права. Следует расширить терминологическую базу такими понятиями, как «автор произведения искусства», «автор произведения изобразительного искусства». Это необходимо для заполнения пробелов в правовом регулировании субъектов произведений искусства как объекта интеллектуальной собственности, в частности определения авторов произведений искусства, на которые распространяется право следования. Стоит уделить внимание также специальным признакам данных субъектов, а также урегулировать вопрос совместной собственности супругов в отношении исключительных прав автора. Следовательно, необходимо дополнить гл. 61 Гражданского кодекса Республики Беларусь, а также Закон Республики Беларусь от 17 мая 2011 г. №262-З «Об авторском праве и смежных правах». В данном вопросе следует опираться на опыт стран, где это законодательно зафиксировано.

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The Role of International Norm Makers in Regulation of Corporate Social Responsibility

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Corporate Social Responsibility (CSR) is a management concept where by companies integrate social and environmental concerns in their business operations and interactions with their stakeholders on a voluntary basis [1, p. 3].

CSR goes beyond the relations between two classic participants of corporate governance – (i) company's shareholders as business owners and profits recipients, and (ii) corporate bodies and officials appointed by them. CSR implies involvement of other parties – employees, suppliers and contractors, the local community and public in general – to the policy making process. This systematic approach to CSR keeps the whole concept relevant since allows it to be transformed and adapted to the changing demands of society, including those in human rights and sustainable development.

Balancing shareholders' commercial expectations and public needs of various interested parties resulted in formation of CSR regulation as "hybrid

legal architecture" due to the multidimensional legal subject [2, p. 5]. CSR regulation covers related aspects of international economic relations, vertical and horizontal relations of business (e.g., with state authorities, subsidiaries; with business partners, competitors), internal corporate and labour relations. Thereby, CSR regulation is implemented on different levels, involving norms of different legal force:

- International regulatory instruments;
- National law, covering general (e.g., tort and contract law, labour law) and specific (e. g, sponsorship, impact assessment) regulation;
- Self-regulation (e.g., corporate codes of conduct, mission statements of companies).

The essential problem of any multi-level regulation is the necessity to delineate the competence of all kinds of norm makers for effective coverage of the lacunas.

The above regulatory structure demonstrates that the role of states in regulating CSR at international level is limited. These limits do not result from the lack of efforts of states to regulate the sphere, but from the very subject matter of regulation. From the one side, it is national sovereignty to regulate commercial activities within the state. From the other, it is freedom of entrepreneurship, which could be even considered as deriving from Article 6 of ICESCR establishing the right to decent work in any forms [3].

To date the international regulation of CSR have been developed by international organisations as the soft law, which appeals directly to the companies.

For example, the Ten Principles of the UN Global Compact address solely the companies' obligations in such areas as human rights, labour, environment and anti-corruption even without reference to the states' obligations. The companies' human rights obligations are construed by the model of the obligations to respect – the Principles do not apply to "a company's effort to support or promote human rights" [4, p. 3]. Obligations in other areas, regulated by the Principles, are construed based on "no harm" approach, focusing on prevention and elimination of violations.

The UN Guiding Principles on Business and Human Rights, adopted to elaborate in detail on human rights obligation from the Principles of the Global Compact, refers both to the state's obligation to protect and the companies' obligation to respect human rights [5]. The document generally acknowledges other types of state obligations, but does not mention any obligation of business to fulfill human rights.

The OECD Guidelines for Multinational Enterprises follow this approach, making general reference to state obligation to protect. Meanwhile, the Guidelines also prescribe in details the companies' obligations which are by nature closer

to fulfillment ones – regarding the labour rights (e.g. "provide facilities for the development of effective collective agreements"), environment protection (e.g., "establish and maintain a system of environmental management"), combating bribery and corruption [6]. The Guidelines also establish obligations, which have no corresponding hard law basis – such as consumer protection, promoting Science&Technology (S&T) advances, competition.

Hence, the role of states in regulation of CSR is concentrated within the scope of already established due diligence obligations in human rights and international environment law with no intention to create any new obligations for states regarding social responsibility of national and transnational companies. In the view of this role the states also determine their own regulatory competence within national legislation balancing intervention for protective purposes and business self-regulation. In practice states address specifically only the high-level CSR issues. Since the CSR concept is a proactive one and applies significantly wider than the prevention of negative effects and general compliance, we could conclude that to date CSR is primarily introduced by the companies itself. Meanwhile, the development of the CSR policy companies are guided by the applicable national law and soft law standards, which could be implemented to the internal corporate regulations and contractual clauses. As a result, international non-binding norms could be transformed to private law provisions obligatory to a certain company and its counterparties.

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Сущность принципов государственных закупок

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Постоянное развитие системы закупок дает нам основания полагать, что закупки являются одним из важнейших элементов социально-экономической системы страны. Поэтому формулировка принципов, как основы всего института государственных закупок, является крайне важным вопросом.

Принципы осуществления государственных закупок – это основополагающие правовые положения, идеи, правила, закрепленные в законодательстве, определяющие порядок и основные направления осуществления государственных закупок [1].

В Республике Беларусь основные цели и принципы в сфере государственных закупок закреплены в ст. 4 Закона о государственных закупках [2].

Рассмотрим принципы в порядке их значимости, по мнению автора:

1. Принцип обеспечения развития конкуренции позволяет обеспечить равные условия между потенциальными участниками закупок. Любой субъект хозяйствования может стать исполнителем. Данный принцип запрещает ограничивать число участников в процедурах закупок, в том числе и резидентов других стран-участниц Договора о Евразийском экономическом союзе [3].

2. Гласность и прозрачность при осуществлении государственных закупок обеспечивается путем размещения в единой информационной системе в глобальной компьютерной сети Интернет, информации о государственных закупках и актах законодательства о государственных закупках (http://gias.by).

3. Эффективное расходование бюджетных средств и (или средств) государственных внебюджетных фондов обеспечивается посредством проведения процедур государственных закупок исходя из наименьшей цены приобретения и сопоставления цены и иных показателей, которых требуется достичь.