

APPROVED
Order of the
Antimonopoly Committee
of Ukraine
December 07, 2023 № 21-pn

Registered at the Ministry of
of Justice of Ukraine
January 02, 2024
under № 3/4134

PROCEDURE
for conducting inspections of undertakings, associations, authorities, local self-government
bodies, administrative and economic management and control bodies by the Antimonopoly
Committee of Ukraine, its regional offices

I. General provisions

1. This Procedure defines the process of inspections conducted by the Antimonopoly Committee of Ukraine (hereinafter - the "Committee"), the bodies of the Committee, the regional offices of the Committee, employees of the Committee, and its regional offices for the undertakings, associations, government authorities, local self-government bodies, administrative-economic management and control bodies (hereinafter - the "object of inspection").

2. In this Procedure, the following terms are used with the following meanings:

other possession of a person – structures, courtyards, adjacent territories, areas designated for the permanent or temporary storage of material assets, except premises, vehicles, and land plots.

other place for storing information carriers – computers, technical means of electronic communications and information storage, servers, cloud computing technology, safes, employees' workplaces, cabinets, telecommunication (server) cabinets or racks.

stamping – applying a sheet of paper with the stamp of the Committee or its regional office to prevent access to premises, other possessions, electronic communication systems, or information storage places.

sealing – installing control devices to prevent unauthorized access to premises, other possessions, electronic communication systems, or information storage places.

stamp – an imprint of the round (heraldic) stamp of the Committee or its regional office.

seal – a control device used to prevent unauthorized access to premises, other possessions, electronic communication systems, or information storage places.

sealing device – a device used to install a seal.

premises – a space enclosed on all sides by protective structures: walls (including windows and doors), ceiling (overlap), and floor, designed for accommodating people or material assets (production or service premises of an enterprise, institution, or organization, garage, or other utility building) regardless of its functional purpose.

Other terms are used in the meaning provided in the Law of Ukraine "On the Protection of Economic Competition."

3. Inspections of undertakings, associations, government authorities, local self-government bodies, and administrative-economic management and control bodies are conducted based on the economic court's decision and the order of the Committee or the Chair of a regional office of the Committee, made following such a decision:

in connection with the consideration of applications from citizens, undertakings, associations, institutions, or organizations regarding violations of their rights due to actions or omissions defined by the Law of Ukraine "On the Protection of Economic Competition" as violations of competition protection legislation;

in connection with the consideration of submissions (applications) from government authorities, local self-government bodies, or administrative-economic management and control bodies regarding violations of competition protection legislation;

in connection with the direct detection by the bodies or officials of the Committee of signs of violation of competition protection legislation;

in connection with the consideration of cases regarding violations of competition protection legislation;

in case of a need to verify information obtained in connection with the state control over compliance with competition protection legislation.

4. The duration of the inspection may not exceed 30 calendar days unless otherwise established by the economic court's decision. This period may be extended by a court decision of the economic court upon a justified motion by the Committee or its regional office in cases of:

written consent of the object of inspection – but not more than for 30 calendar days;

submission of a motion to the Committee or its regional office by the object of inspection for an extension of the inspection period due to the need to prepare information necessary for the inspection – but not more than for 30 calendar days;

if there is a need for expert examination – but not more than for the duration of such an examination.

5. Inspections are conducted based on the economic court's decision permitting the inspection of undertakings, associations, government authorities, local self-government bodies, administrative-economic management and control bodies, access to premises, other possessions, and other places for storing information, which are owned and/or used by undertakings, associations, government authorities, local self-government bodies,

administrative-economic management and control bodies, and/or the performance of certain procedural actions as provided by the competition protection legislation, including inspection of premises, other possessions, electronic communication systems, places of information storage, property, items or other information carriers, documents, including their originals, sealing (stamping) of premises, other possessions, electronic communication systems, or places of information storage, imposing an arrest on property, items, or other information carriers, documents, including their originals, which may indicate signs of violation of competition protection legislation or be evidence or sources of evidence in the case, seizure of property, items or other information carriers, documents, including their originals (hereinafter - the "economic court's decision") and the order of the Committee or the Chair of the regional office, issued following such a court decision.

