



# **LAW OF UKRAINE**

## **On the Antimonopoly Committee of Ukraine**

**(The Official Bulletin of the Verkhovna Rada of Ukraine (BVR), 1993, No. 50, Article 472)**

*{Promulgated by the Resolution of the Verkhovna Rada of Ukraine No. 3660-XII as of 26 November 1993, BVR, 1993, No. 50, Article 473}*

*{As amended by Laws*

No. 1907-III as of 13 July 2000, *BVR, 2000, No. 41, Article 343*  
No. 2905-III as of 20 December 2001, *BVR, 2002, No. 12-13, Article 92*  
*No.2921-III as of 10 January 2002, BVR, 2002, No. 16, Article 114*  
No. 380-IV as of 26 December 2002, *BVR, 2003, No. 10-11, Article 86*  
No. 762-IV as of 15 May 2003, *BVR, 2003, No. 30, Article 247*  
No. 1294-IV as of 20 November 2003, *BVR, 2004, No. 13, Article 181*  
*No.1344-IV as of 27 November 2003, BVR, 2004, No. 17-18, Article 250*  
No. 2285-IV as of 23 December 2004, *BVR, 2005, No. 7-8, Article 162*  
No. 2505-IV as of 25 March 2005, *BVR, 2005, No. 17, Article 18-19, Article 267*  
*No.3205-IV as of 15 December 2005, BVR, 2006, No. 14, Article 118*  
No. 424-V as of 01 December 2006, *BVR, 2007, No. 9, Article 67*  
No. 489-V as of 19 December 2006, *BVR, 2007, No. 7-8, Article 66*  
No. 985-V as of 24 April 2007, *BVR, 2007, No. 32, Article 415}*

*{Additionally, see Decision of the Constitutional Court No. 6-pp/2007 as of 09 July 2007}*

*{As amended by Law*

No. 107-VI as of 28 December 2007, *BVR, 2008, No. 5-6, No. 7-8, Article 78 — amendments shall be effective until 31 December 2008}*

*{Additionally, see Decision of the Constitutional Court No. 10-rp/2008 as of 22 May 2008}*

*{As amended by Laws*

No. 2289-VI as of 01 June 2010, *BVR, 2010, No. 33, Article 471*  
No. 2388-VI as of 01 July 2010, *BVR, 2010, No. 37, Article 496*  
No. 2592-VI as of 07 October 2010, *BVR, 2011, No. 10, Article 63 — repealed by Law No. 763-VII as of 23 February 2014, BVR, 2014, No. 12, Article 189*  
No. 3567-VI as of 05 July 2011, *BVR, 2012, No. 5, Article 36*  
*No.4287-VI as of 23 December 2011, BVR, 2012, No. 31, Article 391*

No. 4910-VI as of 07 June 2012, *BVR, 2013, No. 18, Article 162*  
No. 5463-VI as of 16 October 2012, *BVR, 2014, No. 4, Article 61*}

*{As amended by Laws*

No. 1170-VII as of 27 March 2014, *BVR, 2014, No. 22, Article 816*  
No. 1555-VII as of 01 July 2014, *BVR, 2014, No. 34, Article 1173*  
*No.77-VIII as of 28 December 2014, BVR, 2015, No. 11, Article 75*  
No. 782-VIII as of 12 November 2015, *BVR, 2015, No. 51, Article 473*  
No. 889-VIII as of 10 December 2015, *BVR, 2016, No. 4, Article 43*  
No. 901-VIII as of 23 December 2015, *BVR, 2016, No. 4, Article 44*  
*No.922-VIII as of 25 December 2015, BVR, 2016, No. 9, Article 89*  
No. 114-IX as of 19 September 2019, *BVR, 2019, No. 45, Article 289*  
No. 720-IX as of 17 June 2020, *BVR, 2020, No. 47, Article 408*  
No. 1052-IX as of 03 December 2020, *BVR, 2021, No. 6, Article 45*  
*No.1219-IX as of 05 February 2021, BVR, 2021, No. 20, p.181*  
No. 1587-IX as of 30 June 2021  
No. 1780-IX as of 23 September 2021  
No. 2849-IX as of 13 December 2022  
No. 3141-IX as of 10 June 2023  
No. 3295-IX as of 09 August 2023}

*{In this Law, the words "central and local authorities", "local and regional self-government bodies" in all cases shall be replaced with the words "state authorities, management and supervision bodies", "local self-government bodies" in the respective cases; the words "local Councils of People's Deputies" in all cases shall be replaced with the words "local councils" in the respective cases; the words "current legislation", "current legislation of Ukraine" in all cases shall be replaced with the words "legislation", "legislation of Ukraine" in the respective cases; the words "entrepreneur", "undertaking" in all cases shall be replaced with the words "undertaking" in the respective cases; the words "entrepreneurs", " undertakings" in all cases shall be replaced with the words "undertakings" in the respective cases; the words "state executive authorities" in all cases shall be replaced with the words "executive authorities" in the respective cases according to Law No. 1907-III as of 13 July 2000}*

*{In the Law, the words "antimonopoly legislation" in all cases shall be replaced with the words "legislation on the protection of economic competition" in the appropriate case according to Law No. 1294-IV as of 20 November 2003}*

*{In the Law, the words "mass media" in all cases and numbers shall be replaced with the word "media" according to Law No. 2849-IX as of 13 December 2022}*

## **CHAPTER I. GENERAL PROVISIONS**

### **Article 1.** Antimonopoly Committee of Ukraine

The Antimonopoly Committee of Ukraine is a state authority with a special status, the objective of which is to ensure state protection of competition in business and public procurement.

*{Part one of Article 1 as amended by Laws No. 424-V as of 01 December 2006, No. 114-IX as of 19 September 2019}*

The peculiarities of the special status of the Antimonopoly Committee of Ukraine shall be determined by its tasks and powers, including its role in the formation of competition policy, set by this Law, other statutory instruments and involve, in particular, a special procedure for the appointment and dismissal of the Chair of the Antimonopoly Committee of Ukraine, its deputies, State Commissioners of the Antimonopoly Committee of Ukraine, commissioners for complaints on violation of public procurement legislation, Heads of territorial branches of the Antimonopoly Committee of Ukraine, the special procedural basis of the activity of the Antimonopoly Committee of Ukraine, provision of social guarantees, protection of personal and property rights of employees of the Antimonopoly Committee of Ukraine at the level of employees of law enforcement agencies and on the terms of remuneration.

*{Article 1 is supplemented with part two according to Law No. 1294-IV as of 20 November 2003; as amended by Law No. 1219-IX as of 05 February 2021}*

*{Article 1 as amended by Law No. 1907-III as of 13 July 2000, as amended by Law No. 1294-IV as of 20 November 2003}*

### **Article 2.** Subordination, Accountability, and Transparency of the Antimonopoly Committee of Ukraine

*{Title of Article 2 as amended by Law No. 1170-VII as of 27 March 2014}*

The Antimonopoly Committee of Ukraine shall be subordinate to the President of Ukraine and accountable to the Verkhovna Rada of Ukraine.

*{Part two of Article 2 is deleted on the basis of Law No. 1052-IX as of 03 December 2020}*

The Antimonopoly Committee of Ukraine shall publish information and provide information upon request in accordance with Law of Ukraine "On Access to Public Information".

*{Article 2 is supplemented with part three according to Law No. 1170-VII as of 27 March 2014}*

*{Article 2 as amended by Law No. 1907-III as of 13 July 2000}*

### **Article 3.** Tasks of the Antimonopoly Committee of Ukraine

The main task of the Antimonopoly Committee of Ukraine shall be to participate in the development and implementation of competition policy in terms of:

1) exercising state control over compliance with the legislation on the protection of economic competition on the basis of equality of undertakings before the law and priority of consumer rights, prevention, detection and termination of violations of the legislation on the protection of economic competition;

2) control over concentration, concerted actions of undertakings and compliance with the requirements of the legislation on the protection of economic competition in the course of regulating prices (tariffs) for goods produced (sold) by natural monopolies;

*{Clause 2 of Article 3 as amended by Law No. 4910-VI as of 07 June 2012}*

3) promoting the development of fair competition;

4) methodological support for the application of legislation on the protection of economic competition;

5) control over the creation of a competitive environment and protection of competition in public procurement;

*{Article 3 is supplemented with clause 5 according to Law No. 424-V as of 01 December 2006; as amended by Law No. 114-IX as of 19 September 2019}*

6) monitoring of state aid to undertakings and control over the compatibility of such aid for competition.

*{Article 3 is supplemented with clause 6 according to Law No. 1555-VII as of 01 July 2014}*

*{Article 3 as amended by Laws No.1907-III as of 13 July 2000, No. 1294-IV as of 20 November 2003}*

#### **Article 4.** Basic Principles of the Antimonopoly Committee of Ukraine

The Antimonopoly Committee of Ukraine shall build its activities on the following principles:

- rule of law;
- publicity;
- protection of competition on the basis of equality of individuals and legal entities before the law and the priority of consumer rights.

*{Paragraph four of Article 4 as amended by Law No. 1294-IV as of 20 November 2003}*

#### **Article 5.** Legislation on the Antimonopoly Committee of Ukraine

The Antimonopoly Committee of Ukraine shall operate in accordance with the Constitution of Ukraine, the Laws of Ukraine "On the Protection of Economic Competition", "On Protection Against Unfair Competition", "On State Aid to Undertakings", this Law, other laws and regulations adopted in accordance with these laws.

*{Part one of Article 5 as amended by Law No. 1294-IV as of 20 November 2003; as amended by Law No. 1555-VII as of 01 July 2014}*

If an international treaty ratified by the Verkhovna Rada of Ukraine establishes rules other than those contained in this Law, the rules of the international treaty shall apply.

In this Law, the relevant terms shall have the meanings defined by the Law of Ukraine "On the Protection of Economic Competition".

*{Part three of Article 5 as amended by Law No. 1294-IV as of 20 November 2003}*

In this Law, the term "legislation on the protection of economic competition" shall have the meaning defined in Article 3 of the Law of Ukraine "On the Protection of Economic Competition".

*{Part four of Article 5 as amended by Law No.1294-IV as of 20 November 2003}*

*{Article 5 as amended by Law No. 1907-III as of 13 July 2000}*

## **CHAPTER II. STRUCTURE, COMPETENCE, AND ORGANIZATION OF THE ANTIMONOPOLY COMMITTEE OF UKRAINE**

### **Article 6.** System of Bodies of the Antimonopoly Committee of Ukraine

The Antimonopoly Committee of Ukraine shall be composed of the Chair and eight State Commissioners.

*{Part one of Article 6 as amended by Law No. 4287-VI as of 23 December 2011}*

The Chair of the Antimonopoly Committee of Ukraine shall have a First Deputy and a Deputy Chair of the Antimonopoly Committee of Ukraine to be appointed from among the State Commissioners. If necessary, to ensure the implementation of certain tasks by the Antimonopoly Committee of Ukraine, the position of the Deputy Chair of the Antimonopoly Committee of Ukraine shall be additionally introduced by the decision of the President of Ukraine.

*{Part two of Article 6 as amended by Laws No. 1907-III as of 13 July 2000, No. 1294-IV as of 20 November 2003; as amended by Law No. 4287-VI as of 23 December 2011}*

The Antimonopoly Committee of Ukraine shall establish territorial branches and, if necessary, reorganize, or liquidate them.

*{Part three of Article 6 as amended by Law No. 4287-VI as of 23 December 2011}*

*{Part four of Article 6 is deleted on the basis of Law No. 985-V as of 24 July 2007}*

The Antimonopoly Committee of Ukraine and its territorial branches shall constitute the system of bodies of the Antimonopoly Committee of Ukraine headed by the Chair of the Committee.

The Antimonopoly Committee of Ukraine and its territorial branches shall be legal entities, have settlement and deposit accounts with banks, and seals bearing the State Emblem of Ukraine and their name.

*{Part of Article 6 as amended by Law No. 2921-III as of 10 January 2002}*

The Antimonopoly Committee of Ukraine, administrative boards of the Antimonopoly Committee of Ukraine, the Commission (commissions) for complaints on violations of public procurement legislation, State Commissioners of the Antimonopoly Committee of Ukraine, commissioners for complaints on violations of public procurement legislation, administrative boards of territorial branches of the Antimonopoly Committee of Ukraine shall be bodies of the Antimonopoly Committee of Ukraine.

*{Article 6 is supplemented with part seven according to Law No. 1294-IV as of 20 November 2003; as amended by Law No. 1219-IX as of 05 February 2021}*

**Article 6<sup>1</sup>.** Antimonopoly Committee of Ukraine as an Appeal Body in the Public Procurement Sphere

The Antimonopoly Committee of Ukraine as an appeal body in the public procurement sphere shall have the powers set forth in the Law of Ukraine "On Public Procurement", as well as the following powers:

1) to establish a Commission (commissions) for Complaints on Violation of Public Procurement Legislation;

2) to determine the number of commissions for complaints on violation of public procurement legislation;

3) to approve and publish a generalized practice of reviewing complaints on violation of public procurement legislation;

4) to approve and publish the Rules of Procedure of the Commission for Complaints on Violation of Public Procurement Legislation;

5) to approve and publish methodological recommendations for the Commission for Complaints on Violation of Public Procurement Legislation on the specifics of the commission's review of complaints.

In order to ensure consideration of complaints on violations of public procurement legislation, the Antimonopoly Committee of Ukraine shall establish a Commission (Commissions) for Complaints on Violation of Public Procurement Legislation consisting of three persons.

Commissioners for complaints on violation of public procurement legislation shall be appointed and dismissed by the Chair of the Antimonopoly Committee of Ukraine. The procedure for competitive selection and appointment of commissioners for complaints on violation of public procurement legislation shall be determined by the Antimonopoly Committee of Ukraine.

The number of commissioners for complaints on violation of public procurement legislation shall be ten.

The term of office of the commissioner for complaints on violation of public procurement legislation shall be seven years. A person may not be appointed to the position of the commissioner for complaints on violation of public procurement legislation for more than two consecutive terms.

