

**FEDERAL LAW NO. 135-FZ OF JULY 26, 2006 ON PROTECTION OF  
COMPETITION (with the Amendments and Additions of December 1,  
2007, April 29, 2008)**

**Adopted by the State Duma on July 8, 2006  
Endorsed by the Federation Council on July 14, 2006**

**Chapter 1. General Provisions**

**Article 1. Subject and Goals of this Federal Law**

1. This Federal Law shall define the organisational and legal outline of competition protection, including the prevention and suppression of the following:

1) monopolistic activities and unfair competition;  
2) banning, restriction or removal of competition by the federal executive power bodies, the state power bodies of the constituent entities of the Russian Federation, local self-government bodies, other agencies or organisations exercising the functions of the said bodies, as well as by state off-budget funds and the Central Bank of the Russian Federation.

2. As the goals of this Federal Law shall be deemed ensuring of the common free market zone, free movement of commodities, freedom of economic activities in the Russian Federation, protection of competition and creation of conditions for the efficient functioning of commodity markets.

**Article 2. Antimonopoly Legislation of the Russian Federation and Other Normative Legal Acts on Competition Protection**

1. The antimonopoly legislation of the Russian Federation (hereinafter referred to as the antimonopoly legislation) shall be based on the Constitution of the Russian Federation, the Civil Code of the Russian Federation and comprise this Federal Law and other federal laws regulating the relations mentioned in Article 3 of this Federal Law.

2. The relations mentioned in Article 3 of this Federal Law may be regulated by decisions of the Government of the Russian Federation and normative legal acts of the federal antimonopoly agency in the instances provided for by the antimonopoly legislation.

3. If an international treaty made by the Russian Federation establishes rules other than those provided for by this Federal Law, the rules of the international treaty shall apply.

**Article 3. Scope of This Federal Law**

1. This Federal Law shall extend to relations connected with competition protection, in particular with the prevention and suppression of monopolistic activities and unfair competition where Russian legal entities and foreign legal entities, the federal executive power bodies, the state

power bodies of the constituent entities of the Russian Federation, local self-government bodies, other agencies or organisations exercising the functions of the said bodies, as well as the state off-budget funds, the Central Bank of the Russian Federation and natural persons, including individual businessmen, participate.

2. The provisions of this Federal Law shall apply to the agreements between Russian or foreign persons or organisations made outside the Russian Federation, if in respect of such agreements the following conditions are met in the aggregate:

1) the agreements are reached in respect of basic production facilities and (or) intangible assets located on the territory of the Russian Federation or in respect of stocks (shares) of Russian economic companies and rights in respect of Russian profit-making organisations;

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

#### **Article 4. Basic Concepts Applied in This Federal Law**

The following basic concepts shall be applied in this Federal Law:

1) a **commodity** shall mean an object of civil rights (including works and services, in particular financial services) intended for sale, exchange or other putting into circulation;

2) a **financial service** shall mean a banking service, insurance service, service in the securities market, a service under a contract of leasing, as well as a service rendered by a financial organisation and connected with attraction and (or) placement of monetary funds of legal entities and natural persons;

3) **exchangeable commodities** shall mean the commodities which are comparable as to their functional purpose, application, qualitative and technical characteristics, price and other parameters so that the acquirer thereof really replaces or is ready to replace either commodity by the other one when consuming them (in particular when consuming them for production purposes);

4) a **commodity market** shall mean the scope of a commodity's circulation (including a foreign-made commodity) which cannot be replaced by another commodity, or of exchangeable commodities (hereinafter referred to as a certain commodity) within whose bounds the acquirer can buy a commodity proceeding from economic, technical or another possibility or expediency and there is no such possibility or expediency outside it;

5) an **economic unit** shall mean an individual businessman, profit-making organisation, as well as a non-profit making organisation engaged in a profitable activity;

6) a **financial organisation** shall mean an economic unit rendering financial services, that is, a credit organisation, credit consumer cooperative, insurer, insurance agent, mutual insurance society, stock

exchange, currency exchange, pawn-shop, leasing company, non-governmental pension fund, management company of an investment fund, management company of a unit investment fund, management company of a non-governmental fund, specialised depository of an investment fund, specialised depository of a unit investment fund, specialised depository of a non-governmental pension fund and a professional securities market maker;

7) **competition** shall mean rivalry of economic units when independent actions of each of them exclude or limit the potential of each of them to influence unilaterally the general terms of commodities' circulation in the appropriate commodity market;

8) **discriminating conditions** shall mean the terms of access to a commodity market, conditions of production, exchange, consumption, acquisition, sale or other transfer of a commodity under which an economic unit or several economic units find themselves in an unequal position as compared to other economic unit or other economic units;

9) **unfair competition** shall mean any actions of economic units (a group of persons) which are aimed at gaining advantages in the exercise of business activities, contravene the legislation of the Russian Federation, traditions of business intercourse, do not comply with the requirements for honesty, reasonableness and fairness and have caused or can cause losses to other economic units which are their competitors, or have breached or can breach their business reputation;

10) **monopoly activities** shall mean abuse by an economic unit or a group of persons of their dominant position, agreements or concerted actions banned by the antimonopoly legislation, as well as other actions (omission to act) deemed to be monopolistic activities under the federal laws;

11) **systematic exercise of monopolistic activities** shall mean the exercise by an economic unit of monopolistic activities detected in the procedure established by this Federal Law more than twice with a three-year period;

12) unreasonably high price of a financial service or unreasonably low price of a financial service shall mean the price of a financial service or financial services which is fixed by the dominant financial organisation, essentially differs from the competitive price of the financial service and (or) impedes access of other financial organisations to a commodity market and (or) has a negative impact upon competition;

13) **competitive price of a financial service** shall mean the price at which the financial service can be rendered under the conditions of competition;

14) **coordination of economic activities** shall mean coordination of actions of economic units by a third person which does not belong to the same group of persons as any of such economic units. The actions of a self-regulated organisation aimed at creating for its members conditions for

access to a commodity market or withdrawal from a commodity market in compliance with the federal laws shall not be deemed a coordination of economic activities;

15) **antimonopoly body** shall mean the federal antimonopoly agency and territorial branches thereof;

16) **acquisition of stocks (shares) of economic companies** shall mean the purchase, as well as gaining any other opportunity to exercise the right of vote granted by stocks (shares) of economic companies on the basis of contracts of property trust management, contracts of joint activity, contracts of agency and other transactions or for different reasons;

17) **signs of competition restriction** shall mean the reduction of the number of economic units that do not pertain to the same group of persons in a commodity market, rise or reduction of the price of a commodity which are not connected with the appropriate changes of other general conditions of a commodity circulation in a commodity market, refusal of economic units not pertaining to the same group of persons to make independent actions in a commodity market, determination of the general conditions of a commodity's circulation in a commodity market by an agreement made by the economic units or in compliance with the instructions of another person to be followed without fail as a result of coordination by the economic units not pertaining to the same group of persons of their actions in a commodity market, as well as other circumstances making it possible for an economic unit or several economic units to unilaterally influence the general conditions of a commodity's circulation in a commodity market;

18) **agreement** shall mean an understanding in writing contained in a document or several documents, as well as a verbal understanding;

19) **"vertical" agreement** shall mean an agreement between economic units not competing with each other, one of which acquires a commodity or is its potential acquirer, while another one supplies the commodity or is its potential seller;

20) **state or municipal assistance** shall mean granting by the federal executive bodies, executive bodies of the constituent entities of the Russian Federation, local self-government bodies, other agencies or organisations exercising the functions of the said bodies a privilege ensuring for some economic units, as compared to other market-makers (potential market-makers), more favourable conditions for their activities in the appropriate commodity market by way of transferring property and (or) other objects of civil rights or rights of priority access to information;

21) **economic concentration** shall mean transactions or other actions whose making influences the state of competition.

## **Article 5. Dominant Position**

1. As dominant position shall be deemed the position of an economic unit (a group of persons) or of several economic units (groups of persons) in the market of a certain commodity making it possible for such economic unit (group of persons) or such economic units (groups of persons) to exert

a critical influence upon the general conditions of a commodity's circulation in the appropriate commodity market and (or) to remove other economic units from this commodity market and (or) to impede access to this commodity market of other economic units.

As dominant shall be deemed the position of economic units (except for a financial organisation):

1) whose share in the market of a certain commodity exceeds fifty per cent, if only it is not established while considering a case on violating the antimonopoly legislation or while exercising state control over economic concentration that, despite the excess of the said value, the position of an economic unit in a commodity market is not dominant;

2) whose share in the market of a certain commodity is less than fifty per cent, if the dominant position of such economic unit is detected by the antimonopoly body on the basis of an invariable or slightly variable share of the economic unit in the commodity market, relative rate of shares in this commodity market belonging to competitors, probability of access to this commodity market of new competitors or on the basis of other criteria characteristic of this commodity market.

2. The position of an economic unit (except for a financial organisation) whose share in the market of a certain market does not exceed thirty five per cent may not be deemed dominant, except for the instances specified by Parts 3 and 6 of this Article.

3. As dominant shall be deemed the position of each economic unit from among several economic units (except for a financial organisation) as applied to which the combination of the following conditions can be observed:

1) the aggregate share of a maximum of three economic units with the share of each of them being more than shares of other economic units in the appropriate commodity market exceeds fifty per cent, or the aggregate share of at most five economic units with the share of each of them being more than shares of other economic units in the appropriate commodity market exceeds seventy five per cent (this provision shall not apply, if the share of at least one of the said economic units is less than eight per cent);

2) within a long time period (within at least one year or, if such time period is less than one year, within the time period of functioning of the appropriate commodity market) relative values of shares of economic units are invariable or slightly variable, and it is difficult for new competitors to get access to the appropriate commodity market;

3) the commodity sold or purchased by economic units may not be replaced by some other commodity when consumed (in particular when consumed for production purposes), the rise in the commodity's price does not cause the reduction of demand for such commodity corresponding to such rise, information about the price, terms of sale or purchase of this

commodity in the appropriate commodity market is accessible to an indefinite group of persons.

4. An economic unit shall be entitled to bring to the antimonopoly body or court the proof that the position of this economic unit in the commodity market is not dominant.

5. As dominant shall be deemed the position of an economic unit of a natural monopoly in a commodity market which is in the state of the natural monopoly.

6. Federal laws may establish the instances of declaring as dominant the position of an economic unit whose share in the market of a certain commodity constitutes less than thirty five per cent.

7. The terms of declaring the position of a financial organisation as dominant (except for a credit organisation) subject to the restrictions provided for by this Federal Law shall be established by the Government of the Russian Federation. The terms of declaring as dominant the position of a credit organisation subject to the restrictions provided for by this Federal Law shall be established by the Government of the Russian Federation by approbation of the Central Bank of the Russian Federation. The dominant position of a financial organisation (except for a credit organisation) shall be established by the antimonopoly body in the procedure approved by the Government of the Russian Federation. The procedure for establishing the dominant position of a credit organisation shall be approved by the Government of the Russian Federation by approbation of the Central Bank of the Russian Federation. The position of a financial organisation whose share does not exceed ten per cent in the only commodity market in the Russian Federation or twenty per cent in the commodity market where the commodity circulating therein also circulates in other commodity markets in the Russian Federation may not be deemed dominant.

#### **Article 6. Exclusively High Commodity Price**

1. As an exclusively high price of a commodity (except for a financial service) shall be deemed the price fixed by an economic unit having a dominant position, if:

1) this price exceeds the one which in the competitive environment of a commodity market comparable from the point of the quantity of the commodities sold within a certain period of time, composition of purchasers or sellers of the commodities (determined on the basis of the purposes of the commodities' purchase or sale) and terms of access (hereinafter referred to as a comparable commodity market) is established by economic units which do not pertain to the same group of persons as the commodities' purchasers or sellers and do not occupy the dominant position in the comparable commodity market;

2) this price exceeds the sum of the outlays and profit required for production and sale of such commodity.

2. The price of a commodity shall not be deemed exclusively high, if it does not comply with at least one of the criteria specified in Part 1 of this Article. The price of a commodity fixed by a natural monopoly entity within the limits of the tariff of such commodity determined by the regulatory body of the natural monopoly shall not be deemed exclusively high.

#### **Article 7. Exclusively Low Commodity Price**

1. As an exclusively low commodity price (except for a financial service) shall be deemed the price of the commodity established by an economic unit occupying a dominant position, if:

1) this price is lower than the one which in the competitive environment of a comparable commodity market is established by economic units not pertaining to the same group of persons as purchasers and sellers of the commodity and not occupying the dominant position in such comparable commodity market;

2) this price is lower than the total of outlays required for production and sale of such commodity.

2. The price of a commodity shall not be deemed exclusively low, if it does not comply with at least one of the criteria specified in Part 1 of this Article. The price of a commodity shall not be deemed exclusively low, if its fixing by the seller has not entailed the restriction of competition in connection with the reduction of the number of economic units in the appropriate commodity market which do not pertain to the same group of persons as purchasers and sellers of the commodity. The price of a commodity established by a natural monopoly entity within the limits of the tariff of such commodity determined by the regulatory body of the natural monopoly shall not be deemed exclusively low.

