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Regulatory policy of the foreign economic activity of the state

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Abstract

The subject of the article was the analysis of the state regulatory policy in the field of securing foreign economic activity and the development of relevant directions for its adaptation in the conditions of martial law. In the study, the regulatory and legal support for the implementation of foreign economic activity in Ukraine was formed. Peculiarities of implementation of international trade activities in the conditions of martial law are determined. The losses of Ukraine's industrial potential during military operations are analyzed. The rates of decline of export and import operations during the period of martial law are estimated. Regulatory activity of the authorities with respect to stabilization of foreign economic activity and directions with respect to support of business entities have been studied. The conclusions highlight areas related to the support and activation of economic activity, which are aimed at creating the necessary conditions for the formation of a positive climate of innovation and investment, efficient and safe logistic flows, and a regulatory and legal field that is adapted to the standards of European countries.

Keywords: regulatory policy; foreign economic activity; international trade activity; innovation; investment climate.

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Política reguladora de las actividades económicas exteriores del Estado

Resumen

El objeto del artículo fue el análisis de la política regulatoria del Estado en materia de aseguramiento de la actividad económica exterior y el desarrollo de las orientaciones pertinentes para su adecuación en las condiciones de la ley marcial. En el estudio, se formó el soporte regulatorio y legal para la implementación de la actividad económica extranjera en Ucrania. Se determinan las peculiaridades de la implementación de actividades de comercio internacional en las condiciones de la ley marcial. Se analizan las pérdidas del potencial industrial de Ucrania durante las operaciones militares. Se estiman las tasas de disminución de las operaciones de exportación e importación durante el período de la ley marcial. Se ha estudiado la actividad regulatoria de las autoridades con respecto a la estabilización de la actividad económica exterior y las direcciones con respecto al apoyo de las entidades comerciales. En las conclusiones se destacan áreas relacionadas con el apoyo y activación de la actividad económica, las cuales están orientadas a crear las condiciones necesarias para la formación de un clima positivo de innovación e inversión, flujos logísticos eficientes y seguros, y un campo normativo y legal que sea adaptado a las normas de los países europeos.

Palabras clave: política regulatoria; actividad económica exterior; actividad comercial internacional; innovación; clima de inversión.

Introduction

The armed conflict in Ukraine led to the complication of conducting foreign economic activities of the state and contributed to the search for new mechanisms for adapting the conduct of foreign economic activities at all levels. One of these directions is the formation of a new mechanism of state regulation of foreign economic activity, which will contribute to the support of international cooperation, the provision of effective measures to ensure the income of the state and enterprises, and the search for new forms of interaction in the business environment for the sale of domestic products and services on international markets.

The regulatory policy of foreign economic activity should be considered as a set of measures aimed at introducing the domestic economic system into the global economy, while it is important to preserve and protect domestic interests and the economic security of the state. However, Russia's

military aggression led to significant restrictions on the functioning of foreign economic activity in the country, which requires new approaches to the organization of international cooperation, taking into account the relevant risks and threats.

In the conditions of military restrictions, the main tasks are to ensure the export of quality goods to replenish the state budget, on the other hand, it is important to support the import of goods of primary necessity to ensure the life of society. The researched issues are currently relevant and complex for the state, which requires a thorough study of both theoretical and practical activities, which will allow the formation of an appropriate mechanism for ensuring the regulation and development of foreign economic activity in Ukraine.

The purpose of the article is the analysis of the regulatory policy of the state in matters of ensuring foreign economic activity and the development of relevant directions for its adaptation in the conditions of martial law.

To achieve the set goal, the following tasks were formed and solved in the work:

- The regulatory policy of the state in matters of its foreign economic activity was investigated.
- Changes in indicators of foreign economic activity in the pre-war and war period were analyzed;
- Developed directions for the development of a mechanism for regulating foreign economic activity, taking into account modern challenges and threats.

The difficult conditions of the pandemic and military aggression led to a significant decrease in foreign economic activity in Ukraine due to the destruction of many enterprises that were strategic for export activities in Ukraine. The destruction of industrial giants that exported products to various countries led to a decrease in the export potential of the state. Such industrial enterprises as the Azovstal Metallurgical Plant, the Mariupol Metallurgical Plant named after Ilyich, the Branch of the State Enterprise ANTK named after O. K. Antonova, Kremenchug Oil Refinery, PJSC Avdiiv Coke Chemical Plant, State Enterprise “Zorya - Mashproekt Scientific-Production Gas Turbo Construction Complex” and others, which provided 50% of the state’s industrial exports.

