INSTITUTIONALIZATION OF FEED MARKET: LEGAL ASPECTS

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Institutional environment determines the development of the market of feed, play a pivotal role on legal regulation, as the fundamental, which stimulates the formation and effective functioning of the economic system and its structural and sectoral subsystems. Purpose – theoretical and practical study of institutional determinants of development of the market of feed and rationale regulatory priority directions of its transformation. Analysis performed on the basis of scientific and special methods of economic research. The basic definition, subsystems and elements, subjects and objects of the process, institutional imperatives and objectives, proposed copyright concept of "institutionalization of feed market". Conclusions regarding the importance of institutionalizing the feed market in a systematic manner; improvement of normative legal regulation of the market and the harmonization of legislation with EU standards.

Key words: feed market, feed production industry, institutionalization, formal and informal institutes, legal regulation.

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1. Introduction

Functioning entities occurs in a particular institutional environment. Determinants of development of the market of feed and fodder production industry are not only market factors, it is determined by the functioning of the system influence the political, economic, social and environmental factors in the framework of human behavior. Systematic approach provides a symbiosis and accounting research, natural, economic factors, combined with the necessary scientific tools and organizational and technological measures.

The emergence of the theory of institutionalism due to the need to study the problems of formation of new institutions and their constituents. Theory developed in the western economics in the late nineteenth – early twentieth century. The founders of institutionalism are Th. Veblen (1919), J. Commons (1931), B. Mitchell. Institutionalism of the time denoted as the "old", it was the desire for honors sociological research methodology. The main scientific currents of neo-institutionalism are the property rights theory, public choice, transaction costs, the new economic history, demonstrated in the works of R. Coase (1937), M. Olson (2004), T. Eggertson (1990,
The most common is the definition of institutions, proposed by D. North. "Institutions – these are the rules of the game in a society or, more precisely, fictional people constraints that guide human interaction in a certain way and, as a consequence, to structure incentives in human exchange process – political, social or economic" D. North (2000, 1997, 1993). Formation of a system of institutions caused by the need to reduce transaction costs, which are defined as costs of operation of the economic system (Arrow, 1993). Development of institutional direction in domestic economics is an adaptation of institutional foreign concepts for the analysis of the national economies. Regarding the Ukrainian scientific works can be distinguished scholars such as M. Koryntseva (2008), R. Nureyev, A. Oleinik (1999), A. Shastitko and Ha-Joon Chang (2011). Domestic researchers emphasize that institutions – it's not just the organizational structure, "this regulatory model that determined that in this society it is considered mandatory, or specify the expected mode of action, or social relationships" (Tkach, 2007).

Imperfection of the institutional environment leads to market imbalances of industry subjects fodder production, distortions of competition and the growth of transaction costs in the entire production and supply chain. It should be noted that determining the determining factor in economic development are the institutions as the formal and informal "rules of the game." Institutions to organize and structure the business activities are long-term and sustained influence, but often are inert. Institutions provide the enabling environment for the general solution of complex problems of exchange. Using the provisions of the institutional theory allows the integration of economic processes and phenomena in society: socioeconomic, organizational, political, cultural, ideological, and environmental (Yatsenko, 2011).

Epistemological understanding of the origins of institutions can be found in various fields, particularly in philosophy, sociology, political science, law, i. e. they are not purely economic characteristics.

**Goal** is a theoretical and practical justification of institutional determinants of systematic development of feed market and justification of legal and regulatory priority directions of its transformations.

### 2. Methods of Research

The theoretical basis of the study are fundamental tenets of institutional theory, research results of domestic and foreign scholars on the institutional foundations of economic development, including in the agricultural sector, as well as the regulations determining the prospects for the development of this sector in the country. Methodological support of research is based on the principle of the unity of theory and practice and system-synergetic approach, considers the development of fodder production industry given the close relationship the legal, financial, economic, socio-demographic and environmental factors and organizational priorities of the market.

