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REGULATORY SUPPORT FOR THE PROTECTION OF ECONOMIC COMPETITION IN UKRAINE

In this article, the author investigates such categories as "support", "regulatory environment", "legal support", "regulatory support" in order to identify the role of the regulatory support for the protection of economic competition in Ukraine in the science of administrative law of Ukraine. The author proposes the definition of the regulatory support for the protection of economic competition in Ukraine. The directions of regulatory support for the protection of economic competition in Ukraine, their common and distinctive features were identified in the article. It was specified that regulatory support for the protection of economic competition in Ukraine is objectified through the formalised national sources of administrative law of Ukraine, primarily through the laws adopted by the Verkhovna Rada of Ukraine and bylaws adopted by the Cabinet of Ministers of Ukraine and the Antimonopoly Committee of Ukraine in the field of economic competition.

Keywords: legal support, regulatory environment, regulatory support, protection of the economic competition, laws, bylaws.

Problem statement. Today relations between business entities and designated government agencies in the field of the protection of economic competition within the territory of Ukraine hold a valuable place. Public administration agencies were conferred exclusive powers for the protection of business entities from illegal actions of other business entities, as well as to prevent antitrust offences in the commodity markets of Ukraine. Public administration agencies exercise their powers pursuant to the laws and other regulatory acts of Ukraine. That is why the law and legislation face the objective need to establish reliable legal conditions for the authorized authorities to effectively protect economic competition. That is why the elaboration of an appropriate legal framework, in particular the regulatory support that will govern public relations between businesses and government agencies is one of the responsibilities of our state.

The state of the study. Today the issues of regulatory support of various directions in Ukrainian science are studied by the following national researchers: S.I. Bevz, V.V. Bontlab, V.V. Glukha, Yu.S. Grinchuk, N.V. Koval, S.P. Krushinskaya, A.L. Pomaza-Ponomarenko etc. In particular, the issues considered in the article cover regulatory support for public administration in the field of economic activity; regulatory support for reemployment disputes resolution; regulatory support for state management in the field of life safety; regulatory and legal support for the formation and implementation of state regional policy, etc. However, the issue of regulatory support for the protection of economic competition in Ukraine still has not been the subject of special research in the administrative law theory, which, accordingly, determines feasibility and relevance of this issue for investigation.

In this regard, the **purpose of this article** is studying the regulatory support for the protection of economic competition in Ukraine at the present stage of development of administrative and legal relations between public administration entities and business entities.

Presentation of main material. Setting about the relevant administrative issues, we should mention that definition of the concept of regulatory framework for the protection of economic competition in Ukraine requires studying of the following terms: "support", "regulatory environment", "legal support", "regulatory support", and clearing up the differences of such related concepts. Meanwhile, no uniform definitions of these concepts were developed in modern legal science of Ukraine. In our opinion, these concepts deserve consideration within the framework of this study, as they are essentially different legal categories and relate in one way or another to the legal foundations of the protection of economic competition in Ukraine.

Thus, let us start out with definition of the concept of "support" in application of this concept in general in the Ukrainian language and in the field of law in particular. The Big Explanatory Dictionary of the Ukrainian language defines "support" as an action meaning "to secure". In turn, "to secure" means: to satisfy someone or something in some needs while supplying something in sufficient quantities; to provide someone with sufficient material means of subsistence; to create reliable conditions for the implementation of something; to guarantee something; to protect, defend someone or something from danger"¹.

Such interpretation of "support" corresponds to the scientific research of those scholars who have taken the definition as a basis for the study of regulatory environment, legal support, regulatory support of various legal institutions. In the field of law the consent exists that such support is the basis, the foundation for a certain type of activity, which determines the limits of permitted, especially when it comes to the state, pursuance of certain activities by it and performance of its functions². Thus, the word "support" must be understood as the creation of reliable conditions for the implementation of something, i.e. the implementation of certain activities. If we define the concept of "support" from the perspective of law, in particular in the field of the protection of economic competition, the support means creation of reliable conditions for the protection of economic competition in Ukraine.

As for the *regulatory environment*, the legal literature mainly provides a list of actions that should be understood as the essence of this term. For example, E.A. Kharytonov understands regulatory environment as the issuance of laws and other instrument of legislation, approval of legal customs and rules of morality relating to the object of regulatory environment³.

