

ANTIMONOPOLY COMMITTEE OF UKRAINE

The Antimonopoly Committee of Ukraine is a central body of executive power which has special status and whose purpose of activities is to secure the state protection of competition in entrepreneurial activities.

The Committee has been established gradually, in several stages. The first stage began in February 1992 when the Law of Ukraine "On the Limitation of Monopolism and Prevention of Unfair Competition in Entrepreneurial Activities" was adopted. On 10 October the Committee's chairman was appointed; the adoption of the Law of Ukraine "On the Antimonopoly Committee of Ukraine" on 26 November 1993 and the appointment the Committee's state commissioners in December of the same year became the beginning of its full-scale activities as a collegiate body. That is why it is 26 November 1993 which is considered to be the official date of the Committee's establishment. Finally, the network of territorial offices having been established in 1994-1995, the formation of the system of the Committee's bodies was finished.

The central office of the Committee is situated in the city of Kyiv. Territorial offices of the Committee have been established in the Autonomous Republic of the Crimea, in the regions, in the cities of Kyiv and Sevastopol.

At present the post of the Acting Chairman of the Antimonopoly Committee of Ukraine is held by Mr. Oleksander Melnichenko.

The Committee is subordinate to the President of Ukraine and is accountable to the Supreme Rada (Parliament) of Ukraine.

The basic tasks of the Committee are as follows:

- exercising state control over the observance of antimonopoly laws;
- preventing, detecting and terminating violations of antimonopoly laws;
- exercising control over economic concentration;
- facilitating the development of fair competition.

The Committee according to the above tasks:

- exercises control over the observance of antimonopoly laws in the course of economic concentration, in particular during the establishment, reorganisation, liquidation of economic entities, during the establishment of associations of enterprises, during the entry of one or several economic entities into an association, during the transformation of bodies of power, bodies of local self-government, bodies of administrative and economic government and control into associations of economic entities, during the purchase of or the acquisition, by any other means for the purpose of owning, of or the obtaining, for the purpose of managing (using), of shares, assets (property) in the form of integrated property complexes of economic entities or their structural subdivisions, during the lease of integrated property complexes of economic entities or their structural subdivisions, during the acquisition, by any other means, of control over economic activities;
- exercises control over the observance of antimonopoly laws in the course of economic activities of economic entities and in the course of the implementation of powers by bodies of power, bodies of local self-government, bodies of administrative and economic government and control with respect to economic entities;
- considers cases concerning violations of antimonopoly laws and, proceeding from the results, takes decisions within its powers;

- applies to a court of justice or a court of arbitration with acts (applications) in connection with violations of antimonopoly laws, sends materials concerning such violations of laws that contain signs of a crime to law protective bodies;
- gives recommendations and makes proposals with respect to taking measures directed towards the limitation of monopolism, the development of entrepreneurship and competition, the prevention of violations of antimonopoly laws to bodies of state power, offices, bodies of local self-government, economic entities and their associations;
- gives recommendations, to bodies of power, bodies of local self-government, bodies of administrative and economic government and control, economic entities, with respect to the termination of such actions (inactivity) that have signs of violations of antimonopoly laws, with respect to the elimination of both causes of the violations and conditions facilitating the violations and, the violations having been terminated, with respect to taking measures to overcome the effects of the violations within terms established by the Committee;
- takes part in the development of and, in accordance with the established procedure, submits, for consideration, drafts of such legislative acts that regulate matters of the development of competition and competition policy as well as the demonopolisation of the economy;
- takes part in the conclusion of interstate agreements, in the development and implementation of international projects and programs and co-operates with governmental bodies and non-governmental organisations of foreign states on matters laying within the competence of the Committee;
- generalises the practice of application of antimonopoly laws, works out proposals to improve it;
- approves the estimate of incomes and expenditures of the Committee and its territorial offices;
- works out and organises carrying out measures directed towards preventing violations of antimonopoly laws;
- systematically informs the population of Ukraine on activities of the Committee;
- performs other actions, within its powers, to exercise control over the observance of antimonopoly laws.

The Committee, within the competence given to it, has the right:

- to define boundaries of a product market and to define a monopoly position of economic entities on the product market;
- to give, to economic entities, binding regulations concerning the termination of violations of antimonopoly laws and the renewal of the initial state of affairs as well as concerning the compulsory split-up of monopoly formations;
- to give, to bodies of power, bodies of local self-government, bodies of administrative and economic government and control, binding regulations concerning the repealing or amending of unlawful acts adopted by them, concerning the termination of violations and the rupture of such agreements that were concluded by them and that contradict antimonopoly laws; prohibits or authorises the establishment of monopoly formations by bodies of power, bodies of local self-government, bodies of administrative and economic government and control as well as economic entities;
- to place binding applications concerning the annulment of licenses, the termination of operations of economic entities in the sphere of external economic activities before bodies of power if the economic entities violate antimonopoly laws;
- to impose fines and to apply other sanctions in the cases provided for by effective laws;
- to adopt such normative and legal acts in accordance with its competence, in particular those concerning anticompetitive concerted actions, abuses of a monopoly (dominant) position on the market, discrimination practised by bodies of power, bodies of local self-government, bodies of administrative and economic government and control, concerning the procedure of considering applications for giving the Committee's consent to the economic concentration of economic

entities, concerning the procedure of considering cases associated with violations of antimonopoly laws, concerning the procedure of the fulfilling, inspecting, revising and appealing against decisions of the Committee as well as those concerning unfair competition, that are binding for bodies of power, bodies of local self-government, bodies of administrative and economic government and control, economic entities; has the right to control their fulfilment and to elucidate their application;

- to perform other actions provided for by laws concerning the Committee.