

# THE PUBLIC'S ROLE IN DEVELOPING STATE CUSTOMS POLICY: ECONOMIC AND LEGAL ASPECTS

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**Abstract.** This research topic examines the role of the public in shaping national customs policy in economic and legal terms. The research *aims* to analyse the framework of categories and concepts, to study the state of legal regulation and an economic component, and to identify the public role in shaping national customs policy. The *methodology* employed in this study encompassed a range of approaches to scientific knowledge, including systems analysis, dialectical methods, formal-logical methods, and structural-functional methods. *Results.* This paper sets out to analyse normative and theoretical approaches to defining the legal category of "state customs policy", and to render the content features of that category. The paper puts forward the argument that the economic component of domestic customs policy should be considered as a set of measures aimed at ensuring the state's economic security, stimulating foreign economic activity, replenishing the state budget, and developing the national economy through the regulation of customs relations. The fundamental components of the economic component of state customs policy are identified, namely: 1) customs regulation; 2) application of non-tariff regulation; 3) customs payments; 4) customs control; 5) promotion of foreign economic activity; 6) protection of the domestic market; 7) economic security. It is important to acknowledge that the public is defined as an active, legitimate, interested, and organised group of individuals and legal entities participating in public life to protect their interests and contribute to the development of society. The author delineates the general features of the legal category "public" as follows: 1) subjectivity (formed from individuals and/or legal entities, their associations, organisations, or groups); 2) legitimacy (activities meet the current legislation of Ukraine); 3) public position and interest in public issues (manifestation of interest and active stance in specific areas of public life, the achievement of specific interests and goals); 4) representation (can be represented by authorised persons acting on its behalf); 5) legal form of organisation (in particular, in the form of public organisations, trade unions, and self-organisation bodies). The economic component of domestic customs policy is predicated on the creation of favourable conditions for foreign economic activity, the protection of national interests, and the replenishment of the state budget. It has been substantiated that the economic component of state customs policy constitutes an important tool for the country's economic development and security. The following forms of public participation in the formation of state customs policy are systematised: public hearings, the functioning of the public council, public consultations, public expertise, citizens' appeals, co-operation with non-governmental organisations, involvement of the latter in monitoring activities of customs authorities, and engagement of public representatives in the work of commissions vested with the formulation and implementation of customs policy. A review of good practices is conducted, with a particular emphasis on the necessity of reinstating the operation of the institution of advisers under the Office of the Head of the State Customs Service of Ukraine and heads of customs.

**Keywords:** customs authorities, public council, non-governmental organisations, advisory bodies, state customs policy, economic component, interaction, public control, public consultations, budget, economic security.

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## 1. Introduction

It is imperative to acknowledge that state customs policy constitutes a pivotal instrument for the regulation of foreign economic activity. This contributes to the protection of the national market, the replenishment of the budget, and domestic economic security. The effectiveness and legitimacy of state customs policy are contingent on public participation in its formation and implementation.

In contemporary Ukraine, civil society is comprised of various interest groups and possesses the capacity to exert significant influence over all domains of public life, including the customs sphere. This influence is exerted by ensuring adherence to public needs and promoting a balance between the interests of the state, business, and citizens.

Public participation in the development of customs policy is key to its transparency and accountability. Involving experts, business representatives, academics and other stakeholders in the discussion of draft legislation on customs issues encourages the consideration of different viewpoints and interests. This in turn reduces the risk of taking decisions that may adversely affect some groups of the population or economic sectors. It is vital to emphasise that public oversight of customs authorities' operations is a pivotal mechanism for averting abuse and corruption. The public wields considerable influence over the formulation of customs policy through various channels, including active involvement in the proceedings of advisory bodies, public councils affiliated with customs authorities, public hearings, examinations, and other forms of public control. The capacity of citizens and non-governmental organisations (NGOs) to present proposals and commentary on customs policy to public authorities represents a pivotal lever. The active involvement of the public in the formulation of customs policy fosters trust in government and strengthens democratic institutions. The effective interaction between the state and the public in the domain of customs policy is instrumental to the successful development of the country's foreign economic activity. The involvement of citizens in the decision-making process has been demonstrated to engender a favourable business climate, thereby attracting investment and increasing the competitiveness of the national economy. Concurrently, public control over the performance of customs authorities serves to protect consumer interests and prevent the abuse of power. It is evident that the public plays a pivotal role in the formulation of state customs policy. The active involvement of citizens in the relevant processes serves to ensure transparency, accountability, and the efficiency of customs regulation. Consequently, this contributes to the successful development of the domestic economy and the enhancement of citizens' well-being.

