

Legal Regulation and the Role of Cross-Border Electronic Commerce in the Process of Post-War Reconstruction of Ukraine

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Abstract

The article examines the role of e-commerce and commercial representation in the context of the post-war reconstruction of Ukraine. The theoretical and legal characterization of electronic commerce and e-business in Ukraine was carried out, and their legal nature was revealed. The regulation of e-commerce in European law is considered, and examples of legal regulation of cross-border e-commerce in EU countries are given. Special attention is paid to commercial representation as a form of electronic commerce and its role in the reconstruction of Ukraine. Electronic trust services as an important aspect of commercial mediation in Ukraine have been studied. The process of bringing Ukraine's digital space closer to EU standards and its impact on the economy, in particular in the conditions of martial law, are analyzed. The potential of e-commerce to stimulate international business cooperation, cross-border operations, and diversification of sales markets abroad has been revealed. Challenges related to the process of convergence of Ukraine's digital space with EU standards have been identified. A set of measures is proposed to maximize the positive impact of the development of electronic trust services and electronic commerce on the economy of Ukraine. A conclusion was made about the key role of the development of e-commerce in strengthening the economy, filling the budget, and deepening Ukraine's international relations. The significance of these processes for ensuring the financing of investment projects for the reconstruction and integration of Ukraine into the European digital market is emphasized.

Keywords: E-Commerce and E-Business, Commercial Representation, Electronic Trust Services, Digital Integration, Digital Space and Digital Market, Economic Reconstruction.

Introduction

In the era of rapid digitalization and economic challenges caused by the armed conflict, the transformation of trade relations in the digital space and the modernization of the trade brokerage institute are becoming priority directions for Ukraine. These industries not only contribute to economic growth and international cooperation but also act as key levers in the process of post-war reconstruction of the state. The study of the legal aspects of the functioning of online trade and the activities of sales agents in the context of the adaptation of the Ukrainian digital environment to the norms of the European Union acquires special significance.

Taking into account the outlined challenges and prospects, there is an urgent need for a thorough analysis of the regulatory and legal field that regulates the functioning of Internet trade and the activities of commercial agents in Ukraine. The task of researching the role of digital trust services in the development

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of these areas, as well as evaluating the economic consequences of synchronizing the Ukrainian digital space with European standards, is being updated. Studying the potential of online commerce to stimulate international cooperation, cross-border business operations, and diversification of export destinations in the context of Ukraine's post-war recovery is of critical importance. These questions form the key vectors of research aimed at finding effective ways to develop the digital economy and strengthen Ukraine's position in the international arena.

Materials and Methods

A complex of scientific methods was applied in the research process, which ensured a comprehensive analysis of the issues and the achievement of the set objectives. The basis of the research was *a review of the regulatory and legal framework*, which made it possible to identify the peculiarities of the legal regulation of electronic commerce and commercial representation in Ukraine and the EU.

The comparative legal method was used to compare the legislative norms of Ukraine and the EU in the field of e-commerce, which contributed to the identification of common features and differences in approaches to the regulation of this field.

The system-structural method was applied to analyze the interrelationships between various elements of the e-commerce system and commercial representation, which allowed for a holistic view of the researched issues.

Logical methods, particularly analysis, synthesis, and generalization, were used to process the received information, formulate conclusions, and develop recommendations for improving the legal regulation of e-commerce in Ukraine.

The dialectical method is used to study the development of e-commerce and commercial representation in their dynamics and relationship with economic and social processes.

The dogmatic method was used to interpret legal norms and concepts related to e-commerce and commercial representation, which contributed to an accurate understanding of their content and legal nature.

Results

An analysis of global e-commerce trends shows rapid growth in online shopping. By the end of 2024, 90% of Europeans are expected to shop online, with 79% of the European population already doing so (TOP e-commerce statistics for 2023, n. d.). Such data indicate a high potential for the development of cross-border e-commerce for Ukraine in the context of European integration and post-war reconstruction.

A study of the infrastructure of electronic trust services in Ukraine helped to reveal significant progress. In particular, more than 261,000 qualified certificates of electronic seals were issued by the largest provider "Ukraine Key Certification Center" Limited Liability Company. The next positions in the rating are occupied by the State Tax Service of Ukraine (136,050 certificates) and Joint-Stock Company Commercial Bank "Privatbank" (102,950 certificates), which indicates the readiness of Ukrainian enterprises for secure electronic transactions (Assessment of the state of development of the field of electronic trust services, 2024). However, only 8% of all electronic signatures are stored on secure media, indicating the need for increased security (How many users store their EDS on token, 2020).

Analysis of legal regulation indicates the importance of compliance with international standards. For example, the EU has a Digital Services Act (DSA), which provides for fines of up to 6% of the global turnover of companies for non-compliance with the requirements of this regulatory act (The Digital Services Act has entered into force in the EU, 2023). This highlights the need to harmonize Ukrainian legislation with European standards for successful integration into the global digital market.

An important aspect is the language barrier in e-commerce. It was established that 40% of buyers do not buy on sites in other languages (TOP e-commerce statistics for 2023, n.d.), and only 2.45% of e-commerce

sites in the US and 14.01% in Europe offer a multilingual interface (Pham, 2023). In our opinion, this fact indicates the need for the development of multilingual platforms for Ukraine's effective participation in cross-border e-commerce.

The results also point to the importance of effective dispute-resolution mechanisms in e-commerce. The experience of the Conianza Online association, which successfully resolved 70% of 80,000 reviewed complaints in an average period of 10 days, demonstrates the effectiveness of alternative dispute resolution methods in the specified industry (Conianza Online, n. d.).