Considering the issues of regulatory environment of enterprises, I.G. Yanenkova emphasizes that economic legislation covers both economic laws in the true sense and other regulations on economic life⁴.

By contrast with the above mentioned authors, S.I. Bevz, researching the current state of regulatory support of public administration in the field of economic activity proposed a clear definition of this concept. The author came to the conclusion that regulatory environment can be understood as the establishment of reliable conditions at the legislative level for the implementation of something, guaranteeing something⁵.

Having examined definitions of "regulatory environment" proposed at the scientific level, we shall emphasize that each definition contains such concept-specific clauses as: "issuance of laws and other legislation", "economic laws", "at the legislative level". From this perspective, we believe that the words "law" and "legislation" are the key words and the basis that provides an opportunity and allows legal researchers to lay down the correct definitions of "regulatory environment" and make clear its essence.

Thus, as regards the meaning of the "law" concept in the legal doctrine of Ukraine, S.V. Bobrovnyk interprets it as a statutory act of higher legal effect, which regulates the most important social relations⁶.

As regards the concept of "legislation", according to the opinion in the legal literature, such a concept is generally used in two senses, namely:

- as one of the main methods of performance of state functions by issuing laws by public authorities;
- as a set of legal regulations governing public relations (laws, bylaws, the titles of which may differ in various states – decrees, directives, resolutions, ordinances, orders, instructions, etc.)⁷.

¹ Бусел, В.Т. (ред.) (2005). Великий тлумачний словник сучасної української мови: 250000. Київ; Ірпінь: Перун. Т. VIII, 375.

² Бевз, С.І. (2019). *Державне управління у сфері господарської діяльності: адміністративно-правові засади*: монографія. Київ: Ліра-К, 134.

³ Харитонов, Є.О. (2015). Концепт «правове забезпечення» в контексті правової адаптації до умов внутрішнього ринку Європейського Союзу. *Наукові праці Національного університету «Одеська юридична академія», том 16*. Одеса: Юридична література, 40.

⁴ Яненкова, І.Г. (2012). Законодавче забезпечення діяльності підприємств. *Наукові праці Чорноморського державного університету імені Петра Могили комплексу «Києво-Могилянська академія». Серія: Економіка. Т. 189, 177, 81.*

⁵ Бевз, С.І. (2019). *Державне управління у сфері господарської діяльності: адміністративно-правові засади*: монографія. Київ: Ліра-К, 135.

⁶ Шемшученко, Ю.С. (ред.) (2012). *Великий енциклопедичний юридичний словник*. 2-ге видання, перероблене і доповнене. Київ: Юридична думка, 284.

⁷ Пастухов, В.П. (заг. ред.), Пеньківський, В.Ф., Подкоритова, Л.М., Наум, М.Ю., Міщук, М.О., Шатіло, В.А. (2005). *Основи правознавства: навчальний посібник*. Київ: Алерта, 50.

Studying the issues of competition law of Ukraine, O.L. Chernelevska systematized competition law in her study as a set of regulatory acts that directly regulate competition (regulatory legislation as such) and other acts that include certain antitrust and competition rules¹.

Proceeding from the above, we may stress out that consideration of the "legislation" concept in the narrow sense suggests that this concept is characterized exclusively by a body of laws as regulatory acts of higher legal effect. In a broad sense the concept of "legislation" is characterized not only by a body of laws, but also by a body of provisions of other regulatory acts, such as: resolutions of the Verkhovna Rada of Ukraine, decrees of the President of Ukraine, resolutions of the Cabinet of Ministers, etc.

In our view, interpretation of "legislation" concept as a *body of rules of law* in regulatory acts is inadvisable, since the notion of the "body of rules of law" is more peculiar to the concept of "law" and, accordingly, to legal support. After all, it is believed that this is the law, in contrast to the legislation, that consists of a body of rules of law. Such a body of rules of law characterizes the law as entirety and integration. That is, we propose to consider the regulatory environment as the establishment of reliable conditions for the implementation of something on the basis of the laws of Ukraine.

