

# Legal Functions of NAAPDC

## General Provisions

- National Agency of the Kyrgyz Republic for Anti-Monopoly Policy and Development of Competition (hereinafter referred to as the National Agency) is the state anti-monopoly body that implements the uniform state policy in the field of protection and development of the competition, state regulation and control in the fields of activities of subjects of natural and allowed monopolies related to prevention, restriction and restraint of monopolistic activity and unfair competition, the Agency regulates the fuel and energy complex.

# Continued

- In its activities, the National Agency is governed by the Constitution and laws of the Kyrgyz Republic, and also by other regulatory legal acts of the Kyrgyz Republic, international treaties that came into effect in the procedure stipulated in the legislation of the Kyrgyz Republic, and also by the current Regulations.

# Continued

- The National Agency coordinates activities of the executive power bodies, local self-governing bodies and public associations if such activity is related to anti-monopoly policy, development and protection of competition, protection of consumer rights and advertising.

# Objectives and Functions of the National Agency

- The main objectives of the National Agency are:
- – implementation of the state policy in the field of anti-monopoly regulation, fuel and energy complex, protection of consumer rights, advertising;
- – promotion of market relations based on the anti-monopoly regulation, de-monopolization of monopolistic branches of economy, protection and development of competition, creation of favorable conditions for development of entrepreneurship.

# Functions of NAAPDC

- In accordance with its main objectives, the National Agency performs the following functions:
- – elaboration and implementation of the state policy in the field of anti-monopoly regulation, fuel and energy complex, protection of consumer rights and advertising;
- – exercise of state control over compliance with anti-monopoly legislation, legislation in the field of the fuel and energy complex, on protection of consumer rights, on advertising and other normative legal acts of the Kyrgyz Republic related to issues that are in its competence;
- – elaboration of normative legal acts on improvement of the anti-monopoly legislation, legislation in the field of the fuel and energy complex, on protection of consumer rights, on advertising, pricing policy and practice of their application;
- – ensuring balance between interests of consumers (subscribers) and subjects of natural and allowed monopolies by means of state regulation and control over their activities providing for availability of consumer goods, works, services sold, purchased and provided by them to consumers (subscribers);

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- – elaboration of recommendations on application of relevant methods and measures of tariff and non-tariff regulation (including those related to changes in the custom duty rates) taking into account the competitive environment situation in the domestic market;
- – state regulation and control in the fields of activities of subjects of natural, allowed and state monopolies in accordance with the set procedure;
- – state regulation of prices (tariffs) for services (works) provided by executive power bodies and local self-governing bodies and their structural units, organizations and institutions in accordance with the set procedure;

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- Elaboration of the pricing and tariff setting mechanism for goods (works, services) in the regulated spheres;
- – elaboration of the mechanisms for regulation of export and import of electricity;
- – support in development of new technologies, know-how in the energy field in order to develop fundamental and applied sciences in the energy field, development of production, energy supply, renewable energy sources;
- – issuance of licenses for generation, transmission, distribution and sale of electricity, heat and natural gas, processing of oil and natural gas, construction of power plants, substations and power transmission lines, export of electricity;

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- – coordination of standards and normative documents related to provision of services to consumers of energy resources and improvement of their quality, ensuring their implementation in accordance with the legislation of the Kyrgyz Republic;
- – approval of tariffs for electricity, heat, natural gas;
- – elaboration of model contracts for energy supply that determine the rights and obligations of supply organizations and consumers, and also contracts between electricity and gas market participants according to the procedure specified in the legislation of the Kyrgyz Republic;
- – handling issues of pricing for goods, works and services in all branches of economy with respect to enterprises that are included in the list of natural and allowed monopolies, including those in such sectors as communications, alcohol, etc.;
- – appointment of the registrar for energy market contracts, identifying his role, authorities and duties;



# Functions of NAAPDC

- – coordination, together with other state bodies, of technical assistance received in the energy sector of the republic;
- – control over execution of terms of agreements between subjects of natural monopolies and consumers of their services;
- – control over subsidies between various consumer classes and groups, and elaboration of proposals on their termination;
- – control over compliance with technical and economic indicators and set target indicators of quasi-fiscal deficit (QFD) in the energy sector;
- – handling complaints, proposals, applications from legal entities and individuals concerning issues that in the competence of the National Agency;
- – participation in the work of the tender commission in the course of tenders for purchase of goods (works, services) of subjects of natural, allowed and state monopolies, executive power bodies and local self-governing bodies;
- – participation, according to the set procedure, in conclusion of interstate agreements, elaboration and implementation of international projects and programs, and implementation of cooperation with state bodies and public organizations of foreign states and international organizations on issues that are in its competence;

# Rights of the National Agency

- To issue to executive power bodies and local self-governing bodies, physical persons and legal entities, irrespective of forms of ownership, binding instructions on elimination of violations related to issues that are in the competence of the National Agency, and elimination of their consequences;
- – to make decisions (issue decrees) on imposing fines and economic sanctions on executive power bodies and local self-governing bodies and their officials, on economic entities, organizations and institutions and their managers, on physical persons for violations of the legislation of the Kyrgyz Republic according to the set procedure;
- – to send to the Government of the Kyrgyz Republic proposals on improvement of anti-monopoly legislation, legislation in the field of the fuel and energy complex, laws on protection of consumer rights, on advertising, pricing policy and practice of its application;
- – to give opinions on draft normative legal acts related to functioning of markets and development of competition, fuel and energy complex, protection of consumer rights, advertising, pricing policy;

# Rights of the National Agency

- – according to the set procedure and in the framework of its competence, to elaborate and adopt normative legal acts on the issues related to anti-monopoly legislation in the field of the fuel and energy complex, legislation on protection of consumer rights, on advertising, pricing policy;
- – to make proposals to the Government of the Kyrgyz Republic and relevant executive power bodies on the list of the types of activities subject to be licensed, prohibited, on suspension of export and import transactions of economic entities if the latter violate the anti-monopoly legislation; proposals on simplification of registration and permission procedures;
- – to determine and apply in accordance with the legislation methods of regulation of activities of subjects of natural and allowed monopolies;

# Rights of the National Agency

- – to send, if necessary, to law enforcement bodies materials to initiate cases related to violation of the legislation of the Kyrgyz Republic;
- – to require audits of financial and economic activities of energy companies and to have access to audit materials;
- – to attract specialists, experts, scientific and other organizations to examination of cases related to violation of the legislation, to inspections and expert tests, to create expert working groups;

# Rights of the National Agency

- – to exercise control of licensee's compliance with the license terms in accordance with the Law of the Kyrgyz Republic «On Licensing» and other normative regulatory acts of the Kyrgyz Republic;
- – to exercise state control over prices (tariffs) for goods and services of natural allowed and state monopolies;

# Rights of the National Agency

- – to file petitions to judicial bodies without paying the state duty and to take part in court proceedings;
- – in the set procedure to represent the Kyrgyz Republic in international organizations;
- – to exercise other powers in accordance with the legislation of the Kyrgyz Republic.
- 8. In order to ensure execution of its functions and performance of its objectives, within its competence, the National Agency has free access to all documents of the executive power bodies, of economic entities, irrespective of the forms of ownership in accordance with the legislation of the Kyrgyz Republic.
- 9. Decisions of the National Agency made within its competence in the form of decrees, orders, instructions are binding for the executive power bodies, local self-governing bodies and entities irrespective of the forms of ownership.