

INTERNATIONAL COOPERATION AND CUSTOMS BORDER IN THE CONTEXT OF TECHNOLOGICAL PROGRESS

*The article is devoted to the study of international cooperation in the context of technological progress. Particular attention is paid to the definition of the term “customs border”, its correlation with the state border of Ukraine. The author analyzes the impact of business development and strengthening of foreign economic relations with due regard for technological progress on the transformation of the concept of “customs border”, customs control and customs formalities. The author identifies the peculiarities of customs clearance of goods sold through Internet resources. Particular attention is paid to the study of customs clearance procedures and control over intellectual property objects. The author highlights the impact of certain aspects of bringing foreign economic entities to administrative liability for violation of customs rules on the processes of international business integration. The court practice is analyzed. The author concludes that there is a need to create an appropriate institutional and legal mechanism aimed at creating appropriate conditions for the integration of international business, creating investment conditions and Ukraine’s accession to the European Union. **Purpose:** to investigate the principles of international cooperation in the context of technical progress, to analyze scientific and normative approaches to the definition of the concept of “customs border”, its correlation with the state border of Ukraine, to reveal the influence of the development of entrepreneurship and the strengthening of foreign economic ties, taking into account technical progress, on the transformation of the concept of “customs border”, customs control and customs formalities, to highlight the peculiarities of customs clearance of goods sold through Internet resources..*

Methods. *The research methodology is determined by the defined goal and objectives and includes various methods of scientific knowledge, approaches and actions aimed at obtaining new scientific results in the study of the issues of defining international cooperation and the customs border in the context of technological progress. The study used general and special methods of scientific knowledge, the method of system analysis, the dialectical method, formal and logical methods, structural and functional methods, comparative legal methods, and a number of empirical methods. **Results and Conclusions.** The author distinguishes the essential and substantive features inherent in the legal category “customs border of Ukraine” which reveal its content: 1) it indicates the boundaries of the State border of Ukraine; 2) it includes the boundaries of artificial islands, installations and structures created in the exclusive (maritime) economic zone of Ukraine, which are subject to the exclusive jurisdiction of Ukraine; 3) it is the boundary separating the customs territory from the surrounding territories and sea areas; 4) it is the territory covered by the single customs legislation.*

Key words: customs border, state border, technological progress, foreign economic relations, intellectual property, international cooperation, royalties, patents.

JEL Classification: K23.

Georgii LOGVYNSKYI,
Manager of International Projects,
Attorney, Human Rights Defender,
Doctor of Philosophy (Candidate of
Juridical Sciences),
orcid.org/0000-0003-0171-5609

Introduction. Technological progress and globalization processes affect all social relations in the state, since they are all interdependent and interrelated. And although at first glance it may seem that such legal categories as “customs”, “customs border”, “state border”, “technological process”, “international cooperation” are different and do not relate to each other, this is not the case. And it is through this study that this influence and interconnection will be analyzed, and the role of individual factors that will determine the further direction of development of the state customs policy will be established.

It is noteworthy that the need for new research also arises due to the new challenges and realities that Ukraine has been facing for more than 10 years. In particular, we are talking about the armed attack of the Russian Federation, the global pandemic, the introduction of martial law, and the temporary occupation of certain territories.

At the same time, technological progress is gaining momentum and scaling. New payment methods and forms, new currencies, and the latest technologies for selling goods and services are emerging. Business is also transforming, forming international cooperation. In addition to positive changes, there are many negative consequences of such processes, such as the emergence of new aspects of customs law violations, customs duty evasion, etc.

In view of this, the study of international cooperation and the customs border in the context of technological progress is of particular relevance.

Literature review. At the doctrinal level, the topic of “International Cooperation and the Customs Border in the Context of Technological Progress” has not been studied, which is primarily due to the fact that it is multidisciplinary and concerns various areas.

Thus, K. Flissak, studying international cooperation as an effective form of modern economic cooperation, points out that the intensive development of inter-economic ties at the international level in the context of globalization of the world economy intensifies scientific research aimed at determining the priority directions of Ukraine’s foreign economic policy and its place in the global economy. Integration into European structures opens up new opportunities for effective cooperation between EU members and Ukraine. Considering the prospects of European integration, the researcher considers it appropriate to focus on the problem of international cooperation, which, along with: a) foreign trade; b) international investment activity; c) financial and credit partnership, is considered one of the forms of international cooperation.

