ANNEX 19
to the Treaty on the
Eurasian Economic Union

PROTOCOL
on Common Principles and Rules of Competition

I. General Provisions

1. This Protocol is developed in accordance with section XVIII of the Treaty on the Eurasian Economic Union (hereinafter – the Treaty), and defines the features of its application, fines for violation of common competition rules on transboundary markets in the territory of two or more member States (hereinafter - transboundary market), the procedure for monitoring by the Commission of the observance of common competition rules on transboundary markets, (including cooperation with the authorized bodies of the member States), cooperation of the authorized bodies of the member States in conducting control over observance of competition (antimonopoly) legislation, and also on introducing State price regulation and challenging the decisions of the member States on its introduction.

2. The terms used in this Protocol, and also for the purposes of section XVIII of the Treaty, shall mean:

1) "Vertical Agreement" means an agreement between business entities (Market Participants), one of which buys the good or is a potential buyer, and another one provides the good or is a potential seller of such good;

2) "Substitutable Goods" mean goods that can be compared by their functional purpose, application, quality and technical characteristics, price and other parameters so that the purchaser actually substitutes or is ready to replace one good by another good in the consumption (including consumption of goods for production purposes);

3) "State Price Regulation" means setting prices (tariffs), price premiums (tariff premiums), maximum or minimum prices (tariffs), maximum or minimum price premiums (tariff premiums) by the State authorities and local authorities of the member States in the manner prescribed by the legislation of the member States;

4) "State or Municipal Preferences" mean providing by executive authorities, local authorities of the member States, other bodies or organizations exercising functions of these bodies to individual business entities (market participants) preferences that provide them with more favorable conditions of activities by transferring State or municipal property, other objects of civil rights or by way of providing property exemptions, State or municipal guarantees;

5) "Group of Persons" means a group of individuals and (or) juridical persons, corresponding to one or more of the following attributes:

business company (partnership, economic partnership) and an individual or a juridical person, if such individual or a juridical person has by virtue of its participation in this business entity (partnership, economic partnership) or in accordance with the authorities received, including on the basis of the written agreement, from the other parties, more than fifty percent of the total number of votes attached to voting shares (stakes) in the charter (share) capital of this business company (partnership, economic partnership);

business entity (market participant) and an individual or a juridical person, if such an individual or a juridical person exercises the functions of the sole executive body of the business entity (market participant);

business entity (market participant) and an individual or a juridical person, if such an individual or a juridical person under charter documents of the business entity (market participant) or a contract (agreement) concluded with this business entity (market participant), has the right to give binding instructions to this business entity (market participant);

business entities (market participants), wherein more than 50 percent of the quantitative composition of the collegial executive body and (or) the board of directors (supervisory board, the board of the fund) constitute the same individuals;

an individual, his or her spouse, parents (including adoptive parents), children (including adopted children), brothers and sisters;

persons each of whom under any of the grounds specified in the second - sixth paragraph of this subparagraph enter into the group with the same person, as well as other persons entering into the group with any of these persons under any of the grounds specified in the second - sixth paragraph of this subparagraph;

business company (partnership, economic partnership), individuals and (or) juridical persons that enter one group of persons under any of the grounds specified in the second - seventh paragraphs of this subparagraph, if such persons by virtue of their joint participation in this business company (partnership, economic partnership) or in accordance with the authorities obtained from other persons, have more than 50 percent of the total number of votes attached to voting shares (stakes) in the charter (share) capital of this business company (partnership, economic partnership).

A group of persons is regarded as a single business entity (market participant), and the provisions of section XVIII of the Treaty and this Protocol relating to business entities (market participants), apply to the group of persons, except for the cases provided in this Protocol.

For the purposes of implementation competition (antimonopoly) policy in the territory of the member States the definition of the "group of persons" may be specified in the legislation of the member States, including the size of the values of disposal(participation) of shares (stakes) of one person in the charter (share) capital of another person where such disposal (participation) is recognized as a group of persons;

6) "Discriminatory Conditions" mean conditions of access to the goods market, conditions of production, exchange, consumption, acquisition, sale, other transfer of goods under which a business entity (market participant) or several business entities (market participants) are put in disadvantage compared to other business entity (market participant) or other business entities (market participants) taking into account the conditions, limitations and specificities under this Treaty and (or) other international

agreements of the member States;

7) "Dominant Position" means the position of a business entity (market participant) (group of persons) or several business entities (market participants) (groups of persons) on a certain goods market, that gives such a business entity (market participant) (group of persons) or such business entities (market participants) (groups of persons) the ability to exert decisive influence on the general conditions of circulation of the good on the relevant goods market, and (or) eliminate from this market other business entities (market participants), and (or) impede access to this goods market for other business entities (market participants);

8) " Competition" means competitiveness between business entities (market participants) where independent actions of each of them exclude or restrict the possibility of each of them to unilaterally affect the general conditions of goods circulation on the relevant goods market;

9) "Confidential Information" means all kinds of information protected by the normative legal acts of the member States, except for information related to the State secret (the State secrets) pursuant to the legislation of the member States;

10) "Coordination of economic activity" means coordination of actions of the business entities (market participants) by a third party, not entering one group of persons with any of these business entities (market participants) and which does not operate on the goods market (goods markets), where coordination of actions of business entities (market participants) is performed;

11) "Indirect Control" means the possibility of a juridical person or an individual to determine decisions made by the juridical person, through the juridical person or several juridical persons where direct control is maintained between them;

