

1 July 2014

(published: 2 August 2014)

LAW OF UKRAINE

On State Aid to Undertakings

This Law establishes the legal basis for monitoring state aid to undertakings, exercising control over compatibility of such aid with competition in order to ensure protection and development of competition, to enhance transparency of operation of the state aid system and compliance with international obligations of Ukraine with regard to state aid.

Chapter 1

GENERAL PROVISIONS

Article 1: Definition of Terms

1. For the purposes of this Law, the following terms shall have the meanings as ascribed to them below:

- 1) state aid to undertakings (hereinafter, state aid) means any support to undertakings through state resources or local resources in any form whatsoever which distorts or threatens to distort economic competition by creating advantages for production of certain kinds of goods or for carrying out certain business activities;
- 2) parties concerned mean state aid providers and beneficiaries, undertakings, other legal entities and natural persons, associations thereof whose business activity may be affected by the provision of state aid;
- 3) individual state aid means a state aid measure taken other than through a state aid programme as well as individual measures of state aid taken as a part of the state aid programme but subject to notification pursuant to the terms and conditions of such programme and this Law;
- 4) state aid monitoring means accumulation and analysis of information on state aid in order to control compliance with the requirements of this Law and decisions of the Authorised Body in Charge of State Aid (hereinafter, Authorised Body) as set forth by this Law as well as preparation and submission of state aid reports;
- 5) state aid providers mean state authorities, local self-government authorities, administration, management and control bodies and legal entities acting on their behalf,

authorised to administer state resources or local resources and initiate and/or grant state aid;

6) disadvantaged person (worker, that can't compete on equal terms in the labour market) – means any person who comply with one of the following criteria:

- aged from 15 to 24 years or older than 50 years;
- has not been in regular paid employment for the previous 6 months;
- has not attained an upper secondary educational or vocational qualification or has attained such education no later than two years before and did not had regular paid employment;
- lives as a single adult with one or more dependents;
- works in a sector or profession where the gender imbalance is at least 25% higher than the average gender imbalance across all economic sectors, and belongs to that underrepresented gender group;
- is a member of an ethnic minority and who requires development of his or her linguistic, vocational training or work experience profile to enhance prospects of gaining access to stable employment.

7) de minimis state aid means state aid to a single undertaking of up to the UAH equivalent of EUR 200,000 in total over any period of three fiscal years, according to the official exchange rate, set by the National bank of Ukraine, effective as at the last day of the financial year;

8) illegal state aid means new state aid granted without notification to the Authorised Body or during the post-notification period but before the Authorised Body takes a decision finding that such state aid is compatible with competition or granted in violation of the Authorised Body's decision finding such state aid incompatible with competition except for categories of state aid which providers are relieved from their obligation to notify of new state aid pursuant to this Law;

9) inappropriate use of state aid means any use of state aid by state aid beneficiary in violation of Authorised Body's decision with regard to aid compatibility with competition;

10) new state aid means support to undertakings other than current state aid as well as making changes in the terms and conditions of the current state aid;

11) a state aid beneficiary means an undertaking which receives state aid;

12) a notification of new state aid means information on new state aid programmes or individual state aid to be submitted to the Authorised Body to make decision whether such state aid is compatible with competition;

13) services of general economic interest mean services associated with satisfaction of very important public needs which cannot be met on a commercial basis unless supported by state aid;

14) a state aid programme means a regulatory legal act or a set of acts whereunder state aid is granted to certain categories of undertakings for a certain or an indefinite period of time in a definite or indefinite amount;

15) state resources mean moveable and immovable property, national budget funds, other funds subject to the right of state ownership, land and other natural resources

subject to the right of Ukrainian people's ownership, budgets of mandatory state social insurance funds which are under governmental supervision or which are managed or administered by state authorities;

16) local resources mean moveable and immovable property, local budget funds, other funds, land, natural resources owned by local communities in villages, townships, cities, and municipal districts as well as their jointly owned facilities which are managed by district and regional councils, property owned by the Autonomous Republic of Crimea and managed by the Council of Ministers of the Autonomous Republic of Crimea;

17) venture capital means a contribution to the authorised capital of small to medium business entities through state resources or local resources in order to ensure that certain type of activity is being undertaken for the period of feasibility studies, business planning, incorporation, set-up or expansion of production;

18) current state aid means a state aid programme or individual state aid existing as of the effective date of this Law or found compatible with competition by the Authorised Body and which has not been expired yet.

