

CERTAIN LEGAL ASPECTS OF IMPLEMENTATION OF STATE MORTGAGING PURCHASE OF AGRICULTURAL GOODS PROCEDURE

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The procedure of state mortgaging purchase as one of the types of state support of agrarian commodity producer is studied. The analysis of corresponding legislation and scientific literature is done, also the proposals concerning improvement of existing national legislation on the subject are made.

The procedure of state mortgaging purchase, Agrarian Fund, budget loan, credit agreement, double depot certificate, state intervention fund.

Under conditions of prolonged the crisis in the socio-economic sphere one of the most vulnerable segments of management is the agricultural sector. Thus, in the absence of sufficient working capital for prior periods significantly escalated the situation to develop and stabilize agricultural production and implementation of rural socio-economic programs. Hopes that the reform of collective farms and transmission of social and cultural sphere local governments replenish cash problems and improve the economic condition of the agricultural business entities are automatically resolved, not true, therefore, there is a need in the development effectiveness of the loans in the agricultural sector. Thus, we can agree with some domestic specialized experts, including I.P. Safonov that in a steady deterioration in the financial condition of agricultural enterprises actually exhausted the possibilities for self-financing, financing of agricultural producers, including mode using mortgage purchases of grain becomes significant [1, p. 218].

According point 12.2.1. point 12.2. article 12 of the Law of Ukraine "On State Support of Agriculture of Ukraine" named essence regime is that the Agrarian Fund budget provides loan growers, which is subject to state price regulation on the security of the facility that issued the tradition lender double warehouse certificate. However, such a mechanism can be implemented only by the decision of the Cabinet of Ministers of Ukraine. Pledge purchases that element is implementation defined mode, defined as admission to the state intervention fund object state price regulation - the collateral in the event that the loan budget and (or) fee for its use were not repaid within the period stipulated by the contract (clause . 2.6. Art. 2 of the Law) [2].

The purpose of the article is to study the mode of government mortgage purchases as one of the types of state support for agricultural producers and agricultural market by analyzing the relevant legislation and scientific literature, the definition of existing problems and propose their solutions.

As part of the study subjects of fundamental importance to the drafter provided in paragraphs 9.3.5 p. 9.3 Art. 9 of the Law of Ukraine "On State Support of Agriculture of Ukraine" exclusive competence for the duration of the regime pledged purchases of certain objects of state price regulation Agricultural Fund for the implementation of state functions on behalf of the creditor.

Features of legal regulation of the conclusion and implementation of these agreements within the mode of implementation of public procurement pledge can be displayed, for example, proposed to be adopted in the legal literature of the Law of Ukraine "On the formation of food and other agricultural products funds for public purposes", which regime pledged grain purchases as proposed, should be characterized by appropriate parameters, namely: a) a clear definition of the term termination state pledge purchases of grain; b) the creation of a loan fund; c) Provide funding

for mortgage purchases of grain at the expense of the state budget; d) a price policy in the grain market; e) certification services for grain and the formation of state control of the grain market; f) the establishment of the state grain export certification institute and others. All this will provide state guarantees to domestic producers of corn in its production and sales as well as help to get out of the crisis in which they found themselves.