

***LAW OF UKRAINE***

**ON THE ANTIMONOPOLY COMMITTEE OF UKRAINE**

(As of 1 August 2002)

***Chapter I***

**GENERAL PROVISIONS**

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

The Antimonopoly Committee of Ukraine shall be the central body of executive power which has special status and the purpose of activities of which is to ensure the state protection of competition in entrepreneurial activities.

***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 Supreme Rada (Parliament) of Ukraine.

The Antimonopoly Committee of Ukraine shall annually submit a report on its activities to the Supreme Rada (Parliament) of Ukraine .

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

The basic tasks of the Antimonopoly Committee of Ukraine shall be as follows:

exercising state control over the observance of antimonopoly laws;  
preventing, detecting and terminating violations of antimonopoly laws;  
exercising control over economic concentration;  
favouring the development of fair competition.

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

The Antimonopoly Committee of Ukraine shall build its activities in accordance with the following principles:

legitimacy;

publicity;  
the protection of the rights of economic entities on the basis of both the equality of economic entities in terms of law and the priority of the rights of consumers.

#### ***Article 5. Laws Concerning the Antimonopoly Committee of Ukraine***

The Antimonopoly Committee of Ukraine shall perform its activities in accordance with the Constitution of Ukraine, the Law of Ukraine "On the Limitation of Monopolism and Banning of Unfair Competition in Entrepreneurial Activities," the Law of Ukraine "On the Protection Against Unfair Competition," the present Law, other laws and other normative and legal acts adopted in accordance with these laws.

If an international treaty with respect to whose legally binding nature the Supreme Rada (Parliament) of Ukraine gave its consent fixes rules different from those contained by the present Law, the rules of the international treaty shall be applied.

The terms "product," "market of a product (product market)," "bodies of administrative and economic government and control," "competition," "monopoly position," "economic entity" and "information" shall be used in the present Law in the appropriate meanings defined by the Law of Ukraine "On the Limitation of Monopolism and Banning of Unfair Competition in Entrepreneurial Activities."

The term "bodies of power" shall be used in the meaning of the term "bodies of state power" defined by the Law of Ukraine "On the Limitation of Monopolism and Banning of Unfair Competition in Entrepreneurial Activities."

### ***Chapter II***

#### **STRUCTURE, COMPETENCE, AND ORGANISATION 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 be established to include the Chairman and ten state commissioners.

The first deputy chairman of and three deputy chairmen of the Antimonopoly Committee of Ukraine shall be appointed from among the state commissioners.

The Antimonopoly Committee of Ukraine shall establish its territorial offices.

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

The Antimonopoly Committee of Ukraine, its territorial offices shall be legal persons which have settlement and other accounts in branches of banks, seals with the

image of the State Emblem and the name of the Committee or the appropriate territorial office.

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

The Antimonopoly Committee of Ukraine according to the above entrusted tasks shall:

exercise control over the observance of antimonopoly laws in the course of economic concentration, in particular during the establishment, reorganisation, liquidation

of economic entities, during the establishment of associations of enterprises, during the entry of one or several economic entities into an association, during the transformation of bodies of power, bodies of local self-government, bodies of administrative and economic government and control into associations of economic entities, during the purchase of or the acquisition, by any other means for the purpose of owning, of or the obtaining, for the purpose of managing (using), of stocks (shares), assets (property) in the form of integrated property complexes of economic entities or their structural subdivisions, during the lease of integrated property complexes of economic entities or their structural subdivisions, during the acquisition, by any other means, of control over economic activities;

exercise control over the observance of antimonopoly laws in the course of economic activities of economic entities and in the course of the exercise of powers

by bodies of power, bodies of local self-government, bodies of administrative and economic government and control with respect to economic entities;

consider cases concerning violations of antimonopoly laws and, proceeding from the results, shall take decisions within its powers;

apply to a court of justice or a court of arbitration with acts (applications) in connection with violations of antimonopoly laws, shall send, to law protective bodies, materials concerning the violations of laws which have indications of a crime;

