

Law of the Kyrgyz Republic

Bishkek on July 22, 2011, No 116

“On Competition”

This Law defines the organizational and legal principles of the protection and development of the competition and is aimed at preventing, limiting, suppressing of monopolistic activity and unfair competition, as well as the conditions for the establishment and effective functioning of the markets of Kyrgyz Republic.

Article 1. Antimonopoly Legislation of the Kyrgyz Republic

Antimonopoly legislation of the Kyrgyz Republic (hereinafter referred to as the Antimonopoly Legislation) shall be based on rules of the Constitution of the Kyrgyz Republic, international treaties ratified by the Kyrgyz Republic in accordance with the prescribed procedure, and shall consist of this Law and other normative legal acts of the Kyrgyz Republic.

Article 2. The Scope of the Law

This Law shall be effective on the territory of the Kyrgyz Republic and it shall apply to the relations concerned with protection and development of competition wherein any physical and legal entities, state bodies and local government participate.

Article 3. General Definitions Used in this Law

The definitions hereunder shall apply to this Law:

Competition-Limiting Arrangements (Concerted Actions) - is a written agreement, the information contained in the document or multiple documents, as well as an oral agreement, evidence existence thereof can be a situation analysis of economics' changes on the market;

individual or legal entity's affiliated person:

- any individual or legal entity (with the exception of state bodies controlling activity thereof within the scope of their powers) having the right to make decisions directly or indirectly or to influence a decision of this person, including by force of an agreement (to include an oral agreement) or other transaction, and any individual or legal entity in respect to which this affiliated person has such a right;

- affiliated person of a legal entity shall also mean executives thereof, or a shareholder (participant) or any enterprise possessing 10 percent or more of its voting shares [aktsiya] (contributions [vklad], stakes [pay]) (5 percent or more for open joint-stock companies);

Fungible Commodities - are commodities that can be compared by functional purpose, application, qualitative and technical characteristics, price and other parameters thereof therefore the buyer does can replace or substitute each other in the process of consumption (production);

Dominant position - is a position of economic agent (group of persons) or several economic agents (groups of persons) on the market of a certain commodity, giving such economic agent (group of persons) or economic agents (groups of entities) the power to have a decisive influence on the general conditions of circulation of goods in the relevant market and (or) to eliminate other economic agents and (or) from this market to impede the access for other economic agents to this market;

Discriminatory and Exceptional Conditions - are the conditions of accessing to the market, manufacturing, trading, consuming, purchasing, selling, or other handover of the commodities, wherein an economic agent or several economic agents are put to a disadvantage in comparison with other (others) economic agent;

Competition - rivalry between economic agents on the market when independent actions thereof limit their possibilities to unilaterally influence the general conditions of circulation of commodities on the certain market and stimulate the production of commodities, needed by the customers;

Contracting party - is a party to a contract, partner, who is opposing to another party to the contract;

Monopoly - state of the market, when certain exclusive rights to (the possibility of) produce, purchase, trade, exchange, held by one person, group of persons or the State;

Monopolistic Activity - actions (inaction) of economic agents (groups of persons), bodies of executive government and local self-government, and state bodies regulating the financial services market contrary to antimonopoly legislation and having the purpose of preventing, limiting, or eliminating competition.

Monopoly High-Price - a price of a commodity set by an economic agent occupying a dominant position on the market of the commodity with the goal of compensating for unjustified outlays resulting from under-utilization of productive capacities, and (or) of obtaining additional profit as a result of a decrease in the quality of a commodity.

Monopoly Low-Price - a price of an acquired commodity set by an economic agent occupying a dominant position on the market of the commodity as a buyer (consumer) for the purposes of obtaining additional profit and (or) compensating for unjustified outlays at the expense of the vendor, or the price of a commodity that is deliberately set by an economic agent occupying a dominant position on the market of the commodity as the vendor at a level resulting in loss from sale of this commodity with the consequence that competition is or may be limited owing to displacement of competitors from the market

Unfair Competition - any actions of economic agents aimed at acquiring business advantages conflicting with provisions of current legislation, customary business practices, the requirements of fair play, reasonableness, and justice, and may inflict or have inflicted losses on other competing economic agents, or damage their goodwill.