The agricultural sector suffered a great loss due to the loss and damage of grain crops, which affected the world food market. In such conditions, one of the main tasks of the state is to create proper safe ways of import substitution of necessary goods and services in the regional section, regardless of hostilities.

Today, in Ukraine, the issue of regulation of foreign economic activity is controlled by such authorities as the Verkhovna Rada of Ukraine, the Cabinet of Ministers of Ukraine, the National Bank of Ukraine, the Ministry of Economy, regional and local foreign economic activity management bodies. As for the regulatory and legal support for the implementation of foreign economic activity in Ukraine, it is regulated by the following basic legislative acts in the conditions of martial law:

Law of Ukraine “On Foreign Economic Activity” No. 959-XII, dated August 1, 2021 (as amended), which regulates the main provisions on conducting foreign economic activity in Ukraine;

Law of Ukraine “On the Nationwide Program for the Adaptation of the Legislation of Ukraine to the Legislation of the European Union” No. 1629-IV dated 04.11.2018 in which the purpose and directions of adaptation of the regulatory and legal system of Ukraine to European standards are established.

The implementation of foreign economic activity is regulated on the basis of such methods as:

- licensing and quotas of goods and services, registration of foreign economic activity subjects, conclusion of international contracts, restriction of export and import of certain types of goods and services; currency control;
- customs and administrative registration of operations related to foreign economic activity; granting of licenses for alcohol and tobacco products; certification of goods imported into the territory of Ukraine;
- implementation of control in sanitary-epidemiological, veterinary, phytosanitary, ecological areas; registration of medicinal products and those used in non-traditional medicine.

Starting from the period of martial law, the state introduced a number of resolutions and legislative acts that regulate the implementation of foreign economic activity in Ukraine under such conditions.

One of these directions was the closure of some checkpoints on the borders with the aggressor country to ensure the security of the state. These measures are controlled by the Decree of the Cabinet of Ministers of Ukraine No. 188 dated February 26, 2022 “On the temporary closure of some checkpoints across the state border and checkpoints”. The negative consequence is the termination of all foreign economic relations with Russia, since the majority of industrial exports and imports of goods and energy were carried out with this country.

Establishing new ties and logistics chains requires time and money, development of appropriate regulatory support for operations with EU countries. To support foreign economic activity and its regulation in the new conditions, the state adopted a number of resolutions that will contribute to this.

Thus, Resolution of the Cabinet of Ministers of Ukraine No. 314-220 dated 11.05.2022 “Some issues of ensuring the conduct of economic activity in conditions of martial law” is designed to simplify the procedure for obtaining permits for the implementation of foreign economic activity for those economic entities that implement it in their activities.

Resolution of the Cabinet of Ministers of Ukraine No. 153-2022 dated 14.06.2022 “On the list of goods of critical import” and Resolution of the Cabinet of Ministers of Ukraine No. 289 of 16.03.2022 “Some issues of goods of critical import”. The above documents regulate the issue of defining critical import and export of goods, the list of such goods, and the identification of sectors that are critical for ensuring the livelihood of the country and the population. The definition of such goods and services allows to maximize the work of enterprises and organizations in the existing conditions to ensure the livelihood of the population and contribute to the filling of the country’s budget.

The regulation of issues related to the export of agricultural goods from the country, the allocation of quotas, licenses and the export of a number of goods (wheat, meat, flour, other meat by-products) are regulated by Resolution of the Cabinet of Ministers of Ukraine No. 1031 dated 16.09.2022 “On making changes to Appendices 1 and 5 to the Resolution of the Cabinet of Ministers of Ukraine dated December 29, 2021 No. 1424”, Resolution of the Cabinet of Ministers of Ukraine No. 422 dated 04.09.2022 “On making changes to Appendices 1 and 5 to the Resolution of the Cabinet of Ministers of Ukraine dated December 29, 2021 No. 1424”.

As one of the ways to support the consumer market during martial law, the government banned the export of such products as buckwheat, salt, rye, and oats. Restrictions also apply to a number of mineral and chemical fertilizers.

