

Ukraine

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1. Overview of competition regulations and authorities

1.1. Underlying competition regulations

The fundamentals of competition regulation in Ukraine are stipulated by Article 42 of the 1996 Ukrainian Constitution and Chapter 3 "Property Basis of a Business" of the 2004 Commercial Code of Ukraine.

Below is the list of the relevant intergovernmental agreements within the CIS:

- Antimonopoly Policies Harmonization Agreement dated 12 March 1993 (came in to effect in Ukraine on 12 March 1993)
- Harmonized Antimonopoly Policy Implementation Agreement dated 25 January 2000 (ratified in Ukraine on 16 January 2003)
 - Annex 1. Regulations on the Prevention of Monopolistic Activity and Unfair Competition dated 25 January 2000
 - Annex 2. Regulations of the work of the Interstate Council for Antimonopoly Policy dated 25 January 2000
- Cooperation Agreement between the Ministry of Entrepreneurship and Investment of the Republic of Belarus and the Antimonopoly Committee of Ukraine dated 18 February 1997
- Agreement for the Principal Lines of Cooperation of the CIS Member States in the Sphere of Consumer Protection dated 25 January 2000 (ratified in Ukraine on 7 March 2002 and concluded in the course of the implementation of the Agreement for Creation of the Free Trade Zone dated 15 April 1994, and the Protocol of Amendments thereto dated 2 April 1999)
- Agreement for Cooperation of the CIS Member States in the Sphere of Regulation of Advertising Activity dated 19 December 2003 (ratified in Ukraine on 13 December 2004)

The following laws that specifically relate to competition are now in effect in Ukraine:

- the Law of Ukraine No.3659 "On the Antimonopoly Committee of Ukraine", dated 26 November 1993;
- the Law of Ukraine No.22-10 "On Protection of Economic Competition" dated 11 January 2001;
- the Law of Ukraine No.236/96-VR "On Protection against Unfair Competition" dated 7 June 1996.

There are also several specific regulations such as:

- Regulations "On Concentration" approved by the Antimonopoly Committee of Ukraine Order No.33-r dated 19 February 2002;
- Regulations "On Filing an Application to Obtain the Prior Approval for Concerted Actions" approved by the Antimonopoly Committee of Ukraine Order No.26-p dated 12 February 2002;
- Procedure "For Determining the Monopolistic (Dominant) Position of Subjects of Economic Activity on the Market" approved by the Antimonopoly Committee of Ukraine Order No.49-r dated 5 March 2002;
- Procedure "For the Cabinet of Ministers of Ukraine Approving Coordinated Actions and Economic Concentrations of Subjects of Economic Activity" approved by the Cabinet of Ministers of Ukraine Resolution No.219 dated 28 February 2002, etc.

1.2. Antitrust authorities: structure and competencies

The authorities responsible for applying merger legislation are:

- the Antimonopoly Committee of Ukraine ("**the AMCU**"), a central body of executive power with a special status, whose purpose is to ensure the state protection of competition;
- the Cabinet of Ministers of Ukraine (to the extent provided under Ukrainian laws).

If a transaction requires antitrust clearance, the parties must file an application with the AMCU requesting the transaction approval. If the AMCU refuses to grant a prior approval, the parties have the right to request such an approval from the Cabinet of Ministers of Ukraine.

1.3. Extraterritoriality

The AMCU conducts international cooperation in three ways:

- bilateral agreements with several European states;
- multilateral international treaties between CIS member states; and
- cooperation with specialized international organizations (CIS International Council for Antimonopoly Policy, International Competition Network).

The following intergovernmental bodies operate within the CIS:

- Interstate Council for Antimonopoly Policy (ICAP) (acts on basis of Annex 2 to the Agreement for Implementation of the Harmonized Antimonopoly Policy dated 25 January 2000)
- The Headquarters for Joint Investigations of Violations of the Antimonopoly Laws of the CIS Member States (was set up in accordance with the resolution of the ICAP's 23-rd Meeting (30-31 May 2006, Kiev)). The purpose of setting-up the Headquarters was to conduct joint investigations of violations of the antimonopoly legislation in socially significant and infrastructural markets, successful operation of which directly influences the CIS citizens' well-being and promotes the CIS states' integration.

