

COUNTRY

Russia

AGENCY

Federal Antimonopoly Service of the Russian Federation (FAS)

FAST FACTS

Maximum fines

Undertaking: 15% of the income of the violator from the sale of goods (works, services) that are the subject of the violation or the size of the expenditure of the offender for the purchase of goods (works, services); on the market where the violation was indicated; 50% the initial value of the bid (in bid rigging cases)

Individual: RUB 50,000, disqualification up to three years (in administrative process), imprisonment for seven years

Scope of leniency

Administrative fines, criminal liability, cartels and vertical agreements

Leniency available for

Undertaking, individual

Reduction in fines

Amount: up to 99% of the fine
Number of applicants: 2. Only the second-in and third-in

Brief description of leniency

Leniency in Russia can be obtained during an administrative or criminal procedure. A leniency application is usually filed during an administrative procedure and is taken into account while initiating a criminal procedure.

Immunity may only be granted to the first applicant which informs the FAS of a cartel and provides them with new evidence which can help the FAS to prove the cartel infringement. The second and third applicant may benefit from a reduction of fines if they provide sufficient evidence to prove the cartel infringement. The fourth and the subsequent applicants may benefit from a reduced fine outside of the leniency programme if they fulfill certain conditions (e.g. such as cooperation with the agency,

termination of participation in cartel) and did not initiate the cartel. Such a reduction is smaller than the one within the leniency (1/8 of the difference between maximum and minimum fine admissible for such an applicant). In practice criminal investigations are initiated after the administrative investigation is conducted by the competition agency, taking into account the FAS decision on leniency. In order to obtain leniency in criminal proceedings, an applicant is obliged to compensate fully for harm caused by its participation in a cartel. Damages are calculated by the FAS in the course of the investigation and should be approved by the police.

In general, the applicant is obliged to bring sufficient evidence and information to verify a cartel at the moment of filing an application. The

applicant is given a confirmation of receipt that is used only to permit the first applicant to apply for immunity, and the second or third applicant to apply for a fine reduction.

A leniency application can be submitted during the whole period of the investigation, even after the Statement of Objections is published by the FAS but no later than its final decision.

Individuals

Both companies and individuals can apply for leniency during the administrative procedure. In practice, companies and individuals do not apply for leniency separately. Only individuals can apply for leniency during the criminal procedure.

START

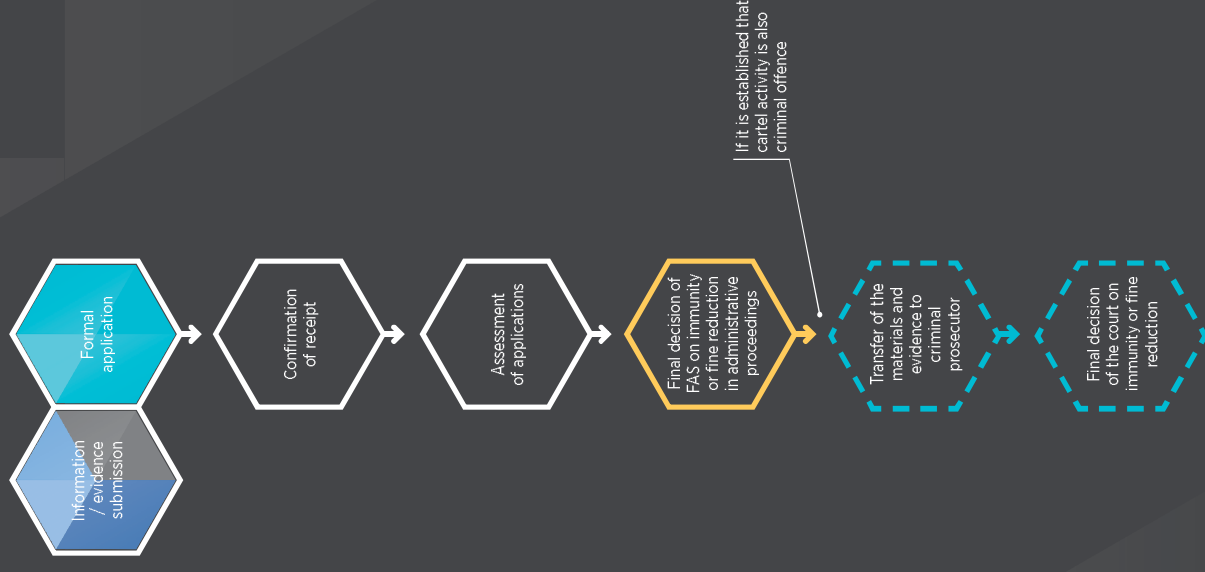
Requirements

Cooperation

Throughout the proceedings, applicant(s) must cooperate and comply with requirements.

REQUIREMENTS FOR RUSSIA

Termination of participation: immediately after the application.



Key

- Optional
- Mandatory
- Final stage