

Organisers:

Federal Antimonopoly Service
Skolkovo Foundation
BRICS Competition Law and Policy Centre

AGENDA
VIII International Conference
"Antimonopoly Policy: Science, Practice, Education"

November 30 – December 1, 2023, Moscow, Skolkovo Innovation Center, "Skoltech"
(Bolshoy Boulevard 30, bld. 1)

November 30, 2023 (Thursday)	
10.30 – 11.00	Registration of Participants, Coffee Reception
11.00 – 12.30	<p>PLENARY SESSION "Constitutional foundations for the development of competition in Russia and abroad" <i>(Main Hall)</i></p> <p>In 2023, Russia celebrates the 30th anniversary of the Constitution of the Russian Federation. Constitutional and legal principles of protection of competition laid down 30 years ago are the fundamental guideline for the formation and evolution of modern state policy for competition development in Russia.</p> <p>Three years ago, additional significance to this principle was given by the new article of the Constitution 75.1, which proclaimed the creation of conditions for sustainable economic growth and improvement of the well-being of citizens for mutual trust between the state and society.</p> <p>This constitutionally stipulated need to protect competition and ensure sustainable development of the state rightfully forms the semantic core of antimonopoly regulation.</p> <p>Consolidation of the key principles of protection of competition at the constitutional level is part of the legal architecture of both key western jurisdictions, which have historically had relevant constitutional provisions, and our partners from the BRICS countries. For instance, recent discussions of the decision of the Constitutional Court of South Africa on the Mediclinic, Wilmed and Sunningdale merger in 2021 showed close</p>

connection of the competition protection approach with the constitutional principles of organising life in the country.

In Russia, the issue of protection of competition is also present in the decisions of the Constitutional Court of the Russian Federation. For instance, in Resolution of February 13, 2018 No. 8-II the Constitutional Court of the Russian Federation directly established that protection of competition applies to all types of legal relations, which is not fully implemented in Russian legislation, since a whole range of economic relations on intellectual rights is expressly excluded by law from the field of competition protection.

Thirty years since the adoption of the Constitution and three years after the inclusion of a new article 75.1 is a good time to discuss the implementation of the constitutional principles of protection of competition both in legislation and in enforcement practice of our country. The experience of our colleagues from the BRICS countries and other jurisdictions is a solid base for discussion of these issues.

Questions for discussion:

- What is the role and place of competition protection in the system of constitutionally protected values today?
- To what extent enforcement practice in antimonopoly cases considers these constitutional principles?
- How constitutional requirements for ensuring sustainable economic growth are implemented in antimonopoly regulation alongside with prohibitions on monopolistic activities?

Moderator:

Sergey Puzyrevsky, *Stats-Secretary – Deputy Head of FAS Russia.*

Speakers:

Maxim Shaskolsky, *Head of FAS Russia;*

Igor Drozdov, *Chairman of the Board of Skolkovo Foundation;*

Alexey Ivanov, *Director of the BRICS Competition Law and Policy Centre;*

Anna Alekseeva, *Candidate of Legal Sciences, Head of the Department of Commercial Law and Process of the S.S. Alekseev Research Center of Private Law under the President of the Russian Federation;*

Amadou Ceesay, *Executive Secretary of The Gambia Competition and Consumer Protection Commission;*

Susan Sargsyan, *Member of State Commission for the Protection of Economic Competition of the Republic of Armenia (online).*

12.30 – 13.00

Coffee-break

12.30 – 13.00	<p>Bilateral meeting between Head of the FAS Russia Mr. Maxim Shaskolsky and Executive Secretary of The Gambia Competition and Consumer Protection Commission Mr. Amadou Ceesay.</p> <p>Signing ceremony of the MoU between the FAS Russia and The Gambia Competition and Consumer Protection Commission.</p>
13.00 – 13.30	<p>Bilateral meeting between Head of the FAS Russia Mr. Maxim Shaskolsky and Chairman of the Fair Competition Commission of Tanzania Dr. Aggrey Mlimuka.</p>
13.00 – 14.30	<p style="text-align: center;">SESSION IN THE BRICS+ FORMAT "Combating cartels: priorities and future outlook" <i>(Main Hall)</i></p> <p>Combating cartels and other anticompetitive agreements is one of the priority activities of competition authorities. Such work is especially important in the sector of state and municipal procurement to ensure state economic security.</p> <p>FAS Russia has built an effective system for fighting bid-rigging, from detecting signs of collusion to bringing violators to administrative and criminal liability.</p> <p>Digitalization of the process of detecting signs of concluding and implementing anticompetitive agreements will allow for significant budget savings, estimated in billions of rubles, through decartelization of state and municipal procurement and creation of competitive conditions for bidders.</p> <p>That is why FAS Russia closely cooperates with developers of various data systems and tools, and is also working on a new version of the "AntiCartel" automated information system, the creation and financing of which is supported by the Government of the Russian Federation and is planned for 2024-2025.</p> <p>During the session, participants are invited to discuss priority activities when combating cartels, innovative solutions to challenges faced by competition authorities, consider best practices in suppressing and identifying cartels, as well as get acquainted with existing digital tools used to combat cartels.</p> <p><i>Questions for discussion:</i></p> <ul style="list-style-type: none"> – What are the main trends, issues and prospects in the fight against cartels in modern conditions? – How digital systems and tools help to detect and prove signs of concluding and implementing anticompetitive agreements?