Inspection, sealing (stamping), evidence collection, or the imposition of arrest on property, items, documents, or other information carriers that are temporarily seized by pre-trial investigation bodies, arrested by the court, or are evidence in a criminal proceeding are carried out by the Committee or its regional office with the permission of the person conducting the pre-trial investigation in accordance with the law.

If the pre-trial investigation body or the court, based on and in accordance with the procedure established by the Criminal Procedure Code of Ukraine, has made a decision on the seizure (removal) of items and documents from a state authority, local self-government body, enterprise, institution, organization, or public association, which were seized and/or arrested by the Committee/regional offices of the Committee, the originals of such documents or their duly certified copies (according to the court's ruling) are transferred in the manner prescribed by law to the pre-trial investigation body or to the court.

6. Submission of a motion by the Committee or its regional office to the economic court to grant permission for the inspection of undertakings, associations, government authorities, local self-government bodies, administrative-economic management and control bodies, access to premises, other possessions, and other places for storing information owned and/or used by undertakings, associations, government authorities, local self-government bodies, administrative-economic management and control bodies, and/or the performance of certain procedural actions provided by the competition protection legislation, including inspection of premises, other possessions, electronic communication systems, places of information storage, property, items, or other information carriers, documents, including their originals, sealing (stamping) of premises, other possessions, electronic communication systems, or places of information storage, imposing an arrest on property, items, or other information carriers, documents, including their originals, that may indicate signs of violation of competition protection legislation or serve as evidence or sources of evidence in the case, seizure of property, items, or other information carriers, documents, including their originals, and the extension of the inspection period is carried out in accordance with the requirements of the Economic Procedure Code of Ukraine.

7. The economic court's decision serves as the basis for the issuance of an order by the Committee or the Chair of the regional office for conducting an inspection and the formation of a commission for the inspection (hereinafter - the "inspection order"), the form of which is approved by the Committee's order. The order must contain:

- 1) the number, date, and place of its issuance;

- 2) the position, surname, first name, and patronymic (if available) of the person who issued the order;

- 3) the number and date of the economic court's decision;
- 4) the case number in which the inspection is being conducted and the details of the order on its commencement, if available;
- 5) the name/surname, first name, and patronymic (if available) of the object of inspection;
- 6) the composition of the inspection commission;
- 7) the start and end dates of the inspection, and the list of issues to be clarified during the inspection;
- 8) information about the rights and obligations of the members of the inspection commission and the participants of the object of inspection;
- 9) a warning about the liability established by law for obstructing the inspection.

II. Procedure for establishing the verification Commission

1. By order of the Committee body or the head of the territorial office, a verification commission (hereinafter referred to as the "Commission") is established, comprising at least three authorized employees of the Committee and/or the territorial office. The order also determines the composition of the Commission, its chairperson, and deputy.

The composition of the Commission can be altered by an order of the Committee body or the Chair of regional office.

2. The Chair of the Commission:

- 1) ensures coordination of the Commission's activities and fulfillment of its assigned tasks;
- 2) allocates duties among the Commission members to ensure the proper performance of the verification tasks and oversees their execution;
- 3) familiarizes Commission members with available documents and information regarding the verification object;
- 4) determines the time for the Commission members to arrive at the verification object;
- 5) facilitates interaction with structural subdivisions of the Committee and its regional offices, as well as other government bodies during the preparation and conduct of the verification;
- 6) submits proposals to the Committee or the Chair of the regional office regarding changes in the Commission's composition.

3. During the verification, the Commission is guided by the Constitution of Ukraine, laws of Ukraine, decrees of the President of Ukraine, resolutions of the Verkhovna Rada of

Ukraine adopted in accordance with the Constitution and laws of Ukraine, acts of the Cabinet of Ministers of Ukraine, other normative legal acts, and this Procedure.