#### **Article 8. Concerted Actions of Economic Units**

1. As concerted actions of economic units shall be deemed the actions of economic units in a commodity market satisfying the following conditions in the aggregate:

1) the outcome of such actions corresponds to the interests of each of the said economic units, only provided that their actions are known to each of them beforehand;

2) the actions of each of the said economic units are caused by actions of other economic units and do not result from the circumstances equally affecting all economic units in the appropriate commodity market. As such circumstances may be regarded, in particular, changes in controllable tariffs, changes in the prices of the raw-stuff used in the production of a commodity, changes in the prices of a commodity in the world commodity markets, a major change in the demand for a commodity within at least one year or within the term of functioning of the appropriate commodity market, if such term is less than one year.

2. Economic units' making actions under an agreement shall not pertain to concerted ones.

### **Article 9. Group of Persons**

1. The following shall be deemed a group of persons:

1) an economic company (partnership) and natural person or legal entity, if such natural person or such legal entity, by virtue of their participation in this economic company (partnership) or in compliance with the authority received from other persons, have over fifty per cent of the total number of votes that are voting stocks (shares) in the authorised (pooled) capital of this economic company (partnership);

2) economic companies (partnerships) where the same natural person or the same legal entity, by virtue of their participation in these economic companies (partnerships) or in compliance with the authority received from other persons, have over fifty per cent of the total number of votes that are voting stocks (shares) in the authorised (pooled) capital of each of these economic companies (partnerships);

3) an economic company and a natural or legal entity, if such natural person or such legal entity exercises the functions of the personal executive body of this economic company;

4) economic companies where the same natural person or the same legal entity exercises the functions of the personal executive body;

5) an economic company (partnership) and a natural person or legal entity, if such natural person or such legal entity on the basis of the constituent documents of this economic company (partnership) or the contract made with this economic company (partnership) is entitled to give instructions to this economic company (partnership) to be followed without fail;

6) economic companies (partnerships) where the same natural person or the same legal entity on the basis of the constituent documents of these economic companies (partnerships) or contracts made with these economic companies (partnerships) is entitled to give instructions to these economic companies (partnerships) to be followed without fail;

7) an economic company and natural person or legal entity, if the personal executive body of such economic company is appointed or elected on the proposal of such natural person or such legal entity;

8) economic companies whose personal executive body is appointed or elected at the suggestion of the same natural person or the same legal entity;

9) an economic company and a natural person or a legal entity, if over fifty per cent of the quantitative composition of the collective executive body or the board of directors (supervisory board) of this economic company are elected at the suggestion of such natural person or such legal entity;



10) economic companies where over fifty per cent of the quantitative composition of the collective executive body and (or) the board of directors (supervisory board) are elected at the suggestion of the same natural person or the same legal entity;

11) economic companies where the same natural persons constitute over fifty per cent of the quantitative composition of the collective executive body and (or) the board of directors (supervisory board);

12) persons participating in the same financial and industrial group;

13) a natural person, the spouse, parents (including adoptive ones), children (including adopted ones), full brothers and sisters, as well as half-brothers and half-sisters, thereof;

14) persons each of which pertain to a group with the same person for some of the reasons specified in Items 1-13 of this Part, as well as other persons pertaining to the same group as each of such persons for some of the reasons stated in Items 1-13 of this Part.

2. The bans imposed by this Federal Law in respect of actions (omission to act) of an economic unit or economic units shall extend to actions (omission to act) of a group of persons.

## **Chapter 2. Monopolistic Activities. Unfair Competition**

### **Article 10. Prohibition of Abuse by an Economic Unit of Its Dominant Position**

1. The actions (omission to act) of an economic unit occupying a dominant position which result or can result in barring, restricting or eliminating competition and (or) infringe upon the interests of other persons shall be prohibited, including the following actions (omission to act):

1) fixing and maintaining a monopolistically high or monopolistically low price of a commodity;

2) withdrawing a commodity from circulation, if such withdrawal has caused the rise in the price of the commodity;

3) imposing upon a contractor the terms and conditions of a contract which are not favourable for him or do not pertain to the subject of the contract (unreasonable demands to transfer financial assets, other property, including property rights, as well as to give consent to making a contract on condition of entering thereto the provisions in respect of the commodities which the contractor is not interested in, and other demands which are not economically or technologically substantiated and (or) are not directly provided for by the federal laws, normative legal acts of the President of the Russian Federation, normative legal acts of the Government of the Russian Federation, normative legal acts of authorised federal executive bodies or judicial acts;

4) reduction or termination of a commodity's production which are not economically or technologically substantiated, if this commodity is in demand or orders to supply it are placed and it is possible to manufacture it

on a profitable basis, as well as if such reduction or termination of a commodity's production is not directly provided for by the federal laws, normative legal acts of the President of the Russian Federation, normative legal acts of the Government of the Russian Federation, normative legal acts of the authorised federal executive bodies or by judicial acts;

5) refusal to make a contract with some purchasers (customers) or evasion of it which are not economically or technologically substantiated, if it is possible to produce or supply the appropriate commodity, as well as if such refusal or evasion are not directly provided for by the federal laws, normative legal acts of the President of the Russian Federation, normative legal acts of the Government of the Russian Federation, normative legal acts of the authorised federal executive bodies or judicial acts;

6) fixing different prices (tariffs) of the same commodity which is not substantiated economically, technologically or in some other way, if not otherwise established by the federal laws;

7) fixing by a financial organisation an unreasonably high or unreasonably low price of a financial service;

8) creation of discriminating conditions;

9) impeding access to a commodity market or withdrawal from a commodity market of other economic units;

10) breaking the price formation procedure established by normative legal acts.

2. An economic unit shall be entitled to provide evidence that its actions (omission to act), specified in Part 1 of this Article (except for the actions stated in Items 1, 2, 3, 5, 6, 7 and 10 of Part 1 of this Article) can be declared permissible in compliance with the requirements of Part 1 of Article 13 of this Federal Law.

3. The Government of the Russian Federation shall establish the rules for access to commodities of natural monopoly entities aimed at preventing the creation of conditions under which a consumer finds itself in an unequal position as compared to other consumers of commodities of natural monopoly entities.

4. The requirements of this Article shall not extend to the actions related to the exercise of the sole rights in respect of the results of intellectual activities and the individualisation means of a legal entity equated with them, means of products', works' or services' individualisation.

## **Article 11. Prohibition of Agreements Restricting Competition or Concerted Actions of Economic Units**

1. Agreements between economic units or concerted actions of economic units in a commodity market shall be forbidden, if such agreements lead to or may lead to the following:

1) fixing or maintenance of prices (tariffs), discounts, additions (additional payments) or extra charges;

2) rise in, reduction or maintenance of prices when holding auctions;  
3) market sharing on the basis of the territorial principle, volume of a commodity's sales or purchases, assortment of commodities being sold or composition of sellers or purchasers (customers);

4) refusal to make contracts with certain sellers or buyers which is not economically or technologically substantiated, if such refusal is not directly provided for by federal laws, normative legal acts of the President of the Russian Federation, normative legal acts of the Government of the Russian Federation, normative legal acts of the authorised federal executive bodies or judicial acts;

5) imposing upon a contractor the terms and conditions of a contract which are not favourable for him or do not pertain to the subject of the contract (unreasonable demands to transfer financial assets, other property, including property rights, as well as to give consent to making a contract on condition of entering to it the provisions in respect of the commodities which the contractor is not interested in, and other demands);

6) fixing different prices (tariffs) of the same commodity which is not substantiated economically, technologically or in some other way;

7) reduction or termination of a commodity's production which are not economically or technologically substantiated, if this commodity is in demand or orders to supply it are placed and it is possible to manufacture it on a profitable basis;

8) impeding access to a commodity market or withdrawal from a commodity market of other economic units;

9) establishing conditions of membership (participation) in professional or other associations, if such conditions lead or may lead to barring, restriction or elimination of competition, as well as to the establishment of unreasonable criteria for membership which impede participation in payment and other systems, this non-participation making it impossible for competitive financial organisations to render necessary financial services.

**2.** Other agreements between economic units (except for the "vertical" agreements which are declared permissible in compliance with Article 12 of this Federal Law) or other concerted actions of economic units shall be prohibited, if such agreements or concerted actions lead or can lead to restriction of competition.

**3.** Natural persons, profit-making organisations and non-profit organisations shall not be allowed to coordinate the economic activities of economic units, if such coordination causes or may cause the effects specified by Part 1 of this Article.

**4.** An economic unit shall be entitled to provide evidence that the agreements achieved by it or the concerted actions being made by it may be declared permissible in compliance with Article 12 and Part 1 of Article 13 of this Federal Law.

## **Article 12. Permissibility of "Vertical" Agreements**

1. "Vertical" agreements in writing shall be permissible (except for "vertical" agreements between financial organisations), if these agreements are contracts of franchising.

2. "Vertical" agreements (except for "vertical" agreements between financial organisations) between economic units shall be allowable, if the share of each of them in any commodity market does not exceed twenty per cent.

## **Article 13. Permissibility of Actions (Omission to Act), Agreements, Concerted Actions, Transactions and Other Actions**

1. The actions (omission to act) of the economic units provided for by Part 1 of Article 10 of this Federal Law (except for the actions (omission to act) specified by Items 1, 2, 3, 5, 6, 7 and 10 of Part 1 of Article 10 of this Federal Law), the agreements and concerted actions provided for by Part 2 of Article 11 of this Federal Law, the transactions and other actions provided for by Articles 27-30 of this Federal Law may be declared permissible, if such actions (omission to act), agreements and concerted actions, transactions or other actions do not make it possible for some persons to remove competition in the appropriate commodity market, do not impose with respect to their participants or third persons the restrictions not complying with the attainment of the aims of such actions (omission to act), agreements and concerted actions, transactions and other actions, as well as if they result or may result in the following:

1) improvement of production and of commodities' sales, or stimulation of technological or economic progress, or enhancement of the competitive ability of Russian-made commodities in the world commodity market;

2) purchasers' gaining advantages (benefits) comparable to the advantages (benefits) gained by economic units as a result of actions (omission to act), agreements, concerted actions and transactions.

2. The Government of the Russian Federation shall be entitled to define the instances of permissibility of the agreements and concerted actions complying with the conditions specified by Items 1 and 2 of Part 1 of this Articles (general exceptions). General exceptions in respect of the agreements and concerted actions specified in Part 2 of Article 11 of this Federal Law shall be defined by the Government of the Russian Federation on the proposal of the federal antimonopoly body, shall be introduced for a specific period of time and provide for the following:

1) kind of an agreement or concerted action;

2) terms which may not be regarded as permissible in respect of such agreements or concerted actions;

3) obligatory conditions for ensuring competition that must be contained in such agreements;

4) obligatory conditions under which such concerted actions are permissible.

3. The general exceptions may provide, along with the conditions stated in Part 2 of this Article, for other conditions which agreements or concerted actions must comply with.

#### **Article 14. Prohibition of Unfair Competition**

1. Unfair competition shall not be allowable, in particular:

1) dissemination of false, incorrect or distorted data which may cause losses to an economic unit or breach its business reputation;

2) misleading in respect of the nature, mode and place of production, consumer properties, quality and quantity of a commodity or in respect of its producers;

3) incorrect comparison by an economic unit of the commodities produced by it with commodities produced or sold by other economic units;

4) commodity's sale, exchange or other placing into circulation, if, in so doing, the results of intellectual activities, the individualisation means of a legal entity, means of the individualisation of products, works or services were unlawfully used;

5) unlawful receipt, use and divulging of information constituting commercial, official or other secrets protected by law.

2. Unfair competition connected with the acquisition and use of the exclusive right to individualisation means of a legal entity, means of products', works or services' individualisation shall not be allowable.

3. A decision of the federal antimonopoly body concerning violation of the provisions of Part 2 of this Article in respect of the acquisition and use of the sole right to a trade mark shall be sent by the person concerned to the federal executive body in charge of intellectual property for declaring invalid the legal protection of the trade mark.

### **Chapter 3. Prohibition of the Acts, Actions (Omission to Act), Agreements, Concerted Actions of the Federal Executive Power Bodies, the State Power Bodies of the Constituent Entities of the Russian Federation, Local Self-Government Bodies, Other Agencies or Organisations Exercising the Functions of the Said Bodies, as Well as of the State Off-Budget Funds and the Central Bank of the Russian Federation Which Restrict Competition**

**Article 15. Prohibition of the Acts and Actions (Omission to Act) of the Federal Executive Bodies, the State Power Bodies of the Constituent Entities of the Constituent Entities of the Russian Federation, Local Self-Government Bodies, Other Bodies and Organisations Exercising the Functions of the Said Bodies, as Well as of the State Off-Budget Funds and the Central Bank of the Russian Federation, Restricting Competition**

1. The federal executive bodies, the state power bodies of the constituent entities of the Russian Federation, local self-government bodies, other bodies and organisations exercising the functions of the said bodies, as well as the state off-budget funds and the Central Bank of the Russian Federation, shall not be allowed to adopt acts and (or) make actions (omission to act) which lead or can lead to barring, restricting or eliminating of competition, except for the instances of adopting such acts and (or) making such actions (omission to act) provided for by the federal laws; in particular, the following shall be prohibited:

1) imposition of restrictions in respect of the establishment of economic units in some area of activities, as well as imposition of bans or restrictions in respect of the exercise of some types of activity or production of some types of commodities;

2) unreasonable prevention of the exercise of activities by economic units;

3) imposition of bans or restrictions in respect of free movement of commodities in the Russian Federation, of other restrictions in respect of the rights of economic subjects to the sale, purchase or other type of acquisition, or exchange of commodities;

4) instructing economic units as to the first-priority supplies of commodities to a certain category of purchasers (customers) or as to making contracts in the first-priority order;

5) imposing restrictions for acquirers of commodities as to the choice of the economic units which supply such commodities.

