

LAW
OF THE RUSSIAN SOVIET FEDERATIVE SOCIALIST REPUBLIC
ON COMPETITION AND RESTRICTION OF
MONOPOLY ACTIVITY ON COMMODITY MARKETS
(with the Additions and Amendments of June 24, 1992, May 25, 1995,
May 6, 1998, January 2, 2000)

See [review](#) of the court practice of settlements of disputes involving application of anti-monopoly legislation (the appendix Information [Letter](#) of the Presidium of the Higher Arbitration Court of the Russian Federation No. 32 of March 30, 1998)

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CHAPTER I. GENERAL PROVISIONS

Article 1. The Purposes of the Law

This Law lays down organizational and legal principles of preventing, restricting and putting a stop to monopoly activity and unfair competition and aims at ensuring conditions for the establishment and effective functioning of commodity markets.

Federal Law No. 83-FZ of May 25, 1995 on the Introduction of Amendments and Addenda to the RSFSR Law on Competition and the Restriction of Monopolistic Activity on Commodity Markets has supplemented the present Law by Article 1-1

Article 1-1. Antimonopoly Legislation

The antimonopoly legislation of the Russian Federation consists of the [Constitution](#) of the Russian Federation, the present Law, the federal laws issued in conformity with it, the decrees of the President of the Russian Federation, the decisions and orders of the Government of the Russian Federation.

Article 2 of the present Law is set forth in a new wording by the Federal Law No. 83-FZ of May 25, 1995 on the Introduction of Amendments and Addenda to the RSFSR Law on Competition and the Restriction of Monopolistic Activity on Commodity Markets

[See previous text of the Article](#)

Article 2. The Sphere of the Application of the Law

1. The Law shall operate throughout the territory of the Russian Federation.

The present Law shall extend to the relations that influence the competition on the commodity markets in the Russian Federation, in which Russian and foreign juridical persons, the federal executive bodies, the executive bodies of the subjects of the Russian Federation, the local self-government bodies, and also natural persons. The Law shall be applicable in those cases as well, when the actions and agreements, performed and concluded respectively by said persons beyond

the territory of the Russian Federation, lead or may lead to a restricted competition or entail other negative consequences on the markets in the Russian Federation.

2. The present Law shall not extend to the relations connected with the objects of exclusive rights, except for the cases, when the agreements associated with their use are aimed at the restriction of competition.

3. The relations associated with monopolistic activity and unfair competition on the markets of securities and financial services, except for the cases when the relations that form on these markets influence the competition on commodity markets, shall be regulated by other legislative acts of the Russian Federation.

4. If the international agreement of the Russian Federation stipulates rules other than those contained in the antimonopoly legislation of the Russian Federation, the rules of this international agreement shall be applied.

[Federal Law No. 70-FZ of May 6, 1998 amended Article 3 of this Law](#)
[See the previous text of the Article](#)

Article 3. Antimonopoly Bodies

1. The federal body of executive power/the federal anti-monopoly body shall perform the state policy of promoting the development of commodity markets and competition, preventing, limiting and stopping monopolistic activities and unfair competition.

2. The main tasks, functions and powers of the federal anti-monopoly body as well as the responsibilities of its officials are determined by the present Law and other regulatory legal acts of the Russian Federation.

3. To exercise its powers, the federal antimonopoly body shall set up its territorial agencies and appoint the corresponding officials.

4. The territorial agencies shall be subordinated to the federal antimonopoly body and shall carry out their activities in keeping with the legislation of the Russian Federation on the basis of the regulations to be endorsed by the federal antimonopoly body.

See the [Regulations](#) on a Territorial Department of the State Committee of the Russian Federation for the Antimonopoly Policy and the Support of New Economic Structures approved by [Order](#) of the State Committee of the Russian Federation for the Antimonopoly Policy and the Support of New Economic Structures No. 146 of November 13, 1995

The federal antimonopoly body shall invest its territorial agencies with the powers within its terms of reference.

5. Financial resources on the maintenance of the antimonopoly bodies shall be provided for by the federal budget in its separate line.

[Federal Law No. 70-FZ of May 6, 1998 amended Article 4 of this Law](#)
[See the previous text of the Article](#)

Article 4. The Definition of the Basic Concepts

The present Law makes use of the following concepts:

the **commodity** is the product of activity (including works and services) intended for sale or exchange;

the **substitutional goods** are a group of goods which can be compared as to their functions designation, application, quality and technical characteristics, the price and other parameters in a way that the buyer in fact replaces or is ready to replace one another in the process of consumption (including production consumption);

the **commodity market** is the sphere of the circulation of goods without substitutes or of substitutional goods in the territory of the Russian Federation or the part thereof, defined on the basis of the economic possibility of the buyer to acquire goods in a relevant territory and of the absence of this possibility beyond this territory;

At present the rules for the determination of boundaries of the commodity market is established by the [Procedure](#) for Making an Analysis and Appraisal of the Competition Environment on Commodity Markets approved by [Order](#) of the State Committee of the Russian Federation for Antimonopoly Policy No. 169 of December 20, 1996

the **transactor units** are Russian and foreign profit-making organizations and their associations (unions or associations), non-profit organizations, except for those which are not engaged in business, including agricultural consumer cooperatives, and also individual entrepreneurs;

competition is the rivalry of transactor units, when their independent actions effectively restrict the possibility of each adversary to unilaterally influence the common terms of the circulation of goods on the relevant commodity market;

unfair competition means any actions of transactor units which are aimed at the acquisition of advantages in business activity and which contradict the provisions of current legislation, the customs of business turnover, the requirements of respectability, rationality and justice and may cause or have caused damage to other competitive transactor units or may be prejudicial to their business reputation;

the **dominant position** is the exclusive position of a transactor unit or several transactor units on the market of the commodity without a substitute or substitutional goods (hereinafter referred to as a definite commodity), which enables it or them to exert decisive influence on the common terms of the circulation of goods on the respective commodity market or hinder the access for other transactor units to the market. The position of a transactor unit shall be deemed to be dominant, if its share of a definite commodity on the market comprises 65 per cent and more, except for the cases when the transactor unit proves that despite the excess of the said magnitude, its position is not dominant on the market. The position of a transactor unit shall also be recognized as dominant, if its share on the market comprises less than 65 per cent, this fact being established by an antimonopoly body on the basis of the stability of the transactor unit's share on the market, the relative size of the shares of the market belonging to competitors, the possibility of access to this market by new competitors or other criteria characterizing the commodity market. The position of a transactor unit may not be recognized as dominant, if its share of the market of a definite commodity does not exceed 35 per cent;

the **monopolistic activity** represents the actions (inaction) of transactor units or federal executive bodies, the executive bodies of the subjects of the Russian Federation and the local self-government bodies, which are inconsistent with antimonopoly legislation and which are aimed at the prevention, restriction or removal of competition;

the **monopoly high price** is the price of goods, fixed by a transactor unit that holds a dominant position on the commodity market with the aim of compensation of unwarranted expenses incurred due to the production under capacity use and (or) the receipt of additional profit as a result of lowering the quality of goods;

the **monopoly low price** is the price of acquired goods, fixed by a transactor unit which holds a dominant position on the commodity market as a buyer with the aim of obtaining additional profit and (or) compensation of unwarranted expenses at the expense of the seller, or the price of the commodity, deliberately fixed by the transactor unit that holds a dominant position on the commodity market as a seller on the level that causes losses from the sale of this commodity through the squeeze on competitors out of the market;