III. Rights and responsibilities

1. During the verification, Commission members have the right to:

1) based on a court decision of the economic court:

have unhindered access to premises, other holdings, and other places where information owned or used by the verification object is stored;

obtain copies or extracts of documents and other information carriers, seize property, items, or other information carriers, including originals of documents, and select copies or extracts from documents and information carriers at the Committee's regional office or any other premises;

inspect premises, other holdings, electronic communication systems, storage places for information, property, items, or other information carriers, including their originals, that are owned or used by the verification object;

seal (stamp) premises, other holdings, electronic communication systems, or storage places for information owned or used by the verification object;

impose an arrest on property, items, or other information carriers, documents, including their originals, that may indicate signs of violation of competition law or serve as evidence or sources of evidence in a case on the violation of competition law;

2) demand oral or written explanations from the manager, officials, and other employees or authorized representatives of the verification object regarding facts and documents related to the purpose and subject of the verification;

3) take photographs, audio or video recordings, and use other technical or software-technical means to obtain evidence in a competition law violation case and/or evidence or sources of evidence indicating signs of a competition law violation;

4) prohibit persons present in the premises, other holdings, or other places where information is stored during the verification, as well as persons entering the premises or other holdings of the verification object during the verification, from taking any actions with documents, items, and other information carriers until the verification is completed;

5) in the event of obstruction during the verification, seizure of evidence, or imposition of arrest on property, items, documents, or other information carriers, involve police officers, employees of other law enforcement and customs bodies to apply the measures provided by law to overcome the obstacles.

2. During the verification, Commission members are obliged to:

1) treat individuals present during the verification with respect;

2) explain the rights and responsibilities of individuals present during the verification;

3) present, before and during the verification, to the authorized representative of the verification object (or the person fulfilling their duties) and other employees and individuals present, upon their request, an official ID and a properly certified copy of the verification order and the court decision of the economic court;

4) ensure the confidentiality of economic secrets and confidential information of the verification object that became known during the verification;

5) warn the verification object about the legal liability established for obstructing the verification, unsealing (unstamping) premises, other holdings, electronic communication systems, or storage places for information sealed (stamped) by the Commission members.

3. The authorized person of the verification object (or the person fulfilling their duties), as well as the employees of the verification object, during the verification, have the right to:

1) use the services of a lawyer or legal specialist with whom a legal assistance agreement has been concluded (hereinafter - the lawyer or legal specialist), as well as translation services;

2) provide oral and written explanations (objections), and proposals regarding the content of the protocols drawn up during the verification;

3) give written consent or request an extension of the verification period, but no longer than for 30 calendar days;

4) submit a request for the return of original written evidence or for the unsealing (unstamping) of premises (other holdings), electronic communication systems, or storage places for information;

5) receive and review the verification act, and submit objections and explanations to it;

6) submit complaints to the Chair of the Committee or the Chair of the regional office about the actions of the Commission members;

7) exercise other rights provided by the competition law.

4. The authorized person of the verification object (or the person fulfilling their duties), employees of the verification object, and participants of the verification object, during the verification, are obliged to:

1) not obstruct the verification;

2) allow the Commission members to conduct the verification;

3) comply with the Commission members' requirements;

4) provide documents and explanations related to the verification;

5) ensure the integrity of the sealed (stamped) premises, other holdings, electronic communication systems, or other storage places for information and maintain the seals (stamps) until the deadline specified in the sealing (stamping) protocol;

6) comply with the prohibition on disposing of or using property, items, documents, or other information carriers that have been seized.

IV. Conducting the inspection

1. The first day of the inspection is considered the day the Commission members arrive at the inspection site.

Inspections are conducted during working hours, from 8:00 a.m. to 6:00 p.m. The inspection period may be extended by the Chair of the Commission if necessary to complete procedural actions, where any delay or incomplete actions may lead to the loss of evidence. However, the inspection cannot be conducted later than 9:00 p.m. Conducting inspections between 9:00 p.m. and 7:00 a.m., as well as on holidays and weekends, is not permitted.

