

HERALD

of Kyiv National University
of Trade and Economics

Scientific journal

№ 6⁽⁹²⁾ 2013

It is published six times a year
First was published
in February 1998

To October 2000 had been published under the title
"Herald of Kyiv State University of Trade and
Economics"

Journal is recognized by HAC of Ukraine as special edition on Economic Sciences

C O N T E N T

STATE AND ECONOMY

MAZARAKI A., MELNYK T.	Foreign-trade Sector of Ukrainian Economy	5
MAKOGON Y.	Prospectives of innovative development of ukraine's economy	28
NIAMESHCHUK H.	High-technology sectors of economy: national and international dimensions	39
DEINEKA T.	Institutional aspect of modern global discrepancies	49

ENTERPRISE

MELNYCHENKO S.	Health resort enterprises: between stagnation and modernization	57
SYTNYK H.	Capital Structure Optimization of trade enterprises	68
MASLOVA N.	Leadgeneration as a part of the customer orientation of a bank	84
ZHUKOVSKA V., MYKOLAICHUK I.	The assessment methods of social partners potential in the trade enterprises	96

FINANCE AND BANKING

SHULGA N., GORDIENKO T.	Risk matrix of bank credit management	106
------------------------------------	---------------------------------------	-----

LAW, LEGISLATION AND LAW PRACTICE

GURZHIY T.	National administrative-delict legislation reforming conceptual background	119
SOLOVYOV V.	Theory of "rational crime" as the basis of national anti-corruption strategy	132
KRUPKA Y.	The nature of economic law as a branch of law	141
GURZHIY A.	Procedures subjects of the cases regarding violation of freight traffic safety laws	148

EDITORIAL BOARD of "Herald of KNUTE"

MAZARAKI A.A. – Editor;

PRYTULSKA N.V. – Deputy Editor;

GULIAEVA N.M., LAGUTIN V.D., LIHONENKO L.O., MNYCH E.V., NAPADOVSKA L.V., ROMAT Y.V., SUSIDENKO V.T, TKACHENKO T.I., CHUGUNOV I.Ya., PANKOV D. (Belarus), FILISE K. (Greece), DOBIA M. (Poland), ROZHKOV I. (Russia), LACE N. (Latvia), YARYHINA I. (Russia), KALUSKI J. (Poland), – members of the Editorial Board on Economic Sciences; **IVANOVA N.V., KOROLCHUK M.S., KOROLCHUK V.M., SAMOILOV O.Je., STASIUK V.V., TIMCHENKO O.V., MAKSYMENKO S.D.** – members of the Editorial Board on Psychological Sciences; **MEREZHKO N.V., BELINSKA S.O., MOKROUSOVA O.R., SYDORENKO O.V.** – members of the Editorial Board on Technical Sciences; **HALIANTYCH M.K., GURZHII T.O., IVANNIKOVA I.A. (Russia), LADYCHENKO V.V., MARCHUK V.M., MIRONENKO N.M., JARMYSH O.N.** – members of the Editorial Board on Legal Sciences; **VALUYSKYI O.O., KULAGIN Y.I., OHORODNYK I.V., PAVLOVSKYI V.V., SHKEPU M.O.** – members of the Editorial Board on Philosophy; **BADAKH Y.G., KAZMYRCHUK G.D., KOROLEV B.I., ORLENKO V.I., POLUREZ V.I.** – members of the Editorial Board on History;
MELNYCHENKO S.V. – Executive Secretary

Founder, edition, publisher and manufacturer
Kyiv National University of Trade and Economics.

Managing Editor,
OLIUNINA S.L.

Editors: KYRYCHENKO E.Y., RASSKAZOVA I.I.
Artistic and Technical Editor KRYVUTSKA I.V.

State registration certificate Series KV № 13100-1984PR of 23.08.2007.

Index of the magazine in Catalogue of publications in Ukraine in 2014 – 21910

Signed 16.12.2013. Conventional print. pages. 13. Circulation 250. Order 1477.

Address of the Editorial board, publisher, manufacturer:
st. Kyoto, 19, Kyiv-156, Ukraine 02156.

Contact us at 518-90-92, fax: 513-85-36, e-mail: visnik@knteu.kiev.ua.

Printed on equipment of KNUTE.

Certificate of subject of publishing industry series DK № 359 of 14.03.2001.

Published on the recommendation of the Academic Council of KNUTE (minutes № 3 of 30.10.2013). Articles are revised. Reproduction and translation of the materials published in the magazine are permitted only with the consent of the author and editorial board.

© Kyiv National University of Trade and Economics, 2013

СОДЕРЖАНИЕ

ГОСУДАРСТВО И ЭКОНОМИКА

МАЗАРАКИ А., МЕЛЬНИК Т.	Внешнеторговый сектор украинской экономики	5
МАКОГОН Ю.	Перспективы инновационного развития экономики Украины	28
НЯМЕЩУК А.	Высокотехнологичные секторы экономики: национальное и международное измерения	39
ДЕЙНЕКА Т.	Институциональный аспект современных глобальных противоречий	49

ПРЕДПРИНИМАТЕЛЬСТВО

МЕЛЬНИЧЕНКО С.	Санаторно-курортные предприятия: между застоєм и модернизацией	57
СЫТНИК А.	Оптимизация структуры капитала предприятий торговли	68
МАСЛОВА Н.	Лидогенерация как составляющая клиентоориентированности банка	84
ЖУКОВСКАЯ В., МИКОЛАЙЧУК И.	Оценивание социальных партнеров предприятия торговли	96

ФИНАНСЫ И БАНКОВСКОЕ ДЕЛО

ШУЛЬГА Н., ГОРДИЕНКО Т.	Матрица рисков в системе кредитного менеджмента банка	106
------------------------------------	---	-----

ПРАВО, ЗАКОНОДАТЕЛЬСТВО, ЮРИДИЧЕСКАЯ ПРАКТИКА

ГУРЖИЙ Т.	Концептуальные основы реформирования отечественного административно-деликтного законодательства	119
СОЛОВЬЕВ В.	Теория "рационального преступления" как почва национальной антикоррупционной стратегии	132
КРУПКА Ю.	Отраслевая природа хозяйственного права	141
ГУРЖИЙ А.	Субъекты производства по делам о нарушениях правил грузоперевозки	148

З М І С Т

ДЕРЖАВА ТА ЕКОНОМІКА

МАЗАРАКІ А., МЕЛЬНИК Т.	Зовнішньоторговельний сектор української економіки	5
МАКОГОН Ю.	Перспективи інноваційного розвитку економіки України	28
НЯМЕЩУК Г.	Високотехнологічні сектори економіки: національний і міжнародний виміри	39
ДЕЙНЕКА Т.	Інституціональний аспект сучасних глобальних суперечностей	49

ПІДПРИЄМНИЦТВО

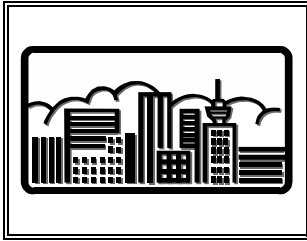
МЕЛЬНИЧЕНКО С.	Санаторно-курортні підприємства: між застоєм та модернізацією	57
СИТНИК Г.	Оптимізація структури капіталу підприємств торгівлі	68
МАСЛОВА Н.	Лідогенерація як складова клієнтоорієнтованості банку	84
ЖУКОВСЬКА В., МИКОЛАЙЧУК І.	Оцінювання соціальних партнерів підприємства торгівлі	96

ФІНАНСИ ТА БАНКІВСЬКА СПРАВА

ШУЛЬГА Н., ГОРДІЄНКО Т.	Матриця ризиків у системі кредитного менеджменту банку	106
------------------------------------	---	-----

ПРАВО, ЗАКОНОДАВСТВО, ЮРИДИЧНА ПРАКТИКА

ГУРЖІЙ Т.	Концептуальні засади реформування вітчизняного адміністративно-деліктного законодавства	119
СОЛОВЙОВ В.	Теорія "раціонального злочину" як підгрунтя національної антикорупційної стратегії	132
КРУПКА Ю.	Галузева природа господарського права	141
ГУРЖІЙ А.	Суб'єкти провадження у справах про порушення правил безпеки вантажоперевезень	148



UDC 339.5(477)

MAZARAKI Anatoly, Doctor of Sciences (Economics), Professor,
Rector of KNUTE

MELNIK Tetyana, Doctor of Sciences (Economics), professor, the head
of foreign economic activities department of KNUTE

FOREIGN-TRADE SECTOR OF UKRAINIAN ECONOMY

There have been discovered specific trends of the movement of foreign – trade flows and changes under institutional conditions, which have turned out to be in Ukraine within the recent years and in the current year in particular.

There have been revealed the reasons for reducing price competitiveness of export and the possibility of the transition to non-price methods of competitive struggle. There have been characterized the reasons and consequences of critical retardation of Ukraine in the area of high-technological export, positive and negative sides of import substitution, shortcomings of customs protection in the innovation sphere, there have been offered the measures towards improving the situation in the foreign-trade sector of Ukraine.

Keywords: export, import, competitiveness, customs, policy, import substitution, restructuring.

Мазараки А., Мельник Т. Внешнеторговый сектор украинской экономики.
Выявлены характерные тенденции движения внешнеторговых потоков и изменения их товарной структуры в институциональных условиях, сложившихся в Украине в течение последних лет и в текущем году в частности.

Раскрыты причины снижения ценовой конкурентоспособности экспорта и возможности перехода к неценовым методам конкурентной борьбы. Охарактеризованы причины и последствия критического отставания Украины в сфере высокотехнологичного экспорта, положительные и отрицательные черты импортозамещения, недостатки таможенной защиты в инновационной сфере, предложены меры по улучшению ситуации во внешнеторговом секторе Украины.

Ключевые слова: экспорт, импорт, конкурентоспособность, таможенная политика, импортозамещение, реформирование.

Background. The globalization of the world economy and orientation of the world policy of Ukraine towards the integration with the EU raise the important demands to the country concerning acceleration of economy restructuring, modernization of production, harmonization of legislation, etc.

But because of different reasons the fulfillment of these demands and tasks have been impeded for the last two decades that led to the accumulation of non-solved problems and the sharpening of their consequences.

Within the first half of 2013 we observe the decline of GDP in Ukraine that together with zero inflation leads to the standstill in economy.

Stagnation practically covered all the sectors of economy in which we observe the 10 % rise. Economy can raise GDP by 1 % at the expense of agricultural economy. Metallurgy and chemistry, for the products of which the world demand reduced, will not present positive indicators of the raise.

Unsatisfactory dynamics of GDP in the current year, first of all, is linked with the conjuncture of foreign market, the decline of the world demand and prices for metal, the products of basic chemistry, and separate types of machine–building products. However, these indicators became characteristic as for the market of EU, as well as for the RF, to which also temporary "trade wars" concerning exporting Ukrainian dairy products, railway carriages etc. were added.

During the period of January–July 2013, the decline of construction by 17.7 % according to the corresponding period of the previous year witnesses the decline of investment demand and availability of serious problems in the formation of the basis of the further raise of economy.

The budget deficit and the raise of debt liabilities became the heavy weight for Ukrainian economy. In the first quarter of the current year the budget deficit exceeded 4.5 billion UAH, whereas at the same period of the previous year we observe the profit over 0.9 billion UAH [1].

The state debt at the beginning of 2010 made 318 billion UAH, at the beginning of 2013 – 516 billion UAH, the raise of the state debt makes 63 % within 3 years. During the first quarter of 2013 the debts rose by billion UAH. Gold – currency reserves according to the balance of payments [2] make 23 billion USD but they mainly exist in securities which are not easy to realize.

Analysis of the latest research and publications. In modern science literature the problems of economic development of Ukraine, the determination of its development under the conditions of the world globalization and the challenges made by the crisis, the formation of mechanisms affecting the state influence and the security of self capability as a subject of international economy is actively studied by national scientists, among the scientific works of whom there are the most grounded research of V. Geits, M. Yakuboskiy, Yu. Kindzerskiy, V. Sidenko [3–9].

The aim of this research is to determine movement trends of foreign-trade flows and changes in the goods structure under the institutional conditions that have been established in Ukraine during the recent time, to discover the reasons for reducing price competitiveness of exports and to develop the proposals as to improving the situation in the foreign – trade sector of Ukraine.

Results. Experts define modern Ukrainian economy (as strategically non–defined because of the absence of strategic forecasting of technologic

development and priorities), institutionally ineffective (insufficient, confidence to the government, high tax pressure, delaying restructurization), low competitive.

One of the reasons for creating such a model of economy the scientists see in bended distribution of financial flows when financial corporations win over revenues of non-financial corporations. It does not correspond with national economic interests, narrows investment abilities of economy and impedes economic growth [10].

Such a high level of its monopolization hinders the economic development.

According to separate data from 76 up to 80 % of GDP is produced by financial–industrial groups, and 200 large companies, often together with foreign capital, produce up to 85 % of GDP [11].

The progress of economy in impeded by the absence of strategic vision of perspective development in the country, the limitation of the budget "horizon" for a year, which is often based on insufficiently grounded major forecasting indicators.

As a result of the above mentioned reasons the appropriate indicators of economic development within 2008–2012 and January – August of the current year have been formed (*table 1*).

Table 1

Indicators of economic development of Ukraine, % to the previous year

Indicators	2008	2009	2010	2011	2012	January–August 2013 % to the appropriate period of the previous year
GDP	2.3	-15.1	4.1	5.2	0.2	-1.1
Products of industry	-5.2	-21.9	11.2	7.6	-1.8	-5.7
Products of agricultural economy	17.1	-1.8	-1.5	19.9	-4.5	15.4
Investments into major funds	-2.6	-41.5	-0.6	22.4	1.5	-7.9*
Real available profit of the population	7.6	-8.5	16.2	6.1	9.7	4.7*
Level of registered unemployment	3.0	1.9	2.0	1.8	1.7	1.6*
Level of unemployment (according to ILO methodology)	6.4	8.8	8.1	7.9	7.5	8.0*
Balance of the master budget (% to GDP accordingly)	-1.5	-2.4	-4.4	-1.75	-3.8	-4.3*
State debt and debt secured by the state (% to GDP accordingly)	20.0	34.8	39.9	36.3	36.6	–
Export of goods and services	10.5	-19.0	3.2	6.0	2.6	-8.6
Imports of goods and services	14.9	-46.5	13.1	12.8	-6.6	15.3
Balance of trade (% to GDP)	-7.4	-1.2	-6.8	-8.6	-9	-16.8*

*Data including January–June, 2013.

It was calculated by the authors according to the data of the State Statistics Service of Ukraine. – Access mode: <http://www.ukrstat.gov.ua/>; NBU. – Access mode: <http://www.bank.gov.ua/>; of the Ministry of Finance of Ukraine. – Access mode: <http://www.minfin.gov.ua/>.

The analysis of indicators for the economic activity of Ukraine witnesses that the abilities for the economic development are found to be rather limited because national production is characterized by the over high costs volume, insufficient results and effectiveness of using recombined national potential (table 2).

Table 2

Effectiveness of economic activity of Ukraine and some other countries of the world

Country	2005	2006	2007	2008	2009	2010	2011
Costs Volume *							
Ukraine	61	59.9	59.4	60.2	59.3	60	61.3
Moldova	61.8	61.7	62.8	63.8	60.2	60	59.3
Germany	50.9	51.6	52.2	52.8	51.5	52.2	53.7
Poland	55.6	56.8	57.8	57.8	55.5	56.4	57.4
Russia	48.8	49.2	49.5	49.2	50.4	51.2	51.2
USA	45.3	45.4	45.3	45.8	43.2	44.1	44.8
Japan	45	46.1	47.3	49.8	46.6	47.1	47.8
Efficiency **							
Ukraine	44.3	46	46.1	45.8	46.7	45.3	45
Moldova	45.5	46	44.7	44	47.3	48	49
Germany	54.4	53.6	53.3	52.7	54.4	53.4	51.8
Poland	50.4	49.2	48.3	48.2	50.1	49.4	48.6
Russia	58.3	58.1	57.4	57.6	56.9	56.4	57.3
USA	54.6	54.5	54.5	53.7	56.8	55.9	55.2
Japan	52.8	52.1	51.4	49.8	53.9	53.4	52.8
Effectiveness ***							
Ukraine	72.7	76.9	77.5	76	78.8	75.5	73.3
Moldova	73.7	74.5	71.2	69	78.6	79.9	82.5
Germany	106.8	103.8	102	99.8	105.7	102.3	96.4
Poland	90.5	86.5	83.5	83.5	90.2	87.6	84.7
Russia	119.3	118.1	116.1	117.1	112.9	110.2	111.9
USA	120.4	120.1	120.2	117.2	131.4	126.9	123.1
Japan	117.5	113	108.7	100.1	115.5	113.3	110.4

* *Costs volume* – is the correlation of intermediate consumption up to gross output.

** *Efficiency* – is the share of market value of final products and services in wholesale output.

*** *Effectiveness* is the correlation of the market value of final products and services in intermediate consumption.

Source: It was calculated by the authors according to the International national accounts within the corresponding years. – access mode: <http://data.un.org>.

Because of the high expenditure of resources in 2012 in Ukraine 73.3 cop. of final products for 1 UAH of intermediate spending were produced in Ukraine. The similar meaning of the indicator Belarus has, that witnesses the policy of wasting one's own resources. However, the countries that reached significant success in activization of one's own innovative potential

have rather better results. Particularly, in 2011 the effectiveness of economic activity of Japan made 1.10 USD of final products for 1 USD of intermediate spending of Russia – 1.12 USD, USA – 1.23 USD.

The unsatisfactory is the situation in the foreign-trade sector because of deterioration of the pricing terms in trade and the decline of price competitiveness that generated the deficit of trade balance (*table 3*).

Table 3

Main indicators of foreign-trade operations and trade terms

Indicator	2008	2009	2010	2011	2012	January–June 2013
Exports, bln. USD	66.97	39.70	51.41	68.39	68.81	35.93
Import, bln. USD	85.54	45.43	60.74	82.61	84.66	41.74
Balance, bln. USD	-18.57	-5.74	-9.34	-14.21	-15.85	-5.81
Coefficient of trade terms	1.006	0.738	1.067	1.041	0.890	0.760
Real effective exchange rate	115.1	96.5	99.0	99.4	101.7	102.3

Source: it was made by authors according of the data of the State Statistics Service of Ukraine. – Access mode: <http://www.ukrstat.gov.ua>; World Bank. – Access mode: <http://data.worldbank.org>.

During January–July 2013 the real effective exchange rate rose by 0.69 UAH, that reduced price competitiveness by the same amount under the absence of opportunities to raise non-price competitiveness of economy, as there were no modernized progress, and the process of ageing is still going on (coefficient of ageing rose from 43.7 % in 2000 up to 74.9 % in 2010) [10].

However we don't observe any positive changes in goods structure of export (*table 4*). The goods of, mainly, raw materials function, dominate in it (foodstuffs, ore, metals), which are greatly dependent on the fluctuation of the world conjuncture.

In 2011–2012 the part of agricultural raw materials has increased in the exports structure and has reduced the part of mineral products, products of chemical industry and metals that are goods the demand for which has fallen on the world market.

Because of such changes in the commodity pattern the bigger share of machine building products and prepared foodstuffs was formed.

The share of highly technological products is rather low which is connected with the decrease in innovative activity of enterprises the part of which decreased by 1.5 times from 26 % to 17.4 %. It means that every sixth enterprise was innovatively active, this index is several times less than in innovatively developed economies (*table 5*).

Table 4

Commodity structure of national export, %

Commodity group	2000	2005	2007	2008	2009	2010	2011	2012
I Mainly raw materials	31.5	35.82	30.7	34.4	39.9	38.9	42	43.9
Agricultural raw materials	6.7	8.8	8.5	12.4	18.7	14.3	14.5	20.9
Mineral products	9.6	13.73	8.7	10.5	9.8	13.1	15.0	11.0
Products of chemical industry	12.3	10.4	10.2	9.0	7.7	8.1	9.3	8.9
Wood and its products (except furniture)	2.9	2.89	3.3	2.5	3.7	3.4	3.2	3.1
II Mainly products of investment function	57.1	54.5	59.4	54.73	49.6	51.5	49.7	46.8
Ferrous and non-ferrous metals and their products	44.4	40.97	42.2	41.2	32.3	33.7	32.3	27.5
Machines, equipment, transport vehicles, devices	12.7	13.53	17.2	13.52	17.3	17.8	17.4	19.3
III Mainly goods of consumer function	7.80	7.35	7.30	6.10	7.90	7.00	6.10	6.70
Finished foodstuffs	2.8	3.77	4.2	3.8	5.3	5	4.3	5.1
Leather and fur raw materials and their products	0.8	0.6	0.8	0.5	0.4	0.3	0.2	0.2
Textile and its products	4.20	2.98	2.3	1.8	2.2	1.7	1.6	1.4
IV Other goods	3.6	2.3	2.6	4.8	2.6	2.6	2.2	2.6

Source: it was made by the authors according to the data of the State Statistics Service of Ukraine. – Access mode: <http://www.ukrstat.gov.ua>.

Table 5

Indices of innovative activity of industrial enterprises

Index	1994	1999	2004	2005	2006	2007	2008	2009	2010	2011	2012
Number of innovatively active enterprises (units)	2180	1376	1359	1193	1118	1472	1397	1411	1462	1679	1758
Part in the total number of industrial enterprises %	26.0	13.5	13.7	11.9	11.2	14.2	13.0	12.8	13.8	16.2	17.4
Volume of realized innovative products, billion UAH	–	–	18.78	24.99	30.89	40.18	45.83	31.43	33.7	42.4	36.2
Part of innovative product in the total volume of realized product, %	–	–	5.8	6.5	6.7	6.7	5.9	4.8	3.8	3.8	3.3
GDP	–	–	5.44	5.66	5.68	5.57	4.83	3.44	3.11	3.26	2.56

Source: it was made by authors according to the data of the State Statistics Service of Ukraine. – Access mode <http://www.ukrstat.gov.ua>.

Table 4 data show that the part of innovative product in the total volume of realized industrial product remains very low. In 2012 this index was only 3.3 % and the part of innovative product relative to GDP – 2.56 %. For all this reduction of these indicators from 2006 shows the destructive processes in the investment allocation in favor of raw material industries (primary industries) of Ukraine.

Innovatively active small and medium-sized (SMB)¹ enterprises constituted 63 % of total number of innovative enterprises contrary to 49 % in 2005, but their share is only 14.4 % of realization of innovative product while as at the same time, the rest production volume (89.6 %) was realized by the 47 % of innovatively active large enterprises.

Almost two times reduction of the innovative activity scale indicates that current institutional conditions do not create opportunities for Ukrainian enterprises to engage in this activity, and their further stagnation can lead to the recession of domestic innovation potential.

In the leading countries – the USA, Japan, Germany and France the portion (share) of innovatively active enterprises varies within the limits of 70–80 % [2].

During 2000–2012 the number of items of mastered production of innovation products reduced by more than 4 times, and the number of introduced new technological processes increased by more than 1.5 times (from 1403 to 2188) (*figure 1*).

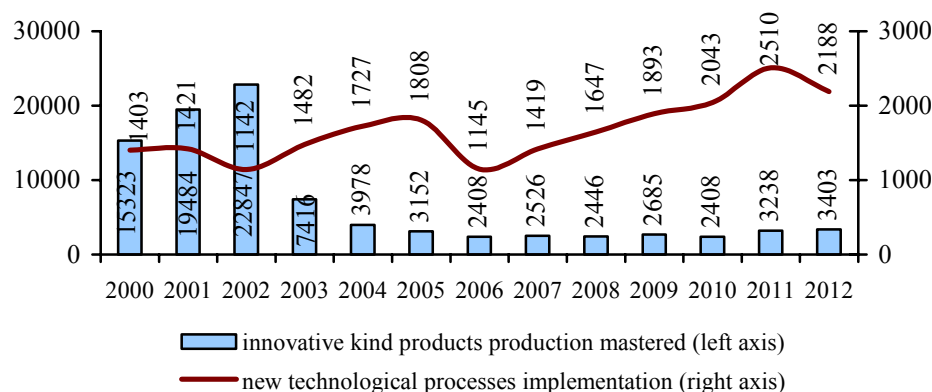


Figure 1. Dynamics of innovation implementation at the enterprises of Ukraine in 2000–2012 units

Results of research show that in the domestic industry there dominates the tendency not to the renewal of production capacity but loading existing, non-production capacities.

Long delay of their modernization increases innovation gap between technical equipment of national producers and their international competitors, thus deepening technological lagging of Ukraine behind world leaders.

¹ According to the cl.62.7 CCU small businesses (regardless of ownership) refer to the enterprises in which an average number of employees in the financial year is not more than 50 persons, big businesses refer to the enterprises in which an average number of employees in the financial year is not more than 250 persons, others – are medium sized businesses.

The innovations at the enterprises of process industry were the most actively implemented, the share of which was 99.7 % of all implemented innovations in 2012, including machine building (47 %), foodstuff industry (19.6 %), chemical and oil-chemical industry (12.3 %).

In extracting industry the number of new technological processes implementations was only 1.6 % of their total number [13].

In engineering the number of new technological processes implementation was insignificant (7 %). Taking into account the fact that production of this industry is the substantial exports share, with the aim of improving its competitiveness level, the task of innovation renewal of this industry production is urgent.

Export supply of innovation product of 14.5 billion UAH value in 2012 was done by 332 industrial enterprises of Ukraine (in 2010–343 enterprises on 13.7 billion UAH (figure 2).

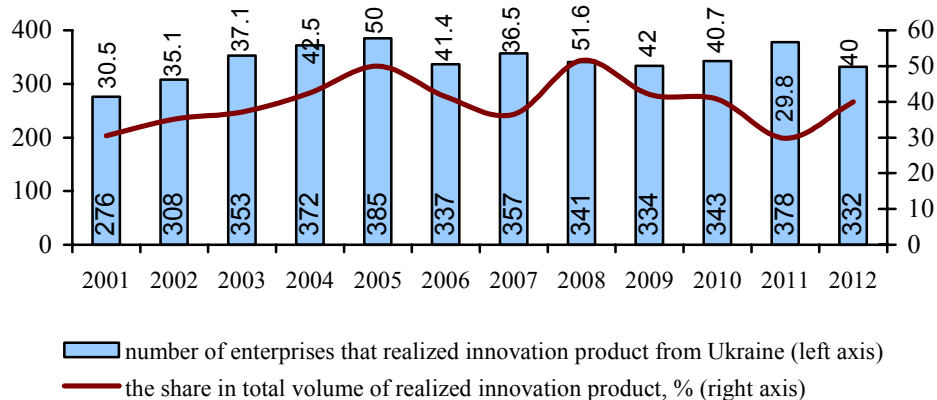


Figure 2. Dynamics of enterprises number and share of realized innovation product by them from Ukraine

Source: it was made by authors according to the data: *Scientific and Innovation activity in Ukraine* – access mode (http://ukrstat.org/uk/druk/publicat/kat_u/publnauka_u.htm).

The share (portion) of exports supply of innovation product has been reduced from 52.6 % to 40.0 % of total volume of this product realization during the period from 2008 to 2012.

Commodity structure of highly technological exports within the researched period is being almost stable from 2005.

The lion's share (the biggest share) of highly technological (over 65 %) is formed by aerospace technique, namely turbo-jet and turboprop engines, aero planes and spacecrafts.

On the level of 16.7 % there are scientific devices that include devices and appliances for automatic regulation and control, for taking pressure, oscilloscopes, spectrum analyzers, etc.

The third position is taken by the electronic and telecommunication goods, the share of which is 11 % including radars, commutators, consoles, digital devices. The share of pharmaceutical goods is 3.4 %, computer and office technique – 3.0 %. All in all, the dynamics of highly technological exports share in total commodity exports volume was characterized by trend very close to the GDP change connected with crisis (2005 and 2008) and with the share reduction in 2011 (*figure 3*).

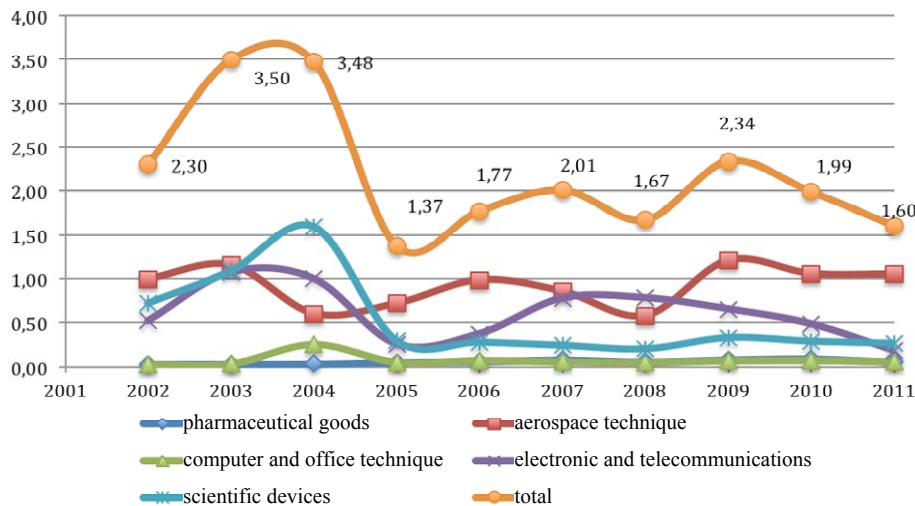


Figure 3. Dynamics of highly technological exports share in the total volume of commodity exports from Ukraine

Foreign trade HTG of Ukraine is characterized by credit balance, which is during the investigated period more than 1 billion USD annually.

The reason of such situation is, first of all, the absence of systematic state support of exports, exports crediting, lack of exporters interest protection on the world markets.

Under these conditions a very small share of Ukrainian exports of highly technological product in the total volume of world exports is being formed. According to the World Bank data this share in 2011 was only 0.1 % against 0.05 % in 2000 and 0.06 % in 2005. In other countries this share and the rates of its growth were more substantial. Thus in Poland the share of highly technological goods in world exports in 2011 has grown up to 0.45 % or by 6.4 times, in Czech Republic accordingly – from 0.18 % to 1.21 % or by 6.7 times.

The same dynamics of exports share of HTP was made by China (by 6.8 times) (*table 6*).

Table 6

Share of separate countries exports of HTG, %

Country	2000	2005	2006	2007	2008	2009	2010	2011
China	3.55	13.62	15.0	18.14	14.21	14.34	23.23	24.11
USA	17.11	12.14	12.13	12.31	8.61	5.83	9.61	7.66
Germany	7.19	9.06	8.80	8.39	6.05	5.86	9.94	9.67
Japan	11.08	7.80	7.01	6.53	4.61	4.08	4.97	6.67
Czech Republic	0.18	0.56	0.66	0.83	0.68	0.63	1.16	1.21
Poland	0.07	0.17	0.18	0.22	0.27	0.42	0.37	0.45
Ukraine	0.05	0.06	0.05	0.07	0.06	0.09	0.09	0.10

Source: calculated by authors according to the data Indicators of the World Bank. – Access mode: <http://data.worldbank.org>.

By WTO criterion exports competitive goods are those goods for which the country share in the world exports of this commodity group makes more than 3.25 % [14]. On the basis of UN statistics as to the goods trade (Comtrade) it is defined that only 0.76 % of sub positions of Ukrainian highly technological goods (3 sub positions from 395) correspond this criterion.

In 2012 the following highly technological goods in the group of aerospace technique were marked as competitive on the foreign market:

- space devices (including satellites), missile-carriers and suborbital missiles (code UKGFAC 8802 60) – 7.1 % of worlds exports;
- turbo-jet, turbo-prop engines and other gas turbines with traction not more than 25 kN (code UKGFAC 8411 11) – 10.5 % of world exports;
- turbo-jet, turbo-prop engines and other gas turbines with power above 1100 kW (code UKGFAC 8411 22) – 22.8 % of world exports.

It became possible at the expense of price factors of competitive struggle, the comparison of separate average value of exports and imports of highly technological product by the criterion Moller-Nilson testifies to it (table 7).

Table 7

Mid-annual price indices of Ukrainian goods foreign trade

Year	Export price, USD/kg		Import price, USD/kg		Price difference, %	
	HTG	other	HTG	other	HTG	other
2002	73.7	0.16	26.1	0.19	64.6	-18.8
2003	130.7	0.20	25.4	0.22	80.6	-10.0
2004	169.9	0.26	36.6	0.29	78.4	-11.5
2005	49.6	0.28	27.8	1.27	43.9	-353.6
2006	81.1	0.46	28.9	1.27	64.3	-176.1
2007	123.5	0.39	35.8	0.59	71.0	-51.3
2008	133.3	0.49	37.1	0.84	72.2	-71.4
2009	126.1	0.29	71.9	0.60	43.0	-106.9
2010	116.5	0.37	61.9	0.59	46.9	-59.5
2011	118.3	0.37	58.5	0.80	50.5	-116.2
2012	150.1	0.39	48.7	1.03	67.5	-164.1

Source: calculated by authors on the basis of date [15] by methodic [16].

According to this criterion if the separate values of exports and imports differ by more than 15 %, then it is considered that goods are of different quality [17]. Difference of mid-annual price on exports and imports of highly technological goods in Ukraine varies within 40–80% and during the investigated period it was always in favor of domestic product. But the share of export of highly technological goods from Ukraine in the total volume of exports did not exceed 3.5 % for the last decade. The opposite situation is typical for other exports goods; their price in 2012 was 1.6 times lower than of separate imports value.

The existence of such tendencies in the foreign trade of Ukraine testifies to certain problems.

First, in the sphere of high technologies Ukraine imports cheap goods which are formally considered to be highly technological but are no more advanced in the world, i.e. domestic demand is provided by old technological goods.

Second, Ukrainian exporters neglect the instruments of non-price competition.

Because of that, the main competitive advantage of domestic producer – low price – very often provoke antidumping investigation and minimize effectiveness of used innovative potential, and sometimes causes innovative inaction of whole branches of industry. So, competitiveness for those kinds of domestic products that have competitive advantage may be characterized as temporary indicator which is unable to provide non-turbulent environment for Ukrainian producers on foreign markets.

Today the economic competition on the world markets concentrates not only on price but on non-price indicators also: quality of product, sales conditions and after sale service.

Conditions of complex machine building product trade became especially worse.

Even if the country produces competitive as to consumer quality, goods – it is not enough for its successful realization abroad.

It is urgent for domestic companies to get their own position on certain foreign markets. It is necessary for this to provide confirmation of quality certification, servicing, financial accompanying, i.e. to provide, while selling technically complex product, a consumer (commercial) credit to customer.

Now on the world market competition is going on not so much by the price of product as by the terms of this credit. Any of these directions was developed. But if you do not work at this actively you may further lose possibilities to increase exports and to balance foreign trade credit balance.

Under the new Tax codex Ukrainian small and medium-sized enterprises are not allowed to engage foreign economic activity. It means that small businesses which are the main inventors and sellers on the foreign markets of innovations in the developed countries, in Ukraine are limited by

internal demand, solvency of which is rather narrow. By the International financial corporation estimation only 7 % of small and 15 % of the medium sized businesses in 2008 carried out exports operations (*table 8*).

Table 8

Indices of small and medium sized business development in separate countries of the world

Country	Share of SMB in total number of enterprises %	Share of SMB exporters in the total number of SMB subject %
Belarus	94.2	38.9
Great Britain	99.5	18.2
Italy	99.7	18.0
Canada	99.8	86.0
Korea	99.9	33.0
Netherlands	99.6	20.0
Germany	99.5	23.2
Russia	95.2	14.6
USA	99.6	30.0
Finland	99.5	16.4
France	99.8	12.6
Sweden	99.6	23.8
Japan	99.3	30.0
Turkey	99.9	56.0
EU 27	99.8	65.0
Ukraine	99.4	7–15*

*SMB share corresponding

Source: made by authors according to the data [19].

The urgent task to stimulate foreign economic activity of SMB is carrying out non-discrimination policy aiming not at the reducing tax burden but at simplifying law demands. Studying entrepreneurship in HEE may contribute to the increasing the level of business-education of SMB. This instrument in the world practice is rather effective; it does not require additional state expenses and has a prolonged effect. Studying will make it possible for SMB to renew the right for foreign economic activity.

The support of the effectiveness of exports activity of SMB subjects begins from adopting certain program aimed at assisting the access to international markets. Such program (strategy) is adopted in many countries of Eastern partnership and according to this program there were established agencies which are specialized at supporting export-oriented enterprises. In Ukraine the project of National strategy of exports development and the bill on creating state exports agency are now being developed.

But they are very slow being implemented into real activity. It is worth to speed up the creation of such agency under the Ministry of

economic development and trade of Ukraine. It might be useful to delegate to the functions of the Ministry the power to support the possibility to get the estimation of creditability, to arrange external contacts providing SMB with the information as to international markets, stimulating investigation and development and implementing international standards of quality.

The increase of HTG outside of Ukraine in proportion of the development and improving the structure of their production depends on the strengthening the state support of exports, first of all, giving the exporter guarantee of VAT compensation while exporting innovation product, protection of domestic exporters interests and assistance in promotion of their product to world markets.

One of the powerful ways that influence the production and foreign trade of innovation goods is the institutional component of these processes.

The institutional environment is still the weakest (poor) environment on the map of Ukraine competitiveness. Thus, according to this element in the rating of Global index of competitiveness, this position occupies 131 place from 142 of investigated countries in 2011. Among the most problematical questions are ineffective normative-legal base (135 place), property rights un-protection (138) and injustice of legal proceedings (138).

By components of index innovation capacity, institutional system of Ukraine occupied 96 place from 131 countries which were investigated. This rank indicator is conditioned by low effectiveness of management (97) and unstable state policy (101).

Institutional component of Global index of Ukraine innovation occupied 103 place among 125 countries. Under this there was also defined substantially low effectiveness of normative-legal base (101) and political instability (103) that lower rank of Ukraine in the rating more than unfavorable terms of doing business (81). In spite of different institutional regulators of Ukraine estimation in world ratings, it is possible on their base to make a conclusion about the existence of problems that impede influence of institutional indicator on the economy of Ukraine.

Lowering of external demand for Ukrainian product resulted in growth of goods exports lagging from imports and growth of import flow of goods. Such dynamics of foreign trade operations caused the formation of negative balance of trade, which in 2012 was 15.8 % billion USA dollar or 9 % GDP.

Existing commodity structure of foreign trade of Ukraine resulted in chronic deficit of balance of payment. As statistic shows, exports of Ukraine has raw material character and consists of products of first technological processing and imports on the contrary, consists from highly technological products and goods of finished consumption as well as energy carriers. In the structure of domestic imports in 2012 the machine-building product constituted the main part (26.4 %). One would think that under such situation the problems with technological modernization should not exist, but almost half of imported machines and equipment is goods of durable consumption

(automobiles, domestic electrotechnics and electronics). At the same time raw materials constitute 55.8 % of total volume of imports (*table 9*).

Table 9

Commodity structure of imports into Ukraine, %

Commodity groups	2000	2005	2007	2008	2009	2010	2011	2012
I. Mainly raw materials	59.2	52.2	49.2	50.1	62.1	60.1	58.3	55.8
Agricultural raw materials	2.3	3.4	3.3	4.4	6.4	5.3	4.1	5.4
Mineral products	43	32	28.4	29.7	34.5	34.8	36.4	32.5
Products of chemical industry	11	14	14.4	13.3	17.6	16.7	15.1	15.4
Wood and products of wood (but furniture)	2.9	3.4	3.1	2.7	3.6	3.3	2.7	2.5
II. Mainly goods of investment purpose	22.2	34.8	41	39.8	26.4	27.8	31.2	32.6
Ferrous and non-ferrous metals and products	4.6	7.4	8.2	8.7	6.3	6.8	6.9	6.2
Machines, equipment transport, devices	17.6	27.4	32.8	31.1	20.1	21	24.3	26.4
III. Mainly consumer goods	8.7	9	6.6	6.5	8.5	8.5	6.7	7.7
Finished foodstuffs	3.8	4	3.4	3.1	4.5	4.1	3.7	3.5
Leather and fur raw materials and products	0.3	0.3	0.3	0.3	0.3	0.3	0.2	0.3
Textile and its products, shoes	4.6	4.7	2.9	3.1	3.7	4.1	2.8	3.9
IV. Other goods	9.9	3.4	3.2	3.6	3	3.6	3.8	3.9

Source: made by authors according to the data of State Statistics Service of Ukraine. – Access mode: <http://www.ukrstat.gov.ua>.

The most sensitive to imports expansion into Ukraine became the domestic market of consumer goods. The share of these goods that were realized through the trade network of Ukrainian enterprises has grown from 24.7 % in 2000 to 38.1 % in 2011, out of which foods – from 6.8 % to 12.8 % and nonfoods – from 41.3 to 52.8 %. That is only through the retail turnover of goods almost 10.2 % of national GDP of Ukraine is used to support foreign manufacturers. As a result, Ukrainian imports satisfying the current consumers demand did not become, as it is in many developed countries, active instrument of speeding up scientific-technical progress, modernization of production and technological potential of the country, but instead, weakened competitive position of domestic producers on the internal market.

The structure of using import products in Ukraine illustrates the contribution of import into the economy of Ukraine (*table 10*).

Table 10

Structure of using import product in the economy of Ukraine

Year	Intermediate use		Final use		Gross (wholesale)		Total import
	billion UAH	%	billion UAH	%	billion UAH	%	billion UAH
2005	139386	62.3	44705	20.0	39464	17.7	223555
2007	223217	61.3	63153	17.3	78003	21.4	364373
2008	325990	62.6	94578	18.2	100020	19.2	520588
2009	271425	61.9	92365	21.0	75043	17.1	438860
2010	395418	68.1	121662	20.9	63864	11.0	580944
2011	530879	67.3	148306	18.8	109716	13.9	788901

Source: national calculation of Ukraine. Tables "Expenses-output" in main prices in corresponding years.

The structure of using import during 2005–2009 was rather stable, especially the share of products of intermediate use, which from year to year was within the limits of 62 %. It is connected with the preserved structure of industrial production, insufficient implementation of progressive technologies which impede possibilities of significant changes in technology and resource intensity of production processes. In 2010–2011 the share of intermediate consumption grew a little and was 68.1 and 67.3 % correspondingly.

The share of highly technological import in 2000–2011 reached maximum 5.89 % to the total volume of commodity import to Ukraine in 2006 and lowered up to 2.5 % in 2011 (figure 4).

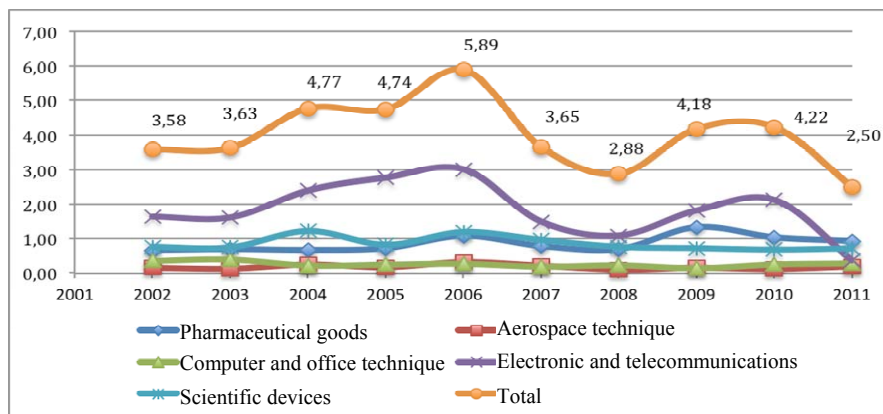


Figure 4. Dynamics of highly technological share of import in total volume of commodity import to Ukraine

Demand for highly technological import to Ukraine mainly was formed by trade positions shown in table 11.

Dynamics of highly technological goods import to Ukraine, billion USD

Year	Pharmaceutical goods	Aerospace technique	Computer and office technique	Electronic and telecommunications	Scientific devices	Total
2002	110.8	27.5	63.2	277.8	128.9	608.2
2003	157.0	30.8	93.3	381.7	173.0	835.8
2004	191.0	74.6	65.6	695.7	355.6	1382.5
2005	256.7	64.8	92.3	999.3	299.0	1712.2
2006	353.5	108.7	91.5	987.3	393.4	1934.5
2007	468.9	135.8	117.3	902.5	587.5	2212.0
2008	587.9	90.7	200.2	928.8	654.5	2462.0
2009	602.8	72.8	67.5	827.8	329.0	1899.8
2010	625.6	74.9	158.2	1293.7	413.7	2566.1
2011	763.9	167.3	241.3	302.2	594.4	2069.0

The volume of highly technological goods import in terms of money in 2011 decreased comparing to 2010 by quarter and reached almost 2.1 billion USD which is 1.9 times more than volume of such goods export. In 2011 the volume of HTG decreased only at the expense of electronic and telecommunications goods. Volumes continued to grow in other positions. Such situation was formed by steady domestic demand for pharmaceutical goods, electronic and telecommunications. Decisive commodity position of the first became medical goods on the basis of antibiotics and for treatment immune system disease. In electronic and telecommunication group mobile phones predominate; customs duty for them is 0 % [21].

Among the goods, import volume of which decreased in comparison with the demand for them in 2010 are electronic and telecommunications (23.4 %). The reasons of such demand reducing is the fluctuation of financial stability of most part of enterprises, when it is not safely to withdraw large sums from circulation, and lack of investment sources of finance, namely credits.

During 2002–2011 in foreign trade of highly technological goods in Ukraine we can observe negative credit balance, which was 0.97 billion USD in 2011. As a result, coefficient of cover of highly technological imports by domestic exports is still very low; in 2010 it was only 0.4 and in 2011 – 0.53 (table 12).

The average meaning of trade terms index, which shows the rate of growth of average price of exports with regard to imports during the investigated period exceeds "one" which also confirms bigger cost of domestic high technologies comparing the imports goods. Considering physical volumes of imports, one may say that Ukraine carries out in equivalent exchange by highly technological goods with economically developed countries. Besides, the lack of financing and uncertainty of expectations in current years don't assist scale processes of import substitute.

Table 12

Coefficient of cover of highly technological goods import by corresponding export and index of trade terms in Ukraine

Index	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Coefficient of cover of import HTG by corresponding export in quantity	0.68	0.97	0.82	0.27	0.32	0.45	0.45	0.49	0.40	0.53
Index of terms of trade HTG	–	1.82	0.90	0.38	1.57	1.23	1.04	0.49	1.07	1.07
Mid-annual price HTG, thousand USD export	73.7	130.7	169.9	49.6	81.1	123.5	133.3	126.1	116.5	118.3
import	26.1	25.4	36.6	27.8	28.9	35.8	37.1	71.9	61.9	58.5
Difference of mid-annual prices, %	64.	80.6	78.4	43.9	64.3	71.0	72.2	43.0	46.9	50.5

Source: calculated by authors according to the data of State Statistics Service of Ukraine: Commodity structure of foreign trade of Ukraine in 2002–2010. – Access mode: <http://www.ukrstat.gov.ua>.

One of the ways of domestic producer protection and stimulating the demand for domestic highly technological goods in the current system of tariff regulation in the innovation sphere.

This system has the discrimination character as according to the national legislature there envisages tariff privileges in the form of temporary and without time limit preferences for separate group of highly technological goods, namely:

- exemption of the goods from import duty. This preference refers without time limit to pharmaceutical products and ingredients, that are used for their production, but are not produced in Ukraine; goods for nanotechnological industries; scientific, laboratory and research equipment and also components and materials that are not produced in Ukraine according to the nomenclature and volumes envisaged by the project of scientific park; up to 2015 for aggregates, systems and their components for space complexes, space rocket carriers, space apparatus and ground segments of space systems; up to 2016 for goods of aircraft manufacturing;

- exemption of goods from VAT with time limit to 2015 for goods of space industry and up to 2016 for goods of aircraft manufacturing.

Tariff preferences on import of HTG are not expanded on the groups of computer and office technique, electronic and telecommunication, scientific devices, To investigate the influence of spot preferences given to foreign manufacturers in the sphere of high technologies there was

estimated the rate of protection of domestic industry in this sphere by means of definition the import duty for highly technological groups of goods.

Calculations showed that the average rate of import duty for common HTG group is 25% and for the most goods (62.5 %) import duty rate is 0 %, 16.5 % has rate of 10 %, 8.6 %, 5.0 %, and 3 % of categories have the import duty rate of 1.0 % and 2.0 % (table 13).

Table 13

Average rates of entry tax on HTG into Ukraine as of 2011

Code, groups of goods by UKGFAC*	HTG group	Average duty rate, %	Distribution of import duty rates by the categories of goods (share of goods categories that have defined duty rates in the total volume of categories of certain groups of goods), %										Total number of goods categories
			0	0.1	1	2	4	5	6	8	10	25	
29, 30, 84, 85, 88, 90	Total group	2.5	65.6	0.8	3.0	3.0	0.5	8.6	0.3	1.0	16.5	0.8	395
29, 30	pharmaceutical product	0.0	100	–	–	–	–	–	–	–	–	–	33
84, 88, 90	aerospace technique	1.1	77.8	–	2.8	5.6	–	8.3	–	–	5.6	–	36
84, 90	computer and office technique	0.9	90.9	–	–	–	–	–	–	–	9.1	–	22
85	Electronic and telecommunication	3.9	53.5	2.1	0.7	6.3	–	4.9	0.7	2.8	26.8	2.1	142
90	Scientific devices	2.3	63.0	–	6.2	0.6	1.2	14.8	–	–	14.2	–	162

* Code of group of goods by UKGFAC contains separate position and sub-positions Customs tariff of Ukraine does not provide import duty.

Source: calculated by authors on the basis of data [22].