During the martial law, the National Bank of Ukraine introduced a number of rules regarding settlements with transactions related to foreign economic activity, in particular the establishment of deadlines of 90 calendar days for the relevant settlements, which is regulated by the Resolution of the Board of the National Bank of Ukraine dated 24.02.2022 No. 18 “On the operation of the banking system during the introduction of martial law”.

The difficult conditions in which Ukraine found itself contributed to a significant transformation of the national legislation in matters of regulation

of foreign economic activity. The process of adapting domestic legislation to new requirements is carried out on the basis of the introduction of a structured system of legal regulation of the processes of foreign economic activity, the development of the appropriate toolkit (normative framework, compliance with the norms of international law and the conclusion of intergovernmental agreements).

For the effective participation of Ukraine in the international market and the implementation of foreign economic activities with the EU countries, it is necessary to develop and bring into compliance the legal framework that will contribute to the acceleration of the country's integration into the EU.

The Covid-19 pandemic and hostilities have had a negative impact on Ukraine's economy and international cooperation. The slowdown in production and the subsequent destruction of strategic enterprises and infrastructure led to a sharp decline in the country's socio-economic development. Negative consequences are also observed in the field of human capital, as many professionals and young people have left abroad in search of security. After the end of hostilities, not all citizens will return to Ukraine, so the state must already take into account the shortage of personnel in many professions.

Also, a negative consequence is the demographic crisis, which is caused by the departure of the population from the country due to military aggression, which affected the safety of working conditions, the level of financial security of labor, and the increase in the death rate of citizens during hostilities. Such negative phenomena have a global character for the country, which disincentivizes development and the possibility of the country carrying out foreign economic activities in full.

1. Literature Review

Scientific research by leading scientists is devoted to the peculiarities of the development of the economic potential of the regions and the country as a whole, including aspects of foreign economic activity, namely: Arefieva (2021); Balatskyi (2021); Derhaliuk (2021); Havlovska (2019); Havlovska (2020); Khrushch (2022); Kniaz (2021); Nazarova (2021); Nesterova (2020); Popelo (2021); Prokopenko (2014); Rudnichenko (2020); Rudnichenko (2021); Shkarlet (2020); Shymanska (2014); Solodovnik (2021); Tulchynska (2021) and other.

Within the study (Rudnichenko *et al.*, 2020) the authors developed an economic and mathematical model for optimizing the interaction of industrial enterprises with potential partners based on risk minimization. Scientists are convinced of the practical value of the model, namely that

it will facilitate the adoption of rational strategic decisions in the field of foreign economic activity. The purpose of the article (Prokopenko *et al.*, 2014) is to outline the mechanism of economic security management of foreign economic activity of machine-building enterprises. Scientists have developed ways to improve the management of economic security of foreign economic activity of machine-building enterprises.

This approach will contribute to comprehensive economic security. The purpose of the article of scientists (Havlovska *et al.*, 2019) is to substantiate the practical need to introduce a mechanism of economic security of foreign economic activity of enterprises. According to researchers, through the components of the management system, the mechanism will help to identify and detail the parametric characteristics of economic security of foreign economic activity.

The authors (Solodovnik *et al.*, 2021) substantiate the practical feasibility of the developed recommendations concerning the processes of modeling the innovative development of foreign economic activity. The author's method is aimed at monitoring the work of the department of foreign economic activity and the algorithm of programmed selection of directions of innovative development is offered.

The purpose of the article (Rudnichenko *et al.*, 2021) is to analyze the features of strategic management of interaction between government agencies and enterprises in the field of foreign economic activity. The authors of the study claim that the results of the study found ways to increase the effectiveness of cooperation, which largely depend on government institutions.

The authors (Shymanska, 2014) study the processes of risk management in the enterprise as the dominants of its foreign economic activity. Within the study, scientists propose a model of risk management in the role of the functional structure of the enterprise.

The article (Nesterova *et al.*, 2020) reveals the features of identifying and assessing external risks of foreign economic activity of the enterprise. The algorithm of detection and sequence of risk management offered by scientists has practical value. The authors (Balatskyi *et al.*, 2021) proposed an organizational and economic mechanism for managing economic security in foreign economic activity of the enterprise.

Scientists systematized and grouped the principles, methods and stages of economic security management in the foreign economic activity of the enterprise. The authors have developed an integrated structure of the mechanism of economic security management in foreign economic activity.

