

KINSTELLAR

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Information violations before the Antimonopoly Committee of Ukraine

Why it matters

Under Ukrainian competition laws, recipients of AMC requests are typically subject to strict obligations to provide information in a full and accurate manner, and within the deadline set by the authority. Failure to comply may constitute a separate infringement of applicable competition law and may expose the given business to fines of up to 1% of its turnover for the preceding financial year.

In practice, information-related infringements do not merely arise during formal investigations. They can also occur during merger control filings, concerted practices filings, market studies, sector inquiries, and other contacts with the AMC where information is requested or submitted.

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Main types of infringement

Ukrainian law treats the following as separate infringements:

- failure to provide information within the prescribed deadline;
- the provision of incomplete information; and
- the provision of inaccurate information.

The above-listed categories should not be taken lightly. Even where a company cooperates in principle, a late submission may still constitute an infringement. Likewise, the wilful narrowing of request parameters, the omission of documents, inconsistencies in submitted figures, clerical mistakes in tables, or discrepancies between submitted data and official financial statements may all create enforcement risks.

Enforcement snapshot: 2024-2025

The statistics below show the scale of AMC enforcement activity in 2024 and 2025 in relation to information-related infringements.

AMC enforcement activity statistics	2024	2025
Number of imposed fines:	**102**	**77**
Failure to provide information within the specified deadline	77	56
The provision of incomplete information	17	11
The provision of inaccurate information	8	10
Highest imposed single fine	**EUR 68,000**	**EUR 84,227**

Core obligations

A company that receives an AMC request must generally ensure that its response is:

- submitted on time;
- complete;
- accurate; and
- supported by the documents and explanations requested by the authority.

Obligations in this respect are broadly defined. They extend to both ordinary corporate and accounting documents, and also to information subject to restricted access rules, if available to the recipient, including banking information, tax data, statistical reporting, and other materials covered by special confidentiality regimes.

Crucially, the existence of commercial secrecy or confidentiality obligations is not, in itself, valid grounds to refuse to provide information to the AMC.

What the AMC may request

Depending on the subject matter of the inquiry, the AMC may request a wide range of materials, including:

- primary accounting and financial documents;
- corporate documents;
- tax declarations and their annexes;
- statistical and financial reporting;
- documents containing banking, notarial, or other protected information; and
- written responses regarding pricing, counterparties, commercial strategy, sales volumes, or other business conduct.

The authority's information-gathering powers are therefore substantial, and businesses should not assume that a request is limited to documents that are already public or easy to access.

When a company may resist or narrow a response

Although the duty to cooperate is broad, it is not unlimited. Ukrainian case law recognises several scenarios in which a company may have legitimate grounds to argue that certain information cannot be provided.

This includes, in particular:

- **Objective impossibility:** the AMC cannot require information or documents that are objectively impossible to produce in practice.
- **Lack of possession or control:** the AMC must have reasonable grounds to conclude that the requested information is actually held by, available to, or accessible by the recipient.
- **No Ukrainian nexus:** information concerning foreign activities or contracts implemented exclusively outside of Ukraine may fall outside the legitimate scope of a request where this cannot affect competition in Ukraine.
- **Separate legal personality within a group:** membership in an international group does not automatically oblige a Ukrainian company to obtain and submit documents held by the respective foreign parent or sister companies.

Recent Supreme Court practice has also underscored that the scope of AMC information requests is not unlimited. In a February 2026 decision, the Court upheld a lower court finding that the AMC had not demonstrated that the requested information was actually within the company's possession, control, or ability to legally access, and that the company had repeatedly and expressly stated that it did not hold the requested materials (belonging to the foreign group entities). The case illustrates that a recipient may legitimately argue, in writing and within the respective deadline, that it lacks the requested information or the legal ability to obtain it from other group entities.

That said, a company should not simply ignore selected parts of a request based on a subjective and unilateral assessment. Where such issues arise, the safer approach is to make the respective case for the non-provision of information expressly, in writing, and within the stated deadline, rather than remaining silent or submitting only part of the requested materials.

Practical guidance

The first steps after receiving an AMC request:

1. Promptly determine the legal basis, scope, and stated deadline of the request.
2. Identify all internal custodians of potentially relevant documents and data.
3. Request an extension from the AMC if necessary.

When responding to an AMC request, the following basic traffic-light approach may be helpful:

- the information is available and should be provided fully, accurately, and on time
- a genuine obstacle exists, which the company should detail clearly in writing, seek clarification if needed, and request an extension where appropriate before the deadline expires
- the company should not remain silent, respond selectively without explanation, or provide inaccurate information

Key takeaway

For Ukrainian competition law purposes, responding to an AMC information request is more than just an administrative formality. It is a legally significant step that requires the same level of due care as a filing or defence submission made to the AMC.

A timely, complete, and accurate response can materially reduce enforcement-related risks, while a rushed, partial, or inconsistent response may itself become the subject of a separate infringement finding. Choosing the right course will help ensure business activities in Ukraine remain compliant and commercially stable.

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