12) "Monopolistically High Price" means the price fixed by a business entity (market participant) with dominant position, if the price exceeds the amount of costs required for production and sale of such good and profits and the price that was formed in the conditions of competition on the goods market, comparable in composition of buyers or sellers of goods, conditions of the goods circulation, conditions of access to

the goods market, government regulation, including taxation and customs-tariff regulation (hereinafter – the comparable goods market) if there is such a market in the territory of the EAEU or abroad. The price set by the natural monopoly entity within the tariff for that good, determined in accordance with the legislation of the member States, cannot be considered as a monopolistically high price;

13) "Monopolistically Low Price" means the price fixed by a business entity (market participant) with dominant position, if the price is lower than the amount of costs required for the production and sale of such good and profits and lower than the price that was formed in the conditions of competition on the comparable goods market if there is such a market in the territory of the EAEU or abroad;

14) "Unfair Competition" means any activity of the business entity (market participant) (group of persons) or several business entities (market participants) (groups of persons) aimed at obtaining an advantage in the business activity that contradicts the legislation of the member States, customary business practice, the requirements of decency, reasonableness and fairness and caused or may cause damage to other business entities (market participants), competitors or damaged or may cause damage to their business reputation;

15) "Signs of restriction of competition" mean reducing the number of business entities (market participants), not entering into the same group of persons, on the goods market, increase or decrease of the price of goods not connected with the related changes of other general conditions of circulation of the good on the goods market, refusal of business entities (market participants), not entering into the same group of persons, from independent action on the goods market, determination of the general conditions of circulation of the good on the goods market by the agreement between business entities (market participants) or in accordance with the mandatory instructions of another person, or as a result of coordination by business entities (market participants), not belonging to the same group of persons, of their actions on the goods market, as well as other circumstances, creating an opportunity for the business entity (market participant) or several business entities (market participants) to unilaterally affect general conditions

of the goods circulation on the goods market;

16) "Direct Control" means a possibility of a juridical person or an individual to determine decisions made by the juridical person through one or more of the following actions:

exercising of the functions of its executive body;

obtaining the right to determine the conditions of performing business activity by the juridical person;

disposal of more than 50 percent of the total number of votes attached to the shares (stakes) comprising the charter (share) capital of a juridical person;

17) "Agreement" means an agreement in writing contained in a document or several documents, as well as an oral agreement;

18) "Good" mean the object of civil rights (including work, service, including financial services) intended for sale, exchange or other introduction into circulation;

19) "Goods Market" means the sphere of circulation of goods which cannot be replaced by another good, or substitutive goods, within the boundaries of which (including geographic boundaries), based on the economic, technical or other possibility or expediency, the buyer may purchase goods and this possibility or expediency is absent outside of it;

20) “Business Entity (Market Participant)" means a commercial organization or a nonprofit organization, performing activities that generate its income, an individual entrepreneur, as well as an individual whose professional income-generating activity in accordance with the legislation of the member States is subject to State registration and (or) licensing;

21) "Economic Concentration" means transactions, other actions, implementation of which has or may have an impact on the condition of competition.

3. The dominant position of a business entity (market participant) is established based on the analysis of the following circumstances:

1) share of the business entity (market participant) and its relation to the shares of competitors and customers;

2) possibility of the business entity (market participant) to unilaterally determine the level of prices of goods and have a decisive influence on the general conditions of the relevant goods market;

3) availability of economic, technological, administrative or other restrictions on access to the goods market;

4) period of existence of the possibility for the business entity (market participant) to have a decisive influence on the general conditions of circulation of the good on the goods market.

4. Legislation of the member States may establish other (additional) conditions for the recognition of the dominant position of the business entity (market participant).

The dominant position of a business entity on the transboundary market is established by the Commission in accordance with the Methodology for Assessing the State of Competition on the Transboundary Markets, approved by the Commission.

II. Admissibility of Agreements and Exemptions

5. Agreements provided for in paragraphs 4 and 5 of Article 76 of the Treaty, as well as agreements of business entities (market participants) on joint activities, which can lead to the consequences set out in paragraph 3 of Article 76 of the Treaty, may be recognized as admissible if they do not impose restrictions on business entities (market participants) not necessary to achieve the objectives of these agreements and not creating an opportunity to eliminate competition on the relevant goods market and if the business entities (market participants) prove that such agreements have or may have the effect of:

1) improvement of production (sale) of goods or stimulation of technical (economic) progress or improving the competitiveness of the goods produced in the member States on the global goods market;

2) receipt by consumers of a proportionate part of advantages (benefits) that are acquired by the relevant persons from performing such actions.

6. "Vertical" agreements are allowed if:

1) such agreements are franchise agreements;

2) the share of each business entity (market entity) being a party to such an agreement shall not exceed twenty percent on the goods market of the good which is the subject of the "vertical" agreement.

7. The provisions of paragraphs 3-6 of Article 76 of the Treaty shall not apply to agreements between business entities (market participants), belonging to the same group of persons, if one of these business entities (market participants) regarding another business entity (market participant) has established direct or indirect control or if such entities (market participants) are under direct or indirect control of a single person, except for the agreements between business entities (market participants) performing activities the simultaneous execution of which by one business entity (market participant) is not permitted in accordance with the legislation of the member States.

III. Control over Observance of Common Competition Rules

8. Prevention of violation of economic entities (market entities) of the member States as well as individuals and non-profit organizations of the member States, which are not economic entities (market entities) of common rules of competition established in Article 76 of the Treaty, in the territory of the member States is performed by the authorized bodies of the member States.

9. Suppression of violations of business entities (market participants) of the member States as well as individuals and nonprofit organizations of member States, which are not business entities (market participants) of common rules of competition established in Article 76 of the Treaty, is performed by the Commission, if such violations have or may have an adverse effect on competition on transboundary markets, except for violations that adversely affect competition on transboundary financial markets, the suppression of which is performed in accordance with the national legislation of the member States.

