

УПРАВЛІННЯ ПІДПРИЄМСТВОМ

UDC 339.3:339.137.2(477)

УДК 339.3:339.137.2 (477)

N. M. Andriyiv, Candidate of Economic Sciences

Н. М. Андріїв, к. е. н.

VALUATION OF THE INSTITUTIONAL SUPPLY OF THE DEVELOPMENT OF THE COMPETITIVE TRADING ENTREPRENEURSHIP IN UKRAINE

ОЦІНКА ІНСТИТУЦІОНАЛЬНОГО ЗАБЕЗПЕЧЕННЯ РОЗВИТКУ КОНКУРЕНТНОГО ТОРГОВЕЛЬНОГО ПІДПРИЄМЦТВА В УКРАЇНІ

Urgency of the research. In nowadays conditions of the economy conducting the important is the influence of the institutions, rules, norms of behavior on the effectiveness of the usage of the limited resources and the provision of the economic growth in the country. At the moment institutional development support and market regulation is one of the most fundamental issues of its operation.

Target setting. Ukrainian trading entrepreneurship is peculiar the institutional character problems, which need to learn in detail. Such as the weak adaptation of the institutions to the conditions of the state economic system, the slow modification of the old institutions and forming the new ones.

Actual scientific researches and issues analysis. The issues researched in the article, have been studied by such authors as: V. Apopiya, O. Shubina, I. Vysochyn, A. Hlushko.

Uninvestigated parts of general matters defining. The most monographic researches disclose the problems of the trade entrepreneurship regulating. The complex researches of the very institutional supply of the development of the competitive trading entrepreneurship are absent.

The research objective. The aim of the research is the valuation of the institutional supply of the development in Ukraine the competitive trading entrepreneurship.

The statement of basic materials. In this article the institutional supply of the development of the competitive trade entrepreneurship is researched through the influence of such institutions as the rules and norms, the state authorities, corporative and other enterprise structures, the state enterprises, the specialized establishments. It was proved that decrease of the effect of the formal and informal rules and norms were caused by the contradictions and inaccuracy of the passed laws.

Conclusions. In addition to this, should be actualized the influence of the local self-regulation on the home trade. It would promote the progressive structural transformations in the entrepreneurship surrounding for the supplying the rise of the competitiveness and the level of the social and economic development of Ukraine.

Keywords: the trade entrepreneurship; the institutional supply; the formal and informal rules and the norms of behavior; the regulating institutions; the institutions of development.

DOI: 10.25140/2410-9576-2017-2-3(11)-95-102

Urgency of the research. In nowadays conditions of the economy conducting the important is the influence of the institutions, rules, norms of behavior on the effectiveness of the usage of the limited resources and the provision of the economic growth in the country. Now the institutional supply of the development and regulation of the market is one of the most profound basis of its functioning.

Актуальність теми дослідження. У сучасних умовах ведення господарства важливим є вплив інститутів, правил, норм поведінки на ефективність використання обмежених ресурсів та забезпечення економічного зростання в країні. Нині інституціональне забезпечення розвитку й регулювання ринку є однією з фундаментальних засад його функціонування.

Постановка проблеми. Українському торговельному підприємництву властиві проблеми інституціонального характеру, серед них: слабка адаптація інститутів до умов вітчизняної системи господарювання; неузгодженість системи регулювання із традиційними економічними відносинами.

Аналіз останніх досліджень і публікацій. Питання, розкривалися у наукових працях В. Апопія, О. Шубіна, І. Височин, А. Глушка.

Виділення недосліджених частин загальної проблеми. У більшості монографічних досліджень розкриваються проблеми регулювання торговельного підприємництва України. Комплексні дослідження саме інституціонального забезпечення розвитку конкурентного торговельного підприємництва відсутні.

Постановка завдання. Метою публікації є оцінка інституціонального забезпечення розвитку в Україні торговельного підприємництва.

Виклад основного матеріалу. У статті інституціональне забезпечення розвитку конкурентного торговельного підприємництва досліджується через вплив таких інститутів: правил та норм, органів державної влади, корпоративних та інших підприємницьких структур, державних підприємств, спеціалізованих установ. Доведено, що зниження ефекту формальних і неформальних правил та норм спричинено суперечностями й неточностями прийнятих законів.