In general, the results of the study emphasize the significant potential of cross-border e-commerce for the post-war reconstruction of Ukraine. At the same time, they indicate the need for a comprehensive approach to legal regulation, which would take into account the issues of language accessibility, technical security, protection of consumer rights, and harmonization with international standards. This will create favorable conditions for Ukraine's integration into the global digital market and accelerate the country's economic recovery.

Discussion

The post-war reconstruction of Ukraine appears to be a multidimensional task, covering a wide range of economic, social, and infrastructural challenges. The key element of this process is the restoration and strengthening of the country's economic potential, which requires not only the mobilization of domestic resources but also active integration into global economic processes. In our opinion, the development of cross-border e-commerce as a tool for stimulating economic growth, attracting investments, and expanding international cooperation is gaining particular importance.

The economy of Ukraine, which has suffered significant losses as a result of military actions, needs new sources of filling the budget and mechanisms for stimulating entrepreneurial activity. Cross-border e-commerce can serve as one such source, providing Ukrainian enterprises with access to global markets and creating new opportunities for exporting goods and services. The importance of this direction increases in conditions when traditional sales channels may be limited or disrupted as a result of military operations and geopolitical changes.

The development of electronic commerce opens up new opportunities for Ukrainian manufacturers in the sphere of diversification of sales markets. This direction acquires special importance in the conditions of post-war reconstruction because it reduces the risks associated with dependence on individual markets and makes the Ukrainian economy more resistant to external influences. In this context, it is appropriate to turn to the concept of diversification, which is considered by O. Zghurska. According to the researcher, diversification is a complex process aimed at expanding the company's spheres of activity. It provides for the development of new areas of production and an increase in the assortment of goods and services, which allows the enterprise to transform into a multidisciplinary complex. The ultimate goal of this strategy is to optimize the company's activities, increase its profitability, and use available resources as effectively as possible (Zghurska, 2018). Thus, within the framework of cross-border e-commerce, diversification allows enterprises not only to expand their product line but also to master new sales channels in international markets, increasing their competitiveness and sustainability.

International business cooperation through e-commerce channels plays an important role in the process of Ukraine's integration into global production and logistics chains. This cooperation not only contributes to economic growth but also creates prerequisites for attracting foreign investments, technology transfer, and exchange of experience. In the long term, such ties can become the basis for deeper economic integration of Ukraine with international partners.

We consider it expedient to emphasize the potential of cross-border e-commerce in providing stable sources of financing for post-war reconstruction projects. An increase in the volume of foreign trade through online channels can lead to an increase in tax revenues, which can be directed to the restoration of infrastructure, the support of social programs, and the implementation of investment projects. This creates

a positive cycle where economic growth stimulated by e-commerce generates resources for further reconstruction and development.

In the process of forming a strategy for the development of cross-border e-commerce and its role in the post-war reconstruction of Ukraine, it is important to take into account the peculiarities of the country's financial situation and possible limitations of traditional financing mechanisms. Scientists, such as T. Novyk, emphasize the importance of fiscal instruments in conditions of weakening market mechanisms. However, as the researcher rightly points out, increasing the tax pressure on business is not the optimal solution because historical practices show that successful post-war recovery and overcoming the economic recession require other approaches (Novyk, 2023).

Agreeing with this position, we consider it expedient to emphasize the need to find alternative sources of financing post-war reconstruction, among which cross-border e-commerce can play a key role. The development of this sector makes it possible to create new sources of income for business and the state without an excessive tax burden, which is especially important in conditions of economic instability.

In addition, T. Novyk also emphasizes that the shortage of financial resources makes external aid necessary for the recovery of the economy and the socio-humanitarian sphere (Novyk, 2023). In light of this statement, the development of cross-border e-commerce acquires additional importance as a mechanism for attracting foreign investment and stimulating international economic cooperation. The creation of favorable conditions for electronic trade can become a factor that increases the attractiveness of the Ukrainian economy for external partners and investors, thereby contributing to the inflow of the necessary financial resources for reconstruction.

Realization of the potential of cross-border e-commerce in the process of post-war reconstruction of Ukraine requires the development of a comprehensive development strategy. The conceptual foundations of such an approach should take into account the specifics of the national economy, global trends in the field of electronic commerce, and the needs of post-conflict reconstruction. The main areas of implementation of this strategy include the development of digital infrastructure, improvement of the legal framework, improvement of digital competencies of business entities and consumers, as well as the creation of favorable conditions for the integration of domestic enterprises into global electronic trading platforms. The implementation of the specified measures will make it possible to use the potential of cross-border e-commerce as efficiently as possible to stimulate economic growth and integration of Ukraine into the world economy in the post-conflict period.

The priority direction of the strategy is the further improvement of the legislative framework regulating the field of electronic commerce. Despite Ukraine's significant steps in the implementation of European legislation, in particular, Directive 2000/31/EC "On electronic commerce" (Directive 2000/31/EC, 2000), there is a need for constant updating and adaptation of regulatory acts in accordance with dynamic changes in the industry. Improvement of the legislative framework requires a focus on making appropriate changes to key regulatory legal acts: the Tax Code of Ukraine (Tax Code of Ukraine, 2010), Laws of Ukraine "On Electronic Commerce" (On Electronic Commerce, 2015), and "On the Protection of Consumer Rights" (On the Protection of Consumer Rights, 1991).

