

2012/SOM1/CPLG/011anx5 Agenda Item: 7

Survey on Information Exchange on Competition in APEC Region: Phase I - Synergies with Other International Projects

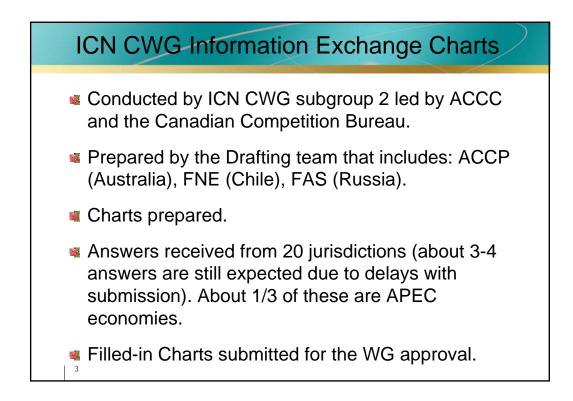
Purpose: Information Submitted by: Russia

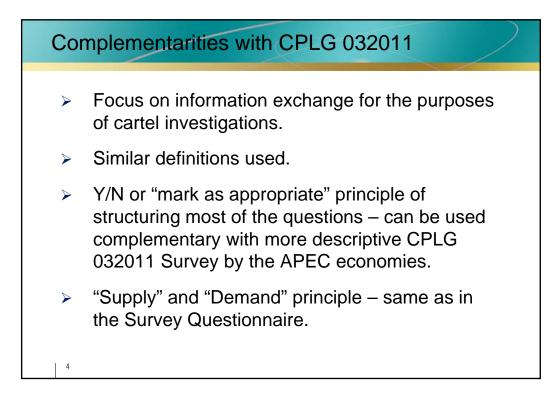


Competition Policy and Law Group Meeting Moscow, Russia 12-13 February 2012

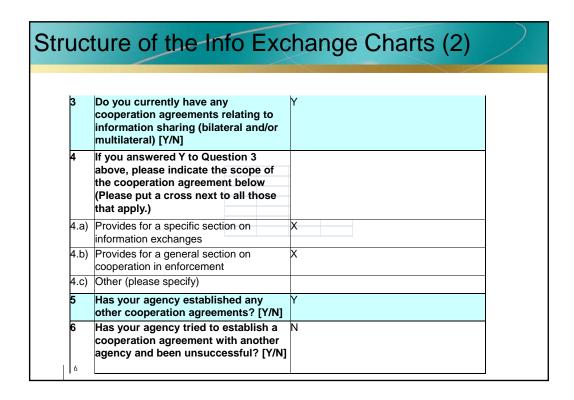


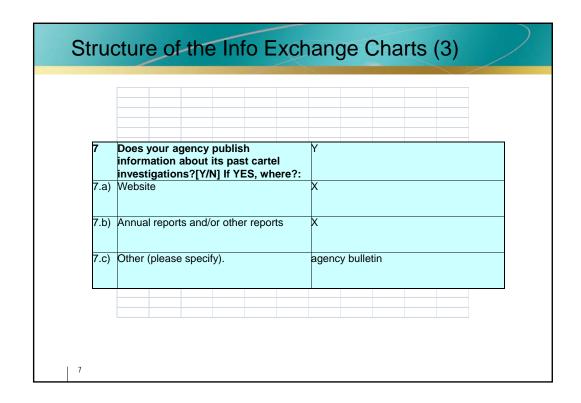






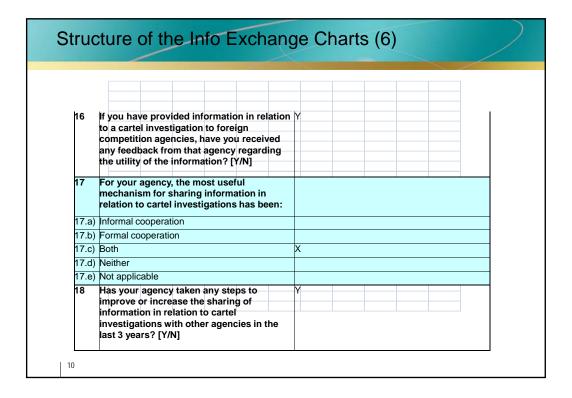
UEST	FION	FEDERAL ANTIMONOPOLY SERVICE (FAS)
	Mechanisms for information sharing:	()
	Details of the relevant point of contact at your agency for information requests	
1.a)	Position	Head of International
1.b)	Branch or office	Deprtment of International Economic Coooperation
1.c)	e-mail address (please include a general email address for a group inbox if possible)	international@fas.gov.ru
1.d)	Telephone number (please include a general branch or office telephone number if possible)	+ 7-499-254-80-26
2	What formal and informal mechanisms does your agency make available to alert other competition agencies to matters currently being investigated by your agency? (Please put a cross next to all those that apply.)	
2.a)	Markets or conduct that the agency has identified as investigation priorites are listed on the official agency website	
2.b)	Obligations under bi-lateral competition agreements to notify agencies in jurisdictions that may be affected by the investigation	x
2.c)	Obligations under multi-lateral cooperation agreements	X
2.d)	Public announcement of cartel investigations on agency website	
2.e)	Formal/informal internal obligations	X
2.f)	Other (please specify)	Joint planning of investigations with competition authorities of Kazakstan and Belorus; information exchange (non-confidential) within Interstate Council on Antimoncopity Policies - NSAP)
2.g)	None	