Висновок. Необхідно сформуувати інфраструктуру інститутів, серед яких вагому роль мають відігравати професійні об'єднання і громадські організації. Це сприятиме прогресивним структурним трансформаціям у підприємницькому середовищі для забезпечення підвищення конкурентоспроможності й рівня соціально-економічного розвитку регіонів.

Ключові слова: торговельне підприємництво; інституціональне забезпечення; формальні та неформальні правила та норми поведінки; інститути регулювання; інститути розвитку.

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Target setting. Ukrainian trading entrepreneurship is peculiar the institutional character problems, which need to learn in detail. Such as the weak adaptation of the institutions to the conditions of the state economic system, the slow modification of the old institutions and forming the new ones. Also non-coordination of regulating system with traditional economic relations and the lack of the integrated view of the conceptual basis of the institutional supply of the development and the regulating of the entrepreneurship, in particular trading.

Actual scientific researches and issues analysis. The issues researched in the article, have been studied by such authors as: V. Apopyi, O. Shubina, I. Vysochyn, A. Hlushko.

Uninvestigated parts of general matters defining. The most monographic researches disclose the problems of the trade entrepreneurship regulating in Ukraine on the both national and regional levels. The complex researches of the very institutional supply of the development of the competitive trading entrepreneurship are absent.

The research objective. The aim of the research is the valuation of the institutional supply of the development in Ukraine the competitive trading entrepreneurship, which will include the analyses and influence of the rules and norms of the state powers, the corporative and other entrepreneurship structures, the state enterprises and the specialized establishments.

The statement of basic materials. In this article the institutional supply of the development of the competitive trade entrepreneurship is researched through the influence of such institutions as the rules and norms, the state authorities, corporative and other enterprise structures, the state enterprises, the specialized establishments. The problem of coordination in the actions between the regulating institutions and the bodies of general competence were grounded. The obstacles in the formation of business associations in Ukraine were highlighted. It was proved that decrease of the effect of the formal and informal rules and norms were caused by the contradictions and inaccuracy of the passed laws.

The statement of basic materials.

In our opinion, the problem of the institutional supply of the development of the competitive trading entrepreneurship should be researched in the context of stating the role of such institutes: the rules and norms, the public authorities, the corporative and other entrepreneur structures, the state enterprises, the specialized institutions (Pic. 1).

The institutional development of the country, in particular the sphere of the home trade supplies the functioning of formal rules and the informal norms of behavior. At the same time, informal institutions are more flexible comparing with the formal. The formal rules are fixed in the state legal acts, acknowledged and confirmed by the concrete authorities. Informal norms, typical for the sphere of the home trade, are based on the values, traditions, moral, ethical, and social norms and traditions. With the change of the life conditions there can appear new ones and disappear actual informal norms, as the informal institutions are the result of the uncontrolled development.



Pic. 1. The institutional supply of the development of the competitive trading entrepreneurship

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To the informal rules and norms belong: the corruption level, the trust to the subjects of the enterprise subjects in the sphere of the home trade, the rules of business relations, culture, these can influence the development of the entrepreneurship in the system of the home trade in Ukraine. Despite of that, not all the mentioned institutes, that have the positive influence (the culture and the trust) have managed to be formed on the appropriate level, that makes an obstacle for the effective functioning of the entrepreneurship in the system of the home trade

The corruption is spread to all the spheres, in particular the entrepreneurship of the home trade. Such acts have negative influence on the activation of the subjects of entrepreneurship, they shorten the enterprise initiative, the level of direct foreign investments. The most often it happens in the corruption relations with the state authorities and informal payment for their administrative services.

The corruption system should be viewed as the mechanism of informal repartition of social goods – opportunities and results of entrepreneurship activity that makes the big harm to the formation of the institutes of the state. The advantages, which are done for the subjects of the relations the system of corruption and and bribery – the possibility of operative overcoming administrative barriers, unpunished ignoring ineffective and not well-grounded regulting norms, the access to the market some goods and services, the defence from the self-will of the public control powers and supervision, avoiding burdensome administrative procedures, the legality of the activity in the shadow sector of economy and unpunished reduction of the taxes etc.