A number of problematic aspects regarding the taxation of legal entities in the field of e-commerce have been highlighted in scientific studies. In particular, scientists emphasize the absence of provisions in the Tax Code of Ukraine regarding the mechanism of taxation in this area, emphasize the need to increase information literacy in conducting electronic commerce, and emphasize the need for the formation of a normatively defined system of taxation on the Internet. Researchers pay special attention to the issue of implementing systems of multi-level verification of electronic payments to increase the security of online purchases (Chorna et al., 2023).

In parallel with the improvement of legislation, there is a need to develop effective mechanisms for resolving cross-border disputes, ensuring cyber security and combating fraud in the online environment. The creation of a comprehensive regulatory system that will take into account the specifics of the digital

economy is an urgent need. Such a system should include the development of mechanisms for the protection of consumer rights in the online environment, the introduction of modern technologies to ensure the security of electronic transactions, and the creation of favorable conditions for the development of innovative business models in the field of electronic commerce. The implementation of the mentioned approach will allow Ukraine not only to restore its economy after the war, but also to take a competitive position in the global e-commerce market.

The development of digital infrastructure is critical for the successful functioning of cross-border e-commerce. This process involves not only expanding access to high-speed Internet throughout Ukraine but also creating modern logistics centers, introducing effective electronic payment systems, and developing digital services for businesses. Special attention should be paid to the development of cross-border logistics infrastructure, which will allow optimizing the delivery processes of goods abroad.

Increasing the digital competencies of Ukrainian entrepreneurs and consumers is another important area of work. This task is implemented through the development and implementation of educational programs in digital marketing, online sales management, and international e-commerce. Conducting information campaigns aimed at increasing consumer awareness of the opportunities and risks of cross-border e-commerce also plays an important role in this process.

The creation of a favorable business environment for the development of cross-border e-commerce involves the implementation of effective mechanisms of state support for exporters, simplification of customs clearance procedures for small batches of goods, and development of product certification systems in accordance with international standards. We consider it necessary to stimulate the creation of Ukrainian online platforms that could compete with global players and promote the promotion of Ukrainian products on international markets.

Another key direction in the development of cross-border e-commerce is the integration of Ukrainian enterprises into global e-commerce platforms. This process requires not only technical adaptation and training of entrepreneurs but also the development of strategies for promoting Ukrainian products on these platforms, including the creation of national brands and marketing campaigns at the international level.

An important direction in the development of cross-border e-commerce is to ensure effective interaction between various market participants, including manufacturers, online platforms, logistics companies, financial institutions, and government bodies. The creation of effective mechanisms for coordination and information exchange between participants will allow the optimization of the processes of cross-border trade and increase the competitiveness of Ukrainian exporters on the global market.

Considering the above, in Ukraine's post-war reconstruction, the development of cross-border e-commerce can become a powerful tool for stimulating economic growth, attracting investments, and creating new jobs. This direction is especially important for the regions that have suffered the most from military actions and need new sources of economic development. E-commerce can act as a driver for the revival of small and medium-sized businesses in the mentioned regions, providing access to global markets and new opportunities for growth.

The introduction of advanced technologies in electronic commerce, such as blockchain, artificial intelligence, and the Internet of Things, can accelerate the digital transformation of the Ukrainian economy as a whole. Innovations in e-commerce can drive technological progress in other sectors, increasing a country's overall level of digitization.

In our opinion, it is also important to note the role of cross-border e-commerce in strengthening Ukraine's international economic ties. The development of online trade contributes to the deepening of economic integration with key partners, in particular with the countries of the European Union, forming new channels for cooperation and exchange. Strengthening economic ties can positively affect not only the economic but also the political stability of the country, strengthening its position in the international arena.

The global development of cross-border e-commerce has led to significant transformations in the world economy, especially in the field of retail trade. Researchers note the significant impact of international electronic commerce on traditional industries, which has caused restructuring of the labor market and changes in the business models of many companies. Despite the emergence of certain challenges, this process has created new opportunities for innovation and entrepreneurship development (Zhu et al., 2022).

The expansion of access to the Internet has formed new paradigms of cross-border trade, which enable even small enterprises to enter global markets. In our opinion, such trends open up significant prospects for Ukraine, allowing not only to compensate for job losses in traditional sectors but also to create new high-tech jobs, stimulate the development of innovative sectors of the economy, and increase the country's competitiveness on the international stage.

In view of the above, the theoretical and legal characteristics of electronic commerce and e-business in Ukraine acquire special importance and require a deep analysis of their complex and multifaceted nature. The legislative definition of e-commerce, provided in Article 3 of the Law of Ukraine "On Electronic Commerce", defines it as relations aimed at obtaining profit, which arise during the execution of transactions related to the acquisition, change or termination of civil rights and obligations, carried out remotely using information and communication systems, as a result of which the participants of such relations have property rights and obligations (On electronic commerce, 2015). This interpretation emphasizes the economic essence of e-commerce and its close connection with civil-law relations.

Subjects of electronic commerce, according to the law, are two main types of participants in such relations. The first category includes business entities, regardless of their organizational and legal form, that sell goods, perform work, or provide services using information and communication systems. The second category includes persons who act as consumers, purchasing, ordering, or using the specified goods, works, or services by concluding electronic transactions (On Electronic Commerce, 2015, article 6). This provision emphasizes the bilateral nature of e-commerce relations and emphasizes the use of digital technologies as a key element of these interactions.

