

<b>Russia</b>	
<b>COMPETITION FRAMEWORK</b>	
Competition Law	Federal Law No. 135-FZ of July 26, 2006. The most recent amendment to Federal Law No. 135-FZ was Federal Law No. 620-FZ of December 29, 2022, which modified Articles 32 and 33.
Competition Authority	<p>Federal Antimonopoly Service (FAS), created in 2004.</p> <p><b>Website:</b> <a href="http://www.fas.gov.ru/">http://www.fas.gov.ru/</a></p> <p><i>[Please introduce here the name of the competition authorities that are part of the enforcement process of the laws mentioned in the previous question. In that regard, please specify the norms that established those agencies, the year in which they started operation, and their website. Include tribunals only if they have a role in the process of founding guilt and imposing sanctions. This point specifically excludes judicial authorities that only have judicial review powers]</i></p>
<b>POLICY-MAKING AGENTS</b>	
<b>-DIVERSIFICATION-</b>	
How many agencies are responsible for competition enforcement?	<p>Russia has one authority with a general mandate to enforce competition law infringements:</p> <p><b>FAS:</b> is a federal executive body created by Decree of the President of the Russian Federation No. 314 that enforces compliance with antimonopoly legislation (the primary piece of antimonopoly legislation is Federal Law No. 135-FZ). FAS is subordinate to the Government of the Russian Federation. FAS's structure is governed by Decree of the Government of the Russian Federation June 30, 2004 N. 331 "Position on the Federal Antimonopoly Service.". FAS adopts regulatory legal acts and monitors compliance with antimonopoly legislation and legislation controlling advertising, foreign investments in certain business entities, state aid granting, and trade. FAS acts in accordance with the Constitution of the Russian Federation, federal laws, acts of the President and the Government, international treaties of the Russian Federation, and Regulations.</p> <p><i>[Please mention how many authorities have a general mandate to enforce competition in your jurisdiction. Include a brief reference on their duties e.g.: if they impose criminal, civil or administrative liability. The purpose is that readers can quickly understand, which are the agencies charged with competition enforcement in the jurisdiction, the difference between them, and if they have concurrent, overlapping, or exclusionary authority. Include the relevant provisions on which their powers are based. Exclude in this point sector regulators or enforcers.]</i></p>
Do sector regulators have a competition policy enforcement mandate?	<p>No.</p> <p><i>[Please introduce the name agencies that have powers to enforce any aspect of competition law, including merger control, in specific sectors. Introduce the relevant provisions on which their powers are based]</i></p>
Have the Competition Authority and other agencies signed protocols or memoranda of understanding with sector regulators?	<p>No.</p> <p><i>[Please mention here any provision or interinstitutional agreement that allows the competition authorities to coordinate behavior to effectively enforce competition law]</i></p>

<b>DISAGGREGATED FUNCTIONS—PROSECUTORIAL MODEL</b>		
Are there different authorities or agencies that make the decision to investigate and the final ruling in the cases?	No	<i>[If the answer is yes, please explain briefly the enforcement process, and include the relevant provisions. The purpose of this question is to understand the enforcement model of the jurisdiction and establish how many independent authorities are involved in the enforcement process and what are their functions.]</i>
Are disputes presented for decision to judiciary authorities?	No	<i>[If the answer to your question is “yes”, please introduce the name of the judiciary authorities that are involved and their role until the final decision in the process is achieved; exclude from this question judiciary authorities whose role in the process is the judicial review of administrative decisions.]</i>
Do private rights of action to challenge competition law infringements exist in your jurisdiction	Yes	<p>People whose rights and interests have been violated may bring a private antitrust action (Article 37, Part 3 of Federal Law No. 135-FZ "On Protection of Competition"). A claim must be brought within 3 years from the date when the antimonopoly legislation was breached (Article 41, Part 1 of Federal Law No. 135-FZ). Chapter 28.2 of the Arbitration Procedure Code allows for class actions lawsuits. Class action lawsuits in arbitration court require at least 5 co-claimants (see Chapter 28.2 of the Arbitration Procedure Code) and 20 co-claimants in courts of general jurisdiction (see Chapter 22.3 of the Civil Procedure Code).</p> <p><i>[If the answer is “yes”, please explain briefly the process and who are the persons entitled to exercise those rights; mention the relevant provisions]</i></p>

*\* Please fill the next sections for each of the authorities mentioned in the prior sections excluding sector regulators*

