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Distribution contract under Russian law: antitrust restrictions

Russian civil law does not specifically provide such type of agreement such as a distribution contract. The contract, however, has become widely used in commercial practice as an instrument for regulating relations between producers/wholesale suppliers of goods and wholesale purchasers under the general principle of freedom of contract enshrined in Article 421 of the Civil Code of the Russian Federation (hereinafter - the 'Civil Code').

Under a distribution contract, the distributor undertakes to purchase goods from the supplier and to arrange marketing, promotion and distribution of them within a particular territory (which is the principal obligation of a distributor under the international standards, in particular, the ICC Model Distributorship Contract. Sole Importer-Distributor. Publication No. 518, 1996; the ICC Model Distributorship Contract. Sole Importer-Distributor. Publication No. 646E), while the supplier undertakes not to supply the goods for sale to this territory on its own or through third parties, including not to sell the goods to third parties for distribution in the territory.

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