2. Before the inspection begins, members of the Commission are required to present their official identification to the authorized representative of the inspection object (or the person performing their duties), an attorney, or a legal expert, and provide a duly certified copy of the order for conducting the inspection, along with a copy of the economic court's decision.

The absence of the authorized representative of the inspection object (or the person performing their duties) at the inspection site, where another representative of the inspection object is present, does not hinder the inspection and is not a reason to postpone or extend its duration.

A report is drawn up by the Commission members in the event of the absence of the authorized representative of the inspection object (or the person performing their duties).

Failure of an attorney, legal expert, or an authorized representative of the inspection object to appear within three hours does not hinder the inspection.

3. The inspection process and evidence gathering are conducted through photography, audio, or video recording, as well as using other technical or software-technical means to obtain evidence in a case concerning the violation of competition law and/or evidence or sources of evidence indicating signs of such violations.

The Commission members notify present persons about the use of technical means to record the inspection process and gather evidence.

During the inspection, the Commission members may conduct photography if audio or video recording is impractical, except in cases where audio or video recording is mandatory under the Law of Ukraine "On the Protection of Economic Competition" during the seizure or attachment of property, objects, or other information carriers, including original documents.

Commission members, based on a court decision of the economic court and in accordance with legal procedures, may use technical or software-technical means during the inspection to obtain evidence by overcoming logical protection systems of computers,

electronic communication devices, information storage devices, servers, or cloud computing technologies under the possession and/or use of the inspection object.

4. The performance of procedural actions by the Commission members, as provided for by competition law, such as sealing (stamping), seizing, and imposing attachments, should not lead to the suspension or restriction of the economic activities of the inspection object, unless there is a risk of evidence loss.

The scope and duration of sealing (stamping), seizing, and attachment are determined by a court decision of the economic court in each specific case, taking into account the properties of the property, its significance to the activities of the inspection object, its necessity, and other circumstances.

V. Inspection

1. The Commission members have the right to unhindered access to premises, other possessions, electronic communication systems, or other places where information carriers are stored, which are owned and/or used by the inspection object, and to conduct their inspection, which involves a direct examination, to detect property, objects, documents, or other information carriers that may indicate signs of violations of competition law or serve as evidence in the case.

2. Before commencing the inspection of premises, other possessions, electronic communication systems, places where information is stored, property, objects, or other information carriers, including original documents, the Commission members prohibit persons present in the premises, other possessions, or other places where information is stored during the inspection, as well as persons who enter the premises or other possessions of the inspection object during the inspection, from performing any actions with the property, objects, documents, or other information carriers until their inspection is completed.

Any actions involving the property, objects, documents, or other information carriers may only be performed with the permission of the Chair of the Commission or their deputy.

3. In the case the inspection object refuses to allow the Commission members access to conduct the inspection, the Chair of the Commission may, if necessary and in accordance with legal procedures, involve police officers, employees of other law enforcement agencies, or customs authorities to ensure access for the Commission members to the premises, other possessions, electronic communication system, and other places where information is stored that are subject to inspection and/or for the performance of certain procedural actions. Police officers, employees of other law enforcement agencies, and customs authorities are not allowed to interfere with the inspection process.

4. In the event of a refusal to allow the Commission members access to conduct the inspection, the Chair of the Commission draws up a report, which records the fact of the refusal to grant access, indicating the reasons for such refusal.

The inspection object has the right to provide written explanations to the report on the refusal to grant access to the inspection. If the representative of the inspection object refuses to sign the report confirming the refusal to grant access, a corresponding note is made in the report. A copy of the report is sent and/or delivered to the inspection object within three working days from the date it was drawn up.

VI. Sealing (stamping)

1. The sealing (stamping) of premises, other possessions, electronic communication systems, or information storage locations is carried out in the presence of an authorized representative of the inspected entity (or the person performing their duties), an official, an employee, or another authorized representative, as well as a lawyer or legal expert.