It is worth noting that electronic commerce is an inseparable component of the broader concept of electronic business (e-business). Scientists consider e-business a complex phenomenon that encompasses various aspects of entrepreneurial activity in the digital environment. In this case, e-commerce is one way of conducting e-business, focusing mainly on trade transactions (Tardaskina et al., 2011). In our opinion, such a distinction is important for understanding the place of e-commerce in the overall structure of the digital economy.

When analyzing the structure of the virtual economy to which e-commerce belongs, researchers often use the terms "network" or "digital" economy. The specified economic system covers the industry of creating and using new IT products, telecommunications services, e-business, e-commerce, e-markets, and e-marketing (Tardaskina et al., 2011). Such a structure reflects the interrelationship of various segments of the digital economy, united by network technologies. We believe that an in-depth analysis of the relationships between the elements of the digital economy allows us to identify key growth points and potential synergistic effects that may arise from the integrated development of all components. This approach contributes to the formation of a holistic vision of transformational processes in the national economy under the influence of digitalization and provides a basis for making informed decisions in the field of regulatory policy and innovation stimulation.

Considering the structure of e-business, it is worth noting its complex nature. According to researchers, e-business includes three key components: electronic document flow, electronic payment system, and electronic commerce. Such a structure reflects the diversity of processes taking place within the framework of digital entrepreneurial activity and emphasizes the importance of integrating different aspects of business into a single electronic ecosystem (Tardaskina et al., 2011).

When studying the principles of the functioning of the electronic economy, it is advisable to refer to the concept of K. Kelli, which is analyzed by other authors. According to their analysis, K. Kelli singles out a

number of key principles characterizing the features of the digital economic environment. Among them, the principles of system unity, complexity and increasing efficiency stand out, which emphasize the interconnectedness and synergistic effect of digital technologies. Also important are the principles that reflect the specifics of pricing and consumer behavior in the electronic economy, in particular, the concepts of "free" of certain digital products and user loyalty. The authors note that K. Kelli emphasizes the global nature of the electronic economy and the need to rethink traditional economic values in a digital context. The principles relating to the organizational structure and dynamics of the development of the electronic economy are highlighted separately. In particular, the trends towards decentralization, the presence of elements of chaos in the development of digital markets, and the possibility of rapid scaling (cloning) of successful business models are noted (Kelli, n.d., as cited in Kraus et al., 2021).

Understanding these principles is critically important for forming effective strategies for the development of electronic commerce and e-business in general. They reflect the fundamental features of the digital economy, which must be taken into account when developing legal regulation and business strategies in the field of e-commerce.

E-commerce systems are characterized by a wide range of functionality. These include placing orders according to catalogs and price lists with a single database, integration of Internet applications with internal accounting systems, self-registration of users, the possibility of selling goods of various categories via the Internet, standardized processing of orders and online payments (Iardaskina et al., 2011). The specified functions demonstrate the technological complexity and variety of processes taking place within the framework of electronic commerce. It is important to emphasize that the constant development of technologies leads to the emergence of new functional capabilities, which, in turn, requires appropriate legal regulation.

The subject area of e-commerce is extremely broad. As Y. Pakhomov notes, it can cover various forms of commercial operations, from traditional trade to complex financial and investment services. The scientist includes distribution agreements, commercial representation, agency relations, factoring, leasing, construction of industrial facilities, provision of consulting services, engineering, purchase and sale of licenses, investment, financing, banking services, insurance, and other forms of industrial or business cooperation (Pakhomov et al., 1997). However, in our opinion, such a broad interpretation can lead to the blurring of the boundaries of e-commerce and complicate its legal regulation.

The diversity of the subject area of e-commerce emphasizes its integrative nature and ability to transform traditional business processes into a digital format. This feature creates new challenges for legal regulation, as it requires the adaptation of current legal norms to the specifics of the digital environment and the development of new legal mechanisms capable of effectively regulating relations in the field of electronic commerce. It is important to note that the dynamic development of technologies and business models in e-commerce requires the legislator to constantly monitor and respond in a timely manner to new phenomena and processes in this field.

Analyzing the legal nature of electronic commerce, it is necessary to highlight its main characteristics and principles. In our opinion, the first key characteristic is the remote nature of interaction between e-commerce entities. The specified feature means that transactions are concluded without the physical presence of the parties, which requires special mechanisms for the identification of participants, ensuring the authenticity of the expression of will, and protection of consumer rights. We believe that the remote nature of e-commerce is one of the main reasons for the need to develop special legal regulations for this area.

The second important characteristic is the use of information and communication systems as the main tool for commercial operations. This feature creates specific risks related to cyber security, protection of personal data, and preservation of commercial secrets. Accordingly, the legal regulation of e-commerce should take these aspects into account and ensure an adequate level of protection for all participants in electronic commercial relations. It is important to emphasize that ensuring the security of electronic

transactions is a critical factor for the development of user confidence in e-commerce and its further growth.

Researchers point out that the balance of trust and responsibility between the parties plays a key role in this area. The trustworthiness and responsibility demonstrated by one party must be commensurate with the level of trust placed by the other party (Dumortier & Vandezande, 2012). The formation of a healthy business environment and the provision of balanced relations between participants in electronic commerce largely depend on the observance of this principle. Applying such an approach is the basis for creating a stable and secure e-commerce environment in the EU.

The principle of technological neutrality is another important element of the legal nature of electronic commerce. This principle implies that legal regulation should be flexible and adaptable to rapid technological changes without being tied to specific technological solutions. In our opinion, compliance with the principle of technological neutrality allows us to ensure the stability of legal regulation in the conditions of the dynamic development of digital technologies and prevent the rapid obsolescence of legislative norms.

