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## INSTITUTIONAL PROVISION OF THE COMPETITION REGULATION MECHANISM IN UKRAINE'S ECONOMY

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**Abstract.** *The article examines the institutional prerequisites and practical mechanisms for implementing Ukraine's antimonopoly policy in the context of the transformation of the national economy and the deepening of European integration processes. A retrospective analysis of the system of competition and antimonopoly regulation in Ukraine is carried out - from the initial stage of demonopolization of economic structures in the 1990s to the current period of European integration transformations. Special attention is paid to the analysis of the formation of the legal framework, in particular the Laws of Ukraine "On Restricting Monopoly and Preventing Unfair Competition" (1992), "On Protection of Economic Competition" (2001), which determined the basic principles of the functioning of the competitive environment. The key role of the Antimonopoly Committee of Ukraine as a specialized state body designed to ensure a balance between freedom of entrepreneurial activity and protection of consumer interests from abuse of market power is emphasized. It is concluded that legislative innovations in recent years, in particular the adoption in 2023 of the law on improving the activities of the AMCU, are aimed at increasing the transparency, accountability and effectiveness of the antitrust regulatory mechanism by improving case review procedures, information and access to databases, as well as streamlining liability mechanisms and merger procedures.*

*The assessment of the system of institutional provision for the competition regulation system was also carried out through the prism of the regulatory definition of the main subjects and objects of such regulation. First of all, it concerns the methodology for determining the dominant position of market agents, which provides the possibility of abuse of monopoly power for a more objective delineation of market boundaries, as well as regulation of the activities of economic entities operating in natural monopoly markets in the context of forming an optimal balance between state control, economic efficiency and consumer protection. Particular attention is paid to anti-competitive concerted actions and processes of economic concentration as a result of takeovers and mergers of firms as key objects of the antitrust toolkit. The need for further improvement of antitrust regulation in Ukraine is substantiated based on the principles of legal certainty, transparency,*

*institutional independence of the Antimonopoly Committee, and digital openness of control processes. Attention is focused on the importance of harmonizing national legislation with EU standards and implementing best international practices in the field of competition policy in order to increase the effectiveness of antitrust regulation of the domestic economy and accelerate and integrate Ukraine into the single European market.*

**Keywords:** *competition policy, iinstitutional provision, antimonopoly regulation, monopolized market, anticompetitive concerted actions, unfair competition, monopoly position, Antimonopoly Committee of Ukraine.*

**Statement of the problem.** In modern market conditions economic entities compete for sustainable competitive positions, seeking to expand market share, increase efficiency and ensure long-term profitability. Competitive interaction between economic entities is the driving force of economic development, because it stimulates technological innovations, increases labor productivity, improves the quality of goods and services and forms customer-oriented business models. At the same time, a combination of economic, organizational and institutional factors leads to the formation of monopolized market structures, within which individual economic entities, occupying a dominant position, often resort to unfair competition and anti-competitive actions aimed at expanding their own influence and crowding out competitors.

Under such conditions the issue of ensuring effective protection of economic competition, preventing abuse of market power and developing an effective system of antitrust regulation becomes particularly relevant. The effectiveness of the state's pro-competitive policy is largely determined by the level of development of its iinstitutional provision, primarily the legal framework, and the functioning of organizational structures authorized to implement antitrust policy within the limits of the granted powers.

The development of an effective institutional system for implementing competition policy is a strategic task of the state, on the implementation of which not only the stability of the competitive environment depends, but also the overall efficiency of the national economy and its integration into global market structures.

**Analysis of recent research and publications.** The issue of forming and implementing competition policy in the economy of Ukraine is the object of numerous scientific interests of both domestic and foreign scientists, in particular Galushko N.O., Gritsay O.V., Grigor'eva V.V., Demzetsya G., Ignatiuk A.I., Maistro S.V., Kleban O.D., Lagutin V.D., Marinov A.S., Omelchenko L.V., Ostroverkh P.I., Tiufanova G.O., Filiuk G.M., Charcha J., Shvydka T.I., Yasko Y.I. and others.

Researchers most often focus on individual instruments of antitrust regulation, the features, goals and specifics of their application in alternative models of competition policy and in the context of individual countries, their socio-economic effectiveness, etc. However, a number of issues related to a comprehensive retrospective and prospective analysis of the iinstitutional provision of the competition regulation mechanism in the context of Ukraine's integration into the European economic space require more careful attention and research.

**Research objective.** The purpose of this article is to examine the institutional - in particular, legal - foundations of the formation and development of the competition regulation system in Ukraine, to identify its institutional characteristics, and to assess its role in ensuring effective economic competition in the context of market transformation and European integration processes.

