



LAW OF UKRAINE

On the Antimonopoly Committee of Ukraine

(The Official Journal of the Verkhovna Rada (OJVR), 1993, No. 50, p.472)

{Enacted by Resolution of VR No. 3660-XII (3660-12) of 26.11.93, OJVR, 1993, No. 50, p.473}

{As amended under Laws

- No. 1907-III (1907-14) of 13.07.2000, OJVR, 2000, No. 41, p.343
- No. 2905-III (2905-14) of 20.12.2001, OJVR, 2002, No. 12-13, p.92
- No. 2921-III (2921-14) of 10.01.2002, OJVR, 2002, No. 16, p.114
- No. 380-IV (380-15) of 26.12.2002, OJVR, 2003, No. 10-11, p.86
- No. 762-IV (762-15) of 15.05.2003, OJVR, 2003, No. 30, p.247
- No. 1294-IV (1294-15) of 20.11.2003, OJVR, 2004, No. 13, p.181
- No. 1344-IV (1344-15) of 27.11.2003, OJVR, 2004, No. 17-18, p.250
- No. 2285-IV (2285-15) of 23.12.2004, OJVR, 2005, No. 7-8, p.162
- No. 2505-IV (2505-15) of 25.03.2005, OJVR, 2005, No. 17, No. 18-19, p.267
- No. 3205-IV (3205-15) of 15.12.2005, OJVR, 2006, No.14, p.118}

(In the wording of the Law words "central and local state executive bodies" and "local and regional authorities" in all cases were replaced with words "authorities and administrative and control authorities" and "local authorities" in relevant cases; words "local Councils of People's Deputies" in all cases were replaced with words "local councils" in relevant cases; words "current legislation" and "current legislation of Ukraine" in all cases were replaced with words "legislation" and "legislation of Ukraine" in relevant cases; words "entrepreneur" and "business entity" in all cases were replaced with words "economic entity" in relevant cases; words "entrepreneurs" and "business entities" in all cases were replaced with words "economic entities" in relevant cases; and words "state executive power" in all cases were replaced with words "executive power" in relevant cases under Law No. 1907-III (1907-14) of 13.07.2000)

(In the wording of the Law words "antimonopoly legislation" in all cases were replaced with words "legislation on protection of economic competition" in the relevant case under Law No. 1294-IV (1294-15) of 20.11.2003)

CHAPTER I. GENERAL PROVISIONS

Article 1. Antimonopoly Committee of Ukraine

The Antimonopoly Committee of Ukraine shall be the state body, which has special status and the activity of which is aimed at ensuring the state protection of competition in entrepreneurial activities.

The peculiarities of special status of the Antimonopoly Committee of Ukraine

shall be stipulated by its task and powers, as well as role in development of competition policy, and set by this Law and other legislative acts. In particular, they shall consist in the special procedure for appointment and dismissal of the Chairman of the Antimonopoly Committee of Ukraine, his/her deputies, state commissioners of the Antimonopoly Committee of Ukraine and heads of territorial offices of the Antimonopoly Committee of Ukraine, provision of social guarantees, protection of personal and property rights of the employees of the Antimonopoly Committee of Ukraine at the level of employees of law-enforcement agencies and labour remuneration conditions. (Article 1 was supplemented with Part 2 under Law No. 1294-IV (1294-15) of 20.11.2003) (Article 1 read as Law No. 1907-III (1907-14) of 13.07.2000, as amended under Law No. 1294-IV (1294-15) of 20.11.2003)

Article 2. Subordination and Accountability of the Antimonopoly Committee of Ukraine

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

The Antimonopoly Committee of Ukraine shall annually present a report on its activities to the Verkhovna Rada of Ukraine. (Article 2 read as Law No. 1907-III (1907-14) of 13.07.2000)

Article 3. Tasks of the Antimonopoly Committee of Ukraine

The main task of the Antimonopoly Committee shall be participation in development and implementation of the competition policy, namely:

1) exercise of state control over observance of the legislation on protection of economic competition on the basis of equality of economic entities to the law and priority of rights of consumers, prevention, detection and termination of violation of the legislation on protection of economic competition;

2) control over concentration and coordinated actions of economic entities and regulation of prices/rates of goods products/sold by natural monopoly entities;

3) promotion of fair competition; and

4) provision of guidance materials of application of the legislation on protection of economic competition.

(Article 3 read as Laws No. 1907-III (1907-14) of 13.07.2000 and No. 1294-IV (1294-15) of 20.11.2003)

Article 4. Basic Principles of Activities of the Antimonopoly Committee of Ukraine

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

- rule of law;

- publicity; and

- competition protection on the basis of equality of individuals and legal entities before the law and priority of consumer rights. (Article 4 (4) in the wording of the Law No. 1294-IV (1294-15) of 20.11.2003)

Article 5. Legislation on the Antimonopoly Committee of Ukraine

The Antimonopoly Committee of Ukraine shall perform its activities in compliance with the Constitution of Ukraine (254к/96-ВР), the Laws of Ukraine "On Protection of Economic Competition" (2210-14) and "On Protection Against Unfair Competition" (236/96-ВР), this Law and other regulations adopted in accordance with these laws. (Part 1 of Article 5 read as Law No. 1294-IV (1294-15) of 20.11.2003)

If an international treaty, by which the Verkhovna Rada of Ukraine agreed to be bound, provides for rules, other than those of this Law, the rules of the international treaty shall be applied.

In this law relevant terms shall have the meanings defined by the Law of Ukraine "On Protection of Economic Competition" (2210-14). (Part 3 of Article 5 read as Law No.1294-IV (1294-15) of 20.11.2003)

In this Law the term "legislation on protection of economic competition" shall have the meaning defined by Article 3 of the Law of Ukraine "On Protection of Economic Competition" (2210-14). (Part 4 of Article 5 read as Law No. 1294-IV (1294-15) of 20.11.2003) (Article 5 read as Law No. 1907-III (1907-14) of 13.07.2000)

CHAPTER II. STRUCTURE, AUTHORITY AND ORGANIZATION

OF ACTIVITIES OF THE ANTIMONOPOLY COMMITTEE OF UKRAINE

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

The Antimonopoly Committee of Ukraine shall consist of the Chairman and ten state commissioners.

Two first deputies and three deputies of the Chairman of the Antimonopoly Committee of Ukraine shall be appointed from among state commissioners. (Part 2 of Article 6 as amended under Laws No. 1907-III (1907-14) of 13.07.2000 and No. 1294-IV (1294-15) of 20.11.2003)

The Antimonopoly Committee of Ukraine shall establish its territorial offices.

One of the state commissioners of the Antimonopoly Committee of Ukraine shall also perform as the Chairman of Kyiv City Territorial Office of the Antimonopoly Committee. (Article 6 was supplemented with Part 4 under Law No. 1294-IV (1294-15) of 20.11.2003)

The Antimonopoly Committee of Ukraine and its territorial offices shall constitute the system of bodies of the Antimonopoly Committee of Ukraine, which is headed by the Chairman of the Committee.

The Antimonopoly Committee of Ukraine and its territorial offices shall be legal entities, which have their current and deposit accounts in banking institutions and stamps with the State Emblem and its name. (Part 1 of Article 6 as amended under Law No. 2921-III (2921-14) of 10.01.2002)

The Antimonopoly Committee of Ukraine, administrative bodies of the Antimonopoly Committee of Ukraine, state commissioners of the Antimonopoly Committee of Ukraine and administrative bodies of territorial branches of the Antimonopoly Committee of Ukraine shall be bodies of the Antimonopoly Committee of Ukraine. (Article 6 was supplemented with Part 7 under Law No. 1294-IV (1294-15) of 20.11.2003)

Article 7. Powers of the Antimonopoly Committee of Ukraine

The Antimonopoly Committee shall have the following powers in the field of control over observance of the legislation on economic competition protection:

1) to consider applications and cases of violation of the legislation on economic competition protection, and to carry out investigations on these applications and cases;

2) to make orders and decisions envisaged by the legislation on economic competition protection in respect of applications and cases, check and revise case decisions and make its conclusions as to classification of actions under the legislation on economic competition protection;

3) to try cases of administrative violations, make resolutions and check their legitimacy and propriety;

4) to check undertakings, associations, government authorities, administrative and control authorities, local authorities as to their compliance with the requirements of the legislation on economic competition protection, and during investigations on applications and cases of violation of the legislation on economic competition protection;

5) to request from undertakings, associations, government authorities, local authorities, administrative and control authorities, their officials and employees, and other individuals and legal entities an information, including restricted data, during consideration of applications and cases of violation of the legislation on economic competition protection, check-ups and in other cases provided by legislation;

6) to appoint an examination and expert from among persons who have knowledge necessary for giving an expert opinion;

7) to examine office premises and transport of undertakings - legal entities, withdraw or arrest articles, documents or other information media, which may be used as evidences or sources of evidences in legislation;

8) in case of keeping employees of the Antimonopoly Committee of Ukraine from exercise of their powers provided for in points 4,5 and 7 of this Article, to engage employees of police authorities for application of measures provided by legislation, in order to overcome the hurdles;

9) to engage employees of police authorities, customs and other law-enforcement authorities to ensure consideration of a case of violation of the legislation on economic competition protection, particularly in case of investigation;

10) to engage specialists of state authorities, local authorities, enterprises, institutions and organizations to carry out check-ups under agreement with their heads and deputies of local councils by their consent;