2. The terms 'an undertaking', 'goods', 'economic competition (competition)', 'state authorities', 'administrative, management and control bodies' shall have the meanings ascribed thereto by the Law of Ukraine "On Protection of Economic Competition".

Article 2: Principle of Incompatibility of State Aid with Competition

1. Unless otherwise provided for by this Law, state aid shall be deemed incompatible with competition.

Article 3: Scope of Law

1. This Law shall apply to any support granted to undertakings by state aid providers through state or local resources to produce goods and to pursue certain types of business activities.

2. Operation of this Law shall not apply to any support to:

1) agricultural production and fishery, production of weapons and military ammunition to meet the needs of the Armed Forces of Ukraine, other military groups established in accordance with the laws of Ukraine, as well as special-purpose law-enforcement bodies, State Special Transport Service of Ukraine, State Special Communications and Data Protection Service of Ukraine;

2) business activity associated with:

investments in infrastructure facilities using public procurement procedures;

provision of services of general economic interest, in terms of compensation of reasonable costs for the provision of such services. The list of services of general economic interest shall be approved by the Cabinet of Ministers of Ukraine.

3) projects and activities implemented by the Ukrainian Book Institute in accordance with the procedure established by [the Law of Ukraine](#) 'On State Support of Book Publishing in Ukraine', including the provision of state subsidies to distributors of publishing products (book products);

4) projects implemented by the Ukrainian Book Institute in accordance with the procedure established by the [Law of Ukraine](#) 'On State Support of Book Publishing in Ukraine';

- 5) projects implemented by the Ukrainian Youth Foundation, in accordance with the procedure established by the [Law of Ukraine](#) 'On Basic Principles of Youth Policy';
- 6) state incentives for management companies, initiators of creation - undertakings and participants of the industrial parks in accordance with [the Law of Ukraine](#) "On Industrial Parks".

Article 4: Forms of State Aid

1. State aid may have the following forms:

- 1) a subsidy;
- 2) grants;
- 3) providing tax incentives, deferred or installment payment of taxes, duties or other mandatory payments;
- 4) indemnification of losses;
- 5) guarantees, credits (loans) on preferential terms;
- 6) reduction of financial liabilities of undertakings before state social insurance funds;
- 7) supply of goods to undertakings at below-market prices or purchase of undertakings' goods at above-market prices;
- 8) sale of state-owned property below market prices;
- 9) participation in formation of the authorised capital of small to medium business entities through state resources or local resources under such terms and conditions which would be unacceptable for private investors.

Chapter 2 COMPATIBILITY OF STATE AID

Article 5: Compatible State Aid

1. State aid is compatible if:

- 1) the aid is of a social nature, the ultimate beneficiaries of which are consumers, provided that such aid is provided without discrimination related to the origin of goods;
- 2) is provided for the purpose of compensation of losses caused by emergency situations of man-induced or natural nature.

Article 6: State Aid which May be Compatible

1. State aid may be found compatible provided it is granted with the aim:

- 1) to contribute to social and economic development of regions with poor living standards or a high unemployment rate;
- 2) to implement nationwide programmes or to address nationwide social and economic needs;

