MECHANISMS FOR THE DEVELOPMENT OF ANTITRUST POLICIES AND COMPETITIVE ENVIRONMENTS

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Abstract: In this article, the processes of economic concentration that took place in the world practice and the relations of the states from the legal, legal and economic point of view in the fight against monopoly were studied.

Keywords: economic concentration, antimonopoly committee, law, competition, norm.

Introduction. In creating equal conditions for the activities of business entities in Uzbekistan, the main goal of antitrust management is to increase competitiveness in their long-term development, one of the foundations of the state strategy is the organization of antitrust management, that is, the creation of favorable conditions for the activities of business entities.

Uzbekistan can take advantage of the world experience in antitrust Management, which is being applied to equal opportunities and practices created by entrepreneurs to conduct their business.

Analysis of thematic literature. The topic that we want to highlight is considered to be one of the main problems of the broad field of finance, including mergers, acquisition mergers and corporate restructuring. A number of scientists – Patrick A. Gohan, M.R.Zainullina, Y.D.Borisov, Garrett Sutton, T.Grundy, Deans Greim, Y.V.Ignatishin, M.G.Iontsev, Reid Stanley Foster, N.B.Rudyk, Evans Frank C., Allen Julius. Ralph., Under the authorship of experts such as Steiner Peter, the processes of mergers, acquisitions, mergers and corporate restructuring have been adequately covered. With the help of their research, we also analyze the place of economic concentration in the development of our national economy.

Research methodology. This article attempts to effectively use the methods of induction and deduction, systematic and logical analysis, comparative analysis.

Analysis and results. In international law, economic concentration is understood as agreements, other actions whose implementation can affect or affect the state of competition. the implementation of the process of economic concentration is understood as transactions and other actions that affect the state of competition.

The law of the Republic of Uzbekistan, based on the definition given in the international treaty Orq-319 of January 6, 2012, in the law “on competition”, is defined as follows, economic concentration-the conclusion of agreements and (or) committing other actions that lead to the dominance of the economic entity or group of persons, affecting the state of competition in the commodity or financial market.[1]

Another problematic issue that is being discussed in scientific circles is the attitude of the concept of economic concentration from a legal and economic point of view. Thus, in economic theory, economic concentration is understood as the object-subject relations, relations and interaction of subjects of the financial market by the directions, rates, forms and methods of development of the concentration process. Many scientists mention that the legal content of the legal definition of economic concentration and the economic content of this phenomenon differ. In our opinion, in the legal sense, “economic concentration” is perceived as a certain type of legal action. Therefore, the legislator should replace this concept with the definition of the "process of economic concentration". This approach allows us to distinguish between the economic and legal components of this phenomenon.

Another problematic issue in the concept of economic concentration is the determination of the limits of influence on the state of competition. The fact is that the legislator does not show a positive or negative effect. The literal interpretation of the norm allows us to conclude that any impact on competition is expected as a result of a transaction or action.

However, within the framework of the control of economic concentration, the object of antitrust control should be understood only those operations that lead to the restriction of competition and negatively affect its condition.

The laws, legal procedures and relations of the United States in the development of the activities of business entities in order to provide them with state support, to create equal conditions are now paying off. An increase in the legal consciousness of business entities, that is, "legal culture", is important. The Zamiri of legal culture is understood to be the full observance of the laws of the nation, that is, the concept that in the minds of people it is necessary to fulfill the requirement of laws. If, when all the necessary laws are passed, but they do not work or are not implemented in practice, such a society cannot be considered law-abiding, and it is imperative that the Entrepreneur take this into account in the conduct of his activities.

The development of the economy of developed countries is the struggle against the state monopoly. Also, the main task of antitrust regulation is to protect competition by suppressed monopolies and limit the power of monopoly companies, which tell consumers their price level. Another of the countries with a developed economy, the basis of the antitrust legislation of Russia is the complex of the Federal law "on the protection of competition".

The first antitrust law in Russia - the law "on the limitation of competition and monopolistic activity in commodity markets" - was adopted in subsequent publications on March 22, 1991.

