

Law of the Kyrgyz Republic On Competition

Chapter I. General Provisions

Article 1. Purpose of the Law

This Law specifies the organizational and legal principles of prevention, limitation, and termination of monopolistic activity and unfair competition, and it is aimed at maintaining conditions for creation and effective functional operation of the markets of commodities (work, services) of the Kyrgyz Republic on the basis of development of competitive relations.

Article 2. Antimonopoly Legislation

Antimonopoly legislation of the Kyrgyz Republic shall be based on rules of the Constitution of the Kyrgyz Republic, and it shall consist of this Law and other normative legal acts regulating competitive relations.

Article 3. Scope of This Law

1. This Law shall be effective on all territory of the Kyrgyz Republic, and it shall apply to relations influencing competition on the markets of commodities (work, services) of the Kyrgyz Republic in which legal entities of the Kyrgyz Republic, foreign legal entities, bodies of executive government and local self-government, and individuals participate.

This Law shall also apply to cases in which actions and arrangements of the stated persons outside the Kyrgyz Republic have or may have the consequence of limiting competition on the markets of commodities (work, services) of the Kyrgyz Republic, or incur other negative consequences to markets of the Kyrgyz Republic.

2. Relations connected with monopolistic activity and competition on the financial services market shall be regulated by the antimonopoly authority jointly with the Kyrgyz Republic National Bank and other state administrative bodies regulating financial services markets.

3. This Law shall not apply to relations connected with exclusive rights to intellectual property except when such rights are used deliberately by their possessors to limit competition.

4. If an international agreement of the Kyrgyz Republic ratified by the Kyrgyz Republic establishes regulations differing from those contained in antimonopoly legislation, the regulations of the international agreement shall apply.

5. The Kyrgyz Republic government shall have the right to make exceptions to this Law exclusively in special cases for the purposes of market regulation.

Article 4. The Antimonopoly Authority of the Kyrgyz Republic

1. The antimonopoly authority shall implement state policy on promoting development of competition on the markets of commodities (work, services) and on limiting, preventing, and terminating monopolistic activity and unfair competition.

2. The antimonopoly authority shall be independent in its activity from other state bodies, and its decisions may be appealed in court.

3. The main objectives, functions, and powers of the antimonopoly authority and the liability of its officials shall be specified by this Law and by other normative legal acts of the Kyrgyz Republic.

Article 5. Definitions

The definitions hereunder shall apply to this Law:

Affiliated person of an individual or a legal entity -- any individual or legal entity (with the exception of state bodies controlling activity thereof within the scope of their powers) having the right to make decisions directly or indirectly or to influence a decision of this person, including by force of an agreement (to include an oral agreement) or other transaction, and any individual or legal entity in respect to which this affiliated person has such a right.

An affiliated person of a *legal entity* shall also mean executives thereof, or a shareholder (participant) or any enterprise possessing 10 percent or more of its voting shares [*aktsiya*] (contributions [*vklad*], stakes [*pay*]) (5 percent or more for open joint-stock companies).

Interchangeable commodities -- a group of commodities that may be comparable in their functional purpose, use, qualitative and technical characteristics, price, and other parameters such that a buyer does in fact substitute one for another or may do so in the course of consumption (production).

Group of persons -- a group of legal entities and (or) individuals in application to whom one or more of the following conditions is satisfied:

a person or several persons possess, jointly as a result of an arrangement (concerted actions), the right of direct or indirect disposition of more than 50 percent of the total number of votes the shares (contributions, interests [*dolya*]) constituting a legal entity's authorized capital represent (including on the basis of a purchase, fiduciary management, joint venture,

or agency agreement, or other transactions). Indirect disposition of the votes of a legal entity shall mean the possibility of their actual disposition through third persons in respect to whom the first person possesses the above right or authority;

a person or several persons have obtained, on the basis of an agreement or in some other way, the possibility for determining decisions of another person or other persons, to include determining the conditions of another person's or other persons' business activity or for exercising the powers of another person's or other persons' executive body on the basis of an agreement;

a person has the right to appoint an executive body consisting of one person, and (or) more than 50 percent of the membership of a collective executive body of a legal entity, and (or) more than 50 percent of the membership of the board of directors (board of supervisors) or other collective administrative body of a legal entity has been elected on the basis of that person's nominations;

an individual exercises the powers of a legal entity's executive body consisting of one person;

the same individuals and their spouses, parents, children, brothers, and sisters and (or) persons nominated by the same legal entity comprise over 50 percent of the membership of a collective executive body and (or) the board of directors (supervisory board) or other collective administrative body of two or more legal entities, or more than 50 percent of the membership of the board of directors (supervisory board) or other collective administrative body of two or more legal entities has been elected on the basis of nominations of the same legal entities;

the same individuals and their spouses, parents, children, brothers, and sisters and (or) legal entities have the right of disposition, independently or through representatives (agents), of a total of more than 50 percent of votes representing the shares (contributions, interests) constituting the authorized capital of each of two or more legal entities;

individuals and (or) legal entities have the right of disposition, independently or through representatives (agents), of a total of more than 50 percent of number of votes the shares (contributions, interests) constituting one legal entity's authorized capital represent, and simultaneously these individuals and their spouses, parents, children, brothers, and sisters and (or) persons nominated by the same legal entity comprise more than 50 percent of the membership of the collective executive body and (or) the board of directors (supervisory board) or other collective administrative body of another legal entity;

legal entities are participants of one financial-industrial group;

individuals are spouses, parents and children, and brothers and (or) sisters.

Dominant position on a commodity market -- the exclusive position of an economic agent on the market of commodities for which there is no substitute or of interchangeable commodities (henceforth -- a particular commodity) allowing this agent to decisively impact the general conditions of the commodity's circulation on the relevant commodity market or to make it difficult for other economic agents to access the market. The position of an economic agent shall be recognized to be dominant if this agent's share of the market of the particular commodity is 35 percent or more, or the maximum established by the state antimonopoly authority of the Kyrgyz Republic.

Dominant position of a financial organization on the financial services market -- determined by the antimonopoly authority pursuant to this Law by procedure approved by the antimonopoly authority in respect to each kind of financial services market with the agreement of the Kyrgyz Republic National Bank and bodies of executive government regulating the relevant financial services markets. A financial organization's share of a financial services market shall be determined on the basis of the ratio of its total turnover in respect to a particular kind of financial services to the total turnover of financial organizations within established boundaries of the financial services market. The procedure for determining the turnover of financial services of financial organizations and the boundaries of a market shall be established by the Kyrgyz Republic government. The dominant position of a financial organization shall be determined within the boundaries of a market in which the financial organization renders financial services irrespective of its location as stated in the founding documents.

