

Press-release of 28.07.2010

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On 15th July 2010, the Federal Antimonopoly Service (FAS Russia) initiated a case against the Federal Customs Service (FTS Russia) for the signs of violating Part 1 Article 15 of the Federal Law "On Protection of Competition".

The case was initiated upon a complaint of "Tamozhennaya Karta" Ltd. to FAS Russia about unjustified refusals of customs bodies to accept bank (customs) cards for customs payment, which were issued within the payment systems organized by the above coordinator of customs cards emission (the Coordinator).

Investigating the complaint, FAS Russia discovered that the reason for such actions of the customs bodies was an in-house document of FTS Russia (an Order), which prohibits accepting cards for payment before Coordinators test their information interoperability with software systems installed at customs offices.

When the Order was issued, two competitors - "Tamozhennaya Karta" Ltd. and "Tamozhennaya Platezhnaya Sistema" Ltd. - exercised the Coordinator functions.

FTS Russia explained that such testing was needed because of the amendments to the Customs Code of the Russian Federation entering into force, according to which customs payments should be put to the account of the Federal Treasury instead of the accounts of customs bodies, and by the new procedures for filling in customs payment documentation.

According to FAS Russia such circumstances do not sufficiently justify the Order.

Materials enclosed to the complaint of "Tamozhennaya Karta" Ltd. can indicate that FTS Russia and subordinate customs offices deliberately delayed the testing procedures for "Tamozhennaya Karta" Ltd., which resulted in complete suspension of the work of this payment system, and testing preferences for another Coordinator - "Tamozhennaya Platezhnaya Sistema" Ltd.

FAS Russia believes that the above actions of FTS Russia contain the signs of violating Part 1 Article 15 of the Federal Law "On Protection of Competition", as they have resulted in restricting competition between customs payment systems with use of customs cards as well as in unreasonably preventing operations of "Tamozhennaya Karta" Ltd. in its capacity of the Coordinator.

The case is scheduled for 30th August 2010.

FAS Russia had already considered an antimonopoly case against the Federal Customs Service for preventing operations of "Tamozhennaya Karta" Ltd. Having investigated the circumstances of the case, on 2nd April 2009 FAS found that FTS Russia violated Clauses 2 and 5 Part 1 Article 15 of the Federal Law "On Protection of Competition".

To stop the antimonopoly violation, FAS Russia issued a determination to FTS Russia to

withdrew and amend the acts that were passed in breach of the antimonopoly law and to exercise actions aimed at protecting competition.

On 24th March 2010 the Cassation Court confirmed legitimacy of the decision and determination issued by FAS Russia. Currently, however, the Federal Customs Service has only partially executed the determination of FAS Russia.