

RETRACTED: DIGITALISATION OF ADMINISTRATIVE PROCEDURES IN THE FIELD OF ECONOMIC COMPETITION CONTROL: CHALLENGES AND OPPORTUNITIES FOR UKRAINE

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Abstract. The study focuses on the digitalisation of administrative procedures in the field of economic competition control in Ukraine. The research *focuses* on the institutional and legal aspects of integrating digital tools into the operations of the Antimonopoly Committee of Ukraine (AMCU), particularly within the context of wartime challenges and European integration. *Methodology.* The methodological framework utilised is founded upon general scientific and special legal methods, incorporating comparative legal analysis, systemic analysis, and case studies of Ukraine's e-governance platforms (Diia, ProZorro). These tools enabled the exploration of both the normative requirements for digital transformation and the practical institutional challenges that hinder its implementation. The objective of the present study is to ascertain the nature of digitalisation in the context of economic competition control, to evaluate its capacity to enhance transparency, efficiency, and institutional resilience, and to identify potential risks that may emerge during the process. The *findings* of the study demonstrate that, whilst Ukraine possesses a formal legal framework that is largely aligned with international standards, the practical implementation of this framework is impeded by the presence of legacy paper-based procedures, the inadequate interoperability of databases, and the absence of sufficient transparency. Concurrently, the digitalisation process offers significant opportunities, including the reduction of corruption risks, the streamlining of merger and state aid review processes, the enablement of data-driven enforcement, and the enhancement of alignment with EU competition acquis. *Conclusion.* The digitalisation of administrative procedures in economic competition control should not be regarded as a technical innovation, but rather as a strategic reform. Its proper implementation will enhance institutional trust, strengthen the credibility of Ukraine's competition regime, and support both post-war economic recovery and the country's European integration trajectory.

Keywords: digitalisation, economic competition control, Antimonopoly Committee of Ukraine, administrative procedures, transparency, EU integration, data-driven enforcement, institutional resilience.

JEL Classification: K21, L41, O33, D73, F15

1. Introduction

The accelerating digital transformation on a global scale is having a profound impact on business models and the architecture of state governance and regulatory oversight. In the context of economic competition control, digitalisation is evolving from a supporting tool into a core component for enhancing transparency, timeliness, and responsiveness of administrative procedures (OECD, 2022). In the context of Ukraine, which is confronted with the challenges of implementing comprehensive reforms and the exigencies of protracted conflict, the adoption of digital methodologies in the enforcement of competition law is not merely

advantageous; it is imperative for the preservation of institutional resilience and market integrity.

In the context of Ukraine, the primary responsibility for the regulation of economic competition lies with the Antimonopoly Committee of Ukraine (AMCU). The AMCU is entrusted with the enforcement of the Law of Ukraine "On Protection of Economic Competition" and the relevant normative acts. Nevertheless, a considerable number of the procedural steps – such as the filing of complaints, the submission of notifications, the conducting of reviews, and the management of case documents – remain dependent on manual, paper-based flows or legacy electronic systems.



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This approach has been shown to result in delays, procedural opacity, and an increased susceptibility to discretionary influence and corruption (Yurchyshyn, Stepanets & Skorobogatova, 2024). In an economy still characterised by oligopolistic dominance, informal networks, and state-business entanglements, these procedural inefficiencies disproportionately burden smaller and medium-sized enterprises.

Digital tools offer compelling benefits in this context. The implementation of an electronic case management system, online portals for notifications and appeals, blockchain-anchored verification of submissions, and algorithmic market screening methods have the potential to reduce bureaucratic friction, enhance auditability, and free up institutional capacity for substantive economic analysis rather than procedural housekeeping (OECD, 2025; Abate, Bianco & Casalini, 2024). Furthermore, Ukraine's digital reform agenda, as represented by initiatives such as Diia and the e-Governance investment framework, is positioning the public sector to support more integrated and efficient regulatory ecosystems (Brookings, 2024; OECD, 2024). For example, the increased digital resilience developed during wartime has ensured that essential administrative services remain operational (Ingram & Vora, 2024).

