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Challenges Faced by Small Agencies and those in Developing Economies

Contribution from the Russian Federation

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Challenges Faced by Small Agencies and those in Developing Economies: Advocacy

-- Russian Federation --

1. Competition advocacy methods

1. In the modern world information becomes the resource so important it has never been before. For effective functioning, it is necessary for every company to gain, maintain, analyse and exchange information to be competitive and face recognition in the minds of their consumers. Today the same is relevant for public authorities, which are required to be open, transparent and clear evaluated. It also concerns the competition policy and competition authorities that deal with claims from legal entities and citizens which expect from competition authority openness and effectiveness. It is very important for them to find any information needed for submit claim to the competition authority and gain an adequate response. That is why communication in competition authorities is one of the key functions.

2. It is also important to promote and advocate competition among business and citizens aiming at dissemination of information of all the stakeholders about key principles and importance of competition as well as changes in national competition legislation.

3. The FAS Russia developed and adopted communication policy oriented on different focus-groups in accordance with which the authority has a number of stakeholders: international society, national public authorities, business community and citizens.

2. Communication with business community and citizens

4. The FAS Russia has different ways of competition advocacy to business, among them are:

- System of public assessment;
- Operation of the number of Expert Councils on various aspects of competition enforcement under the FAS Russia in order to ensure close communication;
- Close co-operation with the Competition Experts Association and Non-commercial Partnership “Supporting Competition in CIS Countries”;
- Organisation of workshops and conferences to popularise and explain the necessity of compliance with competition legislation;
- Reception Office of the FAS Russia.

5. All these ways have a double importance for the FAS Russia. From the one hand, it is crucial to inform business about activity, decision-making policy of the FAS Russia as well as changes in antimonopoly legislations. On the other hand, meetings with business and creation of advisory bodies allow the Russian competition authority to get feedback from business community concerning initiatives of the FAS Russia and

understand the level of clearness of activity of the FAS Russia to business. All these actions help the FAS Russia to improve its activity and develop communication strategy.

6. One of the helpful instruments is the system of public assessment. At the FAS Russia and its Regional Offices the expert and the public advisory boards which unite both representatives of public organisations and ordinary citizens. Annually an independent organisation is carrying out an interview of citizens and business structures, including telephone interviews, regarding their satisfaction with the FAS Russia's performance (professionalism of the antimonopoly authority's staff, efficiency and availability of providing information by the FAS Russia etc.).

7. The FAS Russia created the Council for Competition the members of which are the representatives of the most authoritative non-commercial and business associations, such as the all-Russian public organisation of small and medium business "SUPPORT OF RUSSIA", the Russian Union of Industrialists and Entrepreneurs, the Chamber of Commerce and Industry of the Russian Federation, the all-Russian public organisation "Business Russia", the Union of Public Associations "International Confederation of Societies of Consumers", the Competition Experts Association and others. The Council carries out the monitoring of the FAS Russia's performance, draws up recommendations on the improvement of antimonopoly law and enforcement practice. Similar councils are formed under the regional offices of the FAS Russia. This is the way the key representatives of business community could participate in decision-making process and make the legislative activity of the FAS Russia as open and transparent as possible.

8. There are also 28 Advisory Councils on the key markets at the FAS Russia (for example, the Advisory Council on Competition Development on the Markets of Oil and Oil Products, the Advisory Council on Competition Development on the Agro-Industrial Complex, Advisory Council on Financial Markets, etc.). The structure of the Advisory Councils includes participants of the markets, representatives of non-commercial associations and regulatory authorities. Such practice allows the FAS Russia to estimate objectively a situation in the relevant markets and increases transparency and reasonableness of decisions made by the FAS Russia.

9. Legislative initiatives and enforcement of the FAS Russia are assessed within the frameworks of interaction with the Competition Experts Association and the Non-Commercial Partnership «Supporting of Competition Development in CIS Countries» (hereinafter – the Partnership). It should be mentioned that over the last years all amendments to the antimonopoly legislation were drafted with participation of the Association and Partnership. That kind of co-operation creates a new model of interaction between the professional community and competition authorities.

10. Since 2011 the assessment of the FAS Russia's performance in the form of questioning is carried out by the Competition Experts Association and the Association of Corporate Lawyers (ACL) within which respondents estimate transparency of the FAS Russia's performance, consecutive constructive open dialogue with business community and professional legal community, activity of the authority on explanation of questions of the antimonopoly law enforcement, activity of the Advisory Councils, the organisation of activity of public reception offices.

3. Media advocacy

11. Within the structure of the FAS Russia has a special department a (Public Relations Department) - which is responsible for media activity.

12. Aiming at developing clearness, transparency and openness of the authority, the FAS Russia has a special strategy of presenting the authority in the media. For that purposes the FAS Russia has a huge number of tools: developing of the official web-site in Russian and English www.fas.gov.ru (www.en.fas.gov.ru) (the design of web-site is regularly updated), working with TV, radio and printed media, creation of accounts in social networks (Facebook, Livejournal, Twitter). The FAS Russia has its own YouTube channel, a special web-page «Anticartel» and e-journal «Russian competition law and economics» (the digest of this journal is in English too).

13. Moreover, the FAS Russia publishes books, brochures and booklets on the relevant topics of its responsibility. These publications contain information on specific issues of practical application of the antimonopoly legislation in the field of suppression of anticompetitive actions and agreements and methodological materials that reflect the experience of the FAS Russia.

14. On a quarterly basis «Russian Competition Law and Economics» electronic research-to-practice journal is published on FAS electronic resources.