Signs of restriction of competition - a decreasing of economic agents' number not associated in the same group of persons, on the market, increasing or decreasing of the price not related with relevant changes of other general conditions of commodity circulation on the market, the waiver of economic agents not associated in the same group of persons from

independent action on the market; the definition of the general conditions of commodity circulation on the market whereby arrangement between economic agents or in accordance with binding instructions of another person or as a result of the coordination of economic agents that are not members of the same group of persons of actions thereof on the market; as well as other circumstances that create the opportunity for an economic agent or several economic agents unilaterally to affect the general conditions of commodity circulation on the market;

Regional (Local) Commodities' Market - field of circulation of commodities (works, services) in territory of region or its part, based on an economic possibility of the buyer to purchase commodities in appropriate territory or its part and absence of such possibility outside this field;

Republican Commodities Market - field of circulation of commodities (works, services) in the territory of the Kyrgyz Republic;

Market (Commodity Market) - commodities, works and services' field of circulation;

Market Force - actions (inactions) of an economic agent and/or group of persons on the market, effect to restriction of competition and/or significant changes on the market;

Systematic Carrying Out of Monopolistic Activities - a carrying out of monopolistic activities by the economic agent revealed in accordance with the procedure prescribed by the legislation of the Kyrgyz Republic more than two times during one year;

Commodity - objects of civil rights (including work, service), intended for sale, trade or other turnover;

Authorized body - state antimonopoly body carrying out the state policy upon development of competition and limitation, suppression of monopolistic activity and unfair competition;

Economic agents - commercial organizations, their alliances (unions, associations), sole proprietors;

Economic concentration - economic agent transactions' or other actions, which have an impact on the state of competition.

Article 4. Dominant Position

The position of an economic agent may be recognized as dominant on the market if meet one of the following factors:

- 1) a market share of economic agent on a certain market is 35 percent or higher;
- 2) a market share of economic agent exceeds the maximum allowed value set by the state antimonopoly body, after such economic agents were found as abusing of a position thereof;
- 3) an economic agent has a power (an authority) on the market that can have a significant impact thereon (demand, supply, prices, the behavior of market participants and so on);

4) joint domination of more than three economic agents, either a separate market share each of which is more than other market members' share and as a whole exceeds 50 percent, or the joint share of not more than five economic agents, the market share each of which is more than the market share of other economic agents in the relevant market;

5) for a long time period (during at least one year or, if such period is less than one year, during the period of existence of the relevant market), the relative sizes of the shares of economic agents have not changed or have had minor changes, and access to the market for new competitors is impeded;

6) selling or purchasing of commodities by economic agents that cannot be replaced while consuming (including consumption for production purposes), price information, conditions of sale or purchase of this product are available to a certain group of persons in the relevant market.

Article 5. Group of Persons

1. A group of persons is:

1) economic agents and an individual or a legal entity if such natural or legal entity in virtue of its participation in this economic agent or in accordance with either authorities received from other persons, has more than 50 percent of the total number of votes derived from the voting stocks (shares) in the charter capital of this economic agent ;

2) economic agents and an individual or a legal entity if such natural or legal entity either in virtue of its participation in this economic agent or in accordance with authorities received from other persons, has more than 50 percent of the total number of votes derived from the voting stocks (shares) in each of such economic agents' charter capital;

3) an economic agent and an individual or a legal entity if such natural or legal entity carry out functions of the sole executive body of the entity;

4) economic agents, wherein the same person or legal entity carry out functions of the sole executive body;

5) an economic agent and an individual or a legal entity if such individual or legal entity in accordance with either documents of incorporation thereof or concluded contract with such economic agent is entitled to give these economic agents binding instructions;

6) economic agents, in which the same individual or legal entity in accordance with either documents of incorporation thereof or a concluded contract with these economic agents is entitled to give these economic agents binding instructions;

7) an economic agent and an individual or a legal entity whose sole executive body was appointed or elected upon the suggestion of such individual or legal entity;

8) economic agents, whose sole executive body was appointed or elected upon the suggestion of the same individual or legal entity;

9) an economic agent and an individual or a legal entity wherein more than 50 percent of the quantitative composition of the collective executive body or of a Board of Directors (a Board of Supervisors) were elected upon the suggestion of such individual or legal entity;

10) entities in which more than 50 percent of the quantitative composition of the collective executive body and (or) of a Board of Directors (a Board of Supervisors) were elected on the suggestion of the same individual or entity;

11) entities wherein more than 50 percent of the quantitative composition of the collective executive body and (or) a Board of Directors (a Board of Supervisors) are same individual persons;

12) persons who are members of the same financial and industrial group;

13) an individual, his or her spouse, parents (including adoptive parents), children (including adopted children), full and half brothers and sisters;

14) persons, each of which are subject to the paragraphs 1-13 hereinabove and fall under the group with the same person, as well as other persons together falling under in the same group upon the grounds mentioned hereinabove in paragraphs 1-13.