Thus, given the fact that in legal theory legislation is generally meant as a body of laws, we consider it appropriate to define the antitrust and competition legislation in the field of protection of economic competition as a body of laws of Ukraine governing competition relations associated with unfair competition, monopoly restrictions and prevention in economic activities of business entities in Ukraine. Proceeding from this position, we propose to consider the regulatory environment in the field of protection of economic competition as creating the reliable conditions for the exercise of administrative powers by power entities to protect economic competition in Ukraine based on the laws of Ukraine – regulatory acts of highest legal effect.

Today, the concept of "*legal support*" in the legal literature is extensively examined by theorists, which argue for an equivocal interpretation of this concept. Investigating the legal support of business in Ukraine, L.S. Mamatova pointed out that legal support means a body of rules of law enshrined in the Constitution of Ukraine, laws, regulatory acts and acts of an individual nature, which establish rules of conduct for business entities in performing their business activities, as well as determine the degree of responsibility for violations of these rules². As we consider it and as it is thought to be, legal support in modern science is represented through legal rules (provisions), enshrined in the Basic Law, laws, regulatory legal acts and acts of an individual nature.

Ye.O. Kharitonov proposed the competing definition of the substance of this concept. According to the scientist, legal support is creation of reliable conditions for the implementation of something, for resolution of some problems of interest to society (state) by legal means³.

Another definition is given by O.P. Sydorenko. The author believes that in a broad sense, legal support represents the substance of a specific manifestation of the state essence, its function on promotion of the actual implementation of legal order, establishes compliance of social interactions with legal provisions and is the activity of the state, its bodies on regulation of public relations, their legal protection, security, implementation and development. In this case, we mean all measures taken by the state aimed at enforcement law and order⁴. In addition, the author also points out: "First, legal support is a kind of particular manifestation of the state functions, so it has the characteristics of any other function of the state (economic, ideological, political, etc.). Secondly, together with other in this system legal phenomena, legal support is an important component of the legal system of society, agglomerates subjects and objects of law, regulatory and individual legal requirements, subjective rights and obligations, legal ideas and decisions made, etc. Thirdly, legal support is an integral part of the culture of society, reflects a system of values, ideas about the lives of people who live together and constitute a community. Fourthly, legal support has a social nature, because it is a product of joint activities of individuals, teams and organizations. Thus, in a broad sense, legal support makes the substance of one of the functions of the law-bound state –

¹ Чернелевська, О.Л. (2006). *Конкурентне законодавство України: формування, зміст та розвиток*: автореферат дисертації кандидата юридичних наук. Київ, 13.

² Чернелевська, О.Л. (2006). *Конкурентне законодавство України: формування, зміст та розвиток*: автореферат дисертації кандидата юридичних наук. Київ, 13.

³ Харитонов, Є.О. (2015). Концепт «правове забезпечення» в контексті правової адаптації до умов внутрішнього ринку Європейського Союзу. *Наукові праці Національного університету «Одеська юридична академія», том 16*. Одеса: Юридична література, 37.

⁴ Сидоренко, О.П. (2018). Правове забезпечення: до питання інтерпретації поняття. *Актуальні проблеми вітчизняної юриспруденції, 1*, 40.

supporting law and order, and is a system of legal, organizational, ideological, economic measures to influence public relations in order to regulate them"¹.

The above mentioned considerations of legal support allow us to come to a conclusion that the meaning of this concept is presented by researchers through various legal phenomena. In different contexts, scientists consider legal support as: "a body of rules of law," "creation of reliable conditions by legal means," "the content of a specific manifestation of the state essence" and so on. In our opinion and based on the meaning of the "security" concept, the aptest definition of legal support is given by Ye.O. Kharytonov. We believe that the scope of the concept of "legal support" is expressed not only through the "creation of legal conditions", but also through the practical legal activities of specially authorized state agencies, the essence of which is the protection of violated rights – the rights of economic entities in economic competition. In our opinion, the concept of "legal support" and "activity" should not be equated. After all, these concepts are correlated as part and whole, where "activity" is a part and "legal support" is the whole. Moreover, interdependence is peculiar to these concepts, though they do not completely coincide with each other. In this regard, we propose to comprehend that legal support is expressed through the creation of legal conditions and practical legal activities.