The trust belongs to the basic informal institutions, which is the most sharply apparent in the crises periods and is activating the problem of the renewal of the trust to the certain subjects of entrepreneurship. The entrepreneurship is effective is it is trusted by economic agents. On the other side the enterprise owns the trust only in that case when it is effective. The trust in the entrepreneurship, that is the treatment of the entrepreneurship subjects, the shows the level of certainty in the responsibility of their behavior. The trust in the entrepreneurship, in particular for the each subject appears when the ethical norms of conducting the activity are followed: the honesty, the professional competence, loyalty, purposefulness, the sense of self-dignity, justice etc.

In practice there exist great number of the mechanisms of prompting the following of the established informal rules and norms. In our opinion, for the subjects of trade entrepreneurship they should be divided into the economic and social and psychological. To the economic mechanisms should be referred, those ones whose activity leads to receiving the material reward or loss (for example, the mechanism of “laundering money”). The activity of the social and psychological mechanisms gives the receiving of the social effect or worsening of the home trade in general and for its subjects in particular. Such effect can be, for instance, the level of employment and unemployment.

On the other side, in Ukraine the formal rules in the sphere of the home trade are revealed by the Constitution of Ukraine, the Codes, the legal acts, the laws of the Supreme Court of Ukraine, the decrees of the Cabinet of the Ministers of Ukraine, the decrees of the president of Ukraine, the decrees, the regulations, the methodological instructive regulations, the rules. Particularly, the laws have the function of the long-term legal regulations, but the decrees, the normative acts – the short-term, operative and legal regulations.

The legislation, that regulate the state trade entrepreneurship enclose:

1. The general legal and normative legal documents, that regulate enterprise activity as such, i.e. the general activity laws, that are spread on all the subjects of the household, also the subjects of the entrepreneurship in the system of the home trade. The general Codes laws are the Civil Code of Ukraine, the Household Code of Ukraine, the Tax Code of Ukraine. The regulating of the entrepreneurship of the sphere of home trade by the general legislation is conducted with taking into account the peculiarities of the home trade. In such ways as the law regulated organizational legal forms of the subjects of the trade, the procedure of their state registration, licensing of the competitive types of activity, the obligatory certificating of the goods and services, the protection of the interests on the market.

2. The specialized documents and normative law documents, that regulate just home trade, these are the legal documents of Ukraine of the specialized activity. Since 1995 in Ukraine 100 normative law documents were worked out by different state authorities to regulate the trade activity. Although, in

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current conditions they don't supply the appropriate level of the legal regulating of the home trade. Besides, we should point out that the act of the valid normative acts can be spread on the whole peculiarity of the trade relations and can concern the separate segment in these relations. We should point out that in Ukraine till this time there is no special law, that would reveal the main basis of the home trade. Its importance is caused by the importance of arrangement of the entrepreneurship in the sphere of the home trade, the liquidation of the shadow sector. For the time being, the rules of the trade service of the population are fixed on the level of under law normative legal documents, but not the laws. Among them are the Decree of the Cabinet of Ministers of Ukraine "Concerning the approval of the order of conducting trade activity and the rules of the trade service on the market of the consumer's goods" № 833 of 15.06.2006 (the document determines the general conditions of conducting the trade activity by the subjects of the wholesale trade, the retail trade, the main demands of the trade network) [1]; the Decree of the economics of Ukraine "Concerning the confirmation of the Rules of the retail trade of the non-food goods" № 104 of 19.04.2007, which grounds the order of receiving, keeping and the preparation for the selling of non-food goods by the retail trade network, and also determines the demands for following the consumer's rules concerning the appropriate quality and the security of goods and the level of trade service [2].

