

## **ІНТЕРНАЦІОНАЛІЗАЦІЯ УКРАЇНСЬКИХ ПІДПРИЄМСТВ: НОРМАТИВНО-ПРАВОВЕ ЗАБЕЗПЕЧЕННЯ ТА ІНСТИТУЦІОНАЛЬНЕ РЕГУЛЮВАННЯ**

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Досліджено нормативно-правове забезпечення та інституціональне регулювання інтернаціоналізації українських підприємств. Виконано огляд та наведено характеристику чинних та розроблених (але не прийнятих у дію) нормативно-правових актів, що регламентують діяльність українських підприємств на закордонних ринках. Наведено характеристику інституцій, що на державному рівні сприяють інтернаціоналізації підприємств, виокремлено їхні цілі і завдання у цьому сегменті діяльності. Визначено необхідність законодавчого врегулювання інтернаціоналізації українських підприємств з урахуванням рівня інтернаціоналізації та величини підприємств, розширення сфер сприяння інтернаціоналізації з виключно експорту до інших форм проникнення та присутності на закордонних ринках, що їх використовують підприємства.

**Ключові слова:** інтернаціоналізація, підприємство, нормативно-правове забезпечення, зовнішньоекономічна діяльність, інституціональне регулювання.

**P. Ilchuk, O. Kots**  
Lviv Polytechnic National University

## **UKRAINIAN ENTERPRISES INTERNATIONALIZATION: REGULATORY SUPPORT AND INSTITUTIONAL REGULATION**

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In a globalized economy and increasing linkages between national economies around the world, understanding of internationalization is the key to effective doing business in foreign markets. Theoretical researches of internationalization by Ukrainian scientists are at an early stage. Today remain the unexplored question of regulatory framework and institutional regulation of enterprises internationalization. The economic studies are not detected systematization of legislation Ukrainian enterprises internationalization. In foreign sources of these issues are not covered at all.

The main purpose of this study is definition and systematization of regulatory support of Ukraine enterprises internationalization. A special task is research of institutional regulation of Ukrainian enterprises internationalization that provides building a promoting system their internationalization in the future.

The theoretical bases of this article are researches of Ukrainian scientists in issues of internationalization and Ukraine legislation. In the article the regulatory support and institutional regulation of Ukrainian enterprises internationalization were investigated. The review and the characteristics of existing and developed (but not accepted) regulations acts were completed. These acts regulate Ukrainian enterprise activities on foreign markets. Characteristics of institutions at the state level promote the internationalization enterprises has been executed. Also, has been singled out their goals and objectives in this segment of activity.

It should be noted that in Ukraine legal regulation of enterprises internationalization is applied only at specialized export products (depending on the type of economic activity, which

internationalization promotion is a priority). Instead, Ukraine has no programs that would take into account the level of enterprises internationalization and / or time of entry into foreign markets and / or enterprises size. The exclusive formation programs for specific target groups of enterprises that would differ in terms of internationalization, will provide the appropriate level of individualization such programs and, therefore, will increase the effectiveness of their implementation. Institutional regulation of enterprises internationalization in Ukraine is sufficiently developed and, in our view, in terms of improvement of legal regulation of enterprises internationalization can ensure effective implementation of their provisions in the practical sphere.

Established that must be taken into account the level of internationalization, enterprises size at legal regulation of Ukrainian enterprises internationalization. It is also necessary to be taken into account all forms of penetration and presence in foreign markets, which are used by enterprises to expand the areas of promotion internationalization.

In further studies, it is important to identify barriers that prevent entry of Ukrainian enterprises on foreign markets and categories of measures that should be used to promote the Ukrainian enterprises internationalization.

