

THE BASIC INITIATIVES OF FAS RUSSIA IN RESPECT OF AMENDMENTS TO ANTIMONOPOLY LEGISLATION AND LEGISLATION ON PROCUREMENTS WERE DISCUSSED AT A MEETING OF THE RSPP COMMITTEE FOR PROMOTION OF COMPETITION

On 29 November 2017, a meeting of the RSPP Committee for promotion of competition, involving the representatives of FAS Russia and VEGAS LEX, was held in order to discuss the antimonopoly service's initiatives in the area of IT, protection of competition, procurements, administrative and criminal law and tariff regulation.

On 29 November 2017, the RUIE Committee for promotion of competition chaired by **Sergey Generalov**, a member of the RSPP Administrative Office, held a meeting involving the representatives of the Federal Antimonopoly Service and VEGAS LEX law firm.

Sergey Puzyrevskiy, Deputy Head of FAS Russia, acquainted the audience with initiatives of FAS Russia, which are now being publicly discussed. Under the instruction of the President of the Russian Federation, the initiatives are focused on improvement of the antimonopoly service's work for combating cartels within the Russian Federation. Based on the results of discussions with law enforcement agencies, three draft laws on the matters of suppression of the activities of cartels and criminal liability for cartels have been worked out. The first draft law is amending the Criminal Code and the Criminal Procedure Code; it provides for the more precise qualification and definition of the crime "conclusion of cartel agreement", which is prohibited by antimonopoly legislation if there is a material loss or large income.

The second draft law is amending the Competition Protection Law and some other enactments. It expands the procedural opportunities of FAS in the course of investigation of cartels, including its accessibility to information about communication service subscribers. FAS will also be able to get the materials of operative investigative activities when conducting inspections. The draft law improves the mechanisms of surprise inspections of companies in order to reveal a collusion between the organizer of tenders and participant in tenders.

The third draft law is making amendments to the Competition Protection Law as well as Laws Nos. 44-FZ and 223-FZ, which relate to contracting and procurements by certain types of legal entities. According to the antimonopoly service, the organizer of tenders must not allow colluders to participate in tenders within three years of the date of taking a decision in respect of them.

Ekaterina Nabatova, Deputy Head of the FAS Russia's Department for Control over Government Procurement, told about the proposed amendments to Law No.44-FZ, which concern electronic auctions, as well as about a large package of material amendments to Law No.223-FZ, which relate to development of procurements of small and medium businesses. Law No.44-FZ, as amended, is currently under consideration of the State Duma of the Russian Federation, and FAS Russia together with the Ministry of Finance of Russia continue work for eliminating a great number of shortcomings and gaps in this Law.

[Alexandra Vasyukhnova](#), VEGAS LEX Partner and Head of Technology and Investment group, delivered a speech on the topic of development of antimonopoly regulation in the IT-area. Speaking about the draft law on lifting of antimonopoly immunities for IP*, which is tied to digital economy, the expert noted that, in the course of digitalization, the direct influence of transnational corporations on competition in the Russian markets is growing. Alexandra made a comparative analysis of the antimonopoly regulation and judicial practice in the IT-area in Russia and abroad and, based on the results of such analysis, made a conclusion of duplication of measures for excluding antimonopoly immunities and sufficiency of adoption of documents of explanatory nature.

[Alexander Sitnikov](#) (VEGAS LEX Managing Partner) and **Tatyana Kamenskaya**, Deputy Chairpersons of the RSPP Committee for promotion of competition, acquainted the audience with, and gave explanations about, the current status of the draft law on tariff regulation.

Andrey Tenishev, Head of the FAS Russia's Department for Combating Cartels, **Artem Molchanov**, Head of the FAS Russia's Legal Department, **Elena Zaeva**, Head of the FAS Russia's Department for Regulation of Communications and Information Technology, and her deputy, **Anna Davydova**, also participated in the meeting.

** It is publicly discussed at present and until 12 December 2017.*

For more information on VEGAS LEX's activities in the area of antimonopoly regulation, please click [here](#).