## 2. Theoretical and Legal Principles of the Formation of State Customs Policy and its Economic Component

The state customs policy is considered to be one of the most important factors of economic development of Ukraine, which, under effective state management of relevant processes, is aimed at maintaining appropriate organizational and legal conditions for expanded reproduction process in the country, ensuring a worthy place of Ukraine in the system of international division of labour, changing the structure of foreign trade, creating conditions for effective protection of interests of domestic manufacturers and strengthening domestic economic security (Kyyda, Shevchenko, 2020).

At the regulatory level, Article 5 of the Customs Code of Ukraine defines the legal category "state customs policy" as "a system of principles and directions of state activity on the protection of customs interests and ensuring customs security of Ukraine, regulation of foreign trade, protection of the internal market, development of the economy of Ukraine and its integration into the world economy". State customs policy constitutes an integral component of the overarching framework of state economic policy. In accordance with prevailing conventions, the implementation of customs policy is typically entrusted to the relevant customs authorities (The Customs Code of Ukraine, 2012).

With regard to the theoretical level, however, there is no consensus among scientists on a single definition of the term "*state customs policy*". In consequence, the primary scientific approaches will be analysed. In accordance with the definition proposed by D.V. Pryimachenko (2006), "customs policy" can be defined as a system of measures that regulate the import, export, and transit of goods and other items moved across state borders, as well as their customs taxation, clearance, and control.

The Encyclopedia of Modern Ukraine offers a definition of "customs policy" as a component of domestic and foreign state policy, which is a set of primarily economic measures on customs affairs aimed at protecting national interests and national security in the political, economic, social, environmental, and other spheres. It performs economic, regulatory, protective, fiscal, information-statistical and international political functions (Encyclopedia of Modern Ukraine).

It is important to emphasise the definition of "state customs policy" as set out on the official websites of the relevant state bodies, who are empowered to maintain it. It is important to note that the Ministry of Finance plays a pivotal role in this context. The ministry is responsible for the formulation of state customs policy, the protection of customs interests and security

of Ukraine, the adaptation of customs legislation and technological tools to European rules, the creation of conditions for the development of international trade and its integration into the global economy, and the protection of the domestic market (Official website of the State Customs Service of Ukraine).

In accordance with an alternative conceptualisation, the term "customs policy" is defined as a system of principles and directives that delineate the state's endeavours to safeguard its economic interests and security through the implementation of customs tariffs and non-tariff measures, which serve to regulate foreign trade (Hutsul, 2018).

The study of international experience in the interpretation of "*customs policy*" is of particular interest, given that the meaning of this term varies depending on target allocation, which forms the basis of this legal phenomenon. Thus, "customs policy" is interpreted as: an optimal configuration of goals, principles, functions and directions of customs affairs (USA); a system of measures applied by the state to establish a certain configuration of customs taxation of imported goods and their passage through customs formalities (Australia); the most effective use of customs control tools and regulation of commodity exchange in the customs territory, participation in the implementation of trade and political tasks to protect the internal market and stimulate the development of the national economy (EU) (Pashko, 2012).

The economic component of state customs policy should be addressed as a set of measures aimed at ensuring domestic economic security, stimulating foreign economic activity, filling the state budget, and developing the national economy through regulating customs relations.