11) to carry out market researches, set limits of the commodity market, as well as position, including monopoly (dominant) one, of undertakings in this market, and make relevant decisions/orders;

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

13) to submit proposals which are subject to obligatory consideration concerning cancellation of licences and termination of operations related to

external economic activities of undertakings to the executive bodies and local authorities in case of their violation of the legislation on economic competition protection;

14) to submit recommendations which are subject to obligatory consideration to government authorities, local authorities, administrative and control authorities, undertakings and associations concerning termination of actions or inactivity which have signs of violations of the legislation on economic competition protection, and elimination of causes of such violations and conditions facilitating them;

15) to apply to a court with claims, applications and complaints on application of the legislation on economic competition protection, and with requests for providing information on legal cases considered by these courts in accordance with the legislation on economic competition protection;

16) to apply to and receive from competent authorities of other states the information necessary for exercising their powers;

17) to provide competent authorities of other states with information in cases and under the procedure provided by legislation;

17-1) to exercise powers envisaged by the Law of Ukraine "On Procurement of Goods, Works and Services at the State Expense" (1490-14); {Paragraph 1 of the Article 7 was supplemented with Clause 17-1 under Law No. 3205-IV (3205-15) of 15.12.2005}, and

18) to exercise other powers envisaged by the legislation on economic competition protection and the Law of Ukraine "On Procurement of Goods, Works and Services at the State Expense" (1490-14); {Article 7 (1)(18) as amended under Law No. 424-V (424-16) of 01.12.2006}.

The Antimonopoly Committee of Ukraine shall have the following powers in the field of control over concerted actions and concentration:

1) to consider applications and cases of granting an authorization, opinions and preliminary conclusions in respect of concerted actions, concentration, and to carry out investigations on these applications and cases;

2) to make orders and decisions envisaged by the legislation on economic competition protection in respect of applications and cases of granting an authorization for concerted actions, concentration, and to give opinions and make preliminary conclusion concerning concerted actions, concentration, as well as conclusions concerning classification of actions according to the legislation on economic competition protection;

3) to revise and check decisions taken by bodies of the Antimonopoly Committee of Ukraine within their competence;

4) to permit or ban concerted actions and concentration;

5) to request from undertakings, associations, government authorities, local authorities, administrative and control authorities, their officials and employees, and other individuals and legal entities an information, including the restricted data, during consideration of applications and cases of violation of the legislation on protection of economic concentration, check-ups and in other cases provided by legislation;

6) to exercise powers provided for in points 6, 11, 12, 15 and 16 of the paragraph 1 of this Article;

7) to exercise other powers envisaged by the legislation on economic competition protection.

The Antimonopoly Committee of Ukraine shall have the following powers in a field of making and implementation of the competition policy, advancement of competition development, of the regulatory and methodological framework of activities of the Antimonopoly Committee of Ukraine, and of application of the legislation on economic competition protection:

1) to request from undertakings, associations, government authorities, administrative and control authorities, local authorities and their officials an information, including the restricted data, necessary for market research, as well as information on the competition policy;

2) to generalize and analyze information on implementation of legislation acts on economic competition protection in respect of priorities and areas of the competition policy;

3) to take part in development of laws and other regulations which regulate issues of competition development, competition policy and economy demonopolization, and submit proposals to the President of Ukraine and the Cabinet of Ministers of Ukraine in respect of them under the established procedure, as well as to coordinate draft regulations of the President of Ukraine, the Cabinet of Ministers of Ukraine, central and local executive bodies, local authorities, and administrative and control authorities, which may have impact on competition;

4) to exercise powers provided for in points 6, 11, 12 and 15 of the paragraph 1 of this Article;

5) to submit recommendations which are subject to compulsory consideration to government and local authorities, institutions, organizations, undertakings and associations, concerning implementation of measures aimed at restriction of monopoly, development of business activities and competition, prevention of violation of the legislation on economic competition protections, as well as termination of actions or inactivity, which may have an adverse effect on competition;

6) to cooperate with government and local authorities, administrative and control authorities, enterprises, institutions and organizations on issues regarding to development, support and economic competition protection and economy demonopolization;

7) to generalize the practice of application of the legislation on economic competition protection and submit proposals concerning its improvement to the relevant government authorities;

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

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

10) to develop and approve interdepartmental regulations on development and economic competition protections and economy demonopolization in cooperation with other interested government authorities;

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

12) to give official interpretation of own regulations;

13) to give advisory interpretation on application of the legislation on economic competition protection;

14) to submit proposals to the President Of Ukraine, Cabinet of Ministers of Ukraine and National Bank of Ukraine, and give instructions to the government and local authorities to amend the regulations adopted by them, which do not comply with the legislation on economic competition protection or create barriers to competition development due to their ambiguous interpretation;

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

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

17) to take part in development and implementation of international projects and programs, and cooperate with international organizations, government authorities and non-governmental organizations of other states on matters, which are within the competence of the Antimonopoly Committee of Ukraine;

18) to publish its publications, official journals/digests of legislation acts on economic competition protection, and keep an electronic page in the Internet; and

19) to exercise other powers envisaged by the legislation on economic competition protection and the Law of Ukraine "On Procurement of Goods, Works and Services at the State Expense" (1490-14); {the Article 7 (1)(19) as amended under Law No. 424-V (424-16) of 01.12.2006}..

Exercise powers of the Antimonopoly Committee of Ukraine provided for in points 1-4 and 11 of the paragraph 1, points 1, 2 and 4 of the paragraph 2, and points 11-13, 15 and 16 of the paragraph 3 of this Article by other government authorities is not allowed.

(Article 7 as amended by the Law No. 1907-III (1907-14) of 13.07.2000, as amended under Law No. 762-IV (762-15) of 15.05.2003; in the wording of the Law No. 1294-IV (1294-15) of 20.11.2003, Article 7 (1) in the part of granting powers to consider cases of administrative violations shall come into force on the day of making appropriate amendments to the Code of Ukraine on Administrative Violations (80731-10 and 80732-10) according to the Law No. 1294-IV (1294-15) of 20.11.2003)

(Article 8 was deleted on the basis of Law No. 1294-IV (1294-15) of 20.11.2003)

Article 9. Chairman of the Antimonopoly Committee

The Chairman of the Antimonopoly Committee of Ukraine shall be appointed and dismissed by the President of Ukraine by approval of the Verkhovna Rada of Ukraine.

The term of office of the Chairman of the Antimonopoly Committee of Ukraine shall be seven years. The Chairman of the Antimonopoly Committee of Ukraine may not be appointed as such for more than two terms of office on end. (Part 2 of Article 9 as amended under Law No. 1294-IV (1294-15) of 20.11.2003)

After expiration of the term of office the Chairman of the Antimonopoly Committee of Ukraine shall continue performing his/her duties until a new Chairman is appointed.

The Chairman of the Antimonopoly Committee of Ukraine may be dismissed, if

s/he committed a crime or can not perform his/her duties due to the state of health. The Chairman of the Antimonopoly Committee of Ukraine shall have the right to submit his/her resignation to the President of Ukraine. The termination of powers of the Chairman of the Committee shall not result in laying down the office as state commissioners of the Antimonopoly Committee of Ukraine. (Part 4 of Article 9 as amended under Law No. 1294-IV (1294-15) of 20.11.2003)

A new Chairman shall be appointed instead of the Chairman of the Antimonopoly Committee of Ukraine, the powers of whom were terminated earlier, for the remaining term.

The Chairman of the Antimonopoly Committee of Ukraine shall:

Head the Antimonopoly Committee of Ukraine, direct its activities and preside at the meetings of the Antimonopoly Committee of Ukraine; (Paragraph 2 of Part 6 of Article 9 as amended under Law No. 1294-IV (1294-15) of 20.11.2003)

Submit proposals to the Prime Ministers of Ukraine to appoint and dismiss the deputies of the Chairman and state commissioners of the Antimonopoly Committee of Ukraine;

Allocate duties between the first deputies and deputies of the Chairman and state commissioners of the Antimonopoly Committee of Ukraine and direct activities of territorial offices of the Antimonopoly Committee of Ukraine; (Paragraph 4 of Part 6 of Article 9 read as Law No. 1294-IV (1294-15) of 20.11.2003)

Submit the budget of income and expenses of the Antimonopoly Committee of Ukraine and its territorial offices for approval of the Antimonopoly Committee of Ukraine;

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

Take on, transfer and dismiss employees of the Antimonopoly Committee of Ukraine and its territorial offices, apply incentive measures and impose disciplinary sanctions on employees of the Committee and its territorial offices in accordance with the law;

Establish territorial offices within the budget, temporary administration of the Antimonopoly Committee of Ukraine for matters, which are within the authority of the Antimonopoly Committee of Ukraine; (Paragraph 8 of Part 6 of Article 9 as amended under Law No. 1294-IV (1294-15) of 20.11.2003)

Issue orders, approve provisions, instructions and other acts, which have binding effect on the employees of the Antimonopoly Committee of Ukraine and its territorial offices; (Paragraph 9 of Part 6 of Article 9 as amended under Law No. 1294-IV (1294-15) of 20.11.2003)

Represent the Antimonopoly Committee of Ukraine in its relations with state authorities, local authorities, administrative and control authorities, economic entities, citizens and associations of economic entities and citizens and sign on behalf of the Antimonopoly Committee of Ukraine interdepartmental regulations; (Paragraph 10 of Part 6 of Article 9 as amended under Law No. 1294-IV (1294-15) of 20.11.2003)

