Assessment of the Competition Law of Belarus:
Law 94-3 Dated 12 December 2013

Presentation by Intergovernmental Group of Experts on
Competition Law and Policy - UNCTAD

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Assessment of the Competition law of Belarus (Law No. 94-3 dated December 12, 2013 “on the counteraction to monopolistic activities and promotion of competition”)

1. SCOPE

- Only relates to the legal provisions of the Competition Act of 2013
- It is not a Voluntary Peer Review
- Comments are based on the UNCTAD Model Law on Competition, best practices from other jurisdictions and UNCTAD research
2. PRESENTATION OF THE COMPETITION LAW IN BELARUS

- Chapter I: “General provisions”
- Chapter II: “Anti-monopoly body”
- Chapter III: “Monopolistic activity”
- Chapter IV: “Unfair competition”
- Chapter V: “Requirements to economic concentration, reorganization of economic entities that hold a dominant position”
- Chapter VI: “Procedure for establishing the existence (absence) of a violation of anti-monopoly legislation.
- Chapter VII: “Responsibility for violation of anti-monopoly legislation, obligation on implementation of the anti-monopoly body requirements”.
3. ANALYSIS OF THE KEY PROVISIONS OF THE LAW

- General Provisions (Definition of dominance; agreement, group of persons, monopolistically high price (tariff); extraterritorial application)
- Antimonopoly body (Powers; ex-officio investigations)
- Monopolistic activity (Prohibition of restrictive competition agreements of economic entities; and admissibility of actions (inaction), agreements, coordinated actions of economic entities)
- Prohibition of other forms of unfair competition
- Reorganization of economic entities (that hold a dominant position)
- Basis for establishing the existence of a violation of anti-monopoly legislation
- Warning undertaken by the Anti-monopoly body
- Compulsory division of economic entities, compulsory separation of one or more economic entities from the structure of an economic entity
The new law of 2013 in force in 2018 incorporates several improvements from the previous law such as specific chapters on anticompetitive agreements and concerted actions as well as an important *per se* rule for cartels.

Despite these improvements, other sections of the Law are extremely detailed as the Chapter V: “Requirements to economic concentration, reorganization of economic entities that hold a dominant position.”

Belarus may wish to consider the improvement of the competition legal framework with possible modifications to certain provisions.
THANK YOU

By
Dr. Pierre HORNA, Legal Affairs Officer
Mr. Seung KIM, Expert
UNCTAD