Competition -- rivalry between economic agents as a consequence of which their independent actions effectively limit the possibility of each to unilaterally influence the general conditions of circulation of commodities on the relevant market.

Contracting party -- a partner in juxtaposition to another participant of a transaction.

Concentration -- capture, by a small number of large economic agents, of a larger share of the economic space of a given market in respect to the volume of a commodity offered on this market.

Concentration of capital on a market -- consolidation [*sliyaniye*] or merger [*prisoyedineniye*] of economic agents and acquisition, by them or by third persons, of each other's assets or shares (contributions, interests) so as to influence the position of economic agents on the market of commodities, work, and services.

Monopolistic activity -- actions (inaction) of economic agents (groups of persons), bodies of executive government and local self-government, and state bodies regulating the financial services market contrary to antimonopoly legislation and having the purpose of preventing, limiting, or eliminating competition.

Monopolistically high price -- a price of a commodity set by an economic agent occupying a dominant position on the market of the commodity with the goal of

compensating for unjustified outlays resulting from under-utilization of productive capacities, and (or) of obtaining additional profit as a result of a decrease in the quality of a commodity.

Monopolistically low price -- a price of an acquired commodity set by an economic agent occupying a dominant position on the market of the commodity as a buyer (consumer) for the purposes of obtaining additional profit and (or) compensating for unjustified outlays at the expense of the vendor, or the price of a commodity that is deliberately set by an economic agent occupying a dominant position on the market of the commodity as the vendor at a level resulting in loss from sale of this commodity with the consequence that competition is or may be limited owing to displacement of competitors from the market.

Unfair competition -- any actions of economic agents aimed at acquiring business advantages conflicting with provisions of current legislation, customary business practices, the requirements of fair play, reasonableness, and justice, and may inflict or have inflicted losses on other competing economic agents, or damage their business reputation.

Acquisition of shares (interests) in authorized capital of economic agents -- purchase [of shares (interests) in authorized capital of economic agents], and acquisition of some other possibility for exercising voting rights embodied in these shares (interests) independently or through representatives on the basis of a fiduciary management, joint venture, or agency agreement or on the basis of other transactions.

Financial services market -- an area of activity of financial organizations in the Kyrgyz Republic, or a part thereof specified on the basis of the place where financial services are rendered to consumers.

Commodity -- a product of activity, including work and services -- financial services among them -- intended for sale (exchange).

Commodity market -- an area of circulation of commodities (of rendering of services) for which there are no substitutes, or of interchangeable commodities in the Kyrgyz Republic, or a part thereof specified on the basis of a buyer's economic possibility for acquiring a commodity within a particular territory and absence of this possibility beyond its boundaries.

Financial organization -- a legal entity engaging on the basis of the appropriate license in banking operations and transactions or rendering services on the securities market, insurance services, or other services of a financial nature, and a nonstate pension fund, its management company, the management company of a mutual investment fund, a leasing company, a consumer credit union, or other organization engaging in operations and transactions on the financial services market. The provisions of this Law related to a financial organization shall apply to sole proprietors doing business on the financial services market on the basis of the appropriate license.

Financial service -- activity connected with attracting and using monetary resources of legal entities and individuals. This Law defines as a financial services the conduct of banking operations and transactions, rendering of insurance services and services on the securities market, execution of financial leasing agreements and agreements on fiduciary management of monetary resources or securities, and other services of a financial nature.

Economic agents -- commercial organizations, their combinations (unions, associations), sole proprietors, and nonprofit organizations except those not engaging in entrepreneurial activity.

The provisions of this Law related to economic agents shall apply to affiliated persons and to a group of persons.

Chapter II. Monopolistic Activity

Article 6. Abuse of a Dominant Position by an Economic Agent

1. The actions of an economic agent (group of persons) occupying a dominant position shall be prohibited if they have or may have the consequence of significantly limiting competition and (or) infringing on the interests of other economic agents or individuals, including actions such as:

creating obstacles to access to the market (withdrawal from the market) by other economic agents;

removing commodities from circulation with the goal or result of creating and (or) maintaining a shortage on the market, or of increasing prices;

imposing on a contracting party conditions of an agreement disadvantageous thereto or not related to the object of the agreement (unjustified demands for the transfer of financial resources, other property, property rights, or manpower of the contracting party, etc.);

including discriminatory or advantageous conditions in an agreement placing a contracting party in an unequal position relative to other economic agents;

imposing on a contracting party (consumer) conditions requiring execution of an agreement only with a certain producer or buyer by virtue of the existence of engineering or other infrastructure connections;

consenting to executing an agreement only on the condition that clauses be included concerning commodities in which the contracting party or consumer is not interested;

violating pricing procedure established by statutory acts;

setting monopolistically high (low) prices;

decreasing or terminating production (sale) of commodities that are in demand or for which consumer orders have been placed, and which can be produced (sold) without a loss;

unjustifiably refusing to execute an agreement with certain customers (clients) when the possibility for producing or supplying the particular commodity exists.

2. In exceptional cases the actions of an economic agent (group of persons) stated in item 1 herein may be recognized as lawful by the antimonopoly authority if the economic agent (group of persons) is able to show that the positive impact of the actions, including in respect to social and economic conditions, will outweigh the negative consequences to the market in question.

Article 7. Competition-Limiting Arrangements (Concerted Actions) of Economic Agents Other Than Financial Organizations

1. Arrangements (concerted actions) assuming any form between competing economic agents (potential competitors) together possessing (able to possess) more than a 35 percent share of the market of a particular commodity shall be prohibited and duly nullified wholly or in part if such arrangements (concerted actions) have or may have the consequence of limiting competition, including arrangements (concerted actions) aimed at:

fixing (supporting) prices (rates), rebates, extra charges (extra payments), or markups;

increasing, decreasing, or supporting prices on one level at auctions and tenders;

dividing the market on a territorial basis, by sales or purchase volume, by assortment of commodities offered for sale, or by a group of vendors or buyers (clients);

limiting access of other economic agents to a market as vendors of particular commodities or as their buyers (clients) or eliminating them from the market;

coordinating production volumes with the goal of artificially changing supply;

unjustifiably refusing to execute an agreement with certain vendors or buyers (clients);

engaging in price discrimination;

allowing the same person to hold positions in the executive and controlling bodies of two or more economic agents competing between each other and together occupying a dominant position on the market of a particular commodity;

establishing standard conditions in agreements placing consumers in a disadvantageous position or limiting freedom of choice of commodities and of economic

agents producing these commodities, or including provisions not related to the object of the agreement.