A person applying for the position of the commissioner for complaints on violation of public procurement legislation must be a citizen of Ukraine, have a master's (specialist's) degree (including legal and/or economic and/or technical), at least five years of professional experience over the past ten years and be fluent in the state language.

Commissioners for complaints on violation of public procurement legislation shall be subject to the requirements and restrictions established by the legislation on prevention of corruption and shall not be subject to the Law of Ukraine "On Civil Service".

The commissioner for complaints on violation of public procurement legislation, who is a related person of the appellant or the procuring entity, may not participate in consideration and decision-making on such a complaint and for the period of consideration and decision-making on such a complaint shall be replaced with another commissioner for complaints on violation of public procurement legislation determined by the Chair of the Antimonopoly Committee of Ukraine or such a complaint may be transferred to another Commission for Complaints on Violation of Public Procurement Legislation.

The exclusive competence of the commissioners for complaints on violation of public procurement legislation shall be to consider complaints on violation of public procurement legislation.

The form of work of the Commission for Complaints on Violation of Public Procurement Legislation shall be meetings held in accordance with the Rules of Procedure of the Commission for Complaints on Violation of Public Procurement Legislation, which are approved by the Antimonopoly Committee of Ukraine.

Decisions of the Commission (Commissions) for Complaints on Violation of Public Procurement Legislation shall be adopted by voting by a majority of votes of the members present at its meetings.

The members of the Commission for Complaints on Violation of Public Procurement Legislation shall have equal rights to consider issues within the competence of the Commission for Complaints on Violation of Public Procurement Legislation, including in decision-making.

A member of the Commission for Complaints on Violation of Public Procurement Legislation may not abstain from voting.

The remuneration of the commissioners for complaints on violation of public procurement legislation shall be set at the level of remuneration of State Commissioners of the Antimonopoly Committee of Ukraine.

The Antimonopoly Committee of Ukraine (its office) shall provide proper material and technical support for the activities of the Commission (Commissions) for Complaints on Violation of Public Procurement Legislation and commissioners for complaints on violation of public procurement legislation.

Organizational, including technical, analytical, information and reference support for the activities of the Commission (Commissions) for Complaints on Violation of Public Procurement Legislation shall be provided by the staff of the Antimonopoly Committee of Ukraine.

No later than 15 March of the year following the reporting budget year, the Antimonopoly Committee of Ukraine shall publish on its official website an annual report on the activities of the Commission (Commissions) for Complaints on Violation of Public Procurement Legislation and generalized practice of consideration of complaints on violation of public procurement legislation.

*{The Law is supplemented with Article 6-<sup>1</sup> according to Law No. 1219-IX as of 05 February 2021}*

#### **Article 7.** Powers of the Antimonopoly Committee of Ukraine

To monitor compliance with the legislation on the protection of economic competition the Antimonopoly Committee of Ukraine shall have the following powers:

1) to consider applications and cases of violation of the legislation on the protection of economic competition and conduct investigations into such applications and cases;

2) to issue orders and decisions on applications and cases provided for by the legislation on the protection of economic competition, to review and revise decisions in cases, to provide opinions on the qualification of actions in accordance with the legislation on the protection of economic competition;

3) to consider cases of administrative offenses, adopt resolutions and check their legality and validity;

4) to inspect undertakings, associations/groups, authorities, local self-government bodies, administrative and economic management and control bodies for compliance with the requirements

of the legislation on the protection of economic competition and during investigations into applications and cases of violation of the legislation on the protection of economic competition;

5) when considering applications and cases on violation of the legislation on the protection of economic competition, conducting inspections and in other cases provided for by law, to demand information, including restricted information, from undertakings, associations/groups, authorities, local self-government bodies, administrative and economic management and control bodies, their officials and employees, other individuals and legal entities;

6) to arrange an expert review and appoint an expert from among persons who have the necessary knowledge to provide an expert opinion;

7) on the basis of a court decision of the commercial court in cases and according to the procedure specified by law, during inspections:

to have unhindered access to the premises of enterprises, institutions and organizations, to storage places of information owned and/or used by undertakings, associations, authorities, local self-government bodies, administrative and economic management and control bodies (computers, technical means of electronic communications and information storage, servers, safes, workplaces of employees, etc.), regardless of their location;

copy and/or receive copies of such information;

to seize or confiscate objects or other information carriers, documents, including their originals, seal premises, electronic communication systems or information storage places in a way that makes it impossible to get acquainted with their contents;

conduct an inspection of the premises and other possessions of undertakings, associations, authorities, local self-government bodies, administrative and economic management and control bodies that are being inspected;

*{ Clause 7 of part one of Article 7 as amended by Law No. 3295-IX as of 09 August 2023 }*

8) in case of obstacles to the employees of the Antimonopoly Committee of Ukraine in the exercise of their powers under clauses 4, 5 and 7 of this part, to involve police officers to apply measures provided for by law to overcome obstacles;

*{ Clause 8 of part one of Article 7 as amended by Law No. 901-VIII as of 23 December 2015 }*

9) to involve police officers, customs officers, and other law enforcement agencies to ensure that a case of violation of the legislation on the protection of economic competition is considered, in particular in the case of an investigation;

*{ Clause 9 of part one of Article 7 as amended by Law No. 901-VIII as of 23 December 2015 }*

10) to involve specialists of state authorities, local self-government bodies, enterprises, institutions, organizations in conducting inspections in agreement with their heads, members of local councils with their consent;

11) to conduct market research, determine the boundaries of the commodity market (in the media sector — according to the methods agreed with the National Council on Television and Radio Broadcasting of Ukraine), as well as the position, including monopoly (dominant), of undertakings in the relevant market and make appropriate decisions (orders);

*{ Clause 11 of part one of Article 7 as amended by Law No. 2849-IX as of 13 December 2022 }*



11<sup>1</sup>) at the request of the National Commission for State Regulation of Energy and Public Utilities, to conduct an investigation to identify violations of legislation on the protection of economic competition in the electricity and natural gas markets;

*{Part one of Article 7 is supplemented with clause 11<sup>1</sup> according to Law No. 3141-IX as of 10 June 2023}*

12) to determine the presence or absence of control between undertakings or their parts and the composition of a group of undertakings that is a single undertaking;

13) to submit mandatory proposals to executive authorities and local self-government bodies for consideration regarding the revocation of licenses, termination of foreign economic operations of undertakings in case of violation of legislation on the protection of economic competition;

14) to provide mandatory recommendations to authorities, local self-government bodies, administrative and economic management and control bodies, undertakings, associations/groups on termination of actions or inaction that contain signs of violation of the legislation on the protection of economic competition, and elimination of the causes of such violations and conditions that facilitate them;

15) to file claims, applications, and complaints in connection with the application of the legislation on the protection of economic competition, as well as requests for information on court cases considered by these courts in accordance with the legislation on the protection of economic competition;

16) to apply to and receive from the competent authorities of other states the necessary information to exercise its powers;

17) to provide information to the competent authorities of other states in cases and in the manner prescribed by law;

17<sup>1</sup>) to exercise the powers provided for by the Law of Ukraine "On Public Procurement";

*{Part one of Article 7 is supplemented with clause . according to Law No. 3205-IV as of 15 December 2005, as amended by Laws No. 2289-VI as of 01 June 2010, No. 922-VIII as of 25 December 2015 — regarding the implementation of the amendments, see clause 1 of Section II of Law No. 922-VIII as of 25 December 2015; as amended by Law No. 114-IX as of 19 September 2019}*

18) to exercise other powers provided for by the legislation on the protection of economic competition and the Law of Ukraine "On Public Procurement".

*{Clause 18 of part one of Article 7 as amended by Laws No. 424-V as of 01 December 2006, No. 2289-VI as of 01 June 2010, No. 922-VIII as of 25 December 2015 — regarding the implementation of the amendment, see paragraph 1 of Section II of Law No. 922-VIII as of 25 December 2015; as amended by Law No. 114-IX of 19 September 2019}*

To monitor concerted actions and concentration, the Antimonopoly Committee of Ukraine shall have the following powers:

1) to consider applications and cases for clearances, opinions, preliminary conclusions on concerted actions, concentration, and conduct research on these applications and cases;

2) to issue orders and decisions on applications and cases for clearance of concerted actions, concentration, as provided for by the legislation on the protection of economic competition, to provide

opinions, preliminary conclusions on concerted actions, concentration, and conclusions on the qualification of actions in accordance with the legislation on the protection of economic competition;

3) to review and verify the decisions made by the bodies of the Antimonopoly Committee of Ukraine within their competence;

4) to allow or prohibit concerted actions and concentration;

5) when considering applications and cases on violation of the legislation on the protection of economic competition, conducting inspections and in other cases provided for by law, to demand information, including restricted information, from undertakings, associations/groups, authorities, local self-government bodies, administrative and economic management and control bodies, their officials and employees, other individuals and legal entities;

6) to exercise the powers provided for in clauses 6, 11, 12, 15 and 16 of part one of this Article;

7) to exercise other powers provided for by the legislation on the protection of economic competition.

In order to form and implement competition policy, promote competition, provide regulatory and methodological support for the Antimonopoly Committee of Ukraine and cause legislation on the protection of economic competition to be applied, the Antimonopoly Committee of Ukraine shall have the following powers:

1) to request from undertakings, associations/groups, authorities, local self-government bodies, administrative and economic management and control bodies, their officials, information, including restricted information, necessary for market research, as well as information on the implementation of competition policy;

2) to summarize and analyze information on the implementation of legislative acts on the protection of economic competition in terms of priorities and directions of competition policy;

3) to participate in the development of and submit proposals to the President of Ukraine and the Cabinet of Ministers of Ukraine in accordance with the established procedure regarding laws and other regulations on the development of competition, competition policy and demonopolization of the economy, approve draft regulations of the President of Ukraine, the Cabinet of Ministers of Ukraine, central and local executive authorities, local self-government bodies, administrative and economic management and control bodies that may affect competition;

4) to exercise the powers provided for in clauses 6, 11, 12 and 15 of part one of this Article;

5) to provide mandatory recommendations and submit proposals to state authorities, local self-government bodies, institutions, organizations, undertakings, associations/groups on measures aimed at limiting monopoly, developing entrepreneurship and competition, preventing violations of legislation on the protection of economic competition, as well as on termination of actions or inaction that may have a negative impact on competition;

6) to interact with state authorities, local self-government bodies, administrative and economic management and control bodies, enterprises, institutions, and organizations on the issues of development, support, protection of economic competition and demonopolization of the economy;

7) to summarize the practice of application of legislation on the protection of economic competition, submit proposals for its improvement to the relevant state authorities;

8) to develop and organize the implementation of measures aimed at preventing violations of the legislation on the protection of economic competition;

9) to participate in the development and submission of proposals to the President of Ukraine and the Cabinet of Ministers of Ukraine on draft regulations on competition policy, development and protection of competition and demonopolization of the economy;

10) to develop and approve, together with other state authorities concerned, interagency regulations on the development and protection of economic competition and demonopolization of the economy;

11) to adopt its own regulations in the form of orders on issues within its competence, in particular, on control over concerted actions, concentration, jurisdiction and consideration of applications and cases on concerted actions, concentration, violation of legislation on the protection of economic competition, organization of activities of the bodies of the Antimonopoly Committee of Ukraine;

12) to give official interpretation of its own regulations;

13) to provide advisory clarifications on the application of legislation on the protection of economic competition;

14) to submit proposals to the President of Ukraine, the Cabinet of Ministers of Ukraine, the National Bank of Ukraine, and instructions to state authorities and local self-government bodies to amend their regulations that do not comply with the legislation on the protection of economic competition or, as a result of ambiguous understanding, create obstacles to the development of competition;

15) to form administrative boards of the Antimonopoly Committee of Ukraine;

16) to establish territorial branches and advisory bodies of the Antimonopoly Committee of Ukraine;

17) to participate in the development and implementation of international projects and programs, as well as cooperate with international organizations, government agencies and non-governmental organizations of other states on issues within the competence of the Antimonopoly Committee of Ukraine;

18) to publish its printed media, official publications (collections) of statutory instruments on the protection of economic competition, and maintain an electronic webpage on the Internet;

19) to exercise other powers provided for by the legislation on the protection of economic competition and the Law of Ukraine "On Public Procurement".

*{Clause 19 of the part of Article 7 as amended by Laws No. 424-V as of 01 December 2006, No. 2289-VI as of 01 June 2010, No. 922-VIII as of 25 December 2015 — regarding the implementation of the amendment, see clause 1 of Section II of Law No. 922-VIII as of 25 December 2015; as amended by Law No. 114-IX as of 19 September 2019}*

Other state authorities shall not exercise the powers of the Antimonopoly Committee of Ukraine provided for in clauses 1-4 and 11 of part one, clauses 1, 2 and 4 of part two, clauses 11-13, 15 and 16 of part three of this Article.

To control the compatibility of state aid for competition the Antimonopoly Committee of Ukraine shall have the powers defined by the Law of Ukraine "On State Aid to Undertakings".

*{Article 7 is supplemented with part five according to Law No. 1555-VII as of 01 July 2014}*

*{Article 7 as amended by Law No. 1907-III as of 13 July 2000, as amended by Law No. 762-IV as of 15 May 2003; as amended by Law No. 1294-IV as of 20 November 2003, part one of Article 7 in terms of granting the authority to consider cases of administrative offenses shall become effective on the date of introduction of the relevant amendments to the Code of Ukraine on Administrative Offenses under Law No. 1294-IV as of 20 November 2003}*

*{Article 8 is deleted on the basis of the Law No. 1294-IV as of 20 November 2003}*

#### **Article 9. Chair of the Antimonopoly Committee of Ukraine**

The Chair of the Antimonopoly Committee of Ukraine shall be appointed and dismissed by the President of Ukraine with the consent of the Verkhovna Rada of Ukraine.

The term of office of the Chair of the Antimonopoly Committee of Ukraine shall be seven years. The Chair of the Antimonopoly Committee of Ukraine cannot be appointed to this position for more than two consecutive terms.