In a such way, the formal and informal institutions determine the behavior and the results, create the economic politics accordingly to the economic interests of the subjects of the trade entrepreneurship that concerns:

- The defense of the consumers rights and the competitions in the trade sphere;
- the general principles of the functioning of the enterprises of home trade sphere;
- accomplishing the market trades;
- specialized trade;
- the conditions of selling the food and non-food goods and the usage of the line codes of the goods.

The change of the formal and informal rules and norms causes the change of character and development of the economic politics.

The important role in the formation of the institutional environment plays the Supreme Court of Ukraine – legislative authority body, which jurisdiction is to pass the legislative acts that regulate the entrepreneurship including the home trade sphere. At the Supreme Court of Ukraine was created the Committee concerning entrepreneurship, regulative and antimonopoly politics, which conducts the monitoring by law making process as to entrepreneurship structures, shows the main tendencies and the problems of the development.

The president of Ukraine occupies the special place among the institutions of the regulating and he has the right to form independently the norms of the regulating of the state entrepreneurship, that are represented in the decrees and orders, to approve the laws decreed by the Supreme Court of Ukraine, or on the contrary to impose veto in case of the discrepancy of the legislative acts of the Constitution. In such a way, by the Decree of the President of Ukraine # 634/2011 of 31.05.2011 the regulations "Concerning the Ministry and economic development and trade" in which structure functions the Department of home trade" [3].

Should be emphasized that Ukraine does not have the separate authority, that would fulfill the state administration of home trade, but the formation of the regulating authorities system, which structure has subsection, that regulate the home trade, happens not regularly with quite often restricting. In such a way in 1991-2009 on the state level the regulating authorities in the home trade sphere were changed 12 times [4, p. 21].

The Cabinet of the Ministers of Ukraine of 26 November 2014 established the decree "Concerning the formation of the business-ombudsman Council". This is the constantly active consulting and advisory authority of the Cabinet of Ministers of Ukraine, which should contribute to the transparency of the state authority activity, prevent the corruption activity and/or other violating of the law interests of the entrepreneurship subjects [5].

At the same time, the activity of the state concerning the regulating of the entrepreneurship in the home trade system is conducted by the specialized regulating institutions, which realize and direct it

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according to the given authority. Among them, fiscal authorities, the state sanitary and epidemiological service, the state inspection concerning the protection of the consumer rights, the state inspection concerning the work, the antimonopoly committee etc.

The fiscal authorities (the State fiscal service of Ukraine) apply the system of the arrangements with an aim to control the correctness of the charges, completeness and timeliness of the tax payments and the fees, and following of the legislation concerning the regulation of the cash circulation, the patents, the licensing and other legislation. The subdivisions of the tax authorities, according to the valid legislation are given the right:

- to conduct in all the subjects of the trade entrepreneurship in the sphere of home trade the control of the monetary documents, the accountant books, the budget, the declarations and other documents, connected with the payment and calculation of the obligatory payments to the budget
- to receive the necessary explanations, the journal of the question that come out during the control;
- to examine all the premises of the entrepreneur subjects, that are used to receive income or those which are connected with the holding of the tax objects.

The pension fund and the funds of the social insurance in the system of the institutional supply belong to the regulating institutions. According to the demands of funds every subject of entrepreneurship of the home trade sphere during the formation should be registered in the corresponding purposeful funds in the location place as payer of the obligatory fees and payments. The pension fund has the rights to administer the purposeful payments, and also to accomplish the control of the accuracy of charges, the completeness and timeliness of the purposeful payments into the funds, the well-timed submission and the accuracy of the filling the specialized accounts. For the following the valid law the subjects of trade entrepreneurship undergo some enactments according to the character of violations.

For the supplication of the realization of the state politics in the sphere of sanitary and epidemiological defense of the population functions the State sanitary and epidemiological service. This institute of the state authority, which maintains the control of the following of the juridical and physical persons, including the subjects of the entrepreneurship with an aim to prevent, to uncover and to eliminate the harmful influence of the dangerous factors on the human health.