Prohibitions Defined in this Law upon actions (inaction) of an economic agent, economic agents are subject to the actions (inaction) of a group of persons.

Article 6. Abuse of a Dominant Position by an Economic Agent

The actions of an economic agent (group of persons) occupying a dominant position shall be prohibited if they have or may have the consequence of significantly limiting competition and (or) infringing on the interests of other economic agents or individuals, including actions such as:

- 1) creating obstacles to access to the market by other economic agents;
- 2) removing commodities from circulation with the goal or result in creating and (or) maintaining a shortage on the market, or in increasing prices;
- 3) imposing on a contracting party conditions of an agreement disadvantageous thereto or not related to the subject matter of the arrangement (unjustified demands for the transfer of financial resources, other property, property rights, or manpower of the contracting party, etc.);
- 4) including discriminatory or advantageous conditions in an agreement placing a contracting party in an unequal position relative to other economic agents;
- 5) imposing on a contracting party (consumer) conditions requiring conclusion of an agreement only with a certain producer or buyer;
- 6) consent to conclude an agreement subject including the clauses concerning commodities in which the contracting party or consumer is not interested;
- 7) violating pricing procedure, including setting, maintenance monopoly high (low) prices;
- 8) groundless economical or technical decrease or termination of production of commodities that are in demand or for which orders of purchase have been placed, and which can be produced without a loss as well as if such decrease or termination of production not expressly provided by statutory acts of Kyrgyz Republic or acts of court;
- 9) groundless refusing to execute terms of a contract not related with Acts of God
- 10) groundless economical or technical refusal or evasion to conclude a contract with some of the buyers (customers) if it is possible to produce or deliver conforming product or in case if such refusal or evasion not expressly provided by statutory acts of Kyrgyz Republic or acts of court;
- 11) collusive with the goal of limiting the competition, what can be testify by situation analysis;
- 12) creation of discriminating or exceptional conditions;
- 13) groundless economical, technical or otherwise settling different prices (rate) for the same good, if other not prescribed by legislation of Kyrgyz Republic;

Article 7. Competition-Limiting Arrangements (Concerted Actions) of Economic Agents, Limiting the Competition

Any competition-limiting arrangements (concerted actions) of economic agents, competitive economic agents shall enjoin or annul in part or in whole if such arrangements (concerted actions) have or may have the consequence of limiting of competition, including arrangements (concerted actions):

- 1) settlement (supporting) of prices (rates), discounts, bonuses (supplemental payments), extra charges;
- 2) increasing, decreasing or supporting prices on the same level on the market;
- 3) dividing the market on a territorial basis, by sales or purchase volume, by assortment of commodities offered for sale, or by a group of vendors or buyers (clients);
- 4) limiting access of other economic agents to a market as vendors of particular commodities or as their buyers (clients) or eliminating them from the market;
- 5) coordinating production volumes with the goal of artificially changing supply;
- 6) groundless refusing to conclude an arrangement with certain vendors or buyers (clients);
- 7) engaging in price discrimination;
- 8) artificially increasing (decreasing) prices of goods, that has a consequence of limiting competition;
- 9) groundless decreasing or termination of delivery of goods for nonobjective reasons;
- 10) establishing standard conditions in arrangements placing consumers in a disadvantageous position or limiting freedom of choice of commodities and of economic agents producing these commodities, or including provisions not related to the object of the agreement.
- 11) extension of possibilities to certain economic agents to acquire significant share of goods in conditions of limited demand.