	<p>– What is the role of "soft law" and leniency programs in increasing the effectiveness of anticartel activities?</p> <p>Moderator:</p> <p>Grigory Radionov, Head of Anticartel Department of FAS Russia.</p> <p>Speakers:</p> <p>Anton Teslenko, Head of Fiscal Control Department of FAS Russia; Brian M. Lingela, Executive Director, Competition and Consumer Protection Commission of Zambia (online); Abdulaziz alFarraj, expert, General Authority for Competition of Saudi Arabia (online); Anna Voino, Head of the Department of trade, agro-industrial complex, industry, construction and natural resources, MART; Mikhail Favorov, Technical director of Big Troika LLC; Evgeniy Ashikhmin, Head of the Training and Analytical Center of SEUSLAB LLC.</p>
14.30 – 15.30	Lunch
15.30 – 17.00	<p style="text-align: center;">SESSION IN THE BRICS+ FORMAT</p> <p style="text-align: center;">"Features of antimonopoly control over mergers and acquisitions in era of economic transformation"</p> <p style="text-align: center;"><i>(Main Hall)</i></p> <p>The largest cross-border and local M&As have always been on the agenda of antimonopoly regulation. In dynamically changing economic conditions, authorities face new challenges.</p> <p>Firstly, many transactions represent cooperation between digital companies in fundamentally new markets that require adapted approaches to economic analysis of impact on competition. Secondly, cross-border transactions involve many jurisdictions, requiring cooperation between antimonopoly authorities and development of common approaches. Thirdly, international cooperation and foreign investments in sectors that are strategic for the economies of states can give rise to special regulatory requirements that combine the tasks of encouraging investment, protecting competition and ensuring a balance of national interests.</p> <p>Finally, regulators may have to assess transactions involving the sale of assets to new investors by current shareholders due to the introduction of unilateral restrictive measures. Such transactions may be horizontal in nature. However, their implementation implies the prospect of preserving the company and its development by a specialized investor. Balanced approaches to developing precise regulatory decisions, and even special regulation of such transactions are required.</p>

	<p>Questions for discussion:</p> <ul style="list-style-type: none"> – What factors should be taken into account when making regulatory decisions on M&As? – What legal mechanisms are needed and what is the role of economic analysis? – What are the "design" features of behavioral and structural remedies? – What approaches to approving transactions with elements of foreign investment are most effective, and is special regulation required? <p>Moderator:</p> <p><i>Alexey Ivanov, Director of the BRICS Competition Law and Policy Centre.</i></p> <p>Speakers:</p> <p><i>Andrey Tsyganov, Deputy Head of FAS Russia;</i> <i>Denis Gavrilov, Deputy Head of Competition Law Department at Moscow State Law University (MSAL);</i> <i>Evgeny Khokhlov, Partner of the consulting firm Antitrust Advisory;</i> <i>Dr. Willard Mwemba, Director and Chief Executive Officer of the COMESA Competition Commission (online);</i> <i>Ahmed Abdelnasser Mohamed Abdelhamid Khatab, Judge, Deputy Head of the Egyptian Competition Authority.</i></p>
December 1, 2023 (Friday)	
09.30 – 10.00	Coffee Reception
10.00 – 13.00	<p>Joint meeting of the Research-and-Methodological Council of educational institutions and academic departments of competition law and antimonopoly regulation of FAS Russia and Commission on Antitrust Law and Improvement of Antitrust Legislation of Association of Lawyers of Russia</p> <p><i>(Main Hall)</i></p>
11.00 – 13.00	<p style="text-align: center;">Meeting of the BRICS Working Group for the Research of Competition Issues in Pharmaceutical Markets (BRICS+ format)</p> <p style="text-align: center;">"Pharmaceutical markets, competition and intellectual property: challenges for biosimilars"</p> <p style="text-align: center;"><i>(Small Hall)</i></p> <p>Currently, issues of developing competition in the global pharmaceutical market are among the key issues on the agenda of the antimonopoly authorities.</p>