2. It shall be forbidden to confer the powers upon the state power bodies of the constituent entities of the Russian Federation or local self-government bodies whose exercise leads or can lead to barring, restriction or elimination of competition, except for the instances provided for by federal laws.

3. It shall be forbidden to combine the functions of the federal executive bodies, executive bodies of the constituent entities of the Russian Federation, other power bodies, local self-government bodies and the functions of economic units, except for the instances established by federal laws, decrees of the President of the Russian Federation, decisions of the Government of the Russian Federation, as well as to confer upon economic units the functions and rights of the said bodies, including the functions and rights of the state control and supervision bodies, if not otherwise established by the Federal Law on the State Atomic Power Corporation Rosatom.

**Article 16.** Prohibition of Agreements or Concerted Actions of the Federal Executive Bodies, the State Power Bodies of the Constituent Entities of the Russian Federation, Local Self-Government Bodies, Other Bodies or Organisations Exercising the Functions of the Said Bodies, as Well as of

the State Off-Budget Funds and the Central Bank of the Russian Federation, Restricting Competition

The agreements between the federal executive bodies, the state power bodies of the constituent entities of the Russian Federation, local self-government bodies, other bodies and organisations exercising the functions of the said bodies, as well as the state off-budget funds and the Central Bank of the Russian Federation, or between them and economic units, or the exercise of concerted actions by these bodies and organisations, shall be prohibited, if such agreements or such exercise of concerted actions lead or can lead to barring, restriction or elimination of competition, in particular to the following:

1) rise in, reduction or maintenance of, prices (tariffs), except for instances when such agreements are provided for by the federal laws or normative legal acts of the President of the Russian Federation or normative legal acts of the Government of the Russian Federation;

2) fixing different prices (tariffs) of the same commodity which is not substantiated economically, technologically or in any other way;

3) ) market sharing on the basis of the territorial principle, volume of a commodity's sales or purchases, assortment of commodities being sold or composition of sellers or purchasers (customers);

4) restricting access to a commodity market or withdrawal from it of economic units.

#### **Chapter 4. Antimonopoly Requirements for Auctions and Specifics of Financial Organisations' Selection**

##### **Article 17. Antimonopoly Requirements for Auctions**

1. When holding auctions, it shall be forbidden to take actions which lead or may lead to the barring, restriction or elimination of competition, including the following:

1) coordination by auction organisers or customers of its participants' activities;

2) creation for an auction participant or several auction participants of preferred conditions for their participation in an auction, in particular by way of providing access to information, if not otherwise established by federal law;

3) breaking the procedure for determining the auction winner or winners;

4) participation of auction organisers or customers and (or) of employees of auction organisers or employees of customers in an auction;

2. Along with the bans concerning the conduct of an auction established by Part 1 of this Article, it shall be prohibited, if auction organisers or customers are the federal executive bodies, executive bodies of the constituent entities of the Russian Federation, local self-government bodies, the state off-budget funds, as well as when holding an auction for

placement of orders to supply commodities, carry out works or render services for meeting the state or municipal needs, to impose restrictions in respect of admittance to an action which are not provided for by the federal laws or other normative legal acts.

3. Along with the bans established by Parts 1 and 2 of this Article, it shall be prohibited, when holding an action for placing orders to supply commodities, carry out works or render services for meeting the state or municipal needs, to restrict competition between the auction participants by way of including into the composition of lots products (commodities, works or services) which are not technologically and functionally connected with the commodities, works or services whose supply, performance or rendering constitute the object of the auction.

4. Failure to follow the rules established by this Article shall serve as a ground for declaring by a court invalid the appropriate auction and the transactions made on the basis of the results of such auction, in particular on the basis of the claim made by the antimonopoly body.

#### **Article 18. Specifics of Financial Organisations' Selection**

1. The federal executive bodies, executive bodies of the constituent entities of the Russian Federation, local self-government bodies, the state off-budget funds and natural monopoly entities shall select financial organisations by way of holding a public tender or public auction in compliance with the provisions of the federal law on placement of orders for supplies of commodities, performance of works and rendering of services for meeting the state or municipal needs to render the following financial services:

- 1) attraction of monetary funds of legal entities for depositing;
- 2) opening and keeping of bank accounts of legal entities, making settlements on these accounts;
- 3) granting credits;
- 4) collection of monetary funds, bills of exchange, payment and settlement documents and cash servicing of legal entities;
- 5) issuance of bank guarantees;
- 6) rendering services in the securities market;
- 7) rendering services under a contract of leasing;
- 8) property insurance;
- 9) personal insurance, including medical insurance;
- 10) non-governmental retirement insurance;
- 11) liability insurance.

2. Breaches of the provisions of Part 1 of this Article shall serve as a ground for declaring the appropriate transactions or actions invalid, in particular on the basis of a claim made by the antimonopoly body.

### **Chapter 5. Granting State or Municipal Aid**



## **Article 19.** State or Municipal Aid

1. In compliance with the powers of the state power bodies or of local authorities, state or municipal aid may be granted for the following purposes:

- 1) ensuring the exercise of vital functions by the population in Arctic regions and in areas equated to them;
- 2) carrying out fundamental scientific research;
- 3) environmental protection;
- 4) development of culture and conservation of cultural heritage;
- 5) making agricultural products;
- 6) support to small-scale business units engaged in exercising top-priority types of activities;
- 7) rendering social services to the population;
- 8) rendering social support to unemployed citizens and assisting job-placement of the population.

2. The following shall not be deemed as state or municipal aid:

1) granting a privilege to an individual as a result of the actions of an authorised body determined by federal laws, on the basis of an effective court decision, on the basis of the results of an action or in other way determined by the legislation of the Russian Federation on placement of orders for supply of commodities, performance of works and rendering of services to meet the state or municipal needs;

2) assignment of the state or municipal property to an economic unit for economic disposal or for day-to day management;

3) transfer, allocation or distribution of the state or municipal property to individuals for the purpose of liquidation of the consequences of emergency situations, hostilities and antiterrorist operations;

4) granting the monetary funds provided for by the budget law of a constituent entity of the Russian Federation for the appropriate financial year or by the normative legal act of the representative local self-government body in respect of the budget for the appropriate year (budget credits, subsidies, subventions, budgetary investments) from the budget of the constituent entity of the Russian Federation for the appropriate year or from the local budget for the appropriate year to every person requesting for the monetary funds and complying with the requirement for the recipient's type of activity and the place of its exercise by the recipient specified by the said law or normative legal act.

## **Article 20.** Procedure for Granting State or Municipal Aid

1. State or municipal aid shall be granted with the preliminary consent in writing of the antimonopoly body, except for instances when state or municipal aid is granted:

- 1) in compliance with the federal laws;
- 2) in compliance with the budget law of a constituent entity of the Russian Federation for the appropriate financial year;

3) in compliance with the normative legal act of the representative local self-government body in respect of the budget for the appropriate financial year;

4) from the reserve fund of the executive power body of a constituent entity of the Russian Federation;

5) from the reserve fund of the local self-government body.

**2.** The federal executive body, the executive body of a constituent entity of the Russian Federation or local self-government body intending to grant state or municipal aid shall file with the antimonopoly body an application for their giving consent to granting such aid. The following shall be attached to the application:

1) the draft act which provides for granting state or municipal aid, indicating the aims of granting state or municipal aid and the extent of such aid, if it is granted by transferring state or municipal property;

2) list of the types of activity exercised by the economic unit, to which it is planned to grant state or municipal aid, within the two years preceding the date of filing the application, or within the time period of exercising the activity, if it is less than two years, as well as copies of the documents proving the right to the exercise of these types of activities, if under the laws of the Russian Federation a special permit is required for their exercise;

3) denominations of the types of activities, volume of the products made and sold by the economic unit, to which it is planned to grant state or municipal aid, within the two years preceding the date of filing the application, or within the time period of exercising the activity, if it is less than two years, indicating codes of the products' types;

4) accounting balance sheet of the economic unit to which it is planned to grant the state or municipal aid, as of the last reporting date preceding the day of filing the application, or, if the economic unit does not submit its accounting balance sheet to the tax authorities, other documentation provided for by the legislation of the Russian Federation on taxes and fees.

5) list of the persons pertaining to the same group of persons as the economic unit to which it is planned to grant state or municipal aid, indicating the reasons for such persons' pertinence to this group.

**3.** The Government of the Russian Federation may establish an additional list of documents to be submitted to the antimonopoly body concurrently with an application for obtaining consent to granting state or municipal aid.

**4.** The antimonopoly body shall consider the submitted application and documents and shall render a decision in respect of such application within a time period of at most two months as of the date of receiving the application and the documents. If in the course of consideration of the submitted application and the documents the antimonopoly body decides that the actions stated in the application for whose taking the antimonopoly

body's consent is requested do not constitute state or municipal aid, the antimonopoly body shall notify the applicant that the consent of the antimonopoly body to making such actions is not required.

**5.** The antimonopoly body on the basis of the results of considering an application for obtaining consent to granting state or municipal aid shall render the following decision:

1) to allow the application, if the state or municipal aid is granted for the purposes specified in Part 1 of Article 19 of this Federal Law and its granting cannot lead to elimination or barring of competition;

2) to extend the time period for consideration of the application, if in the course of considering the application the antimonopoly body comes to the conclusion that the granting of such aid may lead to elimination or barring of competition, that such aid may not comply with the purposes specified in Part 1 of Article 19 of this Federal Law and that it is necessary to receive additional information for adoption of the decision provided for by Items 1, 3 or 4 of this Part. The time period for consideration of the application may be extended by two months at most. The antimonopoly body shall immediately notify the applicant of such decision;

3) to reject the application, if the state or municipal aid does not comply with the aims stated in Part 1 of Article 19 of this Federal Law or if its granting can lead to the elimination or barring of competition;

4) to allow the application and impose restrictions in respect of granting the state or municipal aid. Such decision shall be rendered by the antimonopoly body for ensuring the compliance of the state or municipal aid with the aims specified in Part 1 of Article 19 of this Federal Law and for reducing its negative impact upon competition.

As the restrictions may be deemed the following:

a) the deadline for granting state or municipal aid;

b) the group of persons to whom state or municipal aid may be granted;

c) the extent of state or municipal aid in the event of transferring, allocating or distributing state or municipal property;

d) specific aims of granting state or municipal aid;

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

**6.** If the antimonopoly body on the basis of the results of considering the application has rendered the decision provided for by Item 4 of Part 5 of this Article, the applicant shall be obliged to submit to the antimonopoly body the documents proving the observance of the restrictions within the time period of at most one month as of the date of granting state or municipal aid.

## **Article 21.** Effects of Failing to Comply with the Requirements of this Federal Law When Granting or Using State or Municipal Aid

**1.** If the acts on granting the state or municipal aid have not be submitted to the antimonopoly body in advance (except for the acts

provided for by Items 1-3 of Part 1 of Article 20 of this Federal Law), such acts may be declared by court invalid in full or in part, in particular on the basis of a claim of the antimonopoly body. In the event of a court's declaring an act on granting the state or municipal aid invalid in full or in part, the antimonopoly body shall issue to the federal executive body, the executive body of a constituent entity of the Russian Federation or the local self-government body that has granted the state or municipal aid an order to take measures aimed at the return of property, if the state or municipal property has been granted by way of transferring the state or municipal property.

2. The acts mentioned in Items 2 and 3 of Part 1 of Article 20 of this Federal Law, as well as acts on granting the state or municipal aid accordingly from the reserve funds of executive bodies of the constituent entities of the Russian Federation and reserve funds of local self-government bodies, may be declared invalid by court, as regards granting the state or municipal aid (in particular, on the basis of a claim of the antimonopoly body), if the execution of these acts will lead or may lead to the barring or elimination of competition.

3. If the antimonopoly body, while exercising control over the use of the state or municipal aid, detects the non-compliance of its use with the aims declared in the application, the antimonopoly body shall issue to the federal executive body, the executive body of a constituent entity of the Russian Federation or the local self-government which has granted such aid an order to take measures aimed at returning property, if the state or municipal has been granted by way of transferring the state or municipal property, or an order to take measures aimed at terminating the use of the property by the economic unit which has received the state or municipal aid, if the state or municipal aid has been granted in some other form.

## **Chapter 6. Functions and Scope of Authority of the Antimonopoly Body**

### **Article 22. Functions of the Antimonopoly Body**

The antimonopoly body shall exercise the following basic functions:

1) shall ensure state control over the observance of the antimonopoly legislation by the federal executive bodies, state power bodies of the constituent entities of the Russian Federation, local self-government bodies or other bodies or organisations exercising the functions of the said bodies, as well as by the state off-budget funds, economic units and natural persons;

2) shall uncover violations of antimonopoly legislation, take measures aimed at terminating violations of the antimonopoly legislation and make answerable for such violations;

3) shall prevent monopolistic activities, unfair competition and other violations of antimonopoly legislation by federal executive bodies, state

power bodies of the constituent entities of the Russian Federation, local self-government bodies and other bodies or organisations exercising the functions of the said bodies, as well as by the state off-budget funds, economic units and natural persons;

4) shall exercise state control over economic concentration in the field of using land, subsoil, water and other natural resources in the cases provided for by the federal laws.

