

The Court confirmed: FAS Russia lawfully refused to initiate a case against consumers of potassium chloride upon a request of “Mineral Trading” Ltd.

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On 16th August 2010, the 9th Arbitration Appeal Court confirmed validity of the ruling passed by the Moscow Arbitration Court on the case of “Mineral Trading” Ltd., which challenged FAS Russia’s refusal to initiate a case on violating Part 1 Article 11 of No.135-FZ Federal Law “On Protection of Competition” by some consumers of potassium chloride.

On 26th November 2009 FAS Russia received a petition of “Mineral Trading” Ltd., where the company asked to initiate a case against “Akron” OJSC, “Dorogobuzh” OJSC, “Minudobrenia” OJSC, “Voskresenskie Mineralnie Udobrenia” OJSC and the “Mineral Fertilizers Plant of Kirov-Cherepovets Chemical Works” CJSC for violating the antimonopoly law.

According to “Mineral Trading” Ltd., these consumers of potassium chloride were engaged in concerted actions aimed at dividing the market of potassium chloride the volume of sales (purchases) and sellers (buyers) category.

Having investigated the petition of “Mineral Trading” Ltd., FAS Russia did not find the signs of violating Clause 3 Part 1 Article 11 of No.135-FZ Federal Law “On Protection of Competition” in the actions of “Akron” OJSC, “Dorogobuzh” OJSC, “Minudobrenia” OJSC, “Voskresenskie Mineralnie Udobrenia” OJSC and the “Mineral Fertilizers Plant of Kirov-Cherepovets Chemical Works” CJSC.

“Mineral Trading” Ltd. disagreed with the decision and determination of the antimonopoly authority and filed a lawsuit. The Court of First Instance and the Appeal Court confirmed legitimacy of the decision made by the antimonopoly body.