**Presentation of the main research material.** Economic competition is a significant factor in the efficiency of the market environment. Its protection and development require the creation of an effective system of institutional provision for the mechanism of antitrust regulation of the country's economy. The implementation of a pro-competitive policy is impossible without the proper formation of antitrust legislation and a network of organizational structures authorized to ensure its implementation.

After the collapse of the Soviet Union, Ukraine inherited a high level of concentration of production, a centralized system of distribution and redistribution of national income, as well as an economy managed mainly by administrative-command methods. Such conditions necessitated the introduction of antitrust regulation, the main principles, subjects and mechanisms of which were defined in the State Program for Demonopolization of the Economy and Development of Competition (1993) [10].

The formation of a system of institutional provision for the implementation of competition policy in Ukraine began shortly after the declaration of independence, with the publication on March 15, 1992 of the Law of Ukraine "On Restricting Monopoly and Preventing Unfair Competition in Business Activities" . [ 6 ] The adoption of this law became the basis for the formation of legal principles for restricting and preventing monopolies, combating unfair competition in the business environment, and ensuring state control over compliance with the requirements of antitrust legislation. The document also established clear prohibitions on the abuse of monopoly positions by business entities in the market.

In November 1993, the Law of Ukraine "On the Antimonopoly Committee of Ukraine" No. 3659-XII declared the creation of an institutional structure of the same name, designed to implement the relevant state policy. The Antimonopoly Committee of Ukraine (AMCU) became the basic institutional body responsible for ensuring fair competition and preventing anticompetitive behavior, abuse of monopoly position and unfair competition. The Antimonopoly Committee of Ukraine (AMCU) is a state body with a special status, the purpose of which is to ensure state protection of competition in entrepreneurial activity and in the field of public procurement . [2]

The main vector of activity of the AMCU is aimed at detecting , preventing and stopping violations of legislation on the protection of economic competition; control over concentration processes in the industry market, concerted actions of business entities, prices and tariffs of natural monopolies, protection of competition in the field of public procurement, etc. An important function of the committee is also the development methodological basis for the implementation of legislation in the field of protection of economic competition. The Antimonopoly Committee investigates the market in accordance with its powers in order to prevent distortion of competition in the market, focusing on combating anti-competitive behavior, abuse of monopoly status and unfair competition.

In general, the period 1996-2000 can be considered as a period of adoption of fundamental laws of demonopolization of the economy and restructuring of monopoly markets, introduction of a system of regular monitoring of monopoly behavior and antitrust supervision. Thus, in 1996. the Law of Ukraine "On Protection from Unfair Competition" dated 07.06.1996 No. 236/96-VR was adopted, which determined the legal principles of protection of business entities and consumers from unfair competition [ 4 ] , as well as the Law "On Natural Monopolies" dated 20.04.2000 No. 1682-III, the norms of which determined the legal, economic and organizational principles of state regulation of the activities of natural monopoly entities in Ukraine [5] .

After the implementation of radical reforms, privatization and demonopolization, the field of competitive relations in Ukraine began to gradually change. New economic conditions required not only the formal eradication of monopolies, but also the creation of a competitive environment that would guarantee a stable and long-term increase in income and living standards of the population. Therefore, the emphasis in antitrust regulation is shifting from the issue of preventing and overcoming monopoly to stimulation and protection of economic competition. The Decrees of the President of Ukraine adopted the "Main Directions of Competition Policy for 1999-2000" and "Main Directions of Competition Policy for 2002-2004", which, together with the Law of Ukraine "On Protection of Economic Competition" No. 1111/2001, which was put into effect in 2001, 2210-III, the term "competition policy" was implemented [3].

Adoption of the Law of Ukraine on January 11, 2001 "On the protection of economic competition" No. 2210-III, which replaced the 1992 law "On Restricting Monopoly and Preventing Unfair Competition in Business Activities" became an important stage in the system of competition regulation of the economy of Ukraine. Article 4 of the above-mentioned Law institutionally distinguished the policy of protecting economic competition, in particular, competition policy as the state policy in the sphere of developing economic competition, and antimonopoly policy - the policy of restricting monopolies and implementing demonopolization of the economy [3]. The Law was aimed at ensuring the effective functioning of the economy of Ukraine based on the development of competitive relations. This Law remains in force to this day.

During 2001-2013, the regulatory and legal support for the implementation of the state's antimonopoly policy was generally limited to the formation of the legal basis for its functioning, the creation of an effective system for combating institutional monopolies, and the establishment of market self-regulation mechanisms.

Since 2014, the system of competition advocacy, pro-competitor politics, and the policy of de-shadowing the national economy to counteract distortions of competition, declared by the Concept of the National Program for the Development of Competition for 2014-2024, have dominated [12].

