

VEGAS LEX, FAS RUSSIA DISCUSS TARIFF REGULATION AND DISPUTES AFTER SUPREME COURT PLENARY ADOPTS RESOLUTION 63

VEGAS LEX and the Council of Power Producers association have held a conference attended by FAS Russia, dedicated to one of the most significant events concerning electricity, heat, gas and water supply, – Resolution No. 63 of the Russian Supreme Court Plenary Session adopted on December 27, 2016.

The conference, *Resolution No. 63 of the Plenary Session of Russia's Supreme Court: Tariff Regulation and Disputes*, took place on February 9, 2017, organized by the VEGAS LEX law firm and the Council of Power Producers association with the participation of representatives of FAS Russia.

In his welcoming address, VEGAS LEX Managing Partner [Alexander Sitnikov](#) listed the concerns of the energy sector firms and companies in connection with one of the most important documents regulating electricity, heat, gas and water supply, – Resolution No. 63 of the Russian Supreme Court Plenary Session* adopted on December 27, 2016.

VEGAS LEX Partner, Head of Energy practice [Evgeniy Rodin](#) listed the main provisions of Resolution No. 63, including ways to compensate the supplier's material losses, to recover the consumer's overpayment for energy resources, factors affecting the evaluation of debt for the resources supplied, and explanations about disputes over such resources. The expert also gave a detailed analysis of individual disputed cases of applying regulated prices.

FAS Russia representatives noted the relevance of Resolution No. 63 in challenging the prices of the resources for the purpose of ensuring financial stability of regulated entities.

In particular, they said that regulated entities, consumers and other interested parties need to actively inform representatives of public authorities and the judicial system about difficult situations that might emerge in the areas of regulated activities, in connection with setting and applying prices (tariffs) for energy supplies. FAS experts asked to send them legal proposals for resolving such situations, which would contribute to improving the quality of law-making in this area.

FAS Russia representatives also noted the importance of the adoption of the law on tariff regulation to streamline approaches and methods to state regulation of prices in electricity, heating, water and gas supply and the creation of appropriate (comfortable) conditions for long-term tariff regulation.

The FAS Russia representatives included Head of FAS Regional Tariff Regulation **Yulia Yudina**, Head of the out-of-court settlements and tariff disagreements office at the FAS Department for Regional Tariff Regulation **Andrey Gromov**, Deputy Head of the FAS Legal Department **Igor Antonov** and head of the regulatory work **Albert Avsharyan**.

Special attention was paid to the adjustment of existing procedures for challenging regulated prices out of court – the plan is to integrate and simplify the relevant procedures for considering such claims.

Counsel of VEGAS LEX Energy practice **Yuriy Tatarinov** spoke about the specifics of challenging regulated prices (tariffs) in and out of court. He described the legal approach to challenging regulatory acts before Administrative Court Procedure Code and challenging them in court, the specifics and particular cases of out-of-court settlements; showed practical examples of recovering damages inflicted by an economically unjustified tariff; and gave an analysis of the Supreme Court practice in cases of challenging tariff decisions.

Throughout the event, the participants were encouraged to ask questions to the experts about Resolution No. 63, which caused a very keen interest and response from the audience, and the discussion did not abate until the end of the conference.

The participants included major federal and regional energy and industrial companies, industry associations and educational institutions: Gazprom Neft, Inter RAO UES, FGC, Fortum, Quadra, Oboronenergo, Energoprom Group, LafargeHolcim, Watt, TAT Energo, the Association of Last Resort Providers and Power Supply Companies, Association of Investors of Moscow, the Council of Power Producers non-profit partnership, the Market Council non-profit partnership, the HSE and MGIMO universities, and others.

** Resolution No. 63 of the Plenary Session of Russia's Supreme Court of December 27, 2016, "On legal consideration of disputes over payment for energy in case of invalidation of the regulatory act stating the price."*

The Big Electric Power News agency and PravoTEK Group provided information support for the conference.

For more information on VEGAS LEX's services in the area of anti-monopoly regulation, click [here](#).

For more information on the firm's services to the energy sector, please go [here](#).