- 3) to contribute to the development of certain types of business activities or undertakings operating in certain economic areas unless this violates the effective international treaties of Ukraine approved by Verkhovna Rada of Ukraine as binding;
 - 4) to support and preserve national cultural heritage provided it has a minor impact on competition.
2. The Cabinet of Ministers of Ukraine shall establish the criteria for the assessment of the compatibility of certain categories of state aid intended for the purposes set in paragraph 1 of this Article, in particular for the following categories:
 - 1) regional development;
 - 2) the support of small and medium – sized enterprises;
 - 3) support for training;
 - 4) aid for employment of certain categories of workers and for employment creation;
 - 5) assistance for the rescue and restructuring of undertakings;
 - 6) support for activities concerning environmental protection;
 - 7) the promotion of research, development and innovation;
 - 8) support for specific sectors of the national economy.
 - 9) aid to overcome the consequences caused by especially dangerous infectious diseases during the quarantine established by the Cabinet of Ministers of Ukraine;
 - 10) assistance for the implementation of measures to mitigate the effects of climate change and adaptation to it.
3. The acts of the Cabinet of Ministers of Ukraine adopted under paragraph 1 of this Article shall specify:
 - 1) the purpose and form of a particular category of state aid;
 - 2) the beneficiaries relevant to a particular category of state aid;
 - 3) the maximum amount of state aid which may be granted and any relevant thresholds;
 - 4) the terms and the method to calculate the total amount of state aid per beneficiary;
 - 5) the expenses which may be indemnified to state aid beneficiaries.
4. Decisions on the compatibility of state aid measures according to the requirements of this Law shall be taken by the Authorised Body.

Article 7: Relief from the Obligation to Notify a New State Aid

1. The Authorised Body may define the terms and conditions to relieve certain categories of state aid providers from the obligation to notify, set in paragraph 2 of Article 6 of this Law. The relief of state aid providers from the obligation to notify is not allowed when state aid is granted for rescue and restructuring of undertakings and for support of certain sectors of economy.

Chapter 3

AUTHORISED BODY

Article 8: Powers of Authorised Body

1. The Antimonopoly Committee of Ukraine shall be the Authorised Body.
2. The powers of the Authorised Body shall include:
 - 1) to receive notifications of new state aid from providers of such aid, to accept or refuse to accept such notifications for consideration for reasons set forth by this Law;
 - 2) to assess measures to support undertakings through state or local resources for their qualification as state aid, to assess compatibility of state aid with competition, to take decisions as set forth by this Law;
 - 3) to collect and analyse information on measures to support undertakings through state or local resources, to require state aid providers and beneficiaries and their officials to submit information, including restricted access information necessary to make decisions as set forth by this Law;
 - 4) to provide:
 - state aid providers with recommendations to change the terms and conditions of such aid provision which are compulsory for consideration;
 - explanations with regard to application of state aid laws;
 - 5) to adopt decisions:
 - to suspend granting illegitimate state aid pursuant to this Law;
 - to terminate and return illegitimate state aid found incompatible with competition;
 - 6) to define the procedure for:
 - submission and issuance of new state aid notifications and making changes in terms and conditions of the existing state aid.
 - consideration of state aid cases;
 - revocation of decisions as listed in Part Six of Article 10 or Part Seven of Article 11 of this Law;
 - state aid monitoring;
 - keeping and accessing the State Aid Register;
 - 7) to define:
 - the form of and requirements for submission of information on the existing state aid;
 - methods for mapping regional deployment of state aid, preparation to and publication of Ukraine's official state aid reports;
 - 8) to develop and duly submit proposals to the President of Ukraine and the Cabinet of Ministers of Ukraine to adopt regulatory legal acts with regard to state aid;
 - 9) to implement measures aimed at international cooperation;

10) to share information with regard to state aid with international organizations, state authorities, and non-governmental organizations in other countries.

Chapter 4

NEW STATE AID

Article 9: Procedure for Notification of New State Aid

1. State aid providers shall submit notifications of new state aid along with proposals to prepare draft laws, other regulatory and legal instruments and executive orders intended to support undertakings through state resources or local resources and proposals to change the terms and conditions of existing state aid.

2. Proposals to make changes in the terms and conditions of existing state aid shall require notification when such changes could have significant impact on the Authorised Body's decision on compatibility of state aid with competition, in particular, when such changes would apply to the purpose, timeframe, scope, financial sources and state aid beneficiaries.

3. No notification shall be submitted for:

- state aid categories when state aid providers are relieved from an obligation to notify pursuant to Article 7 of this Law;
- de minimis state aid provided such aid does not directly support export operations nor involve use of domestically manufactured products to a greater extent than imported products;
- making changes in the current state aid programmes intended to increase state aid financing for less than 20 per cent over the budget of the respective programme.

4. New state aid subject to notification may be granted once the Authorised Body's decision is issued as set forth by paragraphs 1 and 2 of Part Six of Article 10 or by paragraphs 1 to 3 of Part Seven of Article 11 of this Law with due consideration of Part Ten of Article 11 of this Law.