The state inspection of Ukraine concerning the defense of consumer rights (The State consumer inspection) maintains the state control by following the law of the defense of the consumer rights. In addition, it controls in the limits of its competence following the law of the advertising; conducts the state inspection of accomplishing the technical regulations, standards, the norms and rules, organizes granting the consultations concerning their rights defense. To realize the set goals the State consumer inspection has the right:

- to check the quality of the products, the following of the obligatory demands concerning the safety of the products and the trade rules;
- to receive from the trade subjects the copies of the necessary documents, which characterize the quality of the products;
- to choose from the business subjects in the spheres of the home trade the patterns of the goods for accomplishing the examination of its quality in the very place or independent expertise;
- to accomplish the control check-ups of the accuracy of the consumer payments;
- to prohibit the entrepreneur subjects the realization of the products while the documents are not present that ensure its congruence to the demands of the normative documents, or to make decision about the suspension of the realization and production of the goods, that follows the set rules;
- to give the entrepreneur subjects in the trade sphere the obligatory prescription concerning the ceasing the violations of the consumer rights.

The state inspection concerning the work provides the realization of the state politics as to the following of the work law, employment of the population.

The main tasks of this regulative authority are:

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1. the accomplishment of the state control of the keeping by the enterprises, in particular the trade enterprises the norms of law concerning the work as to labor relations, the working time and free time, the fixing the working rates, the working salary, giving the guaranty and compensations etc.

2. conducting the state supervision and control of the keeping the employment law, in particular the human rights while being employed and the worker being

3. the accomplishment of the control of the keeping by the enterprises of the trade sphere the law of the employment and handicapped employment.

The state regulative service of Ukraine realize the state regulative politics, the politics of the supervision (control) in the sphere of the business activity and deregulation of business activity. This authority has power of licensing and permitting system in the sphere of business. As to the decree of the Cabinet of Ministers of Ukraine "The certain questions of the state regulative service of Ukraine" this service has to:

- generalize the practice of applying the law, to elaborate the proposals for the improving of the legislative acts, the acts of the President of Ukraine, the Cabinet of the Ministers of Ukraine and by the established order to submit them for consideration of the Ministry of economic development and trade;

- accomplish the realization of the state politics on the basis of economic expediency and effectiveness of the regulative acts functioning, lowering of the state intervention into the activity of the business subjects;

- realize the undertakings of the optimizing the quantity of the functions of the state supervision (control) in the sphere of business activity;

- realize the expertise of the law drafts of Ukraine, other normative and legal acts, that regulate business and administrative relations between the regulative bodies and other state power bodies and the subjects of the household.

On our opinion, this institution of the state power is one of the main bodies concerning the acceptance of the effective lawmaking documents, drafting the rules of deregulation of the enterprise structures, including in the system of the home trade. The central place in the system of the control bodies in the sphere of the economic competition has the Antimonopoly committee of Ukraine (AMCU), formed in the 1993. The lawful status of the Committee is stated in the Ukrainian Law "Concerning the Antimonopoly committee" [6]. In the AMCU structure there is no special structural branch, which would trace the competition between the subjects in the sphere of the home trade. The special branches are functioning (the Department of the control of the concentrated and coordinated activities, the Department of the competitive politics, the administration of examining unfair competition), that are responsible for the examination of competition on the national markets in general. These structural subunits directly regulate the competitive relations, control the following of the competitive law, in particular by the subjects of entrepreneurship in the trade sphere.

On our opinion, the available amount of the institutions regulating the enterprises in the trade sphere is quite branchy. The special institutions of regulating and the bodies of general competence maintain the regulating of the subjects of the entrepreneurship. Taking into account the contemporary state of the development of the home trade in Ukraine, can be stated the presence of the drastic problem concerning coordination of the regulative bodies activity. In particular, this concerns the adjusting the interaction between the Ministry of economic development and trade and Antimonopoly committee of Ukraine, concerning coordination of the actions of drafting and realization of the main principles of the state politics in the sphere of home trade. The components of the mechanism of the state politics of development of the home trade not always act well-coordinated that makes obstacle for the creating of the development of the competitive surrounding.

