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NON-TARIFF BARRIERS: UKRAINIAN PRACTICE UNDER CONFLICT WITH RUSSIA AND COVID-19

ABSTRACT

This article deals with the study of Ukraine's measures of non-tariff barriers during the armed conflict in eastern Ukraine and under the conditions of the COVID-19 pandemic. The first part of the article identifies the reasons for the

establishment and genesis of non-tariff barriers to foreign trade. The modern international legal basis of non-tariff regulation and its application in Ukraine is also outlined. Moreover, the impact of the EU-Ukraine Association Agreement 2014 on the mechanisms for setting non-tariff barriers is described. The second part of the article focuses on the characteristics of modern approaches to the classification of measures of non-tariff barriers to trade. Their diversity and lack of a definitive, orderly list in international agreements and national legislation are emphasized. The third part of the article is devoted to the analysis of measures of non-tariff barriers to trade, which were applied by Ukraine in relations with the Russian Federation and under the conditions of the COVID-19 pandemic. Their adequacy to the current crises in Ukraine was stated, but their untimeliness contributed to a significant reduction in efficiency in minimizing the negative impact of crises caused by the aggression of the Russian Federation and the COVID pandemic.

The key words: customs regulation, customs policy, trade policy, foreign economic activities, customs legislation, Ukraine, harmonization, COVID-19 pandemic.

Introduction

Actual trade policy of states, their extensive economic ties, the importance of protecting national interests and public health determine the application of various measures of tariff and non-tariff regulation of foreign economic activity. To this day, such actions remain a reliable means of supporting national producers, a tool for creating conditions for the stable development of states. At the same time, the application of non-tariff measures (with certain exceptions) is considered harmful to the development of world trade. It occurs when states illegally impose certain types of prohibitions and restrictions and, as a result, violate the fundamental principles of promoting and developing international economic (trade) relations. However, this does not diminish the importance of such measures for individual states, which, guided by their interests, still resort to their establishment. The new challenges facing Ukraine since 2014 and the crisis caused by the spread of the COVID-19 pandemic have led to the application of new mechanisms for regulating international trade relations for domestic law enforcement practice. And if the

economic (tariff) and administrative (non-tariff) “responses” to Russia’s actions in Ukraine, the temporary occupation of Crimea, and the ongoing armed conflict in eastern Ukraine have already taken some orderly forms, the COVID-19 pandemic conditions have become a completely new factor that required prompt and adequate level of threat measures.

Methodology

The article focuses on the definition of a set of non-tariff barriers applied by Ukraine under the conditions of Russian aggression and the spread of the COVID-19 coronavirus pandemic. To determine the essence, principles, and modern practices of the implementation of non-tariff barriers, the international legal basis of such measures are analyzed, their features, principles and applicability in Ukraine are outlined. Emphasis is also placed on the classification of such measures as one of the most frequently discussed issues at the level of international institutions, research and national legislation. It is noted that the non-tariff barriers applied by Ukraine, although adequate to the current crisis in the country, were untimely and required earlier implementation to force the cessation of hostilities (in case of aggression by the Russian Federation) and the formation of the necessary stable domestic market of protective medical products to counteract the spread of COVID-19.

1. International legal basis for non-tariff barriers: genesis, current state, application in Ukraine

Certain restrictions on the movement of goods, vehicles, and people across state borders started to be introduced during the periods of outbreaks of infectious diseases during the Middle Ages, the development of commodity production during the formation and development of capitalist relations. And if the fees for the import of goods (later – export) or use of the territories of states for transit (tariff rules), known since ancient times, ancient Greece and Rome and the

early Middle Ages, non-tariff restrictions – prohibitions, restrictions on types of goods and their countries of origin – is a phenomenon somewhat later and belongs to the XIV – XV centuries, having become established in cities governed by the rules of Magdeburg law. It is common knowledge that the statutes of European cities contained sets of rules aimed at banning or restricting the import of goods produced in other cities: direct bans on the import, restriction of import and sale of goods on certain days of the week or dates of fairs (Kormych, 2016a, p. 53-58). And the English Navigational Acts of the late XVII century provided for significant non-tariff (protectionist) restrictions, violation of which was punishable by confiscation of both goods and vessels carrying them (Reich, 2004, p. 537-541). In fact, it was the beginning of a new policy of protectionism (support for national producers, development of new industries, overcoming the negative balance of payments), which has acquired the most developed forms and spread since the early XIX century and by the middle of the XX century (Kormych, 2016b, p. 80).

