

Report name	Issued recommendations	Execution status
Systemic report "Challenges for government and business in dealing with local government"	<p>To establish a constitutional basis for regulating the devolution of power and simultaneously instituting state oversight of LGA decisions while continuing to work on amending the Constitution as necessary, via Draft Law No.2217a dated 1 July 2015 "On amendments to the Constitution of Ukraine (regarding decentralization of power)". Ministry of Regional Development, Construction and Residential Services Verkhovna Rada of Ukraine</p>	<p>In process — comments: Status as of 10 December 2015 Committee's submission for review was presented. Pending review.</p>
	<p>To adopt the Draft Law No.2489 "On serving in local government agencies" dated March 30, 2015, which defines the principles, legal and organizational basis for serving in local government agencies, regulates the status of LGA employees, and ensures comprehensive reforms of serving in LGAs, keeping in mind the staffing needs for decentralization. Verkhovna Rada of Ukraine</p>	<p>In process</p>
	<p>To support the Bill "On prefects," which give prefects the power to rescind any acts by local government agencies that violate the Constitution or Laws of Ukraine and simultaneously appeal to a court. Ministry of Regional Development, Construction and Residential Services Verkhovna Rada of Ukraine</p>	<p>In process</p>
Systemic report "Challenges and problems in the sphere of competition protection and oversight"	<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: 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>
	<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. 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. 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 set clear deadlines for consideration (investigation) of cases on abuse of monopolistic (dominant) market position by introducing respective amendments into Chapter VII of the Competition Protection Law and/or Chapter VII of the Rules of Consideration of Applications and Cases on Violation of Legislation on Economic Competition, approved by the Resolution of the AMCU No.5, dated 19 April 1994 (hereinafter - the "Rules of Consideration of Applications on Violation of Competition Legislation"). Verkhovna Rada of Ukraine</p>	<p>In process — comments: The relevant Draft Law "On amending certain laws of Ukraine to ensure adherence with the principles of procedural justice and increasing the efficiency of proceedings in cases of violations of the legislation on the protection of economic competition" No.6746 dated 17 July 2017 has been adopted in the 1-st hearing on 9 November 2017.</p>

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	<p>To adopt the Draft Law No.2431 in so far as it envisages existence of the Methodology for calculating amount of fines as binding legislative act. Verkhovna Rada of Ukraine</p>	<p>In process — comments: The Draft Law “On amending the laws on protection of economic competition regarding determination by the AMCU’s bodies of the amount of fines for violation the legislation on the protection of economic competition” No.2431 dated 19 March 2015 has been forwarded for the repeated second hearing.On 16 June 2016, the table with revisions has been prepared.</p>
	<p>To amend the Competition Protection Law to enable judicial challenge of the amount of fine imposed by the AMCU body, subject to existence of the Methodology for calculating the amount of fine for breach of competition laws, adopted in the form of legislative act, whose application is mandatory for both the AMCU and the bodies of judicial power. Verkhovna Rada of Ukraine</p>	<p>In process — comments: The Draft Law “On amending the laws on protection of economic competition regarding determination by the AMCU’s bodies of the amount of fines for violation the legislation on the protection of economic competition” No.2431 dated 19 March 2015 has been forwarded for the repeated second hearing.On 16 June 2016, the table with revisions has been prepared.</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. 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>
	<p>To reduce fines for parties other than the first one to file, thus making the existing leniency regime more inclusive. Verkhovna Rada of Ukraine</p>	<p>In process — comments: The relevant Draft Law "On amending certain laws of Ukraine to ensure adherence with the principles of procedural justice and increasing the efficiency of proceedings in cases of violations of the legislation on the protection of economic competition" No.6746 dated 17 July 2017 has been adopted in the 1-st hearing on 9 November 2017.</p>
<p>Systemic report "Abuse of powers by the law enforcement authorities in their relations with business"</p>	<p>To prohibit criminal prosecution of person for tax evasion until tax liability is finally “approved/acknowledged” (i.e., as foreseen in Section 3.5.6. of the Coalition Agreement between the Factions of the Deputies in the Verkhovna Rada of 8th Convocation, being an integral part of the Program of Activity of the Cabinet of Ministers of Ukraine (the “Coalition Agreement”). In order to do so the Council suggests amending Articles 212 and 212-1 of the CCU to expressly provide that “actual non-arrival of money to budgets or state earmarked funds” (in Article 212 of the CCU) and “actual non-arrival of money to mandatory state social insurance funds” (in Article 212-1 of the CCU) means “failure to pay the sums of approved/acknowledged tax obligation in compliance with time limits, established by law”. Verkhovna Rada of Ukraine</p>	<p>In process — comments: The following draft laws has been prepared: The Draft Law “On Amending the Tax Code of Ukraine regarding special aspects of criminal proceeding in the tax relations and administration of taxes and levies” No.3448 dated 10 November 2015.On 21 April 2016 the aforesaid draft law was sent for further review by the Parliamentary Committee on Taxation and Customs Policy.ii. On 20 March 2018 the Draft Law “On National bureau of financial security of Ukraine” No.8157 was sent for consideration to the relevant committee.</p>
	<p>To provide persons authorized to perform the organizational/management functions (for example, a CEO, a financial director, a chief accountant, a member of the board of a joint stock company) on behalf of a legal entity and regarding which investigative actions are conducted, the certain procedural rights, envisaged under the Article 42 of the CPCU ("Suspect, Defendant") for persons who have been notified of suspicion.The foregoing idea might, for instance, be fulfilled by expanding the scope of persons, who fall under the category of “parties” or “participants” of the criminal proceeding, by introducing respective amendments to the Chapter 3, §5, Article 3 of the CPCU (“Court, Parties and Other Participants of the Criminal Proceeding”). Verkhovna Rada of Ukraine</p>	<p>In process</p>
	<p>To amend the Law of Ukraine "On Judicial Expertise" to establish that standard time limits for conducting expertise shall be 3 months subject to extension by an investigatory judge/court, if necessary. The Council also proposes amending the Code of Ukraine On Administrative Violations to establish expert's liability for the breach of maximum time limits, foreseen for conducting expertise. Verkhovna Rada of Ukraine</p>	<p>In process</p>