10. The Commission:

1) examines applications (materials) on existence of signs of violation of the common competition rules established in Article 76 of the Treaty which have or may have an adverse effect on competition in transboundary markets, as well as conducts necessary investigations;

2) initiates and examines cases of violation of common competition rules established in Article 76 of the Treaty which have or may have an adverse effect on competition in transboundary markets based on appeals from the authorized bodies of the member States, economic entities (market entities) of the member States, authorities of the member States, natural persons or on its own initiative;

3) renders determinations, adopts decisions binding for economic entities (market entities), including decisions on application of penalties in respect of economic entities (market entities), in cases provided for in section XVIII of the Treaty and this Protocol, on measures for termination of violation of common competition rules, elimination of consequences of their violation, on ensuring competition, on prevention of actions that may hinder creation of competition and (or) may lead to limitation, elimination of competition in transboundary markets and violation of common competition rules in cases stipulated by section XVIII of the Treaty and this Protocol;

4) requests and receives information from the authorized bodies of the member State States, local authorities, other bodies carrying out their functions or organizations of the member States juridical persons and natural persons, including confidential information necessary for implementing competence on control over compliance with common competition rules in transboundary markets;

5) annually, not later than June 1, submits to the High Council the annual report on the state of competition in transboundary markets and measures taken to prevent violation of common competition rules, and posts the approved report on the official website of the Commission in the Internet;

6) posts the adopted decisions on cases of violation of the common competition rules on its official website in the Internet;

7) carries out other functions necessary to implement the provisions of section XVIII of the Treaty and this Protocol.

11. The order of considering applications (materials) on violations of common competition rules on transboundary markets, the order of conducting investigations of violations of common competition rules on transboundary markets and also the order of considering cases of violation of common rules of competition on transboundary markets are approved by the Commission. Results of the analysis of the condition of competition, conducted by the Commission with the aim of considering a case on violation of common competition rules, are subject to inclusion into the decision of the Commission, adopted as a result of consideration of the case, except for confidential information.

Also for the purposes of exercising the authority to control over observance of common competition rules on transboundary markets, necessary for the implementation of section XVIII of the Treaty and the Protocol, the Commission approves:

methodology of assessment of the state of competition;

methodology of determining the monopolistically high (low) prices;

methodology of calculation and procedures for imposing fines;

if necessary, specificities of application of common competition rules in various sectors of the economy;

procedure for interaction, including the informational interaction, of the Commission and the authorized bodies of the member States.

12. For ensuring investigation and preparation of materials on cases of violation of common competition rules on transboundary markets, established in Article 76 of the Treaty the Commission maintains the relevant structural subdivision in the Commission (hereinafter – authorized structural subdivision of the Commission).

13. The authorized structural subdivision of the Commission in considering applications (materials) on violation of common competition rules on transboundary markets, in conducting investigations of violations of common competition rules on transboundary markets, considering cases of violation of common competition rules on

transboundary markets requests necessary information for considering the application (materials), conducting investigation, considering the case from the authorized bodies of the member States, local executive bodies, other bodies and organizations of the member States fulfilling their functions, juridical persons and individuals.

Business entities (market participants), nonprofit organizations, authorized bodies, local executive bodies, other bodies or organizations (their officials) of the member States performing their functions, individuals are required to submit to the Commission upon its request in a timely manner information, documents, data and explanations required by the Commission in accordance with its mandate.

14. Decisions of the Commission on imposing fines, decisions of the Commission obliging the violator to conduct specific actions, are executive documents and are enforceable by the bodies of mandatory implementation of judicial bodies, acts of other bodies and officials of the member State, in the territory of which the violator business entity (market participant), nonprofit organization, which is not a business entity (market participant), has been registered, or the violator individual permanently or temporarily resides.

Acts, actions (inaction) of the Commission in the field of competition are appealed in the Court of the EAEU in the manner prescribed by Statute of the Court of the EAEU (Annex No. 2 to the Treaty) taking into account the provisions of the Treaty.

In case the Court of the EAEU accepts for consideration the application on appealing the Commission’s decision on the case of violation of common competition rules on transboundary markets, the Commission’s decision is suspended until the day of entering into force of the Court’s decision.

The Court of the EAEU accepts the application on appealing the Commission’s decision on the case of violation of common competition rules on transboundary markets without preliminary addressing of the appellant to the Commission to resolve the issue in prejudicial order.

15. Acts, actions (inaction) of the authorized bodies of the member States are appealed in the judicial bodies of the member States in accordance with the procedural legislation of the member States.

IV. Fines for Violation of Common Competition Rules on Transboundary Markets, Imposed by the Commission

16. The Commission, in accordance with the Methodology of Calculation and the Order of Imposing Fines, approved by the decision of the Commission, imposes penalties for violations of common competition rules on transboundary markets, stipulated in Article 76 of the Treaty, as well as for not submitting data (information) to the Commission upon its request, or submission of deliberately false information (information), in the following amounts:

1). Unfair competition, not allowed in accordance with paragraph 2 of Article 76 of the Treaty, entails imposition of fines on officials and individual entrepreneurs in the size of 20 000 to 110 000 Russian rubles; for juridical persons - from 100 000 to 1 000 000 Russian rubles.

2). Conclusion by the business entity (market participant) of an agreement not admissible in accordance with paragraphs 3-5 of Article 76 of the Treaty, as well as participation in it, entails imposition of fines on officials and individual entrepreneurs in the size from 20 000 to 150 000 Russian rubles; for juridical persons - from 0.001 to 0.015% of the income of the violator from sales of goods (works, services) on the market where the violation was committed or the amount of expenditure on the purchase of goods (works, services) by the violator, but not less than 100 000 Russian rubles, and if the amount of revenues of the violator from selling goods (works, services) on the market where the violation was committed exceeds 75 percent of the total revenue of the violator from sales of goods (works, services) - in the amount of 0.0003 to 0.003 percent of the revenue of the violator from sales of goods (works, services) on the market where the violation was committed, but not less than 100 000 Russian rubles.