Among the goods of HTG the highest average import duty (3.9 % and 23 %) have groups "Electronic and telecommunication" and "Scientific devices" which shows the highest level of protection of domestic manufacturers of these goods. But this level of "Electronic and telecommunication" group cannot be considered sufficient because the average import duty rate only 1.56 times exceeds the average duty in the total group of HTG.

The level of protection for the group "Scientific devices" is lower than the average (23 % against 25 %). Group "Pharmaceutical product" has the lowest import duty (0 %) which shows its most small duty protection against the importers.

According to the World Bank evaluation, the average duty rate of all groups of goods in 2012 was 4.55 % which provided the biggest openness

of trade of Ukraine among countries with the level of per capita income lower than average and brought it closer to the level of European countries, for which the average import duty rate was 8.4 % and 4.4 % correspondingly. Thus, it is possible to come to the conclusion that customs policy of Ukraine is rather controversial oriented at further liberalization of imports of certain HTG goods, that lowers the domestic manufacturer protection in the innovation sphere.

The task of the Ukrainian government is to implement external positive changes to the accelerated increase in domestic added value, employment and income. But it is not enough to rely only on market forces and social policy.

To change unpromising specializations and structures of domestic economy at the present stage of integration of Ukraine, the necessary additional steps as to increasing labor productivity and technical progress, investment and export support are necessary. That is why there is the necessity to get synergetic effect from combination of foreign trade and industrial policy, in which the pronounced role should be carried out by the potential of domestic proposition.

Now, in the condition of full openness of the economy, domestic producers feel the pressure from foreign competitors in the face of powerful TNCs, which provides imports in all sectors of domestic market. That is why the government support and protection is necessary for those types of activity which are necessary for the production development. But Ukraine cannot do without imports of many kinds of products. It relates to the goods of investment purpose, which are not produced in the country or they are of a poor quality. It is very difficult to upgrade technical and technological apparatus of domestic production without imports of such goods Imports of consumer goods have stimulating role for domestic producers in the sphere of increasing their competitiveness. It is not prohibited by WTO rules to protect domestic industries against imports, it is only necessary to coordinate levels and mechanisms of this protection.

Customs protection increase requires fulfillment of diplomatic measures, negotiations within WTO framework, justification of motives and evidences of necessity of such way of lessening of imports expansion on the internal market.

The last steps in this direction were taken out at the end of 2012, when Ukraine sent WTO an enquiry as to the increasing import duties on the goods of 350–370 groups. WTO regulations allow starting such negotiations once during 3 years and during 1995–2012 30 countries used this right. But not single country included to its proposals more than 10 groups of goods.

That's why WTO employees consider Ukrainian application as being unprecedented and the complexity of negotiating this application is compared with the procedure of WTO entry.

It means that because of the fact that this application was not put into polished form Ukraine can't expect any changes in this sphere in the nearest future, so, for example, by the data of Eurasian economic commission the

number of restrictive measures used by different countries against goods of countries of Customs union was less than two tens [20]: thus, USA and EU implemented 18 measures, Ukraine – 16.

Under the conditions of yearly imports increase and negative trade balance in government structures and publications of many authors there was widespread the opinion as to realization of import substitute in Ukraine.

This old idea, the implementation of which in a row of countries had not a simple result, under the patronage of the state has got positive features. The application of this instrument might be reasonable only if the manufactured products which may substitute imports will be of a higher quality or, at least, on the level of the same foreign products and will be in demand on the world markets.

The problem is, whether nowadays there are funds in Ukraine to organize the manufacture of such product. And if there are, then why they were not used during decades for modernizing production apparatus with the aim to improve qualitative characteristics.

The incentive for the beginning of processes of import substitution could be the devaluation of hryvna at the end of 2008 which was the reason of imports good cost increase.

But from that time no significant steps to implement these processes have not been developed. Import substitution strategy is considered to encourage domestic industry by introducing import restrictions. However, the import substitute is not confined solely to the protectionism, it should encompass a set of measures for restructuring, renewal and diversification of production, concentration of efforts and resources to increase the efficiency of economy.

Adherents of import substitution believe that developing countries must first establish their own production to replace first of all, imported consumer goods (the first stage of import substitution), and then replace the broader range of complex industrial products by domestic products (second stage of import substitution) making it all under protection of high tariffs and import quotas. In the long run import substitution should promote the diversification of local production ("sustainable development") and in the future, after as a result of economies of scale, low labor cost and gaining work experience, domestic prices of manufactured goods will be competitive, it will be possible to export these goods.

In practice, however, most experts believe that the strategy of import substitution is not always justified [23]. In particular, if it is not defined the transition period from protectionism to *fritreyderstvo* then under the cover of protective customs barriers and without the pressure of import competition, many industries remained inefficient and costly to operate.

Considering the ambiguity of the import substitution estimation, it is necessary to emphasize the importance and complexity of the challenges the country faces in case of using this way of production. The task of import substitution policy is to gradually create incentive systems that will balance

relative effectiveness of different types of industrial production and thus maintain domestic production of intermediate goods by reducing imports of consumer goods and eventually encourage their industrial production for export [24]. Scientists predict that the new economic growth is expected in 2020-s when long Kondratiev waves get uptrend. It is necessary to prepare to it because without innovation, modernization of the production, the participation of Ukraine in this process is impossible.

Conclusion. Import substitution cannot be the main way of formation of efficient economy. It is more reasonable to accumulate efforts and resources on innovative development together with restriction scales of irrational income distribution and mobilization of authority and citizens for solving the crucial problems that have accumulated in Ukraine. Even import substitution can be positive if it is accompanied by the development of new technologies and their implementation in domestic production.

The development of foreign trade sector of Ukraine its price and non-price competitiveness depends on preconditions that are created by the state and form capability and efficiency of the economy as a whole. It is therefore advisable to single out several basic problems of economy on which the external sector of economy functions and identify the ways to overcome them. One of the major problems is the lack of strategic willingness of long term development of economy including high-tech, innovative development of industry. Under these conditions the question of state support of export promotion and reducing dependence on import are being solved.

While working out the strategy of economic development and its relevant sectors it is necessary to predict the formation of a national strategy of export development: measures to improve goods quality, diversification of export products assortment, orientation on external innovation markets. A sound policy as to imports should consider the demand to renew obsolete technological base, for which it is advisable to eliminate all restrictions of carrying out the process of modernization, in particular, abolish high duty on equipment.

It is also necessary to predict providing privileges in importing high-tech equipment at the conclusion that imported equipment is not produced in Ukraine or has better technological characteristics. Furthermore the practice of critical import without VAT should be introduced.

REFERENCES

1. Oficijnyj sajt Ministerstva finansiv Ukrai'ny [Elektronnyj resurs]. — Rezhym dostupu : <http://www.minfin.gov.ua>.
2. Platizhnyj balans i zovnishnij borg Ukrai'ny. I kvartal 2013 roku [Elektronnyj resurs]. — Rezhym dostupu : <http://www.bank.gov.ua/doccatalog/document?id=2245134>.
3. Vplyv kryzy na osnovni sektory ekonomiky ta zovnishnju torgivlju Ukrai'ny : nauk.-analit. doslidzhennja / NAN Ukrai'ny; In-t ekon. prognozuvannja ; nauk. red. V. M. Gejec', V. O. Tochylin. — K., 1999.

4. *Social'no-ekonomichnyj stan Ukrainy: naslidky dlja narodu ta derzhavy. Nacional'na dopovid' / za zag. red. V. M. Gejcja, A. I. Danylenka, M. G. Zhulyns'kogo, E. M. Libanovoi', O. S. Onyshhenka.* — K., 2009. — 687 s.
5. *Priorytety nacional'nogo ekonomichnogo rozvytku v konteksti globalizacijnyh vyklykiv : monografija.* — u 2 ch. Ch. 2 / za red. V. M. Gejcja, A. A. Mazaraki. — K. : Kyi'v. nac. torg.-ekon. un-t, 2008. — 273 s.
6. *Jakubovs'kyj M. M.* Restrukturyzacija promyslovosti jak zasib podolannja importnoi' zalezhnosti ekonomiky Ukrainy / M. M. Jakubovs'kyj // Nacional'ne gospodarstvo Ukrainy: teorija ta praktyka upravlinnja : zb. nauk. prac'. — K. : In-t ekonom. ta prognoz. NAN Ukrainy, 2011. — S. 100–112 [Elektronnyj resurs]. — Rezhym dostupu: http://www.nbu.gov.ua/portal/soc_gum/NacGosp/index.html.
7. *Jakubovs'kyj M. M.* Innovacijni problemy postkryzovogo rozvytku promyslovosti: shljahy rozv'jazannja / M. M. Jakubovs'kyj // Problemy ta perspektyvy rozvytku innovacijnoi' dijal'nosti v Ukraini : materialy IV Mizhnar. biznes-forumu, (Kyi'v, 24 berez. 2011 r.) ; vidp. red. A. A. Mazaraki. — K. : Kyi'v. nac. torg.-ekon. un-t, 2011. — S. 180–182.
8. *Potencial nacional'noi' promyslovosti: cili ta mehanizmy efektyvnogo rozvytku : monografija / Ju. V. Kindzers'kyj, M. M. Jakubovs'kyj, I. O. Galycja ta in.; za red. Ju. V. Kindzers'kogo; NAN Ukrainy; In-t ekonomiky ta prognozuvannja.* — K., 2009. — 928 s.
9. *Sidenko V. R.* Potencial ekonomichnogo rozvytku Ukrainy v konteksti jevrops'koi' integracii' / V. R. Sidenko // Finansy Ukrainy. — 2007. — № 9. — S. 143–150.
10. *Krjuchkova I. V.* Makrostrukturni chynnyky gal'muvannja ekonomichnogo zrostantnja Ukrainy / I. V. Krjuchkova // Ekonomika i prognozuvannja. — 2012. — № 4. — S. 5–18.
11. 200 krupnejshyh kompanij / Forbes. — Rezhym dostupu : <http://forbes.ua/ratings/2>.
12. *Lazarjeva Je.* Doslidzhennja zakonomirnostej innovacijnyh peretvoren' u regional'nij ekonomici / Je. Lazarjeva // Ekonomist. — 2009. — № 9. — S. 35–37.
13. *Shljahy aktyvizacii' vykorystannja intelektual'nyh ta naukovo-tehnichnyh resursiv u vyrobnychyh procesah promyslovosti Ukrainy. Analitychna zapyska / O. Sobkevych, V. Savchenko* [Elektronnyj resurs]. — Rezhym dostupu : <http://www.niss.gov.ua>.
14. Ugoda pro subsydii' i kompensacijni zahody vid 15.04.1994 // Vidomosti Verhovnoi' Rady Ukrainy. — 2011. — № 13.
15. Oficijnyj sajt Derzhavnoi' sluzhby statyky Ukrainy. — Rezhym dostupu: <http://www.ukrstat.gov.ua>.
16. *Zubko O.* Metodychni pidhody do vyznachennja rivniv tehnologichnoi' mistkosti ukrai'nskogo eksportu / O. Zubko // Tovary i rynky. — 2011. — № 1. — S. 59–67.
17. *Moller-Nielson J.* Tests of the empirical classification of horizontal and vertical intra-industry trade / J. Moller-Nielson, T. Luthje // Weltwirtschaftliches Archiv. — 2002. — № 138. — P. 587–604.
18. *Ogljad pidpryjemstv / Mizhnarodna finansova korporacija ; Svitovyj bank.* — Rezhym dostupu : <http://www.enterprisesurveys.org/Data/ExploreEconomies/2008/ukraine#trade-size>.
19. EU SMEs in 2012: at the crossroads / European Commission. — Rotterdam, 2012. — 87 r. Rezhym dostupu : http://ec.europa.eu/enterprise/policies/sme/facts-figures-analysis/performance-review/files/supporting-documents/2012/annual-report_en.pdf;

- Ogljad pidprijemstv / Mizhnarodna finansova korporacija ; Svitovyj bank. — Rezhym dostupu : <http://www.enterprisesurveys.org/Data/ExploreEconomies/2008/ukraine#trade-size>; Financing SMEs and Entrepreneurs. Final Report / OECD Scoreboard, 2013. — 303 r. — Rezhym dostupu : [http://search.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=CFE/SME\(2012\)12/FINAL&docLanguage=En](http://search.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=CFE/SME(2012)12/FINAL&docLanguage=En).
20. *The Global Competitiveness Report 2011–2012* / Klaus Schwab; World Economic Forum. — Geneva, Switzerland: WEF, 2011. — 544 p.
 21. Dodatok do Zakonu Ukrai'ny "Pro mytnyj taryf Ukrai'ny" vid 5 kvit. 2001 r. № 2371-III // Oficijnyj visnyk Ukrai'ny, 2001. — № 18. — T. 2. — S. 633.
 22. Pro Mytnyj taryf Ukrai'ny : Zakon Ukrai'ny vid 05.04.2001 № 2371-III iz zmin. ta dopovn. // Urjadovyj kur'jer. — 2001. — № 84.
 23. *Torado M. Jekonomicheskoe razvitie* / M. Torado. — M. : JuNITI. — 1997. — 458 s.
 24. *Helleiner J. K. Markets, Politics and Globalization. Can the Global Economy be Civilized?* / J. K. Helleiner // 10th Raul Prebisch Lecture. — Geneva. — 2000. — P. 18–47.

Articles submitted to editors office of 03.12.2013.

Мазаракі А., Мельник Т. Зовнішньоторговельний сектор української економіки.

Постановка проблеми. Наукову роботу присвячено проблематиці сучасного стану зовнішньоторговельного сектора національної економіки, аналізу динаміки і тенденцій його розвитку. Проблеми розглянуто у контексті загальноекономічної ситуації у країні, стану виконання задекларованих вимог щодо прискорення реформування економіки, модернізації виробництва, гармонізації законодавства тощо.

Метою дослідження є визначення тенденцій руху зовнішньоторговельних потоків та зміни їх товарної структури за інституціональних умов, які останнім часом склалися в Україні, виявлення причин зниження цінової конкурентоспроможності експорту та розроблення пропозицій щодо покращання ситуації у зовнішньоторговельному секторі України.

Результати дослідження. Проаналізовано: показники розвитку економіки України, ефективності економічної діяльності, зовнішньоторговельних операцій та умов торгівлі порівняно з іншими країнами світу, товарної структури вітчизняного експорту та імпорту, стану інноваційної діяльності промислових підприємств нашої держави; структуру світової торгівлі високотехнологічними товарами і місце в ній України. На основі ґрунтовного аналізу показників економічної діяльності доведено, що можливості економічного зростання у поточних умовах суттєво обмежені внаслідок недосконалості національного законодавства, надмірної монополізації ринку, наднизького рівня інноваційної діяльності, недостатньої участі у зовнішньоторговельній діяльності підприємств малого та середнього підприємництва, а також через притаманні вітчизняному виробництву надвисоку затратомісткість, недостатні результативність та ефективність використання рекомбінаційного потенціалу нації тощо.

Висновки. Розкрито причини зниження цінової конкурентоспроможності експорту та можливості переходу до нецінових методів конкурентної боротьби. Охарактеризовано детермінанти та наслідки критичного відставання України у сфері високотехнологічного експорту, позитивні та негативні ознаки імпортозаміщення, недоліки митного захисту в інноваційній сфері, запропоновано заходи щодо покращання ситуації у зовнішньоторговельному секторі України.

Ключові слова: експорт, імпорт, конкурентоспроможність, митна політика, імпортозаміщення, реформування.

UDC 001.895:338.2 (477)

MAKOGON Yurii, Doctor of sciences (economics), Professor,
Head of Department of International Economics
at Donetsk National University, Director of the Donetsk
branch of National Institute for Strategic Studies

PROSPECTIVES OF INNOVATIVE DEVELOPMENT OF UKRAINE'S ECONOMY

In the article was considered the current state of the economy of Ukraine, was done the analysis of foreign trade operations, was determined innovation component of Ukraine's foreign trade. Was analyzed the place and role of Donetsk region in the formation of the export potential of the country, provided commodity and geographical structure of export operations. Following the results of the study was made conclusion about the necessity of changes in the technological structure of the industrial complex of Ukraine and substitution of industries that are based on outdated technological structures using a "breakthrough technology".

Keywords: industry, economic growth, innovations, technological structure, modernization.

Макогон Ю. Перспективы инновационного развития экономики Украины. Рассмотрено современное состояние экономики Украины, проведен анализ внешне-торговых операций, выделена инновационная составляющая внешней торговли Украины. Проанализированы место и роль Донецкой области в формировании экспортного потенциала страны, приведены товарная и географическая структура экспортных операций. По результатам исследования сделан вывод о необходимости изменения технологической структуры промышленного комплекса Украины и замещения производств, построенных на основе устаревших технологических укладов, с использованием "прорывных технологий".

Ключевые слова: промышленность, экономический рост, инновации, технологический уклад, модернизация.

Background. The continuous improvement of the general state of Ukraine's economy that began in 2010 showed that the country has entered the path of post-crisis recovery. An important direction of public policy at this stage is to ensure the stability of positive economic results and creating conditions for further economic growth.

Globalization processes and development of post-industrial society require the use of technological developments in all areas of life. In highly developed countries, high technology has radically changed the structure of exports of finished products in favor of high-tech industries production. In order for production of national producers to take its rightful place in

foreign markets, main efforts of Ukrainian government should **be aimed** at supporting the development of high-tech industries that will promote economic growth. That is why the issue of Ukraine's accelerating technological development of the industry is essential.

The industrial potential of Ukraine is one of the backbone elements of the national economic system and society in general. The domestic industry ensures 45 % of the gross output and 25 % of jobs. Industrial companies ensure a significant share of state budget and social funds, wages for the working population, form the investment potential of the country, determine the direction of its innovative development. However, despite this, Ukrainian industry remains technologically backward, and therefore inefficient and uncompetitive. Significant degree of depreciation of fixed assets indicates the use of outdated and intensive means of production, which limits the realization of industrial potential [1].

Recent decade has seen increasing participation of Ukraine in the global world economic processes, which resulted in deeper economic relations of Ukraine with many countries in different regions of the world. However, the industry in Ukraine is losing its positions as for the output of innovative products, which indicates the increase in raw material component of Ukraine's exports.

Analysis of recent research and publications. Among domestic and foreign scholars who have dedicated their works to the problems of innovative component of foreign economic activity of Ukraine, firstly, should be mentioned O. Amosha [2], O. Saveliev [3], S. Glaziev [4], B. Novytskyi [5], Y. Pakhomov [6], B. Heits [7], L. Fedulova [8] and others.

The purpose of this study is to analyze the current state of Ukraine's economy, the structure of foreign trade operations of Ukraine, define the proportion of innovative production in Ukraine's exports and to emphasize problems of further development of innovative potential of Ukraine in the system of international cooperation.

Results. An indicator of the formation of an innovative economic development model, according to L. Fedulova [8] is a massive reproduction of innovative processes on a systematic basis, and depth of changes caused by them in all sectors of the economy, but with a predominance of high-tech development in major industries, which are the core of higher technological structure of the economy. According to A. Amosha [2], innovative activity in Ukraine is in the state of chronic crisis: a decrease in innovation activity of enterprises, level of commercialization of developments is observed, traditionally prevail minor improvements, almost no duplication processes of innovations take place. "Innovatization" by V. Novytskyi [5], as an active research and technological dominant of modern development and competitive activity appears objectively in response to the changing nature in correlation between science and industry, as well as their manifestation of their new functional correlation.

In the second quarter of 2013 domestic consumer demand remained the main driver of economic activity. Thanks to the consistently high rates of growth in real wages (9.3 % annually); private consumption grew by 7.1 % year on year, excluding seasonal factors increase made up 2.2 %. An additional factor of sustainable growth in consumer spending of households was lower prices for some goods and services, which contributed to increased costs for the purchase of clothing and footwear (20.8% year on year), household items and appliances (14.4 %). The high base of comparison last year was a major factor in reducing the gross accumulation of fixed capital (-19.7 % year on year) as decline in comparison with the previous quarter was only 0.9 % excluding seasonal factor. After reducing imports of natural gas there has been a significant reduction of working capital (by 23.2 billion USD), which resulted in decrease of gross accumulation by 53 % year on year.

Export of goods and services in the second quarter decreased by 14.4 % year on year and by 5.6% excluding seasonal factors. The largest decrease occurred in the export of food products (-27.1 % year on year) due to the decrease in exports of grain by 45%. Among the causes of significant reduction in grain exports were:

- lower prices for grain in the world, therefore the Ukrainian exporters did not sell out their production;
- high prices for grain handling and transportation costs in Ukraine;
- smaller grain harvest in 2012 than in 2011;
- high base of comparison last year – grain exports in the first half of 2012 increased by 95 % compared with the same period last year.

Besides, due to low external demand exports of steel production fell by 6.4 % year on year, engineering – by 8.2 %, chemical products – by 5.5 %.

For the first time since the first quarter of 2010 the rate of import changes was lower than the rate of export changes. Reduced imports of goods and services in the second quarter of 2013 were 19.1 % year on year. The greatest decrease occurred in imports of products of the energy sector (42.5 % year on year) due to lower natural gas imports (-54.7 %) caused by the diversification of natural gas supplies. Introduction of duties on imports of cars by government since 13 April this year led to a decrease in imports of machinery by 17.9 % year on year.

Economic activity in the second quarter of 2013 continued to be determined by the high level of domestic demand and unfavorable foreign economic conditions. The largest negative contribution to the change in GDP was by industrial production (-1.5 gp), the volume of which in the second quarter decreased by 5.7 % year on year (-5 % in the first quarter) [9].

Low external demand led to a negative trend in export-oriented industries. The decline in manufacturing industry was 7.5 % year on year, engineering – 12.4 %, chemical industry – 16.7 %, their total contribution to the change in industrial production in the second quarter amounted to 3.9 gp (*figure 1*).

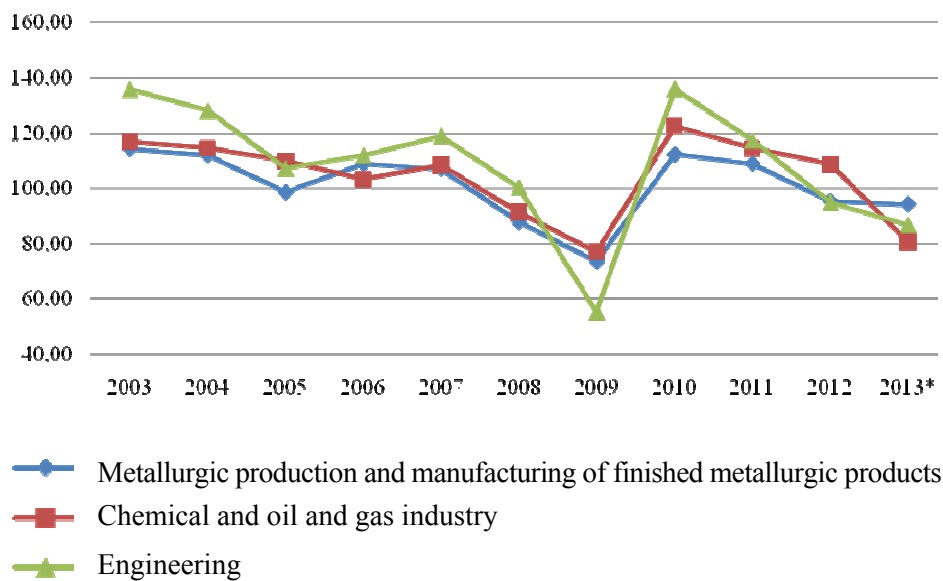


Figure 1. Indexes of production output in 2003 – 8 months of 2013 in Ukraine (in% to the same period of the previous year) [10]

Among the negative factors that influenced the dynamics of industrial production in the 1 half of 2013 were:

- reduced demand and, respectively, prices for steel, which resulted in the decline in manufacturing industry output by 7.8 % year on year;
- recycling collection for cars, put into effect by the Russian Federation on September 1 last year. As a result, manufacturing of passenger cars in Ukraine in the first quarter fell by 63.4 % year on year, trucks – by 67.7 %;
- suspension by the Russian Federation of the effect of certificate for output of Kremenchug steel manufacturing plant, which affected the performance carriage industry – the amount of output decreased by 41.9 %;
- the excess of the natural gas prices for Ukraine over prices for Belarus, which reduces the competitiveness of Ukrainian in chemical production, which in its turn makes domestic producers cut down production;
- high oil prices and import duties, which reduce the profitability of oil products, caused Ukrainian refineries to stop working. The output of coke and oil products in the second quarter decreased by 13.3 % year on year [9].

The negative impact of low external demand is somewhat offset by a significant improvement in performance of agriculture. A significant increase in the grain crops yield this year contributed to an increase in output of agriculture in the second quarter by 20.9 % year on year, which provided in 0.9 gp in annual GDP change (*figure 2*).

High domestic consumer demand, supported by steady growth in real wages (+9.3 % in the second quarter year on year), provided growth of retail trade turnover by 9.4 % year on year.

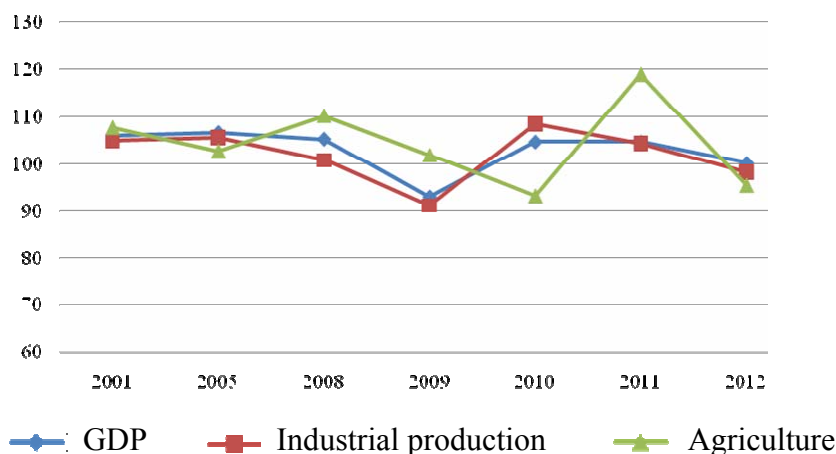


Figure 2. Indexes of GDP, industrial production and agricultural output in 2001–2012 in Ukraine (in % to previous year) [10]

Traditionally, Donetsk region occupies a leading position among the regions of Ukraine in visible exports. In January–August 2013 industrial production index in Donetsk region compared with January–August of the previous year was 91.6 %. The decline in industrial production since the beginning of the year is still associated with a decrease in demand in foreign markets for metal, resulting in metallurgy manufacturing and manufacturing of finished metal products output in January–August 2013 is less than in the same period in 2012 by 7.5 % [11]. Despite the decline in exports, in the first six months of 2013 region remains in first place in Ukraine according to this indicator, its share was 20.8 % (figure 3).

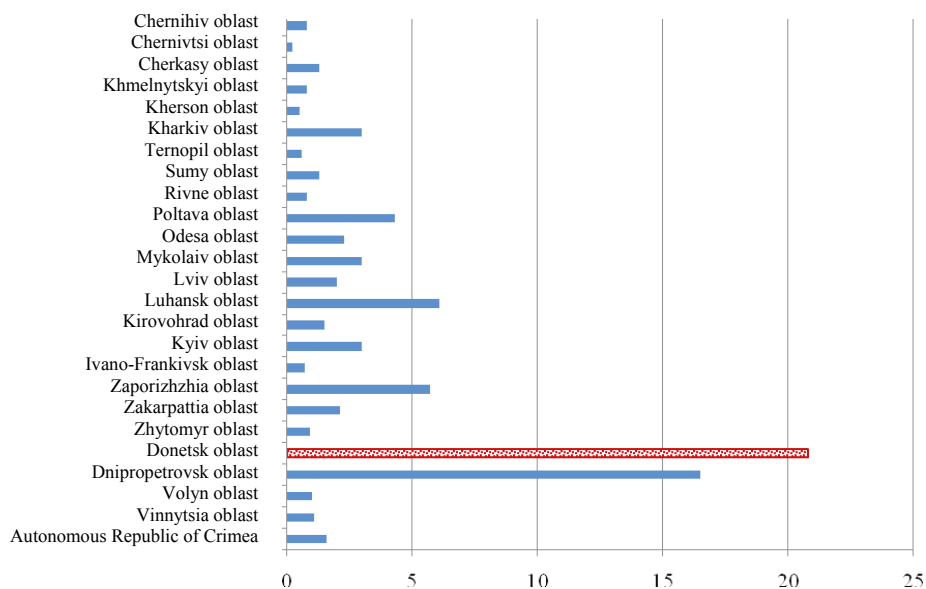


Figure 3. Place of Donetsk region in Ukraine's export potential (January–August 2013) [10]

Products made in the region are exported to 139 countries. Exports to CIS countries during 2012 decreased compared to 2011 by 6% and amounted to 4.7 billion USD, or 33.5 % of the regional total. Exports to Russian Federation, the largest foreign trade partner of the region, decreased by 17.5 % and amounted to 3.1 billion USD, or 21.9 % of total foreign exchange earnings in the region.

The volumes of supply in Europe (excluding CIS) for 2012 amounted to 3.1 billion USD, or 21.9 % of regional exports. Compared with the previous year, they decreased by 36.5 %. The largest European consumer of Donetsk region goods is Italy. Its share in the regional volume of exports is 8.7 %. During 2012 the volume of exports to that country decreased by 40.5 % and amounted to 1.2 billion USD, including 90 % of deliveries received from ferrous metals export.

More than a half (54 %) of innovative products sold by enterprises of the region was exported (the national average – 37 %), two thirds of the supply both in the region and in general in Ukraine accounts for the countries of the CIS. Almost a half of the regional volume of sales of innovative products provided enterprise of machinery manufacturing, more than 40 % – metallurgy, 7 % – food industry [11].

In the commodity structure of regional exports 54.7 % accounts for ferrous metals (*figure 4*). During 2012 regional companies supplied them across the borders of Ukraine by 7.7 billion USD, which is by 27.4 % less than the previous year. The volume of exports of machinery, equipment, vehicles decreased in 2012 compared to the previous year by 4.9 % and amounted to 1.8 billion USD. The share of machinery manufacturing in regional exports accounted for 12.4 %, which is 4.4 times less than ferrous metals [11].

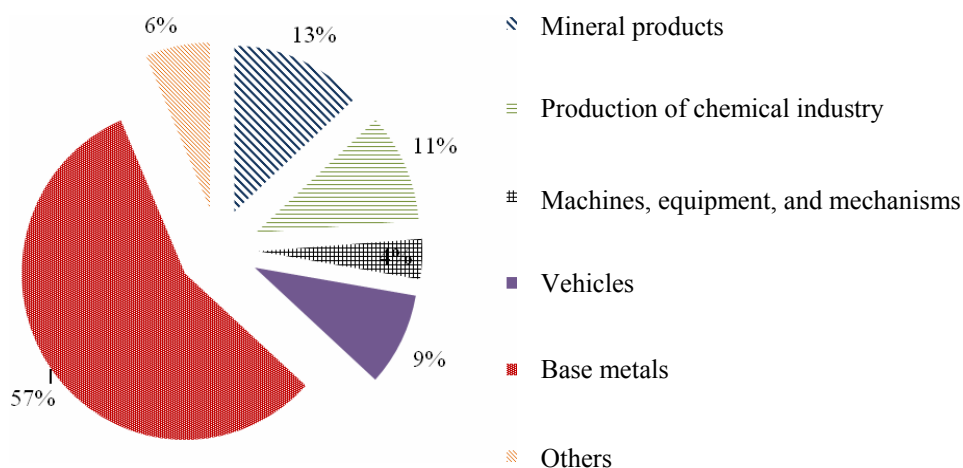


Figure 4. Structure of commodity exports of Donetsk region in 2012 [11]

Export orientation of industry in the Donetsk region has always been an important factor in its development, but at the same time it turns out to be the vulnerable point for the entire economy through unpredictable changes in foreign trade situation. An alternative to foreign trade could be the development of internal market. However, it does not decrease the relevance of the development of new foreign markets and improvement of the export structure by increasing the proportion of products with high added value.

The realities of the current economic situation in Ukraine show that in contrast to developed countries which provide up to 85–90 % of GDP growth by producing high-tech products for export, our country, having the leading position by the number of scientists in the world does not enough use its innovative potential in full. Market of scientific and technical products continues to deteriorate due to the small demand for innovations due to the low solvency of domestic consumers. Therefore, the situation in the sphere of innovations Ukraine is still dissatisfactory: if in developed countries the share of innovation active enterprises is within 60–70 %, we have about 12 % [12] (figure 5).

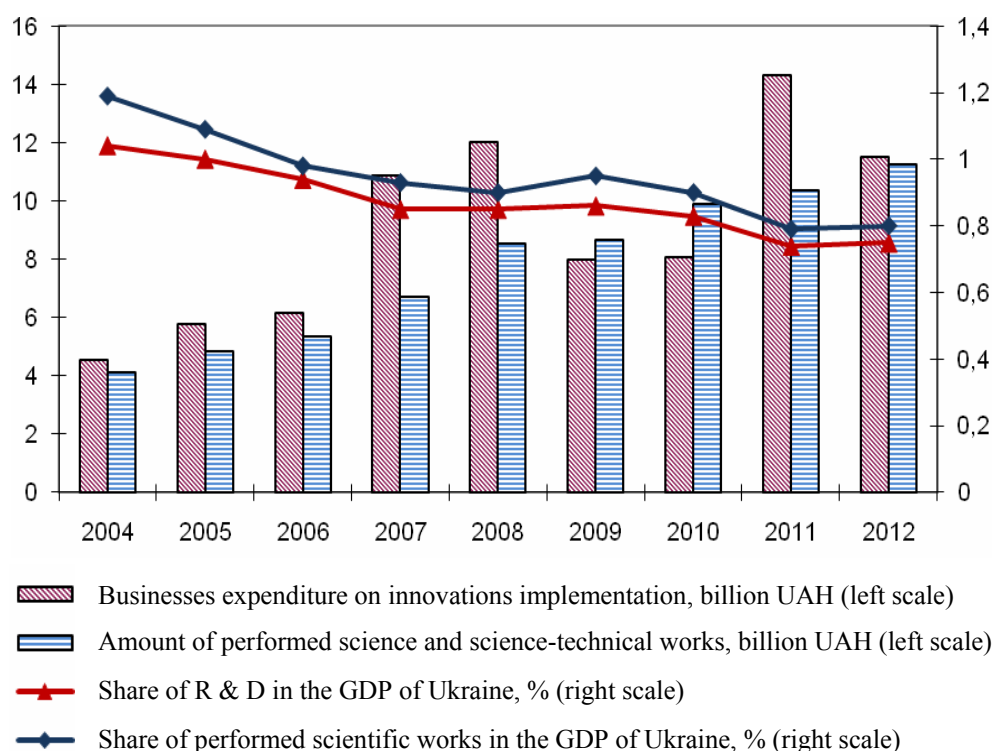


Figure 5. Innovative constituent of Ukrainian economics development

Today, innovation processes in the domestic industry mainly have extensive character, and new products are being developed mainly through the use of scientific and technological achievements of previous years. This type of innovation development has fairly narrow limits and makes it

impossible to maintain competitiveness at an appropriate level for a long time. Ukraine's share in world trade volume of high-tech, knowledge-intensive products is very low – only 0.1 %, which is much less than that of Poland and Germany.

The main goal of reforming the industrial production, which currently provides a significant part of economic growth, is to increase its competitiveness through technological upgrading of enterprises and optimizing the structure of products they produce, reducing the energy intensity of production, etc.

Development and implementation of scientific and technological potential of the industry will allow making improvements in the technological industrial structure by overcoming scientific and technological lag that must be carried out within the framework of Ukraine's transition to innovative breakthrough strategies. It is necessary to support innovation activities of enterprises, including in the framework of international cooperation development, stimulate demand for innovation and their active implementation in the industry, to bridge the gap between science and industry, to promote the commercialization of national scientific and technological developments in the enterprises of Ukraine, to provide patent-licensing safety of domestic companies.

Technological structure (TS) is a conglomerate of connected industries, combined in a steady wholeness that perpetuates itself by means of technological chains, covering a closed reproductive cycle – from production of inputs and training staff to nonproductive consumption. Today, in developed countries dominate technologies of 5-th structure and are emerging technologies of 6-th structure. In the industry of Ukraine dominate 3-rd and 4-th structures.

Regarding modern technological structure in the industry of Ukraine, it, according to the calculations, has the following structure: the third technological structure – 50.4 %, the fourth – 44.56 %, the fifth – and the sixth 4.99 % – 0.05 %. This technological structure describes the economy of Ukraine in the long term as "raw material" and demonstrates technological degradation of the country. If in the 80-s of the twentieth century in the structure of Ukrainian industry and commodity export share of machinery manufacturing amounted to 30–40 %, and ferrous industry – in 2–3 times less, than the current situation is directly opposed [13].

Replacement of technological structures as a rule requires corresponding changes in social and institutional systems. These systems facilitate mass adoption of new structure technologies appropriate to the type of consumption and lifestyle. Upon completion of this begins a phase of rapid expansion of new technological structure, which is the basis for economic growth and has a dominant position in the economic structure. In the growth phase of a new structure most technological chains are rearranged according to its needs. At the same time, further, newest TS are emerging, which is in the embryonic phase until the dominant structure reaches its growth limits,

followed by the next technological revolution. This creates a new kind of infrastructure that overcomes the limitations of previous as well as the transition to new energy resources, which provide the basis for the formation of the next technological structure [4].

These data indicate that in the structure of manufactured industrial products prevails the share of 3rd technological structure. Consequently, the industry is dominated by low added value branches, which consume a significant portion of electricity. It can be noted that in the industry Ukraine prevails 3rd structure of technology in conjunction with the elements of 4th and 5th. With simultaneous reproduction of multiple technological structures of the economy there are some distortions such as reduced efficiency of industrial production, slowdown and deterioration of economic growth. Simultaneous reproduction of three technological structures as a result of general resource constraints leads to a slowdown of performance of each of them, as well as the overall rate of economic growth and a sharp slowdown of progressive structural changes.

Thus, the basis of the technological development of the national economy and the industry has to become a comprehensive modernization of production with the introduction of modern achievements of national and international science and technology. Priority industries that can provide high technological development Ukraine, are defined the following:

- machinery manufacturing (aviation, rocketry and transport machinery, power machinery, agricultural machinery manufacturing);
- instrumentation (technical re-equipment of communication and transport systems, the implementation of energy-saving technologies, production of diagnostic systems and medical equipment, component base and accessories);
- development of military-industrial complex manufacturing (manufacturing of radar systems, missile systems a wide range of supplies, facilities of space and radio communications);
- development of mining and metallurgical complex on the basis of resource saving, environmentally friendly technologies;
- development of chemical and petrochemical industry (manufacturing of rubber and plastic products, chemical and pharmaceutical industry);
- information technologies.

World experience of economic systems development shows that investment is a leading factor in leading countries (USA, Japan, EU, Latin America), in particular, encourage high level of technological development. Consequently, investment is the foundation for the revitalization of economic activities providing their orientation to the research and development areas.

For these reasons, there is an urgent need for the change in the structure of the industrial complex of Ukraine. This requires the adoption at the national level of tooled mechanism of fundamental forecasting and

analytical research that will enable to clearly and reasonably determine the scientific, technological and innovation priorities that will ensure the effectiveness of the national economy [14].

Conclusion. Thus, the problems that were faced by the national economy cause the need for systematization of knowledge about the possible ways of evolutionary transformation of economic, technological and institutional systems. To join the advanced countries Ukraine should in the short term move to the "new economy", creating and implementing in the real economy a "breakthrough" technology. It is necessary to enter international markets with intelligent databases, expert systems, microelectronics and other knowledge-intensive technologies.

REFERENCES

1. *Makogon Ju. V.* Razvytye nacyonal'noj jekonomiki v postkrizisnyj peryod / Ju. V. Makogon // Strategija i mehanizmy reguljuvannja promyslovogo rozvytku. Koncepcija social'no-ekonomichnogo rozvytku regioniv v umovah vyklykiv globalizacii' : zb. nauk. prac' ; I. P. Tuljejev (vidp.red.) ta in. — Donec'k, 2011. — S. 97–108.
2. *Amosha O. I.* Innovacijnyj shljah rozvytku Ukrai'ny: problemy ta rishennja [Elektronnyj resurs] / O. I. Amosha. — Rezhym dostupu : <http://ua-ekonomist.com/336-oleksandr-amosha-nnovacyniy-shlyah-rozvitku-ukrayini-problemi-ta-rshennya-2005.html>.
3. *Savel'jev Je.* Ukrai'ns'ka modernizacija v systemi formuvannja novogo svitovogo ekonomichnogo porjadku / Je. Savel'jev, V. Kuryljak // Zhurnal Jevropejs'koi' ekonomiky. — 2012. — T. 11 (№ 1). — S. 27–38.
4. *Nanotehnologii* kak kljuchevoj faktor novogo tehnologicheskogo uklada v jekonomike / pod red. S. Ju. Glaz'eva i V. V. Haritonova. — M. : Trovant, 2009. — 304 s.
5. *Novyc'kyj V. Je.* Problemy instyucijno-innovacijnogo reguljuvannja v konteksti zavdan' nacional'nogo rozvytku na suchasnomu etapi globalizacii' / V. Je. Novyc'kyj : zb. nauk. pr. / Mizhnar. nauk.-tehn. un-t im. akad. Ju. Bugaja. — K. : Vyd-vo MVTU im. akad. Ju. Bugaja. — S. 5–12. — (Serija "Ekonomika").
6. *Pahomov Ju.* Problema ynnovacyj v Ukrainy / Ju. Pahomov // Problemy innovacijno-investycijnogo rozvytku : nauk.-prakt. zhurn. / Vseukr. gromad. org. "Ukr. akad. nauk", Derzh. akad. zhytlovo-komunal. gosp-va. — K. : [b. v.], 2011. — S.148–155.
7. *Gejec' V. M.* Innovatyvno-innovacijnyj shljah rozvytku ukrai'ns'koi' ekonomiky i suspil'stva na pochatku XXI stolittja / V. M. Gejec' // Bankivs'ka sprava. — 2003. — № 4. — S. 3–27.
8. *Fedulova L. I.* Tendencii' rozvytku innovacijnoi' polityky ta i'i' vplyv na ekonomichne zrostannja [Elektronnyj resurs] / L. I. Fedulova. — Rezhym dostupu : http://www.nbu.gov.ua/portal/soc_gum/ep/2011_2/5_Fedulova.pdf.
9. *Makroekonomichnyj* ogljad, veresen' 2013 [Elektronnyj resurs] // NBU. — Rezhym dostupu : <http://www.bank.gov.ua/doccatalog/document?id=3218852>.
10. *Derzhavnyj* komitet statystyky Ukrai'ny [Elektronnyj resurs] // Derzhkomstat. — Rezhym dostupu : <http://www.ukrstat.gov.ua>.

11. Pro promyslove vyrobnyctvo u sichni-serpni 2013 r. [Elektronnyj resurs] // Golovne upravlinnja statystyky Donec'koi' oblasti. — Rezhym dostupu : <http://donetskstat.gov.ua/pres/presreliz.php?dn=0413&number=0#3>.
12. Makogon Ju. V. Torgovyj balans Ukrainy: vyhod iz krizisa / Ju. V. Makogon // Visnik Mariupol. derzh. un-tu / za zag. red. K. V. Balabanova. — Vyp. 1.— Mariupol': Vyd-vo MDU, 2011. — S. 61–75. — (Serija "Ekonomika").
13. Makogon Ju. V. Global'na ekonomichna kryza 2008–2010 rokiv: svitovyj dosvid ta shljahy podolannja v Ukrai'ni : monografija / V. P. Antonjuk, S. S. Aptekar, N. A. Baltachejeva ta in.; za zag. red. V. I. Ljashenka. — Donec'k : Jugo-Vostok, 2010. — 414 s.
14. Social'no-ekonomichnyj stan Ukrai'ny: naslidky dlja narodu ta derzhavy: nacional'na dopovid' / za zag. red. V.M. Gejcja ta in. — K. : NVC NBUV, 2011. — 687 s.

Articles submitted to editors office of 26.11.2013.

Макогон Ю. Перспективи інноваційного розвитку економіки України.

Постановка проблеми. Запропоновану наукову роботу присвячено дослідженню сучасного стану економіки України, аналізу структури зовнішньоекономічних операцій, визначенню частки інноваційної продукції в експорті України, а також проблемам подальшого розвитку інноваційного потенціалу України в системі міжнародного співробітництва.

Огляд наукових джерел з обраної тематики свідчить про відсутність цільового дослідження процесів модернізації та впровадження інновацій у промислове виробництво в Україні, що призводить до зниження інноваційної складової експортних поставок. В опублікованих працях здебільшого розглянуто сутність інновацій, а не проблема їх впровадження у виробництво. Актуальність визначених аспектів обумовили мету дослідження.

Результати дослідження. У роботі досліджено сучасний стан економічної ситуації в Україні, виділено перспективні напрями та галузі, що за умови системної кризи можуть стати локомотивами економічного зростання. Розглянуто роль областей, які формують експортний потенціал України, зокрема, наголошено, що саме у Донецькій області зосереджено більшість підприємств машинобудування, металургії та хімічної промисловості. За результатами дослідження географічної та товарної структури зовнішньої торгівлі України визначено, що в основному наша держава експортує товари з малою часткою обробки, що зумовлено застарілою технологічною структурою промислового комплексу.

Грунтовний аналіз інноваційної складової економічного розвитку України свідчить, що головною метою реформування індустріальних виробництв, які на сьогодні здебільшого забезпечують економічне зростання, є підвищення їх конкурентоспроможності на основі технологічного переоснащення підприємств та оптимізації структури продукції, що ними виробляється, зниження енергоємності виробництва тощо. Розвиток та реалізація науково-технологічного потенціалу промисловості дозволить здійснити позитивні зміни у технологічній структурі промисловості шляхом подолання науково-технологічного відставання, що має здійснюватись у рамках переходу України до стратегії інноваційного прориву.

Висновки. Проведене дослідження може бути складовою більш докладного вивчення процесу модернізації промисловості України та еволюційної трансформації економічної, технологічної та інституційної систем, що стане основою переходу економіки України до "нової економіки", створюючи й реалізуючи в реальному секторі економіки "проривні" технології.

Ключові слова: промисловість, економічне зростання, інновації, технологічний уклад, модернізація.

UDC 339.944

NIAMESHCHUK Hanna, Candidate of Science (Economics), Associate Professor, Dnipropetrovsk Oles Honchar National University

HIGH-TECHNOLOGY SECTORS OF ECONOMY: NATIONAL AND INTERNATIONAL DIMENSIONS

Space-rocket industry development has been investigated as a perspective high-technology sector of economy in Ukraine. Based on the global activity tendency in the sphere of space technique and technology development a conclusion has been made regarding the negative influence on the general country's development made by high-technology "outflow" which is not launched within the system; as well as concerning the necessity of commercial segment development of space production and technologies market.

Keywords: high-technology sector of economy, aerospace industry, space-rocket industry, Ukrainian high-technology export.

Нямешчук А. Высокотехнологичные секторы экономики: национальное и международное измерения. Исследовано развитие ракетно-космической промышленности как перспективного высокотехнологичного сектора экономики Украины. На основе тенденций мировой активности в сфере развития космической техники и технологий сделан вывод о негативном влиянии "оттока" высоких технологий, не внедряемых внутри системы, на общее развитие страны, а также о необходимости развития коммерческого сегмента рынка космической продукции и технологий.

Ключевые слова: высокотехнологичный сектор экономики, аэрокосмическая отрасль, ракетно-космическая промышленность, высокотехнологичный экспорт Украины.

Background. An implementation experience of the innovative development pattern within the leading countries national economies confirms the strategic significance of those sectors that are globally competitive. The USA system of scientific and technical programs' fulfillment "budget planning, programming, working out and fulfillment", Finland and Israel innovative systems' high effectiveness, legal norms of stimulating NDDKR in Japan [1], high-technology strategy in Germany, White book "Innovatively-oriented nation" in Britain [2] – each of them is aimed at increasing the effectiveness of sectors which generate innovative high-technology product.

The innovative direction of development has been chosen in Ukraine as well. Among the principal normative legal instruments the following should be pointed out: "The innovative development strategy of Ukraine for 2010–2020

in conditions of global challenges", the Program of economic reforms for 2010–2014 "Prosperous society, competitive economy, effective state", State program of economy development activation 2013–2014 [3].

Analysis of the latest research and publications. The problem of effective implementation of innovative development pattern and further increasing of the national economy competitiveness is being studied by the leading scientist-economists, particularly, Antoniuk L. [4], Filipenko A. [5], Fedulova L. [6], Makohon Yu., Cherep A. and Androsova O. [7] and many others. The works of such scientists and experts as Horbulin V., Alekseiev M., Dzhur Ye. and Dzhur O. [8], Dehtiarev O. [9], Kisterskyi L., Koniukhov S. and others are devoted to the search of ways to increase the economy effectiveness of the Ukrainian space-rocket industry, being a potential high-technology sector. It should be mentioned that space-rocket industry is becoming more often an object of scientific investigation conducted by promising scientists.

The further study is needed for the process of the national economy's high-technology sectors development that defines their perspectives on high technologies global markets.

Taking into account the experience of countries – innovative leaders, the available scientific work by researchers and experts, the article's **objective** is to assess the Ukrainian space-rocket industry potential and its relation with the global activity in the sphere of space technique and technologies development.

Materials and methods. Information resources of the scientific research are statistics data of Organization of economic collaboration and development, State service of Ukraine's statistics, current documents about the global activity in the sphere of space technique and technologies development Spacefoundation, Annual reports of Ukraine's State space agency, information provided by the official media. The investigation's methodological instruments are represented by general scientific methods of research: dialectical, cognition, scientific induction and deduction, systematic, comparison and synthesis.