the **acquisition of shares** in the authorized capital of economic societies means the purchase, and also the receipt of a different possibility of exercising independently or through representatives the voting rights embodies in these shares on the basis of contracts for trust management, joint activity, agency or on the basis of other transactions;

a **group of persons** is a group of legal entities or/and natural persons applicable to which one or several of the below conditions are observed:

a person or several persons have a joint right as a result of agreement (concerted action) to

dispose directly or indirectly of over 50 per cent of the total votes falling on shares (deposits and interests), which comprise the authorized (pooled) capital of the juridical person (on the basis of contracts of purchase and sale, trust management, joint activity, agency and other transactions). The indirect disposal of the votes of the juridical person shall be understood to mean the possibility of actual disposal of them through third parties, in respect of whom the first person possesses the above-mentioned right or power;

the person or several persons obtained an opportunity under an agreement or otherwise to determine the decisions taken by another person or other persons including determining the terms and conditions of entrepreneurial activities being conducted by the other person(s) or to discharge the powers of the executive body of the other person(s) under an agreement;

the person has the right to appoint a sole executive body and/or over 50 per cent of the composition of the collective executive body of a legal entity and/or over 50 per cent of the composition of the board of directors (supervisory board) or another collective managerial body of a legal entity has been elected on the proposal of the person;

the natural person discharges the powers of the sole executive body of a legal entity;

the same natural persons, spouses, parents, children brothers, sisters thereof and/or the persons proposed by one and the same legal entity make up over 50 per cent of the composition of the collective executive body and/or the board of directors (supervisory board) or another collective managerial body of two or more legal entities or over 50 per cent of the composition of the board of directors (supervisory board) or another collective managerial body of two and more legal entities has been elected on the proposal of the same legal entities;

the same natural persons, spouses, parents, children brothers, sisters thereof and/or legal entities have the right to, either independently or through representatives (attorneys), control a total of over 50 per cent of the votes falling on the shares (deposits, stakes) making up the authorized (aggregate) capital of each of two or more legal entities;

natural persons and/or legal entities have the right, either independently or through representatives (attorneys), to control a total of over 50 per cent of the votes falling on the shares (deposits, stakes) making up the authorized (aggregate) capital of a legal entity and at the same time these natural persons, spouses, parents, children brothers, sisters thereof and/or the persons proposed by one and the same legal entity make up over 50 per cent of the composition of the collective executive body and/or the board of directors (supervisory board) or another collective managerial body of another legal entity;

legal entities are participants in one financial-industrial group;

natural persons are spouses, parents, children brothers, sisters;

an **affiliated persons** being natural persons and legal entities, capable of exerting influence on the activities of legal entities and/or natural persons pursuing entrepreneurial activities;

the following are deemed to be the affiliated persons of a legal entity:

a member of the board of directors (supervisory board) or another collective managerial body thereof, a member of the collective executive body as well as a person discharging the powers of the sole executive power thereof;

persons belonging to the same group of persons to which the given legal entity belongs;

persons having the right to control over 20 per cent of the total number of votes falling on the shares (deposits, stakes) making up the authorized (aggregate) capital of the given legal entity;

a legal entity in which the given legal entity has the right of controlling over 20 per cent of the total number of votes falling on the shares (deposits, stakes) making up the authorized (aggregate) capital of the given legal entity;

if the legal entity is a participant in a financial-industrial group its affiliated persons shall also include the members of the boards of directors (supervisory boards) or other collective managerial bodies, collective executive bodies of the participants in the financial-industrial group as well as the persons discharging the powers of sole executive bodies of the participants in the financial-industrial group;

the following are deemed to be the affiliated persons of a natural person pursuing entrepreneurial activities:

persons belonging to the same group of persons to which the given natural person belongs;
a legal entity in which the given natural person has the right of controlling over 20 per cent of the total number of votes falling on the shares (deposits, stakes) making up the authorized (aggregate) capital of the given legal entity.

The provisions of this Law relating to transactor units shall be extended to the group of persons.

CHAPTER II. MONOPOLY ACTIVITY

Amendments have been introduced in Article 5 of this Law by the Federal Law No. 83-FZ of May 25, 1995 on the Introduction of Amendments and Addenda to the RSFSR Law on Competition and the Restriction of Monopolistic Activity on Commodity Markets

[See previous text of the Article](#)

Article 5. Abuses of the Dominant Position on the Market by the Transactor Union

See the [Methodological Recommendations](#) for Defining the Dominant Position of the Transactor Unit on the Commodity Market, endorsed by the [Order](#) of the State Committee for Antimonopoly Policy No. 67 of June 3, 1994

1. A ban shall be placed on the actions of the transactor unit (a group of persons) who holds a dominant position which result or may result in the restriction of competition and (or) the infringement of the interests of other transactor units (a group of persons) or natural persons, including the following actions:

the withdrawal of goods from turnover, the purpose or result of which is the creation or sustenance of a deficit on the market or a price rise;

the imposition on a contracting party of the terms of the contract which are not advantageous for it or do not relate to the subject-matter of the contract (unjustified demands for the transfer of financial resources, other assets, property rights, the workforce of the contracting party, etc.);

the inclusion in the contract of discriminating terms which place the contracting party in an unequal position vis-a-vis other transactor units;

the consent to conclude a contract provided the parties thereto have included in it the provisions dealing with the goods in which the contracting party (consumer) is not interested;

the creation of hindrances to the access to the market (exit from the market) for other transactor units;

the [violation](#) of the price formation procedure, established for normative acts;

the fixation of monopoly high (low) prices;

the curtailment or stoppage of the production of goods which are in demand and which are ordered by consumers, if there is a possibility of producing them without loss;

the unjustified refusal to conclude a contract with particular buyers (customers), if there is a possibility of producing or delivering appropriate goods.

The List of actions set forth by this Article is not exhaustive (see [Item 12](#) of review of the court practice of settlements of disputes involving application of anti-monopoly legislation)

2. In exceptional cases the actions of a transactor unit, referred to in Item 1 of this Article, may be recognized as lawful, if the transactor unit proves that the positive effect of its actions, including the socio-economic sphere, will exceed the negative consequences for the commodity market under review.

Amendments have been introduced in Article 6 of this Law by the Federal Law No. 83-FZ of May 25, 1995 on the Introduction of Amendments and Addenda to the RSFSR Law on Competition and the Restriction of Monopolistic Activity on Commodity Markets

[See previous text of the Article](#)

Article 6. Agreements (Concerted Actions) of Transactor Units Restricting Competition

1. It shall be banned and recognized as invalid in the statutory manner the agreements (concerted actions) reached in full or in part and in any form between the competing transactor units (potential competitors), which have (may have) in totality a share of the market of a definite commodity in 35 per cent, if such agreements (concerted actions) have or may have as their result the restriction of competition, including agreements (concerted actions) aimed to:

- the fixation (maintenance) of prices (tariffs), discounts, premiums (surcharges), and markups;
- increases and cuts in prices or maintenance of prices at auctions and tenders;
- the division of the market according to the territorial principle, the volume of sales or purchases, the assortment of salable goods or the range of sellers or buyers (customers);
- the restriction of the access to the market or the removal from it other transactor units as sellers of definite commodities or their buyers (customers);
- the refusal to conclude contracts with definite sellers or buyers (customers).