On the contrary to the regulating institutions of the development of the competitive entrepreneurship in the state domestic trade have the positive influence on the activity of, as they promote the consolidation of the business society with an aim of improving the valid law and normative supply in the home trade sphere. The trade and industrial chamber, the scientific establishments and organizations, the association of the enterprises, Ukrainian trade association, the Public competitive council, the public consumer organizations form the institutionalized environment for the enterprise development in the system of home trade.

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The conducted analyses of the association of the enterprises assures, that most of them function as the institutional model only by the form, although by content is oligarchical, as it realizes mostly the separate goals, sometimes of the political character. To our opinion, the institutional obstacles are in the formation of the business:

- The absence of the relations between the institutions of the state power and the subjects of the entrepreneurship in the system of home trade;
- The absence of the state support of the business associations as a part of the development of the institutional market structure;
- The weak support by the local bodies the enterprise associations;
- The dominating of legal activity of such organizations in the conditions of functioning of the imperfect normative and lawful base concerning the national entrepreneurship, in particular in home trade;

In our consideration, the institutions of development should actively join to institutional principles of the institution formation self-regulating of the enterprise in the sphere of home trade. To our point of view, among the main advantages of such self-regulation belong:

- The flexibility of the norms of self-regulation to the demands of the state regulation and its adequate transformation under the influence of the external factors;
- The influence on the normative activity of the state authorities, that is impossible in state regulating;
- The taking into account the peculiarities and typical traits of the ingenious home trade and subjects;
- The applying of the mechanisms, that are less expensive concerning the solving of the conflicts (arbitration tribunal) between the consumers, providers, subjects of the entrepreneurship of the home trade sphere;

In the sphere of the home trade in Ukraine the associations function (as specialized, and the subjects belong to different associations), but none of them has the status of self-regulative organization. That is why on the legislative level (in particular, in the law "Concerning home trade" is necessary:

- to foresee the functioning of such organization (written the clear power and functions, that are delegated to the self-regulative organization);
- to create the mechanism of the control of following the fixed rules;
- to divide the authority between the bodies of the state power and self-regulative organization;
- to determine the common participation of the mentioned institutions in the drafting of the main directions of development of the entrepreneurship in the system of home trade, and creation accountability effective system.

The active should be the collaboration of the state authority with the higher education establishments. There are higher establishments in Ukraine of the profile preparation of the specialists for the trade sphere: the scientific potential should be used systematically, but not fragmentally, periodically. The profile higher establishments should conduct the appropriate researches, which should in future give the opportunity to work out the corresponding normative and methodological documents, which would be the basis for creating normative and legal documents. In its turn, the profile higher establishments enlist to the scientific researches the enterprise associations.

In Ukraine is not formed the rational institutional supply of the development of the home trade. The reduction of the effect of the formal and informal rules, norms, which were caused by the contradictions and inaccuracy of the passed laws, the normative and legal acts, which were approved by the appropriate bodies. The changes that were happening in the legislation, that normally conditioned not only by the objective needs of development, but also by their lobbying character, that caused the problems of the entrepreneurship development in the system of home trade of Ukraine.

Because of this, the sphere of the home trade needs the formation of the institutions and mechanisms, which supply regularity of the processes and relations between its subjects. To our conviction, the solving of the mentioned problems of the development of the home trade is connected to the improving of the institutional supply.

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Conclusions. First, we need to form the infrastructure of the institutions, the important role among which has to play pension associations and public organizations. This will consolidate the efforts of self-regulation, which will determine the competitiveness of the subjects of entrepreneurship of the home trade sphere. In addition to this, should be actualized the influence of the local self-regulation on the home trade. It could be maintained by creating of the regional centers of the structural reforms, based on partnership of state, business, science and public will independently form stimulus for attraction to the investments region for the development of the home trade or the other forms of business. It would promote the progressive structural transformations in the entrepreneurship surrounding for the supplying the rise of the competitiveness and the level of the social and economic development of Ukraine.

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Received for publication 10.05.2017

Бібліографічний опис для цитування :

Andriyiv N. M. Valuation of the institutional supply of the development of the competitive trading entrepreneurship in Ukraine / N. M. Andriyiv // Науковий вісник Полісся. – 2017. - № 3 (11). Ч. 2. – С. 95-102.