

| Report name   | Issued recommendations   | Execution status  |
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| Systemic report "Challenges and problems in the sphere of competition protection and oversight" | <p>To make sure that the AMCU's e that annual plans, prepared by the AMCU, clearly specify (i) the main priority areas of the AMCU's activities for the forthcoming year; and, where relevant, (ii) markets that will be subjected to comprehensive studies.<br/>Antimonopoly Committee of Ukraine</p>   | <p><b>Implemented</b><br/>— comments: Please see, in particular, the AMCU's Annual Report for 2017 (approved by the AMCU's Regulation dated 28 February 2018 No.5—pn). Furthermore, at the official AMCU's website is indicated the Action plan on drafting regulatory acts for current year.</p>   |
|   | <p>To implement the practice of periodic aggregation and publication of the main substantial content of individual recommendations issued by the AMCU in the form of non-binding informational letters.<br/>Antimonopoly Committee of Ukraine</p>  | <p><b>Implemented</b><br/>— comments: Currently, the AMCU publishes the content of individual recommendations, issued to the business entities. For instance, the AMCU publishes the Generalized Explanations in the sphere of state aid, completed following examination of the most common questions in respect of the Law of Ukraine "On State Aid to Undertakings".</p>   |
|   | <p>To amend Article 18, para 10 of the Law of Ukraine "On Public Procurements" to enable complaining bidder or any other participant of the appeal procedure to submit additional documents related to the merits of the complaint.<br/>Antimonopoly Committee of Ukraine<br/>Verkhovna Rada of Ukraine</p>  | <p><b>Implemented</b><br/>— comments: The relevant amendments to the clause 10 of the Article 18 of the Law of Ukraine "On Public Procurements" is currently being drafted by the AMCU. It is planned that the MEDT would submit the foregoing draft with VRU in 2018.</p>  |
|   | <p>Whereas public procurement procedures and non-judicial appeal procedure are documented in electronic form, - to ensure admissibility of evidence lodged with the Ukrainian courts in the form of electronic documents by either: a) amending Article 79, para 1 of the Administrative Procedural Code of Ukraine and relevant regulations governing circulation of electronic documents accordingly; or by b) amending Article 12, para 3 of the Law of Ukraine "On Public Procurements" along with relevant provisions of the Administrative Procedural Code of Ukraine on evidences, to provide administrative courts with the right to access electronic procurement system.<br/>Verkhovna Rada of Ukraine</p> | <p><b>Implemented</b><br/>— comments: The clause 9 of the Article 79 of the Administrative Procedural Code of Ukraine recognizes admissibility of evidence submitted in electronic form.</p>  |
|   | <p>To continue enhancing awareness amongst state and municipal authorities and business about the substance of the forthcoming legal framework on state aid and the general implications stemming therefrom.<br/>Antimonopoly Committee of Ukraine</p>   | <p><b>Implemented</b><br/>— comments: In August 2017, the separate Department on State Aid was formed at the AMCU. The Department in particular, provides explanations on the implementation of state aid legislation to the undertakings. Furthermore, the AMCU permanently conducts the relevant public events (220 events in 2017). In addition, due to the numerous letters from central and local government agencies, on 5 October 2017, the AMCU issued an explanation on the implementation of the state aid legislation No.35-pp/dd, which provides answers to the most common issues regarding the implementation of legislation in the field of state aid.</p> |
|   | <p>To maintain active dialogue with both providers and beneficiaries of state aid to discuss existing and contemplated policy choices in the field.<br/>Antimonopoly Committee of Ukraine</p>  | <p><b>Implemented</b><br/>— comments: With the enactment in full of the Law of Ukraine "On State Aid to Undertakings", the AMCU with the support of the EU International Technical Assistance Project in August 2017 prepared and implemented the Information and Analytical System "Register" (electronic platform). The "State Aid Portal" was created to collect information on current and new state aid, it contains a register of state aid, a register of decisions, a register of cases, etc. Using the portal, it is convenient to provide information on state aid.</p>   |

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|             | <p>To ensure that pending secondary legislation is both available and adequate from both procedural and substantial standpoint. In particular, to ensure compliance with Article 6 of the State Aid Law, the CMU shall adopt: a) Resolutions on provision of state aid in specific areas (i.e., regional development; support of small and medium business development; employees' professional development; reorganization and restructuring of undertakings; development of certain branches of economy, etc.).<br/>Cabinet of Ministers of Ukraine<br/>Antimonopoly Committee of Ukraine</p> | <p><b>Implemented</b><br/>— comments: Nowadays, the Cabinet of Ministers of Ukraine has approved the majority of the Criteria for the admissibility of state aid: 1) Criteria for assessment the admissibility of state aid to business entities for the training of employees (Resolution of the CMU dated 11 January 2018 No.11); 2) Criteria for assessment the admissibility of state aid to business entities for the employment of certain categories of employees (Resolution of the CMU dated 31 January 2018 No.33); 3) Criteria for assessment the admissibility of state aid for restoring solvency and restructuring of business entities (Resolution of the CMU dated 31 January 2018 No.36); 4) Criteria for assessment the admissibility of state aid to business entities to ensure the development of regions and support of medium and small businesses (Resolution of the CMU dated 7 February 2018); 5) Criteria for assessment the admissibility of state aid to business entities for carrying out scientific research, technical development and innovation activities (Resolution of the CMU dated 2 June 2018). Currently, the Criteria for the admissibility of state aid for the protection of the environment and for supporting coal industry are being drafted.</p> |
|             | <p>Procedure for illicit state aid's recovery.<br/>Cabinet of Ministers of Ukraine<br/>Antimonopoly Committee of Ukraine</p>  | <p><b>Implemented</b><br/>— comments: The CMU Resolution No.468 dated 4 July 2017.</p>  |
|             | <p>To improve both scope and quality of information due to be received from aid providers the AMCU is recommended to intensify its' advocacy activities aimed at clarifying existing procedure for notifying AMCU about state aid, including, inter alia, by disseminating respective reporting templates.<br/>Antimonopoly Committee of Ukraine</p>  | <p><b>Implemented</b><br/>— comments: Due to the numerous letters from central and local government agencies, on 5 October 2017, the AMCU issued an explanation on the implementation of the state aid legislation No.35-pp/dd, which provides answers to the most common issues regarding the implementation of legislation in the field of state aid.</p>   |
|             | <p>To promptly start inventory of state aid Measures subject to availability of the relevant and properly tested material base (hardware and software).<br/>Antimonopoly Committee of Ukraine</p>   | <p><b>Implemented</b><br/>— comments: With the enactment in full of the Law of Ukraine "On State Aid to Undertakings", the AMCU with the support of the EU International Technical Assistance Project in August 2017 prepared and implemented the Information and Analytical System "Register" (electronic platform). The "State Aid Portal" was created to collect information on current and new state aid, it contains a register of state aid, a register of decisions, a register of cases, etc. Using the portal, it is convenient to provide information on state aid.</p>   |