2. It shall be banned and recognized as invalid in the statutory manner the agreements (concerted actions) of noncompeting transactor units, reached in full or in part and in any form, if one this contractors holds a dominant position, while the other one is its supplier or buyer (customer), provided that such agreements (concerted actions) have or may have as their result the restriction of competition.

3. In exceptional cases the agreements (concerted actions) of transactor units, provided for by this Article, except for those directly listed in Item 1 of this Article may be recognized as lawful, if the transactor units prove that the positive effect of their actions, including in the socio-economic sphere, will exceed the negative consequences of the commodity market under review.

4. The associations of profit-making organizations (unions or associations), the economic societies and partnerships shall be banned to coordinate the business operations of profit-making organizations, which have or may have as their result the limitation of competition.

The violation of said requirements is a ground for the liquidation through a court of law of the association of profit-making organizations (union or association), the economic society or partnership, which coordinates business operations, on a claim by the federal antimonopoly body (territorial agency within its terms of reference).

Amendments have been introduced in Article 7 of this Law by the Federal Law No. 83-FZ of May 25, 1995 on the Introduction of Amendments and Addenda to the RSFSR Law on Competition and the Restriction of Monopolistic Activity on Commodity Markets

[See previous text of the Article](#)

Article 7. Acts and Actions of the Organs of Power and Administration Aimed at the Restriction of Competition

1. The federal bodies of executive power, bodies of executive power of subjects of the Russian Federation and bodies of local self-government be banned to adopt acts and (or) perform actions which restrict the independence of transactor units, create discriminating or, on the opposite, favourable conditions for particular transactor units, if such acts or actions have or may have as their result the restriction of competition and (or) infringe upon the interests of transactor units or individuals. It shall be prohibited to take the following measures:

- to introduce restrictions on the creation of new transactor units in any sphere of activity, and also to ban particular types of activity or the manufacture of definite goods, except for the cases, established by the legislation of the Russian Federation;
- to prevent the operation of transactor units in any sphere without valid reasons;
- to prohibit the sale (purchase, exchange and acquisition) of goods from one region of the Russian Federation (Republic, territory, region, district, town and city ward) to another one or in any other way to limit the rights of transactor units to the sale (acquisition, purchase and exchange) of

goods;

to give to transactor units directions about the priority delivery of goods (performance of works, rendering of services) to a definite range of buyers (customers) or about the priority conclusion of contracts without accounting priorities, established by the legislation or other normative acts of the Russian Federation;

to prevent the creation of new transactor units in any sphere of activity without valid reasons;

to provide to a separate transactor unit or several transactor units without valid reasons privileges that place them in the advantageous position vis-a-vis other transactor units working for the market of the same commodity.

Decisions of the federal executive bodies, the executive bodies of the subjects of the Russian Federation and the local self-government bodies on the creation, reorganization or liquidation of transactor units (in cases provided for by the antimonopoly legislation), and also on the provision of privileges to a separate transactor unit or several transactor units shall be liable to coordination with the federal antimonopoly body, unless otherwise provided for by the legislative acts of the Russian Federation.

2. It shall be forbidden to set up ministries, state committees, other federal executive bodies, the executive bodies of the subjects of the Russian Federation and the local self-government bodies with the purpose of monopolizing the production or sale of goods, and also to vest the existing ministries, state committees or other structures of state administration with the powers whose fulfilment may result in the restriction of competition.

It shall be forbidden to combine the functions of the federal executive bodies, the executive bodies of the subjects of the Russian Federation, the local self-government bodies with those of the transactor units, and also to vest these units with the functions and rights of said bodies, including the functions and rights of state supervision, except for the cases, provided for by the legislative acts of the Russian Federation.

Article 8. Agreements (Concerted Actions) of the Organs of Power and Administrations Restricting Competition

Amendments have been introduced in the first paragraph of Article 8 of this Law by the Federal Law No. 83-FZ of May 25, 1995 on the Introduction of Amendments and Addenda to the RSFSR Law on Competition and the Restriction of Monopolistic Activity on Commodity Markets

[See previous text of the Paragraph](#)

It shall be forbidden and recognized in the statutory manner as invalid the agreements reached in any form in full or in part or concerted actions of the organ of power or administration either with the transactor unit, which have or may have as their result the restriction of competition and (or) infringement of the interests of the transactor units or individuals, including the agreements (concerted actions), aimed at:

the increase, reduction or maintenance of prices (tariffs);

the division of the market according to the territorial principle, the volume of sales or purchases, the assortment of salable goods or the range of sellers or buyers (customers);

the restriction of the access to the market or the removal of transactor units from it.

Article 9. Inadmissibility of participation by state and government officials in entrepreneurial activities

State and government officials shall not be allowed:

- to engage in independent entrepreneurial activity;
- to own enterprises;

Amendments have been introduced to the fourth paragraph of Article 9 of this Law by the Federal Law No. 83-FZ of May 25, 1995 on the Introduction of Amendments and Addenda to the RSFSR Law on Competition and the Restriction of Monopolistic Activity on Commodity Markets

[See previous text of the Paragraph](#)

- to vote independently or through the representative by means of their shares, deposits, interests, when the general meeting of an economic partnership or society takes its decisions;
- to hold office in any administrative structures of an economic agent.

CHAPTER III. UNFAIR COMPETITION

Article 10. Forms of unfair competition

Prohibition of unfair competition shall cover the following:

- spreading false, inaccurate or distorted information capable of damaging the financial interests or reputation of another economic agent;
- misleading consumers about the nature, methods and place of production, consumer properties and quality of a commodity;

The fourth and fifth paragraphs of Article 10 of this Law are set forth in a new wording by the Federal Law No. 83-FZ of May 25, 1995 on the Introduction of Amendments and Addenda to the RSFSR Law on Competition and the Restriction of Monopolistic Activity on Commodity Markets.
[See previous text of the Paragraphs](#)

- the incorrect comparison by the transactor unit of manufacture or salable goods with goods of other transactor units;
- the sale of goods with the illicit use of the results of intellectual activity and of the means of individualization, equated therewith, of a juridical person, the individualization of products and the performance of works and rendering of services;
- the receipt, use and divulgence of scientific and technical, production or commercial information, including of a commercial secret, without the consent of its holder.

CHAPTER IV. THE TASKS, FUNCTIONS AND POWERS OF THE FEDERAL ANTIMONOPOLY

Article 11. The tasks and functions of the federal anti-monopoly body

1. The main tasks of the federal antimonopoly body are as follows:

- assisting the establishment of market relations through encouragement of competition and entrepreneurship;
- preventing, limiting and suppressing monopoly activities and unfair competition;
- state supervision over the observance of anti-monopoly legislation.

2. The federal anti-monopoly body shall perform the following functions:

- submit to the Government of the Russian Federation proposals for improving anti-monopoly legislation and its application and judgements on draft laws and other regulations concerning the market and the development of competition;
- recommend that the bodies of power and administration take steps to assist the development of commodity markets and encourage competition;
- work out and implement measures to demonopolize production and distribution;
- monitor compliance with anti-monopoly regulations in setting up, reorganizing and liquidating economic entities;

The sixth paragraph of Item 2, Article 11, of this Law is set forth in a new wording by the Federal Law No. 83-FZ of May 25, 1995 on the Introduction of Amendments and Addenda to the RSFSR Law on Competition and the Restriction of Monopolistic Activity on Commodity Markets
[See previous text of the Paragraph](#)

- control the acquisition of shares (interests) with the right of vote in the authorized capital of economic societies, which may lead to the dominant position on the markets of the Russian Federation of transactor units or to the restriction of competition.