2. Arrangements (concerted actions) assuming any form between noncompeting economic agents shall be prohibited and duly nullified wholly or in part when one of them occupies a dominant position and the other is a supplier or buyer (client) of the former, if such arrangements (concerted actions) have or may have the consequence of limiting competition, to include arrangements (concerted actions):

culminating in consolidation with or takeover of economic agents if their aggregate market share establishes or reinforces a dominant position for them;

imposing conditions disadvantageous to a contracting party;

that are exclusive, requiring acquisition of some commodity only from this vendor and not from competitors thereof;

putting limits on territory or the group of buyers;

establishing price restrictions on resale of commodities acquired by a buyer from this vendor;

prohibiting sale of commodities produced by competitors.

3. Commercial organizations and their combinations [*ob"yedineniye*] (unions [*soyuz*], associations [*assotsiyatsiya*]) shall be prohibited from coordination of business activities of commercial organizations if it has or may have the consequence of limiting competition.

Violation of the stated requirements shall be grounds for dissolution, by judicial proceedings based on a lawsuit filed by the antimonopoly authority, of the commercial organizations and their combinations (unions, associations) coordinating business activity.

4. In exceptional cases, arrangements (concerted actions) of economic agents addressed herein, with the exception of those explicitly listed in item 1 herein, may be recognized as lawful by the antimonopoly authority if the economic agents are able to show that the positive impact of the actions, including in respect to social and economic conditions, will outweigh the negative consequences to the commodity market in question.

Article 8. Arrangements (Concerted Actions) of Bodies of Executive Governments and Local Self-Government Limiting Competition on the Commodity Market

1. Arrangements (concerted actions) assuming any form between a body of executive government or local self-government and another body of executive government or local self-government, or with an economic agent, shall be prohibited and duly nullified wholly or

in part if they have or may have the consequence of limiting competition and (or) infringing on the interests of economic agents or individuals, including arrangements (concerted actions) aimed at:

increasing, decreasing, or supporting prices (rates);

dividing the market on a territorial basis, by sales or purchase volume, by assortment of commodities offered for sale, or by a group of vendors or buyers (clients);

limiting access of economic agents to a market or eliminating them therefrom.

**Article 9. Arrangements (Concerted Actions) of Financial Organizations
Limiting Competition on the Financial Services Market**

Arrangements (concerted actions) assuming any form between financial organizations or of financial organizations with state bodies regulating the financial services market, with bodies of executive government and local self-government, or with any legal entities, except arrangements (concerted actions) of financial organizations with the Kyrgyz Republic National Bank, shall be prohibited and duly nullified wholly or in part if such arrangements (concerted actions) have or may have the consequence of limiting competition on the financial services market, including if the arrangements (concerted actions) are aimed directly or indirectly at:

fixing (supporting) prices (rates), rebates, extra charges (extra payments), markups, or interest rates;

increasing, decreasing, or supporting prices at tenders;

dividing the financial services market on a territorial basis or by kinds of financial services rendered on the financial services market, or eliminating other financial organizations therefrom;

establishing unjustified membership criteria acting as barriers to entry into payment and other systems without participation in which competing financial organizations will be unable to deliver needed financial services to their consumers and remain competitive on the financial services market.

**Article 10. Arrangements (Concerted Actions)
of Financial Organizations Not Subject to Prohibition**

Arrangements (concerted actions) of financial organizations [the following phrase appears here probably in error: "*as well as arrangements (concerted actions) of financial organizations*"] shall not be prohibited if their conditions have the goal of:

conducting joint scientific research and development;

jointly purchasing technical resources for their main activity;

utilizing unified data-processing software and hardware and databases.

The Kyrgyz Republic government may also establish other conditions of arrangements (concerted actions) not subject to prohibition, including in respect to separate types of financial organizations.

**Article 11. Acts and Actions of the National Bank and of Bodies
of Executive Government and Local Self-Government
Aimed at Preventing, Limiting, or Eliminating Competition**

1. The Kyrgyz Republic National Bank and bodies of executive government and local self-government shall be prohibited from adopting acts and (or) taking actions that limit the independence of economic agents or create discriminatory or advantageous conditions for activity of certain economic agents, if such acts and (or) actions have or may have the consequence of preventing, limiting, or eliminating competition and (or) infringing on the interests of economic agents and (or) individuals, including:

introducing limits on creation of new economic agents in any sphere of activity, as well as imposing prohibitions on the certain activities or on production of certain commodities, except in cases established by Kyrgyz Republic legislation;

unjustifiably impeding activity of economic agents in any sphere of activity;

establishing directive targets for the production and sale of products by economic agents under nonstate form of ownership and placing obligatory state orders with them;

unjustifiably controlling the prices of commodities produced and sold by economic agents;

granting competition-limiting powers to economic agents;

imposing unjustified prohibitions on flow of products between regions of the Republic or otherwise limiting the rights of economic agents to sell (acquire, purchase, exchange) commodities;

creating economic agents with the purpose of their assumption of a dominant position on the market, except in cases prescribed by Kyrgyz Republic legislation;

unjustifiably extending tax, credit, and other concessions to certain economic agents placing them in an advantageous position relative to other agents of the same market;

prohibiting or limiting production of a certain commodity or a certain production activity, except in cases prescribed by Kyrgyz Republic legislation;

imposing a prohibition on trading and purchases, or limitations thereon, with the exception of trading in commodities the production and marketing of which is prohibited by Kyrgyz Republic legislation;

imposing unjustified restrictions on foreign economic activity of economic agents;

instructing an economic agent to execute agreements on priority or to deliver commodities to a particular group of consumers on priority, except in cases established by Kyrgyz Republic legislation;

allowing bodies of executive government or local self-government and officials thereof to act as founders (participants) of economic agents unless established otherwise by law;

establishing control over an information net covering supply and demand, except in cases prescribed by Kyrgyz Republic legislation;

impeding formation of parallel structures for the distribution, procurement, and marketing of commodities;

putting up unjustified barriers to development of new products and processes if such development does not conflict with Kyrgyz Republic legislation;

extending to low-profit or unprofitable economic agents financial and other concessions not in the public interest and detrimental to competition within a sector;

establishing other advantageous or discriminatory business conditions for certain economic agents if such conditions limit competition.

2. Consent of the antimonopoly authority to decisions (acts) of bodies of executive government and local self-government concerning creation, reorganization, and liquidation of economic agents (in cases prescribed by antimonopoly legislation), and concerning extension of concessions to a certain economic agent or to several economic agents, shall be mandatory unless prescribed otherwise by Kyrgyz Republic legislation.