Have the right to require any materials, including applications and cases on granting a permit for coordinated actions and concentration and violation of the legislation on protection of economic competitions, which are pending by the Antimonopoly Committee of Ukraine or Chairman of the territorial office of the Antimonopoly Committee of Ukraine by request of persons participating in the case, bodies of the Antimonopoly Committee of Ukraine, the Chairman of

its territorial office or by own initiative, and submit them for consideration to another body of the Antimonopoly Committee of Ukraine, except for applications and cases referred to the exclusive competence of the Antimonopoly Committee of Ukraine as a supreme collegial body; (Part 6 of Article 9 was supplemented with Paragraph 11 under Law No. 1294-IV (1294-15) of 20.11.2003)

Approve the structure of the Antimonopoly Committee of Ukraine; (Part 6 of Article 9 was supplemented with Paragraph 12 under Law No. 1294-IV (1294-15) of 20.11.2003)

Approve the staff and budget of the Antimonopoly Committee of Ukraine, after agreement with the authorized central executive body for finance, and staffing list and budget of the territorial offices of the Antimonopoly Committee of Ukraine; (Part 6 of Article 9 was supplemented with supplemented with Paragraph 13 under Law No. 1294-IV (1294-15) of 20.11.2003)

Perform other actions envisaged by the legislation on protection of economic competition. (Paragraph 14 of Part 6 of Article 9 read as Law No. 1294-IV (1294-15) of 20.11.2003)

By request of the Antimonopoly Committee of Ukraine, but at least once a year, the Chairman of the Antimonopoly Committee of Ukraine shall report on activities of the Committee to the Verkhovna Rada of Ukraine.

The Chairman of the Antimonopoly Committee of Ukraine shall have the status of a state commissioner envisaged by this Law.

The Chairman of the Antimonopoly Committee of Ukraine shall have the right to participate in the meetings of the Cabinet of Ministers of Ukraine with the right of advisory vote. (Article 9 was supplemented with Part 9 under Law No. 1294-IV (1294-15) of 20.11.2003) (Article 9 read as Law No. 1907-III (1907-14) of 13.07.2000)

Article 10. Deputies of the Chairman of the Antimonopoly Committee of Ukraine

The first deputies and deputies of the Chairman of the Antimonopoly Committee of Ukraine shall be appointed from among state commissioners and dismissed by the President of Ukraine by recommendation of the Prime Ministers of Ukraine, which is submitted on the bases of proposals of the Chairman of the Antimonopoly Committee of Ukraine. (Part 1 of Article 10 as amended under Law No. 1294-IV (1294-15) of 20.11.2003)

The term of office of the first deputies and deputies of the Chairman of the Antimonopoly Committee of Ukraine shall be terminated after their term as state commissioners expires or under Part 2 of Article 18 of this Law. (Article 10 was supplemented with Part 2 under Law No. 1294-IV (1294-15) of 20.11.2003)

The first deputies and deputies of the Antimonopoly Committee of Ukraine shall:

- 1) coordinate and control work of territorial offices 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 activities of their subordinate structural subdivisions;

- 3) arrange legal support of the activity of the structural subdivisions 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 the Ministries and other central executive bodies, law-enforcement authorities, 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) take part in the meetings of the Committees of the Verkhovna Rada of Ukraine during consideration of issues related to the activity of the Antimonopoly Committee of Ukraine and represent the Antimonopoly Committee of Ukraine in relations with other state authorities, local authorities, enterprises, institutions and organizations by order of the Chairman of the Antimonopoly Committee of Ukraine; and

8) approve the appointment and dismissal of employees, changes in the structure and staffing list of their subordinate structures. (Article 10 was supplemented with Part 3 under Law No. 1294-IV (1294-15) of 20.11.2003)

The first deputies shall have the right to authorize employees of the Antimonopoly Committee of Ukraine and its territorial offices to represent the Antimonopoly Committee in court. (Article 10 was supplemented with Part 4 under Law No. 1294-IV (1294-15) of 20.11.2003)

The Chairman of the Antimonopoly Committee of Ukraine shall allocate duties between the first Deputy Chairmen and Deputy Chairmen of the Antimonopoly Committee of Ukraine. (Article 10 was supplemented with Part 5 under Law No. 1294-IV (1294-15) of 20.11.2003)

By order of the Chairman of the Antimonopoly Committee the first deputies and deputies of the Chairman shall perform his/her functions and substitute the Chairman of the Committee, if s/he is absent or can not exercise his/her powers. (Part 6 of Article 10 as amended under Law No. 1294-IV (1294-15) of 20.11.2003)

In case of absence of the first deputies and deputies a state commissioner of the Antimonopoly Committee of Ukraine shall perform as the Chairman of the Antimonopoly Committee of Ukraine. (Part 7 of Article 10 as amended under Law No. 1294-IV (1294-15) of 20.11.2003) (Article 10 read as Law No. 1907-III (1907-14) of 13.07.2000)

Article 11. State Commissioners of the Antimonopoly Committee of Ukraine

State commissioners of the Antimonopoly Committee of Ukraine shall be appointed and dismissed by the President of Ukraine by recommendation of the Prime Minister of Ukraine submitted on the basis of the proposals of the Chairman of the Antimonopoly Committee.

The term of office of a state commissioner of the Antimonopoly Committee of Ukraine shall be seven years. (Part 2 of Article 11 read as Law No. 1294-IV (1294-15) of 20.11.2003)

After expiration of the term of office a state commissioner shall continue performing his/her duties until a new state commissioner is appointed.

A new state commissioner shall be appointed instead of the state

commissioner, who quitted the Committee earlier, for the remaining period. (Part 5 of Article 11 was deleted under Law No. 1294-IV (1294-15) of 20.11.2003)

A state commissioner shall be a citizen of Ukraine, who reached the age of thirty, has higher, as a rule, legal or economic education 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 bodies of the Antimonopoly Committee of Ukraine and perform other duties by order of the Chairman of the Antimonopoly Committee of Ukraine. (Part 8 of Article 11 as amended under Law No. 1294-IV (1294-15) of 20.11.2003) (Article 11 read as Law No. 1907-III (1907-14) of 13.07.2000)

Article 12. Territorial Offices of the Antimonopoly Committee of Ukraine

The territorial offices of the Antimonopoly Committee of Ukraine shall be established in the Autonomous Republic of Crimea, oblasts, cities of Kyiv and Sevastopol to implement tasks, with which the Antimonopoly Committee of Ukraine is entrusted. The powers of the territorial offices shall be set by the Committee within its authority. If necessary, territorial offices may be established between oblasts. (Part 1 of Article 12 as amended under Laws No. 1907-III (1907-14) of 13.07.2000 and No. 1294-IV (1294-15) of 20.11.2003)

This Law and other legislative acts shall define the powers of the territorial offices of the Antimonopoly Committee of Ukraine. The powers of the territorial office of the Antimonopoly Committee of Ukraine may not exceed the powers of the Antimonopoly Committee of Ukraine set by the law. (Part 2 of Article 12 read as Law No. 1294-IV (1294-15) of 20.11.2003)

A territorial office of the Antimonopoly Committee shall be headed by the head of the territorial office. The head of the territorial offices and his/her deputy shall be appointed and dismissed by the Chairman of the Antimonopoly Committee of Ukraine. The deputy head of the territorial office shall be appointed and dismissed by the Chairman of the Committee by recommendation of the head of the territorial office. (Part 3 of Article 12 as amended under Law No. 1294-IV (1294-15) of 20.11.2003)

The head of Kyiv city territorial office of the Antimonopoly Committee shall be a state commissioner of the Antimonopoly Committee of Ukraine. (Article 12 was supplemented with Part 4 under Law No. 1294-IV (1294-15) of 20.11.2003)

Restrictions as to the procedure for the appointment of heads of the territorial offices of the Antimonopoly Committee of Ukraine and their deputies, including by introduction of the duty to agree candidates for these positions with other state authorities and local authorities, shall be prohibited. (The Part of Article 12 as amended under Law No. 1907-III (1907-14) of 13.07.2000, read as Law No. 1294-IV (1294-15) of 20.11.2003)

A territorial office of the Antimonopoly Committee of Ukraine shall be subordinate and report to the Antimonopoly Committee of Ukraine. (The Part of Article 12 as amended under Law No. 1907-III (1907-14) of 13.07.2000, read as Law No. 1294-IV (1294-15) of 20.11.2003)

Article 12-1. The Procedure for Establishment and Activity of Collegial Bodies of the Antimonopoly Committee of Ukraine

The permanent administrative collegiums of the Antimonopoly Committee of

Ukraine shall be established by the Antimonopoly Committee of Ukraine. They shall consist of three state commissioners. The first deputy or one of the deputies of the Chairman of the Antimonopoly Committee shall be in charge of a permanent administrative board.

The temporary administrative collegiums of the Antimonopoly Committee of Ukraine shall be established by the Chairman of the Antimonopoly Committee of Ukraine from among state commissioners and heads of territorial offices of the Antimonopoly Committee. They shall consist of at least three persons. A state commissioner of the Antimonopoly Committee of Ukraine shall be in charge of a temporary administrative board.

