

Press-release of 12.07.2010

12 июля 2010, 10:19

"Changes to the Arbitration Procedural Code of the Russian Federation that introduced new procedural rules for implication and consolidation of cases as well as the institute of collective claims, perhaps, will make private claims more effective for market participants seeking remedies", concluded Anna Numerova, a consultant of the "Alrud" legal firm and a member of "Promoting Competition" Non-Commercial Partnership, at the Russian-American workshop on antimonopoly enforcement.

In her presentation on "determination of damages caused by violations of Russian law", she said that "unlike procedural norms on collective claims developed in other jurisdictions, in the Arbitration Procedural Code of the Russian Federation this institute is described only in general terms and requires further elaboration".

In the opinion of Anna Numerova, "absence of established practice and general regulation of damages recovery from antimonopoly violators can generate a number of controversial issues, including the size of damages, to which the claimant is entitled, and evidence that can be used by the parties to a case".

According to Ms. Numerova, "in Russian law there is no unified approach to the procedures for calculating damages". As was emphasized in the presentation, "although there are some methods for calculating damages, they have not become widespread". Therefore, today claimants are not limited in selecting methods for calculating damages.

"Going back to the recent changes to the Arbitration Procedural Code of the Russian Federation, it is difficult to assess the prospects of collective claims for recovery of damages inflicted by antimonopoly violations, because at the moment even individual private claims are rare", observed the presenter. "However, they are possible and some companies chose this remedy".

In conclusion Ms. Numerova pointed out that "many problematic issues, including the above-listed, can be resolved by introducing special changes to the Law on Competition in a separate Chapter". According to the presenter, "this Chapter should regulate the issues of recovery damages from antimonopoly violators".

Anna Numerova is a consultant of "Alrud" legal firm and a member of "Promoting Competition" Non-Commercial Partnership and "Promoting Competition in CIS" Non-Commercial Partnership.

Anna consults Russian and foreign companies on the issues of antimonopoly regulations in course of buying and transferring assets in Russia and abroad, and their operations in Russia, represents clients at FAS Russia and at courts, consults on a wide range of day-to-day commercial transactions and corporative issues.

She is a member of the FAS Russia's Expert Council on Advertising and a member of the International Bar Association.