3. Formation of bodies of executive government and local self-government with the goal of monopolizing production or sale of commodities and conferment of powers upon existing bodies of executive government and local self-government shall be prohibited if such actions have or may have the consequence of preventing, limiting, or eliminating competition.

Combination of functions of bodies of executive government and local self-government with functions of economic agents and conferment of functions and rights of bodies of executive government and local self-government, including the functions and rights of bodies of state supervision (control), upon economic agents shall be prohibited.

Funding of bodies of executive government and local self-government by the resources of economic agents under their control shall be prohibited.

Article 12. Notification of the Antimonopoly Authority Regarding Competition-Limiting Arrangements (Concerted Actions)

1. Economic agents occupying a dominant position shall be required to notify the antimonopoly authority about all arrangements executed in any form or about decisions adopted regarding concerted actions with each other or with bodies of executive government or local self-government, as well as with any legal entities (henceforth -- notification) by procedure prescribed by this Law.

The form of notification and the list of documents to be submitted shall be established by the antimonopoly authority.

2. The antimonopoly authority shall be notified through an application filed by the participants or one of the participants of an arrangement (concerted actions) within 15 days from the moment the arrangement is executed or a decision to engage in concerted actions is adopted.

Article 13. Procedure for the Antimonopoly Authority's Adoption of a Decision Recognizing Arrangements (Concerted Actions) as Limiting Competition

1. When there are signs that an arrangement's execution or a decision to engage in concerted actions about which the antimonopoly authority has been notified may have the consequence of limiting competition, after checking the submitted notice and all documents the antimonopoly authority shall make a reasoned decision recognizing the arrangement (concerted actions) as lawful or as limiting competition not more than 30 days from the moment of receipt of the stated notices and documents.

The antimonopoly authority may decide to run an additional check of a submitted notice and all documents in accordance with procedure established by the monopoly authority, and it shall communicate this decision immediately to the participants of the arrangement (concerted actions).

Within 30 days from the moment of the decision to run an additional check of a submitted notice and all documents, the antimonopoly body shall adopt a reasoned decision recognizing the arrangement (concerted actions) as lawful or as limiting competition.

2. In the event of the antimonopoly authority's recognition of an executed arrangement (concerted actions) as limiting competition, the participants of the arrangement (concerted actions) shall be required, when so demanded by the antimonopoly authority, either to dissolve the executed agreement or to cease the stated concerted actions, or to change the conditions of the arrangement (concerted actions), and fulfill other lawful requirements prescribed in the antimonopoly authority's decision to reinstate the necessary competitive conditions.

3. The antimonopoly authority may rescind its decision recognizing an arrangement (concerted actions) as lawful or as limiting competition or amend its decision, to include adopting a decision to run an additional check of the arrangement (concerted actions), 30 days after commencement of review of the notice of the arrangement (concerted actions):

if changes occurred in facts serving as grounds for the decision recognizing the arrangement (concerted actions) as lawful or as limiting competition;

if the participants of the arrangement (concerted actions) violate any of the provisions stated in the decision recognizing the arrangement (concerted actions) as lawful or as limiting competition;

if the adopted decision recognizing the arrangement (concerted actions) as lawful or as limiting competition is based on inaccurate information received from the participants of the arrangement (concerted actions).

Article 14. Competitive Selection of Financial Organizations for Certain Operations With Budget Resources

1. The list of financial organizations operating on the financial services market to be retained for certain operations with budget resources shall be determined through open bidding.

2. The procedure of open bidding shall be approved by the Kyrgyz Republic government.

Participants of open bidding that are affiliated persons shall be treated as one participant.

Chapter 3. Unfair Competition

Article 15. Forms of Unfair Competition

Unfair competition, to include the following, shall not be allowed:

unauthorized copying of a commodity of another economic agent, as well as its packaging and appearance, except when the appearance of the commodity is an attribute of its technical function;

outright re-creation of the products of another economic agent in violation of the patent and licensing rights thereof;

illegal use of a service mark, the name of a commodity's place of origin, a company name, or a trademark;

dissemination of false and distorted information about the business authority and financial condition of another economic agent able to inflict losses on or damage its business reputation;

disclosure of data on the scientific, technical, and production capabilities of a competitor in distorted form;

deliberate disruption, frustration, and termination of a competitor's business relationships by illegal means;

illegal pressuring of a competitor's employees with the goal of persuading them to dereliction of duty;

unlawful acquisition, use, and disclosure of information on scientific, technical, production, or trading activity of an economic agent, including commercial secrets thereof;

arrangements (concerted actions) limiting competition;

illegal influence upon adoption and execution of business decisions of a competitor with the goal of obtaining an unjustified advantage over the competitor;

unjustified appeals (applications) to other agents of the market having the goal of breaking a competitor's business ties or impeding establishment of such ties;

dissemination of any information that may mislead consumers regarding the origin, means of manufacture, fitness for use, quality, and other properties of an economic agent's commodity, or the personality of a businessperson or the characteristics of business activities thereof;

supply of a commodity inconsistent with its distinguishing mark or labeling with the goal of misleading the consumer regarding the commodity's consumer and other important properties;

concealment of a commodity's inconsistency with its stated purpose or with requirements imposed thereon;

deliberate flooding of a particular commodity market with certain commodity for the purposes of price manipulation, when the aim is to limit competition and when consumer interests are affected.

Chapter IV. State Control of Economic Concentration

Article 16. State Control of Creation, Reorganization, and Liquidation of Economic Agents

1. To prevent possible abuse of a dominant position by economic agents and limitation of competition, the antimonopoly authority shall maintain state control of:

creation, consolidation, and merger of combinations of commercial organizations (unions or associations);

consolidation and merger of commercial organizations if the amount of their assets on the most recent balance sheet exceeds 170,000 times the minimum wage;

split-up (spin-off) of economic agents with assets exceeding 80,000 times the minimum wage, if such action creates an economic agent with more than a 35 percent share of the relevant commodity market;

liquidation of economic agents with assets exceeding 80,000 times the minimum wage, except when liquidation occurs pursuant to Kyrgyz Republic bankruptcy law.

2. In the cases set forth in item 1 herein, persons or bodies adopting decisions to create, reorganize, or liquidate economic agents shall submit to the antimonopoly authority -- in addition to documents filed with registering authorities pursuant to Kyrgyz Republic legislation -- a petition for consent to the creation, reorganization, or liquidation of economic agents, information on the main activities and volume of commodities (work, services) produced (sold) on the relevant markets, and other necessary documents requested as being essential to the matter.

No later than 30 days after receiving all necessary documents the antimonopoly authority shall communicate its decision to the applicant in writing.

This period may be extended when necessary by the antimonopoly authority, but by no more than 15 days.