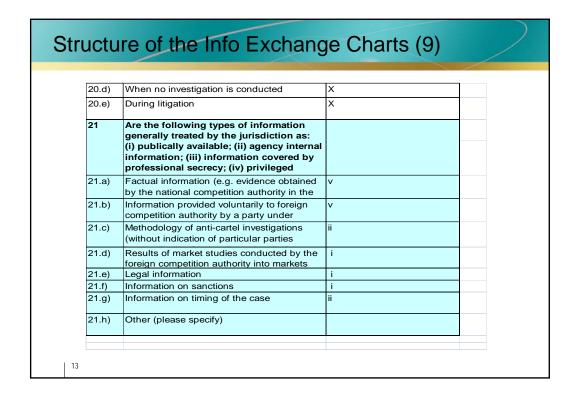
8	Which of the following types of cartel enforcement regimes does your agency operate? (Please put a cross next to the most appropriate answer)	
8.a)	Criminal	
8.b)	Civil/administrative	
8.c)	Hybrid	X
9	Do your answers vary depending on the cartel enforcement regime in which you operate and the cartel enforcement regime of the agency with which you are cooperating/sharing information? [Y/N] If Y, Please provide a brief explaination	N
10	Does your agency have a leniency policy? [Y/N]	Y
10.a)	Does your agency encourage leniency applicants to seek leniency in other jurisdictions affected by the conduct? [Y/N] If Y, please explain.	Y, we recommend them to do so when we coordinate th investigation with a foreigh agency
11	Does your agency have a marker system? [Y/N]	Y
12	Are applicants required to provide a waiver? [Y/N]	N

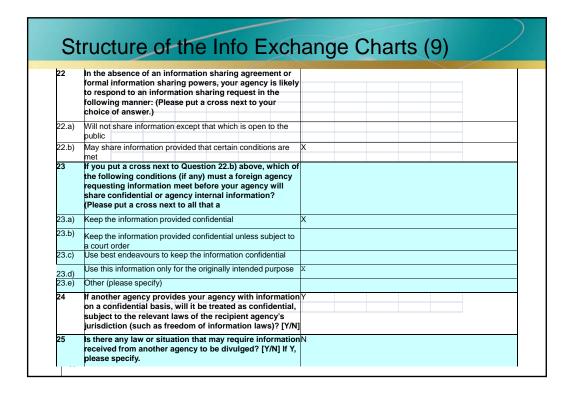
13	Does your agency have experience in requesting/sharing information with a foreign competition authority? [Y/N]	Y
13.a)	If you answered Y to Question 13 above, was your overall experience of the information sharing mechanisms available to your agency positive? [Y/N/NA]	Y
14	During the last 3 years, has your agency provided	Y
	information to or requested information from another	
	agency in relation to a cartel case using an informal	
	cooperation mechanism? [Y/N]	
	If Y, the type of information requested and/or shared was:	
14.a)	Product and market information	X
14.b)	Agency internal information	X
14.c)	Confidential information	
14.d)	Case-specific information	X
15	Does your agency have formal powers to obtain evidence in relation to a cartel case on behalf of foreign agency [Y/N]? If Y, which of the following is the legal basis for obtaining such evidence:	Y
15.a)	Mutual Legal Assistance Treaty (MLAT) - bilateral	X
15.b)	MLAT – multilateral	x
15.c)	Cooperation Arrangement	x