Currently, the institutional principles for ensuring the protection of economic competition and antimonopoly regulation are laid down in such regulatory legal acts as the Constitution of Ukraine, the laws of Ukraine "On the Antimonopoly Committee of Ukraine", "On Protection from Unfair Competition", "On Protection of Economic Competition", "On Natural Monopolies", etc. The Constitution of Ukraine, and until recently the Economic Code (repealed on August 28, 2025 in accordance with Law No. 4196-IX of January 9, 2025) form the primary level of institutional provision for the antimonopoly regulation system, and the relevant legislative and regulatory legal acts are its secondary level. This also includes laws, resolutions and orders of lower levels that are based on basic legislative acts in the field of antimonopoly regulation and regulate more specific issues related to competition and antimonopoly policy.

The basic legislative act that defines the legal principles of supporting and protecting economic competition and limiting monopolies in economic activity is the Law of Ukraine "On Protection of Economic Competition" dated 11.01.2001 No. 2210-III. [3]. The law defines economic competition as the basic institution of the market mechanism for balancing supply and demand, and also regulates relations between state bodies, local governments, administrative and economic management and control bodies and economic entities, the participation of economic entities in economic competition with other economic entities, consumers, other legal entities and individuals. The mentioned legislative act not only defines

relationships that are not consistent with the operation of the free market mechanism, in particular, it concerns concerted anti-competitive behavior, restrictive and discriminatory activities, and measures to counteract such relations are outlined.

The Law of Ukraine "On Protection of Economic Competition" embodies the principles of competition regulation, and its provisions generally correspond to similar provisions of the antitrust legislation of the European Union countries. Such consistency of the relevant norms of domestic and European legislation in the field of regulation of competition relations is a positive characteristic of the analyzed law, as it facilitates and simplifies the European integration processes of Ukraine /

In addition, in 2020, a reform of competition legislation was carried out - with the participation of international experts, a draft law was developed and finalized. the draft Law of Ukraine "On Amendments to Certain Laws of Ukraine on Competition and Antimonopoly Reform (registration number 2730 of January 31, 2020), the purpose of which is to approximate Ukrainian competition legislation to the law of the European Union by strengthening the powers of the Antimonopoly Committee of Ukraine. However, the Committee of the Verkhovna Rada of Ukraine on Legal Policy concluded that the analyzed draft law contradicts the provisions of the Constitution of Ukraine.

In August 2023, the Verkhovna Rada of Ukraine adopted Bill No. 5431 "On Amendments to Certain Legislative Acts of Ukraine on Improving the Activities of the Antimonopoly Committee of Ukraine" (registration No. 5431 dated 04/27/2021), which launched the reform of competition legislation, significantly bringing the relevant legislation of Ukraine and the activities of the Antimonopoly Committee closer to the requirements of the European Union.

The legislative act is intended to improve the procedures for settlement and release from liability; introduce joint and several liability of violators; limit the term for consideration of cases of violations to 5 years; introduce a clear procedure for hearing cases and the procedure for access to case materials; oblige the AMCU to publish a large list of information, which makes the work of the department more open; give the Committee access to state and local databases; introduce a mechanism for granting the AMCU's decisions the status of an executive document; guarantee the financial independence of the Committee, etc. [8]. The implementation of relevant legislative changes will increase the effectiveness of the protection of economic competition, strengthen the Committee as an independent state body; detail the procedural rights of both business entities and the Committee's bodies and reduce administrative pressure on business.

On July 24, 2024, the Antimonopoly Committee of Ukraine presented the second stage of reforming the competition legislation of Ukraine. It is an important step in harmonizing the legislation on the protection of economic competition with the norms of European Union law, in particular Articles 101 and 102 of the Treaty on the Functioning of the European Union (TFEU) and Directive 2019/1, in order to further strengthen the institutional capacity of the AMCU in ensuring fair competition and equal rules for all market players. The reform of competition legislation clarifies and harmonizes with Articles 101 and 102 of the TFEU such concepts as anti-competitive concerted actions and abuse of a monopoly (dominant) position, regulates the mechanism for declaring transactions that were the result of such violations invalid. The obtaining prior permission for concerted actions by business entities is abolished. A new tool for controlling the lawful use of economic power in bilateral business relations is also being introduced - the concept of a more advantageous negotiating offer and the prohibition of its abuse. In addition, the project formalizes the mechanisms of cooperation between the AMCU and European authorities (exchange of information in merger cases and

investigations) and enhances the procedural transparency of decisions, which meets the key requirements of Directive 2019/1 on enhancing the capacity of national competition authorities [7].