The antimonopoly authority shall review the above documents for compliance with antimonopoly legislation on the basis of the appropriate statute approved by the Kyrgyz Republic government.

3. The antimonopoly authority shall have the right to decline a petition if its satisfaction could establish or reinforce a dominant position for the relevant organization and (or) limit competition, or if it is discovered during review of the submitted documents that information contained therein of importance to the decision is inaccurate.

The antimonopoly authority shall have the right to satisfy a petition when requirements aimed at supporting competition are fulfilled. These requirements and the period allowed for their fulfillment shall be contained in the antimonopoly authority's decision consenting to actions stated in item 1 herein.

The antimonopoly authority shall have the right to satisfy a petition even if the stated unfavorable consequences may be possible, if the persons or bodies adopting the decision to create, reorganize, or liquidate economic agents are able to show that the positive impact from their actions, including in respect to social and economic conditions, will outweigh the negative consequences to the market in question.

4. The antimonopoly body shall be notified, by way of an application from the founders (one of the founders) within 15 days after state registration (after changes to the state register), concerning creation of commercial organizations if the aggregate value of assets of the founders exceeds 170,000 times the minimum wage, and concerning consolidation or merger of commercial organizations if the total assets of each of them shown on the most recent balance sheet exceed 80,000 times the minimum wage. When notifying the antimonopoly authority, besides the application the applicant shall submit the information prescribed by item 2 herein.

5. If after preliminary study of the information the antimonopoly authority concludes that creation (consolidation, merger) of the organization about which it has been notified may have the consequence of limiting competition, it shall adopt a decision to run an additional check of compliance of the commercial organization's creation (consolidation, merger) with requirements of antimonopoly legislation.

This decision shall be forwarded to the applicant within 15 days after the antimonopoly authority's receipt of the application.

The final decision shall be made by the antimonopoly authority within the time period specified in item 2 herein, and communicated to the applicant in writing.

6. If creation (consolidation, merger) of a commercial organization (combinations of commercial organizations) may have the consequence of limiting competition, the founders of the commercial organization (combination of commercial organizations) and the persons or bodies that made the decision on the creation (consolidation, merger) shall be required to take steps to reinstate the necessary competitive conditions when so demanded by the antimonopoly authority.

7. In the cases addressed in item 4 herein, before making such decisions the persons considering creation (consolidation, merger) shall have the right to request consent to creation (consolidation, merger) of the commercial organizations from the antimonopoly authority, which shall be required to consider the relevant petitions by procedure established in item 2 herein.

8. In the cases addressed in item 1 herein, state registration of economic agents shall be effected by the registering authority only with the prior consent of the antimonopoly authority.

State registration of commercial organizations and their combinations created or reorganized without the prior consent of the antimonopoly authority may be nullified by judicial proceedings on the basis of a lawsuit filed by the antimonopoly authority.

9. Creation (consolidation, merger) of commercial organizations in violation of the procedure established by item 4 herein leading to establishment or reinforcement of a dominant position and (or) limitation of competition, and nonfulfillment of demands of the antimonopoly authority made pursuant to item 6 herein, shall be grounds for nullifying state registration by judicial proceedings on the basis of a lawsuit filed by the antimonopoly authority.

**Article 17. State Control of Compliance with Antimonopoly Legislation
in the Acquisition of Shares (Interests) in Authorized Capital
of Economic Agents and in Other Cases (Except Financial Organizations)**

1. The following shall be effected with the prior consent of the antimonopoly authority on the basis of a petition from a legal entity or individual:

acquisition of voting shares (interests) in authorized capital of an economic agent by a person (group of persons) whereby such a person (group of persons) obtains the right of disposition of more than 20 percent of the stated shares (interests). This requirement shall not apply to an economic agent's founders at the time of its formation;

acquisition of ownership or utilization of fixed productive assets or intangibles of one economic agent by another economic agent (group of persons), if the book value of the property constituting the object of the transaction exceeds 10 percent of the book value of the fixed productive assets and intangibles of the economic agent alienating the property;

a person's (group of persons') acquisition of rights permitting determination of the conditions of an economic agent's business activity or performance of the functions of its executive body.

2. Prior consent for the transactions stated in item 1 herein shall be required when the overall book value of the assets of the persons stated in item 1 herein exceeds 170,000 times the minimum wage, or if one of them is an economic agent that has been entered in the state

register of monopoly economic agents (henceforth -- register), or if the acquirer is a group of persons controlling the activity of this economic agent.

The procedure for forming the state register of monopoly economic agents shall be specified by the antimonopoly authority.

3. To carry out the transactions stated in item 1 herein, the persons shall be required to file a petition with the antimonopoly authority for consent to these transactions, and to communicate information necessary for the decision as specified on a list of information approved by the antimonopoly authority.

State control of transactions addressed in this article shall be effected by the antimonopoly authority by procedure established in Article 16 herein.

4. The antimonopoly authority shall have the right to reject a petition if satisfaction of the petition may lead to establishment or reinforcement of the dominant position of an economic agent (group of persons) and (or) limitation of competition, or if submitted information of importance to the decision is inaccurate. The antimonopoly authority shall have the right to satisfy the petition if requirements aimed at supporting competition are fulfilled. Moreover, these requirements and the period allowed for their fulfillment shall be contained in the antimonopoly authority's decision consenting to actions addressed in item 1 herein.

The antimonopoly authority shall have the right to satisfy the petition even when competition may be limited if the participants of the transaction are able to show that the positive impact from their actions, including in respect to social and economic conditions, will outweigh the negative consequences to the commodity market in question.

The antimonopoly authority's decision consenting to the transactions stated in item 1 herein shall cease to be effective if such transactions are not carried out within 1 year from the date of this decision.

5. The antimonopoly authority shall be notified by way of an application from the legal entity or individual within 15 days after the transactions stated in item 1 herein if the aggregate book value of the assets of persons stated in item 1 herein exceeds 80,000 times the minimum wage.

When an individual is a member of executive bodies or boards of directors (supervisory boards) of two or more economic agents with assets having an aggregate book value in excess of 80,000 times the minimum wage, or of economic agents entered in the register for the same group of commodities or entered in the register for groups of commodities in different stages of the same production and marketing process, this person shall be required to notify the antimonopoly authority within 15 days after taking a seat in (being elected to) the stated bodies or boards. When notifying the antimonopoly authority,

the applicant shall submit thereto, besides the application, the information specified in item 3 herein.

6. If after preliminary study of the information the antimonopoly authority concludes that the transactions about which it has been notified may lead to establishment or reinforcement of the dominant position of an economic agent (group of persons) and (or) limitation of competition, it shall adopt a decision to run an additional check of this transaction's compliance with requirements of antimonopoly legislation. This decision shall be forwarded to the applicant within 15 days after the antimonopoly authority's receipt of the application.