**Key words:** internationalization, enterprise, regulatory support, foreign trade, institutional regulation.

**Statement of the problem.** In a globalized economy and increasing linkages between national economies around the world, understanding of internationalization is the key to effective doing business in foreign markets. The vast majority of foreign scientific sources define internationalization as the expansion of business activities into foreign markets, and provides businesses adapt to economic conditions of foreign markets. Summarizing existing definitions of the “internationalization”, the category “internationalization” we suggest determine as “direction of the enterprise development by expanding and / or transfer enterprise activity outside the country's market-based (national) to foreign markets with adaptation activities to the economic conditions of foreign markets” [1].

**Analysis of recent research and publications.** Theoretical researches of internationalization by Ukrainian scientists are at an early stage. In particular organizational and economic support of foreign trade analyzes T. Topolnitska, detailing the organizational and functional options for foreign trade of enterprise under conditions of direct and indirect entrance way into foreign markets [2, p. 86] and the factors which determining such support [2, p. 87].

Special attention K. Kvaterniuk focuses on the formation of financial resources for enterprise foreign trade [3, p. 105–106]. K. Kostecka and J. Zhemba substantiated the dominant role of resource support for regional development in the context of cross-border interests [4]. In I. Kuznetsova and A. Balabash article researched detection and use consequences of innovative and integration processes, proved the abilities to create new resource combinations that are the basis of competitive advantages on foreign markets [5]. The principles of formation the resource potential of enterprises in foreign markets were formed by G. Klymyk and S. Prylipko [6, p. 74–77].

Special attention is paid to information support of enterprises internationalization. Thus, V. Orlov, L. Shostak, O. Orlova, T. J. Prodan suggest theoretical bases of information support for enterprises activity, and prove that the information support of enterprise activity should be based on the integrated use of potential and existing information resources considering their main features [7]. V. Kurylyak systematized the theory of absolute and relative benefits and internationalization theories and pays much attention to the factors of global economic integration, internationalization and cultural factor in the global economy [8].

Based on the research of theories of international business development and certain theories of internationalization, Y. Vdovichenko in [9, p. 29–41] defines the general trend of internationalization production activity of international corporations, but does not provide classifications of theories of enterprises internationalization and own theoretical statements of enterprises internationalization.

Today remain the unexplored question of regulatory framework and institutional regulation of enterprises internationalization. The economic studies are not detected systematization of legislation Ukrainian enterprises internationalization. In foreign sources of these issues are not covered at all.

**Goals of the article.** The main purpose of this study is definition and systematization of regulatory support of Ukraine enterprises internationalization. A special task is research of institutional regulation of Ukrainian enterprises internationalization that provides building a promoting system their internationalization in the future.

**The main material of research.** Analyzing normative acts of Ukraine legislation, it was found that the basis of legal regulation of promoting Ukrainian enterprises internationalization is the legislation that regulates activities in foreign trade activities area, namely:

- 1) Economic Code of Ukraine №436-IV, 16.03.2003 [10].
- 2) Law of Ukraine “About foreign trade” №959-XII, 16.04.1991 [11].

Chapter VII of the Commercial Code of Ukraine defines foreign trade activity as economic activity, which in the course of implementation requires crossing the customs border of Ukraine by property and / or labor [10]. Also Commercial Code defines foreign trade economic operators, types of foreign trade activity, state regulation of foreign trade and other issues. Chapter II of the Law of Ukraine “About foreign trade” determines the principles of foreign trade regulation. Thus, in Art.7 identified the principles of foreign trade, the observance of which provides:

- balance the economy and balance the domestic market of Ukraine;
- stimulate progressive structural changes in the economy, including foreign economic relations of Ukraine foreign trade operators;
- create the most favorable conditions for attraction of Ukraine's economy into the global division of labor system and its approach to the market structure of developed foreign countries [11].

Art. 8 determines that Ukraine form system and the structure of state regulation of foreign trade activity in its territory, and art. 9 defines the agencies of state regulation of foreign trade activity [11].