2. Any competition-limiting arrangements (concerted actions) of economic agents, noncompetitive economic agents shall enjoin or annul in part or in whole if such arrangements (concerted actions) have or may have the consequence of limiting of competition, including arrangements (concerted actions) aimed at:

- 1) imposing conditions disadvantageous to a contracting party;
- 2) that are exclusive, requiring acquisition of some commodity only from this vendor and not from competitors thereof;
- 3) putting limits on territory or the group of buyers;
- 4) establishing price restrictions on resale of commodities acquired by a buyer from this vendor;
- 5) prohibiting sale of commodities produced by competitors.

3. In exceptional cases, arrangements (concerted actions) of economic agents addressed herein in clauses 1 and 2 of item 2 may be recognized as lawful by the antimonopoly authority if the economic agents are able to show that the positive impact outweigh the negative consequences of arrangements (concerted actions), providing that they have or may have the consequence of:

- 1) developing of production, distribution of commodities or encouragement of technical, economic progress or competitive recovery of commodities world market;
- 2) acquisition by purchaser advantages (benefits) equal to advantages (benefits) acquired by economic agents as a result of actions (inactions), arrangements or concerted actions, contracts.

4. In addition, obligatory conditions are provided by antimonopoly body in accordance with the prescribed procedure for supporting the competition that shall contain in competition-limiting arrangements (concerted actions).

Article 8. Unfair Competition

Unfair competition, including the following, shall not be allowed:

1) unauthorized copying of a commodity of another economic agent, as well as its packaging and appearance, except when the appearance of the commodity is an attribute of its technical function;

2) outright re-creation of the products of another economic agent in violation of the patent and licensing rights thereof;

3) illegal use of a trade mark, the name of a commodity's place of origin, a company name, or a trademark, service mark, geographic indication, legal name that are liable to mislead about the activity of another economic agent;

4) dissemination of false and distorted information about the business authority and financial condition of another economic agent able to inflict losses on or damage its business reputation;

5) production, realization or any other use of commodities of another economic agent on the market by course of infringement and equivalent to them means of individualization of parties to a civil transaction, goods, works, and services (misuse);

6) disclosure of data on the scientific, technical, and production capabilities of a competitor in distorted form;

7) deliberate disruption, frustration, and termination of a competitor's business relationships by illegal means;

8) illegal pressuring of a competitor's employees with the goal of persuading them to dereliction of duty;

9) unlawful acquisition, use, and disclosure of information on scientific, technical, production, or trading activity of an economic agent, including trade secrets thereof;

10) arrangements (concerted actions) limiting competition;

11) illegal influence upon adoption and execution of business decisions of a competitor with the goal of obtaining a groundless advantage over the competitor;

12) groundless appeals (applications) to other agents of the market having the goal of breaking a competitor's business ties or impeding establishment of such ties;

13) dissemination of any information that may mislead consumers regarding the origin, means of manufacture, fitness for use, quality, and other properties of an economic agent's commodity, or the personality of a businessperson or the characteristics of business activities thereof;

14) supply of a commodity inconsistent with its distinguishing mark or labeling with the goal of misleading the consumer regarding the commodity's consumer and other important properties;

15) concealment of a commodity's inconsistency with its stated purpose or with requirements imposed thereon;

16) deliberate flooding of a particular commodity market with certain commodity for the purposes of price manipulation, when the aim is to limit competition and when consumer interests are affected.

2. Unfair competition coupled with acquisition and exercise of exclusive rights of parties to a civil transaction, goods, works, and services.

3. Order of proceedings cases in respect of unfair competition activity of economic agents and deciding is prescribed by Executive body of Kyrgyz Republic.

Article 9. Acts and Actions (Inactions) of Bodies of Executive Government and Local government, Aimed at Preventing, Limiting or Eliminating Competition

1. bodies of executive government and local government shall be prohibited from adopting acts and (or) taking actions that limit the independence of economic agents or create discriminatory or advantageous conditions for activity of certain economic agents, if such acts

and (or) actions have or may have the consequence of preventing, limiting, or eliminating competition and (or) infringing on the interests of economic agents and (or) individuals, including:

