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Assessment of the Eurasian Union Competition Rules and Regulations

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INTERGOVERNMENTAL GROUP OF EXPERTS ON
**COMPETITION
LAW AND POLICY**



ASSESSMENT OF THE EURASIAN UNION COMPETITION RULES AND REGULATIONS





THE SECRETARIAT'S LEGAL ASSESSMENT: OUTLINE

- 1 . Scope and limitations
2. Overall comments to the EAEU Treaty and its annex 19
3. Analysis of some specific EEC regulations
4. Conclusions and Recommendations.



1. SCOPE

- Treaty of the EEU and its annex 19
- Criteria of market classification as cross-border market
- Agreement on the procedure for protecting confidential information and liability for its disclosure upon exercise by the Eurasian Economic Commission of powers to control compliance with single competition rules
- Decision no. 71 on the procedure for handling restricted distribution (confidential and official use) documents in the Eurasian Economic Commission (September 18, 2014)
- Procedures to consider applications on violations of the general rules of competition in cross-border markets
- Procedures to investigate violations of the general rules of competition in cross-border markets
- Procedures to consider cases of violation of competition rules
- Methods of evaluation of competitive situation
- Methods of identifying monopolistic high (low) prices
- Methods of calculation and procedure for imposition of fines for violation of common competition rules at cross-border markets





2. OVERALL COMMENTS TO THE EAEU TREATY AND ITS ANNEX 19

- Definition of economic entity
- Obligation to respect regional rules
- Unfair competition
- Coordination of economic activities of third companies
- Extraterritorial powers
- Leniency programme
- Merger control



3. ANALYSIS OF SOME SPECIFIC EEC REGULATIONS

- Criteria of market classification as cross-border market
 - Centralized vs. decentralized enforcement of competition rules
 - Inclusion of new criterion to establish the relevant market
- Procedures to protect confidential information
 - Regional definition of confidential information in the Treaty provision
 - Assessment of confidentiality
- Procedures for considering applications, investigating violations and considering cases of violation of competition rules
 - Excessive regulation of three different decisions
 - Need to define the term “signs of violation”
 - Proposals vs. commitment decisions



3. ANALYSIS OF SOME SPECIFIC EEC REGULATIONS (CONT’)

- Methods of evaluation of competitive situation; Identifying monopolistic high (low) prices and Calculation and procedure for imposition of fines
 - Excessive complexity of the provisions
 - Regulation of prices
 - Complexity in the calculation and imposition of fines



4. CONCLUSIONS

- The Eurasian Economic Community comprises an effective regional competition regime since the entry into force of the EAEU Treaty in January 2015.
- Some national laws of its member States have been amended in order to comply with the new set of rules on competition as per the Section VI of the Treaty together with its Annex 19
- The effectiveness of the Eurasian regional competition law system can be assessed according to a combination of factors, both endogenous and exogenous. The design of the legal framework has entrusted the EEC with exclusive competencies regarding anticompetitive practices affecting cross-border markets of the region.



THANK YOU

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