International cooperation is considered as a voluntary unification of efforts of economic entities, regions of different states and states in general in order to carry out economic activities aimed at obtaining a positive economic and social effect (Flissak, 2006; 138).

In turn, V.V. Visin, T.M. Visina, P.Y. Kravchuk consider the main trend in the development of the modern cooperative movement to be the intensification of international cooperation at the regional and global levels. This is due to the fact that cooperators are motivated to active cooperation primarily by economic factors. In the context of economic globalization and the information revolution, only joint efforts can meet the needs for resources and labor experience. Mutual support makes it possible to introduce new technologies, modernize production, train personnel, and more successfully promote the cooperative idea. International cooperation takes place both on the basis of special partnership agreements and through international cooperative organizations. The main coordinating structure of the global cooperative movement is the International Cooperative Alliance. Studying the experience of this representative institution will allow modern Ukrainian cooperative associations to join the activities of the international cooperative movement.

It is noted that inter-cooperative cooperation is developing most actively in the Scandinavian countries. As an example, in Sweden, Finland, Norway, Denmark, and Iceland, since 1918–1920, unions of cooperative enterprises have been expanding in the field of procurement and distribution of food and non-food products, as well as various goods of their own production. In Finland, the Nordspray company was established to manufacture aerosol products. In Sweden and Norway, Nordchokolyad, a chocolate and confectionery company, was established. In Norway, the Nordkronen cooperative factory producing toilet soap was founded, as well as the Swedish-Finnish company Theo-Oh, which sold laundry detergents, and the Swedish-Norwegian company for the production of electric ovens (Visin, Visina, Kravchuk, 2017; 54; 57).

Instead, N.O. Nebaba points out the relevance of the research topic “Technological and Integration Aspects of Justifying the Choice of Forms of International Cooperation”, which is caused by the basic nature of the impact of the world division of labor on the organization of social production and commodity exchange in international economic relations. The author summarizes the prerequisites for the emergence of production and technological interconnectedness of participants in cooperative value chains. The author proves the positive manifestation of the global aspect of economic integration in the plane of international production cooperation through a significant expansion of the composition of the structural and organizational forms of cooperation used. The author reveals the pivotal and system-forming nature of the influence of the feature of complex spatial unity of the set of potential participants in cooperative cooperation for choosing the form of international production cooperation (Nebaba, 2024).

As for the issues of taking into account the essence of the customs border in customs and legal issues, this certainly applies to a wide range of customs and legal institutions. For example, V.V. Prokopenko

(2019), in his study of customs formalities in transport in Ukraine and their adaptation to international customs norms, rules and standards, takes into account the essence of the concept of the customs border when determining the specifics of customs procedures depending on the type of transport used (V.V. Prokopenko, 2019).

Fedotov A.P. (2016) takes into account the issue of determination of the customs border when studying the dynamics of institutional support for the implementation of the state customs affairs and current trends in the system of customs authorities of the State Fiscal Service of Ukraine, identifies the peculiarities of transformation of the state customs affairs as a component of the foreign economic activity of the State and characterizes the formation of the concept of the state customs affairs in the national legal science. The problematic aspects and prospects for modernization of the administrative and legal concept of the State customs at the present stage of the State formation with due regard for global trends in international trade and the needs of national security are outlined (A.P. Fedotov, 2016).

Bilak N.I. (2016), studying the peculiarities of movement of goods containing intellectual property objects across the customs border of Ukraine by air, noted that the organization of actions related to the suspension of customs clearance of goods with signs of counterfeiting is carried out by applying measures to suspend customs clearance of goods imported into the customs territory of Ukraine for free circulation or exported for free circulation outside the customs territory of Ukraine (N.I. Bilak, 2016).