3). Coordination of economic activities of business entities (market participants), not allowed in accordance with paragraph 6 of Article 76 of the Treaty entails imposition of fines on individuals in the size of 20 000 to 75 000 Russian rubles; on officials and individual entrepreneurs in the size of 20 000 to 150 000 Russian rubles; for juridical persons - from 200 000 to 5 000 000 Russian rubles.

4). Committing by a business entity (market participant) with a dominant position on the market of actions recognized as abuse of the dominant position and not allowed in accordance with paragraph 1 of Article 76 of the Treaty entails imposition of fines on officials and individual entrepreneurs in the size of 20 000 to 150 000 Russian rubles; for juridical persons - from 0.001 to 0.015% of the revenue of the violator from sales of goods (works, services) on the market where the violation was committed or the amount of expenditure of the violator on the purchase of goods (works, services) on the market where the violation was committed, but not more than one fifties of the total amount of revenues of the violator from sales of all goods (works, services) and not less than 100 000 Russian rubles, and if the amount of revenues of the violator from sales of goods (works, services) on the market where the violation was committed exceeds 75 percent of the total revenue of the violator from selling all goods (works, services) - in the amount of 0.0003 to 0.003 per cent of the revenue of the violator from the sales of goods (works, services) on the market where the violation was committed, and not less than 100 000 Russian rubles.

5). Non-submission or late submission to the Commission of data (information) foreseen in section XVIII of the Treaty and this Protocol, including non-submission to the Commission of data (information) upon the request of the Commission, as well as submission of deliberately false data (information) entails imposition of fines on individuals in the amount of 10 000 to 15 000 Russian rubles; on officials and individual entrepreneurs - from 10 000 to 60 000 Russian rubles; on juridical persons - from 150 000 to 1 million Russian rubles.

The official under this Protocol implies managers and employees of business entities (market participants), as well as of nonprofit organizations, which are not business entities (market participants), performing managing or administrative functions, heads of organizations performing functions of the sole executive bodies of business entities (market participants), nonprofit organization, which are not business entities (market participants). For the purposes of this Protocol for violation of common competition rules on transboundary markets individuals, professional income-generating activity of whom in accordance with the legislation of the member States is subject to State registration and (or) licensing, bear responsibility as officials.

17. Fines provided for in subparagraphs 1-5 of paragraph 16 of this Protocol shall be paid to the budget of a member State in the territory of which the violator juridical person is registered, or where the violator individual permanently or temporarily resides.

18. Fines foreseen in paragraph 16 of this Protocol are paid by the business entity (market participant), individual or nonprofit organization, which is not business entity (market participant) in the national currency of the member State in the territory of which business entity (market participant), nonprofit organization that violated common competition rules under this Protocol is registered, or individual temporarily or permanently resides, at the rate set by the Central (National) Bank of the member State on the date of the Commission's decision to impose a fine.

19. A person (group of persons) that voluntarily reported to the Commission of the conclusion of an agreement, not allowed in accordance with Article 76 of the Treaty shall be exempt from liability for the violation specified in subparagraph 2 of paragraph 16 of this Protocol if the following conditions are jointly fulfilled:

at the moment of applying of the person with application, the Commission did not have the information and documents about the violation;

the person refused from participation or further participation in the agreement, not allowed in accordance with Article 76 of the Treaty;

information and documents submitted are sufficient to determine a violation.

The person that first meets all conditions stipulated in this paragraph is exempted from responsibility.

20. The application submitted at the same time on behalf of several persons who have concluded an agreement, not allowed in accordance with Article 76 of the Treaty, shall not be considered.

21. The amount of fines for violation of common competition rules on transboundary markets, established in this section, may be amended by the decision of the Supreme Council, except for fines imposed on juridical persons and calculated based on the amount of the revenues of the violator from the sales of goods (works, services) or the amount of expenditure of the violator on the purchase of goods (works, services) on the market where the violation occurred.

V. Interaction of the Authorized State Bodies of the Member States

22. Interaction of the authorized State bodies of the member States with the aim of implementing section XVIII of the Treaty and this Protocol is performed within the law enforcement activities through sending notifications, requests for information, requests and orders for conducting separate proceedings, exchange of information, coordination of enforcement activities of the member States, as well as performing enforcement activities upon request of one of the member States.

This interaction is carried out by the central administrative offices of the authorized State bodies of the member States.

23. The authorized body of the member State notifies the authorized State body of another member State if it becomes aware that its law enforcement activities may affect the interests of another member State in the sphere of protection of competition.

24. Under the enforcement activities that may affect the interests of another member State in the sphere of protection of competition, this Protocol gives the following understanding to the activities of the authorized State bodies of the member States:

1) related to the law enforcement activity of another member State;

2) related to anti-competitive actions (except for mergers or acquisitions and other actions) including carried out in the territory of another member State;

3) concerning transactions (other actions), in which one of the parties or a person controlling one or more parties to the transaction or otherwise determining the conditions for conducting their business activity, is an entity registered or incorporated in accordance with the legislation of another member State;

4) associated with the use of measures of coercive influence that require or prohibit any activities in the territory of another member State within the framework of ensuring observance of competition (antimonopoly) legislation.

25. Notifications on transactions (other actions) are sent:

1) not later than on the date of the decision to extend the period of consideration of the transaction by the authorized body of the notifying member State;

2) in cases where the decision on the transaction is accepted without considering its extension - no later than the date of the decision on the transaction within a reasonable time allowing the notified member State to express its opinion on the transaction.

