

## NATIONAL ISSUES OF LEGISLATIVE REGULATION OF CORPORATE SECTOR

In developed Europe, the main regulator of the institutional system is balanced. 87% of the EU to the legislative transformation in Ukraine (13 of 15 points) concerning the activities of the corporate environment [1].

The main problems companies at the corporate sector at the current time are:

1. Lack of regulated relationship concerning property relations and its course. It is in this area is the largest number of corporate conflicts. The largest of them are caused by the processes of consolidation of ownership, lack of certainty of the state right of access shadow and speculative capital (in the UK and the EU has norm that when buying a stake of 2% required to provide proof of income and legality permit redemption of antitrust regulator).

Problems of ownership in the corporate sector are concentrated around: redistribution of stakes in joint-stock companies, the use of control by authorities as a way to control cash flow without statutory priority.

2. *Lack of clear unambiguous internal procedures and regulations, including the merger and takeover.* As the tool used: number of parallel meetings, sometimes there are several goals of the Board, ignoring the general meeting for their failure; participants and initiators of corporate conflict are regional and city administrations, taking the side of the participant, which promises a higher level of tax and sponsorship contributions to local programs.

3. *Organizational problems.* Restructuring corporation change its form of existence of the market followed by a total depreciation of the value of shares of a shareholder groups and the establishment of control over the business side of the second. Restructuring occurs in three main ways of modifications: consolidation of shares owned by management and employees in the new organization, which makes

it possible to pump assets outside the company, and then by using a registrar - Changing owners, sharing valuable assets on corporate law in created new joint-stock companies to participate in which part of the shareholders simply eliminated; lease of property. This way remains effective for many years.

Recently, active participation in the redistribution of property and acquisition take financial control structures and operators securities. The main instruments of intervention are the conversion of debt into share in the charter, without authorization sale of assets and property through the instrument preferential banking or sales tax pledge.

4. To redistribute the statutory rights of use *claim rights of minority shareholders* to gain advantage in resolving disputes through the courts.

5. As an effective manipulative tool in the corporate sector used fraudulent bankruptcy procedure. Often bankruptcy reorganization as a means of relief from burdensome financial obligations avoids rules and procedures. National legislation not ignore this trend is already about 10 years.

Concerning the economic sector in the country's economic policy focused around the following questions:

- Privatization and regulation of legal ownership. In the period from 2007 to 2009 registered 168 bills passed 13 legislative norms (7.7%). Regulation concerned exclusively with the continuation of privatization processes.

As a result of every two-week monitoring bills of economic direction identified two periods of regulatory implementation, which differ by the nature of its impact on the economic sector of the country: in February 2010, and from 2010 -2012 he characteristic feature of the regulation of property is a selective approach in decisions and removal from implementation tasks civilized norms course property at the company level (only 4 legal norms are trying to resolve this issue.)

Table 1

Direction of economic policy in the national legislation [2]

Indicator	2007-2009pp.*		2010 -2012pp.***	
	Accepted, %	Influence direction	Прийнято, %	Influence direction
Privatization regulation of legal ownership	7,7	Extralegal method of acquiring property and the transition of the micro and macro levels	11,2	Implementation of public register, transparency of
Tax regulations profitable activity	13,3**	Providing content and binding budget	17,8	Opposition struggle transfer on economic legislation
Industrial direction	14,4	Providing short-term preferences	24,3	Using realization industry means of narrow interests

\* Withdrawn, rejected and returned to the subject of legislative initiative from 50 to 90% of the bills. The influence of political factors and conflict of business interests led to stagnation in moving Ukraine in the direction of market reform of the national society and the establishment of institutional framework for economic development.

\*\* The period of active manipulative practices, conflicts of interests of exporters and importers, the use of preferences for situational principle and access to opportunities to influence. Especially, this trend can be traced to the beginning of the global financial crisis and the country's accession to the SOT

\*\*\* Period strengthening economically justified, system or batch actions aimed at restoring the economic power of real corporate sector

Summarizing the results of the analysis and continuous monitoring of the national legislation, we note that the introduction of a team approach to lawmaking is already yielding some positive results - increased effectiveness of regulatory impact. The teamwork in lawmaking and implementation of standards in the real economy creates a real foundation for the achievement of selected parameters of economic growth and social development.

#### References.

1. Кібенко С.Р. Глобальна реформа корпоративного права ЄС – Електронний ресурс – Режим доступу: <http://www.lawyer.org.ua/?w=p&i=14&d=486>
2. Верховна Рада України. Офіційний веб-портал – Режим доступу: <http://rada.gov.ua/#>