2. Prevention of monopolistic activities and unfair competition

2.1. Overview

General practices and grounds for liability

According to Ukrainian regulations, concerted actions comprise the following:

- concluding an agreement of any form;
- approving a decision of any form by associations;
- establishing a joint venture ("JV") which aims at the coordination of the competitive activities of the JV or its founders;
- any other concerted actions of business entities.

Concerted actions which have resulted or may result in the banning, elimination or limitation of competition are forbidden. Any concerted actions may not be authorized if, as a result, competition is substantially restricted in the whole market or in a significant part thereof.

Are any industries specifically regulated?

There are no specific regulations for specific industries.

2.2. Dominance

A monopoly position is defined as a dominant position of a business entity that allows, on its own, or together with other entities, to restrict competition in the market of a particular product. The position of an economic entity shall be considered as a monopoly (dominant) if its share in the relevant market exceeds 35%, unless the economic entity proves that it is exposed to substantial competition. Where the market share is less than 35%, the AMCU may still decide that the entity has a dominant position depending on the circumstances. Relevant regulations declare that the imposition of onerous contract terms, limiting or stopping production, refusing to buy or sell goods in an absence of alternatives, creation of barriers to entry, and discriminatory and monopoly pricing constitute an abuse of a monopoly position if they result in the restriction of competition.

The AMCU compiles a list of economic entities that have a monopoly position. The list facilitates permanent state control over the economic activities of monopolies. The AMCU may conduct planned inspections of monopolistic structures and examinations of their adherence to the antimonopoly legislation.

2.3. Monopolistic agreements and concerted actions

Violations

In particular, the following concerted actions of business entities are recognized as anticompetitive:

- fixing of prices or other conditions of acquisition or sale of goods;
- limitation of production, commodity markets, technical development, investments or establishment of control over them;

- distribution of markets or supply sources based on territorial principle, assortment of goods, volumes of sale or acquisition thereof, the circle of sellers, buyers or consumers, etc.;
- distortion of results of auctions, competitions, tenders;
- removal of other business entities from the market or restricting their access to (or exit from) the market;
- applying different terms to similar agreements with other business entities thus placing them at unacceptable competitive disadvantage;
- concluding agreements on the condition that other business entities undertake additional obligations which, by their nature or according to trade and other fair practices in entrepreneurial activity, have nothing to do with the subject of such agreements;
- substantial limitation of competitiveness of other business entities in the market without objective cause.

There is a procedure for seeking the authorization of anti-competitive concerted actions. The AMCU can allow such actions if their participants prove that the actions promote efficiency and the development of relevant markets.

Exemptions

Under vertical agreements (i.e. agreements of any form between a seller and a buyer that do not compete with each other in a market), a party to concerted actions may set limitations on:

- use of goods supplied by such party or other suppliers;
- acquisition of other commodities from other business entities or the sale of other commodities to other business entities or consumers;
- acquisition of goods, which by their nature or according to trade and other fair practices in entrepreneurial activity have nothing to do with the subject of the agreement;
- fixing of prices or other conditions of the agreement for sale of the supplied goods to other business entities or consumers.

However, the above rules are not applied where such concerted actions result in a substantial limitation of competition in the entire market or in a considerable part thereof, including monopolization of the relevant markets; the restriction of other business entities' access to the market; an economically unjustified price increase; or generate a shortage of goods.

2.4. Unfair competition

Unfair competition is determined by Ukrainian law as any kind of action in competition that contradicts the rules of fair and honest business conduct.

