

Order · A40-142261-2012 · 07.12.2012

A40-142261-2012

Ninth Commercial Court of Appeal

07.12.2012

Order

UNOFFICIAL COMPLETE TRANSLATION. The Russian original is the legally controlling text. This translation was prepared for documentary access and should not be relied upon as a certified translation.

Monetary amounts are shown first in Russian roubles, followed by an approximate USD equivalent calculated at the official Bank of Russia historical rate for the date of the act.

Official Bank of Russia rate used: 1 USD = 30.910700 RUB; effective date 07.12.2012.

Russian source file: A40-142261-2012_20121207_Opredelenie.pdf

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Arbitration Court of the City of Moscow 115191, Moscow, St. Big Tula, d. 17 <http://www.msk.arbitr.ru>

DEFINITION OF SUSPENSION

d. Moscow "07" December 2012 Case No. A40-142261/12 120-1410 Arbitration Court of Moscow consisting of: Judge Blinnikova I.A. The protocol is conducted by Secretary Gavrilov O.I. Having considered in open court the case on the application of Pharmstandard to FAS Russia With the participation of third parties: on the recognition of the illegal decree of 25.09.2012 in case No. 1 14.32/306-12 from the plaintiff Khudotepley A.V. Dov. 10.08.2012 No. 912 (applicant) from defendant N.N. Zaitsev. Dov. 15.06.201 2g. No IA/18794

ISSUED: Pharmstandard OJSC appealed to the arbitration court with a statement to the Federal Antimonopoly Service on the recognition of illegal and cancellation of the decision on the case of an administrative offense of 25.09.2012. 1 14.32/306-12. The applicant filed a motion to suspend the proceedings in case No. A40-142261/12-120-1410, the defendant supported the petition. The court found that the basis for the impugned decision was the decision of the FAS Commission of Russia of 25.05.2012. No AC/16586 in the case of violation of antimonopoly legislation No. 1 11/202-11. Having considered the case materials, having heard representatives of the persons participating in the case who appeared at the court session, the arbitration court considers it subject to satisfaction on the basis of the following. In accordance with p. 1 a.m. 1 st. 143 of the Arbitration Procedure Code of the Russian Federation, the arbitration court shall be obliged to suspend the proceedings in the case if it is impossible to consider this case before the resolution of another case considered by the arbitration court. In the proceedings of the Arbitration Court d. Moscow has case No. A40-94475/12-149-866 on the application of Pharmstandard OJSC to the Federal Antimonopoly Service on invalidation of decision No. 1 11/202/11 of May 25, 2012. Given that the judicial act in the case has a prejudicial effect on the issues of circumstances established by the arbitral tribunal in relation to persons involved in the case, the proceedings in the present case are subject to suspension. The arbitration court proceeds from the fact that in case No. A40-94475/12-149-866 appealed the decision of the antimonopoly authority, which CJSC "ROSTA" and OJSC

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"Pharmstandard" was found to have violated p. 2 a.m. 1 st. 11 Federal Law of July 26, 2006 No. 135-FZ "On Protection of Competition" by concluding and implementing an agreement that could lead to maintaining prices at auction No. 091009/001550/312 for lot No. 16, in connection with which Pharmstandard OJSC was brought to administrative responsibility under Part I. 1 st. 14.32 of the Administrative Code of the Russian Federation, and, consequently, the conclusions about its legality may affect the establishment of the presence or absence of an administrative offence event and guilt in the

applicant's actions. Guided by art. st. 143, 147, 184, 185 of the Arbitration Procedure Code of the Russian Federation, the Court DECIDED:

Suspend the proceedings in this case until the judicial act adopted by the Moscow Arbitration Court in case No. A40-94,475/12-149-866 enters into force. The persons involved in the case are invited to inform the court of the circumstances that served as the basis for the suspension of the proceedings in the present case. The decision may be appealed within one month from the date of its adoption in the Ninth Arbitration Court of Appeal.

Judge Blinnikova I.A.