### **Article 23. Authority of the Antimonopoly Body**

1. The antimonopoly body shall exercise the following authority:

1) shall initiate legal proceedings and consider cases on violations of the antimonopoly legislation;

2) shall issue to economic units in the cases, specified by this Federal Law, orders to be followed without fail:

a) to terminate agreements and (or) concerted actions of economic units restricting competition and to take actions aimed at ensuring competition;

b) to terminate abuse by an economic unit its dominant position and to take actions aimed at ensuring competition;

c) to terminate for breach of rules on the non-discriminatory access to goods;

d) to terminate unfair competition;

e) to bar actions which could raise barriers to the emergence of competition and (or) can lead to the barring or elimination of competition and to breaches of the antimonopoly legislation;

f) to remove the effects of breaches of antimonopoly legislation;

g) to terminate other violations of antimonopoly legislation;

h) to restore the situation preceding a breach of antimonopoly legislation;

i) to make contracts, to change the terms and conditions of contracts or to dissolve contracts, if, when considering by the antimonopoly body a case on breaching the antimonopoly legislation by persons whose rights have been violated or can be violated, the appropriate application was made, or in the event of exercising by the antimonopoly body state control over economic concentration;

j) to remit to the federal budget the income derived as a result of breaching the antimonopoly legislation;

k) to change, or limit the use of, the firm's name if, when considering by the antimonopoly body a case on breaching the antimonopoly legislation by the persons whose rights have been violated or may be violated, the appropriate application was made, or in the event of exercising by the antimonopoly body of state control over economic concentration;

l) to comply with economic, technological, informational and other requirements for elimination of discriminating conditions and to prevent their creation;

m) to make actions aimed at ensuring competition, in particular at providing in the procedure established by the federal laws and other normative legal acts, access to production facilities or information, to grant in the procedure established by federal laws or other normative legal acts the rights to objects of industrial property protection, to transfer the rights to property or to ban the transfer of the rights to property, to inform the antimonopoly body in advance about the intention to take the actions provided for by an order;

3) shall issue to the federal executive bodies, executive bodies of the constituent entities of the Russian Federation, local self-government bodies, other bodies or organisations exercising the functions of the said bodies, as well as to the state off-budget funds and to their officials, the following orders to be followed without fail, except for the cases established by Item 4 of this Part:

a) to reverse or modify acts breaching the antimonopoly legislation;

b) to terminate or modify agreements breaching the antimonopoly legislation;

c) to terminate other violations of the antimonopoly legislation;

d) to take actions aimed at ensuring competition;

4) shall send to the federal executive body in charge of the securities market and the Central Bank of the Russian Federation proposals as to bringing into accord with the antimonopoly legislation the acts adopted by them and (or) to termination of actions, if such acts and (or) such actions violate the antimonopoly legislation;

5) shall make answerable for breaching the antimonopoly legislation profit-making organisations and non-profit organisations, officials thereof, officials of the federal executive bodies, executive bodies of the constituent entities of the Russian Federation, local self-government bodies, agencies or organisations exercising the functions of the said bodies, as well as officials of the state off-budget funds and natural persons, including individual businessmen, in the cases and in the procedure which are established by the legislation of the Russian Federation;

6) shall make claims and file applications with an arbitration court concerning violations of the antimonopoly legislation, including claims and applications for the following:

a) for declaring ineffective or invalid in full or in part the normative legal acts or non-normative legal acts contravening the antimonopoly legislation which are issued by the federal executive power bodies, executive bodies of the constituent entities of the Russian Federation, local self-government bodies, other agencies or organisations exercising the functions of the said bodies, as well as by the state off-budget funds and the Central Bank of the Russian Federation;

b) for declaring invalid in full or in part the contracts not complying with antimonopoly legislation;

c) for obligatory making of a contract;

- d) for changing or dissolving a contract;
  - e) for liquidation of a legal entity in the cases provided for by antimonopoly legislation;
  - f) for recovering to the benefit of the federal budget the income derived as a result of violating antimonopoly legislation;
  - g) for making answerable for violations of antimonopoly legislation the persons that have violated it;
  - h) for declaring an auction invalid;
  - i) for compelling to execute decisions and orders of the antimonopoly body;
- 7) shall participate in trying by a court of law or by an arbitration court cases connected with application and (or) violations of antimonopoly legislation;
- 8) shall keep the register of economic units whose share in the market of a certain commodity exceeds thirty five per cent or which hold the dominant position in the market of a certain commodity, if in respect of such market other federal laws, for the purpose of application thereof, establish the cases when the position of economic units is deemed to be dominant (hereinafter referred to as the register). A procedure for composing and keeping the register shall be established by the Government of the Russian Federation;
- 9) shall place on the Internet website of the antimonopoly body decisions and orders concerning the interests of an indefinite group of persons;
- 10) shall establish the dominant position of an economic unit when considering a case on breaching antimonopoly legislation and when exercising state control over economic concentration;
- 11) shall check the observance of the antimonopoly legislation by profit-making organisations, non-profit organisations, the federal executive bodies, the state power bodies of the constituent entities of the Russian Federation, local self-government bodies, other agencies or organisations exercising the functions of the said bodies and natural persons, shall receive from them required documents and information, explanations in written or oral form, shall address in the procedure established by the legislation of the Russian Federation the bodies engaged in operative search activity for them taking operative search measures;
- 12) shall exercise in the procedure established by the Government of the Russian Federation control over activities of the legal entities engaged in arranging trade in the markets of certain commodities, for instance, in the market of electric energy (power) under the conditions of termination of the state control over the prices (tariffs) of such commodities;
- 13) shall exercise other powers provided for by this Federal Law, other federal laws, decrees of the President of the Russian Federation and decisions of the Government of the Russian Federation.

2. Along with the powers specified in Part 1 of this Article, the federal antimonopoly body shall exercise the following authority:

1) shall endorse the forms of presenting to the antimonopoly body data on making the transactions and (or) other actions provided for by Article 32 of this Federal Law;

2) shall endorse by approbation of the Central Bank of the Russian Federation methods for determining an unreasonably high and unreasonably low prices of a service of a credit organisation and methods for determining the reasonableness of the price of a service not rendered by other financial organisations which is established by the credit organisation occupying a dominant position;

3) shall endorse a procedure for analysis of the state of competition for the purpose of determining the dominant position of an economic unit and detecting other instances of barring, restricting or eliminating competition (a procedure for analysing the state of competition for the purpose of determining the dominant position of a credit organisation shall be endorsed by the federal antimonopoly body by approbation of the Central Bank of the Russian Federation);

4) shall issue the normative legal acts provided for by this Federal Law;

5) shall give explanations in respect of the application by it of the antimonopoly legislation;

6) shall issue in the established procedure opinions as to the presence or absence of the signs of competition restrictions when introducing, changing customs tariffs or terminating their operation and when taking special protective, antidumping and compensatory measures;

7) shall introduce proposals to the licencing authorities as to the cancellation and withdrawal of licences for the exercise by the economic units violating the antimonopoly legislation of certain types of activities, or as to the suspension of such licences;

8) shall cooperate with international organisations, the state power bodies of foreign states, participate in the development and implementation of international treaties of the Russian Federation, in the activities of inter-governmental or inter-departmental commissions coordinating the international cooperation of the Russian Federation, in the implementation of international programmes and projects concerning the protection of competition;

9) shall generalise and analyse the practices of applying the antimonopoly legislation and shall devise recommendations as to the application thereof;

10) shall submit annually to the Government of the Russian Federation a report on the state of competition in the Russian Federation and shall place it on the Internet website of the antimonopoly body.



**Article 24. Rights of Employees of the Antimonopoly Body When Inspecting the Observance of Antimonopoly Legislation**

When considering applications concerning breaches of antimonopoly legislation, cases on breaches of the antimonopoly legislation, exercising control over economic concentration and assessing the state of competition, employees of the antimonopoly body shall be entitled, in compliance with the authority placed upon them and upon producing their official identification cards and the decision of the head (deputy head) of the antimonopoly body on inspecting the observance of antimonopoly legislation, to have free access to the federal executive power bodies, executive power bodies of the constituent entities of the Russian Federation, local self-government bodies, other agencies or organisations exercising the functions of the said bodies, as well as to the state off-budget funds, profit-making organisations and non-profit organisations for obtaining the documents and information needed by the antimonopoly body.

**Article 25. Duty of Presenting Information to the Antimonopoly Body**

1. Profit-making organisations and non profit organisations (officials thereof), the federal executive power bodies (officials thereof), the state power bodies of the constituent entities of the Russian Federation (officials thereof), local self-government bodies (officials thereof), other agencies or organisations exercising the functions of the said bodies (officials hereof), as well as the state off-budget funds (officials thereof) and natural persons, including individual businessmen, shall be obliged to present to the antimonopoly body at a reasoned request thereof the documents, explanations in written and oral forms, information (including information constituting commercial, official and other secrets protected by law) which is necessary for the antimonopoly body in compliance with the authority placed upon it for consideration of applications and materials concerning breaches of the antimonopoly legislation, cases on breaches of the antimonopoly legislation, exercise of control over economic concentration or assessment of the state of competition.

2. The Central Bank of the Russian Federation shall be obliged to present upon a request in writing of the antimonopoly body the normative acts adopted by the Central Bank, as well as the information (except for information constituting a bank secret) required for analysing by the federal antimonopoly body the state of competition in the market of services rendered by credit organisations and for exercising control over the state thereof.

3. Information constituting commercial, official or other secrets protected by law shall be presented to the antimonopoly body in compliance with the requirements established by federal laws.

**Article 26.** Duty of the Antimonopoly Body to Keep Commercial, Official and Other Secrets Protected by Law

1. The information constituting commercial, official and other secrets protected by law and obtained by the antimonopoly body while exercising its authority shall not be subject to disclosure, except for the instances provided for by the federal laws.

2. Employees of the antimonopoly body shall be held liable under civil, administrative and criminal laws for disclosing information constituting commercial, official or other secrets protected by law.

3. The damage caused to a natural person or legal entity as a result of disclosure of by the antimonopoly body or by officials thereof of the information constituting commercial, official or other secrets protected by law shall be subject to repair from the budget of the Russian Federation.

## **Chapter 7. The State Control over Economic Concentration**

**Article 27.** Establishment and Re-Organisation of a Profit-Making Company by Preliminary Approbation of the Antimonopoly Body

1. The following actions shall be taken by a preliminary approbation of the antimonopoly body:

1) merger of profit-making organisations (except for financial organisations), if the total value of their assets (assets of their groups of persons) according to the accounting balance sheets as of the last reporting date preceding the date of submitting the application for it (hereinafter also referred to as the last balance sheet; in the event of filing a notice with the antimonopoly body, as the last balance sheet shall be deemed the accounting balance sheet as of the last reporting date preceding the date of submitting the notice) exceeds three billion roubles, or if the total proceeds of such organisations (their groups of persons) from the sale of commodities within the calendar year preceding the year of merger exceeds six billion roubles, or if one of such organisations is included into the register of economic subjects;

2) affiliation of a profit-making organisation (except for a financial organisation) by another profit-making organisation (except for a financial organisation), if the total value of their assets (assets of their groups of persons) according to the last balance sheets exceeds three billion roubles or the total proceeds of such organisations (their groups of persons) from the sale of commodities within the calendar year preceding the year of affiliation exceeds six billion roubles or if one of such organisations is included into the register;

3) merger of financial organisations or affiliation of a financial organisation by another financial organisation, if the total value of their assets according to the last balance sheets exceeds the amount established by the Government of the Russian Federation (in case of credit organisations' merger or affiliation, such amount shall be established by the

Government of the Russian Federation by approbation of the Central Bank of the Russian Federation);

4) establishment of a profit-making organisation, if its authorised capital is paid by stocks (shares) and (or) by the property of another profit-making organisation (except for a financial organisation), the profit-making organisation being established acquires in respect of these stocks (shares) and (or) property the rights provided for by Article 28 of this Federal Law and the total value of assets according to the last balance sheet of founders of the organisation being established (of their group of persons) and the persons (their group of persons), whose stocks (shares) and (or) property is contributed to the authorised capital, exceeds three billion roubles, or if the total proceeds of founders of the organisation being established (of their groups of persons) and the persons (their groups of persons), whose stocks (shares) and (or) property is contributed to the authorised capital, from selling commodities within the last calendar year exceeds six billion roubles, or if the organisation, whose stocks (shares) and (or) property is contributed to the authorised capital, is included into the register;

5) establishment of a profit-making organisation, if its authorised capital is paid by the stocks (shares) and (or) the property of a financial organisation, the profit-making organisation being established acquires in respect of such stocks (shares) and (or) the property the rights provided for by Article 29 of this Federal Law and the value of assets according to the last balance sheet of the financial organisation whose stocks (shares) and (or) property is contributed to the authorised capital, exceeds the amount established by the Government of the Russian Federation (when contributing to the authorized capital the stocks (shares) and (or) property of a credit organisation, such amount shall be established by the Government of the Russian Federation by approbation of the Central Bank of the Russian Federation).