Pursuant to the law the AMCU considers the following acts as unfair competition: dishonest actions directed at withdrawal or restriction of competition on the market; unlawful use of another person's or entity's business reputation; creating of obstacles for competitors to gain illegal advantages in competition in the market; illegal gathering of business intelligence and improper use of commercial secrets. According to the AMCU's official website, the most widespread violations of fair competition are: illegal

use of trademarks for commodities and services and other signs, company names, and discrediting the management of a competitor.

Business entities have the right to apply to the AMCU for an assessment on whether the content of promotional materials (commercials, advertisements) is in line with the legislation in the sphere of protection of economic competition.

2.5. Antitrust investigation

The AMCU may start an investigation into an alleged competition law breach based on:

- applications regarding violations submitted by business entities, physical persons, organizations, etc.
- requests by government bodies, local authorities, administrative and business management and control bodies; or
- at its own discretion.

The AMCU has competence to perform two different types of inspections: scheduled inspections (conducted on a yearly basis) and unscheduled ones. The inspection is performed by a commission appointed by the AMCU's chairman or office.

The AMCU has broad investigatory powers. AMCU commissions are entitled to freely enter the premises of businesses and organizations, have access to all documents and other materials, can demand oral and written statements from management, and request written and material evidence. It has the right to collect evidence from businesses as well as from government bodies and local governments. The extensive list of material evidence that the AMCU is entitled to demand includes corporate documents (articles of association and bylaws), accounting and financial statements and commercial agreements; the information it may seize includes confidential and classified information. The law establishes strict rules for the data reporting procedure, for data the AMCU has requested, and provide the information requested by the AMCU is mandatory.

At the end of an inspection the AMCU issues, upon request, a certificate containing the analysis, conclusions and recommendations it has reached.

Decisions of the AMCU and its territorial divisions may be appealed at the commercial court.

AMCU decisions (i.e. excerpts thereof that do not contain classified information, information identifying an individual, and information the disclosure of which could harm the interests of the state, persons involved in the case, etc.) can be published on its official website (<http://www.amc.gov.ua>), printed or distributed electronically.

2.6. Implications for infringers

Administrative sanctions

For breaches of competition law, infringers are subject to fines imposed by the AMCU of up to 5% of the entity's revenues from the sales of products, works, and services over the financial year preceding the year in which the fine was imposed. Persons who suffer damage as a result of unfair competition actions may file a court claim for

compensation. The AMCU or the person whose rights were infringed may apply to the court for withdrawal of improperly labeled goods and infringing products from the manufacturer/retailer. The AMCU may take a decision on the formal denial, by the offender, of untruthful, inaccurate or incomplete information.

For anticompetitive concerted actions and abuse of a monopolistic (dominant) position, infringers are subject to fines imposed by the AMCU in an amount of up to 10% of the entity's revenues from the sales of products, works, and services over the financial year preceding the year in which the fine was imposed.

For refusing to submit information by the date requested, submitting incomplete information, submitting inaccurate information and obstructing the AMCU's officers during collection of evidence, the AMCU may impose fines of up to 1% of the relevant parties' turnover.

When a business entity abuses its monopolistic (dominant) position on the market, the AMCU has a right to file the relevant court claim to compel the compulsory split-up of the business entity which occupies that monopolistic (dominant) position.

Leniency

A person who has carried out an anticompetitive concerted action, but voluntarily informed the AMCU of the fact and submitted information of essential importance to taking a decision on the case before other participants in that action did so, is relieved from liability for committing an anticompetitive concerted action, except where he did not take efficient measures to terminate the action; or was the initiator of the anticompetitive concerted actions or managed them; or did not submit all such evidence or information that was known and that could be freely imparted.

