

**Cooperation Agreement
in the field of competition policy between
the Hungarian Competition Authority
and the Federal Antimonopoly Service (the Russian Federation)**

The Gazdasági Versenyhivatal (the Hungarian Competition Authority hereinafter called “the GVH”) and the Federal Antimonopoly Service of the Russian Federation (hereinafter called “the FAS Russia”) hereinafter referred to as the “Parties”,

Expressing the wish to promote cooperation in the field of competition policy,

Aiming at creation of favourable conditions for further development of cooperation of the Parties established by the Memorandum on the co-operation between the Office of Economic Competition of the Hungarian Republic and the State Antimonopoly Committee of the Russian Federation of August 29, 1997,

Based on the principles of equality and mutual benefit,

Highlighting the defining role of competition policy in promoting the effective development of market economy,

Have agreed as follows:

Article 1. Objectives of the Agreement

The objective of the Present Agreement shall be to strengthen co-operation between the Parties in the field of competition policy particularly as regards common general issues of implementation of competition policy, investigating actions of economic entities that may negatively affect competition in the territory of the Republic of Hungary and/or the Russian Federation as well as in the area of competition advocacy.

Article 2. Cooperation on general matters

1. As regards cooperation on common general issues of implementation of competition policy, the Parties shall:
 - a) exchange experience in the field of conducting investigations related to violations of the competition legislation of the states of the Parties,
 - b) make available to each other annual statistics and data in their activity reports, texts of the laws and other regulations of their states, methodological

recommendations on the principal directions of the Parties' activity and other relevant materials on the development of the antitrust legislation,

- c) provide assistance to each other in establishing necessary relations with legislative, executive and judiciary bodies of their states,
 - d) engage specialists in holding consultations with the aim to exchange experience when investigating individual cases of violation of the national competition legislation.
2. The FAS Russia shall render assistance to the GVH by providing information on the FAS Russia's experience concerning its participation in the Interstate Council on Antimonopoly Policy operating within the frameworks of the Commonwealth of Independent States.
 3. The GVH shall inform the FAS Russia, in due time, about all the events in the sphere of competition organised by the GVH or organised with the participation of the GVH. The GVH shall provide the FAS Russia with the detailed information about the programs organised by the OECD/GVH Regional Centre for Competition in Budapest (Hungary) (RCC).

Article 3. Cooperation in individual cases

1. The provisions of the Articles 4, 5, 6 of the Present Agreement shall be applicable in investigating actions of the economic entities realised in the territory of the states of the Parties, which have or could have a negative impact on competition in the Republic of Hungary and/or in the Russian Federation.
2. For the purposes of application of the Articles 4, 5 and 6 of the Present Agreement the notion "the actions of the economic entities, which have or could have a negative impact on competition" shall mean:
 - a) abuse of dominant position by the economic entities established in the states of the Parties;
 - b) agreements or concerted practices of the economic entities established in the states of the Parties or decisions by associations of the economic entities established in the states of the Parties which have as their object or effect or likely/possible effect the prevention, restriction or distortion of competition;
 - c) transactions and other actions of the economic entities established in the states of the Parties, in particular those of changing control of such economic entities, that lead or may lead to substantial lessening of competition.
3. These actions shall be understood by the parties in accordance with the followings:

- as for the GVH: Act LVII. of 1996 on the Prohibition of Unfair and Restrictive Practices;
- as for the FAS Russia: the Federal Law of July 26, 2006 №135-FZ “On Protection of Competition”.

Article 4. Notification

1. If one of the Parties establishes that actions of the economic entities in the territory of its state have or could have a negative impact on competition in the territory of the other Party’s state, the former shall notify the latter about that.
2. If one of the Parties establishes that competition in its state can be negatively affected by the actions of the economic entities taken place in the territory of the other Party’s state, the former shall notify the latter about that.
3. Notification shall be sent in written form and shall contain a brief summary description of the essence of findings of fact, references to applicable national laws and regulations, and other pieces of information, which the sending Party considers to be necessary for the notification.
4. The Party, which received notification shall consider the possibility of taking the appropriate measures pursuant to requirements of its applicable national legislation and shall inform the other Party on the results.

Article 5. Request of information

1. In the course of investigating actions of the economic entities which have or could have a negative impact on competition, each of the Parties shall have the right to send a request for information on activities of the economic entities established in the states of the other Party. The requested information can be used only within the frameworks of implementation of the present Agreement and for the objectives the information was requested for.
2. The request of information shall be provided in the written form and shall contain the objective of use of the information, description of the case with application of any appropriate documents. Information obtained upon request may be used by the Party only for the purposes specified in the request.
3. The requested information shall be provided not later than three months after receipt of the request. In case of occurrence of circumstances which may lead to missed deadlines to provide information or in case of impossibility to provide requested information the Party which received the request shall inform the other Party about it. Refusal to provide information shall be motivated.

Article 6. Consultations

1. During the investigation of actions of the economic entities that which have or could have a negative impact on competition, each Party shall have the right to request another Party for holding consultations on any matters covered by the present Agreement.
2. The Party interested in holding consultations shall submit the written request on holding the consultations with application of the necessary documents as well as with the grounds and conditions of such consultations.
3. The Parties shall hold the consultation not later then three months after receipt of the request unless otherwise agreed.

Article 7. Confidentiality

1. The Parties shall not disclose information received in the process of joint activities within the frameworks of the Present Agreement unless the Parties agree otherwise.
2. Notwithstanding any other provision of the Present Agreement, neither Party is required to communicate information to the other Party if such communication is prohibited by laws of the state of the Party, possessing such information.
3. Except as otherwise provided by the Parties, each Party shall maintain the full confidentiality of any information communicated by the other Party within the Present Agreement. Each Party shall prevent disclosing information received from another Party to third parties.

Article 8. Correlation with other international agreements

The present Agreement shall not affect the rights and obligations of the Parties relating to other international agreements where the Parties' state participates, as well as those arising from Hungary's membership in the European Union.

Article 9. Financial conditions

All the expenses related to travel, meals, accommodation of the Parties' representatives in the territory of the receiving Party's state with regard to participation of experts in different events and meetings shall be covered by the sending Party.

Article 10. Settlement of disputes

Disputes between the Parties about the interpretation and application of provisions of the Agreement shall be settled by holding consultations and negotiations.

Article 11. Concluding provisions

1. The Parties agree that in parallel with the entry into force of the present Agreement the Memorandum on the co-operation between the Office of Economic Competition of the Hungarian Republic and the State Antimonopoly Committee of the Russian Federation of August 29, 1997 is repealed.
2. The present Agreement shall enter into force from the date of its signature and shall be effective before expiration of six months from the date of getting by either Party a written notification from the other Party on its intention to terminate the Agreement.
3. Obligations of the Parties on the protection of the confidential information obtained as a result of application of the Present Agreement shall continue to exist even after termination of the Present Agreement.
4. All the amendments to the present Agreement shall be made by mutual agreement and in the written form and signed by both Parties.

The present Agreement is signed in Moscow on September, 28, 2010 in two original copies each in Hungarian, Russian and English, all three texts being equally authentic. In case of any divergence of interpretation, the English text shall prevail.

For the Hungarian Competition
Authority



For the Federal Antimonopoly Service
(the Russian Federation)

