

**TOSHKENT DAVLAT YURIDIK UNIVERSITETI HUZURIDAGI ILMIY
DARAJALAR BERUVCHI DSc.07/03.06.2023.Yu.22.04 RAQAMLI ILMIY
KENGASH**

TOSHKENT DAVLAT YURIDIK UNIVERSITETI

TOYIROV AZIZBEK TOLIBOVICH

**JAHON SAVDO TASHKILOTI (JST)NING SUBSIDİYALAR HAQIDAGI
QOIDALARINI HUQUQIY TARTIBGA SOLINISHI VA ULARNI
O‘ZBEKISTON QONUNCHILIGIDA TATBIQ ETILISHI**

12.00.10 – Xalqaro huquq

**yuridik fanlar bo‘yicha falsafa doktori (Doctor of Philosophy) dissertatsiyasi
AVTOREFERATI**

Tashkent – 2025

Falsafa doktori (PhD) dissertatsiyasi avtoreferati mundarijasi
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Оглавление автореферета диссертации доктор философии (PhD)

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Toshkent – 2025

Yuridik fanlar bo'yicha falsafa doktori (PhD) dissertatsiyasi mavzusi O'zbekiston Respublikasi Oliy ta'lim, fan va innovatsiyalar vazirligi huzuridagi Oliy attestatsiya komissiyasida B2023.4.PhD/Yu1260 raqami bilan ro'yxatga olingan.

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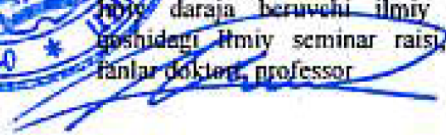
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Dissertatsiya mavzusining dolzarbligi va zarurati. Dunyod subsidiyalarni tartibga solish xalqaro savdo huquqining eng murakkab va bahsli sohalaridan biri bo'lib qolmoqda hamda hali-hanuz olimlar va siyosat yurituvchilarning oldida jiddiy muammolarni yuzaga keltirmoqda. Subsidiyalar va kompensatsiya choralariga oid Bitim (SKCH Bitimi)¹ doirasida nisbatan murakkab huquqiy asoslar ishlab chiqilgan bo'lishiga qaramay, mavjud normalar subsidiyalar sababli yuzaga keladigan bozordagi buzilishlarni yetarli darajada qamrab olmayapti. JST nizolarni hal qilish bo'yicha statistikasi bu holatni yaqqol ko'rsatadi: 141 ta ish subsidiyalar bilan bog'liq bo'lib, bu JSTda ko'rib chiqilgan barcha nizolarning qariyb 25 % tashkil etadi.² JSTning 2001-yilgi Doha vazirlar deklaratsiyasida aynan subsidiyalarni tartibga solishga oid mavjud huquqiy mexanizmlarni takomillashtirish zarurati, xususan rivojlanayotgan va eng kam rivojlangan davlatlarning manfaatlarini inobatga olish lozimligi alohida ta'kidlangan.³

Jahonda bugungi kunda global miqyosda subsidiyalarni tartibga solish an'anaviy yondashuvlardan tashqariga chiqayotgan yangi muammolarga duch kelmoqda. Bular qatoriga baliqchilik sohasidagi subsidiyalar,⁴ mintaqaviy iqtisodiy rivojlanishni qo'llab-quvvatlash, texnologik tadqiqotlar va innovatsiyalarni moliyalashtirish, ishlab chiqarishni diversifikatsiyalash hamda ekologik barqaror ishlab chiqarish usullarini joriy etish kiradi.⁵ Ko'plab JST a'zolari ushbu bo'shliqlarni ikki va ko'p tomonlama bitimlar orqali to'ldirishga urinmoqda va natijada ko'p tomonlama savdo tizimini to'ldiruvchi subsidiyalarni tartibga soluvchi murakkab huquqiy tarmoq vujudga kelmoqda.⁶ Doha raundi muzokaralarining to'xtab qolganligi hamda JST ichida keng qamrovli islohotlar bo'yicha siyosiy irodaning yetishmasligi global subsidiyalar tartibini samarali takomillashtirishni yanada murakkablashtirmoqda.