The cross-border nature of e-commerce is another important element of its legal nature. The global nature of the Internet allows commercial transactions to be carried out without regard to geographical boundaries, which creates specific challenges for legal regulation. In particular, there are issues of jurisdiction, applicable law, taxation, and consumer protection in international electronic transactions. As already mentioned, solving these issues requires not only national legal regulation but also active international cooperation and harmonization of the legislation of different countries.

The legal regulation of e-commerce in Ukraine is based on a complex of regulatory and legal acts. In addition to the Law of Ukraine "On Electronic Commerce" (On electronic commerce, 2015), the Civil Code of Ukraine also plays a key role (Civil Code of Ukraine, 2003), Law of Ukraine "On Electronic Trust Services" (On electronic trust services, 2017), Law of Ukraine "On Protection of Consumer Rights" (On the protection of consumer rights, 1991) and other normative acts. The specified legal framework creates a basis for regulating relations in the field of electronic commerce, but at the same time, it requires constant improvement and adaptation to new technological and economic realities. It is worth noting that the complex nature of the legal regulation of electronic commerce requires consistency and systematicity in the development of the relevant legislation.

Continuing the analysis of the legal nature and peculiarities of electronic commerce's functioning, it is advisable to pay attention to its special importance in the conditions of modern security challenges that Ukraine has faced as a result of the Russian Federation's armed aggression. The introduction of the legal regime of martial law and the conduct of hostilities on the territory of the state created unprecedented conditions for the functioning of the economy, in which e-commerce demonstrates its stability and adaptability.

The first key advantage of the development of e-commerce in the current security environment is its ability to ensure the continuity of business processes and consumer access to goods and services, even in regions where the physical infrastructure has been damaged. The long-distance nature of electronic transactions, previously viewed primarily as a technological feature, has become critical to sustaining economic activity. This feature allows businesses to continue operating and consumers to satisfy their needs, minimizing the risks associated with physical movement. Such a characteristic of electronic commerce contributes to the preservation of economic stability and social stability in the conditions of martial law.

The second important advantage should be considered the role of e-commerce in maintaining economic stability and saving jobs. In conditions where many traditional business models are experiencing significant limitations, e-commerce provides opportunities for rapid adaptation and reorientation of business. This factor contributes to maintaining economic activity, maintaining employment and ensuring revenues to the budget. From a legal point of view, such business adaptability requires the flexibility of the regulatory

environment and the legislator's quick response to new forms of economic relations arising in crisis conditions.

A third advantage of developing e-commerce under martial law is its potential to support logistics networks and ensure access to essential goods. Electronic platforms and order management systems make it possible to optimize delivery processes, coordinate volunteer efforts, and ensure efficient resource allocation. This function is of particular importance for ensuring the humanitarian needs of the population and supporting critical infrastructure.

The fourth significant advantage is the role of e-commerce in maintaining international economic ties and attracting foreign aid. In the face of physical restrictions on movement and trade, electronic channels of communication and transactions are becoming key to maintaining the country's export potential and ensuring access to international markets. This situation creates new challenges for international private law and requires the development of effective mechanisms for regulating cross-border electronic commerce in crisis conditions.

Thus, the development of e-commerce in the current security conditions in Ukraine not only demonstrates the sustainability of this form of economic activity but also creates new opportunities to support the economy and meet the needs of the population. At the same time, the mentioned situation presents the legal system with new tasks regarding the adaptation of the regulatory environment to the challenges of wartime and ensuring a balance between economic efficiency and national security.

Considering the legal regulation of e-commerce in European law, it is worth noting the systematic and comprehensive approach applied by the European Union to this area. European e-commerce legislation has evolved gradually, responding to the challenges of the digital economy and ensuring a balance between stimulating innovation and protecting consumer rights.

The fundamental regulatory act of the EU in the field of electronic commerce is Directive 2000/31/EC of the European Parliament and of the Council of June 8, 2000, on some legal aspects of public information services, in particular, electronic commerce in the internal market (Directive on electronic commerce) (Directive 2000/31/EC, 2000). This document establishes the key principles of e-commerce regulation in the EU, including requirements for information provided by information society service providers, rules on commercial communications, electronic contracts, and intermediaries' liability. An important element of the Directive is the principle of the country of origin, which promotes the free movement of information society services within the EU and creates a single digital market.

The protection of consumer rights in the field of electronic commerce is regulated by Directive 2011/83/EU on consumer rights (Directive 2011/83/EU, 2011). This regulatory act establishes uniform rules for distance contracts, including contracts concluded in electronic form. The directive covers important issues such as the provision of pre-contractual information, the right to withdraw from the contract, the delivery of goods, and the transfer of risk. The specified norms are aimed at increasing the level of consumer protection in the digital environment and harmonizing the relevant legislation of the EU member states, which is critically important for the formation of user trust in e-commerce.

The issue of personal data protection occupies a special place in the system of European regulation of electronic commerce. General Regulation on Data Protection (GDPR) (Regulation 2016/679, 2016) sets strict requirements for the processing of personal data, including data processed in the framework of electronic commerce. The GDPR introduces the principles of "privacy by design" and "privacy by default", which require companies to consider data protection issues at all stages of the development and implementation of e-commerce systems. These norms have a significant impact on the practice of conducting electronic business, forcing companies to adapt their business processes and technological solutions to high standards of personal data protection.