Results. In 2010–2012 the Ukrainian space industry enterprises manufactured and sold goods for more than 9.5 billion UAH. At the same time space-rocket production constitutes 62 % of the general volume of manufacturing. The goods exported for 6 billion UAH constitute more than 60 % of the general volume of manufacturing [3]. The state policy's tasks for 2013–2014 are the implementation ensuring of programs and projects in space activities sphere, including the creation of space rocket complex "Tsyklon-4" and National system of satellite communication. As a result of program fulfillment it is anticipated an increase at least by 1.5 times of production volume of rocket-space equipment and export of goods and

service by 2.3 % in 2013 and by 10.8 % in 2014. Optimistic forecast of Ukrainian rocket-space industry development reflects the global activity tendencies in this sector.

The data analysis [10–14] shows, that in the period of 2000–2011 among the countries – leaders in the sphere of space investigation and employment there were France, Germany, Japan, Great Britain and the USA that were demonstrating systematic, stable accumulation of gross expenses volume for research and development: for the period of 12 years the value indices increase was from 42.25 % for Great Britain up to 77.77 % for Germany (by equality of purchasing power). This group of countries is characterized by a systematic increase of expenses volume of private sector: in France and Japan the indices increase in 2011 even exceeded the gross expenses volume increase in relation to 2000.

During this period China and Russia have demonstrated a considerable increase of gross expenses volume and private sector expenditure for research and development. An increase by 664.77 % of the gross expenses indicator and by 866.05 % of the private sector expenditure indicator in China is caused by implementing the aggressive strategy of country's investment-innovative development. To support this fact there is a data closure regarding the aerospace industry in China. A significant increase of expenses on research and development in Russia (respectively by 234.13 % and 187.48 %) is a result of transformational processes, the reformation of economic management system and other factors.

In Japan and Russia a considerable reduction of private sector expenditure and an increase of financing the research and development in aerospace industry by state funds are still lasting. In France and Germany the sources of private sector as well as budget resources are equally involved to develop space activities. The USA encourage the activity to raise private funds for partnership relations in astronautics, showing in 2011 against 2000 the increase of private sector expenditure for research and development in aerospace industry by 189.31 %. The national aerospace industry financing by state budget establishes a significant segment of economic activity on the space technique and technology world market (*figure 1*).

Just the volume, forms and directions tendencies in financing define the development tendencies of both the world astronautics and Ukrainian space industry. This factor is becoming the most important one during transformational processes of the world activity in space technology and technique development area, as it sets up new promising opportunities for the industry's national enterprises.

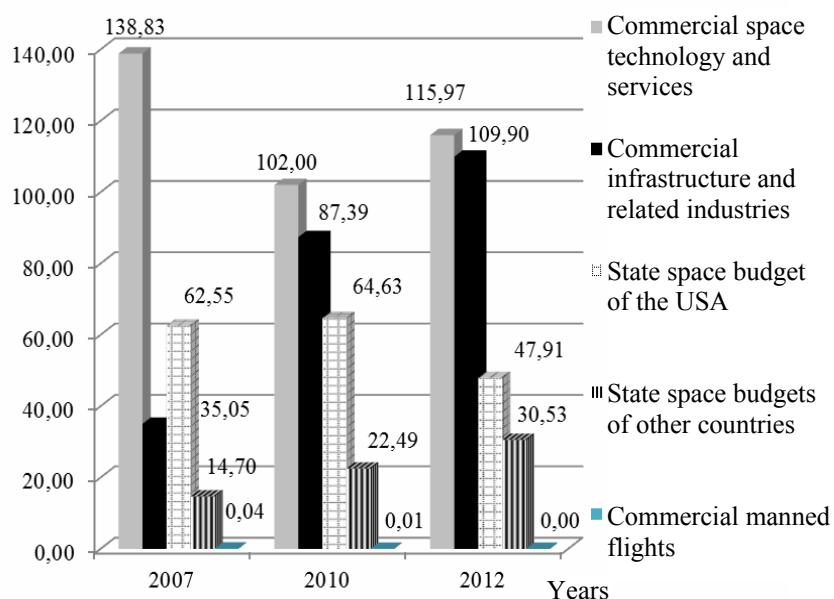


Figure 1. World activity financing in the sphere of space technique and technology development in 2007–2012, billion USD*

* Made by the author according to the data [15–17].

The principal factor of Ukrainian space industry development is a predomination of state ownership in the property structure of the majority of enterprises and the state exclusive right to distribute the manufactured goods. Production manufacturing at the industry's enterprises is made according to the state order or the contracts (projects) concluded between foreign partners and governmental bodies of Ukraine (the State space agency of Ukraine, the Cabinet of Ministers of Ukraine, the Ministry of Defense of Ukraine). Under such conditions an analysis of space industry financing by state budget of Ukraine is becoming topical (*table 1*).

The figures in *table 1* are visual evidence of the tendency to reduce the volume of budget programs financing of the Ukrainian space industry enterprises: by comparison with an indicator in 2008 the total sum of financing in 2011 was reduced by 38.85 %. The tendency of reducing is a typical one for almost all state financing programs, where the activity of industry's enterprises has been undertaken. The greatest volume reduction was observed under the Nationwide space program of Ukraine (by 73.30 % in 2011 against 2008).

The tendencies analysis of budget programs financing in 2008–2011 witnesses that the activities' restructuring and diversifying processes are still lasting at the Ukrainian space-rocket industry's enterprises: in 2010 the following programs "Administration and management in the sphere of space activities" and "Loans service for international projects" were accepted to be

financed. These programs' implementation caused an increase in the general structure of financing the area "Other budget programs" (by 71.34 % in 2011 against 2008) and, it is possible, initiated the programs of construction (purchase) of accommodation for servicemen as well as the restructuring, developing of the industry's key enterprises – executives of international projects and contracts. At the same time the main volumes of funds are directed to the international project "Tsyklon-4" implementation, which loans servicing in 2011 constituted 30.79 % in the financing programs general structure.

Table 1

Ukrainian space industry budget programs financing in 2008-2011 *

Programs of financing	2008		2009		2010		2011	
	%	mil UAH	%	mil UAH	%	mil UAH	%	mil UAH
Nationwide space program	30.37	222.97	20.16	82.39	17.7	60.06	13.26	59.53
Applied scientific and scientific and technological products	0.09	0.66	0.15	0.61	0.17	0.58	0.14	0.63
Space instruments running and trial	17.63	129.43	29.36	119.99	40.19	136.37	26.07	117.03
Propellant and ammunition utilization	36.18	265.62	22.51	91.99	23.9	81.10	23.16	103.97
Wind power plants' construction	2.25	16.52	–	–	–	–	–	–
Providing young people with aerospace education	0.44	3.23	0.8	3.27	1.06	3.60	0.83	3.73
Other budget programs, including	13.04	95.74	27.02	110.42	16.98	57.61	36.54	164.04
Administration and management in the sphere of space activities	–	–	–	–	4.22	14.32	3.68	16.52
Loans service for international projects (including "Tsyklon – 4")	–	–	–	–	12.76	43.30	30.79	138.22
construction (purchase) of accommodation for servicemen	–	–	–	–	–	–	1.78	7.99
Restructuring and development of CB "Pivdenne", "Pivdenmash"	–	–	–	–	–	–	0.29	1.30
Total	100.00	734.17	100.00	408.67	100.0	339.31	100.00	448.92

* Made by the author according to the data [11–13].

The results of structure analysis of products sold by types are rather interesting (*figure 2*). The Ukrainian space industry's enterprises demonstrate an increase of overall volumes of goods sold: an increase in sales in 2011 against the 2008 indices was 47.02 %. Such an increase was ensured by raising the space-rocket equipment sales volumes (by 44.27 % in 2011 against 2008) and by special purpose products sales volumes growth. In 2008 these two types of production were combined within the heading "Space-rocket production". The special purpose production, which was placed into a separate type, in 2011, demonstrated an increase of sales volumes by 81.41 %.

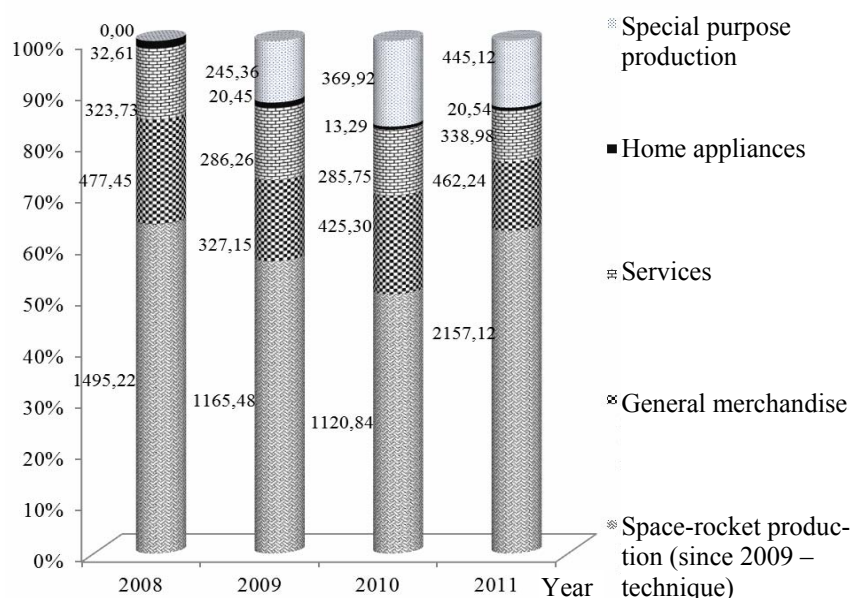


Figure 2. Sales of production by space industry's enterprises of Ukraine in 2008–2011 according to their types, mil. UAH*

* Made by the author according to the data [11–13].

Comparing with the dynamics of industry's budget programs financing (see table 1), it should be pointed out, that along with a production new type selling in 2009 there was an obvious increase of financing "Other budget programs" resulted in considerable growth of the share of this sphere within the programs' general structure. It has to be noted that since 2009, the budget institutions and scientific organizations of dual-purpose have not been included into the index of the overall sales volume of the industry's production.

The space industry production is systematically a component of high technology export of Ukraine that is characterized by the tendency to increasing (figure 3). According to the press service's reports of the State space agency of Ukraine [18], the production sales volumes of the Ukrainian space industry's enterprises in 2012 rose by 17.7 % against 2011 (respectively they were in terms of value indices near 4006.08 mil. UAH).

Thus, in the period of 2008–2012 the industry's sales volumes rose by 72.01 %, mainly at the expense of the space-rocket technique manufacturing and work fulfillment according to the Program of solid propellant utilization and drilling-and-blasting operations. The production announced share to the export in the overall sales volume constitutes 61.7 % or nearly 2471.75 mil. UAH. As Figure 3 shows, the industry enterprises' activity is characterized by the tendency to increasing the production sales volumes to the export (in 2012 there was a growth by 124.37% against the 2008 indices). Such a tendency is well-grounded for relative ratio as well as for value indicators: syste-

matically the production share to the export in the overall sales volume is increasing (61.7 % in 2012 p. against 47.3 % in 2008), more than double increase of the sales value volumes is observed (2471.75 mil. UAH in 2012 against 1101.62 mil. UAH in 2008). In 2009 the principal export products were carrier-rockets for the international space projects "Sea launch", "Ground launch", "Dnipro", control systems for the carrier-rockets "Soiuz", "Proton", docking systems "Course". In 2012 the principal export products also were rocket-space technique that is confirmed by the correspondent growth of this production type in overall sales volumes.

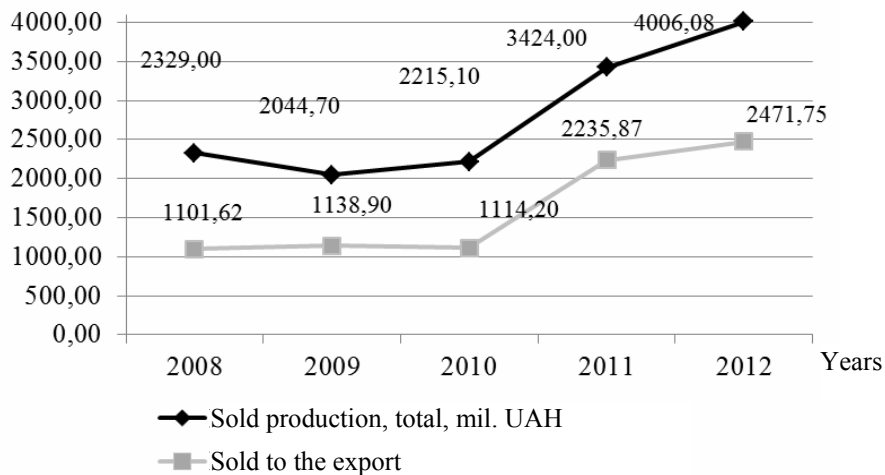


Figure 3. The Ukrainian space industry's production selling to the export in 2008–2012, mil. UAH*

* Made by the author according to the data [11–13; 18].

The investigation results have proved the intellectual-personnel potential's significant impact on the character and effectiveness of the Ukrainian space industry enterprises' activities (*table 2*).

The analysis of *table 2* shows, that the industry's enterprises suffer a reduction of overall amount of employees (reduction was in 2011 by 11.85 % against 2008). At the same time there is an increase of the young people under 35 (by 40.42 % in 2011 against 2008). A considerable rejuvenation of human resources, working at the industry's enterprises, is accompanied by gradual reduction of employees, who have general secondary and higher education, as well as those who have an academic degree. At the same time it should be highlighted that there is a significant increase of quality indices: in the period of 2008–2011 the index of products sold per one employee was grown by 66.77 %, and the index of export products sold per one employee – by 130.24 %.

Table 2

**The effectiveness' description of the intellectual-personnel potential's
employing by the Ukrainian space industry enterprises in 2008–2011 ***

Indices	2008	2009	2010	2011	Increase (2011 to 2008), %
Total number of employees, thous. pers., including those who	32.50	31.00	30.20	28.65	-11.85
have general secondary and higher education, thous. pers.	16.25	20.00	14.00	13.70	(15.69)
have academic degree, thous. pers.	0.195	0.190	0.190	0.184	(5.64)
at the age under 35, mil. pers.	4.55	4.81	6.64	6.39	40.42
Products sold per 1 employee, thous. UAH	71.66	65.96	73.35	119.51	66.77
Export products sold per 1 employee, thous. UAH	33.90	36.74	36.89	78.04	130.24

* Calculated by the author according to the data [11–13].

Conclusion. The assessment results of the rocket-space industry's national enterprises' potential in relation to the world activity in the space technique and technology sphere have allowed to make conclusions concerning the development prospects of this high technology sector in the economy.

Firstly, the increase of overall sales volumes of both the production and the export products of the Ukrainian rocket-space industry's enterprises witnesses the presence of demand for the national high-technology core production on the space technologies' world market. But opposite side of this fact is the lack of domestic market due to the state monopoly on the national space production. Technologies, which "are flowing out" from the country without being launched within the national system, reduce an overall effect produced by the high-technology sector's development.

Secondary, the accumulation of private investment volumes into aerospace industry in the leading countries is accompanied by dynamic development of commercial space technology and services segments as well as of commercial structure and related industries that show the greatest growth rates and, therefore, the biggest profit. The necessity to allow the private funds to enter into the national rocket-space industry is caused by the discovered tendencies of reduction and insufficiency of financing the space programs by the state budget of Ukraine.

Thirdly, the reduction of the employees' total number, the quantity of employees who have general secondary, higher education and academic degree at the Ukrainian rocket-space industry's enterprises can be viewed as a demonstration of the set of the economy system domestic problems.

The relationships of high technology sectors with the national and international universities regarding the personnel recruitment and scientific studies require the further investigation.

REFERENCES

1. *Velentejchuk T. M.* Do pytannja pidvyshhennja dijevosti naukovo-tehnichnyh program: dosvid innovacijno rozvynenyh kraj'n / T. M. Velentejchuk : materialy mizhnar. sympoziumu ["Innovacijna polityka ta zakonodavstvo v Jevropejs'komu Sojuzi ta Ukrai'ni: formuvannja, dosvid, naprjamky nablyzhennja], (Kyiv, 2–3 cherv. 2011 r.). — K. : Feniks, 2011. — S. 25–27.
2. *Zakonodavche* reguljuvannja innovacijnoi' dijal'nosti v Jevropejs'komu Sojuzi ta derzhavah-chlenah JeS / za red. G. Avigdora, Ju. Kapicy. — K. : Feniks, 2011. — 704 s.
3. Postanova Kabinetu Ministriv Ukrai'ny "Pro zatverdzhennja Derzhavnoi' programy aktyvizacii' rozvytku ekonomiky na 2013–2014 roky" vid 27 ljut. 2013 r. № 187.
4. *Antonjuk L. L.* Mizhnarodna konkurentospromozhnist' kraj'n: teorija ta mehanizm realizacii' : monografija / L. L. Antonjuk. — K., 2004. — 354 s.
5. *Filipenko A. S.* Global'ni formy ekonomichnogo rozvytku : istorija i suchasnist' / A. S. Filipenko. — K. : Znannja, 2007. — 670 s.
6. *Fedulova L. I.* Innovacijna ekonomika : pidruchnyk / L. I. Fedulova. — K. : Lybid', 2006. — 480 s.
7. *Androsova O. F.* Transfer tehnologij jak instrument realizacii' innovacijnoi' dijal'nosti : monografija / O. F. Androsova, A. V. Cherep. — K. : Kondor, 2007. — 356 s.
8. *Dzhur O. Je.* Ekonomika vysokotehnologichnyh pidpryjemstv : navch. posib. / O. Je. Dzhur. — D. : ART-PRES, 2010. — 320 s.
9. *Degtjarev O. V.* Upravlinnja zovnishn'oekonomichnoju dijal'nistju vysokotehnologichnyh pidpryjemstv v umovah globalizacii' (na prykladi kosmichnoi' galuzi Ukrai'ny) : avtoref. dys. na zdobuttja nauk. stupenja kand. ekon. nauk : spec. 08.05.01 / O. V. Degtjarev. — K., 2005. — 24 s.
10. Naukova ta innovacijna dijal'nist' Ukrai'ny [Elektronnyj resurs]. — Rezhym dostupu : www.ukrstat.gov.ua.
11. Richnyj zvit Derzhavnogo kosmichnogo agentstva Ukrai'ny za 2011 rik. — K. : Spejs-Inform, 2011. — 28 s.
12. Richnyj zvit Nacional'nogo kosmichnogo agentstva Ukrai'ny za 2009 rik. — K. : Spejs-Inform, 2010. — 24 s.
13. Richnyj zvit Nacional'nogo kosmichnogo agentstva Ukrai'ny za 2008 rik. — K. : Spejs-Inform, 2009. — 48 s.
14. Organization for economic Co-operation and Development / Statistics / Main Science and Technology Indicators [Elektronnyj resurs]. — Rezhym dostupu : http://stats.oecd.org/Index.aspx?DataSetCode=MSTI_PUB.
15. The Space Report 2013 — overview / Spacefoundation [Elektronnyj resurs]. — Rezhym dostupu : http://www.spacefoundation.org/sites/default/files/downloads/The_Space_Report_2013_overview.pdf.
16. The Space Report 2011 — Executive Summary / Spacefoundation. — 13 p. [Elektronnyj resurs]. — Rezhym dostupu : http://www.thespacereport.org/files/The_Space_Report_2011_exec_summary.pdf.
17. The Space Report 2008 — Executive Summary / Spacefoundation [Elektronnyj resurs]. — Rezhym dostupu : <http://www.contentfirst.com/past/Spacefoundation/08executivesummary.pdf>.

18. Kosmicheskaja otrasl' Ukrainy nachala razvivat'sja / internet-portal g. Dnepropetrovska / Novosti goroda i regiona ot 29.01.2013 [Elektronnij resurs]. — Rezhim dostupu : <http://gorod.dp.ua/news/78964>.

Articles submitted to editors office of 21.11.2013.

Нямышук Г. Високотехнологічні сектори економіки: національний і міжнародний виміри.

Постановка проблеми. Досвід реалізації інноваційної моделі розвитку в рамках національних економік провідних країн світу підтверджує стратегічне значення секторів, що є конкурентоспроможними у світовому масштабі. **Метою** статті є оцінка потенціалу ракетно-космічної промисловості України у взаємозв'язку із світовою активністю в сфері розвитку космічної техніки і технологій.

Матеріали і методи. Інформаційними матеріалами є статистичні дані Організації економічного співробітництва і розвитку, Державної служби статистики України, звітні документи про світову активність у сфері розвитку космічної техніки і технологій Spacefoundation, Річні звіти Державного космічного агентства України, повідомлення з офіційних засобів масової інформації.

Методичний апарат дослідження становлять такі методи: загальнонаукові, визначення прямих та зворотних зв'язків між економічними явищами та процесами, творчо-критичний та описово-аналітичний.

Результати дослідження. Зворотним боком попиту на українську високотехнологічну профільну продукцію на світовому ринку космічних технологій є відсутність внутрішнього ринку. Технології, що "витікають" з країни, не маючи впровадження всередині національної системи, зменшують сумарний ефект від розвитку високотехнологічного сектора.

Висновки. Нарощення обсягів приватних інвестицій в аерокосмічну галузь у країнах-лідерах супроводжується активним розвитком комерційних сегментів, що демонструють найбільші прибутки. Це потребує допущення приватного капіталу в національну ракетно-космічну промисловість, а також подальшого вивчення зв'язків високотехнологічних секторів із національними і світовими університетами щодо кадрового забезпечення та наукових розробок.

Ключові слова: високотехнологічний сектор економіки, аерокосмічна галузь, ракетно-космічна промисловість, високотехнологічний експорт України.

UDC 330.1:339.9 – 047.52

DEINEKA Tetiana, Assistant Professor in International Economics,
Ukraine Coop Higher Educational Establishment
"Poltava University of Economics and Trade"

INSTITUTIONAL ASPECT OF MODERN GLOBAL DISCREPANCIES

The essence of modern economy as that of an institutional system of economic activities as well as that of a subsystem of implicit institutional relations of the world's community is discussed in the article. The main peculiarities of the global institutional conflict, the essence of international bureaucracy, the role of the global ruling (managing) class are found out.

Keywords: institutional settings, discrepancies, international bureaucracy, global ruling (managing) class, global institutional conflict.

Дейнека Т. Институциональный аспект современных глобальных противоречий. Рассмотрена сущность современной экономики как институционализированной системы хозяйственной деятельности и подсистемы институционально опосредованных отношений мирового сообщества. Определены особенности институциональных противоречий глобализирующегося общества, внутреннее содержание глобального институционального конфликта, сущность международной бюрократии, роль глобального правящего (управляющего) класса.

Ключевые слова: общественные институты, противоречия, международная бюрократия, глобальный правящий (управляющий) класс, глобальный институциональный конфликт.

Background. The clarification of the nature of modern social as well as economic relations makes it necessary to understand the organization of life in society as a system. This system in its turn is changing, developing and gaining new qualities constantly as a result of intense globalization processes. As a matter of fact, economy is an institutionalized system of business activities. Besides economic (business) activities it also includes implicit institutional relations – political, social and cultural relations.

The Analysis of the Recent Research and Articles. Institutional orientation in research of modern societal organization and discrepancies is shown in fundamental scientific works by D. North [1], R. Nelson and S. Winter [2], S. Crawford and E. Ostrom [3].

Modern research works by national scientists V. Geyts [4], D. Lukyanenko, A. Poruchnik, Y. Stolyarchuk [5], A. Filipchenko [6], Y. Zaytsev,

V. Savchuk [7] show the discrepancies of processes and phenomena that are the characteristic of globalizing society.

The aim of the article is theoretical, methodological, and application analysis of world's society as that of an institutional system. Also the article explores and determines the peculiarities of social discrepancies display, which are caused by the globalization of society's development.

Results. In theory of Economics theoretical and methodological basis of this branch of research has been systematically developed within institutional approach. Economic institutional setting, defined by D. North as "the rules of game" in society, organize relations between people and structure the motivation of exchange in all its areas – in politics, in social and economic area [1]. The most important for the research of discrepancies, which appear in society and are visible at all levels of economic institutional settings, is theoretical and methodological approaches of institutionalists to understanding of *society* as an open system; *economic process* as asymmetric interdependence between different factors of development (endogenous as well as exogenous); *stability and balance* as non-typical and extremely short-term phenomena; *normal state of economy* as a state of uncertainty.

Therefore, the process of societal functioning includes certain degree of order, which is dynamic and appears in the form of changes in architectonics, which in their turn bring the system to a qualitatively new state. In such a way, a society can be represented as a system of institutional settings as a complex entity, which mediates relations in areas such as economy, politics, and culture.

Implementing institutional methodological approach to the perception of modern (globalized) society, it is necessary to point out, that the discrepancies are displayed at the first, and the most general level of such analysis. It means that there is no such unified institutional setting created by society, which would be able to embrace and correlate all the processes which happen in it. Meanwhile, society (especially during the periods, which correspond to the lower stages of economic cycles) would "subconsciously" want to have certain multipurpose mechanism for regulating its existence. Hence there has been set up a lot of discussions in scientific literature as well as in social networks about a possibility to outsource regulatory functions to an institutional setting of such general level, which will represent a global ruling class.

World is a very diverse place, that is why it is impossible to create a unified regulatory institutional setting (at least in current period of humankind's development). Even considering sufficient growth in influence of virtual networks, which contribute considerably to centralizing decision-making technically, it is doubtful that such unified institutional setting that would rule the entire world will ever come into existence. Such doubts are

legitimate due to heterogeneity of a superclass. Global (ruling) class is represented by groups of influence and consists of owners and top-managers of big TNCs, the heads of countries, members of governments, the heads of power structures, and authoritative experts in international processes. In addition to this, each member of this elite society has his own private interests.

However, the fact of emergence and formation of global ruling class should not be ignored as well as the fact of the emergence of the correspondent institutional settings (though there is no unified managing center usurped by global elite). Scientists have reasons to state a rapid growth of new proponent bureaucratism that is international bureaucracy. The latter is caused by the process of globalization and connected with the formation of a new global ruling class, which has power, and looks like "global cobweb" [8, p. 27]. Global geo-economic community which is a superclass, according to a scientific definition, is systemic and structural unit in the form of interaction of national geo-elites (clans), which are gaining more and more supra-national content in such areas as economy, politics, technologies, information, and culture [9, p. 24; 31].

Taking into consideration these circumstances (as well as influence of factors, that determine the starting point of the tendency to concentrate the functions of global regulation, and the fact of remoteness of such perspective), the more real perspectives at the current level of development of society are the determination of discrepancies in the area of institutional settings' functioning. In particular, the emergence and adoption of qualitatively new features in the system of global management, and structural changes within such system are expected.

The system of institutional settings is a characteristic of a human society. Institutional settings appear as a result of a particular activity of its members that is institutional activity. Its sense is to provide processes of reproduction of institutional constructions and their primary elements, which they consist of. These elements are strategies, norms, rules (according to the terminology by E. Ostrom) [3]. The processes of institutional reproduction happen in accordance with needs of social development and are historically predetermined.

If it is impossible to satisfy society's needs with the help of the existing institutional settings, and to organize effective functioning of connections which make up this system, then the state of society is determined as crisis. That was the case with world's society at the moment of crisis emergence, when in fact a global institutional conflict was taking place. *Global institutional conflict* can be defined as a peak of social discrepancies, which is shown within one of the forms of humans existence (in its organizational system in other words in institutional system). It appears with the help of supra-national subjects. It emerges due to the necessity to provide organizational recreation of society in general. It is realized on the basis of

changes to the functions of global management and appearance of subjects who are the proponents of new functions.

Institutionalized society as a system of self-organization is created according to the principle of synergy. It means that in such unstable system in accordance with new needs of society caused by certain circumstances (nowadays by the circumstances of emerging world's crisis, for example) new organizational units are created, and as a result new qualities appear within the system. After the changes of managing units and subsystems such systems comes to a new level of existence.

The UN committee of experts offered to create Council of Global Economic Coordination and International committee of experts. Such proposal was made due to the necessity to bring world's economic system to a new better level of institutional development (it means due to the task of getting out of crisis) [10, p. 221–223]. The aim of the abovementioned organizations should have been monitoring of risks and supervision of global functioning of economic system.

It is important to say that new institutional settings become effective only if they are accepted by society. However, proposed institutional innovations were not implemented. No new international financial organizations with functions of global regulations were created after the crisis, which most active period was in 2008–2009. Alternative institutional settings have not substituted basic institutional settings, but already existing institutional settings have acquired new qualities to solve the discrepancies that have emerged. Theory explains it as a result of opposing views interaction, which happens within renovating cycle of discrepancies. Experience proves that such institutions have become more effective in comparison with the situation before the crisis. In particular, such organizations as G-20 have been reformed, reinforced as well as there was a number of measures taken to develop new common programs of action [2, p. 3]. Though, it cannot be assumed that humankind has provided a necessary institutional mechanism for itself. In this case such mechanism is meant, which is flexible, efficient, capable of reacting quickly to the growth of global display of asymmetry, and such that will not be burdened with bureaucracy as well as prohibitive costs for a society.

Nowadays the basis of new mechanisms of global management for the nearest 35–40 years is being determined [9, p. 26]. Although its principles are realized within superclass, which consists of separate countries, international organizations and economic entities, groups of multinationals and transnational banks, separate supra-large investors, economic and political groups. Herein discrepancies emerge at the level of anonymity/ legitimacy of actions performed by global elite and national governments.

These days there work "new anonymous" systems of power such as transnational organizations and multinational corporations" in addition to

national governments [11, p. 45]. As it was stated by V. Geyts, influence of these establishments is complemented with "soft" "(though not always) intensity of actions of different international organizations, that added the issues of the national governments existence, sovereignty of states, and creation of global management into their agenda" [4, p. 6].

Such global units as G-7 (The USA, Great Britain, France, Germany, Japan, Canada, Italy; later G-8 including Russia), after that G-20 (Group of Twenty Finance Ministers and Central Bank Governors), as well as IMF (International Monetary Fund), and WB (World Bank) were created to regulate, stimulate, and supervise. However, their functions were not put into practice sufficiently due to the crisis and lack of legitimacy, and existed more in the form of recommendations. The main difficulty in the implementation of even half-way decisions, which are made at a supra-national level, is connected with limited legitimacy of international controlling organizations, which is dramatically lower than that of national governments and their institutional settings [8, p. 19].

Therefore, global ruling class tries to oppress the role of national governments in the regulation of international relations. However, if there is a need in active regulatory economic actions such global organizations as G-7, G-20, IMF, WB proved to be inefficient. As practice shows, when it comes to getting out of crisis the effectiveness of legitimate national governments and their institutional settings is higher than that of non-legitimate units. This discrepancy is one of the most outspoken forms of a modern institutional conflict in the history of world's society.

Besides the aspect of anonymity/ legitimacy of actions performed by the global elite, institutional conflict is reflected in many other ways. The most crucial for the society are the following: institutional disagreement between supra-national, sub-national, and national interests; growing conflict between institutional setting of global market (which reliability and performance depends on the principles of liberalism and openness) and the organization of economic activities within national economic systems (which according to its main principle is oriented towards economic paternalism and political integrity of states).

Considering that there is no such institutional setting with the help of which it would be possible to regulate life in society, coordination of different areas of human existence is performed using different methods historically elaborated by society. These methods work as a mechanism that provides congruity of functioning institutional settings.

Nowadays communication, which is based on Internet technologies, mediates sufficiently decision-making processes in organization and management at all levels of social system beginning with the life of a separate individual (nanolevel) ending with the life in society in general (global level). Existing social institutional settings are changing under this influence and new

institutional settings are created. Institutional discrepancies in the background of universal "networking" are a dissonant entity of all basic management principles, which are individual and collective.

On the one hand, transnational level of implementing e-Government is developing with the help information and communication Internet technologies. Experts say that the emergence of integrated interactive internet portals, which will represent supra-national governmental and non-governmental organizations, can be expected soon [12]. Thus a new world order is being set up on the basis of IT penetration. The model of global ruling is being set up. This model, however, reflects interests of the most developed countries, international organizations, transnational corporate units, and banks. Therefore there is a centripetal tendency of concentration of power and rights to make decisions concerning future development of society around global elite.

On the other hand, in contrast to centralization there is a tendency of expanding opportunity to make decisions together (as a collective). It is possible due to the existence of social networks. It gives an opportunity to put into practice the principle of collectivism. Specialists state that one of the peculiarities of the abovementioned social entities is the so-called phenomenon of "swarm intelligence", which stipulates the absence of centralized management, independence, and high proactiveness of subunits, "cobweb", non-linear interaction.

Conclusion. Generalizations of results of this research makes it possible to draw the following conclusions.

First of all, society can be represented as a system of institutional settings. Such system is open, dynamic, is constantly developing; emergence and development of discrepancies in such system is a source of its changes. The peak of discrepancies is a global institutional conflict.

Furthermore, the most outspoken forms of a modern period of society's development are such forms of institutional conflict as anonymity/legitimacy of action by the representatives of global elite and national governments; growing conflict between institutional setting of global market (which reliability and performance depends on the principles of liberalism and openness) and the organization of economic activities within national economic systems (which according to its main principle is oriented towards economic paternalism and political integrity of states).

In addition, the peculiarity of institutional discrepancies determines expansion of the Internet technologies. As a result the most outspoken becomes a dissonant unity of basic management principles, which are individual (through implementation of model of global management e-Government) and collective (through the expansion of functions of socially oriented entities, that are characterized as independent and such that high proactiveness of subunits, "cobweb", non-linear interaction while making decisions).

REFERENCES

1. *Nort D.* Instituty, institucional'nye izmeneniya i funkcionirovanie jekonomiki [Elektronnij resurs] / D. Nort. — M. : Nachala, 1997. — 180 s. — Rezhim dostupu : padabum.com/d.php?id=8871.
2. *Nel'son R. R.* Jevoljucionnaja teorija jekonomicheskikh izmenenij / R. R. Nel'son, S. Dzh. Uinter. — M. : Delo, 2002. — 536 s.
3. *Crawford S. E. S.* A Grammar of Institutions / S. E. S. Crawford, E. A. Ostrom // American Political Science Review. — 1995. — Vol. 89. — № 3. — P. 582–600.
4. *Gejec' V.* Konfiguracija geopolitychnoi' karty svitu ta i'i' problemnist' / V. Gejec' // Ekonomika Ukrai'ny. — 2011. — № 1. — S. 4–15.
5. *Global'noe jekonomicheskoe razvitie: tendencii, asimmetrii, regulirovanie /* pod nauch. red. D. Luk'janenka, A. Poruchnika, V. Kolesova. — K. : KNEU, 2013. — 466 s.
6. *Filipenko A. S.* Jekonomicheskaja globalizacija: istoki i rezul'taty. — M. : Jekonomika, 2010. — 511 s.
7. *Zajcev Ju. K.* Suchasna politychna ekonomija (problemy ta instytucional'ne pole predmeta i metodologii' doslidzhen') : navch. posib. / Ju. K. Zajcev, V. S. Savchuk. — K. : KNEU, 2011. — 337 s.
8. *Rjazanov V. T.* Nadnacional'nye i nacional'nye reguljatory v uslovijah global'noj jekonomicheskoi' nestabil'nosti / V. T. Rjazanov // Vestnik Sankt-Peterburg. un-ta. — 2012. — Vyp. 4. — S. 13–32 (Serija 5).
9. *Ageev A.* Restrukturizacija global'nogo upravlenija – kljuch k bor'be s mirovymi finansovo-jekonomicheskimi krizisami / A. Ageev, E. Loginov // Jekonomicheskije strategii. — 2011. — № 10. — S. 22–31.
10. *Doklad Stiglica.* O reforme mezhdunarodnoj valjutno-finansovoi' sistemy: uroki global'nogo krizisa. Doklad Komissii finansovyh jekspertov OON. — M. : Mezhdunarodnye otnoshenija, 2010. — 328 s.
11. *Hudjakova L.* Postkrizisnoe finansovoe regulirovanie na mezhgosudarstvennom urovne / L. Hudjakova // Mirovaja jekonomika i mezhdunarodnye otnoshenija. — 2013. — № 1. — S. 3–14.
12. *Pavroz A. V.* Tehnologija e-Government v jepohu globalizacii: problema vznikovenija global'nogo jelektronnogo pravitel'stva [Elektronnij resurs] / A. V. Pavroz. — S-Pb. : Sankt-Peterburg. gos. un-t. — Rezhim dostupu : www.pandia.ru/text/77/312/20714.php.
13. *Sazanov V. M.* Novyj Internet – real'nost' i futuristicheskie prognozy / V. M. Sazanov // Jekonomicheskije strategii. — 2011. — № 6. — S. 44–55.

Articles submitted to editors office of 26.11.2013.

Дейнека Т. Інституціональний аспект сучасних глобальних суперечностей.

Постановка проблеми. З'ясування природи суперечностей сучасних суспільних відносин, у тому числі економічних, потребує суцільного сприйняття організації життя соціуму як динамічної системи. Сучасна економіка є по суті інституціоналізованою системою господарської діяльності, яка одночасно ідентифікується як підсистема єдиної світової системи суспільства, що, крім економічних (господарських) відносин, передбачає інституційно опосередковані відносини – політичні та соціокультурні.

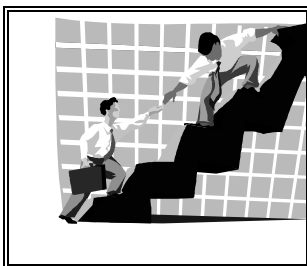
Метою публікації є теоретико-методологічний та прикладний аналіз світового суспільства як інституціональної системи з визначенням зумовлених глобалізацією суспільного розвитку особливостей прояву соціальних суперечностей.

Результати дослідження. Розглянуто сутність сучасної економіки як інституціоналізованої системи господарської діяльності та підсистеми інституційно опосередкованих відносин світового суспільства. Визначено особливості інституційних суперечностей суспільства, яке глобалізується, зміст глобального інституціонального конфлікту, розуміння міжнародної бюрократії, роль глобального правлячого (управляючого) класу.

Обґрунтовано, що найбільш вираженими для сучасного періоду розвитку світового суспільства є такі форми інституційного конфлікту: анонімності / легітимності дії представників глобальної еліти та національних держав; неузгодженості наднаціональних / субнаціональних / національних інтересів; наростання суперечностей між інститутом глобального ринку та організацією господарства в рамках державного регулювання національних економічних систем.

Висновки. Суспільство може бути представлено системою інститутів, яка є відкритою, динамічною, перебуває у постійному розвитку. Вищою фазою соціальної суперечності є глобальний інституціональний конфлікт. Особливістю інституціональних суперечностей у наш час зумовлюється поширенням інтернет-технологій. У результаті цього більш вираженою стає суперечлива єдність вихідних принципів управління – єдиноосібного та колективного.

Ключові слова: суспільні інститути, суперечності, міжнародна бюрократія, глобальний правлячий (управляючий) клас, глобальний інституціональний конфлікт.



ENTERPRISE

UDC 614.215:005.412

MELNYCHENKO Svitlana, Doctor of Economic Sciences, Professor,
Vice-rector for scientific work, KNUTE

HEALTH RESORT ENTERPRISES: BETWEEN STAGNATION AND MODERNIZATION

The present state of operation of health resort enterprises has been analyzed. The reasons for the negative tendencies of development were identified. Conceptual approaches to the development of target programs of health resort enterprises development, which will be based on general methodological and ideological principles, were determined. Long-term actions for the development of health resorts to ensure their competitiveness in both the domestic and international tourism markets have been offered.

Keywords: health resort enterprises, health resort field, target program, tourism, business entities, information technologies, laws and regulations, material and technical base, service quality, marketing strategy.

Мельниченко С. Санаторно-курортные предприятия: между застоєм и модернизацией. Проанализировано современное состояние функционирования санаторно-курортных учреждений, определены причины негативных тенденций развития, концептуальные подходы к разработке целевой программы развития санаторно-курортных учреждений, базирующейся на общих методологических и идеологических принципах. Предложены основные долгосрочные действия по развитию санаторно-курортных учреждений для обеспечения их конкурентоспособности как на внутреннем, так международном туристическом рынке.

Ключевые слова: санаторно-курортные учреждения, санаторно-курортная сфера, целевая программа, туризм, субъекты хозяйствования, информационные технологии, нормативно-правовая база, материально-техническая база, качество услуг, маркетинговая стратегия.

Background. With the development of tourism we re-think the role of establishments of social services whose aim is health promotion. Primarily, this refers to health resort enterprises, whose activity connected with producing, selling and providing health and recreational services to holiday-makers.

The importance of efficient and effective usage of natural curative and recreational resources by means of creation and operation support of zones

of tourism and resorts development, creation of schemes and general layout of tourist area development, implementation of state monitoring of health resort and recreational territories and natural curative recourses is covered in the Concept of the State target program of tourism and resorts development for 2011–2015 [1].

The use of natural tourist and recreational, curative, raw and agricultural resources with the aim of treatment, prevention, rehabilitation and leisure is possible through the development of the health resort field. Despite the fact that in the Concept of health resort industry development the implementation of the State policy in the field of resort activity must be one of the priority directions of the national social policy and economy, the role and place of health resorts in the market of tourist services remains small [2]. Problems connected with laws and regulations of health resorts development, their material and technical resources, ineffective management and marketing, insufficient professional training require gradual solving mainly through the creation of the target program of the development of health resort enterprises.

Analysis of the recent research and publications. M. Borushchak, G. Gudz, O. Hulych, H. Kostenko, S. Omelianets, S. Tsiokhla [3–8] and others devoted their publications to strategic issues of resorts development. These works are related to research at the macro-level.

I. Artiukhova [9], N. Vedmid [10], O. Kolesnyk [11], A. Mazaraiki [12], Y. Mygalyna [13], I. Svyda [14] and others researched the problem of work efficiency of health resort enterprises.

At the same time, we don't have scientific research directed at creating favorable conditions of health resorts operation at the state level.

The aim of this publication is presenting conceptual approaches to the development of the target program of the development of health resort enterprises which will be based on general methodological and ideological principles.

Results. According to the Ukrainian legislation a tourist service consists of basic, additional and specialized services. Health resort enterprises belong to business entities which provide additional services to tourists. According to the Law of Ukraine "On the Resorts" they are health care establishments which are situated in resort areas and provide medical, preventive and rehabilitative services and use natural healing resources [15].

Despite the fact that over the last four years, the development of tourism has been characterized by positive changes, namely: the number of citizens of Ukraine who traveled abroad rose by 38.3 % of foreign citizens who visited Ukraine – by 10.7 %, tourists served by agents of tourism activity – by 32.5 %, the number of consumers fell by 18.1 % (*figure 1*) [16]. According to the statistics of the Ministry of Infrastructure of Ukraine, 85.2 % of tourists were in the country for the purpose of leisure, recreation (80 %) and treatment (5.2 %), 14.5 % of them are foreign citizens [16].

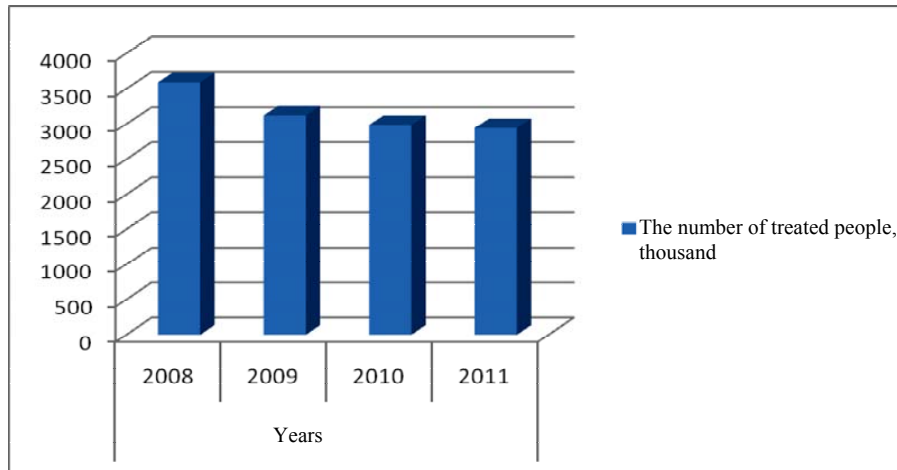


Figure 1. Changes of the number of people attending health resorts in 2008–2011

Negative tendencies which have been observed recently are stipulated by a set of reasons.

First, decreasing the number of operating health resort enterprises.

During 2010–2011 588 enterprises went out of business, 130 of them were refurbished, 272 – didn't have money to operate, 39 – didn't have permission of the sanitary and epidemiological service, 38 – didn't have customers who wanted to be treated, and other reasons – 109. But in 2008 – 2011 there was a tendency to increasing the number of recreational camps by 1.6 %, but the number of sanatoria and recreation houses fell – by 1.9 %, prophylactic sanatoria – 14.5 %, rest houses – by 7.3 %, children health camps – by 5.2 % [16].

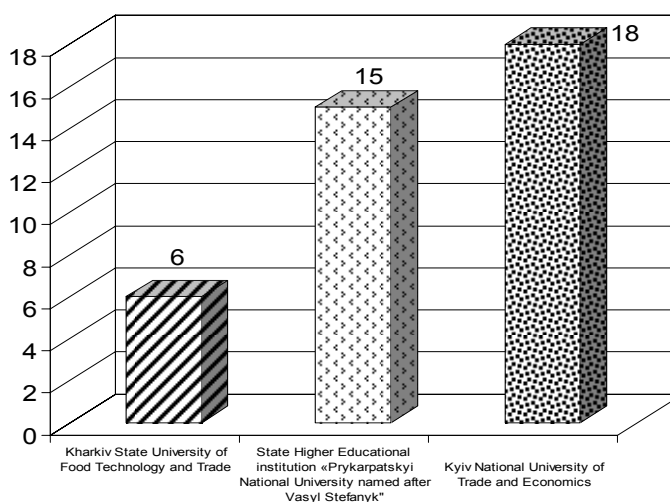
Second, while the cost of health resort vouchers increases the quality of hotel and restaurant services in these institutions is very low. The research results show that price increase leads to the decrease of occupancy rate of establishments on average by 18–20% per year, and at the same time the state of material and technical base and the quality of services are not improved [13].

Third, there is no system of cooperation of enterprises which produce, sell and provide tourist services. Travel agents, social insurance funds, and health resorts give partially true information about their range of services and quality.

Fourth, there exist essential faults in enterprise management. The research results show that the quality of services depends on staff on 50 %, their goodwill, professional skills, culture, decency. However, the skills of the staff of health resorts don't fully meet modern requirements, especially, the level of professional training. This particularly refers to hiring management staff with appropriate degrees. Nowadays, medical staff who don't have the knowledge of theoretical and methodological principles of

management are at the head of most health resorts. Thus, the current situation requires improving training experts for social services and strengthening its scientific component.

As a result, in 2012 higher educational establishments of Ukraine began training specialists for the recreational sector. At present, training in Resort Business is carried out by four universities: Kyiv National University of Trade and Economics, Higher education establishment "Poltava University of Economics and Trade", Kharkiv State University of Food Technology and Trade, the state higher educational establishment "V. Stefanyk Carpathian National University". However, in 2013 applicants (for training in this field) applied for admission only to three of them (figure 2).



The number of applications

Figure 2. The number of applications for the speciality "Resort Business" in 2013

The education contents of the speciality "Resort Business" are determined by the field standards of higher education in Ukraine: Educational and Qualification Characteristics (EQC), Educational and Professional Program (EPP) and the Diagnostic tools of level of educational and vocational training. Training for health resort business involves the acquisition of skills and knowledge within the implementation of administrative, technological, forecasting, and research functions (for Master's degree). According to the EPP, the list of compulsory subjects includes those ones which enable to train an expert who will be able to provide competitiveness of health resorts. Getting theoretical knowledge, students acquire practical skills due to practical training.

Thus, the national educational market expands by means of creating another speciality for resort business, which will positively affect the quality of customer service.

Fifth, restricted use of modern information technologies and global reservation systems, e-commerce, specialized information retrieval systems.

The Social Insurance Fund for Temporary Disability introduced the national project "Resorts and Sanatoria of Ukraine" in 2011 [17]. Within this project a Web-portal which helps people to know more about Ukraine health resorts was created. Searching information is done in three languages (Ukrainian, Russian and English) on the following criteria: consumers who are served, disease (main and additional), location of an establishment, natural healing resources, meals and accommodation (infrastructure). But, this specialized portal now covers only 6.7 % of enterprises in Ukraine (200 of 3012 health resort enterprises).

The analysis of existing regional specialized catalogues in which a great number of health resorts are presented shows the efficiency of only three of them, namely: health resorts of Transcarpathia (with e-book for orders), Truskavets information-resort center (on-line booking), Kyiv Tourist. In other regions such catalogues either don't exist or they are catalogues of enterprises of different industries, e.g. Business-catalogue of the Crimea, which includes 69 000 enterprises including health resort enterprises.

In addition, the studies have shown that health resorts sites are characterized by a low level of information contents and operability. It is important to define the functions priorities of the site, which can fluctuate from enterprise advertising to providing communication between the personnel. The main functions of the site, as experts say, are: advertising tourist and recreational and natural healing resources, health resort, institution and services; providing information on enterprise activity; booking. The site is the least effective in providing communication between the personnel. The results of the survey of experts (consumers of the enterprise) as for the functions of the site of a national health resort are presented in *figure 3*. Were not able to answer – 3.2 % of experts.