However, it should be noted that digitalisation is not without its drawbacks, as it also introduces new risks and frictions. In order to establish the legitimacy of digital administrative acts, it is essential to ensure proper identification and authentication, whilst also preserving due process rights in a digitised environment (Digitalisation of Public Administration under Martial Law, 2023). It is evident that data protection, cybersecurity threats, digital divides among agencies and market participants, and the danger of "digital capture" (i.e., concentration of control over the digital tools themselves) are real hazards (Yurchyshyn et al., 2024; Abate et al., 2024). Furthermore, the war environment puts additional strain on ICT infrastructure and increases the need for redundancy and system resilience (Ingram & Vora, 2024).

Therefore, the adoption of digital administrative procedures in the field of economic competition control in Ukraine must be viewed as a reform with technological, legal and institutional dimensions. When approached thoughtfully, it can strengthen public trust, create a fairer business environment, and firmly establish Ukraine's competition regime within European standards (OECD, 2022; Abate et al., 2024).

2. Theoretical and Methodological Foundations of Research on Digitalisation in the Field of Economic Competition Control

The study of digitalisation in the domain of competition control necessitates a comprehensive

theoretical foundation that integrates legal, economic, and governance perspectives. From the standpoint of competition law theory, digitalisation is regarded as a mechanism for enhancing procedural guarantees, improving the predictability of enforcement, and reducing transaction costs associated with case review and monitoring (Whish & Bailey, 2021). Administrative law literature interprets digital procedures as part of the broader transformation of public governance, embedding the principles of accessibility, transparency, and accountability into state-business interactions through e-government platforms (Craig, 2022; Bannister & Connolly, 2020).

The concept of regulatory governance offers another important layer of analysis. As asserted by Abbott, Levi-Faur and Snidal (2023), contemporary regulators are progressively depending on data-driven instruments, automated surveillance and algorithmic enforcement to supervise markets. In the domain of competition law, this paradigm shift has given rise to the concept of "digital competition enforcement", wherein regulatory authorities employ algorithms to detect collusion, identify market concentrations, and monitor online pricing strategies (Ezrachi & Stucke, 2017). These approaches are imperative in addressing phenomena such as algorithmic cartels, platform dominance, and abuses in digital marketplaces that cannot be effectively managed through traditional legal instruments alone (Gal & Petit, 2021).

A substantial component of the theoretical discourse pertains to the correlation between digitalisation and institutional trust. Research indicates that the digitalisation of administrative procedures leads to increased predictability and auditability, thereby fostering public confidence in regulatory authorities (Margetts & Dunleavy, 2013). However, this outcome is conditional on the existence of safeguards for due process, data protection, and accountability in automated decision-making (European Data Protection Board, 2022). Absent such assurances, the digitalisation process risks replicating existing bureaucratic inefficiencies or engendering new vulnerabilities.

Methodologically, this article employs a combination of comparative legal analysis, systemic analysis and case study methods. The comparative analysis looks at the European Union's practices, particularly the use of electronic platforms for state aid notification and case management by the Directorate-General for Competition (DG COMP), as well as the digital enforcement tools used by the U.S. Federal Trade Commission. This comparison provides a foundation for Ukraine to develop a coherent digital framework. The present study employs systemic analysis to explore the interdependence of law, institutions, and technology in Ukraine's competition control regime. Case studies of Ukraine's broader digital governance initiatives, such as Diia (the e-government platform)

and ProZorro (the e-procurement system), serve as empirical illustrations of how digital reforms in public administration may be transferred to competition enforcement (Ingram & Vora, 2024).

This methodological approach ensures that the research does not treat digitalization as merely a technical innovation, but as a complex socio-legal transformation. It facilitates an evaluation of two aspects: firstly, the normative requirements of aligning Ukraine's competition regime with European standards; and secondly, the practical institutional challenges amplified by wartime conditions. In this manner, the framework provides a balanced perspective on the risks and opportunities of digitalisation in Ukrainian economic competition control, emphasising that technological modernisation must be pursued in conjunction with legal reforms and institutional strengthening.

3. The Current State of Administrative Procedures in the Field of Economic Competition Control in Ukraine

The institutional framework for economic competition control in Ukraine is primarily defined by the Law of Ukraine "On Protection of Economic Competition" (2001), supplemented by acts regulating state aid, public procurement, and sectoral markets. The Antimonopoly Committee of Ukraine (AMCU) is the primary enforcement body, with the authority to investigate anticompetitive practices, review concentrations and concerted actions, supervise compliance with merger control rules, and oversee state aid. Despite this comprehensive mandate, the administrative procedures employed by the AMCU remain only partially modernised and insufficiently digitalised, which undermines the overall effectiveness of competition enforcement.

