
Purpose: Information
Submitted by: Russia

FAS Russia

February 25, 2021
Development of the Russian Antimonopoly Legislation

Development of the antimonopoly legislation:

Russian Law of 22.03.1991 N 948-I
On Competition and Restriction of Monopolistic Activity in the Commodity Markets
On Protection of Competition

Modernization of the antimonopoly legislation:

✓ “First antimonopoly package”, (2006);
✓ “Second antimonopoly package”, (2009);
✓ “Third antimonopoly package”, (2012);
**First antimonopoly package (2006):**

- The concepts of a product, a commodity market, a group of persons, and the criteria for assigning economic entities to a certain group are clarified.
- Definitions of coordination of the activities of economic entities by a third party are included.
- Criteria for monopolistically high prices are updated.

**Second antimonopoly package (2009):**

- The powers of the FAS are expanded and specified.
- The procedure for checking compliance with the antimonopoly legislation is regulated.
- “Dawn raids” are allowed.
- The provisions on the procedure for paying turnover fines are being clarified.
- A new version of Article 178 of the Criminal Code on the most serious violations of antimonopoly legislation is introduced.
- Antitrust immunity for intellectual property is introduced.

**Third antimonopoly package (2012):**

- The term “cartels” is introduced.
- Warnings and admonitions are introduced.
- Civil claims for compensation of economic losses caused by violations of the antimonopoly legislation are allowed.
- The list of signs of competition restriction is clarified.

**Forth antimonopoly package (2015):**

- Mandatory and voluntary approval of a joint activity agreement is introduced.
- Liability for abuse of a dominant position is limited.
- The scope of warnings is expanded.
- Collective bodies of the FAS are being created.
- Non-discriminatory access rules can now be applied to dominant actors.
- The number of agreements that are subject to antimonopoly regulation is expanded.
In 2018, the foundation for the development of competition in Russia as one of the national tasks was created: Presidential Decree No. 618 “On Competition Policy Guidelines” was adopted.

- Establishment of the Domestic Competition Development Plan
- Establishment of the Competition Roadmaps in various sectors of the economy
- Development of legislative initiatives in the sphere of competition policy

The legal basis for the development of competition has been created.
The FAS Russia has developed the draft laws:

- On the ban on the creation of unitary enterprises in competitive markets
- Fifth “Digital” Antimonopoly Package
- “On the reform of natural monopolies”
- “On the basics of regulation of prices (tariffs)”
- “On the use of the results of intellectual activity without the consent of the patent holder in the interests of life and health”
- “On Antitrust Compliance”
- “On increasing the efficiency of the identification and suppression of cartels”
In 2020 Federal laws came into force providing for:


2) Exclusion of the possibility of suspending the validity of decisions and orders of antimonopoly authorities in relation to public authorities and local government bodies, except in cases when such suspension is introduced by judicial. Federal Law № 509-FZ of 27.12.2019 "On Amendments to Article 52 of the Federal Law "On Protection of Competition" entered into force on January 8, 2020;

3) Establishment of the legal regulation of the system of internal compliance with the requirements of antimonopoly legislation. Federal Law of 01.03.2020 № 33-FZ «On amendments to the Federal Law «On the Protection of Competition» entered into force on March 12, 2020, which enshrined in Law on the Protection of Competition of the concept of "system of internal compliance antitrust laws", the order of the organization of economic entities of the Antimonopoly compliance system, the basic requirements for the content of the internal acts of economic entities that form the system of Antimonopoly compliance.
The Law on Antimonopoly compliance


- requirements for the procedure for assessing the risks of violation of Antimonopoly law;
- measures to reduce risks;
- measures to monitor compliance;
- the procedure for familiarization of employees with the act (acts) and (or) these compliance documents;
- information about the responsible official.

The law provides for the addition of administrative law mitigating circumstance – the organization before the offense of Antimonopoly compliance
Companies implement antitrust compliance on a voluntary basis.

The purpose of implementing Antimonopoly compliance is reduction of the probability of the risk of Antimonopoly violation and, as a consequence, the risk of Antimonopoly sanctions.
The plan of legislative activity for 2021

**Key draft laws in the field of antimonopoly regulation provide for:**

1) extension of the antimonopoly legislation to the results of intellectual activity;
2) improving the effectiveness of antitrust control measures in the conditions of modern "digital" markets;
3) expanding the list of activities that are recognized as having strategic importance for ensuring the economy's defense and economy’s security.

**In accordance with the Domestic Plan it is planned to complete the work on draft laws in 2021, which provide for:**

1) amendments to article 1360 of the Civil Code of the Russian Federation, providing for in case of emergency related to the defense and security of the economy and citizens the right of the Government of the Russian Federation make the decision to use an invention, utility model or industrial design without the consent of the patentee;
2) reform of the legal regulation of activities of natural monopolies and the transition of certain natural monopolies as a natural monopoly to the competitive market;
3) reform of the tariff legislation.
Thank you for your attention!

www.fas.gov.ru
en.fas.gov.ru
anticartel.ru

@rus.fas
fas_rus
rus_fas
fas_rf (english)

FASvideoTube
FAS Russia
fas_time
fasrussia