Despite the wide diversity of the restrictions and prohibitions applicable in the course of international trade, basically they cover two major types of a State's actions:

- legislative protectionism, which comprises all enactments made for the direct purpose of bringing a protectionist influence to bear on the foreign trade, and;

- administrative protectionism, which presupposes a will by the executive to take political action and originate within the administrative sphere (Quambusch, 1977, p. 79-80).

According to the UNCTAD, non-tariff barriers are generally defined as policy measures other than ordinary customs tariffs that can potentially have an economic effect on international trade in goods, changing quantities traded, or prices or both (UNCTAD, 2010, p. 99).

The broad understanding of non-tariff barriers, obviously, creates a noticeable issue for the proper international regulation in the field. Which has been repeatedly manifested by the application of the

respective GATT rules from the very emerging of the GATT/WTO multilateral trading system. At least for the first thirty years of GATT they were not the object of multilateral negotiations and therefore less exposed to open criticism (Quambusch, 1977, p. 81).

Currently, Ukraine's international obligations to apply non-tariff measures cover two blocks of agreements.

First, Ukraine, as a member of the WTO (Protokol pro vstup Ukrainy do Svitovoi orhanizatsii torhivli, 2008; Zakon pro ratyfikatsiiu Protokolu pro vstup Ukrainy do Svitovoi orhanizatsii torhivli, 2008; Lyst shchodo nabrannia chynnosti Protokolom pro vstup Ukrainy do SOT, 2008), provides the compliance of national legislation with all legal instruments of this Organization.

According to the protocols of accession to the WTO, states note that their governments will not impose or apply other non-tariff measures, such as licensing, quotas, prohibitions, permits, pre-authorization requirements, licensing requirements and other restrictions having equivalent effect, which are not may be legitimized by the provisions of WTO agreements.

The provisions of WTO agreements that legitimize the application of non-tariff barriers include:

- exceptions from the provision on the general abolition of quantitative restrictions of Art. XI GATT;
- exceptions from GATT obligations, including non-tariff barriers – General exceptions to Art. XX GATT, security exceptions (Article XXI GATT), balance of payments (Article XII GATT), development of a particular industry (Article XVIII GATT), prevention of sudden growth of imports (Article XIX GATT);
- measures provided for in separate agreements: sanitary and phytosanitary measures (SPS Agreement), technical barriers to trade (TBT Agreement), anti-dumping measures (Agreement on implementation of Article VI GATT)
- exemption from obligations that may be provided under the WTO Agreement.

Secondly, there are some additional obligations towards application of non-tariff barriers derived from Association Agreement between EU and Ukraine (2014) with the respect to the functioning of the Deep and Comprehensive Free Trade Area (DCFTA). However, the impact of the obligations of Association Agreement (AA) upon Ukrainian non-tariff barriers extends far above DCFTA, so far AA objectives “reflect a wide range of cooperation between the parties, which provide for “substantive” and “procedural” means of transposing the EU *acquis* into the legal system of Ukraine” (Petrov, 2020, p. 47).

AA includes Section 4 “Specific provisions related to goods” with Chapter 3 “Technical Barriers to Trade” (Articles 53–56 AA) and Chapter 4 “Sanitary and phytosanitary measures” (Articles 59–74 AA).

Whilst Chapter 3 is primarily focused on the issues of legislation approximation, and both Parties just affirm their existing rights and obligations with respect to each other under the TBT Agreement, which is hereby incorporated into, and made part of AA (Article 54), Chapter 4 is much more complex and comprehensive. Within Chapter 4 Sanitary and phytosanitary measures, the Parties also re-affirm their rights and obligations under the SPS Agreement (Article 60 AA). But the other articles of this chapter, in particular deal with: Recognition for trade purposes of animal health and pest status and regional conditions (Article 65 AA), granting application the general import conditions to the total territory of the exporting party (Article 69 AA), certification and verification procedures (Articles 70 and 71 AA, respectively), import checks and inspection fees (Article 72 AA).

Besides, the AA specifically approaches to the trade favoring sustainable development, including the obligation of the Parties to facilitate and promote trade and foreign direct investment in environmental goods, services and technologies, sustainable renewable-energy and energy-efficient products and services, and eco-labelled goods, including through addressing related non-tariff barriers (Article 293:2 AA).