One of the most pressing issues is the fragmentation and inefficiency of case-handling processes. Although legal provisions stipulate procedural safeguards for businesses, in practice applications, complaints and evidence are often submitted in physical form, necessitating multiple manual verifications by AMCU staff. This has been demonstrated to engender not only administrative delays but also opportunities for discretionary influence. A typical case file may comprise dozens of paper volumes, which can make it difficult to ensure that it is reviewed and accessed in a timely manner by the relevant parties (Yurchyshyn, Stepanets & Skorobogatova, 2024).

Despite the AMCU's experimentation with electronic submission tools, including email-based filing and restricted e-document circulation, these mechanisms do not possess the functionality of a comprehensive electronic case management system.

In contrast, competition authorities in the EU and U.S. already operate integrated online platforms where submissions, evidence, correspondence, and decisions are stored, processed, and searchable in real time (OECD, 2022). Ukraine's current approach therefore falls short of international best practice, placing an additional burden on both regulators and businesses.

Administrative procedures for merger control and state aid notification are similarly underdeveloped in digital terms. Mergers and acquisitions are required to be notified to the AMCU; however, the process remains cumbersome, necessitating physical submissions of extensive documentation. It is a frequent occurrence that reviews are delayed, with inadequate channels for electronic communication or expedited digital assessment. This has the effect of engendering greater uncertainty, a state of affairs that is especially problematic for foreign investors who rely on review timelines that are predictable.

The issue of state aid control is equally problematic. Despite the formal introduction of a system of state aid supervision in Ukraine that aligns with EU requirements, the notification procedures still lack a fully digitalised platform comparable to the State Aid Notification Interactive (SANI) system of the European Commission. Consequently, data concerning granted aid is not readily available for public scrutiny, thereby limiting transparency and preventing comprehensive monitoring of distortions to competition.

A further significant challenge pertains to the publication and accessibility of AMCU decisions. While summaries of decisions are available on the official website, these are often abbreviated and lack detailed reasoning. Access to full case files is restricted, and there is no comprehensive, searchable database that would enable businesses, legal practitioners, and scholars to track enforcement trends (OECD, 2022). This absence of transparency has the effect of undermining predictability and increasing the risk of inconsistent enforcement.

Furthermore, a lack of openness can create the perception of selective or politically influenced decision-making, which undermines trust in the regulator. In jurisdictions where competition authorities systematically publish full decisions, such as the European Commission and the UK's Competition and Markets Authority, publication serves as both a transparency tool and a resource for establishing consistent case law and guiding market behaviour. Ukraine's shortcomings in this area highlight the need for legal reforms and digital platforms to ensure open access to decisions.

Ukraine has made significant strides in the digital transformation of public administration, most notably through the implementation of ProZorro, the e-procurement system, and Diia, the state e-services

platform. These initiatives have gained international recognition as models of transparency and efficiency (Ingram & Vora, 2024). However, competition enforcement has yet to be integrated into this digital ecosystem.

The AMCU's IT systems are not compatible with other key government databases, including the Unified State Register of Legal Entities, State Tax Service databases and customs records. This fragmentation hinders the real-time detection of suspicious patterns, such as repeated collusion in public tenders or cross-ownership structures in concentrated markets. Without interoperability, the AMCU is forced to rely on manual requests and cross-checks, consuming valuable resources and slowing down the enforcement process.

Conversely, advanced jurisdictions are progressively employing data analytics and cross-agency integration to identify potential infringements. For instance, the European Commission collaborates closely with financial regulators and customs authorities to identify cartels or abuse of dominance. Ukraine's failure to develop similar mechanisms has a detrimental effect on the deterrent effect of its competition enforcement.

The outbreak of a full-scale war in 2022 resulted in the imposition of additional strains on Ukraine's economic competition enforcement system. It is evident that disruptions in communications, targeted cyberattacks, and destruction of infrastructure had a detrimental effect on the capacity of regulatory institutions, including the AMCU. A number of investigations were suspended or delayed, with resources being reallocated to urgent economic stabilisation measures.

