

Ruling · A40-94475-2012 · 12.10.2012

A40-94475-2012

12.10.2012

Ninth Commercial Court of Appeal

Ruling

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 = 31.166700 RUB; effective date 12.10.2012.

Russian source file: A40-94475-2012_20121012_Prochie_sudebnye_dokumenty.pdf

149 4439354

Arbitration Court of the City of Moscow 115191, Moscow, St. Big Tula, d. 17 <http://www.msk.arbitr.ru> In the name of the Russian Federation the decision (in accordance with Art. 176 of the AIC of the Russian Federation)

d. Moscow Case No. A40-94475/12 149-866 October 12, 2012 The arbitration court consisting of Judge M.M. Kuzin. in the course of the record of the court session secretary Soroka E.A. Having considered in open court the case on the application of the Open Joint Stock Company "Pharmstandard", Closed Joint Stock Company "ROSTA" to the Federal Antimonopoly Service (123995, Moscow, Sadovaya Kudrinskaya, 11) 3 persons: The Ministry of Health and Social Development of the Russian Federation on invalidation of the decision of 25.05.2012 in case No. 1 11/202-11, involving: from Pharmstandard: Arkhangelskaya M.A. (dude) 10.01.2012. No. 23), Fedliuk W.P. (dude) from 30.12.2011) from CJSC "ROST": Sholtyreva O.A. (dude) from 15.08.2012) Sakanyan M.M. (dude) 15.08.2012) from the defendant: Zaitseva N.N. (dude) 15.06.2012. IA/18784), Aleshin K.N. (dude) 23.08.2012. IA/27321), E.V. Kozlov. (dude) 13.08.2012. IA/26023), Link E.V. (dude) from 02.11.2011. NoIA/40997 from the Ministry of Health of the Russian Federation: Schatz M.G. (dude) from 11.09.2012. NoPD-MZ-19) DECIDED: Checking for compliance with the Federal Law "On Protection of Competition" of 26.07.2006. No. 135-FZ, to recognize illegal the decision of the Federal Antimonopoly service of 25.05.2012. in case No. 1 11/202-11 on violation of antimonopoly legislation in terms of recognition of Pharmstandard OJSC and ROSTA CJSC as violating paragraph 2.1 of Article 11 of the Federal Law "On Protection of Competition" by concluding and implementing an agreement that led to the maintenance of prices at auction No. 091127/001550/312 on lot No. 16.

2 To recover from the Federal Antimonopoly Service in favor of the Open Joint Stock Company "Pharmstandard" the costs of paying the state fee in the amount of RUB 1 000 (approximately USD 32.09) To recover from the Federal Antimonopoly Service in favor of the Closed Joint Stock Company "ROST" the costs of paying the state fee in the amount of RUB 1 000 (approximately USD 32.09) Return to the Closed Joint Stock Company "ROST" from the federal budget The fee in the amount of RUB 3 000 (approximately USD 96.26) Return to the Open Joint Stock Company Pharmstandard from the federal budget the state fee in the amount of RUB 1 000 (approximately USD 32.09) The decision may be appealed within a month from the date of acceptance to the Ninth Arbitration Court of Appeal.

Judge: M.M. Cousin