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ANTICOMPETITIVE CONCERTED PRACTICES AS A SYSTEM OF SEPARATE BODIES OF THE ECONOMIC OFFENCES

Governmental protection of economic competition is one of the most important constitutional principles of providing entrepreneurial freedom in Ukraine. A set of legal norms determining frameworks of economic competition protection in Ukraine is an instrument of implementation of this principle. In the modern Ukrainian society, such regulation is provided by a system of norms of antitrust and competitive legislation aimed at formation and maintenance of conditions for optimal functioning of commodity markets, economic freedom, the free flow of commodities, and economic competition protection. Offences in the competitive legislation area include anticompetitive concerted practices of business entities, which harm consumers and inflict losses to the state economy, violating general rules of conduction of competition in the market.

Key words: legal framework of economic competition, antitrust and competitive policy of a government, anticompetitive concerted practices, price fixing.

Problem setting. The Ukrainian legislation on protection of economic competition does not enough precisely regulate a matter of disposition of an offence such as anticompetitive concerted practices.

Recent research and publications analysis. Matters of legal regulation of economic competition, antitrust regulation, and a competitive policy of a government is of considerable importance and relevance nowadays. Papers of numerous scientists, such as H. Androshchuk, O. Bezukh, V. Bazylevych, O. Bakalinska,

S. Valitov, V. Heiiets, Yu. Zhuryk, B. Kvasniuk, V. Lahutin, N. Malakhova, T. Udalova, I. Shumylo, etc., are dedicated to research in this area.

Paper objective. The article purpose is to analyze the competitive legislation, namely the legislation on offences of the antitrust and competitive law, which is concerned with the anticompetitive concerted practices and to determine their types and directions of legislation improvement.

Paper main body. The main offences in the competitive legislation area encompass several violations of the law, namely the anticompetitive concerted practices of business entities. These practices consist in the agreement between business entities regarding price fixing or imposing certain restrictions upon other business entities, which have led or can lead to prevention, elimination, and restriction of competition or infringement of interests of other business entities or consumers. Unlike the abuse of a dominant position, which consists in participation of a single business entity, the anticompetitive concerted practices are always an agreement of two and more parties.

Unlike foreign countries legislation, which define a concept «cartel» that is referred to as one of forms of company unions on a contractual basis, the Ukrainian legislation contains a concept of the anticompetitive concerted practices. Two main features of cartels, namely the agreement and mysteriousness, are inherent to the anticompetitive concerted practices.

Depending on nature of interrelations between market participators, the anticompetitive concerted practices are divided into two types. Horizontal ones, which are implemented at one level of production or distribution of goods by business entities being rivals (e. g., distortion of tender and auction results). Such agreements can contemplate common selling of goods (including export), common purchases (including import of commodities), specialization of production, restriction of investments, and distortion of tender and auction results. They are also referred to as internal branch concerted practices.

Vertical concerted practices are implemented by business entities, which are within a system of relations «buyer — seller» and can be concerned with, for instance, pricing. Concerted actions regarding a sale price are the most widespread example of the vertical anticompetitive concerted practices. The mentioned actions consist in reaching the agreement between a supplier of a particular commodity and its distributor regarding a price level, at which the distributor will sell the commodity to other companies or consumers. In this case, a resale price may be unreasonably higher or lower than a competitive price. However, a price level is not a negative in itself. The very uncompetitive procedure of its fixing is a negative phenomenon. A distributor determines the price not in the process of competition with other retailers, but because of coordination with the supplier, who is often a monopolist or has the considerable market power (Z. M. Borysenko, 2009).

Conglomerate anticompetitive concerted practices are concluding an agreement between business entities, which do not compete (and cannot compete with each other under current conditions) in the same commodity market and, simultaneously, are not or cannot be in terms of buying and selling relationships in corresponding commodity markets (seller — buyer, supplier — consumer).

Mixed anticompetitive concerted practices are concluding an agreement between business entities of two types: entities of the first type compete with each other in the same commodity market and, at the same time, they are or can be in terms of buying and selling relationships in corresponding commodity markets; entities of the other type do not compete and, under current conditions, cannot compete with each other in the same commodity market and, at the same time, they are not or cannot be in terms of buying and selling relationships in corresponding commodity markets. In practice, the same concerted actions can contain features of different types of the above-mentioned anticompetitive practices.

