

Statistic Data 2018

FAS Russia

Here and throughout part two of the present report, statistics are given which include the central office of the FAS Russia and 84 FAS Regional Offices in the subjects of the Russian Federation.

In 2018, the FAS Russia received 39,468 applications on violation of the Law on Protection of Competition, of which 30 510 applications concerned monopolistic activities (28 441 - abuse of dominant position and 2 001 - agreements or concerted actions), 3 687 - unfair competition, 6 918 - competition restrictions by public authorities, 3 800 - antimonopoly requirements to tenders and peculiarities of selection of financial organizations, 315 – granting of state or municipal preferences, 1 - responsibility for violation of the antimonopoly legislation.

In 2018, the FAS Russia initiated 3223 cases. (Therefore, in 2017, 3534 cases were initiated, in 2016 - 4040 cases, in 2015 - 9092 cases.) 2486 decisions were made on the existence of a violation. 1184 of them were appealed to the court (47.6%). 132 of the total amount of the FAS' decisions were declared invalid by the court (11.2%).

The number of cases in question in 2018 continued to decline due to the course on combating the unfair practices of large Russian and transnational corporations that have a significant impact on the Russian economy, the successful implementation of the institute of warnings, antimonopoly compliance system and efficiency in courts (the FAS Russia wins more than 80% of cases).

The number of cases initiated under the abuse of dominant position in 2018 was 685 (in 2017 – 847, in 2016 - 1340, in 2015 - 3059).

The number of cases initiated under the prohibition of restrictive agreements and concerted actions by economic entities amounted to 435 in 2018 (420 in 2017, 360 in 2016, 375 in 2015).

Under the provisions of the Law on Protection of Competition on unfair competition, the FAS Russia initiated 517 cases in 2018 (in 2017 – 409, in 2016 - 453, in 2015 - 1113).

The number of cases of violation of the antimonopoly legislation by the authorities in 2018 was 736 (in 2017 – 770, in 2016 - 736, in 2015 - 3109).

1. Actions against agreements and concerted actions

1.1. Summary of activities of competition authorities and courts

In 2018, the FAS Russia received 2 001 applications on agreements (concerted actions) of economic entities restricting competition (1757 in 2017, 1390 in 2016,

2151 in 2015). 435 cases were initiated (420 in 2017, 360 in 2016, 375 in 2015), decisions were issued on the recognition of the violation in 378 cases (329 in 2017, 284 in 2016, 304 in 2015), 480 rulings were issued (472 in 2017, 378 in 2016, 547 in 2015). 73 decisions have been appealed to the court (73 in 2017, 64 in 2016, 92 in 2015), 10 of them have been found to be legal (4 in 2017, 8 in 2016, 20 in 2015), 0 decisions have been declared invalid (3 in 2017, 2 in 2016, 0 in 2015), the rest are in the stage of judicial appeal.

In 2018, the FAS Russia received 97 applications under the leniency program (118 in 2017, 91 in 2016, 46 in 2015).

2. Actions against abuses of dominant positions

2.1. Summary of activities of competition authorities and courts

In 2018, the FAS Russia received 28 441 applications related to the abuse of market power: 685 cases were initiated (847 in 2017, 1340 in 2016, 3059 in 2015), of which 232 were terminated due to non-confirmation of the fact of violation. In consideration of the remaining cases, 453 decisions recognized the violation (516 in 2017, 713 in 2016, 2479 in 2015), 310 rulings were issued (330 in 2017, 490 in 2016, 1818 in 2015). 229 decisions were appealed in court (234 in 2017, 316 in 2016, 753 in 2015). The court adjudicated that 36 decisions were lawful (42 in 2017, 99 in 2016, 192 in 2015) and nullified 4 decisions (8 in 2017, 6 in 2016, 14 in 2015); the rest are in the stage of judicial review.

3. Mergers and acquisitions

3.1. Summary of activities

In 2018, the FAS Russia considered 1,086 pre-merger notifications and 189 post-merger notifications of economic entities (1103/128 in 2017, 1379/83 in 2016 and 1749/165 in 2015) of which 1,245 pre-merger and post-merger notifications were satisfied (1209 in 2017, 1441 in 2016, 1864 in 2015), including 67 with the issuance of rulings (30 in 2017, 39 in 2016, 66 in 2015). 171 applications filed during the period under consideration were transferred to Phase II of the review (144 in 2017, 100 in 2016, 180 in 2015). At the same time, the competition authority refused to approve 30 transactions (22 in 2017, 21 in 2016, 50 in 2015).

