

Report name	Issued recommendations	Execution status
Systemic report "Challenges and problems in the sphere of competition protection and oversight"	<p>To adopt legislative amendments aimed at unleashing the AMCU's existing institutional capacity. Antimonopoly Committee of Ukraine</p> <p>The AMCU's advocacy activities has to be broadened by (i) strengthening cooperation with other government bodies; and (ii) improving existing practice of issuing practical recommendations based on the prior market studies performed by the AMCU. Antimonopoly Committee of Ukraine</p> <p>To develop a roadmap aimed at implementing the NCDP Concept for 2014-2024 by the ministries and other state bodies. Antimonopoly Committee of Ukraine</p> <p>To accelerate working relations between the AMCU and the state authorities (with the focus on sectoral regulators) by expanding the practice of entering into respective cooperation agreements/memorandums on competition-related issues. Antimonopoly Committee of Ukraine</p> <p>In order to facilitate effective exercise of powers vested with the AMCU in connection with anti-trust clearance of privatization transactions, ensure that not only the AMCU itself but also other authorities should play active role in eliminating some of the existing impediments. Hence, the Council recommends as follows:a) To specify the exact scope of duties to be borne by each institution involved into privatisation process (for instance, the SPF, sectoral regulators, etc.).b) To introduce transparent procedure for the exchange of information between the AMCU and the relevant bodies (including the SPF, the regulators managing the state enterprise, bidders, etc.) for the purpose of the AMCU's transaction clearance. If such an approach were to be employed (for instance, between the AMCU and the SPF), this would help addressing allegation of the business that the SPF might provide inaccurate or incomplete information about the potential target. Antimonopoly Committee of Ukraine Verkhovna Rada of Ukraine State Property Fund of Ukraine</p>	<p>In process — comments: The relevant Draft Law No.6724 dated 14 July 2017 "On amending certain laws on protection of economic competition" has been adopted in the 1-st hearing on 9 November 2017.</p> <p>In process — comments: The AMCU continues work aimed at improving cooperation with the state authorities, in particular by signing memorandums and holding public events (conferences).</p> <p>In process — comments: Currently the AMCU is elaborating an Action plan focused on implementation of the National Concept on Competition Development in Ukraine for 2014-2024. The relevant draft shall be prepared and submitted to the CMU until the end of 2018.</p> <p>In process — comments: The AMCU has signed memoranda on cooperation with the National Commission, which carries out state regulation in the fields of energy and utilities, the Ministry of Agricultural Policy and Food as well as with the State Service of Ukraine for food safety and consumer protection.</p> <p>In process — comments: On 18 January 2018 the VRU adopted the Law of Ukraine No.7066 "On privatization of state and municipal property (the Law No.7066)", which entered into force on 7 March 2018 and which, among other things, further specifies the powers of state authorities in the field of privatization.</p>

