

The development of antitrust legislation in the Republic of Kazakhstan

Author: Aydana Esmuratova¹

Abstract: In this article the questions concerning the history of the formation of the antitrust legislation of the Republic of Kazakhstan after independence and the role of antitrust authorities in the regulation of issues in monopolistic activities.

Key words: antitrust legislation, antitrust agency, unfair competition, state regulation et al.

Introduction: The transition of a country to market relationship leads to the emergence and developing of private business, to the emergence and equality of forms of ownership, to the emergence of antitrust legislation. Scope of application and regulation of antitrust legislation is requiring far more legal analysis.

The development of antitrust policy of independent Kazakhstan, like in other countries of CIS post-soviet space, served to entry the way to a market economic. For increasing effectiveness of a market economic development of antitrust regulation was indispensable.

In 1991 the Supreme Soviet the Kazakh USSR adopted the law «About developing competition and restricting of antitrust activity». It was one of the first market laws of the country, which was designed to contribute developing business in new conditions of economic reforms.

Main part: In this year upon decree of the President of Kazakh USSR in accordance with adopted law the State Committee of Kazakh USSR was founded to support of new economy structures and restrict antitrust activities. In 31 august of 1991 Ruling № 428 «Questions of State committee of Kazakh USSR to support new economic structures and restricting of antitrust activity» was signed. In 1993 State committee to support new economic structures and restricting of antitrust activity was reformed to State Committee of antitrust policy.

¹ Aydana Esmuratova, graduate student, 2-year learning, faculty of law, al-Farabi Kazakh National University, Almaty, Kazakhstan. Research advisor: Tynybekov Serikkali Tynybekovich, Doctor of Law, Professor, al-Farabi Kazakh National University, Almaty, Kazakhstan.

In July 15 the 1994 historical decision on unification of Committee for price regulation and State Antitrust Committee was adopted, and as a result Committee of price and antitrust policy was established by Decree of President of Kazakhstan «About perfection structures of organs of State authority and management and reduction of expenses for their support». At that time a completely separate order was established for calculating expenses and restricting natural monopolies. A first attempt was made to separate spheres, which are applicable to natural monopolies, and fields where it is necessary to develop competition.

In 1997 the Committee was divided into four departments: The Department of antitrust policy and social sphere, the Department of regulation of costs, the Department of safeguarding consumer rights and the Department of support of small and medium enterprises.

In 1998 the State Committee Republic of Kazakhstan for price regulation and antitrust policy was reformed into Committee of the Republic Kazakhstan for price regulation and antitrust policy and the the Agency for strategic planning and reforms of Republic Kazakhstan. In this year by initiative of the Committee the law of RK «About natural monopoly» [1] was adopted.

In 1998 in accordance to the Decree of the President of the Republic of Kazakhstan «About further perfection of state management in Republic Kazakhstan» the Agency of strategic planning and reforms was reorganized by dividing it into the Agency of strategy planning and reforms like an independent organ which is not submitted to the Government, and the Committee of economic planning. The Committee of regulating natural monopolies and protection of competition was created under Ministry of energetics, industry and trading.

Conclusion: In 1999 year the Committee for regulating natural monopolies and protection of competition was transformed into the Agency of the Republic of Kazakhstan for regulation of natural monopoly an saving concurrency. Antitrust agency was formed like a central executive organ, which is not under the Government. Its creation was necessary with the aim of making state policy of regulation natural monopolies, warning, restricting and preventing monopolistic activity and unfair competition and assistance to the development of commercial markets, and fair competition as well as support of small and medium businesses.

In 2003 antitrust policy in Republic Kazakhstan, regulating natural monopolies and protection of competition, was directly subordinated to the President of Kazakhstan. As a consequence the Agency appeared to be legally independent from Government and Parliament of country.

In 2004, as a result of administrative reforms, by decision of the Head of State the Committee for protection of competition, the Ministry of industry and trading of RK and the Agency RK of regulation

natural monopoly were separated. Dividing antitrust organs was done with a view to specify their functions and authority.

In 2007, giving account to the particularities of Kazakhstan a third regulatory body was created: The regulator of the finance sector, telecommunication and infrastructure regulation.

In 2007 the Agency of regulation natural monopoly became Agency for regulation of infrastructure. From the Committee for protection of competition the function of state regulation of cost, natural antitrust and sphere were given to the Agency the following competencies: railway, shipping, electric power supply, gas supply. From the Ministry of energetic and minerals, transport and communication infrastructure, the following regulatory powers were passed to the Agency: definition of technical standards, non-discrimination with regard to access to grids, approval of investment programs.

In 2011 according to a Decree of the President of the Republic of Kazakhstan in the aim to increase effectiveness of systems, competency to define working policy in the natural and monopoly sector and market regulation market was given from the Ministry of economic developing and trading in Republic of Kazakhstan to the Agency of State Management of the Republic of Kazakhstan

Reference:

Legislation Republic of Kazakhstan from 09.07.1998 year, № 272-I «About natural monopoly and regulating markets».

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Prof. Dr. Otto Luchterhandt,
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Ostinstitut Wismar
Philipp-Müller-Straße 14
23966 Wismar
Tel +49 3841 753 75 17
Fax +49 3841 753 71 31
office@ostinstitut.de
www.ostinstitut.de

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