

**NON OFFICIAL TRANSLATION**

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**STATE COMMISSION FOR THE PROTECTION OF ECONOMIC COMPETITION OF  
THE REPUBLIC OF ARMENIA**

1 August 2007  
Yerevan

No. 65-N

**DECISION**

**ON APPROVING THE PROCEDURE FOR DEFINING THE MONOPOLISTIC OR  
DOMINANT POSITION OF AN ECONOMIC OPERATOR**

Having regard to Article 6(5) and Article 19(1)(g) and (i) of the Law of the Republic of Armenia on the Protection of Economic Competition, Article 72(1)(1)(b) of the Law of the Republic of Armenia on Legal Acts, the State Commission for the Protection of Economic Competition of the Republic of Armenia **has decided to:**

1. Approve the procedure for defining the monopolistic or dominant position of an economic operator in accordance with the Annex.
2. Repeal point 2 of the Decision No 27 of 4 March 2002 of the State Commission for the Protection of Economic Competition of the Republic of Armenia (hereinafter referred to as "the Commission") "On approving the procedure for defining the dominant position of an economic operator in a commodity market and the procedure for defining commodity market boundaries and volumes and repealing a number of decisions of the State Commission for the Protection of Economic Competition of the Republic of Armenia.
3. This decision shall enter into force on the tenth day following its official publication.

**Chairperson**

**A. Shahnazaryan**

**Annex**  
**to the Decision No 65-N of 1 August**  
**2007 of the State Commission for the**  
**Protection of Economic Competition of**  
**the Republic of Armenia**

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**PROCEDURE**

**FOR DEFINING THE MONOPOLISTIC OR DOMINANT POSITION OF AN  
ECONOMIC OPERATOR**

1. This procedure lays down the procedure for defining the monopolistic or dominant position of an economic operator in a commodity market by the State Commission for the Protection of Economic Competition of the Republic of Armenia (hereinafter referred to as “the Commission”).
2. On the ground provided for in Article 6(1) of the Law of the Republic of Armenia on the Protection of Economic Competition (hereinafter referred to as “the Law”) the economic operator shall be deemed to have no competitors if the economic operator concerned occupies, as a seller (purchaser), 100 percent (the total volume) of the relevant market by the sales (purchase) volumes of product.
3. On the ground provided for by Article 6(2) of the Law the economic operator shall be deemed to have a dominant position in a commodity market if the economic operator may not be considered as an economic operator having a monopolistic position in the given commodity market on the ground provided for in Article 6(1) of the Law.
4. On the ground provided for in Article 6(3) of the Law economic operators shall be deemed to have a dominant position in a commodity market if each of them may not be considered as having a dominant position in the relevant commodity market on the ground provided for in Article 6(2) of the Law.
5. On the ground provided for in Article 6(4) of the Law economic operators shall be deemed to have a dominant position in a commodity market if each of them may not be considered as having a dominant position in the relevant commodity market on the ground provided for in Article 6(3) of the Law.
6. Monopolistic or dominant position of an economic operator in a commodity market shall be defined by means of calculating the share of the relevant economic operator in a commodity market based on the analysis of information submitted by economic operators of the relevant commodity market and/or state authorities, and/or information obtained as a result of controls carried out by the Commission.
7. Commodity market volumes and the share of the economic operator therein shall be defined in kind and/or in value terms in accordance with the procedure for defining commodity market boundaries, composition of market participants and volumes. The calculation shall be made by applying the same method of measurement.

8. The calculation of commodity market volumes and the share of an economic operator therein shall be made based on the data covering a certain period of time (hereinafter referred to as the period under review) preceding the analysis of the relevant market by the Commission.

9. The share of an economic operator in commodity market volumes shall be defined by the ratio of sales or purchase volumes of the relevant product by the economic operator in the period under review over the volumes of the relevant commodity market expressed in percents.

10. An economic operator may also be considered as having a monopolistic position - without carrying out any examination or analysing information mentioned in this Procedure - if the economic operator holds an exclusive or in fact the only licence indicating the existence of such position or based on other information.

11. An economic operator having a monopolistic or dominant position shall be registered in the centralised registry (register) of economic operators having a dominant position in a commodity market.