However, the legislator has established an exception to this rule. In particular, measures to facilitate the protection of intellectual property rights do not apply: 1) to personal belongings of citizens and goods containing intellectual property rights protected in accordance with the law, which are transported across the customs border of Ukraine for personal use by citizens and are not intended for production or other business activities, provided that: a) their total value does not exceed the equivalent of EUR 1000; b) they are imported by citizens into the customs territory of Ukraine in hand luggage and/or accompanied baggage through checkpoints across the state border of Ukraine open for air

Surilov A.V. investigated the place of liability for violation of customs rules in the structure of legal liability. The scientist notes that the system of legislation belongs to the so-called complex dynamic structures, which is enriched in accordance with the development, expansion and improvement of social relations that are the subject of legal regulation. Ultimately, it is not social relations that should be built to the extent of objectively developed social relations (Surilov, 1989: 228), which is why a new branch appears in the structure of legal liability – liability for violation of customs rules. Since its inception, it has not remained unchanged in terms of both legal and technological and technical grounds. Under the influence of both domestic (mainly in connection with the liberalization of foreign trade) and international customs norms, rules and standards, with each stage of development of customs legislation, the legal regulation of the scope of grounds and procedure for applying liability for violation of customs rules is improving, as noted by international experts (Dodin, 2013; 42).

O. Razumova points out that changes in socio-economic conditions in the country, the development of scientific and technological progress, changes in the field of crime and other factors necessitate the need to ensure customs security and develop effective means of counteracting smuggling and other violations of customs rules, taking into account international experience (Razumova, 2019: 166).

In addition, given that customs security should be viewed as a state of security of the state's borders, the following real and potential threats to state border security can be identified: attempts to change the line of the state border of Ukraine or to trade away part of its territory; border conflicts, armed and unarmed provocations; illegal crossing of the state border by a large number of border population due to regional or border conflicts; illegal import or export of weapons, ammunition, explosives, and other

Komarnytska G.O. studied the mechanism of development of customs services in the context of public-private partnership. The author notes that the current stage of European integration, accompanied by the intensification of international trade operations, characterizes the customs system as one of the priority areas of reform. Today, the customs sector is undergoing fundamental changes that require not only significant financial investments but also progressive experience in introducing innovative customs technologies and tools. According to foreign practice, it is the implementation of targeted public-private partnership projects in the customs sphere that will significantly improve the quality of customs services for foreign economic operators, which will create favorable customs conditions not only for intensifying international trade, but also for attracting foreign investment in socially important public-private partnership projects.

Given the absence of clear specific provisions in the current legislation regulating public-private partnerships in the customs area, as well as the fragmented coverage of the specifics of interaction between the public and private sectors in the development of the customs system in the existing literature, the author has developed a comprehensive mechanism for the development of customs services in the context of public-private partnerships. The proposed mechanism is a dynamic reflection of the interaction and interrelationships of its integral components through the sequence of the management process to achieve high-quality, progressive and effective changes in the field of customs services. The key idea behind the functioning of the developed mechanism is as follows: taking into account the influence of micro-, meso-, macro- and mega-environmental factors, guided by the fundamental principles and using the necessary resources, the public and private partners establish cooperation and implement a public-private partnership project for the development of a specific area of customs services in accordance with the defined directions on the basis of the management process in order to achieve the resulting indicators and synergistic effect.

Prospects for further research are the development and substantiation of a methodology for assessing the synergistic effect of the implementation of public-private partnership projects for the development of customs services, as well as public-private partnership projects in the field of information and communication technologies, which include the “single window” mechanism, websites for trade operations, as well as auxiliary elements of information and communication technologies of other projects (trade corridors and elements of integrated border management).

In view of this, we can state that there is no research that would directly address the chosen topic. At the same time, certain aspects have been the subject of scientific research at different times and are the basis for other scientific research in economics and customs. With regard to the interpretation of the concept of “customs border”, the State border is based on the approach to their statutory features, which make it possible to form the author’s definition of the category of “customs border”, taking into account the customs and legal doctrine.

Customs and State Border: Definition of the Concept and Correlation of Categories in the Context of Technological Development

The legislation does not provide a clear definition of the term “customs border”. At the same time, certain aspects, including those related to the customs border and its boundaries, and the relationship with the state border, are defined in the customs legislation. Thus, according to the Customs Code of Ukraine (2012), the boundaries of the customs territory of Ukraine are the customs border of Ukraine. As a general rule, the customs border of Ukraine coincides with the state border of Ukraine, except for the boundaries of artificial islands, installations and structures created in the exclusive (maritime) economic zone of Ukraine, which are subject to the exclusive jurisdiction of Ukraine, which is the state territory, but are not covered by the concept of customs border. The boundaries of the territory of these islands, installations and structures constitute the customs border of Ukraine (Customs Border of Ukraine, 2012).