The final decision shall be made by the antimonopoly authority within the time period foreseen by Article 16 herein, and communicated to the applicant in writing.

7. If the actions specified in item 5 herein can lead to establishment or reinforcement of the dominant position of an economic agent and (or) limitation of competition, the persons taking the stated actions shall be required to take steps to reinstate the necessary competitive conditions within the time specified by the antimonopoly authority when so demanded thereby.

8. In the cases addressed in item 5 herein, the persons shall have the right to request prior consent to the stated actions from the antimonopoly authority, which shall be required to consider the relevant applications by established procedure.

9. Transactions violating the procedure established by this article and leading to establishment or reinforcement of a dominant position and (or) limitation of competition may be nullified by judicial proceedings on the basis of a lawsuit filed by the antimonopoly authority in the event that the participants of the transactions fail to fulfill the antimonopoly authority's demands to reinstate the necessary competitive conditions within the time period it specifies.

Nonexecution of decisions of the antimonopoly authority rendered pursuant to items 4 and 7 herein shall be grounds for nullifying the relevant transaction by judicial proceedings on the basis of a lawsuit filed by the antimonopoly authority.

Violation of the requirements of this article insofar as concerns obtaining consent from (notification of) the antimonopoly authority concerning transactions shall be grounds for its imposition of fines pursuant to Kyrgyz Republic legislation.

Article 18. Involuntary Split-Up (Spin-Off) of Economic Agents (Except Financial Organizations)

1. If economic agents occupying a dominant position are engaging in monopolistic activity and have violated antimonopoly legislation, the antimonopoly authority shall have the right to file a lawsuit in court for their involuntary split-up or for spin-off of one or

several organizations from them based on structural subdivisions or structural units if this leads to development of competition.

2. The decision on involuntary split-up (spin-off) of an economic agent shall be adopted when the conditions hereunder exist in their aggregate:

possibilities exist for organizational and (or) territorial separation of its structural subdivisions or structural units;

there are no closely interconnected processes between its structural subdivisions or structural units;

the possibility exists for legal entities to work on their own on the market of a particular commodity as a result of reorganization.

3. The conditions, procedure, and means of splitting up (spinning off) economic agents shall be specified by the antimonopoly authority.

Chapter V. State Control of Capital Concentration on the Financial Services Market

Article 19. State Control of Capital Concentration on the Financial Services Market

1. Acquisition of assets or shares (interests in authorized capital) of financial organizations shall be subjected to state control in cases of:

acquisition of more than 10 percent of the shares (interests in authorized capital) of financial organizations by a legal entity or individual (group of persons) as a result of one or several transactions;

acquisition, by a legal entity or individual (group of persons), including on the basis of a fiduciary management agreement, a joint venture agreement, or an agency agreement, or any other transactions, of rights permitting determination of the conditions of a financial organization's business activity or performance of the functions of its executive body;

creation of a financial organization and change of a financial organization's authorized capital;

reorganization and liquidation of financial organizations.

2. In cases where the amount of the authorized capital of a financial organization possessing the assets or shares (interests in authorized capital) to be acquired exceeds the amount established by the authority, prior consent of the antimonopoly authority for transactions stated in item 1 herein shall be required.

In cases of reorganization of financial organizations these requirements concerning the authorized capital of financial organizations shall be fulfilled when the financial organization newly formed as a result of consolidation, merger, or reorganization or one of the participants of such consolidation, merger, or reorganization comes into compliance with these requirements.

3. To obtain prior consent for the transactions stated in item 1 herein, the transaction participants shall submit to the antimonopoly authority -- besides the documents filed with the state registering authority -- a petition to obtain this prior consent, information on the main activities and on turnover in the main activities, financial and economic reports submitted to the National Bank of the Kyrgyz Republic and to bodies of executive government regulating the financial services market, information regarding possession of the shares (interest in authorized capital) of commercial organizations on any grounds, information on membership in nonprofit organizations, and information on possession of assets thereof.

Within 30 days from the date of receipt of the documents listed herein the antimonopoly authority shall communicate its decision on prior consent to the transactions stated in item 1 herein to the transaction participants in writing. This period may be extended as necessary by the antimonopoly authority, but by no more than 15 days.

4. In the event of the antimonopoly authority's refusal to consent to the transactions stated in item 1 herein, and in cases established by Kyrgyz Republic legislation, transaction participants shall be required to transfer, within 3 months from the date of the antimonopoly authority's decision, their rights to participate in management of the financial organization or the assets or shares (interests in authorized capital) of the financial organization to third persons not in the group of persons comprising the transaction participants, and fulfill other requirements of the antimonopoly authority concerned with reinstating the necessary competitive conditions on the financial services market.

5. The antimonopoly authority may satisfy a petition for prior consent for the transactions stated in item 1 herein if the transaction participants are able to show that the shares (interests in authorized capital) of the financial organization are held exclusively for the purpose of acquisition of income thereon. In this case possession of these shares (interests in authorized capital) shall be allowed for only 1 year from the moment of their acquisition, and exercise of only the rights thereto connected with their sale shall be allowed.

6. In cases where the amount of the authorized capital of the financial organization possessing the assets or shares (interests in authorized capital) to be acquired does not exceed the amount established by the authority, financial organizations shall notify the antimonopoly authority about the transactions stated in item 1 herein within 15 days after these transactions.

In cases of reorganization of financial organizations the stated requirements concerning the authorized capital of financial organizations shall be fulfilled when the financial organization newly formed as result of consolidation, merger, or reorganization or one of the participants of such consolidation, merger, or reorganization comes into compliance with these requirements.

7. The transaction participants shall submit to the antimonopoly authority information on the main activities and on turnover in the main activities, financial and economic reports submitted to the National Bank of the Kyrgyz Republic and to bodies of state government regulating the financial services market, information regarding possession of the shares (interests in authorized capital) of commercial organizations on any grounds, information on membership in nonprofit organizations, and information on possession of assets of nonprofit organizations.

After studying the notice and all necessary documents, if there are signs that the transactions about which the antimonopoly authority has been notified may lead to establishment or reinforcement of the financial organization's dominant position and limitation of competition, no later than 30 days from the moment of receipt of all necessary information the antimonopoly authority shall make a reasoned decision recognizing the transactions as lawful or as limiting competition on the financial services market and forward it to the applicant. This period may be extended when necessary by the antimonopoly authority, but by no more than 15 days.