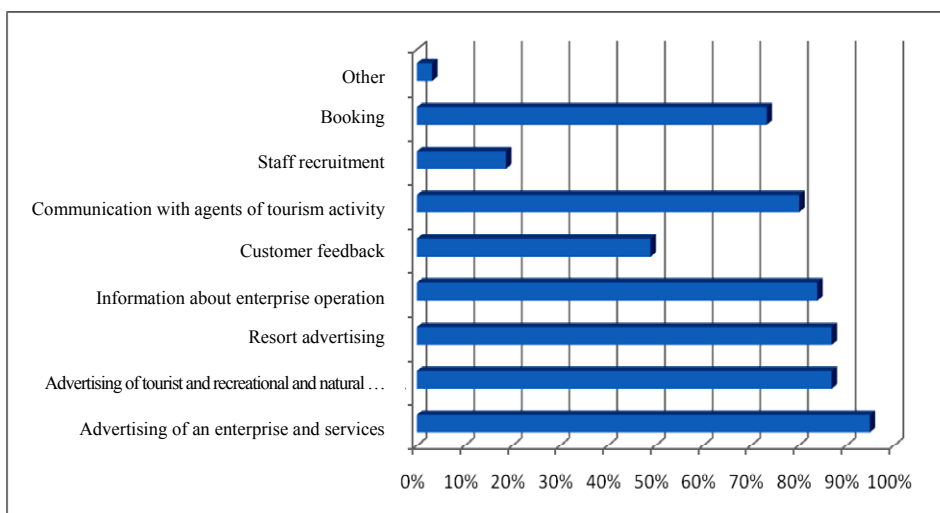


Figure 3. Results of the survey on the priority of site functions of a health resort

A lack of sites of some enterprises as a tool of advertising, the system which informs customers about advantages of leisure and recreation in national health resort enterprises with active advertising of foreign resorts and destinations led to the following situation: for the last three years the number of Ukrainians who went abroad is 60 % of total number of tourists (figure 4).

Sixth, the state of some health resorts are characterized by old material and technical base, which is explained by insufficient financing from the state and local budgets (table) [18–20].

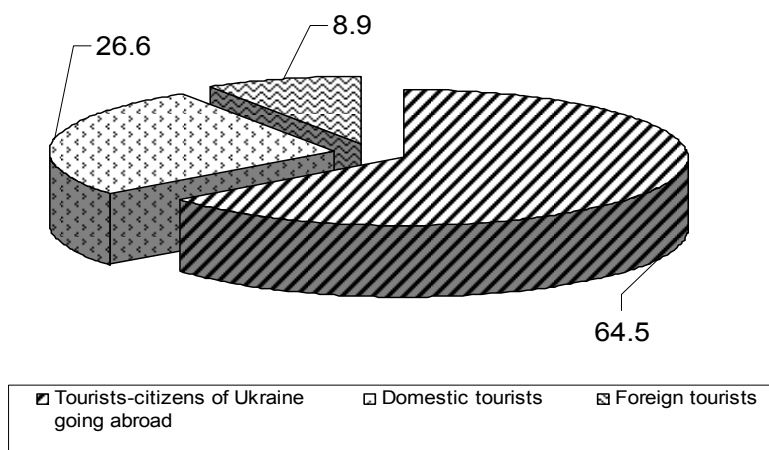


Figure 4. Share of tourists, served by agents of tourism activity of Ukraine in 2012, % (built according to [16])

Table

Expenditures of the State Budget of Ukraine for financial support of health resorts in 2011–2013

Source	Expenditures					
	2011		2012		2013	
	sum, mln UAH	share, %	sum, mln UAH	share, %	sum, mln UAH	share, %
General Fund	129.8	0.04	122.8	0.03	97.5	0.026
Special Fund	78.4	0.17	89.6	0.17	91.7	0.19
State budget Total	208.2	0.06	212.4	0.05	189.1	0.045

From 2011 to 2013 the following tendency was observed in the State budget of Ukraine: reduction of expenditures for financing health resorts by 9.2 %, from the general fund – by 24.9 %, with increase from the special

fund by 17%. This situation is not favorable for the improvement of material and technical base, work efficiency of the staff, raise of enterprise competitiveness. Insufficient amount of investment of self-supporting health resorts and a low level of entrepreneurial and business activity led to the situation when more than half of them are non-profitable.

The problems stated above which slow down the development of modern health resort enterprises must be solved within this target program. Thus, the determination of a long-term program for the development of these enterprises is an effective tool for successful development of health resort business and an urgent task on the way to the European integration.

The objective of the program should be creating an effective mechanism for management of health resort enterprises to ensure their competitiveness in both the domestic and international markets. Achieving this goal is possible due to the improvement of the program components, namely: laws and regulations, material and technical base, marketing policy, professional training, economic conditions of enterprise development. To define the principal measures it is necessary to substantiate each component of the program.

To improve the regulatory framework governing the development of health resort enterprises and harmonize them with international standards we should:

- develop a regulatory framework for the functioning of standardization and certification of health resort services, the construction of service quality management system on the basis of a comprehensive system of quality management TQM;

- develop measures to create the state electronic system for providing tourism business entities (including health resorts) with information about demand, offers, prices, rates at the national and regional levels; create and implement a mechanism for information exchange between business entities that are involved in the process of production, sale and provision of health resort services;

- identify directions for the state support of health resorts at the macro-, mesa- and micro-levels – primarily, through the submission of these institutions to the central body of executive power – the State Agency of Ukraine for Tourism and Resorts. This will allow to provide a comprehensive system of management and control of health resorts, to strengthen interdepartmental coordination and cooperation between the central and local authorities, to implement effectively the programs of target budget financing of resort areas [6]; to establish effective interaction between agents of economic activity that provide basic, support and specific tourism services. In addition, we should ensure at the state level social support of the population in the matters of providing medical, preventive and rehabilitative quality services, and creating the preferential tax treatment for social institutions whose activity aimed at promoting public health.

The measures which can improve material and technical base of health resort enterprises are as follows:

- inventory of equipment (medical, trade, restaurants, etc.) of health resorts, computer equipment etc;
- creating and implementing a single state electronic register of health resort enterprises of Ukraine, integrated electronic statistical database of the central and regional level;
- creating specialized regional electronic information retrieval systems with complete data bank of the enterprises and services;
- providing at the national level the development of specialized tourist and recreational infrastructure that will ensure sustainable rates of growth of tourist flows taking into account the peculiarity of the national tourist product [21], developing a network of historical and cultural institutions, modern entertainment infrastructure;
- reconstruction of obsolete material and technical base of public health resorts, which is possible due to increased funding from the state and local budgets, as well as "the formation of public-private partnership that will help to reduce costs for the maintenance of enterprises, improving the quality of services provided to the public " [6];
- creating an information data bank of domestic and foreign investment projects in the medical, health and diagnostic health resort field.

In order to implement *an effective marketing policy* we offer:

- expanding e-commerce in the social sector, aimed at promoting public health, e-marketing implementation in the areas of publicity and advertising of health resort services through information portals of international tourism organizations, travel portals of other countries;
- creation of tourist information centers, whose services can be used not only by national travel companies and domestic tourists, but also all those who use the Internet for advance planning of a destination for leisure, recreation and rehabilitation. In the structure of this center we should have the information and marketing sector for research and analyzing of the results, accumulation of information and creation of electronic databases;
- organizing and conducting virtual exhibitions, which will enable to promote health resort services not only in the domestic but also in international markets and attract foreign business entities in the field of tourism ;
- to ensure the development of an effective marketing strategy for brand promotion (including oversight and insight of a brand) at the state level and at the enterprise level of the health resort field. To focus the efforts of marketing experts and other professionals on creating a corporate brand book and a brand book of a particular service or a range of services. The primary purpose should be saving the identification of a brand, its distinctive features and differences from competitors and the way of presenting them to the consumer.

To train professionals for the health resort field it is necessary:

- to ensure training administrative and managerial personnel who can select, interpret information and use it in decision making;
- to reform curricula and form disciplines contents taking into account the world achievements in the health resort field;
- to implement and develop distant learning taking into account the limited demand for professional training for the given field (because of various regional occupancy rate of health resort enterprises);
- to review at the state level requirements to staffing (administrative and managerial staff) and hire personnel who have degrees in this field and know theoretical and methodological principles of management.

For the development and operation of health resort enterprises it is necessary to provide the following economic conditions:

- creating a favorable investment climate for domestic and foreign investors, searching additional sources of funding health resort enterprises;
- determination of the mechanism of the state regulation of prices and pricing for health resort services, bringing the cost of health resort vouchers in line with the quality of basic and additional services;
- engaging companies that specializing in management of these institutions for carrying out management functions if health resort enterprises are unable to operate effectively. That is, to use the management contract concluded between the owner of the enterprise and the company (operator), which specializes in management of the relevant types of businesses. When choosing an operator we must take into consideration the effectiveness of its activity for the previous contracts with other clients; excellent reputation of a company; control of operator's activity by the owner or his representative; competitiveness of operator personnel and work experience in the health resort field. This type of management of unprofitable enterprises enables to bring them to the next level and ensures competitiveness in the domestic and international markets.

Conclusion. Identifying conceptual approaches to the development of the target program of the development of health resort enterprises will make it possible to take into account a range of measures aimed at improving the current system of management, and facilitate the development of new mechanisms of state regulation in the health resort field.

Further research will include the study of each component of the development program, determining the effectiveness of the proposed measures and assessment of financial, technical and human resources necessary for the program implementation.

REFERENCES

1. Pro shvalennja Koncepcii Zagal'noderzhavnoi programi rozvitku sanatorno-kurortnoi galuzi na period do 2017 roku [Elektronnij resurs]. — Rezhim dostupu : http://www.moz.gov.ua/ua/portal/Pro_20090714_0.html.
2. Koncepcija rozvitku sanatorno-kurortnoi galuzi [Elektronnij resurs]. — Rezhim dostupu : <http://zakon4.rada.gov.ua/laws/show/>.
3. Borushhak M. I. Formuvannja strategii rozvitku kurortno-turistichnih regioniv Pol'shhi / M. I. Borushhak // Regional'na ekonomika. — 2006. — № 1. — S. 155–163.
4. Iudz' P. V. Ekonomichni problemi rozvitku kurortno-rekreacijnih teritorij / P. V. Iudz'. — Donec'k : Jugo-Vostok Ltd, 2001. — 270 s.
5. Gulich O. I. Chinniki reguljuvannja ekologichno zbalansovanogo rozvitku kurortno-ozdorovchih teritorij / O. I. Gulich // Ekonomika Ukraïni. — 2005. — № 5. — S. 78–82.
6. Kostenko G. P. Shhodo finansovih pitan' derzhavnoi pidtrimki rozvitku sanatorno-kurortnih zakladiv / G. P. Kostenko // Visnik Sums'kogo nacional'nogo agrarnogo universitetu. — 2012. — № 1. — S. 83–88.
7. Omel'janec' S. M. Ekologo-ekonomichne prirodokoristuvannja na kurortnih teritorijah / S. M. Omel'janec' // Medichna rehabilitacija i kurortologija. — 2004. — № 3. — S. 102–104.
8. C'ohla S. Ju. Transformacija rekreacijnoi dijall'nosti ta rozvitok rinku kurortno-rekreacijnih poslug (metodologija, analiz ta shljahi vdoskonalennja) : monografija / S. Ju. C'ohla. — Simferopol' : Tavrija, 2008. — 352 s.
9. Artjuhova I. V. Zabezpechennja konkurentospromozhnosti pidpriemstv sanatorno-kurortnogo kompleksu AR Krim : dis.... kandidata ekon. nauk / I. V. Artjuhova. — Simferopol', 2009. — 180 s.
10. Vedmid' N. I. Sanatorno-kurortnij kompleks: servisne upravlinnja : monografija / N. I. Vedmid'. — K. : Kïiv. nac. tog.-ekon. un-t, 2013. — 408 s.
11. Kolesnik O. O. Ocinka stanu sanatorno-kurortnogo kompleksu ta jogo vplivu na rozvitok turistichnoi dijall'nosti Ukraïni / O. O. Kolesnik // VISNIK ZhDTU. — 2008. — №3 (45). — S. 264–270.
12. Mazaraki A. Semantic modeling of service management of sanatorium resort and health enterprises / A. Mazaraki, N. Vedmid // Ekonomichnij chasopis-XXI (The economic annals-XHI journal). — 2013. — № 7–8 (1). — S. 80–82.
13. Migalina Ju. Ju. Rozvitok sanatorno-kurortnoi spravi v Ukraïni / Ju. Ju. Migalina // Visnik Chernivec'kogo torgovel'no-ekonomichnogo institutu. — 2011. — Vyp. II (43). — Ch. I [Elektronnij resurs]. — Rezhim dostupu : http://archive.nbuv.gov.ua/portal/Soc_Gum/Vchetei/2011_3/NV-2011-V3_40.pdf.
14. Svida I. V. Zagal'na harakteristika rozvitku sanatorno-ozdorovchih ta kurortnih zakladiv Zakarpats'koï oblasti // Visnik Chernivec'kogo torgovel'no-ekonomichnogo institutu. — 2011. — Vyp. II (42). — Ch. I.
15. Pro kurorti : Zakon Ukraïni // Vidomosti Verhovnoi Radi Ukraïni. — 2000. — № 50. — S. 1026–1036.
16. Derzhavna sluzhba statistiki Ukraïni [Elektronnij resurs]. — Rezhim dostupu : <http://ukrstat.gov.ua>.
17. Social'nij zagal'nonacional'nij informacijno-prezentacijnij proekt "Kurorti i sanatorii Ukraïni" [Elektronnij resurs]. — Rezhim dostupu : <http://www.sankurort.ua/uk/sanatoriums>.

18. Pro Derzhavnij bjudzhet Ukraїni na 2011 rik : Zakon Ukraїni [Elektronnij resurs]. — Rezhim dostupu : <http://zakon0.rada.gov.ua/laws/show/2857-17>.
19. Pro Derzhavnij bjudzhet Ukraїni na 2012 rik : Zakon Ukraїni [Elektronnij resurs]. — Rezhim dostupu : <http://zakon2.rada.gov.ua/laws/show/4282-17>.
20. Pro Derzhavnij bjudzhet Ukraїni na 2013 rik : Zakon Ukraїni [Elektronnij resurs]. — Rezhim dostupu : <http://zakon2.rada.gov.ua/laws/show/5515-17>.
21. Konceptcija Derzhavnoi cil'ovoї programi rozvitku turizmu i kurortiv na 2011–2015 roki [Elektronnij resurs]. — Rezhim dostupu : http://vuppi.at.ua/publ/zakonodavcha_baza_shhodo_invalidiv/vidpochinok_invalidiv/konceptcija_derzhavnoji_cilovoji_programi_rozvitku_turizmu_v_ukrajini_na_2011_2015r_r/23-1-0-164.

Articles submitted to editors office of 02.10.2013.

Мельниченко С. Санаторно-курортні підприємства: між застоєм та модернізацією.

Постановка проблеми. З розвитком туризму відбувається переосмислення ролі закладів соціальної сфери, спрямованої на оздоровлення населення. Насамперед це стосується санаторно-курортних закладів, діяльність яких пов'язана з виробництвом, реалізацією та наданням відпочиваючим послуг лікувально-оздоровчого характеру. Наявні проблеми розвитку, що стосуються нормативно-правових питань регулювання розвитку санаторно-курортних закладів, їх застарілої матеріально-технічної бази, неефективного менеджменту та маркетингу, обмеженої професійної підготовки, вимагають поступового вирішення і передусім через формування цільової програми розвитку санаторно-курортних закладів.

Метою дослідження є визначення концептуальних підходів до розроблення цільової програми розвитку санаторно-курортних закладів, яка базуватиметься на загальних методологічних та ідеологічних засадах.

Результати дослідження. Проаналізовано сучасний стан функціонування санаторно-курортних закладів, окреслено причини, що зумовили негативні тенденції розвитку, сформульовано концептуальні підходи до розроблення цільової програми розвитку санаторно-курортних закладів, визначено основні довгострокові дії щодо розвитку санаторно-курортних закладів для забезпечення їх конкурентоспроможності як на внутрішньому, так і міжнародному туристичному ринку.

Висновки. Визначення концептуальних підходів до розроблення цільової програми розвитку санаторно-курортних закладів дасть можливість урахувати комплекс заходів, спрямованих на поліпшення діючої системи управління ними, та сприятиме розвитку нових механізмів державного регулювання у санаторно-курортній сфері.

Ключові слова: санаторно-курортні заклади, санаторно-курортна сфера, цільова програма, туризм, суб'єкти господарювання, інформаційні технології, нормативно-правова база, матеріально-технічна база, якість послуг, маркетингова стратегія.

UDC 658.14

SYTNYK Hanna, Candidate of Sciences (Economics),
Associate Professor of Department of Economics
and Enterprise Finance, KNUTE

CAPITAL STRUCTURE OPTIMIZATION OF TRADE ENTERPRISES

Based on the analysis of modern theoretical concepts of capital structure optimization and their practical application there has been made a conclusion on the necessity of competing theories unification and considering various factors while making financial decisions on capital structure in practice. The factors that have the biggest influence on such decision making processes have been systematised. Based on the analysis of capital structure formation peculiarities at trade enterprises of Ukraine, influence of the abovementioned factors on the state of domestic economy there has been identified "specific financing order" of trade enterprises' activity, grounded criteria system and procedure of capital structure optimization for trade enterprises that conform with the concept of value-based management and ensure its sustainable financial development.

Keywords: capital structure, trade enterprise, value-based management, sustainable financial development.

Сытник А. Оптимизация структуры капитала предприятий торговли. На основе анализа современных теоретических концепций оптимизации структуры капитала и их практического применения сформулирован вывод о необходимости объединения конкурирующих теорий и учета значительного ряда факторов в принятии финансовых решений относительно структуры капитала в практической плоскости. Систематизированы факторы, оказывающие наиболее существенное влияние на принятие таких решений. На основе анализа особенностей формирования структуры капитала на предприятиях торговли Украины, влияния указанных факторов в реалиях отечественной экономики идентифицирован "особый порядок финансирования" предприятий торговли, обоснованы система критериев и порядок осуществления оптимизации структуры капитала для предприятий торговли, которые согласуются с концепцией ценностно-ориентированного управления, обеспечивают его сбалансированное финансовое развитие.

Ключевые слова: структура капитала, предприятие торговли, ценностно-ориентированное управление, сбалансированное финансовое развитие.

*Corporate capital structure is enigma.
Kamath*

Background. Management of capital is one of basic functional directions of financial management to the grounding of theoretical basics of which a lot of fundamental studies are dedicated, the majority of which is considered to be classical. This kind of attention to these questions is predetermined by its practical importance and role in the system of ensuring sustainable financial development of any enterprise, influence on formation of its value. Indeed, a lot of questions that are solved by finance departments

in practical activities of trade enterprises are within the framework of management of capital. And their quantity and complexity are increasing in the conditions of modern economy. These questions are especially essential for enterprises that work under the conditions of transition economy which is a peculiarity of Ukraine. The complex questions of management of capital have additional problems generated by the specific conditions of activity in the realities of the national economy: high interest rates of bank loans, underdeveloped financial markets, very low investment attractiveness of the economy against the backdrop of the total deficit of financial resources and global crises. Under such circumstances national trade enterprises do not always have an opportunity to apply available methodological approaches to capital structure optimization which can be explained on the one hand by peculiarities of their operational and financial activity and on the other hand by of institutional environment in Ukraine. Such situation stimulates carrying out further research of capital structure optimization issues with account of the factors mentioned.

Analysis of the latest research and publications. Methodological aspects of grounding of rational capital structure are studied in the works of leading foreign specialists in theory of financial management (D. Durand [1], F. Modigliani, M. Miller [2], A. Kraus [3], E. Kim [4; 5], M. Bradley, G. Jarrell [5], M. Jensen, W. Meckling [6; 7], S. Myers [8; 9] and some others [10–13] as well as Ukrainian and Russian scientists (I. Blank [14], L. Lihonenko, A. Mazaraki, N. Ushakova [15]). Despite their great achievements some of which were awarded the Nobel Prize in Economic Sciences the theory of capital structure is developing rapidly, and the problem itself remains unsolved. For instance, empirical studies show that even in the conditions of developed market economy enterprises do not always follow the grounded basics while forming capital in their practical activity. And their application in the conditions of the national economy can get more complicated and that requires their deep analysis and development taking into account statements of value-based management concept and specific economic conditions.

The aim of research is to justify the improvement directions of methodological principles of capital structure optimization at trade enterprises with account of specific characteristics of their activity and external financial operation environment that would generally comply with value-based management. In order to achieve the aim the following tasks need to be completed:

- analyzing the existing theoretical concepts of capital structure optimization and experience of their practical application;
- studying the state and peculiarities of capital structure formation at trade enterprises of Ukraine, identifying the approach used by them in financial management practice;
- formulating the criteria of capital structure optimization and structurally logical order of its implementation that would contribute to increased value of trade enterprise.

Material and methods. Methodological basics of research are the fundamental principles of systematic approach, methods of scientific abstraction, analysis and synthesis, induction and deduction. Studying peculiarities of capital structure formation in the field of trade was conducted with the help of trend and structure analysis methods, questionnaire survey.

Results. Making decisions on capital structure is one of essential and most difficult in the system of finance management, which can be proved by a considerable amount of significant achievements of scientists in this area. The most common theoretical concepts of capital structure and their brief characteristics are given in *table 1*.

Table 1

Characteristics of Capital Structure Concepts

Theory	Brief Characteristics
<i>Neoclassic Theories</i>	
Traditional (1952) [1]	It presupposes defining the optimal capital structure which can be reached under its minimal weighted average cost and ensures maximization of enterprise value
The Modigliani–Miller theorem (MM theory) (1958) [2]	In the original version – the concept of capital structure indifference, i.e. no relationship between it and the enterprise value. After removing some of the restrictions, the authors concluded that there was a link between the formation of the enterprise market value and its capital structure
Trade-off Theory (interrelation) (1973) [3]; (1978) [4]; (1984) [5]	In the given model the basic assumption of the MM Theory concerning lack of bankruptcy costs is weakened and the existence of optimal capital structure, which can be achieved if the present value of tax benefits from the use of the borrowed capital equals to the present value of costs caused by financial problems and bankruptcy is proved
<i>Institutional Theories</i>	
Theory of Capital Structure from the Position of Agency Costs (1976) [6]; (1986) [7]	This is an extension of the Trade-off Theory. The authors do not emphasize on the basic assumption of the MM Theory concerning the fact that managers always act to the benefit of owners and consider the debt to be a way of solving the "principal-agent" problem. This is due to the fact that the increase in the debt burden discourages managers to adopt inefficient investment projects and reallocate resources to meet their own needs, but it causes a new type of agency conflict – between shareholders and creditors, which is caused by a problem of assets replacement that generally leads to agency costs of debt financing. The authors’ conclusion that the optimal capital structure is achieved under the condition that present value of benefits from the use of leverage equals to the present value of agency costs of debt financing is based on this assumption

End of table 1

Theory	Brief Characteristics
Pecking Order Theory (1984) [8; 9];	Existence of this theory can be explained by the fact that managers possessing inside information about the quality of investment projects follow a hierarchy of financing sources: first of all, they use their own internal funds, then – the most secure (from the information point of view) debt, then – a risky undertaking. Share issue corresponds to the highest risk level that is why this source is used only in the worst-case scenario. Unlike previous theories, the concept Pecking Order is not equilibrium, i.e. company does not have an optimal (target) capital structure
Behavioral Theories	
Informational Cascades Theory (1992) [10]	The theory is based on the notion of herd behavior of economic agents and postulates the idea that the optimal strategy of individual behavior is repeating actions (or decisions) after his/her predecessors in similar situations regardless of the information available, which leads to the appearance of the so-called "informational cascades". Concerning capital structure informational cascade becomes evident in copying capital structure of leading enterprises, in imitating popular methods of capital structure formation
Market Timing Theory (2002) [11]; (2005) [12]	It is based on empirical studies that give evidence of the corporations practice to issue shares during the period of high prices in the market and purchasing them during the period of low prices to obtain benefits from temporary deviation of equity value relative to the value of its other forms. According to the authors, capital structure is formed as a result of managers' attempts to time the equity market and is an outcome of such attempts. Accordingly, the optimal capital structure does not exist. It is not formed as a result of strategic planning but as a result of favourable temporary opportunities provided by the capital market
Managerial Investment Autonomy Theory (2007) [13]	It is a further development of the Market Timing Theory and it holds that the company issues shares when their market value and the degree of managers and investors coordination are high, and vice versa it can resort to debt financing when the market value of shares and the degree of coordination are low

The source is compiled by the author through analysis and generalization [1–13].

Thus, all the abovementioned capital structure theories can be notionally divided into two groups: *equilibrium theories* which imply the existence of optimal capital structure (Traditional, MM Theory, Trade-off Theory, Theory of Capital Structure from the Position of Agency Costs) and *non-equilibrium theories* which emphasize the lack of optimal capital structure (Pecking Order Theory, Informational Cascades Theory, Market Timing Theory, Managerial Investment Autonomy Theory). So, these days there is no fundamental agreement among scientists and practitioners with respect to the existence of an optimal capital structure. The debate on this issue is accompanied by numerous empirical studies and attempts to find out

which theoretical model of capital structure choose most enterprises in financial management practice (whether they really indentify optimal capital structure and follow it) which leads to confirmation or refutation of certain theoretical provisions and which can have absolutely different results. Summary of the most extensive empirical studies of capital structure formation practice and the results obtained on their basis are presented in *table 2*.

Table 2

**Conclusions of Empirical Studies on Accordance
of Capital Structure Formation Practice to Famous Theoretical Concepts**

Brief Characteristics of Study	Obtained Results
L. Shyam-Sunder, S. Myers (1999), 157 companies 1971–1989 years [16]	The hypothesis concerning financing of deficit of internal sources of financing through debt is confirmed. It is considered as an empirical argument in favour of the Pecking Order Theory
A. Kayhan, S. Titman (2007), listed companies, 1960–2003 years, regression analysis [17]	The target value of capital structure that is disrupted in the course of business is set. Companies are willing to return to the target capital structure, but the process is slow. The results correspond to the Trade-off Theory
V. Beattie, A. Goodacre, S. Thomson (2006), Listed companies of Great Britain, 2000, questionnaire survey of 192 companies [18]	The behavior of the companies concerning capital structure is not uniform: approximately 40-50% follow the concept of the Trade-off Theory, about 60% follow the Pecking Order Theory
E. Fama, K. French (2004), companies represented in NYSE, AMEX, Nasdaq, 2951 enterprises for 1973–1982 years, (including 617 – large ones) and 4417 for 1993–2002 years. (including 712 – large ones) [19–21]	The Pecking Order Theory is refuted
M. Frank and V. Goyal (2003), American public limited companies, 1950–2000, regression analysis [22]	The obtained results are interpreted as those that refute the Pecking Order Theory and the Market Timing Theory and correspond to the Trade-off Theory
A. Bevan and J. Danbolt (2002), 822 companies of Great Britain, 1991–1997 years, regression analysis [23]	The most important factors of debt burden increase are distinguished: size of a company, income volatility, part of material assets
J. Graham and C. Harvey (2001), American and Canadian companies, questionnaire survey of finance directors [24]	Only 10% of companies follow the Trade-off Theory alone. Regarding the motives of share issue authors found confirmation of the Market Timing Theory and refutation of the Pecking Order Theory. The authors conclude that none of the capital structure theories is used alone. Its formation is done on the basis of system of principles that are suggested within different theories and on the basis of managers' experience and intuition

End of table 2

Brief Characteristics of Study	Obtained Results
M. Flannery, K. Rangan (2006) American companies [25]	The hypothesis of existence of target capital structure is confirmed which corresponds to the Trade-off Theory
L. Barros and M. Alexandre (2007), testing [26]	The authors examine the dependence of optimism and self-confidence of managers and the proportion of debt and confirm strong statistical significance of these factors in the capital structure formation
A. Panno (2003), Companies of Great Britain and Italy [27]	The role of tax benefits in making decisions on capital structure that is consistent with the Trade-off Theory is discovered. At the same time inverse relationship between return on assets and the level of debt burden is found, which contradicts the Trade-off Theory and complies with the Pecking Order Theory
L. Booth et al. (2001), companies from 10 developing countries [28]	Inverse relationship between return on assets and the level of debt burden is found, which contradicts the Trade-off Theory and complies with the Pecking Order Theory, but authors interpret results cautiously and claim that it is impossible to make a clear choice in favour of one theory
J. Chen (2004); J. Chen, R. Strange (2005); G. Tong, C. Green (2005), selected Chinese companies [29–31]	Inverse relationship between return on assets and the level of debt burden is found as well as noninteraction between taxation system and capital structure which contradicts the Trade-off Theory and complies with the Pecking Order Theory. Chen emphasizes on a low level of debt burden in Chinese companies which is connected with peculiarities of institutional environment and brings the idea of a "new financing order": retained profit, share issue and finally debt financing
N. Delcours (2007), Selected companies of the Czech Republic, Slovakia, Poland, Russia [32]	Existence of "new financing order" is proved indicating that the managers of these countries consider shares as a "free" source of funding, due to the peculiarities of the institutional environment and it can be a sign of transition economy
I. Ivashovska, M. Solntseva (2008), 74 companies of Russia, 2001–2006 years [33]	The results cannot confirm or refute the Trade-off and Pecking Order Theories completely
I. Beresynefs, A. Razmochayev, D. Volkov (2010), Russian companies, 1999–2006 years [34]	The results indicate following the Pecking Order Theory in the process of capital structure formation

The source is compiled by the author through analysis and generalization [16–34].

From the summary of the empirical studies under analysis we can make the following conclusions:

- it is impossible to confirm or refute separate theoretical concepts of capital structure formation in practice; there exists a tendency of theory synthesis in the process of making financial decisions on capital structure

formation. For example, E. Fama and K. French pointing that "the Pecking Order Theory as a complex capital model does not exist any more" at the same time come to conclusion that "it remains a model for making financial decisions by particular firms" [19, p. 579]. In the end the authors point out that the further development of the capital structure theory must be done by combining competing theories;

- it is necessary to take into consideration various factors when forming capital structure; there are "national/regional" differences in the practice of making financial decisions mostly caused by peculiarities of institutional environment. As evidence of this we can take conclusions of L. Booth [28] and results of empirical studies of financial management in companies operating in developing countries, on the basis of which authors contribute some ideas concerning "new financing order" in China, countries of Eastern Europe and Russia [29–31]. Systematization of such factors which is also suggested by Ukrainian and Russian scientists [14] is done in most cases according to internal and external factors. Analysis of empirical studies gives an opportunity to systemize the abovementioned factors into three groups (*table 3*).

Studying the approaches to capital structure optimization it is important to specify which forms and kinds of capital are the objects of analysis when making financial decisions.

Table 3

Systematization of factors that determine financial decisions of capital structure

Groups	Factors
Institutional	Level of economic development in a country; tax legislation; peculiarities of legislation and process of state regulation; involvement of certain types of capital; level of financial market development; level of business and financial cultures development in a country
Individual	Size, organizational and legal form and nature of a business; financial state of a business; level of company's creditability; asset profile; company's targets
Behavioral	Mentality of owners and managers that determines their propensity to risk; fixed traditions and financing practice in separate industries; relations features "owner-manager"

The source is compiled by the author.

In foreign studies [1–13] own capital and financial forms of loan capital (bank credits, bond loans) are traditionally considered in composition of such sources and defined as "invested capital", all kinds of trade liabilities (trade credit, arrears of accounts) are excluded. However, Russian and Ukrainian scientists [14; 15] mainly consider in the composition of this capital all possible sources of its formation, including trade credit and arrears of accounts. According to functioning features of domestic companies, especially in the trade sphere, the second approach is seen as more appropriate, taking into consideration that high portion of trade credit in sources of trade financing, which exclusion from the process of capital structure formation is very problematic and in practical realization may lead to insufficiently substantiated financial decisions (*table 4*).

The main source of financing activity for trade companies in Ukraine is short-term loan capital (over 70 % during the study period), among which the main part consists of credit indebtedness that is determined by the trade asset structure peculiarities in which working component dominates.

Table 4

**The capital structure of the trade enterprises in Ukraine
(% of the total volume of the capital)**

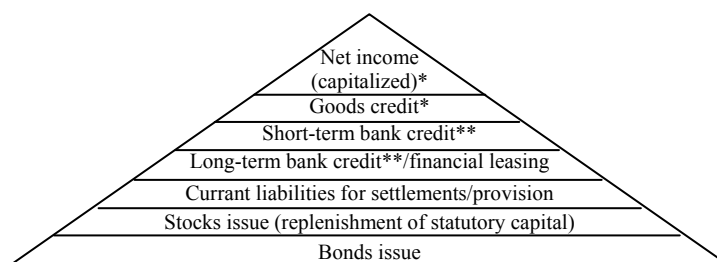
Capital raising sources	2007	2008	2009	2010	2011
Own capital	15.2	8.7	8.9	9.8	10.7
Provision of the following costs and payments	0.5	0.4	0.5	0.4	0.4
Long-term liabilities	12.3	14.3	13.4	14.1	14.4
Current liabilities	71.8	76.5	77.0	75.6	74.3
- including current trade liabilities	60.5	62.2	65.8	65.8	64.4
Future incomes	0.2	0.1	0.2	0.1	0.2

The source is compiled according to the data of State Statistics Committee of Ukraine

The portion of financial loans does not exceed 23 % in the total financial resources. This situation requires special attention on the conditions and cost of raising goods credit and its impact on the weighted average cost of capital, trade enterprises development efficiency in a long-term perspective. Uncovered peculiarities show the presence in Ukrainian trade companies the "specific financing order", immanent in this field, which is illustrated in the *figure 1* in the order to reduce importance (raising frequency) of separate raising capital resources.

The main source of additional capital raising for trade enterprises in Ukraine is the net income capitalization, increasing of goods credit, raising bank credits (or financial leasing). Current liabilities for settlements and provision occupy a large share in the capital structure (sometimes more bank credits; always available and in the absence of financial credits), but because of its specific nature and inability of purposeful increase this source doesn't have higher status in the indicated hierarchy. The next important item is raising own capital from external sources which can be done by

shares issue (for joint stock companies) and increasing of statutory capital (for other forms of companies), because this financial performance practice in trade enterprises is used more often (than bonds issue); this fact is confirmed by the statistical data (table 5).



- * The sources may vary in importance depending on company's financial policy type;
- ** The sources may vary in importance depending on raising capital purpose (financing of current /illiquid assets).

Figure 1. "Special financing order" of trade enterprises in Ukraine

The source is compiled by the author.

The data show the absence of a clear direct dependence between the dynamics of the trade enterprises statutory capital and their number that indicates statutory capital replenishment activities. Raising capital due to bonds issue by trade enterprises is not practiced in Ukraine. According to the data of the National Commission of Securities and Stock Market of Ukraine, in 2011, 251 bonds issues were registered on total sum 35.91 billion UAN, of which trade enterprises have 4.87 %, that was 1748.82 million UAN [36]. During 2008–2010 bonds issues volumes in Ukraine were significantly lower. Only in 2009, the bonds issues in volume of 350 million UAN were registered in trade, which was made by closed-end company "Silpo Retail" and it can be seen as the single case of serious financial resources raising by means of this financing instrument [36].

Table 5

Relation of dynamics statutory capital volume and the number of trade enterprises

Indexes	2007	2008	2009	2010	2011	Link growth rate, %			
						2008/2007	2009/2008	2010/2009	2011/2010
The number of trade enterprises, units	113153	108900	112994	97796	99308	-3.76	3.76	-13.45	1.55
Statutory capital volume, million UAN	66460.5	79203.1	94354.3	94301.9	107263.1	19.17	19.13	-0.06	13.74

The source is compiled according to State Statistics Committee of Ukraine data [35].

These trends are confirmed by the results of questionnaire survey of trade enterprises in Ukraine. Thus, 51 % of respondents indicated net income of the company as the main source of raising capital, and 49 % – raising additional volumes of goods credit. Other forms of raising capital are seldom used. Although the survey results indicate low level of net income capitalization (*table 6*).

Table 6

The level of net income capitalization on trade enterprises

The level of net income capitalization (on the average for the last 5 years), %	The part of surveyed enterprises, %
To 30	50
31–50	38
51–70	6
Over 70	6

The source is compiled according to the questionnaire survey data of trade enterprises of Ukraine.

The results of the questionnaire survey also confirm more active practice of raising capital through statutory capital replenishment in comparison with bonds issue mechanism use: 43 % of surveyed enterprises replenished the statutory capital for the last five years and only 7 % issued bonds.

The factors systematization affect the choice of capital structure model, their display in the course of decision-making on the choice in financing source of Ukrainian trade enterprises is defined (*figure 2*).

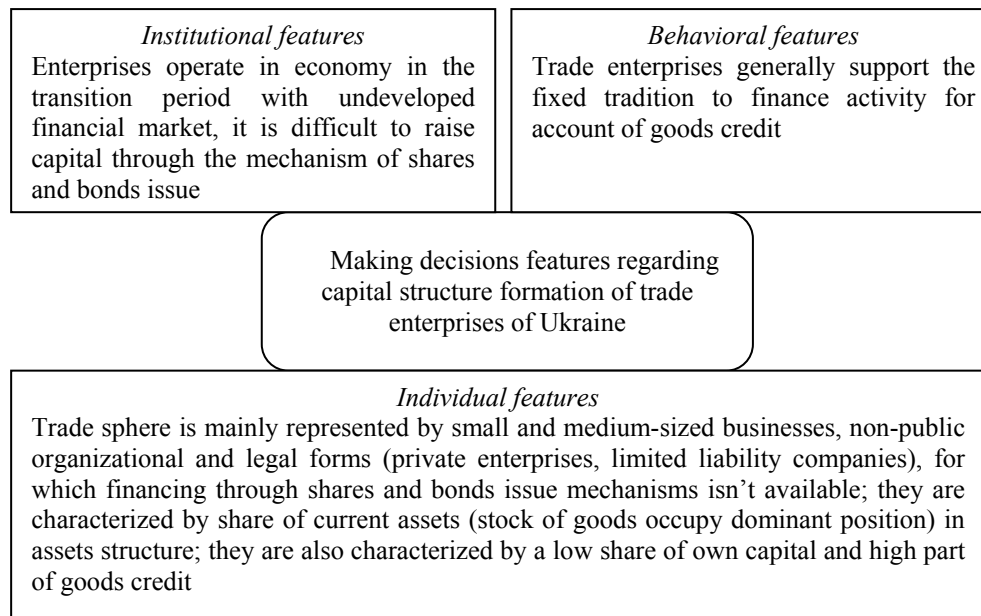


Figure 2. Features of capital structure formation by trade enterprises in Ukraine

The source is compiled by the author.

This order demonstrates capital structure formation practice in trade enterprises, but can't be considered as a recommendation for separate businesses as it needs development of methodological approaches to the formation of a "selection field" in target capital structure, appropriate to strategic financial goals of trade enterprise performance, its financial policy type.

In most national researches formation of the capital structure target is based on the criteria of maximization of level financial profitability, minimization of weighted average cost of capital and financial policy adherence of assets financing [14; 15].

Analysis of these criteria leads to the following conclusions:

- the objective function of company's performance is increasing its value, rate of economic added value is proposed to consider as the indicator (EVA), it is advisable to use it as the principal standard of capital structure optimization. Variant selection of capital structure on maximization EVA criteria provides coordination of acceptable cost capital levels and its profitability;

- researches of capital formation structure practice of trade enterprises in Ukraine determine that its conformity to conservative type of financing assets policy is very problematic from point of view of its realization. The more appropriate standard for trade enterprises is conformity of capital structure to compromise (moderate) type of financing assets policy. This standard is advisable to take as auxiliary that will ensure company value growth under conditions of maintaining the required level of its financial firmness;

- criteria for the capital structure that are put forward [14; 15], lie only in the financial plane and are not connected with parameters of operating activities. But some experts [34] in the course of empirical studies prove significance of dynamics, volatility and volumes of activity in the process of capital structure formation. This fact is also indicated in the researches of sustainable growth problems: the most famous models of such growth connect opportunities of profit growth with financial parameters of its operations, including the capital structure. It is necessary to introduce in the criteria system of formation capital structure those that link up its formation process with operating activity parameters, namely planned volume of goods turnover. For this we can offer as assessment of capital structure that ensures the sustainable growth of trade enterprise on the basis of known models of sustainable growth. Thus, based on Higgins' model of sustainable growth (1) and planned growth rate of goods turnover (which is in the course of capital structure formation is considered as stable) and other famous financial parameters of the model, a high-principled approach for determining target capital structure according to this criterion is realized by the formula (2).

$$g = R^q \cdot K_{\kappa}^q \cdot \frac{A}{BK} \cdot d \cdot 100\% \quad , \quad (1)$$

$$\frac{A}{BK} = \frac{g}{R^q \cdot K_{\kappa}^q \cdot d \cdot 100\%} \quad , \quad (2)$$

where g – growth rate of goods turnover, which doesn't affect the state of financial balance, % (take the planned growth of goods turnover); R^q – net profitability; K_{κ}^q – ratio of net income capitalization; A – assets value; BK – volume of own capital; d – ratio of assets turnover.

The process of capital structure formation for the planning period, based on the indicated criteria, is presented in the *figure 3*.

Thus, the system of factors that influence making decisions on capital structure and determine the prospects for change in the cost of capital, possible changes in legislation, planned operating activity parameters, is studied at the first phase.

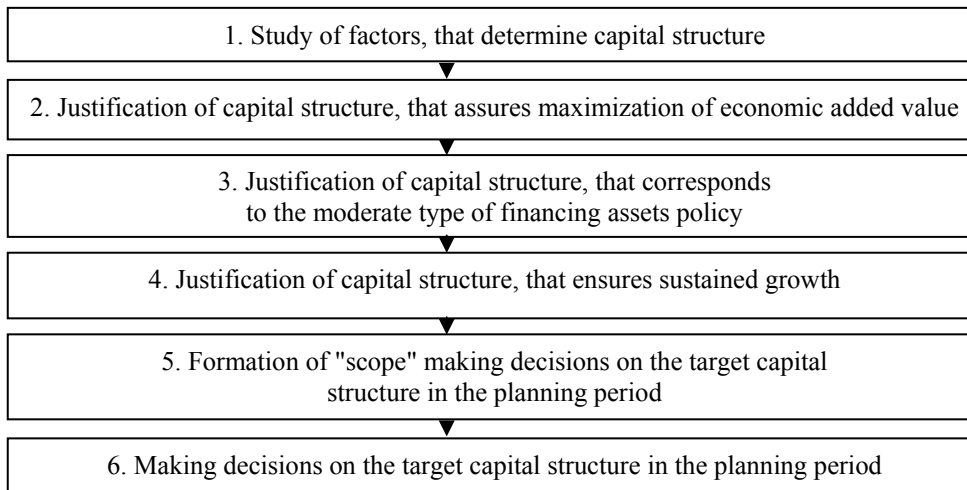


Figure 3. Structural and logical consistency of capital planning structure formation phases of trade enterprises

The source is compiled by the author.

The capital structure that will ensure the maximization of economic added value in the planning period is studied at the second phase. This assessment is based on multivariate calculations of EVA indicator for different structures of financing sources by the separate elements of own and loan capital.

At the third phase the capital structure is calculated, that corresponds to the moderate policy of financing assets in which non-current assets and half of permanent components of current assets are financed by own and long-term loan capital, and the rest of current assets are financed by current liabilities.

At the fourth phase the capital structure is justified, that assists sustainable growth of trade enterprises.

At the fifth phase the "scope" of possible decisions for the capital structure formation is defined (*figure 4*).

At the sixth phase within the established range of senses for target capital structure, defined on three criteria of its formation, behavioral factors (mentality of owners and managers, level of financial solutions consistency between the owners and top-managers, type of financial policy) are taken into consideration; choice of target structure capital of trade enterprise in the planning period is justified.

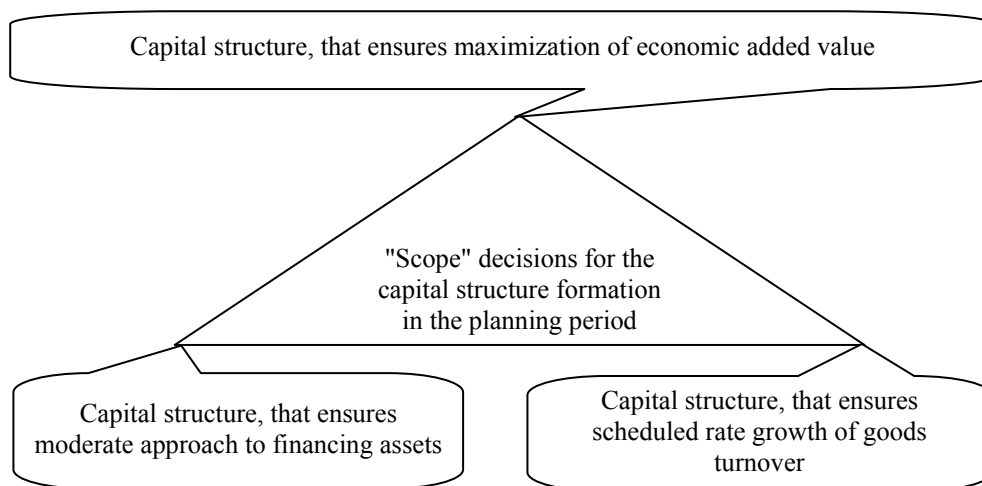


Figure 4. "Scope" decisions for target capital structure choice at trade enterprise

The source is compiled by the author.

Conclusion. The proposed approach will improve the efficiency of financial decisions for the capital structure formation in the course of its planning on the trade enterprise due to the fact that it is agreed with the target function of business performance – increasing its value, putting forward as the primary criterion of the capital structure optimization, maximization of the rate of economic added value; it connects the process of capital structure formation not only with other financial parameters, but also with the planned operating parameters (scheduled rate growth of goods turnover) that allows to coordinate market and competitive strategy of the trade enterprise with its financial policy and ensures provision balanced financial development; it takes into account the operating and financial activities of the trade enterprises and external financial environment features functioning of the trade enterprises in Ukraine.

Important aspects of capital structure optimization are the improvement of methodological principles of value assessment of separate capital elements, planning possible volumes of their raising, justification provision mechanisms for effective use of the formed capital that will be the subject of further researches.

REFERENCES

1. *Durand D.* Costs of Debt and Equity Funds for Business: Trends and Problems of Measurement. Conference on Research in Business Finance, National Bureau of Economic Research. — New York, 1952.
2. *Modigliani F.* Corporate Income Taxes and the Cost of Capital: A Correction / F. Modigliani, M. Miller // *Amer. Econ. Rev.* — 1963. — V. 53. — N 3. — P. 433–443.
3. *Kraus A. A.* State-Preference Model of Optimal Financial Leverage / A. A. Kraus, R. H. Litzenberger // *Journal of Finance.* — 1973. — Vol. 28. — N 4. — P. 911–922.
4. *Kim E. H.* A Mean-Variance Theory of Optimal Capital Structure // *Journal of Finance.* — 1978. — Vol. 33. — N 1. — P. 45–63.
5. *Bradley M.* On the Existence of an Optimal Capital Structure: Theory and Evidence/ M. Bradley, G. Jarrell, E. H. Kim // *Journal of Finance.* — 1984. — Vol. 39. — N 3. — P. 857–878.
6. *Jensen M. C.* Theory of the Firm: Managerial Behavior, Agency Costs and Ownership Structure / M. C. Jensen, W. H. Meckling // *Journal of Financial Economics.* — 1976. — Vol. 3. — N 4. — P. 305–360.
7. *Jensen M. C.* Agency Costs of Free-Cash-Flow, Corporate Finance, and Takeovers / M. C. Jensen // *American Economic Review.* — 1986. — Vol. 76. — N 2. — P. 323–329.
8. *Myers S. C.* Corporate Financing and Investment Decisions When Firms Have Information that Investors Do Not Have S. / C. Myers, N. S. Majluf // *Journal of Financial Economics.* — 1984. — Vol. 13. — N 2. — P. 187–221.
9. *Myers S. C.* The Capital Structure Puzzle // *The Journal of Finance.* — 1984. — Vol. 39. — N 3. — P. 575–592.
10. *Bikhchandani S.* Theory of fads, fashion, custom and cultural change as informational cascades / S. Bikhchandani, D. Hirshleifer, I. A. Welch // *Journal of Political Economy.* — 1992. — N 100. — P. 992–1026.
11. *Baker M.* Market Timing and Capital Structure / M. Baker, J. Wurgler // *Journal of Finance.* — 2002. — N 57. — P. 3.
12. *Jenter D.* Market Timing and Managerial Portfolio Decisions / D. Jenter // *Journal of Finance.* — 2005. — Vol. 60. — Issue 4. — P. 1903–1949.
13. *Dittmar A.* Why Do Firms Issue Equity? / A. Dittmar, A. Thakor // *Journal of Finance.* — 2007. — N 90(1). — P. 59–83.
14. *Blank I. A.* Osnovy finansovogo menedzhmenta / I. A. Blank. — v 2-h t. T.2. — 3-e izd., pererab. i dop. — M. : OMEGA-L, 2011. — 656 s.
15. *Mazaraki A.A.* Ekonomika torgovelnogo pidpryjemstva / A. A. Mazaraki, N. M. Ushakova, L. O. Ligonenko ; za red. N. M. Ushakovoï. — K. : Hreshhatyk, 1999. — 800 s.
16. *Shyam-Sunder L.* Testing Static Tradeoff against Pecking Order Models of Capital Structure / L. Shyam-Sunder, S. C. Myers // *Journal of Financial Economics.* — 1999. — Vol. 51. — N 2. — P. 219–244.
17. *Kayhan A.* Firms' histories and their capital structures / A. Kayhan, S. Titman // *Journal of Financial Economics.* — 2007. — N 83 (1). — P. 1–32.
18. *Beattie V.* Corporate Financing Decisions: UK Survey Evidence / V. Beattie, A. Goodacre, S. Thomson // *Journal of business Finance & Accounting.* — 2006. — N 33 (9–10). — P. 1430.