3. Controlling the scope of economic concentration

3.1. Transactions that are subject to approval

Transaction Types falling under Local Merger Control Rules

The following transactions may require prior merger clearance:

- (1) merger or consolidation of a business entity;
- (2) acquisition of direct, or indirect, control over a business entity, by means of:
 - (a) acquisition of the title to assets comprising the integral property complex or its part (structural subdivision), as well as the rent, lease, concession or acquisition by other means of the right to use such assets, including the acquisition of such assets from a business entity being liquidated;
 - (b) appointment/election to the senior management position of an individual who already holds a similar level position in another legal entity;
 - (c) actions resulting in the cross-over of more than half of the members of the supervisory board, management, or another supervisory or executive body of two or more business entities;
- (3) establishment of a business entity, a JV between two or more business entities that are independently engaged in business activity for an extended period of time, provided that establishment of such JV is not aimed at, and shall not result in, the coordination of competitive behaviour (a) of its founders; or (b) of the legal entity and its founders; and

(4) direct or indirect acquisition, obtaining ownership of, or management over, the shares (participating interest) of the business entity, if such acquisition results in the obtaining of over 25 % (but under 50%) or 50% (or more) of the voting rights of the target business entity.

Are there any industries specifically regulated?

The thresholds are the same for all markets in Ukraine. No specific sectoral requirements, including specific procedures for transactions in particular sectors, are established under the laws of Ukraine.

Are all JVs notifiable if the relevant thresholds are met?

According to Ukrainian law, a JV is subject to merger control if: (a) two or more entities jointly set up a unit of business activity; and (b) the relevant turnover thresholds are satisfied; and (c) setting up a business unit does not result in the coordination of competitive behaviour between the founders of the business unit or between these founders and the business unit itself. In case the incorporation of a JV aims at (or results in) the coordination of competitive behaviour (a) of its founders or (b) of the legal entity and its founders, under Ukrainian law it is considered to be a concerted action requiring the prior approval of the AMCU.

3.2. Approval / notification thresholds

Under Ukrainian law a prior approval of the AMC for a business concentration is required if all of the following thresholds are met:

- (a) the combined worldwide total asset value or aggregated sales turnover for the last financial year of all participants in the concentration, taking into account their relations of controls, exceeds €12 million; and
- (b) the worldwide total asset value or aggregated sales turnover for the last financial year of at least two individual participants in the concentration, taking into account their relations of controls, exceeds €1 million; and
- (c) the total asset value or total sales of goods in the Ukraine for the last financial year of at least one individual participant in a concentration, taking into account its relations of controls, exceeds €1 million.

Also, regardless the abovementioned thresholds, a transaction is subject to the AMC prior approval if at least one or several participants of the transaction, together with controlled or controlling entities, hold at least 35% in any affected market or the neighboring market.

3.3. “Groups” and “intragroup deals”

The transaction between business entities associated by relations of control is not subject to prior approval, provided that the relations of control were initially established in accordance with the requirements of Ukrainian antitrust legislation. A group of companies is a group controlled by one holding company. Control usually implies holding more than a 50% shareholding, or control through managing bodies (e.g. the same person occupies CEO position in two companies), or control through agreements.

3.4. Exceptions from transaction approval requirements

The following transactions are exempt from the prior approval of the AMCU:

- acquisition of shares (participation interest) of a business entity by an entity (person) whose principal business is the performance of financial or securities operations, provided that such acquisition has been made with a purpose of subsequent resale of the above shares; and that such entity has voting rights in the governing body; and that the shares are to be resold within one year after their purchase;
- acquisition of control over a business entity or its division, including the right to manage and to administer the property of such business entity, by an appointed receiver in bankruptcy proceedings or by a State official.

3.5. General approval procedure

Is notification mandatory or voluntary?

If a transaction falls within the parameters of an economic concentration that requires clearance, the parties must file an application with the AMCU requesting its prior approval of the transaction. The transaction cannot be completed before the AMCU issues its approval.

When should AMCU be notified of a transaction?

A complete notification must be submitted to the AMCU no more than one year, and no less than 45 calendar days, prior to a transaction. In practice, it is advised to file a notification several months in advance.

