

By the Judgement of 30 March 2023 No. 12-II the Constitutional Court assessed the constitutionality of Part 8 of Article 11 of the Federal Law "On Protection of Competition".

This legal provision was the subject of consideration insofar as within the current regulatory framework it served as basis to establish whether there are controlling relations among economic entities within a certain group, and consequently to check the compliance with the tender-related prohibitions, such as the prohibition to approve or coordinate the actions among tender participants, as well as to establish whether there are conditions (immunities) foreseen under Article 11 of the same Law to exempt entities for liability where the competition requirements are not observed.

The challenged provision was found to be in accordance with the Constitution of the Russian Federation, since according to its meaning within the existing legal framework it exhaustively lists the conditions where the signs of control exercised by one economic entity or person in respect of another economic entity taking part in a tender would not fall under the prohibition of cartels.