15. The main objective of the electronic publication is to support competition development in Russia and across the entire space of the Eurasian Economic Union (Russia, Belarus, Kazakhstan, Armenia and Kyrgyzstan). Thanks to the journal, readers get first-hand news about the antimonopoly law and enforcement practice, the most difficult and interesting antimonopoly cases heard by Courts.

16. The journal is intended for the staff of the antimonopoly bodies, representatives of the business community, specialists, consultants and members of general public.

17. In the Russian Federation there are also some other specialised publications on competition policy such as «Competition today» «Competition and Law», «Competition and Market». These journals are published on a regular basis and include papers, interviews and opinions of FAS top-officials and experts, as well as materials from the leading lawyers and economists specialising in antimonopoly policy.

18. The Russian antimonopoly body is actively working with young people. In particular, Olympics for schoolchildren and contests for students are held. The purpose of these events is to increase the legal and civic culture of young people in sphere of competition policy. Winners are awarded with a Diploma, and also receive benefits for entering universities, as well as an opportunity to pass an internship in the FAS Russia and its territorial bodies. The holding of events is supported by many educational institutions in Russia.

19. It is necessary to note the interaction with the academic community: creation of the Scientific Council on problems of competition protection co-headed by the Head of the FAS Russia and Mr. Andrey Lisitsin-Svetlanov, Doctor of Law, Professor, as well as functioning of 49 specialised Departments of competition law and antimonopoly regulation in the leading Russian Universities. This activity is aimed at bringing together leading Russian academics and antimonopoly authority for combating dangerous forms of infringement of fair competition, determining the most promising areas of research in the

development and protection of competition, as well as competition law, and training of a sufficient number of specialists.

20. For achievement of competition advocacy objectives is also facilitated by annual public events such as: Russian Competition week, Annual International Conference “Antimonopoly Policy: Science, Practice, Education”, training workshops and study visits for representatives of foreign competition authorities in the Training-and-Recourse Centre of the FAS Russia in Kazan city, regional seminars in the regions of the Russian Federation. This events usually attend the Heads and representatives of Russian and foreign competition authorities, international organisations and integration associations, CIS member-states, as well as representatives of the law enforcement and judicial bodies, business and academic communities, for exchanging view and experiences and discussing possible ways of solutions of the main problems.

21. For several years the FAS Russia has worked with social media aiming at competition advocacy and informal but effective co-operation with citizens via Internet. For example, more than 5 years ago the FAS Russia created the Twitter account in two languages (@rus_fas and @FAS_RF). All the main news with the links to official press releases are translated there, press secretaries provide for live tweet-broadcasting and photo reports from public events. The broadcasting is welcomed to be completed by any user, so a person who is not able to participate in an event has an objective image of the event before official press releases or paper articles are published.

22. Moreover, officers of the FAS Russia could immediately react on all the messages addressing to @rus_fas account. That is why Twitter account is a tool of bilateral communication and it helps citizens to have a quick reply on all the questions. The last year citizens and media representatives have get a chance to address questions for press conferences of our Head or his Deputies or other events via Twitter account. It means that, being in different parts of our country and not participating in the event personally, they can get an answer on their questions.

23. As a result, effective work with citizens and informative messages have allowed us to attract attention of almost 200 000 users. They discuss amendments, gain information about violations and follow the latest news in the field of competition policy along with us.

24. We take care about the opinion of citizens and business structures; that is why the FAS Russia is on-line almost every day of the year. As Twitter account is the most popular account of the FAS Russia, we use it to promote authority’s accounts in other social networks.

25. The FAS Russia also works with foreign competition media sources for the purpose of bringing to broad international community the news and experience of the FAS Russia. Moreover, on a daily basis Public Relations Department monitors mass media on of mentioning of the FAS Russia in the news and articles. It is important to know public reaction to any authority’s message, case decision or suggestion on the development of product markets. Such monitoring allows us to take into account the opinion of mass media and business, to keep a close watch on negative publications in mass media and react to them timely. It also helps us to make correct decisions while planning the future activity. The Head of the FAS Russia and his Deputies look through the results of this monitoring every day.

26. Creation of outdoor and audio advertising, animated films and social video that tell about common types of violation of antimonopoly legislation is actively used by FAS Russia for informing public about its activities.

27. The FAS Russian understands importance of competition advocacy and does all possible efforts to make communication with all the stakeholders effective and efficient. It is important not only to popularise and advocate competition principles but gain a feedback from business and citizens. Public opinion is also crucial for our activity.

28. In the process of preparation of amendments to competition legislation the FAS Russia discusses its initiatives with business community, considers their proposals and opinions. Moreover, proposals of business very often are included in the list of initiatives of the FAS Russia, which presents for consideration of the Government of the Russian Federation.

29. Media activity for the FAS Russia is not the only way to inform people and gain a feedback but also a channel for collecting evidences for case investigation.

30. Openness, co-operation and effectiveness are core principles of the FAS Russia. Ways and means of enhancing effectiveness of competition enforcement and advocacy play an important role in their implementation.

31. However, it should be noted that the FAS Russia carries out activities of competition advocacy on a limited budget. In these circumstances it is necessary to establish a system of priorities that will contribute to competition advocacy and develop competition culture, particularly:

- focus on effective methods (in case with the FAS Russia it is the use of social networking and Internet resources)
- use external resources such as: participation and organisation of international events and visits of leaders and experts from foreign competition authorities, development of co-operation within international organisations and associations to promote competition;
- search like-minded people (for the FAS Russia, it is practicing lawyers, organisations, small business and consumer organisations).