give recommendations and make proposals with respect to taking measures directed towards the limitation of monopolism, the development of entrepreneurship and competition, the prevention of violations of antimonopoly laws to bodies of state power, offices, bodies of local self-government, economic entities and their associations;

give recommendations, to bodies of power, bodies of local self-government, bodies

of administrative and economic government and control, economic entities, with respect to the termination of the actions (inactivity) which have indications of violations of antimonopoly laws, with respect to the elimination of both the causes of the violations and the conditions facilitating the violations and, the violations having been terminated, with respect to taking measures to overcome the effects of the violations within terms established by the Committee;

take part in the elaboration of and, in accordance with the established procedure, shall submit, for consideration, drafts for legislative acts which regulate matters of the development of competition and competition policy and the demonopolisation of the economy;

take part in the conclusion of interstate agreements, in the elaboration and implementation

of international projects and programmes and shall co-operate with government bodies and non-government organisations of foreign states and international organisations on matters laying within the competence of the Antimonopoly Committee of Ukraine;

generalise the practice in applying antimonopoly laws, shall work out proposals to improve such laws;

approve the estimate of incomes and expenditures of the Antimonopoly Committee

of Ukraine and its territorial offices;

work out and organise carrying out measures to prevent violations of antimonopoly laws;

systematically inform the population of Ukraine of activities of the Committee;

perform other actions, within its powers, to exercise control over the observance of antimonopoly laws.

#### ***Article 8. Powers of the Antimonopoly Committee of Ukraine***

The Antimonopoly Committee of Ukraine, within the competence given to it, shall have the right:

to define the boundaries of a product market and to define a monopoly position of economic entities operating on it;

to give, to economic entities, binding regulations concerning the termination of violations of antimonopoly laws and the renewal of the initial state of affairs and concerning the compulsory split-up of monopoly formations;

to give, to bodies of power, bodies of local self-government, bodies of administrative and economic government and control, binding regulations concerning the repealing or amending of unlawful acts adopted by them, concerning the termination of violations and the rupture of the agreements which were concluded by them and which contradict antimonopoly laws; shall prohibit or authorise the establishment of monopoly formations by bodies of power, bodies of local self-government, bodies of administrative and economic government and control and economic entities;

to place binding applications concerning the annulment of licenses, the termination

of operations of economic entities in the sphere of external economic activities before bodies of power if the economic entities violate antimonopoly laws;

to impose fines and to apply other sanctions in the cases provided for by laws;

to adopt the normative and legal acts in accordance with its competence, in particular those concerning anticompetitive concerted actions, abuses of a monopoly (dominant) position on the market, discrimination practised by bodies of power, bodies of local self-government, bodies of administrative and economic government and control, concerning the procedure of considering applications for giving the Committee's consent to the economic concentration of economic entities, concerning the procedure of considering cases having relation to violations of antimonopoly laws,

concerning the procedure of the fulfilling, inspecting, revising and appealing against decisions of the Antimonopoly Committee of Ukraine and those concerning unfair competition, which are binding for bodies of power, bodies of local self-government, bodies of administrative and economic government and control, economic entities; shall have the right to control their fulfilment and to elucidate their application;

to perform other actions provided for by the laws concerning the Antimonopoly Committee of Ukraine.

It shall be prohibited for other bodies of state power to exercise the powers of the Antimonopoly Committee of Ukraine in the sphere of exercising state control over the observance of antimonopoly laws which are provided for by part one of the present Article.

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

The Chairman of the Antimonopoly Committee of Ukraine shall be appointed and dismissed by the President of Ukraine by consent of the Supreme Rada (Parliament) of Ukraine.

The term of office of the Chairman of the Antimonopoly Committee of Ukraine shall be seven years.

After the expiration of the term of office the Chairman of the Antimonopoly Committee of Ukraine shall continue to fulfil his duties till a new Chairman has been appointed.

The Chairman of the Antimonopoly Committee of Ukraine may be dismissed if he commits a crime, a flagrant violation of official duties and if it is impossible for him to fulfil the duties owing to the state of health. The Chairman of the Antimonopoly Committee of Ukraine shall have the right to submit his resignation to the President of Ukraine. The resignation of the Chairman of the Committee shall not entail laying down powers by the state commissioners of the Antimonopoly Committee of Ukraine.