In the process of writing a research paper has been used a number of scientific and special methods. In particular, the study of institutional and market system and its major subsystems and their components, as well as study areas to strengthen the insti-
tutional capacity of Ukraine regarding the requirements of the WTO and EU trade feeds used abstractly logical method. This method was also used for the analysis of legislative and other regulatory legal acts for the operation of the industry feed and market relevant products. The method of structural genetic analysis was used to organize the interests of stakeholders in the development of the market of feed within the institutionalization of relations in the economic, social, political and environmental plane.

Using structural-functional method for the consideration of any economic phenomenon or process with an analysis of the functions of individual elements, possible to determine the mechanism for the formation of positive and negative consequences for market feed, as exporters and importers, while taking certain laws of Ukraine and their harmonization with the legislation of the EU. For a better perception and understanding of the process of institutionalization of the market of feed used graphical method. Methods of induction and deduction and abstract logic was used in the formulation of generalizations, conclusions and suggestions.

3. Results of research

Chief goal of agrarian policy of the government is to maintain a sustainable development of agrarian and industrial sector of the country that optimize the cross-sectoral agreement, the effective functioning of each sector and integrated, system device socio-economic processes by promoting institutional change. Appropriate approach was the basis for the study. Ensuring consistency in the development of the market of feed and fodder production industry carried out in the four defining dimensions – economic, social, environmental and political (Fig. 1). As a result, a synergistic effect is achieved by the interaction of all elements of the system.

Generalization of theoretical researches will allow offering author determination of essence of «institutionalization of development of feed market», which, unlike the existing ones, is reduced in the process of study and creation of standards by which is achieved the main goal (sustainable development of the industry and fodder production, as a result, the integration of feed market in the world and the creation of sustainable competitive advantage), subject to the preservation and reproduction of agro-ecosystems and to achieve the interests of all market actors (state, business owners and investors, employees, infrastructure entities, consumers) through formal and informal accounting, institutions and government institutions on the basis of economic, legal and administrative methods and instruments of state regulation.
Fig. 1. Systematic development of the industry as a basis for state development of feed production

Institutional Environment

1. Employees: increased motivation; the creation of jobs;
2. Owners and investors: the reduction of transaction costs and losses; effective contracting; increase profitability, technical modernization;
3. Subjects of infrastructure: boosting business; enterprise development;
4. Consumers: economic and physical accessibility of livestock products;
5. State: ensuring social stability.

Economic Plane

1. Employees: the establishment of appropriate and safe working conditions;
2. Owners and investors: the use of advanced high-tech, eco-saving technologies; reduction of resource consumption of forage production;
3. Subjects of infrastructure: ecologically environment for functioning;
4. Consumers: diversification of consumer preferences (e.g., organic meat and dairy products);
5. State: preservation of the environment; reproduction of agroecosystems.

Social Plane

1. Workers: welfare; revitalization of rural communities;
2. Owners and investors: increase the prestige and attractiveness of socially responsible agribusiness;
3. Subjects infrastructure: the legalization of agribusiness;
4. Consumers: increased protection of consumer rights;
5. State: creating a positive image of the country of manufacture; to arrange an orderly market at all levels (national, regional, local); increase the investment attractiveness of the industry; increase in revenue.

Ecological Plane

1. Workers: increase the prestige of working in the industry; accounting knowledge and competencies;
2. Owners and investors: security agribusiness;
3. Subjects of infrastructure to minimize the risk of exogenous;
4. Consumers: needs; safety and quality of animal products;
5. State: ensuring social stability.

Political Plane

1. Employees: increased motivation; the creation of jobs;
2. Owners and investors: the reduction of transaction costs and losses; effective contracting; increase profitability, technical modernization;
3. Subjects of infrastructure: boosting business; enterprise development;
4. Consumers: economic and physical accessibility of livestock products;
5. State: ensuring social stability.
Exploring the institutionalization of the market feeds, you must first find out which determine the definition, define the basic subsystems and elements, subjects and objects of the process, institutional imperatives and objectives (Fig. 2).