However, paradoxically, the war also stimulated emergency digitalisation. In order to maintain operational continuity under martial law, the AMCU introduced remote hearings, electronic submission of evidence, and virtual communication channels with market participants (Digitalisation of Public Administration under Martial Law, 2023). These wartime adaptations demonstrated that digital solutions can ensure resilience even under extreme conditions, suggesting that further investment in digital infrastructure could significantly enhance institutional stability in peacetime.

A thorough examination of the prevailing administrative procedures in the realm of economic competition control in Ukraine unveils a pronounced duality. The formal legal framework is relatively well-aligned with European standards. Ukraine has introduced state aid supervision and enhanced competition enforcement. However, institutional practice lags behind, being characterised by legacy paper-based processes, insufficient transparency, weak data system interoperability, and inadequate digital infrastructure.

The wartime context simultaneously exposed vulnerabilities and created incentives for digital reform. The emergency measures introduced during the war demonstrate the feasibility of a broader digital transformation. Ukraine now stands at a crossroads: without systemic reforms, enforcement risks remaining inefficient and untrusted. However, with digitalisation, the AMCU could evolve into a modern, transparent and resilient authority that aligns with EU competition policy standards.

4. Challenges of Digitalisation in the Field of Economic Competition Control in Ukraine

The transition towards digital administrative procedures in Ukraine's competition enforcement is not merely a matter of technology adoption; it represents a profound institutional and legal transformation. Whilst digital tools promise efficiency and transparency, they also generate new risks and constraints. These challenges can be categorised into four distinct groups: legal, organisational, technical, and security-related.

The most salient barrier pertains to the paucity of a legal framework that is commensurate with the administration of digital procedures. Despite the fact that the Law of Ukraine "On Protection of Economic Competition" (2001) regulates substantive issues, it does not provide explicit provisions for digital evidence, electronic signatures, or online hearings in competition cases. This engenders legal uncertainty surrounding the validity of digital submissions, the binding force of electronic decisions, and the rights of participants in virtual procedures (Yurchyshyn et al., 2024).

Furthermore, the absence of harmonisation with the EU's *acquis communautaire* in the domain of digital administrative enforcement poses a significant challenge. While the stipulations of the Association Agreement obligate Ukraine to align its competition law with EU standards, current procedures are still designed around analogue workflows. Absent explicit legal recognition of digital procedures, the AMCU risks compromising due process guarantees, including the right to be heard, access to evidence, and appeal rights (Craig, 2022).

Another normative difficulty pertains to data protection and privacy. The utilisation of digital instruments for the purpose of market monitoring invariably entails the processing of sensitive commercial data. Nevertheless, Ukraine's personal data protection regime is comparatively underdeveloped in relation to the EU's General Data Protection Regulation (GDPR), with the potential to present risks for businesses that share digital information with authorities (European Data Protection Board, 2022).

Digital transformation requires new technologies and organisational restructuring. The AMCU continues to operate using hierarchical, paper-based workflows and has limited institutional capacity for digital innovation. Staff members often lack sufficient digital literacy, and the recruitment of IT specialists is hindered by low public-sector salaries and high staff turnover.

Institutional resistance also hinders reform. Traditional bureaucratic cultures value rigid formalities, whereas digitalisation requires flexibility, cross-agency co-operation and a service-oriented mindset (Bannister & Connolly, 2020). Without adequate training and organisational change, digital projects risk remaining underutilised, or even being blocked at the implementation stage.

Another organisational weakness is the fragmentation of responsibilities. Although the Ministry of Digital Transformation is responsible for Ukraine's overall e-governance agenda, competition enforcement is not part of its strategic focus. This results in limited coordination and a lack of shared interoperability standards between AMCU systems and other government platforms, such as ProZorro and the Unified State Register of Enterprises (Ingram & Vora, 2024).

In terms of technology, Ukraine is hampered by significant legacy system constraints. The AMCU's internal IT infrastructure is outdated and has limited capacity for processing large volumes of data or integrating advanced analytics. Current databases are fragmented and non-standardised, often being incompatible with modern data mining or AI tools (OECD, 2022).