The study (Kniaz *et al.*, 2021) proposed a method for assessing the level of economic efficiency of foreign economic activity. The authors argue the

need to strengthen the specification of information and analytical support for the development of foreign economic activity of enterprises through the use of developed methods for selecting indicators. The practical value of the authors' research (Nazarova *et al.*, 2021) lies in the developed approach, which describes the process of forming the principles of accounting, analysis and audit of foreign economic activity of the enterprise.

According to the results of research, scientists have proposed ways to improve the organizational and methodological provisions of the audit of foreign economic activity of enterprises, taking into account modern challenges and intensification of competition.

Practically useful is the study of scientists (Havlovska *et al.*, 2020), which is based on strategic choice and analysis of markets in terms of potential benefits for the subject of foreign economic activity. The approach proposed by the authors will be useful for enterprises engaged in foreign economic activity, namely through the presentation of management information, which will facilitate the adoption of sound management decisions.

Despite of many studies by domestic and foreign scholars, the issue of regulatory policy of foreign economic activity needs further research and analysis.

2. Results

The modern practice of conducting foreign economic activity proves that the internationalization of economic ties is a stimulating factor for the growth of the state's economy and, as a result, contributes to the development of the global economic space. An important role in this is played by the development of foreign economic activity, since it represents the inclusion of each country in the system of the world economy, and as a result, in the processes of international division of labor and international cooperation.

On the basis of which it can be argued that the process of foreign economic activity is the main factor in the development of every country in the world. Therefore, it is an important aspect for Ukraine to establish international ties that will help strengthen the economy and partnership relations, promote business activity and increase the state's competitiveness in the international arena. The main task of regulating foreign economic activity is to create appropriate conditions for the activation of export-import activities of enterprises and the state as a whole. The development of the export-import potential of Ukraine for the period 2012-2021 is shown in (Fig. 1).

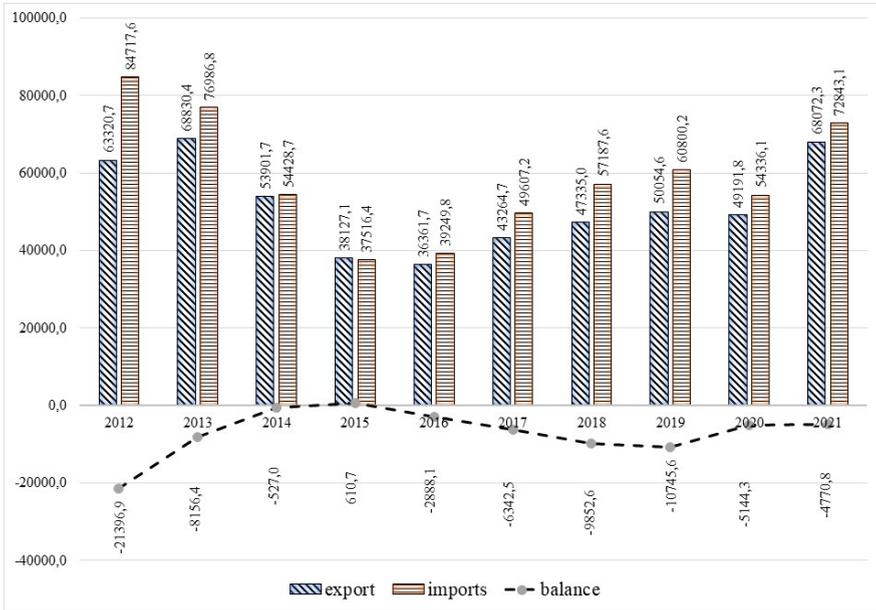


Fig. 1. Dynamics of foreign trade in goods in 2012-2021 (million USD). Source: generated by the authors

It can be seen from the given data that for a period of 10 years, the import of goods exceeded the export. However, in 2021, the export of goods increased significantly compared to similar periods (2012-2020). Thus, in 2021, compared to 2020, exports increased by 18,880.5 million USD, and compared to 2019 by 18,017.7 million USD. This indicates the stabilization of the situation of foreign economic activities compared to 2019, when the pandemic spread throughout the world. Import of goods increased similarly to export, but in 2021, compared to 2019, it increased by 12,042.9 million USD, and compared to 2020 by 18,507 million USD. The indicator of the balance of foreign economic activity in 2021 compared to 2020 is characterized by an improvement of 373.5 million USD.