According to O.P. Sidorenko, legal activity and legal support are inextricably entwined phenomena of the public legal life, inasmuch as the class of "objects" comprehended through them, i.e. legal actions of subjects, is the same. The concept of "legal activity" reflects the qualification of the people's actions in the legal sphere (such their features as legitimacy, justiciability, legal significance, etc.). As for the concept of "legal support", in the author's opinion, it should also cover and characterize the accumulated result of legal activities, namely the collective, supra-individual, social and legal memory that provides accumulation, systematization, storage and transfer (transmitting) of information, which allows to record to a certain extent and restore the whole process of activity or its separate stages. Therefore, the concepts of "legal activity" and "legal support" are overlapping².

We consider it justified to assume that legal support in the research area should be considered as a creation of reliable conditions based on legal rules of regulatory acts for the power entities to provide administrative and procedural activities for the protection of economic competition in Ukraine.

Proceeding from the above, as well as taking into account the definition of such categories as "legislative support" and "legal support", we point out that they are not identical, but essentially different legal concepts. They are based on different terms: "act/legislation" and "law".

Thus, according to Yu.S. Shemshuchenko, the legislation interacts with the law based on the principle of form and substance consistency. Legislation enshrines the rules of law. At the same time, the law affects the nature and substance of the legislation³. The scientist stresses out that legislation is a specific form of law representation. However, legislation does not coincide with law both in terms of the scope of public relations governed by it and in terms of its internal structure. Unlike law, which is a body of legal norms, legislation is a body of legislative acts. The law is correlated with the legislation as substance and form⁴. In addition, Yu.S. Shemshuchenko proposes to define law as a system of universally binding rules established or sanctioned by the state and enforced both by persuasion and by force of state coercion⁵. According to him, legislation is a body of laws as regulatory acts of higher legal force (after the Constitution), adopted according to the established procedure by the Verkhovna Rada of Ukraine. In a broad sense that is a body of laws and bylaws (resolutions of the Verkhovna Rada of Ukraine, presidential decrees, resolutions of the Cabinet of Ministers of Ukraine, etc.)⁶.

¹ Сидоренко, О.П. (2018). Правове забезпечення: до питання інтерпретації поняття. *Актуальні проблеми вітчизняної юриспруденції*, 1, 41.

² Сидоренко, О.П. (2018). Правове забезпечення: до питання інтерпретації поняття. *Актуальні проблеми вітчизняної юриспруденції*, 1, 41.

³ Шемшученко, Ю.С. (ред.) (2012). *Великий енциклопедичний юридичний словник*. 2-ге видання, перероблене і доповнене. Київ: Юридична думка, 290.

⁴ Шемшученко, Ю.С. (ред.) (2012). *Великий енциклопедичний юридичний словник*. 2-ге видання, перероблене і доповнене. Київ: Юридична думка, 290.

⁵ Шемшученко, Ю.С. (ред.) (2012). *Великий енциклопедичний юридичний словник*. 2-ге видання, перероблене і доповнене. Київ: Юридична думка, 290.

⁶ Шемшученко, Ю.С. (ред.) (2012). *Великий енциклопедичний юридичний словник*. 2-ге видання, перероблене і доповнене. Київ: Юридична думка, 290.

Studying the system of law and the legislative system, other scholars also lean toward the fact that, unlike the system of law, the legislative system is a system of regulatory acts, primarily laws, which is an external form of rules of law, a way of giving them objectivity, certainty and universality. The system of law and the legislative system correlate as substance and form. Law and legislation are interrelated, but not identical phenomena¹.

Other scholars share the opposite view, noting that the difference between law and legislative act is based on the fact that law and legislative act correlate as substance and form. The legislative act takes on the role of the main intermediary formalizing the rules of law and means of their harmonisation. It is possible to equate law and legislation. One law may include several different rules of law by their scope (civil, labour, financial law, etc.)².

Based on the content analysis of the above mentioned concepts, we should note that "legal support" and "legislative support" are not identical concepts and shall be subject to differentiation. This proceeds from the fact that they are based on essentially different categories: "law" and "legislation". After considering such concepts as "legislative support" and "legal support", we came to the conclusion that each scientific concept is characterized by its meaning and complex of relevant features. In this regard, we consider it appropriate to use the addressed concepts in the legal science of Ukraine in their definitions given them by experts. After all, their definitions to some extent serve as a basis for definition of the category of "*regulatory support*" in modern legal science of Ukraine.