2. The demand for obtaining a preliminary consent of the antimonopoly body to taking the actions provided for by Part 1 of this Article shall not apply if the actions specified in Part 1 of this Article are taken subject to the conditions provided for by Article 31 of this Federal Law or their taking is provided for by acts of the President of the Russian Federation or acts of the Government of the Russian Federation by approbation of the Central Bank of the Russian Federation.

**Article 28. Transactions with Stocks (Shares) and Property of Profit-Making Organisations in Respect of Profit-Making Organisations with the Preliminary Consent of the Antimonopoly Body**

1. If the total value of assets according to the last balance sheets of the persons (groups of persons) acquiring stocks (shares), rights and (or) property and of the person (the group of persons), whose stocks (shares) and (or) property and (or) the rights in respect of such are acquired,

exceeds three billion roubles or if their total proceeds from the sale of commodities within the last calendar year exceed six billion dollars and, with this, the value of assets according to the last balance sheet of the person (the group of persons) whose stocks (shares) and (or) property and (or) the rights in respect of such are acquired, exceeds one hundred and fifty million roubles, or if one of the said persons is included into the register, the following transactions with stocks (shares), rights and (or) property shall be made with the preliminary consent of the antimonopoly body:

1) acquisition by a person (a group of persons) of voting stocks of a joint-stock company, if such person (group of persons) acquires the right to dispose of over twenty five of the said stocks, provided that prior to this acquisition such person (such group of persons) had not disposed of voting stocks of this joint-stock company or had disposed of less than twenty five per cent of voting stocks of the joint-stock company. The said demand shall not extend to founders of a joint-stock company when it is being established;

2) acquisition by a person (group of persons) of shares in the authorised capital of a limited liability company, if such person (the group of persons) acquires the right of disposing of over one third of the shares in the authorised capital of the limited liability company, provided that prior to this acquisition this person (group of persons) had not disposed of shares in the authorised capital of the company or had disposed of less than one third of shares in the authorised capital of the company. The said demand shall not extend to founders of a limited liability company when it is being established;

3) acquisition of shares in the authorised capital of a limited liability company by a person (a group of persons) disposing of at least one third of shares and of at most fifty per cent of shares in the authorised capital of this company, if such person (such group of persons) acquires the right to dispose of over fifty per cent of the said shares;

4) acquisition of voting stocks of a joint-stock company by the person (group of persons) disposing of at least twenty five per cent and of at most fifty per cent of voting stocks of the joint-stock company, if this person (the group of persons) acquires the right to dispose of more than fifty per cent of such voting stocks;

5) acquisition of shares in the authorised capital of a limited liability company by the person (the group of persons) disposing of at least fifty per cent and of at most of two thirds of shares in the authorised capital of this company, if such person (such group of persons) acquires the right to dispose of over two thirds of the said shares;

6) acquisition of voting stocks of a joint-stock company by the person (group of persons) disposing of at least fifty per cent and of at most seventy five per cent of voting stocks of the joint-stock company, if this person

(group of persons) acquires the right of disposing of over seventy five per cent of such voting stocks;

7) acquisition for ownership, use or possession by an economic unit (a group of persons) of basic production facilities and (or) intangible assets of another economic unit (except for a financial organisation), if the balance sheet value of the property constituting the object of the transaction or of interrelated transactions exceeds twenty per cent of the balance sheet value of the basic production facilities and intangible assets of the economic unit alienating or transferring the property;

8) acquisition by a person (group of persons) as a result of one or several transactions (in particular on the basis of a contract of property trust management, contract of joint activities or contract of agency) of the rights entitling to determine the terms of exercising by an economic unit (except for a financial organisation) business activities or to exercise the functions of its executive body.

2. The demand for obtaining of the preliminary consent of the antimonopoly body for making the transactions provided for by Part 1 of this Article shall not apply if the transactions specified in Part 1 of this Article are made subject to the terms and conditions provided for by Article 31 of this Federal Law, or their making is provided for by acts of the President of the Russian Federation or acts of the Government of the Russian Federation, or if transactions are made with stocks (shares) of financial organisations.

#### **Article 29. Transactions with Stocks (Shares), Assets of Financial Organisations and Rights in Respect Financial Organisations Made with the Preliminary Consent of the Antimonopoly Body**

1. If the value of assets according to the last balance sheet of a financial organisation exceeds the value established by the Government of the Russian Federation (when making transactions with stocks (shares), assets of a credit organisation or rights in respect of a credit organisation, such value shall be established by the Government of the Russian Federation by approbation of the Central Bank of the Russian Federation), the following transactions with stocks (shares), assets of a financial organisation or rights in respect of a financial organisation shall be made with the preliminary consent of the antimonopoly body:

1) acquisition by a person (group of persons) of voting stocks of a joint-stock company, if such person (such group of persons) acquires the right to dispose of over twenty five per cent of the said stocks, provided that before this acquisition such person (group of persons) had not disposed of voting stocks of this joint-stock company or had disposed of less than twenty five per cent of voting stocks of this joint-stock company. This demand shall not extend to founders of a financial organisation when it is being established;

2) acquisition by a person (group of persons) of shares in the authorised capital of a limited liability company, if such person (group of persons) acquires the right of disposing of over one third of shares in the authorised capital of this company, provided that prior to this acquisition such person (group of persons) had not disposed of shares of this company or had disposed of less than one third of shares in the authorised capital of this company. This demand shall not extend to founders of a financial organisation when it is being established;

3) acquisition of shares in the authorised capital of a limited liability company by the person (group of persons) disposing of at least one third of shares and of at most fifty per cent of shares in the authorised capital of this company, if such person (group of persons) acquires the right to dispose of over fifty per cent of the said shares;

4) acquisition of voting stocks of a joint-stock company by the person (group of persons) disposing of at least twenty five per cent and of at most fifty per cent of voting stocks of the joint-stock company, if this person (group of persons) acquires the right of disposing of over fifty per cent of such voting stocks;

5) acquisition of shares in the authorised capital of a limited liability company by the person (group of persons) disposing of at least fifty per cent and of at most two thirds of shares in the authorised capital of this company, if such person (group of persons) acquires the right to dispose of over two thirds of the said shares;

6) acquisition of voting stocks of a joint-stock company by the person (group of persons) disposing of at least fifty per cent and of at most seventy five per cent of voting stocks of the joint-stock company, if this person (group of persons) acquires the right to dispose of over seventy five per cent of such voting stocks;

7) acquisition by a person (group of persons) as a result of one or several transactions the assets of a financial organisation whose amount exceeds the rate established by the Government of the Russian Federation;

8) acquisition by a person (group of persons) as a result of one transaction or several transactions (in particular on the basis of a contract of property trust management, a contract of joint activities or contract of agency) of the rights entitling to determine the terms of exercising business activities by a financial organisation or to exercise the functions of its executive body.

**2.** The demand for obtaining of the preliminary consent of the antimonopoly body to making transactions provided for by Part 1 of this Article, shall apply if the transactions specified in Part 1 of this Article shall be made subject to the conditions provided for by Article 31 of this Federal Law or their making is stipulated by acts of the President of the Russian Federation or acts of the Government of the Russian Federation.

**Article 30. Transactions or Other Actions Which the Antimonopoly Body Must Be Notified**

**1. The antimonopoly body must be notified:**

1) by a profit-making organisation of its establishment as a result of a merger of profit-making organisations (except for mergers of financial organisations), if the total value of assets according to the last balance sheets or the total proceeds from the sale of commodities within the calendar year preceding the year when the merger takes place, of the profit-making organisations whose activities are terminated as a result of the merger exceed two hundred million roubles - at the latest in forty five days as of the date of the merger;

2) by a profit-making organisation of affiliation thereto of another profit-making organisation (except for affiliation of a financial organisation), if the total value of assets of the said organisations according to the last balance sheet or the total proceeds thereof from the sale of commodities within the calendar year preceding the year when the affiliation takes place exceeds two hundred million roubles - at the latest in forty five days as of the date of the affiliation;

3) by a financial organisation of its establishment as a result of a merger of financial organisations, if the value of its assets according to the last balance sheet does not exceed the rate established by the Government of the Russian Federation (when a credit organisation is established as a result of a merger, such rate shall be established by the Government of the Russian Federation by approbation of the Central Bank of the Russian Federation - at the latest in forty five days as of the date of the merger;

4) by a financial organisation of affiliation thereto of another financial organisation, if the value of assets according to the last balance sheet of the financial organisation established as result of affiliation of the financial organisation does not exceed the rate established by the Government of the Russian Federation (when a credit organisation is established as a result of affiliation, such rate shall be fixed by the Government of the Russian Federation by approbation of the Central Bank of the Russian Federation) - at the latest in forty five days as of the date of the affiliation;

5) by the persons acquiring stocks (shares), rights and (or) other property (except for stocks (shares) and (or) assets of financial organisations) of making the transaction or taking other actions specified by Article 28 of this Federal Law, if the total value of assets according to the last balance sheet or the total proceeds from the sale of commodities of the persons (of a group of the persons) specified in Article 28 of this Federal Law within the calendar year preceding the year when such transactions are made, exceed two hundred million roubles and, with this, the total value of assets according to the last balance sheet of the person (group of persons) whose stocks (shares) and (or) property is acquired or in respect of which the rights are acquired, exceeds thirty million roubles or if one of

such persons is included into the register - at the latest in forty five days as of the date of making such transactions or other actions.

2. The demand for notifying the antimonopoly body provided for by Part 1 of this Article shall not apply in the event of making transactions or taking other actions with the preliminary consent of the antimonopoly body.

**Article 31. Specifics of the State Control over the Economic Concentration Effected by a Group of Persons**

1. The transactions or other actions specified by Articles 27-29 of this Federal Law shall be made without the preliminary consent of the antimonopoly body but with subsequent notification of their making in the procedure provided for by Article 32 of this Federal Law, provided that the following conditions are met in the aggregate:

1) the transactions or other actions specified by Articles 27-29 of this Federal Law are made by the persons pertaining to the same group of persons;

2) the list of persons pertaining to the same group, with the reasons for such persons' pertinence to this group stated therein was submitted by any person pertaining to this group (by the applicant) to the federal antimonopoly body in the approved form at the latest one month before making the transactions or taking other actions;

3) the list of the persons pertaining to the same group was the same at the time of making transactions or taking other actions as compared to the list of such persons submitted to the federal antimonopoly body.

2. The federal antimonopoly body within ten days of the date of receiving the list of the persons pertaining to the same group with the reasons for such persons' pertinence to this group stated therein shall send to the applicant one of the following notifications:

1) of receiving such list and placing it on the official Internet website of the federal antimonopoly body, if such list has been submitted in the form endorsed by the federal antimonopoly body;

2) of failing to comply with the form of submitting such list and of failing to meet the conditions specified by Part 1 of this Article.

3. The antimonopoly body must be notified of the transactions and other actions made subject to the conditions provided for by this Article by the person which was interested in making the transactions or taking other actions specified by Articles 28 and 29 of this Federal Law or by the person which was established as result of making the transactions or taking other actions specified by Article 27 of this Federal Law - at the latest in forty five days as of the date of making such transactions or other actions.

4. The federal antimonopoly body shall endorse the form of submitting the list of persons pertaining to the same group of persons with the reasons for such persons' pertinence to this group stated therein.



**Article 32. Persons Submitting to the Antimonopoly Body Applications for, and Notifications of, Making Transactions or Taking Other Actions Subject to the State Control, as Well as Documents and Data**

1. For the purpose of obtaining the preliminary consent of the antimonopoly body in the cases specified by Articles 27-29 of this Federal Law or for the purpose of notifying the antimonopoly body in the cases specified by Articles 30 and 31 of this Federal Law, the following persons shall address the antimonopoly body as applicants:

1) one of the persons interested in making the transactions or taking other actions provided for by Articles 27-29 of this Federal Law;

2) the persons which are charged by Articles 30 and 31 of this Federal Law with notifying the antimonopoly body of making transactions and taking other actions.

2. The persons interested in making the transactions and taking other actions provided for by Articles 27-29 of this Federal Law shall file with the antimonopoly body applications for it giving its consent to making transactions and taking other actions.

3. The persons with are charged by Articles 30 and 31 of this Federal Law with notifying the antimonopoly body of making transactions and taking other actions shall submit to the antimonopoly body a notification of making such transactions or taking other actions.

4. An application for, or notification of, making transactions and taking other actions may be submitted to the antimonopoly body by a representative of the applicant.