![Diagram of Institutional Market System]

- **Institutional Market System**
  - Institutes
  - Correlation and Interconditioning
  - Institutions

- **Main subsystems**
  - Legal
  - Financial and Economic
  - Social and Demographic
  - Ecological

- **Main elements**
  - NORMS AND RULES (formal and informal institutes)
  - - legislation;
  - - acts;
  - - contracts;
  - - instructions;
  - - agreements
  - - Functioning and conduct: state, companies, housing companies, subjects of market and social infrastructure
  - - mentality, values, traditions, customs;
  - - norms of social conduct;
  - - corporate culture
  - - ecological and sanitary norms;
  - - instructions: state, subjects of ecological infrastructure

- **Institutional Imperialisms**
  - Supremacy of Law
  - complementarity
  - Scientifically Justification of Rationality Reasonability

- **Object of institutionalism**
  - Process of maintenance of conditions of necessary market subjects for complete fulfillments of their socio-ecological-economic interests

- **Subject of institutionalism**
  - State
  - Company’s Industry
  - Domestic
  - Subject of Market Infrastructure

- **Main goal**
  - Stable of Development of Feed Production Industry
  - Market integration in the global and sustained competitive advantage

**Fig. 2. Institutional feed market system**

The study of the institutional environment suggests its imperfections and the existence of a number of factors destructive influence on the development of the market
of feed. According to the FAO recommendations, requires a combination of policy changes, technological and institutional innovation and investment process. It is especially important to create local conditions and the potential to respond to change. Imperative in this case should be the approach to the regulation of the sector in the broader context of rural development, i.e., the creation of such a sector of the rural economy, which would be no less dynamic than industry and services, and that could offer a range of alternative employment both inside and non-work (Animal ..., 2009).

Institutional environment determines the development of the market of feed, play a pivotal role on legal regulation, as the fundamental, which stimulates the formation and effective functioning of the economic system and its structural and sectoral subsystems. State management in the field of feed production is carried out by the Cabinet of Ministers of Ukraine, the central executive authority, providing the formation of state policy in the field of veterinary medicine, a central executive body implementing the state policy in the field of veterinary medicine. Fundamental normative legal acts of ordering relations in the study area are the Law of Ukraine "On State Support of Agriculture of Ukraine" dated 24.06.2004 g. № 1 877-IV (the current edition of 08.11.2013, the) (Law of Ukraine "On State support ..., 2004), the Law of Ukraine "On the basic principles of the state agrarian policy for the period up to 2015" from 18.10.2005 № 2982-IV (Law of Ukraine "On the basic..., 2005) and others. However, the practice of shows that these documents require some refinement.

According to the State target program of development of the Ukrainian village for the period up to 2015, is projected to significantly increase the production of livestock products, which will require an increase in feed production industry production figures almost doubled (Law of Ukraine "On State support ..., 2004). Relevant legislative activity confirms the importance of the industry fodder production for the agrarian sector of Ukraine.

Market value of feed for Ukraine overestimated, due to the strategic importance of the industry to recover national feed production for cattle. Encouraging the efficient functioning of the industry in 2011, the Ministry of Agrarian Policy and Food of Ukraine and the National Academy of Agrarian Sciences of Ukraine adopted a national project "Revival of cattle", "target date for which is defined 2015 also adopted a number of programs for the development of cattle breeding on the level areas and areas (Revival cattle, 2011). According to the National project "Revival of cattle" it is planned by 2015 to bring production to 20–22 million tons of feed units containing not less than 105–107 g of digestible protein per feed unit. As for the projected volumes of feed for dairy cattle account for up to 5.5 million. Tons, including cornmeal to 4360 thousand. Tons of protein-vitamin supplements to 1.18 million. Tons. Moreover, in the framework of the strategic tools for the development of forage production and feed industry is scheduled for the same period, to develop sectoral program feed production for 2011–2015, taking into account the need to reduce their grain components and increase of products; provide a mechanism for direct payments per 1 ha of agricultural land, taking into account the production of perennial grasses and soil conservation; to tend to farms feed production system for year-round feeding
of the same type of animals with full-feed mixtures, and households – to use the collective pastures and hayfields and crops of annual grasses, roots, pumpkins in the garden plots, etc. (Revived cattle, 2011). Achievement of established targets indicate restoration of feed and create a powerful basis for the related industries.