Before proceeding to the definition of "regulatory support", we consider it necessary to point out that such terms as "support", "regulatory environment", "legal support", in our opinion, are the components of the "regulatory support" concept. According to S.I. Bevz, regulatory environment is one of the elements of regulatory support and should be a component of legal support³. We believe that the concept of "regulatory support" is a broader category compared to the other above mentioned concepts that are its components, based on the following.

As far as we are inclined to the opinion that the legislation is a body of laws of Ukraine exclusively as regulatory acts of higher legal force, then other regulatory acts adopted by the Verkhovna Rada of Ukraine, the President of Ukraine, the Cabinet of Ministers of Ukraine, central executive bodies do not fall under the concept of "regulatory environment". We believe that it is on the basis of the provisions of the laws of Ukraine and other regulations of public authorities that together cover the concept of "regulatory support" reliable conditions are created for the implementation of something. After all, all the laws of Ukraine adopted by the Verkhovna Rada of Ukraine and bylaws of competent state bodies (resolutions and orders of the Verkhovna Rada of Ukraine, decrees of the President of Ukraine, acts of the Cabinet of Ministers of Ukraine, acts of ministries, government departments and state committees, acts of local executive bodies) are regulatory, because they include rules of law governing certain social legal relations, including competitive.

If that is the case, when we talk about regulatory support for the protection of economic competition in Ukraine, it means creating reliable conditions for exercise of administrative powers to protect the rights and legitimate interests of business entities from illegal, dishonest, unfair actions of other economic entities in business activities, as well as to prevent, secure from antitrust offences in Ukraine and to apply administrative measures to guilty economic entities by power entities based on the laws of Ukraine and other regulatory legal acts adopted by authorised state bodies. Therefore, in our opinion, regulatory support in the investigated area embodies through the creation of preconditions for the implementation of administrative and procedural activities as regards:

- protection of some business entities from illegal, unfair actions of other business entities in competitive relations with latter;
- prevention and non-admission of monopoly restrictions in economic activity;
- application of administrative measures to guilty economic entities for violation and non-compliance with antitrust and competitive regulatory legal acts of Ukraine.

As a matter of fact, the regulatory support for the protection of economic competition in Ukraine creates such preconditions in which the public and private law entities operate.

¹ Копейчиков, В.В. (ред.) (1997). *Загальна теорія держави і права*. Київ: Юрінком, 173.

² Пастухов, В.П. (заг. ред.), Пенський, В.Ф., Подкоритова, Л.М., Наум, М.Ю., Міщук, М.О., Шатіло, В.А. (2005). *Основи правознавства*: навчальний посібник. Київ: Алерта, 50.

³ Пастухов, В.П. (заг. ред.), Пенський, В.Ф., Подкоритова, Л.М., Наум, М.Ю., Міщук, М.О., Шатіло, В.А. (2005). *Основи правознавства*: навчальний посібник. Київ: Алерта, 50.

Primarily, it is a business entity and public administration entities – the bodies of the Antimonopoly Committee of Ukraine, the Interdepartmental Commission on International Trade, the Ministry of Economic Development, Trade and Agriculture of Ukraine, the Cabinet of Ministers of Ukraine.

Proceeding from the above, we believe that it is the rules of law enshrined in legislative and other regulatory acts governing administrative and competitive relations in Ukraine, that create the legal conditions for effective protection of economic competition in Ukraine. The effectiveness of such regulatory support for the protection of economic competition in Ukraine depends, primarily, on perfect and effective antitrust and competition legislation. After all, it is based on such legislation that perfect bylaws are adopted, which should also govern only those administrative and competitive relations which have already fell under regulation of the laws of Ukraine in the studied area. Such bylaws are adopted in pursuance of antitrust and competition law and shall comply with them.

It worth noting that antitrust and competition legislation aimed at protection of economic competition, in particular at the development of fair competition, inadmissibility of unfair competition, prevention of monopoly in the commodity markets of Ukraine, began its formation in our state in the early 90's resulting from the economic market reforms. Current development of market economy is characterized by a large number of laws and other regulatory acts of Ukraine, which establish the regulatory framework for the exercise of administrative and procedural activities by power entities for the protection of economic competition in Ukraine.

