
Intergovernmental Group of Experts on Competition Law and Policy

18th SESSION

10-12 July 2019

Room XVII, Palais des Nations, Geneva

Thursday, 11 July, 2019

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**

This material has been reproduced in the language and form as it was provided. The views expressed are those of the author and do not necessarily reflect the views of UNCTAD.



INTERGOVERNMENTAL GROUP OF EXPERTS ON
**COMPETITION
LAW AND POLICY**



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



4. CONCLUSIONS

- 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