At the same time, the main elements of the economic component of state customs policy include: 1) customs regulation (establishment of customs tariffs, privileges, and preferences to regulate the import and export of goods); 2) application of non-tariff regulation (licensing, quotas, certification) to protect the domestic market and national producers; 3) customs payments (collection of customs duties, taxes, and other payments from goods moving across the customs border, revenues to the state budget); 4) customs control (prevention of smuggling, violations of customs rules and other economic crimes, protection of national economic interests); 5) promotion of foreign economic activity (creation of favorable conditions for developing international trade, simplification of customs procedures for legal business, stimulation of the export of national goods); 6) protection of the domestic market (prevention of dumping and unfair competition, protection of national producers from the import of low-quality products); 7) economic security (prevention of illegal circulation of goods that pose a threat to national security,

control over the movement of strategically important goods).

The economic component of state customs policy is intended to establish favourable conditions for foreign economic activity, protect national interests, and replenish the state budget. Consequently, the economic component of state customs policy should be regarded as a significant driver for ensuring economic development and security of the state.

According to Kyda L. I. and Shevchenko N. I. (2020), the concept of public administration in foreign economic activity encompasses the following elements: 1) foreign economic policy; 2) state customs policy, which comprises: a) state customs; b) mechanism and methods of implementing customs policy; c) subjects implementing state customs policy; 3) foreign trade policy.

The main functions of customs policy are: a) fiscal; b) control and security. At the same time, the forms of implementation of state customs policy are: the policy of state protectionism and the policy of free trade (liberalisation). As for the means of implementation of customs policy, they are divided into: a) tariff (in particular, customs control, customs clearance); b) non-tariff regulation (in particular, licensing, customs restrictions) (Pohrishchuk, Bey, 2022).

In the context of the topic under consideration, it is essential to study the correlation between such categories as "state customs policy" and "customs affairs". A retrospective analysis of the use of the term "state customs affairs" allows the assertion to be made that this category was first independently used in the Customs Code of Ukraine in 2012 (The Customs Code of Ukraine, 2012). The term has been an integral part of "state policy in state customs affairs" since its first usage in 2011.

The interpretation of "state customs affairs" is as follows: the activities of a state in applying, enforcing and complying with customs legislation, and in counteracting its violation; a state function, the subject of which is the state itself, and the object of which is public relations arising during the physical movement of goods in international circulation. The term "customs affairs" encompasses a range of activities, including customs formalities, customs control, and the enforcement of customs laws. The definition of "state customs affairs" is consistent with the definition of "customs affairs", as previously implemented in the Ukrainian legislation and commonly employed in theoretical studies (Kunyevev, Bayazitov, 2014).

In the legal definition, the concept of "customs affairs" is presented as "the established procedure and conditions for the movement of goods across the customs border of Ukraine, their customs supervision and customs clearance, the application of tariff and non-tariff regulation of foreign economic activity,

the collection of customs duties, the keeping of customs statistics, the exchange of customs information, maintenance of the Ukrainian Classification of Goods for Foreign Trade, state control over non-food imports into the customs territory of Ukraine as provided by law, prevention and combating of smuggling, combating of customs violations, organisation and support of activities of customs authorities and other activities aimed at implementation of the state customs policy" (The Customs Code of Ukraine, 2012).

In the modern view of the theory of the state and law, state policy is complex and acts as a criterion for determining the essence of state activity in a particular sphere, is enshrined in specific legal norms and is implemented during the activity of public authorities. Therefore, it can be argued that customs policy is a broader concept than customs affairs (Hutsul, 2018).

It can thus be concluded that state customs policy constitutes a set of principles, goals, and directions for the state's activities in the regulation of customs relations. It is this very policy which determines the national strategy for international trade, the protection of economic interests, and customs security. At the same time, state customs affairs can be considered as a practical activity related to the implementation of state customs policy. This comprises such components as customs control, customs clearance, collection of customs payments, and other procedures. A comparison of these categories reveals that state customs policy delineates the strategy, while state customs affairs specify the tactics for its implementation. The former category defines the objectives and rationale, while the latter determines the methodology and modalities.

In essence, customs affairs serve as a conduit for the execution of state customs policy. A comparative analysis of these categories based on the level component reveals that state customs policy should be examined at the strategic level, while state customs affairs should be assessed at the operational (practical) level. It is noteworthy that state customs policy and state customs affairs are interconnected categories intended to facilitate the effective regulation of the customs domain.