Is it possible to obtain formal or informal guidance before notification?

The subjects of economic activity may, at their own discretion, apply to the AMCU to obtain a preliminary opinion on the planned concentration. Consideration of such application takes one month. Obtaining a preliminary opinion does not release the parties from having to apply to the AMCU for granting a formal merger clearance approval. The fee for such application is UAH 3,740 (approx. €346).

Who should notify?

The parties to the transaction must jointly file the notification (in practice normally all Parties assign through the POA the responsibility to make a filing to one Party, which is usually the Buyer).

What form of notification is used?

Recently the AMCU has changed the procedure for submission of applications for the clearance of concentrations and concerted actions by introducing an electronic filing system. Under the new procedure, the application and all supplementary documents should be submitted to the AMCU both in hard copy and in electronic format. Failure to submit the application in electronic format amounts to sufficient grounds for a rejection of the application without any obligation to consider its substance.

Is there a filing fee? If so, what is it?

There is a filing fee of UAH 5,100 (approximately €480). The business entities located outside Ukraine can make payments to the AMCU in EURO or USD.

Is there an obligation to suspend the transaction pending the outcome of an investigation?

The transaction cannot be completed worldwide before the AMCU grants its approval. Ukraine cannot be carved out in terms of clearance, i.e. it is not permissible to complete the transaction everywhere in the world except for Ukraine, where the completion occurs after the AMCU permit is granted. Until clearance is obtained, the parties can only enter into a binding agreement if it contains a condition precedent whereby the transaction can only be completed after the AMCU has given its prior approval.

Scope of information to be disclosed

An application shall contain a brief description of the transaction, a request to the AMCU to grant a prior approval thereto and several special forms and documentation that must be attached, including:

- Information about the parties to the concentration, their control relations, corporate groups to which they belong and their ownership interests in other companies; a detailed description of the transaction; vertical and horizontal relationships concerning the goods the parties manufacture; financial aspects of the concentration; a calculation of the aggregate values of the parties' assets and aggregate sales in the last fiscal year; and market share calculations.
- Information about the parties' principal activities in Ukraine.
- Lists of members of supervisory councils or other managing bodies who serve as directors, deputy directors and chief accountants of the parties, and of other individuals affiliated with the parties.
- Lists of individuals who are spouses, parents, children or siblings of members of the parties' management who are authorized to vote in the supreme management body.
- Foundation documents and certificates of registration (excerpts from trade/court registers) for all parties.
- Balance sheet of the acquirer for the most recent reporting period.
- Feasibility study of the transaction.
- All transactional documents (i.e. an agreement with a condition precedent concerning the AMCU's prior approval, or a draft agreement with or without such condition precedent, and any other relevant documents).
- Bank confirmation that the state fee for reviewing the application has been paid.
- Other specific documents that the AMCU requests to be provided, which depend on the nature, type and specifics of the concentration.

The AMCU has the right to request any documents or information that it deems necessary.

The applicants are required to submit the following information on the actual beneficiaries of offshore companies involved in the concentration (the AMCU may request such data not only from offshore companies directly participating in concentration (e.g. seller or buyer), but also from any offshore company of the group):

- (1) Copies of agency contracts, powers of attorney or documents signed by the company executive, which grant the right to other persons to perform the functions or some of the functions of the company's appropriate managing body;
- (2) Copies of agency contracts, powers of attorney or documents signed by the shareholders (members) of the enterprise, according to which the other person(s) has

(have) the right to participate in the management, to receive profit, to enter into sale of shares (stakes, interests), regardless of the owner.

Stages of merger clearance procedure timetable

Normally, the duration of the review procedure is up to 45 calendar days after filing the notification with the AMCU (the "45-day procedure"). This term can be split into two main stages:

- (a) The first 15 days – the AMCU decides whether to accept the application (it checks whether all relevant documents have been filed, and all formalities observed); and
- (b) The next 30 days – the AMCU considers the application on its merits and decides whether to grant its approval.