It is important to note that European legislation in the field of electronic commerce is constantly evolving, responding to new technological and economic challenges. An example of this is the European

Commission's initiatives regarding the Digital Services Act (Digital Services Act) (Regulation 2022/2065, 2022) and the Digital Markets Act (Digital Markets Act) (Regulation 2022/1925, 2022). Such legislative proposals are aimed at modernizing EU rules on digital services and ensuring fair competition in digital markets. These initiatives demonstrate the EU's desire to create a modern and effective legal framework for the regulation of the digital economy, including the field of e-commerce, which would take into account new business models and technological innovations.

Analyzing the legal regulation of cross-border e-commerce in the countries of the European Union, it is worth noting the variety of approaches and tools that are used at the national level within the framework of European legislation. Such variability is due to the specificity of legal systems, economic conditions, and cultural characteristics of each EU member state.

Germany, as one of the leaders of the European economy, has a solid legal framework for the regulation of cross-border e-commerce. Its foundation is the Law on Electronic Commerce (Bundesrecht konsolidiert, 2002), which implemented the provisions of the EU Directive on Electronic Commerce (Directive 2000/31/EC, 2002) and also supplemented it with its own requirements for the protection of consumer rights and information transparency. In particular, § 5 E-Commerce-Gesetz clearly defines the obligation for online sellers to provide information about the number of the commercial register and the court of the commercial register. In addition to the mentioned regulatory act, the Law on Telemedia played an important role (Telemediengesetz, 2007), which outlined the responsibilities of Internet intermediaries and established data protection standards in the field of e-commerce.

France has also developed a detailed legal framework to regulate cross-border e-commerce. French Consumer Code (Code de la consommation, 2016) contains specific provisions on distance sales, including electronic commerce. French law pays particular attention to the protection of consumer rights in the digital environment, establishing, for example, the obligation of sellers to provide detailed information about goods and services, as well as about delivery and return conditions. Article R222-1 of the Code sets out detailed requirements for information that a financial service provider must provide to a consumer, including information about the identity of the provider, the financial service, the terms of the distance contract, and remedies. Such provisions also apply to cross-border transactions, ensuring the protection of the rights of French consumers when making purchases from foreign sellers and regulating the activities of French companies in the international e-commerce market. French law "For a digital republic" (Loi No. 2016-1321, 2016) supplemented the previous one by establishing the principle of loyalty for digital service platforms and providing consumers with the right to recover their data under any circumstances, which is important for cross-border e-commerce.

The Netherlands, as a country with a developed digital infrastructure, has progressive legislation in the field of cross-border e-commerce. Dutch Civil Code (Burgerlijk Wetboek, 1992) contains special provisions on distance contracts that apply to electronic commerce. In particular, Book 6, paragraphs 3, 5-6 of the Civil Code regulates distance contracts, establishing requirements for information that the seller must provide to the consumer, the right to withdraw from the contract within 14 days, as well as the obligations of the parties upon termination of the contract.

A feature of the Dutch approach is the emphasis on industry self-regulation. An example is the system of voluntary quality marks. The largest such mark in the country and Europe is the Webshop Keurmerk, created by the Dispute Committee Foundation through the Webshop Keurmerk Foundation (Webshop Keurmerk, n. d.). The specified quality mark requires online stores to meet a number of criteria that go beyond legal requirements, including providing clear information about terms of sale, contact details, return and privacy policies, payment and delivery methods, etc. Participating in the program not only increases consumer confidence but also increases conversions and orders for online sellers.

In addition, the Netherlands is actively developing alternative dispute-resolution mechanisms in the field of electronic commerce. Law on out-of-court settlement of consumer disputes (Implementatiewet buitengerechtelijke geschillenbeslechting consumenten, 2018) EU Directive 2013/11/EU is implemented (Directive 2013/11, 2013) and established rules for the creation and operation of online mediation

platforms. This system allows you to quickly and effectively resolve, including cross-border, disputes in electronic commerce without the need to go to court.

Spain has developed an e-commerce regulatory system that takes into account the specifics of the modern digital market. Law on Information Public Services and Electronic Commerce (Ley 34/2002, 2002) establishes general rules for electronic commerce. Spanish law pays particular attention to the protection of consumer rights when shopping online, establishing clear information requirements. In particular, Article 10 of the law requires service providers to provide clear information about company names, contact details, registration details, and pricing information. In addition, Article 20 establishes that commercial communications by electronic means must be clearly identified as such, and the person on whose behalf they are made must also be clearly identified. Such provisions are aimed at increasing transparency and consumer confidence in e-commerce.

An important element of the Spanish cross-border e-commerce regulatory system is the Confianza Online Association. Founded in 2003 by the organizations Autocontrol and Adigital, this initiative is aimed at increasing user trust in the Internet environment. Confianza Online is of particular importance at the European level, as it is the only Spanish organization authorized to grant the E-commerce Europe trust mark. In its two decades of operation, Confianza Online has demonstrated significant effectiveness in resolving disputes between buyers and sellers, having handled around 80,000 complaints, including those related to international purchases, with 70% of cases being successfully resolved by reaching an agreement between the parties (Confianza Online, n. d.).