### **3. Legal Principles of Interaction between the Public and Customs Authorities in the Formation and Implementation of the State Customs Policy**

The analysis of the current legislation shows that there is currently no comprehensive approach to the definition of the category "public". Thus, at the regulatory level, the "public" (depending on the sphere of public relations) is considered as 1) one or more individuals or legal entities, their associations, organisations or groups acting in accordance with the current legislation of Ukraine or practice (The

Order of the Ministry of Environmental Protection of Ukraine "On Approval of the Regulation on Public Participation in Decision-Making in the Field of Environmental Protection", 2003); 2) one or more individuals or legal entities, their associations, organisations, or groups registered in the territory covered by the strategic planning document (On Strategic Environmental Assessment, 2018); 3) one or more individuals or legal entities, their associations, organisations or groups (On Environmental Impact Assessment, 2017); 4) authorised representatives of the customer (developer) and constructor, executive authorities and local governments, enterprises and institutions, non-governmental organisations, professional public unions, authorised public representative bodies of public self-organisation registered in the prescribed manner, owners of buildings and facilities, land plots in the relevant quarter, micro-district (Procedure for Public Discussion of City Documentation in Kyiv, 2005).

Although the above definitions refer to such areas of public relations as environmental protection and urban planning (Yushkevych, 2018), it is possible to identify features that will be common to the legal category of "the public": 1) subjectivity (formed by individuals and/or legal entities, their associations, organisations or groups); 2) legitimacy (activities are carried out under the current legislation of Ukraine); 3) public position and interest in public issues (manifestation of interest and active position in certain areas of public life, the presence of specific interests and goals); 4) representation (can be represented by authorised persons acting on its behalf); 5) legal form of organisation (in particular, in the form of non-governmental organisations, trade unions, self-organising bodies).

The public is defined as an active, legitimate, interested, and organised group of individuals and legal entities that participate in public life to protect their interests and promote the development of society.

Non-governmental organisations, associations of citizens, and other civil society institutions are among the subjects implementing state customs policy (Yakovlev I.P.:150).

The list of regulations that will serve as the legal basis for interaction between the public and the customs authorities in the formation and implementation of the economic component of the state customs policy includes the following.

The Customs Code of Ukraine (does not explicitly provide for mechanisms for public participation in the formulation of state customs policy, but creates the legal framework by ensuring transparency of customs procedures and access to information) (The Customs Code of Ukraine, 2012).

Law of Ukraine "On Citizens' Appeals" (ensuring the right of citizens to appeal to public authorities,



including customs bodies, with suggestions, comments and complaints; serves as a tool for submitting proposals for the improvement of state customs policy (including its economic component), as well as for appealing against actions or omissions of customs authorities) (The Law of Ukraine "On Citizens' Appeals", 1996);

Law of Ukraine "On Access to Public Information" (ensuring the right of citizens to access information in the possession of public authorities, including customs bodies, the law is a tool for obtaining information on the activities of customs authorities, as well as for analysing and evaluating the effectiveness of state customs policy and its economic component) (The Law of Ukraine "On Access to Public Information", 2011);

The Resolution of the Cabinet of Ministers of Ukraine "On Ensuring Public Participation in the Formation and Implementation of State Policy" of November 3, 2010, No. 996 (determining the mechanisms of public participation in the formation and implementation of state policy, including customs one, it provides for public consultations, public hearings, and the establishment of public councils under public authorities) (The Resolution of the Cabinet of Ministers of Ukraine "On Ensuring Public Participation in the Formation and Implementation of State Policy", 2010);

The Law of Ukraine "On Public Associations" (regulating the activities of public associations that may participate in the formation and implementation of state customs policy, the Law emphasises the right of public associations to represent the interests of their members and to exercise public control over the activities of customs authorities) (The Law of Ukraine "On Public Associations", 2012), and others.

Together, these regulations form the basis for public participation in the formulation and implementation of the economic component of state customs policy, as they provide legal mechanisms for obtaining information, making legislative proposals and exercising public control.