The analysis of the export of goods for the period 2021-2022 is characterized by a significant decrease in indicators in 2022 due to military actions on the territory of Ukraine. Thus, in 4 months, the rate of export of goods decreased by 31% compared to the same period of 2021 (Fig. 2). The export-import coverage ratio in 2021 was 0.94, and in 4 months of 2022 it was 1.0.

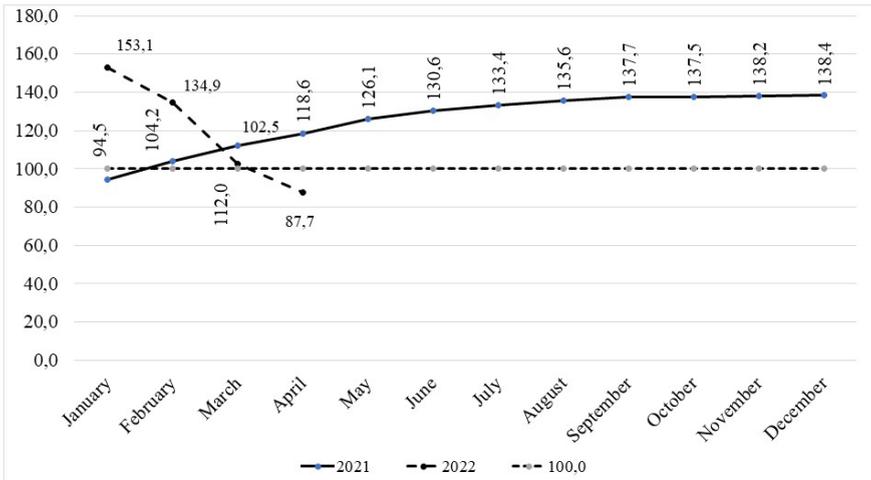


Fig. 2. The rate of growth (decrease) in the export of goods (in % compared to the corresponding period of the previous year, cumulatively). Source: generated by the authors.

The analysis of the import of goods for the period of 2021-2022 was characterized by a decrease in the import of goods to 82.5 against 119.7 for the same period of 2021 (Fig. 3). From January to April 2022, the growth rate of goods imports decreased by 65%. The decrease in the rate of import and export of goods is associated with military actions on the territory of Ukraine, which led to a decrease in the rate of foreign economic activity with the regions that are the most dangerous. However, some manufacturers and countries during the war generally stopped or significantly reduced trade activities due to the threat.

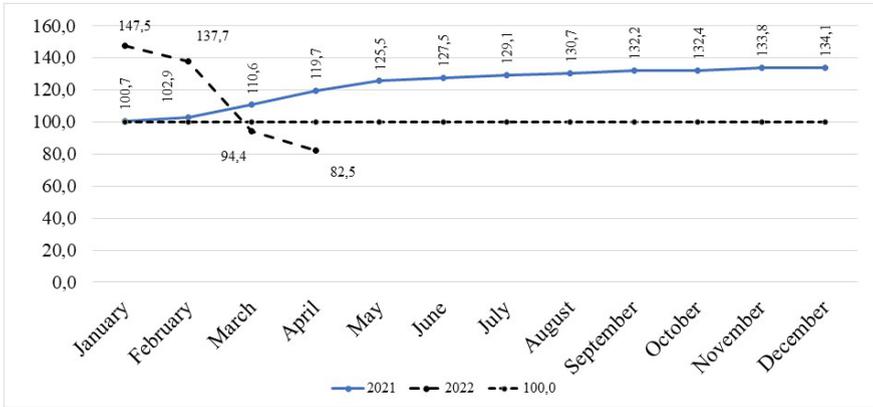


Fig. 3. The rate of growth (decrease) in the import of goods (in % compared to the corresponding period of the previous year, cumulatively). Source: generated by the authors.

In this way, it can be determined that during the period of hostilities, Ukraine significantly reduced the potential of foreign economic activity, which requires the development and implementation of appropriate directions on the part of the state in matters of regulation of these processes in order to stabilize the situation. However, such challenges allow business entities to more quickly adapt to new conditions and increase their competitiveness on the international market.