- 1) introducing limits on creation of new economic agents in any field of activity, as well as imposing prohibitions on the certain activities or on production of certain commodities, except in cases prescribed by Kyrgyz Republic legislation;
- 2) groundless impeding activity of economic agents in any field of activity;
- 3) granting competition-limiting powers to economic agents;
- 4) imposing groundless prohibitions on flow of products between regions of the Kyrgyz Republic
- 5) creating economic agents with the purpose of their assumption of a dominant position on the market, except in cases prescribed by Kyrgyz Republic legislation;
- 6) groundless granting tax, credit, and other concessions to certain economic agents placing them in an advantageous position relative to other agents of the same market;
- 7) imposing groundless restrictions on foreign economic activity of economic agents;
- 8) instructing an economic agent to execute agreements on priority or to deliver commodities to a particular group of consumers on priority, except in cases prescribed by Kyrgyz Republic legislation;
- 9) preventing formation of parallel structures for the distribution, procurement, and marketing of commodities;
- 10) putting up groundless barriers to development of new products and processes if such development does not contradict Kyrgyz Republic legislation;
- 11) establishing other advantageous or discriminatory business conditions for certain economic agents if such conditions limit competition.

2. Arrangements between bodies of executive government or economic agents that have or may have a consequence of significant limitation of competition shall be prohibited and voided.

3. Conferment of powers upon existing executive government and local government's bodies shall be prohibited if such actions have or may have the consequence of preventing, limiting, or eliminating of competition, as well as formation of executive government and local government's bodies of with the goal of monopolizing of providing services, production and (or) realization of commodities.

4. Combination of functions of bodies of executive government and local government with functions of economic agents and conferment of functions and rights of bodies of executive government and local government, except in cases prescribed by Kyrgyz Republic legislation;

5. Government of Kyrgyz Republic has a right to set prices on retail sale of social important commodities in order to protect consumer rights and develop of competition but not more than 90 days.

State control of retail sale takes place if product price has increased by 20% and more during one month.

List of social important commodities and procedure of state control of price regulation are established by Government of Kyrgyz Republic.

Article 10. Antimonopoly requirements for purchasing of commodities

While purchasing of commodities actions that have or may have the consequence of prevention, limitation or suppression of competition shall be prohibited, including:

- 1) organizers of tender or customers' coordination of clients thereof;

2) granting advantageous conditions to tender's member or members, unless otherwise established by the law of Kyrgyz Republic;

3) violation of procedure of determining a winner or winners of a tender;

4) organizer or organizers' participating in tenders and (or) employees thereof therein;

2. In addition to prohibition specified in 1 item hereinabove organizers or customers if such are executive government, local government while arranging tenders or placing of orders for delivering of goods, execution of work, providing services for state and municipal matters is prohibited to limit otherwise prescribed by the laws of Kyrgyz Republic participation therein.

3. In addition to prohibition specified in 1 and 2 item hereinabove is prohibited while arranging tenders, execution of work, providing services for state and municipal matters to limit competition between participants thereof by means of including in tender production (commodities, works, services) that are technically or functionally not related to commodities, works, services, accomplishment or provision of which is subject to a tender.

4. Violation of this article shall be ground for voidance of such tender and arrangements based thereon by antimonopoly body in accordance with procedure prescribed by Kyrgyz Republic's legislation.

Article 11. State Control of Creation, Reorganization, and Liquidation of Economic Agents

1. In order to prevent possible abuse of a dominant position by economic agents and limitation of competition, the antimonopoly authority shall maintain state control of:

1) reorganization (merge, consolidation, transformation) of economic agents (associations thereof) if it leads to establishment of the economic agents occupying a dominant position;

2) dissolution of holders of the natural and permitted monopolies;

3) merge, consolidation and liquidation of the state and municipal enterprises if it leads to establishment of the economic agents occupying a dominant position.

2. Economic agents making decisions upon reorganization or dissolution, in accordance with the first part of this article, shall receive permission of an antimonopoly authority.

Economic agents while reorganization or dissolution must provide the antimonopoly authority with a motion of permission of reorganization, dissolution of economic agents and the list of documents in order prescribed by the Government of the Kyrgyz Republic.

The antimonopoly authority shall report to the applicant in writing, prior to expiration of 10 calendar days from the date of obtaining all of the necessary documents.

3. The antimonopoly authority is entitled to dismiss the petition if approval thereof can lead to the accrual or strengthening of a dominant position of the relevant organization, and, as a consequence, - to competition restriction, or in case of misrethis ation in the course of coordination.

4. In cases of reorganization and dissolution of the economic agents provided by the first part of this article, the state registration (re-registration) is carried out by registering authority subject to prior approval of antimonopoly authority.