26. In order to ensure the possibility of taking into account the views of another member State, the notifications on the matters specified in subparagraphs 1, 2 and 4 of paragraph 24 of this Protocol, are sent to this member State on the stage of consideration of that case in detecting circumstances that require notification of the other member States, with keeping reasonable terms, allowing the notified member State to express its opinion, but in any case before adopting a decision on the case or a settlement agreement.

27. The notification is sent in writing and must contain sufficient information allowing the notified member State to conduct a preliminary analysis of the impact of law enforcement activities of the notifying member State, which affects the interests of the notified member State.

28. The authorized State bodies of the member States may submit requests for information and documents, as well as orders for conducting separate proceedings.

29. A request for information and documents, the order on separate proceedings are made in writing on the letterhead of the authorized body of the member State and shall contain:

1) number of the relevant case (if available) under which the information is requested, a detailed description of the violation and other facts related to the violation, the legal qualification of the act in accordance with the legislation of the requesting member State accompanied by the text of the applicable law;

2) first names, father's names and last names of persons regarding whom the relevant cases are considered, witnesses, information on their domicile or residence, nationality, occupation, place and date of birth, for juridical persons - their name and location (in case of availability of such information);

3) in the order of receipt of the document - the exact address of the recipient and the name of the submitted document;

4) list of information and actions to be submitted or executed (for conducting a survey, it is necessary to specify which circumstances should be clarified and refined, as well as to specify the sequence and wording of questions that should be put to the respondent).

30. Request for information and documents, the order for conducting separate proceedings may also contain:

1) specification of the period of completion of the required activities;

2) request for conducting the activities specified in the request in a certain sequence;

3) request for giving an opportunity to the representatives of the authorized State bodies of the requesting member State to be present when the measures specified in the request are performed and, if it does not contradict the legislation of each of the member States, to participate in their implementation;

4) other requests related to execution of the request, of the order.

31. The request for information and documents, the order for conducting separate proceedings is signed by the head of the requesting authorized body of the member State

or deputy thereof. Available copies of the documents referenced in the text of the request or order, as well as other documents required for their proper execution shall be attached to the request or the order.

32. Orders for the production of examinations and other proceedings, the execution of which requires additional expenses for the executing member State, are directed with prior coordination between the authorized State bodies of the member States.

33. Authorized State bodies of the member States may send procedural documents via mail directly to participants of the relevant cases in the territory of another member State.

34. A repeated request for information and documents, the order for conducting separate proceedings is allowed, in case of a necessity to obtain additional information or clarification of information obtained in the execution of the previous request or order.

35. The request for information and documents, and the order of conducting separate proceedings are executed within 1 month from the date of receipt or within another period agreed in advance by the authorized State bodies of the member States.

In case of a necessity to appeal to another public authority of the member State or to the business entity (market participant) of the requested member State the specified time increases for the duration of such appeal.

36. The requested authorized body of the member State conducts actions specified in the request or the order and answers the questions. The requested authorized body of the member State may on its own initiative, conduct actions, not covered by the request or the order, associated with their execution.

37. In case of impossibility of executing the request or the order within the time specified in the point 35 of this Protocol, the requested authorized body shall inform the requesting authorized body of the member State on impossibility of execution, of the assumed timing of execution of the request or the order.

38. The authorized bodies of the member States study the practice of execution of the requests for information and documents and the orders for conducting separate proceedings, and inform each other of the facts of their improper execution.

39. Documents issued or certified by the institution or by an official specially authorized for that within their competence and bearing the State seal in the territory of one of the member States, are accepted in the territory of the other member States without any special certification.

40. Legal assistance in cases of administrative violations may be refused, if the execution of the request is likely to harm the sovereignty, national security, public order or other interests of the requested member State or is contrary to its legislation.

41. Every member State shall bear the expenses arising in connection with the requests and the orders.

In some cases, the authorized bodies of the member States may agree on another procedure for expenses.

42. The authorized State bodies of the member States in the execution of the orders of conducting separate procedural and other actions carry out:

1) survey of persons regarding which the case is conducted, as well as witnesses;

2) vindication of documents necessary for the proceedings;

3) inspection of territories, premises, documents and objects of the person against whom the order is directed (except dwellings of such person);

4) obtain information from the government agencies and individuals necessary for the proceedings of case or consideration of case;

5) submission of documents or copies thereof to the participants of the case;

6) examination and other actions.

43. Procedural and other actions on relevant cases are made in accordance with the legislation of the member State.

44. In case if the law of the requested member State requires for conducting certain proceedings, issuance of special regulations of the authorized officials, their issuance is performed at the place of execution of the order.

45. By the agreement of the authorized State bodies of the member States, the separate proceedings in the territory of the requested member State may be performed in presence or with participation of the representatives of the authorized body of the

requesting member State in accordance with the legislation of the requested member State.

46. The authorized State bodies of the member States taking into account the requirements of their legislation exchange information:

1) on the state of the goods markets, approaches and practical results of de-monopolization under economic restructuring, methods and experiences in the prevention, control and suppression of monopolistic activity and in development of competition;

2) on information contained in the national business registers of the enterprise that has a dominant position and supplies goods to the goods markets of the member States;

3) the practice of reviewing the cases of violation of competition (antimonopoly) legislation by each of the member States.

47. The authorized State bodies of the member States cooperate in the development of national legislation and regulations on competition (antimonopoly) policies by providing information and providing methodical assistance.

48. Each of the authorized State bodies of the member States provides the authorized body of another member State any information on anticompetitive actions that it has, if such information is, in the opinion of the authorized body of the sending member State, relevant to or can be a basis for the enforcement activities of the authorized body of another member State.