The state target program of livestock development for the period up to 2015, the following activities for the development of the domestic feed production as the development and implementation of sectoral programs "feed" with the EU standards; creation of a network of analytical laboratories to determine the quality and certification of feed based institutions UAAN; to stimulate the creation and expansion of productive pasture sowing of perennial grasses; use of the mechanism of awarding agricultural producers for compliance with science-based crop rotations that enhance soil fertility and produce high-quality forage. All of these measures will enhance the competitiveness of domestic feed both domestic and foreign markets.

The economic reform program for 2010–2014. "Prosperous Society, Competitive Economy, Effective State", approved by Presidential Decree of 12.03.2012, № 187 determines the need for the consideration of the Verkhovna Rada of Ukraine of the draft Law of Ukraine on the feed for animals intended to be used for the production of food and other products, on the harmonization of Ukrainian legislation with the Regulation of the European Parliament and of the Council 183/2005 number of 12 January 2005 providing for, inter alia: the hygienic requirements for the production and circulation of feed; conditions to ensure the traceability of feed; registration and operating authorization for facilities for the production or circulation of the feed; transition period with respect to the Act came into force, sufficient to accommodate market participants with the requirements provided for by law (Decree…, 2013).

Relations in the field of feed production are regulated by the Law of Ukraine "On Veterinary Medicine» N 2499-XII (2499-12) from 06.25.92. who defines "food" as products of animal, plant, microbial and chemical origin, including ready feed and fodder used for feeding animals on their own or in mixtures containing nutrients in digestible form and has no adverse effects on animal health (Law of Ukraine "On Veterinary Medicine", 1992). Priority task now is to create the legal framework of the industry development of fodder production and the market for such products. In order to regulate relations in the feed market adopted a draft Law of Ukraine "About the feed", which was first registered 16.10.2012. By № 11349, and now registered on 07.14.2014, the Registry. Number 4280 (On food, 2014).

It should be noted that the project is aimed at regulating social relations arising in the process of production and circulation of feed, feed additives and premixes (export, import, packaging, labeling, transportation, etc.). It provides, inter alia, defines the relevant terms of the legislation on feed, the scope of the law, the system of government in this area, the rights and obligations of organizations feed requirements on state regulation of production and circulation of feed requirements for animal feeding, etc. The project also proposes changes to the Code of Administrative Offences, Laws of Ukraine "On Veterinary Medicine" and "On the basic principles of state supervision
(control) of economic activity", "On the list of permits in the sphere of economic activity", which should contribute to ensure the quality and safety of animal feed.

According to the draft provides that the scope of the Act applies to business entities that carry out industrial production and issuance of animal feed; and does not apply to persons engaged in the production of feed, firstly, for the animals that are not intended for the manufacture of food products, and secondly, for the animals, for the manufacture of food for their own consumption.

The bill introduces in Ukraine the individual rules of the EC Regulation number 183/2005 hygiene of feed and the EC Regulation № 178 / 2002 on the general principles of law in the area of food. In particular, the market will put the principles of HACCP (Hazard Analysis and Critical Control points) and generally tightened control over the production and distribution of feed, including feed traceability. Provisions of the bill will be used to feed, produced in Ukraine and abroad. The introduction of new rules could complicate import feed in Ukraine, but they will be applied in a non-discriminatory basis and will be harmonized with EU standards. A positive consequence of the introduction of new rules could be an increase in the export potential of Ukrainian feed manufacturers. In 2013, imports of goods in accordance with the Group of 23 (residues and waste from the food industries; prepared animal fodder) was $ 0.3 billion. USA, while exports greatly exceeded this figure tripled to $ 0.9 billion dollars. More than half of Ukrainian exports of feed group 23 is sent to the EU annually imports such goods worth $ 13.5 billion. Dollars (Weekly News, 2014), agreeing with the experts of the State Veterinary and Phytosanitary Service of Ukraine, that the production of animal products in the current environment requires establish fair, transparent and, most importantly, effective rules. Ukraine – an agrarian country competitive in the agricultural markets of European countries, including the export of feeds and feed raw materials to the EU. Therefore, the adoption of the draft law is dictated by the need for harmonization of Ukrainian legislation with EU legislation regarding the procedures for safety and hygiene of feed. Domestic feed producers will be able to speak on equal terms with the producers of the EU, where a state of operating authorization for the production of certain types of feed or feed additives and no mandatory product certification. Otherwise, the export of feed into the European Union is impossible (Petrychenko, 2012).