8. In the case where the antimonopoly authority decides to extend the period of study of the notice and all necessary documents in accordance with item 3 herein, the transaction participants shall not have the right to participate in management of the financial organization or to dispose of the relevant assets or shares (interests in authorized capital) of the financial organization before receiving the antimonopoly authority's consent. However, the transaction participants shall have the right to receive income thereon prior to the antimonopoly authority's adoption of this decision and in cases established by laws and by decisions of the Kyrgyz Republic National Bank.

9. In the cases stated in item 6 herein transaction participants shall have the right to request prior consent for the transactions stated in item 1 herein from the antimonopoly authority, which shall be required to duly consider such a request.

10. Consent for transactions connected with acquisition of assets or shares (interests in authorized capital) of financial organizations, and of rights permitting determination of the conditions of a financial organization's business activity or performance of the functions of its executive body that affect the financial organization's position on the financial services market, shall be given by the antimonopoly authority by procedure established by the Kyrgyz Republic government.

Article 20. Procedure for Nullifying Transactions Leading to Concentration of Capital on the Financial Services Market

1. When the transactions stated in Article 19 herein violate procedure established by this Law, leading to establishment or reinforcement of the dominant position of financial organizations and limitation of competition on the financial services market, they may be nullified by court proceedings on the basis of a lawsuit filed by the antimonopoly authority. In the event that the participants of these transactions fail to fulfill requirements of the antimonopoly authority regarding reinstatement of the necessary competitive conditions on the financial services market within a period specified thereby, such transactions may also be nullified by judicial proceedings on the basis of a lawsuit filed by the antimonopoly authority.

2. Nonexecution of decisions adopted by the antimonopoly authority in accordance with this Law shall be grounds for nullifying these transactions by court proceedings on the basis of a lawsuit filed by the antimonopoly authority.

3. Violation of the requirements of this Law insofar as concerns acquisition of prior consent from the antimonopoly authority for transactions or submission of a notice as stated in Article 19 herein shall be grounds for the antimonopoly authority's imposition of fines pursuant to Kyrgyz Republic legislation.

Article 21. Creation of Combinations (Associations, Unions) of Financial Organizations

1. Combinations (associations, unions) of financial organizations shall be created only after receipt of prior consent from the antimonopoly authority by procedure prescribed by this Law.

2. The participants or one of the participants of combinations (associations, unions) of financial organizations shall be required to file a petition with the antimonopoly authority to obtain the consent referred to in item 1 herein within 30 days from the moment of the decision to create combinations (associations, unions) of financial organizations.

The decision to recognize creation of combinations (associations, unions) of financial organizations as lawful or as limiting competition on the financial services market shall be made by the antimonopoly authority within 30 days after receiving information necessary for this decision.

2. In the event that the antimonopoly authority recognizes that creation of combinations (associations, unions) of financial organizations limits competition on the financial services market, the financial organizations participating in the stated combinations (associations, unions) shall be required, when so demanded by the antimonopoly authority, to change the conditions of their creation and fulfill other lawful requirements prescribed by the antimonopoly authority's decision on reinstating the necessary competitive conditions on the financial services market.

4. Actions stated in this article of financial organizations to create combinations (associations, unions) leading to limitation of competition on the financial services market may be nullified wholly or in part by court proceedings on the basis of a lawsuit filed by the antimonopoly authority. Losses inflicted as result of creation of combinations (associations, unions) having the consequence of limiting competition on the financial services market shall be subject to compensation by procedure established by Kyrgyz Republic legislation.

Chapter VI. Main Objectives and Powers of the Antimonopoly Authority

Article 22. Objectives of the Antimonopoly Authority

The main objectives of the antimonopoly authority shall be:

state control of compliance with antimonopoly legislation;

assistance to formation of market relations on the basis of development of competition and entrepreneurship;

prevention, limitation, and termination of monopolistic activity and unfair competition.

Article 23. Powers of the Antimonopoly Authority

1. To reach its objectives, the antimonopoly authority shall have the right to:

develop by arrangement with interested state bodies and approve, within the limits of its competency, statutory legal acts related to compliance with antimonopoly legislation binding on all bodies of executive government and local self-government and economic agents;

examine cases concerning violations of antimonopoly legislation and make decisions based on the results of examining the cases within the limits of its competency;

hand down, to bodies of executive government and local self-government as well as state bodies regulating the financial services market within the limits of its competency, orders to rescind or amend unlawful acts adopted thereby, to dissolve or amend their arrangements conflicting with this Law, and to cease other unlawful actions;

hand down binding orders to economic agents to cease violations of antimonopoly legislation and (or) to correct their consequences, to reinstate the initial situation, and to dissolve or amend agreements conflicting with antimonopoly legislation;

adopt decisions to impose economic sanctions and fines by established procedure on economic agents and their executives, officials of bodies of executive government and local

self-government, and state bodies regulating the financial services market for violation of antimonopoly legislation and price policy;

file, in court without paying state duty, lawsuits and applications concerning violations of antimonopoly legislation, and take part in proceedings in cases involving application and violation of antimonopoly legislation;

form the state register of monopoly economic agents and duly adopt decisions to enter (remove) economic agents in (from) the register;

run checks on compliance with antimonopoly legislation by bodies of executive government and local self-government, economic agents, organizations, and institutions;

forward materials to the appropriate law enforcement agencies for institution of criminal proceedings based on evidence of a crime connected with violation of antimonopoly legislation;

ascertain that an economic agent (group of persons) holds a dominant position on the market;

provide, by established procedure, explanations regarding application of antimonopoly legislation;

exercise other powers, pursue other objectives, and perform other functions prescribed by law.

Article 24. Coordination of Actions of the Antimonopoly Authority, the Kyrgyz Republic National Bank, and Bodies of Executive Government Regulating the Financial Services Market

1. Coordination of actions of the antimonopoly authority, the Kyrgyz Republic National Bank, and bodies of executive government regulating the financial services market shall be based on functional distribution of responsibilities consistent with specialization and on delimitation of liability as specified by legislation of the Kyrgyz Republic and this Law.

2. The Kyrgyz Republic National Bank and bodies of executive government regulating the financial services market shall be required to submit, at the request of the antimonopoly authority, statutory legal acts adopted and agreements executed thereby with financial organizations, and information necessary for analysis of the competitive environment on the financial services market and control of the status of this environment.

Article 25. Right of Access to Information

For the purposes of performance of functions assigned to the antimonopoly authority its employees shall have the right of unimpeded access to necessary documents and

information for the purpose of their inspection on the basis of a written request (instruction, order).

Law enforcement agencies shall be required to provide practical assistance to the antimonopoly authority's employees in the performance of their duties, supporting their access to information they need for the performance of their functions.

