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Features of regulatory policy in the food products sector
ОСОБЕННОСТИ РЕГУЛЯТОРНОЙ ПОЛИТИКИ В СЕКТОРЕ
ПРОЗВОДСТВА ПИЩЕВОЙ ПРОДУКЦИИ
ОСОБЛИВОСТІ РЕГУЛЯТОРНОЇ ПОЛІТИКИ У ВИРОБНИЦТВІ
ХАРЧОВОЇ ПРОДУКЦІЇ

Annotation. The problems and tactics of the legislative impact of the activities of the food industry are shown in this article. This article consist the main problems companies at the corporate sector, analise the competitive environment on food markets factors, the problems of ownership in the corporate sector. During the analysis found that the regulation of the food industry is focused mostly on the factors of a fiscal nature. The results of the legislative activity of the Verkhovna Rada of Ukraine session 5 and 6 in the regulation of the corporate sector. Finaly virtually undeveloped with national corporate law became the springboard for the creation and preferential use in practice management techniques manipulation sectoral markets.

Key words. Corporate sector, regulation and Legislation, economic policy, food industry

Аннотация. В статье рассматриваются проблемы и тактики законодательного воздействия на деятельность предприятий пищевой промышленности. Данная статья исследует основные узкие места развития

корпоративного сектора, в т.ч. аналізує розвиток делової середовища в харчовій промисловості, проблеми узгодженості інтересів власників і суспільства. Підкреслено, що законодавче регулювання в основному враховує потреби ресурсних секторів. Приведено результати аналізу законотворчої діяльності Верховного Ради України в області регулювання діяльності корпоративного сектора. В результаті аргументується висновок, що в законодавчому регулюванні зберігаються преференційні підходи, дозволяють менеджменту маніпулювати технічними умовами секторального бізнесу.

Ключевые слова. Корпоративный сектор, регулирование, законотворчество, экономическая политика, пищевая промышленность

Анотація. У статті розглянуто проблеми та тактики регуляторного впливу на діяльність корпоративного сектору харчової промисловості. У цій статті розглянуто основні вузькі місця розвитку корпоративного сектору, проаналізовано еволюцію бізнес-середовища в харчовій промисловості, проблеми узгодженості між інтересами власників і суспільства. Підкреслено, що законодавче регулювання в основному враховує потреби ресурсних секторів. Наведено результати законотворчої діяльності Верховної Ради України за 5 та 6 сесії у області регулювання діяльності корпоративного сектору. Наслідком аналізу є висновок щодо збереження у законодавчому регулюванні преференційності яка дозволяє менеджменту реалізувати тактику маніпулювання умовами ведення бізнесу у галузевих секторах.

Ключові слова. Корпоративний сектор, регулювання, законотворчість, економічна політика

Табл.4, лит. 9

Problem. 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 (Є.Р. Кібенко, 2009) [1].

Analysis of the recent researches and publications. On the negative assessment of the national business environment emphasizes many western and national expert analysts: Круш В. В. (2008) [2], Юргачева М.І. (2009) [3], Литвин В.М.(2010) [4], Т.Л. Мостенська (2010) [5], П.Т. Саблук (2002) [6].

Unsolved aspects of the problem. Along with the knowledge that a perfect model of corporate governance in the market space is still not found in state bodies appear two opposing trends: on the one hand - the inhibition of positive change at the company level, and the second - a chronic backlog in solving urgent problems of corporate governance and regulation of the corporate environment.

The purpose of the study. In our view, the stage of formation control system of national law objectively due not only to the nature of the corporate sector, but also the chosen system of market regulation that requires investigation. As an object of study of corporate processes selected national food industry because of the rapidity of processes of transition to market principles, increase investment, most tax, low corporate culture and transparency in the business and others.

The main results of the study. Food industry of Ukraine consists of more than 40 sub-sectors of production, manufacturing over 20% of total industrial output. Food industry since independence ranks first or second places in highest investments (in 2000- 21% of all FDI in 2010 -25%).

Table 1. Competitive environment on food markets factors , %
(compiled by the author according to their interview)

Influence factors	2001	2004	2008	2012
Production consolidation	30	33	20	36
Low demand	20	20	23	18
Understanding the distribution of markets and prices	14	17	18	16
Transportation costs	2	2	2	2
Producers protection	2	4	2	4
Easy exit from the market (no possibility of refund and sale of equipment) *	8	10	15	12
Competitors pressure	18	12	18	8
Exchange rate influence	6	2	2	4
Total	100	100	100	100

*This indicator is not represented in the group of small and micro enterprises specified in 57% medium-sized businesses and 83% of big business

Economic behavior of powerful corporate structures and majority owners transformed from willful acts of legislative norms that reinforce corporate financial strength in the legislature. However in practice no national legislative definitions and special legal regulation of business and the corporate sector. The structure of the common law includes provisions that inconsistently "spread" in different articles of civil, credit and financial, tax, administrative, labor and other areas of the law.

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.