The main ways to establish non-tariff measures are:

- limiting the number of goods that are allowed to be imported or exported special;
- restriction on the range of importers or exporters who are allowed to move certain types of goods across the customs border;
- particular requirements for goods (technical barriers).

In Ukraine, an example of such regulation is, in particular, the resolution of the Cabinet of Ministers of Ukraine of December 24, 2019, № 1109 “On approval of lists of goods, export and import of which are subject to licensing, and quotas for 2020” (Postanova pro zatverdzhennia perelikiv tovariv, eksport ta import yakykh pidliahaie litsenzuvanniui, ta kvot na 2020 rik, 2019). This resolution approved:

- amounts of quotas of goods, the export of which is subject to licensing (silver, gold, medical devices – with indicators 0 concerning the amount of the quota/unit of measurement, which, in fact, became a ban on their export);
- list of goods (ozone-depleting substances), export and import of which are subject to licensing (carbon tetrachloride, bromochlorodifluoromethane, etc.);
- list of goods that may contain ozone-depleting substances, the export and import of which are subject to licensing (except for goods transported in containers with personal belongings) (particular types of paints and varnishes; medicines, cosmetics, hygiene products, etc.);
- list of goods imported from the Republic of Macedonia that are subject to licensing within the tariff quota under the provisions of the Free Trade Agreement between Ukraine and the Republic of Macedonia of January 18, 2001 (particular food, tobacco, alcoholic beverages, etc.);
- list of goods, the export of which is subject to licensing with one item – anthracite.

The general definition of non-tariff barriers to foreign economic activity is prescribed by the Customs code of Ukraine: it is not related to the application of customs duties on goods moving across

the customs border of Ukraine, established by law prohibitions and/or restrictions aimed at protecting the domestic market, public order and security, public morality, protection of health and life of humans and animals, protection of the natural environment, protection of the rights of consumers of goods imported into Ukraine, as well as protection of national cultural and historical heritage (paragraph 13, part 1 of Article 4) (Mytnyi kodeks Ukrainy, 2012). Thus, these measures belong to the range of prohibitive and restrictive measures that, due to the mechanism of implementation, have public-governmental, administrative nature. And their purpose is to create obstacles to the free movement of certain (harmful to the functioning of the national economy, socio-political system, human health, etc.) goods across the customs border of Ukraine. They are aimed at regulating the necessary for the country indicators of exports and imports in the projection of trade relations with individual countries, for certain types of goods and foreign economic activity, ensuring the necessary (projected) impact on the foreign trade balance of the country.

Examples of non-tariff regulation measures applied in Ukraine are official control measures: sanitary-epidemiological, veterinary-sanitary, phytosanitary, ecological, radiological control and control over the movement of cultural values. Resolution of the Cabinet of Ministers of Ukraine dated 24.10.2018 № 960 “On some issues of official control of goods imported into the customs territory of Ukraine (including for transit)” (Postanova pro deiaki pytannia provedennia zakhodiv ofitsiinoho kontroliu tovariv, shcho vvoziatsia na mytnu terytoriiu Ukrainy (u tomu chysli z metoiu tranzytu), 2018) defines the list of goods subject to phytosanitary control (fresh or chilled potatoes, fresh or chilled tomatoes, etc.); veterinary and sanitary control (live horses, donkeys, mules and foals; live fish, etc.); state control over compliance with legislation on food, feed, animal by-products, animal health and welfare (beef, fresh or chilled; cheeses of all kinds and sour milk cheese; natural honey, etc.).

The documents and information that are subject to verification during the preliminary documentary control are also identified.

Also, the range of non-tariff barriers includes export control carried out under the Law of Ukraine of February 20, 2003 “On state control over international transfers of military and dual-use goods” (Zakon pro derzhavnyi kontrol za mizhnarodnymy peredachamy tovariv viiskovoho pryznachennia ta podviinoho vykorystannia, 2003).

The Convention on international trade in endangered species of wild fauna and flora, 1973, which is in force for Ukraine (Law on Accession of Ukraine to the Convention on international trade in endangered species of wild fauna and flora, 1999 (Zakon pro pryednannia Ukrainy do Konventsii pro mizhnarodnu torhivliu vydamy dykoi fauny i flory, shcho perebuvaiut pid zahrozoiu znyknennia, 1999), provides the need to obtain a permit for the import/export of samples of species of wild fauna and flora, certificates for traveling exhibitions, re-export and introduction from the sea of these samples (except for sturgeon species and products made from them).