The implementation of the second stage of reforming domestic competition legislation and harmonizing it with European Union law in accordance with Articles 101 and 102 of the TFEU and Directive (EU) 2019/1 was ensured by the Law of Ukraine No. 3295-IX, adopted in 2024. The document significantly expands the powers of the Antimonopoly Committee of Ukraine, providing it with more tools for investigations, control and application of sanctions for violations of competition rules. In addition, the law modernizes case review procedures, introduces the principle of self-assessment of concerted actions, and strengthens liability for abuse of a dominant market position. [ 1 ].

The effectiveness of the institutional framework of competition policy depends largely on the clarity and completeness of the definition of subjects and objects of antitrust regulation.

The mechanism of competition regulation in Ukraine is based on a specific algorithm of actions, which is primarily designed to determine whether the relevant economic entity occupies a dominant (monopoly) position in the market.

The presence of a market agent in a monopoly position in the market and monopoly power provides grounds for the development and adoption of appropriate decisions on antitrust regulation, demonopolization of the economy and protection of economic competition, control over compliance with relevant antitrust legislation, concerted actions, concentration; protection of the interests of various market agents from violations of antitrust legislation and mechanisms of fair market competition. The regulatory acts of Ukraine have identified a number of features that give grounds for considering a business entity as occupying a monopoly (dominant) position in the product market [14] , in particular, the absence of other competitors on the market, as well as the absence of significant competition due to limited access opportunities for other business entities to purchase resources and/or sell goods, the existence of barriers to entry/exit to the industry market for other firms, etc.

In addition, the position of a business entity with a market share of more than 35% is considered monopolistic (dominant), unless it proves the existence of fierce competition in the market. A similar principle of determining a dominant position is applied if two or more business entities operate on the market, between which there is no competition at all or there is little competition for a certain type of product. It should be noted that the classification of a dominant market entity can be obtained by a market agent with a market share less than the specified threshold of 35%, which, however, is not subject to significant competition, in particular due to the relatively small size of the market share occupied by competitors. The operation of a larger number of market agents on the market increases the threshold limit of market share, which gives grounds for determining the status of dominance in the market. Thus, the two or three largest economic entities may be recognized as occupying a dominant position on the market if their total market share exceeds 50%, and for four or five entities - 70%, and there is no evidence of competition between them.

The assessment of whether a business entity holds a dominant position in the market is carried out in accordance with the Methodology for Determining the Monopolistic (Dominant) Position of Business Entities in the Market, approved by the Order of the Antimonopoly Committee of Ukraine No. 49-r dated 05.03.2002. [14] .

Under particularly close supervision of the state and relevant regulatory authorities are the subjects of natural monopoly markets. In the process of their activities, complex measures of influence are used, mainly related to ensuring the proper quality of goods and

establishing economically justified tariffs, fair distribution of goods and services. The Law "On Natural Monopolies" clearly regulates the areas of activity of natural monopolies that are subject to antitrust regulation. These are mainly activities in the field of transportation, distribution and storage of oil and natural gas, transmission and distribution of electricity, transportation of heat; railway transport, specialized services in the fields of water and air transport, etc. In addition, the law provides for the following elements of the activities of natural monopoly subjects that require state intervention: prices and tariffs set by natural monopoly subjects; ensuring free and non-discriminatory access for buyers to goods and services in the relevant markets; and other conditions and features of economic activity for the production, sale and distribution of products of natural monopoly entities under certain special circumstances provided for by domestic legislation [5].

The main feature of antitrust regulation of the activities of natural monopolists is usually the targeting of regulation, i.e. directing appropriate measures to a specific subject of natural monopoly and at the same time maintaining the latter's self-sufficiency, ensuring the protection of consumer rights, improving the quality of goods and services, etc.

The object of antitrust regulation in Ukraine is primarily anticompetitive concerted actions, which are recognized as actions in the form of concluding agreements of various forms, making various decisions, or even concerted inaction, which have led or may lead to the prevention, elimination or restriction of competition. Anticompetitive concerted actions primarily concern the setting of prices or conditions for the purchase/sale of goods; restriction and establishment of control over commodity and investment markets; differentiation of sales or supply markets on various grounds: territorial, subject, etc.; erection of barriers to entry/exit or elimination from the market of other economic entities; inclusion in the content of the agreement of additional obligations that do not directly concern it; discrimination of other market agents by application of different conditions to similar agreements with other economic entities, etc.

The defining consequences of such concerted anti-competitive actions are the monopolization of the relevant markets; commodity shortages and economically unjustified price increases; and restrictions on access to the market for other economic entities.

Given that a number of concerted actions between various market agents, even if they are anti-competitive in nature, can contribute to economic development, economic activity of the small and medium-sized enterprise sector, improvement of production, etc., the Antimonopoly Committee of Ukraine may approve their implementation. For this purpose, the AMCU has developed Standard Requirements for such concerted actions [10].