In addition, depending on a final purpose, the anticompetitive concerted practices are divided into practices regarding pricing, product differentiation, obstacles of entering the market, and against rivals.

Finally, the anticompetitive agreements can be direct and indirect. Agreements, which aim at restriction of competition, e. g. maintenance of monopolistic high prices, forcing out rivals from the market, are referred to as direct ones. They are unambiguously recognized as invalid ones because of their obvious contradiction to the competition legislation. Simultaneously, restrictions are sometimes imposed as not a purpose, but as a means of achievement of a certain economic goal, which does not contradict competition in the market. Such agreements are called accessory ones. They are allowed in some cases (Z. M. Borysenko, 2004).

The horizontal anticompetitive concerted practice, which constitutes the most considerable threat to the competition, is more frequently occurring type. Adam Smith wittily pointed out that people of the same trade seldom meet together, even for merriment and diversion, but the conversation ends in a conspiracy against the public, or in some contrivance to raise prices (A. Smith, 1993).

All over the world, an agreement between rivals is considered to be one of the gravest offences in the area of economic competition protection. Harmful consequences of such an agreement are obvious. They harm consumers and inflict losses to the state economy. A competitive process occurs only under conditions, when rivals set prices independently of each other. Competition protection bodies of the world strengthen attempts to prosecute cartel agreements in the very country as well as on the international level, since cartel agreements are direct violations of competition principles. Cartels are secret agreements between business entities concerning fixing prices or restriction of production, geographical division of

a market, elimination from a market or restriction of access of other business entities to a market, etc.

There is no single approach to understanding nature of the cartel agreement in legislation of different countries. In the USA, Canada, Israel, the cartel agreement is a crime and the legislation supposes the criminal responsibility of companies, which participate in the agreement, as well as their executive officers. According to the Australian legislation, the cartel agreement is an offence being subject to civil and legal responsibility. In Germany and a majority of the EU countries, a cartel agreement is an administrative offence. In Brazil, a cartel agreement is defined as a hybrid phenomenon, i.e. it is simultaneously an administrative offence and a crime (N. Ivanytska, M. Larionov, 2015).

As has been mentioned, in the Ukrainian legislation, cartel agreements are called the anticompetitive concerted practices of business entities, which are referred to as: coordinated actions concerned with setting prices or other terms of purchase or selling commodities; restriction of production, commodity markets, technical and technological development, investments, or establishing control over them; division of markets or sources of supply according to a geographical criterion, criteria of commodity assortment, amounts of purchase and selling to different sellers, buyers, and consumers, or according to other criteria of distortion of trade, auction, and tender results; elimination of other business entities, buyers, and sellers from a market or restriction of assess to a market (leaving a market); application of different terms for equivalent agreements with other business entities (these terms put the latter at a disadvantage in competition for concluding agreements in a case of assuming additional obligations by the other party, which do not concerned with a subject of these agreements in compliance with trade or other fair practices in entrepreneurship; significant restriction of competitiveness of other business entities in a market without objectively substantiated reasons (On Protection of Economic Competition, 2001). In addition, the concept «unauthorized agreements or concerted actions» is a synonym for a cartel in the Ukrainian legislation. The Article 30 of the Economic code of Ukraine defines the unauthorized agreements or concerted actions as agreements or concerted actions aimed at: a) setting (maintenance) of monopolistic prices (tariffs), discounts, surcharges, and trade margins; b) division of markets according to a geographical criterion, criteria of commodity assortment, amounts of purchase and selling to different sellers, buyers, and consumers, or according to other criteria in order to monopolize them; c) elimination of other business entities, buyers, and sellers from a market or restriction of assess to a market (the Economic Code of Ukraine, 2003).

The Law contemplates that such coordination can exist in the form of concluding agreements and making decisions by unions of business entities, which are directly

pointed out in the Law, as well as in the form of any other concerted competitive behavior. The statement of the Part 3 of the Article 6 of the Law (On Protection of Economic Competition, 2001) is relatively new. According to this statement, the anticompetitive concerted practices are performing similar actions (inactivity) by business entities in the commodity market, which have led or can lead to prevention, elimination, and restriction of competition in a case of refutation of existence of objective reasons for performing such actions (inactivity). This norm contains sufficiently value judgments, which require appropriate substantiation in the proof of performing anticompetitive concerted actions.