The” rules for dealing with cases of violation of antitrust legislation " were approved by the Russian Scap Order No. 53 of May 12, 1994.

The norms of the law, designed to strengthen freedom of competition and limit the power of monopolies, are also contained in federal laws: "on advertising" of July 18, 1995; "on natural monopolies" of July 19, 1995; "on the protection of consumer rights" of February 7, 1992, with amendments of January 9, 1996, "on the protection of competition in the Financial Services Market"of June 29, 1999; The law of

14.04.1998 "on measures to protect the economic interests of the Russian Federation in the implementation of Foreign Trade in goods"was adopted.

The antitrust policy in Russia carried the body, which in September 1998 has undergone a number of changes. Thus, the State Committee for distrust entrepreneurship and competition policy support was called the Ministry of the Russian Federation. And this was converted into the Federal antitrust service in 2004.

The plenum of the Supreme Arbitration Court of the Russian Federation adopted Resolution No. 30 of June 30, 2008 "on certain issues related to the application of antitrust legislation by arbitration courts".

In these laws, there are restrictions on the freedom of activity of business entities and the freedom to conclude contracts for economic entities with a dominant position. The existence of the latter is determined on the basis of determining the share of the company in the general market or determining the total market share occupied by several large (by Sale) companies.

Such subjects, except for some exceptions, are prohibited:

- setting the monopoly high or monopoly low price of goods, holding;
- if the result of such a seizure is an increase in the price of the commodity, then the withdrawal of the commodity from circulation;
- upload to the counterparty the terms of the contract itself, which are unfavorable to the recipient or not related to the subject of the contract;
- economically or technologically unwarranted reduction or cessation of the production of goods if there is a demand for this product or orders for its delivery, there is an opportunity to produce it economically;
- refusal to conclude an agreement with individual buyers (customers) without economic or technological justification in the event of the possibility of producing or supplying the corresponding good;

- setting different prices (tariffs) for the same product without economic, technological and other grounds, unless otherwise provided by federal laws;
- setting an unreasonably high or unreasonably low cost of financial service by a financial institution;
- create discriminatory conditions;
- to create barriers for other business entities to enter the product market or exit the product market;
- violation of the pricing procedure established in regulatory legal acts.

At the same time, the federal law" on the protection of competition " prohibits the addition of organizations, control over the sale and purchase of large shares of companies, as well as price negotiations between business entities, market distribution and some other practices.

In the general case, the entrepreneurial environment is carried out mainly as a result of the interdependence of the following four factors: legal, political, social and economic. They can also form in the form of positives or incentives. In this case, the existing conditions in the country or region will be favorable for conducting entrepreneurial activities.

From the above factors, legal factors are the main ones, since it indicates the rule of games that can be carried out in an entrepreneurial environment in order to carry out entrepreneurial activities. The concept of the games rule includes work (actions)that are allowed and are being carried out. In relation to fixed work (actions), the rules of the game are manifested in different forms. What can be done in the rules of the game-it can be developed on the principle of what can not be done. All limits or restrictions on the path of conducting entrepreneurial activity should be clearly outlined in these rules. In general, the legal factor is a set of all laws (tax, land, labor relations) and guidelines for the conduct of entrepreneurial activity, regulating entrepreneurial activity and embodying the entrepreneur's relationship with other entities in the economic process.

According to the laws of our state, enterprises with a market share of more than 65% are considered to be in a dominant position. The level of market share advantage of 35-65% is determined by analyzing the stability of the market, the relative share of competitors, the presence of barriers to entering the network and other similar additional factors. A comparative analysis shows that in order for an enterprise to be considered in a dominant position, the "benchmark" size of the market share does not exist, and each country determines it according to its own criterion. For example, this share is 40% in Poland and the Czech Republic, in Hungary – 25-30%, in Russia – 20-60%, in the USA – 70%, in Canada – 35%, in the European Union – 40-50%. The law of the United States, Canada, the European Union and a number of other countries does not specify market shares, while dominance is determined on the basis of precedent law.[2]

In order to control market relations and economic concentration in the country, the Republic of Uzbekistan implements a unified state policy on the protection of anti-monopoly management and competition and coordinates the activities of state bodies for the development of competition in the sectors in which they are responsible.