Art. 15 determines the possibility of using financial instruments for promote enterprises internationalization at the national degree, in particular, determined that insurance export credits, loans, individual contracts for the supply of machinery and equipment, investment in Ukraine and abroad make by special insurance joint-stock company, controlling interest which by the Cabinet Ministers of Ukraine [11]. Thus, the Cabinet Ministers of Ukraine published decree “Establishment of specialized joint-stock insurance company “Spetseksimstrah” № 1919, 12.04.1998, in order to provide insurance coverage to the export and import of products created a specialized insurance company, 51 % of the share capital belongs to Ukraine [12].

The regulatory system of Ukrainian enterprises internationalization is based on Concept of formation state support for exports of Ukraine which approved by the Cabinet Ministers of Ukraine 01.08.2013, № 586-p [13]. This Concept was approved to establish a system of state support for exports and enabling environment for domestic producers of competitive products on the international market, but its implementation was envisaged in the 2013–2015 biennium. The Concept included the following measures:

- 1) geographical diversification of exports of traditional goods Ukrainian origin, based on the analysis of demand in foreign markets, and identifying the most perspective of them;
- 2) introduction mechanism of financial support for export activities (loans, guarantee and export insurance);
- 3) providing integrated information support of foreign trade operators;
- 4) formation mechanism of implementation the results of scientific research and experimental development and debugging of new types domestic products for its export to foreign markets;
- 5) support of participating in international exhibitions and fairs for domestic producers;
- 6) support of domestic agriculture infrastructure development, assist in expanding markets for agricultural produce, including use of diplomatic missions of Ukraine abroad;
- 7) promote development of production and exports products of high-tech industries of Ukraine, including aerospace, shipbuilding, defense industry, space industry, etc.;
- 8) fostering the development of material and technical base enterprises of pharmaceutical industry and medical equipment, promotion of their products in new markets and consolidation of positions in already mastered markets [13].

Thus, the Concept envisaged using such methods promoting of Ukrainian enterprises internationalization:

- 1) development, standardization and adaptation to the needs of enterprises an information and consulting products which are related to the enterprises internationalization;

- 2) research foreign markets and organize of enterprises activities in foreign markets;
- 3) reduce financial risks of foreign trade transactions; reduce credit costs for export finance, subsidies such credits;
- 4) support for innovation activities and / or cooperation in this area;
- 5) support for business processes in the economy and create favorable conditions for enterprise development;
- 6) support for particular regions and / or economic activities [13].

In Ukraine there are no laws that could comprehensively regulate Ukrainian enterprises internationalization.

The main regulatory instrument would have to be the Law of Ukraine “State financial support of export activities” № 9373 [14], which was approved by the Verkhovna Rada of Ukraine 31.10.2011 in the first edition, but was rejected 05.07.2012. This law provided creation of a state export credit agency and government financial institution [14]. Also, the law provided a wide range of such financial instruments for promoting the enterprises internationalization, especially in the part of export:

- 1) insurance export credits, investments, financial risks and international agreements;
- 2) provision guarantees for Ukrainian exporters that foreign buyers execute their obligations at international agreements;
- 3) provide guarantees for the banks-creditors by granted export credits for Ukrainian exporters;
- 4) guarantee by state export credit agency execute obligations of Ukrainian exporters at the participating in international tenders.

Thus, the procedure of application advanced financial instruments of promotion enterprises internationalization had to be regulated in law. Effectiveness of these instruments was proved in practice of leading countries.

In 2010 the Ministry of Economy of Ukraine together with central agencies drafted project of basic government program of Ukrainian enterprises internationalization – Project of Ukraine's export National Strategy [15], which included:

- 1) create the conditions for export development financial and resource support;
- 2) institutional export support;
- 3) create favorable regulatory conditions for export development;
- 4) development of information system for export support;
- 5) create conditions for investors especially for production of new high-tech industries import substitution and export;
- 6) create mechanisms of development export of technologies and encourage the creation of joint research programs with their further implementation in production;
- 7) strengthen political and diplomatic promotion of Ukrainian goods to foreign markets;
- 8) prepare the specialists on favorable terms by the state order for industries that are international specialization profile of the country;
- 9) create high-tech infrastructure that supports export activities, etc. [15].