Particular attention in the mechanism of competitive regulation of entrepreneurial activity in Ukraine is paid to the processes of economic concentration through the mechanism of mergers and acquisitions of firms, the election of management bodies, where a number of key positions are held by the same persons; the acquisition of direct or through other persons of control over a market by individual or several market agents through the acquisition or acquiring ownership of assets, shares, etc. in other ways.

The antimonopoly regulator of Ukraine has developed a set of quantitative criteria for economic concentration, which will determine the receipt of permits for relevant economic activities related to the takeover and merger of companies. Such permission is required if the total value of assets or the total volume of sales of goods of the parties to the concentration, for the last financial year, exceeds the equivalent of EUR 30 million, and, at least for two parties to the concentration, such value exceeds the equivalent of EUR 4 million each; or when the total value of assets or the total volume of sales of goods in Ukraine of the business entity over which control is acquired exceeds the amount equivalent to 8 million euros for

the last financial year, and at the same time the volume of sales of goods of the other participant in the concentration exceeds the amount equivalent to 150 million euros [ 9 ].

However, even without meeting the quantitative criteria for concentration processes subject to antitrust regulation, if the latter do not lead to a significant restriction of competition in the relevant industry market or its monopolization, the participants in the concentration processes may obtain permits for the relevant actions. To obtain such permits, even if the AMCU refuses, the participants in the concentration have the opportunity to apply to the Ministry of Economy and European Integration of Ukraine, with justification and illustrated calculations of the relevant socio-economic indicators of the positive effect for public welfare of the specified concentration and proof of the necessity of such actions for the implementation of the specified goal and that they do not pose a threat to the market mechanism.

The improvement of the system of institutional provision for the implementation of competition policy in Ukraine should be carried out through the prism of relevant effective global, primarily European, practices of competition and antitrust regulation. Thus, it is advisable to systematize the current regulatory legal acts in the field of competition by preparing a single Code of Economic Competition , which would unite the provisions of the laws "On Protection of Economic Competition", "On the Antimonopoly Committee of Ukraine" and related acts, based on the provisions of *the acquis communautaire* - in particular, Articles 101–109 of the Treaty on the Functioning of the European Union, which determine the rules of competition in the EU. Such an approach corresponds to the practice of the EU, where the main principles of competition policy are summarized in several unified documents (Regulation 1/2003, Regulation 139/2004), and will also contribute to the harmonization of Ukrainian legislation with EU competition law [12] .

The objective necessity is to create an electronic platform "E-Competition", which will include a public register of investigations, an electronic archive of AMCU decisions, online filing of applications and an interactive module for market concentration analytics. Similar systems operate in the EU (Competition Register) and Canada (Competition Bureau Portal) [25]. The publication of generalized analytical reports, including statistics on sanctions and cases with precedent practice, will contribute to increasing the publicity and transparency of AMCU decisions. This will increase business confidence and bring operating standards closer to European practices.

The increasing level of digitalization of the national economy makes it urgent to develop a methodology for assessing the dominance of market agents, taking into account the characteristics of digital platforms, network effects, and data ownership as a market advantage. Such methodologies are already in place in the EU (Digital Markets Act, 2022) and Australia.

We consider it appropriate to implement the European practice of the so-called corporate compliance, which consists in introducing a program of voluntary antitrust audits of companies with tax or reputational bonuses. In particular, the leniency or loyalty program has proven effective in the context of anti-cartel efforts in Europe . If cartel participants voluntarily admit their participation in it, cooperate with antitrust regulators and law enforcement agencies, they receive the right to full or partial immunity from punishment. The reward for the first whistleblower is usually partial or full immunity from punishment. The second and subsequent whistleblowers must provide solid evidence of the violations committed in order to receive, for example, a reduction in the fine of up to 50% [25]. In 2023, the AMCU introduced a mechanism for exemption from liability for anti-competitive concerted actions, according to which only the first applicant who applied to the AMCU regarding anti-competitive actions is exempted from liability for their commission.



However, entities wishing to participate in the Leniency Program cannot predict whether they will be the first to apply or not, and therefore face a significant risk of being held fully liable for a violation of antitrust law [8]. As a result, in Ukrainian practice, business entities are skeptical of such initiatives by competition regulators.

The institutional decentralization of antitrust control will be facilitated by the creation of regional representative offices of the AMCU with analytical centers for a more efficient response to local manifestations of monopolism.

The financial autonomy of the AMCU through the introduction of a separate item from the state budget with its direct financing will contribute to minimizing political influence and objectivity of decisions.