#### **4. Forms of Public Participation in the Formation of State Customs Policy: Overview of Good Practices**

Over the years of Ukraine's independence, its national customs policy, customs system and customs affairs have developed significantly, as evidenced by its international recognition and membership in reputable international institutions, including in economic and customs matters (Customs encyclopedia, 2014). The possible forms of public participation in the formulation of national customs policy have also expanded considerably, among which the following should be highlighted:

1) Public hearings to discuss draft regulations on customs policy with the participation of members of the public, experts and academics, with the opportunity to express their opinions and make suggestions.

2) The functioning of the Public Council established as a temporary advisory body under the central executive body responsible for the implementation of state customs policy (Regulations on the State Customs Service of Ukraine, 2019). Currently, the Public Council is established under the State Customs Service of Ukraine (SCSU) to promote public participation in the formation and implementation of state customs policy. The activities of the Public Council of the State Customs Service of Ukraine are carried out in accordance with the Regulations of the Public Council of the State Customs Service of Ukraine, approved by the Order of the State Customs Service of Ukraine of 18.02.2021, No. 110. It is proposed to systematise the main tasks of the Public Council at the SCSU into the following groups.

a) Ensuring the participation of citizens in the management of public affairs, which facilitates the exercise of the constitutional right of citizens to participate in the management of public affairs.

b) Consideration of public opinion in the formation and implementation of public policy, in particular:

- Facilitating the consideration of public opinion by the SCSU during the formation and implementation of state policy in areas within its competence;
- facilitating the involvement of stakeholders in public consultations and monitoring the results of the formation and implementation of state policy in areas within the SCS competence;
- formulation of expert proposals, conclusions, analytical materials on the formation and implementation of state policy in the areas within of the SCSU competence.

c) Public control over the activities of the SCSU (Regulations on the Public Council at the State Customs Service of Ukraine, 2011).

The proposed systematization facilitates enhanced comprehension of the primary activities of the Public Council under the SCSU, and its role in the interaction between the public and the SCSU.

Therefore, the public role is realized through the participation of representatives of the Public Council under the SCSU in developing and discussing draft decisions that have an impact on the formation and implementation of state customs policy.

3) A public consultation process is to be initiated, involving the publication of draft regulations on the websites of the customs authorities. In addition, proposals and comments from the public will be collected in electronic form.

4) Public expertise is a concept that refers to the involvement of independent experts in the evaluation

of draft regulations. It also refers to the provision of opinions on the compliance of these draft regulations with the interests of society.

4) Citizens' appeals (including in accordance with the Law of Ukraine "On Access to Public Information" on state customs policy, provision of information, explanations, and answers to questions).

5) Co-operation with non-governmental organisations in the form of joint activities aimed at raising citizens' awareness of government customs policy. For example, a public discussion on "Customs Register of IP Objects: New Customs – New Challenges" organised by the Intellectual Property Committee of the Ukrainian Bar Association (Customs Register of IP Objects: New Customs – New Challenges, 2019), a round table "Implementation of Customs Procedures Following European Practice: What Changes Should Ukrainian Business Expect? Practical Aspects" (Introduction of European working principles is one of the main directions of customs reform – round table, 2021), Round table "Customs Policy of Ukraine in the Modern Context" (Merezhko, 2024).

6) Involvement of non-governmental organisations in monitoring the activities of customs authorities. It refers to a special survey "Trade Facilitation – 2022" conducted by the Institute for Economic Research and Policy Consulting, involving companies engaged in foreign economic activity. A total of 366 foreign traders were interviewed in most regions of Ukraine to assess the effectiveness of customs under martial law in Ukraine, identify problems faced by businesses and formulate recommendations (Monitoring the work of customs through the eyes of business, 2022); Monitoring the effectiveness of the State Customs Service for 2020-2022, which included indicators on: data received from the State Customs Service of Ukraine; calculations and analysis of data; other information from open sources (Monitoring the effectiveness of the State Customs Service for 2020-2022, 2023); Round Table "Institutional Capacity of Customs Authorities: Personnel and Instrumental Component", which was visited by the Head of the Professional Union of Customs Officers of Ukraine, heads of regional trade union bodies, customs officers, scientists, experts, representatives of "Youth Development Center" and "Partnership". The event was distinctive in that it functioned as a medium for direct discourse among representatives of trade union bodies at the central and regional levels, customs officials, the scientific community, and the general public. These individuals shared a common interest in shaping an effective state customs policy, identifying challenging personnel issues, and formulating solutions (Institutional capacity of customs authorities: personnel and instrumental component, 2024).