We believe that the creation of reliable conditions for the effective functioning and protection of economic competition at the constitutional level was important for the development of regulatory support in Ukraine in the researched area. An opinion prevailing in the legal literature says that one of the most unified is the definition according to which the constitution is the basic law of the state, uniting a group of rules of higher legal force, which enshrines the foundations of state system, rights, state freedoms and duties of a man and citizen, system and principles of organization of public authority and territorial organization of the state¹.

As I.G. Yanenkova notes, the Constitution in any state is the basis for the development and improvement of existing legislation, a kind of foundation for building a legal system, implementation of state and legal reform². Thus, today the legal basis for the state implementation of administrative and procedural activities through public administration bodies to protect business entities from unfair, illegal actions and to prevent monopoly offences in Ukraine is laid down in the Basic Law. Indeed, Art. 42 of the Constitution of Ukraine states that "the State ensures the protection of competition in entrepreneurial activity. The abuse of a monopolistic position in the market, the unlawful restriction of competition, and unfair competition, shall not be permitted"³. As we can see, the system of regulatory support for the protection of economic competition in Ukraine is based on such constitutional principles.

It is important to notice that regulatory support for the protection of economic competition in Ukraine has two directions: a) regulatory support for monopoly activity; b) regulatory support for the protection against unfair competition. According to Yu.V. Zhurik, modern structure of the competition legislation of Ukraine is represented by two legal institutes: antitrust institute and institute of protection against unfair competition⁴. In our opinion, the feature of regulatory support of monopoly activities is its public nature and focus on preventing antitrust offences, restricting economic competition, preventing abuse of monopoly position in the commodity market of Ukraine. Regulatory protection against unfair competition is directly related to illegal, unfair, dishonest acts (manifestations) of competition, committed by business entities during the implementation of business activities in Ukraine.

Today, modern science presents views of scientists on the distinction between antitrust and competition law, which regulates monopoly activities and protection against unfair competition. Investigating the genesis of the regulatory environment for fair competition, O.O. Bakalinska stressed that the purpose of antitrust law is to ensure the existence of competition in general, counteract monopoly trends and control the market structure. While ensuring the quality of competition, the formation of fair competition practices, ensuring

¹ Атамась, Г.О., Шелепов, А.П., Якутка, А.М. (2004). *Правознавство: навчальний посібник*. Львів: Видавництво Національного університету «Львівська політехніка», 26-27.

² Яненкова, І.Г. (2012). Законодавче забезпечення діяльності підприємств. *Наукові праці Чорноморського державного університету імені Петра Могили комплексу «Києво-Могилянська академія»*. Серія: Економіка. Т. 189, 177, 82.

³ *Конституція України 1996* (Верховна Рада України). *Офіційний веб-сайт Верховної Ради України*. <<https://zakon.rada.gov.ua/laws/show/254к/96-вр>> (2020, липень, 05).

⁴ *Конституція України 1996* (Верховна Рада України). *Офіційний веб-сайт Верховної Ради України*. <<https://zakon.rada.gov.ua/laws/show/254к/96-вр>> (2020, липень, 05).

loyal, good (fair) customs in business and prohibition of unfair competition is the purpose of legislation on protection against unfair competition or competition law (in the narrow sense)¹.

Having considered the above, we believe that the regulatory support for monopoly activities and regulatory support for protection against unfair competition have common and distinctive features. Thus, in our opinion, the regulatory support of monopoly activity and the regulatory support for the protection against unfair competition are characterized by: a) the uniform subject of regulation, which is competitive relations; b) the consequence of illegal monopolistic activity and illegal, unfair competitive actions is a violation of the rights and legitimate interests of business entities and, accordingly, inflicting harm to the latter. At the same time, the regulatory support of monopoly activity is aimed at restriction, prevention of monopolization in Ukraine and termination of monopolistic activity in competitive relations by designated authorities. Regulatory protection against unfair competition is aimed at protecting business entities from actions in competition which contradict with trade and other fair practices in business, including from the misuse of the business reputation of the business entity; creating obstacles for business entities in the process of competition and achieving illegal advantages in competition; illegal collection, disclosure and use of trade secrets.