The state registration of economic agents and their associations, functioning in defiance of the this Article, shall be recognized as an invalid, in accordance with the legislation of the Kyrgyz Republic.

Article 12. State Control of Compliance with Antimonopoly Legislation in the Acquisition of Shares (Interests) in Charter Capital of Economic Agents and in Other Cases

1. The acquisition by an economic agents, occupying a dominant position, stocks, shares, participation interest in charter capital stock of other economic agents operating on the market of a same commodity, as well as purchasing by any legal entity or a citizen of the controlling block of stock, shares, participation interest in charter capital stock, occupying a dominant position, shall be performed subject to the advanced consent of the antimonopoly body.

For the purposes of this Article a controlling block of stock, stocks, the shares of participation is understood as such quantity, that provides more than 50 percent, (directly or indirectly) of votes in making decisions at the General Shareholders meeting, General Meeting of Founders.

2. For the transactions specified in the first part of this article, authorized person rethis to the antimonopoly authority the motion on consent on their performance and provide information in accordance with the procedure approved by the Government of the Kyrgyz Republic.

3. Motion shall be rejected either if it's sustain may lead to the accrual or strengthening of dominant position of economic agent (group of persons) and, as a consequence, to a restriction of competition; or if the misleading has taken place, relevant to decision making.

4. Transactions made in violation of the procedure prescribed by this article, leading to the accrual or strengthening of dominant position and, as a consequence, to the restriction of competition, shall be recognized as invalid in accordance with the legislation of the Kyrgyz Republic.

Article 13. Involuntary Split-Up (Spin-Off) of Economic Agents

1. In case of systematic monopolistic activity of economic agent, that occupies the dominant position, the antimonopoly authority is entitled to make a decision upon compulsory dissolution of such organizations or the decision upon allocation from its structure of one or several organizations. The organizations, created as a result of such involuntary dissolution couldn't fall under the same group of persons.

2. The decision upon involuntary split-up or allocation of the economic agent shall be adopted when one or several of the following conditions are taking place:

- 1) leads to the promotion of competition in the market;
- 2) there is a possibility for organizational separation of its structural subdivisions;
- 3) there is no technology driven interrelation of its structural subdivisions;
- 4) there is a possibility for legal entities created as a result of reorganization, to work on their own on the relevant market

3. The decision upon compulsory dissolution or allocation of economic agents shall be performed by the owner or the rethis ative subject to the requirements provided for in the decision, and within the period prescribed by the specified decision and shall not be less than three months.

Please refer to: Resolution of the Government of the Kyrgyz Republic of 11 June 2012, N 391 "On approval of the order on involuntary split-up dissolution of economic agents"

Article 14. Rights of the officers of the antimonopoly authority to acquire information

When considering the application upon violation of the antimonopoly legislation, cases on violation of antimonopoly legislation, implementation of the state control of economic concentration and carrying out the analysis of a condition of the competition in accordance with the powers assigned to them, at this ation of service certificates and the decision of the head (his deputy) of the antimonopoly authority, has the right for unimpeded access in government bodies, local governments, organizations and establishments, economic agencies and their associations regardless of a legal form and form of ownership, for the purpose of obtaining necessary documents and information under the legislation of the Kyrgyz Republic.

Article 15. Obligation to Inform the Antimonopoly Authority (Obligatory Submission of Information to the Antimonopoly Authority)

In order to perform powers and duties vested upon antimonopoly authority, statistical, judicial, custom authorities and other government bodies carrying out control (superintendence) of activity of economic agents and registering their relations, archival authorities, local governments and economic entities regardless of form of ownership, shall provide all of the necessary documents and information upon the request of antimonopoly authority.

Article 16. Reimbursement of damages.

1. In case when losses are inflicted on an economic agent or other person by an act adopted in violation of antimonopoly legislation by a government body or local government, among other antimonopoly authority, or by nonperformance or improper performance of duties by these bodies, such losses shall be subject to compensation pursuant to civil legislation of Kyrgyz Republic.

2. In case of violation of the antimonopoly law pursuant to an order of the of antimonopoly authority, government bodies and local governments (their officials), economic agents (their executives) shall be required to cease the violation, to redeem initial situation, dissolve an agreement or amend it, to revoke the act contradicting the legislation of the Kyrgyz Republic, to transfer income gained as a result of violation of the antitrust law into the republican budget, and perform other actions prescribed by the order.

