Antitrust and Competition

Competition law is one of the core practices of GRATA International. Our lawyers are acknowledged experts in the field of competition law.

Firm’s competition practice has a unique geographical coverage. GRATA International’s offices in 19 countries work closely on cross-border projects providing our clients, international companies, with competition law expertise in several countries of a vast region. We have represented our clients in numerous investigations of antitrust authorities and in litigations on the matters of competition. We have a rare experience of successfully representing the client in the Eurasian Economic Commission’s investigation into prohibited subsidy.

We have a significant experience in reviewing commercial contracts and policies for compliance with antitrust legislation. Experience of our lawyers includes many projects which involved drafting and analysing distribution contracts and dealer contracts of world’s largest companies.

We take pride in the fact that major transnational corporations choose GRATA International as their permanent legal advisor in representing them on the antitrust matters.

Our services:

- Obtaining merger clearance;
- assisting clients over the course of the Antitrust Authority’s inspections and investigations, appealing orders of the Antitrust Authority;
- advising on the unfair competition, anticompetitive agreements and abuse of dominant position;
- representation in competition-related dispute resolution;
- analysing contracts, policies and other documents for compliance with the competition law;
- antitrust audit and compliance: inspections of businesses for compliance with competition law, development of internal documents and implementation of internal compliance procedures, training of employees, and etc.;
- advising on natural monopolies and tariff regulation;
- advising on state procurement;
- advising on competition aspects related to product distribution and manufacturing.
- advising on the competition law matters of the Eurasian Economic Union;
- representing our Clients in the matters of violation of the competition rules on cross-border markets reviewed by the Eurasian Economic Commission;
- representing our Clients in investigations of the Eurasian Economic Commission on the matters of prohibited subsidies;
- seminars and trainings on the matters of antitrust regulation.

Brochure:
Industries

- CONSTRUCTION & INFRASTRUCTURE
- PHARMACEUTICALS & HEALTHCARE
- TECHNOLOGY, MEDIA & TELECOMMUNICATIONS
- TRANSPORT

Recognition

Russia

Pravo 300, 2020, II group

Experience

Azerbaijan

- Advised a major multinational company in the production of consumer goods on the compliance of activities with...
antitrust laws, as well as successfully representing its interests in the antitrust authority.

- Advised a regional cargo carrier on antitrust matters and obtaining an acquisition clearance from state regulators.
- Advised a world-known FMCG companies as to various aspects of advertising and antitrust issues.
- Acted as a local legal counsel in cross border merger project and successfully represented the Globalink company before the state Antitrust authorities and obtained consent of the latter for the project.
- Advised a foreign state oil company, one of purchasers of shares in a PSA project, on antimonopoly and antitrust regulations of Azerbaijan.

Belarus

- Representation of the interests of a leading Belarusian manufacturer of metering devices and regulating thermal energy and measuring liquid consumption in antitrust authorities on the issue of trademark protection and know-how in unfair competition.
- Legal Protection of the Polish manufacturer of building materials in a dispute with the antimonopoly authority on the improper use by the client of discounted energy tariffs. The amount of the dispute is about 1,000,000 US dollars.
- Representation of the interests of a developer and manufacturer of equipment and solutions for professional mobile radio communications in the process of appealing the results of tenders at the Ministry of Antimonopoly Regulation and Trade of Belarus (MART of Belarus). We have succeeded in canceling the public procurement procedure financed from the budget, due to its inconsistency with the competition law.
- Organization of obtaining the consent of the MART of Belarus for the reorganization in the form of a merger, with the redistribution of shares in the authorized capital the company - a large wholesale supplier of petroleum products.
- Legal Support for obtaining the regulator’s consent for a foreign investor to complete the purchase and sale of shares in the authorized capital of a large company - developer of a prestigious residential quarter in Minsk.
- Representation of interests of a Polish company in the acquisition of a majority stake in a Belarusian company -seller of children’s clothing, including coordination of the transaction with the antimonopoly authority, structuring of the transaction, etc.
- Advising a large construction company in the energy industry on the creation / joining of a holding and on preparation of local acts of the holding (Regulations on the holding, on the Holding Council, on creating a centralized holding fund and using its funds by holding members).
- Advising a large pharmaceutical company on the need to obtain the consent of the MART of Belarus when making an M&A transaction.