19. Fama E. Financing Decisions: Who Issues Stock? / E. Fama, V. Beattie, A. Goodacre, S. Thomson // *Journal of Financial Economics*. — 2005. — Vol. 76. — N 6. — P. 549–582.
20. Fama E. Disappearing Dividends: Changing Firm Characteristics or Lower Propensity to Pay? / E. Fama, K. R. French // *Journal of Financial Economics*. — 2001. — Vol. 60. — N 1. — P. 3–43.
21. Fama E. Testing Trade-Off and Pecking Order Predictions about Dividends and Debt / E. Fama, K. R. French // *The Review of Financial Studies*. — 2002. — Vol. 15. — N 1. — P. 1–33.
22. Frank M. Z. Testing the Pecking Order Theory of Capital Structure / M. Z. Frank, V. K. Goyal // *Journal of Financial Economics*. — 2003. — Vol. 67. — N 2. — P. 217–248.
23. Bevan A. Capital structure and its determinants in the UK – a decompositional analysis / M. Z. Frank, V. K. Goyal // *Applied Financial Economics*. — 2002. — Vol. 12. — N 3. — P. 59–70.
24. Graham J. The Theory and Practice of Corporate Finance: Evidence from the Field / J. Graham, C. Harvey // *Journal of Financial Economics*. — 2001. — N 60. — P. 187–243.
25. Flannery M. J. Partial Adjustment toward Target Capital Structures / M. J. Flannery, K. P. Rangan // *Journal of Financial Economics*. — 2006. — Vol. 79. — N 3. — P. 469–506.
26. Barros L. Overconfidence, managerial optimism and the determinants of capital structure / L. Barros, M. Alexandre // *Working paper*. — 2007.
27. Panno A. An Empirical Investigation on the Determinants of Capital Structure: The UK and Italian Experience // *Applied Financial Economics*. — 2003. — Vol. 13. — N 2. — P. 97–112.
28. Booth L. Capital Structures in Developing Countries / L. Booth, V. Aivazian, A. Demircuc-Kunt, V. Maksimovic // *Journal of Finance*. — 2001. — Vol. 56. — N 1. — P. 87–130.
29. Chen J. Determinants of Capital Structure of Chinese-listed Companies / J. Chen // *Journal of Business Research*. — 2004. — Vol. 57. — N 12. — P. 1341–1351.
30. Chen J. The Determinants of Capital Structure: Evidence from Chinese Listed Companies / J. Chen, R. Strange // *Economic Change and Restructuring*. — 2005. — Vol. 38. — N 1. — P. 11–35.
31. Tong G. Pecking Order or Trade-off Hypothesis? Evidence on the Capital Structure of Chinese Companies / G. Tong, C. J. Green // *Applied Economics*. — 2005. — Vol. 37. — N 19. — P. 2179–2189.
32. Delcours N. The Determinants of Capital Structure in Transitional Economies // *International Review of Economics & Finance*. — 2007. — Vol. 16. — N 3. — P. 400–415.
33. Yvashkovskaja Y. V. Struktura kapytala v rossijskikh kompanijah kak strategicheskoe reshenie / Y. V. Yvashkovskaja, M. S. Solnceva // *Vestn. S.-Peterburg. un-ta*. — 2008. — № 3. — S. 3–32. — (Seryja "Menedzhment").
34. Berezyne Y. V. Fynansovie resheniya rossijskikh kompanij: rezul'tati empiricheskogo analiza / Y. V. Berezyne, A. V. Razmochaev, D. L. Volkov // *Vestn. S.-Petreburg. un-ta*. — 2010. — Ser. 8. — Vip.1. — S. 2–26.

35. Portal Derzhavnoi' sluzhby statystyky Ukrainy [Elektronnyj resurs]. — Rezhym dostupu : <http://www.ukrstat.gov.ua>.
36. Portal nacional'noi' komisii' z cinnyh paperiv ta fondovogo rynku Ukrainy [Elektronnyj resurs]. — Rezhym dostupu : <http://www.nssmc.gov.ua>.

Articles submitted to editors office of 11.11.2013.

Ситник Г. Оптимізація структури капіталу підприємств торгівлі.

Постановка проблеми. Управління капіталом є одним з базових функціональних напрямів фінансового менеджменту, обґрунтуванню теоретичних основ якого присвячено велику кількість фундаментальних досліджень. Така увага до питань управління капіталом визначається їх практичною значущістю, роллю у системі забезпечення ефективного та збалансованого фінансового розвитку будь-якого підприємства, впливом на формування його цінності.

Мета дослідження полягає в обґрунтуванні напрямів вдосконалення методологічних засад оптимізації структури капіталу на підприємствах торгівлі з врахуванням специфічних особливостей їх діяльності та зовнішнього фінансового середовища функціонування, які б в цілому відповідали концепції ціннісно-орієнтованого управління.

Матеріали і методи. Методологічною основою є фундаментальні принципи системного підходу, методи наукової абстракції, аналізу та синтезу, індукції та дедукції. Дослідження особливостей формування структури капіталу в торгівлі здійснено із застосуванням методів трендового та структурного аналізу, анкетного опитування.

Результати дослідження. На основі аналізу сучасних теоретичних концепцій оптимізації структури капіталу та їх практичного застосування сформульовано висновок щодо необхідності об'єднання конкуруючих теорій та врахування низки чинників у перебігу прийняття фінансових рішень щодо структури капіталу в практичній площині. Систематизовано фактори, що найбільшою мірою впливають на прийняття таких рішень. За результатами дослідження особливостей формування структури капіталу на підприємствах торгівлі України, прояву зазначених чинників у реаліях вітчизняної економіки ідентифіковано особливий порядок фінансування підприємствами торгівлі своєї діяльності, обґрунтовано систему критеріїв та порядок оптимізації структури капіталу для підприємств торгівлі, які узгоджуються з концепцією ціннісно-орієнтованого управління, забезпечують його збалансований фінансовий розвиток.

Висновки. Запропонований підхід дозволить підвищити ефективність фінансових рішень щодо формування структури капіталу в перебігу його планування на підприємстві торгівлі з огляду на те, що він: узгоджується з цільовою функцією діяльності підприємства – підвищення його цінності, висуваючи як основний критерій оптимізації структури капіталу максимізацію показника економічно доданої цінності; пов'язує процес формування структури капіталу не тільки з іншими фінансовими параметрами, а і з плановими параметрами операційної діяльності (запланованим темпом зростання товарообороту), що дозволяє узгоджувати ринкові та конкурентні стратегії підприємства торгівлі з його фінансовою політикою з метою забезпечення збалансованого фінансового розвитку; враховує особливості операційної, фінансової діяльності підприємств торгівлі та зовнішнього фінансового середовища функціонування підприємств торгівлі в Україні.

Ключові слова: структура капіталу, підприємство торгівлі, ціннісно-орієнтоване управління, збалансований фінансовий розвиток.

UDC 336.71–052

MASLOVA Nataly, Candidate of Sciences (Economics),
Senior lecturer at the Banking Department, KNUTE

LEADGENERATION AS A PART OF THE CUSTOMER ORIENTATION OF A BANK

The essence, attributes and approaches for implementation of client-oriented approach at banking institutions were examined. The state of client orientation of Ukrainian banks was investigated and main tendencies of its development were revealed. The essence of definition "banking lead generation" was determined, its meaning for bank client orientation achievement, phases and trends of its implementation have been substantiated.

Keywords: client orientation, lead, banking lead generation, lead management, CRM-system, Internet Technologies (IT), Social Networks.

Маслова Н. Лидогенерация как составляющая клиентоориентированности банка. Рассмотрена сущность, признаки и подходы к внедрению клиентоориентированного подхода в банковских учреждениях. Исследовано состояние клиентоориентированности банков Украины и выявленные основные тенденции ее развития. Определена сущность дефиниции "банковская лидогенерация", ее значение для достижения клиентоориентированности банка, обоснованы этапы и направления ее реализации.

Ключевые слова: клиентоориентированность, лид, банковская лидогенерация, управление лидами, CRM-система, интернет-технологии, социальные сети.

Background. Today in banking activity all over the world the base of communication ideology is client orientation, that is caused by inability of commercial success achievement without creation of full value dialogue with clients. On the one hand the base of client-oriented approach contains processes of informing, searching, attracting, keeping and "growing" its own clients, on the other hand, monitoring and evaluation of their profitability, riskiness, prospects, that requires from bank substantial updating, and sometimes even important corrections in managing system.

Taking into consideration modern powerful development of information technologies and absence of scientific approaches to putting the process of bank client generation on new quality level, special actuality acquires the issue of finding tools for forming bank client constant stream thought gradual transformation of interested individuals into real consumers of banking services.

Analysis of latest publications. Necessity of creation the adjusted bank intercommunication system with existing and potential clients was viewed as key factor in building client-oriented approach in many scientific works. Managing of banking client base on segmentation studied by:

© Maslova N., 2013

N. Chyzhiv [1], V. Fedirko [2], V. Shymkovych, V. Vykulov; implementation of CMR-technologies in a banking sphere – E. Soldatova [3], A. Kozhyrev, S. Kubiv, M. Romanova, O. Khrystophorova [4]; developing methods of evaluating clients and analyzing bank client base – N. Shulga [5], D. Haidunko, I. Parasii-Vergunenko; separate aspects of implementation of client-oriented approach into banks – T. Leonovych [6], N. Maslova, E. Herasymova [7], E. Neretyna, E. Berdyna [8], I. Semencha [9], A. Chelenkov, T. Sonina [10]; development of approaches to formation of banking client-oriented products and technologies – L. Suhodoleva, A. Mudrak [11], A. Ehorov, O. Zverev, A. Nesterenko [12]. Also, the process of constant formation of stream of potential clients and their transformation into real banking clients wasn't clarified in scientific works that caused necessity of given research.

The purpose of this article is theoretical-practical grounding of the essence and meaning of lead generation process as obligatory part of client orientated banking.

Results. Theoretical studies of questions of company's client-orientation permitted to make a conclusion that this term, that shows a key place of client's interest in priority system of establishment and owners of business and helps to increase their loyalty and stability of client base.

Implementation of client-oriented approach is possible in terms of developing an effective client-oriented strategy, which is an aggregate of perspective goals and the most effective methods of reaching them, that enables to get competitive advantages by attracting the client into business processes of a bank and forming individual good's offers [10, p. 118]. Numeral researches proved that modern bank's efficiency straightly depends on a level of it's client-orientation that first of all is determined by the level of accordance of banking services offers to client demands [11], potential of growing and stability of their client base [2], developing client communication technologies [7], and also their capability to compete with other banking and nonbanking institutes on the financial services market.

Summarizing results of theoretical research [1–10] and basing on studying practical experience of foreign banking establishments enabled to determine, that major attributes of bank client-orientation are:

- availability of detailed market segmentation and methodologies for assessing the economic attractiveness of risks and the perspective of the bank's clients;
- development of bank's customer policy in general and it's segmentation considering major clients (or businesses);
- availability of monitoring methods and evaluating the quality of bank's client base, taking into account the development of key performance indicators, standards and "anxiety" indicators to manage it;

- implementation of the system of call-centers and self-service centers (with 24/7 schedule);
- full-scale introduction of CRM-system and its integration with call-centers;
- availability of personal manager system (including all-purpose) managers for corporate and personal service;
- elaborating quantitative and qualitative standards of banking service;
- realization of the variety of tools for remote communication with clients (phone, IVR, e-mail, regular mail, Skype, ICQ, Web-chat, SMS, fax, contact over social networks ect.);
- creating client-oriented products for mass and personal use and numerical range of additional products and services for their comfortable use;
- availability of a full range of remote services for clients ;
- implementation innovation programs and programs that let integrate banking services with other services of financial institutions and non-financial companies;
- cooperation with mass media and inform-consulting agencies, providers, creating groups in social networks;
- taking part and initiating informational and educational events for creation of financial literacy and consumer awareness about the features and benefits of banking services.

The domestic banking institutes started a systematic activity to implement a client-oriented approach only after financial crisis of 2008–2009, also, really significant "breakthrough" in this area have several systemic retail banks (about 8 %). It should be noted that these banks have implemented CRM-system [13], without which managers have no other modern tools for customer relationship management. Other banking institutes only declare an implementation of client-oriented approach, that mostly reflects on making some changes to a corporate culture. The most active banks in Ukraine that implement it are Pryvat Bank, Ukrsotsbank, Platynum Bank, Alfa Bank, PUMB, Delta Bank (*table 1*).

Thus, the domestic banking industry only begins the implementation of a client-oriented approach. This requires from them the unity of thought and action at all levels and awareness of depending of their strategic goals achievement on focusing activities on the interests and needs of customers.

Conducted theoretical study showed that a large number of researchers [2; 3; 6–8; 10; 12], which studied issues of customer-oriented bank mostly considered the creation of an information field to prospective clients and forming long-term relationships with existing customers (including their "life cycle" and usefulness to the bank). However, the bank's algorithm for phase of transformation of the interested person into a potential customer has almost never been studied in any research. Interest in this aspect of the bank was shown only now that was caused by the avalanche growth of information technology, because the work of identifying consumer needs

and desires is only possible with the development of information society and the use of modern information channels (Internet technologies, etc.). Thus, the basis for implementation of a client-oriented approach in the bank is a process of continuous client flow formation and converting them into actual customers of the bank, which in the practice of foreign companies is known as "leadgeneration".

Table 1

Domestic banks that actively use client-oriented approach in 2013

Banks	Presents of a manager		Presence in social networks	Availability of remote service	Innovations
	all-range	personal			
Pryvat-bank	–	✓	Facebook Vkontakte	Pryvat 24; Pryvat Mobile; LiqPay; SMS-banking; Cash mashines; Self-service terminals	QR-code; sale of tickets to football matches and package tours; Personal Processing Center providing cards – electronic passports for all clients
Platinum Bank	–	–	Facebook	"Platinum Click"; "Client-Bank"; "Internat Banking"	" Simple Card"; "iFOBS"; Vasriety of programs for loyal clients
Alfa Bank	–	✓	Facebook	"My Alfa-Bank"; Internet acquiring; Cash Machine operations; Contact centre	Internet acquiring; Team of "ambassadors"
UniCredit Bank	✓	✓	Facebook VKontakte Odnoklasniki.ru	Contact centre; Cash Machine operations; Internet Banking; SMS-Banking; Direct Debit; payments	Program of financial protection GAP (Guaranteed Asset Protection) Multibrand bonus card U-card
PUMB	–	✓	Facebook, VKontakte	"PIB-Mobile"; Internet-Banking; PC-Banking; tickers	Service package "ID-All in one"; tickers
Delta Bank	–	✓	Facebook, VKontakte	Contact centre Cash Machine operations; Internet Banking; SMS-Banking; Online-loans; payments	Creative site (money convector); Online-loans "Delta-loans"; Co-brand card Delta-Portmone.com

Developed by the author to the research of domestic banks sites.

Term lead (from Eng. Lead-aiming), comes from the West, where it denotes a contact for potential sale that contains the coordinates of the client [14]. In the Ukrainian language closest to "Lead" is the term "application", "hook", "aiming" and "interest".

Lead is an intermediate stage between an interested person and a customer of a company in the process of selling goods and services ("purchase funnel"). Concept Purchase Funnel, which describes the psychology of the consumer, was offered in 1898, it was developed by the American Attorney Elias St. Elmo Lewis. In 1926, William Townsend of Bond Salesmanship associated initial concept Purchase Funnel with a concept of AIDA (Awareness, Interest, Desire and Action). Since then, the "purchase funnel" has received many similar titles (Sales Pipeline, Sales Funnel, Customer Funnel, Marketing Funnel) and has become one of the basic and most brilliant metaphor of Marketing [15].

Therefore, lead in banking is considered to be a person who has expressed an interest in banking and left contact details (or the bank's website, or call-center worker, etc.) that is identified by the bank. The main value of Lead is that a person who only intends to take advantage of the services of the bank, through identification may already be included in the database of potential customers with a view to carrying out a thorough job of it "growing" to customers. From this perspective, bank client orientation turns to create the conditions for the formation of a continuous lead stream (generation) and management with a view to turning them into a real, and with time into loyal clients of a bank.

Given the specifics of banking, we can determine the definition of "bank lead generation" as a strategy for the use of different communication channels and customer support systems to generate predictable and identifiable stream of interested people (leads), ready to the process of buying bank services.

Implementation of customer-oriented management strategy – is not only a function of one single unit (lead management), but a basis for the transformation of all business processes and an integral part of corporate culture.

Lead generation process of a client-oriented bank process can be represented as follows (*figure*).

As can be seen from the figure, the lead generation cycle includes 4 important business processes: lead generation (marketing and branding programs to increase consumer interest), the lead management (lead classification, lead "growing", lead transfer to sales departments), training and sales (primary) of banking products, implementation of repeat sales (working with real clients to increase their loyalty and commitment to the bank). As a result of all phases of the process happens "evolution" of the interested person concerned into a loyal customer of the bank. Particularly "dangerous" is the stage of lead management, since imperfect job of keeping the bank almost ready to communicate potential customers is the reason for the shortfall of the projected "customer flow" of the bank.

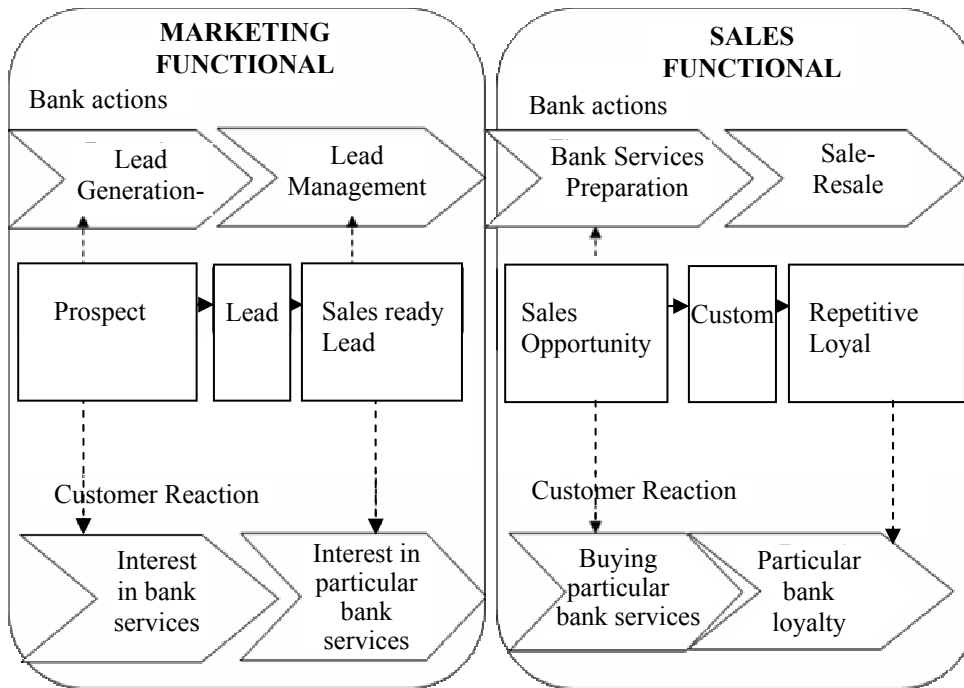


Figure. The process of lead generation of client-oriented bank

Developed by the author on the basis of conducted research.

At present, at Western Marketing School lead generation technologies are widespread as they can significantly reduce the risks in sales, making them predictable. Demand from companies spawned offer among marketers and today abroad there is a large number of institutions generating leads both online and offline [14].

Despite the widespread use of these processes overseas online lead technology in Ukraine are just beginning their development. To date, there are few domestic companies that provide professional services for lead generation and sale online. Practical Application of lead generation technology in the activity of Russian banks has been going on for nearly 7 years, requiring a careful study of their experience by domestic banks.

Analysis of the Russian banking lead generation experience of the period of 2007–2012 [16] shows that if in the period 2007–2010 only banks and mortgage brokers ordered leads (in 2009–2011 they reduced their activity), in 2011 International Financial Organizations joined them. Lead suppliers are also expanding: in 2007–2010, the suppliers were only lead providers and credit operators, in 2011 partner networks joined them, and in 2012 – mortgage brokers. This is naturally reflected in the results: the dynamics of leads growth is pretty impressive – in 2007 there were only 0.6 million, in 2008 – 0.9 million (1.5 times more), in 2009 – 1.5 million (2.5 times more than in 2007), 2010 – 3.1 million (5.2 times), in 2011 – 5 million (8.3 times), and in 2012 the leads number reaches 10 million, almost 17 times more than in 2007.

Most suitable for the lead generation practice Russian experts define bank loan products. However, based on studies [15], compared with Russia, demand for loan products in Ukraine is 6 times less (1 million queries against 6 million requests in May 2013). Given that Russia's population is 3 times higher than in Ukraine (143 million people to 48 million people), the intensity of the domestic demand for loan products is by half lower. However, growth in the interest of domestic consumers in the current consumer finance is expected with the development of the Internet as a channel of credit sales.

The main lead generation channels in the web for bank Russian colleagues define:

- Lead providers (agencies and thematic platforms offering special promotional campaigns, paid per completed application for credit products in the customer's site);
- Loan brokers and operators (companies that collect applications for loans and sell them at the same time to several banks);
- Partner networks (intermediaries between small thematic platforms and lead customers who buy traffic from webmaster and resell it to the bank);
- Social networks and search engines [16].

Due to the lack of infrastructure in Ukraine of lead sales by professional agencies and intermediaries Financial Institutions paid attention recently to the organization of work with potential customers through social networks.

Today ways of communication of banks in social networks are rapidly becoming popular. The most popular among them are Facebook, Vkontakte, Twitter, and search engines and other services, including Google+, YouTube, Livejournal, LinkedIn, Foursquare, Slideshare and others. This method is quite effective in the current environment for raising awareness and establishing customer feedback from.

The results of the research activity of Ukrainian banks in social networks are presented in *table 2*.

The certain "breakthrough" in lead-generation technologies introduction in Ukraine was "Delta Credit" portal, which was created on the 21st of October 2013 by PJSC "Delta Bank", via it the range of the services for the partners was supplied within the credit cooperation frames in the internet-shops. 40 internet-shops of Ukraine have joined it, and the applications of the real and potential clients increase [18].

The effectiveness of the relationships creation with every potential client (lead) depends on the marketing strategy [19]. Taking into account the client-oriented approach there are certain differences in clients involvement work planning in the context of the lead-generation technologies implementation and the traditional methods of communication with the clients in a bank (*table 3*).

Table 2

Results of the research of Ukrainian bank activities in social networks in 2013

Bank	Social network, conference	Number of participants	Pattern of activity
Privat Bank	VKontakte	89248	Creation of 5 new groups, where the information exchange between the participants and on-line communication are realised; news layout about new bank products and so on
	Facebook	54414	On-line communication support, information layout about bank activity
	PrivatBank-Skype	Unstated	Realisation of the operative communication and on-line communication with bank specialists
UniCredit Bank	Facebook	6426	News layout about bank activity, video-reports of the events and routs; on-line communication support; bank products discussion
	VKontakte	179945	Groups creation, where the information exchange between the participants and on-line communication are realised, news layout about new bank products; providing the offers with valuable prizes drawing
	Odnoklasniki.ru	4756	News about bank events and routs, photo-, video-reports
PUMB	Facebook	28001	Official website, where there are the news about bank activity, services advertisement and videos of the outstanding events with the possibility of their discussion
	Twitter	6637	Placement of the financial online-guide, which informs about the main bank news, gives the financial advices and bank services information, makes the prizes drawing
Delta Bank	Facebook	28701	Highlighting the bank mission and business-plan, organisation of the discussion of the main news in the financial sphere, presentation of the bank events and routs photo-reports
	Twitter	192	On-line consultant, which is connected with the clients in 24/7 regime, creation of the official bank forum, where the most important bank events are discussed
Alfa Bank	Facebook	7224	The bank potential clients forum is made, new bank products information is represented
VTB	Facebook	4142	Providing the contests, special offers, discussion of the main events in the bank "life", presentation of the photo-reports about bank activity
VAB Bank	Facebook	3533	News about bank activity, events and routs video-reports; new bank products discussion

Developed by the author according to the Prostobankir website data [17].

As we can see from the table, for the realisation of the lead-generation technologies within the client-oriented approach frames a bank should use the whole technological opportunities range, divided into three main directions. So, in the process of realisation of the outbound marketing methods a bank attracts the audience attention, forms its image and brand awareness (brand). This task is in the best way solved with the help of the traditional marketing activity (advertisement in the mass media, outer adverts, direct mailout and large events and so on). The main task at this stage is not a sale, but interest formation to the bank as to the reliable and well-known establishment.

Table 3

The most effective offered lead-generation technologies in the bank activity

Directions	Methods, tactics
Outbound marketing (outbound)	Public-relations events (bank popularization in Mass Media, sponsorship, patronage, charity etc.). Branding. Advert companies – outer and context advertisement, E-mails. Event-marketing: seminars, conferences, bank technologies exhibitions
Inbound marketing (inbound)	Content-marketing. Marketing in the social networks. Forums. Bank site optimisation, "growing" sites, SEO (search advancement)
Personal marketing	Personal meetings, personal management

Is developed by the author on the conducted researches basis.

The aim of the second direction realisation – inbound marketing is to conquer the consumer trust, who gave the permission for identification (as a lead). This process begins with the attraction of the attention and turns to the dialogue, which should be profitable for him. The main channels for consolidation of the relations between a bank and a client are social networks, own website with the whole support and feedback range that forms the knowledge, loyalty and favour to the bank and its products. This very stage helps to transform the lead into the real bank client or "to cut" the process of the lead-generation with the potential client loose.

The third stage – personal marketing – provides the consideration of the individual marketing concept, which ideas lay in efforts concentration on the sales increase for existing clients, but not in new ones search, because a new client involving costs a company six times more expensive than the organisation of the resales for the existing client, and unsatisfied clients return – 25 times more expensive [18]. This stage is necessary for transformation of the one-time client into constant one, which later transforms into the loyal client or even into the bank partner.

Conclusion. As a result of the conducted theoretical researches it is proved that the client-oriented approach introduction is the urgent necessity for the modern bank successful existence, as clients are the main value of any company. It is substantiated that reaching the certain level of client-orientation is impossible without: properly elaborated client policy; detailed client segmentation; client attractiveness monitoring and appraisal and client base analysis; CRM-systems implementation; creation of the client service quality management systems and their program-informational support; formation of the full client-oriented products and services range for their comfortable usage; development of the clients informing, search, "tender" identification, "growing", involving and maintenance processes.

The process imperfection of the constant generation of the interested persons stream with their gradual transformation into loyal bank adherents (i. e. lead-generation) is the main hindrance for the client-oriented approach implementation in the national banks, which is due to the insufficient internet-technologies opportunities usage, the low level of the CRM-systems and other client services introduction.

The notion "bank lead-generation" is defined as a strategy of the various communication channels and clients supply systems usage for the generation of the interested and identified persons (leads) expected stream, which are ready to buy the bank services.

The scheme of the lead-generation process for the client-oriented bank has been offered, the realisation of which is possible on conditions of the gradual development of the lead-providers, credit operators and brokers internet services market, the partner networks and also the bank integration into social and search networks. It is proved, that success of the lead-generation process will depend directly on the proper marketing strategy, which allows to use the whole technological range of the bank opportunities, divided into three main directions of the marketing efforts (outbound marketing, inbound marketing and individual marketing).

The following researches will be dedicated to the problems of the bank lead-management system formation and also the development of its organisational-informational and methodological supply.

REFERENCES

1. *Chizhov N. A.* Upravlenie klientskoj bazoj banka : prakt. posobie / N. A. Chizhov. — M. : Al'fa-Press, 2007. — 284 s.
2. *Fedirko V.* Vzajemozv'jazok ekonomichnyh kategorij u ramach klijentoorijentovanogo marketyngovogo pidhodu v bankah / V. Fedirko // Problemy i perspektyvy rozvytku bankivs'koi' systemy Ukrainy : zb. nauk. prac'. — Sumy : UABS NBU, 2007. — Vyp. 22. — S. 142–147.
3. *Soldatova E. V.* Processnyj podhod k upravleniju klientoorientirovannym kommercheskim bankom / E. V. Soldatova [Elektronnij resurs]. — Rezhim dostupu : <http://be5.biz/ekonomika1/r2009/2845.htm>.

4. *Hrystoforova O. M.* Marketyng partners'kyh vidnosyn u systemi upravlinnja kljients'koju bazozu banku / O. M. Hrystoforova // *Visnyk NBU*. — 2008. — № 8. — S. 41–43.
5. *Shul'ga N. P.* Metodychni pidhody do ocinky ekonomichnogo statusu kljientiv banku / N. P. Shul'ga // *Problemy i perspektyvy rozvytku bankivs'koj systemy Ukrainy* : zb. nauk. prac'. — Sumy : UABS NBU, 2009. — Vyp. 26. — S. 162–168.
6. *Leonovych T.* Klyentooryentirovannaja strategija banka / T. Leonovych // *Bank. vesn.* — 2005. — № 22. — S. 31–36.
7. *Podoprighora V. G.* Konkurentosposobnost' biznesa na osnove klientoorientirovannogo podhoda (na primere bankovskogo sektora) / V. G. Podoprighora, E. A. Gerasimova // *Problemy sovremennoj jekonomiki*. — 2012. — № 3. — Rezhim dostupu : <http://cyberleninka.ru/article/n/konkurentosposobnost-biznesa-na-osnove-klientoorientirovannogo-podhoda-na-primere-bankovskogo-sektora>.
8. *Berdyna E. S.* Osnovni polozhennja j elementy kljentoorijentovanoi' strategii' banku / E. S. Berdyna // *Fynansi y kredyt*. — 2007. — № 15. — C. 13–16.
9. *Semencha I. Je.* Suchasnyj stan formuvannja kljients'kyh sluzhb v bankah Ukrainy: problemy ta perspektyvy rozvytku / I. Je. Semencha // *Finansovo-kredytna dijial'nist': problemy teorii' ta praktyky* : zb. nauk. prac'. — 2009. — № 2(7). — S. 26–32.
10. *Chelencov A.* Klientoorientirovannyj podhod v marketinge vzaimootnoshenij / A. Chelencov, T. Sonina // *Marketing*. — 2012. — № 1 (122). — S. 115–125.
11. *Suhodoeva L. F.* Bankovskij i kreditnyj produkt kak innovacionnyj termin, fokusirujushhij klientoorientirovannyj podhod k ego jekonomicheskomu sodержaniju / L. F. Suhodoeva, A. A. Mudrak // *Kreativnaja jekonomika*. — 2011. — № 3 (51). — S. 133–138.
12. *Zverev O. A.* Innovacionnye tehnologii v roznichnom bankovskom biznese : monografija / O. A. Zverev, A. V. Nesterenko ; pod obshh. red. A. Ju. Egorova, M. V. Konotopova. — M. : Paleotip, 2008. — 164 s.
13. *Funkcional'nost'* kontaktnogo centra v sisteme bankovskih distancionnyh uslug [Elektronnij resurs]. — Rezhim dostupu : <http://cca.org.ua>.
14. *Svobodnyj slovar' terminov, ponjatij i opredelenij po jekonomike, finansam i biznesu* [Elektronnij resurs]. — Rezhim dostupu : <http://termin.bposd.ru/publ/13-1-0-28574>.
15. *Glavnyj biznes-instrument – voronka prodazh* [Elektronnij resurs]. — Rezhim dostupu : <http://zillion.net/ru/blog/234/glavnyi-biznies-instrument-voronka-prodazh>.
16. *Lidogeneracija v Rossii, 7 let uspeshnogo razvitija* [Elektronnij resurs]. — Rezhim dostupu : [http://www.bank-online.com.ua/resources/productsonline2013/4.Sales Leads.pdf](http://www.bank-online.com.ua/resources/productsonline2013/4.Sales%20Leads.pdf).
17. *Najbil'sh populjarnyj bank u social'nyh merezhah* [Elektronnij resurs]. — Rezhim dostupu : http://www.prostobankir.com.ua/marketing_reklama_pr_novosti.
18. *Pershyj v Ukraini portal on-lajn kredytytvannja* [Elektronnij resurs]. — Rezhim dostupu : <http://blog.web100.biz/pervyj-v-ukraine-b2b-portal-po-onlajn-kreditovaniyu>.

19. Jurchak A. V. Kak uskorit' razvitie kontent-marketinga v B-2-B / A. V. Jurchak // Promyshlennyj i b2b marketing. — 2012. — № 3. — S. 56–64. — Rezhim dostupu : <http://grebennikon.ru/article-hnop.html>.

Articles submitted to editors office of 04.11.2013.

Маслова Н. Лідогенерація як складова клієнтоорієнтованості банку.

Постановка проблеми. У банківській діяльності в усьому світі основою ідеології спілкування є клієнтоорієнтованість, що передбачає створення повноцінного діалогу з клієнтами із застосуванням усіх технічних можливостей банку. Особливу актуальність набуває питання щодо інструментарію створення постійного потоку клієнтів банків шляхом поступової трансформації зацікавлених осіб у реальних споживачах банківських послуг.

Метою статті є теоретико-практичне обґрунтування сутності та значення процесу лідогенерації як обов'язкової складової клієнтоорієнтованості банку.

Результати дослідження. Доведено, що ефективність діяльності сучасного банку безпосередньо залежить від ступеня його клієнтоорієнтованості, яка визначається наявністю: розробленої клієнтської політики; ґрунтовної сегментації клієнтів; моніторингу та оцінювання привабливості клієнтів, а також якості клієнтської бази; впровадження CRM-систем; створення систем управління якістю обслуговування клієнтів та її програмно-інформаційної підтримки; формування повноцінного асортименту клієнтоорієнтованих продуктів та сервісів для їх комфортного споживання; налагодження процесу інформування, пошуку, ідентифікації, "виращування", залучення та утримання клієнтів (лідогенерації).

Визначено, що банківська лідогенерація – це стратегія використання різних каналів комунікацій і систем супроводу клієнтів для генерації прогнозованого потоку зацікавлених та ідентифікованих осіб (лідів), готових до купівлі банківських послуг. Запропоновано схему процесу лідогенерації клієнтоорієнтованого банку, яка складається з чотирьох бізнес-процесів (генерація лідів, управління лідами, здійснення первинного продажу банківських продуктів, реалізація повторних продажів). Дослідження клієнтоорієнтованості банків України виявило практичну відсутність запроваджених ними технологій лідогенерації на відміну від практики російських банків. Визначено, що реалізація цього процесу можлива за умови поступового розвитку ринку інтернет-послуг лідопровайдерів та інших посередників, а також інтеграції банків у соціальні мережі, пошукові системи та інші інтернет-сервіси. Доведено, що успішність процесу лідогенерації напряму залежить від зваженої маркетингової стратегії, яка включає повний технологічний спектр можливостей вихідного, вхідного та індивідуального маркетингу банку.

Висновки. Розкрито сутність дефініції "банківська лідогенерація", її значення для досягнення клієнтоорієнтованості банку, обґрунтовано етапи та напрями її реалізації.

Ключові слова: клієнтоорієнтованість, лід, банківська лідогенерація, управління лідами, CRM-система, інтернет-технології, соціальні мережі.

UDC 005.56:339.17

ZHUKOVSKA Valentyna, Candidate of Sciences (Economics), Management Department principal lecturer, KNUTE

MYKOLAICHUK Iryna, Candidate of Sciences (Economics), management Department principal lecturer, KNUTE

THE ASSESSMENT METHODS OF SOCIAL PARTNERS POTENTIAL IN THE TRADE ENTERPRISES

The essence and the role of social partnership in establishing the socially responsible model of business in the sphere of trade is studied. Partners evaluation tools for the social projects implementation are suggested, the indicators and the criteria of the social partners evaluation are defined. The capacities for the partners' participation in the projects on the basis of their reputation are argued.

Keywords: social partnership, business social responsibility, social partners, social partner evaluation criteria, social project.

Жуковская В., Миколайчук И. Оценивание социальных партнеров предприятия торговли. Рассмотрены сущность и роль социального партнерства в установлении социально ответственной модели бизнеса в торговле. Предложен инструментарий оценивания партнеров для реализации социальных проектов, определены показатели и критерии оценки социальных партнеров. Обоснованы возможности участия партнеров в социальных проектах на основе их репутации.

Ключевые слова: социальное партнерство, социальная ответственность бизнеса, социальные партнеры, критерии оценки социального партнера, социальный проект.

Background. The problems of Ukraine's social partnership development draws more and more attention from the representatives of different social layers as the experience of the developed countries in Europe proves the necessity of bringing up the civil behavior emergence for all influence groups representatives. Within the current version of the social and economic development strategies, known as "Ukraine-2015: the national strategy of development" [1], a string of statements is dedicated to increasing the quality of human capital where the role of transnational partnership of state and business in providing the economics with the knowledge, labour market modernization by means of creating new work places and labour resources mobility is emphasized.

With the globalization and the EU integration in the first place, the key role in developing and implementing the social partnership belongs to

the sphere of trade. Constant partnership potential growth encourages decent supply with the high quality goods for the consumers, eco-cultural values in the various amenities consumption by the society. Taking into account the fact that today's trade enterprises operate within the framework of dynamic competitive environment, the major goal for them is to resolve the issue of providing the up-to-date knowledge for the generation, combining and approving of the targets of their development with the state's and society's interests including the mechanisms of business social responsibility (BSR), which will itself minimize the transaction costs, bring up fair labour remuneration and the positive cooperation consistency. The trade enterprises functioning in Ukraine are not aware of their role within the responsibility for the state's social development, nor do they account for their strategic interest, both of which lead to the necessity of their cooperation with both governmental and non-governmental institutions and organizations to solve different social problems at multiple levels. Taking into account the above-mentioned, the importance of the theoretical and methodological tools development in reference to the forming and supporting the social partnership mechanism efficiency is actualized, the partnership criteria and the conditions of partnership potential implementation for the trade business responsibility increase are defined.

Latest research and publications analysis. The issue of business's social responsibility as of an efficient tool of the social partnership, the methodological bases of the business participants' socially-oriented behavior model establishment are studied by A. Apopii, S. Bai, A. Mazaraki, K. Guturiak, A. Dovhal, O. Hrishnova, A. Kolosok, A. Kolot, S. Korol, Ye. Levytska, A. Carrol, K. Davis, R. Brandshetter [2–14] and others. The mechanism of social partnership system functioning in Ukraine is procured by the Laws of Ukraine "On the social dialogue in Ukraine", "On the employers' organizations", "On the collective agreements and treaties", "On the algorithm of resolving collective labour arguments (conflicts)", and also by the regulations of the conventions and the recommendations provided by ILO (International Labour Organization), international ISO 26000 standards, Global Reporting Initiative, AA 1000, SA8000. Nevertheless, it is the analysis and the definition of the interaction mechanism and the trade enterprises partners' attraction assessment methods in implementing the social projects which require significant development.

The aim of the article is to substantiate the methodological tools of trade enterprises social partners' selection for the implementation of the socially-oriented projects.

Results. According the scientists' definition, the social partnership is the unity of the legal contact forms and collective negotiations between the authorized parties which represent the employers and the employees [6–8]. Resulting from the social partnership principles, the partnership potential is

thus considered in the article [11] as an internal ability of an enterprise (its resource ability and the management system) to accumulate (even artificially create) the internal and the external influence which results in the quantitative and the qualitative changes bearing the synergetic character.

The current tendency in developing the socially responsible industrial environment in Ukraine is the implementation of the socially-oriented projects which must equally account for the interests and abilities of the social partners, for instance, state and local authorities, shareholders, financial establishments, business partners, mass media and rating agencies, civil organizations (also associations), educational institutions and consumers. Consolidating the efforts of social partners within the projects will provide the businesses' social responsibility principles implementation, social and labour relations regulations. It will also encourage the resolving of the top social and economic issues of the trade enterprises activity and the society.

Researching the practice of the social projects implementation in Ukraine has shown that the majority of its participants lack in the common view of the partnership's concept whilst the majority of the partner-type projects are unstable and even short-term as the result of the influence of many barriers in the process of their implementation. One of the reasons for that is the absence of the practical tools of providing the enterprises with the ability for the efficient implementation of their potential within the projects of the social partnership. Within the framework of "Development of the national agenda with CSR (Corporate Social Responsibility)" which is supported by UNITER, PACT, Corporate Social Responsibility Development Centre, the recommendations on establishing the partnership have been formulated [15]. The authors of these recommendations study the practical tools for establishing partnership within the unity of the following constituent issues: the process of creating and developing the partnership between different organizations, the rules of selecting partners, the factors of the partnership success, the peculiarities of different partnership groups (civil organizations, universities, media, state authorities). The authors give practical advice on the monitoring and the assessment of the partnership projects aiming at defining their efficiency and influence on the needs of the target audience.

The initiative of the socially responsible trade (Business Social Compliance Initiative) has been developed on the basis of the UN Global Compact. Its goal is to spawn the steady improvement of the social partners' activity on the grounds of monitoring the development of the trade enterprises social responsibility. BSCI is focused on the incessant facilitation of the enterprises social activity and establishing the advanced methods of administration into their current performance. This system is based on the Code of behavior which has to be followed by all the undersigned. In its turn, the BSCI's Code of behavior is based on the regulations of the UN

Universal Declaration of Human Rights, UN Convention on the Rights of the Child and the Convention on the Elimination of all Forms of Discrimination against Women, UN Global Compact, and OECD Recommendations for multinational enterprises and other internationally-recognized treaties in this industry [16].

The trade business of Ukraine today is interested in the social stability and in the economic growth of its market share and the supply facilities. This interest implies the necessity for the Ukrainian trade enterprises to admit and acknowledge the manifold social obligations and comply with the international requirements on conducting the ecological auditing of the projects and complying with the business of ethics. At the same time the non-transparent business schemes involving the participation of certain local authorities do complicate the implementation of this challenge. The issue especially concerns the financial resources assigned for the local communities' development which, as the result of the corruption activities, can turn up in an international bank instead of being used for the local purchase and for the local economy enhancement facilitation. Long-term stability for the trade enterprises also significantly relies on the principles of free and honest competition within the industry [15].

Establishing the efficient mechanism for the interaction of the trade enterprises, social partners in Ukraine must start from the methods of distinguishing and accounting for the interests of all the parties. For its consistent implementation it is vitally important that the potential partners be guided by the social interests, realize their differentiation, acknowledge the need in one another and be ready for the constructive negotiations. According to A. Kolot, for the efficient cooperation between the social partners, for the bringing up of the most favourable conditions aiming at procuring the steady social dynamic, it is important to aspire for the practical implementation of the equal common social responsibility which will in its generalized mode be relevantly called *consolidated*. Consolidated responsibility is much higher and steadier under the absolute concordance of the social partners' interests, under their performance agreement and their equal contribution into the mutual responsibility [9].

The basic challenge of the social diagnostics of trade enterprises as of social partners is the compliance with the social responsibility standards, ecological and ethical management etc. Today's trade enterprises performance being focused on social partnership relies on communicating with the representatives of various groups concerned, hence, it is absolutely important to define and assess the reputational characteristics of participant partners in the process of developing and implementing different state industrial socially oriented projects. Considering the presented ideas, the following scheme for the assessment process of the social partners' participation potential within a project is suggested (*figure 1*).

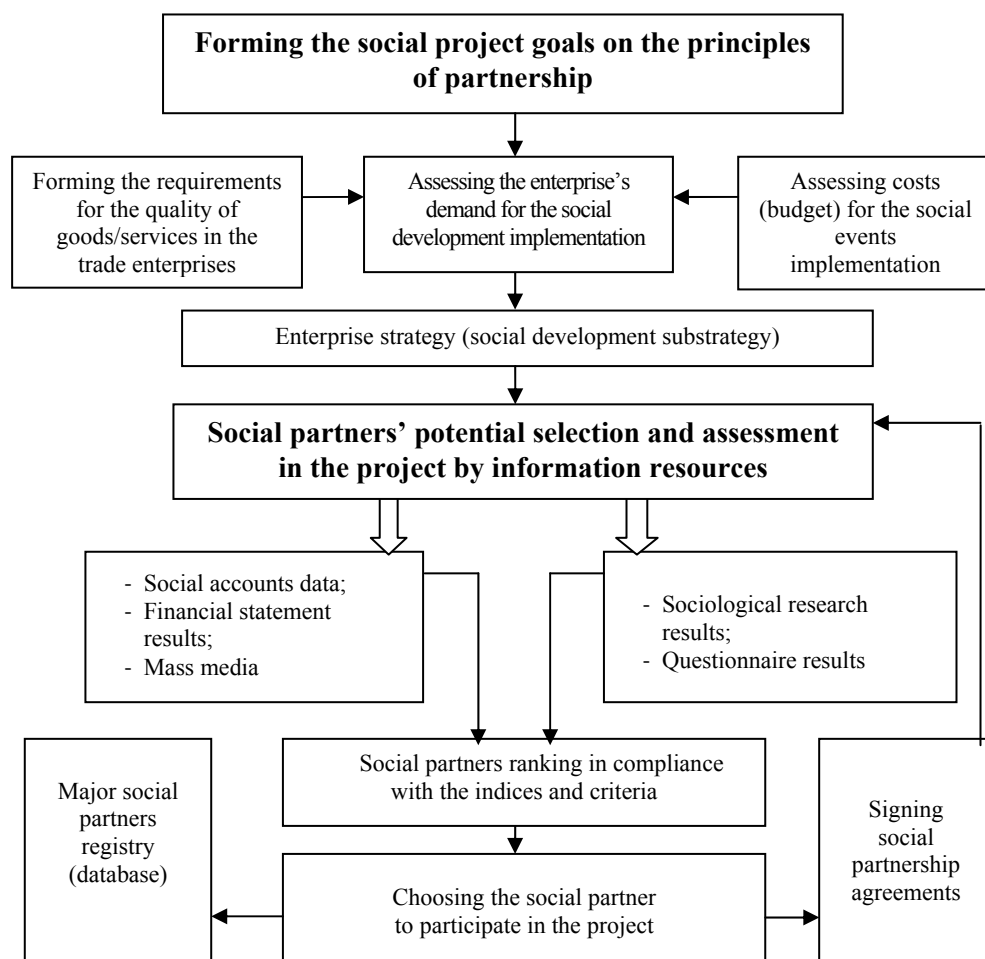


Figure 1. The process of social partners' assessment in the project (developed by the authors)

According to A. Korol [10], the social responsibility is to be studied as a system of legal and social institutions which is characterized by a structure of the persons concerned and the rules of establishing the social and economic relations between the economic agent and its environment. Within the mentioned context the issue of defining the criteria for choosing a partner who will participate in implementing the socially critical projects emergence because with the socially responsible behavior an enterprise will focus on the category of the social partners which guarantees mutual interest which itself will encourage the efficiency boost of its social value.

The starting point of forming the factors for choosing the potential social partners is the issues of information openness against the performance results of those enterprises which claim to be socially responsible (table 1) and the criteria for the assessment of the potential partner when implementing the projects.

Potential partners assessment criteria in the implementation of the projects of the social and economic development in the trade industry (developed by the authors)

Table 1

Indicators	Assessment criteria	Scores
	The mission and goals of the project	
The extent of the partner's concern with the project implementation	The project complies with the declared mission and the major goals of the organization	3
	the project partially complies with the goals of the potential partner's participation in it	2
	the project does not comply with the major goals of the potential partner's participation in it	1
Coincidence of the project implementation goals with the potential partner's goals	The goals coincide absolutely (100%)	3
	the goals coincide partially	2
	the goals do not coincide	1
Social partner's concern about participation in the project	The social partner is concerned about durable and fruitful cooperation	3
	the social partner is concerned about the implementation of 1-2 projects	2
	the social partner is not concerned about cooperation	1
	The project participant partner potential	
Relations between the concerned parties of the social project and the potential partners	The partner is experienced in participating in similar projects implementation	3
	the partner has particular skills and communicative abilities for the efficient implementation of the project (realizes the industries of the project implementation)	2
	the partner has only communicative abilities for the project implementation	1
The extent of influence and the partner's responsibility in the decision making process	High influence and responsibility for the decisions taken in the process of developing and implementing the project	3
	insubstantial influence but a high level of responsibility for the decision taken when implementing the project	2
	absence of influence and responsibility for taking decision in the process of the project implementation	1
Financial participation of the partner in the project implementation	The partner completely finances the project (100%)	3
	the partner partially finances the project	2
	the partner does not participate in the financing of the project	1
Staff involvement for the project implementation	Employing the highly qualified staff in the sphere of the project implementation	3
	the possibility to enlist the qualified staff at certain stages of the project implementation	2
	absence of the possibilities to enlist the qualified staff	1
Material and technical security of the project	The usage of the material and technical base on the partner's territory (100%)	3
	the partial usage of the partner's material and technical base	2
	the absence of the usage of the partner's material and technical base	1
The presence and the state of the quality management system (QMS)	QMS corresponds to the ISO 9001-2001 and partner enterprise has a certificate	3
	QMS is documented and established in the enterprise but is not certified	2
	QMS is not used by the social partner	1
	Information transparency (openness) of the business, business partner's reputation	
	Availability of the annual social reports (the AA 1000, GRI standards)	3
	the UN Global Compact undersigned	2
The partner's social responsibility	the enterprise participates in the charity funds and makes regular social contributions and investments (is a sponsor of the local cultural, educational and sports events)	1
	Absence of debts to the Ministry of Revenue and Duties of Ukraine	3
	presence of debts to the Ministry of Revenue and Duties of Ukraine (by the employees referring to paying the salary)	2
Taxes and other liabilities performance	absence of the information on debts of the potential social partner	1
	High level of business reputation due to performing all the contract liabilities, organizing active struggle against all types of corruption, publishing reports on the Internet and forming the positive image of the enterprise	3
The partner's reputation according to the data of the project's target groups polls	the level of the business reputation is constantly going down due to the loss of transparency in the enterprise performance and the incomplete information presentation on the Internet	2
	the level of business reputation is low due to the loss of transparency in the enterprise performance and the absence of the information on the Internet	1
Assessment of the reputation risks of the potential social partner	Achievements deterioration risk emergence for the partner enterprise	3
	relations deterioration risk emergence for the partner enterprise with the parties concerned (stakeholders) and the negative tendency for the image in the mass media	2
	emergence of the risk of spoiling the partner enterprise business reputation	1
Partner's assessment		Total, Σ

The efficient implementation of the mechanism for choosing the social partners on the basis of the shaped assessment criteria can be implemented taking into consideration the trade enterprises' social development and the socially responsible management system. Based on the results of the assessment of the potential participant partners referring to the social development projects in the trade enterprises (with the total scores – see *table 1*) their four-category ranking is suggested (*table 2*).