Project of Ukraine's export National Strategy had provided measures till 2020. However, the Ukraine's export National Strategy has not been finally approved.

16.11.2011 Cabinet Ministers of Ukraine approved decree № 1206-p “Approval of the plan for development and implementation of Ukraine's export potential and expansion in foreign markets for domestic producers of goods to 2015” [16] and established first comprehensive plan for promotion Ukrainian enterprises internationalization. Because of the previous government programs were either sectorial or part of a government program where internationalization was only part of the general action plan. According to [16]:

- 1) ensure the establishment of trade and economic missions at foreign diplomatic institutions of Ukraine to improve the effectiveness of Ukrainian enterprises export activity;
- 2) increase value of export contracts for scientific and technical cooperation by expanding the scope and timeliness of approval nomenclatures and volume of deliveries;
- 3) take measures to integrate Ukrainian transport infrastructure into the European transport system, create a network of container terminals and logistics centers;
- 4) ensure forming state orders for high-tech export-oriented products of domestic production;

5) determine the procedure for interaction Ministry of Foreign Affairs of Ukraine, Ministry of Economic Development and Trade of Ukraine and other central executive agencies for forming information content of the web portal “Comprehensive system information and consulting support for export development” ([www.ukrexport.gov.ua](http://www.ukrexport.gov.ua));

6) provide continuous updates of information about trade and economic cooperation on the official websites of Ukraine diplomatic missions abroad, including statistics, commercial proposals which coming from business entities in host countries and domestic producers;

7) create the system of information and analytical support of foreign trade;

8) implement the effective mechanism for public financial support of export activities;

9) develop a mechanism to stimulate domestic producers to increase exports of products with high added value;

10) prepare proposals for the introduction of modern tax mechanism to encourage exporters;

11) develop and implement measures to stimulate domestic export operators for implementing quality management systems to enhance the competitiveness of Ukrainian goods and services;

12) ensure the establishment on territorial level centers of the export potential development of regions that provides comprehensive support for export activities of domestic producers, with the participation of regional administrations;

13) establish state support for domestic producers to participate in international exhibitions and fairs abroad, including in the EU, CIS, Asia Pacific, Latin America, Africa, the Middle East [16].

It can be argued that [16] include the same methods of promotion the Ukrainian enterprises internationalization as well as [13].

In addition, the Cabinet Ministers of Ukraine approved decree “Approval a plan to overcome the negative balance in foreign trade” № 281-p 29.04.2013 [17] and provided:

1) development of economic activities by providing import goods with properties that technologically connected with the production of final products and have no domestic counterparts within industrial cooperation;

2) create a competitive environment in the transport services market and provide development of transport activity infrastructure by renewal of rolling stock, expand and modernize transportation infrastructure, improve the logistics system;

3) ensure energy security as a condition for increasing the volume of domestic products export;

4) make arrangements for the presentation of national technologies, scientific and technological achievements, enterprises, organizations and products in order to increase access of Ukrainian origin goods to the markets of the world;

5) ensure the development of agricultural machinery production, including renewal of production domestic competitive types of machinery and equipment for agriculture and agricultural machines;

6) ensure the development of machine-building production; create modern vehicles, machinery and equipment for the energy, heavy, steel, transport and electrical engineering using modern technologies;

7) ensure energy efficiency, promote the adoption of energy-saving technologies and enterprises modernization of production [17].

In addition, the Cabinet Ministers of Ukraine approved decree “Approval a plan to overcome the negative balance in foreign trade” № 281-p 29.04.2013 [17] and provided:

Cabinet Ministers of Ukraine approved decree № 35-p 05.01.2011 “Approval of a plan to protect the interests of domestic producers on foreign markets” [18] and provided development, standardization and adaptation of information and consulting products to the needs of enterprises, which related to the enterprises internationalization. These measures implement through the following procedures:

1) provide information and technical support of domestic enterprises by diplomatic missions of Ukraine;

2) inform national export operators of their rights and opportunities for access to foreign markets;

3) ensure functioning and improving comprehensive system of information and consulting support for export development;

4) inform the domestic producers about the threat / start of anti-dumping, countervailing or special protective investigations of Ukrainian origin goods in foreign markets [18].