Georgia

- Working as local expert of Detecom GmbH on drafting of competition regulation in Communication sector (World Bank project).
- Representing large black sea port terminal operator in against allegations of abuse of dominant power.
- Providing expert advice on BIT dispute for international arbitral tribunal originated from domestic litigation on
Kazakhstan

- Permanent legal advisor to one of the major automobile manufacturers on the matters of antitrust regulation in Kazakhstan.
- Permanent legal advisor to one of the major payment systems on the matters of antitrust regulation in Kazakhstan.
- Representation of one of the major electronics manufacturers in the Antitrust Authority’s investigation in the matters of unfair competition.
- Represented a major steel producing company in Kazakhstan in the Eurasian Economic Commission’s investigation in the case of prohibited subsidies (a potential fine was 800 million US dollars).
- Represented one of the major Kazakhstani broadcasting companies in the Antitrust Authority’s investigation in the case of abuse of dominant position.
- Obtained the Antitrust Authority’s merger clearance for Total SA in acquisition of Maersk Oil (the deal was valued at 7.45 billion US dollars).
- Obtained the Kazakhstani Antitrust Authority’s merger clearance for the Sberbank group in acquisition of Intercomp JSC (the deal was valued at 1.3 billion US dollars).
- Obtained the Kazakhstani Antitrust Authority’s merger clearance for one of the major Russian railway companies in acquisition of the controlling stake in the major Russian container operator (the deal was valued at 60.3 billion Russian rubles).
- Advised CITIC Bank Corporation Limited on the antitrust matters in acquisition of Altyn Bank JSC.
- Advised Ericson on the matters of the Kazakhstan competition law.
- Advised one of the major pharmaceutical companies in the world on the matters of the Kazakhstan competition law.
- Analysed a distribution contract of one of the major energy drink companies in the world for compliance with the Kazakhstan competition law.
- Analysed a distribution contract of one of the major Fast-Moving Consumer Goods companies in the world for compliance with the Kazakhstan competition law.
- Analysed a distribution contract of one of the major manufacturers of pneumatic air tools and monitoring systems for compliance with the Kazakhstan competition law.

Kyrgyzstan

- Advising a Russian company on the transfer of a 30% stake in a natural monopoly entity in the Kyrgyz Republic.
- Consulting one of the Russian offices of 2GIS on the issues of advertising electronic cigarettes, smoking mixtures for vapes and cryptocurrencies on the Internet and contextual advertising (pop-up ads) in mobile applications. The work also involved contacting the antimonopoly committee on issues not regulated by law.
- Consulting and protection of the rights and interests of “RG Brands Kyrgyzstan” in the process of resolving the issue of distribution of inappropriate advertising.
Advising Arzinger Ukraine on Kyrgyz antitrust legislation requirements pertaining to perfume and cosmetics labeling.

Advising a major German railway operator on acquisition of 100% shares of the local logistics company and antitrust regulation.

Advising a major German healthcare company on antitrust regulation and review of supply agreements with local companies.

**Moldova**

- Representing the Moldovan subsidiary of one of the largest pharmaceutical companies in the world in relation to a landmark competition case in Moldova concerning the first antitrust investigation dealing with an alleged abuse of dominance in the pharmaceutical industry following the complaint filed by a competitor.

- Advising the largest local TV company in Moldova in connection with the antitrust investigation launched by the national competition authority regarding the abuse of dominance carried out by the operator of the main cable network in Moldova in refusing to rebroadcast a must-carry TV channel operated by the group and in connection with the court challenge of an authority decision addressed to the sector authority recommending a change in legislation pertaining to the status of must-carry TV channels.