7) The involvement of public representatives in the work of commissions that draw up and

implement customs policy is of particular significance. For instance, the Public Council under the State Customs Service of Ukraine may establish permanent and temporary working bodies (e.g., a board, a secretariat, committees, commissions, or expert groups) (Regulations on the Public Council at the State Customs Service of Ukraine, 2021). Furthermore, the general public is permitted to engage in the activities of the Committee on Finance, Taxation and Customs Policy of the Verkhovna Rada of Ukraine. The Committee's official website contains a public platform for the discussion of draft laws, providing information regarding those "under discussion". Additionally, there is a functional option to propose a draft law for discussion. However, upon clicking on the link, it becomes evident that certain options are not yet available and require technical refinement. It is important to acknowledge the positive aspects of the Verkhovna Rada of Ukraine's Committee of the Verkhovna Rada of Ukraine on Finance, Tax and Customs Policy. Firstly, the committee's proceedings are open to the public, and secondly, they are broadcast via videoconference. (Committee of the Verkhovna Rada of Ukraine on Finance, Tax and Customs Policy). In addition, there is a practice of involving expert groups in the work of the Verkhovna Rada Committee on Finance, Tax and Customs Policy. These groups include representatives of the public, scientists, and other experts with relevant knowledge and experience in customs affairs. While this practice is commendable, it is imperative that it be subject to statutory regulation in the form of an appropriate procedure for establishing expert groups under the Committee on Finance, Tax and Customs Policy of the Verkhovna Rada of Ukraine.

It is imperative to acknowledge that prior to the current regulatory framework, there was an opportunity for advisers to the office of the head of the service and customs chiefs to be involved. The issue was settled by the Orders of the SCS of Ukraine "On Approval of the Regulations on Advisers to the Head of the SCS of Ukraine and the Chief of the Customs Authority on a Voluntary Basis" dated 16.03.2005, No. 175; No. 84 dated 06.02.2006, which expired, and new ones were not adopted.

The establishment of the institution of advisers is intended to facilitate public involvement in the operations of the Ukrainian customs service. The primary objectives of this involvement are to safeguard national economic interests, ensure adherence to Ukrainian customs legislation, oversee the management of customs affairs, combat smuggling and customs violations, and prevent corrupt acts by customs officers.

The maximum number of advisers to the Head of the State Customs Service of Ukraine on a voluntary basis was set at five individuals, while the maximum

number of advisers to heads of customs authorities on a voluntary basis was set at three. Concurrently, candidates for the role of adviser were required to meet certain criteria, including the requirement of high profile. This stipulation meant that such persons could be elected from among scientists, veterans of customs authorities, leading specialists in economics and the social sphere from among citizens of Ukraine (On approval of the provisions on advisers to the Head of the State Customs Service of Ukraine and the head of the customs authority on a voluntary basis, 2006). The tasks, functions and rights of advisers to the Head of the SCS of Ukraine and heads of customs authorities were enshrined in the relevant provisions. The primary tasks of the adviser to the head of the customs authority were thus defined as follows: firstly, analysis of the activities of customs authorities; secondly, formulation of proposals on the direct implementation of customs affairs, protection of national economic interests (on behalf). Moreover, it was anticipated that the adviser to the head of the customs authority would participate in the examination of draft laws of Ukraine and other normative legal acts submitted for consideration to the head of the customs authority (On Approval of the Regulations on Advisers to the Head of the State Customs Service of Ukraine and Heads of Customs Authorities on a voluntary basis, 2005).