5. The following shall be submitted to the antimonopoly body concurrently with an application for, or notification of, making transactions and taking other actions subject to state control:

1) copies of the constituent documents of the applicant being a legal entity attested and certified by a notary public or the name of the applicant being a natural person, data of the document certifying his identity (series and (or) number of this document, date and place of its issuance, body that has issued the document) as of the date of submitting the application or notification;

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

3) data on the types of activities exercised by the applicant within the two years preceding the date of submitting the application or notification, or within the time period of exercising its activity, if it is less than two years, as well as copies of the documents proving the right to exercise the types of activities, if under the legislation of the Russian Federation special permits are required for their exercise;

4) data on denominations of the types of products and on the volume of products made and sold by the applicant within the two years preceding the date of submitting the application or notification or within the time period

of exercising activities, if it is less than two years, indicating codes of the products' range;

5) data available to the applicant on the principal types of activities of the persons specified by Articles 27-30 of this Federal Law, on denominations of the types of products, on the volume of products made and sold by such persons within the two years preceding the date of submitting the application or notification or within the time period of exercising the activity, if it is less than two years, indicating codes of the products' range, or an application in writing that these data are not available to the applicant;

6) accounting balance sheet as of the last reporting date preceding the date of submitting the application or notification;

7) financial and economic, as well as other, reporting documents submitted to the Central Bank of the Russian Federation and to the federal executive bodies engaged in regulation of the market of financial services;

8) list of the profit-making organisations where the applicant disposes of over five per cent of its stocks (shares) for any reason or an application in writing that the applicant does not dispose of stocks (shares) of profit-making organisations;

9) list of the persons pertaining to the same group as the applicant, indicating the reasons for the pertinence to this group;

10) list of the persons pertaining to the same group of persons as the other persons specified by Articles 27-30 of this Federal Law, indicating the reasons for such persons' pertinence to this group or an application in writing that these data are not available to the applicant.

**6.** An application for giving consent to the merger of profit-making organisations, affiliation of one or several profit-making organisations by a profit-making organisation, establishment of a profit-making organisation or a notification of such merger, affiliation or establishment shall be signed by the applicant, as well as by the other persons participating in such merger, affiliation or establishment. The applicant, concurrently with this application or notification, shall submit to the antimonopoly body the documents and data on other persons participating in such merger, affiliation or establishment which are specified in Part 5 of this Article.

**7.** The federal antimonopoly body shall endorse the form of submitting the data provided for by Part 5 of this Article.

**Article 33.** Rendering by the Antimonopoly Body a Decision on the Basis of Consideration of the Application and Issuance by the Antimonopoly Body of an Order to the Person Which Has Submitted the Notification

**1.** The antimonopoly body shall be obliged within thirty days as of the date of receiving the application provided for by Article 32 of this Federal Law to consider this application and notify the applicant in writing of the decision rendered.

**2.** On the basis of the results of considering an application for giving consent to making a transaction or taking other actions subject to the state registration the antimonopoly body shall render the following decision:

1) on allowing the application, if the transaction or other action declared in the application does not lead to limitation of competition;

2) on extending the time period for considering the application because of the necessity of its additional consideration, as well as of obtaining additional information for rendering the decision on the basis of the results of considering the application provided for by Items 1, 3, 4 and 5 of this Part, if it is established that the transaction or other action declared in the application may lead to restriction of competition, in particular as a result of the emergence or strengthening of the dominant position of a person (a group of persons);

3) on extending the time period for consideration of the application for giving consent to a merger of profit-making organisations, affiliation of one or several profit-making organisations by a profit-making organisation or establishment of a profit-making organisation in the instances specified by Article 27 of this Federal Law, in connection with defining the conditions after whose meeting by the applicant and (or) other persons participating in such merger, affiliation or establishment the antimonopoly body shall decide to allow the application and in connection with defining the time period for meeting such conditions which may not exceed nine months. Such conditions shall form an integral part of the decision on extending the time period for considering such application;

4) on satisfying the application for giving consent to make the transaction or take another action specified by Articles 28 and 29 of this Federal Law and on concurrently issuing to the applicant the order provided for by Item 2 of Part 1 of Article 23 of this Federal Law to take actions aimed at securing competition in the event of its making the transactions or taking other actions declared in the application;

5) on the refusal to allow the application, if the transaction or other action declared in the application lead to restriction of competition, in particular as a result of the emergence or strengthening of the applicant's dominant position, as well as of the dominant position of the person which will be established as a result of the transaction or other actions declared in the application and if the antimonopoly body finds, when considering the submitted documents, that the information contained in them and important for decision-making is unreliable.

**3.** The time period mentioned in Part 1 of this Article may be prolonged by at most two months by the decision provided for by Item 2 of Part 2 of this Article. Should such decision be rendered, the antimonopoly body shall enter to its official Internet website data on the transaction or other action declared in the application for giving consent to make the transaction or other action. The persons concerned shall be entitled to

submit to the antimonopoly body data on the impact of such transactions or other action on the state of competition.

4. The decision to prolong the time period for considering the application provided for by Item 3 of Part 2 of this Article shall be rendered by the antimonopoly body, if the merger of profit-making organisations affiliation by a profit-making organisation of one or several profit-making organisations or establishment of a profit-making organisation lead or can lead to limitation of competition, in particular as a result of emergence or strengthening of the dominant position of a person (a group of persons) that will be created as a result of making such actions.

5. For the purpose of ensuring competition the conditions provided for by Item 3 of Part 2 of this Article may contain, among other things, the following:

1) procedure for access to the production facilities, infrastructure or information which are at the disposal of the applicant, as well as of the other persons participating in the merger of profit-making organisations, affiliation of one or several profit-making organisations by a profit-making organisation or establishment of a profit-making organisation;

2) procedure for granting to other persons the rights to the objects of industrial property protection which are at the disposal of the applicant, as well as of the other persons participating the merger of profit-making organisations, affiliation of one or several profit-making organisations by a profit-making organisation or establishment of a profit-making organisation;

3) demands towards the applicant, as well as the other persons participating a merger of profit-making organisations, affiliation of one or several profit-making organisations by a profit-making organisation or establishment of a profit-making organisation for the transfer of property to another person not pertaining to the same group of persons as the said applicant and (or) the other persons, for the assignment of the rights of claim and (or) liabilities of the said applicant and (or) other persons to another person not pertaining to the same group of persons as the said applicant and (or) other persons;

4) requirements towards the composition of the group of persons where the applicant and the other persons participating the merger of profit-making organisations, affiliation of one or several profit-making organisations by a profit-making organisation or establishment of a profit-making organisation pertain to.

6. After meeting the conditions specified by Item 3 of Part 2 of this Article the applicant shall submit to the antimonopoly body the documents, that prove their meeting. The antimonopoly body within thirty days as of the time of receiving the said documents, in the event of proving on the basis of them meeting of the conditions at the established time, shall render a decision on satisfying the application for giving consent to the merger of profit-making organisations, affiliation of one or several profit-making

organisations by a profitmaking organisation, or establishment of a profit-making organisation or, otherwise, a decision to reject the application.

**7.** The decision to allow an application for giving consent to making a transaction or taking other action and to issue concurrently an order provided for by Item 4 of Part 2 of this Article shall be rendered by the antimonopoly body if the transactions or other actions declared in the application lead to limitation of competition.

**8.** The operation of the antimonopoly body's decision to give consent to making transactions or taking other actions shall be terminated if such transactions or other actions are not made within a year as of the date of rendering the said decision.

**9.** The persons that under Article 30 of this Federal Law are charged with notifying the antimonopoly body of making transactions or taking other actions subject to state control shall be entitled, prior to making such transactions or taking other actions, to submit, instead of the notification, the application for giving consent to their making to the antimonopoly body which is obliged to consider this application in the procedure provided for by this Article.

**10.** If the transactions or other actions provided for by Article 30 of this Federal Law have led or can lead to limitation of competition, in particular as a result of emergence or strengthening of the dominant position of an economic unit, the applicant that has filed the appropriate notification with the antimonopoly body or the group of persons to which the applicant pertains shall be obliged to take actions aimed at ensuring competition on the basis of the order of the antimonopoly body issued in compliance with Item 2 of Part 1 of Article 23 of this Federal Law.

**Article 34.** Effects of Violating the Procedure for Obtaining the Preliminary Consent of the Antimonopoly Body to Carry Out Transactions or Take Other Actions, as Well as the Procedure for Submitting to the Antimonopoly Body Notifications of Making the Transactions or Other Actions Subject to State Control

**1.** A profit-making organisation established without the preliminary consent of the antimonopoly body, in particular as a result of merger or affiliation of profit-making organisations, in the instances specified by Article 27 of this Federal Law, shall be liquidated or reorganised in the form of detachment or division in the judicial procedure on the basis of a claim of the antimonopoly body, if its establishment has led or may lead to the restriction of competition, in particular as a result of the emergence or strengthening of the dominant position.

**2.** The transactions specified by Articles 28 and 29 of this Federal Law and made without obtaining the preliminary consent of the antimonopoly body shall be declared invalid in the judicial procedure on the basis of a claim made by the antimonopoly body, if such transactions have

led or may lead to the restriction of competition, in particular as a result of emergence or strengthening of the dominant position.

**3.** The profit-making organisation which is charged with notifying the antimonopoly body of carrying out the actions mentioned in Items 1-4 of Part 1 of Article 30 of this Federal Law and which has failed to follow the procedure for notifying the antimonopoly body of making such actions shall be liquidated or re-organised in the form of detachment or division in the judicial procedure on the basis of a claim made by the antimonopoly body, if such actions have led or may lead to restriction of competition, in particular as a result of the emergence or strengthening of the dominant position.

**4.** The transactions or other actions specified by Item 5 of Part 1 of Article 30 of this Federal Law and made in defiance of the procedure for notifying the antimonopoly body shall be declared invalid in the judicial procedure on the basis of a claim of the antimonopoly body, if such transactions or other actions have led or may lead to the restriction of competition, in particular as a result of the emergence or strengthening of the dominant position.

**5.** A failure to follow an order of the antimonopoly body, which is issued in the procedure provided for by Item 4 of Part 2 of Article 33 of this Federal Law shall serve as a ground for declaring the appropriate transactions invalid in the judicial procedure on the basis of a claim of the antimonopoly body.

**6.** A failure to follow an order of the antimonopoly body issued in the procedure provided for by Article 33 of this Federal Law or other failure to meet the requirements of Articles 27-32 of this Federal Law, along with the effects stated by this Article shall entail liability in the instances established by the legislation of the Russian Federation on administrative offences.

### **Article 35. State Control over the Agreements of Economic Units Restricting Competition**

**1.** Economic units intending to reach an agreement which may be declared admissible in compliance with this Federal Law shall be entitled to file an application with the antimonopoly body for verifying the compliance of the draft agreement in writing with the requirements of the antimonopoly legislation.

**2.** Economic units intending to reach an agreement, along with the application, shall submit to the antimonopoly body the documents and data in compliance with the list endorsed by the federal antimonopoly body.

**3.** The antimonopoly body within thirty days as of the date of receiving all the documents and data required for considering the application shall render a decision on the compliance or non-compliance of a draft agreement in writing with the requirements of antimonopoly legislation.

**4.** The following shall be deemed the grounds for rendering a decision on non-compliance of a draft agreement in writing with the requirements of the antimonopoly legislation:

1) presence of the conditions provided for by Parts 1 and 3 of Article 11 of this Federal Law;

2) unreliability of the data contained in the documents, as well as of other data which are presented by an economic unit and which are important for rendering a decision;

3) failure to present the documents and data provided for by Part 22 of this Article.

**5.** Where necessary, the time period for considering the application mentioned in Part 1 of this Article may be extended by the antimonopoly body but at most by twenty days. The antimonopoly body shall notify the applicant in writing of the extension of the time period for considering the application stating the reasons for the extension thereof.

**6.** The operation of a decision of the antimonopoly body on the compliance of a draft agreement in writing with the requirements of antimonopoly legislation shall be terminated if such agreement is not reached within a year as of the date of rendering the said decision.

**7.** The antimonopoly body shall be entitled to issue to the parties to an agreement, along with a decision on the compliance of the draft agreement in writing with the requirements of the antimonopoly legislation, an order aimed at ensuring competition.

**8.** The antimonopoly body shall be entitled to reverse a decision on the compliance of a draft agreement in writing with the requirements of the antimonopoly legislation, if:

1) after rendering the decision it was established that while considering the application of an economic unit intending to reach the agreement unreliable data were presented;

2) economic units intending to reach an agreement do not follow the order of the antimonopoly body provided for by Part 7 of this Article.

**9.** Financial organisations shall be obliged to send to the federal antimonopoly body notifications of all agreements reached in any form between them or with executive power bodies, local authorities, as well as with any organisations in the procedure provided for by this Federal Law, except for the following:

1) agreements between financial organisations whose total share in a commodity market is below the normative standard established by the Government of the Russian Federation;

2) agreements which are contracts of rendering financial services;

3) agreements which are contacts made by a financial organisation in the course of traditional economic activities.

**10.** The form of the notification specified in Part 9 of this Article shall be established by the federal antimonopoly body. The following documents shall be attached to the notification:

- 1) a copy of the agreement with annexes thereto;
- 2) data on the principal types of activities exercised by the persons which have reached the agreement and on their incomes derived from the principal types of activities;
- 3) financial and economic report documents submitted to the Central Bank of the Russian Federation and to the federal executive bodies engaged in regulation in the market of financial services.

**11.** The federal antimonopoly body shall not be entitled to request financial organisations for other documents and data, apart from the documents and data specified by Part 10 of this Article.

**12.** The duty of notifying the federal antimonopoly body of achieving agreements in writing shall be discharged by the person that has achieved the agreement within fifteen days as of the date of achieving it.