2. Non-tariff barriers to foreign economic activity: approaches to classification

The classifications of developed to date non-tariff barriers are diverse, and approaches to their compilation are proposed by most researchers of the legal and economic aspects of customs. This is due to the fact that so far their final, orderly list is not defined either in international agreements or in national legislation. At the same time, their diversity is very significant.

The classification of non-tariff barriers was tried to be composed by UNCTAD (Non-Tariff Measures: Economic Assessment and Policy Options for Development; International classification of non-tariff measures), WTO (Non-tariff barriers: red tape, etc.; World Trade Report 2012), International Bank (Cadot, et al., 2012; Cadot, et al., 2018), etc. Their classifications, essence, updates and latest

application practices continue to be considered in special studies (Augier et al., 2012; Staiger, 2012; Ederington & Ruta, 2016; De et al., 2019; etc).

The above-mentioned processes led to drawing up three widely recognized classifications of non-tariff barriers:

– UNCTAD-TRAINS which uses the Trade Control Measures Coding System (TCMS) broken down into six categories: price control measures, finance measures, automatic licensing, quantity control measures, monopolistic measures and technical measures (it excludes measures applied to exports and production);

– the WTO NAMA classification based on the 800 measures that members must notify to the WTO under the individual agreements (SPS, TBT, AD);

– the Deardorff and Stern classification which covers much the same ground as the other two but includes, as well, a broad range of macro policies (including FDI policies, national policies, foreign exchange policies and corruption) (Carrere & Melo De, 2009, p. 7).

The 2019 version of International classification of non-tariff measures contains the updated classification of non-tariff measures:

technical measures: sanitary and phytosanitary measures; technical barriers to trade; pre-shipment inspection and other formalities;

non-technical measures: contingent trade-protective measures; non-automatic licensing, quotas, prohibitions & quantity-control; price-control measures; finance measures; measures affecting competition; trade-related investment measures; distribution restrictions; restrictions on post-sales services; subsidies and other forms of support; government procurement restrictions; intellectual property; rules of origin;

exports: export-related measures.

According to the UNCTAD website, this classification does not judge on legitimacy, adequacy, necessity or discrimination of any form of policy intervention used in international trade.

It acknowledges existence and is designed to organize information in a database format. It was developed for 10 years (from 2007 to 2017), and in 2012 its first version was agreed (Classification of NTMs).

The classification scheme developed by the GATT Secretariat in the early 1970s to date includes more than 800 types of non-tariff measures and combines them into 6 main categories: 1) benefits for local producers and consumers of products; 2) export subsidies; 3) compensatory custom duties; 4) public procurement; 5) trade operations of state enterprises; 6) other measures to restrict trade (Sydorenko, 2014, p. 94-95).

In general, the issue of classification of non-tariff measures to foreign economic activity is complex and multifaceted. It maintains tendencies to further scientific elaboration and development of unified approaches. The specificity of these measures, first of all, depends on the variety of problems to be solved by their implementation and the goals that the state seeks to achieve. It should also be noted that some of these measures may be established outside the mechanisms and instruments of the WTO (unilaterally or based on bilateral agreements). And some of them may be hidden (these include restrictions imposed by the state or inflated requirements on the domestic market for imported goods) (Shcherbatyuk, 2013, p. 75).

It is interesting to classify non-tariff measures by the activities of the state to establish administrative restrictions in the field of customs relations. Thus, non-tariff regulation measures based on current Ukrainian legislation include:

- state-discriminatory measures to regulate foreign economic activities: licensing and quotas of foreign economic transactions; “voluntary” export restrictions; licensing of import and export of alcohol, alcoholic beverages, tobacco products; licensing of import of currency and securities; registration of foreign economic contracts; export control system: implementation of international economic sanctions (embargo); international transfer of military and dual-use goods; control over the movement across the

customs border of Ukraine of certain categories of goods with a special status: intellectual property; cultural values; international technical support.

– technical barriers: certification; sanitary and epidemiological requirements; environmental and radiation safety requirements; requirements for packaging and labelling of goods; veterinary requirements; phytosanitary requirements; pharmacological requirements: registration of medicines and medical devices; requirements for narcotic drugs, psychotropic drugs and precursors; immunobiological requirements; food requirements; seed requirements; requirements for scrap metal and products from it; measuring requirements; radio electronic and high frequency requirements; gemological requirements and others (Hud, 2015, p. 27).