Instead of the Chairman of the Antimonopoly Committee of Ukraine whose powers are terminated before the established time, a new Chairman shall be appointed for the remaining term.

The Chairman of the Antimonopoly Committee of Ukraine shall:

head the Antimonopoly Committee of Ukraine and shall direct its activities;

submit proposals concerning the appointment and dismissal of the deputy chairmen and the state commissioners of the Antimonopoly Committee of Ukraine to the Prime Minister of Ukraine;

define duties of the deputy chairmen and the state commissioners of the Antimonopoly Committee of Ukraine;

submit the estimate of incomes and expenditures of the Antimonopoly Committee of Ukraine and its territorial offices to the Antimonopoly Committee of Ukraine for approval;

be the manager of budget allocations for maintaining the Antimonopoly Committee of Ukraine and ensuring its activities;

make the admission, transference and dismissal of officials of the Antimonopoly Committee of Ukraine and its territorial offices; shall take encouraging measures with respect to and shall impose disciplinary punishments on officials of the Committee and its territorial offices in accordance with laws;

establish territorial offices within the estimate, provisional administrative boards of the Antimonopoly Committee of Ukraine for the consideration of both cases concerning violations of antimonopoly laws and other matters in accordance with the competence of the Committee;

issue orders, regulations, instructions and other acts which are binding for officials of the Antimonopoly Committee of Ukraine and its territorial offices;

represent the Antimonopoly Committee of Ukraine in its relations with bodies of state power, bodies of local self-government, bodies of administrative and economic government and control, economic entities, private citizens and associations of entrepreneurs or private citizens;

perform other actions provided for by the laws concerning the Antimonopoly Committee of Ukraine.

The Chairman of the Antimonopoly Committee of Ukraine — by order of the Supreme Rada (Parliament) of Ukraine, at least once a year — shall report on activities of the Committee to the Supreme Rada (Parliament) of Ukraine.

The Chairman of the Antimonopoly Committee of Ukraine shall have the status of the state commissioner which is provided for by the present Law.

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

The deputy chairmen of the Antimonopoly Committee of Ukraine shall be appointed from among the state commissioners and dismissed by the President of Ukraine at the recommendation of the Prime Minister of Ukraine which is submitted on the basis of proposals made by the Chairman of the Antimonopoly Committee of Ukraine.

The deputy chairmen of the Antimonopoly Committee of Ukraine shall fulfil certain functions of the Chairman according to his instructions and shall deputise for the Chairman of the Committee in the case of his absence or if it is impossible for him to exercise his powers.

If the deputy chairmen of the Antimonopoly Committee of Ukraine are absent, his powers shall be exercised by a state commissioner of the Antimonopoly Committee of Ukraine.

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

The state commissioners of the Antimonopoly Committee of Ukraine shall be appointed and dismissed by the President of Ukraine at the recommendation of the Prime Minister of Ukraine which is submitted on the basis of proposals made by the Chairman of the Antimonopoly Committee of Ukraine.

The term of office of the state commissioners of the Antimonopoly Committee of Ukraine shall be seven years.

After the expiration of the term of office a state commissioner of the Antimonopoly Committee of Ukraine shall continue to fulfil his duties till a new state commissioner has been appointed.

Instead of the state commissioner who quitted the Committee before the established time, a new state commissioner shall be appointed for the remaining term.

The state commissioners shall not be appointed for more than two terms in succession.

A state commissioner shall be a citizen of Ukraine who reached the age of thirty, who has higher — as a rule legal or economic — education, whose length of service according to his speciality is not less than five years within the last ten years.

The state commissioners shall be members of the Antimonopoly Committee of Ukraine which is the high collegiate body.

The state commissioners shall be heads or members of administrative boards, shall fulfil other duties according to instructions of the Chairman of the Antimonopoly Committee of Ukraine.

#### ***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 the Crimea, in the regions, in the cities of Kyiv and Sevastopol in order to implement the tasks with which the Antimonopoly Committee of Ukraine is entrusted. The powers of the territorial offices shall be defined by the Committee within its competence. In case of need, territorial offices may be established in other administrative and territorial units.