The absence of the authorized representative of the inspected entity (or the person performing their duties) does not prevent the sealing (stamping) process from being conducted if another representative of the inspected entity is present.

The absence of a lawyer or legal expert for more than three hours does not prevent the sealing (stamping) from being conducted.

In the event of the absence of the authorized representative of the inspected entity (or the person performing their duties), lawyer, or legal expert, the Commission members shall draft a report.

2. If the Commission members are denied access to premises, other possessions, or other locations where information carriers are stored, or face other obstacles, and there are sufficient grounds to believe that such premises, possessions, or other storage locations may contain items, documents, or other information carriers that could indicate violations of competition law or serve as evidence in a case, the Commission members have the right to seal such premises, possessions, or other information storage locations to ensure the preservation of evidence for the period and to the extent necessary for the inspection, based on a decision of the Economic Court, which specifies the term for which the premises, possessions, or other information storage locations are sealed.

3. If, during the inspection, the Commission members discover premises, other possessions, electronic communication systems, or information storage locations that were not mentioned in the court decision of the Economic Court, such premises, possessions, electronic communication systems, or information storage locations may be temporarily sealed (stamped), and a report is drafted, signed by at least two Commission members.

If such circumstances arise, no later than the next working day following the temporary sealing of premises, possessions, electronic communication systems, or information storage locations, the Committee or its regional office shall submit a request to the Economic Court for sealing (stamping). If the Committee or its regional office fails to submit such a request, the property specified in the first paragraph of this section shall be immediately unsealed.

4. The Chair of the Commission or their deputy shall appoint a Commission member responsible for conducting the sealing (stamping) of premises, possessions, electronic communication systems, or information storage locations and for overseeing the process. The sealing (stamping) is carried out in the presence of at least two Commission members.

5. Seals or stamps are affixed in such a way that access to the premises, possessions, electronic communication systems, or information storage locations is impossible without damaging the integrity of the seals or stamps.

6. Seals are affixed in locations where sealing ensures the impossibility of access to premises, possessions, electronic communication systems, or other information storage

locations, including on structural elements of premises, buildings, structures (entrance doors to production and other premises), and other elements.

7. The seal is pressed by a sealing device so that a clear and complete imprint is left on both sides, and it is impossible to separate the wire or thread from the seal. After pressing, the seal must be inspected by the Commission members for integrity.

8. After pressing by the sealing device, the seal must bear the following imprints:

on the front side – the name of the Committee or its regional office;

on the reverse side – the serial number of the sealing device (of the Committee or its regional office).

9. After the sealing, the Commission members must ensure that access to the premises, possessions, electronic communication systems, or information storage locations is impossible without damaging the seals.

10. Premises, possessions, electronic communication systems, or information storage locations that cannot be sealed due to their technical structure or other properties are stamped by affixing a paper sheet of the required size with the Committee's or its regional office's stamp. When stamping, the Commission members must consider the possible adverse effects of natural phenomena (wind, rain, etc.) on such a paper sheet with the Committee's or its regional office's stamp.

11. After stamping, the Commission members must ensure that access to the premises, possessions, electronic communication systems, or information storage locations is impossible without damaging the paper sheet with the Committee's or regional office's stamp.

12. A report on the sealing (stamping) of premises, possessions, electronic communication systems, or information storage locations is drafted, indicating which premises, possessions, electronic communication systems, or information storage locations are being sealed (stamped), the duration of the sealing (stamping), and the reasons for believing that such premises, possessions, or information storage locations contain items, documents, or other information carriers that may indicate violations of competition law or serve as evidence in the case.

A copy of the sealing (stamping) report is provided to the authorized representative of the inspected entity (or the person performing their duties) or another authorized representative.

If such persons are absent, a copy of the report is sent to them by registered mail no later than the next working day after the inspection.

