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On 22nd July 2010, the Federal Antimonopoly Service (FAS Russia) found that the Ministry of Agriculture of the Russian Federation violated Part 1 Article 15 of the Federal Law "On Protection of Competition".

The Ministry of Agriculture passed the Order "On approving the Veterinary Rules for import (export) to/from the Russian Federation, processing, storage and sale of catching and the products of its processing without industrial or heat treatment" (No.453 Order) and the Order "On approving the Rules for veterinary-and-sanitary examination of sea fish and caviar" (No.462 Order). FAS Russia has established that the Orders set unlawful requirements, which violate the antimonopoly legislation and lead to setting additional administrative barriers on relevant the market.

In particular, the Ministry introduced restrictions for activities related to fish and sea products, by creating conditions for repeated inspections of market participants.

In the FAS Russia's opinion, repeated inspections of market participants are unnecessary because market participants are forced to prepare and submit numerous documents to regional offices of Rosselkhoznadzor (the Federal Agency for Veterinary and Phyto-Sanitary Supervision), most of which are copies of official documents issued by other federal and municipal executive bodies and their subordinate agencies in execution of supervisory (controlling) functions. Such documents include, in particular, sanitary-and-epidemiological certificates, vessel inspection reports, documents, confirming legality of the catch and produced products, etc.

As a result of executing No.453 Order, Rosselkhoznadzor and its regional offices repeatedly inspect not only the owners of refrigerators but also each of the enterprises leasing the same refrigerator chambers to store fish. No.462 of Order the Ministry of Agriculture gives officers of Rosselkhoznadzor a possibility to apply subjective methods to assess the quality and safety of fish products or caviar. For example, to assess safety of fish products the following criteria are applied: for safe fish - "eyes slightly hollow", for fish of questionable safety - "hollow eyes" and for fish that is not safe - "sunken eyes".

"FAS Russia is especially concerned by the existing standards for sample collection for veterinary-and sanitary examination of fish and caviar. For instance, under the existing orders no less that 5% of a consignment of fish or caviar must be taken for examination. It is not clear why take fifty kilogram from every ton of caviar, because ultimately the end-consumers will have to pay for everything", said Stats-Secretary Andrey Tsarikovskiy, Deputy Head of FAS Russia.