5. A notification of new state aid shall be duly submitted to the Authorised Body by state aid providers with due consideration of the timeframe set forth by the Law for consideration of such notification and a state aid case.

6. A notification of new state aid shall contain exhaustive and true information on the purpose, expected results, scope, duration, form, legal grounds, state aid providers and beneficiaries.

7. A state aid provider may withdraw its notification of new state aid any time before the Authorised Body has made its final decision as set forth by Article 10, Part Six, and Article 11, Part Seven, of this Law.

8. An undertaking intending to receive state aid shall inform a state aid provider of its business activity, state aid received over the last five years, and legal grounds to receive state aid, its form and purpose.

9. An undertaking intending to receive de minimis state aid shall inform a state aid provider of its business activity and any de minimis state aid received over the last three years, its form and purpose.

10. Requirements to the scope of information on business activity of an undertaking intending to receive state aid shall be defined by the respective state aid provider with due consideration of requirements to submission and issuance of state aid notifications prescribed by the Authorised Body.

Article 10: Review of New State Aid Notification

1. If the information in a new aid notification does not meet the established requirements or is incomplete to make a decision on compatibility of state aid with competition, the Authorised Body shall notify the state aid provider thereof within fifteen days upon receipt of such notification, request the state aid provider to submit additional information and set a submission deadline which may not exceed 30 days upon receipt of such request. The Authorised Body may extend such deadline upon the state aid provider's reasonable request.

2. A new aid notification shall be considered accepted for consideration upon expiry of fifteen days upon its submission unless the Authorised Body, within such term, notifies the state aid provider that information presented in the new aid notification does not meet the requirements or is incomplete to adopt a decision on compatibility of such aid with competition and unless further information is requested by the Authorised Body.

3. If a state aid provider fails to submit information upon Authorised Body's request, a notification of new state aid shall be deemed to have been withdrawn. When this is the case, the Authorised Body shall take a decision to refuse to accept the notification for consideration and shall inform the state aid provider thereof in writing.

4. Should the state aid provider, in response to the Authorised Body's request, reasonably prove that additional information may not be submitted since such information is unknown, unavailable, or has been already submitted, the Authorised Body shall take a decision to initiate review of the new state aid notification based on the available information and shall inform the state aid provider thereof. When this is the case, the notification of new state aid shall be deemed to have been accepted for review on the date when a response to Authorised Body's request is received.

5. The Authorised Body shall take its decision based on the results of the review of a new state aid notification within two months starting on the day the review is commenced.

6. Upon the findings of the review of a new aid notification, the Authorised Body shall take a decision that:

- 1) new state aid is found compatible with competition;
- 2) support to an undertaking as detailed in the notification is not found to be a state aid for the purposes of this Law;
- 3) consideration of a state aid case is to be initiated.

7. When the Authorised Body fails to commence consideration of a state aid case within the period for review of a new state aid notification as set forth by Part Five of this Article, the decision finding the new state aid compatible with competition shall be deemed to have been adopted.

Article 11: Consideration of State Aid Case

1. The Authorised Body shall initiate consideration of a state aid case in such manner as defined by the Authorised Body when there is every reason to conclude that such state aid would

be incompatible with competition or to initiate an in-depth analysis of state aid for compatibility with competition as a result of:

- review of the new state aid notification;
- verification of information on illegitimate state aid or inappropriate use of the existing state aid;
- revocation of a decision by the Authorised Body pursuant to Part Ten of this Article.

2. The decision to initiate consideration of a state aid case shall contain a summary of findings of the review of a new aid notification, reasonable grounds to conclude that state aid is incompatible with competition or to initiate an in-depth analysis of state aid for compatibility with competition.

3. The decision to initiate case consideration shall be sent to the state aid provider within two business days upon adoption. Information on the case review commencement shall be placed on the Authorised Body's official website and shall contain a request to any party concerned to submit reasonable objections and feedback with regard to the state aid in question within 30 days thereafter. The Authorised Body may directly send such request to the parties concerned.

4. A party concerned who provides the Authorised Body with information, objections or feedback with regard to state aid case consideration may require that his/her identity be not disclosed to such aid provider.