Yangi O'zbekistonda esa JSTga a'zo bo'lish iqtisodiy liberallashtirish va jahon savdo tizimiga integratsiyalashuv yo'lidagi muhim ustuvor yo'nalishlardan biridir. O'zbekistonning JSTga a'zolik jarayoni 1994-yilda boshlangan bo'lib, u JST tarixidagi eng uzoq davom etayotgan muzokaralar sirasiga kiradi. 2005–2016 yillar oralig'idagi 11 yillik tanaffusdan so'ng, Prezident Shavkat Mirziyoyev rahbarligida bu jarayon siyosiy darajada yangilangan islohotlar asosida qayta boshlangan.⁷ 2023-yil 11-sentabrdagi Prezident farmonida qabul qilingan "O'zbekiston – 2030" strategiyasida milliy qonunchilikni JST qoidalari va standartlariga muvofiqlashtirish 93-maqсад sifatida belgilangan. Shuningdek, Prezident 2023-yil sentabr oyida BMT Bosh Assambleyasining 78-sessiyasida to'liq a'zolikni

¹ Subsidiyalar va kompensatsiya choralariga oid Bitim, 15 Aprel, 1994, Jahon Savdo Tashkiloti shakllantirgan Marrokash Bitimi, 1A Ilova.

² JST nizolarni hal qilish statistikasi.

³ Doha Ministerlar Deklaratsiyasi. JST hujjati. WT/MIN(01)/DEC/1 (Nov. 20, 2001).

⁴ Jahon savdo tashkilotining Baliqchilik sohasidagi subsidiyalar to'g'risidagi Bitimi

⁵ https://www.wto.org/English/thewto_e/acc_e/a1_ouzbekestan_e.htm

⁶ Jamshid Normatov, Uzbekistan's Long Way to the World Trade Organization, L Europe en Formation October 2018, p.4. <https://www.researchgate.net/publication/329419462>

⁷ <https://lex.uz/ru/docs/-6600413>

O‘zbekistonning tashqi iqtisodiy siyosatining markaziy yo‘nalishi sifatida alohida ta’kidlagan.¹ Shu boisdan, JSTga a‘zo bo‘lish doirasida Yangi O‘zbekiston qonunchiligini, xususan SKCH Bitimi doirasidagi majburiyatlar bilan to‘liq uyg‘unlashtirish va a‘zolikdan keyingi subsidiyalarni tartibga solishdagi muammolarga tayyorgarlik ko‘rish zarurati tug‘ilmoqda.

Ushbu dissertatsiya tadqiqoti quyidagi O‘zbekiston Respublikasi Bojxona kodeksi, Soliq kodeksi, 2003-yil 11-dekabrda № 554-II-sonli “Muhofaza choralari, antidempin va kompensatsiya bojlari to‘g‘risida”gi Qonun, 2023-yil 3-iyuldagi № O‘RQ-850-sonli “Raqobat to‘g‘risida”gi Qonun, 2004-yil 26-avgustdagi № 662-II-sonli “Fermer xo‘jaligi to‘g‘risida”gi Qonun, shuningdek, quyidagi Prezident farmonlari: 2022-yil 28-yanvardagi № PF-60-sonli “2022–2026 yillarga mo‘ljallangan Yangi O‘zbekiston taraqqiyot strategiyasi to‘g‘risida”, 2023-yil 11-sentabrdagi № PF-158-sonli “O‘zbekiston – 2030 strategiyasi to‘g‘risida”, 2023-yil 2-iyundagi № PF-181-sonli “O‘zbekiston Respublikasining Jahon savdo tashkilotiga a‘zo bo‘lishini jadallashtirish bo‘yicha qo‘shimcha chora-tadbirlar to‘g‘risida”, 2024-yil 3-iyundagi № PF-85-sonli “Bozor islohotlarini jadallashtirish va O‘zbekiston Respublikasi milliy qonunchiligini JST bitimlariga muvofiqlashtirish bo‘yicha qo‘shimcha chora-tadbirlar to‘g‘risida”gi farmon hamda mavzuga tegishli boshqa me‘yoriy-huquqiy hujjatlarda belgilangan vazifalarni amalga oshirishga ma‘lum darajada xizmat qiladi.