For the implementation of such measures, it is expedient to improve the mechanism of regulation of foreign economic activities of the state taking into account European integration, since such adaptation requires appropriate regulatory and legal support taking into account international norms and standards. Therefore, the primary task is the development and adaptation of Ukrainian legislation to European norms and standards of conducting business and international trade.

The system of ensuring the regulation of foreign economic activity includes goals, tools, tasks that contribute to the development of foreign economic activity based on the introduction of the appropriate mechanism (Fig. 4).

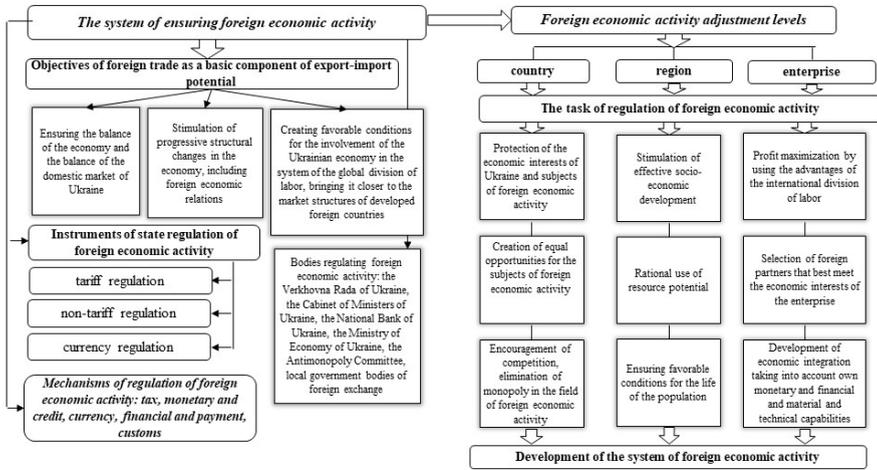


Fig. 4. Regulation of foreign economic activity in the conditions of European integration

Source: generated by the authors

Depending on the level of implementation of the regulation of foreign economic activity, the tasks will differ, but in aggregate they should contribute to the development of foreign economic activity. At each level, conditions are created for the functioning of international activities of enterprises and organizations in the form of directions for regulating these processes.

Conclusion

The conducted research made it possible to outline the following conclusions. From the practice of conducting foreign economic activity by business entities, it should be noted that for its success, enterprises must adapt their activities to the norms of international legislation. The processes of regulation of foreign economic activity take place during the period of transformations and changes in both the internal and external environment. Under the conditions of a decrease in the development of international trade, questions arise for the state regarding the development of appropriate instruments for regulating the influence on its activation, taking into account the state of the external and internal environment.

For the development of foreign economic activity in the country, the Export Strategy was adopted in 2017, which provided directions for

ensuring the export of goods and services, but its activities did not achieve the desired effect for the state. Therefore, for the effective implementation of directions regarding the regulation of foreign economic activity in the post-war period, it is necessary to focus on the strengths of Ukraine's export potential, namely, the emphasis on high-tech goods and services, the achievement of innovative and intellectual developments in various fields.

It is the prioritization of the commodity rather than raw material segment that will contribute to increasing the export potential of the state and strengthening its competitive positions. To achieve this goal, it is necessary to solve the following tasks in the sphere of regulation of foreign economic activities:

- Creating the necessary conditions for stimulating the innovative activity of enterprises and the development of foreign trade, taking into account the diversification of the export of goods and services.
- Development of consulting and support services for international cooperation and foreign economic activity by business entities.
- Regulation and improvement of financial markets, which will contribute to the increase of investment flows.
- Reducing the level of corruption in the country based on the introduction of methods of detecting violations and bringing to justice for corrupt acts, which will ensure the transparency of investment operations and increase the country's rating in the international environment.
- Adaptation of the domestic trade system to the needs of exporters in the provision of various types of services in financing, insurance, product certification, logistic transportation, assistance in drawing up relevant documentation taking into account EU requirements.
- Development and implementation of a road map for the regulation and development of foreign economic activity in the country.
- Simplification of financial and credit mechanisms for obtaining funds for business entities engaged in foreign economic activity.
- Institutional support and coordination of actions between different levels of state administration in matters of ensuring effective export-import activity.
- Balancing in compliance with requirements regarding technical regulations and standards of partner countries.
- Such measures will contribute to the expansion of international cooperation of the state in matters of export-import relations in the long term.

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