The territorial offices shall act on the basis of the statute to be approved by the Antimonopoly Committee of Ukraine.

A territorial office of the Antimonopoly Committee of Ukraine shall be under the direction of its head. The head and the deputy head of a territorial office shall be appointed by the Chairman of the Antimonopoly Committee of Ukraine. The deputy head of a territorial office shall be appointed by the Chairman of the Antimonopoly Committee at the recommendation of the head of the territorial office.

The head of the Territorial Office of the Antimonopoly Committee of Ukraine in the Autonomous Republic of the Crimea shall be appointed in agreement with the Supreme Rada (Parliament) of the Autonomous Republic of the Crimea.

The head of a territorial office, a person who fulfils his duties shall have rights and shall be entrusted with duties within his competence in accordance with the present Law and the statute mentioned in part two of the present Article.

#### ***Article 13. Sittings of the Antimonopoly Committee of Ukraine***

Sittings of the Antimonopoly Committee of Ukraine shall be a form of work of the Committee which is the high collegiate body.

The Antimonopoly Committee of Ukraine at its sittings shall:

consider the cases and make decisions on the cases which lie within the jurisdiction of the Committee;

revise decisions made by the state commissioners, the administrative boards, the heads of the territorial offices of the Committee;

adopt normative acts the issuance of which lies within the powers of the Antimonopoly Committee of Ukraine; shall consider proposals concerning the amendments to laws which are based on generalised results of the application of antimonopoly laws;

consider and approve draft reports on activities of the Committee in order to submit them to the Supreme Rada (Parliament) of Ukraine;

consider statutes of consultative bodies of the Committee and their staff;

establish standing administrative boards;

hear the state commissioners, the heads of the territorial offices and reports of heads of the Committee's staff divisions;

consider other matters which lie within the competence of the Antimonopoly Committee of Ukraine.

The heads of the territorial offices may take part, having an advisory vote, in sittings of the Antimonopoly Committee of Ukraine.

#### ***Article 14. Administrative Boards of the Antimonopoly Committee of Ukraine***

In order to examine particular cases concerning violations of antimonopoly laws and other matters which lie within the powers of the Committee, standing and temporary administrative boards shall be established from among the state commissioners and the heads of the territorial offices of the Antimonopoly Committee of Ukraine and shall comprise at least three persons.

The administrative boards shall be formed according to branch, regional or other principles.

The head of a territorial office of the Antimonopoly Committee of Ukraine who is a member of an administrative board, when decisions are being made, shall have the rights equal to those of the state commissioners being members of the board.

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

Organisation, technical, analytical, information, reference and other types of work directed towards the maintenance of activities of the Antimonopoly Committee of Ukraine or its territorial office and the preparation of materials for the consideration of cases concerning violations of antimonopoly laws shall be carried out



by the staff of the Antimonopoly Committee of Ukraine or its territorial office respectively.

The statute of structural subdivisions of the staff of the Antimonopoly Committee of Ukraine shall be approved by the Chairman of the Committee.

### *Chapter III*

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

### ***Article 16. Rights and the Duties of a State Commissioner and the Head of a Territorial Office of the Antimonopoly Committee of Ukraine***

For the purpose of fulfilling the tasks with which the Committee is entrusted, a state commissioner of the Antimonopoly Committee of Ukraine shall have the right:

to enter enterprises, offices, organisations freely by his identification card and shall have access to documents and other materials necessary for making inspections unless laws provide for otherwise;

to demand oral or written explanations of officials and private citizens;

to demand documents and other information necessary for making inspections of the observance of antimonopoly laws;

to involve — having come to an agreement with the respective bodies of state power, bodies

of local self-government, bodies of administrative and economic government and control, enterprises and associations — their specialists, deputies of local Radas (local councils) in making inspections;

to draw statements of administrative violations;

to consider cases concerning violations of antimonopoly laws, applications and cases concerning economic concentration in accordance with defined duties and to make decisions based on the results;

to consider cases concerning administrative violations and to impose administrative fines for violations of antimonopoly laws;

to represent the Committee and its territorial offices, having no special warrant, before a court of justice or a court of arbitration;

to empower officials of the Committee and those of its territorial offices to carry out certain powers which are provided for by paragraphs two to six of part one of the present Article.