*{Part two of Article 9 as amended by Law No. 1294-IV as of 20 November 2003}*

After the expiration of the term of office, the Chair of the Antimonopoly Committee of Ukraine shall continue to perform his/her duties until a new Chair is appointed.

The Chair of the Antimonopoly Committee of Ukraine may be dismissed in case of committing a crime, violating the requirements of the Law of Ukraine "On Prevention of Threats to National Security Related to Excessive Influence of Persons with Significant Economic and Political Weight in Public Life (Oligarchs)" in terms of submitting, meeting the deadlines for submitting a declaration of contacts, and in case of inability to perform duties for health reasons. The Chair of the Antimonopoly Committee of Ukraine shall have the right to tender his/her resignation to the Verkhovna Rada of Ukraine. The termination of powers of the Chair of the Antimonopoly Committee of Ukraine shall not cause the resignation of the State Commissioners of the Antimonopoly Committee of Ukraine and the commissioners for complaints on violation of public procurement legislation.

*{Part four of Article 9 as amended by Laws No. 1294-IV as of 20 November 2003, No. 720-IX as of 17 June 2020; as amended by Law No. 1219-IX as of 05 February 2021; as amended by Law No. 1780-IX as of 23 September 2021}*

*{Part five of Article 9 is deleted on the basis of the Law No. 985-V as of 24 April 2007}*

The Chair of the Antimonopoly Committee of Ukraine shall:

head the Antimonopoly Committee of Ukraine and direct its activities, preside at meetings of the Antimonopoly Committee of Ukraine;

*{Paragraph two of part six of Article 9 as amended by Law No. 1294-IV as of 20 November 2003}*

submit to the Prime Minister of Ukraine proposals for the appointment of the First Deputy, Deputy Chair and State Commissioners of the Antimonopoly Committee of Ukraine;

*{Paragraph three of part six of Article 9 as amended by Law No. 4287-VI as of 23 December 2011}*

distribute responsibilities among the First Deputy, Deputy Chair and State Commissioners of the Antimonopoly Committee of Ukraine, direct the activities of the territorial branches of the Antimonopoly Committee of Ukraine;

*{Paragraph four of part six of Article 9 as amended by Law No. 1294-IV as of 20 November 2003; as amended by Law No. 4287-VI as of 23 December 2011}*

submit the budget of income and expenses of the Antimonopoly Committee of Ukraine and its territorial branches for approval to the Antimonopoly Committee of Ukraine;

manage budgetary appropriations to support and provide for activities of the Antimonopoly Committee of Ukraine;

hire, transfer, and dismiss employees of the staff of the Antimonopoly Committee of Ukraine and its territorial branches, apply incentives and impose disciplinary sanctions on employees of the staff of the Committee and its territorial branches in accordance with the law;

establish territorial branches within the budget, temporary administrative boards of the Antimonopoly Committee of Ukraine to consider issues within the competence of the Antimonopoly Committee of Ukraine;

*{Paragraph eight of part six of Article 9 as amended by Law No. 1294-IV as of 20 November 2003}*

issue orders, approve regulations, instructions, and other acts binding on employees of the Antimonopoly Committee of Ukraine and its territorial branches;

*{Paragraph nine of part six of Article 9 as amended by Law No. 1294-IV as of 20 November 2003}*

issues orders on the enforcement of decisions of the Antimonopoly Committee of Ukraine, the administrative board of the Antimonopoly Committee of Ukraine, adopted as a result of consideration of cases on violations of legislation on the protection of economic competition, including on the collection of a fine;

*{Part six of Article 9 is supplemented with a new paragraph according to Law No. 3295-IX as of 09 August 2023}*

represent the Antimonopoly Committee of Ukraine in relations with state authorities, local self-government bodies, administrative and economic management and control bodies, undertakings, citizens and groups of undertakings or citizens and sign interagency regulations on behalf of the Antimonopoly Committee of Ukraine;

*{Paragraph of part six of Article 9 as amended by Law No. 1294-IV as of 20 November 2003}*

have the right, at the request of the persons involved in the case, the bodies of the Antimonopoly Committee of Ukraine, the Chair of its territorial branch or on its own initiative, to request any materials, including applications and cases on granting clearance for concerted actions, concentration, violation of legislation on the protection of economic competition, which are considered by the body of the Antimonopoly Committee of Ukraine or the Head of the territorial branch of the Antimonopoly Committee of Ukraine, and to transfer them for consideration to another body of the Antimonopoly Committee of Ukraine or the Head of the territorial branch of the Antimonopoly Committee of Ukraine, except for applications and cases referred to the exclusive competence of the Antimonopoly Committee of Ukraine as the supreme collegial body;

*{Part six of Article 9 is supplemented with a paragraph according to Law No. 1294-IV as of 20 November 2003}*

approve the structure of the Antimonopoly Committee of Ukraine;

*{Part six of Article 9 is supplemented with a paragraph according to Law No. 1294-IV as of 20 November 2003}*

approve the staff list and budget of the Antimonopoly Committee of Ukraine in agreement with the authorized central executive body for finance, the staff list and budget of the territorial branches of the Antimonopoly Committee of Ukraine;

*{Part six of Article 9 is supplemented with a paragraph according to Law No. 1294-IV as of 20 November 2003}*

appoint and dismiss commissioners for complaints on violation of public procurement legislation;

*{Part six of Article 9 is supplemented with a new paragraph according to Law No. 1219-IX as of 05 February 2021}*

perform other actions stipulated by the legislation on the protection of economic competition.

*{Paragraph of part six of Article 9 as amended by Law No. 1294-IV as of 20 November 2003}*

*{Part seven of Article 9 is deleted on the basis of Law No. 1052-IX as of 03 December 2020}*

The Chair of the Antimonopoly Committee of Ukraine shall have the status of a State Commissioner as provided for by this Law.

The Chair of the Antimonopoly Committee of Ukraine shall have the right to participate in meetings of the Cabinet of Ministers of Ukraine in an advisory capacity.

*{Article 9 is supplemented with part nine according to Law No. 1294-IV as of 20 November 2003}*

*{Article 9 as amended by Law No. 1907-III as of 13 July 2000}*

#### **Article 10.** Deputy Chairs of the Antimonopoly Committee of Ukraine

The First Deputy and Deputy Chair of the Antimonopoly Committee of Ukraine from among the State Commissioners shall be appointed upon the proposal of the Prime Minister of Ukraine and dismissed by the President of Ukraine. The Prime Minister of Ukraine shall submit to the President of Ukraine a proposal for the appointment of the First Deputy and Deputy Chair of the Antimonopoly Committee of Ukraine in accordance with the proposals of the Chair of the Antimonopoly Committee of Ukraine.

*{Part one of Article 10 as amended by Law No. 1294-IV as of 20 November 2003; as amended by Law No. 2592-VI as of 07 October 2010 — repealed by Law No. 763-VII as of 23 February 2014; as amended by Law No. 4287-VI as of 23 December 2011}*

The term of office of the First Deputy and Deputy Chair of the Antimonopoly Committee of Ukraine shall be terminated upon expiration of their term of office as State Commissioners or in accordance with part two of Article 18 of this Law.

*{Article 10 is supplemented with part two according to Law No. 1294-IV as of 20 November 2003}*

The First Deputy and Deputy Chair of the Antimonopoly Committee of Ukraine shall:

1) coordinate and control the work of the territorial branches of the Antimonopoly Committee of Ukraine, advisory bodies of the Antimonopoly Committee of Ukraine, and institutions managed by the Antimonopoly Committee of Ukraine;

- 2) direct and control the activities of their subordinate structural divisions;
- 3) organize legal support for the activities of structural divisions of the Antimonopoly Committee of Ukraine;
- 4) provide for cooperation of the Antimonopoly Committee of Ukraine with the Verkhovna Rada of Ukraine;
- 5) provide for cooperation of the Antimonopoly Committee of Ukraine with ministries and other central executive authorities, law enforcement agencies, courts, other state authorities, enterprises, institutions, and organizations;
- 6) provide for cooperation of the Antimonopoly Committee of Ukraine with international organizations, state authorities and non-governmental organizations of other states;
- 7) by order of the Chair of the Antimonopoly Committee of Ukraine, participate in meetings of the committees of the Verkhovna Rada of Ukraine during consideration of issues related to the activities of the Antimonopoly Committee of Ukraine and represent the Antimonopoly Committee of Ukraine in relations with other state authorities, local self-government bodies, enterprises, institutions, and organizations;
- 8) approve the appointment and dismissal of employees, changes in the structure and staff list of their subordinate structural divisions.

*{Article 10 is supplemented with part three according to Law No. 1294-IV as of 20 November 2003}*

The First Deputy shall have the right to authorize employees of the Antimonopoly Committee of Ukraine and its territorial branches to represent the Antimonopoly Committee of Ukraine in court.

*{Article 10 is supplemented with part four according to Law No. 1294-IV as of 20 November 2003; amended by Law No. 4287-VI as of 23 December 2011}*

The Chair of the Antimonopoly Committee of Ukraine shall allocate duties between the First Deputy Chair and the Deputy Chair of the Antimonopoly Committee of Ukraine.

*{Article 10 is supplemented with part five according to Law No. 1294-IV as of 20 November 2003}*

The First Deputy and Deputy Chair of the Antimonopoly Committee of Ukraine shall perform certain functions of the Chair on his/her behalf and deputize for the Chair in case of his/her absence or inability to exercise his/her powers.

*{Part six of Article 10 as amended by Law No. 1294-IV as of 20 November 2003}*

In case of absence of the First Deputy and the Deputy, a State Commissioner of the Antimonopoly Committee of Ukraine shall act as the Chair of the Antimonopoly Committee of Ukraine.

*{Part seven of Article 10 as amended by Law No. 1294-IV as of 20 November 2003}*

*{Article 10 as amended by Law No. 1907-III as of 13 July 2000; the text of Article 10 as amended by Law No. 4287-VI as of 23 December 2011}*

#### **Article 11.** State Commissioners of the Antimonopoly Committee of Ukraine

The State Commissioners of the Antimonopoly Committee of Ukraine shall be appointed by recommendation of the Prime Minister of Ukraine submitted on the basis of the proposals of the Chair

of the Antimonopoly Committee of Ukraine and dismissed by the President of Ukraine. Violation of the requirements of the Law of Ukraine "On Prevention of Threats to National Security Related to Excessive Influence of Persons with Significant Economic and Political Weight in Public Life (Oligarchs)" in terms of submission, compliance with the deadlines for submitting a declaration of contacts shall be grounds for dismissal of the State Commissioners of the Antimonopoly Committee of Ukraine.

*{Part one of Article 11 as amended by Law No. 2592-VI as of 07 October 2010 v repealed by Law No. 763-VII as of 23 February 2014; as amended by Law No. 1780-IX as of 23 September 2021}*

The term of office of the State Commissioner of the Antimonopoly Committee of Ukraine shall be seven years. Appointment of the State Commissioner as the First Deputy or Deputy Chair of the Antimonopoly Committee of Ukraine shall not constitute a ground for renewal of the seven-year term of office.

*{Part two of Article 11 as amended by Law No. 1294-IV as of 20 November 2003; as amended by Law No. 4287-VI as of 23 December 2011}*

After the expiration of the term of office, the State Commissioner of the Antimonopoly Committee of Ukraine shall continue to perform his/her duties until a new State Commissioner is appointed.

*{Part four of Article 11 is deleted on the basis of Law No.985-V as of 24 April 2007}*

*{Part five of Article 11 is deleted on the basis of Law No. 1294-IV as of 20 November 2003}*

A State Commissioner shall be a citizen of Ukraine, who reached the age of thirty, has a degree, as a rule, in law or economics, and at least five-year occupational work experience for the last ten years.

State Commissioners shall be members of the Antimonopoly Committee of Ukraine as the supreme collegial body.

State Commissioners shall head or be members of the administrative boards of the Antimonopoly Committee of Ukraine and perform other duties on behalf of the Chair of the Antimonopoly Committee of Ukraine.

*{Part eight of Article 11 as amended by Law No. 1294-IV as of 20 November 2003}*

*{Article 11 as amended by Law No. 1907-III as of 13 July 2000}*

## **Article 12.** Territorial branches of the Antimonopoly Committee of Ukraine

In order to implement the tasks assigned to the Antimonopoly Committee of Ukraine, territorial branches of the Antimonopoly Committee of Ukraine shall be established in the Autonomous Republic of Crimea, regions, cities of Kyiv and Sevastopol. The powers of the territorial branches shall be set by the Committee within its competence. If necessary, interregional territorial branches may be established.

*{Part one of Article 12 as amended by Laws of Ukraine No. 1907-III as of 13 July 2000, No. 1294-IV as of 20 November 2003}*

The powers of the territorial branches of the Antimonopoly Committee of Ukraine shall be determined by this Law and other statutory instruments. The powers of a territorial branch of the Antimonopoly Committee of Ukraine may not exceed the powers of the Antimonopoly Committee of Ukraine as defined by law.



*{Part two of Article 12 as amended by Law No. 1294-IV as of 20 November 2003}*

The territorial branch of the Antimonopoly Committee of Ukraine shall be headed by the Head of the territorial branch. The Head of the territorial branch and his/her deputy shall be appointed and dismissed by the Chair of the Antimonopoly Committee of Ukraine. The deputy Head of the territorial branch shall be appointed and dismissed by the Chair of the Committee by recommendation of the Head of the territorial branch.

*{Part three of Article 12 as amended by Law No. 1294-IV as of 20 November 2003}*

*{Part four of Article 12 is deleted on the basis of Law No. 985-V as of 24 April 2007}*

Restrictions on the procedure for appointing Heads of territorial branches of the Antimonopoly Committee of Ukraine and their deputies, including by establishing the obligation to coordinate candidates for these positions with other state authorities and local self-government bodies, shall be prohibited.