The need to further institutionalize the feed market in Ukraine due to the need of intra-transformations and features associated with the European aspirations of the country and its membership in the WTO to the dynamic development of the market of feed and the formation of a strong export potential forage production (see Fig. 3).

At the present stage of economic development, not only the agricultural market of Ukraine, but also members of the European Union faces a choice strategy development and appropriate regulation (Burger, 2012).
Fig. 3. Strengthening the institutional capacity of Ukraine regarding the requirements of the WTO and EU trade feeds

However, if Ukraine wants to not only go global agro-food products, but also to compete effectively on it, it is necessary to eliminate or minimize the impact of destructive factors of the institutional environment, while establishing transparent and fair "rules of the game", ie formal institutions. Basis appears to create an effective legal and regulatory framework.

A positive aspect in the context of the above, you can include the development of a number of draft laws of Ukraine, which will contribute to the further develop-
ment of the institutional environment. So, on the initiative of the Minister of Agrarian Policy and Food of Igor Shvaika, together with experts, representatives of relevant organizations and Agribusiness performed a thorough analysis of the legislative initiatives in the agricultural sector. So, already signed and sent for approval to the central authorities six bills that are a priority and needed to accelerate the European integration processes in the industry fodder production (Shvaika, 2014). In particular, besides the above-mentioned draft law "On the feed" is "On amendments to some legislative acts of Ukraine regarding food safety", "On amendments to some legislative acts of Ukraine regarding the identification and registration of animals", "On the by-products of animal origin, not intended for human consumption "On state control in the sphere of safety and quality of food and feed, animal welfare", "On Amending the Law of Ukraine" On privatization of property in the agricultural sector".

Institutionalization of the functioning of market participants is required to feed the state, entities serving the market infrastructure and agricultural enterprises. Adoption of rules and regulations in the field of health and safety of feed in Ukraine with simultaneous harmonization with EU legislation will reduce the corruption component in the production and trade of feed and protect end users from unfair industrial policy.

Of critical importance is the draft Law of Ukraine "On state control in the sphere of safety and quality of food and feed, animal welfare," The bill is intended to introduce some norms of the EC Regulation № 882 / 2004 on state control of legislation in the field of food, feed and animal welfare, the EC Regulation № 854 / 2004 to the state control over food products of animal origin and Directive № 97 / 78 / EC principles of veterinary inspection of imported goods. According to experts of the Institute for Economic Research and Policy Consulting in collaboration with the Ministry of Economic Development and Trade of Ukraine and the National Board of Trade of Sweden, the introduction of such rules will strengthen state control over food, that, on the one hand, it may increase the costs of manufacturers, but on the other – facilitate the export of goods to EU markets and harmonize its legislation with the EU legislation (Turnover animal products ..., 2014), according to experts such changes in the Ukrainian legislation may cause some increase in trade barriers in the food trade with the CIS countries. Primarily this will involve the import of food products in Ukraine from the CIS countries. It is also noted that the bill as proposed is not consistent with other legislation such as the Law "On the basis of permitting activity" and the Law "On food safety". Therefore, likely to require revision of the bill before the adoption.

