

Competition - Ukraine

Regulator's new anti-cartel agreement with Ministry of Internal Affairs

Contributed by [Astapov Lawyers International Law Group](#)

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The Anti-monopoly Committee has strengthened its cooperation with the Ministry of Internal Affairs in cartel investigations. The agencies recently signed an agreement on their collaboration and their respective powers. The rules will help to enhance ongoing consultations and the exchange of information during investigations into anti-competitive behaviour. Among other things, they provide for the committee to engage the ministry to conduct inspections, thereby ensuring that access to the premises of undertakings that are suspected of cartel involvement is effected correctly.

Despite certain enhancements in the committee's cooperation with the ministry, there remains the unresolved issue of cooperation within other law enforcement authorities, such as the State Prosecution Office and the Investigation Agency. There have been a number of situations in which misunderstandings have arisen between the committee and the State Prosecution Office regarding the initiation and closing of criminal cases and powers of investigation. In order to ensure that the agencies carry out their work effectively, issues such as confidentiality in the exchange of information and the strict allocation of powers need to be addressed.

A better option would be to entrust the committee itself with responsibility for investigation and search operations, giving it powers closer to those exercised by the US Antitrust Commission in the Department of Justice or the competition authorities of many EU member states. The Cabinet of Ministers has prepared a draft law that substantially expands the powers of the committee and develops the investigation methods in this area; however, it is still at the draft stage and has not been submitted to Parliament.

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