A state commissioner, the head of a territorial office of the Antimonopoly Committee of Ukraine shall be obliged:

to fulfil requirements of laws of Ukraine, shall be objective and unprejudiced during the exercise of his powers;

to send applications concerning violations of antimonopoly laws of Ukraine committed by officials to bodies of power, bodies of local self-government, bodies of administrative and economic government and control and to economic entities.

The head of a territorial office of the Antimonopoly Committee of Ukraine, a person who fulfils his duties shall have the rights provided for by paragraphs two to eight of part one of the present Article and shall have the right to represent the territorial office, having no special warrant, before a court of justice or a court of arbitration.

The head of a territorial office may empower his deputies to exercise the powers provided for by part three of the present Article. The head of a territorial office of the Antimonopoly Committee of Ukraine, a person who fulfils his duties may empower officials of the territorial office to exercise the powers provided for by paragraphs two to six of part one of the present Article.

A state commissioner, the head of a territorial office may not be members of commissions, committees and other organs to be established by bodies of state power, bodies of local self-government, bodies of administrative and economic government and control unless the Antimonopoly Committee of Ukraine gives its consent.

Holding more than one office by the state commissioners and the heads of the territorial offices of the Antimonopoly Committee of Ukraine (except for scientific, teaching and creative activities) and their performing entrepreneurial activities shall be prohibited.

#### ***Article 17. Independence of a State Commissioner of the Antimonopoly Committee of Ukraine***

A state commissioner of the Antimonopoly Committee of Ukraine shall be independent in exercising his powers to control the observance of antimonopoly laws and during the consideration of cases concerning violations of such laws.

A state commissioner of the Antimonopoly Committee of Ukraine shall make decisions independently within his powers.

The state commissioners of the Committee shall make decisions at sittings of the Antimonopoly Committee of Ukraine and administrative boards, shall have equal rights and shall be guided exclusively by laws.

#### ***Article 18. Disciplinary Responsibility and the Dismissal of a State Commissioner of the Antimonopoly Committee of Ukraine***

A state commissioner of the Antimonopoly Committee of Ukraine may be brought to disciplinary responsibility (except for dismissal) on a general basis in accordance with the procedure established by laws.

A state commissioner of the Antimonopoly Committee of Ukraine may be dismissed:

through the state of health which prevents him from further work;  
at his will;

in the case of a flagrant violation of his official duties or in the case of a crime committed by him.

A state commissioner of the Antimonopoly Committee of Ukraine shall have the right to resign in accordance with the procedure defined by laws.

#### *Chapter IV*

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

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

The Antimonopoly Committee of Ukraine shall exercise its powers, observing the Constitution and laws of Ukraine, irrespective of bodies of power, bodies of administrative and economic government and control, bodies of local self-government, their officials, economic entities, associations of private citizens or their bodies.

The interference of central and local bodies of state executive power, bodies of local self-government, their officials, associations of private citizens and their representatives in activities of the Antimonopoly Committee of Ukraine and its territorial offices shall be prohibited.

Exerting influence in any form on an official of the Antimonopoly Committee of Ukraine and its territorial office for the purpose of impeding his performing official duties or for the purpose of making him to arrive at an unlawful decision shall entail responsibility provided for by laws.

#### ***Article 20. Relations of the Antimonopoly Committee of Ukraine with Bodies of State Power, Bodies of Local Self-government, Bodies of Administrative and Economic Government and Control, with the Mass Media and Public Organisations***

The Antimonopoly Committee of Ukraine and its territorial offices shall interact with bodies of state power, bodies of local self-government, bodies of administrative and economic government and control in matters having relation to the development of competition and the demonopolisation of the economy.

The Antimonopoly Committee of Ukraine and its territorial offices shall interact with the mass media and public organisations in preventing violations of antimonopoly laws.