5. Objections and feedback of the parties concerned shall be submitted by the Authorised Body to the state aid provider for review, and the state aid provider shall submit a well-reasoned opinion in response to such objections and feedback within 30 days upon receipt thereof. The Authorised Body may extend such deadline upon reasonable request of the state aid provider.

6. The Authorised Body shall take its decision based on the findings of its consideration of the state aid case within six months once the decision to initiate consideration of the state aid case has been taken.

7. Based on the results of consideration of a state aid case, the Authorised Body shall take a decision to the effect that:

- 1) the support to an undertaking as detailed in the new aid notification is not found to be a state aid within the meaning of this Law, in particular, as a result of changes made by the state aid provider in the terms and conditions of state aid provision;
- 2) new state aid is found compatible with competition, in particular, as a result of changes made by the state aid provider in the terms and conditions of state aid provision;
- 3) new state aid is found compatible with competition provided the state aid provider and the state aid beneficiary perform obligations imposed by the Authorised Body;
- 4) new state aid is found incompatible with competition;
- 5) illegitimate state aid found incompatible with competition is to be terminated and returned.

8. Authorised Body's decisions shall be sent to state aid providers within three business days upon adoption thereof and shall be placed on the official website of the Authorised Body.

9. State aid granted in violation of the Authorised Body's decision finding that such aid is incompatible with competition shall be returned in such manner as described in Article 14 of this Law.

10. The Authorised Body may duly revoke its decision taken pursuant to Part Seven of this Article or Part Six of Article 10 of this Law provided such decision was adopted based on untrue information leading to unreasonable decision and shall take a new decision in such manner as described in this Article.

Chapter 5

ILLEGAL STATE AID AND INAPPROPRIATE USE OF STATE AID

Article 12: Verification of Information on Illegal State Aid

1. Should information on illegal state aid be made known as a part of the current state aid monitoring process or from any other source, the Authorised Body shall initiate verification of such information in order to ensure compliance with the requirements of this Law.
2. For the purposes of verification of information on illegal state aid, the Authorised Body shall send a request to the respective state aid provider to submit information on such state aid in accordance with Parts Five and Six of Article 9 of this Law and shall determine the deadline for submission of such notification.
3. Should a state aid notification be not submitted upon the request of the Authorised Body by the deadline prescribed by it or should the information presented in the notification not comply with the requirements set forth by the laws, or should the Authorised Body receives a reasonable application from an undertaking to take measures to avoid negative consequences for such undertaking in the event of provision of such aid, the Authorised Body shall take a decision to suspend illegal state aid until the decision that such state aid is compatible with competition is made and shall send a copy of such decision to the respective state aid provider within three business days upon adoption thereof. This Authorised Body's decision shall be mandatory for execution by state aid providers upon receipt.
4. Should the Authorised Body have every reason to conclude that the state aid would be incompatible with competition or to initiate an in-depth analysis of compatibility of such aid with competition based on the results of verification of information on illegal state aid, the Authorised Body shall initiate state aid case consideration in such manner as prescribed by Article 11 of this Law.
5. Based on the findings of a state aid case consideration initiated upon verification of information on illegal state aid, the Authorised Body shall make a decision as described in Article 11, Part Seven, of this Law. Should the provider of illegal aid, which is subject to a pending case, fail to provide full information upon Authorised Body's request, the final decision upon the results of state aid case consideration shall be based on the information available to the Authorised Body.
6. When information on illegal aid is verified, the deadlines set forth by Article 10, Part Five, and Article 11, Part Six, shall not be applied.
7. Should the Authorised Body make its decision that the state aid is incompatible with competition based on the findings of the state aid case consideration initiated as a result of verification of information on illegal state aid, such aid shall be stopped and returned in such manner as described in Article 14 of this Law.