Tadqiqotning respublika fan va texnologiyalarini rivojlantirishning ustuvor yo‘nalishlariga mosligi. Dissertatsiya tadqiqoti respublika fan va texnologiyalari rivojlanishining I. “Axborotlashgan jamiyat va demokratik davlatni ijtimoiy, huquqiy, iqtisodiy, madaniy, ma‘naviy-ma‘rifiy rivojlantirishda innovasion g‘oyalar tizimini shakllantirish va ularni amalga oshirish yo‘llari” ustuvor yo‘nalishiga muvofiq bajarilgan.

Muammoning o‘ganilganligik darajasi. JSTga oid turli sohalarda tadqiqot olib borgan olimlar qatoriga J. Normatov, D. Xurbonova, D. Ilina, K. Koziev, X. Islomxo‘jayev, A. Umirdinov, V. Turakulov, Z. Komilova, Sh. Shodixo‘jayev, U. Yoqubxo‘jayev, R. Azxo‘jayeva, S. Usmova, I. Pugach, Y. Yusupova, Z. Berdinazarov, Sh. Almosova, va D. Abdurasulova kiradi. Xususan, Sh. Almosova intellektual mulk huquqlarining huquqiy tartibga solinishi, R. Azxo‘jayeva JST doirasida xalqaro sog‘liqni saqlash standartlari bilan bog‘liq nazariy va amaliy masalalar, Z. Komilova JST doirasida innovatsion va integratsion jarayonlar, Sh. Shodixo‘jayev JSTda nizolarni hal etish mexanizmlari bo‘yicha tadqiqotlar olib borgan. J. Normatov O‘zbekistonning JSTga a‘zo bo‘lish jarayonidagi muammolarni tahlil qilgan, Z. Ubaydullayev, B. Toshev va A. Kamarov esa xalqaro savdo huquqining turli jihatlarini o‘rgangan.²

Shunga qaramay, JST doirasida “Erkin savdo bitimlari” kontekstida xalqaro huquqiy jihatdan subsidiya tartibga solinishi bo‘yicha to‘liq monografik tadqiqot hali amalga oshirilmagan.

Ushbu tadqiqot, shuningdek, Mustaqil Davlatlar Hamdo‘stligi (MDH) davlatlari olimlarining ilmiy ishlariga tayanadi. Xususan, D. Dvornikov, A. Azarov, Yu. Matveyev, N. Karpova, V. Shumilov va A. Tsepov Jahon savdo

¹ <https://president.uz/en/lists/view/6679>

² **Izoh 1.:** Mazkur olimlarning asarlari foydalanilgan adabiyotlar ro‘yxatida keltirilgan

tashkiloti doirasida ayrim huquqiy masalalarni tartibga solish bo'yicha tadqiqotlar olib borganlar.¹

Bundan tashqari, tadqiqot G'arb va Sharqning yetakchi olimlari tomonidan olib borilgan ilmiy ishlarga ham tayanadi. Ular qatoriga W. den Bosch, D. Prevost, D. Coppens, S. Austin, S. Lester, B. Mercurio, A. Davies, W. Zdouc, J. Crawford, M. Ortiz, C. Bellmann, J. Hepburn, J. Wouters, Y. Abe, S. Sekine, R. Adlung, S. Miroudot, R. Anderson, K. Bacon QC, S. Bigdeli, L. Borlini, M. Cremona, L. Hancher, G. Horlick, P. Clarke M. Trebilcock, J. Jackson va J. Lee² kiradi. Ushbu yetakchi olimlarning tadqiqotlari ushbu dissertatsiyaning ilmiy asoslarini shakllantirishga muhim hissa qo'shgan.

Dissertatsiya mavzusining dissertatsiya bajarilgan oliy ta'lim muassasasining ilmiy-tadqiqot ishlari rejalari bilan bog'liqligi. Dissertatsiya tadqiqoti Toshkent davlat yuridik universitetining ilmiy-tadqiqot ishlari rejasiga muvofiq hamda "Milliy qonunchilikni Jahon Savdo Tashkiloti qoidalari va normalari bilan uyg'unlashtirish muammolari" mavzusidagi loyiha natijalari doirasida bajarilgan.