Consequently, the given list of anticompetitive concerted practices is not complete. It is a disadvantage of the legislation. The list of the anticompetitive concerted practices must be precisely outlined in order to prevent distortions in qualification of particular actions of business entities as unlawful ones. The list must not contain value judgments.

A matter on recognition of practices as concerted ones is controversial. It is enough complicated to determine existence of concerted practices, which contradict the antitrust legislation of those companies operating in one or another market. Usually, these practices are not fixed in a tangible form. Companies execute these actions under conditions of uncertainty and without any written arrangements.

Therefore, the anticompetitive concerted practices are a type of offences of competitive legislation being very complicated for the investigation, revealing, and the proof. To reveal the anticompetitive concerted actions (a cartel) the Antitrust Committee of Ukraine (ACU) should collect evidences of existence of an agreement between corresponding business entities. In order to achieve this goal, the ACU bodies use a set of the main powers, namely examination of markets, auditing business entities, and other powers determined by the legislation. Nevertheless, application of the competitive legislation and usage of the main powers are not sufficient instruments for collection of evidences of the offence, since obvious anticompetitive agreements are not fixed in the written form (for instance, in the form of a contract, a decision, or another written document) and are concluded orally. All of these facts end in appearance of difficulties for the antitrust officials in the process of exposure of a cartel. It is too complicated to prove a fact of cartel agreement occurrence, since companies seldom fix cartel agreements in the written form and conclude them orally.

A cartel agreement can occur even under absence of direct communication between business entities. The entities can formally arrange on simultaneous fixing certain prices and maintenance of them at the same level.

Cartels can assume different forms. For example, producers can create a common distribution organization, which will purchase products from each producer

separately at an agreed price and then sell the products due to coordination. One more way of such interaction is the activity of producers based on an agreement, which sets a single price for their products. In addition, a cartel consists in restriction of production due to imposing output quotas for particular firms and coordinated regulation of productive capacities (V. N. Tarasevych, 2003).

At the same time, concerted price fixing can also include agreements on setting a minimal price, cancellation of bonus programs and discounts, or application of a standard formula of price calculation, etc. Moreover, it is worth mentioning that concerted price fixing can also encompass any other trade terms, which potentially or directly affect prices for consumers, e.g. delivery value, guarantees, bonus and discount program, or a rate of financing.

A concept «any other trade terms» is referred to as, for instance, an agreement on common cessation of purchases or supply. An agreement regarding a common cessation of purchases or supply sometimes can assume a form of a group boycott. Such a boycott is an unfair agreement between competing firms on cessation or restriction of their sales to particular customers or, conversely, cessation or restriction of purchases from particular suppliers.

The unsubstantiated increase of prices for medicines during a period of epidemics is an example of the anticompetitive concerted practices. Business entities, which commit concerted actions in oil markets, achieve an agreement due to setting prices for products at the same level without objectively justified reasons. The Territorial Branch in the Kharkiv region, in particular, exposed a cartel agreement of several petrol stations, which had unreasonably increased a price for diesel and petrol in a day. There was no written agreement, but a cartel existed. The cartel was exposed.

Depending on a form of an agreement between parties, agreements are divided into formal (officially concluded contracts) and informal (there is no authorized documents) ones (I. Shumylo, 2001). A fact of informal agreement existence can be confirmed by performing practical actions or inactivity of market participators, which accompany restricting agreements and include coordination of actions between companies. They are called the concerted (or cartel) practice. The Article 81 of the Treaty establishing the European Economic Community (the Treaty of Rome) forbid not only legally regulated agreements (contracts), but also informal gentlemen agreements and complicated schemes of the concerted interaction between companies. The agreements are forbidden in spite of a form of concluding (written or oral, official or unofficial). If the agreement is concluded in the written form, it is much easier to prove a fact of an offence of the competitive legislation (Z. Borysenko, 2004).

