

VEGAS LEX AND FAS RUSSIA DISCUSS ANTICOMPETITIVE AGREEMENTS AND PRACTICE OF REVEALING THEM

The VEGAS LEX law firm held a conference, with the participation of FAS Russia, devoted to the problems of revealing and proving various types of anticompetitive agreements.

On 24 October 2017, VEGAS LEX held a conference on the topic “*Anticompetitive agreements: differentiation of constituents and practice in their application*”, with the participation of FAS Russia.

[Alexandra Vasyukhnova](#), VEGAS LEX Partner, welcomed the conference participants, having noted that VEGAS LEX has been working on similar projects since 2006 always in close cooperation with economists and always insisting on analysis of the parties to agreements, their motives and actions, effect of their actions and effect in case of abolition of *alleged* anticompetitive agreement.

Ksenia Podguzova, associate of VEGAS LEX Commercial practice, reminded the participants of the types of anticompetitive agreements (i.e. cartel agreements and "vertical" agreements, agreements with public authorities, other prohibited agreements), differentiation of constituents and responsibilities, told about potential problems related to imposition of punishment as well as pointed out the problems arising in practice while qualifying the actions of market participants.

Takhir Scherba, Head of the Fifth Department of the Anti-Cartel Bureau of FAS Russia, at the beginning of his speech, cited the statistics of violations of Law No.135-FZ and progress of work relating to holding colluders liable as well as classification of other anticompetitive agreements. Then he proceeded to the stages of investigation of cartel cases by antimonopoly authority, told about the manner of proving and examples of use of various forms of evidence. The expert noted that it was important not to preclude the conduct of antimonopoly audits and called for constructive dialogue and cooperation with representatives of business community in the course of conducting them. He also told about prospects for development of cartel legislation, specifically, what has yet to be finalized/improved.

Yulia Polyakova, associate of VEGAS LEX Commercial practice, explored the topic of permissible and prohibited terms and conditions of "vertical" agreements in greater detail on the basis of case studies.

Anastasia Cheredova spoke about the content of other anticompetitive agreements under part 4 of article 11 of Law No.135-FZ as well as about the problems of qualification and differentiation of various constituents. Anastasia also referred to the practice of application of article 16 of the specified Law and provided several case studies regarding the conclusion by business entities of agreements on cooperation with public authorities. In conclusion, Anastasia spoke about amendments made by the "fourth antimonopoly package" to article 17 of Law No.135-FZ (anticompetitive agreements with the involvement of the customer in procurement procedures) as well as about the established approaches of courts.

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