Persons present during the sealing (stamping) have the right to provide written explanations and comments on the contents of the report.

13. Employees of the inspected entity are obligated to ensure the integrity of the sealed premises, possessions, electronic communication systems, or information storage locations and the seals or stamps until they are unsealed.

Access by any persons to the sealed (stamped) premises, possessions, electronic communication systems, or information storage locations without the participation of the Commission members is prohibited and will result in liability as provided by law.

14. Upon a justified request from the inspected entity, the Committee's bodies may decide to unseal (unstamp) the premises, possessions, electronic communication systems, or information storage locations of the inspected entity before the term specified in the relevant report.

15. The Committee's body shall consider the inspected entity's request for unsealing (unstamping) within three working days of its receipt and shall inform the authorized representative of the inspected entity (or the person performing their duties) in writing of the results.

16. The Commission shall unseal (unstamp) the premises, possessions, electronic communication systems, or information storage locations on the last day of the term specified in the Economic Court's decision, for which a report is drafted. The submission of a request for unsealing (unstamping) by the inspected entity is not required.

VII. Copying and/or obtaining copies of documents and other information carriers

1. During the inspection, members of the Commission have the right to copy, request, and/or obtain copies of documents and other information carriers related to the purpose and subject of the inspection.

Commission members carry out the copying of relevant information contained in devices for processing, transmitting, and storing information, in information (automated) systems, information and communication systems, their integral parts or components, without damaging or destroying the information on these devices.

Commission members have the right to continue the selection of copies of documents or extracts from them, as well as other information carriers, in the premises of the Committee's body, its regional office, or in any other premises during the inspection period.

A protocol is drawn up for the list of documents or extracts from them, and other information carriers for which the members of the Commission continue to select copies in the premises of the Committee's body, its territorial division, or any other premises. Such documents, or extracts from them, as well as other information carriers, are returned to the inspected entity after copying.

A protocol is drawn up for the receipt of documents and other information.

2. The inspected entity is obliged to provide, upon the request of the Commission members, copies of documents or extracts from them, and other information carriers. The inspected entity must inform the Commission members about restricted access information, including specifying which documents, other information carriers, or parts of them contain restricted access information, and provide justification for classifying this information as restricted, along with its non-confidential version.

3. Commission members have the right to request oral or written explanations from the manager, officials, and other employees or authorized representatives of the inspected entity regarding the provided copies of documents or extracts from them and other information carriers.

4. In case of refusal by the manager, officials, other employees, or authorized representatives of the inspected entity to provide copies of documents, extracts from them, or other information carriers, the Commission draws up a protocol on the obstruction of the inspection.

The protocol is signed by the members of the Commission and the authorized person of the inspected entity (or the person acting on their behalf) or another authorized representative of the inspected entity. In case of refusal by the authorized person of the inspected entity (or the person acting on their behalf) or another authorized representative of the inspected entity to sign the said protocol, or in their absence, a corresponding note is made.

The consequence of the refusal to provide copies of documents, extracts from them, or other information carriers is the seizure of evidence or the imposition of an arrest.

VIII. Seizure of evidence or arrest

1. Members of the Commission seize evidence, including property, documents (including originals), items, or other information carriers based on a ruling by the economic court. The seizure is documented in a protocol drawn up by two members of the Commission, who conducted the seizure, and signed by them as well as by the individuals present during the seizure.

2. The seizure of evidence or the imposition of seizure on property, items, other information carriers, and documents (including originals) is conducted with mandatory audio or video recording of these actions and in the presence of no fewer than two members of the Commission.

3. If the seizure of written evidence is complicated, for instance, due to its volume or because only a part of it contains information relevant to establishing signs of violations or the case, the Commission members may extract the necessary parts, properly certified by the person to whom the documents belong.

4. If it is impossible to seize the evidence, the Commission members, based on a ruling by the economic court, impose seizure on the property, items, other information carriers, and documents (including originals), which may indicate signs of a violation of competition law or serve as evidence in the case.

