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STRUCTURE OF PROCEEDINGS IN CASES OF DISTRIBUTION OF MISLEADING INFORMATION

According to article 151 of the Law of Ukraine «About protection against unfair competition» distribution of misleading information is forbidden.

Effective execution by bodies of Anti-monopoly committee of Ukraine of their authority in the sphere of protection of legal entities and consumers from distribution of misleading information is possible only thru legislatively consolidated procedural rules which have to establish accurately obligatory procedural actions, regulate an order and ways of their execution. Procedural rules are means of implementation of material rules of law.

Proceedings in cases of distribution of misleading information is regulated by special normative legal acts such as Laws of Ukraine «On protection against unfair competition», «On protection of economic competition», «About Anti-monopoly committee of Ukraine» and special subordinate normative legal act

– Rules of investigation of claims and cases on protection of economic competition.

But the above-mentioned acts don't include rules that define the structure of proceedings in cases of distribution of misleading information. The analysis of above-mentioned acts shows that proceedings in cases of distribution of misleading information consists of such obligatory stages as stage of initiation of proceedings, stage of investigation of the case and decision-making, stage of execution of the decision. Such stages of proceedings as challenging the decision, checking of the decision and revision of the decision are optional stages of the proceedings.

At the same time procedural part of the legislation about protection against unfair competition is fragmentary and imperfect and needs a lot of changes and additions.