



**Asia-Pacific
Economic Cooperation**

2012/SOM1/CPLG/011anx2

Agenda Item: 7

Survey on Information Exchange on Competition in APEC Region: Phase I - Project Goals

Purpose: Information
Submitted by: Russia



**Competition Policy and Law Group Meeting
Moscow, Russia
12-13 February 2012**



Federal Antimonopoly Service of Russia

Survey on Information Exchange on Competition in APEC Region: Phase I

Project Goals

Vladimir Kachalin
Moscow, February 12, 2012

Overall Objective:

“...to raise APEC economies’ awareness of possibilities, rules and procedures of obtaining information that may be required for their antitrust enforcement actions, merger reviews and promotion of competition policies.”

Classification of information:

- ✚ By possibility of its disclosure
- ✚ By nature of information

3

Benefits from the Project for the APEC Economies

- better understanding of possibilities of receiving information from another economy for every APEC economy;
- closer cooperation between competition authorities in APEC economies;
- help to reduce businesses' costs of merger transactions;
- competition authorities' initiatives to refine the rules of information handling.

4

Classification by possibility of information disclosure:

Publicly available information – information that is already in the public domain, i.e. the information that can be found in the open sources and obtained by any interested party without any legal restrictions.

Agency internal information – information competition authorities are permitted, but not required by law, to limit access to, e.g. the nature or status of their investigations, their investigation theories, or their preliminary conclusions.

Confidential information – refers to information which is defined as such by the law of the jurisdiction which is answering this questionnaire. For example, information could be defined as confidential if it constitutes business secrets of a company or if its disclosure in normal circumstances could prejudice the commercial interests of a company.

5

Classification by nature of information:

Evidence - evidence in a broad sense refers to something that furnishes proof of a matter. In the legal context, it is something legally submitted in court or other decision-making body to ascertain the truth of a matter.

Factual information – information on facts, i.e. on something done or performed or something that has occurred for sure, as well as on statements that are held to be the truth or reality.


Legal information - information about the relevant laws or legislations.

Information on sanctions – information on financial and other penalties imposed on a party deemed guilty of antitrust violation.

Information on timing of the case – information on activities to be undertaken throughout the investigation and consideration of a case with indication of their chronological order

Technical assistance – training, advice and capacity building of a recipient agency by the agency providing assistance.

6



For each type of the information, the project seeks to study the procedures of use and accessibility and present these in easily understandable and time saving survey.

“Demand” and “supply” analysis:

- What information is needed?
- Is it available? If yes, on what terms?