3. If actions (inaction) of the economic agent in violation of antimonopoly legislation inflict losses on another economic agent or on other person, such losses shall be subject to compensation by the economic agent inflicting them, pursuant to civil legislation of the Kyrgyz Republic.

Article 17. Liability for Violation of Antimonopoly Legislation

Persons guilty of a violation of the antimonopoly law, are held liable in accordance with the legislation of the Kyrgyz Republic.

Bringing to responsibility doesn't exempt those responsible from a duty to perform the decision of antimonopoly authority.

Article 18. Grounds for the Antimonopoly Authority's Examination of Cases Involving Violations of Antimonopoly Legislation.

1. The antimonopoly authority considers cases on violations of the antimonopoly law of own motion, on grounds of mass media notifications and other files available, testifying the violation of the this Law.

2. Applications are filled to the antimonopoly authority in writing accompanied by the documents on the facts of violation of the antimonopoly law.

3. The order of hearing of cases on violation of the antimonopoly law and carrying out of an investigation is established by the Government of the Kyrgyz Republic.

Please refer to: Resolution of the government of Kyrgyz Republic of June 2, 2012, N 362 "On approval of the Order of proceedings on violation of the antimonopoly law in the region of unfair business practices";

Resolution of the government of Kyrgyz Republic of June 2, 2012, N 365 "On approval of Rules of procedure on violation of the antimonopoly law of the Kyrgyz Republic"

Article 19. Procedure for Execution of Orders and Other Decisions of the Antimonopoly Authority

The decision (instruction) of antimonopoly authority is subject to execution to a full extent and within the period prescribed therein. Failure to perform or performing not to a full extent of the decision (instruction) specified, shall incur consequences prescribed by the antimonopoly law.

Article 20. Right of Appeal of the Antimonopoly Authority's Decisions

The government bodies, economic entities and their officials have the right to appeal to court with the statement for invalidation in whole or partly of the decisions (instructions) of antimonopoly authority.

Article 21. Coming Into Force of This Law

1. The this Law shall come into force upon expiry of three months from the date of its official publication.

It is published in the Erkintoo newspaper of July 26, 2011 N 60.

2. The legislation hereunder shall be recognized as having lost force from the moment this Law enters into force:

- The Law of the Kyrgyz Republic "On Limitation of Monopolistic Activity, Development and Protection of the Competition" of April 15, 1994 N 1487-XII (Jogorku Kenesh Gazette of the Kyrgyz Republic, 1994, N 5, Art. 163)

- The Law of the Kyrgyz Republic "On amendments to the Law of the Kyrgyz Republic "On Limitation of monopolistic activity, development and protection of the competition" of March 6, 2003 N 55 (Jogorku Kenesh Gazette of the Kyrgyz Republic, 2003, N 5, Art. 221);

- The Law of the Kyrgyz Republic "On additions to the Law of the Kyrgyz Republic "On Limitation of monopolistic activity, development and protection of the competition" of August 1, 2003 N 164 (Jogorku Kenesh Gazette of the Kyrgyz Republic, 2003, N 11, Art. 505);

- The Law of the Kyrgyz Republic "On amendments and additions to the Law of the Kyrgyz Republic "On Limitation of monopolistic activity, development and protection of the competition" of April 27, 2009 N 134 (Jogorku Kenesh Gazette of the Kyrgyz Republic, 2009, N 4, Art. 356);

- Jogorku Kenesh's resolution of the Kyrgyz Republic "On the Procedure of Enactment of the Law of the Kyrgyz Republic "On Limitation of Monopolistic Activity, Development and Protection of Competition" of April 15, 1994 N 1488-XII (Jogorku Kenesh Gazette of the Kyrgyz Republic, 1994, N 5, Art. 164).

3. To the Government of the Kyrgyz Republic:

- to bring their regulatory legal acts in line with the this Law.
- introduce for consideration by Jogorku Kenesh of the Kyrgyz Republic the relevant draft laws that emerge from the this Law.

President of the Kyrgyz Republic R. Otunbayeva

Passed by Zhogorku Kenesh

Kyrgyz Republic, 17 June 2011