The customs border can be defined as the boundary of the territory covered by a single customs legislation. The customs border is the boundary that separates the customs territory from the surrounding territories and sea areas. Imported and exported goods are allowed to cross the customs border only if the provisions of the customs legislation of a given country or countries are met, including the payment of customs duties.

Thus, the legislator links the establishment of the customs border with the state border of Ukraine, except for the boundaries of the territory of special customs zones (Scientific and Practical Commentary of the Scientific and Practical Committee of the Customs Code of Ukraine).

In view of this, it is possible to determine the essential and substantive features inherent in the legal category “customs border of Ukraine”, through which its content is revealed: 1) indicates the boundaries of the state border of Ukraine; 2) includes the boundaries of artificial islands, installations and structures created in the exclusive (maritime) economic zone of Ukraine, which are subject to the exclusive jurisdiction of Ukraine; 3) is the boundary separating the customs territory from the surrounding territories and sea areas; 4) is the territory covered by the single customs legislation.

As for the concept of “state border of Ukraine”, it is also not defined at the regulatory level. At the same time, Article Z of the Law of Ukraine “On the State Border of Ukraine” regulates the establishment of the state border of Ukraine and provides that the state border of Ukraine, unless otherwise provided by international treaties of Ukraine, is established 1) on land – along characteristic points and lines of

relief or clearly visible landmarks; 2) at sea – along the outer limit of the territorial sea of Ukraine; 3) on navigable rivers – along the middle of the main fairway or thalweg of the river; on non-navigable rivers (streams) – in their middle or in the middle of the main arm of the river; on lakes and other water bodies – along a straight line connecting the outlets of the state border of Ukraine to the shores of a lake or other water body (On the State Border of Ukraine, 1991). The state border of Ukraine, which runs along a river (stream), lake or other body of water, does not move either when the outline of their banks or water level changes, or when the river (stream) channel deviates in one direction or another; 4) on reservoirs of hydroelectric power stations and other artificial reservoirs – in accordance with the line of the state border of Ukraine that ran on the ground before they were filled; 5) on railroad and road bridges, dams and other structures passing through the border areas of navigable and non-navigable rivers (streams) – in the middle of these structures or along their technological axis, regardless of the passage of the state border of Ukraine on water (Scientific and Practical Commentary of the Customs Code of Ukraine).

The state border of Ukraine is determined by the Constitution and laws of Ukraine, as well as international treaties of Ukraine, ratified by the Verkhovna Rada of Ukraine.

A special law defines the regime of the state border of Ukraine, which provides for the procedure for crossing the state border of Ukraine, navigation and stay of Ukrainian and foreign non-military vessels and warships in the territorial sea and inland waters of Ukraine, entry of foreign non-military vessels and warships into the inland waters and ports of Ukraine and stay in them, and maintenance of the state border by the Law of Ukraine “On the State Border of Ukraine”, other acts of legislation of Ukraine and international treaties of Ukraine.

The customs legislation relates to the customs border of Ukraine in the following ways: definition and effect of customs rules; procedure for payment of customs duties; determination of the UKTZED code; conditions of transportation; selection of customs regimes; establishment of international agreements; liability issues; customs formalities depending on the mode of transport (in particular, it concerns sea transport and air transport, which has its own peculiarities, etc.

Given the absence of the term “customs border of Ukraine” at the regulatory level, it would be advisable to supplement Article 4 “Definition of Basic Terms and Concepts” of the Customs Code of Ukraine by providing an interpretation of its definition as follows: “the customs border of Ukraine is the boundary separating the customs territory from the surrounding territories and waters of the seas, including the boundaries of the state border of Ukraine and artificial islands, installations and structures created in the exclusive (maritime) economic zone of Ukraine, which are subject to the exclusive jurisdiction of Ukraine and the unified customs legislation”.

Impact of technology integration on certain customs formalities

As a general rule, persons, vehicles, cargo and other property crossing the state border of Ukraine are subject to border and customs control.