A society has begun to search for effective economic methods and legal mechanisms of prevention of cartel creation and fighting them long ago. The main

methods and mechanisms fixed in different legal systems can be divided into the following categories: a) a threat of application of grave sanctions — potentially high administrative penalties impose upon participators of a cartel agreement (legal entities) and criminal responsibility; b) stimulation of exposing cartel agreements — exemption from responsibility in a case of voluntary exposure of a cartel agreement, rewards for the third parties for information about a cartel agreement (O. Malskyi, O. Boichuk, 2003).

The Law contemplates responsibility for performing anticompetitive concerted actions in the form of a penalty, a maximal amount of which accounts for 10% of business entity's sales income (revenues) in a previous financial year. Sales income (revenues) of a business entity is determined as total value of sales income (revenue) of all the legal entities and physical persons being members of a group, which is recognized as a business entity. It should be noted that accounting at companies is often shadow. As a result, illegally gained profits account for more than 10% of business entity's total income. Consequently, a penalty impose upon an offender does not always conform to an amount being necessary for punishment of the offender. To fight a cartel agreement or anticompetitive practices more effectively, there is a need to toughen methods of fighting these offences. The European experience points out that there is an interrelation between significance of penalties and quality of exposure of cartel agreements. In particular, desiring to avoid multi-million penalties, companies actively participate in the Leniency Program. Those business entities, which tend to form cartels, try to refrain from such actions, since their profit will not cover penalty sanctions (the Project of the EU Program «TACIS», 2009).

In the process of fighting cartel agreements, the lawmaker has perceived positive European and American practice of application of the leniency program. Particularly, the institute «Leniency» was established in Ukraine together with passing the Law of Ukraine «On Protection of Economic Competition» in 2001. The Part 5 of the Article 6 of the Law contemplates that a person, who has performed anticompetitive concerted actions, but voluntary inform the ACU before the others and submit information being of considerable importance for making decisions concerning the case, is exempted from responsibility determined by the legislation.

There are numerous examples of application of exemption from responsibility for participation in a cartel. For instance, the ACU exposes an agreement of four insurance companies, which had shared the insurance markets according to types of services as well as a geographical criterion in 2005. The ACU imposed penalties upon three offenders in the range from 100 to 500 thousand of hryvnias, and on the forth — for hryvnia. The forth participator had left the cartel on his own and had submitted essential information about the cartel to the ACU. This was the grounds of minimal penalty imposing (There is the matter: cartel denial, 2012).

Conclusions of the research. Having analyzed the competitive legislation, the author determined types of the anticompetitive concerted practices depending on different criteria. According to nature of interrelations between participators in the market, the anticompetitive concerted practices encompass horizontal, vertical, conglomerate, and mixed ones. According to a final purpose, the anticompetitive concerted practices are divided into anticompetitive concerted practices regarding pricing, anticompetitive concerted practices regarding product differentiation, anticompetitive concerted practices regarding obstacle for entering the market, and anticompetitive concerted practices against rivals. Another classification divides the anticompetitive concerted practices into direct and indirect ones. Finally, according to a form of the arrangement between cartel participators, the author indicates formal (officially concluded agreements) and unofficial (absence of authorized documents) ones.

Fighting cartel agreements is a very complicated task being of considerable interest for our country. The list of anticompetitive concerted practices given in the legislation is not complete. Thus, to fight cartel agreements, there is a need for amending the antitrust legislation of Ukraine. The list of anticompetitive concerted practices must be precisely outlined in order to prevent distortions in qualification of particular actions of business entities as unlawful ones.

To reveal the anticompetitive concerted actions (a cartel), the Antitrust Committee of Ukraine (ACU) should collect evidences of existence of an agreement between corresponding business entities. In order to achieve this goal, the ACU bodies use a set of the main powers, namely examination of markets, auditing business entities, and other powers determined by the legislation. Nevertheless, application of the competitive legislation and usage of the main powers are not sufficient instruments for collection of evidences of the offence.

REFERENCES

1. Конституція України : прийнята на п’ятій сесії Верхов. Ради України 28 черв. 1996 р. № 254к/96-ВР // Відом. Верхов. Ради України. – 1996. – № 30. – Ст. 141.
2. Господарський кодекс України : від 16 січ. 2003 р. № 436-IV // Відом. Верхов. Ради України. – 2003. – № 18–22. – Ст. 144.
3. Про захист економічної конкуренції : Закон України від 11 січ. 2001 р. № 2210-III // Відом. Верхов. Ради України. – 1999. – № 12. – Ст. 64.
4. Борисенко З. Основи конкурентної політики : підручник / З. Борисенко. – К. : Таксон, 2004. – 706 с.
5. Борисенко З. М. Розслідування картельних змов в Україні [Електронний ресурс] / З. М. Борисенко // Правознавець : електрон. б-ка юрид. л-ри. – Режим доступу: http://pravoznavec.com.ua/period/article/3287/%C7.