If a transaction is very complex or unclear, or if it requires expert evaluations, or there is a risk that competition can be negatively affected, the AMCU may request additional documents/information from the parties and initiate a "case on economic concentration" (the "in-depth procedure"). In this case, clearance may take up to three calendar months beginning from the date when the parties provided the AMCU with all additional documents.

If the AMCU refuses to grant its approval, the parties have the right to appeal to the Cabinet of Ministers of Ukraine to grant the approval, or to appeal to courts.

3.6. Implications of a failure to obtain approval

What are the penalties for implementation before approval?

Fines of up to 5% of revenues from sale of products (goods, works and services) for the past fiscal year of all participants to the concentration including their groups may be applied. If the revenue cannot be determined or the violator does not provide authorities with the details of its revenue, then the fine is imposed in amount up to 10,000 times of the non-taxed lowest income of individuals, i.e. 17 UAH X 10,000 = 170,000 UAH (approx. €16,200) or it can be calculated on the basis of other sources of information to which the AMCU has access.

In addition to imposing fines, the AMCU is authorized to oblige the parties to eliminate the negative consequences (losses) of the failure to obtain prior merger clearance, in case there are any.

A transaction which is closed without merger clearance with the AMCU is legally binding on the parties. However, the AMCU may apply to the court in order to recognize the transaction as invalid if the aforementioned transaction has adversely affected/may adversely affect competition in Ukraine.

What are the penalties for failure to notify correctly (incomplete notification)?

If the parties do not present all documents/information required by law, the AMCU (during the first 15 calendar days after the filing) can ask the parties to present such documents/information without stopping the clock. However, if the parties ignore this request, the AMCU has the right to refuse to accept the notification. In this case, the parties will have to prepare a new notification, and the fine may be imposed in an amount of up to 1% of the annual revenue of the relevant party's entire group of companies.

If the incomplete or misleading information materially affects the AMCU's previous findings, the AMCU can cancel its prior approval and initiate an "in-depth procedure". Then it can either confirm its approval or cancel it. In the latter case, the AMCU can demand that the parties terminate the transaction contract. If the incomplete or misleading information is not material, the AMCU can collect the fine, but permit the transaction to proceed without any other negative consequences for the parties.

4. Current Case Law trends

The judicial precedents provided by previous rulings relating to antitrust legislation of the Highest Commercial Court indicate that:

- Proof of damages arising from concerted practices is not required in order to confirm that such concerted practices took place and that a violation of competition law occurred. A claimant in a previous case argued that the AMCU had no right to classify an action as 'concerted' within the meaning of the law if no proof of damage can be adduced. It maintained that if a market participant's actions do not inflict damages, no violation can be said to have occurred. The court disagreed, stating that the Competition Law provides that it is sufficient to establish the performance of acts falling within the definition of 'anticompetitive concerted practices' and the possible occurrence of damages.
- A commercial court has no competence to determine the monopoly status of a market participant, either independently or on the basis of any expert opinions. Making such a determination is within the exclusive competence of the AMCU.
- Establishment of a monopoly (dominance) of a business entity (entities) by the AMCU includes application both of structural and behavioural factors characterising the state of competition in the market. In this case application of structural factors is reasoned by establishment of an analysis object, determination of commodity, territorial (geographic), and time limits of the market on the basis of information that may be used for determination of a monopoly (dominance).
- Establishment by several business entities not enjoying a monopoly (dominance) in this market, the highest retail prices may not restrict competitiveness of other business entities in the market of certain categories of goods considerably, because the latter entities could not incur loss due to establishment of the highest prices. When settling the dispute the court shall not investigate price formation in the commodity markets.
- The laws do not contain the provisions on the minimum number of facts (events) that would be considered to be sufficient for qualification of acts of business entities as abuse of a monopoly (dominance). Therefore, a certain single breach that is duly established and proven may be the basis for such qualification.
- Ukrainian Law does not contain an exhaustive list of possible commodity markets, therefore the parties to a dispute cannot refer to the fact that a commodity market researched by the AMCU is not stipulated by the law.
- Absence of monopoly (dominance) position of a certain business entity does not exclude the possibility of a negative effect of the business entity on the commodity market as a result of anticompetitive acts agreed upon with other business entities.