- Advising a leading German dialysis machines producer in connection with a significant number of competition law-related matters with a premier focus on the competition aspects entailed by its distribution relationships, such as special offers, discounts, exclusivities, selective distribution agreements, participation in tenders, and to the setting up of an emergency distribution system related to one of its products, in such a manner as to comply with the competition law requirements.

- Advising a European leasing company, part of an international integrated banc assurance group, in respect of a recent complaint filed by a competitor with the national competition authority, alleging an abuse of dominance in respect of the Client’s market behaviour.

- Advising an Private Equity Firm – Investor in the Republic of Moldova, on a wide array of competition matters (merger control and State aid included) arisen in the context of the fund’s invested in Moldova, among others, in the health sector, with a total value of more than EUR 20 000 000.

**Mongolia**

- Analyzed an Importer Agreement (Distribution Contract).

- Advised on customer rights under regulation in Mongolia.

- Advised on labelling requirements of cosmetic products.

- Advised on labelling requirements on tobacco products.

- Advised on prevention of monopoly and dominating position in the market.

**Russia**
Moscow

- Advising a Turkish beverage company Anadolu Efes Biracilik & Malt Sanayii AS (Anadolu Efes) on the formation of a strategic alliance between Anadolu Group and SABMiller plc in Turkey, Russia, the CIS, Central Asia and the Middle East in a USD 1.9 billion deal.
- Advising Saint-Gobain on regulatory and merger control matters in connection with M&A transactions in Russia.
- Advising Repsol on acquisition of 100% shares of Evrotek holding subsoil use licenses.
- Advising Ecolab Inc. on Russian regulatory and merger control matters related to its acquisition of Champion group business.
- Advising a global producer of medical equipment on Russian competition law matters in relation to distribution, distribution structuring and other commercial arrangements, including compliance review of agreements, representing the company in an investigation of the antimonopoly authority.
- Advising a large retailer on merger control matters in a number of major M&A transactions, clearance with the antimonopoly authority.
- Representing clients (in the life sciences and FMCG sectors) before antimonopoly authority in proceedings on the alleged violations of competition law, investigations by the antimonopoly authority and administrative cases.
- Advising on Russian strategic investment law and foreign investment law matters in multiple major cross-border transactions (including in relation to Russian strategic subsoil users as well as other strategic businesses), obtaining prior approvals of the RF Government Commission.
- Advising major automotive manufacturers and banks in relation to joint marketing arrangements.
- Assisting a major automotive manufacturer with the preparation of the company’s compliance code.
- Advising on competition compliance matters and performing compliance audits.
- Advising a major Russian construction company on public procurement matters and tender requirements, review of public contracts.

Samara

- Assisting of the client (major group of suppliers of medical devices and equipment) initiated by the FAS of Russia on case on violation of the Antimonopoly law, expressed in the creation of a cartel to maintain prices at the state and municipal trading and coordination activities of participants of the procurement for 4 years, as well as the preliminary investigation indicated the client’s actions on the grounds of a crime under article 178 of the criminal code – the restriction of competition. Over four years, the group’s companies have signed more than 350 state contracts totaling about 1.6 billion rubles. As a result, criminal prosecution was not initiated, and the amount of illegal income of the group imputed to FAS Russia was significantly reduced.
- Representation in the commercial court of cassation of the Russian Federation of the interests of a client in respect of which the FAS of Russia has issued a decision on collusion with a state customer when purchasing construction work in order to create preferential conditions for him to participate in the auction, in a case challenging the said decision of the FAS of Russia. According to the position of the FAS of Russia as a result of an anti competitive agreement the client
could get an advantage in bidding with a price of more than 117 million rubles. The cassation instance of the commercial
court of the lower courts, which recognized the decision of the FAS of Russia as lawful, was canceled, and the case was
sent for a new trial.