49. Each of the authorized State bodies of the member States may submit to the authorized body of another member State a request for relevant information outlining circumstances of the case, for considering which the information is requested.

The authorized body of the member State that receives a request, provides to the requesting authorized body of another member State the available information that it has, if such information is considered by him as relevant for the enforcement activities of the requesting member State.

The requested information is sent within the terms agreed between the authorized State bodies of the member States, but not later than 60 calendar days from receipt of the request.

This information is used only for the purposes of the relevant request or consultation and should not be disclosed or transferred to the third parties without the consent of the authorized body of the member State that has sent this information.

50. In case if one of the member States believes that anticompetitive activities carried out in the territory of another member State adversely affect its interests, it may notify the member State within the territory of which the anticompetitive actions are performed, and may apply to that member State with a request to initiate appropriate enforcement actions related to the suppression of the relevant anticompetitive actions. This interaction is made through the authorized State bodies of the member States.

The notification shall contain information about the nature of the anti-competitive behavior and the possible consequences for the interests of the notifying member State, as well as a proposal for providing further information and other cooperation, which the notifying member State is competent to offer.

51. Upon receiving the notification in accordance with paragraph 50 of this Protocol, and after negotiations between the authorized State bodies of the member States (if they are necessary), the notified member State shall decide on the necessity of commencing the enforcement action or expansion of previously started enforcement actions against the anti-competitive practices stated in the notification. The notified member State shall notify the notifying member State of the decision. In the implementation of enforcement actions against anticompetitive actions specified in the notification, the notified member State shall inform the notifying member State of the results of the appropriate enforcement actions.

When deciding on the initiation of enforcement actions the notified member States is guided by its legislation.

The provisions of paragraphs 50 and 51 of this Article shall not limit the rights of the notifying member State to carry out enforcement actions under the legislation of that member State.

52. In cases of mutual interest in the implementation of the enforcement actions regarding interrelated transactions (performed actions), the authorized State bodies of the member States may agree on cooperation in the implementation of the enforcement actions. When deciding on cooperation in the implementation of enforcement actions the authorized State bodies of the member States shall take into account the following factors:

1) possibility of more efficient use of material and informational resources aimed at the law enforcement actions and (or) reduction of costs that the member States have in the course of the law enforcement activities;

2) possibilities of the member States regarding acquiring information that is necessary for the implementation of the law enforcement actions;

3) intended result of such interaction - increasing the possibilities of the interacting member States to achieve the objectives of their enforcement activities.

53. The member State properly notifying the other member State may restrict or terminate interaction under this Protocol and implement enforcement actions independently in accordance with the legislation of the member State.

54. The member State shall conduct agreed competition policy regarding the actions of the business entities (market participants) of third countries, if such actions could have a negative impact on competition on the goods markets of the member States, by applying norms of the legislation of the member States to such business entities (market participants) in the same manner and to the same extent, irrespective of their legal-organizational form and place of registration in equal conditions, as well as during interaction in the order prescribed by this section.

55. Information and documents provided within the framework of interaction on the matters specified in paragraphs 22-53 of this Protocol shall be confidential and may be used only for the purposes provided for in this Protocol. Use and transfer of

information to the third parties for other purposes is possible only with written agreement of the authorized body of the member State that has provided them.

56. Each member State shall ensure protection of information, documents and other information, including personal data provided by authorized body of another member State.

VI. Interaction of the Commission and the Authorized State Bodies of the member States in the Implementation of Control over Observance of Common Competition Rules

57. The interaction of the Commission and the authorized State bodies of the member States is carried out during the submission by the authorized State bodies of the applications on violation of common competition rules for consideration of the Commission, during consideration by the Commission of applications on violations of common competition rules on transboundary markets, conducting investigations of violations of common competition rules on transboundary markets, during consideration by the Commission of the cases of violation of common competition rules violation on transboundary markets, as well as in other cases.

If there is mutual interest of the authorized State bodies in the discussion of the most actual issues of the law enforcement practice, exchange of information and problems of harmonization of legislation of the member States, the Commission together with the authorized bodies of the member States conducts meetings at the heads level of the authorized State bodies of the member States and the member of the Collegium of the Commission in charge of competition and antimonopoly regulation issues.

The Commission conducts interaction with the central administrative offices of the authorized State bodies of the member States.

58. The decision to submit the application for consideration of the Commission is made by the authorized body of the member State at any stage of its review, performed

taking into account specificities established by the legislation of a member State, submitting the application.

In making such decision, the authorized body of a member State shall submit an appropriate written request to the Commission.

The request shall state:

title of the State body sending the application;

title of the business entity (market participant), actions (inaction) of which contain signs of violation of common competition rules;

description of the actions (inaction) containing signs of violation of common competition rules;

the boundaries of the goods market where the signs of violation have been revealed;

provisions of Article 76 of the Treaty, which in the opinion of the authorized State body of the member State, are violated.

The request includes an attachment of documents, in examination of which signs of violations of common competition rules were revealed, and which are necessary in the opinion of the authorized State body of the member State for reviewing the application by the Commission.

Submission by the authorized body of the member State to the Commission of the request is a basis for suspension of the application by the authorized body of the member State until the Commission adopts decision on conducting an investigation of violations of common competition rules, or on transferring the application (materials) to the authorized State bodies of member States according to the jurisdiction or on returning the application.

Authorized body of the member State informs the applicant of transferring of his application to the Commission within 5 working days from the date of its submission to the Commission.

Within a period not exceeding 5 working days from the date of receipt of the application on violation of common competition rules on transboundary markets, the

Commission notifies the authorized State bodies of the member States and the applicant of accepting the application for review.