*{Part of Article 12 as amended by Law No. 1907-III as of 13 July 2000, as amended by Law No. 1294-IV as of 20 November 2003}*

The territorial branch of the Antimonopoly Committee of Ukraine shall be subordinate and report to the Antimonopoly Committee of Ukraine.

*{Part of Article 12 as amended by Law No. 1907-III as of 13 July 2000, as amended by Law No. 1294-IV as of 20 November 2003}*

**Article 12<sup>1</sup>.** Procedure for the Formation and Operation of Collegial Bodies of the Antimonopoly Committee of Ukraine

The permanent administrative boards of the Antimonopoly Committee of Ukraine shall be formed by the Antimonopoly Committee of Ukraine from among the State Commissioners of the Antimonopoly Committee of Ukraine consisting of three persons. The permanent administrative board shall be headed by the State Commissioner from the permanent administrative board.

*{Part one of Article 12<sup>1</sup> as amended by Laws No. 4287-VI as of 23 December 2011, No. 1219-IX as of 05 February 2021}*

Temporary administrative boards of the Antimonopoly Committee of Ukraine shall be formed by the Chair of the Antimonopoly Committee of Ukraine from among the State Commissioners and Heads of territorial branches of the Antimonopoly Committee of Ukraine consisting of at least three persons. The temporary administrative board shall be headed by the State Commissioner of the Antimonopoly Committee of Ukraine.

The administrative board of the territorial branch of the Antimonopoly Committee of Ukraine shall be formed by the Head of the territorial branch of the Antimonopoly Committee of Ukraine from among the senior employees of the territorial branch and shall consist of at least three persons of this territorial branch. With the consent of the Chair of the Antimonopoly Committee of Ukraine, the administrative board of the territorial branch of the Antimonopoly Committee of Ukraine may include officials of the Antimonopoly Committee of Ukraine. The administrative board of the territorial branch of the Antimonopoly Committee of Ukraine shall be headed by the Head of the territorial branch or his/her deputy.

The activities of the administrative board of the territorial branch of the Antimonopoly Committee of Ukraine shall be coordinated by the Chair of the relevant territorial branch of the Antimonopoly Committee of Ukraine.

The members of the Antimonopoly Committee of Ukraine, the administrative board of the Antimonopoly Committee of Ukraine and the administrative board of the territorial branch of the Antimonopoly Committee of Ukraine shall have equal rights to consider issues within the competence of these bodies in accordance with the legislation on the protection of economic competition, including when making orders and decisions.

The decision of the administrative board of the Antimonopoly Committee of Ukraine shall be made on behalf of the Antimonopoly Committee of Ukraine.

The decision of the administrative board of the territorial branch of the Antimonopoly Committee of Ukraine shall be made on behalf of the territorial branch of the Antimonopoly Committee of Ukraine.

The form of work of the Antimonopoly Committee of Ukraine, administrative boards of the Antimonopoly Committee of Ukraine, administrative boards of territorial branches of the Antimonopoly Committee of Ukraine shall be their meetings.

A meeting of the Antimonopoly Committee of Ukraine is valid if the majority of its established members are present. A meeting of the administrative board of the Antimonopoly Committee of Ukraine is valid if all its members are present. A meeting of the administrative board of the territorial branch of the Antimonopoly Committee of Ukraine is authorized provided that the majority of its established composition, but not less than three of its members, are present.

*{Part nine of Article 12<sup>1</sup> as amended by Law No. 3295-IX as of 09 August 2023}*

The orders and decisions of the Antimonopoly Committee of Ukraine, the administrative board of the Antimonopoly Committee of Ukraine, the administrative board of the territorial branch of the Antimonopoly Committee of Ukraine shall be adopted by voting by a majority vote of the members present at their meetings.

Orders and decisions of the Antimonopoly Committee of Ukraine, the administrative board of the Antimonopoly Committee of Ukraine, the administrative board of the territorial branch of the Antimonopoly Committee of Ukraine, which are regulations in accordance with the law, shall be developed, reviewed, adopted, and published in accordance with the requirements of the Law of Ukraine "On the Principles of the State Regulatory Policy in Economic Activity".

*{Article 12<sup>1</sup> is supplemented with a part according to Law No. 2388-VI as of 01 July 2010}*

If the Antimonopoly Committee of Ukraine reviews a decision made by the State Commissioner of the Antimonopoly Committee of Ukraine, administrative board of the Antimonopoly Committee of Ukraine, reviews legality and validity of the resolution on administrative offense issued by the administrative board of the Antimonopoly Committee of Ukraine, State Commissioner of the Antimonopoly Committee of Ukraine, the meeting shall be duly constituted if attended by the majority of the members of the Antimonopoly Committee of Ukraine, excluding members of the Antimonopoly Committee of Ukraine, who made the decision or issued the resolution that is being reviewed. In this case, the decision shall be made by the Antimonopoly Committee of Ukraine by a majority of its members. However, the members of the Antimonopoly Committee of Ukraine who made the decision and issued the resolution that is being reviewed shall not participate in the voting.

The operating procedures of the Antimonopoly Committee of Ukraine, administrative boards of the Antimonopoly Committee of Ukraine, administrative boards of the territorial branch of the Antimonopoly Committee of Ukraine as collegial bodies shall be determined by this Law, other

statutory instruments on the protection of economic competition, including regulations of these bodies approved by the Antimonopoly Committee of Ukraine.

*{The Law is supplemented with Article 12<sup>1</sup> according to Law No. 1294-IV as of 20 November 2003}*

**Article 13.** Exclusive Competence of the Antimonopoly Committee of Ukraine as the Supreme Collegial Body

The exclusive competence of the Antimonopoly Committee of Ukraine shall include:

1) authorizing or prohibiting concerted actions in accordance with parts one and two of Article 10 of the Law of Ukraine "On the Protection of Economic Competition";

2) review of decisions made by the State Commissioners and administrative boards of the Antimonopoly Committee of Ukraine, review the legality and validity of resolutions on administrative offenses issued by the State Commissioners and administrative boards of the Antimonopoly Committee of Ukraine. This restriction shall not apply to cases of inspections, investigations and trials by the relevant law enforcement agencies and courts;

3) review of decisions made by the Antimonopoly Committee of Ukraine in cases of violation of legislation on the protection of economic competition and in applications and cases of concerted actions and concentration;

4) approval of its own regulations;

5) approval of interagency regulations together with other executive authorities concerned;

6) approval of draft regulations developed by the Antimonopoly Committee of Ukraine on issues within its competence in accordance with the legislation on the protection of economic competition;

7) giving official interpretation of its own regulations and provide advisory explanations on the application of legislation on the protection of economic competition;

8) approval of the Regulation on the territorial branch of the Antimonopoly Committee of Ukraine;

9) approval of regulations on advisory bodies of the Antimonopoly Committee of Ukraine and their composition;

10) establishment of permanent administrative boards of the Antimonopoly Committee of Ukraine;

11) hearing reports of State Commissioners, Heads of territorial branches, heads of independent structural divisions of the Antimonopoly Committee of Ukraine;

12) approval of reports on the activities of the Antimonopoly Committee of Ukraine for submission to the Verkhovna Rada of Ukraine.

Regulations of the Antimonopoly Committee of Ukraine and interagency regulations on competition policy, development, and protection of competition and demonopolization of the economy, which are regulations according to law, shall be developed, reviewed, issued and published in accordance with the Law of Ukraine "On the Principles of the State Regulatory Policy in Economic Activity".

*{Article 13 is supplemented with a part according to Law No. 2388-VI as of 01 July 2010}*

The Antimonopoly Committee of Ukraine as the supreme collegial body may consider any issue within the competence of its bodies.

*{Article 13 as amended by Law No. 1907-III as of 13 July 2000, as amended by Law No. 1294-IV as of 20 November 2003, part one of Article 13 in terms of granting the authority to consider cases on administrative offenses shall become effective on the day the relevant amendments are made to the Code of Ukraine on Administrative Offenses under Law No. 1294-IV as of 20 November 2003}*

**Article 14.** Competence of Administrative Boards of the Antimonopoly Committee of Ukraine and Administrative Boards of the territorial branch of the Antimonopoly Committee of Ukraine

The permanent administrative board of the Antimonopoly Committee of Ukraine shall have the following powers:

1) to consider applications and cases on violation of legislation on the protection of economic competition, on granting clearance, providing preliminary conclusions on concerted actions, concentration, conduct investigations or inspections on these applications and cases;

2) to issue orders and decisions provided for by the legislation on the protection of economic competition, provide opinions on the qualification of actions in accordance with the legislation on the protection of economic competition, preliminary conclusions on concerted actions, concentration;

3) to review decisions of administrative boards of territorial branches of the Antimonopoly Committee of Ukraine;

4) to review decisions made by the permanent administrative board of the Antimonopoly Committee of Ukraine;

5) when considering applications and cases on violation of the legislation on the protection of economic competition, conducting inspections and in other cases provided for by law, to demand information, including restricted information, from undertakings, associations/groups, authorities, local self-government bodies, administrative and economic management and control bodies, their officials and employees, other individuals and legal entities;

6) to arrange an expert review and appoint an expert from among persons who have the necessary knowledge to provide an expert opinion;

7) to conduct market research, determine the boundaries of the commodity market, as well as the position, including monopoly (dominant) position, of undertakings in this market and make appropriate decisions (orders);

8) to determine the presence or absence of control between undertakings or their parts and the composition of a group of undertakings that is a single undertaking;

9) to make mandatory submissions to the executive authorities regarding the revocation of licenses, termination of foreign economic operations of undertakings in case of violation of legislation on the protection of economic competition;

10) to provide mandatory recommendations to authorities, local self-government bodies, administrative and economic management and control bodies, undertakings, associations/groups on termination of actions or inaction that contain signs of violation of the legislation on the protection of economic competition, and elimination of the causes of such violations and conditions that facilitate them;

11) to consider cases of administrative offenses, issue resolutions, and verify the legality and validity of resolutions issued by administrative boards of territorial branches of the Antimonopoly Committee of Ukraine in these cases;

12) to apply to the court with requests for information on cases considered by these courts in accordance with the legislation on the protection of economic competition.

The permanent administrative board of the Antimonopoly Committee of Ukraine shall have the right to provide binding recommendations and make proposals to state authorities, local self-government bodies, institutions, organizations, undertakings, and associations/groups on measures aimed at limiting monopoly, developing entrepreneurship and competition, preventing violations of legislation on the protection of economic competition and terminating actions or inactions that may have a negative impact on competition.

The permanent administrative board of the Antimonopoly Committee of Ukraine shall exercise other powers in accordance with the legislation on the protection of economic competition.

The temporary administrative board of the Antimonopoly Committee of Ukraine shall be competent to review decisions made by the temporary administrative board of the Antimonopoly Committee of Ukraine, exercise powers provided for in clauses 1, 2, 5-10 and 12 of part one, part two of this Article, as well as exercise other powers in accordance with the legislation on the protection of economic competition.

The administrative board of the territorial branch of the Antimonopoly Committee of Ukraine shall have the following powers:

1) to consider applications and cases on violation of legislation on the protection of economic competition, on granting clearance, providing preliminary conclusions on concerted actions, conduct investigations or inspections on these applications and cases;

2) to issue orders and decisions provided for by the legislation on the protection of economic competition and to provide preliminary conclusions on concerted actions;

*{ Clause 2 of part five of Article 14 as amended by Law No. 3567-VI as of 05 July 2011 }*

3) to consider cases of administrative offenses and issue resolutions in these cases;

4) to review decisions made by the administrative board of the territorial branch of the Antimonopoly Committee of Ukraine;

5) when considering applications and cases on violation of the legislation on the protection of economic competition, conducting inspections and in other cases provided for by law, to demand information, including restricted information, from undertakings, associations/groups, authorities, local self-government bodies, administrative and economic management and control bodies, their officials and employees, other individuals and legal entities;

6) to arrange an expert review and appoint an expert from among persons who have the necessary knowledge to provide an expert opinion;

7) to conduct market research, determine the boundaries of the commodity market, as well as the position, including monopoly (dominant) position, of undertakings in this market and make appropriate decisions (orders);

8) to determine the presence or absence of control between undertakings or their parts and the composition of a group of undertakings that is a single undertaking;

9) to make mandatory submissions to the executive authorities regarding the revocation of licenses and termination of foreign economic activity of undertakings in case of violation of the legislation on the protection of economic competition;

10) to provide mandatory recommendations to authorities, local self-government bodies, administrative and economic management and control bodies, undertakings, associations/groups on termination of actions or inaction that contain signs of violation of the legislation on the protection of economic competition, and elimination of the causes of such violations and conditions that facilitate them;

11) to apply to the court with requests for information on cases considered by these courts in accordance with the legislation on the protection of economic competition.

The administrative board of the territorial branch of the Antimonopoly Committee of Ukraine shall have the right to provide recommendations that are mandatory for consideration and to submit proposals to state authorities, local self-government bodies, institutions, organizations, undertakings, associations/groups on measures aimed at limiting monopoly, developing entrepreneurship and competition, preventing violations of legislation on the protection of economic competition, as well as on termination of actions or inaction that may have a negative impact on competition.

The administrative board of the territorial branch of the Antimonopoly Committee of Ukraine shall exercise other powers in accordance with the legislation on the protection of economic competition.

*{Article 14 as amended by Law No. 1907-III as of 13 July 2000, as amended by Law No. 1294-IV as of 20 November 2003, Article 14 in terms of granting the authority to consider cases on administrative offenses shall become effective on the date of introduction of the relevant amendments to the Code of Ukraine on Administrative Offenses under Law No. 1294-IV as of 20 November 2003}*

**Article 15.** Staff of the Antimonopoly Committee of Ukraine, its territorial branches

The staff of the Antimonopoly Committee of Ukraine and its territorial branches shall provide activities of the Antimonopoly Committee of Ukraine and its bodies, territorial branches of the Antimonopoly Committee of Ukraine, including organizational, technical, analytical, information, reference and other work.

