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THE STATE REGULATION OF E-COMMERCE IN CONTEXT OF EUROPEAN INTEGRATION PROCESSES IN UKRAINE

The development of the world economy is significantly influenced by the globalization and informatization. These trends lead to the development of the global information sector and creation of the e-commerce market. In Ukraine the market of e-commerce is in the stage of its development and operates in the conditions of the insufficient legal support. However, it should be mentioned that the growth rate of e-commerce market in Ukraine is one of the most dynamic. There globalization process can be seen through the occurrence of the multinational corporations on the domestic market, which bring the experience of the foreign companies. Therefore, it is necessary to create an enabling institutional environment for further development of e-commerce based on the European experience of market regulation.

In Ukraine there can be noticed the rapid development of e-commerce market. According to Ecommerce Europe, in terms of market growth Ukraine occupies the 2nd place among the European countries. The market growth of e-commerce in Ukraine is significantly higher than the average in the region of the European Union and Europe as a whole (Table. 1). Taking into account

the impact of the European integration process, there can be stated that Ukrainian market is attractive to investors and has significant prospects.

Table 1

**The rate of e-commerce market growth in Ukraine,
EU and Europe in 2012-2013***

Region	Market turnover in 2012 (billion. euros)	The growth of the market in 2012 (%)	Market turnover in 2013 (mln. Euros)	Market growth in 2013 (%)
Europe	312	19%	363,1	16,3
EU	277	18%	317,9	14,7
Ukraine	1,25	47,1%	1,850	48,0

* *Developed by the author based on [3]*

The abovementioned states that E-commerce market in Ukraine is under development. However, the market growth is higher than the average in Europe due to the following aspects:

- the increased interest of the domestic and foreign investors in this market;
- the gradual development of market infrastructure;
- the transfer of the offline customers into the follower of the online shopping;
- the rapid spread and penetration of information and communication technologies into the new areas of consumer and business activity.

The given the pace of e-commerce market development and European integration processes shows the need to adapt Ukrainian legal acts with EU legislation. It is also important is to create an institutional environment for business cooperation in the market of e-commerce in Ukraine and the EU.

Basic principles of cooperation between Ukraine and EU Member States in the field of e-commerce is outlined in Part 6 of the Association Agreement between Ukraine and the EU (e-commerce). In particular, the basic principles of cooperation (Article 139) state the following:

1) to promote the development of e-commerce between EU Member States and Ukraine (through cooperation).

2) to ensure the full compliance with the highest international standards of information security in order to increase the users' trust in e-commerce.

3) to provide the transmission of electronic data between Ukraine and European Union members considering the cross-border provision of services without any charged customs fees [2].

In EU e-commerce market is regulated by the Directive on Electronic Signatures (1999), Directive on electronic commerce (2000) and the Directive on Information Society (2001).

In Ukraine, e-commerce market regulation is based on the laws which can be applied to the business as a whole («The Civil Code of Ukraine», the Law «On Advertising», Law «On Protection of Consumer Rights.» Some aspects of the regulation of e-commerce market is defined The Law of Ukraine «On payment Systems and money Transfer in Ukraine», «On Telecommunications» and so on. etc.). Despite of the presence of the above provisions, the legal regulation of e-commerce market in some aspects of e-business remains unresolved.

The system of e-commerce market regulation is also regulated by the «Electronic commerce» law. The main purpose of this bill is to systematize the current legislation of Ukraine and the legal procedure for remote execution and performance of contracts with the use of electronic information and communication tools and technologies. The adoption of this bill will establish the common approach to public market regulation of electronic commerce.

Given the orientation towards integration with the EU, it is necessary that the item complies with the provisions of the EU law «On electronic commerce» (Table 2).

Table 2

Analysis of the draft Law «On electronic commerce» main provisions of the Directive on electronic commerce*

Provisions of Directive	Compliance with the Law «On electronic commerce»	Aspects which do not meet the Directive
Definitions of key terms Information Society	partly responsible	The terms of «information society service providers» and «based provider of information services» and «recipient of services» and «customer service» are not defined
Terms restrictions on freedom of information supply services by entities other countries.	not correspond	Not applicable, the conditions and circumstances under which the freedom of information supply services by non-residents may be limited
Information to be provided by suppliers of information services ..	compliant	-
The requirements for sending commercial messages	compliant	-

The order of the electronic contract	partly responsible	Does not reflect the following requirements: the service provider must promptly and electronically acknowledge receipt of the request of the recipient.
Responsibility intermediate service providers	compliant	-

** Developed by the author based on [1, 4]*

Comparing the provisions of Directive 2000/31 / EC and the draft Law «On electronic commerce», we can draw the following conclusions:

1. In general, the draft Law «On electronic commerce» develops the subject to the provisions of the Directive on electronic commerce and regulates key aspects of the interaction of the electronic commerce market.

2. the requirements presented in the Directive on electronic commerce following provisions are not fully defined:

- Liability interim service providers;
- Requirements for sending commercial communications;
- Information to be provided by suppliers of information services.

However, the concepts such as «information society service providers» and «based provider of information services» as well as «recipient of services» and «customer service» are not defined so that it can pull the emergence of conflicting situations in the legal regulation of the market. The law appeals to the term “vendor services” and “Buyer”, which is similar to the “service provider” and “consumer services”. However, the law is not given any definition of the terms.

3 At the stage of electronic contracts creation the requirement for immediate verification request by electronic means are not included in.

4. The Law «On electronic commerce» does not state under which circumstances and on which terms the freedom of information supply services by entities registered in other countries may be limited.

Therefore, it is necessary to provide the amendments to the draft Law «On electronic commerce» to match it with the standards set out in Directive 2000/31 / EC. Ukraine's integration to the European Union as well as the creation of these amendments and specifications is going to minimize the likelihood of disputes and facilitate the integration of e-commerce market of Ukraine markets of EU member states.

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СОСТОЯНИЕ И ОСОБЕННОСТИ ФУНКЦИОНИРОВАНИЯ ПРОМЫШЛЕННОГО СЕКТОРА ЭКОНОМИКИ УКРАИНЫ

В социально-экономической жизни Украины промышленный комплекс является не только основой экономики, но и залогом благосостояния и дальнейшего развития всей системы социально-экономических отношений. Значимость данного сектора экономики Украины обуславливается влиянием на экспортную составляющую и финансовую платежеспособность государства. Вследствие чего, развитие отечественного промышленного комплекса является одним из важнейших приоритетов государственной политики Украины [1, с. 13].

По данным Всемирного экономического форума в рейтинге глобальной конкурентоспособности за 2013-2014 годы Украина занимала 84 позицию в списке, при этом снижение составило 11 пунктов по сравнению с рейтингом 2012-2013 годов. Следует отметить, что Всемирный экономический форум даёт определение национальной конкурентоспособности как способности страны и ее институтов обеспечивать стабильные темпы экономического роста, которые были бы устойчивы в среднесрочной перспективе. Если учитывать фактор отсутствия правительственного вмешательства или воспрепятствования производству, распределению и потреблению товаров и услуг (т.е. фактор экономической свободы), то в данном случае Украина имеет 155 позицию в группе стран с несвободной экономикой. Особенно