3. Non-tariff instruments applied by Ukraine in relations with the Russian Federation and under conditions of the COVID-19 pandemic

Russia's armed aggression against Ukraine and the occupation of the Crimean Peninsula led to the use of several non-tariff instruments to regulate foreign trade between the two countries. Ukraine has applied the classic mechanism of restricting import transactions with the aggressor state. Resolution of the Cabinet of Ministers of Ukraine of 30.12.2015 №1147 "On the prohibition of import into the customs territory of Ukraine of goods originating in the Russian Federation" (Postanova pro zaboronu vvezennia na mytnu terytoriiu Ukrainy tovariv, shcho pokhodiat z Rosiiskoi Federatsii, 2015) to the range of goods prohibited for import from Russia into the customs territory of Ukraine was a wide range of clothing and footwear, medicines and vaccines, foodstuffs (frozen, fresh or chilled beef; fish and crustaceans, molluscs and other aquatic invertebrates; coffee roasted with caffeine), fertilizers (mineral or chemical, phosphorus), etc. This list was subsequently amended ten times.

The resolution also states the duration of the restrictions: they expire January 1, 2021, or after the termination of discriminatory and/or unfriendly actions of the Russian Federation against Ukraine.

Indeed, the introduction of such measures cannot be considered a usual practice, it is one of the components of a whole set of responses to aggressive actions against the state, encourages the search for possible ways out of the crisis. The only disadvantage of the mechanism for establishing these prohibitions is their belated nature. After all, they were introduced in late 2015 – early 2016 (given the date of entry into force of the resolution on January 10, 2016). That's almost two lost years. Basically, the above mentioned restrictions imposed on the number of products originating from Russian Federation may be also viewed as the attempts to counteract certain economic vulnerabilities that have developed after the 2014–2015 crisis, including such issues as:

- de-industrialization and low economic growth (especially since the second half of 2019);
- loss of national competitiveness and increase in trade deficit (Danylyshyn & Bohdan, 2020, p. 5).

In March 2020, the WHO declared a pandemic of the new coronavirus COVID-19. The incidence has spread to most countries of the world and has become a significant factor influencing their economies, necessitated the adoption of rapid and most effective measures to regulate trade in medical supplies. The importance of ensuring internal epidemiological well-being and preventing COVID-19 patients and persons with signs of the disease from entering the territory of the state has led to the introduction of specific non-tariff barriers by the states. The main ones concerned the restrictions on the crossing of the customs border for patients and persons suspected of being infected with COVID-19, as well as a ban on the export of medical supplies.

In Ukraine, measures to prevent the export of such goods have been consolidated in the form of amendments from March 11, 2020 to Annex 1 of the Resolution of the Cabinet of Ministers of Ukraine

dated December 24, 2019 №1109 “On approval of lists of goods, export and import of which are subject to licensing, and quotas For 2020” (Postanova pro vnesennia zmin u dodatok 1 do postanovy Kabinetu Ministriv Ukrainy vid 24 hrudnia 2019 r. № 1109, 2020). Thus, the Amendments to Annex 1 to the Resolution of the Cabinet of Ministers of Ukraine of December 24, 2019 № 1109, actually banned the export of waterproof laboratory suits, medical gloves, goggles and shields, medical surgical masks, respirators of protection class not lower than FFP2. Such a measure, in the context of a significant increase in demand for these goods, made it possible to prevent domestic shortages and provide the population and doctors with the necessary means of protection.

And here, even considering that the decision was made on the day of the WHO announcement of the pandemic – March 11, 2020 (WHO Director-General’s opening remarks at the media briefing on COVID-19 – March 11, 2020), time was also lost. After all, the rapid spread of the disease since the end of 2019 testified to the significant demand for remedies and the need to accumulate in the state the required number of them. And a reckless import policy (to China, to Western Europe in February 2020) created an artificial deficit and speculative overpricing of these items (Holovnov, 2020). At the same time, the relatively late application of the restrictions on products for protection from COVID-19 has been criticized from the prospective of limiting export possibilities for the respective national industry. Which has been crucial considering economical consequences of the pandemic lockdown. For example, at the period introduction export restrictions’ introduction, the state budget under-fulfilment only exacerbated: during March 1-20, the execution of the plan of revenues by the tax authorities was 50.6%, customs – 56.9% (Danylyshyn, 2020, p. 17).