Amendments have been introduced to Item 3 of Article 11 of this Law by the Federal Law No. 83-FZ of May 25, 1995 on the Introduction of Amendments and Addenda to the RSFSR Law on Competition and the Restriction of Monopolistic Activity on Commodity Markets

[See previous text of the Item](#)

3. The committee shall set up a scientific-research institute and experts councils for the elaboration of measures of improving the functioning of the market, developing competition, overcoming the trends towards monopolization and also for the analysis of the structure and condition of commodity markets, the scientific support of the functioning of the federal antimonopoly body.

Item 4 of Article 11 of this Law has been excluded by the Federal Law No. 83-FZ of May 25, 1995 on the Introduction of Amendments and Addenda to the RSFSR Law on Competition and the Restriction of Monopolistic Activity on Commodity Markets

~~4. A Fund of Support for Business and Competition shall be set up to finance measures of developing entrepreneurship, competition and restricting monopolistic activity under the federal antimonopoly body from the resources of the Republican budget of the Russian Federation. The Regulations for the Fund shall be endorsed by the Government of the Russian Federation.~~

The Regulations for the Fund of Support for Business and Competition have been approved by the Decision of the Council of Ministers of the Russian Federation No. 268 of April 1, 1993

[Decision](#) of the Government of the Russian Federation No. 1184 of December 4, 1995 transformed the Fund for the Support of Business and Competition under the State Committee for Anti-Monopoly Policy of the Russian Federation into the Federal Fund for the Support of Small Business

Amendments have been introduced in Article 12 of this Law by the Federal Law No. 83-FZ of May 25, 1995 on the Introduction of Amendments and Addenda to the RSFSR Law on Competition and the Restriction of Monopolistic Activity on Commodity Markets

[See previous text of the Article](#)

Article 12. The Powers of the Federal Antimonopoly Body

The federal antimonopoly body shall have the right:

to give to transactor units orders, obligatory for execution, on the termination of breaches of the antimonopoly legislation and (or) on the removal of their consequences, the restoration of the original state, the compulsory division of transactor units or on the separation of structural subdivisions from them, the cancellation or alteration of contracts inconsistent with other transactor units, the remittance to the federal budget of profit received as a result of breaching the antimonopoly legislation;

to give to the federal executive bodies, the executive bodies of the subjects of the Russian Federation and the local self-government bodies orders, obligatory for execution on the cancellation or modification of their illegal acts, the termination of breaches, and also the abrogation or alteration of their agreements inconsistent with the antimonopoly legislation;

to table in the respective federal executive bodies, the executive bodies of the subjects of the Russian Federation and the local self-government bodies proposals on the introduction or repeal of licensing, the changing of customs tariffs, the introduction or revocation of quotas, and also on the granting of tax concessions, easy credits and other kinds of state support;

to take decisions on the imposition of fines on profit-making and non-profit making organizations and of administrative penalties on their heads and individuals, including individual entrepreneurs, and also on officials of the federal executive bodies, the executive bodies of the subjects of the Russian Federation and the local self-government bodies for breaking the

antimonopoly legislation, except for the cases of violating the procedure for price formation in keeping with the [legislation](#) on natural monopolies;

to apply to a court of law or a court of arbitration with statements on breaches of the antimonopoly legislation, including on the full or partial recognition as invalid of contracts inconsistent with the antimonopoly legislation, on the compulsory conclusion of a contract with another transactor unit, and also to participate in the examination by the court of law or the court of arbitration of cases, connected with the application and violation of the antimonopoly legislation;

to send to the respective law-protective bodies materials for the institution of proceedings in a criminal case according to the elements of crimes, associated with the violation of the antimonopoly legislation;

to ascertain the dominant position of transactor units;

to provide explanations on the application of the antimonopoly legislation;

to discharge other powers, provided for by the legislation of the Russian Federation.

Article 13 of this Law is set forth in a new wording by the Federal Law No. 83-FZ of May 25, 1995 on the Introduction of Amendments and Addenda to the RSFSR Law on Competition and the Restriction of Monopolistic Activity on Commodity Markets

[See previous text of the Article](#)

Article 13. The Right of Access to Information

In order to discharge their functions, the officials, authorized by the federal antimonopoly body (territorial agency) shall have the right or unhindered access to the federal executive bodies, the executive bodies of the subjects of the Russian Federation and the local self-government bodies, and also to profit-making and non-profit making organizations and their associations, to other organizations and institutions and to get acquainted with requisite documents on the basis of a written inquiry.

The militia bodies shall be obliged to render the practical assistance to the officials of the federal executive body (territorial agency) when they discharged their official duties and to secure an unhindered access to requisite information with the purpose of fulfilling their functions.

Article 14 of this Law is set forth in a new wording by the Federal Law No. 83-FZ of May 25, 1995 on the Introduction of Amendments and Addenda to the RSFSR Law on Competition and the Restriction of Monopolistic Activity on Commodity Markets

[See previous text of the Article](#)

Article 14. The Duty of Submitting Information to the Federal Antimonopoly Body (Territorial Agency)

On the demand of the federal antimonopoly body (territorial agency) the profit-making and non-profit making organizations (their heads), the federal executive bodies, the executive bodies of the subjects of the Russian Federation, individuals, including individual entrepreneurs, shall be obliged to submit trustworthy documents, written and oral explanations and other information needed for the implementation by the federal antimonopoly body (territorial agency) of its legitimate activity.

Amendments have been made in Article 15 of this Law by the Federal Law No. 83-FZ of May 25, 1995 on the Introduction of Amendments and Addenda to the RSFSR Law on Competition and the Restriction of Monopolistic Activity on Commodity Markets

[See previous text of the Article](#)

Article 15. The Duty of the Federal Antimonopoly Body (Territorial Agency) to Observe a Commercial Secret

Information comprising a commercial secret, which is received by the federal antimonopoly body (territorial agency) of the Russian Federation on the basis of Articles 13 and 14 of this Law, shall not be subject to divulgence.

In case of disclosure of officials of the federal antimonopoly body (territorial agency) of information comprising a commercial secret the caused losses shall be liable to compensation in keeping with civil legislation.

Amendments have been introduced in Article 16 of this Law by the Federal Law No. 83-FZ of May 25, 1995 on the Introduction of Amendments and Addenda to the RSFSR Law on Competition and the Restriction of Monopolistic Activity on Commodity Markets

[See previous text of the Article](#)

Article 16. Promotion of the Development of Commodity Markets, Competition and the Support of Entrepreneurship

In order to promote the development of commodity markets and competition, the support of entrepreneurship and the demonopolization, the federal antimonopoly body may send to the respective federal executive bodies, the executive bodies of the subjects of the Russian Federation and the local self-government bodies the following recommendations:

on granting easy credits, and also on reducing taxes or exempting from them transactor units entering on the market of a definite commodity for the first time;

on setting up and developing parallel structures in the sphere of production and circulation, including at the expense of centralized investments and credits;

on financing measures to expand the output of goods with the purpose of removing the dominant position of particular transactor units;

on attracting foreign investments, creating organizations with foreign investments and free economic zones;

on licensing export and import operations and changing customs tariffs;

on introducing changes in the lists of kinds of activity subject to licensing and in the procedure for their licensing.

The federal antimonopoly body shall take part in the realization of federal programmes of demonopolization, programmes of developing competition and supporting entrepreneurship.