Officials of the staff of the Antimonopoly Committee of Ukraine and its territorial branches may perform the following actions on behalf of the Chair of the Antimonopoly Committee of Ukraine, the State Commissioner or other body of the Antimonopoly Committee of Ukraine in order to fulfill the tasks specified in part one of this Article, namely to:

1) conduct investigations into applications and cases of violation of legislation on the protection of economic competition, studies into applications and cases for authorization and preliminary conclusions regarding concerted actions, concentration of undertakings, and market research;

2) conduct inspections of undertakings,

associations/groups, authorities, local self-government bodies, administrative and economic management and control bodies regarding their compliance with the requirements of the legislation on the protection of economic competition and during investigations into applications and cases of violation of the legislation on the protection of economic competition;

3) on the basis of a court decision of the commercial court in cases and according to the procedure specified by law, during inspections:

to have unhindered access to the premises of enterprises, institutions and organizations, to storage places of information owned and/or used by undertakings, associations, authorities, local self-government bodies, administrative and economic management and control bodies (computers, technical means of electronic communications and information storage, servers, safes, workplaces of employees, etc.), regardless of their location;

copy and/or receive copies of such information;

impose an arrest or seize objects or other information carriers, documents, including their originals, seal premises, electronic communications systems or information storage places in a way that makes it impossible to read their contents;

conduct an inspection of the premises and other possessions of undertakings, associations, authorities, local self-government bodies, administrative and economic management and control bodies that are inspected;

*{Clause 3 of part two of Article 15 as amended by Law No. 3295-IX as of 09 August 2023}*

4) when considering applications and cases on violation of the legislation on the protection of economic competition, conducting inspections and in other cases provided for by law, demand information, including restricted information, from undertakings, associations/groups, authorities, local self-government bodies, administrative and economic management and control bodies, their officials and employees, other individuals and legal entities;

5) in cases and in the manner prescribed by law,

inspect the office premises and vehicles of undertakings, seize or arrest items, documents, or other data carriers that may be evidence or a source of evidence in a case, regardless of their location;

6) if employees of the Antimonopoly Committee of Ukraine are prevented from exercising the powers provided for in clauses 2-5 of part two of this Article, involve police officers to apply the measures provided for by law necessary to overcome the obstacles;

*{Clause 6 of part two of Article 15 as amended by Law No. 901-VIII as of 23 December 2015}*

7) engage police officers, customs officers and other law enforcement agencies to ensure the conduct of proceedings on violations of the legislation on the protection of economic competition, in particular in the case of an investigation, including the collection and seizure of evidence, seizure of property, items, documents, and other media;

*{Clause 7 of part two of Article 15 as amended by Law No. 901-VIII as of 23 December 2015}*

8) involve specialists of state authorities, local self-government bodies, enterprises, institutions, organizations in conducting inspections in agreement with their heads, members of local councils with their consent;

9) draw up reports on administrative offenses;

10) ensure self-representation of the interests of the Antimonopoly Committee of Ukraine and its bodies in court.

*{Part two of Article 15 is supplemented with clause 10 according to Law No. 3295-IX as of 09 August 2023}*

Officials of the staff of the territorial branches of the Antimonopoly Committee of Ukraine on behalf of the bodies of the Antimonopoly Committee of Ukraine, Heads of the respective territorial

branches of the Antimonopoly Committee of Ukraine may perform actions provided for in part two of this Article.

Regulations on the structural subdivisions of the staff of the Antimonopoly Committee of Ukraine shall be approved by the Chair of the Antimonopoly Committee of Ukraine, and on the structural subdivisions of the staff of the territorial branch — by the Head of the territorial branch of the Antimonopoly Committee of Ukraine.

*{Article 15 as amended by Law No. 1294-IV as of 20 November 2003}*

### **CHAPTER III.**

## **STATUS OF THE STATE COMMISSIONER AND HEAD OF THE TERRITORIAL BRANCH OF THE ANTIMONOPOLY COMMITTEE OF UKRAINE**

**Article 16.** Competence of the State Commissioner of the Antimonopoly Committee of Ukraine

The State Commissioner of the Antimonopoly Committee of Ukraine shall have the following powers:

1) to consider applications and cases on violation of legislation on the protection of economic competition, on granting clearance, providing preliminary conclusions on concerted actions, concentration, to issue orders to initiate consideration of the case or provide a reasoned response on refusal to consider the case, to conduct, organize investigations or studies on these applications and cases, to close proceedings in these cases regardless of the jurisdiction of other bodies of the Antimonopoly Committee of Ukraine, to submit, transfer them in the manner prescribed by the Antimonopoly Committee of Ukraine for the consideration by these bodies to make decision;

2) to issue orders and decisions provided for by the legislation on the protection of economic competition and to provide preliminary conclusions on concerted actions;

*{Paragraph 2 of part one of Article 16 as amended by Law No.3567-VI as of 05 July 2011}*

3) to make records, consider cases of administrative offenses, and issue resolutions in these cases;

4) to inspect undertakings, associations/groups, authorities, local self-government bodies, administrative and economic management and control bodies regarding their compliance with the requirements of the legislation on the protection of economic competition and during investigations into applications and cases of violation of the legislation on the protection of economic competition;

5) on the basis of a court decision of the commercial court in cases and according to the procedure specified by law, during inspections:

to have unhindered access to the premises of enterprises, institutions and organizations, to storage places of information owned and/or used by undertakings, associations, authorities, local self-government bodies, administrative and economic management and control bodies (computers, technical means of electronic communications and information storage, servers, safes, workplaces of employees, etc.), regardless of their location;

copy and/or receive copies of such information;

impose an arrest or seize objects or other information carriers, documents, including their originals, seal premises, electronic communications systems or information storage places in a way that makes it impossible to read their contents;



conduct an inspection of the premises and other possessions of undertakings, associations, authorities, local self-government bodies, administrative and economic management and control bodies that are inspected;

*{Clause 5 of part one of Article 15 as amended by Law No. 3295-IX as of 09 August 2023}*

6) when considering applications and cases on violation of the legislation on the protection of economic competition, conducting inspections and in other cases provided for by law, to demand information, including restricted information, from undertakings, associations/groups, authorities, local self-government bodies, administrative and economic management and control bodies, their officials and employees, other individuals and legal entities;

7) to call officials and employees of undertakings, associations/groups, authorities, local self-government bodies, administrative and economic management and control bodies, other legal entities, their structural subdivisions, branches, representative offices, as well as individuals to provide explanations when considering applications and cases on violation of legislation on the protection of economic competition;

8) to arrange an expert review and appoint an expert from among persons who have the necessary knowledge to provide an expert opinion;

9) in cases and in the manner prescribed by law, to inspect the office premises and vehicles of legal entities-undertakings, seize or arrest items, documents or other data carriers that may be evidence or a source of evidence in the case, regardless of their location;

10) if employees of the Antimonopoly Committee of Ukraine are prevented from exercising the powers provided for in clauses 4-6 and 9 of part one of this Article, to involve police officers to apply the measures provided for by law necessary to overcome the obstacles;

*{Clause 10 of part one of Article 16 as amended by Law No. 901-VIII as of 23 December 2015}*

11) to engage police officers, customs officers, and other law enforcement agencies to ensure the conduct of proceedings on violations of the legislation on the protection of economic competition, in particular in the case of an investigation, including the collection and seizure of evidence, seizure of property, items, documents, and other media;

*{Clause 11 of part one of Article 16 as amended by Law No. 901-VIII as of 23 December 2015}*

12) to involve specialists of state authorities, local self-government bodies, enterprises, institutions, organizations in conducting inspections in agreement with their heads, members of local councils with their consent;

13) to conduct market research, determine the boundaries of the commodity market, as well as the position, including monopoly (dominant) position, of undertakings in this market and make appropriate decisions (orders);

14) to determine the presence or absence of control or coordination of actions between undertakings or their parts and the composition of a group of undertakings that is a single undertaking;

15) to make mandatory submissions to the executive authorities regarding the revocation of licenses, termination of foreign economic operations of undertakings in case of violation of legislation on the protection of economic competition;

16) to provide recommendations and make proposals to state authorities, local self-government bodies, institutions, organizations, undertakings, associations/groups on measures aimed at limiting

monopoly, developing entrepreneurship and competition, preventing violations of legislation on the protection of economic competition, as well as on termination of actions or inaction that may have a negative impact on competition;

17) to provide mandatory for consideration recommendations to authorities, local self-government bodies, administrative and economic management and control bodies, undertakings, associations/groups on termination of actions or inaction that contain signs of violation of the legislation on the protection of economic competition, and elimination of the causes of such violations and conditions that facilitate them;

18) to file claims, applications, and complaints in connection with the application of the legislation on the protection of economic competition, as well as requests for information on cases considered by these courts in accordance with the legislation on the protection of economic competition;

19) to represent the Antimonopoly Committee of Ukraine without a special power of attorney in court;

20) to exercise other powers provided for by the legislation on the protection of economic competition and the Law of Ukraine "On Public Procurement".

*{Clause 20 of part one of Article 16 as amended by Laws No. 424-V as of 01 December 2006, No. 2289-VI as of 01 June 2010, No. 922-VIII as of 25 December 2015 — regarding the implementation of the amendment, see paragraph 1 of Section II of Law No. 922-VIII as of 25 December 2015; as amended by Law No. 114-IX as of 19 September 2019}*

Decisions and orders of the State Commissioners of the Antimonopoly Committee of Ukraine shall be made on behalf of the Antimonopoly Committee of Ukraine.

The State Commissioner may not be a member of commissions, committees and other bodies established by state authorities and local self-government bodies without the consent of the Antimonopoly Committee of Ukraine as the supreme collegial body.

The State Commissioner of the Antimonopoly Committee of Ukraine shall comply with the requirements of the legislation of Ukraine, be objective and impartial in the exercise of his/her powers.

*{Article 16 as amended by Law No. 1907-III as of 13 July 2000, as amended by Law No. 762-IV as of 15 May 2003, as amended by Law No. 1294-IV as of 20 November 2003, part one of Article 16 in terms of granting the authority to consider cases of administrative offenses shall become effective on the date of introduction of the relevant amendments to the Code of Ukraine on Administrative Offenses under Law No. 1294-IV as of 20 November 2003}*

**Article 17.** Competence of the Head of the territorial branch of the Antimonopoly Committee of Ukraine

The Head of the territorial branch of the Antimonopoly Committee of Ukraine shall have the following powers:

1) to conduct, organize investigations on applications for violation of the legislation on the protection of economic competition, studies on applications for clearances, preliminary conclusions on concerted actions, which are within the competence of the administrative boards of the territorial branch, and on behalf of the Chair or bodies of the Antimonopoly Committee of Ukraine — investigations on applications and cases of violation of the legislation on the protection of economic

competition, studies on applications and cases for clearances for concerted actions, concentration, which are within the competence of these bodies;

2) to issue orders provided for by the legislation on the protection of economic competition;

3) to inspect undertakings, associations/groups, authorities, local self-government bodies, administrative and economic management and control bodies regarding their compliance with the requirements of the legislation on the protection of economic competition and during investigations into applications and cases of violation of the legislation on the protection of economic competition;

4) on the basis of a court decision of the commercial court in cases and according to the procedure specified by law, during inspections:

to have unhindered access to the premises of enterprises, institutions and organizations, to storage places of information owned and/or used by undertakings, associations, authorities, local self-government bodies, administrative and economic management and control bodies (computers, technical means of electronic communications and information storage, servers, safes, workplaces of employees, etc.), regardless of their location;

copy and/or receive copies of such information;

to impose an arrest or seize objects or other information carriers, documents, including their originals, seal premises, electronic communication systems or information storage places in a way that makes it impossible to get acquainted with their contents;

conduct an inspection of the premises and other possessions of undertakings, associations, authorities, local self-government bodies, administrative and economic management and control bodies that are being inspected;

*{Clause 4 of part one of Article 17 as amended by Law No. 3295-IX as of 09 August 2023}*

5) when considering applications and cases on violation of the legislation on the protection of economic competition, conducting inspections and in other cases provided for by law, to demand information, including restricted information, from undertakings, associations/groups, authorities, local self-government bodies, administrative and economic management and control bodies, their officials and employees, other individuals and legal entities;

6) to call officials and employees of undertakings, associations/groups, authorities, local self-government bodies, administrative and economic management and control bodies, other legal entities, their structural subdivisions, branches, representative offices, as well as individuals to provide explanations when considering applications and cases on violation of legislation on the protection of economic competition;

7) to arrange an expert review and appoint an expert from among persons who have the necessary knowledge to provide an expert opinion;

8) in cases and in the manner prescribed by law, to inspect the office premises and vehicles of legal entities-undertakings, seize or arrest items, documents, or other data carriers that may be evidence or a source of evidence in the case, regardless of their location;

9) if employees of the Antimonopoly Committee of Ukraine are prevented from exercising the powers provided for in clauses 3, 4, 5 and 8 of part one of this Article, to involve police officers to apply the measures provided for by law necessary to overcome the obstacles;

*{Clause 9 of part one of Article 17 as amended by Law No. 901-VIII as of 23 December 2015}*

10) to engage police officers, customs officers and other law enforcement agencies to ensure the conduct of proceedings on violations of the legislation on the protection of economic competition, in particular in the case of an investigation, including the collection and seizure of evidence, seizure of property, items, documents and other media;

*{Clause 10 of part one of Article 17 as amended by Law No. 901-VIII as of 23 December 2015}*

11) to involve specialists of state authorities, local self-government bodies, enterprises, institutions, organizations in conducting inspections in agreement with their heads, members of local councils with their consent;

12) to conduct market research, determine the boundaries of the commodity market, as well as the position, including monopoly (dominant) position, of undertakings in this market and make appropriate decisions (orders);

13) to determine the presence or absence of control between undertakings or their parts and the composition of a group of undertakings that is a single undertaking;

14) to make mandatory submissions to the executive authorities regarding the revocation of licenses, termination of foreign economic operations of undertakings in case of violation of legislation on the protection of economic competition;

15) to provide mandatory recommendations and submit proposals to state authorities, local self-government bodies, institutions, organizations, undertakings, associations/groups on measures aimed at limiting monopoly, developing entrepreneurship and competition, preventing violations of legislation on the protection of economic competition, as well as on termination of actions or inaction that may have a negative impact on competition;

16) to file claims, applications, and complaints in connection with the application of the legislation on the protection of economic competition, as well as requests for information on cases considered by these courts in accordance with the legislation on the protection of economic competition;

17) to represent the territorial branch of the Antimonopoly Committee of Ukraine without a special power of attorney in court;

18) to authorize his/her deputies to exercise the powers provided for in clauses 1-2 of part one of this Article;

19) to make reports on administrative offenses;

19<sup>1</sup>) to issue orders on the enforcement of decisions of the administrative board of the territorial branch of the Antimonopoly Committee of Ukraine, adopted as a result of consideration of cases on violations of the legislation on the protection of economic competition, including on the collection of a fine;

*{Part one of Article 17 is supplemented with clause 19<sup>1</sup> according to Law No. 3295-IX as of 09 August 2023}*

20) to exercise other powers provided for by the legislation on the protection of economic competition and the Law of Ukraine "On Public Procurement".