Report name	Issued recommendations	Execution status
	<p>To amend the Procedure of Notifying the AMCU for Prior Approval of Concentration of Undertakings to ensure that consideration of consent on concerted actions due to execution of non-competition agreement is conducted on the basis of simplified procedure, provided that receipt of concentration consent is already carried out on the basis of simplified procedure.</p> <p>Antimonopoly Committee of Ukraine Verkhovna Rada of Ukraine</p>	<p>In process — comments: Currently, the AMCU is elaborating the draft law on amending the Law of Ukraine “On protection of economic competition” in respect of procedure for obtaining the prior approvals of concentrations.</p>
	<p>To amend Article 52, para. 2, part 2 of the Competition Protection Law to ensure clear identification of parties liable for failure to notify about concentration.</p> <p>Antimonopoly Committee of Ukraine Verkhovna Rada of Ukraine</p>	<p>In process — comments: Currently, the AMCU is elaborating the draft law on amending the Law of Ukraine “On protection of economic competition” in respect of procedure for obtaining the prior approvals of concentrations.</p>
	<p>To adjust the AMCU's internal decision making procedure to ensure that when rendering an initial decision on its' merits falls under the authority of the AMCU's Board of Commissioners, the adoption of such a decision shall require majority of the AMCU's composition established by law (i.e., 5 persons), save for the Commissioner who investigated the case. The latter, nonetheless, should remain to be involved into decision making process by being entitled to present results of investigation during the respective procedural hearing.</p> <p>Antimonopoly Committee of Ukraine</p>	<p>In process — comments: The recommendation is reflected in the Draft Law No.6746 (amendments to the Article 48 of the Law of Ukraine "On protection of economic competition").</p>
	<p>The AMCU, prior to the adoption of the Methodology for calculating the amount of fines, to carry out monitoring of application of the existing Recommended Explanations and regularly (at least once per quarter) publicize information about its' practical application.</p> <p>Antimonopoly Committee of Ukraine</p>	<p>In process</p>
	<p>To introduce electronic database that would enable applicants to retrieve general information about the current status of consideration of requests/applications lodged with the AMCU, which is not confidential in nature.</p> <p>Antimonopoly Committee of Ukraine</p>	<p>In process — comments: Although the AMCU has generally supported the BOC's recommendation, it emphasized the need to allocate additional funding in order to implement the recommendation.</p>
	<p>To amend Article 40 of the Competition Protection Law in order to: a) set maximum time limits for (i) responding with further explanations and/or clarifications requested by the AMCU; and (ii) lodging objections by the parties that disagree with the AMCU's interim procedural decisions in cases on mergers/ concerted actions; b) establish specific/maximum time limits for the AMCU's consideration of requests on access to the case materials lodged by the parties; c) expressly enable interested parties to lodge requests with the AMCU to seek initiation of hearing on concentrations/concerted actions, with such requests being subject to the AMCU's mandatory consideration and provision of grounded answer within reasonable time limits.</p> <p>Antimonopoly Committee of Ukraine Verkhovna Rada of Ukraine</p>	<p>In process — comments: The AMCU will consider the possibility for implementation the aforesaid recommendation during preparation of the next set of amendments to legislation.</p>

Report name	Issued recommendations	Execution status
Systemic report "Natural monopolies vs. competitive business: how to improve relations"	Methodology for calculating amount of state aid. Cabinet of Ministers of Ukraine Antimonopoly Committee of Ukraine	<p>In process</p> <p>— comments: The draft document is currently being approved with the Energy Community, as requested by the Electricity Market Law.</p>
	To ensure that the situation is analyzed on a regular basis and that licensees duly fulfil their duties. Antimonopoly Committee of Ukraine	<p>In process</p> <p>— comments: As it is set forth in the Memorandum, concluded between the AMCU and the NEURC, they agreed, among other things, (i) to exchange information on problematic issues in the markets of electricity, natural gas, heat-, water supply and sewage for ensuring the possibility of taking prompt actions aimed at their settlement within the limits of their competence, (ii) create an efficient competitive environment for introduction of new models of electricity, natural gas, heat-, water supply and sewage, simplifying the procedure of hooking-up services provision: http://www.amc.gov.ua/amku/control/main/uk/publish/article/130144;jsessionid=847042A438B05A2E8334164C53780D1B.app1 However, the Council is not aware of the nature, frequency, and efficiency of measures taken by the NEURC jointly with the AMCU within the framework of the Memorandum implementation.</p>
	To hold consultations with licensees, experts and the public on issues regarding hooking-up of producers and consumers to heating networks and ways to resolve them. National Energy and Utilities Regulatory Commission Ministry of Regional Development, Construction and Residential Services Antimonopoly Committee of Ukraine	<p>In process</p> <p>— comments: The NEURC in cooperation with the consultants of the USAID Municipal Energy Reform is working on drafting relevant regulatory documents for hooking up to centralized heating supply system. Within the framework of this USAID project, the NEURC's specialists are members of a working group on the development of the procedure (methodology) for hooking up to heat networks, calculation of the hooking-up fee and financing of hook-up services, etc. The said procedures (methods) are not yet approved and therefore relevant consultations should continue to be carried out, if necessary</p>