The title of Section V of this Law has been altered by the Federal Law No. 83-FZ of May 25, 1995 on the Introduction of Amendments and Addenda to the RSFSR Law on Competition and the Restriction of Monopolistic Activity on Commodity Markets.

[See previous text of the Section](#)

SECTION V. PARTICULAR TYPES OF STATE CONTROL

Article 17 of this Law is set forth in a new wording by the Federal Law No. 83-FZ of May 25, 1995 on the Introduction of Amendments and Addenda to the RSFSR Law on Competition and the Restriction of Monopolistic Activity on Commodity Markets

[See previous text of the Article](#)

Article 17. State Control over the Creation, Reorganization or Liquidation of Profit-making Organizations and Their Associations

1. In order to prevent the possible abuse of the dominant position by profit-making organizations or to restrict competition, the federal antimonopoly body shall exercise state control over:

the creation, merger and take-over of associations of profit-making organizations (unions or associations);

the merger and incorporation of profit-making organizations, if the sum of their assets according to the latest balance-sheet exceeds 100,000 [minimum wages and salaries](#);

the liquidation and division (separation) of state and municipal enterprises, the amount of whose assets exceeds 50,000 [minimum wages and salaries](#), if this leads to the appearance of a transactor unit whose share on the corresponding commodity market will exceed 35 per cent, except for the cases when the enterprise is liquidated under the arbitration court's decision that has

entered into legal force.

2. In cases, stipulated by [Item 1](#) of this Article, the persons or bodies taking decisions on the creation, reorganization or liquidation of profit-making and non-profit making organizations shall submit to the federal antimonopoly body, in addition to the documents presented to the registration bodies in keeping with the legislation of the Russian Federation, their petition about the consent with the creation, reorganization or liquidation of profit-making and non-profit making organizations and information about the main types of activity and volumes of manufactured products (works, services), salable on relevant commodity markets. The federal antimonopoly body shall have the right to request other information.

On the procedure for filing petitions and notices with the anti-monopoly bodies in accordance with the requirements of this Article see [Regulations approved by Order of the Ministry for Anti-Monopoly Policy of the Russian Federation No. 276 of August 13, 1999](#)

The federal antimonopoly body shall have no right to demand information, not provided for by the list of data, endorsed by the federal antimonopoly body.

The federal antimonopoly body shall inform the petitioner in written form about the adopted decision within 30 days since the day of receipt of the necessary documents.

If there is a need, the said period may be extended by the federal antimonopoly body but for not more than 15 days.

3. The federal antimonopoly body shall have the right to reject the petition, if its satisfaction may bring about or intensify the dominant position of the corresponding organization and (or) restrict competition, or if it transpires during the examination of submitted documents that their information, which is of importance for the adoption of a decision, is unreliable. The federal antimonopoly body shall have the right to satisfy the petition in case of the fulfilment of the requirements for the provision of conditions for competition. The said requirements, and also the terms of their execution shall be expressed in the decision of the federal antimonopoly body on the consent with the actions, envisaged by [Item 1](#) of this Article.

The federal antimonopoly body shall have the right to satisfy the petition even in case of a possible onset of said unfavourable consequences, if the persons or bodies taking a decision on the creation, reorganization or liquidation will prove that the positive effect of their actions, especially in the socio-economic sphere, will exceed the negative consequences for the commodity market under review.

4. The federal antimonopoly body shall be notified by the founders (one of the founders) in their statement within 15 days since the day of state registration (introduction of changes in the state register) about the creation of profit-making organizations, if the summary value of the assets of the founders exceeds 100,000 [minimum wages and salaries](#), and also about the merger or incorporation of profit-making organizations, if the sum of their assets according to the balance-sheet exceeds 50,000 [minimum wages and salaries](#). While notifying the federal antimonopoly body, the petitioner shall submit information, envisaged by [Item 2](#) of this Article, in addition to his statement.

5. If the federal antimonopoly body arrives at the conclusion after the preliminary study of information that the notified creation (merger or incorporation) of an organization may result in the restriction of competition, it shall take a decision on the additional verification of the compliance of the creation (merger or incorporation) of a profit-making organization with the requirements of the antimonopoly legislation.

The said decision shall be sent to the petitioner within 15 days since the day of receipt by the federal antimonopoly body of the statement about the notification.

A final decision shall be taken by the federal antimonopoly body within the periods, envisaged by [Item 2](#) of this Article, this being advised to the petitioner in written form.

6. If the creation (merger or incorporation) can lead to the restriction of competition, the founders of a profit-making organization, the persons or bodies that have taken a decision on the merger or incorporation shall be obliged to take measures of restoring the necessary conditions for

competition on the demand of the federal antimonopoly body.

7. In cases, stipulated by [Item 4](#) of this Article, to persons or bodies that take decisions on the creation, merger or incorporation shall have the right to request before the adoption of such decisions the agreement of the federal antimonopoly body with the creation of profit-making organizations. This body shall be obliged to consider the respective petitions in the order provided for by [Item 2](#) of this Article.

8. In cases, envisaged by [Item 1](#) of this Article, the state registration of profit-making and non-profit making organizations shall be effected and the entry about the exclusion from the single state register of the juridical persons of profit-making organizations shall be made by the registration body only with the preliminary consent of the federal antimonopoly body.

The state registration of profit-making organizations and their associations, set up or reorganized without the preliminary consent of the federal antimonopoly body, may be recognized by a court of law as invalid on the claim of the federal antimonopoly body (territorial agency) within its terms of reference.

9. The creation (merger or incorporation) of profit-making organizations in contravention of the order, prescribed by [Item 4](#) of this Article, which leads to the appearance or greater domination and (or) restriction of competition, and the non-execution of the requirements of the federal antimonopoly body, made in keeping with Item 6 of this Article, shall be grounds for the recognition of state registration as invalid by a court of law on the claim of the federal antimonopoly body (territorial agency) within its terms of reference.

Article 18 of this Law is set forth in a new wording by the Federal Law No. 83-FZ of May 25, 1995 on the Introduction of Amendments and Addenda to the RSFSR Law on Competition and the Restriction of Monopolistic Activity on Commodity Markets

[See previous text of the Article](#)

Article 18. State Control over the Observance of the Antimonopoly Legislation in Case of the Acquisition of Shares (Interests) in the Authorized Capital of Profit-making Organizations and in Other Cases

1. With the preliminary consent of the federal antimonopoly body and on the basis of the petition of a juridical or natural person the following actions shall be undertaken:

the acquisition by a person (a group of persons) of shares (interests) with the right of vote in the authorized capital of an economic society, in which such person (group of persons) receives the right of disposing over 20 per cent of said shares (interests). This requirement shall not extend to the founders of the economic society when it is established;

the acquisition into ownership or into use of fixed productive or intangible assets of another transactor unit by one transactor unit (a group of persons), if the book value of property that makes up the subject-matter of the transaction exceeds 10 per cent of the book value of the fixed productive and intangible assets of the transactor unit, which alienates the property;

the acquisition by a person (a group of persons) of the rights which make it possible to determine the conditions for business operations of the transactor unit or to discharge the functions of its managerial body.