S	Structure of the Info Exchange Charts (7)			
19.a)	Terms and conditions under which information is provided to foreign competition authorities Publically available information:			
,,,,	Upon formal request Upon informal request	x X		
i)	Available through the competition agency website and/or other publications Other (Please specify.)	X		
19.b)	Agency internal information:			
19.b)(i)	Upon formal request	X		
19.b)(ii)	Upon informal request	x		
	Upon grant of judicial or administrative authorisation (different from the competition agency) (Please specify.)			
v)	Under an international agency-to-agency cooperation agreement (see references to the agreement, where available)	X		
19.b)(v)	Other (Please specify)			
	11			

9.c)	Information covered by professional secrecy:	
9.c)(i)	Under no conditions	
	If confidentiality waiver is granted by the parties under investigation	X (unless the information includes the state secret of the Russian Federation)
	If waiver is granted by the party, the agency will evaluate the risks and benefits of sharing the information	
9.c)(iv)	If a judicial or administrative authorization is granted	
	Under an international agency-to-agency cooperation agreement. (See references to the agreement when available)	
	Other (please specify)	
9.d)	Confidential information can be shared:	
9.d)(i)	Under no conditions	
	If confidentiality waiver is granted by the parties under investigation	
9.d)(iii)	If waiver is granted by the party, the agency will evaluate the risks and benefits of sharing the information	×
9.d)(iv)	If a judicial or administrative authorization is granted	
	Under an international agency-to-agency cooperation agreement. (See references to the agreement when available)	x
,	Only at certain stages of the investigation process (pre- investigation, during investigation, after completion of investigation, when no investigation is conducted, during litication of the closes expectively	
	litigation, other (please specify)). Other (please specify)	





Str	ucture of the Info Excha	nge Charts (10)
26	f your agency maintains the relevant statistics, please assess what is the average time required for the agency to:	
26.a)	Assess the possibility of responding to the information request	up to 1 month
26.b)	Respond to the information request NOTE: If your agency does not record the timing required to process information requests from foreign agencies, please indicate NA for in response to Questions 24. a) and 24. b).	up to 1 month
	Please rank in order of importance to your agency (rank 1 being the highest and 8 the lowest) the following types of information about current/completed cartel investigations that may be requested from foreign agencies. (We note that the order of these it	
27.a)	Factual information, e.g. evidence obtained by the national competition authority in the course of investigation	1
27.b)	Information provided voluntarily by a party under investigation/leniency applicant to foreign competition authority	4
27.c)	Methodology of anti-cartel investigations (without indication of particular parties involved) – foreign "know-how" in relation to cartel investigations.	5
27.d)	Results of a foreign authority's market studies into markets potentially affected by cartelisation	2
27.e)	General legal information	7
27.f)	General information on sanctions	6
27.g)	Information on timing of the case	3
27.h)	Other (please specify)	8

28	On average, how many times per year does your agency: (please provide NA answer if you have difficulties with assessing frequency of sharing/receiving information from foreign agencies as described below):		
28.a)	Request confidential information in relation to cartel investigations?	1 - 2	
28.b)	Provide confidential information in relation to cartel investigations?	1-2	
28.c)	Request publically available information or internal agency information?	5 - 10	
28.d)	Provide publically available information or internal agency information?	5 - 10	
29	Does your agency have formal information sharing powers? [Y/N]		

30	Are you aware of any imminent legislation or policy changes regarding information sharing in your jurisdiction? [Y/N] If Y, please provide a very brief desciption or a link to further information if possible.	N
31	Competition agencies often exchange information through regional competition networks such as the European Competition Network (ECN).	
31.a)	Is your agency part of a regional competition network? [Y/N] If Y, please list.	Y (MSAP)
31.b)	Are there types of information that your agency can share with other members of the regional competition network, which would not be able to be shared in the absence of the network? [Y/N] If Y, please provide a brief desciption.	Y (information on markets potentially subjected to cartelization in several MSAP states and/or suspected cartels affecting several MSAP states)
31.c)	Are there types of information that your agency can share in the absence of the network? [Y/N] If Y, please list.	Y (as described in answers to questions 1- 30)