It appears imperative to reinstate the operation of the institution of *advisers* to the Head of the State Customs Service of Ukraine and heads of customs bodies on a voluntary basis, with a view to expanding the forms of public participation in state customs policy and, consequently, enhancing the effectiveness of customs. It is imperative to develop and approve the Regulations on Advisers to the Head of the SCS of Ukraine and the head of the customs authority on a voluntary basis and establish the procedure for the open selection of such persons, their maximum number, powers, and other issues.

It is evident that Ukraine has established a relatively robust framework for public engagement in the development and execution of an effective state customs policy. Concurrently, it is imperative to underscore the implementation of existing mechanisms, the promotion of transparency and the facilitation of dialogue between the public and customs authorities.

The increasing utilisation of electronic consultations through online platforms for the purpose of collecting proposals and comments from the public appears to be a promising development. The procedure for establishing advisory bodies and conducting public discussions and consultations should be characterised by transparency, clarity, openness and accessibility to the greatest extent possible. Furthermore, when selecting the forms of public participation in the

development of state customs policy, those that ensure an open dialogue and exchange of views should be given preferential consideration.

It is vital for public councils to be operated on the principles of independence and impartiality, and for effective mechanisms to be created for public participation in decision-making. The establishment of public councils at the regional level is of particular importance, as this will allow for problems to be solved in a decentralised manner, given that each region has its own specific challenges.

In order to achieve the aforementioned objectives, it is also necessary to promote information campaigns on an ongoing basis. Such campaigns should aim to achieve several things: first, to increase citizens' awareness of customs policy; second, to raise the image and confidence in customs authorities; and third, to elucidate positive aspects and achievements. To this end, a variety of communication channels should be used, including the media, social networks and websites.

It is imperative to establish close collaboration with international organisations and to engage international experts in the development and evaluation of customs policy.

It is imperative to acknowledge that the involvement of the public in the formulation of customs policy should be methodical and efficacious. This involvement must ensure transparency and openness in decision-making processes, thereby incorporating the perspectives of representatives from diverse public groups. These groups may include, but are not limited to, business associations, the scientific community, carriers, customs brokers, foreign economic entities, public councils, trade union bodies, and non-governmental organisations. The practical implementation of public participation and the adoption of good practices will contribute to the shaping of an effective and transparent state customs policy that will meet public interests and foster the domestic economy.

## 5. Conclusions

The author conducted a thorough analysis of the normative and theoretical approaches to defining the legal category of "state customs policy", thereby determining its content features. The economic component of state customs policy is to be regarded as a set of measures aimed at ensuring domestic economic security, stimulating foreign economic activity, replenishing the state budget, and developing the national economy through the regulation of customs relations.

The fundamental components of the economic component of state customs policy are delineated as follows: 1) customs regulation; 2) application of



non-tariff regulation; 3) customs payments; 4) customs control; 5) promotion of foreign economic activity; 6) protection of the domestic market; 7) economic security.

It is important to note that the public, in a general sense, is defined as an active, legitimate, interested and organised group of individuals and legal entities participating in public life in order to protect their interests and foster the development of society.

The following general features of the legal category "public" have been established: 1) subjectivity (formed from individuals and/or legal entities, their associations, organisations, or groups); 2) legitimacy (activities are carried out under the current legislation of Ukraine); 3) public position and interest in social issues (manifestation of interest and active stand in certain areas of public life, specific interests and goals); 4) representation (can be represented by authorised persons acting on its behalf); 5) legal form of organisation (in particular, in the form of public organisations, trade unions, self-organisation bodies).

It is evident that the economic component of state customs policy is designed to establish favourable conditions for foreign economic activity, thereby safeguarding national interests and ensuring the replenishment of the state budget. It is substantiated that this component plays a pivotal role in facilitating the economic development and security of the state.

The possible forms of public participation in the formation of state customs policy are systematised: public hearings, functioning of the Public Council, public consultations, public expertise, citizens' appeals, co-operation with non-governmental organisations, involvement of non-governmental organisations in monitoring the activities of customs authorities and involvement of public representatives in the work of commissions dealing with the elaboration and implementation of customs policy. A review of best practices was carried out. The need to resume the work of the institution of advisers under the Office of the Head of the State Customs Service of Ukraine and heads of customs is emphasised.