Table 2

Social partner category characteristics when assessing their attractiveness

The social partner category	Assessment results	Score sum
A – high level of attractiveness	Complies with the principles of social partnership; has experience in participating in many social projects; has a high image on the market	39–30
B – sufficient level of attractiveness	Complies with the majority of the principles of social partnership; has experience in several social projects; constantly growing image on the market	38–26
C – satisfactory level of attractiveness	Partially complies with the principles of social partnership; has experience in 1-2 social projects; low image on the market	25–18
D – low level of attractiveness	Does not comply with the principles of social partnership; has no experience in participating in the social projects; low image on the market	< 17

In order to adequately assess the performance and the results of partnership relations, it is necessary to clarify the starting point where the partners find themselves and then continue surveying it. The process of monitoring and assessing must be spread over the budget of the project as well, the budget being constantly checked according to the remarks emerging with the monitoring. When defining the business reputation of the social partner it is important to monitor its performance among the target groups because the contacts and the interaction between the customers, employees or other communities' members affect the spreading of the information about the organization the latter being that of either the one that is reliable or non-reliable. Fruitful cooperation and trust between the organization and the community groups which surround it can only emerge with the positive information about the constructive activity of the organization. At the same time, being focused on achieving economic goals, the national enterprises often skip the issues of products quality, the build-up of the social dialogue with the contractors and the staff, the transparency of the corporate information [15]. The biggest threat to the business reputation of trade enterprises is caused by the quality and the price of the products. With the results of the trade enterprises performance assessment

for compiling the non-financial statements it is not only their steadiness within the particular market segment that is analysed, but also their ability to affect the positive moves in the world's economy [17]. Taking into account the recommendations of the advanced experts on social partners' assessment [6; 10; 14; 18], the choice of the participants of the social projects can be incarnated at the following levels:

individual (trade enterprise) – is what a partner has reached when resolving a particular issue;

intersectoral – is the one which implies a moderate influence on other industries and which is formed as a result of the relations between partners from the point of view of their reaction on various situations;

social – is the one which implies the synergetic influence of the individual and the cross-sectoral partnership on the successive changes in the society.

The reporting of the confirmation of the trade enterprises' business reputation and the performance stability is vital for defining the prospects of their further advancing.

The National business social responsibility development concept states that the major vector of the social partnership and business social development in Ukraine must be not only the expansion of the social security means and the population support but also the development of the human potential, human's capital quality increase being one of the basic grounds for the economic growth; the dialogue with the influence groups as an instrument of getting information on social programmes optimization and enterprises' risks minimization, specialized departments establishment (for the big-sized and expansive enterprises) which would introduce the activities referring to social responsibility management [18].

A string of targeted benchmarks for boosting the trade enterprises' business social responsibility has been outlined rooting from the above-mentioned Conception:

at *the enterprise* level – the regulation of the processes of choosing the social partners will be performed by the district administrations and the local authorities;

at *the regional* level – the preparation of the publications, conducting the meetings and national forums, open tutorials with the parties concerned but whose experience in Ukraine is yet inconsistent (this implies that the survey will be performed by the consortium of representatives from different sectors and types of organizations followed by verification and issuing);

at *the national* level – providing the system of monitoring, collecting, analyzing and spreading the information about the cross-sectoral partnership.

Conclusion. The current stage of the trade enterprises' social and economic development requires a new approach to social partnership formation where an individual acquires the role of the major factor for the social progress and the economic growth. Aiming at information tran-

sparency facilitation for the social partners in the socially-oriented projects implementation, a methodology to assess their choice on the basis of the formed indices and criteria has been suggested. The methodology bears practical value for the efficiency enhancement of the social trade partnership system functioning. The trustworthy influence subjects informing at the industrial level on the successful partnership outcome provides substantial benefits for the public image of the trade enterprises.

REFERENCES

1. "Ukraïna-2015: nacional'na strategija rozvitku" [Elektronnij resurs]. — Rezhim dostupu : <http://www.semynozhenko.net/content/files/ukraine-2015%20big.pdf>.
2. *Apopij V. V.* Social'na funkcija torgivli [Elektronnij resurs]. — Rezhim dostupu : http://www.ief.org.ua/Arjiv_EP/Apopij407.pdf.
3. *Baj S. I.* Rozvitok pidpriemstv torgivli: innovacijni prioriteti ta social'na sprjamovanist' / S. I. Baj, V. M. Zhukovs'ka // *Naukovij visnik PUSKU. Ekonomika, organizacija i upravlinnja pidpriemstvom.* — Vyp. III. Ekonomichni nauki. — 2009. — S. 98–104.
4. *Mazaraki A. A.* Torgovlja. Den'gi. Mentalitetet : monografija / A. A. Mazaraki. — K. : Kniga, 2006. — 632 s.
5. *Guturjak K. O.* Suchasnij stan social'nogo partnerstva v Ukraïni / K. O. Guturjak // *Efektivna ekonomika.* — 2010. — № 5. — S. 21–24.
6. *Dovgal' A. P.* Sistemna model' social'nogo partnerstva na torgovel'nomu pidpriemstvi / A. P. Dovgal' // *Elektronne naukovie fahove vidannja "Efektivna ekonomika"* [Elektronnij resurs]. — Rezhim dostupu : <http://www.economy.nayka.com.ua/?op=1&z=866REfEREncEs>.
7. *Grishnova O. A.* *Ekonomika praci ta social'no-trudovi vidnosini : pidruchnik* / O. A. Grishnova. — 4-te vid. — K. : Znannja, 2009. — 390 s.
8. *Kolosok A. M.* *Institucijne zabezpechennja social'nogo partnerstva* / A. M. Kolosok // *Aktual'ni problemi ekonomiki.* — 2009. — № 10. — S. 74–79.
9. *Kolot A. M.* *Korporativna social'na vidpovidal'nist': evoljucija ta rozvitok teoretichnih pogljadiv* [Elektronnij resurs]. — Rezhim dostupu : http://fm.kneu.edu.ua/ua/depts3/k_upravlinnja_personalom/scientific_activity_up_pers.
10. *Korol' S.* *Institucijnij pidhid do social'noi vidpovidal'nosti biznesu* / S. Korol' // *Visnik KNTEU.* — 2013. — № 3. — S. 42–53.
11. *Levic'ka Ć.G.* *Teoretiko-metodologichni zasadi rozvitku social'noi vidpovidal'nosti vitchiznjanih pidpriemstv sferi poslug* // *Elektronne naukovie fahove vidannja "Efektivna ekonomika"* [Elektronnij resurs]. — Rezhim dostupu : <http://www.economy.nayka.com.ua/?op=1&z=1139>.
12. *Carroll A. B.* 1979. A three-dimensional conceptual model of corporate performance / A. B. Carroll // *Academy of Management Review.* — Vol. 4(4). — P. 500.
13. *Davis K.* 1960. Can business afford to ignore social responsibilities? / K. Davis // *California Management Review.* — Vol. 2 (3). — P. 71.
14. *Jak nalagoditi partnerstvo: rekomendacii dlja biznesu* [Elektronnij resurs]. — Rezhim dostupu : <http://www.csr-ukraine.org/userfiles/file/Jak%20nalagoditi.pdf>.
15. *Zhukovs'ka V. M.* *Metodologichni zasadi vimiru reputacijnoi aktivnosti rozdribnih torgovel'nih merezh* / V. M. Zhukovs'ka, G. O. Bondar // *Visnik Hmel'nic. nac. un-tu.* — 2011. — № 5. — T. 2.

16. The Business Social Compliance Initiative [Elektronnyj resurs]. — Rezhym dostupu : <http://www.bsci-intl.org>.
17. International Organization of Standardization [Elektronnyj resurs]. — Rezhym dostupu: <http://www.iso.org/iso/home.htm>.
18. Analiz nacional'nih strategij SVB: Propoziciji dlja Nacional'noi strategii rozvitku SVB [Elektronnij resurs] // Social'no vidpovidal'nij biznes. — Rezhim dostupu: <http://www.svb.org.ua/publications/analiz-natsionalnikh-strategii-svb-propozitsii-dlya-natsionalnoi-strategii-rozvitku-svb>.

Articles submitted to editors office of 26.11.2013.

Жуковська В., Миколайчук І. Оцінювання потенціалу соціального партнерства підприємства торгівлі

Постановка проблеми. З розвитком соціальної відповідальності бізнесу відбувається переосмислення ролі підприємств торгівлі як соціальних партнерів.

Огляд наукових джерел з обраної тематики доводить теоретичну невідпрацьованість та практичну цінність впровадження методики оцінювання соціальних партнерів, які беруть участь у реалізації соціально орієнтованих проектів. Функціонуючі в Україні підприємства торгівлі ще не усвідомлюють у повному обсязі свою роль та відповідальність у соціальному розвитку держави, а також свої стратегічні інтереси, що формує у них потребу партнерства із державними та недержавними установами, організаціями у вирішенні соціальних проблем. Наукове визначення зазначених упуцень актуалізує тему дослідження.

Метою дослідження є обґрунтування методичного інструментарію оцінювання соціальних партнерів підприємств торгівлі для забезпечення реалізації соціально орієнтованих проектів.

Результати дослідження. Діяльність сучасних підприємств торгівлі, орієнтованих на партнерство, ґрунтується на комунікаціях з представниками різних зацікавлених сторін, тому під час розроблення та реалізації різних соціальних проектів важливо оцінити соціальну привабливість партнерів-учасників та розробити практичний інструментарій надання підприємствам можливості ефективно реалізовувати свій потенціал. Відправним моментом формування показників оцінювання потенціалу соціальних партнерів є проблеми відкритості інформації щодо результатів діяльності підприємств торгівлі, які декларують себе як соціально відповідальні. Запропоновано методику оцінювання потенціалу соціальних партнерів щодо їх участі в реалізації проектів на основі сформованих показників та критеріїв, здійснено їх ранжирування за категоріями соціальної привабливості, що дозволить підприємствам торгівлі орієнтуватися у взаємному співробітництві на тих соціальних партнерів, які сприятимуть зростанню їх соціальної цінності.

Висновки. З метою поліпшення інформаційної прозорості участі соціальних партнерів у реалізації соціально орієнтованих проектів розроблено методику оцінювання їх вибору за визначеними показниками та критеріями. Методика має практичну значущість для підвищення ефективності функціонування системи соціального партнерства в торгівлі. Достовірне інформування суб'єктів впливу на галузевому рівні про результати успішного партнерства забезпечує суттєві вигоди для публічного іміджу підприємств торгівлі.

Ключові слова: соціальне партнерство, соціальна відповідальність бізнесу, соціальні партнери, критерії оцінки соціального партнера, соціальний проект.



FINANCE AND BANKING

UDC 336.71:005.334

SHULGA Natalia,

Doctor of Sciences (Economics), Professor,
Head of the Department of Banking, KNUTE

GORDIENKO Tatiana,

Doctor of Sciences (Economics),
Professor Associate of Banking, KNUTE

RISK MATRIX OF BANK CREDIT MANAGEMENT

The author's interpretation of risk factors for each type of credit risk of a bank and his views are analyzed and proposed; the essence of credit risk matrix and different methodological approaches to its construction are disclosed; and also the proposals to decision making management on the analysis of the matrix are worked out.

Keywords: credit risk, risk factors, risk map, quantitative and qualitative risk assessment, combined approach to risk assessment.

Шульга Н., Гордиенко Т. Матрица рисков в системе кредитного менеджмента банка. Проанализированы существующие взгляды и предложено авторское толкование риск-факторов по каждому виду кредитного риска банка; раскрыта сущность матрицы кредитного риска и различных методических подходов к ее построению, а также разработаны предложения по принятию управленческих решений на основе анализа этой матрицы.

Ключевые слова: кредитный риск, факторы риска, матрица рисков, карта рисков, количественная и качественная оценка рисков, комбинированный подход к оценке рисков.

Background. Improvement of effectiveness in bank risk management process in terms of increasing global financial imbalances, rising volatility of prices in financial and commodity markets requires the improvement of credit risk management, which starts with identification phase of risk and construction of its matrix. When making management decisions in the sphere of credit risk management matrix plays a key role: on its basis the strategy of credit risk management is substantiated (C.R.); credit risk position of a bank as a whole and on certain credit products is defined; a clear division of responsibilities between the unit of front – middle – bank offices which are involved in the management of CR defined by the type of risk control is established and so on.

© Shulga N., Gordienko T., 2013

106 _____ ISSN 1727-9313. HERALD OF KNUTE. 2013. № 6

The practical solution of this problem will allow to formalize factors of credit risk, systematize its types to present different modifications of CR matrix which may be used by the bank management to make informed management decisions aimed at improving the effectiveness of its credit risk management.

Analysis of recent research and publications. The questions under discussion about the types of CR and factors of its occurrence are revealed in scientific studies of foreign and home scientists: V. Baribina, G. Kriksina [1], N. Verhushy [2], A. Gavrilina [3], M. Kuzmina, T. Novashinoi [4], V. Podchesovoi [5], N. Sokolinskoi [6]. Recently in economic literature there appeared publications on risk matrix formation whose authors are: M. Nikolachuk [7], I. Prigodish [8], O. Rozanova [9], I. Iakos [10],

While there are some scientific achievements, there remain unsolved issues regarding the development of various matrix modifications of bank credit risk depending on the purpose of management and formation of typical management decisions based on the results of identification on of possibility of arising risk and possible losses due to its occurrence. The relevance of this study is enhanced by the fact that the CR is now important for home banking activities as credit portfolio that generates this risk is 60 – 90 % of their total assets.

The aim of study is to analyze existing views and offer a new interpretation of the risk factors for each type of credit risk of a bank, to explore different methodological approaches to the construction of the corresponding matrix and to develop typical managerial decisions on its base.

Results. Credit risk is actual or potential risk of losses due to disability of the borrower to meet his obligations during the lending or other activities. To ensure a common understanding of CR facing the bank in the normal course of operations, the corresponding matrix is developed, which is a visual (graphical or tabular) representation of credit risk types, of factors influencing it, the probability of occurrence and magnitude of possible losses.

The study has allowed to reveal the following methodological approaches to the construction of a matrix of bank risk; simplified qualitative and qualitative assessment of credit risk, as well as a combined one.

The first methodical approach to developing a credit risk matrix doesn't provide qualitative or quantitative evaluation. This matrix consists of organizing all credit risks faced by the Bank, as identifying the most significant risk factors. The CR is affected by numerous factors, the list of which in many publications is ambiguous. A critical review of the literature on this subject has allowed to identify the following key positions of scientists for their systematization. According to the first position the factors are grouped for each type of CR. This point of view is held by Russian scientist V. N. Kostiuhenko, which considers credit risk factors for each of its species, namely:

the risk of a country, region, industry, customer, production, payment risk project risk, software risk [11, p. 86]. In the second position CR bank factors are united into two groups: external and internal environment. This approach dominates in economic literature. Its supporters are both – foreign and domestic scholars, including: N. Verhusha [2, c. 69], V. Zharikov, M. Zharikova, A. Ievseychev [12, p. 36]. According to the third position credit risk factors differ in their impact on the credit portfolio the volume and profitability of credit activities [13, p. 133].

Without denying the expediency of the considered opinions it is thought first of all fall for this research reasonable to underline two groups of credit risk factors – managed and unmanaged, which may be considered in terms of the following types: individual and portfolio risk also country risks, credit spread and decreasing the rate of debt securities. This will clearly allow to distinguish between the direct influence of factors (managed) and indirect influences (unmanaged). The latter should also be in the field of view of the bank. For each controlled factor of influence on CR the bank should develop a set of measures aimed at optimizing its level. Uncontrolled factors of bank CR must be taken into consideration in a stress – testing making which must be resulted in, decision management for moderating significant risk factors for future bank activities. The author's vision of the first methodological approach to the development of credit risk matrix of a bank in distinguishing controlled and uncontrolled risk factors is presented as follows (*table 1*).

Individual credit risk – the possibility that borrower fails to repay the loan according to the terms of the contract, and the bank fails to timely and fully benefit from the provision of credit to cover potential losses due to reduction/ loss of liquidity of the collateral. The source of an individual CR bank is a borrower, a debtor or an issuer of securities.

Portfolio credit risk – a decrease in the value or profitability of the bank's assets represented by the sum of loans and debts acquired. Source of portfolio credit risk is a total debt of the bank for the transactions which are subject to CA – loan. Securities portfolio, receivables portfolio, off – balance sheet credit commitments and soon. Risk of lowering rates of debt securities is the possibility of an income loss of their owner in connection with a reduction in the rating of these securities. Credit country risk (unfavorable actions of sovereign government of the country) is – the likelihood of the fact that the actions of sovereign government can directly or indirectly affect negative ability of the borrower (debtor, issuer) to meet its obligations on time. Risk spread credit is the risk of losses of a debt securities holder due to increased credit spread, by which is meant the difference between the basis asset profitability (corporate bonds, credit interest rates) and standard profitability with the same maturity date. According to the accepted standard, as a rule state government debt securities are taken and they have virtually no risk of default. The credit spread reflects the size of the risk premium in default of the main assets, which is taken by investors. Its reducing leads to a reduction in the risk of default of the issuer of debt securities.

Table 1

Aggregated matrix credit risk of a bank

Type of CR	Controlled risk-factors	Uncontrolled risk-factors
Individual (Risk contractor)	The worsening of financial capabilities and reputation of one of the borrowers. Liberal credit policy of the bank (overstatement of the actual rating of the borrower). Unreliability of information about the borrower. The poor quality of the collateral for the loan	Cyclical processes in the economy. And the worsening of the main macroeconomic indicators the country. Unfavorable credit monetary of policy of the central bank. Change of the value of bonds and other financial assets, goods, commercial and residential real estate, kinds of other collateral. The high level of competition between banks for customers
Portfolio risk	Providing large loans for a borrower or group of related persons. A large proportion of new customers for whom the bank has no credit history. Issue of unsecured loans or loans with insufficient collateral. The high concentration of bank lending activities in less known, new, non – traditional areas. Making frequent or significant changes in the Bank's policy on lending and a portfolio of securities. Low levels of quality of information on customers, markets, loans, etc.	Poor financial market in the country. Uncontrolled factors on an individual's credit risk
Country Risk (risk of transaction or transfer risk)		Limited convertibility of the local currency (the country where the borrower functions). Dynamics of interest rates on the loan. The presence of local economic cycles. Political processes in the country of the borrower's territorial distribution
The risk of a downgrade of debt securities	The worsening of the financial condition and reputation of the issuer of debt securities, which leads to lower their credit rating	The unfavorable economic situation, which leads to lower its credit rating. The subjectivity of assessment of debt securities by rating agencies
Credit spread risk	Methods of pricing for basic credit assets. The worsening of the financial condition of the borrowers which leads to their default	Volatility in the stock market. Reducing liquidity issue of debt securities due to fluctuations in Market

Aggregated matrix credit risk of a bank may have afferent variants. In particular, the bank is used to formation of aggregated matrix of credit authority, which displays their distribution between the units of front – back middle – officies that are involved in the management process of separate individual and portfolio CR. This allows to clearly subdivide functions on the identification, analysis sef – management coufrol and monitoring of credit risk, which corresponds to the principles of effective banking credit risk management of the bank.

The second methodological approach to build up a matrix based on a qualitative assessment of credit risk, based on expert judgment and therefore is inaccurate, but easy to use and doesn't require a significant investment from banks. Matrix assessment of the credit risk on the basis of quantitative characteristics makes it possible to rank the risk in terms of their significance for the bank. Under this approach banks often represent a matrix in the form of an analytical table, which vertically indicates the probability risk (high, medium and low) and across – the impact (high, moderate, low) (figure 1).

Possibility of CR	E – certainly	C	C	B	B	B
	D – high probability	C	C	C	B	B
	C – probably	H	C	C	C	B
	B – almost impossible	H	H	C	C	C
	A – impossible	H	H	H	C	C
		a – very low	b – low	c – moderate	d – high	e – very high
The impact on banking						

Figure 1. Matrix qualitative assessment of the credit risk of the bank
 Level of risk: N – low, C – medium, H – high.

With this matrix it is possible to identify three areas of credit risk. Zone N – a zone of low level risks that are combination of probabilities (A, B, C) and the degree of impact on the bank – (a, b, c) – Aa, ab, As, Ba, V, Ca. Risks that fall into this area, do not create a threat to the bank's activities and are practically not considered when making management decisions. However the bank must identify and implement continuous monitoring of risk in order to track trends in preservation of their level or move to more risky areas. Zone C – a Zone of acceptable risks which are characterized by high reliability, but with little impact (combinations of Cb, Cc, Da, Db, Db, Dc, Ea, Eb) and low probability, and a significant impact

on the bank (Cd, Bc, Bd, Be, Ad, Ac). To risks that are part of the first group, it is necessary to detect correlations, since their combined effect may result in significant losses for the bank. For the second group of risks banks should take steps to reduce their negative effects. In addition, for the risks that fall in this area, it is appropriate to develop a plan of actions of force majeure in case their probability or impact on the performance of the bank are underestimated. Zone H is Zone of catastrophic risks – risks with high probability and high impact on the bank's activities (combinations Ec, Ed, Ee, Dd, De, Ce). For risks that are in the area, the banks are offered to develop individual management strategies that aim to reduce the likelihood of their occurrence and adverse effects.

Separation in matrix of credit risk may vary depending on the tolerance (appetite) of the bank for them. In particular, for banks with high "appetite" for risk it is characteristic to have wider area H and narrower Zone B, and vice versa, for banks with low "appetite" and low resistance risk there is a wider area for catastrophic risk and narrow for low ones (figure 2–3).

Possibility of CR	E – certainly	C	C	C	B	B
	D – high probability	C	C	C	C	B
	C – probably	H	C	C	C	C
	B – almost impossible	H	H	C	C	C
	A – impossible	H	H	H	C	C
		a – very low	b – low	c – moderate	d – high	e – very high
The impact on banking						

Figure 2. Matrix qualitative assessment of credit risk with a high "appetite" to risk

Possibility of CR	E – certainly	B	B	B	B	B
	D – high probability	C	C	B	B	B
	C – probably	C	C	C	B	B
	B – almost impossible	H	C	C	C	B
	A – impossible	H	H	C	C	B
		a – very low	b – low	c – moderate	d – high	e – very high
The impact on Banking						

Figure 3. Matrix qualitative assessment of credit risk with low "appetite" to risk

Up to the third methodological approaches to the construction of a matrix the results of a quantitative assessment of the credit risk of banks are displayed. The condition for the formation of the matrix of quantitative credit risk assessment is the availability of specific analytical module in a bank "Credit Risk Management", a centralized database and highly qualified specialists and highly qualified specialist in risk management. In addition, the bank must accumulate a large amount of statistical information about the probability of default of borrowers over a long period of time (10–15 years). Matrix of quantitative assessment of individual credit risk may take the form of a table, which indicates the amount of actual or potential losses calculated with a certain probability of occurrence for each borrower (*table 2*).

Table 2

Matrix of quantitative assessment of individual credit risk of a bank

Bank losses	Probability, %				
	1–19	20–39	40–59	60–79	80–99
<1					
<5					
5–0					
10–20					
More than 20					

Note. P – the borrower.

Matrix, which is based on the results of quantitative credit risk assessment can have a wider range of use in management decisions. In particular, it allows to determine the significance of individual losses as a result of the emergence of CA, compare the effects of onset for different borrowers, justify the choice of methods and tools of management.

The advantages of a matrix of matrix of quantitative credit risk assessment should include its greater accuracy and wider analytical capabilities. However, the development of this matrix is time consuming and costly process that requires the use of modern powerful mathematical tools for reliable calculations and high level of professionalism of risk managers.

Up to the fourth methodological approach combined matrix of credit risk is based on the combination of both qualitative and quantitative methods of their evaluation. Qualitative risk characteristics, such as the impact on the bank activity and cumulative effects on the implementation of the loan project is advisable to determine by the expert method.

Quantitative characteristics that can be evaluated on the basis of mathematical and statistical calculations, include the likelihood of risk, loss of a bank in the event of borrower non – payment of principal debt and interest, the number of calendar days of delay in payment of loan obligations (*table 3*).

Combined matrix of credit risk allows to set priorities for allocation of limited bank credit resources based on profitability and risk of the projects credited (credit projects).

Table 3

Combined matrix of credit risk

Influence on the activity of a bank	Very high	High	Moderate	Low	Very low
Probability, %	80–99	60–79	40–59	20–39	1–19
Loss in the event of non-payment of principal debt and interest, %	100	50	20	< 5	< 1
The number of calendar days of delay	more than 180	91–180	31–90	8–30	0–7
Cumulative effects	Impossibility of realization	Important changes in project realization	necessity of survey of key conditions of the project	Insignificant index deviation	Changes are almost unnoticeable

Combined matrix of banking risks has both advantages (flexible, based on extensive information) and disadvantages (requires a clear interpretation of each quantitative and qualitative parameters) and therefore is somewhat labour consuming.

Abler the development of the matrix (except for the first approach) the card of credit risks is built which allows to group them according to certain categories (*figure 4*).

For each category of a bank credit risk the sufficient management strategy can be selected (*figure 5*). Thus, for the first category it would be appropriate risk taking and losses coverage the related allowance. For the second category it would be appropriate the limit of risk and taking actions to reduce the probability of loss and minimizing their consequences, which includes conducting reengineering of business processes, improving internal control procedures, strengthening monitoring compliance with internal procedures, standards and legislative requirements, introducing more stringent limits to high- risk credit positions, extending the diversification of the loan portfolio and the extent of hedging transactions and securitization.

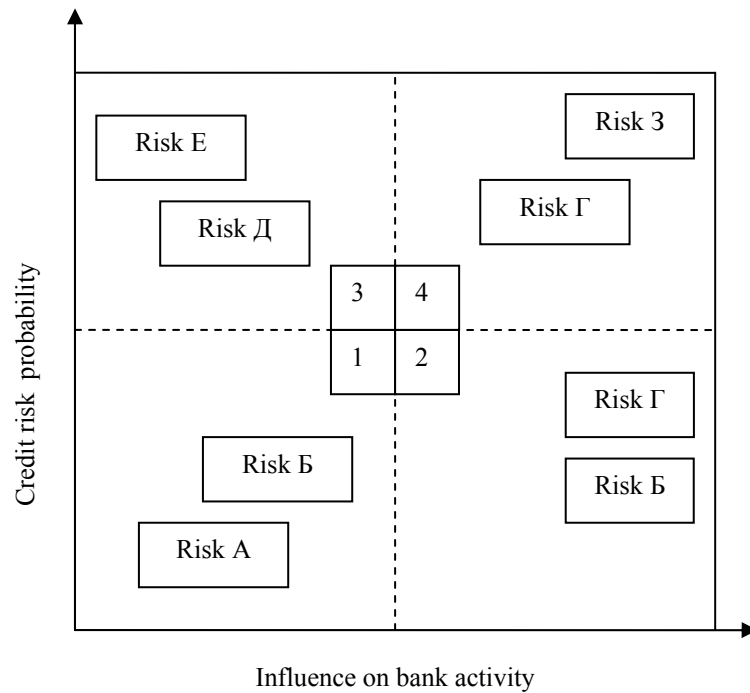


Figure 4. Map of a bank credit risk

Figure 4 shows the four categories of credit risk:
 With a low probability and low impact (risks A and B – category 1);
 With a low probability but significant impact (risks B and Γ – category 2);
 With a high probability but little impact (risks E and Δ – category 3);
 With a high probability and significant impact (risks Γ and 3 – category 4).

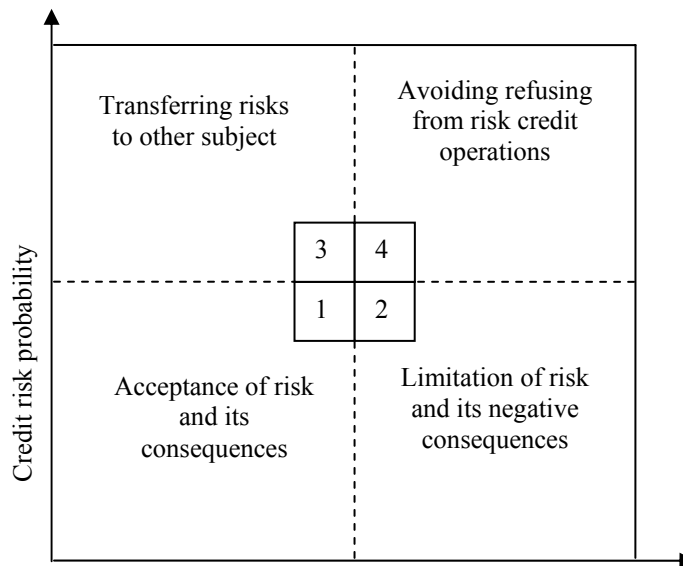


Figure 5. Strategies of credit risk management

For the third category its appropriate to apply risk transfer strategy, i.e. complete or partial transfer of risks to other entities through insurance, credit sale of credit assets to another bank or factoring company. The fourth category of risks as the most threatening, involves the refusal of the bank to conduct high – risk credit operations.

According to these risk categories its necessary to choose the type of control on the part of credit risk management (*figure 6*). Detective (diagnostic or search) control is designed to detect possible cases of deterioration of the results of the bank credit activity. This type of control can be applied to the first category of risks, which allows to track in time the occurrence of negative trends as to their conversion to other, more dangerous risk categories and their surgical removal as. An example of a detective control of credit risks is to monitor the financial conditions of borrowers.

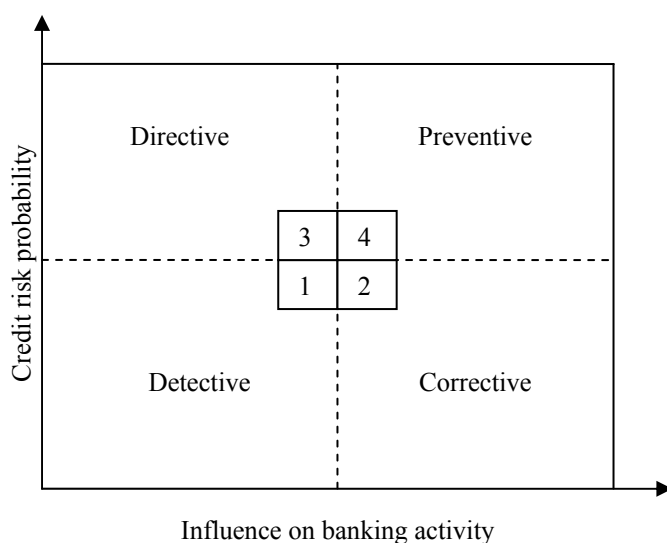


Figure 6. Types of control for credit risk

Correcting or corrective control is applied to the second category of credit risk. This type of control is designed to limit the amount of bank losses and reduce the likelihood of the realization of unwanted results. Correcting control measures can ensure minimization of losses in the future due to a critical analysis of the reasons for the losses of the CR in the past and the development of measures to prevent them.

Directive control should be used in case of acceptance of the transfer of credit risk strategy and, therefore, in their second category. Directive control is aimed at ensuring of the achievement by the bank of a specific desired effect from risk transfer and tracking compliance with the provisions by the employees of the bank positions and instructions for managing the bank's CR.

For the fourth category of risk, it is appropriate to use a preventive (prophylactic) control, which aims to prevent or limit the implementation of negative results. The more threatening is the negative impact of credit risks,

practical use were defined in contrary to the existing publications the range of administrative decisions in the credit risk management of the bank, were formulated, subject movement borrowers (or other positions covered by credit risk) from one area (or category) of credit risk to another.

Matrix of credit risk, which is formed by the results of identification and systematization of its kinds is an important source of information to justify the choice of methods of managing this risk, which acts as a dominant in banks activity.

The results of the presented research deepen the essential understanding of the credit risk, formalize its representation in the form of various modifications of matrices which serve as the basis for making informed management decisions.

The conceptual provision require further research as to construction of local matrices of credit risk, in particular matrices of credit limits, the division of powers between the units, front – middle –back offices, allocation of economic capital to cover unexpected losses among differed credit products depending on their level of risk.

REFERENCES

1. *Barybin V. V.* O mehanizme regulirovanija kreditnyh riskov v uslovijah nestabil'nosti jekonomicheskoy konjunktury / V. V. Barybin, G. V. Kryksin // Den'gi i kredit. — 2011. — № 3. — S. 43–47.
2. *Verhusha N. P.* Sutnist' kredytnogo ryzyku banku ta jogo faktory / N. P. Verhusha // Visnyk Ukr. akademii' bankivs'koi' spravy. — 2011. — № 2 (31). — S. 67–73.
3. *Gavrilin A. V.* Stress-testirovanie kreditnogo riska / A. V. Gavrilin // Bankovskoe delo. — 2011. — № 8. — S. 44–46.
4. *Novashina T. S.* Transformacija kreditnogo riska: ponjatje, osobennosti pojavlenija / T. S. Novashina, M. M. Kuz'min // Bankovskie uslugi. — 2012. — № 9. — S. 6–10.
5. *Podchesova V. Ju.* Kredytnyj ryzyk jak riznovyd bankivs'kogo ryzyku ta jogo osnovni klasyfikacijni oznaky / V. Ju. Podchesova // Visnyk Ukr. akademii' bankivs'koi' spravy. — 2008. — № 2 (25). — S. 70–76.
6. *Sokolinskaja N. Je.* Kreditnye riski bankovskogo sektora i infljacija – vzaimosvjaz' / N. Je. Sokolinskaja // Bankovskoe delo. — 2011. — № 8. — S. 64–70.
7. *Nikolajchuk M. V.* Optymizacija procesu ocinky ryzykiv suchasnogo pidpryjemstva / M. V. Nikolajchuk // Visnyk Don. nac. un-tu ekonomiky i torgivli im. M. Tugan-Baranovs'kogo. — 2010. — № 3. — S. 109–115. — (Serija "Gumanitarni nauky").
8. *Prigodich I. A.* Bankovskij risk: sushhnost', metodika ocenki, upravlenie / I. A. Prigodich // Jekonomika i upravlenie.— 2012.— № 4. — S. 85–90.
9. *Rožanova E.* Matrica bankovskih riskov: perezagruzka / E. Rožanova // Bankovskoe delo, 2009. — № 7. — S. 30–48.
10. *Jakos' I. S.* Karta ryzykiv jak element programy upravlinnja ryzykamy / I. S. Jakos' // Visnyk ekonomichnoi' nauky Ukrainy. — 2010. — № 1. — S. 160–162.
11. *Kostjuchenko N. S.* Analiz kreditnyh riskov / N. S. Kostjuchenko. — SPb. : Skifija, 2010. — 440 s.

12. Zharikov V. V. Upravlenie kreditnymi riskami : ucheb. posobie / V. V. Zharikov, M. V. Zharikova, A. I. Evsejchev. — Tambov : Izd-vo Tambov. gos. tehn. un-ta, 2009. — 244 s.
13. Sound Business and Financial Practices: Reference Manual. — Ontario : Deposit Insurance Corporation of Ontario (DICO), 2005. — 322 p.

Articles submitted to editors office of 11.11.2013.

Шульга Н., Гордієнко Т. Матриця ризиків у системі кредитного менеджменту банку.

Постановка проблеми. Підвищення ефективності управління кредитним ризиком банку обумовлює необхідність розроблення різних модифікацій його матриці, яка дозволить формалізувати фактори кредитного ризику, систематизувати його види, визначити величину потенційних втрат та економічного капіталу для їх покриття.

Аналіз останніх досліджень і публікацій. Дискусійні питання стосовно видів кредитного ризику та факторів його виникнення розкрито в наукових публікаціях низки вчених. Попри наявність окремих наукових доробок, залишаються невирішеними питання щодо розробки різних модифікацій матриць кредитного ризику залежно від мети менеджменту та формування типових управлінських рішень за результатами визначення ймовірності ризику та можливих втрат внаслідок його настання.

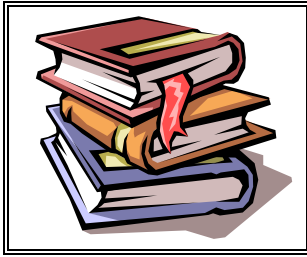
Мета статті – проаналізувати існуючі погляди та запропонувати авторське тлумачення ризик-факторів по кожному виду кредитного ризику банку, дослідити різні методичні підходи до побудови матриці кредитного ризику, а також на її основі розробити управлінські рішення.

Матеріали і методи. Під час дослідження використано методи: порівняння, графічний, табличний, дослідження практики вітчизняних та зарубіжних банків щодо формування матриць кредитних ризиків.

Результати дослідження. Матрицю кредитних ризиків банку запропоновано формувати за такими підходами: агрегованим, якісної та кількісної оцінки, а також комбінованим. За першим методичним підходом матриця складається для систематизації усіх кредитних ризиків, на які наражається банк, а також виявлення найбільш значущих ризик-факторів або підрозділів, що задіяні в процес управління ними, тощо; за другим – передбачається якісна оцінка кредитних ризиків банків, яка базується на експертних судженнях; за третім – відображається результат кількісної оцінки кредитних ризиків банків, а саме втрати банку внаслідок їх настання; за четвертим – матриця формується на основі поєднання як якісних, так і кількісних методів їх оцінки. На основі матриці кредитних ризиків можна формулювати управлінські рішення щодо зміни в кредитній політиці банку, методичних підходів до оцінки кредитоспроможності позичальників, вимог до заставного забезпечення, напрямків кредитних вкладень банку тощо.

Висновки. Фактори кредитного ризику банку поділяються на: керовані та некеровані, які визначено, на відміну від існуючих точок зору, в контексті кожного з його видів. Матрицю кредитного ризику банку пропонується формувати за різними підходами залежно від мети кредитного ризик-менеджменту. Сформульовано спектр управлінських рішень у сфері кредитного ризик-менеджменту банку. Викладені концептуальні положення потребують подальшого наукового дослідження щодо побудови локальних матриць кредитного ризику, зокрема, кредитних лімітів, розподілу повноважень між підрозділами фронт-бек-мідл-офісів, алокації економічного капіталу на покриття неочікуваних втрат по різних кредитних продуктах залежно від рівня їх ризику.

Ключові слова: кредитний ризик, фактори ризиків, матриця ризиків, карта ризиків, кількісна та якісна оцінка ризиків, комбінований підхід до оцінки ризиків.



PHILOSOPHICAL DIMENSIONS OF THE MODERN WORLD

UDC 342.9

GURZHIY Taras, Doctor of Law, head of Commercial
Law Department, KNUTE

NATIONAL ADMINISTRATIVE-DELICT LEGISLATION REFORMING CONCEPTUAL BACKGROUND

The article shows the actual problems of Ukrainian administrative-delict legislation. It outlines the range of theoretical and practical issues requiring solution during the Code of Ukraine on administrative offences development. It also gives the author's view of future Ukrainian Code on administrative offence structure and content conceptual background.

Keywords: public administration, offence, delict, liability, jurisdiction.

Гуржий Т. Концептуальные основы реформирования отечественного административно-деликтного законодательства. Освещены актуальные проблемы реформирования административно-деликтного законодательства Украины. Очерчен круг научно-практических вопросов, требующих решения при разработке проекта Кодекса Украины об административных проступках. Изложено авторское видение концептуальных основ структуры и содержания будущего КУоАП.

Ключевые слова: публичное администрирование, правонарушение, проступок, ответственность, юрисдикция.

Background. Almost one and a half of decade ago the Code on administrative offences adoption as in the main new codified act based on the ideas of legitimacy, supremacy of law, justice, humanism, liability irreversibility and repressive measures "saving" was proclaimed one of the primary measures of administrative reform concept implementation in Ukraine [1]. Under various objective reasons these measures have not been realized yet. Because of the lack of national establishment initiative and consolidated academic circle approach absence all the steps in this area were useless. During 1998-2013 at least three drafts of the Code of Ukraine on administrative offences were submitted to the general public, however, no one of them got necessary support. In fact, the problem of new code developing and adopting is in "abandoned" condition.

© Gurzhiy T., 2013

ISSN 1727-9313. HERALD OF KNUTE. 2013. № 6

 119

The real prospects on its solution have begun to outline only recently, in the course of entering the last phase of another large-scale reform, criminal law system one. Not experiencing society's attention deficit and country's government political will, this reform takes place very dynamically. During it the Criminal Procedural Code Ukraine, and Acts of Ukraine "On free legal assistance", "On the legal profession and advocacy", "On prevention and opposition to corruption measures", were adopted and also a range of subordinate regulatory normative legal acts directed toward national criminal law organization improving and effectiveness increasing. The next long-range goal outlined by president, the Cabinet of Ministers, and the National security and defense Council of Ukraine is the Code of Ukraine on administrative offences adoption which will provide individuals' liability for minor offences of general criminal nature [2; 3].

The actuality of the goal set is caused by the present time. In spite of ongoing criminal law contents updating, from the point of view of its forming conceptual background it is still in soviet past, whereas legal consequences of minor offences accompanied a person for long years, and he or she got the offender's "brand" for all his or her life. That's why the necessity of national criminal legislation humanization by the infamies sphere limiting (confinement property, imprisonment, etc.), expunging convictions for minor delicts, suing at law procedure simplification, and in the far distant future the relevant causes transferring to magistrates.

But the first steps in this direction showed the impossibility of the established goal achieving at exclusively branch level. Under historical peculiarities of national administrative-delict legislation development it is exactly it (and not criminal law) determines the liability for considerable part of minor delicts of general criminal nature: (somebody's property pilferage (article 51 of the Code of Ukraine on administrative offences); disorderly conduct (article 173 of the Code of Ukraine on administrative offences); family violence (article 173-2 of the Code of Ukraine on administrative offences), etc. Indeed, in case of Code of Ukraine on criminal offences creation the relevant set of delicts norms will "move" in it. But, in turn, it will cause changes in valid Code of Ukraine on administrative offences structure and contents. And these changes promise to be so cardinal, that further Code of Ukraine on administrative offences existence in its traditional form won't meet practical needs.

It is impossible to provide effective putting the Code on administrative offences into operation "in isolation" from reforming administrative-delict legislation, especially, without analogous Code on administrative offences adoption. The direct this fact confirmation was President of Ukraine's order N 98/2012 from 30.05.12 creating interbranch working team on legislation about the liability for administrative and criminal offences reforming. The document mentioned has given a powerful impulse for searching optimal ways of national administrative-delict legislation development taking into

consideration constitutional provisions, international democratic norms, Ukraine's duties and responsibilities coming from its membership in European Council [4].

The latest research and publications analysis. Taking into account the problem of the Code of Ukraine on administrative offences development and adoption actualization the necessity of its conceptual background clear definition arises. This necessity has found a broad response among the national administrative and legal science representatives. The author's views on the new Code of Ukraine on administrative offences ideological orientation, contents and structure are stated in V. Averyanov, I. Golosnichenko, I. Kuliusko, I. Kolpakov, D. Lukyanets, V. Stefanyuk and other well-known scientists' works [5–11]. Nevertheless, such code holistic concept hasn't formed at present, which, on the one hand, gives evidence of great problem complexity, and from the other hand, makes the necessity of discussion on its possible solution variants continuation.

The **aim** of the article given are theoretical background of reforming administrative-delict legislation development and forming the Code of Ukraine on administrative offences conceptual contour.

Results. Taking into consideration that it is considered impossible to show all the opinions on the new Code of Ukraine on administrative offences concept within scientific article, let's discuss its most important and principal points.

The *first* such point is the new Code of Ukraine on administrative offences orientation toward opposition to delict activity in public administration sphere. Historically, in spite of its very unambiguous name the valid Code of Ukraine on administrative offences covered not only the issues of liability for delicts in public administrative sphere, but for other offences types, and in particular for the civil ones (unauthorized ground area occupation, ticketless travel, broadcasting services provision regulations violation, etc.) [12].

Similar delicts aren't referred to the public administration sphere. They don't infringe upon administrative legal relationship not within the public administration authorities jurisdiction and don't fit with the modern administrative liability paradigm. Quite obviously, liability norms for their committal should be included in the relevant branch codes (in particular, Ukraine's Civil Code and Ukraine's Criminal Code), and not in Code of Ukraine on administrative offences, where they will produce an impression of foreign element.

However, this isn't a new idea. It runs through the modern research in legal liability issues range. Nevertheless, its current understanding level by legislative initiative entities leaves much to be desired. Its object evidence is Ukraine's Act "On making changes in Ukraine's Criminal Code on criminal offences institution" draft submitted to Verhovna Rada of Ukraine of the 7th convocation [13].

In the draft law mentioned a new Criminal Code of Ukraine redaction is proposed, in accordance to which the Code Particular part is divided into two books: "On crimes" and "On criminal offences". Even a visual analysis of the second book makes to state lack of clear criteria for administrative, criminal and civil delicts distinction.

In particular, it has included norms on liability for administrative and legal delicts as separate units (electoral legislation violation, delicts in public services providing, etc.) But, a range of general criminal nature offences (as: intentional hiding of venereal disease infection source, leading an under-age person for alcoholic inebriation, gambling in public places, prostitution, etc.) haven't been included in the Book "On criminal offences". In fact, it means, that draft law authors are planning to keep these offences in Code of Ukraine on administrative offences reserving their administrative status.

By above mentioned reasons, such approach cannot be recognized well-founded. One can hope only that in course of further draft law modification its contents will get logical consistency and conceptual definiteness.

The *second* problem needed to be solved during the new Code of Ukraine on administrative offences development is fixing in its contents offences corpus delicti committed by public administration executives on duty, such as: dwelling houses and housing accommodation registration and occupation terms procedure violation, entrepreneurs' discrimination by power and administration authorities, permit document issuing procedure violation, etc.

Above mentioned offences have administrative nature. Their commitment subjects are public administration representatives, and the objects are social relations in public administration sphere, and then under formal features they could be included in the Code on administrative offences. However, from the point of view of the relevant causes subject jurisdiction this step is questionable.

Nevertheless, since 2005 in Ukraine an administrative legal proceedings system has been functioning. And it is the one that it is entrusted the task of individuals' rights, freedoms and interests, and businesses' interests in the sphere of public and legal relations protection from violations by governments and local authorities, their executives and employees, and other entities during performing their power functions [14]. Cases about such violations are tried by administrative courts, and they, as it is known, aren't involved in the range of causes about administrative offences.

In fact, the general national legal system development direction means that administrative courts competences should belong to all the subjects of public authorities offences directed against private (businesses and individuals') rights and interests including the ones provided by the valid Code of Ukraine on administrative offences. And this direction should be steadily followed in the course of administrative-delict legislation reforming during the Code of Ukraine on administrative offences development.

The future Code of Ukraine on administrative offences should define legal background of only individuals' administrative liability. But, causes and administrative delicts, committed by public power authorities subjects (both entities and executives), should come exclusively into administrative courts jurisdiction and be solved under Code of Ukraine on administrative legal proceedings.

The *third* point. The natural result of individuals' administrative offences legislative separation and concentration should become their jurisdiction review problem.

Nowadays cases about administrative offences are tried both by public administration entities and court of general jurisdiction, besides that, cases about offences of criminal type, for which penalties application analogous to criminal punishment: arrest, reformatory work, public work, confiscation, etc. is provided belong to the latter's competence.

This state of affairs essentially "discords" with general European practice, under which trying cases about administrative offences is carried out exclusively in pais. In most Western European counties (Belgium, Italy, Germany, Portugal, Switzerland, and others) general courts' authorities in administrative sphere are arranged to designate measures for procedural coercion and grievances on public power subjects' decisions. Accordingly, courts function isn't in administrative-delinct proceedings organization, but in its participants' rights, freedoms and interests' protection [15, p. 21–71].

Modern trends in administrative liability institution development state that Ukraine should just come down to such jurisdiction model. As it was mentioned above, in the new the Code of Ukraine on administrative offences exclusively administrative offences' corpus delicti, e.g. the ones impinging upon established public administration procedure and are in public administration "jurisdiction" should be concentrated. It, in particular, provides the necessity of transferring to subjects of public power (authorities and executives) responsibilities on trying many administrative cases, which are in court competence nowadays: cases about avoiding administrative prescriptions execution, cases on election campaigning rules violation, cases on limitations concerning holding down two jobs violation, etc.

The fourth point. The important direction of the national administrative-delinct legislation reforming should become the implementation, and accordingly, attachment in the new Code of Ukraine on administrative offences the liability for businesses' administrative offences.

As is generally known, the valid Code of Ukraine on administrative offences "operates" by general term "an entity", without concretization what kind of entity "an individual" or "a legal entity" is said in its separate articles. Nevertheless, from the contents of the general Code of Ukraine on administrative offences provisions (articles 12–17, 20, 34) without alternative follows that, at present, the administrative offences subjects can be only individuals: the residents of Ukraine, non-residents and individuals without

citizenship status. Properly speaking it is not strange as the valid Code of Ukraine on administrative offences was developed in soviet times, when all the business had a status of public ones. At those times an idea of businesses' administrative liability seemed to be almost absurd: in fact, it could mean exercising by government administrative (including organizational) sanctions against itself. And soviet ethical doctrine could not recognize it.