*{Clause 20 of part one of Article 17 as amended by Laws No. 424-V as of 01 December 2006, No. 2289-VI as of 01 June 2010, No. 922-VIII as of 25 December 2015 — regarding the*

*implementation of the amendment, see paragraph 1 of Section II of Law No. 922-VIII as of 25 December 2015; as amended by Law No. 114-IX as of 19 September 2019}*

The Head of the territorial branch of the Antimonopoly Committee of Ukraine in the Autonomous Republic of Crimea, the Head of the territorial branch of the Antimonopoly Committee of Ukraine on issues within its competence, shall have the right to be immediately received by the Chair of the Verkhovna Rada of the Autonomous Republic of Crimea, the Chair of the Council of Ministers of the Autonomous Republic of Crimea, heads and officials of local executive authorities, local self-government bodies, enterprises, institutions, organizations.

The Head of the territorial branch of the Antimonopoly Committee of Ukraine shall have rights and perform duties within the competence defined by this Law, other statutory instruments, the Regulation on the territorial branch of the Antimonopoly Committee of Ukraine approved by the Antimonopoly Committee of Ukraine, manage the activities of the territorial branch, ensure the fulfillment of tasks and functions assigned to the territorial branch and its administrative boards.

Orders of the Head of the territorial branch of the Antimonopoly Committee of Ukraine shall be issued on behalf of the territorial branch of the Antimonopoly Committee of Ukraine.

The Head of the territorial branch of the Antimonopoly Committee of Ukraine may not be a member of commissions, committees and other bodies established by state authorities and local self-government bodies without the consent of the Antimonopoly Committee of Ukraine as the supreme collegial body.

The Head of the territorial branch of the Antimonopoly Committee of Ukraine shall comply with the requirements of the law, be objective and impartial in the exercise of his/her powers.

*{Article 17 as amended by Law No. 1294-IV as of 20 November 2003}*

**Article 18.** Disciplinary Liability and Dismissal of the First Deputy, Deputy Chair of the Antimonopoly Committee of Ukraine, State Commissioner, Commissioner for Complaints on Violation of Public Procurement Legislation

*{Name of Article 18 as amended by Laws No. 4287-VI as of 23 December 2011, No. 1219-IX as of 05 February 2021}*

The First Deputy, Deputy Chair of the Antimonopoly Committee of Ukraine, the State Commissioner of the Antimonopoly Committee of Ukraine, the commissioner for complaints on violation of public procurement legislation may be brought to disciplinary liability on general grounds in accordance with the procedure established by law.

*{Part one of Article 18 as amended by Laws of Ukraine No. 1907-III as of 13 July 2000, No. 889-VIII as of 10 December 2015, No. 1219-IX as of 05 February 2021}*

The First Deputy, Deputy Chair of the Antimonopoly Committee of Ukraine, the State Commissioner of the Antimonopoly Committee of Ukraine, the commissioner for complaints on violation of public procurement legislation, in addition to the general grounds provided for by the legislation on labor and civil service, may be dismissed:

*{Paragraph one of part two of Article 18 as amended by Law No. 4287-VI as of 23 December 2011; as amended by Law No. 1219-IX as of 05 February 2021}*

for health reasons that prevent them from continuing to work;

by resignation;

in case of gross misconduct in office or entry into force of a court verdict of guilty against such person for committing a criminal offense.

*{Paragraph four of part two of Article 18 as amended by Law No. 720-IX as of 17 June 2020}*

*{Part three of Article 18 is deleted on the basis of Law No. 1907-III as of 13 July 2000}*

The First Deputy, Deputy Chair of the Antimonopoly Committee of Ukraine, the State Commissioner of the Antimonopoly Committee of Ukraine, the commissioner for complaints on violation of public procurement legislation shall have the right to resign in accordance with the procedure established by law.

*{Part three of Article 18 as amended by Laws No. 1907-III as of 13 July 2000, No. 1219-IX as of 05 February 2021}*

*{Article 18 as amended by Law No. 1294-IV as of 20 November 2003}*

## **CHAPTER IV. LEGAL BASIS FOR THE EXERCISE OF POWERS OF THE ANTIMONOPOLY COMMITTEE OF UKRAINE**

### **Article 19.** Guarantees for the Exercise of Powers of the Antimonopoly Committee of Ukraine

When considering applications and cases on concerted actions, concentration, violation of legislation on the protection of economic competition, including during investigation, research, issuance of orders, decisions on applications and cases, exercise of other powers regarding control over compliance with legislation on the protection of economic competition, control over concerted actions, concentration, bodies and officials of the Antimonopoly Committee of Ukraine and its territorial branches shall be guided only by the legislation on the protection of economic competition and shall be independent of state authorities, local self-government bodies, their officials, and undertakings, as well as political parties and other associations of citizens or their bodies.

*{Part one of Article 19 as amended by Law No. 1294-IV as of 20 November 2003}*

State authorities, local self-government bodies, their officials and undertakings, as well as political parties and other associations of citizens or their bodies shall not interfere in the activities of the Antimonopoly Committee of Ukraine and its territorial branches, except in cases determined by the laws of Ukraine.

*{Part two of Article 19 as amended by Law No. 1907-III as of 13 July 2000, as amended by Law No. 1294-IV as of 20 November 2003}*

Any form of influence on an employee of the Antimonopoly Committee of Ukraine and its territorial branches in order to prevent him/her from performing his/her official duties or making an unlawful decision shall involve liability as provided by law.

### **Article 20.** Relations of the Antimonopoly Committee of Ukraine with state authorities, local Self-Government Bodies, Administrative and Economic Management and Control Bodies, Media and Public Organizations

State authorities and local self-government bodies shall participate in the development and implementation of competition policy, cooperate with the Antimonopoly Committee of Ukraine in the development of competition, the development of regional economic development programs and

inform the Antimonopoly Committee of Ukraine on the implementation of measures related to the implementation of competition policy.

*{Article 20 is supplemented with part one according to Law No. 1294-IV as of 20 November 2003}*

The Antimonopoly Committee of Ukraine and its territorial branches shall cooperate with state authorities, local self-government bodies, administrative and economic management and control bodies in the development of competition and demonopolization of the economy.

The Antimonopoly Committee of Ukraine and its territorial branches shall cooperate with the media and public organizations in preventing violations of the legislation on the protection of economic competition, publishing reports on its activities and decisions in the media.

*{Part three of Article 20 as amended by Law No. 1294-IV as of 20 November 2003}*

Authorities, local self-government bodies, administrative and economic management and control bodies shall coordinate with the Antimonopoly Committee of Ukraine, its territorial branches draft regulations and other decisions that may affect competition, in particular, regarding the incorporation of undertakings, establishment and change of rules of their behavior in the market, or those that may result in the prevention, elimination, restriction or distortion of competition in the relevant markets, as well as to obtain permission from the Antimonopoly Committee of Ukraine.

*{Part four of Article 20 as amended by Law No. 1294-IV as of 20 November 2003}*

*{Article 20 as amended by Law No. 1907-III as of 13 July 2000}*

**Article 20<sup>1</sup>.** Relations of the Antimonopoly Committee of Ukraine with the Verkhovna Rada of Ukraine and the Cabinet of Ministers of Ukraine

The Antimonopoly Committee of Ukraine shall annually submit a report on its activities to the Verkhovna Rada of Ukraine by 15 March. This report shall be presented at a meeting of the Verkhovna Rada of Ukraine by the Chair of the Antimonopoly Committee of Ukraine.

*{Part one of Article 20<sup>1</sup> as amended by Law No. 1052-IX as of 03 December 2020}*

*{Part two of Article 20<sup>1</sup> is deleted on the basis of Law No. 1052-IX as of 03 December 2020}*

The Antimonopoly Committee of Ukraine, if necessary, shall submit proposals to the committees of the Verkhovna Rada of Ukraine on draft laws on issues within its competence.

The Antimonopoly Committee of Ukraine shall interact with the Cabinet of Ministers of Ukraine in the development and implementation of economic development programs in Ukraine.

The Antimonopoly Committee of Ukraine shall develop and submit to the Cabinet of Ministers of Ukraine draft acts on priorities and directions of competition policy for a certain period, summarize and analyze information on their implementation.

*{The Law is supplemented with Article 20<sup>1</sup> according to Law No. 1294-IV as of 20 November 2003}*

**Article 21.** Notification of Violation of Legislation on Protection of Economic Competition

State authorities, local self-government bodies, administrative and economic management and control bodies and their officials shall provide the Antimonopoly Committee of Ukraine and its

territorial branches with information that may indicate a violation of the legislation on the protection of economic competition.

*{Article 21 as amended by Law No. 1907-III as of 13 July 2000}*

**Article 22.** Binding effect of orders, decisions, and requirements of the body of the Antimonopoly Committee of Ukraine and the Head of the territorial branch of the Antimonopoly Committee of Ukraine

Orders, decisions, and requirements of the body of the Antimonopoly Committee of Ukraine, the Head of the territorial branch of the Antimonopoly Committee of Ukraine, requirements of their authorized employees of the Antimonopoly Committee of Ukraine, its territorial branch within their competence shall be binding within the time limits specified therein, unless otherwise provided by law.

Failure to comply with orders, decisions, and requirements of the body of the Antimonopoly Committee of Ukraine, the Head of the territorial branch of the Antimonopoly Committee of Ukraine, requirements of their authorized employees of the Antimonopoly Committee of Ukraine, its territorial branch shall involve liability provided for by law.

*{Article 22 as amended by Law No. 1294-IV as of 20 November 2003}*

**Article 22<sup>1</sup>.** Duty to Provide Information

Undertakings, associations/groups, state authorities, local self-government bodies, administrative and economic management and control bodies, other legal entities, their structural subdivisions, branches, representative offices, their officials and employees, individuals shall, at the request of the body of the Antimonopoly Committee of Ukraine, the Head of the territorial branch of the Antimonopoly Committee of Ukraine, their authorized employees of the Antimonopoly Committee of Ukraine, its territorial branch, submit documents, items or other data carriers, explanations, other information, including with limited access, banking, notarial secrecy, tax, statistical reporting, regardless of its location, which is in their possession and/or use or available to them, necessary for the Antimonopoly Committee of Ukraine, its territorial branches to fulfill the tasks provided for by the legislation on the protection of economic competition and on state aid to undertakings. Information constituting banking secrecy shall be provided in the manner and to the extent specified by the Law of Ukraine "On Banks and Banking".

*{Part one of Article 22<sup>1</sup> as amended by Law No. 1555-VII as of 01 July 2014; as amended by Law No. 1587-IX as of 30 June 2021; as amended by Law No. 3295-IX as of 09 August 2023}*

Documents, statistical, and other information required to perform the tasks stipulated by the legislation on the protection of economic competition and on state aid to undertakings shall be provided free of charge at the request of the body of the Antimonopoly Committee of Ukraine, the Head of the territorial branch of the Antimonopoly Committee of Ukraine, their authorized employees of the Antimonopoly Committee of Ukraine, its territorial branch. The requirements of the body of the Antimonopoly Committee of Ukraine, the Head of the territorial branch of the Antimonopoly Committee of Ukraine may involve both one-time and periodic provision of information.

*{Part two of Article 22<sup>1</sup> as amended by Law No. 1555-VII as of 01 July 2014}*

If the information required to be provided by the body of the Antimonopoly Committee of Ukraine, the Head of the territorial branch of the Antimonopoly Committee of Ukraine, the employees of the Antimonopoly Committee of Ukraine, its territorial branch authorized by them in connection with the research of the commodity market, which is conducted outside the scope of consideration of



applications and cases of violation of protection legislation of economic competition, was already provided during the twelve months preceding the date of receipt of such a request, to anybody of the Antimonopoly Committee of Ukraine, the head of the territorial branch of the Antimonopoly Committee of Ukraine or the employees of the Antimonopoly Committee of Ukraine, its territorial branch authorized by them and has not undergone any changes since that time, the person, from which such information is requested, has the right not to provide it again, by notifying the body of the Antimonopoly Committee of Ukraine, the head of the territorial branch of the Antimonopoly Committee of Ukraine, the employees of the Antimonopoly Committee of Ukraine, its territorial branch authorized by them, who requested to provide the information, in writing, stating: the list of information that is not provided, the details of the letter and the name of the body of the Antimonopoly Committee of Ukraine, the surname, first name and patronymic (if available) of the head of the territorial branch of the Antimonopoly Committee of Ukraine or employees authorized by them of the Antimonopoly Committee of Ukraine, its territorial branch, which sent the information, what is required.