The administrative board of the territorial office of the Antimonopoly Committee of Ukraine shall be established by the head of the territorial offices of the Antimonopoly Committee of Ukraine from among managerial employees of the territorial office. It shall consist of at least three employees of this territorial office. By consent of the Chairman of the Antimonopoly Committee of Ukraine, officials of the Antimonopoly Committee of Ukraine may be members of the administrative board of the territorial office. The head of the territorial office or his/her deputy shall be in charge of the administrative board of the territorial office of the Antimonopoly Committee of Ukraine.

The head of the relevant territorial office of the Antimonopoly Committee of Ukraine shall coordinate the activities of the administrative board of the territorial office of the Antimonopoly Committee of Ukraine.

Members of the Antimonopoly Committee of Ukraine, administrative board of the Antimonopoly Committee of Ukraine and administrative board of the territorial office of the Antimonopoly Committee of Ukraine shall have equal rights concerning consideration of issues within the competence of these authorities, in compliance with the legislation on protection of economic competition, including in the course of 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 office of the Antimonopoly Committee of Ukraine shall be made on behalf of the territorial office of the Antimonopoly Committee of Ukraine.

Sessions shall be the form of work of the Antimonopoly Committee of Ukraine, administrative collegiums of the Antimonopoly Committee of Ukraine and administrative collegiums of the territorial offices of the Antimonopoly Committee of Ukraine.

Sessions of the Antimonopoly Committee of Ukraine, administrative board of the Antimonopoly Committee of Ukraine and administrative board of the territorial office of the Antimonopoly Committee of Ukraine shall be legally competent provided the majority of their members are present.

Orders and decisions of the Antimonopoly Committee of Ukraine, administrative board of the Antimonopoly Committee of Ukraine and administrative board of the territorial office of the Antimonopoly Committee of Ukraine shall be adopted by the majority of votes of present members.

If the Antimonopoly Committee of Ukraine checks a decision made by a state commissioner of the Antimonopoly Committee of Ukraine or administrative board of the Antimonopoly Committee of Ukraine, or checks legitimacy and reasonableness of the resolution on administrative violation passed by the administrative board of the Antimonopoly Committee of Ukraine or state commissioner of the Antimonopoly Committee of Ukraine, the session shall be legally competent, if the majority of members of the Antimonopoly Committee of Ukraine are present, except for members of the Antimonopoly Committee of

Ukraine, who adopted the decision or passed the resolution that is being checked. In this case the decision shall be taken by the Antimonopoly Committee of Ukraine by the majority of its members and members of the Antimonopoly Committee of Ukraine, who made the decision or passed the resolution that is being checked, shall not participate in the voting.

The procedure for activity of the Antimonopoly Committee of Ukraine, administrative boards of the Antimonopoly Committee of Ukraine and administrative boards of the territorial office of the Antimonopoly Committee of Ukraine as collegial bodies shall be set by this Law, other acts of the legislation on protection of economic competition, including regulations of these bodies that are approved by the Antimonopoly Committee of Ukraine. (The Law was supplemented with Article 12-1 under Law No. 1294-IV (1294-15) of 20.11.2003)

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

The exclusive competence of the Antimonopoly Committee of Ukraine includes:

- 1) granting a permit or ban on coordinated actions under Part 1 and 2 of Article 10 of the Law of Ukraine "On Protection of Economic Competition" (2210-14);
- 2) checking decisions made by state commissioners and administrative boards of the Antimonopoly Committee of Ukraine and checking legitimacy and reasonableness of resolution on administrative violations passed by state commissioners and administrative boards of the Antimonopoly Committee of Ukraine. This restriction shall not be applied in case of check-ups, investigations and trials by relevant law-enforcement bodies and courts;
- 3) revising decisions made by the Antimonopoly Committee of Ukraine, in cases of violation of the legislation on protection of economic competition and under applications and cases on coordinated actions and concentration;
- 4) adopting own regulations;
- 5) approving interdepartmental regulations together with other interested executive bodies;
- 6) approving draft regulations developed by the Antimonopoly Committee of Ukraine on matters within its authority, in compliance with the legislation on protection of economic competition;
- 7) giving official interpretation of own regulations and providing advisory interpretations on application of the legislation on protection of economic competition;
- 8) approving the Provision on territorial office of the Antimonopoly Committee of Ukraine;
- 9) approving provisions on advisory boards of the Antimonopoly Committee of Ukraine and their members;
- 10) establishing permanent administrative boards of the Antimonopoly Committee of Ukraine;
- 11) hearing reports of state commissioners, heads of territorial offices and heads of independent structural subdivisions of the Antimonopoly Committee of Ukraine; and

12) approving reports on the activity of the Antimonopoly Committee of Ukraine for their submission to the Verkhovna Rada of Ukraine.

The Antimonopoly Committee of Ukraine being the supreme collegial body may consider any issue within the authority of its bodies. (Article 13 as amended under Law No. 1907-III (1907-14) of 13.07.2000, read as Law No. 1294-IV (1294-15) of 20.11.2003, Part 1 of Article 13 in part of authorizing to consider cases of administrative violations shall come into force on the date of making relevant amendments to the Code of Ukraine on Administrative Violations (80731-10, 80732-10) under Law No. 1294-IV (1294-15) of 20.11.2003)

Article 14. Powers of Administrative Boards of the Antimonopoly Committee of Ukraine and Administrative Boards of the Territorial Office 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 the legislation on protection of economic competition, on granting a permit and giving preliminary conclusions concerning coordinated actions and concentration, as well as to make investigations or researches in respect of these applications and cases;

2) to make orders and decisions envisaged by the legislation on protection of economic competition, make conclusions as to classification of actions under the legislation on protection of economic competition and preliminary conclusions concerning coordinated actions and concentration;

3) to check decisions of the administrative boards of the territorial offices of the Antimonopoly Committee of Ukraine;

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

5) to require from economic entities, associations, authorities, local authorities, administrative and control authorities, their officials and employees, other individuals and legal entities information, including restricted one, in the course of consideration of applications and cases on violation of the legislation on protection of economic competition, during a check-up and in other cases envisaged by the law;

6) to appoint an examination or expert from among persons, who have necessary knowledge, for giving the expert opinion;

7) to research the market, determine trade market and status of economic entities in this market, including monopoly (dominant) one, and make relevant decisions/orders;

8) to determine the presence or absence of control between economic entities or their parts and members of the group of economic entities, being a single economic entity;

9) to make recommendations as to cancellation of licences and termination of operations related to external economic activities of economic entities, in case of their violation of the legislation on protection of economic competition, to the executive bodies, which must be considered by them;

10) to make compulsory recommendations to the authorities, local authorities, administrative and control authorities, economic entities and associations as to termination of actions or inactivity, which have signs of

violations of the legislation on protection of economic competition, and elimination of causes of these violations and conditions promoting them;

11) to consider cases of administrative violations, pass resolutions and check the legitimacy and reasonableness of the resolutions made by the administrative boards of territorial offices of the Antimonopoly Committee of Ukraine in these cases;

12) to request the court to provide information on cases tried by these courts under the legislation on protection of economic competition.

The permanent administrative board of the Antimonopoly Committee of Ukraine shall have the right to give compulsory recommendations and make proposals to the state authorities, local authorities, institutions, organizations, economic entities and associations as to carrying out measures aimed at limitation of the monopoly, development of business activities and competition, prevention of violations of the legislation on protection of economic competition, as well as termination of actions or inactivity that may have adverse effect on competition.

The permanent administrative board of the Antimonopoly Committee shall exercise other powers under the legislation on protection of economic competition.

The powers of temporary administrative board of the Antimonopoly Committee of Ukraine include revision of the decisions made by the temporary administrative board of the Antimonopoly Committee of Ukraine, exercise of powers envisaged by Clauses 1, 2, 5-10 and 12 of Part 1 and in Part 2 of this Article, as well as exercise of other powers in compliance with the legislation on protection of economic competition.

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

1) to consider the applications and cases on violation of the legislation on protection of economic competition, granting a permit and making preliminary conclusions concerning coordinated actions, to make investigation or research under these applications and cases;

2) To make orders and decisions envisaged by the legislation on protection of economic competition, to make conclusions as to classification of actions in compliance with the legislation on protection of economic competition and preliminary conclusions concerning coordinated actions;

3) to consider cases on administrative violations and to pass resolutions in these cases;

4) to revise decisions made by the administrative board of the territorial office of the Antimonopoly Committee of Ukraine;

5) to require from economic entities, associations, authorities, local authorities, administrative and control authorities, their officials and employees, other individuals and legal entities information, including restricted one, in the course of consideration of applications and cases on violation of the legislation on protection of economic competition, during a check-up and in other cases envisaged by the law;

6) to appoint an examination or expert from among persons, who have necessary knowledge, for giving an expert opinion;

7) to research the market, determine trade market and status of economic entities in this market, including monopoly (dominant) one, and make relevant decisions/orders;

8) to determine the presence or absence of control between economic entities or their parts and members of the group of economic entities, being a single economic entity;

9) to make recommendations as to cancellation of licences and termination of operations related to external economic activities of economic entities, in case of their violation of the legislation on protection of economic competition, to the executive bodies, which must be considered by them;

10) to make compulsory recommendations to the authorities, local authorities, administrative and control authorities, economic entities and associations as to termination of actions or inactivity, which have signs of violations of the legislation on protection of economic competition, and elimination of causes of these violations and conditions promoting them;

11) to request the court to provide information on cases tried by these courts under the legislation on protection of economic competition.