Customs control, border control, other types of control and passage of persons, vehicles, goods and other property across the state border of Ukraine is carried out in a specially designated area at railway and road stations, automobile and pedestrian roads, airports (airfields), seaports and river ports, including part of their water area (protected in whole or in part by hydraulic engineering structures or objects of natural origin), with a complex of buildings, structures and technical means. Such places are called checkpoints across the state border of Ukraine (On the State Border of Ukraine, 1991).

Not only classical types of goods that have a tangible form of expression are subject to customs clearance, but also those that do not. For example, intellectual property rights, software, etc. In the age of technology integration, intellectual goods are transported over the Internet: AppStore, Google Play, etc. In addition, payment can be made in cryptocurrency or other modern methods.

Violations in the field of intellectual property rights protection result in a shortfall in income for the owners of intellectual property rights (in particular, royalties), image and other negative consequences. At the same time, the law requires customs clearance of any goods that have a commercial purpose, including a computer program that is moved across the border.

In this case, a logical question arises: if the goods are moved for sale via the Internet, and such goods do not actually have a material form, where will the customs border be considered in this case and how will the state control it? Secondly, it is necessary to determine the classification of goods under the UKTZED. In general, the Customs Code of Ukraine regulates the issue of determining the code of goods by classification. However, there are also court cases regarding incorrect determination of the

product code. An example is the decision of the Supreme Administrative Court of Ukraine on the claim of Chisty Svit-K Limited Liability Company against the Kyiv Regional Customs to invalidate the decision to determine the product code (On Invalidation of Decisions on Determination of the Product Code, 2006). As a result, it was established that the customs, as the state authority in charge of customs affairs, is authorized to make decisions on the determination of the code of goods under the UKTZED during their customs clearance. Pursuant to the provisions of the Customs Code of Ukraine, the decision of the customs authorities on the classification of goods for customs purposes is binding on companies. Thus, when moving intellectual property across the customs border, the role of customs in this process should be clearly defined.

A separate problematic issue is the recording of administrative offenses on violations of customs rules at the customs border by customs authorities of different jurisdictions. For example, when the UKTVED code chosen by the Ukrainian customs and the customs of another state does not match. As a result, an incorrectly selected code will serve as a basis for liability under Ukrainian law. Thus, a mechanism for international integration and recognition of the product code chosen by the country from which the goods are exported, rather than the country to which they are imported, is needed. Such a principle will simplify the work of customs authorities and at the same time promote the rights of citizens moving goods across the customs border.

In addition, proper legal qualification of an act, including its characterization as unlawful in the field of customs, is a condition for international integration. Otherwise, we are talking about confrontation and separation of powers of customs authorities at the customs border.

Of particular importance for Ukraine is the return of the occupied territories and the resumption of customs control procedures at the customs border of the state in accordance with the established boundaries of the state border. However, at present, this issue cannot be resolved without ending the legal regime of martial law.

Conclusions. The article analyzes international cooperation and the customs border in the context of technological progress.

The author distinguishes the essential and substantive features inherent in the legal category “customs border of Ukraine”, through which its content is revealed: 1) it includes the boundaries of the State border of Ukraine; 2) it includes the boundaries of artificial islands, installations and structures created in the exclusive (maritime) economic zone of Ukraine and subject to the exclusive jurisdiction of Ukraine; 3) it is the boundary separating the customs territory from the surrounding territories and sea areas; 4) it is the territory covered by the single customs legislation.

The author’s own definition of the term “customs border of Ukraine” is proposed as the border separating the customs territory from the surrounding territories and waters of the seas, including the boundaries of the state border of Ukraine and artificial islands, installations and structures created in the exclusive (maritime) economic zone of Ukraine, which are subject to the exclusive jurisdiction of Ukraine and the unified customs legislation.