The need to strengthen the institutional capacity of the Antimonopoly Committee is also enshrined in the recommendations of a number of international organizations that have provided advisory support to the agency for several years [ 26: 17, p. 58 ].

A necessary institutional condition for increasing the effectiveness of pro-competition policy as a result of improved information exchange and joint investigation of transnational cartels is enhanced international cooperation and more active interaction with the European Competition Network (ECN), in particular through Ukraine's accession to *the OECD Competition Committee* as a full member.

Increased trust in the activities of antitrust regulatory authorities will be facilitated by broader involvement of the public and the expert community (scientists and practitioners) in the format of creating an appropriate advisory council at the AMCU for preliminary discussion of strategic decisions in the field of competition policy.

**Conclusions and prospects for further research.** Economic competition is a key institution of a market economy, which ensures the effective functioning of economic processes and stimulates innovative development. After gaining independence, Ukraine inherited a monopolized economic structure, which required deep transformations in the direction of demonopolization and the formation of a competitive environment.

The adoption of the laws "On Restriction of Monopoly and Prevention of Unfair Competition" (1992) and "On Protection of Economic Competition" (1996) created the legal basis for the development of a competitive environment and the prevention of abuse of market power. In subsequent years, a legislative framework was created that covers all key aspects of competition policy - from the regulation of natural monopolies to the prevention of anti-competitive concerted actions. Of particular importance was the adoption of the Law of Ukraine "On Protection of Economic Competition" (2001), which defined the concept of competition policy and laid down European principles for its implementation. The development of antitrust policy was also accompanied by the institutional strengthening of state bodies, primarily the Antimonopoly Committee of Ukraine, which became the central regulator of competition processes. The current stage of competition policy is characterized by an emphasis on advocacy of competition, prevention of shadow schemes and reduction of administrative pressure on business.

The existing regulatory framework creates a foundation for the further development of competitive relations, but requires adaptation to the digital economy and new market challenges. Strengthening the role of institutional control and improving judicial practice in the field of competition is a necessary condition for ensuring fair rules of the game in the market. The effective functioning of the antitrust regulatory system in Ukraine is an important factor in sustainable economic development, integration into the European economic space and improving the well-being of the population.

### References

1. Verkhovna Rada of Ukraine. (2024, August 9). Zakon Ukrainy «Pro vnesennia zmin do deiakykh zakoniv Ukrainy shchodo udoskonalennia antymonopolnoho zakonodavstva» № 3295-IX [Law of Ukraine “On Amendments to Certain Laws of Ukraine to Improve Antimonopoly Legislation”]. <https://zakon.rada.gov.ua/laws/show/3295-20#Text>
2. Verkhovna Rada of Ukraine. (2023, July 2). Zakon Ukrainy «Pro Antymonopolnyi komitet Ukrainy» № 3659-XII [Law of Ukraine “On the Antimonopoly Committee of Ukraine”]. <https://zakon.rada.gov.ua/laws/show/3659-12#Text>
3. Verkhovna Rada of Ukraine. (2023, June 22). Zakon Ukrainy «Pro zakhyst ekonomichnoi konkurentsii» № 2210-III [Law of Ukraine “On Protection of Economic Competition”]. <https://zakon.rada.gov.ua/laws/show/2210-14#Text>
4. Verkhovna Rada of Ukraine. (2020, October 16). Zakon Ukrainy «Pro zakhyst vid nedobrosovisnoi konkurentsii» № 236/96-VR [Law of Ukraine “On Protection Against Unfair Competition”]. <https://zakon.rada.gov.ua/laws/show/236/96-%D0%B2%D1%80#Text>
5. Verkhovna Rada of Ukraine. (2023, March 31). Zakon Ukrainy «Pro pryrodni monopolii» № 1682-III [Law of Ukraine “On Natural Monopolies”]. <https://zakon.rada.gov.ua/laws/show/1682-14#Text>
6. Verkhovna Rada of Ukraine. (1992, February 18). Zakon Ukrainy «Pro obmezhenia monopolizmu ta nedopushchennia nedobrosovisnoi konkurentsii u pidpriemnytskii diialnosti» № 2133 [Law of Ukraine “On Restriction of Monopolization and Prevention of Unfair Competition in Entrepreneurial Activity”]. <https://zakon.rada.gov.ua/laws/show/2132-12#Text>
7. Antimonopoly Committee of Ukraine. (2024, June 24). Proiekt Zakonu Ukrainy «Pro vnesennia zmin do deiakykh zakonodavchych aktiv Ukrainy shchodo diialnosti Antymonopolnoho komitetu Ukrainy» [Draft Law “On Amendments to Certain Legislative Acts of Ukraine Regarding the Activities of the Antimonopoly Committee of Ukraine”].
8. Verkhovna Rada Ukrainy. (2021, April 27). Proekt Zakonu № 5431 «Pro vnesennia zmin do deiakykh zakonodavchych aktiv Ukrainy shchodo vdoskonalennia diialnosti Antymonopolnoho komitetu Ukrainy» [Draft Law No. 5431 “On Improving the Activities of the Antimonopoly Committee of Ukraine”]. [https://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=71771](https://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=71771)
9. Antimonopoly Committee of Ukraine. (2002, February 19). Polozhennia pro poperednie otrymannia dozvolu na kontsentratsiiu subiektiv hospodariuvannia: Rozporiadzhennia № 33-r [Regulation on Prior Authorization for Concentration of Economic Entities: Order No. 33-r]. <https://zakon.rada.gov.ua/laws/show/z0284-02#Text>
10. Antimonopoly Committee of Ukraine. (2002, February 12). Pro nadannia dozvolu na uzgodzheni dii subiektiv hospodariuvannia: Rozporiadzhennia № 26-r [On Granting Authorization for Concerted Actions of Economic Entities: Order No. 26-r]. <https://zakon.rada.gov.ua/laws/show/z0238-02#Text>
11. Verkhovna Rada of Ukraine. (1993, December 21). Derzhavna prohrama demonopolizatsii ekonomiky i rozvytku konkurentsii № 3757-XII [State Program for the Demopolization of the Economy and Development of Competition]. <https://zakon.rada.gov.ua/laws/show/3757-12#Text>
12. Council of the European Union (n.d.). Konsolidovani versii Dohovoru pro Yevropeyskyi Soiuz ta Dohovoru pro funktsionuvannia Yevropeiskoho Soiuzu [Consolidated Versions of the Treaty on European Union and the Treaty on the Functioning of the European Union]. [https://zakon.rada.gov.ua/laws/show/994\\_b06#Text](https://zakon.rada.gov.ua/laws/show/994_b06#Text)
13. Cabinet of Ministers of Ukraine. (2012). Kontseptsiiia Zahalnodержavnoi prohramy rozvytku konkurentsii na 2014–2024 roky [Concept of the National Program for the Development of Competition for 2014–2024]. <http://zakon4.rada.gov.ua/laws/show/690-2012-%D1%80>

