

ABUSE OF A MONOPOLY POSITION ON THE MARKET

ALINA HRYTSENKO, MA student

ALLA I. RADU, Associate Professor, PhD in Philology, Legal English Supervisor
Ivan Franko National University of Lviv

The significance of the topic is determined by the role monopolies play in the overall economic development of a country. Monopolies can restrict competition, resulting in higher prices for goods and services, limited consumer choice, and reduced innovation. These factors can negatively impact economic growth and development, which in their turn can affect the citizens' standards of living. Therefore, it is important to have effective laws and regulations to prevent and regulate monopolistic behavior in the market.

The purpose of the research is to highlight the issue of monopolies in the market, particularly in Ukraine, and the laws and regulations that have been implemented to address this issue. Special attention to the challenges in regulating monopolies, including the lack of effective monitoring by state bodies responsible for enforcing such regulations is paid. It is important to encourage policymakers to address the shortcomings in regulating monopolies and ensure fair competition in the market, ultimately contributing to a healthier and more prosperous economy.

The Constitution of Ukraine in Art. 42 guarantees freedom of entrepreneurship and competition in the market. Besides, Ukraine has laws that regulate the issue of monopolies, in particular, the Law "On the Protection of Economic Competition". This law limits monopolistic enterprises' activities and prohibits the abuse of a monopoly position on the market.

However, there is often a problem with the effectiveness of control over monopoly structures. It is so because state bodies responsible for monitoring compliance with legislation do not always work efficiently and effectively. For this reason, monopoly structures can abuse their position in the market, reducing competition and setting inflated prices for their goods and services.

It is worth starting with the study of the issue of monopoly. A monopoly is defined as the dominant position of an entrepreneur on the market, which gives him/her the opportunity to limit the competition of a certain product on the market independently or together with other entrepreneurs. Usually, a monopolist is considered to be an entrepreneur whose market share of a certain product exceeds 35%, however, in accordance with the decision of the Antimonopoly Committee of Ukraine, the position of an entrepreneur can be recognized as a monopoly when his/her share on the market of a certain product is less than 35%.

According to Article 13 of the Law of Ukraine "On the Protection of Economic Competition", abuse of a monopoly (dominant) position on the market includes the actions or inaction of a business entity that occupies this dominant position on the market, which has led or may lead to the prevention, elimination or restriction of competition, or infringement of the interests of other economic

entities or consumers, which would be impossible under the conditions of the existence of significant competition on the market.

According to the Ukrainian legislation, the monopoly position of the business entity is not illegal.

Abuse of the monopoly position on the market is specified in Art. 13 of the Law "On the Protection of Economic Competition" as follows: setting such prices or other conditions for the purchase or sale of goods that would be impossible to set under the conditions of significant competition on the market; application of different prices or other conditions to equivalent transactions with business entities, sellers or buyers without objectively justified reasons; partial or complete refusal to purchase or sell goods in the absence of alternative sources of sale or purchase; creation of barriers to the access to the market or exit from it, as well as the removal from the market of sellers, buyers, other business entities, and others.

There are two main types of antimonopoly legislation in the world: American and Western European. Each of these types has its own distinctions and specific features. The American law formally prohibits any form of monopolistic conspiracy or alliance, all monopolies are formally illegal; The Western European is more liberal, built on the principle of controlling monopolistic associations and limiting their abuses.

In particular, the United States has the Law on Antimonopoly Practices (Sherman Act), which provides for strict sanctions for violations of Antimonopoly legislation. If companies enter into agreements and contracts to avoid competition, they can be deprived of their licenses and even face criminal charges.

In the European Union, there is a Law on the Protection of Competition, which provides for sanctions for the abuse of the monopoly position in the market. Companies can be deprived of the opportunity to operate on the market and pay large fines. The European Commission monitors the EU market and is responsible for regulatory processes.

In Ukraine, if a business entity abuses its monopoly position on the market, the bodies of the Antimonopoly Committee of Ukraine have the right to make a decision on the compulsory division of the business entity occupying this monopoly position and/or imposing a fine of up to ten percent of the annual revenue of the business entity from the sale of products (goods, works, services) for the last reporting year preceding the year in which the fine is imposed.

Thus, the abuse of the monopoly position on the market is a complex problem. In order to ensure effective control over monopoly structures, it is necessary to strengthen the work of state bodies responsible for monitoring compliance with the legislation. Fortunately, within the framework of the association agreement, Ukraine is consistently taking steps towards harmonizing the national legislation with the EU law, as well as improving regulatory mechanisms.

References:

1. Горбатюк Ю. В. Види та підстави юридичної відповідальності за зловживання монопольним (домінуючим) становищем на ринку // *Юридичний вісник*. – 2017. – № 3 (44). 114-119 с.
2. Фальченко О. Є. Проблеми зловживання монопольним становищем на ринку // *Управління розвитком*. – 2014. – № 11. 113–116 с.
3. Гук Г. В. Зловживання монопольним (домінуючим) становищем в антимонопольному законодавстві Європейського співтовариства та України // *Молодий вчений*. – 2017. № 11 (51)
4. Конституція України // *Відомості Верховної Ради України*. – 1996, № 30, ст. 141
5. Про захист економічної конкуренції: Закон України від 11 січня 2001 р. // *Офіційний вісник України*. – 2001. – № 7. – Ст. 260.
6. Про природні монополії: Закон України від 20.04.2000 р. No 1682–111 // *Відомості Верховної Ради України*. – 2000. – № 30. – Ст. 238.

UKRAINIAN REFUGEE IMMIGRATION BOOSTS DEMOCRATIC SOCIETY IN HOST COUNTRIES

RUSLANA IVANIUK, student

PAVLO ALEXANDROV, Associate Professor, PhD in Social Communications Studies, Scientific Adviser

OLENA IVASYUTA, Associate Professor, PhD in Philology, Language Adviser
Ivan Franko National University of Lviv

The immigration of Ukrainian refugees has become a significant issue for many democratic societies, and its impact on the development of democracy is of a major concern. While refugee immigration can have positive effects, such as promoting diversity and strengthening democratic values, it can also have negative effects, such as strains on social services, political polarization, and difficulties with integration. As such, the impact of Ukrainian refugee immigration on democratic society development is a complex and nuanced problem that requires careful consideration and analysis. It is not a simple matter with a single solution, as the interplay between different social, cultural, and economic factors makes it a complex and multifaceted problem.

On one hand, the influx of Ukrainian refugees into a democratic society can bring about numerous positive changes, such as a boost to the economy, cultural diversity, and the creation of new jobs. Additionally, refugees may introduce new perspectives and values that can enrich the social fabric of their new host country, thus promoting a more open and tolerant society.

On the other hand, there can also be challenges associated with the integration of refugees into a democratic society. Issues such as language barriers, cultural differences, and discrimination can create significant obstacles for refugees as they navigate their new environment. Furthermore, the process of resettlement can be traumatic and disruptive, which can affect refugees' mental and