The administrative board of the territorial office of the Antimonopoly Committee of Ukraine shall have the right to make compulsory recommendations and make proposals to the state authorities, local authorities, institutions, organizations, economic entities and associations as to taking measures aimed at the limitation of monopoly, development of the business activities and competition, prevention of violation of the legislation on protection of economic competition, as well as termination of actions or inactivity, which may have adverse effect on the competition.

The administrative board of the territorial office of the Antimonopoly Committee of Ukraine shall exercise other powers under the legislation on protection of economic competition. (Article 14 as amended under Law No. 1907-III (1907-14) of 13.07.2000, read as Law No. 1294-IV (1294-15) of 20.11.2003. Article 14 in part of granting powers to consider cases on administrative violations shall come into force on the date of making relevant amendments to the Code of Ukraine on administrative violations (80731-10, 80732-10) under Law No. 1294-IV (1294-15) of 20.11.2003)

Article 15. The Staff of the Antimonopoly Committee of Ukraine and of Its Territorial Offices

The staff of the Antimonopoly Committee of Ukraine and of its territorial offices shall provide activities of the Antimonopoly Committee of Ukraine and its bodies, territorial offices of the Antimonopoly Committee of Ukraine, as well as organizational, technical, analytical, information and other work.

By order of the Chairman of the Antimonopoly Committee of Ukraine, state commissioner or another body of the Antimonopoly Committee of Ukraine the officials of the Antimonopoly Committee of Ukraine and of its territorial offices may carry out the following actions in order to perform the tasks provided for in the paragraph 1 of this Article:

1) to carry out inquiries on applications and cases of violation of the legislation on economic competition protection, and investigations on applications and cases of granting a permit and preliminary conclusions concerning concerted actions, concentration of undertakings, and to conduct market researches;

2) to check undertakings, associations, government authorities, administrative and control authorities, local authorities as to their compliance with the requirements of the legislation on economic competition protection, and during investigations on applications and cases of violation

of the legislation on economic competition protection;

3) to freely access premises of enterprises, institutions and organizations during check-ups and investigations on applications and cases of violation of the legislation on economic competition protection, provided they show a service certificate and documents confirming the carrying out of the check-up or investigation;

4) to request from undertakings, associations, government authorities, local authorities, administrative and control bodies, their officials and employees, and other individuals and legal entities an information, including the restricted data, in during consideration of applications and cases of violation of the legislation on economic competition protection, check-ups and in other cases provided for in the legislation;

5) to examine office premises and transport of undertakings - legal entities, to withdraw or arrest articles, documents or other information media, which may be used as evidences or sources of evidences in the case, irrespective of their location, in cases and under the procedure provided by legislation;

6) in case of keeping employees of the Antimonopoly Committee of Ukraine from exercise their powers provided for in points 2-5 of the paragraph 2 of this Article, to engage employees of police authorities for application of measures provided by legislation, in order to overcome hurdles;

7) to engage employees of police authorities, customs and other law-enforcement authorities to ensure consideration of a case of violation of the legislation on economic competition protection, particularly in case of investigation, as well as collecting and withdrawing proofs, and sequestrating property, articles, documents and other data media;

8) to engage specialists of government authorities, local authorities, enterprises, institutions and organizations to carry out check-ups under agreement with their heads and deputies of local councils by their consent; and

9) to draw up protocols on administrative violations.

The officials of the territorial offices of the Antimonopoly Committee of Ukraine may perform actions envisaged by the paragraph 2 of this Article by order of the bodies of the Antimonopoly Committee of Ukraine and heads of relevant territorial offices of the Antimonopoly Committee of Ukraine.

The Chairman of the Antimonopoly Committee of Ukraine shall approve the provisions on structural subdivisions of the Antimonopoly Committee of Ukraine, and the head of the territorial office of the Antimonopoly Committee of Ukraine shall approve provisions on structural subdivisions of the territorial office. (Article 15 in the wording of Law No. 1294-IV (1294-15) of 20.11.2003)

CHAPTER III. STATUS OF THE STATE COMMISSIONER AND THE HEAD OF A TERRITORIAL OFFICE OF THE ANTIMONOPOLY COMMITTEE OF UKRAINE

Article 16. Powers 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 of violation of the legislation on economic competition protection, of granting a permit and making preliminary conclusions concerning concerted actions and concentration, to make orders to start the consideration of the case or to give a motivated refusal to try the case, to carry out and organize investigations or researches on these applications and cases, to terminate proceedings on these cases, irrespective of their jurisdiction to other bodies of the Antimonopoly Committee of Ukraine, and to submit them to these bodies for consideration for making a decision, according to the procedure established by the Antimonopoly Committee of Ukraine;

2) to make orders and decisions envisaged by the legislation on economic competition protection, and to make conclusions concerning classification of actions in accordance with the legislation on economic competition protections and preliminary conclusions concerning concerted actions;

3) to draw up protocols, to consider the cases of administrative violations and pass resolutions on these cases;

4) to check undertakings, associations, government authorities, administrative and control authorities, local authorities as to their compliance with the requirements of the legislation on economic competition protection, and during investigations on applications and cases of violation of the legislation on economic competition protection;

5) to freely access premises of enterprises, institutions and organizations in the course of check-ups and investigations on applications and cases of violation of the legislation on economic competition protection, provided they show a service certificate and documents confirming the carrying out of the check-up or investigation;

6) to request from undertakings, associations, government authorities, local authorities, administrative and control authorities, their officials and employees, other individuals and legal entities an information, including the restricted data, during consideration of applications and cases of violation of the legislation on economic competition protection, check-ups and in other cases provided for in legislation;

7) to call officials and employees of undertakings, associations, government authorities, local authorities, administrative and control authorities, other legal entities, their structural subdivisions, branches and representative offices, as well as individuals, for giving explanations during consideration of applications and cases of violation of the legislation on economic competition protection;

8) to appoint an examination and expert from among persons who have knowledge necessary for giving an expert opinion;

9) to examine office premises and transport of undertakings - legal entities, withdraw or arrest articles, documents or other information media, which may be used as evidences or sources of evidences in the case, irrespective of their location, in cases and under the procedure provided by legislation;

10) in case of keeping employees of the Antimonopoly Committee of Ukraine from exercise of their powers provided for in points 4-6 and 9 of the paragraph 1 of this Article, to engage employees of police authorities for application of measures provided by legislation, in order to overcome hurdles;

11) to engage employees of police authorities, customs and other law-enforcement authorities to ensure consideration of case of violation of the legislation on economic competition protection, particularly in case of investigation, as well as collecting and caption of evidences, and

sequestering property, arresting articles, documents and other information media;

12) to engage specialists of government authorities, local authorities, enterprises, institutions and organizations to carry out check-ups under agreement with their heads and deputies of local councils by their consent;

13) to carry out market researches, set limits of the commodity market, as well as position of undertakings in this market, including monopoly (dominant) one, and make relevant decisions/orders;

14) to determine presence or absence of control or coordination between undertakings or their parts and members of the group of undertakings being a single undertaking;

15) to submit proposals which are subject to obligatory consideration to the executive bodies concerning cancellation of licences and termination of operations related to external economic activities of undertakings, in case of their violation of the legislation on economic competition protection;

16) to give recommendations which are subject to compulsory consideration, and proposals to government authorities, local authorities, institutions, organizations, undertakings and associations concerning implementing measures aimed at restriction of monopoly, development of business activities and competition, prevention of violation of the legislation on economic competition protection, as well as termination of actions or inactivity, which may have an adverse effect on competition;

17) to give recommendations which are subject to compulsory consideration to government authorities, local authorities, administrative and control authorities, undertakings and associations concerning termination of actions or inactivity, which have signs of violations of the legislation on economic competition protection, and elimination of causes of these violations and conditions facilitating them;

18) to apply to the court with claims, applications and complaints on application of the legislation on economic competition protection, and with requests for providing information on legal cases considered by these courts in accordance with the legislation on economic competition protection;

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

20) to exercise other powers envisaged by the legislation on economic competition protection and the Law of Ukraine "On Procurement of Goods, Works and Services at the State Expense" (1490-14); {the Article 16 (1)(20) as amended under Law No. 424-V (424-16) of 01.12.2006}.

The state commissioners of the Antimonopoly Committee of Ukraine shall make decisions and orders on behalf of the Antimonopoly Committee of Ukraine.

A state commissioner may not be a member of commissions, committees and other bodies established by the government and local authorities, without approval of the Antimonopoly Committee of Ukraine as the Supreme collegial body.