The effectiveness of this mechanism in promoting the development of cross-border e-commerce is confirmed by the average time for processing a case, which is only 10 calendar days. Thus, alternative dispute resolution methods, in particular mediation, demonstrate high efficiency in the field of e-commerce. They facilitate constructive dialogue between the parties and offer more flexible solutions compared to traditional court procedures (Teremetskyi et al., 2024). As K. Tokarieva notes, the specificity of activity in the field of mediation, especially in the framework of international online trade, requires taking into account the ethical principles of the activities of lawyers and psychologists (Tokarieva, 2020). The above is especially important to ensure a fair resolution of disputes between participants in cross-border electronic transactions, where it is necessary to take into account the peculiarities of different legal systems and cultural norms.

Continuing the analysis of the legal regulation of electronic commerce, it is advisable to pay attention to specific forms of commercial activity, which acquire special importance in the context of the economy's digitalization. One of them is a commercial representative office, which is transformed and acquires new features in the conditions of the development of electronic commerce.

According to Article 243 of the Civil Code of Ukraine, a commercial representative is a person who constantly and independently acts as a representative of entrepreneurs when concluding contracts in the field of entrepreneurial activity. The legislation also provides for the possibility of simultaneous representation of several parties to the transaction with their consent and, in other cases, established by law. The authority of a commercial representative can be confirmed by a written contract between him and the person he represents or by a power of attorney (Civil Code of Ukraine, 2003).

Legal regulation of commercial representation in Ukraine is carried out not only by the Civil Code but also by the Economic Code of Ukraine. According to Article 295 of the latter, commercial intermediation (agency activity) is a business activity that consists in the provision of services by a commercial agent to economic entities in the course of their economic activity through mediation on behalf of, in the interests of, under the control of and at the expense of the entity that he represents (Economic Code of Ukraine, 2003). This norm is especially relevant for e-commerce, where commercial representatives often act as agents, representing the interests of many business entities on various electronic platforms.

So, according to the reasons for its emergence, commercial representation is based on the contract concluded between the commercial representative and the person he represents. From a legal point of view, such an agreement is by its very nature an assignment agreement. However, within the framework of e-

commerce, the traditional understanding of commercial representation undergoes significant transformations. The use of digital technologies for authentication and identification of parties is becoming a critical element of commercial representation in e-commerce. Electronic digital signatures and other means of electronic identification provide legal force for the actions of a commercial representative in the online environment.

Analyzing the legal nature of commercial representation, it can be concluded that commercial representatives can be both legal entities formed in accordance with the procedure established by law and natural persons - subjects of entrepreneurial activity. It is important to note that such representatives, although formally occupying the position of independent legal entities, in fact are largely dependent on the enterprises whose interests they are guided by in their activities (Shapoval, 2021). Within the limits of electronic commerce, their activities are transformed, acquiring new forms and features. Commercial representatives carry out their activities through electronic platforms, acting as intermediaries between sellers and buyers in the online environment. Their functions are expanding, covering not only the conclusion of contracts but also the provision of information services, marketing events, and organization of logistics.

Considering the above, in our opinion, commercial representation plays an important role in the process of reconstruction of Ukraine after the war. It serves as an effective tool for Ukrainian enterprises to enter international markets, promoting the promotion of domestic goods and services on the global market. Commercial representatives, acting through electronic platforms, can attract foreign investments, acting as intermediaries between foreign investors and Ukrainian enterprises. The development of commercial representation in e-commerce stimulates the creation of new jobs and the development of entrepreneurship in Ukraine, especially for persons who have lost their jobs as a result of the war, providing them with opportunities for self-employment in the field of online trade.

For the effective functioning of commercial representation in e-commerce, it is necessary to adapt the current legislation to the realities of the digital economy. The development of electronic identification mechanisms for commercial representatives, the establishment of rules regarding their responsibility when carrying out activities in the online environment, and determining the specifics of taxation of such activities are becoming urgent tasks. The development of cross-border commercial representation requires the harmonization of Ukrainian legislation with international standards and the legal framework of the EU in the field of electronic commerce. Ensuring the international recognition of electronic powers of attorney and other documents confirming the powers of commercial representatives is gaining special relevance.

In our opinion, the protection of the rights and interests of all participants in commercial representative relations in e-commerce requires the development of online dispute resolution mechanisms, the establishment of clear rules regarding the responsibility of commercial representatives and e-commerce platforms, ensuring the protection of personal data and commercial secrets. Commercial representation in e-commerce is becoming an important tool for the recovery and modernization of the economy of Ukraine. It promotes the integration of Ukrainian enterprises into global supply chains, facilitates access to international capital and technology markets, and stimulates the development of innovative business models.

Realization of the potential of commercial representation in e-commerce requires a comprehensive approach, which includes not only the improvement of the legislative framework but also the development of the relevant infrastructure, increasing the digital literacy of the population, and stimulating innovations in the field of financial technologies and electronic payments. Commercial representation in e-commerce opens a promising direction for the development of Ukraine's economy in the post-war period. It contributes to its integration into the global digital economy, economic growth, creation of new jobs, and increase in the competitiveness of Ukrainian enterprises in the international market.

Continuing the analysis of the legal regulation of electronic commerce and commercial representation in Ukraine, it is appropriate to focus attention on the role of electronic trust services in the development of this area. Electronic trust services are a key element of the digital infrastructure that ensures the safety and

reliability of electronic transactions, as well as fostering trust in e-commerce. In Ukraine, the legal regulation of such services is carried out in accordance with the Law of Ukraine "On Electronic Trust Services", which was adopted in 2017. Clause 1 of Art. 1 of this law establishes a clear understanding of the electronic trust service as an electronic service used for reliable electronic interaction between subjects who trust the service provider. In addition, this law outlines the rights and obligations of the participants in these legal relations, as well as the procedure for state control over compliance with the legislation in this area (On Electronic Trust Services, 2017).

