

Menschen, soziale Gruppen und die Gesellschaft als Ganzes das Recht, in einer sauberen Umgebung zu leben.

— Die allmähliche Bildung von ökologischen Mechanismen des Schutzes der Umwelt und der natürlichen Ressourcen, die Gewährleistung der Nachhaltigkeit ihrer Reproduktion.

— Die schrittweise Entwicklung eines Regelungsmechanismus, der die Entwicklung von allen Bereichen der gesellschaftlichen Produktion, seine Industrie, Einzelunternehmen und alle Mitglieder der Gesellschaft mit dem tatsächlichen Zustand der natürlichen Ressourcen und Umweltbedingungen betrifft.

Die Entscheidung über die rationelle Nutzung der natürlichen Ressourcen und Umweltschutz auf der Grundlage einer breiten Sensibilisierung der Öffentlichkeit über den Zustand der Natur, Wirtschaft, Gesundheit bei der Organisation der Aktivitäten aller Behörden und öffentlichen Organisationen.

Fazit. Auf der Grundlage der obigen Ausführungen ist es leicht, die Bedeutung der Konsolidierung und Regelung der Umweltverhältnisse zu verstehen. Umweltschutz – ein Problem dieses Jahrhunderts hat sich das Problem zu sozialen. Immer wieder hören wir von der Gefahr für die Umwelt, aber bis jetzt haben viele von uns finden sie unangenehm, aber unvermeidliche Produkt der Zivilisation, und glauben, dass wir Zeit, um mit all den Schwierigkeiten zu identifizieren, zu tun haben.

### **Literatur**

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### **THE DEFENCE OF ENTITIES IN RELATIONS WITH THE AMC**

Relations in the sphere of economic activity attracts a large number of subjects. They ensure proper functioning of the economic basis and well-being of both the state and society, and therefore should be objectively regulated by law to a decent level to provide a proper turnover of products and create a market competition. The need to establish cooperation between the Antimonopoly Committee of Ukraine (hereinafter - AMC) and entities corresponds to a social request for support of entrepreneurship by stimulating competitive environment. The actuality of a selected research topic is specified due to an objective necessity of enhancing the effectiveness of the law governing the legal status of entities in relations with AMC, which arises from the implementation mechanisms of accountability for violations in the field of economic competition.

Firstly, the concept of «defence» should be distinguished from the similar category of «protection of the rights of the subject.» In the second case (protection) there are preventive and proactive measures to prevent violations on specific areas. At the same time the protection of rights of the entity means that infringement has already occurred, and the defence itself will be manifested in active actions to restore the previous situation before violation. Thus, it is clear that the defence takes place, when there is the violation of a subject`s rights: in the context of this issue through the prism of economic activities, it can be argued that such infringements might become the results of:

- 1) The abuse of an exclusive/monopoly position
- 2) Concerted anticompetitive actions
- 3) Unfair competition

The monopoly position on the market still does not mean that there has been any violation. Law provides a special criteria for determining the monopoly position of the subject, depending on the ratio of the number of subjects and their market share, respectively, as follows:

- 1) Percentage of one entity - at least 35%(fraction on the market)
- 2) The share of three subjects - at least 50%
- 3) Share of five subjects - at least 70%

According to the mentioned point, it should be also noted that violation includes the fact of an exclusive position on the market and the abuse of such position at the same time. Current legislation provides a number of features, which determine the fact of abuse. These include the installation of inappropriate pricing, burdening agreements by provisions that could be avoided by tough competition on the market, market sharing by territorial or other principles. Judicial practice on this issue leads to the conclusion that the abuse can also be attributed to improper use of product sales or sales or any other improper actions that could be avoided if there was enough competition on the market.

Concerted anticompetitive actions include the following provisions:

- 1) The division of markets
- 2) The distortion of the results of bids, auctions and tenders
- 3) Burdening agreements by additional provisions
- 4) Restricting market entry for the rest of economic subjects
- 5) Other points

The procedure of identifying and establishing consistency includes the following features:

- Analysis of actions of economic entities
- Identification of common and similar characteristics of the actions, such as similarities in documentation or detection of similar mistakes
- Proof that the similarity is a sign of consistency

The procedures of coordinated actions that eliminate competition is clearly expressed in judicial practice, for example, case №932 / 538/16, and case №924 / 587/16, which clearly demonstrated that the indexes of the concerted anticompetitive actions include conformity and unity. Moreover, some quantitative indicators might lead to wrong conclusions. For this reason, it is very important to analyze all facts in order to be aware of a general situation concerning the economic activity of 2 or more entities, because figures can not reflect the main point of the general situation.

Unfair competition includes three groups of actions that involve violations in connection with:

- 1) Unlawful use of business reputation of the entity
- 2) Creating a barrier to other entities in the competition
- 3) Illegal collection and disclosure of trade secrets

It is very important to remember that unfair competition is possible in entrepreneurial as well as in non-entrepreneurial economic activity.

Business reputation of the entity is reflected in the comparative advertising. Comparative advertising can be positive or negative, depending on the content of the advertisement. Law requirements for advertising include the following:

- Reliability
- Objectivity
- Utility

Legislation of many EU countries provides limitations of «illegal» and «discreditable» categories of information, which is positive for the reputation of entities. In addition, there is a specific tendency in Ukraine regarding categories of information and information itself. According to it, information has to be authentic and useful. However, the utility of different kinds of information is less important. Unfortunately, Ukrainian legislation does not use such category as «discreditable advertising».

Creating obstacles to economic entities and their activity can be considered using the example of provoking to boycott. The objective side comprises:

- 1) Breach of existing contractual relations
- 2) Nonfulfillment or improper performance of contractual obligations
- 3) Denial of established connections

This category of offences should be distinguished from the overall competition. In the first case the aim is to cause harm to some economic subjects by wrongful influence on one party. The overall competition is directed at taking over the client.

Spreading misleading information is another example of unfair competition. The object of the offence is information including various facts and data. The execution of such violation could be accomplished either by a specific person or by indefinite number of persons. This category of cases involves both dissemination of false information and omission of proper information.

In addition, there are a number of categories that are not believed to be an unfair competition. However, their essence is very close to it. Judicial practice shows that in such cases subjects are also liable for such wrongful deeds. Examples of these actions include:

- 1) Product placement
- 2) Simulation (use of similar trademarks, color scales packages, etc.)
- 3) Embush marketing (similar to sponsorship, but without investing their own funds to support the project)

Summarising we can state that, the defense of economic subjects presupposes active measures on the part of the AMC to enable fair competition. The defence deals with the abuse of dominance, concerted anticompetitive actions and unfair competition. Judicial practice regarding antitrust law is extremely varied but the Ukrainian legislation in this part needs improvement, and therefore objectively requires innovation taken from the practice of the EU.