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Agenda Item: 7

FAS Russia's Best Practices on Exchange of Information on Competition Policy Issues

Purpose: Information
Submitted by: Russia



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THE FEDERAL ANTIMONOPOLY SERVICE

FAS Russia's best practices on exchange of information on competition policy issues

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FAS Russia's legal basis

Currently there are 44 cooperation agreements with international competition authorities (incl. USA, China, Mexico, Vietnam, Brazil, Italy, Spain, Poland, Romania, Slovakia, Finland, France, Check Republic, Estonia, Bulgaria, Venezuela etc.)

“New-type” agreements (Mexico, EC, Hungary, Austria, Spain)

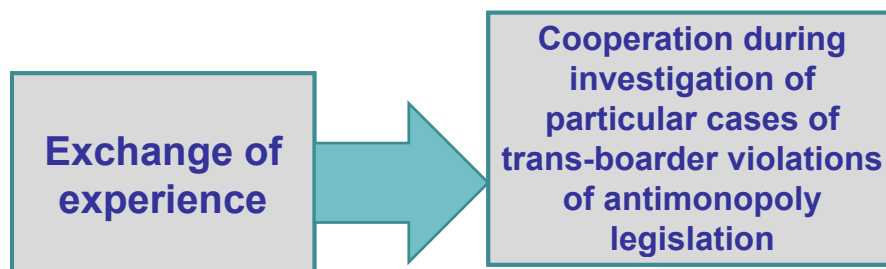
Agreement on execution of coordinated antimonopoly policy between CIS countries.

Traditional forms of cooperation

- Exchange of information of general character (statistical data, market research)
- Joint events (seminars, conferences, expert meetings)

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Bilateral cooperation



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“New Type” Agreements

“New Type” Cooperation Agreements:

- Consultations on particular cases and providing of full range assistance;
- request for information;
- consideration of mutual interests during investigation of trans-boarder violations;
- Coordination of activities during investigations of specific cases.

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“New Type” Agreements concluded by the FAS RUSSIA

“New Type” Cooperation Agreements:

- Mexican Federal Competition Commission(2010);
- Hungarian Competition Authority (2010);
- Austrian Federal Competition Authority (2011);
- Directorate General on Competition of the European Commission (2011);
- Spanish National Competition Commission(2011).

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Cooperation mechanisms

1. Headquarters of joint investigations of antimonopoly legislation of the CIS;
2. International Working Group for research of market pricing in the oil and oil products market and ways of its functioning (participants: the FAS Russia, competition authorities of Austria, Kazakhstan and other Europe and CIS countries).
3. Working Group on actual issues of competition enforcement among BRICS members.
4. Strategical headquarters for practical collaboration with competition authorities.

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Joint investigations

The FAS Russia and competition authority of Kazakhstan conducted a joint investigation in telecommunication market related to companies "MTS" and "Vimpelcom" (leading Russian mobile operators) on violation of competition legislation and maintenance of monopolistically high prices for telecom roaming charges;

As a result, roaming charges rates were lowered:

- Voice services - 1,5-2 times,
- SMS –2 times,
- Internet access via GPRS – 4 times.

Total penalty for abuse of dominant position - more 1,3 million USD.

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Working Group on Oil and Oil product markets

Event: Meeting of the Working Group on Investigating Issues on Pricing in the Oil Product Markets and Methods of their Functioning , Moscow, 25.01.2012

Participants: FAS Russia Competition authorities of Austria, Kazakhstan, other European and CIS countries.

Agreed upon: to determine priority areas of the Working Group's activity in the near future:

- exchange of information on cases on violating the antimonopoly legislation in the markets of oil and oil products by sending it out to the members of the Working Group;
- creation of a data base containing cases considered in the markets of oil and oil products;
- exchange of experience on creation and functioning of the systems of monitoring and analysis of wholesale and retail prices to oil products;
- exchange of experience on investigations of violations of the antimonopoly legislation in the markets of oil and oil products (dominance, price collusion)

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Waivers

Purpose of use

Consideration of notifications and leniency applications if

- the particular competition authorities do not have any agreement on exchange of confidential information
- the company (applicant) is interested in swift positive consideration of notification (transaction)

Advantages

- Possibility of decision release based on the agreed position of competition authorities from different countries
- Economizing of competition authorities' resources

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Mechanism of cooperation based on «rejection of confidentiality»

Interest of certain competition authorities in discussion of notifications or leniency applications



Interest of the applicant (company)



The company addresses a letter to certain competition authorities with rejection of confidentiality, which presupposes:

- discussion of particular confidential information **ONLY** by the certain competition authorities
- use of this specified confidential information **ONLY** during consideration of the particular case

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Successful case of waivers usage

Discussions between FAS Russia and European Commission on consideration of M&A case of Sun Microsystems/Oracle (January 2010)

The matter: the FAS Russia's interest in EC's opinion on the particular case

Consultations: major market analysis tools and cases consideration methods are discussed as well as issues of safeguarding of competition in markets where companies operate

Result: EC presented the FAS Russia with the full text of its decision on the case which was taken into account upon consideration of the case by the FAS Russia

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Mission

Successful cooperation of competition
authorities and exchange of information



Efficient suppression of trans-boarder
violations

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Thank you for your attention!



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