The law of the Republic of Uzbekistan dated January 6, 2012 "on competition"No. 319 is regulated by the law of the Cabinet of Ministers of the Republic of Uzbekistan dated October 12, 2005 No. 225 “on competition, natural monopolies, protection of consumer rights and advertising”on the procedure for initiating and reviewing cases for violation of legislation, the Constitution of the Republic of Uzbekistan and also international regulatory legal acts.

The "Antitrust Committee" was reorganized in order to facilitate the elimination of obstacles to the free access of business entities to the commodity and digital markets of our state, as well as to ensure the free movement of goods and services, abuse of the dominant position of economic entities, "cartel" agreements and language attachment, to put an end to unfair competition, as well as

The Antitrust Committee of the Republic of Uzbekistan exercises its powers independently of all state bodies and organizations, their officials, and is removed from the list of state bodies that are subject to regulation by the Cabinet of Ministers of the Republic of Uzbekistan.

The fact that the legal framework is not fully or in one norm can have a huge negative impact on the level of entrepreneurial activity. Currently, there is a whole legal framework that forms the basis of economic reforms implemented in practice in the Republic of Uzbekistan.

Law of the Republic of Uzbekistan "on restriction of monopolistic activities" adopted on July 2, 1992

On December 27, 1996, the new law "on the restriction and competition of monopolistic activities in commodity markets"was issued by the Supreme Assembly of the Republic of Uzbekistan

On April 24, 1997, the law of the Republic of Uzbekistan “on natural monopolies” was adopted.

Special Decision No. 364 of September 21, 2000 "on natural monopolies"on measures to implement the law of the Republic of Uzbekistan

In the decree of the first president of the Republic of Uzbekistan dated November 13, 2012 “on the establishment of the State Committee for privatization, distrust and development of competition of the Republic of Uzbekistan”

In order to ensure the implementation of the Presidential Decree, the decision adopted by the Cabinet of Ministers on November 14, 2012 “on the Organization of activities of the State Committee for privatization, distrust and competition development of the Republic of Uzbekistan”noted the need to pay special attention to this aspect along with the practice of a number of measures.

On March 30, 2018, the decision of the Cabinet of Ministers of the Republic of Uzbekistan “on measures to further improve antitrust regulation in commodity markets” was adopted.

In accordance with the decree of the president of the Republic of Uzbekistan No. PF-5630 of January 14, 2019 “on measures to radically improve the management of state assets, the antitrust regulation system and the capital market”and the decree of the president of the Republic of Uzbekistan No. PQ-4126 of January 24, 2019 “on the Organization of antitrust

This law is aimed not at prohibiting the practice of monopolies, but at preventing negative situations in the market arising from its dominance. The prohibitions provided for by law are set against the monopolistic Act, which is typical both for the countries of the developed market economy and for Uzbekistan and other countries of the transitional economy.

The following acts are considered contrary to antitrust law:

- misuse of the state of dominance in the market by the business entity;

- agreements of economic entities aimed at limiting competition(mutually agreed actions);

-actions of authorities at all levels of management aimed at limiting competition;

- unfair competition.

It should be noted that the law of the Republic of Uzbekistan "on the limitation and competition of monopolistic activities in commodity markets"was established on the basis of international analogues, however, the environment in which this law is carried out is fundamentally different from the conditions of developed countries and affects its implementation.

Conclusions and suggestions. In creating equal conditions for business entities in the Jaxon States, we must use their experience, studying the past and modern directions of antitrust management and, on its basis, interpreting the work carried out by a small number of scientists in our country.

You should improve the legal and Economic Institute of economic concentration in the framework of the implementation of five priorities in the “action

stretegia”of 2017-2021 by the head of our state and the “development stretegia”of seven priorities for 2022-2026.

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