*Article 22<sup>1</sup> is supplemented with a new part according to Law No. 3295-IX as of 09 August 2023}*

The bodies of the Antimonopoly Committee of Ukraine, the head of the territorial branch of the Antimonopoly Committee of Ukraine or the employees of the Antimonopoly Committee of Ukraine, its territorial branch authorized by them, in order to fulfil the tasks provided for by the legislation on the protection of economic competition, in the cases and according to the procedure specified by law, receive information from automated information and reference systems, registers and data banks (databases), other information collection, storage, processing and retrieval systems and/or direct access to them, the holder (administrator) of which are state authorities or local self-government bodies, including information with limited access, if otherwise not provided by law. The processing of the received information is carried out by the bodies of the Antimonopoly Committee of Ukraine, the head of the territorial branch of the Antimonopoly Committee of Ukraine personally or by employees of the Antimonopoly Committee of Ukraine, its territorial branch authorized by them in compliance with the legislation on the protection of personal data and ensuring confidentiality protected by law.

*Article 22<sup>1</sup> is supplemented with a new part according to Law No. 3295-IX as of 09 August 2023}*

Access to automated registers, data banks (databases), other information collection, storage, processing and retrieval systems, information is provided to the bodies of the Antimonopoly Committee of Ukraine, the head of the territorial branch of the Antimonopoly Committee of Ukraine personally or employees of the Antimonopoly Committee of Ukraine, its territorial branch authorized by them on a free basis and is carried out using the System of electronic interaction provided for by the Law of Ukraine "On Public Electronic Registers", and in the absence of technical possibilities for such interaction - on the basis of contracts concluded with the holders (administrators) of the relevant systems, registers, data banks (databases), other collection systems, storage, processing and retrieval of information".

*Article 22<sup>1</sup> is supplemented with a new part according to Law No. 3295-IX as of 09 August 2023}*

Restricted information obtained by the Antimonopoly Committee of Ukraine and its territorial branches in the course of exercising their powers shall be used by them solely for the purpose of ensuring the fulfillment of the tasks set forth in the legislation on the protection of economic competition and shall not be subject to disclosure and publication, except in the cases of:

- 1) providing information to investigative and court authorities in accordance with the law;

2) failure to comply with the requirements set forth in part two of Article 6 of the Law of Ukraine "On Access to Public Information";

3) other cases established by law.

*{Part of Article 22<sup>1</sup> as amended by Law No. 782-VIII as of 12 November 2015}*

A person who provides information as restricted information must indicate what information is restricted, including which documents or parts of documents contain restricted information.

*{Article 22<sup>1</sup> is supplemented with a new part according to Law No. 782-VIII as of 12 November 2015}*

In order to ensure the right of a person to confidentiality of information in cases provided for in clauses 2 and 3 of part six of this Article, the Antimonopoly Committee of Ukraine, its territorial branches shall hold consultations with such persons in order to clarify the grounds for classifying information as restricted information and the possibility of withdrawal of such status from the information provided by the person, and/or provision by the person within the time limit established by the Antimonopoly Committee of Ukraine, its territorial branch of a non-confidential version of documents or other information, in particular with excluded, blacked out or otherwise changed information, which ensures its sufficient protection and achievement of the goals provided for in clauses 2 and 3 of part six of this Article, and/or finding out the damage that may be caused to a person by the disclosure of such information.

*{Article 22<sup>1</sup> is supplemented with a new part according to Law No. 782-VIII as of 12 November 2015; as amended by Law No. 3295-IX as of 09 August 2023}*

Employees of the Antimonopoly Committee of Ukraine and its territorial branches shall be liable for disclosure of trade secrets in accordance with the law.

Oral requirements of the State Commissioner of the Antimonopoly Committee of Ukraine, the Head of the territorial branch of the Antimonopoly Committee of Ukraine, their authorized employees of the Antimonopoly Committee of Ukraine, its territorial branch, explanations of persons and other actions taken to meet these oral requirements shall be recorded. The record shall also indicate the date and place of its preparation, the names of the State Commissioner of the Antimonopoly Committee of Ukraine, the Head of the territorial branch of the Antimonopoly Committee of Ukraine, their authorized employees of the Antimonopoly Committee of Ukraine, its territorial branch, specifying their positions, names of persons providing explanations.

The record shall be signed by the Chair of the collegial body of the Antimonopoly Committee of Ukraine, the State Commissioner of the Antimonopoly Committee of Ukraine, the Head of the territorial branch, an authorized employee of the Antimonopoly Committee of Ukraine, its territorial branch, and the persons to whom the oral requirements were addressed. The refusal of persons who were orally requested to sign the record shall be noted in the record. The person shall have the right to provide explanations and comments on the content of the record, which are attached to the record, as well as to state the reasons for his/her refusal to sign it.

*{The Law is supplemented with Article 22<sup>1</sup> according to Law No. 1294-IV as of 20 November 2003}*

**Article 22<sup>2</sup>.** Cooperation of the Antimonopoly Committee of Ukraine with the Competent Authorities of Other Countries

The Antimonopoly Committee of Ukraine shall cooperate with the competent authorities of other states, in particular through the exchange of information, on the basis of international treaties of Ukraine ratified by the Verkhovna Rada of Ukraine.

The Antimonopoly Committee of Ukraine may provide to and receive from the competent authorities of other states information, including restricted information.

Information may be provided to the competent authorities of other states only if:

the information is used by the competition authority solely to fulfill its statutory tasks;

the relevant competition authority may ensure that access to information is provided in a manner that does not result in disclosure of information for other purposes or dissemination in any way, including through unauthorized access.

*{The Law is supplemented with Article 22<sup>2</sup> according to Law No. 1294-IV as of 20 November 2003}*

### **Article 23.** Procedural Basis of the Activity of the Antimonopoly Committee of Ukraine

The Antimonopoly Committee of Ukraine, its bodies and officials shall detect, prevent and terminate violations of the legislation on the protection of economic competition, including the legislation on protection against unfair competition, in compliance with the procedural basis established by the statutory instruments of Ukraine on the protection of economic competition.

*{Part one of Article 23 as amended by Law No. 1294-IV as of 20 November 2003}*

The procedure for consideration by the Antimonopoly Committee of Ukraine and its territorial branch of applications and cases of violations of the legislation on the protection of economic competition, the procedure for exemption from liability for violations of the legislation on the protection of economic competition, the procedure for settling cases of anti-competitive concerted actions and abuse of a monopoly (dominant) position on the market are determined by the Antimonopoly Committee of Ukraine and must ensure compliance with the rights and legitimate interests of individuals and legal entities and the state.

*{Part two of Article 23 as amended by Law No. 1907-III as of 13 July 2000; as amended by Law No. 3295-IX as of 09 August 2023}*

The grounds for conducting inspections by the Antimonopoly Committee of Ukraine, its territorial branches of undertakings, associations, authorities, local self-government bodies, administrative and economic management and control bodies, the rights and obligations of the parties during such inspections are determined by law. The procedure for conducting inspections is determined by this Law, the Law of Ukraine "On the Protection of Economic Competition" and regulatory legal acts of the Antimonopoly Committee of Ukraine.

*{Article 23 is supplemented with part three according to Law No. 3295-IX as of 09 August 2023}*

Article 23<sup>1</sup>. Hearings in Cases of granting clearance for Concerted Actions, Concentration, and Violations of Legislation on the Protection of Economic Competition

The bodies of the Antimonopoly Committee of Ukraine that consider a case on granting a clearance for concerted actions, concentration, violation of legislation on the protection of economic competition, including unfair competition, may hold hearings in the case before making a decision on the merits.

Hearings are held at the request of the parties in the case, as well as at the own initiative of the body of the Antimonopoly Committee of Ukraine and at the request of the Chair of the Antimonopoly Committee of Ukraine.

*{Part two of Article 23<sup>1</sup> as amended by Law No. 3295-IX as of 09 August 2023}*

The body of the Antimonopoly Committee of Ukraine shall involve the persons participating in the case in the hearing to provide explanations, arguments and other considerations necessary to establish the facts of the case.

Employees of the Antimonopoly Committee of Ukraine and its territorial branches shall participate in the hearing, and experts shall be involved if necessary.

Other persons may be involved in the hearing if the applicant, and in cases of violation of the legislation on the protection of economic competition - the applicant and the defendant do not raise any reasonable objections thereto.

The hearing in the case is recorded. The protocol of the hearing, which reflects the progress of consideration of issues, is drawn up within three working days from the day of the hearing.

*{Article 23<sup>1</sup> is supplemented with a new part according to Law No. 3295-IX as of 09 August 2023}*

If there is a technical possibility, the hearing process can be recorded using technical means, which the participants of the hearing are informed about. In case of audio or video recording of the hearing process, the corresponding record is added to the hearing protocol and is an integral part of it.

*{Article 23<sup>1</sup> is supplemented with a new part according to Law No. 3295-IX as of 09 August 2023}*

Persons participating in the case have the right to familiarize themselves with the protocol of the hearing and receive a copy of it, as well as to provide the body of the Antimonopoly Committee of Ukraine with clarifications, objections, explanations, and comments to the protocol of the hearing.

*{Article 23<sup>1</sup> is supplemented with a new part according to Law No. 3295-IX as of 09 August 2023}*

Information, documents and things provided and received during the hearing are attached to the case on granting clearance for concerted actions, concentration and violation of the legislation on the protection of economic competition.

*{Article 23<sup>1</sup> is supplemented with a new part according to Law No. 3295-IX as of 09 August 2023}*

The Antimonopoly Committee of Ukraine may, on its own initiative or at the request of the persons participating in the proceedings, hold a fully or partially closed hearing in the case, if an open hearing may harm the interests of the state, persons participating in the proceedings and other persons or prevent further consideration of the case.

The procedure for conducting a hearing in a case shall be determined by the Antimonopoly Committee of Ukraine in accordance with this Law and other statutory instruments on the protection of economic competition.

*{The Law is supplemented with Article 23<sup>1</sup> according to Law No. 1294-IV as of 20 November 2003}*

**Article 24.** Provision of Decisions and Orders of the Antimonopoly Committee of Ukraine and Head of its Territorial Branches

Decisions and orders adopted by the bodies of the Antimonopoly Committee of Ukraine, heads of its territorial branches in accordance with the legislation on the protection of economic competition shall be provided to the persons involved in the case in the form of their copies certified in accordance with the procedure established by law.

The specifics of the procedure for submitting and publishing decisions and orders shall be established by the legislation on the protection of economic competition.

*{Article 24 as amended by Law No. 1907-III as of 13 July 2000, as amended by Law No. 1294-IV as of 20 November 2003}*

**Article 24<sup>1</sup>.** Openness and transparency of the Antimonopoly Committee of Ukraine

The official website of the Antimonopoly Committee of Ukraine publishes information on market research - reports on the results of market research. The reports are subject to publication within ten working days from the date of their approval by the Antimonopoly Committee of Ukraine or the administrative board of the Antimonopoly Committee of Ukraine.

The agendas of meetings of the Antimonopoly Committee of Ukraine and the administrative board of the Antimonopoly Committee of Ukraine are published on the official website of the Antimonopoly Committee of Ukraine.

The publication of decisions, recommendations, preliminary decisions, information on pending cases of violations of the legislation on the protection of economic competition, information on concentration cases, concerted actions is carried out in accordance with the requirements of the Law of Ukraine "On the Protection of Economic Competition".

*{The Law is supplemented with Article 24<sup>1</sup> according to Law No. 3295-IX as of 09 August 2023}*

**Article 25.** Legal Recourse

In order to protect the interests of the state, consumers, and undertakings, the Antimonopoly Committee of Ukraine, territorial branches of the Antimonopoly Committee of Ukraine shall submit applications, claims and complaints to the court due to violation of legislation on the protection of economic competition by authorities, legal entities or individuals, namely:

*{Paragraph one of Article 25 as amended by Law No. 3295-IX as of 09 August 2023}*

to invalidate regulations and other acts, including decisions, orders, instructions, and resolutions, etc., of authorities, local self-government bodies, administrative and economic management and control bodies, or terminate the agreement in case of failure to comply with the decisions of the Antimonopoly Committee of Ukraine to cancel or amend acts adopted by authorities, local self-government bodies, administrative and economic management and control bodies or to terminate the agreement within the established time limits;

recovery of unpaid penalty in a voluntary manner;

*{Paragraph three of Article 25 as amended by Law No. 3295-IX as of 09 August 2023}*

to terminate violations of the legislation on the protection of economic competition;

to oblige to fulfill the decisions of the Antimonopoly Committee of Ukraine;

to freely withdraw goods with illegally used marks and (or) copies of products of another undertaking;

issuance of permission to carry out inspections, including:

*{Paragraph seven of Article 25 as amended by Law No. 3295-IX as of 09 August 2023}*

1) unhindered access to the premises of enterprises, institutions and organizations and to places of information storage;

*{Paragraph of Article 25 as amended by Law No. 3295-IX as of 09 August 2023}*

2) copying and/or receiving copies of such information;

*{Paragraph of Article 25 as amended by Law No. 3295-IX as of 09 August 2023}*

3) seizure or confiscation of objects or other carriers of information, documents, including their originals;

*{Paragraph of Article 25 as amended by Law No. 3295-IX as of 09 August 2023}*

4) sealing premises, electronic communications systems or information storage places;

*{Paragraph of Article 25 as amended by Law No. 3295-IX as of 09 August 2023}*

5) conducting an inspection of the premises and other possessions of undertakings, associations, authorities, local self-government bodies, administrative and economic management and control bodies that are being inspected;

*{Paragraph of Article 25 as amended by Law No. 3295-IX as of 09 August 2023}*

on other grounds provided for by law.

*{Article 25 as amended by Laws No. 762-IV as of 15 May 2003, No. 1907-III as of 13 July 2000, as amended by Law No. 1294-IV as of 20 November 2003}*

## **CHAPTER V. OTHER ISSUES OF ACTIVITY OF THE ANTIMONOPOLY COMMITTEE OF UKRAINE**

**Article 26.** Scientific, Methodological, and Informational Support of the Antimonopoly Committee of Ukraine

*{Title of Article 26 as amended by Law No. 1294-IV as of 20 November 2003}*

In order to prepare recommendations on the organization and activities of the Antimonopoly Committee of Ukraine, methodology and techniques for monitoring compliance with legislation on the protection of economic competition, develop proposals for its application and improvement, as well as on other issues, the Antimonopoly Committee of Ukraine shall establish advisory bodies, conduct technical, economic and scientific research, engage experts and consultants, and train personnel under special programs.