A state commissioner of the Antimonopoly Committee of Ukraine shall comply with the requirements of the legislation of Ukraine, be objective and unbiased during exercising their powers. (Article 16 in the wording of the Law No. 1907-III (1907-14) of 13.07.2000, as amended under Law No. 762-IV (762-15) of 15.05.2003, in the wording of the Law No. 1294-IV (1294-15) of 20.11.2003; paragraph 1 of Article 16 in the part of granting powers to consider cases of administrative violations shall come into force on the date of making relevant amendments to the Code of Ukraine on Administrative

Violations (80731-10, 80732-10) under Law No. 1294-IV (1294-15) of 20.11.2003)

Article 17. Powers of the Head of a Territorial Office of the Antimonopoly Committee of Ukraine

The head of a territorial office of the Antimonopoly Committee of Ukraine shall have the following powers:

1) to carry out and organize investigations on applications on violation of the legislation on economic competition protection, researches on applications on granting a permit, and preliminary conclusions concerning concerted actions within jurisdiction of the administrative boards of a territorial office. By order of the Chairman or bodies of the Antimonopoly Committee of Ukraine to carry out investigations on applications and cases of violation of the legislation on economic competition protection, researches on applications and cases of granting a permit for concerted actions and concentration, within jurisdiction of these bodies;

2) to make orders envisaged by the legislation on economic competition protection;

3) to check undertakings, associations, government authorities, administrative and control authorities, local authorities as to their compliance with the requirements of the legislation on economic competition protection, and during investigations on applications and cases of violation of the legislation on economic competition protection;

4) to freely access premises of enterprises, institutions and organizations in the course of check-ups and investigations on applications and cases of violation of the legislation on economic competition protection, provided they show a service certificate and documents confirming the carrying out of the check-up or investigation;

5) to request from undertakings, associations, government authorities, local authorities, administrative and control authorities, their officials and employees, other individuals and legal entities an information, including the restricted data, during consideration of applications and cases of violation of the legislation on economic competition protection, check-ups and in other cases provided for in legislation;

6) to call officials and employees of undertakings, associations, government authorities, local authorities, administrative and control authorities, other legal entities, their structural subdivisions, branches and representative offices, as well as individuals, for giving explanations during consideration of applications and cases of violation of the legislation on economic competition protection;

7) to appoint an examination and expert from among persons who have knowledge necessary for giving an expert opinion;

8) to examine office premises and transport of undertakings - legal entities, withdraw or arrest articles, documents or other information media, which may be used as evidences or sources evidences in the case, irrespective of their location, in cases and under the procedure provided by legislation;

9) in case of keeping employees of the Antimonopoly Committee of Ukraine from exercise of their powers provided for in points 3, 4, 5 and 8 of the paragraph 1 of this Article, to engage employees of police authorities for application of measures provided by legislation, in order to overcome hurdles;

10) to engage employees of police authorities, customs and other law-enforcement authorities to ensure consideration of the case of violation of the legislation on economic competition protection, particularly in case of investigation, as well as collecting and caption of evidences, and sequestrating property, arresting articles, documents and other information media;

11) to engage specialists of state authorities, local authorities, enterprises, institutions and organizations to carry out check-ups under agreement with their heads and deputies of local councils by their consent;

12) to carry out market researches, set limits of the commodity market, as well as position, including monopoly (dominant) one, of undertakings in this market, and make relevant decisions/orders;

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

14) to submit proposals which are subject to obligatory consideration to the executive bodies concerning cancellation of licences and termination of operations related to external economic activities of undertakings, in case of their violation of the legislation on economic competition protection;

15) to submit recommendations and proposals which are subject to obligatory consideration to the state authorities, local authorities, institutions, organizations, undertakings and associations concerning implementing measures aimed at limitation of monopoly, development of the business activities and competition, prevention of violation of the legislation on economic competition protection, as well as termination of actions or inactivity, which may have adverse effect on competition;

16) to apply to the court with claims, applications and complaints on application of the legislation on economic competition protection, and with requests for providing information on legal cases considered by these courts in compliance with the legislation on economic competition protection;

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

18) to authorize their deputy heads to exercise provided for in points 1-2 of the paragraph 1 of this Article;

19) to draw up protocols on administrative violations; and

20) to exercise other powers envisaged by the legislation on economic competition protection and the Law of Ukraine "On Procurement of Goods, Works and Services at the State Expense" (1490-14); {the Article 17 (1)(20) as amended under Law No. 424-V (424-16) of 01.12.2006}.

The head of a territorial office of the Antimonopoly Committee of Ukraine in the Autonomous Republic of Crimea and the head of a territorial office of the Antimonopoly Committee of Ukraine on issues within its competence shall have the right to be immediately received by the Chairman of the Verkhovna Rada of the Autonomous Republic of Crimea, Chairman of the Council of Ministers of the Autonomous Republic of Crimea, heads and officials of local executive bodies, local authorities, enterprises, institutions and organization respectively.

The head of a territorial office of the Antimonopoly Committee of Ukraine shall have rights and perform duties within the competence set by this Law, other acts of the legislation and Provision on territorial office of the Antimonopoly Committee of Ukraine that is approved by the Antimonopoly

Committee of Ukraine, manage the activities of a territorial office and provide for performance of tasks and functions entrusted to a territorial office and its administrative board.

The head of a territorial office of the Antimonopoly Committee of Ukraine shall make orders on behalf of a territorial office of the Antimonopoly Committee of Ukraine.

The head of a territorial office of the Antimonopoly Committee of Ukraine may not be a member of commissions, committees and other bodies established by the state authorities and local authorities without approval of the Antimonopoly Committee of Ukraine as the supreme collegial body.

The head of a territorial office of the Antimonopoly Committee of Ukraine shall keep to the requirements of laws, be objective and unbiased in the course of exercising his/her powers. (Article 17 in the wording of Law No. 1294-IV (1294-15) of 20.11.2003)

Article 18. Disciplinary Liability and Dismissal of the First Deputy Chairman of the Antimonopoly Committee of Ukraine and State Commissioner

The first deputy and deputy Chairman of the Antimonopoly Committee of Ukraine and state commissioner of the Antimonopoly Committee of Ukraine may be brought to the disciplinary liability, but dismissal, on the general bases and in accordance with the procedure established by the law. (Part 1 of Article 18 as amended under Law No. 1907-III (1907-14) of 13.07.2000)

The first deputy and deputy Chairman of the Antimonopoly Committee of Ukraine and state commissioner of the Antimonopoly Committee of Ukraine may be dismissed:

Due to his/her state of health that prevents him/her from continuing the work;

On a voluntary basis; and

In case of gross violation of his/her official duties or committing a crime.

(Part 3 of Article 18 was deleted under Law No. 1907-III (1907-14) of 13.07.2000)

The first deputy and deputy Chairman of the Antimonopoly Committee of Ukraine and state commissioner of the Antimonopoly Committee of Ukraine shall have the right to resign in accordance with the procedure envisaged by the law. (Part 3 of Article 18 as amended under Law No. 1907-III (1907-14) of 13.07.2000) (Article 18 as amended under Law No. 1294-IV (1294-15) of 20.11.2003)

CHAPTER IV. LEGAL BASES FOR EXERCISE OF POWERS OF THE ANTIMONOPOLY COMMITTEE OF UKRAINE

Article 19. Guarantees of Exercise of Powers of the Antimonopoly Committee of Ukraine

In the course of consideration of applications and cases of coordinated actions and concentration, violation of the legislation on protection of economic competition, including in the course of an investigation, research, making orders and decisions under the applications and cases, as well as exercise of other powers in the field of control over observance of the legislation on protection of economic competition and control over the coordinated actions and concentration bodies and officials of the Antimonopoly Committee of Ukraine and its territorial offices shall be governed only by the legislation on protection of economic competition. They

shall be independent from the state and local authorities and their officials, economic entities, as well as political parties and other associations of citizens or their bodies. (Part 1 of Article 19 read as Law No. 1294-IV (1294-15) of 20.11.2003)

Interference of the state authorities, local authorities, their officials and economic entities, as well as political parties and other associations of citizens or their bodies with the activities of the Antimonopoly Committee of Ukraine and its territorial offices shall be prohibited, except for cases envisaged by the laws of Ukraine. (Part 2 of Article 19 as amended under Law No. 1907-III (1907-14) of 13.07.2000, read as Law No. 1294-IV (1294-15) of 20.11.2003)

Any influence on an employee of the Antimonopoly Committee of Ukraine and its territorial offices in order to prevent him/her from performance of his/her official duties or to make an illegal decision shall involve the liability envisaged by the legislation.

Article 20. Relations of the Antimonopoly Committee of Ukraine with State Authorities, Local Authorities, Administrative and Control Authorities, Mass Media and Public Organizations

The authorities and local authorities shall take part in development and implementation of a specific policy, cooperate with the Antimonopoly Committee of Ukraine on matters of development of competition and regional programs of economic development and inform the Antimonopoly Committee of Ukraine on performance of measures related to the implementation of the specific policy. (Article 20 was supplemented with Part 1 under Law No. 1294-IV (1294-15) of 20.11.2003)

The Antimonopoly Committee of Ukraine and its territorial offices shall cooperate with the state authorities, local authorities and administrative and control authorities in the field of development of competition and economy demonopolization.

The Antimonopoly Committee of Ukraine and its territorial offices shall cooperate with the mass media and public organization in activities aimed at prevention of violation of the legislation on protection of economic competition and make public reports on their activity and decisions in the mass media. (Part 3 of Article 20 as amended under Law No. 1294-IV (1294-15) of 20.11.2003)

The authorities, local authorities, administrative and control authorities shall agree draft regulations and other decisions, which may have effect on competition, namely establishment of economic entities, introduction and amendment of rules of their market conduct, or those that may result in prevention, elimination, restriction or distortion of the competition in relevant markets with the Antimonopoly Committee of Ukraine and its territorial offices, as well as get the permit of the Antimonopoly Committee of Ukraine for concentration in cases envisaged by the law. (Part 4 of Article 20 read as Law No. 1294-IV (1294-15) of 20.11.2003) (Article 20 read as Law No. 1907-III (1907-14) of 13.07.2000)

Article 20-1. Relations of the Antimonopoly Committee of Ukraine with the Verkhovna Rada of Ukraine and Cabinet of Ministers of Ukraine

The Antimonopoly Committee of Ukraine shall annually submit a report on its activities to the Verkhovna Rada of Ukraine until 15 March of the year following the reporting one.

