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ДОГОВІР ПОСТАВКИ ЯК РІЗНОВИД ДОГОВОРУ ОПТОВОЇ КУПІВЛІ-ПРОДАЖУ

The author analyses the evolution of the institute of supply its specific characteristics and essence according to current Ukrainian legislation within the context of dualism of private law in Ukraine. On the basis of the conducted analysis the author comes to conclusions that there is a need to improve private law in Ukraine in the sphere of the wholesale trade. From the author's point of view the Civil Code of Ukraine should be amended by the provisions which will provide that wholesale contracts are the consolidating foundation for various types of wholesale trade (e.g. supply as such, agricultural products contracting, energy resources supply or any other resources supply through connected networks). The Economic Code of Ukraine should be amended by the provision determining the wholesale trade as a type of trade-economic activity. Such amendment is relevant due to the need to harmonize Ukrainian national legislation to the legislation of the European Union and INCOTERMS standards. Finally author comes to conclusion that supply must be considered as a type of wholesale trade, this will help to resolve controversies between the provisions of the Civil and Economic Codes Ukraine concerning legal nature of supply and parties of the contract of supply. Moreover this will help to answer the fundamental question – which field of law regulates this kind of economic activity.

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