<b>FEDERAL ANTIMONOPOLY SERVICE</b>
<b>(FAS)</b>

<b>STATUS OF THE COMPETITION AUTHORITY</b>
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<b>Accountability</b>	Please, answer “Yes” in the boxes of this line if any of the duties on the right column apply to the authority, and “No” if they do not.	Answer with X/√ as it applies		Please, in the boxes of this line mention the relevant provisions in which the obligations are based.
Does the Competition Authority have obligations before the executive?	Yes	X	Obligations to report to the executive on on-going investigations upon request.	
		X	The decisions of the Competition Authority may be vetoed by a ministry or by the executive branch.	
		√	The executive has to report on an annual basis to the executive.	Article 23 of Federal Law No. 135-FZ.
Does the Competition Authority have obligations before the legislature?	Yes	√	Obligation to publish an annual report on its activities.	Article 23 of Federal Law No. 135-FZ.
		X	Obligation to stand before parliament and to respond to congressmen on an annual basis.	

		X	Its activities are monitored by an independent auditor or by oversight committees.	
Does the Competition Authority have obligations before the judiciary or independent agencies?	Yes	√	Decisions of the Competition Authority are subject to judicial review.	Decisions and orders of FAS may be appealed to an arbitration court within 3 months of when the decision/order was issued. If the arbitration court accepts the case for review, the decision/order is suspended until the arbitration court has issued a decision. Article 52 of Federal Law No. 135-FZ. The final court of review is the Supreme Court.
		X	Decisions of the Competition Authority are subject to review or control of an independent authority different from the judiciary?	<i>[Aside from the relevant provisions, please mention the authority charged with the review.]</i>
		<b>Other obligations/comments:</b>  <i>[Please introduce any other obligation or comment that you consider relevant. Introduce any comment that you consider relevant regarding the status of accountability of accountability of the competition authority.]</i>		
<b>Independence</b>	Please, answer "Yes" or "No"			
Are the criteria for appointment and removal of the head/board members clear and transparent?	Yes		Decree of the Government of the Russian Federation June 30, 2004 N. 331.	
Does the executive have powers to decide on specific cases based on public interest?	No		<i>[Please introduce the relevant provisions, and if the answer to the question is "yes", explain in which cases the executive can decide on public interest bases.]</i>	
Does the executive retain decision-making powers over the Competition Authority?	No			
Is the Competition Authority obliged to publish reasoned decisions to ensure transparency?	Yes		A copy of the commission's decision or order must be given to the parties. The parties may apply to the commission, or the commission itself may decide to issue an explanation of the decision or order. Articles 49, 50, 51.1 of Federal Law No. 135-FZ.	

Is there a provision of the national budget allocated by law to the Competition Authority to ensure its proper functioning?	Yes	The Chairman of FAS approves staffing and salaries dependent on the appropriations provided for in the federal budget and submits a proposal for FAS's budget to the Ministry of Finance. Decree of the Government of the Russian Federation June 30, 2004 N. 331  <i>[Please introduce the relevant provisions and the budget assigned to the authority for the current year and the next if it is already approved]</i>	
Can the Competition Authority be financed by its own means (notification fees, fines, etc.)?	Yes	<i>[Please introduce the relevant provisions and mention the means by which the authority can be financed on its own]</i>	
<b>GOVERNANCE OF THE COMPETITION AUTHORITY</b>			
Is the Competition Authority governed by a single chairman or by a collegiate body?	Single chairman.  <i>[Answer "single chairman" if the directive organ of the authority is composed of one person. Answer "collegiate body" if the authority's directive organ is composed of two or more members, regardless if this organ is directed or presided by a chairman or president. Also mention how many board members or directors are part of the Direction Body]</i>		
How are the members of the Authority's directive organ chosen?	The Prime Minister appoints the Chairman and deputy heads.  <i>[Please describe the election process for choosing the members of the directive organ. Include relevant provisions; mention the branch government involved in this process]</i>		
Is there a fixed period during which removal is prohibited?	No	<i>[If your answer is "yes", please introduce the duration of the tenure and the relevant provisions. If the answer is no, please refer if there are specific and restricted grounds under which the members of the Directive body can be removed; mention if they are elected for a term and introduce the relevant provisions]</i>	
Is the tenure of the heads renewable?	Yes	There is no reappointment limit.  <i>[Please, introduce the relevant provisions]</i>	
Are the heads required by law to have certain minimum qualifications (degree in law or economics, age, experience)?	No	General qualifications for public civil servants are described in Federal Law No. 79-FZ "About the Public Civil Service of Russian Federation."  <i>[If your answer is "yes", please make reference to the qualifications required by law and the relevant provisions].</i>	
<b>ARCHITECTURE</b>			
Is the Competition Authority a stand-alone agency with an independent physical location or is it part of a bigger entity such as a ministry?	Stand-alone	<i>[If your answer is "part of a bigger entity", please explain briefly how the bigger entity is organized.]</i>	
<b>POLICY DUTIES</b>			
Does the Competition Authority have an exclusive mandate on competition or multiple mandates?	Exclusive	<b>X</b>	Concurrent consumer protection mandate.
		<b>X</b>	Concurrent IP mandate.
		<b>Other mandates:</b> FAS enforces tariff legislation.	
<b>PORTFOLIO INSTRUMENTS</b>			
<b>Law Enforcement</b>			
Does the Competition Authority have powers to investigate cartels?	Yes	FAS has broad powers to investigate cartels (the prohibition against cartels is outlined in Article 11 of Federal Law No. 135-FZ and the authority of FAS to investigate violations is	