The Verkhovna Rada of Ukraine shall study the report of the Antimonopoly Committee of Ukraine until 15 April and hear the reports and

information/statements of the Antimonopoly Committee of Ukraine.

If necessary, the Antimonopoly Committee of Ukraine shall submit to the committees of the Verkhovna Rada of Ukraine proposals to the bills on matters that are within its competence.

The Antimonopoly Committee of Ukraine shall cooperate with the Cabinet of Ministers of Ukraine on matters of development and implementation of programs of economic development of Ukraine.

The Antimonopoly Committee of Ukraine shall develop and submit to the Cabinet of Ministers of Ukraine draft acts as to priorities and areas of the competition policy for a certain period and generalize and analyze information on their performance. (The Law was supplemented with Article 20-1 under Law No. 1294-IV (1294-15) of 20.11.2003)

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

The state authorities, local authorities, administrative and control authorities and their officials shall provide the Antimonopoly Committee of Ukraine and its territorial offices with the information, which may witness violation of the legislation on protection of economic competition. (Article 21 read as Law No. 1907-III (1907-14) of 13.07.2000)

Article 22. Binding Effect of Orders, Decisions and Requirements of the Body of The Antimonopoly Committee of Ukraine and Head of the Territorial Office of the Antimonopoly Committee of Ukraine

Orders, decisions and requirements of the Antimonopoly Committee of Ukraine and head of the territorial office of the Antimonopoly Committee of Ukraine, as well as requirements of their authorized employees of the Antimonopoly Committee of Ukraine and its territorial office within their competence must be performed within the terms established by them, unless otherwise envisaged by the law.

Non-performance of orders, decisions and requirements of the body of the Antimonopoly Committee of Ukraine and head of the territorial office of the Antimonopoly Committee of Ukraine, as well as requirements of their authorized employees of the Antimonopoly Committee of Ukraine and its territorial office shall involve liability envisaged by the law. (Article 22 read as Law No. 1294-IV (1294-15) of 20.11.2003)

Article 22-1. Duty to Provide Information

Economic entities, associations, authorities, local authorities, administrative and control authorities, other legal entities, their structural subdivisions, branches, representative offices, their officials and employees, and individuals shall provide documents, articles or other information media, explanations and other information, including restricted one and banking secrecy, necessary for performance of tasks envisaged by the legislation on protection of economic competition by the Antimonopoly Committee of Ukraine and its territorial office by request of the body of the Antimonopoly Committee of Ukraine, head of the territorial office of the Antimonopoly Committee of Ukraine, their authorized employees of the Antimonopoly Committee of Ukraine and its territorial office.

Documents, statistical and other information necessary for performance of tasks envisaged by the legislation on protection of economic competitions shall be provided by request of the body of the Antimonopoly Committee of Ukraine and head of the territorial office of the Antimonopoly Committee of Ukraine, employees of the Antimonopoly Committee of Ukraine and its territorial office authorized by them free of charge. The body of the Antimonopoly Committee of Ukraine and head of the territorial office of the Antimonopoly Committee of Ukraine may require one-time and regular presentation of information.

The Antimonopoly Committee of Ukraine and its territorial office shall use restricted information received by them in the course of exercise of their powers only in order to provide for performance of tasks set by the legislation on protection of economic competition. The information may not be disclosed. Such information may be provided to the investigation agencies in compliance with the law.

The employees of the Antimonopoly Committee of Ukraine and its territorial offices shall be liable for disclosure of the commercial secrets in compliance with the law.

Oral requirements of the state commissioner of the Antimonopoly Committee of Ukraine, head of the territorial office of the Antimonopoly Committee of Ukraine, employees of the Antimonopoly Committee of Ukraine and its territorial office authorized by them, explanations of persons and other actions taken to perform these oral requirements shall be stated in the protocol, which shall also have the date and place of its execution, names of the state commissioner of the Antimonopoly Committee of Ukraine, head of the territorial office of the Antimonopoly Committee of Ukraine, employees of the Antimonopoly Committee of Ukraine and its territorial office authorized by them with their position, as well as names of persons who give explanations.

The protocol shall be signed by the head of the collegial body of the Antimonopoly Committee of Ukraine, state commissioner of the Antimonopoly Committee of Ukraine, head of the territorial office, employee of the Antimonopoly Committee of Ukraine and its territorial office authorized by them and persons, to whom such oral requirements were addressed. The refusal of persons, who were orally required to sign the protocol, shall be stated in the protocol. A person shall have the right to give explanations and comments in respect of the protocol, which are attached to the protocol, as well as state reasons for his/her refusal to sign the protocol. (The Law was supplemented with Article 22-1 under Law No. 1294-IV (1294-15) of 20.11.2003)

Article 22-2. Cooperation of the Antimonopoly Committee of Ukraine with Competent Authorities of Other States

The Antimonopoly Committee of Ukraine shall cooperate with competent authorities of other states, in particular, by sharing information on the bases of the international treaties of Ukraine, by which the Verkhovna Rada of Ukraine agreed to be bound.

The Antimonopoly Committee of Ukraine may provide the competent authorities of other state with information, including restricted one, and receive such information from them.

The competent authorities of other states may be provided with the information in the following cases:

Information will be used by the competitive authority only for performance of tasks set to it under the legislation; and

The relevant competitive authority may ensure such a mode of access to the information, which would not result in disclosure of the information for other purposes or its disclosure by any means, including due to unauthorized access. (The Law was supplemented with Article 22-2 under Law No. 1294-IV (1294-15) of 20.11.2003)

Article 23. Jurisdictional Bases of Activities of the Antimonopoly Committee of Ukraine

The Antimonopoly Committee of Ukraine, its bodies and officials shall carry out activities aimed at detection, prevention and termination of violations of the legislation on protection of economic competition, including the legislation on protection against unfair competition, in compliance with the jurisdictional bases set by the legislative acts of Ukraine on protection of economic competition. (Part 1 of Article 23 read as Law No. 1294-IV (1294-15) of 20.11.2003)

The procedure for consideration of cases on violation of the legislation on protection of economic competition by the Antimonopoly Committee of Ukraine and its territorial offices shall provide for observance of rights and legal interests of individuals, legal entities and the state. (Part 2 of Article 23 as amended under Law No. 1907-III (1907-14) of 13.07.2000)

Article 23-1. Hearings of Cases of Giving a Permit for Coordinated Actions and Concentration and Cases of Violation of the Legislation on Protection of Economic Competition

The bodies of the Antimonopoly Committee of Ukraine, which consider a case of giving a permit for coordinated actions and concentration, as well as violation of the legislation on protection of economic competition and unfair competition, may hold hearings of the case before making a decision in substance.

The hearing shall be held by the body of the Antimonopoly Committee of Ukraine, which consider the case, or by one or several its members by order of the head of this body.

Before starting the hearing of the case, the body of the Antimonopoly Committee of Ukraine shall engage persons, who take part in consideration of the case in order to give explanations, arguments and other considerations necessary to establish actual circumstances of the case.

Employees of the Antimonopoly Committee of Ukraine and its territorial offices shall take part in the hearings. Experts shall be engaged in case of necessity.

Other persons may be involved in the hearing, if the claimant, and claimant and defendant in cases of violation of the legislation on protection of economic competition, did not take grounded objections to it.

By own initiative or by application of persons, who participate in the consideration of the case, the body of the Antimonopoly Committee of Ukraine may hold fully or partially private hearing of the case, if the public hearing may harm the interests of the state, persons, who participate in the consideration of the case, and other persons, or prevent the further consideration of the case.

The Antimonopoly Committee of Ukraine shall establish the procedure for holding a hearing of the case in compliance with this Law and other acts of the legislation on protection of economic competition. (The Law was supplemented with Article 23-1 under Law No. 1294-IV (1294-15) of 20.11.2003)

Article 24. Provision of Decisions and Orders of Bodies the Antimonopoly Committee of Ukraine and Heads of Its Territorial Offices

Decisions and orders made by the bodies of the Antimonopoly Committee of Ukraine and heads of its territorial offices under the legislation on protection of economic competitions shall be provided to persons, who participate in the case, in the form of their copies attested in accordance with the procedure envisaged by the legislation.

The peculiarities of the procedure for provision and disclosure of the decisions and orders shall be set by the legislation on protection of economic competition. (Article 24 as amended under Law No. 1907-III (1907-14) of 13.07.2000, read as Law No. 1294-IV (1294-15) of 20.11.2003)

Article 25. Legal Recourse

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

To invalidate regulations and other acts, namely decisions, orders, instructions and resolutions of the authorities, local authorities and administrative and control authorities or to terminate an agreement, in case of non-performance of the decisions of the Antimonopoly Committee of Ukraine on cancellation or replacement of acts adopted by the authorities, local authorities, and administrative and control authorities, or termination of the agreement, within the established periods.;

To collect fines and penalties, which were not paid on a voluntary basis;

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

To oblige to perform the decision of the bodies of the Antimonopoly Committee of Ukraine;

To freely withdraw goods with illegal marks and/or copies of products of another economic entity;

To withdraw and arrest property, documents, articles and other information media in the person's places of residence and other estates; and

In other cases envisaged by the law.