Independence declaration, society democratization and economy denationalization caused a legal entity phenomena in-depth reinterpretation. In modern economic and legal life it can be any (from type and form of property) entity, established and registered in legally established order. At present in Ukraine 1. 291.000 thousand of businesses are registered, and majority of them are private ones [16].

Simultaneously with implementing in social practice an institution of private businesses for the national jurisprudence a problem of defining conceptual background of their liability for delicts in public administrative sphere has emerged. The point is, that the valid legislation (in particular, the Code of Ukraine on administrative offences) until recently associated administrative liability with administrative penalties execution, and administrative penalties execution with individuals' liability.

At the beginning of its formation post-Soviet paradigm of administrative-tort law interpreted that only individuals were subjected to administrative responsibilities (read imposition of administrative recoveries). As to juridical persons, it was traditionally considered that for breaking the law in the public-administrative sphere they were subjected to other ways of influence (which are not recoveries) and therefore other type of legal liability.

So, administrative and legal science couldn't define which type of state force and legal liability took place in this case. But the rules of responsibility of juridical persons left outside the institution of administrative responsibility. Now they are divided into great number of sectoral laws. For definition of statutory punishments for them, law maker uses such terms-substitutes: "sanctions", "method of influence", "methods of constraint" and so on. And none of laws concretizes what type of responsibility is realized in its using.

We can't consider such situation acceptable when the origin of the whole complex of tortious legal relationships has its indefinite nature and because of its sectoral and institutional belonging. The objective conditions today give us all grounds to consider the juridical persons' responsibility for torts in publicly administrative area as the variety of administrative responsibility that must be realized and developed in the scope of the same name legal institution.

Taking into account this fact and positive international experience (integrated legislative regulation of problems concerning the administrative responsibility of individuals and juridical persons is successfully carried out by the majority of European states and by our geographical "neighbors" – Belarus, Kazakhstan, Russian Federation, the priority task of new Code of

Ukraine about Administrative Offences is to defence the public interests from all types of administrative torts without reference to who is the doer-individual or juridical person.

The fifth import point. In the light of probable imposition of juridical persons' responsibility for administrative misdemeanours, the problem of institutional attitude towards guilt become very urgent institutional attitude towards guilt becomes very urgent.

From the end of the 50-th to the beginning of the 80-th in Soviet jurisprudence the discussion concerning. The problem was what grounds – subjective or objective – the violators have to be called to administrative responsibility was being taken place.

From the end of the 50-th till the beginning of the 80-th in Soviet jurisprudence the discussion was being taken place. The problem was – on what grounds – subjective or objective – the violators had to be called to administrative responsibility. A great majority of experts stood up for the concept of objective attitude to the guilt. In accordance with it it's enough to state the objective fact of committing the wrong acts or to be inactive in order to be called to administrative responsibility. The others, a great part of lawyers took quite the opposite opinion. From their of view administrative responsibility must take place in the case of the persons' guilt is proved together with the objective signs of actions, that is (read-subjective) attitude to the performed act or inactivity that is expressed in the form of international guilt or negligent guilt.

This discussion was put to the end by the Soviet lawmaker, who firstly in the Fundamentals torts (1980) and later in the active Code of Ukraine about Administrative Torts (1984) defined guilt as the necessary condition of administrative responsibility. From this time the concept of subjective attitude to the guilt has taken place in the domestic administrative tort law.

And it dominates nowadays. For the last decades the institution of administrative responsibility hasn't been changed greatly. Today, as at the end of the 19-th century, its rules stipulate the responsibility for insignificant torts of criminal character and only individuals are recognized as subjects of administrative misdemeanours. Naturally, in such conditions the concept of subjective attitude to the guilt is an adequate to the needs of the practice.

But if the reformation of domestic administrative tort law progresses predictably this concept will be irrelevant. Firstly it can't be used for juridical persons, especially for those who have collegiate body of management.

Secondly, in the case of exemption from the Code of Ukraine about Administrative Offences, rules about misdemeanours of "no administrative" nature (criminal, civil etc.) it will stipulate the responsibility only for one type of torts-misdemeanors against established order of public administration. In our opinion, the qualification of such misdemeanours doesn't require the detailed analysis of mental state of violator with the aim of determination of

his inner attitude to his unlawful behaviour. Perpetration of misdemeanours by them are always conscious and are always guilty (except such cases which exclude the administrative responsibility of the persons. Therefore, the responsibility for them must be without reference to the assessment of mental processes on the base of statement of facts of doing by person wrongful acts or his inactivity.

Thus, in the heart of the future Code of Ukraine about Administrative Offences should be the principle of objective attitude to the guilt. In accordance with it the person is condemned in committing the administrative misdemeanour if it is proved that: a) it is this person who commits the tort; b) she could take necessary steps about maintenance of regulations and standards but she didn't do this. Violation of rules and standards is provided by administrative responsibility.

The Sixth. The obligatory aspect of reformation of administrative Tort Saw must be the revision of recovery system for administrative misdemeanours. As opposed to the majority of European countries where the list of such recoveries is rather restricted, we have more than dozen in our domestic juridical practice.

Only the main list administrative recoveries in the article 24 Code of Ukraine about administrative offences includes: warning, administrative fine, paid withdrawal of the item which was the direct object of administrative offence, money, obtained from committing administrative offence, revocation of special right given to a citizen, public works, correctional work, administrative arrest of deportation foreigners and persons without citizenship [17].

And this list isn't comprehensive. As opposed to Criminal Code of Ukraine, which doesn't allow to extend the list of criminal punishments effective Code of Ukraine about Administrative Offences stipulates other types of administrative recoveries. More over, administrative recoveries which aren't indicated in the article 24 Code of Ukraine about Administrative Offences are fixed in some article of just the same Code. For example part 3 of the article 46-1 Code of Ukraine about Administrative Offences provides for the imposition on the delinquent such recovery as confiscation of radiationally polluted object; for committing of misdemeanour provided by the article 148-1 code of Ukraine about Administrative Offences, guilty person must pay the losses made to the operator of telecommunication service and so on [18, p. 108].

So, we see that having passed the new Code of Ukraine about Administrative Offences which is directed toward the regulation of the tortious legal relationship in public-administrative area, the necessity of such cumbersome system of recoveries is disappeared. Recoveries which are identical to criminal punishments, administrative arrest, confiscation, public works, correctional work and so on should be excluded. In West European practice such recoveries are used only in accordance with court decision and only for committing criminal punishable torts. Therefore relevant tort norms

about criminal misdemeanours are planned to insert in the Code of Ukraine and they should be used as criminal punishments.

Besides, the following points should be eliminated from the list of administrative recoveries:

- paid confiscation of the object which has become the tool of committing or the direct object of administrative tort (being ineffective and complex in using) this recovery isn't employed in majority of European countries except Moldova and Ukraine.

- replacement of the losses (this recovery has purely compensation character but in essence it is civil-legal and therefore it must be realized in the limits of civic responsibility.

- deportation of foreigners and persons without citizenship (the issue about the belonging of this enforcement measure to the system of administrative recoveries is open to question because of many reasons, but the main fact is that it hasn't had the reflection in sanctions of specific administrative-tortious norms).

At the same time it is difficult to agree with those lawyers which propose to keep only three kinds of measures: warning, administrative fine and restriction of specific right [15, p. 283]. Such action not only reduce the opportunities of administrative influence on the infringers of the law, but lower the efficiency of the institutional of administrative responsibility in the whole. It is unlikely that small administrative fines and more over warning as psychological measure will have evident influence on the people with high living standard. The restriction of specific right is not also effective.

Taking into account all this, the system of administrative recoveries shouldn't be only "compact", but also quite diverse in order to ensure the reliable protection of legal relationships which arise in the sphere of public administration.

We may propose such list of administrative recoveries to new Code of Ukraine about Administrative Offences: administrative fine, warning, temporary revocation of a specific right is given to individual.

And at last one more, the seventh problem which is under consideration is the structure of Code of Ukraine about Administrative Offense or ratio of its "material" and "procedural" parts. In scientific publication there are different thoughts about the necessity of including norms in future Code, norms which regulate the procedure of trying a case about administrative misdemeanours.

One group of scientists prefers the "scheme" according to which material and procedural norms are concentrated in one codified document. The other one takes quite the opposite view-they prove the necessity of taking out the procedural norms from Code of Ukraine about Administrative Offences. And the majority of its representatives show perfectly different view of prospects of legislative regulation of administrative-tort implementation: some people propose to develop separate Administrative-Procedural Code

similar to Criminal Procedural and Civil Procedural Code of Ukraine [19, p. 152] on the basis of appropriate norms; the others believe that these norms should be combined with regulation of active Code of Administrative Legal Procedures [20, p. 177]; somebody thinks that these norms should be the constituent of Administrative-Procedural Code, which will define the procedural principles of consideration and make the decisions of all types of administrative cases [21, p. 38].

Undoubtedly, all these approaches arouse scientific interest. But from the point of view of practical activity, the most persuasive approach is the idea of keeping the procedural part in the structure of new Code of Ukraine about Administrative Offences.

First of all predicted changes in administrative-tort area (namely the exclusion of ordinary courts from the number of parties of administrative jurisdiction, repeal of a number of irrelevant for administrative-jurisdiction recoveries and so on) substantially simplify the procedure of calling to administrative responsibility both in the part of recoveries' imposition and in the part of their fulfillment. Correspondingly, the total number of procedural norms decline. And there are no grounds for adopting separate code.

Secondly. In accordance with the analysis of the latest legislative initiatives of the government, the perspective of including the norms about administrative-tort process into future Administrative-Procedural Code will be doubtful. So, in the article 2 project of Administrative-Procedural Code which was submitted to Verkhovna Rada of Ukraine on the 3-d of December 2012 was clearly said: "The operation of this Code doesn't apply to the relations which arise during the criminal process, process in the cases of administrative offences, operation and search activity, executive process (besides execution of administrative acts), performance of notarial actions, execution of punishment, application of legislation about the defense of economic competition, tax code and tariff legislation, process which is connected with state secret (marked up by the author-T.G.).

Thirdly: the idea of exclusion the procedural "part" from the contents of Code of Ukraine about Administrative Offences causes the number of applied questions. Will it simplify the consideration and making decisions of administrative cases? Will it facilitate the search for the necessary norms quickly and unmistakably? Will it simplify the work of agents of administrative jurisdiction?

Answers to these and other similar questions are on the surface. Entirely obvious that in practical activity when it is necessary to make efficient decision it is better to use one Code than two Codes. Of course, there may be knowledge incorporation, that is creation of united collection of various regulatory enactments. But it is not reasonable firstly "to divide" the code into two separate documents and then mechanically unite them.

The list of arguments in favour of preservation "bilateral" (material and procedural) structure of Code of Ukraine about Administrative Offences may be extended.

Conclusion. Summarizing mentioned above, we may state that the modern state of reforming administrative-tort legislation made the wide set of scientific and practical issues very important: about the essence of administrative misdemeanors, their corpus delicti, problems of administrative recoveries, jurisdiction of administrative cases and jurisdictional practice and many others. That's why the key questions should be the following:

- formation of conceptual approach to administrative misdemeanour as to tort which is against social relations in the sphere of public administrative;
- taking out from administrative and legal regulation the torts of criminal-legal and civil-legal nature;
- recognition the agents of administrative misdemeanours both individuals and juridical persons;
- putting into the basis of administrative responsibility the principles of impartial attitude to a guilt;
- exclusion of common courts from a number of agents which have the power to try and decide a case about administrative misdemeanours;
- disposition about administrative misdemeanours only through administrative procedure;
- improvement the system of administrative recoveries by the following way:
 - a) exclusion from it the measures of constraint inherent in criminal law and private law;
 - b) including to it the recoveries eligible by the necessity of organizational influence on juridical persons.
- maintenance of traditional approach to codification of administrative-tort legislation, which provides for uniting into single Code both material and procedural norms.

It should be noted that the author of this article expresses his own opinion. He doesn't pretend to complete analysis of administrative-tort problem. In connection with it we propose to consider this problem in polemic aspect, with subsequent discussion of the issues concerning the domestic reformation of administrative-tort legislation.

REFERENCES

1. Ukaz Prezydenta Ukrai'ny "Pro zahody shhodo vprovadzhennja Koncepcii' administratyvnoi' reformy v Ukrai'ni" vid 22 lyp. 1998 r. № 810/98 // Oficijnyj visnyk Ukrai'ny. — 1998. — № 21. — S. 32.
2. Ukaz Prezydenta Ukrai'ny "Pro rishennja Rady nacional'noi' bezpeky i oborony Ukrai'ny vid 15 ljutogo 2008 roku "Pro hid reformuvannja systemy kryminal'noi' justycii' ta pravoohoronnyh organiv" vid 8 kvit. 2008r. № 311/2008 // Oficijnyj visnyk Ukrai'ny. — 2008. — № 27. — St. 838.
3. Rozporjadzhennja Kabinetu Ministriv Ukrai'ny "Pro zatverdzhennja planu zahodiv shhodo realizacii' Koncepcii' reformuvannja kryminal'noi' justycii'

- Ukrai'ny" vid 27 serp. 2008 r. № 1153-r // Oficijnyj veb-sajt Verhovnoi' Rady Ukrai'ny [Elektronnyj resurs]. — Rezhym dostupu do dokumenta : <http://zakon4.rada.gov.ua/laws/show/1153-2008-%D1%80/card6#Public>.
4. Rozporjadzhennja Prezydenta Ukrai'ny "Pro robochu grupu z pytan' reformuvannja zakonodavstva pro administratyvni pravoporushennja ta zaprovadzhenja instytutu kryminal'nyh prostupkiv" vid 30.05.2012 № 98/2012-rp // Oficijnyj visnyk Prezydenta Ukrai'ny. — 2012. — № 19. — St. 449.
 5. *Potribni* novi konceptual'ni zasady stvorennja proektu Kodeksu Ukrai'ny pro administratyvni prostupky / V. Aver'janov, D. Luk'janec', N. Horoshhak // Pravo Ukrai'ny. — 2004. — № 11. — S. 11–16.
 6. *Chy* mozhlyve reformuvannja instytutu administratyvnoi' vidpovidal'nosti na konceptual'nyh zasadah proektu novogo KpAP? / V. Aver'janov, D. Luk'janec', N. Horoshhak // Advokat. — № 1. — 2003. — S. 3–8.
 7. *Luk'janec' D. M.* Administratyvno-deliktne vidnosyny v Ukrai'ni: teorija ta praktyka pravovogo reguljuvannja : monografija / D. M. Luk'janec'. — Sumy : Universytets'ka knyga, 2006. — 376 c.
 8. Do problemy vidmezhuvannja administratyvnyh prostupkiv vid prostupkiv, jaki pidpadajut' pid jursydykciju sudu / I. Golosnichenko, I. Koliushko // Pravo Ukrai'ny. — 2001. — № 3. — S. 39–42.
 9. *Stefanjuk V.* Problemy stvorennja proektu kodeksu Ukrai'ny pro administratyvni pravoporushennja / V. Stefanjuk // Pravo Ukrai'ny. — 1993. — № 9–10. — S. 7–9.
 10. *Kolpakov V. K.* Kodeks Ukrai'ny pro administratyvni pravoporushennja: poshuk novoj paradygmy / V. K. Kolpakov // Pravo Ukrai'ny. — 2004. — № 7. — S. 85–89.
 11. *Kolpakov V. K.* Administratyvno-deliktnyj pravovyj fenomen : monografija / V. K. Kolpakov. — K. : Jurinkom-Inter, 2004. — 528 s.
 12. *Gurzhij T. A.* Administrativno-deliktne zakonodatel'stvo Ukrainy: osnovnye priority razvitija / T. A. Gurzhij, N. P. Kamenskaja // Aktual'nye problemy administrativnoj otvetstvennosti : mater. vserossijskoj. nauchno-prakt. konf., (Omsk, 19 maja 2011 goda). — Omsk : Omskij juridicheskij institut, 2011. — S. 219–230.
 13. Proekt Zakonu pro vnesennja zmin do Kryminal'nogo kodeksu Ukrai'ny shhodo vvedennja instytutu kryminal'nyh prostupkiv // Oficijnyj veb-sajt Verhovnoi' Rady Ukrai'ny [Elektronnyj resurs]. — Rezhym dostupu : http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=45306.
 14. Kodeks administratyvnogo sudochnstva Ukrai'ny // Oficijnyj visnyk Ukrai'ny. — 2005. — № 32. — St. 1918.
 15. *Administratyvne* deliktne zakonodavstvo : zarubizhnyj dosvid ta propozycii reformuvannja v Ukrai'ni / avtor-uporjad. O. A. Banchuk. — K. : Knygy dlja biznesu, 2007. — 912 s.
 16. *Kil'kist'* sub'ektiv JeDRPOU za pravovym statusom // Oficijnyj sajt Derzhavnogo komitetu statystyky Ukrai'ny [Elektronnyj resurs]. — Rezhym dostupu : http://www.ukrstat.gov.ua/edrpoj/ukr/EDRPU_2013/ks_za_ps/ks_za_ps_0213.htm
 17. Kodeks Ukrai'ny pro administratyvni pravoporushennja // Vidomosti Verhovnoi' Rady URSR. — 1984. — № 51. — St. 1122.
 18. *Gurzhij T. O.* Administratyvne pravo Ukrai'ny : navch. posib. / T. O. Gurzhij. — K. : KNT, 2011. — 680 s.

19. Jashhuk O. V. Zakonodavstvo Ukrainy pro administratyvnu vidpovidal'nist': suchasnyj stan i perspektyvni polozhennja jogo rozvytku / O. V. Jashhuk // Jurydychna nauka. — 2011. — № 2. — S. 150–154.
20. Polishhuk S. M. Mozhlyvosti reformuvannja administratyvnogo prava za novitn'uju klasyfikacijeju jurydychnyh nauk / S. M. Polishhuk // Derzhava ta regiony. — 2010. — № 2. — S. 172–179.
21. Tymoshhuk V. Do problemy pravovogo reguljuvannja administratyvno-procedurnyh vidnosyn / V. Tymoshhuk // Jurydychnyj zhurnal. — 2003. — № 3. — S. 36–38.

Articles submitted to editors office of 23.05.2013.

Гуржій Т. Концептуальні засади реформування вітчизняного адміністративно-деліктного законодавства.

Постановка проблеми. Одним з першочергових заходів впровадження Концепції адміністративної реформи в Україні є кардинальне оновлення вітчизняного адміністративно-деліктного законодавства та перегляд концептуальних засад відповідальності за адміністративні проступки, що є найбільш поширеним різновидом правопорушень. Це завдання передбачає розроблення широкого спектру правових, організаційних, інформаційних та інших заходів, насамперед, формування міцного наукового підґрунтя. Адже без ґрунтового аналізу, системного підходу і теоретичних напрацювань неможливо виробити ефективну систему дії та створити надійний механізм їх реалізації.

Метою статті є розбудова науково-теоретичних підвалин реформування вітчизняного адміністративно-деліктного законодавства та формування концептуального абреису Кодексу України про адміністративні проступки.

Результати дослідження. На сьогодні правові та організаційні засади відповідальності за адміністративні проступки визначаються Кодексом України про адміністративні правопорушення (КУпАП), який був прийнятий ще за радянських часів – у 1984 р. Це зумовлює широке коло проблем, пов'язаних із застарілістю положень Кодексу та їх невідповідністю новим реаліям суспільного життя. Регулярні спроби оновлення КУпАП мали неузгоджений і непослідовний характер, а відтак не принесли кардинальних зрушень у боротьбі з адміністративно-деліктною діяльністю. Архаїчна концепція та еkleктичність інституту адміністративних проступків, розпорошеність нормативного матеріалу, логіко-юридичні погрішності законодавчих положень, безсистемність законодавчих новел – усі ці проблеми, з одного боку, змушують констатувати глибоку кризу регулювання адміністративно-деліктних відносин, з іншого, – свідчать про необхідність прийняття Кодексу України про адміністративні проступки як принципово нового кодифікованого акта, що ґрунтується на засадах законності, верховенства права, справедливості, гуманізму, невідворотності відповідальності тощо.

Висновки. На основі здобутків адміністративно-правової науки та позитивного досвіду зарубіжних країн визначено, що в основу реформування адміністративно-деліктного законодавства (зокрема, прийняття Кодексу України про адміністративні проступки) мають бути покладені такі ідеї: винесення деліктів кримінально- та цивільно-правового характеру за межі адміністративно-правової регламентації; визнання суб'єктами адміністративних проступків як фізичних, так і юридичних осіб; об'єктивне ставлення у вину; позасудовий розгляд справ про адміністративні проступки; оптимізація системи адміністративних стягнень; максимально повна кодифікація адміністративного законодавства.

Ключові слова: публічне адміністрування, правопорушення, проступок, відповідальність, юрисдикція.

UDC 351/354

SOLOVYOV Victor, Doctor of Sciences (Public Administration), Head of the Department of Internal Threats of the Administration of Advisory Analytical Support of Apparatus of NSDC (Ukraine)

THEORY OF "RATIONAL CRIME" AS THE BASIS OF NATIONAL ANTI-CORRUPTION STRATEGY

The approaches to the formation of anti-corruption strategies were analyzed and the factors that negatively affect their implementation were identified. On the basis of the theory of "rational crime" by G. Becker strategic directions for the construction of relationship of integrity and anti-corruption policy development in Ukraine were proposed.

Keywords: corruption, national anti-corruption strategy, the theory of "rational crime," corruption prevention and counteraction.

Соловьев В. Теория "рационального преступления" как почва национальной антикоррупционной стратегии. Проанализированы подходы к формированию антикоррупционных стратегий и выявлены факторы, которые негативно влияют на их реализацию. На основе положений теории "рационального преступления" Г. Беккера предложены стратегические направления развития отношений добропорядочности и разработки антикоррупционной политики в Украине.

Ключевые слова: коррупция, национальная антикоррупционная стратегия, теория "рационального преступления", предотвращение и противодействие коррупции.

Background. Corruption in Ukraine, which has long been turned into a "chronic evil", has signs of systemic effects, the negative impact of which extends to all areas of public life. Despite the adoption of new anti-corruption laws and appropriate subordinate legislation, the level of corruptibility in Ukrainian society is critically high, which is a priori makes impossible to effectively implement the reforms initiated by the President of Ukraine, and threatens the national government security.

This requires immediate actions, including the development of scientific and theoretical foundations for the implementation of efficient mechanisms not only combating corruption by strengthening the accountability of perpetrators of corruption, but also reduction of the risk of its rise and prevention through the development of the national integrity system.

Analysis of recent research and publications. The basis for this article were the findings, theoretical statements set out in the works of such national scientists as M. Melnyk, E. Nevmerzhitsky, S. Stetsenko [1–4] and others, as well as the results of studies of G. Becker, D. Hellman, D. Jones, D. Kaufmann, S. Rose-Ackerman, R. Klithard [5–9] and other foreign scholars who studied corruption in its various forms and aspects.

© Solovyov V., 2013

During the studying of the mechanisms of preventing and counteracting corruption the works of such scientists as T. Popchenko, A. Prokhorenko, S. Seregin [10–12] and others became very useful.

Despite a number of scientific works and publications devoted to corruption topics that deserve a positive assessment, the issue of developing an adequate to modern realities scientific and theoretical basis for the implementation of mechanisms for the realization of the disposition of the Law of Ukraine "On Principles of Preventing and Counteracting Corruption" [13], of the National Anti-Corruption Strategy for 2011–2015 years [14] are currently insufficiently studied.

The aim of the study is a theoretical justification of provisions of the national anti-corruption strategy. To achieve the goal the following *objectives* are set: to analyze the approaches to the formation of anti-corruption strategies and to identify factors that affect the implementation of the national anti-corruption strategy; to identify major shortcomings in the relationship of virtue in Ukraine, to offer strategic directions of their development and the elaboration of anti-corruption policy on the basis of the theory of "rational crime" by G. Becker.

Results. A manifestation of determination and political will to counteract corruption of the President of Ukraine is his proposal of anti-corruption legislation and a relevant package of legal acts. The adoption in 2011 of the relevant anti-corruption law and strategies, making the appropriate changes and additions to a number of legal acts was the turning point in the reform of the national anticorruption legislation. However, according to international experts' opinion, the grave disadvantage is its failure to comply with the provisions of the Convention [15], in particular Art. 26, which imposes liability for corrupt law-violation.

As is generally known, the national anti-corruption strategy is a legal act that outlines priority areas, solutions to the problem of corruption and defined goals. In order to achieve them there exist a clear program of specific anti-corruption measures. Development of a national anti-corruption strategy is seen as one of the ways of organization of joint efforts of the state and society to prevent and to oppose corruption. The priority areas of anti-corruption policies defined by the Strategy [14], include identifying and eliminating conditions that promote or could contribute to corruption and also preventing attempts to create them. The basic principles of its implementation are giving priority to preventive anti-corruption measures. It is foreseen that the strategy will be implemented through the development and adoption of the State Program on Preventing and Counteracting Corruption for 2011–2015, which corresponds to the structure of the Strategy and will include a list of activities, amount and sources of financing, expected results, indicators, deadlines, responsible executors as well as partners in the implementation of measures.

Requirements and standards of the Strategy are not set internationally, and the following factors are usually taken into account during its formation and implementation: the relevant best practices accumulated in the country and abroad; historical background, national characteristics and specificity of society development; political environment, economic and social factors; the extent of corruption coverage; the development of public and private institutions, their financial backstop and peopleware, the ability to effectively fight corruption and so on. As a result, in the world there are different approaches to developing strategic legal acts to resist corruption and to implement them. Thus, the strategic anti-corruption legal instrument in the Russian Federation (RF) is the National Strategy for Combating Corruption, adopted by the Presidential Decree of April 13, 2010, № 460 [16].

Comparing Russian and our national anti-corruption strategy, the benefits of the first is the fact that along with the strategy the National Plan for combating corruption was approved by. Serious shortcomings of both Russian and domestic anti-corruption strategies can be considered the fact that their projects were not discussed previously with the public and international experts. Analysis of Russian anti-corruption strategy allows selecting other conceptual drawbacks, including: ignoring international standards and guidelines on access to the information; "blur" in formulating of expected results, course of activities, mechanisms for implementation, monitoring and reporting on certain areas; drawing only the executive branch of government to the implementation of the national strategy and others.

According to the international experience, the effective institution combating and preventing corruption is a national integrity system, which consists of key institutions of state power, which fight against corruption. The effectiveness of countermeasures is to a large extent determined by the design and implementation of anti-corruption policy grounded on scientific and theoretical basis which is adequate to modern conditions of social development (*figure 1*).

Success of strategies of building up relationship of integrity and anti-corruption policy is determined primarily by the political will of the leadership of state as well as by consolidation of efforts of the legislative, executive and judicial branches of government, systematic character of relevant measures developed and implemented by them. As the domestic and international experience shows, in case of shortage of at least one component, the process of implementation of anti-corruption policy becomes complicated, if not impossible.

The confirmation of this can be the excursus to Ukraine's independence, during which series of concepts, programs and regulations were passed to combat corruption, and none of them gave the expected results. Thus, the analysis of the Concept of fighting corruption for 1998–2005, approved by the Decree of the President of Ukraine on April 24, 1998, № 367/98, [17] and the Concept of combating corruption in Ukraine "On

the Way to Integrity" approved by the Decree of the President of Ukraine on September 11, 2006, № 742/2006 [18], indicates the relative quality of the provisions of the anti-corruption activities. However, analysis of the outcomes of these concepts gives rise to state low efficiency and effectiveness of their implementation in practice: according to the annual data surveys carried out by national socio-logical services, and the results of expert examination of international organizations, levels of perception and extension of corruption in Ukraine remain consistently high, approaching the critical point.

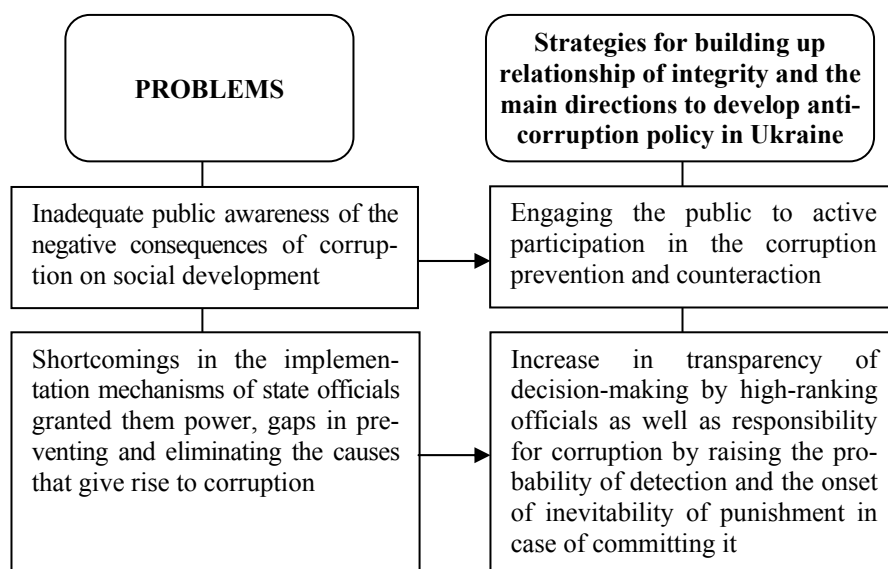


Figure 1. Matrix of problems and strategies for building up relationship of integrity, areas of development of anti-corruption policy in Ukraine

The foregoing confirms that the key flaws in combating corruption in Ukraine are the problems, referred to *figure 1*. In this context, it is necessary to agree with the position of M. Melnyk on the necessity of development of anti-corruption policy by increasing the risk of committing a corrupt act and reducing preconditions for corruption [1, p. 285]. This position is consistent with the proposed ways of building up integrity and reducing the risk of corruption rise.

The theory of "rational crime" worked out by Gary Stanley Becker, professor of the University of Chicago is proposed to consider the research and theoretical basis for the development of anti-corruption measures and building integrity. The main statements of this theory are described in the publication "Crime and punishment: an economic approach " [5, p. 169–217], for which G. Becker received the Nobel Prize in 1992. Nowadays economic models of human behavior offered by G. Becker are classified as classical theories. They are the basis for scientific research, development of new directions of economic theory, in particular the economy of discrimination, human capital theory, crime economics and so on.

Looking in more detail the theory of "rational crime", at first glance, it is rather difficult to find a correlation between economic risk and criminal behavior of a corrupt person. In addition, the term "risk" is mainly used in economics, finance and means awareness of the possibility of danger, loss, failure in some business, and is understood as the act in the hope of achieving success, positive outcome. However, G. Becker argues that committal of corrupt offense is nothing but a weighted under risk and uncertainty choice and adoption by the criminal of "investment decision". In his opinion, corrupt person is a psychopathological individual and social life victim, as well as the "rational investor", economist-analyst, who thoroughly compares the benefits (profit, advantages, benefits of the crime) and threats (negative consequences that may occur as a result of the crime and the likelihood of bringing him to justice) before committing offense, which, in fact, is the cornerstone of G. Becker's theory. This gives reason to believe that the level of corruption of officials depends on the ratio of current benefits (tangible and intangible) to potential corrupt individuals. This level is determined by the difference of profits from legal and illegal activities, the likelihood of exposing crime and incurring punishment, the severity of punishment and so on.

"Investing" of corrupt officials who "reasonably" respond to current opportunities, limits as well as the probability of punishment is entirely predictable. Phased commitment of "rational crime" by corrupt person has a certain sequence (figure 2). Conventionally following this algorithm, the potential corrupt individual consciously decides to commit corruptive offense or reject it: if the benefits prevail over the losses from crime, there appear prerequisites for its perpetration for him.

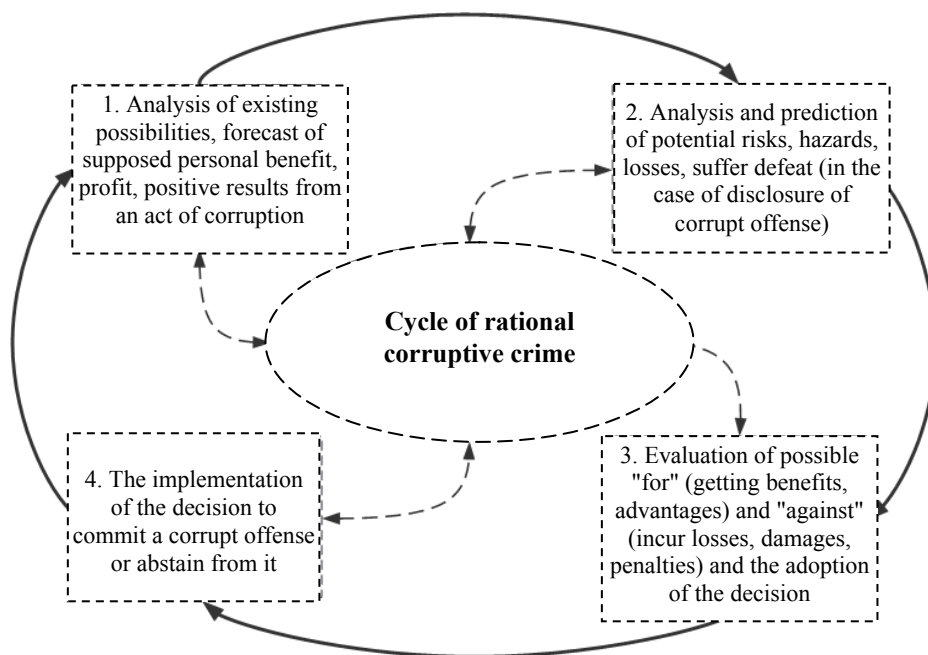


Figure 2. Scheme of rational stages of corrupt crime (developed by G. Becker [5])

According to the theory of G. Becker there are two key factors which determine the behavior of corrupt officials, either restrain them from committing or, conversely, lead to the corruptive offenses [5, p. 170–209]: moral and ethical condemnation of corrupt behavior that is socially determined – the realization that corrupt actions contradict the established rules of morality, ethics, and the inevitable negative attitude, condemnation of the corrupt person from the public (when committing his crime and incurring penalties); fear of exposure and the onset of the inevitability of punishment for the perpetration of corrupt act committed with appropriate consequences – a threat of imminent prosecution and severe penalty of confinement (imprisonment), confiscation of illegally obtained profits.

Coincidence of three circumstances leads to dissemination of corruption, namely:

- *concession of a large discrete power to an official* as to making personal important decisions, giving rise to high and minimum justifiable level of income from corruption;
- *low level of responsibility*, giving rise to a low level of risk and expected losses;
- *corruptibility of the system of state bodies*, which are aimed at preventing and combating corruption, thus avoiding or reducing liability for corrupt offenses.

Considering stated above, it is necessary to admit that building up relationship of integrity and developing policy to prevent and combat corruption should take place in two orientations (*figure 3*):

- *reducing the potential advantages and benefit from corruptive behavior (reducing the minimum justified level of income);*
- *increase of expected losses (increasing level of maximum justified potential losses), which can be compounded in such a way:*

$$\text{Expected losses} = \text{moral burden} + \text{expected punishment}$$

where *the expected punishment* = *probability of exposure* × *probability of conviction if the exposure* × *punishment*.

The implementation of the above stated approach to building up and developing anti-corruption measures should lead to changes in the behavior of officials that will result in reduction of losses incurred by the society due to corruption. Scheme analysis presented in *figure 3* also gives rise to the grounds to refer measures of improving transparency, accountability and responsibility of officials to priorities of anti-corruption policy. Within this analysis we should pay attention to:

- *the introduction of ethics among officials, that will increase the moral condemnation of corruptive behavior and reduce the potential benefits of corrupt actions (this includes the introduction of codes of professional ethics and conduct, taking of anti-corruption awareness and educational activities, etc.);*

- increasing the standards of transparency and openness in the activities of public authorities, which increases the likelihood of exposure of corruption committed by officials and punishment they incur; transparency in decision-making minimizes the possibility of making individual decisions, reducing the potential benefits from corruption;

- raising standards of accountability and responsibility through a legal settlement and reform of enforcement policy and judicial system that will increase (in the case of exposing corruptive crime) chance of making an objective verdict of guilty and punishment (increasing the probability of punishment for corrupt behavior). This will ultimately lead to higher expected losses and reduce of potential sources of income from corrupt offense.

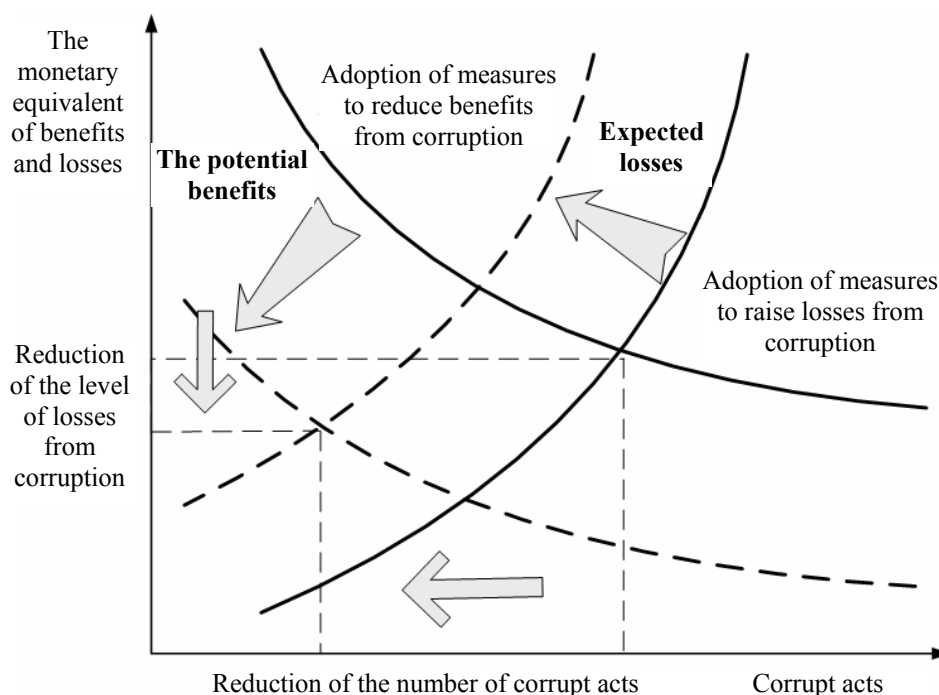


Figure 3. The scheme of building up relationship of integrity and developing strategic policies to prevent and combat corruption
(In theory of G. Becker [5, p. 182])

Conclusion. The obtained research results allow to state that the development of system of integrity and reducing the risk of corruption has to become a "foundation" for preventing and combating corruption. It was determined that the main imperfections in the relationship of virtue in Ukraine are: inadequate public awareness of the consequences of corruption; shortcomings in mechanisms of implementation by state officials granted them authority as well as in mechanisms of prevention and elimination the causes that give rise to corruption.

On the basis of the analysis done we can offer the following strategic directions of building up relations of integrity and anti-corruption policy development: the involvement of public in active participation in the prevention and combating corruption; enhancing transparency procedures of decision-making of high-ranking officials as well as responsibility for corruption by increasing the probability of crime clearance and the inevitability of punishment in the event of its perpetration.

REFERENCES

1. *Mel'nyk M. I.* Korupcija: sutnist', ponjattja, zahody protydii' : monografija / M. I. Mel'nyk. — K. : Atika, 2001. — 303 s.
2. *Nevmerzhyč'kyj Je. V.* Pravovi problemy ekonomichnoi' bezpeky suspil'stva // Teoretychni ta praktychni problemy pravovogo zabezpečennja social'no-ekonomichnogo ta politychnogo rozvytku suspil'stva : monografija / Je. V. Nevmerzhyč'kyj, F. P. Shul'zhenko ; za red. V. F. Opryshko, F. P. Shul'zhenko. — K. : KNEU, 2006. — S. 481–602.
3. *Nevmerzhyč'kyj Je. V.* Korupcija v Ukraïni: pryčyny, naslidky, mehanizmy protydii' : monografija / Je. V. Nevmerzhyč'kyj. — K. : KNT, 2008. — 364 s.
4. *Stecenko S. G.* Korupcija v organah vnutrishnih sprav: problemy protydii' : monografija / S. G. Stecenko, O. V. Tkachenko. — K. : KNT, 2008. — 168 s.
5. *Becker Gary S.* Crime and Punishment : An Economic Approach / Gary Stanley Becker // *Journal of Political Economy*. — 1968. — № 76. — P. 169–217.
6. *Kaufmann D.* Governance Matters VIII: Governance Indicators for 1996–2008 / Daniel Kaufmann, Aart Kraay, Massimo Mastruzzi. — Washington : The World Bank Development Research Group Macroeconomics and Growth Team, 2009. — 103 p.
7. *Seize the State, Seize the Day: State Capture, Corruption and Influence in Transition* / J. Hellman, G. Jones, D. Kaufmann. — Washington : The World Bank Institute and Europe and Central Asia Public Sector Group, 2000. — 50 p.
8. *Rose-Ackerman S.* Corruption and Government: Causes, Consequences and Reform / Susan Rose-Ackerman. — Cambridge : Cambridge University Press, 1999. — 266 p.
9. *Clitgaard R. E.* Controlling Corruption / Robert E. Clitgaard. — Los Angeles : University of California Press, 1991. — 244 p.
10. *Popchenko T.* Korupcija jak pereshkoda efektyvnomu derzhavnomu reguljuvannju sfery ohorony zdorov'ja / T. Popchenko // *Aktual. probl. derzh. upr. : zb. nauk. pr.* — Vyp. 3 (29). — Dnipropetrovs'k : DRIDU NADU, 2007. — S. 175—181.
11. *Prohorenko O. Ja.* Korupcija po-ukrai'ns'ky: sutnist', stan, problemy / O. Ja. Prohorenko. — K. : Nac. akad. derzh. upravlinnja pry Prezydentovi Ukraïny, 2005. — 166 s.
12. *Ser'ogin S.* Mehanizmy poperedzhennja ta protydii' korupcii' v organah derzhavnoi' vlady / S. Ser'ogin // *Publichne upravlinnja: teorija ta praktyka*. — 2010. — № 1. — S. 134—140.
13. *Zakon Ukraïny "Pro zasady zapobigannja i protydii' korupcii'"* : vid 7 kvit. 2011 r. № 3206-VI / *Ofic. visn. Ukraïny*. — 2011. — 20 cherv. (№ 44). — S. 9. — St. 1764.

14. Pro Nacional'nu antykorupcijnu strategiju na 2011–2015 roky : Ukaz Prezydenta Ukrai'ny vid 21 zhovt. 2011 r. № 1001/2011 // Ofic. visn. Prezydenta Ukrai'ny. — 2011. — 3 lystop. (№ 29). — S. 13. — St. 1139.
15. *Konvencija Organizacii' Ob'jednanyh Nacij proty korupcii'* : Konvencija OON, Mizhnar. dokument vid 31 lyst. 2003 r. // Vidom. Verhovnoi' Rady Ukrai'ny. — 2007. — 7 grud. (№ 49). — St. 2048.
16. O Nacional'noj strategii protivodejstvija korrupcii i Nacional'nom plane protivodejstvija korrupcii na 2010–2011 gody : Ukaz Prezidenta Rossijskoj Federacii ot 13 apr. 2010 g. № 460 // Rossijskaja gazeta : Federal'nyj vyp. — 2010. — 15 apr. (№ 5158).
17. Pro Koncepciju borot'by z korupcijeju na 1998–2005 roky : Ukaz Prezydenta Ukrai'ny vid 24 kvit. 1998 r. № 367/98 // Ofic. visn. Ukrai'ny. — 1998. — 14 trav. (№ 17). — St. 14.
18. Pro Koncepciju podolannja korupcii v Ukrai'ni "Na shljahu do dobrochesnosti" : Ukaz Prezydenta Ukrai'ny vid 11 veres. 2006 № 742/2006 // Ofic. visn. Ukrai'ny. — 2006. — 27 veres. (№ 37). — S. 9. — St. 2540.

Articles submitted to editors office of 11.04.2013.

Соловійов В. Теорія "раціонального злочину" як підґрунтя національної антикорупційної стратегії.

Постановка проблеми. В Україні однією з проблем, що потребують невідкладного вирішення, є корупція, яка являє значну загрозу демократії, реалізації принципу верховенства права, соціальному прогресу, національній безпеці, становленню громадянського суспільства. Зважаючи на це, пріоритетами державної політики є створення дієвої системи запобігання корупції, ефективна протидія корупційним явищам, виявлення їх передумов та подолання наслідків.

Реалізація цієї мети неможлива без ґрунтовного вивчення соціально-економічних аспектів корупції та формування на цій основі теоретичних засад національної антикорупційної стратегії.

Метою статті є інтеграція наукових ідей видатного американського вченого Г. С. Беккера в національну доктрину боротьби з корупцією.

Результати дослідження. На основі аналізу теорії "раціонального злочину", розробленої Г. С. Беккером, визначено чинники, які детермінують корупційну поведінку суб'єктів владних повноважень та сприяють поширенню корупції в управлінському середовищі. Встановлено, що основними напрямками національної антикорупційної стратегії України мають стати зниження потенційних вигод і переваг, обумовлених корупційною діяльністю, а також актуалізація пов'язаних з нею ризиків (викриття, покарання, осуд громадськості тощо). У рамках цих стратегічних напрямів пропонується здійснити комплекс заходів, спрямованих на запровадження системи доброчесної поведінки посадових осіб, підвищення стандартів прозорості та відкритості в діяльності органів державної влади, вдосконалення правових та організаційних засад протидії корупції.

Висновки. Доведено, що впровадження теорії Г. С. Беккера дозволить істотно підвищити ефективність національної антикорупційної політики та досягти помітного прогресу в боротьбі з корупційними явищами.

Ключові слова: корупція, національна антикорупційна стратегія, теорія "раціонального злочину", запобігання та протидія корупції.

UDC 346.1

KRUPKA Yuriy, Candidate of Sciences (Law), associate professor
of the Department of Commercial, KNTEU

THE NATURE OF ECONOMIC LAW AS A BRANCH OF LAW

It is investigated the problems, that are connected with the definition of the legal nature of economic law and its role in the legal system of Ukraine. It is observed the features and correlation of Civil and Economic Codes in Ukraine. It is suggested the proposals for decision collisions between separate norms of these codes.

Keywords: legal system of Ukraine, branches of law, legal nature of Economic law, decisions of legal collisions.

Крупка Ю. Отраслевая природа хозяйственного права. Исследованы вопросы, связанные с определением правовой природы хозяйственного права, его места в системе права Украины. Рассмотрены особенности и соотношение Гражданского и Хозяйственного кодексов Украины. Внесены предложения по разрешению коллизий между отдельными нормами этих кодексов.

Ключевые слова: система права Украины, отрасли права, правовая природа хозяйственного права, разрешение правовых коллизий.

Background. In the complex of today's issues in economic law, there is a fundamental question in relation to confession the economic law as an independent branch of law, and also determining it in the legal system of Ukraine. In relation to it, there are different consideration and positions in domestic legal science, maintenance and the key of that is determined, first of all, by belonging different legists to civil or economic legal schools.

The decision of this question has not only the theoretic and cognitive, but also practical value, as it creates pre-conditions for the removal of collisions between the norms of the different branches of law, contiguous (straight or mediated) with adjusting relations in the field of manage.

The analysis of the last researches and publications. Although the scientific works of S. Alekseev [1, p. 23–45], I. Kras'ko [2, p. 34–40], V. Laptev [3, p. 61–69], V. Mamutov [4, p. 19–24], O. Pushkin [5, p. 28–35] and other are devoted to the range of problem in the determining the legal nature of economic law, however the only position is not attained up to this day. At these terms, it appears the necessity of continuation the scientific discussion of the marked problem.

The conditioned purpose is resulted from the article, which relies on the definition of legal nature of economic law and its place in the legal system of Ukraine.

Results. In relation to the mentioned problem, two principal terms were formed among the representatives of economic law school. The supporters of the first (I. Kras'ko, V. Laptev, V. Mamutov, I. Pobirchenko and other) examine an economic law as an independent branch of law, that has nothing in common with other branches. However, an economic law, as O. Vinnyk noticed justly, as it is the specific phenomenon, but related to other branches of law (civil, administrative, financial, land, labour and other) [6, p. 50]. So, most property relations in the field of managing are regulated by the norms of civil law.

According to it, researchers of theory of the state and law stress on relative independence of the branch of law [7, p. 241–242]). Khalfina considers, that an attempt to convert branches into close, isolated, self managing systems conflicts with the objective necessity of permanent expansion inter-branch connection, that are the conditional process [8, p. 179–181].

In accordance with the second position, an economic law is the complex branch of law and it combines the legal norms of the basic branches of law, that regulate economic activity (O. Pushkin, S. Alekseev, V. Scherbitina, O. Vinnyk).

Thus, in the field of a ménage, special norms and institutes of economic law (institute of defense of economic competition, institute of bankruptcy, institute of state registration of business entities, etc) operate also with the norms of other branches of law.

Such position is based on classification of the branches of law, offered by S. Alekseev, who distinguishes from their number the profiling (primary, fundamental), special and complex formations. He takes a constitutional, administrative, civil law to the first, because these branches concentrate the essential legal model and primary legal facilities, and that is why they form a legal kernel and legal basis of maintenance of all branches of law. On his opinion, the special branches are the branches, which legal models are based on the models of profiling branches. Thus is marked on, that they play a no less important role in the meaningfulness of society life. Such branches can rely on the mode of the centralized (financial law) or decentralized type (family law). And they don't recreate them simply. Speech goes that the special branches create the special legal mode, which finds expression in the special method of adjusting and major in the special status of subjects. In turn, for complex branches (economic law) "repeatedly" of participating in adjusting is a characteristic feature. It takes place here the doubling of the structure association of profiling and special branches inherent to complex branches.