Economic policy during 2007-2012 y. was introduced much many bills and amendments to existing laws.

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 y. the 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 2.Direction of economic policy in the national legislation [4,7]

Indicator	2007-2009pp.*		2010 -2012pp.***	
	Accepted,%	Influence direction	Accepted,%	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

During the analysis found that the regulation of the food industry is focused mostly on the factors of a fiscal nature. Committee on Agrarian Policy and Land Relations in the legislative regulation cares only traditionally resource-commodity aspects of the food industry.

Table 3. Legislation regulating the activity of excisable products food sector of the national economy (6,7 convocation) [4,7]

Session	Agrarian Policy and Land Relations Committees	Finance, Banking, Tax and Customs Policy Committees	Industrial and Regulatory Policy and Entrepreneurship Committees	Economic Policy Committee	Total
2	-	1	-	-	1
3	-	-	-	-	-
4	-	7	-	-	7
5	-	3	-	-	3
6	-	2	-	-	2
7	2	-	-	-	2
8	3	1	-	-	4
9	2	-	-	-	2
10	1	1	-	-	2
Total	8	15	-	-	23

Thus, over the past 6 years legislative initiative was centered around the protection of producers of raw materials for the food industry and the development of fiscal load on the food processing industry sector.

Developed market economy countries efficiently use the adaptive capacity of small businesses. But national regulation mainly focused only on fiscal and licensing areas.

Virtually undeveloped with national corporate law became the springboard for the creation and preferential use in practice management techniques manipulation

sectoral markets and corporate conflict to acquire ownership and control unconstitutionally way.

.Condition of modern Ukrainian corporate law can be defined as:

- unsystematic in development (no single concept formation and general corporate law methodology), artificial nature of most of the laws, ignoring contemporary experience of legal regulation, global trends reform of corporate law, borrowing foreign experience without a clear understanding of the purpose of regulation, low level of legal technique (lack of uniformity , contradictory rules, the large number of overlapping each other regulations, legal uncertainty rules, their declarative);

- in Ukrainian corporate law generally lacks many of the classic legal institutions, without which any model of corporate relations is defective;

- the absence of a differentiated approach to the definition of legal status.

The relative weakness of state institutions increases the likelihood of failure of economic reforms. On stage, it is a national corporate sector should be ensured binding of soft and hard management systems development. In general, the communications system of corporate social responsibility will consist of the following steps:

Global Agreement, humanistic responsibilities of companies, the principles of the Agreement ILO labor policy, the recommendations of the OECD for multinational corporations (OECD Guidelines for Multinational Enterprises), taking into account steady development indicators in reporting (GRI Sustainability Reporting Guidelines); accounting standards AA 1000 Institute social and ethical reporting (Institute of Social and Ethical Accountability); formation of a national sustainable development, social responsibility (Social Accountability 8000), and some corporate standards (ISO 14001) and the Sarbanes-Oxley Act, the principles of Sullivan and Turnbull.

However, only 5 companies in the food sector are moving to establish partnerships with the community and the state, "Obolon", "MHP", "Nemiroff", "Coca-Cola Beverages Ukraine" "AVK". Since the introduction of the concept of social responsibility on your own enterprise, corporate structure distributes it to their suppliers and users and initiates participation in social and political programs of the region, and finally transferred to the system of cooperation with society, and society.

Table 4. The results of the impact of responsible behavior in the "corporation-society-governance" (according to the calculations and sources)

Influence groups	Report entry year	2012 p.(points from 10)
Corporation "Obolon"		
Workers	4	5
Business partners	2	3,1
Governments	1,5	2
Shareholders	4	4,5
Society	1,5	3
LTD «Coca - Cola Beverages Ukraine»		
Workers	2	6
Business partners	6	8,3
Governments	5	6,2
Shareholders	4	5
Society	2	4,8
AVK		
Workers	2	4
Business partners	4	6,3
Governments	4	4,5
Shareholders	3	3
Society	1,5	3

We believe that the corporate sector is also directly interested in implementing additional regulations that provide satisfying manipulation in the corporate sector and public administration.

The interest of society and the majority owners for legislative regulation process acceptable limits consolidation, protection particles non-judicial methods to protect corporate interests combined. Acquires urgency to develop more stringent standards of operational management in corporate groups.

Conclusions. 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. The starting point of transition to the next level of corporate reform regulations and rules of the society is to achieve the next stage of institutional development. These tools have become hard and soft rules of the corporate sector. This, as we have already noted, the use of structural features of market forms of organization - public corporations for market regulation, legislative provisions relationships in joint ownership - direct action laws, codes of corporate governance, investor, merger and takeover; standards recommended actions whose implementation provides access to association in regulating corporations and agencies of development - corporate codes of conduct, rules of corporate processes and procedures with the expected regulatory power.

Prospects for further development. Since the system of power in the corporate sector is a contract, so it is logical to expect from society and the state conversion of concessions in the distribution system and economic activity in standardized conditions of economic interaction Trigrams: society-state-corporate sector.

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