It should be noted that this Decree [18] provided a progressive functioning of information resource “Comprehensive system information and consulting support for export development” ([www.ukrexport.gov.ua](http://www.ukrexport.gov.ua)). Activity of this resource is supported by State information and analytical center of monitoring foreign commodity markets (SE “Derzhzovnishinform”). This resource is the basis of information support of Ukrainian enterprises internationalization.

Today Ukrainian enterprises use only main forms of penetration and presence in foreign markets as trading forms (provide different types of export operations). Therefore legal regulation of Ukrainian enterprises internationalization aimed exclusively at export operations supporting. Furthermore, among the regulatory acts are such that indirectly regulate Ukrainian enterprises internationalization.

In particular, such acts include: 1) State program of activization economic development for 2013-2014., approved by the Cabinet Ministers of Ukraine №187, 27.02.2013 [19]; 2) State program of domestic production development, approved by the Cabinet Ministers of Ukraine №1130, 12.09.2011 [20]; 3) State program of Ukrainian villages development for the period until 2015, approved by the Cabinet Ministers of Ukraine №1158, 19.09.2007 [21]. All these programs were not implemented completely and valid in 2016.

Ministry of Economic Development and Trade of Ukraine, Ministry of Foreign Affairs of Ukraine, JSC “State Export-Import Bank of Ukraine”, The Ukrainian Chamber of Commerce and Industry, Council of Entrepreneurs at the Cabinet Ministers of Ukraine, SE “Derzhzovnishinform” are the main institutions that form and implement the programs to promote Ukrainian enterprises internationalization [22, c. 14].

Ministry of Economic Development and Trade of Ukraine promotes the internationalization of Ukrainian enterprises. This Ministry has a key role in the implementation of foreign policy. Ministry of Economic Development and Trade of Ukraine performs regulatory, registration and licensing functions for export and import of products, licenses products for export and import, provides interaction of central and region executive agencies for the development of bilateral cooperation with foreign countries in economic [22, p. 16–18].

Ministry of Foreign Affairs provides, organizes and coordinates the activities of the economic departments of foreign diplomatic institutions of Ukraine, analyses trends in political and socio-economic development of foreign countries, theirs possible impact on the interests of Ukraine. Also the Ministry of Foreign Affairs examines the economic processes in the states - the main partners of Ukraine, and theirs impact on the development of bilateral trade and investment cooperation, monitors global economic processes, the main trends in the global market, coordinates the activities of the Ukrainians in bilateral commissions, committees, coordination councils and other intergovernmental bodies on economic cooperation [22, p. 19-20].

JSC “State Export-Import Bank of Ukraine” (JSC “Ukreximbank”) is one of the most important financial institutions oriented to support the development of foreign trade. In particular, under the promotion of Ukrainian enterprises internationalization JSC “Ukreximbank” is engaged: financing and guaranteeing of Ukrainian enterprises export-import operations; providing credit and financial support of foreign trade operators in order to promoting domestic products to foreign markets; granting bank services on the transactions in the money, foreign exchange and stock markets, in particular with regard to foreign trade. Also JSC “Ukreximbank” offers: export / import documentary; bank guarantees (including contract performance, prepayment obligations, etc.), letters of credit; other products for export / import finance according to the terms each specific contract [22, p. 20–21].