**Saint Petersburg**

- Successful representation of the Client's interests - VPO REGION LLC within the framework of preparation and
  consideration of a complaint by the FAS against the actions of the bankruptcy Trustee for conducting auctions in the
  framework of the debtor's insolvency (bankruptcy) case. The client's complaint against the actions of the bankruptcy
  Trustee was recognized by the FAS as justified.

**Tajikistan**

- Advising Telia Company on obtaining an antitrust clearance in connection with sale of its business in Tajikistan.
- Advising Kazakhstani “Halyk Bank” on the acquisition of a 100% stake in Kazkommertsbank Kazakhstan JSC and
  clearance of the acquisition with the regulator.
- Advising the logistic company Globalink DWC (Dubai) on disposal of a 51% stake and obtaining a prior consent of the
  Antimonopoly Service of Tajikistan.
- Advising Vostok Media Exchange Ltd on the acquisition of a 56% stake in the LLC Kashfiyot Takhilil Mashvarat and
  advising on antimonopoly aspects of the deal.
- Advising Singapore company BOPA Pte Ltd on the acquisition of a 20% interest in the capital of Matin Microcredit
  Deposit Organization LLC and on antimonopoly aspects of the deal.
- Advising CNPC Exploration and Development Company Limited on antimonopoly aspects of disposal of 40% of
  shares in the capital of a Tajik company.

**Ukraine**

- Obtaining antimonopoly clearance for acquisition of shares in a paper production company.
- Obtaining antimonopoly clearance for acquisition of four industrial companies in Ukraine.
- Obtaining permit for concerted actions related to omission of competition on the relevant market.
- Holding training sessions for top-management on protection of economic competition and developing relevant
  compliance programs.
- Obtaining preliminary decision of Antimonopoly Committee of Ukraine (“AMCU”) on ban of products sale and
  compulsion to subtract the goods from circulation due to violation of antitrust regulations.
- Consulting on issues related to competition law, obtaining recommendations of AMCU on information, which shall be
  placed on the front of hotels.
- Consulting on antitrust law, obtaining recommendations of AMCU related to the commercial name of the pharmacy
  network.
- Consulting on antitrust regulations, obtaining recommendations of AMCU on proper packaging and information on
ingredients.

- Challenging discriminatory tender documentation of state enterprise within the state procurement procedure.
- Consulting on compliance of tender documentation with effective legislation.
- Challenging a competitor’s tender offer within the state procurement procedure.

### Uzbekistan

- Advising a multinational energy company on competition law matters in the Republic of Uzbekistan.
- Drafting a distribution agreement for an American textile company.
- Advising a Ukrainian consumer goods producer company on the protection of intellectual property rights and measures to combat unfair competition.
- Advising a Russian multinational IT company on the matters of discriminatory measures applied in its relation and measures to prevent competition restrictions.
- Advising a British tobacco company on advertising, distribution network development and antitrust laws of the Republic of Uzbekistan.
- Advising an American pharmaceutical company on the distribution of prescription drugs and their advertising.
- Advising an American multinational company, one of the leaders in the global consumer goods market, on compliance with advertising and antitrust laws.
- Drafting a complaint for a supervisory review for a local distributor of alcohol products to protect the right to sell goods.
- Advising a German manufacturer of construction materials and supporting the process of combating unfair competition.
- Advising a large German business advisory and consultancy company on compliance with local anti-monopoly rules in relation to the proposed purchase of 100 per cent shares in a local business consultancy company.
- Advising and providing practical assistance to an Indian automobile spare parts manufacturer in respect of the sale of its 100% owned Uzbekistani subsidiary to a foreign buyer and carrying out anti-monopoly clearance.
- Assisting a Russian oil and gas company in obtaining approval from the Antimonopoly Committee of the Republic of Uzbekistan for the transaction on the acquisition of shares in the charter capital of a legal entity incorporated in Uzbekistan.

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