- The laws of Ukraine do not provide for a special form and procedure of sending of an answer to the request of the AMCU for submitting information. Therefore, such information may be provided in any form and using any method not prohibited by the laws, simultaneously taking into account the fact that rejection by the AMCU of submitted information requires provision by the latter of proper evidence to confirm its arguments concerning proper fulfilment of the obligation for provision of the required information. The facts of repeated non-submission by one and the same business entity of information on request of the AMCU do not constitute continuing breach, but are independent (separate) breaches of the laws on protection of economic competition.

5. Basic trends in the development of antitrust laws in 2012-2013

As for the key trends in the development of competition regulation in Ukraine in 2012-2013 we note the following:

- competition law in Ukraine is becoming more transparent; the AMCU is actively cooperating with competition authorities around the world in an effort to harmonize both the procedural and substantive aspects of the Ukrainian law with the EU regulations and practices;

- the AMCU will continue its efforts to modernize Ukrainian competition law, both through a series of amendments and reforms of current legislation, and through the introduction of newly drafted legal instruments. Over the past years several important amendments were introduced that included a detailed definition of certain characteristics of unfair competition, broader definition of misleading information, established a new procedure for conducting unscheduled on-site inspections, stipulating new alternative means for serving information requests, and tightening criteria for exemption from the standard requirement to provide notification of concerted actions, improved regulations for obtaining information and collecting evidence of competition law violations, etc.;

- at present, the AMCU is actively elaborating its standard requirements for concerted actions aimed at supply and use of goods for exemption from the requirement to notify such concerted actions [and the Leniency Procedure](#) aimed at (1) defining the terms applicant, cartel, a person who coordinated anticompetitive concerted actions, as well as the leniency conditions; (2) determining the AMCU's procedure to apply for exemption from liability and the requirements to applications, in particular the requirements to the provided cartel evidence, and to the processing of such applications; and (3) determining the AMCU's leniency application procedure and the respective processing procedure; the drafts laws entrusting the AMCU with collecting samples of goods, raw stocks, materials, intermediate products, and component parts from business entities, engaged in trade and services examination, providing criminal responsibility for restriction of competition by means of concerted actions aimed at distortion of the results of auctions, contests, tenders committed for mercenary motives are pending at the Ukrainian Parliament, etc.;

- the AMCU will continue to enforce competition law in priority areas; great attention is paid to monopolistic abuses and unfair competition in the energy sector, pharma sector, transport, communications and retail sectors, and the advertising of medicines, baby food, financial services, etc.

RULG-Ukrainian Legal Group

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The RULG - Ukrainian Legal Group attorneys have wide-ranging experience advising international companies on major global and regional deals involving antitrust, unfair competition and regulatory issues in Ukraine. To date, we have enjoyed a 100% success rate in obtaining antimonopoly clearances from the AMCU, and often succeed in obtaining clearance ahead of schedule. We were invited by the United Nations Development Program (UNDP) to conduct training sessions on antitrust and competition compliance issues for Ukrainian judges from all over Ukraine under the UNDP - European Commission Project "Reform of Arbitration Courts and Support to Court Administration". In the course of this work, we prepared Ukraine-focused presentations for annual "Compliance, Law and Ethics Day" antimonopoly compliance training sessions held by a major multinational client. Our firm also conducted interactive Q&A sessions, "Dos-and-don'ts" exercises, risk assessments, internal antitrust audits, and gave practical advice on compliance in dealings with business partners (distributors, customers, etc.) and competitors, covering liability issues, relations with regulators and many other issues.