59. The decision of the Commission to investigate violations of common competition rules on transboundary markets, or to transfer the application (materials) under their jurisdiction to the authorized State bodies of the member States is a ground for termination of consideration of the application by the authorized body of the member State.

60. The decision to transfer the application (materials) by the Commission for consideration to the authorized body of a member State is taken at any stage of its consideration, if the Commission finds that the suppression of violations of common competition rules is related to the competence of the authorized body of the member State.

In case of adopting such a decision the authorized structural subdivision of the Commission shall prepare a relevant request to the authorized body of a member State that shall be signed by a Member of the Collegium, responsible for the issues of competition and antimonopoly regulation.

The request shall state:

title of the business entity (market participant), actions (inaction) of which contain signs of violation of common competition rules;

description of the actions (inaction), containing signs of violation of common competition rules;

the boundaries of the goods market where signs of violation were revealed.

The request includes attached documents, in examination of which signs of violation of common competition rules were detected, and which in the opinion of the Commission are necessary for reviewing the request by the authorized body of the member State.

Within 5 working days from the date of submitting the application, the Commission shall notify the applicant of the transfer of the application to the authorized body of a member State.

61. In conducting an investigation of violations of common competition rules and considering cases on violation of common competition rules on transboundary markets, the Commission, if the information obtained upon request is insufficient to make a decision, may submit to the authorized State bodies of the member States a reasoned submission on conducting the following procedural actions:

survey of persons regarding whom the investigation and the relevant case is conducted, as well as of witnesses;

vindication of documents necessary for conducting investigations or for the proceedings of the case;

inspection of territories, premises, documents and objects of the person against whom investigation is conducted or a case on violations of common competition rules is considered (except for housing of such person);

submission of documents or copies thereof to participants of the relevant case;

examination and other actions.

Procedural actions, which are performed in the territory of a member State where the violator is registered, against whom the Commission conducts investigation or is considering a case on violation of common competition rules, are conducted in presence and / or with the participation of employees of the authorized subdivision of the Commission, as well as of the representative of an authorized body of the member State in the territory of which the violation was committed and / or there were negative consequences for competition.

Employees of the authorized structural subdivision of the Commission, as well as the representative of the authorized body of the member State, in the territory of which the violator is registered are present in performing procedural actions in the territory of a member State, where the violation was committed and (or) there were negative consequences for competition.

In case of impossibility of participation of the employees of the authorized structural subdivision of the Commission and (or) representative of the interested authorized body of the member State in performing procedural actions, the authorized body a member State implementing a reasoned submission of the Commission is entitled to conduct such procedural actions by himself with written notification on impossibility of attendance in performing such actions not later than 5 working days before their initiation.

62. The reasoned submission on conducting separate procedural actions shall be in writing and shall contain:

1) the number of the relevant case (if any) on which the information is requested, a detailed description of the violation and other relevant facts, the legal qualification of the act in accordance with Article 76 of the Treaty;

2) first names, father's names and last names of persons, regarding whom the Commission is considering the case or conducting investigation, of witnesses, their domicile or residence, nationality, place and date of birth, for juridical persons – their title and location (if such information is available);

3) the exact address of the recipient, and the title of the submitted document (if supply of the document is necessary);

4) list of information and actions to be submitted or executed (for conducting survey, it is needed to specify which circumstances should be clarified and refined, as well as to specify the sequence and wording of questions that the respondent must be asked).

63. The reasoned submission on conducting separate proceedings may also contain:

1) specification of the period of performance of the required activities;

2) request for conducting measures specified in the submission in a certain order;

3) names, father's names and last names of the employees of the authorized structural subdivision of the Commission who will be present during the measures specified in the submission, and, if it does not contradict the legislation of the requested member State, participate in their implementation;

4) other requests, related to the execution of submission.

64. Reasoned submission on conducting separate proceedings shall be signed by a member of the Collegium of the Commission in charge of competition issues and

antimonopoly regulation. Copies of the documents referenced in the text of the reasoned submission, as well as other documents necessary for proper execution thereof must be attached to the reasoned submission.

65. The authorized body of the member State, executing the reasoned submission by the Commission performs procedural actions listed in the reasoned submission of the Commission, in accordance with the legislation of its member State and only regarding persons, located in the territory of executing member State.

66. The reasoned submission on conducting examination and other proceedings, performance of which requires additional expenses for the requested member State is executed after agreeing on the issues of reimbursement between the Commission and the authorized body of the member State to which the submission is submitted.

67. The reasoned submission on conducting separate proceedings is performed within 1 month from the date of its receipt or a different period agreed in advance between the Commission and the authorized body of the member State to which it was directed.

In case if it is needed to appeal to another public authority of the member State or the business entity (market participant) of the executing member State, the specified timeframe increases for the duration of such appellation.

68. The authorized body of the executing member State performs actions specified in the reasoned submission and answers to the asked questions, and may on its own initiative conduct actions, not provided by the reasoned submission, related to its execution.

69. In the case of impossibility of execution of the reasoned submission or execution thereof within the terms specified in paragraph 67 of this Protocol, the authorized body of the member State shall inform the Commission of the impossibility of execution of the reasoned submission, or of the expected timing of its execution.

70. Execution of a reasoned submission on conducting separate proceedings may be denied in whole or in part, only in cases if its execution may impair the sovereignty, national security, public order of the executing member State or is contrary to its

legislation, of which the Commission is notified in writing by the member State. The Collegium of the Commission has the right to raise the issue of validity of a refusal of the authorized member State from executing the reasoned submission to the consideration of the Council of the Commission for making a decision.