References:

1. Mytnyy kodeks Ukrayiny: Zakon Ukrayiny vid 13.03.2012 r. № 4495 [Customs Code of Ukraine: Law of Ukraine dated March 13, 2012 No. 4495]. URL: <https://zakon.rada.gov.ua/laws/show/449517/conv/find?text=%ED%E0%F3%EA%EE%E2%E0+%E4%B3%FF%EB%FC%ED%B3%F1%F2%FC#n4182> [in Ukrainian]
2. Flissak K. (2006) Zhurnal Yevropeys'koyi ekonomiky [Journal of European Economics]. Tom 5 (№ 2). S. 138–141. [in Ukrainian]
3. Visyn V.V., Visyna T.M., Kravchuk P.YA. (2017) Osnovni tendentsiyi rozvytku mizhnarodnoho kooperatyvnoho rukhu na suchasnomu etapi [Main trends in the development of the international cooperative movement at the present stage]. Mizhnarodni ekonomichni vidnosyny ta svitove hospodarstvo. [Vypusk [International Economic Relations and the World Economy], 15 (1). URL: http://www.visnyk-econom.uzhnu.uz.ua/archive/15_1_2017ua/14.pdf [in Ukrainian]
4. Nebaba N.Ö. (2020). Tekhnolohichni ta intehratsiyni aspekty obgruntuvannya vyboru form mizhnarodnoyi vyrobnychoyi kooperatsiyi [Technological and integration aspects of substantiating the choice of forms of international production cooperation]. Ekonomichnyy prostir [Economic Space], (163). C. 30–34. URL: <https://doi.org/10.32782/2224-6282/163-5> [in Ukrainian]

-
5. Bilak N.I. (2016) Osoblyvosti peremishchennya cherez mytnyy kordon Ukrayiny tovariv, yaki mistyat' ob'yekty intelektual'noyi vlasnosti povitryanym transportom [Peculiarities of movement across the customs border of Ukraine of goods containing intellectual property objects by air transport]. Zbirnyk tez Mizhnarodnoi naukovoї konferentsii «P'yatnadtsyati osinni yurydychni chytannya» [Fifteenth Autumn Legal Readings] (m. Khmel'nyts'kyū, 21–22 zhovtnya 2016 roku). URL: http://old.univer.km.ua/doc/lib/Aktualni_problemi_yuridichnoyi_nauki_zb_tez_Mizhnarodnoyi_naukovoyi_konferentsiyi_Pyatnadtsyati_osinni_yuridichni_chytannya_m_Hmelnitskiy_21_22_zhovtnya_2016r_u_2h_chastinah_Chastina_persha_.pdf#page=47 [in Ukrainian]
6. Surylov A.V. (1989) Teoriya derzhavy i prava [Theory of State and Law]: navch. posibn. Odesa: Vyshcha shk., 439 s. [in Ukrainian]
7. Dodin Ye.V. (2013) Mistse vidpovidalnosti za porushennya mytnykh pravyl u strukturi yurydychnoyi vidpovidal'nosti [The place of responsibility for violation of customs rules in the structure of legal liability.]. Mytna sprava [Customs Affairs.], № 4. S. 34–43. URL: http://nbuv.gov.ua/UJRN/Ms_2013_4_8 [in Ukrainian]
8. Razumova O. (2019) Zabezpechennya mytnoyi bezpeky Ukrayiny z urakhuvanniam zarubizhnoho dosvidu [Ensuring customs security of Ukraine taking into account foreign experience.]. Pidpryyemnytstvo, hospodarstvo i pravo [Entrepreneurship, Economy and Law], № 5. URL: <http://pgp-journal.kiev.ua/archive/2019/5/31.pdf> [in Ukrainian]
9. Prokopenko V.V. (2018) Mytni formal'nosti na transporti v Ukrayini ta yikh adaptatsiya do mizhnarodnykh mytnykh norm, pravyl ta standartiv [Customs formalities in transport in Ukraine and their adaptation to international customs norms, rules and standards]: avtoref. dys. ... d-ra yuryd. nauk. Zaporizhzhya, 32 s. [in Ukrainian]
10. Fedotov O.P. (2016) Administratyvno-pravova kontseptsiya zdiysnennya derzhavnoyi mytnoyi spravy [Administrative and legal concept of state customs affairs: theory and practice]: teoriya ta praktyka: dys. ... d-ra. yuryd. nauk. Odesa, 457 s. [in Ukrainian]
11. Tsevel'ov O.V. (2017) Real'ni ta potentsiyni zahrozy dlya natsional'noi bezpeky Ukraїny u sferi okhorony derzhavnogo kordonu [Real and potential threats to the national security of Ukraine in the sphere of state border protection]. URL: <https://matrix-info.com/2017/09/06/realni-ta-potentsijni-zagrozy-dlya-natsionalnoyi-bezpeky-ukrayiny-u-sferi-okhorony-derzhavnogo-kordonu/>. [in Ukrainian]
12. Komarnyts'ka H.O. (2019) Mekhanizm rozvytku mytnoho obsluhovuvannya v umovakh derzhavno-pryvatnoho partnerstva [Mechanism for the development of customs services in the context of public-private partnership]. Investytsii: praktyka ta dosvid [Investments: practice and experience], 15. URL: http://www.investplan.com.ua/pdf/15_2019/6.pdf [in Ukrainian]
13. Naukovo-praktychnyy komentar NPK Mytnoho kodeksu Ukrayiny [Scientific and practical commentary to the NPC of the Customs Code of Ukraine.]. Meho-Info. Yurydychnyy portal №1. URL: <http://mego.info/матеріал/стаття-6-митний-кордон-україни> [in Ukrainian]
14. Pro derzhavnyy kordon Ukrayiny [On the State Border of Ukraine]: Zakon Ukrayiny 04.11.1991 r. № 1777-XII. URL: <https://zakon.rada.gov.ua/laws/show/1777-12#Text> [in Ukrainian]