S. Batryn notices in this connection, that to examine an economic law as a complex branch of law, means to erect economic law to the set of heterogeneous relations (as the object seems not to have homogeneity), that don't have an initial legal kernel, they are not systematized and don't have present integrity and unity, and tear permanent copulas in the legal system. But it does not respond to reality. On such conditions, it should be asked what kind of role economic law is played and why it is needed as a specific part of a legal system. Thus, the complex branches of law do not exist in

such consideration. Taking into account this, S. Batryn can not agree with the conclusion of S. Alekseev, that there are branches, which form the own legal mode (profiling and special branches) and complex branches (that, to all appearances, do not formed, but repeatedly use stranger tools). S. Batryn considers, that the branch exists as relatively independent (thus, it is possible to carry out the division into fundamental and special branches at the theoretical level) or it is not in the legal sense at whole [11, p. 94].

Along with other independent branches of considering domestic economic law administrativisty [12]. V. Milash also acknowledges an economic law as an independent branch of law. On her opinion, this branch of law is the special system of rules that derive both from state (imperative and dispositive rules) and from the participants of relations in the field of a menage (from micro norms to local norms). Via these rules, the legal influence is carried out on the relations that appear between the subjects of economic law during the organization and undertaking the economic activity and it is necessary for carrying out an effective functioning of economic turnover and social direction of public production with the purpose to adopt and assist to the public economic order [13, p. 15].

Civil lawyers (O. Ioffe, S. Bratus', R. Khalfina, G. Matveev, Yar. Shevchenko, A. Dovgert and others) adhere to negative position and they consider the economic law as not independent branch of law, but the simple combination of civil legal and administrative legal rules, that operate in the field of a menage.

However, "managers" deny, economic legal relationships, as integral educations can not be decomposed on civil legal and civil administrative ones. In addition, economic law has, considerable on a volume, its own normative material, that consists of legal norms and institutes, which belong neither to civil nor to administrative laws [14, p. 50].

On opinion of "managers", the institutes of defence of economic competition, bankruptcy and other belong to such institutes, which stipulated the selection of economic law into separate branch of law. However, if we analyse normative composition of these and other institutes of economic law, it will appear obvious and irrefutable the fact, that they include the norms of different branches of law (administrative, civil, economic procedural laws and other) and thus, they are complex inter-branch institutes. The last answers to the general thesis (conclusion) of civil lawyers, that an economic law is not branch, but inter-branch formation [15, p. 119–131].

Thus, an economic law can be examined as *complex inter-branch formation, which is based on its own qualitatively homogeneous base of economic relations. However, it is inwardly consolidates and homogeneous legal system with the legal mode (this inherent to the profiling branch of law) and uses for adjusting economic relations its own legal tools (principles, methods (in particular method of equal submission of economic legal subjects to the public economic order) and the tools of other branches (in particular, non-mandatory and imperative methods).*

In the context of examined range of problems, the question of decision of correlation Civil and Economic codes in Ukraine is actual one. A. Bobkova considers that it follows from confession correlation of the Commercial and Civil codes as the special and general laws, which have equal juridical force. Obviously, that Economic code of Ukraine (farther ECU) as the special law does not regulate and can not regulate property and individual unproperty relations in general, as it is functions of Civil code of Ukraine (father CCU), but the priority belongs to ECU at adjusting of features in the field of a ménage, that derives from the norms of both codes [16].

Examining the problems of property relation differentiation, those are the subjects of adjusting of Civil and Economic codes, V. Rotan' marks, that essence of correlation of their effect is shown in part 2 art. 9. CCU. According to that, all property relations are based on legal equity, free will and property independence of their participants and are regulated by the Civil Code (part 1 art. 1 CCU) and part 2 art. 9. CCU assumes possibility of legal establishment of features of adjusting of such property relations in the field of a ménage so that the Economic Code of Ukraine is such kind of law.

In particular, ECU can set the features of adjusting of the part of there relations, that are folded in the field of a ménage. Rotan' specifies that, with accordance to the logical correlation of general and special provision of legislation, judicial practice always gave advantage to the special terms, when there were contradiction between position of legal acts during legal usage (if legal force of acts, in where these terms are formulated, is identical).

As ECU sets the features of adjusting of property relations in the field of a ménage, its provisions subject to the overwhelming application to these relations. Provisions of ECU to the last will be used in conditions, if CCU does not decide the appropriate questions. Part 2 art. 9 CCU comports with part 2 art. 4, which envisages the possibility of deciding the features of property relations by economic code. This coordination of two codes in defining the correlation of spheres of effect in Civil and Economic codes puts under a doubt provision of the second indention in part 1 art. 9 ECU. According to the indention, property and unproperty relations, regulated by CCU, are not the subject of ECU regulations [17, p. 3].

Thus, part 1 art. 175, part 7 art. 179, part 5 art. 182 and other articles of ECU point into the regulation of property relation by CCU with considering features of Economic code. Consequently, according to the general rules, those are set in part 2 art. 9 CCU, part 2 art. 4 and special rules of ECU, these two codes are correlated as such, that formulate general (Civil Code) and special (Economic Code) provisions and regulate property-economic relations, that emerge between participants of property relations during the realization of economic activity.

Thus, a substantive provision, that Civil lawyers lean on, is, that ECU has the matter of special law in the sphere of legal regulation those property relations, where a participant is a subject of ménage and ECU has the meaning of general law in considering to adjusting of the relations. In

addition, the provision means, that the appropriate legal rules can be applied by analogy to economic and property relations, which are not regulated by ECU [18, p. 16].

In accordance with that A. Nyzhnyi notices, that authors automatically define distribution of the Civil Code operations on economic relations determining correlation of the Civil and Economic Code as a general and special normatively-legal acts even though CCU is as general (unpriority) act. However, in such case, ECU as a special act is automatically carried to the system of normative act, where ECU plays general role i.e. to the system of acts of civil legislation. And that is why the effect of part 1 and part 2 art. 4 of Civil Code spreads on Economic Code as a special act of civil legislation. According to this article, the main act of civil legislation in Ukraine is CCU and other laws in this field (including ECU) are adopted in accordance with the Civil Code [19].

However, as it is caught out, there are not sufficient grounds to consider the Commercial Code as the act of civil legislation, as it has its own subject of adjusting, which is different from the subject of adjusting of the Civil Code. According to the art. 1, ECU this Code determines basic principles of ménage in Ukraine and regulates economic relations, which appear in the process of organization and realization of economic activity between the subjects of ménage, and also between these subjects and other participants in relations in the field of a ménage. Thus, economic relations are characterized by specific maintenance (combination of illegal and public relations). It allows the representatives of economic and legal conception to defend position according to that; economic relations are regulated by the separate branch of law because of their specification [20, p. 34].

Coming from the stated, it is possible to confirm, that ECU is not special law in relation to the civil code; it is general code in the field of ménage, which contains the complex of interrelated civil legal and public norms, which regulate economic relations, which arise up in the process of organization and realization of economic activity.

As S. Ten'kov justly notices differentiation between codes shouldn't rely on principle "general" for CCU and "special" for ECU; it should enplane competition of separate norms of these codes. Both the "general" Civil Code can contain the special norms and the "special" Economic can include general norms [21]. Thus, according to part 2 art. 4 of the Civil Code, civil legal norms of the Commercial Code must not contradict corresponding provisions of CCU. This approach allows to define the spheres of the Civil and Commercial Code effects and to decide collisions between the norms of these codes.

Many collisions, which are related to differentiation of spheres of the commercial and Civil Code effects, can be decided by correct interpretation of appropriate norms. Y. Smolin marks consequently, that for example, it is possible to discuss to what branches of law agreements taken to, which is messaged both in Civil and Economic Code instead of defining legal

personality of parties and the aim of conclusion of the treaty. Obviously, if the contract of purchase or the contract for delivery is drawn up to satisfy the needs of enterprises, it is civil and legal. If the contract is drawn up to manufacture and sell the finished products, fulfill the work or provide services with the aim to get a profit, it is economic and legal. If we speak about the special capacity of legal entities, that is the subject of a ménage according to the art. 91 CCU, it is general for legal entities. And part 3 art. 55 ECU is special in relation to concrete subject of a ménage within special economic competence [22, p. 34].

Conclusion. Foregoing proves, that determining the problem of correlation the Civil and Economic Codes depends on definition of legal nature of economic law and its place in the legal system of Ukraine and also it depends on clearly distinction of objectives of correlation the Civil and economic laws.

REFERENCES

1. *Alekseev S. S.* Struktura sovetskogo prava / S. S. Alekseev. — M. : Jurid. lit., 1975. — 261 s.
2. *Kras'ko I. E.* Aktual'nye problemy sovetskogo hozjajstvennogo prava / I. E. Kras'ko. — H. : Vishha shk., 1976. — 111 s.
3. *LapteV V. V.* Hozjajstvennoe pravo – pravo predprinimatel'skoj dejatel'nosti / V. V. Laptev // Gosudarstvo i pravo. — 1994. — № 4. — S. 61–69.
4. *Hozjajstvennoe pravo : uchebnik* / V. K. Mamutov, G. L. Znamenskij, K. S. Hahulin i dr.; pod red. V. K. Mamutova. — K. : Jurinkom Inter, 2002. — 912 s.
5. *Pushkin O. A.* Metodologichni pidhody doslidzhennja problemy pravovogo reguljuvannja pidpryjemnyč'kyh vidnosyn / O. A. Pushkin // Metodologichni problemy pryvatnogo prava : zb. nauk. prac'. — K. : Manuskrypt, 1996. — S. 28–35.
6. *Vinnyk O. M.* Gospodars'ke pravo : navch. posib. / O. M. Vinnyk. — K. : Pravova jednist', 2009. — 776 s.
7. *Skakun O. F.* Teorija derzhavy i prava : pidruchnyk / O. F. Skakun ; per. z ros. — H. : Konsum, 2001. — 656 s.
8. *Halfina R. O.* Obshee uchenie o pravootnoshenii / R. O. Halfina. — M. : Jurid. lit., 1974. — 340 s.
9. *Problemy teorii gosudarstva i prava : uchebnik* / pod. red. S. S. Alekseeva. — M. : Jurid. lit., 1987. — 440 s.
10. *Alekseev S. S.* Pravo. Azbuka. Teorija. Filosofija. Opyt kompleksnogo issledovanija / S. S. Alekseev. — M. : NORMA–INFRA-M, 1998. — 874 s.
11. *Batryn S.* Gospodars'ke pravo jak samostijna galuz' prava: do postanovky pytannja / S. Batryn // Jurydychna Ukrai'na / S. Batryn. — 2010. — № 1. — S. 94.
12. *Gurzhij T. A.* Administrativno-deliktnoe zakonodatel'stvo Ukrainy: osnovnye priority razvitija / T. A. Gurzhij, N. P. Kamenskaja // Aktual'nye problemy administrativnoj otvetstvennosti : mater. vserossijskoj nauchno-prakt. konf., (Omsk, 19 maja 2011 goda). — Omsk : Omskij juridicheskij institut, 2011. — S. 219–230.

13. *Milash V. S.* Gospodars'ke pravo : kurs lekcij. — u 2 ch. Ch. 1 / V. S. Milash. — H. : Pravo, 2008. — 496 s.
14. *Vinnyk O. M.* Gospodars'ke pravo : navch. posib. / O. M. Vinnyk. — K. : Pravova jednist', 2009. — 776 s.
15. *Ioffe O. S.* O kritike nauki i nauchnosti kritiki / O. S. Ioffe, O. A. Krasavchikov // Pravovaja nauka Kazahstana ; otv. red. M. A. Vaksberg. — Alma-Ata, 1978. — S. 119–131.
16. *Bobkova A.* O sootnoshenii GK i HK Ukrainy / A. Bobkova // Jurid. praktika. — 2003. — 29 ijulja.
17. *Rotan' V.* Zastosuvannja Cyvil'nogo ta Gospodars'kogo kodeksiv Ukrai'ny (Komentar do st. 9 CK i st. 4 GK) / V. Rotan' // Pidpryjemnyctvo, gospodarstvo i pravo. — 2004. — № 3. — S. 3.
18. *Naukovo-praktychnyj komentar Gospodars'kogo kodeksu Ukrai'ny* / kol. avt. : G. V. Znamens'kyj, V. V. Hahulin, V. S. Shherbyna ta in.; za zag. red. V. K. Mamutova. — K. : Jurinkom Inter, 2004. — 688 s.
19. *Nyzhnyj A.* Shhe raz pro spivvidnoshennja cyvil'nogo ta gospodars'kogo kodeksiv Ukrai'ny / A. Nyzhnyj [Elektronnyj resurs]. — Rezhym dostupu : http://www.yuricom.com/ua/analytical_information/?id=463&print=1.
20. *Hozhajstvennoe pravo : uchebnik* / V. K. Mamutov, G. L. Znamenskij, K. S. Hahulin i dr.; pod red. V. K. Mamutova. — K. : Jurinkom Inter, 2002. — 912 s.
21. *Ten'kov S.* Kolizii' mizh kodeksamy: komu nadaty perevagu? / S. Ten'kov // Jurydychij visnyk. — 2010. — № 20 (776).
22. *Smolyn G. V.* Do pytan' spivvidnoshennja cyvil'nogo i gospodars'kogo prava / G. V. Smolyn : materialy Vseukr. nauk.-prakt. konf. ["Pojednannja publichno-pravovyh ta pryvatnopravovyh mehanizmiv reguljuvannja gospodars'kyh vidnosyn"], (19–20 zhovt. 2007 r., m. Ivano-Frankivs'k). — Ivano-Frankivs'k : VONR ta RVD PJuL L'vDUVS, 2007. — S. 34.

Articles submitted to editors office of 17.06.2013.

Крупка Ю. Галузева природа господарського права.

Постановка проблеми. Запропоновану наукову роботу присвячено визначенню правової природи господарського права, його місця в системі права України. Вирішення цього питання має не лише теоретико-пізнавальне, а й практичне значення, оскільки створює передумови для усунення колізій між нормами різних галузей права, дотичних (прямо чи опосередковано) до регулювання відносин у сфері господарювання.

Аналіз наукових джерел з обраної тематики свідчить про відсутність серед науковців-правознавців єдиної позиції щодо визначення правової природи господарського права. За цих умов продовження наукового обговорення зазначеної проблеми є актуальним та формує основу ***мети*** дослідження.

Результати дослідження. Проаналізовано основні підходи до визначення правової природи господарського права з подальшим доведенням необхідності розв'язання зазначеної наукової проблеми шляхом класифікації галузей права, запропонованої С. Алексєєвим, який виокремлює з їх числа профілюючі (первинні, фундаментальні), спеціальні та комплексні утворення. З огляду на це, господарське право пропонується розглядати як комплексне міжгалузеве утворення, що ґрунтується на власному, якісно однорідному базисі господарських відносин. Проте воно не є внутрішньо консолідованою й однорідною юридичною системою з власним правовим режимом, притаманним для профілюючих галузей права і використовує для регулювання

PHILOSOPHICAL DIMENSIONS OF THE MODERN WORLD

господарських відносин поряд з власним юридичним інструментарієм (принципи, методи, зокрема, метод рівного підпорядкування суб'єктів господарського права суспільному господарському порядку) інструментарій інших галузей (зокрема, диспозитивний та імперативний методи).

Висвітлено питання визначення співвідношення Цивільного і Господарського кодексів України. На підставі критичного аналізу існуючих в юридичній літературі підходів обстоюється позиція, за якою Господарський кодекс є не спеціальним відносно Цивільного кодексу законом, а загальним законом у сфері господарювання, що містить комплекс взаємопов'язаних цивільно-правових і публічно-правових норм, які регулюють господарські відносини, що виникають у процесі організації та здійснення господарської діяльності.

Висновки. *Проведене дослідження може стати складовою більш повного розуміння юридичної природи господарського права та його місця в системі права України.*

Ключові слова: система права України, галузі права, правова природа господарського права, правові колізії.

PROCEDURES SUBJECTS OF THE CASES REGARDING VIOLATION OF FREIGHT TRAFFIC SAFETY LAWS

The article defines the current procedure problems of the cases regarding violation of freight traffic safety laws. Based on the legislation in force and enforcement, the investigation gives the range of motions aimed at improvement of procedural status of subjects of the cases regarding violation of laws on dangerous, overweighed and oversized freights transportation.

Keywords: transport, freight, traffic, violation of a law, responsibility, procedures.

Гуржий А. Субъекты производства по делам о нарушениях правил грузоперевозки. Освещены актуальные проблемы производства по делам об административных правонарушениях в сфере безопасности грузовых перевозок. На основе анализа действующего законодательства, нормотворческой и правоприменительной практики разработан комплекс предложений, направленных на совершенствование процессуального статуса участников рассмотрения дел о нарушениях правил перевозки опасных, тяжеловесных и крупногабаритных грузов.

Ключевые слова: транспорт, груз, дорожное движение, правонарушение, ответственность, производство.

© Hurzhiy A., 2013

Background. Any developed society cannot exist without reasonable satisfaction of social interests in freight transportation; the vehicle plays the key role to meet this need. 1.7 billion of freights, that is 79 % of all freight transportations, is shipped by vehicles in Ukraine [1].

Simultaneously, freights carriage is accompanied by risks, connected with the vehicle as a source of heightened danger. According to State Traffic Inspectorate Ministry of Internal Affairs of Ukraine, over 150 thousands of laws violations on dangerous, overweighed and oversized freights transportation were registered in Ukraine during 2006–2012. Such violations resulted in 420 road traffic accidents with injured people [2].

For the purpose of this, the issues of administrative responsibilities as a main procedure ensuring the security of freights transportation are becoming topical (critical). The current state of the institute of administrative responsibility functioning in the sphere of dangerous, overweighed and oversized freights transportation cannot be considered as a satisfactory one. The violations in this area are characterized by the ascendant dynamics, increased latency and immensity of negative social and economic consequences.

Every fifth road traffic accident, caused by the violations of laws on dangerous, overweighed and oversized freights transportation, results in death or injury of people. According to this index they are regarded as the most dangerous administrative law violations in vehicles.

However, the analysis of jurisdictional processes practical aspects in the sphere of freight transportation shows a great amount of problems connected with case reviewing, service document settlement, proceedings, procedural decisions taking and implementation. In most cases, the origins of these problems belong to the procedural status of the subjects of administrative and tort proceedings. All the factors including the limited range of procedural rights, the lack of guarantees of procedural obligations, weak control over their implementation negatively affect the cases of administrative offenses under Art. 132-1 of the Code of Ukraine on Administrative Offences (CAO of Ukraine). As a result, the court decisions in such cases are often appealed, annulled or not served.

The above mentioned factors emphasize the necessity of scientific research of ways to improve the procedural status of subjects of the cases regarding violation of laws on dangerous, overweighed and oversized freights transportation.

Analysis of recent researches and publications. Scholarly works of the main scientists such as G. Golubeva, T. Gurzhiy, V. Donenko, V. Novikova, A. Salmanova, M. Stotska, B. Razvadovskyi, E. Tsyba et al played an important role in the research [3–11]. Meanwhile, the questions of the procedural status of subjects of the cases regarding violation of laws on dangerous, overweighed and oversized freights transportation have not been studied comprehensively in national science. The vast majority of researchers highlight them only fragmentary and usually in the context of a related issue.

The aim of the paper is to clear up the defects of the procedural status of subjects of the cases regarding violation of laws on dangerous, overweighed and oversized freights transportation, and the development of particular legislative proposals for its improvement.

Results. Analysis of existing legislation reveals the following groups of subjects of cases regarding violation of laws on dangerous, overweighed and oversized freights transportation: the subjects of authority proceedings, having the right to organize the proceedings, draw up procedural acts, perform procedural actions; the subjects, interested in the case outcome; the subjects, promoting objective truth in the case by providing evidence about the circumstances of the offense; the subjects involved in the proceedings if special knowledge (technical, linguistic, etc.) is necessary.

Thus, a major number in the system of state-government entities involved in the organization of the delict cases under Art. 132-1 of CAO of Ukraine includes the heads of the internal affairs divisions of a law enforcement agency (heads or deputy heads of departments (divisions, administrations, and ministry), the commanders or deputy commanders of State Automobile Inspection MIA of Ukraine, heads or deputy heads of the Departments of Foreign Affairs).

This category of subjects makes a decisive influence on the course of the proceedings and results of its solution. They are personally responsible for the cause proceedings, its comprehensive and objective consideration, collection and evaluation of evidence. They organize the implementation of mandatory proceedings and preparation of official legal documents. Eventually, they pass the decisions on, determine the type and size of the penalty for the offense or find a person not guilty.

According to its nature the administrative and procedural powers of officials of the law enforcement agencies (officials dealing with cases regarding violation of laws on dangerous, overweighed and oversized freights transportation) can be divided into the following "groups":

- Implementation of maintenance inspection of vehicles (including mass-size);
- Institution of court proceedings regarding administrative violations;
- Carrying proceedings decisions (detention, personal inspection, examination and seizure of luggage and documents, including driver's license, license document for the vehicle, the temporary detention of the vehicle, suspension from driving, intoxication review, etc.);
- Organization of the case hearing involving interested people (implementation of preparatory actions, summons of interested people, involvement of experts, interpreters or other entities, conducting the case by hearing participants and presentation of their arguments);
- Solution of the case.

The analysis of the practical aspects of the specified terms underlines an extremely serious problem. In autumn 2008, the legislator added to the

current CAO of Ukraine a number of new articles on the responsibility for offenses against road safety (including Article 132-1), however, he has "forgotten" to introduce appropriate amendments to Art. 255 of CAO of Ukraine, that defines a list of persons authorized to draw up reports on administrative matters [12]. As a result, the traffic police officers are not entitled to draw up reports on violation of laws on dangerous, overweighted and oversized freights transportation.

However, the drawing up reports has become widely popular in recent years. Such a situation when the main procedural document, which is the starting point of administrative tort proceedings, is not in compliance with a current legislation is unacceptable and must be corrected as soon as possible.

Moreover, legal power uncertainty regarding the protocol drawing up in cases on violation of laws on dangerous, overweighted and oversized freights transportation prevents to apply important procedural decisions. More specifically in this case it is impossible to make temporary detention of the vehicle, since according to the law (Article 275-2 CAO of Ukraine) this measure is the subject to a mandatory recording in the administrative report [13].

The best solutions to the problems outlined above are to capture in the current legislation (in particular Art. 255 CAO of Ukraine) powers of the police officers to draw up the report on violation of laws on dangerous, overweighted and oversized freights transportation.

Another issue, that is extremely relevant in the context of the issues of liability for violation of laws on dangerous, overweighted and oversized freights transportation, is the limited range of procedural provisions within the competence of law enforcement officers.

At present, in order to solve proceedings concerning offenses in road transport authorized police officers have the right to: administrative detention, personal inspection, examination and seizure of luggage and documents, including driver's license, license document for the vehicle, the temporary detention of the vehicle, suspension from driving, review of intoxication or being under the influence of drugs, reducing drivers attention and reaction speed (Art. 260 CAO of Ukraine) [13]. Thus, if the further operation of the vehicle poses a danger to road traffic participants, traffic police have the right to temporarily detain a vehicle by locking or (if placing a detained vehicle significantly interferes with traffic) to tow it in a special area or park, and in addition, to seize the documents for the vehicle.

However, none of these measures is able to eliminate the risk of operating the vehicle with technical troubles or deviations (in size, weight, and configuration) for a long time. Indeed, under the current law (Article 265-2 CAO of Ukraine) the period of temporary detention of the vehicle cannot exceed 3 days, after this period it must be returned to the owner, regardless of the stage of solving the case. And the vehicle owners are not always ready to eliminate the technical problems. A detained vehicle is often put into operation immediately after the return without any repair and

removing technical problems. Actually, this is not surprising, because the cost of some vehicle repair is much higher than the probable amount of the administrative penalty for violation under Art. 132-1 of CAO of Ukraine.

As for the seizure of the driving license and license document for the vehicle, the first measure is effective in case the driver is the owner of the vehicle (but even in this case there is a possibility to transfer vehicle operation to other individuals); in its turn, the seizure of the license document for the vehicle is the basis for the prohibition of the transport services provision, but it cannot prevent the participation of a vehicle in traffic without any commercial purpose.

Thus, the current measures of procedural provision cannot guarantee long-term exclusion of vehicles having technical problems from participation in traffic. The danger of this situation is obvious – according to the statistics operation of vehicles with technical problems is a major cause of road accidents and deaths (about 25 deaths fall to 100 accidents committed to this cause) [3, p. 4].

It seems that one of the best ways to solve this problem is to introduce the practice of temporary prohibition of the vehicle operation (unless the existing technical problems are eliminated/removed). On the one hand, it will completely exclude dangerous vehicles from participating in traffic, on the other – it will encourage their owners to eliminate all the technical problems as soon as possible.

Taking into consideration all the above mentioned issues we propose the following changes to the current CAO of Ukraine:

1) To add part 1 and 2 of Article 260 CAO of Ukraine with the words "temporary ban on vehicle operation" after "temporary detention of a vehicle" (hereinafter it remains the same);

2) To add the current CAO of Ukraine with Article 265-4 "Temporary ban on vehicle operation":

"If there is reason / evidence the driver must be considered to have committed a violation under Part 1–4 Art. 121, Art. 121-1, 122-5 and 132-1 of the Code, an employee of the corresponding department of the Ministry of Internal Affairs of Ukraine prohibits the vehicle operation until the relevant violations are eliminated. Yet the vehicle registration plates must be removed until the causes of the operation prohibition are eliminated. Temporary ban on the vehicle operation shall be recorded in the report of the administrative offence, that shall include: the grounds of the decision to ban the vehicle operation, information of the vehicle (state registration number), as well as information about the owner of the vehicle".

The category of subjects of cases regarding violation of laws on dangerous, overweighed and oversized freights transportation includes prosecutors and judges.

According to Art. 250 CAO of Ukraine, prosecutor, deputy prosecutor, exercising supervision over compliance and correct application of laws in

the proceedings has the right: to study the case; check the legitimacy of bodies (officials) in the proceedings; to participate in the proceedings; make motions; to give conclusions on the issues arising during the proceedings; check the correct application of measures for administrative offences by the corresponding bodies (officials); make representation, appeal injunction and the decision on the complaint in the case regarding an administrative offense, as well as perform other actions envisaged by law.

The prosecutor instituting administrative proceedings is of considerable interest in this context. The introduction of the institution at the end of 2012 was an important step that expands the range of administrative and judicial powers of prosecutors and diversifies their roles in the organization of administrative and tort proceedings. However, unlike the prosecutor's protest (this form of response was assigned to the prosecution in the administrative proceedings during the previous decades), directed solely to review the resolution of the case, suspend the illegal actions and restore / reinstate the violated rights, the institution may include requirements to: eliminate the causes and conditions that contributed to the violation of the law; call people to account envisaged by law; damages; stop the inactivity of officers and officials [14]. The expansion in powers regarding administrative cases is a logical step that will contribute to a more complete and detailed implementation of the prosecution objectives regarding establishment of the rule of law, consolidation of law and order, protection against abusive attacks.

Judges of courts of general jurisdiction are one of the important subjects of proceedings concerning violations of laws on dangerous, overweighted and oversized freights transportation. Without the authority to review and resolve these cases substantially / essentially, the judges are involved in the proceedings: firstly, as the subjects of complaints about certain proceedings (including the measures taken to ensure procedural order), and secondly, as subjects of consideration of the corresponding administrative matters in order to appeal.

Under Art. 267 CAO of Ukraine the administrative detention, personal inspection, examination and seizure of luggage and documents, including driver's license, license document for the vehicle, the temporary detention of the vehicle, suspension from driving and other measures may be appealed by interested parties in court. The appeal of such action does not stop their execution and does not preclude further proceedings. However, if the case is closed due to lack of events and of administrative tort or other grounds under Art. 247 CAO of Ukraine, such measures shall be disaffirmed and the person, to whom they have been applied, shall be entitled to reimbursement of damage caused.

It should be noted that the current CAO of Ukraine does not fully regulate the procedure of complaints consideration (including – trials) within the framework of administrative tort proceedings. According to the CAO of

Ukraine, there is the right to appeal. Such questions as the timing of complaints consideration, issues to be clarified in the trial, as well as possible solutions that can be taken – are now resolved by the rules of civil procedure.

The current legal "gap" must be eliminated. Securing a claim in civil proceedings is characterized by several features, stipulated by specific civil disputes. The above mentioned measures are taken at the initiative of the eligible parties; they are mostly of property nature, etc. This affects the mechanism of their application "adapted" solely to the rules of civil procedure. Such a mechanism in the administrative and tort proceedings is not always effective because the administrative cases are considered according to different principles and procedures.

Regarding this, Art. 267 of the current CAO of Ukraine must be expanded with parts 3, 4 and 5: "The complaint to the measures of the administrative offense proceedings shall be tried within two days of its submission."

According to the administration of the complaint on enforcement measures proceeding in the administrative offence case, the judge makes one of the following rulings:

- upholds the enforcement measures;
- changes one enforcement measure into another one;
- changes the terms of enforcement measure;
- cancels the enforcement measure.

If the case was dismissed due to reasons, envisaged by the Article 247 of the Code of Ukraine of Administrative Offence, the used enforcement measures remain in force until the corresponding ruling comes into effect. Nevertheless the bodies or officials who take the court ruling on administrative offence can make a decision on canceling such enforcement measures simultaneously with taking such a ruling.

According to Article 293 of the Code of Ukraine of Administrative Offence, the subject of the administration of the complaint (as a rule a judge is such a subject) can take one of the following decisions: a) affirm a decision; b) cancel the ruling and remit the matter for fresh examination; c) cancel the ruling and dismiss a case; d) change the sanction within the law. At the same time the legislator doesn't indicate which grounds can be the reason to change or cancel the court ruling on administrative delict. As a practical matter this fact often leads to making controversial, weakly motivated decisions, which neither facilitate the objectivity of justice nor strengthen the judicial authority.

Thus, there exists the necessity to define legal grounds for cancellation or change of administrative offence ruling. To achieve this aim it is necessary to amend article 293 of the Code of Ukraine of Administrative Offence with part 3 of such contents:

"The grounds for cancellation or change of administrative offence ruling are:

- one-sided or incomplete investigation of facts in the case;

- inconsistency of conclusions, given in the ruling, with the facts of the case;

- significant violation of procedural rules of case processing;

- incorrect imposition of administrative penalty.

A person, who is held administratively liable, an affected party, representatives and a defense counsel form the category of subjects, interested in the results of the case on the violation of laws on dangerous, overweighed and oversized freights transportation. Taking into account the fact, that in the course of administrative-delictual case proceeding the issues on rights and freedoms of particular persons are solved, the legislator provides them with wide opportunities concerning participation in the hearing of the case, providing grounds for their legal position, the defense of their legal interests.

According to Article 268 of the Code of Ukraine of Administrative Offence, a person, who is held administratively liable, has right to: receive investigation materials, give explanations, provide proofs, enter a motion, take immediate part in case hearing, use legal help of a lawyer or other specialist in the sphere of law, appeal case ruling, speak their native language and use the services of translators if they do not know the official language of the proceeding.

In his/her turn the affected party (that is a person, who suffered moral, physical or property damage) exercises the right to receive investigation materials, enter a motion and appeal the ruling in the court in case of administrative offence.

In administrative-delictual case proceeding the affected party has less volume of procedural rights than the person, who is held liable. In particular, current Code of Ukraine of Administrative Offence doesn't envisage the right to use legal help of a counselor, and also the services of a translator if he/she doesn't know the state language.

The presence of such "imbalance" in the procedural status of the person, who was held to book and the affected person can not be found grounded. In this case the issue is in the restriction of constitutional right of a person on legal advice (article 59 of the Constitution of Ukraine) and the violation of the principle of equality of citizens, envisaged both by the Constitution (article 24) and current Code of Ukraine of Administrative Offence (article 248). These restrictions contradict not only the principles of law, but also the principles of social justice, such as in these cases the matter is not about a possible offender, but vice a versa – about a law-abiding, innocent subject of legal relations, who was seriously damaged by illegal actions.

The facts, stated above, make it necessary to bring administrative-procedural status of the affected person in line with the requirements of the Constitution and general social standards of people's rights. One of the most important steps in this direction should be confirmation in the article 269 of the Code of Ukraine of Administrative Offence of the right of the affected

person to get legal advice, to provide proofs, to speak native language and to use the services of translators when they do not know the official language of the proceeding. To achieve this aim part 2 of the article 269 of the Code of Ukraine of Administrative Offence should read as follows: "The affected person has right to receive investigation materials, provide proofs, enter a motion, use legal help of a lawyer or other specialist in the sphere of law, who according to legislation has right to provide legal assistance personally or on behalf of legal entity, to speak native language and use the services of a translator, if he/she doesn't know the language of the proceeding, to appeal the ruling in the court.

According to current Code of Ukraine of Administrative Offence (articles 270 and 271) a lawyer or other specialist in the sphere of law, who according to legislation has right to provide legal assistance can represent the persons, interested in the results of case solution.

The procedural status of specialist-lawyer in the administrative-delictual proceeding is defined by the party of the case he represents (a person, who is held liable or an affected party). In the first case he/she protects the defense of the person from "conviction", and hence has a status of a defense lawyer. In the other case he/she represents the person, who supports the position of the "conviction" and that is why he/she has the status of a representative. Meanwhile, the sphere of their procedural authorities is approximately the same. Both representative and defense lawyer have right to receive investigation materials, enter a motion and appeal the court decisions (official's decisions), that consider the case.

On the basis of analysis of appropriate provisions of the Code of Ukraine of Administrative Offence there can be distinguished only two differences in the procedural status of a representative and defense lawyer. The first one is in the fact that while appealing the procedural decisions in the court, the representative can act on his own behalf and the defense lawyer can appeal only on the behalf of the person, he/she represents.

The other distinctive feature is that according to article 271 of the Code of Ukraine of Administrative Offence the defense lawyer, along with the rights, stated in the Code, has also got other rights, stipulated by the laws of Ukraine. Therefore, article 270 of the Code of Ukraine of Administrative Offence, which states the procedural rights of the representative, doesn't indicate such a notice. This allows assuming that according to the legislator's point of view, the list of procedural rights of the representative is final and is not a subject for further interpretation.

In return let us notice that in this case there is an unjustified narrowing of the array of procedural authorities of the representative in an administrative-delictual process. First, such an approach contradicts the provisions of the Law of Ukraine "On advocacy and legal practice", under which a lawyer while performing the representative functions, exercises right to take

any actions, that are not forbidden by law, the rules of advocate ethics and legal assistance agreement, that are necessary to fulfill the conditions of the legal assistance agreement. Second, the capabilities of the person to defend his/her rights and freedoms, guaranteed by the Constitution, are limited.

Considering that Part 3 of the Article 270 of the Code of Ukraine of Administrative Offence should read as follows:

"Legal representatives and the representatives of the person have right to receive investigation materials, to enter a motion on the behalf of the person, whom he/she represents, to appeal the decisions of the body (official), that consider the case, as well as they exercise other rights, envisaged by the legislation of Ukraine".

A witness, namely a person who knows the facts, which should be substantiated in the case, plays an important role in administrative-delictual proceeding (in particular concerning the hearing of cases on violation of laws on dangerous, overweighed and oversized freights transportation). The value of witness's testimony is the fact that it may contain information about facts of the subject of evidence, meaningful empirical data, facts of procedural character, grounds for administrative-legal controversies, facts about violation of the legal order performance by any subject of administrative process. Besides, such testimony frequently serves a single method of identifying certain circumstances of the case, when they aren't set documentarily and are actively used together with other proving methods, securing cogency of testimony and facilitating the formation conditions of the latter ones [15, p. 194].

It is generally admitted that one of the biggest problems in the course of hearing cases on transport administrative offences is the refusal of offence witnesses to become witnesses in the case. It is a very typical situation when a person, who saw the delict, refuses to provide information on the conditions of the delict, pretending having no time, professional business or other personal circumstances. By doing this they sometimes hide a desire to avoid participation in legal procedures, they can even support the actions of the offender or despise the representatives of the authority.

At the same time the legislation (in particular the Code of Ukraine of Administrative Offence) doesn't envisage punishment for the witness if he/she refuses to testify in the case on administrative offence: currently such a refusal doesn't have any legal consequences. Taking into account this fact, the citizens with low level of legal culture and civil responsibility refuse to testify, using the slightest excuses or even without them. The result of such actions leads to "weakening" of evidential basis, impossibility to clarify case facts, termination of case and evasion of deserved responsibility.

Given the fact that in some cases the presence of testimony is a qualifying characteristic feature of administrative delicts on transport (e.g. Part 4 of the Article 122 of the Code of Ukraine of Administrative Offence), the defined problem is becoming more and more socially important. In order to

solve it, it is necessary to state in the current Code of Ukraine of Administrative Offence a provision on administrative responsibility of the witness for default of legal requirements of the person, who carries out proceedings in the administrative offence case and for intentional providing of untruthful information.

At the same time it is impossible to omit the fact, that while setting the responsibilities of the witness (to come on call, to provide truthful testimony), the current Code of Ukraine of Administrative Offence doesn't define the range of his/her procedural rights, negatively affecting the procedural position of the witness and contradicts the democratic standards of justice.

Therefore it is necessary to enumerate the rights of the witness in the article 272 of the Code of Ukraine of Administrative Offence: not to incriminate him/herself, family or close relatives, the list of which is stipulated by law; to witness in his/her native language and to use free help of a translator; observe on accuracy of his testimony records in documents.

In case of necessity an expert and a translator can be attracted in the administrative-delictual proceeding. Although in practice the majority of cases on violation of transportation rules of hazardous, oversize and heavy-weight load are considered without their participation, such participation can be extremely necessary in certain situations. As a matter of fact, the carriage of cargo through the territory of Ukraine is frequently done within the framework of transnational transport (we mean with the help of foreign drivers), and delicts in this sphere are connected with the violation of special technical rules and infliction of material damage. In such cases only a person, who has necessary knowledge (technical, economic, linguistic, etc.) can secure the right of a foreigner to testify in his native language, can state the fact of violation of some technical rule or estimate the cash value of damages suffered. Taking all of this into account, a legal status of an expert and a translator is of immense practical interest.

According to Article 273 of the Code of Ukraine of Administrative Offence an expert is appointed by the body (the official) that carries out administrative-delictual proceeding, in case of necessity of specific knowledge, including defining the size of the property damage, made by the administrative offence. An expert is obliged to arrive on call of such a body (official) and provide objective report on the tasks set for him. Meanwhile he/she has right to be present during case hearing, receive case materials on the subject of the expertise, submit claims on receiving additional materials, necessary for expert report; question a person who is held liable, a victim and witnesses on the matter of expertise if the body (official), that considers this case, allows.

A translator is involved in the administrative-delictual proceeding in the same way. If he is appointed by the body or official, who are considering the case, a translator has to arrive on call and to perform accurate and complete translation (Article 274 of the Code of Ukraine of Administrative Offence) [13].

The analysis of administrative-delictual status of persons, having special knowledge, shows that there is a wide area for its development and improvement. This refers primarily to the status of an expert. It is worth agreeing with T. Kolomojets, who underlines that modern state of its legal regulation is distinguished by its generalized content and fragmentariness that do not allow an expert to implement his/her potential completely [16, p. 71].

In particular according to current legislation the evidence of the expert is greatly defined by the number of questions, raised by the subject of case hearing on administrative delict. At present an expert has no right to refuse to provide evidence that is beyond his/her special knowledge, to indicate in the expert report any circumstances, he was not questioned about, even if these circumstances can influence the court ruling. Such situation does not only limit the rights of an expert as a subject of administrative-delictual proceeding, but also facilitates the establishment of objective truth in the case, that is only possible on the basis of full, competent and extensive analysis of factual circumstances of a delict.

According to the above mentioned information it is worthy to expand the sphere of procedural rights of an expert as a participant of administrative-delictual proceeding by amending Article 273 of the Code of Ukraine of Administrative Offence. In particular we offer to amend this article with parts 4 and 5 that should read as follows: An expert has right to refuse from providing expert report if his special knowledge or provided materials are not enough.

An expert has right to state in his expert report the circumstances, he was not questioned about, if such circumstances can influence the case decision.

Conclusion. Summing it up we can state that current organizational and legal mechanism of considering and resolving cases on administrative offence, stipulated by Article 132-1 of the Code of Ukraine of Administrative Offence is far from being ideal. The proceeding of such cases is accompanied by many problems, which hinder the realization of procedural rights and freedoms of citizens, complicate objective issue establishment, determine mistakes of qualification, leading to excessive protraction of jurisdictional procedure, create holes in law for the offenders to avoid responsibility.

Mostly these problems have general character. They are driven by general weaknesses of procedural status of administrative-delictual proceeding subjects, and also systematic drawbacks of administrative offence case consideration: irregularity of separate procedural measures, inconsistency of procedural terms, insufficient information content of procedural documents etc.

Effective solution of procedural problems of responsibility for violation of laws on dangerous, overweighed and oversized freights transportation is only possible in case of a complex approach, directed at the improvement of administrative-delictual proceeding, despite its character and type of legal

cases. Within the framework of such approach we recommend to implement a complex of measures.

First, it is necessary to fix in the Article 255 of the Code of Ukraine of Administrative Offence the authorities of police officers to write a report on violation of laws on dangerous, overweighed and oversized freights transportation.

Second, we need to expand the list of measures on securing administrative offense case proceeding by way of including such a measure as temporary (before rectification of technical defects) ban on vehicle exploitation.

Third, we need to perform legal regulation (on the level of the Code of Ukraine of Administrative Offence) of the consideration procedure (including in court) of the claims on securing measures, implemented according to administrative-delictual proceeding.

Fourth, we need to define in the current Code of Ukraine of Administrative Offence the grounds for cancellation or change of rulings in cases on administrative offences.

Fifth, it is necessary to envisage administrative responsibility of a witness for failure to perform legal requirements of a person, who carries out proceeding in administrative offence case, also for intentional providing false testimony.

Sixth, it is worth fixing in the current Code of Ukraine of Administrative Offence:

- *the rights of the victim* to get legal help; provide proofs in the case, speak native language; use the help of a translator, to claim on renewal of the terms for appealing the ruling in the administrative case, which were missed due to important reasons;

- *the rights of the witness* not to incriminate himself, his family and close relatives; speak native language; use fee help of a translator, make notices on the documentary fixation accuracy of his evidence;

- *the rights of the witness* to refuse to give evidence beyond his special knowledge; to indicate in his expert report the circumstances, he was not questioned about, even if these circumstances can influence the court decision.

Besides, it is necessary to define the list of issues on a legislative level, which are subject for identification while considering claims and prosecutor requests in the cases on administrative offences.

REFERENCES

1. *Transport* : Vidpravlennja (perevezennja) pasazhyriv ta vantazhiv za vydamy transportu // Oficijnyj sajt Derzhavnoi' sluzhby statystyky Ukrainy

- [Elektronnyj resurs]. — Rezhym dostupu : http://www.ukrstat.gov.ua/operativ/operativ2005/tz/tz_rik/tz_u/ts_u.htm.
2. *Avarijnist'* na avtoshljahah Ukrainy // Oficijnyj sajt Departamentu DAI MVS Ukrainy [Elektronnyj resurs]. — Rezhym dostupu : <http://www.sai.gov.ua/ua/people/5.htm>.
 3. *Golubjeva G. K.* Administratyvno-pravova kvalifikacija porushen' vodijamy pravyl ekspluatacii' avtotransportnyh zasobiv : dys. ... kand. juryd. nauk : 12.00.07 / G. K. Golubjeva. — K., 2008. — 233 s.
 4. *Gurzhiy T. A.* Osnovnye nachala gosudarstvennoj politiki bezopasnosti dorozhnogo dvizhenija v Ukraine / T. A. Gurzhij // Administrativnoe pravo i process. — 2009. — № 5. — S. 29–33.
 5. *Gurzhiy T. A.* Gosudarstvennaja politika Ukrainy v sfere bezopasnosti dorozhnogo dvizhenija: perspektivy razvitija / T. A. Gurzhij // Administrativnoe pravo i process. — 2010. — № 2. — S. 32–37.
 6. *Donenko V. V.* Administratyvna vidpovidal'nist' za pravoporushennja, pov'jazani z keruvannjam transportnyh zasobamy osobamy, jaki perebuvajut' u stani sp'janinnja : dys. ... kand. juryd. nauk : 12.00.07 / V. V. Donenko. — K., 2001. — 223 s.
 7. *Novikov V. V.* Administratyvno-pravovi osnovy profilaktyky porushen' pravyl dorozhn'ogo ruhu v Ukraini : avtoref. dys. na zdobuttja nauk. stupenja kand. juryd. nauk : spec. 12.00.07 "Teorija upravlinnja; administratyvne pravo i proces; finansove pravo; informacijne pravo" / V. V. Novikov. — K., 1997. — 24 s.
 8. *Salmanova O. Ju.* Administratyvno-pravovi zasoby zabezpechennja milicijeju bezpeky dorozhn'ogo ruhu : dys. ... kand. juryd. nauk : 12.00.07 / O. Ju. Salmanova. — H., 2002. — 232 s.
 9. *Razvadovskij V. I.* Administrativnaja otvetstvennost' za narushenie norm, pravil i standartov, kasajushihhsja obespechenija bezopasnosti dorozhnogo dvizhenija : dis. ... kand. jurid. nauk : 12.00.07 / V. I. Razvadovskij. — Odessa, 1998. — 176 s.
 10. *Cyba Je. V.* Administratyvna vidpovidal'nist' za porushennja pravyl perevezennja pasazhyriv ta vantazhiv avtomobil'nym transportom / Je. V. Cyba // Krym. juryd. visnyk. — 2010. — № 2(9). — Ch. 1. — S. 254–261.
 11. *Cyba Je. V.* Administratyvna vidpovidal'nist' za porushennja pravyl perevezennja pasazhyriv ta vantazhiv avtomobil'nym transportom v Ukraini : dys. ... kand. juryd. nauk : 12.00.07 / Je. V. Cyba. — Donec'k, 2011. — 228 s.
 12. Zakon Ukrainy "Pro vnesennja zmin do dejakyh zakonodavchych aktiv Ukrainy shhodo vdoskonalennja reguljuvannja vidnosyn u sferi zabezpechennja bezpeky dorozhn'ogo ruhu" vid 24 veres. 2008 r. № 586-VI // Oficijnyj visnyk Ukrainy. — 2008. — № 79. — St. 2652.
 13. Kodeks Ukrainy pro administratyvni pravoporushennja // Vidomosti Verhovnoi Rady URSR. — 1984. — № 51. — St. 1122.
 14. Zakon Ukrainy "Pro vnesennja zmin do dejakyh zakonodavchych aktiv Ukrainy z pytan' udoskonalennja dijalnosti prokuratury" // Oficijnyj visnyk Ukrainy. — 2012. — № 73. — St. 2934.
 15. *Olefrenko N. A.* Osoblyvosti pravogo statusu svodka jak uchasnyka administratyvno-deliktного provadzhennja / N. A. Olefrenko // Visnyk Zaporiz. nac. un-tu. — 2011. — № 1. — S. 193–198.

16. Kolomojec' T. O. Zarubizhnyj dosvid normatyvnogo vyznachennja zasad uchasti eksperta v administratyvno-deliktному provadzhenni ta mozhylyvi shljahy jogo zapozychennja v Ukraïni / T. O. Kolomijec' // Visnyk Akademii' mytnoi' sluzhby Ukraïny. — 2009. — № 1. — S. 71–81.— (Serija "Pravo").

Articles submitted to editors office of 17.04.2013.

Гуржій А. Суб'єкти провадження у справах про порушення правил безпеки вантажоперевезень.

Постановка проблеми. Аналіз практичних аспектів юрисдикційної діяльності в сфері перевезення небезпечних, великовагових і великогабаритних вантажів засвідчив широке коло проблем, пов'язаних з розглядом відповідних адміністративних справ, складанням процесуальних документів, здійсненням процесуальних дій, прийняттям та виконанням процесуальних рішень. Витоки цих проблем криються в площині процесуального статусу суб'єктів адміністративно-деліктного провадження, що зумовлює доцільність наукового пошуку шляхів його вдосконалення.

Метою статті є висвітлення недоліків процесуального статусу суб'єктів провадження у справах про порушення правил перевезень небезпечних, великовагових і великогабаритних вантажів, а також розроблення конкретних законодавчих пропозицій з його вдосконалення.

Результати дослідження. З метою оптимізації провадження у справах про адміністративні проступки на транспорті в чинному законодавстві запропоновано закріпити повноваження працівників міліції щодо складання протоколу про порушення правил перевезення небезпечних вантажів, проїзду великовагових і великогабаритних транспортних засобів. Обгрунтовано необхідність розширення спектру заходів процесуального забезпечення, віднесених до компетенції працівників органів внутрішніх справ. Запропоновано впровадити в практику такий захід процесуального забезпечення, як тимчасова заборона експлуатації транспортного засобу. Внесено комплекс пропозицій, спрямованих на приведення адміністративно-процесуального статусу суб'єктів адміністративно-деліктного провадження у відповідність до вимог Конституції України та загальносоціальних стандартів прав людини.

Висновки. Низька ефективність заходів адміністративної відповідальності за делікти на транспорті значною мірою обумовлена процесуальними вадами їх реалізації. У зв'язку з цим постає необхідність вжиття комплексу правових та організаційних заходів, спрямованих на вдосконалення процесуального статусу учасників розгляду справ про порушення правил перевезення небезпечних, великовагових і великогабаритних вантажів.

Ключові слова: транспорт, вантаж, дорожній рух, правопорушення, відповідальність, провадження.