5. The imposition of seizure involves the description of the evidence and the announcement of the prohibition on its disposal. This is documented in a protocol drawn up by two members of the Commission, who imposed the seizure, and signed by them and by the individuals present during the imposition of the seizure.

The protocol of seizure and a copy of the economic court's ruling, on which the protocol is based, are sent to banks or other payment service providers, registration authorities of property or movable property encumbrances, by the Committee body or the Chair of the regional office (for property subject to state registration) no later than the next day after it is drawn up.

6. The seizure of property, items, other information carriers, and documents (including originals) that are not subject to state registration is imposed by the Commission members through their description, which must include individual (generic) characteristics, quantitative and/or qualitative features that allow their identification, and by announcing the prohibition on their disposal.

7. The imposition of seizure on evidence by restricting the right to use the property, items, other information carriers, and documents (including originals) is carried out through sealing (stamping).

8. Violation of the prohibition on disposal or use of property, items, other information carriers, and documents (including originals) on which seizure has been imposed leads to liability as established by law.

9. The protocol of seizure or imposition of seizure on property, items, other information carriers, and documents (including originals) must include the following:

- 1) the date and number of the protocol;
- 2) the full names and positions of the members of the Commission who conducted the seizure or imposed the seizure;
- 3) the location or declared/registered place of residence (stay) of the entity under inspection, where the seizure was conducted;
- 4) a list of the seized property, items, other information carriers, and documents (including originals) or those subject to seizure;
- 5) the full names of the individuals present during the seizure or imposition of seizure;
- 6) the basis for the seizure or imposition of seizure.

In case the individuals present during the seizure or imposition of seizure refuse to sign the protocol, this is noted in the protocol. The individual present during the seizure or imposition of seizure has the right to provide explanations and comments on the content of the protocol, which are attached to it, and to explain the reasons for refusing to sign the protocol.

A copy of the protocol of seizure or imposition of seizure is provided to the authorized representative of the entity under inspection (or the person performing their duties) or another authorized representative, attorney, or legal expert present during the seizure or imposition of seizure. In the absence of such individuals, a copy of the protocol is sent to the entity under inspection or the individual subjected to the inspection at their registered address or declared place of residence by registered mail no later than the day after the inspection is completed.

10. Seizure (prohibition of disposal, restriction of the right to use) of property, items, other information carriers, and documents (including originals) is lifted after the period specified in the economic court ruling expires.

11. The removal of seizure (lifting the prohibition of disposal, restriction of the right to use) from property, items, other information carriers, and documents (including originals)

is carried out based on an order of the Committee body or the Chair of the regional office. This order must be issued no later than the next working day after the expiration of the period specified in the economic court ruling.

Such an order (for property subject to state registration) is immediately sent to banks, other payment service providers, and registration authorities for property or movable property encumbrances.

12. If, during the inspection, the Commission members discover property, items, or other information carriers, documents (including originals) not specified in the economic court's ruling, they may be temporarily seized. A protocol is drawn up, signed by no fewer than two members of the Commission.

In such cases, no later than the next working day after the temporary seizure of property, items, or other information carriers, documents (including originals), the Committee or its regional office submits a motion to the economic court for seizure. If the Committee or its regional office fails to submit such a motion, the property temporarily seized is immediately returned to the person from whom it was taken.

13. The Committee and its regional offices ensure the accounting and storage of seized evidence. Failure to ensure proper accounting and storage conditions, resulting in loss, damage, deterioration of properties that give the evidence its probative value, is grounds for liability for individuals responsible for these consequences. Compensation for the damages is carried out in accordance with the law.

14. Upon a motion by individuals from whom the originals of written evidence were seized, such evidence may be returned after the expiration of the period for appealing the Committee body's decision to the economic court or after the court concludes the case on the appeal of the Committee body's decision. A certified copy of the written evidence remains with the Committee or its regional office.