Bodies of power, bodies of local self-government, bodies of administrative and economic government and control shall be obliged to come to an agreement with the Antimonopoly Committee of Ukraine about the decisions which could result in the limitation or distortion of competition on the relevant markets and shall be obliged to

apply for the Committee's consent to the establishment, reorganisation and liquidation of economic entities, to the establishment of associations of enterprises, to the transformation of bodies of power, bodies of local self-government, bodies of administrative and economic government and control into associations in the cases which are provided for by the laws concerning the Antimonopoly Committee of Ukraine.

**Article 21. Notifying of Violations of Antimonopoly Laws**

Bodies of state power, bodies of local self-government, bodies of administrative and economic government and control, their officials shall be obliged to notify the Antimonopoly Committee of Ukraine and its territorial offices of the pieces of information which could be indicative of violations of antimonopoly laws.

**Article 22. Binding Nature of Requirements Made by the State Commissioners and the Heads of the Territorial Offices of the Antimonopoly Committee of Ukraine**

Requirements made by the state commissioners and the heads of the territorial offices of the Antimonopoly Committee of Ukraine within their powers shall be binding and shall be fulfilled within periods defined by them unless laws provide for otherwise.

The non-fulfilment of lawful requirements made by a state commissioner or the head of a territorial office of the Antimonopoly Committee of Ukraine shall entail responsibility provided for by laws.

Documents, statistical information and other types of information necessary for exercising control over the observance of antimonopoly laws and for the consideration of cases concerning violations of such laws shall be given at the demand of a state commissioner, the head of a territorial office of the Antimonopoly Committee of Ukraine free of charge.

The information which is received by a state commissioner, the head of a territorial office of the Antimonopoly Committee of Ukraine and access to which is restricted by laws shall be used by them in accordance with laws.

**Article 23. Procedural Basis for Activities of the Antimonopoly Committee of Ukraine**

The activities with respect to the detection, prevention and termination of violations of antimonopoly laws shall be performed by the Antimonopoly Committee of Ukraine, the administrative boards, the state commissioners and the heads of the

territorial offices of the Committee with the observance of the procedural principles defined by legal acts of Ukraine.

The procedure to be followed by the Antimonopoly Committee of Ukraine and its territorial offices during the consideration of cases concerning violations of antimonopoly laws shall ensure the observance of the rights and the legitimate interests of natural and legal persons and those of the state.

#### ***Article 24. Decisions of the Antimonopoly Committee of Ukraine***

The Antimonopoly Committee of Ukraine, the state commissioners, the administrative boards and the heads of the territorial offices of the Committee, within their powers, shall make binding instructions and decisions.

The Antimonopoly Committee of Ukraine, the administrative boards, the state commissioners and the heads of the territorial offices of the Committee shall make decisions concerning the compulsory split-up of monopoly formations and the imposition of fines for violations of antimonopoly laws.

The Antimonopoly Committee of Ukraine, using the mass media, shall publish its notifications of both made decisions and its activities.

#### ***Article 25. Applying to a Court of Justice or a Court of Arbitration***

The Antimonopoly Committee of Ukraine and the state commissioners of the Committee in order to protect the interests of the state, those of consumers and entrepreneurs in connection with violations of antimonopoly laws shall submit applications (acts) to a court of justice or an arbitration court, including applications (acts):

for the nullification of acts of bodies of power, bodies of administrative and economic government and control, bodies of local self-government and for the termination of their acts which restrict competition if they have not observed, within established periods, instructions made by the Antimonopoly Committee of Ukraine with respect to the repeal of unlawful acts, the termination of violations, etc.;

for the exaction of the fines and the additional sums to be imposed for the tardy payment of the initial fines which have not been paid voluntarily;

for the termination, by economic entities, of violations of antimonopoly laws;

for the obligation to fulfil decisions of the Antimonopoly Committee of Ukraine;

based on other grounds provided for by laws.

