

2017

**Antimonopoly committee of
Ukraine**

Berlin





ADVOCACY vs. ENFORCEMENT BALANCE

Legislation,
government
regulation
assessment

Competition
policy

CIRCUMSTANCES:

**INDEPENDENCE
SUFFICIENT RESOURCES**

CREDIBILITY

**DEVELOPING or
DEVELOPED COUNTRY**

FREE MARKET

**or REGULATED
MARKET**

Building
a competition
culture

Privatization



BUILDING A COMPETITION CULTURE

Transparency

Publishing decisions, guidelines
public discussions

Round tables, conferences

Publishing decisions, guidelines
public discussions, mass-media

Public procurement

AMCU as appeal
authority

Merger Hot Line

up to 10 calls per day on
a separate line

Opinions

issued to the
undertakings by their
request (provision in the
Law)



AMCU COMPREHENSIVE RESEARCH ON ENERGY MARKET

6 month



Competition on the energy generation: nuclear, thermal and energy from renewable resources markets: not regulated pricing and direct agreements



Stimulated regulation of natural monopolies: setting of tariffs instead of cost plus regulation would allow margin increase due to cost optimization (Law about natural monopolies, secondary legislation on a final approval stage)



Transparent conditions for access to capacity of interstate networks; clear price and terms for access to the network for new enterprises



AMCU ACTIONS ON PHARMACEUTIC MARKET

Proposals to the President of Ukraine and the Cabinet of Ministers

- reference pricing;
- transition to the reimbursement system;
- electronic registers of patients;
- revision of Licensing Conditions;
- introduction of "medical service"; approving its cost calculation
- health insurance.

Recommendations to the Ministry of Health

- prevention of competition restriction for medicines with active ingredients "docetaxel" and "risperidone" (dosage restriction in public procurement);
- transparent mechanism of formulary system;
- prescribing medications for the international non-proprietary name active ingredient.

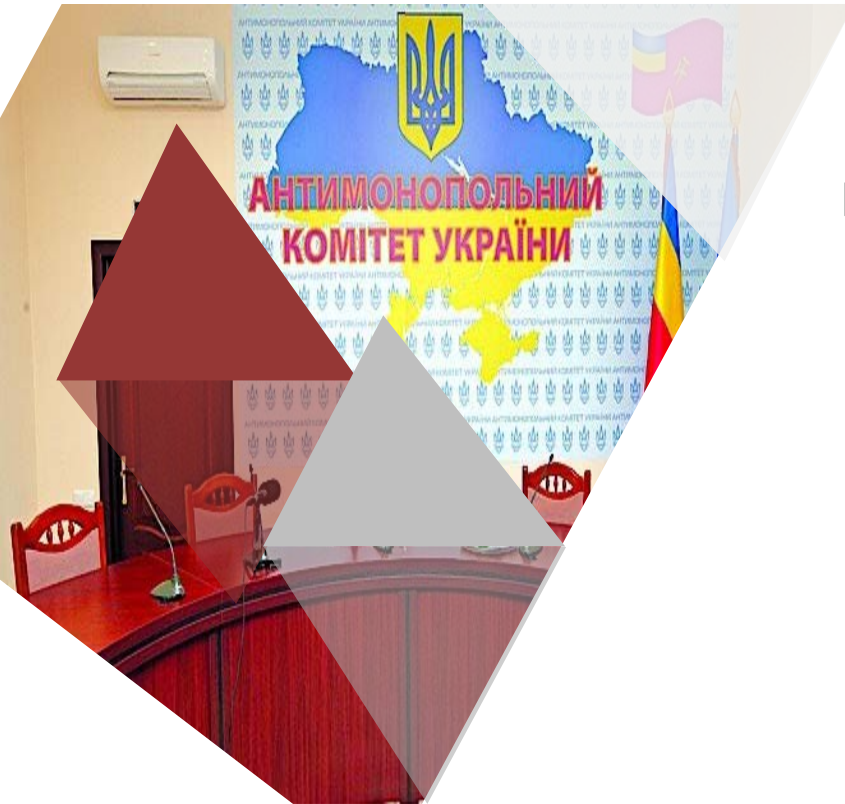
Report of the Committee on the study of pharmaceutical markets

A decision was taken for anticompetitive concerted actions

- consequence: change of pricing approach
 - **58** k EURO – company "Alcon Pharmaceuticals Ltd"
 - **126** k EURO - Ltd. "Servier Ukraine"



CHALLENGES IN IMPLEMENTING STATE AID CONTROL SYSTEM



- Implementing absolutely new area of legal practice
- Change of mindset on public money spending
- Resistance of state authorities
- Politics/populism of State Aid granters
- Lack of resources



ANTIMONOPOLY COMMITTEE OF UKRAINE

Thank you