See also the [Order](#) of the State Committee for Antimonopoly Policy No. 5 of January 18, 1994 on the Endorsement of the Instructions on the Control over the Acquisition of Stakes and Participating Interests of Partnerships and Ordinary Registered Shares of Joint-stock Companies and on the Procedure of Recognizing Persons Who Control the Assets of Each Other

2. A preliminary consent with the conduct of transactions, referred to in Item 1 of this Article, shall be required in cases, if the summary book value of the assets of persons, indicated in [Item 1](#) of this Article, exceeds 100,000 [minimum wages and salaries](#), or if one of them is represented by the transactor unit, entered in the Register of transactor units whose share of the market of a definite commodity is over 35 per cent, or if the acquirer is represented by a group of persons controlling the performance of the said transactor unit.

The procedure for forming the Register of transactor units whose share of the market of a definite commodity exceeds 35 per cent (hereinafter referred to as the Register) shall be determined by the Government of the Russian Federation.

Procedure for Compiling and Keeping the Register of Economic Subjects Having a More Than 35% Portion of the Market of a Particular Commodity was approved by [Decision](#) of the Government of the Russian Federation No. 154 of February 19, 1996

3. To make transactions, referred to in [Item 1](#) of this Article, the persons shall be obliged to submit to the federal antimonopoly body a petition on giving consent with their conclusion and to provide information needed for passing a decision in conformity with the list of data, approved by the federal antimonopoly body.

Concerning the order of filing petitions and notices with anti-Monopoly bodies in conformity with the requirements of this Article see the [Regulations](#) approved by [Order](#) of the State Anti-Monopoly Committee of the Russian Federation No. 145 of November 13, 1995

State control over transactions, envisaged by this Article shall be exercised by the federal antimonopoly body in the order, stipulated by [Item 2 of Article 17](#) of this Law.

On the State control over transactions on financial markets see the [Regulations](#) of the Central Bank of the Russian Federation No. 72-P of March 26, 1999

[Federal Law No. 3-FZ of January 2, 2000 amended Item 4 of Article 18 of this Law](#)
[See the previous text of the Item](#)

4. The federal antimonopoly body shall have the right to reject an application if the satisfaction of the application may cause the rise or strengthening of the dominating position of an economic entity (or a group of persons) and/or a restriction of competition, or if there has been submitted unveracious information of importance for decision making, or if the participants of the transactions indicated in [Item 1](#) of this Article did not at the established time submit on a demand of the federal antimonopoly body the data about the sources, the conditions of the obtention and the rates of the monetary funds necessary for the making of such transactions. The federal antimonopoly body shall have the right to satisfy an application in the case of the fulfilment of the demands aimed at ensuring the competition. In this case the said demands, and also the time for their execution must be contained in the decision of the federal antimonopoly body consenting to the carrying out of the actions stipulated by [Item 1](#) of this Article.

A decision of the federal antimonopoly body consenting to the carrying out of the transactions indicated in [Item 1](#) of this Article shall terminate its effect if such transactions have not been made within one year from the day of the rendering of the said decision.

The federal antimonopoly body shall have the right to satisfy the petition even when it is possible to limit competition in case, if the transaction participants prove that the positive effect of their actions, particularly in the socio-economic sphere, will exceed the negative consequences for the commodity market under review.

5. The federal antimonopoly body shall be notified by a juridical or natural person within 15 days after the completion of transactions, referred to in [Item 1](#) of this Article, if the summary book value of the assets of the persons, indicated in [Item 1](#) of this Article, exceeds 50,000 [minimum wages and salaries](#).

About actions (deals) subject to prior coordination with anti-monopoly bodies see [Letter](#) of the State Anti-Monopoly Committee of the Russian Federation No. VB/802 of February 28, 1996

If a natural person takes part in the managerial bodies, boards of directors (supervisory boards) of two or more transactor units whose summary book value of assets exceeds 50,000

[minimum wages and salaries](#) or of the transactor units, entered in the Register in one and the same commodity group or in groups of commodities at the different stages of one and the same production and marketing process, it is necessary to notify the federal antimonopoly body by this person within 15 days after the election to the said bodies or councils. With the notification of the federal antimonopoly body the petitioner shall also submit to it information, envisaged by Item 3 of this Article.

6. If after the preliminary study of information the federal antimonopoly body arrives at the conclusion that the completion of the transaction about which he was notified can lead to the appearance or the strengthening of the dominant position of the transactor unit (group of persons) and (or) to the restriction of competition, it shall take a decision on the additional verification of the compliance of the said transaction with the requirements of the antimonopoly legislation. The said decision shall be sent to the petitioner within 15 days since the time of receipt by the federal antimonopoly body of the statement about the notification.

A final decision shall be taken by the federal antimonopoly body within the periods of time, stipulated by [Item 2 of Article 17](#) of this Law, this decision being communicated in written form.

7. If the actions, provided for by [Item 5](#) of this Article can lead to the appearance or the strengthening of the dominant position of the transactor unit and (or) to the restriction of competition, the persons who perform the said actions shall be obliged to take, within the fixed terms, measures of restoring the necessary conditions for competition on the demand of the federal antimonopoly body.

8. In cases, envisaged by [Item 5](#) of this Article, the persons shall have the right to request in advance the consent of the federal antimonopoly body with the performance of said actions. This body shall be obliged to consider the respective petitions in the statutory manner.

9. Transactions made in contravention of the order, prescribed by this Article and leading to the appearance or the strengthening of domination and (or) to the restriction of competition may be recognized as invalid by a court of law on the claim of the federal antimonopoly body (territorial agency) within its terms of reference in case of the non-fulfilment by the transaction participants of the requirements of the federal antimonopoly body for the restoration of the necessary conditions of competition in the periods fixed by it.

The non-execution of the decisions of the federal antimonopoly body, passed in keeping with [Items 4](#) and [7](#) of this Article, is a ground for the recognition of the respective transaction as invalid on the claim of the federal antimonopoly body (territorial agency) within its terms of reference.

The violation of the requirements of this Article in respect of the receipt of consent (notification) of the federal antimonopoly body with the completion of transactions is a ground for the imposition of penal sanctions in accordance with this Law.

Article 19 of this Law is set forth in a new wording by the Federal Law No. 83-FZ of May 25, 1995 on the Introduction of Amendments and Addenda to the RSFSR Law on Competition and the Restriction of Monopolistic Activity on Commodity Markets

[See previous text of the Article](#)

Article 19. Compulsory Division (Separation) of Profit-making and Non-profit making Organizations Engaged in Business

1. When profit-making and non-profit making organizations engaged in business hold a dominant position and have committed two or more breaches of antimonopoly legislation, the federal antimonopoly body shall have the right to take a decision on their compulsory division or the separation from them of one or several organizations on the basis of structural subdivisions, if this leads to growing competition.

2. A decision on the compulsory division (separation) of a profit-making organization shall be taken in the presence of the totality of the following conditions:

the possibility of organizational and territorial separation of its structural subdivisions;

the absence of a close technological interrelationship between its structural subdivisions (in particular, if the volume of products (works, services) of its structural subdivision, consumed by a

juridical person, does not exceed 30 per cent of the total volume of products (works, services), manufactured by this structural subdivision;

the possibility for juridical persons to independently operate on the market of a definite commodity as a result of reorganization.

3. The decision taken by a the federal antimonopoly body about the compulsory division (separation) of profit-making or non-profit making organizations engaged in business shall be implemented by the owner or the body authorized by him with account of the requirements, envisaged in the said decision and within a fixed period, which may not be less than six months.