Another issue is the unequal access to digital tools experienced by market participants. Small and medium-sized enterprises, particularly those in rural areas, may lack stable internet connections or the digital literacy skills required to engage effectively with online platforms. This digital divide could lead to an uneven distribution of compliance responsibilities, with larger corporations easily adapting to digital procedures while smaller businesses struggle. This would distort rather than enhance fair competition (Margetts & Dunleavy, 2013).

Furthermore, effective digital enforcement necessitates big data analytics and algorithmic screening tools that can detect patterns of collusion or dominance in real time. Developing and maintaining these tools is resource-intensive and requires long-term investment, as well as co-operation with external technology providers. For an economy affected by war with limited fiscal resources, such investments present a significant challenge (Abate, Bianco & Casalini, 2024).

The ongoing Russian aggression has highlighted the importance of cybersecurity and resilience. Like other regulatory bodies, competition authorities are

increasingly targeted by cyberattacks aimed at disabling critical databases, disrupting communications or stealing sensitive commercial information. The AMCU lacks a robust cybersecurity framework comparable to those of NATO or EU institutions, leaving it vulnerable to both external attacks and internal breaches (Digitalisation of Public Administration under Martial Law, 2023).

The overreliance on digital procedures gives rise to concerns regarding system redundancy and continuity. It is an established fact that wartime conditions frequently result in power outages and internet disruptions, which in turn threaten the availability of online platforms. The absence of adequate backup systems and alternative communication channels has the potential to render digital enforcement ineffective during critical moments, thereby jeopardising institutional resilience and business trust (Ingram & Vora, 2024).

Finally, the geopolitical dimension of digital sovereignty must be considered. The utilisation of foreign software providers or cloud solutions by Ukrainian institutions may result in the exposure of these institutions to risks of external interference or data manipulation. The construction of secure, domestically controlled infrastructure is a costly undertaking, yet it is imperative for ensuring long-term independence in competition enforcement.

In essence, the digitalisation of economic competition control in Ukraine is confronted by a complex web of legal ambiguities, organisational inertia, technical constraints, and security vulnerabilities. These challenges are interconnected: the obsolescence of legal norms hinders the development of technical solutions; the absence of organisational capacity prevents effective use of digital tools; and wartime risks exacerbate the fragility of existing systems. Overcoming these barriers requires technological investment, as well as comprehensive legal, governance and institutional cultural reforms. Only by addressing these barriers holistically can digitalisation help to create a transparent, efficient and resilient competition enforcement system in Ukraine.

5. Opportunities for Digitalisation in the Field of Competition Control in Ukraine

Although the challenges of digitalisation are considerable, the potential benefits for Ukraine's competition enforcement are equally significant. Digital transformation offers technological innovation and a structural reconfiguration of institutional capacity, legal certainty and market trust. These opportunities can be categorised under several key headings: transparency, efficiency, data-driven enforcement, European integration and institutional resilience.

One of the most immediate opportunities lies in increasing transparency. Digital platforms can make decisions, case files and market data publicly available in real time. This strengthens accountability and reduces the perception of selective enforcement (OECD, 2022). Public procurement systems such as ProZorro have already demonstrated how e-platforms can reduce the risk of corruption by making all bids, contracts and decisions accessible to the public (Ingram & Vora, 2024). Extending this model to competition enforcement would make things more predictable for businesses and create a fairer playing field.

Digitalisation enables procedural simplification and cost reduction. Automated workflows can speed up the review of merger notifications, complaints and state aid applications, thereby reducing the administrative burden on both the AMCU and businesses. The European Commission's electronic State Aid Notification system (SANI), for example, has significantly reduced review times and improved efficiency (European Commission, 2023). Adopting similar solutions could help Ukraine to increase the speed and reliability of its enforcement processes. This would be particularly important for attracting foreign investors, who expect regulatory decisions to be swift and predictable.

Digitalisation creates opportunities for algorithmic screening and big data analysis. Competition authorities worldwide are increasingly using artificial intelligence to detect collusive bidding patterns, monitor pricing strategies and identify market dominance in real time (Abate, Bianco & Casalini, 2024). In Ukraine, integrating analytics tools could allow the AMCU to proactively identify potential infringements rather than relying solely on complaints. This would transform enforcement from reactive to preventive, thereby strengthening deterrence and institutional credibility.

