

Pasichnyk V. Stages of the authorisation proceedings for granting permission for coordinated actions with participation of the foreign economic entity

Economic entities of Ukraine, planning to purchase and sale goods (works, services) in the territory of Ukraine together with foreign economic entities, to conclude different contracts (agreements) in any form concerning the fixation of trade terms, to promote improvement, increase the production, dissemination and distribution of products (goods and services) on the relevant commodity markets of Ukraine are obliged to obtain permission of the Antimonopoly Committee of Ukraine before conducting joint competitive actions, in particular coordinated ones. In order to make a decision and obtain permission of the Antimonopoly Committee of Ukraine, it is necessary to carry out certain administrative and procedural activities, which consists in the consideration of the application on granting permission for coordinated actions in Ukraine, materials (documents) attached thereto and the adoption of the corresponding decision.

The article outlines the stages of authorisation proceedings for granting permission to economic entity of Ukraine and foreign economic entity or several foreign economic entities for coordinated actions in Ukraine by the Antimonopoly Committee of Ukraine, namely: stage of adoption of the submission of application for authorization for coordinated actions in Ukraine by the Antimonopoly Committee of Ukraine; stage of consideration by the Antimonopoly Committee of Ukraine of the statement and administrative case on granting permission for coordinated actions in Ukraine; stage of adoption by the Antimonopoly Committee of Ukraine of a substantiated individual administrative and legal act – a decision to grant a permission (refusal to grant a permission) for coordinated actions in Ukraine; stage of official disclosure (notification) by the Antimonopoly Committee of Ukraine concerning the provision or refusal to provide a permission for coordinated actions in Ukraine.

Having considered the stages of authorisation proceedings it was concluded that the main stage represents the one regarding the consideration by the Antimonopoly Committee of Ukraine of an application and administrative case on granting the permission for coordinated actions in Ukraine, during which the state commissioner of the Antimonopoly Committee of Ukraine or the head of the territorial branch of the Antimonopoly Committee Ukraine shall study and analyse information submitted by the applicant (economic entity of Ukraine or foreign economic entity or several foreign economic entities) concerning planned finalised actions in Ukraine.

The development of this stage determines the content of the following ones, namely decision making and disclosure of necessary information. Therefore, the authorities of the AMC of Ukraine and economic entities shall pay more attention to the second stage of this authorization proceeding.

Key words: Antimonopoly Committee of Ukraine, stages of authorisation proceeding, coordinated actions, decision, administrative case, economic entity of Ukraine, foreign economic entity.