		<p>outlined in Articles 22 and 23 of Federal Law No. 135-FZ). FAS can issue orders and impose fines (see Federal Law No. 135-FZ and Code of Administrative Offences of the Russian Federation). Cartel fines range from 3%-15% of the entity's annual proceeds from the sale of goods or services on the relevant market where the violation was committed, but no less than RUB100,000 (\$1,090 USD) (see Article 14.32 of the Code of Administrative Offences). The Ministry of Interior Affairs can find criminal liability (Article 178 of the Criminal Code of the Russian Federation).</p> <p><i>[If the answer is "yes", please mention the type of liability that the actions of the agency seek: civil, criminal, administrative. Introduce the relevant provisions; briefly explain if the powers of the authority are limited to certain types of cartels and what kind of sanctions can be imposed.]</i></p>
Does the Competition Authority have powers to investigate unilateral Conduct?	Yes	<p>FAS has the power to investigate unilateral conduct (dominant market positions are discussed in Article 5 of Federal Law No. 135-FZ). Administrative fines for unilateral conduct (abuse of a dominant market position) is RUB300,000 to RUB1,000,000 (\$3,270 USD to \$10,900 USD). Article 38 of Federal Law No. 135-FZ states that in the case of systematic implementation of monopolistic activity, FAS may file suit for compulsory division of the organization.</p> <p><i>[If the answer is "yes", please mention briefly if the competition authority is invested with the power to pursue exploitative and exclusionary effects, also make reference to relevant provisions, the type of liability that the actions of the authority seek, and what kind of sanctions can be imposed.]</i></p>
Does the Competition Authority have the powers to conduct <i>ex-ante</i> merger review?	Yes	<p>FAS has authority to regulate mergers (see Chapter 7 of Federal Law No. 135-FZ). In 2021, FAS published merger control guidelines (Guidelines No. 19 "On the Specifics of State Antimonopoly Control over Economic Concentration") that clarify the procedure and requirements for merger review. Transactions that qualify as "triggering events" or meet certain thresholds require FAS approval. The transacting parties are required to file a notification with FAS. 30 days after the filing, FAS can issue an approval, extend the review period for additional analysis, postpone review until foreign investment review is completed if applicable, or refuse approval. Article 33 of Federal Law No. 135-FZ provides that FAS may impose conditions that must be met for the transaction to proceed. These conditions could include a procedure for access to the production facilities, infrastructure, or information belonging to the acquirer or other involved parties; procedures for granting the acquirer's and other involved parties' industrial intellectual property rights to other persons; requirements to transfer certain property or assign rights and/or liabilities to a third-party; requirements to change the composition of the group to which the acquirer and other involved parties belong.</p> <p><i>[If the answer is "yes", please explain briefly the process and which are the remedies that authority can seek or impose and mention the relevant provisions]</i></p>
Is the notification of merger transactions mandatory?	Yes	<p>FAS requires notification when transactions involve certain triggering events or certain thresholds:</p>