Article 20 of this Law is set forth in a new wording by the Federal Law No. 83-FZ of May 25, 1995 on the Introduction of Amendments and Addenda to the RSFSR Law on Competition and the Restriction of Monopolistic Activity on Commodity Markets

[See previous text of the Article](#)

Article 20. Appeals Against Decisions of the Federal Antimonopoly Body (Territorial Agency), Adopted on the Basis of Articles [17](#), [18](#) and [19](#) of this Law

If the petitioner does not receive to his petition (statement on notification) from the federal antimonopoly body (territorial agency) within 60 days, reckoned since the day of receipt of this petition (statement on notification) by this body (Articles [17](#) and [18](#) of this Law) or he does not agree to the adopted decision of this body, he shall be free to apply to a court of law or a court of arbitration for the protection of his infringed rights.

The decision on the compulsory division of profit-making organizations or on the separation of one or several organizations from them on the basis of structural subdivisions may be appealed against with a court of law or a court of arbitration.

Federal Law No. 70-FZ of May 6, 1998 supplemented this Law with Article 21

[See the text of Article 21 that had been deleted](#) by the Federal Law No. 83-FZ of May 25, 1995

Article 21. Keeping Record of Affiliated Persons

A joint-stock company shall keep record of its affiliated persons and report on the affiliated persons in accordance with the procedure determined by the federal body of executive power in charge of regulating the securities market.

On the procedure for keeping record of affiliated persons and providing information on the affiliated persons of joint-stock companies see [Decision](#) of the Federal Securities Market Commission No. 7 of September 30, 1999

Section VI of this Law is set forth in a new wording by the Federal Law No. 83-FZ of May 25, 1995 on the Introduction of Amendments and Addenda to the RSFSR Law on Competition and the Restriction of Monopolistic Activity on Commodity Markets

[See previous text of the Section](#)

SECTION VI. RESPONSIBILITY FOR BREAKING THE ANTIMONOPOLY LEGISLATION

Amendments have been introduced to Article 22 of this Law by the Federal Law No. 83-FZ of May 25, 1995 on the Introduction of Amendments and Addenda to the RSFSR Law on Competition and the Restriction of Monopolistic Activity on Commodity Markets.

[See previous text of the Article](#)

Article 22. The Obligatory Execution of the Order of the Federal Antimonopoly Body

1. In case of violating the antimonopoly legislation the profit-making and non-profit making organizations (their heads), the federal executive bodies, the executive bodies of the subjects of the Russian Federation, the local self-government bodies (their officials), private persons, including

individual entrepreneurs, shall be obliged:

to stop breaches, restore the original position, abrogate the contract or introduce amendments to it, conclude a contract with another transactor unit, repeal the act that is inconsistent with legislation, transmit the profit, received as a result of breaches to the federal budget, effect reorganization in the form of division or separation with the observance of the conditions and terms, and to perform other actions prescribed by the order of the federal antimonopoly body.

2. In case of breaking the antimonopoly legislation the federal antimonopoly body (territorial agency) shall have the right to impose administrative penalties and give warnings in keeping with current legislation.

The present Law has been supplemented by Article 22-1 by the Federal Law No. 83-FZ of May 25, 1995 on the Introduction of Amendments and Addenda to the RSFSR Law on Competition and the Restriction of Monopolistic Activity on Commodity Markets

Article 22-1. Types of Responsibility for Breaking the Antimonopoly Legislation

For faulty illegal deeds breaking the antimonopoly legislation the officials of the federal executive bodies, the executive bodies of the subjects of the Russian Federation and the local self-government bodies, the profit-making and non-profit making organizations or their managers, and also private persons, including individual entrepreneurs, shall bear civil liability, administrative or criminal responsibility.

[Federal Law No. 70-FZ of May 6, 1998 amended Article 23 of this Law](#)
[See the previous text of the Article](#)

Article 23. Liability of Profit-making and Non-profit Making Organizations

The profit-making and non-profit making organizations shall bear liability in the form of a penalty for the following breaches:

for failure to fulfil on time the order of the federal antimonopoly body (territorial agency) - in the amount of 100 [minimum wages or salaries](#) for every day of delay in the fulfilment of the order, but not more than 25,000 minimum wages or salaries;

the performance of an action (default on action) in breach of the procedure provided in Articles [17](#) and [18](#) of the present Law: at a rate of up to 5,000-fold [minimal wage rate](#);

for failure to execute the lawful requirements of the federal antimonopoly body (territorial agency), made in keeping with [Item 3 of Article 17](#) and [Item 4 of Article 18](#) of this Law - in the amount of up to 8,000 minimum wages or salaries;

for failure to submit in due time on the demand of the federal antimonopoly body (territorial agency) documents or any other information subject to submission in accordance with [Articles 17](#) and [18](#) of this Law - in the amount of up to 50 [minimum wages or salaries](#) for every day of breaking the fixed time, but not more than 5,000 [minimum wages or salaries](#);

for the submission to the federal antimonopoly body (territorial agency) of unreliable information - in the amount of up to 1,000 [minimum wages or salaries](#);

violation of the established procedure for reporting on its affiliated persons while providing information as per petitions and notification specified under Articles [17](#) and [18](#) of the present Law: at a rate of up to 5,000-fold [minimal wage rate](#).

For the wrongdoings specified in Paragraph 3, Part 1 of the present Article commercial and non-commercial organizations may be held accountable within two months from the date when the wrongdoing is discovered by the federal anti-monopoly body (territorial body).

In determining the amount of the penalty it is necessary to take into account the economic condition of profit-making and non-profit making organizations.

[Federal Law No. 70-FZ of May 6, 1998 amended Article 24 of this Law](#)
[See the previous text of the Article](#)

Article 24. Liability of the Heads of Profit-making and Non-profit Making Organizations, the Officials of the Federal Executive Bodies, the Executive Bodies of the Subjects of the Russian Federation and the Local Self-government Bodies and Private Persons

1. The heads of the profit-making and non-profit making organizations, the officials of the federal executive bodies, the executive bodies of the subjects of the Russian Federation and the local self-government bodies, and the individual entrepreneurs shall bear administrative liability for the following breaches:

for failure to fulfil on time the order of the federal antimonopoly body (territorial agency) - in the form of a warning or penalty in the amount of up to 200 [minimum wages or salaries](#);

for the prevention of the discharge of their duties by the officials of the federal antimonopoly body (territorial agency) - in the form of a warning or penalty in the amount of up to 120 [minimum wages or salaries](#).

2. The officials who have registered profit-making organizations or their associations (unions) without the consent of the federal antimonopoly body (territorial agency) in cases provided for by [Article 17](#) of this Law shall bear administrative liability in the form of a warning or penalty in the amount of up to 80 [minimum wages or salaries](#).

3. Private persons, including individual businessmen, and guilty of:
the non-submission in due time on demand of the federal antimonopoly body (territorial agency) of documents or any other information needed for its activity in cases, provided for by this Law, shall bear administrative liability in the form of a warning or penalty in the amount of up to 80 [minimum wages or salaries](#);

of committing actions (defaulting on action) that violate the procedure provided in [Articles 17](#) and [18](#) of the present Law shall be held accountable under administrative law in the form of a warning or a fine at a rate of up to 80-fold [minimal wage rate](#) within two months from the date when the federal anti-monopoly body (territorial body) discovers the given wrongdoing;

the non-fulfilment of the lawful requirements of the federal antimonopoly body (territorial agency), made in keeping with [Item 3 of Article 17](#) and [Item 4 of Article 18](#) of this Law, shall bear administrative liability in the form of a warning or penalty in the amount of up to 100 minimum wages or salaries.