Article 26. Obligatory Submission of Information to the Antimonopoly Authority

1. The Kyrgyz Republic National Statistical Committee shall provide necessary information at the request of the antimonopoly authority.
2. Bodies of executive government and local self-government (their officials), economic agents (their executives), and individuals shall be required, when so demanded by the antimonopoly authority, to provide truthful documents, written and oral explanations, and other information necessary for the antimonopoly authority's performance of its lawful activities.

Article 27. Obligatory Observance of Commercial Secrecy by the Antimonopoly Authority

Information constituting a commercial secret obtained by the antimonopoly authority on the basis of Kyrgyz Republic legislation shall not be subject to disclosure.

In the event of disclosure of information constituting a commercial secret by employees of the antimonopoly authority, the losses inflicted upon individuals and legal entities shall be subject to compensation in accordance with civil legislation of the Kyrgyz Republic.

Chapter VII. Liability for Violation of Antimonopoly Legislation

Article 28. Compensation of Losses Inflicted on an Economic Agent

1. In a case where losses are inflicted on an economic agent or other person by an act adopted in violation of antimonopoly legislation by a body of executive government or local self-government, including the antimonopoly authority, or by nonperformance or improper performance of responsibilities by these bodies, these losses shall be subject to compensation pursuant to civil legislation.

2. In the event of violation of antimonopoly legislation, pursuant to an order of the antimonopoly authority bodies of executive government and local self-government (their officials) and economic agents (their executives) shall be required to cease the violation, reinstate the initial situation, dissolve an agreement or amend it, execute an agreement with another economic agent, rescind an act that does not comply with the law, transfer to the

Republican budget any profit received as a result of the violation, compensate for inflicted losses, and perform other actions prescribed by the order.

3. If actions (inaction) of an economic agent in violation of antimonopoly legislation inflict losses on another economic agent or on other person, these losses shall be subject to compensation by the economic agent inflicting them pursuant to civil legislation of the Kyrgyz Republic.

Article 29. Liability for Violation of Antimonopoly Legislation

Persons at fault for a violation of antimonopoly legislation may be subjected to administrative, criminal, and other liability pursuant to legislation of the Kyrgyz Republic.

Chapter VIII. Procedure for Adoption, Appeal, and Execution of Decisions and Orders of the Antimonopoly Authority

Article 30. Grounds for the Antimonopoly Authority's Examination of Cases Involving Violations of Antimonopoly Legislation

1. To permit adoption of a decision regarding violations of this Law, the antimonopoly authority shall be required to duly examine a case concerning violation of this Law.

2. Applications from the Kyrgyz Republic National Bank, economic agents, consumer and business unions and societies, and individuals, and representations of bodies of executive government and local self-government and the procuracy shall be grounds for examining cases concerning violation of antimonopoly legislation.

3. The antimonopoly authority shall have the right to examine a case on its own initiative based on media reports and other materials in its possession giving evidence of a violation of this Law.

4. Applications shall be submitted to the antimonopoly authority in writing, with documents giving evidence of a violation of antimonopoly legislation attached.

Article 31. Procedure for Execution of Orders and Other Decisions of the Antimonopoly Authority

1. A decision (order) of the antimonopoly authority shall be subject to execution within the period prescribed therein. Nonexecution of such a decision (order) on time shall incur consequences prescribed by this Law and by other statutory legal acts of the Kyrgyz Republic.

In the event of nonexecution of a decision (order) of the antimonopoly authority calling for rescission or amendment of an act adopted in violation of antimonopoly

legislation or for reinstatement of the situation that existed before the violation, the antimonopoly authority shall have the right to file an application in court for nullification of all or part of the act or for compulsory reinstatement of the situation that existed before the violation.

In the event of nonexecution of a decision (order) of the antimonopoly authority to amend or dissolve an agreement contrary to antimonopoly legislation or to execute an agreement with another economic agent, the antimonopoly authority shall have the right to file a lawsuit in court for nullification of all or part of the agreement or for compulsory execution of an agreement.

In the event of nonexecution of a decision (order) of the antimonopoly authority to transfer to the Republican budget any profit received as a result of a violation of antimonopoly legislation, the antimonopoly authority shall have the right to file a lawsuit in court for the collection of the unjustifiably received profit to the Republican budget.

2. A fine imposed by the antimonopoly authority on an economic agent, with the exception of a fine imposed on a sole proprietor, shall be collected within 30 days from the date of the decision for its collection.

3. A fine imposed by the antimonopoly authority on executives of a commercial or nonprofit organization, on officials of bodies of executive government and local self-government, and on citizens, including sole proprietors, shall be paid thereby within 30 days of receiving the decision imposing the fine. When payment of the fine by the set date is avoided or the fine is not paid in its full amount, the antimonopoly authority shall have the right to file an application in court for collection of the amount of the fine, plus a penalty amounting to 1 percent of the fine or its unpaid part for every day late, from executives of a commercial or nonprofit organization, officials of bodies of executive government and local self-government, and citizens, including sole proprietors.

Fines collected by the antimonopoly authority shall be paid to the Republican budget.

Payment of a fine shall not incur release from the obligation to execute the decision (order) of the antimonopoly authority or to perform other actions prescribed by antimonopoly legislation.

Article 32. Right of Appeal of the Antimonopoly Authority's Decisions

1. Bodies of state government, economic agents, and their officials shall have the right to file an application in court for nullification of all or part of a decision (order) of the state antimonopoly authority or for rescission or amendment of decisions to impose a fine.

2. The filing of an application shall not incur suspension of execution of a decision (order) to impose a fine for the time of its examination in court and until the court's decision comes into legal force.

Article 33. Coming Into Force of This Law

1. This Law shall come into force on the date of its official release.
2. The legislation hereunder shall be recognized as having lost force from the moment this Law comes into force:
 - Law of the Kyrgyz Republic "On Limitation of Monopolistic Activity and Development and Protection of Competition" (*Vedomosti Zhogorku Kenesha Kyrgyzskoy Respubliki*, 1994, No. 5, Article 163);
 - Resolution of the Kyrgyz Republic *Zhogorku Kenesh* "On the Procedure for Enactment of the Law of the Kyrgyz Republic 'On Limitation of Monopolistic Activity and Development and Protection of Competition'" (*Vedomosti Zhogorku Kenesha Kyrgyzskoy Respubliki*, 1994, No. 5, Article 163);
 - Law of the Kyrgyz Republic "On Natural and Permitted Monopolies in the Kyrgyz Republic," insofar as concerns permitted monopolies.
3. The Kyrgyz Republic government shall reconcile its statutory legal acts with this Law.

**President
of the Kyrgyz Republic**