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CONCEPT AND CHARACTERISTICS OF THE ACTS OF "UNFAIR COMPETITION" ON THE LEGISLATION OF THE REPUBLIC OF BELARUS**ALIAKSANDRA NUZHDINA, ALIAKSANDR DENISEVICH****Department of constitutional law of Belorussian state university, Belarus**

The article analyzes the concept and acts of unfair competition in the Republic of Belarus, taking into account the latest changes in the national antimonopoly legislation and the requirements of the legislation of the Eurasian Economic Union.

The problem of realizing the economic interests of economic entities in the context of competition policy is very important. Goals and objectives in a competitive environment are achieved with the presence and successful operation of certain factors and principles.

Nevertheless, we are forced to draw our attention to the fact that often unfair means of competition are used. In order to determine what means in competition are unacceptable and unacceptable by legislation, it is necessary to analyze the definition of the concept of "unfair competition" and its possible forms of implementation in the Republic of Belarus.

The main "basis" in the sphere of legal regulation of competitive relations is the Civil Code of the Republic of Belarus of December 7, 1998 № 218-3. It is noteworthy that the definition of the concept of "unfair competition" of the Civil Code does not contain, in Part 2. Article 1029 Civil Code legislator fixed a list of actions that are defined as unfair competition [1].

Let's turn to the specialized normative legal act - the Law of the Republic of Belarus "On Counteracting Monopolistic Activity and Developing Competition" dated December 12, 2013 No. 94-Z (hereinafter - the Law of the Republic of Belarus "On Counteracting Monopolistic Activity and Developing Competition"), .1.15 p.1.st.1 above the law stipulates that unfair competition is "any action of an economic entity or several x aimed at acquiring advantages in business activities economic entities that contradict this Law, other acts of antimonopoly legislation or the requirements of good faith and reasonableness and may cause or cause losses to other competitors or damage their business reputation"[2].

Taking into account the development of competitive relations, economic integration within the framework of the Eurasian Economic Union (hereinafter referred to as the "EEU"), the Republic of Belarus adopted the Law of the Republic of Belarus "On Amendments and Additions to the Law of the Republic of Belarus" On Counteracting Monopolistic Activity and Developing Competition "of January 8, 2018. №98-3 (changes and additions will come into force on August 3, 2018) [3].

The definition of the concept of unfair competition in the new wording is changed. In particular, the word "any" is excluded in the definition of the concept. Thus, the legislator points out to us that actions that are recognized as unfair competition must be specific, namely, those aimed at acquiring advantages (benefits) in entrepreneurial activity of the actions of an economic entity or several economic entities that are contrary to this Law, other legislative acts and acts antitrust laws or the requirements of good faith and reasonableness and may cause or cause losses to other competitors or may cause or damage their business reputation [3].

The recognition of this or that illegal act of an economic entity as an unfair competition is topical.

Acts of unfair competition are characterized by the presence of the following signs:

1. Unfair competition in the Republic of Belarus is understood only as actions. In contrast to the forms of monopolistic activity, where, along with active actions, the antimonopoly legislation of the Republic of Belarus is prohibited, inaction is recognized.

2. Actions can be carried out only by economic entities. Prior to the adoption of the Law of the Republic of Belarus "On Amendments and Additions to the Law of the Republic of Belarus" On Counteracting Monopolistic Activities and Developing Competition ", legal entities and individual entrepreneurs engaged in entrepreneurial activity and (or) having the right to implement it were recognized as such. Taking into account

the latest changes in the above law, business entities, non-profit organizations that carry out activities that generate income for it, an individual entrepreneur, as well as another individual who is not registered as an individual entrepreneur but who carries out professional activities that yield income to him are recognized as economic entities. According to the legislation is subject to licensing [3].

3. The actions should contradict the antimonopoly legislation of the Republic of Belarus, as well as the requirements of good faith and reasonableness.

N. Bondarenko notes that "the principle of good faith and reasonableness of participants in civil legal relations should contain the civil law of bona fide and reasonable behavior addressed to the subjects and is formulated as follows:" in the exercise of their rights and the fulfillment of the conditions of participants, the right of legal relations should not infringe on the rights and the interests of other persons protected by law "[4, с.80].

4. The subject of unfair competition shall be an economic entity that commits the relevant actions and the economic entity affected by them. Such entities should be in the competitive relationship.

5. The subjective side is characterized by intent (it should be noted that this applies to officials (subjects of unfair competition)).

The emergence of new forms of unfair competition requires the development and legal regulation of mechanisms to counteract such activities. The antimonopoly legislation of the Republic of Belarus does not stand still, on the contrary, in the context of its integration it has become on the path of harmonization with the basic document of this international organization - the Treaty on the EAEC. In the new version of the law, we note changes in the details that may be banned from actions that lead or may lead to a restriction of competition in the procurement of goods.

Work on the implementation of the rules of the model law "On competition" of the EAPS, which contains procedures for investigating and dealing with violations of competition rules has been carried out [5]. In this regard, in the Republic of Belarus, each of which consists of the following documents: antimonopoly legislation, decision-making, issuance of orders, procedure and terms for appealing decisions and actions, clarification of decisions and orders of the antimonopoly body.

Summarizing, we note that international and domestic counteraction to unfair competition and its possibilities, a formal study, has shown the development of civilized and protected competitive relations.

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