6. Проект програми ЄС «Тасіс» «Гармонізація системи конкуренції та державних закупівель до стандартів ЄС». Рекомендації стосовно поліпшення реалізації правил конкуренції (Діяльність 1.11.2). Звіт «Концепція пом'якшення відповідальності, що застосовується Європейською Комісією» / підготовлено експертом проекту Маркусом Хенделіном – European Union, Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ) GmbH, вересень 2009 року [Електронний ресурс] : офіц. веб-сайт АМКУ. – Режим доступу: http://www.amc.gov.ua/amc/doccatalog/document%3Fid=206766.
7. Сміт А. Дослідження про природу і причини багатства народів / А. Сміт. – М., 1993. – 255 с.
8. Тарасевич В. Н. Ценовая политика предприятия / В. Н. Тарасевич. – СПб. : Питер, 2003. – 288 с.
9. Є питання: Картельна відмова [Електронний ресурс] // Укр. юрист. – 2012. – № 3. – Режим доступу: http://jurist.ua/?article/73.
10. Мальський О. Як боротися з картелями? Міжнародний досвід та українські перспективи [Електронний ресурс] / О. Мальський, О. Бойчук // Дзеркало тижня. – 2008. – 19–26 верес. (№ 35). – Режим доступу: http://gazeta.dt.ua/LAW/yak_borotisya_z_kartelyami__mizhnarodniy_dosvid_ta_ukrayinski_perspektivi.html.
11. Шуміло І. Антиконкурентні узгоджені дії / І. Шуміло // Підприємництво, госп-во і право. – 2001. – № 1. – С. 15–18.
12. Іваницька Н. Мирові угоди з Антимонопольним комітетом: перспективи України в контексті світового досвіду [Електронний ресурс] / Н. Іваницька, М. Ларіонов // Юрид. газ. online / Режим доступу: http://yur-gazeta.com/publications/practice/antimonopolne-konkurentne-pravo/mirovi-ugodi-z-antimonopolnim-komitetom-perspektivi-ukrayini-v-konteksti-svitovogo-dosvidu.html.

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АНТИКОНКУРЕНТНЫЕ СОГЛАСОВАННЫЕ ДЕЙСТВИЯ КАК СИСТЕМА НЕКОТОРЫХ СОСТАВОВ ХОЗЯЙСТВЕННЫХ ПРАВОНАРУШЕНИЙ

Одними из самых важных конституционных принципов обеспечения свободы предпринимательской деятельности в Украине является государственная защита экономической конкуренции. Инструментом реализации данного принципа является совокупность правовых норм, определяющих принципы защиты экономической конкуренции в Украине. В современном украинском обществе такое регулирование обеспечивается системой норм антимонопольно-конкурентного законодательства, что имеет целью создание и поддержку условий оптимального функционирования товарных рынков, свободы ведения хозяйства, свободного движения товаров и защиту

экономической конкуренции. Среди правонарушений в сфере конкурентного законодательства выделяют такие правонарушения, как антиконкурентные согласования субъектов хозяйствования, которые вредят потребителям и наносят убытки экономике государства, нарушая общие правила осуществления конкуренции на рынке.

Ключевые слова: правовое обеспечение экономической конкуренции, антимонопольно-конкурентная политика государства, антиконкурентные согласованные действия, картельные заговоры.

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АНТИКОНКУРЕНТНІ УЗГОДЖЕНІ ДІЇ ЯК СИСТЕМА ОКРЕМИХ СКЛАДІВ ГОСПОДАРСЬКИХ ПРАВОПОРУШЕНЬ

Постановка проблеми. У законодавстві України про захист економічної конкуренції питання диспозиції такого правопорушення, як антиконкурентні узгоджені дії, визначено недостатньо чітко.