### ***Chapter V***

## **OTHER MATTERS OF ACTIVITIES OF THE ANTIMONOPOLY**

## COMMITTEE OF UKRAINE

### **Article 26. Scientific and Methodical Support Given to Activities of the Antimonopoly Committee of Ukraine**

In order to prepare recommendations having relation to the organisation and activities of the Antimonopoly Committee of Ukraine, having relation to the methodology of and methods for exercising control over the observance of antimonopoly laws, having relation to working out proposals for the application and the improvement of such laws and recommendations having relation to other matters, the Antimonopoly Committee of Ukraine shall establish advisory bodies, shall conduct technical, economic and scientific researches, shall enlist experts and consultants, shall train its personnel in accordance with special programmes.

### **Article 27. Structure, the Maximum Staff Number, Positions, Terms of Paying Salaries and Terms of Providing Material and Other Types of Support**

The structure, the maximum staff number, positions of the Antimonopoly Committee of Ukraine and its territorial offices shall be approved by the Chairman of the Antimonopoly Committee of Ukraine within the expenditures provided for by the estimate of incomes and expenditures.

Paying a salary to, providing material support to, providing support in the sphere of everyday services to, rendering transport and medical services to and giving social guarantees to the Chairman of the Antimonopoly Committee of Ukraine shall be performed in accordance with the terms and procedure which are defined by laws with respect to ministers; those to the first deputy chairman — with respect to first deputy ministers; those to the deputy chairmen and the state commissioners — with respect to deputy ministers; those to other officials of the central office of the Antimonopoly Committee of Ukraine — with respect to the relevant categories of specialists of ministries; to the head of the Territorial Office of the Antimonopoly Committee of Ukraine in the Autonomous Republic of the Crimea and to his deputies — with respect to the deputy chairman of the Council of Ministers and ministers of the Autonomous Republic of the Crimea respectively;

to the heads of the territorial offices, the heads of the Kyiv and Sevastopol City Territorial Offices of the Antimonopoly Committee of Ukraine — with respect to deputy chairmen of regional state administrations, deputy chairmen of the Kyiv and Sevastopol City State Administrations respectively; to the deputy chairmen of the regional territorial offices, to the deputy chairmen of the Kyiv and Sevastopol City Territorial Offices — with respect to heads of departments and independent divisions of regional state administrations and those of the Kyiv and Sevastopol City State Administrations respectively; to other officials of the territorial offices — with respect to specialists of ministries of the Autonomous Republic of the Crimea, those of departments and independent divisions of regional state administrations and those of

the Kyiv and Sevastopol City State Administrations respectively. In addition, salaries of the officials of the Antimonopoly Committee of Ukraine and its territorial offices whose official duties have direct relation to the fulfilment of the functions provided for by Article 2 of the Law of Ukraine "On the State Protection of Officials of Courts of Justice and Those of Law Protective Bodies" shall be established in the amount exceeding the relevant salaries of public servants by 30%.

Terms of paying salaries to officials of the Antimonopoly Committee of Ukraine and its territorial offices shall be established by the Cabinet of Ministers of Ukraine in accordance with laws.

**Article 28. Financing of and Material and Technical Support Given to the Antimonopoly Committee of Ukraine**

The financing of the Antimonopoly Committee of Ukraine and its territorial offices shall be carried out at the expense of general and special funds of the state budget.

The volume of allocations from the state budget for the maintenance of the Antimonopoly Committee of Ukraine and its territorial offices, including expenditures for paying salaries for their officials shall, annually, during the approval of the state budget, be established as a separate line of the state budget by the Supreme Rada (Parliament) of Ukraine.

The financing of the maintenance of the Antimonopoly Committee of Ukraine and its territorial offices shall be performed by means of transferring finances of the general fund of the state budget by the Central Department of the State Treasury of Ukraine to their current budget accounts in accordance with a transfer normative. The amount of the transfer normative shall be established by the Supreme Rada (Parliament) of Ukraine during the approval of the state budget for the next year.

Finances received as a result of the payment of duties on the submission of applications for giving consent to the establishment, reorganisation, liquidation of economic entities and finances received as a result of the payment of fines imposed for violations of antimonopoly laws and additional fines imposed for the tardy payment of the initial fines shall be included in incomes of the special fund of the state budget, shall be transferred to a special account, shall not be confiscated and shall be used, in accordance with their special purpose, for the financing of activities of the Antimonopoly Committee of Ukraine and its territorial offices in accordance with the procedure and within the limits which are defined by the law concerning the state budget.