		<p>Triggering events include acquisition of: more than 25%, 50%, or 75% of voting shares of joint stock company; more than one-third, 50%, or two-thirds of chartered capital of a limited liability company; fixed production assets or intangible assets located in Russia if the book value of the acquired assets exceed certain percentages; rights to determine commercial activities of a Russian company or exercise the functions of its management authority; more than 50% of voting shares and control of a foreign company that supplied goods worth over RUB1 billion (\$10,900,000 USD) to Russia in the calendar year preceding the acquisition; finalizing a joint-venture agreement between competitors in relation to joint activities in Russia; establishment of a new company if its charter capital is paid with shares/assets of another company and that capital exceeds the thresholds for acquisition of shares/assets or falls under the change of control criteria described above. Exemptions exist for group companies where one parent company owns more than 50% of shares in another company; companies that are both owned by the same parent company (for more than 50% of the shares); companies that form a group for any other reason, provided that that was publicly disclosed in advance.</p> <p>Thresholds are defined as: the aggregate worldwide book value of the assets of undertakings concerned (including their respective groups) exceeds RUB7 billion (\$76,300,000 USD); the aggregate worldwide turnover of undertakings concerned (including their respective groups) for the calendar year preceding the year of the acquisition exceeds RUB10 billion (\$109,000,000 USD). Acquisitions require prior approval if the worldwide book value of the assets of the target Russian or foreign company (and its respective group) exceeds RUB800 million.</p> <p><i>[If the answer is "yes", please explain whether all the transactions shall be notified or if there is a threshold; mention relevant provisions]</i></p>
Can the parties close the transaction before the final decision of the Authority (suspensory effect of merger notification)?	No	<p>Article 34 of Federal Law No. 135-FZ.</p> <p><i>[Please mention the relevant provisions and add any explanation that you deem necessary]</i></p>
Does the Competition Authority have the power to carry out <i>ex-post</i> merger investigations?	Yes	<p>The limitation period for invalidation of a transaction is one year from the date FAS knew or should have known of the transaction (Section 6 of Guidelines No. 19). FAS's approval of a transaction may be terminated if the conditions of the agreement were not met within a year from the date of the decision (Article 33 of Federal Law No. 135-FZ.)</p>
Does the Competition Authority have the power to impose remedies on <i>ex-post</i> merger investigations?	Yes	<p>FAS may impose fines for failure to obtain FAS's approval of a transaction or failure to comply with an order. Closing a transaction without approval may result in a fine of RUB 300,00 (\$3,262.50 USD) to RUB 500,000 (\$5,437.50) (Article 19.8, Part 3 of the Code of Administrative Offences). FAS may also seek invalidation of a transaction if it leads to restriction of competition in the relevant market. (Section 6 of Guidelines No. 19).</p> <p><i>[If the answer is yes, please mention the remedies that the Authority can impose; mention relevant provisions]</i></p>

Does the Competition Authority have powers to conduct dawn raids at premises?	Yes	Article 25 of Federal Law No. 135-FZ. Court authorization is not required.  <i>[If the answer is "yes", please mention whether the dawn raids shall be authorized by a judge, and mention the relevant provisions]</i>
Can the Competition Authority investigate <i>ex officio</i> cases?	Yes	Article 23 of Federal Law No. 135-FZ allows FAS to initiate legal proceedings and consider cases of violations of antimonopoly legislation.
Does the Competition Authority have powers to accept leniency applications?	Yes	<p>Administrative leniency is available to applicants that voluntarily inform FAS, renounce participation in the agreement or carrying out of coordinated actions, and provides information and documents evidencing violation of antimonopoly legislation (Article 14.32 of the Code on Administrative Offences). The conditions to receive administrative leniency are: at the time of the person filing an application, FAS did not already have relevant information and documents about the committed administrative offence; the person refuses to participate or further participate in the agreements or to exercise or further exercise concerted actions; and the information and documents presented are sufficient to establish the administrative violation. The first applicant may receive full immunity. The second and third applicants may receive the minimum administrative fine (See Note 5 of Article 14.32 of the Code of Administrative Offences.) Note 5 specifies that facilitators/organizers of the agreement that violates antimonopoly legislation may not receive leniency. An applicant may file for leniency anytime before FAS issues a decision on the violation (see Section 10.3, Resolution of the Supreme Commercial Court dated 30 June 2008 No. 30 On Certain Issues Arising in Connection with Application of Antitrust Law by Commercial Courts). Applicants may separately apply for criminal leniency if they assist with the investigation, provide compensation for damages, and their actions do not constitute another criminal offense. (Article 178 of the Criminal Code). Only the first applicant is eligible for immunity. Employees of an undertaking that was granted administrative leniency may still be charged criminally, thus an employee seeking to avoid criminal liability must file separately for criminal leniency.</p> <p><i>[If the answer is "yes", please mention if there is any limitation for the applicants, what are the benefits, and mention the relevant provisions. Include any commentary that you consider relevant about the leniency program]</i></p>
Does the Competition Authority have powers to seek criminal punishment?	No	<p>The Ministry of Interior Affairs may seek criminal punishment (see Article 178 of the Criminal Code).</p> <p><i>[If the answer is "yes", please mention the different kinds of sanctions that the agency can impose]</i></p>
<b>Advocacy</b>		
Can the Competition Authority issue opinions on draft legislation?	Yes	<p>FAS develops and submits to the Government of the Russian Federation a draft National Plan for the Development of Competition (Decree of the President No. 618 "On the Main Directions of State Policy for the Development of Competition.")</p> <p><i>[If the answer is yes, please specify if there is any kind of limitation to the agency's authority to issue opinions, include relevant provisions]</i></p>

