

Report name	Issued recommendations	Execution status
Systemic report "Challenges and problems in the sphere of competition protection and oversight"	To adopt legislative amendments aimed at unleashing the AMCU's existing institutional capacity. Antimonopoly Committee of Ukraine	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.
	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	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).
	To develop a roadmap aimed at implementing the NCDP Concept for 2014-2024 by the ministries and other state bodies. Antimonopoly Committee of Ukraine	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.
	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	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.
	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	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.
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	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.	
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	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.	

Report name Issued recommendations

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

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.

Antimonopoly Committee of Ukraine

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.

Antimonopoly Committee of Ukraine

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

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

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.

Antimonopoly Committee of Ukraine

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

To reduce fines for parties other than the first one to file, thus making the existing leniency regime more inclusive.

Verkhovna Rada of Ukraine

Methodology for calculating amount of state aid.

Cabinet of Ministers of Ukraine

Antimonopoly Committee of Ukraine

Execution status**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.

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").

In process**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.

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.

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.

In process

— comments: The AMCU will consider the possibility for implementation the aforesaid recommendation during preparation of the next set of amendments to legislation.

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.

In process

— comments: The draft document is currently being approved with the Energy Community, as requested by the Electricity Market Law.