Electronic trust services play an important role in ensuring the functioning of commercial intermediation in electronic commerce. They enable commercial representatives to carry out their activities in an online environment with a high level of security and legal certainty. In particular, the use of qualified electronic signatures allows commercial representatives to conclude contracts and perform other legally significant actions on behalf of their clients in electronic form. This significantly simplifies and speeds up the process of doing business, especially in cross-border e-commerce. In addition, electronic trust services provide reliable identification of parties to electronic interactions, which is critical for preventing fraud and ensuring trust between participants in electronic transactions.

Ukraine is actively working to bring its digital space closer to European Union standards, which has a significant impact on the development of e-commerce and commercial mediation. An important step in this direction was the accession of the state to the EU program "Digital Europe" in 2021. This initiative is aimed at the development of digital technologies and infrastructure, improving the digital skills of the population and business, as well as stimulating innovation in the digital sphere (Digital Europe, 2021). Ukraine's participation in the program expands prospects for the progress of e-commerce and commercial mediation, in particular through integration with European digital platforms and technologies.

Harmonization of legislation in the field of electronic trust services is a key element of bringing Ukraine's digital space closer to EU standards. The Law of Ukraine, "On Electronic Trust Services," was developed taking into account the requirements of EU Regulation No. 910/2014 on electronic identification and trust services for electronic transactions in the domestic market (Regulation 910/2014, 2014). This regulatory act forms the legal basis for mutual recognition of electronic signatures and other electronic trust services between Ukraine and EU countries, which is critically important for the development of cross-border electronic commerce and commercial mediation. Such legislative support provides Ukrainian commercial representatives with the opportunity to function effectively on the European market, using electronic means of identification and authentication recognized in the EU.

The evolution of electronic trust services and the convergence of Ukraine's digital space with EU standards have a significant impact on the country's economy, especially in the conditions of martial law. This process contributes to increasing the stability of the economy through the diversification of sales channels and the expansion of opportunities for doing business in the online environment. Under conditions of physical restrictions caused by military actions, e-commerce and commercial intermediation, supported by reliable electronic trust services, become key tools for sustaining economic activity. The integration of Ukraine into the European digital space opens up new prospects for domestic enterprises in the EU market, which becomes especially relevant for stimulating economic recovery and attracting investments.

The improvement of electronic trust services and digital infrastructure contributes to the improvement of the efficiency of public administration and the provision of administrative services, which are critical for supporting business in wartime conditions. The implementation of electronic document management, electronic identification, and authentication systems allows for optimizing and speeding up the interaction of business with state bodies, minimizing the administrative burden, and increasing the transparency of processes. These factors become especially important when implementing programs of state business support and stimulation of economic recovery.

It is important to emphasize that the development of electronic trust services and the approximation of Ukraine's digital space to EU standards form the prerequisites for deeper integration of the state into the European digital market. Such an association opens opportunities for Ukrainian companies to participate

in European digital projects and initiatives, in particular in the creation of a single EU digital market. In the long term, such cooperation can contribute to increasing the competitiveness of the Ukrainian economy, stimulating innovation and the development of high-tech sectors.

However, in parallel with the opportunities, the process of convergence of Ukraine's digital space with EU standards generates certain challenges. In particular, the implementation of the specified process requires significant investments in the development of digital infrastructure, increasing the digital competence of the population and business, as well as adaptation of the regulatory and legal framework. In conditions of martial law and limited resources, this can be a difficult task. In addition, integration into the European digital space may lead to intensification of competition in the domestic e-commerce market, which will require Ukrainian companies to improve efficiency and innovation.

In order to maximize the positive impact of the development of electronic trust services and integration into the European digital space on the economy of Ukraine, the implementation of a set of measures is necessary. First of all, the need for further improvement of the legal framework in the field of e-commerce and electronic trust services, ensuring its full compliance with European standards, is becoming urgent. It is also necessary to stimulate the development of the national infrastructure of electronic trust services, in particular through the support of domestic providers of such services and the promotion of their integration into the European system of trust services. In addition, the need to develop and implement programs to increase the digital competence of the population and businesses, especially in the field of using electronic trust services and conducting electronic commerce, is becoming more urgent.

Conclusion

Based on the analysis, it can be concluded that the development of electronic commerce and electronic trust services plays a key role in strengthening the economy of Ukraine in conditions of instability. The implementation of European standards in the field of electronic commerce and the approximation of Ukraine's digital space to EU standards create favorable conditions for the intensification of international trade and the attraction of investments. This, in turn, contributes to the filling of the state budget and the formation of a financial base for the implementation of investment projects for the reconstruction of the country.

It is worth noting that the development of electronic commerce and commercial intermediation, supported by reliable electronic trust services, generates a number of positive economic effects. First, it is the diversification of sales channels and the expansion of opportunities for conducting business in the online environment which increases the stability of the economy in conditions of physical restrictions. Secondly, integration into the European digital space opens up new prospects for Ukrainian enterprises in the EU market, stimulating exports and economic growth. Third, the development of digital infrastructure and electronic trust services contributes to the improvement of the efficiency of public administration and the provision of administrative services, which is critical for business support and investment attraction. Thus, the comprehensive development of e-commerce and related digital technologies forms a powerful foundation for economic recovery and further growth of Ukraine, providing a stable source of filling the budget and financing reconstruction projects in the post-conflict period.

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