The Antimonopoly Committee of Ukraine shall publish its own printed media covering the activities of the Antimonopoly Committee of Ukraine and competition policy.

*{Article 26 is supplemented with part two according to Law No. 1294-IV as of 20 November 2003}*

**Article 27.** Structure, maximum number, staff list, conditions of payment of labor, material and other support

The structure and staff list of the Antimonopoly Committee of Ukraine and its territorial branches are approved by the Chair of the Antimonopoly Committee of Ukraine within the limits of expenses according to the estimate of income and expenses. The maximum number of employees of the Antimonopoly Committee of Ukraine and its territorial branches is approved by the Cabinet of Ministers of Ukraine.

The remuneration of the Chair of the Antimonopoly Committee of Ukraine, State Commissioners of the Antimonopoly Committee of Ukraine, commissioners for consideration of complaints about violations of legislation in the field of public procurement, employees of the apparatus of the Antimonopoly Committee of Ukraine and territorial branches of the Antimonopoly Committee of Ukraine, including those who perform service functions, should ensure sufficient material conditions for their independent performance of official duties, taking into account the nature and intensity of work, to stimulate the achievement of high results in official activities and conscientious work, to compensate for the physical and intellectual costs of employees..

The terms of remuneration of the Chair of the Antimonopoly Committee of Ukraine, State Commissioners of the Antimonopoly Committee of Ukraine, commissioners for consideration of complaints about violations of legislation in the field of public procurement are determined taking into account the specifics of this Law.

Remuneration conditions for civil servants of the Antimonopoly Committee of Ukraine and its territorial branches are determined in accordance with the Law of Ukraine "On Civil Service" taking into account the specifics established by this Law.

The terms of remuneration of employees of the Antimonopoly Committee of Ukraine, its territorial branches, which perform service functions, are determined by the Cabinet of Ministers of Ukraine, taking into account the specifics established by this Law.

The following salaries are established for the Chair of the Antimonopoly Committee of Ukraine, the State Commissioner of the Antimonopoly Committee of Ukraine, the commissioners for consideration of complaints about violations of legislation in the field of public procurement, employees of the apparatus of the Antimonopoly Committee of Ukraine, territorial branches of the Antimonopoly Committee of Ukraine in accordance with the size of the subsistence minimum for able-bodied persons, set at 1 January of the calendar year:

the Chair of the Antimonopoly Committee of Ukraine – 30;

the State Commissioner of the Antimonopoly Committee of Ukraine, the commissioners for consideration of complaints about violations of legislation in the field of public procurement – 29;

Chief of Staff of the Antimonopoly Committee of Ukraine – 28;

Director (head) of the department – 27;

Deputy director (head) of the department - 25;

head of independent division – 26;

deputy head of independent division - 24;

- head of an independent section – 23;
- deputy head of an independent section - 21;
- head of the independent sector - 22;
- head of the section as part of the division (department) - 20;
- deputy head of the section as part of the division (department)- 19;
- the head of the sector within the department - 18;
- chief expert - 16;
- leading expert - 14;
- expert – 12;
- an employee of the Antimonopoly Committee of Ukraine, who performs maintenance functions,  
- 10;
- Head of the territorial branch of the Antimonopoly Committee of Ukraine – 24;
- deputy Head of the territorial branch - 18;
- head of the section of the territorial branch - 16;
- deputy head of the section of the territorial branch - 14;
- head of the sector of the territorial branch - 12;
- chief expert of the territorial branch - 11;
- leading expert of the territorial branch - 10;
- expert of the territorial branch - 9;
- an employee of the territorial branch of the Antimonopoly Committee of Ukraine, who performs  
maintenance functions – 8.

The Chair of the Antimonopoly Committee of Ukraine, the State Commissioner of the Antimonopoly Committee of Ukraine, the commissioner for consideration of complaints about violations of legislation in the field of public procurement are paid:

bonus for years of service - in the amount of 3 percent of the official salary for each calendar year, depending on the length of service, which includes the period of work in the position, previously acquired civil service experience and the periods of work provided for in Article 46 of the Law of Ukraine "On Civil Service", but not more than 50 percent of the official salary;

allowance for labor intensity - in the amount of up to 100 percent of the official salary;

bonus in accordance with the personal contribution to the overall results of the work - within the limits of the funds provided for in the estimate for bonusing employees of the Antimonopoly Committee of Ukraine in accordance with the regulation on bonusing approved by the Antimonopoly Committee of Ukraine (in case of its establishment);

material assistance for rehabilitation during the provision of annual leave - in an amount not exceeding the average monthly salary of the specified officials.



The Chair of the Antimonopoly Committee of Ukraine, the State Commissioners of the Antimonopoly Committee of Ukraine, the commissioner for reviewing complaints about violations of legislation in the field of public procurement may be provided with financial assistance for solving social and household issues in an amount not exceeding the average monthly salary of the specified officials.

Decision on the payment and size of bonus for years of service, labor intensity allowance, bonus, financial aid for recovery, financial aid for solving social and household issues to the Chair of the Antimonopoly Committee of Ukraine, the State Commissioners of the Antimonopoly Committee of Ukraine, the commissioner for considering complaints about violations of legislation in the field public procurement is accepted in accordance with the order established by the order of the Chair of the Antimonopoly Committee of Ukraine, within the limits of the approved wage fund.

At the same time, the decision on the payment of an allowance for the intensity of work, a bonus, material assistance for solving social and household issues is made by:

Chair of the Antimonopoly Committee of Ukraine - in agreement with the Minister of the Cabinet of Ministers of Ukraine according to the submission of the Chief of staff of the Antimonopoly Committee of Ukraine;

the first deputy, deputy Chair of the Antimonopoly Committee of Ukraine - in agreement with the Chair of the Antimonopoly Committee of Ukraine according to the submission of the Chief of staff of the Antimonopoly Committee of Ukraine.

The amount and procedure for setting allowances, bonuses, and other payments to public servants of the Antimonopoly Committee of Ukraine and territorial branches of the Antimonopoly Committee of Ukraine are determined by the Law of Ukraine "On Civil Service", and to employees of the Antimonopoly Committee of Ukraine and its territorial branches, who perform service functions, by the Cabinet Ministers of Ukraine.

*{Article 27 as amended by Law No. 1907-III as of 13 July 2000; as amended by Laws No. 107-VI as of 28 December 2007 — the amendment was declared unconstitutional by the Decision of the Constitutional Court No. 10-pn/2008 as of 22 May 2008, No. 4287-VI as of 23 December 2011, No. 889-VIII as of 10 December 2015; as amended by Law No. 3295-IX as of 09 August 2023}*

#### **Article 28.** Financing and Logistical Support of the Antimonopoly Committee of Ukraine

The Antimonopoly Committee of Ukraine and its territorial branches shall be financed from the general and special funds of the state budget.

*{Part one of Article 28 as amended by Law No. 1907-III as of 13 July 2000}*

The amount of allocations from the state budget for the maintenance of the Antimonopoly Committee of Ukraine and its territorial branches, including the amount of expenses for remuneration of their employees, shall be annually set by the Verkhovna Rada of Ukraine as a separate line when approving the state budget.

*{Part two of Article 28 as amended by Law No. 1907-III as of 13 July 2000}*

The expenses for the maintenance of the Antimonopoly Committee of Ukraine and its territorial branches shall be financed by the central executive body implementing the state policy on treasury servicing of budget funds to their current budget accounts of the general fund of the state budget in accordance with the transfer rate. The amount of this standard shall be set by the Verkhovna Rada of Ukraine when approving the state budget for the next year.

*{Part three of Article 28 as amended by Law No. 1907-III as of 13 July 2000; as amended by Law No. 5463-VI as of 16 October 2012}*

Fees collected to reimburse expenses related to consideration of applications for clearances for concerted actions, concentration of undertakings, and conclusions shall be credited to the revenues of the special fund of the state budget on a special account, shall not be subject to withdrawal and shall be used for the intended purpose to finance the activities of the Antimonopoly Committee of Ukraine and its territorial branches, in particular, for material and technical, including transport support, creation and development of the information and analytical base, publication of printed materials of the Antimonopoly Committee of Ukraine, training, retraining, advanced training and social welfare of employees of the Antimonopoly Committee of Ukraine and its territorial branches.

*{Part four of Article 28 as amended by Law No. 1907-III as of 13 July 2000; part four of Article 28 is suspended for 2002 in the part of crediting to the special fund of the state budget of fines imposed for violation of antimonopoly legislation and penalties for late payment thereof according to Law No. 2905-III as of 20 December 2001; part four of Article 28 is suspended for 2003 in the part of crediting to the special fund of the state budget of fines imposed for violation of the antimonopoly legislation and penalties for late payment thereof according to Law No. 380-IV as of 26 December 2002; as amended by Law No. 1294-IV as of 20 November 2003; part four of Article 28 is suspended for 2004 in the part of crediting to the special fund of the state budget of fines imposed for violation of antimonopoly legislation and penalties for late payment thereof according to Law No. 1344-IV as of 27 November 2003; details of the partial suspension of part four of Article 28 for 2005 additionally see in Law No. 2285-IV — as amended before 31 March 2005; as amended by Law No. 2505-IV as of 25 March 2005}*

The budget of income and expenses of the Antimonopoly Committee of Ukraine and its territorial branches, including the amount of allocations for the maintenance of the Antimonopoly Committee of Ukraine and its territorial branches, material and household support, transportation and medical services, social guarantees and the amount of the payroll fund of the employees of the Committee and its territorial branches shall be approved by the Antimonopoly Committee of Ukraine by recommendation of the Chair of the Antimonopoly Committee of Ukraine.

*{Part five of Article 28 as amended by Law No. 1907-III as of 13 July 2000}*

The Antimonopoly Committee of Ukraine shall be provided with transport, material and technical means at the expense of the state budget of Ukraine in accordance with the procedure determined by the Cabinet of Ministers of Ukraine.

**Article 29.** Protection of Personal and Property Rights of Employees of the Antimonopoly Committee of Ukraine

Employees of the Antimonopoly Committee of Ukraine shall be representatives of the state authorities in the performance of their official duties. Their personal and property rights shall be protected by law on an equal footing with law enforcement officers.

Employees of the Antimonopoly Committee of Ukraine and its territorial branches, whose official duties include direct performance of the functions specified in Article 2 of the Law of Ukraine "On State Protection of Judicial and Law Enforcement Officers", shall be subject to compulsory state social insurance in accordance with the legislation on compulsory state social insurance.

*{Article 29 is supplemented with part two according to Law No. 1907-III as of 13 July 2000; as amended by Law No. 77-VIII as of 28 December 2014}*

*{Part three of Article 29 is deleted on the basis of Law No. 77-VIII as of 28 December 2014}*

Losses caused by destruction or damage to property of an employee of the Antimonopoly Committee of Ukraine or an employee of a territorial branch or members of his/her family in the course of performance of his/her official duties shall be compensated in full in accordance with the procedure established by law at the expense of the state budget with subsequent recovery of this amount from the guilty persons.

*{Article 29 is supplemented with part four according to Law No. 1907-III as of 13 July 2000}*

*{Part five of Article 29 is deleted on the basis of Law No. 77-VIII as of 28 December 2014}*

**Article 29<sup>1</sup>.** Social Guarantees for the Chair, his/her Deputies, State Commissioners of the Antimonopoly Committee of Ukraine and commissioners for Complaints on Violations of Public Procurement Legislation

*{Title of Article 29<sup>1</sup> as amended by Law No. 1219-IX as of 05 February 2021}*

The Chair of the Antimonopoly Committee of Ukraine, his/her deputies, State Commissioners and commissioners for complaints on violation of public procurement legislation shall be provided with their previous job (position), place of training after the expiration of their term of office, and in case of impossibility (liquidation of an enterprise, institution, organization), they shall be provided with equivalent work at another undertaking, institution, organization or enrolled in the civil service reserve of the Antimonopoly Committee of Ukraine in a position corresponding to their professional level, taking into account the category of a civil servant. For the period of employment, but not more than one year, the former Chair, his/her deputies, State Commissioners and commissioners for complaints on violation of public procurement legislation of the Antimonopoly Committee of Ukraine shall retain their average monthly salary.

*{Part one of Article 29<sup>1</sup> as amended according to Law No. 1219-IX as of 05 February 2021}*

The procedure for payment of these funds shall be determined by the Cabinet of Ministers of Ukraine.

The provisions of this Article shall be applied if they do not worsen the level of social guarantees arising from Article 27 of this Law.

*{The Law is supplemented with Article 29<sup>1</sup> according to Law No. 1907-III as of 13 July 2000}*

**Article 30.** Certificate of Employee of the Antimonopoly Committee of Ukraine

State Commissioners, commissioners for complaints on violation of public procurement legislation, heads of territorial branches and responsible employees of the Antimonopoly Committee of Ukraine and its territorial branches shall have a service certificate. The Regulation on the Official Identity Document of an Employee of the Antimonopoly Committee of Ukraine shall be approved by the Antimonopoly Committee of Ukraine.

*{Article 30 as amended by Law No. 1907-III as of 13 July 2000; as amended by Law No. 1219-IX as of 05 February 2021}*

**President of Ukraine**

**L. KRAVCHUK**

**City of Kyiv**  
**, 26 November 1993**  
**No. 3659-XII**



On the Antimonopoly Committee of Ukraine  
Law of Ukraine as of 26 November 1993 No. 3659-XII  
**As amended as of 01 January 2024**, grounds — [3295-IX](#)  
*Permanent address:*  
<https://zakon.rada.gov.ua/go/3659-12/ed20240101>

**Laws of Ukraine**  
as of 13 November 2023  
latest revision



3659-12

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## Publishing of the document

- **The Official Bulletin of the Verkhovna Rada of Ukraine** as of 14 December 1993 — 1993, No. 50, Article 472.
- **Holos Ukrainy** as of 21 December 1993