Thus, covering various areas of regulatory protection of economic competition in Ukraine, which together are aimed at restricting competition, preventing abuse of market power and unfair competition, we propose to make classification of formalized national sources of administrative law. In the science of administrative law, they are meant to be sources fixed in the form of a document (act of law).

Therefore, depending on the legal force of formalized national sources of administrative law in modern administrative studies which objectivate the regulatory support for the protection of economic competition in Ukraine, we propose to classify them as follows:

1. *The Constitution of Ukraine of June 28, 1996 No. 254k/96-VR* (fundamental constituent political and legal act establishing the constitutional order, civil rights and freedoms of man and citizen, determines the system and form of government, the legal status of public authorities (for example, Article 8 of the Constitution of Ukraine declares its highest legal force²).

2. *Laws of Ukraine* (regulatory act adopted in a special manner by a legislative body or in a referendum, which reflects the will of the people, has the highest legal force and governs the most important social relations³): Commercial Code of Ukraine of January 16, 2003 No. 436-IV; Law of Ukraine "On the Protection of Economic Competition" of January 11, 2001 No. 2210-III; Law of Ukraine "On the Antimonopoly Committee of Ukraine" of November 26, 1993 No. 3659-XII; Law of Ukraine "On Natural Monopolies" of April 20, 2000 No. 1682-III; Law of Ukraine "On the Protection against Unfair Competition" of June 7, 1996 No. 236/96-VR; Law of Ukraine "On Foreign Economic Activity" of April 16, 1991 No. 959-XII; Law of Ukraine "On the Protection of National Manufacturers from Subsidized Imports" of December 22, 1998 No. 331-IV; Law of Ukraine "On Protection of National Commodity Producers from Subsidized Imports" of December 22, 1998 № 331-IV; Law of Ukraine "On the application of special measures for imports into Ukraine" of December 22, 1998 No. 332-XIV and others.

3. *Bylaws of Ukraine* (act of the competent authority adopted based on, for the implementation of and in accordance with the law⁴): The procedure for granting permit by the Cabinet of Ministers of Ukraine for concerted actions, concentration of business entities, approved by the Resolution of the Cabinet of Ministers of February 28, 2002 No. 219; Regulations on the procedure for submitting applications to the bodies of the Antimonopoly Committee of Ukraine for granting permission for concerted actions of business entities, approved by the Instruction of the Antimonopoly Committee of Ukraine of February 12, 2002 No. 26-r; Regulations on the procedure for submitting and processing applications for prior permission for concentration of business entities by the Antimonopoly Committee of Ukraine, approved by the Order of the Antimonopoly Committee of Ukraine of February 19, 2002 No. 33-r; Rules of procedure for processing applications and cases of violation of the legislation on the protection of economic competition, approved by the Order of the Antimonopoly Committee of Ukraine of April 19, 1994 No. 5, etc.

¹ Бакалінська, О.О. (2014). *Правове регулювання добросовісної конкуренції в Україні*: монографія. Київ: НДІ приватного права і підприємництва імені академіка Ф.Г. Бурчака НАПрН України, 41.

² Бакалінська, О.О. (2014). *Правове регулювання добросовісної конкуренції в Україні*: монографія. Київ: НДІ приватного права і підприємництва імені академіка Ф.Г. Бурчака НАПрН України, 41.

³ Тимченко, С.М., Калюжний, Р.А., Пархоменко, Н.М., Легуша, С.М. (2006). *Теорія держави та права*: посібник для підготовки до іспитів. 2-ге видання виправлене та перероблене Київ: Видавництво ПАЛІВОДА А.В., 94.

⁴ Атамась, Г.О., Шелепов, А.П., Якутка, А.М. (2004). *Правознавство*: навчальний посібник. Львів: Видавництво Національного університету «Львівська політехніка», 23.