14. Antimonopoly Committee of Ukraine. (2002, March 5). *Metodyka vyznachennia monopolnoho (dominuiuchoho) stanovyscha subiektiv hospodariuvannia na rynku: Rozporiadzhennia № 49-r* [Methodology for Determining the Monopoly (Dominant) Position of Economic Entities on the Market]. <https://zakon.rada.gov.ua/laws/show/z0317-02#Text>
15. Antimonopoly Committee of Ukraine. (2023, November 30). *Poriadok zvinnennia vid vidpovidalnosti za vchynennia porushennia zakonodavstva pro zakhyst ekonomichnoi konkurentsii u vyhladi antykonkurentnykh uzgodzhenykh dii: Rozporiadzhennia № 19-rp* [Procedure for Exemption from Liability for Violations of Competition Law in the Form of Anticompetitive Concerted Actions].
16. Halushka, N. O., & Kleban, O. D. (2021). *Vdoskonalennia zakonodavstva u sferi antymonopolno-konkurentnoho rehuliuвання* [Improvement of Legislation in the Field of Antimonopoly and Competition Regulation]. *Visnyk Lvivskoho universytetu torhivli ta ekonomiky. Yurydychni nauky*, (10), 35–42.
17. Hryhorieva, V. V., & Kryvosheienko, V. S. (2024). *Rol Antymonopolnoho komitetu Ukrainy u realizatsii derzhavnoi konkurentnoi polityky* [The Role of the Antimonopoly Committee of Ukraine in the Implementation of State Competition Policy]. *Visnyk Mizhnarodnoho universytetu "Mitropoliten Yuniversiti"*, 2(18), 56–63.
18. Maistro, S. V. (2022). *Teoretyko-metodychni ta normatyvno-pravovi osnovy derzhavnoi antymonopolnoi polityky* [Theoretical, Methodological, and Legal Foundations of State Antimonopoly Policy]. *Visnyk NUTsZU. Serii: Derzhavne upravlinnia*, (2), 121–128.
19. Maryna, A. S., & Shvets, N. S. (2024). *Diialnist Antymonopolnoho komitetu Ukrainy v umovakh voiennoho stanu* [Activities of the Antimonopoly Committee of Ukraine under Martial Law]. *Ekonomichnyi prostir*, (198), 98–106.
20. Omelchenko, L. V. (2021). *Mekhanizm zabezpechennia zakhystu konkurentsii v Ukraini: administratyvno-pravovyi aspekt* [Mechanism for Ensuring Competition Protection in Ukraine: Administrative-Legal Aspect].
21. Ostroverkh, P. I., Moriak, T. P., & Ostafichuk, S. P. (2020). *Teoretyko-metodolohichni zasady analizu antymonopolnoi polityky derzhavy* [Theoretical and Methodological Principles of Analyzing the State Antimonopoly Policy]. *Formuvannia rynkovoï ekonomiky v Ukraini*, 44, 140–151.
22. Antimonopoly Committee of Ukraine. (n.d.). *Ofitsiinyi sait* [Official Website]. <https://amcu.gov.ua/>
23. Yevropeiska komisiia. (n.d.). *Ofitsiinyi sait* [Official Website]. [http://europa.eu/rapid/press-release\\_IP-17-1784\\_en.htm](http://europa.eu/rapid/press-release_IP-17-1784_en.htm)
24. Tiufanova, H. O. (2021). *Pravova pryroda antymonopolnoho komplaienstu yak mekhanizmu dotrymannia natsionalnoho ta mizhnarodnoho prava zakhystu ekonomichnoi konkurentsii* [Legal Nature of Antimonopoly Compliance as a Mechanism for Observing National and International Competition Law]. *Visnyk Uzhhorodskoho natsionalnoho universytetu. Serii: Pravo*, 67, 120–125.
25. European Commission. (n.d.). *EU institutions and competition policy*. [https://ec.europa.eu/competition/consumers/institutions\\_en.html](https://ec.europa.eu/competition/consumers/institutions_en.html)
26. European Commission. (n.d.). *Analytical Report Following the Communication ... on Ukraine's Application for Membership of the European Union*. <https://www.ecoi.net/en/document/2087147.html>