Article 13: Inappropriate Use of State Aid

1. When, as a part of state aid monitoring or from any other sources, Authorised Body receives reasonable information on inappropriate use of state aid in violation of its decision which has found such aid compatible with competition or its decision which has found such aid compatible with competition if the state aid provider and beneficiaries perform obligations imposed by the Authorised Body, the Authorised Body shall initiate verification of such information for compliance with the requirements of this Law.
2. In order to verify information on inappropriate use of state aid, the Authorised Body may send a request to a state aid provider or beneficiary to submit any necessary information required.
3. When, based on the findings of the verification, it has been determined that inappropriate use of state aid has led to provision of illegitimate state aid, the Authorised Body shall consider a state aid case pursuant to Articles 11, 12 and 14 of this Law.

Chapter 6

RETURN OF STATE AID INCOMPATIBLE WITH COMPETITION

Article 14: Procedure for Return of State Aid Incompatible with Competition

1. The Authorised Body shall take its decision to have illegitimate state aid returned once such aid is found incompatible with competition. The decision to return such state aid shall be sent to the state aid provider within three days upon adoption. The state aid provider shall take every effort to ensure the illegal state aid, incompatible with competition is returned by its beneficiary in accordance with the Authorised Body's decision and shall inform the Authorised Body on execution of its decision within the time given.
2. The procedure for return of illegitimate state aid found incompatible with competition shall be established by the Cabinet of Ministers of Ukraine.
3. Should a state aid beneficiary fail to execute the decision to terminate or return the state aid found incompatible with competition, the Authorised Body shall file a suit with a district administrative court whose territorial jurisdiction covers the city of Kyiv in order to declare the respective regulatory legal instrument or an executive order whereunder the aid was granted as illegal or as incompatible with a legal instrument of superior legal force either in full or in part and to enforce execution of the Authorised Body's decision to terminate or return the state aid.
4. If the Authorised Body finds that the state aid is being granted pursuant to the legislative instrument adopted in violation of the requirements of this Law, the Authorised Body shall notify the respective state aid provider and the Cabinet of Ministers of Ukraine thereof, and the latter, being a party having the right of legislative initiative, shall duly submit proposals to bring such legislative instrument in compliance with this Law.
5. The Authorised Body may not require having state aid returned upon 10 years following the effective date of the regulatory and legal instrument or an executive order whereunder such aid was granted.

Chapter 7

EXISTING STATE AID

Article 15: Review of Existing State Aid

1. If the Authorised Body, based on the findings of the review of notification of the state aid existing as of the effective date of this Law or based on the findings of state aid monitoring pursuant to Chapter 8 of this Law, reveals the signs showing that the existing state aid is incompatible or may not be deemed to be compatible with competition any more, the Authorised Body shall send a written request to the provider of such aid to submit information or supporting documents on provision of such aid within 30 days thereafter.
2. When, based on the analysis of information received from the state aid provider, the Authorised Body obtains evidence to believe that existing state aid is incompatible or may not be deemed compatible with competition any more, the Authorised Body shall send recommendations to the respective state aid provider:
 - to make changes in the state aid programme;
 - to introduce an additional procedure to implement the state aid programme;
 - to terminate implementation of the state aid programme.
3. Authorised Body's recommendations shall be subject to compulsory review by the state aid provider to whom such recommendations are addressed. The results of such review shall be notified to the Authorised Body within a month upon receipt of such recommendations.
4. If the state aid provider raises objections against implementation of Authorised Body's recommendations within the given term, and, having reviewed such objections, the Authorised Body considers that implementation of a recommended measure is necessary, the Authorised Body shall take a decision to initiate consideration of a state aid case in such manner as prescribed by Article 11 of this Law.
5. If a state aid provider gives its written consent to implement Authorised Body's recommendations within the time given, the Authorised Body shall, subject to the state aid provider's agreement, determine the timeframe to implement such recommendations. The state aid provider shall submit documents confirming the recommendations have been implemented in full within the timeframe prescribed by the Authorised Body.

Chapter 8 STATE AID MONITORING

Article 16: State Aid Register and Reporting

1. The State Aid Register shall be established and kept by the Authorised Body upon the results of state aid monitoring based on information on the existing state aid to be submitted by the providers of such aid.
2. The State Aid Register shall be updated by the Authorised Body, in particular, with details on new state aid which became effective over the reporting year, including such aid whose providers are exempted from an obligation to notify thereof in accordance with Article 7, Part One, of this Law.
3. State aid providers shall provide Authorised Body with the information on the existing state aid, its purpose, forms, sources, beneficiaries and their respective shares in the total state aid granted during the preceding financial year as a part of the respective state aid program or information that no state aid was granted during the reporting year by the 1st day of April of the year following the reporting one in such manner as prescribed by the Authorised Body.