Furthermore, using blockchain technologies to store submissions and verify evidence could ensure the integrity and immutability of case files, preventing manipulation and enhancing trust in digital enforcement (Margetts & Dunleavy, 2013). Such innovations would establish Ukraine as a leader in digital competition governance.

Digital transformation is also an essential step towards aligning with European Union standards. The EU's competition regime is becoming increasingly reliant on digital tools for state aid, merger control and cartel detection (Gal & Petit, 2021). By adopting compatible platforms, Ukraine can not only improve the credibility of its competition enforcement, but also accelerate its EU accession process by facilitating interoperability with EU institutions. According to Whish and Bailey (2021), this alignment would signal to European investors that

Ukraine operates under predictable and transparent competition rules, thereby increasing the attractiveness of its market.

Finally, digitalisation provides an opportunity to enhance the resilience of institutions in the event of war or crisis. Remote hearings, electronic submissions and cloud-based storage can ensure that operations continue even when infrastructure is disrupted (Digitalisation of Public Administration under Martial Law, 2023). Experience from wartime has shown that digital tools such as Diia can ensure uninterrupted access to public services, even in the event of missile strikes and power outages (Ingram & Vora, 2024). Applying these lessons to the enforcement of economic competition would protect the functionality of institutions, preserve business trust and maintain legal certainty during emergencies.

In summary, the digitalisation of economic competition control in Ukraine offers a transformative opportunity to enhance transparency, efficiency and institutional resilience. It enables the AMCU to transition from reactive, paper-based processes to proactive, data-driven enforcement. Furthermore, it enables Ukraine to bring its practices into line with EU standards, thereby fostering greater trust among domestic businesses, international investors, and foreign partners. Ultimately, digital transformation represents a strategic pathway towards modern, transparent and resilient competition governance, as well as a technical improvement.

6. Conclusions

The analysis of digitalisation in the field of economic competition control in Ukraine demonstrates that technological transformation is both desirable and necessary for the modernisation of regulatory institutions. The prevailing administrative procedures of the Antimonopoly Committee of Ukraine continue to demonstrate a significant reliance on obsolete, paper-based processes, which have the effect of undermining efficiency, transparency, and predictability. These shortcomings significantly undermine the credibility of competition enforcement and hinder fair market functioning in the context of economic instability and wartime pressures.

Concurrently, the advent of digitalisation has engendered a plethora of opportunities. The implementation of electronic case management systems, blockchain-based registries, algorithmic market monitoring, and interoperable data platforms has the potential to transform competition enforcement from a reactive and fragmented model to a proactive, transparent, and data-driven one. This transition would bring Ukraine's regulatory framework closer to international standards, thereby strengthening investor

confidence and ensuring a level playing field for all market participants.

However, the study also reveals that digitalization entails profound challenges. The identification of legal gaps regarding the recognition of electronic procedures, insufficient protection of commercial data, a lack of interoperability between government databases, and persistent organisational resistance has been identified as constituting serious barriers to reform. The challenges previously mentioned are further compounded by the wartime context, which exposes vulnerabilities in cybersecurity and digital resilience.

In order to surmount these obstacles, a comprehensive, multi-level strategy is required. At the normative level, it is incumbent upon Ukraine to adapt its competition law in order to explicitly regulate digital administrative procedures, ensuring alignment with the *acquis Communautaire*. Institutionally, the AMCU must strengthen its organisational capacity, invest in staff training, and ensure integration into Ukraine's broader digital governance agenda. From a technological standpoint, there is a requirement for substantial

investment in secure, interoperable, and resilient platforms that are capable of supporting advanced data analytics and AI-based enforcement.

Paradoxically, the wartime experience has demonstrated the feasibility of rapid digital adaptation. The emergency use of remote hearings and electronic communication during martial law demonstrates that digital tools can guarantee the continuity of institutions under extreme conditions. Ukraine can build on these practices to establish a more resilient and forward-looking model of competition enforcement.

In conclusion, the digitalisation of administrative procedures in economic competition control is not a marginal improvement, but rather a strategic reform that will determine Ukraine's ability to guarantee fair competition, foster economic recovery and advance European integration. It is not a choice between analogue and digital, but between stagnation and modernisation, opacity and transparency, and fragility and resilience. For Ukraine, digitalisation presents both challenges and opportunities, ultimately offering a pathway towards establishing an open, competitive and sustainable economy.

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