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Overview of “gun-jumping” cases in Ukraine

2022 – 2024*

December 2024

* Overview covers January 2022 – October 2024

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The Antimonopoly Committee of Ukraine (AMC) is increasing enforcement efforts against so-called “gun-jumping” violations (i.e. a merger or acquisition executed without the prior approval of the AMC), demanding stricter scrutiny even for transactions with a perceived limited impact on the Ukrainian market. Between January 2022 and October 2024, the AMC imposed not only fines on companies that failed to obtain a prior clearance, but also on those that sought approvals after already closing their deals.



Despite a processing backlog caused by Ukraine being under martial law since the 2022 invasion, the AMC has consistently continued to enforce penalties. While some businesses benefited from leniency for voluntarily disclosing the relevant transactions during this period, the AMC nonetheless still issued fines for late notifications, even in cases involving carve-outs. In some instances, the AMC even initiated investigations independently. Such penalties have ranged from EUR 2,000 for minor violations to EUR 648,000 for more serious breaches. However, companies that cooperated with the AMC received reduced fines. The enforcement efforts targeted a wide range of industries, including energy, pharmaceuticals, chemicals, agriculture, real estate, and finance, highlighting the AMC’s broad regulatory oversight.



In February 2024, the AMC tightened enforcement efforts via a new fine calculation procedure, replacing its earlier “Recommendations on the Calculation of Fines for Violations of Ukrainian Competition Laws” methodology, and thus allowing the authority to impose significantly higher fines for competition law violations in Ukraine. For more details about this procedure, see our legal alert [here](#).



To avoid penalties, companies must ensure they have secured AMC clearance **before** closing transactions, as even war-related challenges do not exempt firms from compliance requirements.

Please note that this overview is for informational purposes only and does not serve as legal advice. For further details on this topic, please reach out to Yulia Eismont, at Yulia.Eismont@kinstellar.com

Highlights: January 2024 – October 2024



Within the specified period the AMC took **51** decisions on the imposition of fines in gun-jumping cases.



The AMC initiated cases on its own initiative **9** times, **42** decisions were taken after the authority opened a case based on the post-factum applications of parties.



The lowest fine totalled approx. **EUR 1,000**, while the highest was approx. **EUR 72,000**.



In several cases the AMC imposed basic fines of approx. **EUR 1,000** based on Regulation No. 1-rr, dated 03 March 2022 (the “**Regulation**”), which provides certain recommendations to the AMC related to the calculation and imposition of basic fines during martial law. The Regulation was in effect until 17 June 2022. In the aforementioned cases the merger notifications were sub-mitted prior or within the period that the Regulation was in effect.



In certain decisions (No. 250-p – 256-p as of 08 August, No. 284-p – 287-p as of 22 August, No. 326-p as of 19 September) direct reference is made to the new “Procedure for Determining the Amount of Fines Imposed for the Violation of Laws on the Protection of Economic Competition”, in effect since **21 February 2024**

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Our exclusive summary table highlights the most notable cases, including resulting in hefty fines that reach hundreds of thousands of euros. For those seeking a deeper dive, the full summary table is available upon request.

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