The Ukrainian Chamber of Commerce and Industry is a non-profit self-governing organization that provides to its members a wide range of professional (including consulting) services related to foreign trade and markets evaluating. The task of Ukrainian Chamber of Commerce and Industry in promoting Ukrainian enterprises internationalization are: promote the development of foreign economic relations, export of Ukrainian goods and services, submission of practical assistance to entrepreneurs in the trade and economic transactions in domestic and foreign markets, in the development of new forms of cooperation; promote distribution (particularly through the media) knowledge about economy, scientific and technological achievements, legislation, customs and trade regulations in Ukraine and abroad, the possibilities of foreign economic cooperation for Ukrainian entrepreneurs.

The Ukrainian Chamber of Commerce and Industry and its regional offices have the right to provide proof of origin by means of certificates of origin, which are necessary for foreign trade. The Chamber also deals with the organization of international economic cooperation, namely: organizes business missions Ukrainian

entrepreneurs abroad; organizes participation of Ukrainian business groups during symposia, conferences and forums abroad; organizes business forums, meetings and negotiations representatives of Ukrainian enterprises with foreign entrepreneurs in Ukraine; organizes presentations of foreign companies in Ukraine; searches and implements programs of international cooperation on Ukrainian exports to the EU; searches and selection of business partners to implement various forms of foreign economic cooperation (trade, joint ventures, cooperation, etc.) through the distribution of business offers and requests Ukrainian and foreign enterprises; organizes visits of Ukrainian experts foreign exhibitions and fairs [22, p. 21–22].

The main tasks of the Council of Entrepreneurs at the Cabinet Ministers of Ukraine, which concerning the promotion of Ukrainian enterprises internationalization, are: promoting in the formation of an effective mechanism of interaction between the executive and entities based on partnership, openness and transparency; preparing proposals for the creation of conditions for entities of goods and services exports; providing information and analytical support executive agencies, enterprises, institutions and organizations on issues within its competence [22, p. 24].

The important member of practical promoting Ukrainian enterprises internationalization is the SE “Derzhzovnishinform”, which provides creating and updating content of information web portal “Complex information and consulting support system of export development” ([www.ukrexport.gov.ua](http://www.ukrexport.gov.ua)).

Information for creating web portal content is given by departments of the Ministry of Economic Development and Trade and by the SE “Derzhzovnishinform”. Thus, SE “Derzhzovnishinform” provides: pricing expertise international agreements; commodity price conditions expertise export / import agreements and contracts; determining classification codes according to the Ukrainian classification of foreign trade goods; publishing of the bulletin “Review of prices of Ukrainian and world commodity markets” and the collection “Catalogue “Importers and exporters of Ukraine””; researching global and Ukrainian markets in the context of economy sectors, preparation of information and analytical review “Commodity Monitor. Ukraine””; market researching; distributing data of the Register of producers associations of Ukraine [22, p. 27].

**Conclusions and perspectives of further researches.** The problem of enterprises internationalization legal regulation is its absence in Ukraine. Because of unapproved draft legal acts is not a reason for implementing developed measures in the practice of management. It should be noted that in Ukraine legal regulation of enterprises internationalization is applied only at specialized export products (depending on the type of economic activity, which internationalization promotion is a priority). Instead, Ukraine has no programs that would take into account the level of enterprises internationalization and / or time of entry into foreign markets and / or enterprises size. Global experience proves the efficiency of formation programs to promote the enterprises internationalization for various target groups, primarily on the criterion of enterprises internationalization level and enterprises size. So the effectiveness of the government programs implementation largely depends on the level of their individualization. While the formation of enterprises internationalization promote programs to separate economic activity (or enterprises groups) cannot provide the proper level of their individualization. The exclusive formation programs for specific target groups of enterprises that would differ in terms of internationalization, will provide the appropriate level of individualization such programs and, therefore, will increase the effectiveness of their implementation. Institutional regulation of enterprises internationalization in Ukraine is sufficiently developed and, in our view, in terms of improvement of legal regulation of enterprises internationalization can ensure effective implementation of their provisions in the practical sphere.

In further studies, it is important to identify barriers that prevent entry of Ukrainian enterprises on foreign markets and categories of measures that should be used to promote the Ukrainian enterprises internationalization.

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