(Article 25 as amended under Laws No. 762-IV (762-15) of 15.05.2003 and No. 1907-III (1907-14) of 13.07.2000, read as Law No. 1294-IV (1294-15) of 20.11.2003)

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

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

(Name of Article 26 as amended under Law No. 1294-IV (1294-15) of 20.11.2003)

The Antimonopoly Committee of Ukraine shall establish advisory bodies, carry out technical and economical and scientific researches, engage experts and consultants and educate personnel under special programs in order to prepare recommendations on matters of organization and activities of the Antimonopoly Committee of Ukraine, methodology and methods of exercise of control over observance of the legislation on protection of economic competition, development of proposals as to its application and improvement, as well as on other matters.

The Antimonopoly Committee of Ukraine shall issue its own publications, which cover the activities of the Antimonopoly Committee of Ukraine and competition policy. (Article 26 was supplemented with Part 2 under Law No. 1294-IV (1294-15) of 20.11.2003)

Article 27. Structure, Maximum Number, Staffing List, Conditions of Labour Remuneration, Welfare and Other Support

The structure, maximum number of employees and staffing list of the Antimonopoly Committee of Ukraine and its territorial offices shall be approved by the Chairman of the Antimonopoly Committee of Ukraine within expenses envisaged by the budget of income and expenditures.

The Chairman of the Antimonopoly Committee of Ukraine shall be provided with labour remuneration, welfare support, transport and medical services and social guarantees under the conditions and in accordance with the procedure envisaged by the legislation for ministers; the first deputy Chairman - under the conditions and in accordance with the procedure envisaged by the legislation for first deputy ministers; deputies of the Chairman and state commissioners of the Antimonopoly Committee of Ukraine - for deputy ministers; other employees of the central body of the Antimonopoly Committee of Ukraine - for relevant categories of specialists of the Ministries; head of the territorial office of the Antimonopoly Committee of Ukraine in the Autonomous Republic of Crimea and its deputies - for the deputy Chairman of the Council of Ministers and Ministers of the Autonomous Republic of Crimea respectively; heads of oblast, Kyiv and Sevastopol city territorial offices of the Antimonopoly Committee of Ukraine - for deputy heads of oblast, Kyiv and Sevastopol city state administrations, respectively; deputy heads of territorial offices in oblasts, cities of Kyiv and Sevastopol - for heads of administrations, independent departments of oblast, Kyiv and Sevastopol city state administrations, respectively; other employees of territorial offices - for specialists of the Ministries of the Autonomous Republic of Crimea, administrations, independent departments of oblast, Kyiv and Sevastopol city state administrations, respectively. Official salaries of employees of the Antimonopoly Committee of Ukraine and its territorial offices, the official duties of which consist in direct performance of functions set by Article 2 of the Law of Ukraine "On State Protection of Employees of Courts and Law-Enforcement Agencies" (3781-12), shall be 30% higher than relevant official salaries of civil servants.

The conditions of labour remuneration of employees of the Antimonopoly Committee of Ukraine and its territorial offices shall be set by the Cabinet of Ministers of Ukraine in compliance with the law. (Article 27 read as Law No. 1907-III (1907-14) of 13.07.2000)

Article 28. Financing and Logistic Support of the Antimonopoly Committee of Ukraine

The Antimonopoly Committee of Ukraine and its territorial offices shall be financed out of funds of general and special funds of the state budget. (Part 1 of Article 28 read as Law No. 1907-III (1907-14) of 13.07.2000)

The Verkhovna Rada of Ukraine shall annually set the volume of appropriations from the state budget for maintenance of the Antimonopoly Committee of Ukraine and its territorial offices, as well as amounts of expenses for remuneration of labour of its employees, as a special line of the state budget during its adoption. (Part 2 of Article 28 read as Law No. 1907-III (1907-14) of 13.07.2000)

The financing of expenses of maintenance of the Antimonopoly Committee of Ukraine and its territorial offices shall be made by transfer of funds of the general fund of the state budget by the Central Office of the State Treasury of Ukraine to their current budget accounts in compliance with the standard of transfers. The amount of this standard shall be established by the Verkhovna Rada of Ukraine in the course of adoption of the state budget for the next year. (Part 3 of Article 28 read as Law No. 1907-III (1907-14) of 13.07.2000)

The payments made to recover the costs related to the consideration of cases of granting a permit for coordinated actions and concentration of economic entities and conclusions shall be included in the income of the special fund of the state budget to a special accounts. These costs shall not be withdrawn. They shall be used according to its designated purpose for financing the activities of the Antimonopoly Committee of Ukraine and its territorial offices, namely, for logistic and transport support, creation and development of informational and analytical database, issue of publications of the Antimonopoly Committee of Ukraine, education, re-education, professional development and social and welfare support of employees of the Antimonopoly Committee of Ukraine and its territorial offices. (Part 4 of Article 28 read as Law No. 1907-III (1907-14) of 13.07.2000; Part 2 of Article 28 was suspended for 2002 in part of entering fines imposed for violation of the antimonopoly legislation and penalties for delay in their payment to the special fund of the state budget under Law No. 2905-III (2905-14) of 20.12.2001; Part 4 of Article 28 was suspended for 2003 in part of transfer of fines imposed for violation of the antimonopoly legislation and penalty for delay in their payment to the special fund of the state budget under Law No. 380-IV (380-15) of 26.12.2002; as amended under Law No. 1294-IV (1294-15) of 20.11.2003; Part 4 of Article 28 was suspended for 2004 in part of transfer of fines imposed for violation of the antimonopoly legislation and penalty for delay in their payment to the special fund of the state budget under Law No. 1344-IV (1344-15) of 27.11.2003; as to partial termination of Part 4 of Article 28 for 2005 see additionally Law No. 2285-IV (2285-15) - read until 31.03.2005; as amended under Law No. 2505-IV (2505-15) of 25.03.2005)

Budget of income and expenditures of the Antimonopoly Committee of Ukraine and its territorial offices, including volume of appropriations for maintenance of the Antimonopoly Committee of Ukraine and its territorial offices, welfare support, transport and medical services, provision of social guarantees, as well as the amount of the fund of remuneration of labour of employees of the Committee and its territorial offices, shall be approved by the Antimonopoly Committee of Ukraine by recommendation of the Chairman of the Antimonopoly Committee of Ukraine. (Part 5 of Article 28 read as Law No. 1907-III (1907-14) of 13.07.2000)

The Antimonopoly Committee of Ukraine shall be provided with transport and logistics means out of the state budget of Ukraine in accordance with the procedure set 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 state authorities in the course of performance of their official duties. The law shall protect their personal and property rights at the same level as rights of employees of law-enforcement agencies.

Life and health of employees of the Antimonopoly Committee of Ukraine and its territorial offices, the official duties of which consist in direct performance of functions set by Article 2 of the Law of Ukraine "On State Protection of Employees of Courts and Law-Enforcement Agencies" (3781-12), shall be subject to compulsory state insurance at the expense of the state budget. The amount of insurance shall be equal to the amount of their five-year salary at the last position. (Article 29 was supplemented with Part 2 under Law No. 1907-III (1907-14) of 13.07.2000)

In case of infliction of injuries, wounds, contusion, disease or other permanent damages to the health due to performance of official duties, which exclude the possibility of continuing the professional activity, they shall receive an insured sum in the amount of 1-5-year salary at the last position, depending on the degree of disability. In case of death of the employee due to a bodily injure or other damage to health, the family of this employee shall receive an insured sum in the amount of five-year salary at his/her last position. (Article 29 was supplemented with Part 3 under Law No. 1907-III (1907-14) of 13.07.2000)

Losses caused due to destructing or damaging the property of the employee of the Antimonopoly Committee of Ukraine or its territorial office, or members of his/her family, in the course of performance of his/her official duties, shall be fully compensated for out of the state budget with further recovery of this amount from guilty persons in accordance with the procedure set by the law. (Article 29 was supplemented with Part 4 under Law No. 1907-III (1907-14) of 13.07.2000)

The procedure and conditions of compulsory state insurance and list of positions, which are subject to compulsory state insurance, shall be set by the Cabinet of Ministers of Ukraine. (Article 29 was supplemented with Part 5 under Law No. 1907-III (1907-14) of 13.07.2000)

Article 29-1. Social Guarantee for the Chairman, His/Her Deputies and State Commissioners of the Antimonopoly Committee of Ukraine

The Chairman of the Antimonopoly Committee of Ukraine, his/her deputies and state commissioners shall be provided with previous job/position and place of study after expiration of the term of office. If case of the liquidation of the enterprise, institution or organization, they shall be provided with similar job at another enterprise, institution or organizations, or they be included in the reserve of personnel of the state service of the Antimonopoly Committee of Ukraine with the position that meets their professional level, allowing for the rank of a civil servant.

For the period of employment, but not more than one year, the average monthly earnings of the previous Chairman, his/her deputies and state commissioners of the Antimonopoly Committee of Ukraine shall be reserved.

The procedure for payment of the above funds shall be set 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, which result from Article 27 of this Law. (The Law was supplemented with Article 29-1 under Law No. 1907-III (1907-14) of 13.07.2000)

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

State commissioners, heads of territorial offices, responsible employees of the Antimonopoly Committee of Ukraine and its territorial offices shall have a certificate of employment. The provision on certificate of employment of the employee of the Antimonopoly Committee of Ukraine shall be approved by the President of Ukraine. (Article 30 as amended under Law No. 1907-III (1907-14) of 13.07.2000)

The President of Ukraine L.KRAVCHUK

Kyiv, 26 November 1993
No. 3659-XII