Is the executive and/or the legislature obliged to request the opinion of the Competition Authority when drafting legislation that may impact competition?	No	<i>[If the answer is yes, include relevant provisions]</i>
<b>Rulemaking</b>		
Can the Competition Authority issue guidelines?	Non-Binding	√ Guidelines on the calculation of fines.
		√ Guidelines on merger control.
		√ Guidelines on the economic analysis of abuse of dominance cases.
Can the Competition Authority issue binding regulation on competition?	Yes	FAS has authority to enforce antimonopoly legislation (governed by Federal Law No. 135-FZ). Specifically Article 15 of Federal Law No. 135-FZ prevents FAS, among other federal executive bodies and other entities, from acting in a way that prevents, restricts, or eliminates competition.  <i>[Please, explain which kind of regulation and mention the relevant provision on which the powers are based]</i>
<b>Research &amp; Reporting</b>		
Can the Competition Authority carry out market studies?	Yes	FAS conducts market analysis when considering cases (Chapter 9 of Federal Law No. 135-FZ). FAS also conducts market analysis in drafting the National Plan for the Development of Competition.  <i>[If the answer is "yes", include relevant provisions]</i>
Can the Competition Authority report to the legislature on the results of market studies?	No	FAS's market analysis included in the draft National Plan for the Development of Competition which is reported to the Government of the Russian Federation.  <i>[If the answer is "yes", include relevant provisions]</i>
<b>DECISION-MAKING FUNCTIONS</b>		
<b>Aggregated Functions</b>		
Does the Competition Authority make the decision to investigate and make guilty findings?	Yes	Chapter 9 of Federal Law No. 135-FZ.  <i>[If the answer is "yes", include relevant provisions]</i>
Does the Competition Authority impose punishments?	Yes	Yes, FAS may impose penalties, including fines as regulated by the Code of Administrative Offences, Article 14.32. Criminal liability is determined by the Ministry of Interior Affairs.  <i>[If the answer is "yes", please mention the different kinds of sanctions that the agency can impose]</i>
Is there a single body that carries out the investigation and the guilty findings within the Competition Authority?	No	Article 40 of Federal Law No. 135-FZ outlines the regulations regarding the commission that considers cases on breaching antimonopoly legislation. If FAS initiates a case investigation, it will issue an order on initiating the case and establish the commission. This commission consists of the Chairman (the Head of the Antimonopoly Authority or his Deputy, the Head of the Regional Office of the Antimonopoly Authority or his Deputy) and must be composed of at least three members. If a case involves financial organizations (excluding credit organizations) the respective representatives must be included in the

		<p>composition of the commission so they constitute at least half its members. Article 43 dictates that parties have the right to familiarize themselves with the materials of the case, put questions to other participants, and advance their case. Article 45 explains that the commission must examine the case within three months of the date of issuing the order to initiate the case. Upon resolving the case, the commission must publish the decision and give a copy to the parties participating in the case. The commission may review the decision in the event that there are new or newly discovered facts (Article 51.2).</p> <p><i>[Regardless of the answer please explain briefly the enforcement process until the final decision is issued, include relevant provisions, and if the answer is "No" mention how the head of the body that carries out the investigation is elected and removed. The main idea of this last point is to establish whether the investigation authority is, in fact, independent from the decision-making body]</i></p>
<p>Can the Competition Authority's decisions be appealed to a court?</p>	<p>Yes</p>	<p>The commission's decision or order may be appealed to an arbitration court within three months from the date the decision was adopted or order was issued. If the arbitration court reviews the commission's decision, the decision or order is suspended until the date of entry into legal force of the arbitration court's decision (Article 53 of Federal Law 135-FZ). The final court of review is the Supreme Court (Arbitration Procedure Code).</p> <p><i>[Please, mention the judicial authority who is charged with the review, make reference to the relevant provisions, and if there is any requirement to exercise the right of the judicial review.]</i></p>
<p>Please add commentaries or information that you consider relevant and were not covered in any of the previous sections and questions.</p>		