## **ІНСТИТУЦІЙНЕ ЗАБЕЗПЕЧЕННЯ МЕХАНІЗМУ КОНКУРЕНТНОГО РЕГУЛЮВАННЯ В ЕКОНОМІЦІ УКРАЇНИ**

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**Анотація.** У статті проведено дослідження інституційних передумов і практичних механізмів реалізації антимонопольної політики України в умовах трансформації національної економіки та поглиблення євроінтеграційних процесів. Здійснено ретроспективний аналіз системи конкурентного та антимонопольного регулювання в Україні – від початкового етапу демонополізації господарських структур у 1990-х роках до сучасного періоду євроінтеграційних перетворень. Особливу увагу приділено аналізу становлення правової бази, зокрема Законом України «Про обмеження монополізму та запобігання недобросовісній конкуренції» (1992 р.), «Про захист економічної конкуренції» (2001 р.), що визначили основні принципи функціонування конкурентного середовища. Наголошено на ключовій ролі Антимонопольного комітету України як спеціалізованого державного органу, покликаного забезпечувати баланс між свободою підприємницької діяльності та захистом інтересів споживачів від зловживань ринковою владою. Зроблено висновок, що законодавчі новації останніх років, зокрема ухвалення у 2023 році закону щодо вдосконалення діяльності АМКУ, спрямовані на підвищення прозорості, підзвітності та ефективності механізму антимонопольного регулювання через покращення процедур розгляду справ, інформування та доступу до баз даних, а також упорядкування механізмів відповідальності та процедур злиттів.

Оцінку системи інституційного забезпечення системи конкурентного регулювання здійснено також через призму нормативно-правового визначення основних суб'єктів та об'єктів такого регулювання. Насамперед йдеться про методику визначення домінуючого становища агентів ринку, яке забезпечує можливість зловживання монопольною владою задля більш об'єктивного окреслення меж ринку, а також регулювання діяльності господарюючих суб'єктів, що діють на ринках природних монополій у контексті формування оптимального балансу між державним контролем, економічною ефективністю та захистом прав споживачів. Особливу увагу акцентовано на антиконкурентних узгоджених діях та процесах економічної концентрації внаслідок поглинання та злиття фірм як ключових об'єктах антимонопольного інструментарію.

Обґрунтовано необхідність подальшого вдосконалення антимонопольного регулювання в Україні на основі принципів правової визначеності, прозорості, інституційної незалежності Антимонопольного комітету та цифрової відкритості процесів контролю. Акцентовано увагу на важливості гармонізації національного законодавства зі стандартами ЄС і впровадженні кращих міжнародних практик у сфері конкурентної політики задля підвищення ефективності антимонопольного регулювання вітчизняної економіки та прискорення інтеграції України до єдиного європейського ринку.

**Ключові слова:** конкурентна політика, інституційне забезпечення, антимонопольне регулювання, монополізований ринок, антиконкурентні узгоджені дії, недобросовісна конкуренція, монопольне становище, Антимонопольний комітет України.

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