71. Documents issued or certified by the institution or by a specially authorized official within their competence and bearing the State seal in the territory of a member State to the authorized body of which the reasoned submission is sent, are accepted by the Commission without any special certification.

72. The repeated submitting of a reasoned submission on conducting separate proceedings is allowed, if it is necessary to obtain additional information or clarification of information obtained in the execution of the previous submission.

73. If a reasoned submission on conducting separate proceedings is sent within a single case of violation of common competition rules on transboundary markets to two or more authorized bodies of the member States, the employees of the authorized structural subdivision of the Commission shall coordinate interaction with the authorized bodies of the member States with the Commission.

74. In conducting investigation of violations of common competition rules and considering cases of violation of common competition rules on transboundary markets, the Commission may send requests on submitting information and documents to the authorized bodies of the member States.

75. The request on submission of information and documents is made in writing and shall contain:

purpose of the request;

number of the relevant case (if available), under which the information is requested, detailed description of the violation and other relevant facts, legal qualification of the action in accordance with Article 76 of the Treaty and this Protocol;

information on the person regarding whom the relevant case is being considered (if available):

for individuals – surname, name, father's name, place of domicile or residence, nationality, place and date of birth;

for juridical persons – title and location;

term, within which the information should be submitted, but not less than 10 working days from the date of the receipt of the request;

list of information, subject to submission.

The request should include attached copies of the documents, reference to which are contained in the text of the request, as well as other documents, necessary for proper execution of the request.

76. The authorized body of the member State submits the available information within the terms established in the request.

77. In case execution of the request is impossible (if its execution may harm sovereignty, national security, public order of the member State or contradicts to its legislation) the requested authorized body of the member State informs the Commission within the period not exceeding 10 working days from the date of the receipt of the request, indicating reasons for impossibility of submitting information, and in case if the information cannot be submitted within the timeframes established by the Commission, designates the term, within which it will be submitted.

78. In the case of submission by the Commission during the investigation of violations of common competition rules and consideration of cases of violationsof common competition rules on transboundary markets, of the request for information and documents to the authorized bodies of the member States, juridical persons and (or) individuals of a member State, the Commission at the same time sends a copy of such request to the authorized body of the member State in the territory of which the requested authorized body is performing its functions, the business entity (market participant) is registered, or an individual temporarily or permanently resides.

79. If additional information or clarification of information obtained in the execution of the previous request is needed, a second request for submission of information and documents may be sent to the authorized body of a member State.

80. Work with documents submitted to the Commission by the authorized bodies of the member States and containing confidential information shall be conducted in accordance with an international treaty within the framework of the EAEU.

VII. Introduction of the State Price Regulation of Goods and Services in the territory of the Member States

81. Introduction by the member States of the State price regulation on the goods markets, not in the state of natural monopoly, is carried out in exceptional circumstances that include, inter alia, emergencies and natural disasters, national security issues, provided that the problems cannot be solved by methods having a smaller negative impact on the state of competition.

82. As an interim measure, the member States can introduce State price regulation for certain types of socially important goods on certain territories for a specified period in accordance with the legislation of the member States.

The total duration of application of State price regulation provided for in this paragraph under one type of socially important goods on a certain territory may not exceed 90 calendar days within one year. Extension of this period may be agreed with the Commission.

83. On the introduction of State price regulation provided for in paragraphs 81 and 82 of this Protocol, a member State shall notify the Commission and other member States within a period not exceeding 7 calendar days from the date of adopting the relevant decision.

84. The provisions of paragraphs 81 – 83 of this Protocol, do not apply to State price regulation of all services including the services of natural monopolies, as well as to the sphere of State and goods interventions.

85. The provisions of paragraphs 81 - 83 of this Protocol, except for services listed in paragraph 84 of this Protocol, shall not apply to State price regulation for the following goods:

1) natural gas;

2) liquefied gas for household needs;

3) electric and heat energy;

4) vodka, liquor and other alcoholic beverages with strength exceeding 28 per cent (minimum price);

5) ethyl alcohol from food raw material (minimum price);

6) solid fuel, heating fuel;

7) production of nuclear energy cycle;

8) kerosene for household needs;

9) petroleum products;

10) medicals;

11) tobacco products.

86. In case if one of the member States addressed to the Commission a request of disagreement with the decision of another member State on introduction of the State price regulation, envisaged in paragraphs 81 and 82 of this Protocol, the Commission may adopt a decision on the necessity of repealing the State price regulation under grounds, stipulated in paragraph 87 of this Protocol.

87. The decision on the necessity of repealing the State price regulation is adopted by the Commission, if such regulation results or may result in restriction of competition, including:

creation of obstacles to enter the market;

reduction on the market of the number of business entities (market participants) not entering one group of persons.

The member State that challenges the decision on the introduction of State price regulation by another member State must prove that the purpose of the introduction of State price regulation can be achieved with another method, having a smaller negative impact on the state of competition.

The Commission adopts a decision on the presence of or on the absence of the necessity of repealing State price regulation within the period, not increasing 2 months from the date of submission to the Commission of the request envisaged by paragraph 86 of this Protocol.

88. The Commission shall review the application of the member State challenging the decision to introduce the State price regulation by another member State in the order established by it.

89. The decision of the Commission on the necessity of repealing State price regulation, adopted on the basis of paragraph 87 of this Protocol, not later than the day following the day of adopting the decision is sent to the body of the member State, which adopted the decision on introducing State price regulation, and is implemented in accordance with the legislation of the member State, which adopted the decision on introducing the State price regulation.

If the member State does not agree with the decision of the Commission on the necessity of repealing the State price regulation, the issue is submitted for consideration of the Supreme Council. In this case, the decision of the Commission shall not be executed prior to its consideration by the Supreme Council.