The above mentioned system of formalized national sources of administrative law of Ukraine, which objectivates the regulatory support for the protection of economic competition in Ukraine, gives us prerequisites to suppose that above mentioned scope of laws of Ukraine covering the study area occupies a special place in the system of regulatory acts of Ukraine. After all, they have the highest legal force, that is why the above mentioned bylaws should correspond and fully comply with them. As we can see, the laws of Ukraine govern one of the most important public relations area in Ukraine that arise between business entities and public authorities during administrative and procedural activities on protection and security of the rights and legitimate interests of business entities in economic competition. In particular, the power entities shall be governed by and comply with the administrative and legal rules enshrined in the laws of Ukraine in their relations with economic entities in this area, that is, during the administrative and procedural activities carried out on: restriction of monopoly in economic activity; state regulation of the activities of natural monopolies in Ukraine; protection of business entities from unfair competition; protection of domestic manufacturers from dumped imports from other countries, customs unions or economic groups, including the initiation and conduct of anti-dumping investigations and the application of anti-dumping measures; protection of domestic manufacturers from subsidized imports from other countries, customs unions or economic groups, including the initiation and conduct of anti-subsidizing investigations, as well as the application of compensatory measures; initiation and conduct of special investigations into the growth of imports to Ukraine, regardless of the country of origin and export of goods that cause significant damage or threaten to cause significant damage to domestic producers, which may result in application of special protection measures, etc.

As regards the bylaws mentioned above, they are adopted based on and in compliance with the specified antitrust and competition laws of Ukraine. Despite the fact that law occupies the decisive place in competition relations, bylaws are also important during the administrative and procedural activities carried out by the power entities to protect and secure the rights and legitimate interests of economic entities. In the field of protection of economic competition, such state administration bodies as the Cabinet of Ministers of Ukraine and the Antimonopoly Committee of Ukraine are entitled to issue bylaws within their capacity, whilst being governed by and complying with them during administrative and procedural activities, in particular, when the bodies of the Antimonopoly Committee of Ukraine process the applications for granting permission to concerted actions of economic entities that have led or may lead to the prevention, elimination or restriction of competition, provide preliminary conclusions on such actions, as well as provide conclusions on the compliance of concerted actions of economic entities with the law of Ukraine; process the applications for prior permitting of concentration of business entities and obtain conclusions on the concentration of the latter; granting permission by the Cabinet of Ministers of Ukraine for coordinated actions or concentration of business entities that were prohibited by the Antimonopoly Committee of Ukraine; processing of the applications, cases on violation of the legislation on protection of economic competition, including on protection against unfair competition by the bodies of the Antimonopoly Committee of Ukraine.

Conclusion. Having studied such terms as: "support", "regulatory environment", "legal support", "regulatory support", we came to the conclusion about a large number of interpretations of these concepts in the scientific literature developed by theorists. After all, the substance and scope of these categories are determined by domestic scientists based on the scientist's own view. In this regard, there is no accepted interpretation of the terms: "support", "regulatory environment", "legal support", "regulatory support" in the professional scientific literature. Consequently, the concept of regulatory support for the protection of economic competition in Ukraine from the administrative law perspective has not been defined and studied.

Having studied the definitions of "regulatory environment" and "legal support", we consider these concepts to be a part of "regulatory support" category. Consequently, we propose to address the concept of "regulatory support" in the legal science of Ukraine as paramount as regards the categories of "regulatory environment" and "legal support", which are, in our opinion, secondary.

Following the analysis of definitions of these categories, as well as taking into account the specifics of the studied institute of law, we came to the conclusion that *the regulatory support for the protection of economic competition* in the science of administrative law in Ukraine should be addressed as creating of reliable conditions for the power entities to carry out administrative and procedural activities for the protection and security of the rights and legitimate interests of business entities based on Ukrainian laws and regulatory acts. Regulatory support for the protection of economic competition in Ukraine has two directions: a) regulatory support for monopoly activities; b) regulatory support for the protection against unfair competition. In our opinion, different areas of regulatory support for the protection of economic competition in Ukraine have both common and distinctive features.

Currently, regulatory support for the protection of economic competition in Ukraine is objectified through formalized national sources of administrative law of Ukraine – the laws of Ukraine and bylaws. They play an important role in the administrative and procedural activities of public administration entities – the Antimonopoly Committee of Ukraine, the Interdepartmental Commission on International Trade, the Ministry of Economic Development, Trade and Agriculture of Ukraine, the Cabinet of Ministers of Ukraine for the protection of economic entities from undue competition and restriction of monopoly in economic activity.

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