## **Chapter 8. Liability for Violations of Antimonopoly Legislation**

### **Article 36. Obligation to Follow Decisions and Orders of Antimonopoly Body**

Profit-making organisations and non-profit organisations (officials thereof), federal executive bodies (officials thereof), executive bodies of the constituent entities of the Russian Federation (officials thereof), local self-government bodies (officials thereof), other agencies and organisations exercising the functions of the said bodies (officials thereof), as well as the state off-budget funds (officials thereof) and natural persons, including individual businessmen, shall be obliged to follow decisions and orders of the antimonopoly body within the time periods established by such decisions and orders.

### **Article 37. Liability for Breaching Antimonopoly Legislation**

**1.** For breaching antimonopoly legislation officials of the federal executive bodies, executive bodies of the constituent entities of the Russian Federation, local self-government bodies, officials of other agencies and organisations exercising the functions of the said bodies, as well as officials of the state off-budget funds, profitmaking and non-profit organisations and officials thereof, natural persons, including individual businessmen, shall be liable under the legislation of the Russian Federation.

**2.** Calling the persons specified by Part 1 of this Article to account shall not exempt them from the duty to follow decisions and orders of the antimonopoly body, to submit to the antimonopoly body applications and notifications for consideration or to take other actions provided for by the antimonopoly legislation.



**Article 38.** Compulsory Division or Detachment of Profit-Making Organisations, as Well as of Non-Profit Organisations Engaged in Profitable Activities

1. In the event of the systematic exercise of monopolistic activities by a profit-making organisation occupying a dominant position, as well as by a non-profit organisation engaged in profitable activities, a court on the basis of a claim of the antimonopoly body (in respect of a credit organisation on the basis of a claim of the antimonopoly body by approbation of the Central Bank of the Russian Federation) shall be entitled to make a decision on the compulsory division of such organisations or a decision on detaching one or several organisations from them. Organisations established as a result of compulsory division may not pertain to the same group of persons.

2. A court decision on compulsory division of a profit-making organisation or on detachment from a profit-making organisation of one or several profit-making organisations shall be rendered for the purpose of developing competition, if the totality of the following conditions are met:

1) it is possible to separate structural subdivision of a profit-making organisation;

2) there is no technologically determined interrelation between structural subdivisions of a profit-making organisation (in particular, thirty and less per cent of the total output of a structural subdivision, of the works carried out and services rendered by it are consumed by other structural subdivisions of this profit-making organisation);

3) it is possible for the legal entities established as a result of re-organisation to exercise independent activities in the appropriate commodity market.

3. A court decision on the compulsory division of a profit-making organisation or on detachment from a profit-making organisation of one or several profit-making organisations, as well as on such division or detachment with respect to a non-profit organisation engaged in profitable activities, shall be subject to execution by the proprietor or by the body authorised by him, taking into account the requirements provided for by the said decision and at the time fixed by the said decision which may not be less than six months.

## **Chapter 9. Trying Cases on Violations of Antimonopoly Legislation**

**Article 39.** Grounds for Bringing an Action against Violations of the Antimonopoly Legislation, Place of Such Legal Proceedings, as Well as the Effects of Considering a Case on Breaching the Antimonopoly Legislation

1. The antimonopoly body within the scope of authority thereof shall bring an action and shall consider cases in respect of breaching antimonopoly legislation, shall render decisions on the basis of the results thereof and shall issue orders.

2. The following shall be deemed a ground for initiating proceedings and considering by the antimonopoly body a case in respect of breaching the antimonopoly legislation:

1) receiving from the state bodies or local self-government bodies materials showing signs of breaching antimonopoly legislation (hereinafter referred to as materials);

2) application of a legal entity or natural person (hereinafter referred to as the application);

3) the antimonopoly body's detecting the signs of breaching antimonopoly legislation;

4) a report of a mass medium showing the presence of the signs of breaching antimonopoly legislation.

3. A case on a violation of the antimonopoly legislation may be considered by the antimonopoly body at the place of perpetrating the violation or at the location or place of residence of the person in respect of which the application or materials have been filed.

4. The rules for delivering by an antimonopoly body applications, materials and cases on violations of antimonopoly legislation to another antimonopoly body for consideration shall be established by the federal antimonopoly body.

5. If in the course of considering a case on breaching antimonopoly legislation an antimonopoly body detects circumstances showing the presence of an administrative offence, the antimonopoly body shall initiate legal proceedings in respect of the administrative offence in the procedure established by the legislation of the Russian Federation on administrative offences.

#### **Article 40. The Commission for Considering Cases on Breaches of Antimonopoly Legislation**

1. To consider every case on breaching antimonopoly legislation, the antimonopoly body shall establish in the procedure provided for by this Federal Law a commission for considering cases on breaching the antimonopoly legislation (hereinafter also referred to as the commission). The commission shall act on behalf of the antimonopoly body. The composition of the commission and the chairman thereof shall be approved by the antimonopoly body.

2. The commission shall consist of employees of the antimonopoly body. The head of the antimonopoly body or the deputy thereof may be the chairman of the commission. The commission shall include at least three members. A member of the commission shall be replaced on the basis of a reasoned decision of the antimonopoly body.

3. When considering a case on breaching the antimonopoly legislation by credit organisations in the market of banking services, representatives of the Central Bank of the Russian Federation shall be

included into the composition of the commission on a permanent basis, so that they constituted half of its members.

4. When considering a case on breaching the antimonopoly legislation by financial organisations (except for credit organisations) which have the licences issued by the federal executive body in charge of the securities market, representatives of the said federal executive body shall be included into the composition of the commission so that they constitute half of its members.

5. The number of members of the commission (including the chairman thereof) for considering cases on breaching antimonopoly legislation specified by Parts 3 and 4 of this Article must be even.

6. The commission shall be authorised to consider cases on breaching antimonopoly legislation if no less than fifty per cent of the total number of the commission's members are attending its meeting but at least three members thereof.

7. Issues arising in the course of considering a case on breaching the antimonopoly legislation by the commission shall be settled by a majority vote of the commission's members. In the event of a tie vote, the commission's chairman shall have the casting vote. The commission's members shall not be entitled to abstain from voting. The commission's chairman shall be the last to vote.

#### **Article 41. Acts Adopted by the Commission**

1. The commission shall adopt rulings, decisions and orders.

2. Upon terminating the consideration of a case on breaching the antimonopoly legislation the commission at the meeting thereof shall adopt a decision. The commission's decision shall be legalised in the form of a document, shall be signed by the chairman and by all members of the commission attending its meeting. Any commission member who does not agree with the commission's decision shall be obliged to sign the act adopted by the commission and to state his dissenting opinion in writing, which shall be attached to the case-file. The commission's decision shall be made in one copy and attached to the case-file.

3. A decision on a case on breaching the antimonopoly legislation shall contain the following:

1) conclusions as to the presence or absence of grounds for termination of the case's consideration;

2) conclusions as to the presence or absence of breaches of the antimonopoly legislation in the actions (omission to act) of the respondent in the case;

3) conclusions as to the presence or absence of reasons for issuing an order and list of actions which are to be taken for inclusion thereof into the order;

4) conclusions as to the presence or absence of grounds for taking by the antimonopoly body other measures aimed at suppressing and (or)

removing effects of breaching the antimonopoly legislation and at ensuring competition (including grounds for bringing an action with court, for delivering materials to law-enforcement bodies, for sending to the state bodies or local self-government bodies recommendations as to taking actions aimed at ensuring competition).

4. The commission on the basis of its decision shall issue an order. An order shall be legalised in the form of a separate document for each person which is to take the actions determined by the commission's decision at the time established by the order and shall be signed by the chairman and the members of the commission attending the commission's meeting.

5. In the instances indicated in this Chapter, the commission's chairman or the commission shall issue a ruling. A ruling shall be legalised in the form of a separate document, shall be signed by the chairman and members of the commission and sent to the persons participating in the case, as well as to the other persons indicated in this Chapter.

6. Forms of the acts adopted by the commission shall be endorsed by the federal antimonopoly body.

#### **Article 42. Persons Participating in a Case on Breaching Antimonopoly Legislation**

1. The following persons shall be deemed parties to a case on breaching antimonopoly legislation:

1) **applicant** is the person who has filed an application, as well as the state body or local self-government body which have sent materials;

2) **respondent** in a case is the person in respect of which an application is filed or materials are sent or in whose actions (omission to act) the antimonopoly body has detected signs violations of antimonopoly legislation. The said persons shall be declared as respondents in a case on breaching antimonopoly legislation as of the time of initiating proceedings;

3) **persons concerned** are the persons whose rights and legitimate interests are concerned in connection with considering a case on breaching antimonopoly legislation.

2. When considering a case on breaching antimonopoly legislation, the persons participating in the case shall be entitled to exercise their rights and discharge their duties independently or through a representative thereof.

3. If in the course of considering a case on breaching antimonopoly legislation the commission finds that the signs of violations of antimonopoly legislation are contained in the actions (omission to act) of a person other than the respondent in the case, the commission shall bring such person as the respondent in the case. If the commission has not detected the facts showing the presence of the signs of breaching antimonopoly legislation in actions of one of the respondents in a case, the commission shall issue a ruling on the termination of such respondent's participation in considering

the case. A copy of the ruling on the termination of participation of the respondent in the case in considering the case shall be promptly sent to the persons participating in the case.

4. The commission while considering a case on breaching the antimonopoly legislation shall be entitled to attract experts, interpreters, as well as the persons who have available data on the circumstances being considered by the commission. Experts, interpreters, as well as the persons who have available data on the circumstances being considered by the commission shall not be deemed parties to the case. The commission shall issue a ruling in respect of attracting experts, interpreters, as well as the persons who have available data on the circumstances being considered by the commission, and shall send copies of such ruling to them within three days as of the time of issuing it.

#### **Article 43. Rights of the Persons Participating in a Case on Breaching Antimonopoly Legislation**

As of the time of initiating legal proceedings concerning a violation of antimonopoly legislation, the persons participating in the case shall be entitled to familiarise themselves with the materials of the case, abstract them, present evidence and familiarise with the evidence, put questions to other participants in the case, submit applications, give explanations in written or oral forms to the commission, advance their arguments in respect of all matters arising in the course of the cases' consideration, to familiarise themselves with the applications of other parties to the case, and to protest against applications and arguments of other parties to the case.

#### **Article 44. Considering Applications and Materials, as Well as Bringing an Action against a Violation of Antimonopoly Legislation**

1. An antimonopoly body shall consider the application or the materials within the time period of at the most one month as of the date of their submission. Where there is not enough evidence or there is no evidence making it possible for an antimonopoly body to come to the conclusion in respect of the presence or absence of the signs of breaching the antimonopoly legislation, the antimonopoly body shall be entitled, in order to collect and analyse additional evidence, to extend the time period for considering the application or materials but at most by two months. The antimonopoly body shall notify the applicant in writing of extending the time period for considering the application and materials.

2. In the course of considering the application or materials, the antimonopoly body shall be entitled to request natural persons or legal entities, the state bodies and local self-government bodies for the documents, data and explanations in written or oral forms connected with the circumstances stated in the application or materials subject to the requirements of the legislation of the Russian Federation on state secrets, bank secrets, commercial secrets or other secrets protected by law.

3. On the basis of the results of considering the application or materials the antimonopoly body shall render one of the following decisions:

1) to initiate proceedings in respect of breaching the antimonopoly legislation;

2) to deny initiation of proceedings in respect of breaching the antimonopoly legislation in connection with the absence of the signs of breaching it.

4. In the event of rendering a decision on initiating proceedings in respect of a violation of the antimonopoly legislation, the antimonopoly body shall issue an order to initiate proceedings and establish a commission. A copy of such order shall be sent to the applicant and respondent in the case within three days as of the date of issuing it.

5. The antimonopoly body shall send a decision to deny the initiation of proceedings in respect of a violation of antimonopoly legislation to the applicant at the time established by Part 1 of this Article, indicating the reasons for rendering such decision.

6. The chairman of the commission within a time period of at most fifteen days as of the date of issuing an order to initiate proceedings in respect a violation of antimonopoly legislation and establishment of the commission shall issue a ruling appointing the hearing of the case and shall send copies of the ruling to the persons participating in the case.

#### **Article 45. Considering a Case on Breaching Antimonopoly Legislation**

1. A case on breaching antimonopoly legislation shall be considered by the commission within a time period of three months at the most as of the date of issuing a ruling on appointing the hearing of the case. In the instances connected with the necessity of obtaining additional information by the antimonopoly body, as well as in the instances established by this Chapter, the said time period for consideration of the case may be extended by the commission, but at most by six months. The commission shall issue a ruling on extending the time period for considering the case and shall send copies of this ruling to the parties to the case.

2. A case on breaching the antimonopoly legislation shall be considered at the commission's sitting. The parties to the case must be notified of the time and place of its consideration. In the event of the failure of the persons participating in the case and properly notified of the time and place of the case's consideration to appear at the commission's sitting, the commission shall be entitled to consider the case in the absence thereof. In the course of considering the case minutes shall be kept, to be signed by the commission's chairman. The commission shall be entitled to take down its sitting in shorthand or to effect a sound recording thereof; in so doing, a note shall be made in the minutes as to the use of technical facilities for recording the commission's sitting.