One of the most promising pharmaceutical markets now is the market of biosimilars, that is, analogues of original biopharmaceutical medicines. In 2022, the global value of this market was estimated by experts at approximately 500 billion US dollars, with stable growth expected in the near future. At the same time, competition in the markets for biological medicines does not exactly follow the rules of competition for synthetic medicines (due to the peculiarities of the biological structure of such medicines), which means that competition authorities and industry regulators need to adapt their existing regulatory tools to ensure the availability of such medicines.

Regulators use various mechanisms to increase the availability of medicines, increase production volumes, reduce costs and prevent anticompetitive practices.

Emergency registration of a medicine, patenting and compulsory licensing are among such mechanisms. The institution of compulsory licensing has a central place in the system of checks and balances in the field of intellectual property and is used by countries as an anti-crisis tool that helps restore the balance between the interests of rights holders and society in need of access to innovation.

Recently Russia used a compulsory licensing mechanism for the production of the Remdesivir medicine. In many countries of the world, including Vietnam and South Korea, there is an institution of "patent linkage", which implies that the issuance of a registration certificate for a medicine

is dependent on the presence of a valid patent for the original medicine. Brazil provides a number of exceptions to patent protection, while India and South Africa allow actions to make, use, sell or import a patented invention if they are carried out solely for the purpose of collecting and filing information. China allows the production, use and import of patented medicine or medical devices to provide information necessary for administrative procedures and government registration.

These measures are aimed not only at saturating the market with the necessary medicine in a certain period of time, but also at creating a favorable business climate and achieving long-term economic growth.

An issue that has not yet been resolved in Russia is the boundaries of the application of antimonopoly legislation to intellectual rights. In Russian antimonopoly legislation "immunities" for violations related to the exercise of intellectual rights are still present. However, internationally such exceptions do not exist, and abuses of intellectual rights that have a restrictive effect on competition are investigated by antimonopoly authorities.

During the session, participants are invited to discuss trends in the use of compulsory licensing and other forms of utilization of an invention without the permission of the rights holder, consider current issues of protecting intellectual property rights, and also assess how effective antimonopoly regulation contributes to the growth and development of the pharmaceutical market, including by adjusting anticompetitive behavior associated with the abuse of intellectual rights.

Questions for discussion:

- What features of antimonopoly regulation in the pharmaceutical market can be distinguished in modern conditions?
- Has your authority introduced any special measures of antimonopoly regulation of the medicine market?
- Does your authority have experience in patents and compulsory licensing? If not, what mechanisms are used to achieve the goal of effective development of the pharmaceutical market and its saturation with the necessary medicine?
- What is the relationship between antimonopoly regulation and intellectual property rights? Has your authority issued any guidance documents/best practices?
- How are antimonopoly regulation instruments adapted in the biological medicines markets?
- What are the main directions of joint work of the BRICS countries to ensure access to biological medicines and develop competition in this market? Are countries ready to consider creating a consortium of BRICS countries to ensure the production and registration of biosimilars for the developing world?

Moderator:

Timofey Nizhegorodtsev, Deputy Head of FAS Russia.

Speakers:

Samir Kulkarni, Professor, Institute of chemical technology, Mumbai, India;

Alexey Ivanov, Director of the BRICS Competition Law and Policy Centre;

Huang Yuwei, Officer, Antimonopoly Law Enforcement Department of the State Administration of Market Regulation of the People's Republic of China (online);

Vikram Punia, President of the Pharmasintez Group of Companies;

	<p><i>Mrudula Bele, Associate Professor, MVP Samaj's College Of Pharmacy;</i> <i>Nikolay Durmanov, Doctor of Medical Sciences, Special Representative of the Ministry of Science and Higher Education of the Russian Federation for Environmental and Biological Safety;</i> <i>Tadzio Schilling, CEO of the Association of European Businesses;</i> <i>Olga Kravtsova, Deputy Head of the Department for Development of Pharmaceutical and Medical Industry of Ministry of Industry and Trade of the Russian Federation.</i></p>
13.00 – 13.40	Lunch