The author concludes that public participation in the development of customs policy should be systematic and effective, provide for transparency and openness of decision-making and take into account the views of representatives of various public groups (including business associations, the scientific community, carriers, customs brokers, foreign economic entities, public councils, trade union bodies, non-governmental organisations, etc.). At the same time, the practical implementation of public participation and good practices will contribute to the formation of an effective and transparent state customs policy that meets public interests and promotes the domestic economy.

## References:

- Hutsul, I. A. (2018). Customs policy of foreign countries. Ternopil: TNEU. Available at: <https://ir.dpu.edu.ua/items/afe2eca7-ed8c-4752-883a-91bcd839fecc/full>
- Monitoring of customs work through the eyes of business. Available at: <http://www.ier.com.ua/ua/publications/reports>
- Monitoring the efficiency of the State Customs Service for 2020-2022. Available at: <https://iset-ua.org/ua/doslidzhennya/item/202-monitorynh-efektyvnosti-dms-2022>
- Kyyda, L. I., & Shevchenko, N. I. (2020). Features of the implementation of the state customs policy. *Public administration: improvement and development*, Vol. 4, p. 68. Available at: [http://www.dy.nayka.com.ua/pdf/4\\_2020/68.pdf](http://www.dy.nayka.com.ua/pdf/4_2020/68.pdf)
- Committee of the Verkhovna Rada of Ukraine on Finance, Tax and Customs Policy. Available at: <https://komfinbank.rada.gov.ua/>
- Kunyeu, Yu. D., & Bayazitov, L. R. (2014). Customs encyclopedia (Vol. 1). PP Melnyk A.A.
- Merezhko, N. V. (2024). Round table "Customs policy of Ukraine in today's realities". Kyiv. Available at: <https://knute.edu.ua/blog/read/?pid=47404&uk>
- Customs encyclopedia (Vol. 1). PP Melnyk A.A.
- Customs policy. Encyclopedia of Modern Ukraine. Available at: <https://esu.com.ua/article-64698>
- The Customs Code of Ukraine, № 4495-VI. Available at: <https://zakon.rada.gov.ua/laws/show/4495-17/ed20241230>
- Official website of the State Customs Service of Ukraine. Available at: <https://customs.gov.ua/>
- Official website of the Ministry of Finance of Ukraine. Available at: <https://www.mof.gov.ua/uk/>
- Pashko, P. V. (2012). Regarding the terms – customs policy and – customs affairs. *Bulletin of the Academy of Customs Service of Ukraine. Series: Economics*, Vol. 2, p. 41–46. Available at: [http://nbuv.gov.ua/UJRN/vamsue\\_2012\\_2\\_7](http://nbuv.gov.ua/UJRN/vamsue_2012_2_7)
- Pohrishchuk, H. B., & Bey, S. O. (2022). Formation and implementation of customs policy of Ukraine. *Economy and society*, Vol. 40. Available at: <https://economyandsociety.in.ua/index.php/journal/article/view/1513/1455>
- Regulations on the Public Council at the State Customs Service of Ukraine, Order No. 110. Available at: <https://customs.gov.ua/polozhennia-gromrada#scrollTop=0>



Regulations on the State Customs Service of Ukraine, Resolution of the Cabinet of Ministers of Ukraine No. 227. Available at: <https://customs.gov.ua/polozhennia>

Pryymachenko, D. V. (2006). Customs policy of the state and its implementation by customs authorities: Monograph. Dnipro.

The Law of Ukraine "On Citizens' Appeals" No. 393/96-VR. Available at: <https://zakon.rada.gov.ua/laws/show/393/96-%D0%B2%D1%80#Text>

The Law of Ukraine "On Access to Public Information" No. 2939-VI. Available at: <https://zakon.rada.gov.ua/laws/show/2939-17#Text>

The Resolution of the Cabinet of Ministers of Ukraine "On Ensuring Public Participation in the Formation and Implementation of State Policy" No. 996. Available at: <https://zakon.rada.gov.ua/laws/show/996-2010-%D0%BF#Text>

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