4. The form and requirements to information to be reported on the existing state aid shall be defined by the Authorised Body.
5. State aid beneficiaries shall disclose full and true information on the existing state aid to the respective state aid providers.
6. If a state aid provider fails to submit information on the existing state aid to the Authorised Body within the time limit defined by the Law, the Authorised Body shall send a written request to submit such information within 30 days.
7. The Authorised Body shall make an annual report of state aid granted in Ukraine in the preceding financial year by the 1st day of September of the year following the reporting one and shall submit such report to the Cabinet of Ministers of Ukraine. Such report shall be published in Uriadovy Kuryer Newsletter and shall be placed on the Government's website.
8. The State Aid Register shall be open with free access to it by all users.

Article 17: Appealing against Decisions of the Authorised Body

1. The parties concerned shall have the right to appeal, either in full or in part, against Authorised Body's decisions adopted pursuant to this Law through a district administrative court whose territorial jurisdiction covers the city of Kyiv within one month upon receipt of the respective decision.
2. The administrative court's acceptance of an application to declare the Authorised Body's decision to be invalid either in full or in part shall not terminate execution of such decision.

Chapter 9 FINAL AND TRANSITIONAL PROVISIONS

1. This Law shall come into force generally three years following its publication, except the provisions of Article 6(2), Article 8 (1), points 6 to 10 of the Article 8 (2) and Article 14 (2) that will come into force immediately following publication.
2. All state aid providers shall notify the Authorised Body of programs to support undertakings through state resources or local resources existing as of the effective date of this Law within one year upon the effective date of this Law. In such case, submission and consideration of a notice as well as consideration of a state aid case shall be carried out in such manner as set forth by Chapter 4 of this Law.
3. Current state aid existing as of the effective date of this Law and which was found incompatible with competition pursuant to the Authorised Body's decision shall be brought in compliance with this Law within the term prescribed by the Authorised Body but within three years upon the effective date of this Law at the latest.
4. The following legislative instruments of Ukraine shall be revised as follows:
 - 1) Article 26 of the Economic Code of Ukraine (Vidomosti Verkhovnoyi Rady Ukrainy, 2003, No. 18 to 22, p. 144) shall be revised as follows:

“Article 26: State Aid to Undertakings

1. Legal principles of monitoring of state aid to undertakings and exercising control over compatibility of such state aid to undertakings with competition shall be defined by the laws

on state aid to undertakings.”;

2) Article 19, Part Three, of the Code of Administrative Proceedings of Ukraine (Vidomosti Verkhovnoyi Rady Ukrainy, 2005, No. 35 to 37, p. 446) shall be added with the words: “and decisions with regard to state aid to undertakings, administrative proceedings initiated under the suit of Antimonopoly Committee of Ukraine with regard to state aid to undertakings” to be inserted after the words “in public procurement”;

3) In the Law of Ukraine “On the Antimonopoly Committee of Ukraine” (Vidomosti Verkhovnoyi Rady Ukrainy, 1993, No. 50, p. 472; 2000, No. 41, p. 343; 2004, No. 13, p. 181; 2006, No. 14, p.

118; 2007, No. 9, p. 67; 2010, No. 33, p. 471; as amended by the Law of Ukraine dd. June 7, 2012 No. 4910-VI):

Article 3 shall incorporate a new paragraph – Paragraph 6:

“6) monitoring of state aid to undertakings and control over compatibility of such aid with competition.”;

Article 5, Part One, shall be added with the following words: “on state aid to undertakings” to be inserted after “on protection against unfair competition”;

Article 7 shall incorporate a new part:

“With regard to monitoring of state aid to undertakings and control over compatibility of such state aid with competition, the Antimonopoly Committee of Ukraine shall have powers set forth by the Law of Ukraine “On State Aid to Undertakings”.”;

words “and on state aid to undertakings” shall be inserted in Part One and in the first sentence of Part Two of Article 22¹ following the words “laws on protection of economic competition”.