4. Actions against unfair competition

4.1. Summary of activities of competition authorities and courts

The total number of applications considered in order to prevent and combat unfair competition (Article 14 "Prohibition of unfair competition" of the Law on Protection of Competition) in 2018 was 3,687 (3466 in 2017, 3623 in 2016, 3439 in 2015). 517 cases were initiated (409 in 2017, 453 in 2016, 1113 in 2015). In 381

cases, a decision was made to recognize the violation (269 in 2017, 288 in 2016, 841 in 2015) and 246 rulings were issued (169 in 2017, 211 in 2016, 512 in 2015).

There were 77 appeals against the decisions taken by the FAS Russia in 2018 (67 in 2017, 51 in 2016, 147 in 2015). The court found 23 decisions to be lawful (10 in 2017, 13 in 2016, 40 in 2015), 0 decision partially invalid (1 in 2017, 1 decision invalid in 2016, 8 in 2015) and the remaining decisions are in the stage of judicial review.

5. Actions against public authorities' anticompetitive conduct

5.1. Summary of activities of competition authorities and courts

In accordance with Articles 15 and 16 of the Law on Protection of Competition, the FAS Russia is empowered to monitor the actions of public authorities, including anticompetitive acts and actions (inactions) taken by them, as well as agreements restraining competition or concerted actions. For violation of the prohibitions established by these articles, the FAS Russia has the right to make decisions abolishing anticompetitive acts and actions of authorities and imposing sanctions against the authorities.

In 2018, the FAS Russia considered 6 394 applications (Article 15, acts and actions that restrain competition) (6078 in 2017, 5780 in 2016, 5301 in 2015) and 461 cases were initiated (531 in 2017, 498 in 2016, 2885 in 2015). In 383 cases, a decision was made to recognize the violation (436 in 2017, 336 in 2016, 2542 in 2015) and 272 rulings were issued (316 in 2017, 213 in 2016, 1958 in 2015).

113 decisions were appealed in court (109 in 2017, 94 in 2016, 430 in 2015). Of these, 14 decisions were found lawful (20 in 2017, 16 in 2016, 126 in 2015), 3 - invalid (10 in 2017, 3 in 2016, 15 in 2015) and the remaining decisions are in the stage of judicial review.

In 2018, 524 applications regarding anticompetitive agreements with the participation of authorities were received (Article 16, restricting competition agreements and concerted actions) (435 in 2017, 437 in 2016, 371 in 2015). 275 cases were initiated (239 in 2017, 238 in 2016, 224 in 2015). In 233 cases, a decision was made to recognize the violation (181 in 2017, 196 in 2016, 192 in 2015) and 133 rulings were issued (106 in 2017, 130 in 2016, 162 in 2015).

47 of the decision were appealed in court (61 in 2017, 56 in 2016, 44 in 2015). Of these, 8 decisions were found lawful (5 in 2017, 8 in 2016, 3 in 2015), 0 - invalid (2 in 2017, 2 in 2016, 0 in 2015) and the remaining decisions are in the stage of judicial review.

6. Summary of courts' action

6.1. Summary of activities of competition authorities and courts

In 2018, attempts were made to appeal 632 decisions of the FAS Russia in the area of competition protection (688 in 2017, 676 in 2016, 1577 in 2015), of which 508 at the end of 2018 were in the stage of judicial review. The court supported the decisions of the competition authority in 112 cases (114 in 2017, 174 in 2016, 430 in 2015); 1 decisions were held partially invalid (7 in 2017, 5 in 2016, 15 in 2015). Revocation of the FAS's decisions was recognized to be necessary in 11 cases (31 in 2017, 15 in 2016, 40 in 2015).

53 968 proceedings for administrative offences in the field of antimonopoly regulation were instituted in 2017 (47 539 in 2017, 42 299 in 2016, 40 483 in 2015). 42 490 decisions on the imposition of fines in a total amount of 6 480 102 448 rubles (89 258 500 euro) were issued (36 803 decisions in a total amount of 4 168 447 170 rubles (54 785 200 euro) in 2017, 31 398 decisions in a total amount of 4 276 991 649 rubles (56 211 800 euro) in 2016, 28 982 decisions in a total amount of 66 323 379 800 rubles (871 677 000 euro) in 2015).