МІЖНАРОДНЕ СПІВРОБІТНИЦТВО ТА МИТНИЙ КОРДОН В КОНТЕКСТІ ТЕХНОЛОГІЧНОГО ПРОГРЕСУ

Георгій ЛОГВИНСЬКИЙ,
менеджер міжнародних проектів,
адвокат, правозахисник,
доктор філософії (кандидат юридичних наук),
orcid.org/0000-0003-0171-5609

Стаття присвячена дослідженню міжнародної кооперації в контексті технічного прогресу. Особливу увагу приділено визначенню поняття «митний кордон», його співвіднесенню з державним кордоном України. Проаналізовано вплив розвитку підприємництва та зміцнення зовнішньоекономічних зв'язків з урахуванням технічного прогресу на трансформацію поняття «митний кордон», митний контроль та митні формальності. Автором визначено особливості митного оформлення товарів, що реалізуються через Інтернет-ресурси. Особливу увагу приділено вивченню процедур митного оформлення та контролю за об'єктами інтелектуальної власності. Висвітлено вплив окремих аспектів притягнення суб'єктів зовнішньоекономічної діяльності до адміністративної відповідальності за порушення митних правил на процеси міжнародної бізнес-інтеграції. Проаналізовано судову практику. Автор робить висновок про необхідність створення відповідного інституційно-правового механізму, спрямованого на створення

належних умов для інтеграції міжнародного бізнесу, створення інвестиційних умов та вступу України до Європейського Союзу. **Мета:** дослідити засади міжнародної кооперації в контексті технічного прогресу, проаналізувати наукові та нормативні підходи до визначення поняття «митний кордон», його співвіднесенню з державним кордоном України, розкрити вплив розвитку підприємництва та зміцнення зовнішньоекономічних зв'язків з урахуванням технічного прогресу на трансформацію поняття «митний кордон», митний контроль та митні формальності, виокремити особливості митного оформлення товарів, що реалізуються через Інтернет-ресурси. **Методи.** Методологія дослідження визначається визначеною метою та завданнями та включає різноманітні методи наукового пізнання, підходи та дії, спрямовані на отримання нових наукових результатів у дослідженні питань визначення міжнародного співробітництва та митного кордону в контексті технічного прогресу. У дослідженні використовувалися загальнонаукові та спеціальні методи наукового пізнання, метод системного аналізу, діалектичний метод, формально-логічний методи, структурно-функціональний методи, порівняльно-правові методи, ряд емпіричних методів. **Результати та висновки.** Автор виділяє сутнісні та змістовні ознаки, притаманні правовій категорії «митний кордон України», які розкривають її зміст: 1) позначає межі Державного кордону України; 2) включає межі штучних островів, установок і споруд, створених у виключній (морській) економічній зоні України, на які поширюється виключна юрисдикція України; 3) це межа, що відокремлює митну територію від прилеглих територій і морських акваторій; 4) це територія, на яку поширюється дія єдиного митного законодавства.

Ключові слова: митний кордон, державний кордон, технічний прогрес, зовнішньоекономічні зв'язки, інтелектуальна власність, міжнародне співробітництво, роялті, патенти.