A protocol of the return of the original evidence is drawn up, signed by no fewer than two authorized employees of the Committee, its regional office, and the authorized representative of the entity under inspection or the individual from whom the evidence was seized. It must include the following:

- 1) the date and number of the protocol;
- 2) a list of the returned evidence;
- 3) the full name of the person to whom the evidence is returned.

A copy of the protocol is provided along with the returned originals to the authorized person of the entity under inspection or another authorized representative, attorney, or legal expert present during the seizure or imposition of seizure.

In case of refusal to sign the protocol and receive the original evidence, a copy of the protocol and the evidence are sent to the entity under inspection at their registered address or declared place of residence by registered mail with declared value.

15. In certain cases, material evidence may be returned upon a motion from the individuals from whom it was obtained after its examination by the Committee body before the decision to initiate proceedings or conclusion of the case, provided that the return does not obstruct the resolution of the case.

A protocol is drawn up for the return of material evidence, signed by no fewer than two authorized employees of the Committee, its regional office, and the authorized representative of the entity under inspection or the individual from whom the evidence was seized.

IX. Procedure for registration of inspection results

1. Based on the results of the inspection, an inspection report shall be drawn up within 10 working days from the date of its completion.

2. The inspection report shall be drawn up in the form approved by the Committee's order, which must include the following information:

- 1) the start and end dates of the inspection;
- 2) surnames, first names, patronymics (if any), and positions of the Commission members;
- 3) the location or the declared/registered place of residence (stay) of the entity under inspection where the inspection was conducted;
- 4) actions and measures taken by the Commission members during the inspection;
- 5) information on sealing (stamping) premises, electronic communication systems, or places where information is stored and the removal of seals (stamps);
- 6) information on copying documents during the inspection;
- 7) if applicable, the case number concerning violations of the economic competition protection legislation within which the inspection was conducted;
- 8) explanations of the owner, manager, officials, employees, authorized representative of the entity under inspection regarding the premises, other possessions, electronic communication systems, or places where information is stored that are in the possession and/or use of the entity under inspection;
- 9) photographs, audio, and video recordings documenting the inspection process and the collection of evidence, which shall be attached to the inspection report and form an integral part of it.

3. The inspection report shall be drawn up in two copies and signed by the Chair of the Commission and its members.

One copy of the report shall be submitted to the Chair of the Committee, the Committee's body, the Chair of the regional office, and the second copy shall be sent to the entity under inspection at its location or declared/registered place of residence (stay) by registered mail no later than the next working day after the expiration of the time limit for drawing up the report, as specified in clause 1 of this section and after the completion of the inspection.

4. The materials, evidence, and information collected or seized during the inspection shall be used by the Committee's bodies to establish signs of violations of the economic competition protection legislation and/or to consider the case on violations of the economic competition protection legislation, within which the inspection was conducted.

If signs of violations stipulated by clauses 16 and 21 of Article 50 of the Law of Ukraine "On the Protection of Economic Competition" are detected during the inspection, the collected materials, evidence, and information in this part shall be separated for further consideration by the Committee's body, or the Chair of the regional office in a case regarding a violation of the economic competition protection legislation.

5. If during the inspection a violation of the laws of Ukraine that does not fall within the competence of the Committee is established, the Chair of the Committee, the state commissioners of the Committee, or the Chair of the regional office shall inform the relevant state authorities.

6. In case the inspection cannot be conducted, the Commission shall prepare and sign a report.

The grounds for the impossibility of conducting the inspection include:

the absence of the entity under inspection, property, items, documents, or other information carriers at the location or declared/registered place of residence (stay) of the entity under inspection, at which the Committee or its regional office has been granted permission by the economic court's decision to conduct the inspection;

liquidation/termination of the business activities of the entity under inspection before the start of the inspection;

the expiration of the inspection period set by the economic court's decision before the Commission begins the inspection.

A report on the impossibility of conducting the inspection shall be drawn up no later than the next working day after such circumstances are detected and kept in the Committee or its regional office, or it is stored in the case materials (if applicable).