Conclusions

Non-tariff instruments for regulating foreign trade are a traditional way for states to support their producers, protect the health of the

population, and ensure stable socio-political development. Based on protectionist policies that began to take shape during the period of understanding the need to protect states from unfair imports, non-tariff barriers are currently mainly a response of the states to new challenges and threats. They are intended to create the necessary political, economic, social “environment” within the particular states. They (in some cases) threaten the stable development of world trade and the economy but are the only possible measure for the states in crisis.

Ukraine, which had faced new military, economic, and social dangers since 2014 and epidemic ones since the beginning of 2020, had used classic measures to overcome them – non-tariff barriers to foreign trade. They were adequate to the current crisis in the country, but were untimely and required earlier implementation to force the cessation of hostilities (in case of aggression by the Russian Federation) and the formation of the necessary stable domestic market for protective medical products to combat the spread of the COVID-19 morbidity.

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Коваль Н., Лученко Д. Нетарифні бар'єри: практика України в умовах конфлікту з Росією та COVID-19. – Стаття.

Цю статтю присвячено дослідженню застосованих Україною заходів нетарифного регулювання зовнішньоекономічної діяльності під час збройного конфлікту на Сході України та в умовах пандемії COVID-19. У першій частині статті визначаються причини встановлення та генеза нетарифних обмежень у зовнішній торгівлі. Відзначається, що певні обмеження щодо переміщення товарів, транспортних засобів та людей через кордони держав почали запроваджуватися у періоди спалахів інфекційних захворювань у середньовіччі, розвитку товарного виробництва, становлення та розквіту капіталістичних відносин. Підкреслюється, що тарифні заходи мають значно давнішу історію. Також розглядається сучасний міжнародно-правовий базис нетарифного регулювання та його застосування в Україні. Крім того, охарактеризовано вплив Угоди про асоціацію між ЄС та Україною 2014 року на механізми встановлення нетарифних обмежень. Другу частину статті сфокусовано на характеристиці сучасних підходів до класифікації заходів нетарифного регулювання зовнішньоекономічної діяльності. Підкреслюється їх різноманітність та відсутність остаточного, упорядкованого переліку у міжнародних угодах та у національних законодавствах. Третю частину статті присвячено аналізу заходів нетарифного регулювання зовнішньоекономічної діяльності, що були застосовані Україною у відносинах з Російською Федерацією та в умовах пандемії COVID-19. Констатовано їх адекватність складеним кризовим ситуаціям в Україні, проте їх несвоєчасність сприяла значному зменшенню ефективності щодо мінімізації негативних впливів кризових ситуацій, викликаних агресією РФ та COVID-пандемією.

Ключові слова: митне регулювання, митна політика, торговельна політика, зовнішньоекономічна діяльність, митне законодавство, Україна, гармонізація, пандемія COVID-19.

Коваль Н., Лученко Д. Нетарифные барьеры: практика Украины в условиях конфликта с Россией и COVID-19. – Статья.

Данная статья посвящена исследованию примененных Украиной мер нетарифного регулирования внешнеэкономической деятельности во время вооруженного конфликта на Востоке Украины и в условиях панде-

мии COVID-19. В первой части статьи определяются причины установления и генезис нетарифных ограничений во внешней торговле. Отмечается, что определенные ограничения по перемещению товаров, транспортных средств и людей через границы государств начали вводиться в периоды всплеск инфекционных заболеваний в средневековье, развития товарного производства, становления и расцвета капиталистических отношений. Подчеркивается, что тарифные меры имеют более давнюю историю. Также рассматривается современный международно-правовой базис нетарифного регулирования и его применение в Украине. Кроме того, охарактеризовано влияние Соглашения об ассоциации между ЕС и Украиной 2014 года на механизмы установления нетарифных ограничений. Вторая часть статьи сфокусирована на характеристике современных подходов к классификации мер нетарифного регулирования внешнеэкономической деятельности. Подчеркивается их многообразие и отсутствие окончательного, упорядоченного перечня в международных соглашениях и в национальных законодательствах. Третья часть статьи посвящена анализу мер нетарифного регулирования внешнеэкономической деятельности, которые были применены Украиной в отношениях с Российской Федерацией и в условиях пандемии COVID-19. Констатирована их адекватность сложившимся кризисным ситуациям в Украине, однако их несвоевременность стала причиной значительного уменьшения эффективности в минимизации негативных воздействий кризисных ситуаций, вызванных агрессией РФ и COVID-пандемией.

Ключевые слова: таможенное регулирование, таможенная политика, торговая политика, внешнеэкономическая деятельность, таможенное законодательство, Украина, гармонизация, пандемия COVID-19.