The estimate of incomes and expenditures of the Antimonopoly Committee of Ukraine and its territorial offices, including the amount of allocations for the maintenance of the Antimonopoly Committee of Ukraine and its territorial offices, the estimate of material support and other types of support in the sphere of everyday services, the estimate of transport and medical services, the estimate of allocations for social guarantees and the fund for paying salaries for officials of the Committee and its territorial offices shall be approved by the Antimonopoly Committee of Ukraine

on the basis of recommendations made by the Chairman of the Antimonopoly Committee of Ukraine.

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

**Article 29. Protection of Individual and Property Rights of Officials of the Antimonopoly Committee of Ukraine**

Officials of the Antimonopoly Committee of Ukraine, while on official duty, shall be representatives of state power. Their individual and property rights shall be protected by laws equally with those of officials of law protective bodies.

Life and health of the officials of the Antimonopoly Committee of Ukraine and its territorial offices whose official duties have direct relation to the fulfilment of the functions provided for by Article 2 of the Law of Ukraine "On the State Protection of Officials of Courts of Justice and Those of Law Protective Bodies" shall be a subject of compulsory state assurance to be made at the expense of finances of the state budget in the amount equal to the salary which corresponds to the last position of the relevant official and which would be paid for five years.

In the case where the mentioned persons, in connection with their fulfilment of official duties, are crippled, injured, contused, traumatised, taken ill or have other persistent damage done to their health, which prevent them from continuing professional activities, an assurance sum equal to the salary which corresponds to the last position of the relevant person and which would be paid for one to five years (depending on the degree of lost capacity for work) shall be paid to the person; in the case of the death of an official as a result of the physical or other damage done to his health which relates to his fulfilling official duties the assurance sum equal to the salary which corresponds to the last position of the official and which would be paid for five years shall be paid to the family of the official.

Losses incurred to an official of the Antimonopoly Committee of Ukraine or to an official of a territorial office or to members of his family by means of the destruction or damage of property in connection with his fulfilment of official duties shall be offset at the expense of finances of the state budget to the full extent in accordance with the procedure established by laws, and later the corresponding sum shall be exacted from the crime committers.

The procedure and terms of making compulsory state assurance and the list of positions being a subject of compulsory state assurance shall be defined by the Cabinet of Ministers of Ukraine.

**Article 29<sup>1</sup>. Social Guarantees Given to the Chairman, the Deputy Chairmen and the State Commissioners of the Antimonopoly Committee of Ukraine**



The Chairman of the Antimonopoly Committee of Ukraine, the deputy chairmen and the state commissioners, after the expiration of the corresponding term of powers, shall be allowed to occupy the previous position, shall be allowed to resume studies; if it is impossible to occupy the previous position or to resume studies as a result of the liquidation of the enterprise, office or organisation, they shall be allowed to occupy an equivalent position at another enterprise, office or organisation or they shall be placed in the personnel reserve of the Antimonopoly Committee of Ukraine with respect to the positions which correspond to their professional level, with the rank of a public servant being taken into account. The average monthly salaries shall be paid to the former Chairman, the deputy chairmen and the state commissioners of the Antimonopoly Committee of Ukraine for the period of their unemployment, but not longer than a year.

The procedure of paying the above finances shall be defined by the Cabinet of Ministers of Ukraine.

The provisions of the present Article shall be applied unless they worsen the level of the social guarantees resulting from Article 27 of the present Law.

***Article 30. Identification Card of an Official of the Antimonopoly Committee of Ukraine***

The state commissioners, the heads of the territorial offices, executives of the Antimonopoly Committee of Ukraine and its territorial offices shall have an identification card. The statute of the identification card of an official of the Antimonopoly Committee shall be approved by the President of Ukraine.

**L. KRAVCHUK**  
**President of Ukraine**

The city of Kyiv  
26 November 1993  
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