

11) articles 2 and 21 of the Federal law of February 2, 2006 N 19-FZ "On making alterations into some legislative acts of the RF and declaring certain provisions of the RF legislative acts invalid in connection with adoption of the Federal law "On placing orders for deliveries of goods, execution of work, rendering services for state and municipal needs" (Collection of the RF legislation, 2006, N 6, art.636).

2. From the day of coming the present Federal law into force and till bringing in correspondence with the present Federal law other federal laws and other standard legal acts of the RF, regulating the relations, connected with protection of competition in the RF, prevention and suppression of monopolistic activity and unfair competition, the indicated laws and other standard legal acts are applied in the part, not conflicting with the present Federal law.

Article 54. Coming the present Federal law into force

The present Federal law comes into force at the expiration of ninety days after the day of its official publication.

President
of the Russian Federation
V.Putin

Moscow, Kremlin
July 26, 2006
N 135-FZ