In order to gain control over the circulation of animal by-products need to pass the Law of Ukraine "On the animal by-products not intended for human consumption". In particular, the draft law provides for the introduction of the principle until the traceability and HACCP (Hazard Analysis and Critical Control points) and ensure neutralization of hazardous byproducts. Depending on the level of danger of such products is permitted their use in agriculture and industry after their removal. It is also proposed to prohibit the importation into Ukraine by-products I and II categories of risk, primarily products contaminated with infectious diseases, or contain contami-
nants at levels that exceed the maximum allowable limit residues. Adoption of the law will allow for a partial harmonization of Ukrainian legislation with EU norms. At the same time, it may contribute to a simplification of import to Ukraine is relatively safe by-products of animal origin, namely the by-products of category III risk. Exports of these products is minimal and is likely to remain at a low level due to significant non-tariff barriers. In 2013, imports of the products referred to in the bill was about $280 million. Dollars, of which 14 million dollars. USA accounted for by imports of goods of heading 2301 UKT VED (flour, grains and granules of animal origin) and $265 million. USA – heading 2309 (products for animal feed) (news Overview of commercial law, 2014). It should be noted that the by-products of animal origin may be classified in the headings UKTVED 2301 and 2309. In this case is the position of goods in 2309 may be products of both plant and animal origin.

Summing up we can say that institutional support requires the concerted action of the state with the producers, processors, market infrastructure entities, non-governmental organizations, academic institutions and other related organizations that are non-core market participants feed. The main role in the process of institutionalization of the market of feed given to the state as the central controller, the task of which is to encourage the rise of industry and fodder production and the market for such products through the creation of a favorable organizational-economic mechanism.

Institutional basis for the formation of an efficient market feeds depend on the "transparent" and effective management techniques, competitive relations, cooperation and partnership between government and business, "fair" competition, harmonization of state and market-based regulation in the industry, and as a whole in the agricultural sector. Main indicator appears greatest possible reduction of the transaction costs of business entities, which can be achieved with the help of conclusion of market transactions and effective system of contracting, creating professional associations, implementing educational projects, improving consultation, creating a favorable investment climate in order to attract innovation. All of these activities require the development of an effective regulatory framework.

4. Conclusions

1. It has been established that the process of institutionalization of the market due to the need to feed the achievement of sustainable development of the industry in order to integrate fodder production in the world market and achieve a sustainable competitive advantage; based on the interaction and interdependence of institutions and institutions, the development of informal institutions (mainly socio-demographic and environmental and organizational), further establishment and adaptation of formal institutions (primarily legal and financial and economic) to the internal market transformations and external requirements and threats; in compliance with the main complementary institutional imperatives of the rule of law and evidence-based rationality and feasibility of all managerial and organizational decisions. Mechanism of state regulation shall include the strategic and tactical goals of state regulatory action,
as well as being a system of interconnected enabling activities, the regulatory and supervisory state's influence on the development of the industry and the market on the basis of national interests.

2. Rationale for the systematic development of the industry as a basis for sustainable development of fodder production. Systematic approach will ensure synergy of scientific, natural, economic factors, combined with the necessary organizational and technological measures. Systematics of the interests of all market actors feed within the institutionalization of relations in the economic, social, political and environmental plane has identified polar interests of all economic entities, but at the same time a common interest in the development of the market.

3. Justified strengthening institutional capacity of Ukraine regarding the requirements of the WTO and EU trade feeds, based on evaluation of changes in the economic environment of deterministic global challenges, in order to minimize the impact of destructive environmental factors and to establish transparent and fair "rules of the game" (formal institutions). Basis appears to create an effective legal and regulatory framework, in particular, this draft laws "On feed", "On amendments to some legislative acts of Ukraine regarding the safety of food products", "On amendments to some legislative acts of Ukraine concerning the identification and registration of animals", "On the by-products of animal origin not intended for human consumption "On state control in the sphere of safety and quality of food and feed, animal welfare," "On Amending the Law of Ukraine" On privatization of property in the agricultural sector".

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PAŠARŲ RINKOS INSTITUCIONALIZACIJA: TEISINIAI ASPEKTAI

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Raktiniai žodžiai: pašarų rinka, pašarų gamybos pramonė, institucionalizacija, formalūs ir neformalūs institutai, teisinis reguliavimas.

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