Аналіз останніх досліджень і публікацій. Питання правового регулювання економічної конкуренції, антимонопольного регулювання та конкурентної політики держави є досить актуальним і популярним зараз. Дослідженнями в цій сфері займаються такі вчені, як Г. Андрощук, О. Безух, В. Базилевич, О. Бакалінська, С. Валітов, В. Геєць, Ю. Журик, Б. Кваснюк, В. Лагутін, Н. Малахова, Т. Удалов, І. Шумило та ін.

Формулювання цілей. Мета статті — проаналізувати конкуренційне законодавство, зокрема щодо правопорушень антимонопольно-конкурентного права, а саме що стосується антиконкурентних узгоджених дій, визначити їх види та напрями удосконалення законодавства в цьому напрямі.

Виклад основного матеріалу. Серед основних правопорушень у сфері конкуренційного законодавства виділяють антиконкурентні узгоджені дії суб'єктів господарювання, які являють собою домовленості між суб'єктами господарювання з приводу встановлення певних цін, або певних обмежень щодо інших суб'ктів господарювання, що призвели або можуть призвести до недопущення, усунення чи обмеження конкуренції, або ущемлення інтересів інших суб'єктів господарювання чи споживачів. Антиконкурентні узгоджені дії — це завжди змова двох і більше суб'єктів, на відміну від такого правопорушення, як зловживання монопольним становищем, де суб'єкт як правило одиничний.

На відміну від законодавства зарубіжних країн, де зустрічається поняття «картель», під яким слід розуміти одну з форм об'єднання підприємств на договірній основі, в українському законодавстві існує поняття антиконкурентні узгоджені дії, яким притаманні дві основні ознаки картелів, а саме змова і таємність.

За характером взаємовідносин учасників на ринку антиконкурентні узгоджені дії поділяються на горизонтальні, вертикальні, конгломератні та змішані. За кінцевою метою антиконкурентні узгоджені дії поділяють на антиконкурентні узгоджені дії щодо ціноутворення; щодо диференціації продукції; щодо бар'єрів входження на ринок та проти конкурентів. Інша класифікація поділяє антиконкурентні угоди на прямі й непрямі. І, нарешті, залежно від форми домовленості учасників змови, їх поділяють на формальні (офіційно укладені договори) і неформальні (відсутність підтверджуючих документів).

Для виявлення антиконкурентних узгоджених дій (картелю) АМКУ необхідно отримати докази існування змови між відповідними суб'єктами. Для цього органами АМКУ використовується низка основних повноважень, зокрема, дослідження ринків, проведення перевірок суб'єктів господарювання та інші передбачені законодавством повноваження. Проте, як показує практика, застосування конкурентного законодавства та використання основних повноважень не є достатнім інструментом для отримання доказів порушення.

Висновки. Проаналізувавши конкуренційне законодавство, визначено види антиконкурентних узгодженних дій залежно від різних критеріїв.

Для реальної боротьби з картельними змовами, або антиконкурентними узгодженими діями, існує неохідність доопрацювання антимонопольного законодавства України, бо наведений у законодавстві перелік антиконкурентних узгоджених дій не є вичерпним. На нашу думку, перелік антиконкурентних узгоджених дій повинен бути чітко окресленим для того, щоб не було підстав для «домислення» при кваліфікації конкретних дій суб'єктів господарювання як протиправних.

Коротка анотація

Одними з найважливіших конституційних принципів забезпечення свободи підприємницької діяльності в Україні є державний захист економічної конкуренції. Інструментом реалізації цього принципу є сукупність правових норм, які визначають засади захисту економічної конкуренції в Україні. В сучасному українському суспільстві таке регулювання забезпечується системою норм антимонопольно-конкурентного законодавства, що має на меті створення й підтримку умов оптимального функціонування товарних ринків, свободи господарювання, вільного руху товарів і захист економічної конкуренції. Серед правопорушень у сфері конкуренційного законодавства виділяють такі правопорушення, як антиконкурентні узгоджені дії суб'єктів господарювання, які шкодять споживачам і завдають збитків економіці держави, порушуючи загальні правила здійснення конкурентної боротьби на ринку.

Ключові слова: правове забезпечення економічної конкуренції, антимонопольно-конкурентна політика держави, антиконкурентні узгоджені дії, картельні змови.