5. To establish that temporarily for the period of quarantine introduced by the Cabinet of Ministers of Ukraine in accordance with the procedure established by law throughout Ukraine to prevent the spread of the coronavirus disease COVID-19 and until 31 December 2020, the submission and consideration of notifications of new state aid with proposals for the preparation of draft laws, other regulatory and administrative acts, aimed at supporting undertakings at the expense of state or local resources, amendments to the terms and conditions of the existing state aid for the purpose provided for in [clause 2](#) of part one of Article 6 of this Law shall be made in accordance with the procedure established by [Section 4](#) of this Law, taking into account the specifics established by this clause.

In order to properly prepare notifications on state aid, state aid providers may apply to the Authorised Body for consultations. The state aid provider chooses the form of consultations provided by the Authorised Body. The Authorised Body is obliged to provide consultations to the state aid provider no later than two working days after receiving the request from the state aid provider.

The notification of new state aid shall be deemed accepted for consideration from the moment of its receipt by the Authorised Body.

The decision on the results of consideration of the notification of new state aid submitted in accordance with the requirements of this clause shall be made by the Authorised Body within 15 days from the date of its consideration.

Based on the results of the review of the notification of new state aid, the Authorised Body shall make a decision on:

recognition of the aid to the undertaking specified in the notification of new state aid as not being state aid in accordance with this Law, including as a result of changes to the terms and conditions of its provision by the state aid provider

the compatibility of the new state aid for competition, including as a result of changes to the terms of its provision by the state aid grantor;

compatibility of new state aid for competition, provided that the grantor and recipients of state aid fulfil the obligations established by the Authorised Body;

declaring the new state aid incompatibility for competition.

If within the period of consideration of the notification of new state aid established by this clause the Authorised Body does not make a decision, the decision on the admissibility of new state aid for competition shall be deemed to be made.

The decision to recognise the new state aid as incompatible for competition does not deprive the state aid grantor of the right to re-apply to the Authorised Body with the notification of the new state aid.

{Section 9 is supplemented with a new clause 5 according to the Law [No. 692-IX of 16.06.2020](#)}

5-1. To establish that the requirements of this Law do not apply to the measures envisaged by [the Law of Ukraine](#) ‘On Peculiarities of Reforming the State-Owned Defence Industry Enterprises’.

{Section 9 is supplemented by clause ⁵⁻¹ according to the Law [No. 1630-IX of 13.07.2021](#)}

5-2. To establish that the requirements of this Law do not apply to the transfer of state-owned engineering infrastructure facilities of inter-farm and on-farm land reclamation systems to municipal ownership by water user organisations, which is carried out in accordance with the [Law of Ukraine](#) ‘On Organisations of Water Users and Stimulation of Hydrotechnical Land Reclamation’.

{Section 9 is supplemented by clause ⁵⁻² according to the Law [No. 2079-IX of 17.02.2022](#)}

5-2. During the period of martial law, the provisions of [Articles 6, 7, 9, 10, 11, 12, 13, 14, 15, 16](#) of this Law and other legislative provisions arising from the said Articles of this Law shall not apply.

State aid provided during martial law is compatible.

Grantors of state aid shall be exempt from the obligation to:

notify of new state aid and proposals to amend the terms of existing state aid, if such state aid is provided during martial law and within one year after its termination or cancellation;

submission of information on the existing state aid provided during the martial law and within one year after its termination or cancellation.

{Section 9 is supplemented by clause ⁵⁻² according to the Law [No. 2134-IX dated 15.03.2022](#); as amended by the Law [No. 2175-IX dated 01.04.2022](#)}

6. Within three months following the effective date of this Law, the Cabinet of Ministers of Ukraine shall:

- submit proposals to the Verkhovna Rada of Ukraine to bring the legislative instruments of Ukraine in compliance with this Law;
- bring the Cabinet's legal and regulatory instruments in compliance with this Law;
- ensure ministries and other central executive bodies have brought their legal and regulatory instruments in compliance with this Law;
- ensure legal and regulatory instruments set forth by this Law are adopted.

President of Ukraine

P. POROSHENKO

Kyiv, 1 July 2014

№ 1555-VII