4. The heads of profit-making and non-profit making organizations, and also the officials of the federal executive bodies, the executive bodies of the subjects of the Russian Federation and the local self-government bodies, guilty of the repeated performance of acting during one year, as stipulated by [Item 1](#) of this Article, shall bear criminal responsibility in keeping with current legislation.

Article 25 of this Law is set forth in a new wording by the Federal Law No. 83-FZ of May 25, 1995 on the Introduction of Amendments and Addenda to the RSFSR Law on Competition and the Restriction of Monopolistic Activity on Commodity Markets

[See previous text of the Article](#)

Article 25. Liability of the Officials of the Federal Antimonopoly Body for Breaking this Law

The officials of the federal antimonopoly body (territorial agency) shall bear administrative liability for the disclosure of information constituting the commercial secrets of profit-making and non-profit making organizations and individual businessmen in the form of a warning or penalty in the amount of up to 80 [minimum wages or salaries](#), unless these deeds entail a different liability provided for by current legislation.

Article 26 of this Law is set forth in a new wording by the Federal Law No. 83-FZ of May 25, 1995 on the Introduction of Amendments and Addenda to the RSFSR Law on Competition and the Restriction of Monopolistic Activity on Commodity Markets

[See previous text of the Article](#)

Article 26. Recovery of Losses Caused by Contracting Units

If losses have been caused to the transactor unit or another person by the act of federal executive body, the executive body of the subject of the Russian Federation and the local self-government body, including the federal antimonopoly body in contravention of the antimonopoly legislation or by the improper execution by the said bodies of their duties, these losses shall be compensated in keeping with civil legislation.

If the transactor unit has caused losses to another transactor unit or another person by its actions (inaction) that violate the antimonopoly legislation, these losses shall be compensated by this transactor unit in accordance with civil legislation.

Section VI of this Law is set forth in a new wording by the Federal Law No. 83-FZ of May 25, 1995 on the Introduction of Amendments and Addenda to the RSFSR Law on Competition and the Restriction of Monopolistic Activity on Commodity Markets

[See previous text of the Section](#)

CHAPTER VII. THE PROCEDURE TO ADOPT, APPEAL AGAINST AND EXECUTE DECISIONS BY THE FEDERAL ANTIMONOPOLY BODY (TERRITORIAL AGENCY)

Amendments have been introduced to Article 27 of this Law by the Federal Law No. 83-FZ of May 25, 1995 on the Introduction of Amendments and Addenda to the RSFSR Law on Competition and the Restriction of Monopolistic Activity on Commodity Markets

[See previous text of the Article](#)

Article 27. Grounds for Considering Cases of Violating the Antimonopoly Legislation by the Federal Antimonopoly Body

1. The federal antimonopoly body shall consider facts of breaking the antimonopoly legislation and take decisions on them and issue orders within its terms of reference.

The applications of profit-making and non-profit making organizations, the federal executive bodies, the executive bodies of the subjects of the Russian Federation and the local self-government bodies and the representations of procurators shall grounds for considering cases of violating the antimonopoly legislation.

Cases of breaking the antimonopoly legislation may be examined by the federal antimonopoly body at its own initiative.

2. Applications shall be filed with the federal antimonopoly body in written form with appended documents testifying to the facts of violating the antimonopoly legislation.

The contents of documents and applications shall not be liable to disclosure.

3. The procedure for considering cases shall be determined by the Rules, endorsed by the federal antimonopoly body.

The [Rules](#) for Considering Cases of Breach of Anti-Monopoly Legislation were approved by [Order](#) of the State Anti-Monopoly Committee of the Russian Federation No. 91 of July 25, 1996

Article 28 of this Law is set forth in a new wording by the Federal Law No. 83-FZ of May 25, 1995 on the Introduction of Amendments and Addenda to the RSFSR Law on Competition and the Restriction of Monopolistic Activity on Commodity Markets

[See previous text of the Article](#)

Article 28. The Procedure for Appealing Against the Decisions and Orders of the Federal Antimonopoly Body (Territorial Agency)

1. The federal executive bodies, the executive bodies of the subjects of the Russian Federation and the local self-government bodies (their officials), the profit-making and non-profit making organizations (their managers), private persons, including individual businessmen, shall have the right to apply to a court of law or a court of arbitration with the application for the

recognition of decisions (orders) of the federal antimonopoly body (territorial agency) in full or in part or for the revocation or alteration of decisions on the imposition of administrative penalties and fines.

2. A decision (order) taken by the federal antimonopoly body (territorial agency) may be appealed against during six months since the day of passing, with the exception of the requirements to which the statute of limitation does not extend.

Article 29. The procedure to execute orders and other decisions by the federal antimonopoly body (territorial body)

1. A decision (order) of the federal antimonopoly body (a territorial body) shall be subject to execution within the period fixed therein. The failure to execute said decision (order) in time shall entail the consequences stipulated by the present Law and other legislative acts of the Russian Federation.

In the event of the non-execution of a decision (order) on abrogating or amending an act adopted with a violation of the antimonopoly legislation, or on restituting the state that existed prior to the violation, the federal antimonopoly body (a territorial body) may apply to an arbitration court with an application for invalidating the act in full or in part, or for compelling the infringer to reconstitute the state that existed prior to the violation.

In the event of the non-execution of a decision (order) on amending or cancelling an agreement that is contrary to the antimonopoly legislation, or on concluding an agreement with another economic entity, the federal antimonopoly body (a territorial body) may apply to a court of law or an arbitration court with a claim for invalidating the agreement in full or in part, or for compelling the contractor to conclude the agreement.

In the event of the non-execution of a decision (order) on transferring to the federal budget the profit received as a result of a violation of the antimonopoly legislation, the federal antimonopoly body (a territorial body) may file a claim to a court of law or an arbitration court for collecting the unsoundly received profit to the federal budget.

2. A fine imposed by the federal antimonopoly body (a territorial body) on a commercial or noncommercial organization, with the exception of a fine on a individual businessman, shall be collected without acceptance within 30 days from the day of the rendering of the decision on the collection of the fine.

A fine imposed by the federal antimonopoly body (a territorial body) on the managers of a commercial or noncommercial organization, on officials of the federal bodies of executive power, the bodies of executive power of the entities of the Russian Federation, or the bodies of local self-government, and also on citizens, including on individual businessmen, shall be paid by them within 30 days from the day when they receive the decision on the imposition of the fine. Where the payment of the fine within the fixed period is dodged, or the fine has not been paid in full, the federal antimonopoly body (a territorial body) may apply to a court with an application for collecting from the managers of the commercial or noncommercial organization, the officials of the federal bodies of executive power, the bodies of executive power of the entities of the Russian Federation, or the bodies of local self-government, and also citizens, including individual businessmen, the amount of the fine, and also the penalty at the rate of 1 per cent of the amount of the fine or of its unpaid part for each day of the delay.

The amounts of the fines collected by the federal antimonopoly body (a territorial body) shall be transferred to the federal budget.

The payment of the fine shall not constitute a release from the obligation to execute the decision (order) of the federal antimonopoly body (a territorial body) or to perform any other actions stipulated by the antimonopoly legislation.

First deputy Chairman of the
Supreme Soviet of the RSFSR

R.I.Hasbulatov

The House of Soviets of the RSFSR

Moscow, March 22, 1991.