3. The chairman of the commission:

- 1) shall open the commission's sitting;
- 2) shall declare the commission's composition;
- 3) shall declare what case is to be considered, check the appearance at the commission's sitting of the persons participating in the case, verify the authority thereof, establish whether the persons who have failed to appear at the sitting have been properly notified and whether there are data on the reasons for their absence;
- 4) shall clarify whether it is possible to consider the case;
- 5) shall explain to the persons participating in the case their rights, determine the order of taking actions when considering the case;
- 6) shall preside over the commission's sitting, ensure conditions for a comprehensive and full examination of evidence and circumstances of the case, ensure consideration of applications and petitions of the parties to the case;
- 7) shall take measures aimed at ensuring the proper order during the commission's sitting.

**4. The commission at its meeting:**

- 1) shall hear the persons participating in the case;
- 2) shall hear and discuss petitions, render decisions in respect of them that must be shown in the sitting's minutes;
- 3) shall examine evidence;
- 4) shall hear opinions and explanations of the persons participating in the case in respect of the evidence presented by the persons participating in the case;
- 5) shall hear and discuss the opinions of the experts attracted for issuing opinions;
- 6) shall hear the persons who have available data on the circumstances of the case in question;
- 7) on the basis of petitions of the persons participating in the case or on the initiative of the commission shall discuss the matters concerning the reasons for, and the necessity of, declaring a break in the commission's sitting, postponement and suspension of the case's consideration.

**5.** When considering a case on breaching the antimonopoly legislation, the commission shall be entitled to request the persons participating in the case for documents, data and explanations in written or oral forms, as regards the issues arising in the course of the case's consideration, to attract other persons to participation in the case.

**6.** The chairman of the commission, after examining evidence in a case on breaching antimonopoly legislation, stating the positions of the persons participating in the case and expert opinions; questioning the persons having available data on the circumstances being considered by the commission, shall announce that consideration of the case is terminated and shall ask the persons participating in the case and other persons to retire so that the can could render a decision.

**Article 46. Break in the Commission's Sitting**

1. The commission shall be entitled on the basis of the application of a person participating in a case on breaching antimonopoly legislation, as well as on its own initiative, to declare a break in the commission's sitting for a time period of a maximum of seven days.

2. The commission shall continue considering a case on breaching antimonopoly legislation after a break in its sitting from the point where it was interrupted. The evidence examined before a break in the commission's sitting shall not be repeatedly considered.

**Article 47. Postponement and Suspension of Considering a Case on Breaching Antimonopoly Legislation**

1. The commission shall be entitled to postpone consideration of a case on breaching antimonopoly legislation:

1) on the basis of an application of a person participating in the case in connection with the impossibility of this person's appearance or a representative thereof at the commission's sitting for a sound reason provided by the appropriate documents;

2) in connection with the necessity of obtaining additional evidence;

3) for attracting to participation in the case of the persons who can contribute to consideration of the case, and other persons whose participation in the case, in the commission's opinion, is necessary;

4) if in the course of considering the case in the actions (omission to act) of the respondent in the case signs of a violation of the antimonopoly legislation, other than those whose signs served a basis for initiating legal proceedings, were detected;

5) in other instances provided for by this Chapter.

2. When postponing a case on breaching antimonopoly legislation, the running of the time period for considering it shall not be interrupted. The consideration of a case at a new commission's sitting shall be resumed from the point where it was postponed.

3. The commission may suspend consideration of a case on breaching antimonopoly legislation in the event and for a term of:

1) consideration by an antimonopoly, court, preliminary investigation agencies of another case which is important for consideration of the case on breaching antimonopoly legislation;

2) conducting an expert examination.

4. The running of the term of considering a case on breaching antimonopoly legislation shall be interrupted in the event of suspending consideration of the case and shall continue from the moment of resuming its consideration. The consideration of the case shall be resumed from the point where it was suspended.

5. The commission shall issue a ruling on the postponement, suspension and resumption of considering a case on breaching antimonopoly legislation, as well as on appointing an expert commission



whose copy shall be directed to the persons participating in the case within three days as of the date of its issuance. A copy of the ruling on appointing an expert examination shall be likewise sent to an expert within three days as of the date of issuing such ruling.

**Article 48.** Termination of Considering a Case on Breaching Antimonopoly Legislation

1. The commission shall terminate consideration of a case on breaching antimonopoly legislation in the event of the following:

1) voluntary elimination of a violation of antimonopoly legislation and the effects thereof by the person that is guilty of such violation;

2) absence in the actions (omission to act) under the commission's consideration of violations of antimonopoly legislation;

3) liquidation of the legal entity which is the only respondent in the case;

4) death of the natural person who is the only respondent in the case;

5) presence of an effective judicial act containing conclusions as to the presence or absence of a violation of antimonopoly legislation in the actions (omission to act) under the commissions' consideration.

2. A decision to terminate the consideration of a case on breaching antimonopoly legislation shall be rendered by the commission in compliance with the requirements established by Article 41 of this Federal Law.

**Article 49.** Adoption by the Commission of a Decision on the Case Concerning a Violation of Antimonopoly Legislation

1. The commission, when rendering a decision on the case on breaching the antimonopoly legislation:

1) shall assess the evidence and arguments presented by the parties to the case;

2) shall assess the opinions and explanations of experts, as well as of the persons having available data on the circumstances under the commission's consideration;

3) shall determine the rules of antimonopoly legislation and other laws of the Russian Federation violated as a result of taking the actions (of the omission to act) under the commission's consideration;

4) shall establish the rights and duties of the persons participating in the case;

5) shall solve the questions of issuing orders and of their contents, as well as of the necessity to take other actions aimed at eliminating and (or) preventing a violation of antimonopoly legislation, including the question of sending materials to law enforcement bodies, of applying to court, of sending proposals and recommendations to the state bodies or local self-government bodies.

2. The decision on a case on breaching antimonopoly legislation rendered by the commission is to be announced upon terminating the consideration of the case. In so doing, solely the operative part thereof may be announced. The decision must be made in full within a period of ten working days at most as of the date of announcing the operative part of the decision. Copies of such decision shall be promptly sent or handed in to the persons participating in the case.

**Article 50.** Order in Respect of a Case on Breaching Antimonopoly Legislation

1. Subject to the results of considering a case on breaching antimonopoly legislation and on the basis of a decision on the case the commission shall issue to the respondent an order in respect of the case.

2. An order in respect of a case on breaching antimonopoly legislation shall be made concurrently with a decision on it. A copy of the order shall be promptly sent or handed in to the person who is ordered to take the actions specified by the decision.

**Article 51.** Execution of an Order in Respect of a Case on Breaching Antimonopoly Legislation. Effects of Failing to Execute an Order to Remit to the Federal Budget the Incomes Derived from Monopolistic Activities or Unfair Competition

1. An order in respect of a case on breaching antimonopoly legislation is to be executed at the established time. The antimonopoly body shall exercise control over execution of issued orders.

2. Failure to execute in due time an order in respect of a case on breaching antimonopoly legislation shall entail administrative liability.

3. The person whose actions (omission to act) are declared monopolistic activity or unfair competition in the procedure provided for by this Federal Law and are impermissible under antimonopoly legislation shall be obliged on the basis of an order of an antimonopoly body to remit to the federal budget the incomes derived from such actions (omission to act). In the event of failure to follow this order, the incomes derived from monopolistic activities or unfair competition is to be recovered to the benefit of the federal budget on the basis of a claim of the antimonopoly body.

4. Failure to execute in due an order concerning a case on breaching antimonopoly legislation shall be understood as execution of the order in part or evasion of its execution.

**Article 52.** Procedure for Appealing against Decisions and Orders of the Antimonopoly Body

A decision or order of the antimonopoly body may be appealed against within three months as of the date of rendering the decision and issuing the order. In the event of filing an application with a court of law or

an arbitration court, the execution of an order of an antimonopoly body shall be suspended pending the entry of a court decision into legal force.

## **Chapter 10. Final Provisions and Entry of this Federal Law into Effect**

### **Article 53. Final Provisions**

1. As of the date of this Federal Law's entry into force the following shall be declared invalidated:

1) Articles from 1 to 2, Paragraphs from 2 to 25 of Part 1 and Part 2 of Article 4, Sections from II to VII of Law of the RSFSR No. 948-I of March 22 of 1991 on Competition and Restriction of Monopolistic Activity in Commodity Markets (Vedomosti Syezda Narodnykh Deputatov RSFSR i Verkhovnogo Soveta RSFSR, 1991, No. 16, Article 499);

2) Article 14 of Law of the Russian Federation No. 3119-I of June 24, 1992 on Making Amendments and Addenda to the Civil Code of the RSFSR, the Civil Procedure Code of the RSFSR, the Rules of Procedure of the Supreme Soviet of the RSFSR, laws of the RSFSR on the Jewish Autonomous Area, on the Elections of People's Deputies of the RSFSR, on Additional Powers of Local Soviets of People's Deputies under the Conditions of Transition to Market Relations, on a Peasant's Farm, on Land Reform, on Banks and Banking in the RSFSR, on the Central Bank of the RSFSR (the Bank of Russia), on Property in the RSFSR, on Enterprises and Business Activities, on the State Tax Service of the RSFSR, on Competition and Restriction of Monopolistic Activities in Commodity Markets, on Top-Priority Provision of the Agroindustrial Complex with Material and Technical Resources, on Local Self-Government in the RSFSR, on Privatisation of State and Municipal Enterprises in the RSFSR, on the Fundamentals of the Budget System and Budgetary Process in the RSFSR, on State Duty; the Laws of the Russian Federation on a Territorial and Regional Soviet of People's Deputies, as Well as a Territorial and Regional Administration, on Commodity Exchanges and Exchange Trade (Vedomosti Syezda Narodnykh Deputatov Rossiyskoy Federatsii i Verkhovnogo Soveta Rossiyskoy Federatsii, 1992, No. 34, Article 1966);

3) Items 1 to 4, Paragraphs 4 to 20 of Item 5, Items 6 to 26 and 30 to 34 of Article 1 of Federal Law No. 83-FZ of May 25, 1995 on Making Amendments and Addenda to the Law of the RSFSR on Competition and Restriction of Monopolistic Activity in Commodity Markets (Sobranie Zakonodatelstva Rossiyskoy Federatsii, 1995, No. 22, Article 1977);

4) Item 1, Paragraphs from 2 to 7, from 9 to 13 of Item 2 and Item 3 of Article 1 of Federal Law No. 70-FZ of May 6, 1998 on Making Amendments and Addenda to the Law of the RSFSR on Competition and Restriction of Monopolistic Activity in Commodity Markets (Sobranie Zakonodatelstva Rossiyskoy Federatsii, 1998, No. 19, Article 2066);

5) Federal Law No. 117-FZ of June 23, 1999 on the Protection of Competition in the Financial Services Market (Sobranie Zakonodatelstva Rossiyskoy Federatsii, 1999, No. 26, Article 3174);

6) Federal Law No. 3-FZ of January 2, 2000 on Making Amendments and Addenda to Article 18 of the Law of the RSFSR on Competition and Restriction of Monopolistic Activity in Commodity Markets (Sobranie Zakonodatelstva Rossiyskoy Federatsii, 2000, No. 2, Article 124);

7) Paragraphs from 2 to 5 and from 38 to 42 of Article 3 of Federal Law No. 195-FZ of December 30, 2001 on Putting into Operation the Code of Administrative Offences of the Russian Federation (Sobranie Zakonodatelstva Rossiyskoy Federatsii, 2002, No. 1, Article 2);

8) Item 2 of Article 2 of Federal Law No. 31-FZ of March 21, 2002 on Putting Legislative Acts into Accord with the Federal Law on the State Registration of Legal Entities (Sobranie Zakonodatelstva Rossiyskoy Federatsii, 2002, No. 12, Article 1093);

9) Items 1 to 4, Paragraphs 2 to 18 of Item 5, Items 6 to 33 of Article 1 of Federal Law No. 122-FZ of October 9, 2002 on Making Amendments and Addenda to the Law of the RSFSR on Competition and Restriction of Monopolistic Activity in Commodity Markets (Sobranie Zakonodatelstva Rossiyskoy Federatsii, 2002, No. 41, Article 3969);

10) Federal Law No. 13-FZ of March 7, 2005 on Amending Articles 17 and 18 of the Law of the RSFSR on Competition and Restriction of Monopolistic Activities in Commodity Markets (Sobranie Zakonodatelstva Rossiyskoy Federatsii, 2005, No. 10, Article 761);

11) Article 2 and 21 of Federal Law No. 19-FZ of February 2, 2006 on Amending Certain Legislative Acts of the Russian Federation and Declaring Invalidated Some Provisions of Legislative Acts of the Russian Federation in Connection with Adoption of the Federal Law on Placing Orders to Supply Goods, Carry Out Works and Render Services for Meeting State and Municipal Needs (Sobranie Zakonodatelstva Rossiyskoy Federatsii, 2006, No. 6, Article 636).

**2.** As of the date of entry into force of this Federal Law and until the bringing into accord with this Federal Law other federal laws and other normative legal acts of the Russian Federation regulating the relations connected with the protection of competition in the Russian Federation, prevention and suppression of monopolistic activities and unfair competition, the said laws and other normative legal acts shall apply insofar as they do not contravene this Federal Law.

#### **Article 54. Entry into Effect of this Federal Law**

This Federal Law shall enter into force upon the expiry of ninety days as of the date of its official publication.

President of the Russian Federation

V. Putin

The Kremlin, Moscow  
July 26, 2006  
No. 135-FZ