Tadqiqotning maqsadi. Subsidiya va Kompensatsion Choralar Bitimi (SKCH Bitimi) hamda Erkin savdo bitimlari doirasida subsidiyalarni tartibga solish masalalariga e'tibor qaratish, O'zbekiston Respublikasi qonunchiligini SKCH Bitimi normalari bilan uyg'unlashtirish, shuningdek, subsidiyalarni tartibga solishning xalqaro va milliy mexanizmlarini takomillashtirish bo'yicha ilmiy asoslangan takliflar va tavsiyalar ishlab chiqishdan iboratdir.

Tadqiqot vazifalari:

JST doirasida subsidiya tartibga solinishining nazariy va ilmiy asoslarini o'rganish;

Erkin Savdo Kelishuvlari (ESK) doirasida savdo bilan bog'liq subsidiya tartibga solinishi jarayonini tahlil qilish;

JST huquqida subsidiya tartibga solishning huquqiy asoslarini o'rganish;

JST doirasida subsidiya tartibga solishning institutsional mexanizmlarini ko'rib chiqish;

JSTga a'zo davlatlar tomonidan subsidiya qoidalarining JST va ESK doirasida qanday amalga oshirilayotganini baholash;

Yevropa Ittifoqi, Rossiya, AQSh, Yaponiya va Qozog'iston kabi xorijiy yurisdiksiyalarda subsidiya tartibga solish bo'yicha huquqiy tajribani ESK kontekstida qiyosiy huquqiy tahlil qilish;

O'zbekiston qonunchiligining JST subsidiya qoidalariga mosligini baholash va milliy qonunchilikni JST kelishuvlariga muvofiqlashtirish bo'yicha tavsiyalar ishlab chiqish;

JST subsidiya qoidalarini tahlil qilish va ushbu sohada JST a'zolari zimmasiga yuklatilgan asosiy majburiyatlarni aniqlash;

O'zbekiston ichki huquqiy tartibotining JST subsidiya qoidalariga zid jihatlarini aniqlash;

Ushbu nomuvofiqliklarni bartaraf etish va JST huquqiga mos kelishini ta'minlash bo'yicha takliflar ishlab chiqish.

¹ **Izoh 2.:** Mazkur olimlarning asarlari foydalanilgan adabiyotlar ro'yxatida keltirilgan

² **Izoh 3.:** Mazkur olimlarning asarlari foydalanilgan adabiyotlar ro'yxatida keltirilgan

Tadqiqotning obykti sifatida Jahon Savdo Tashkiloti (JST) doirasida subsidiyalarni tartibga solish bilan bog'liq xalqaro-huquqiy munosabatlar tizimi olingan.

Tadqiqotning predmeti esa JST bitimlari asosida subsidiyalarni tartibga solish tizimi, Erkin savdo bitimlari doirasida subsidiyalarni huquqiy boshqarishning shakllanib borayotgan mexanizmlari, ularni amaliy qo'llash holatlari, xorijiy davlatlar qonunchiligidagi solishtirma huquqiy yondashuvlar, shuningdek, O'zbekiston milliy qonunchiligini JST subsidiyalar to'g'risidagi normalari bilan uyg'unlashtirishda yuzaga keladigan muammolarni o'rganishni qamrab oladi.

Tadqiqot usullari. Mazkur dissertatsiyada ilmiy bilishning quyidagi usullaridan keng foydalanilgan: sohadagi hodisalarni o'rganish, tizimli tahlil, mantiqiy tahlil, umumlashtirish, deduksiya, qiyosiy huquqshunoslik hamda statistik ma'lumotlarni tahlil qilish usullari.

Tadqiqotning ilmiy yangiliklari quyidagilardan iborat:

O'zbekiston Respublikasining "Muhofaza choralari, antidemping va kompensatsiya bojlari to'g'risida"gi Qonunini xalqaro savdo standartlariga, xususan, Jahon savdo tashkilotining Subsidiyalar va kompensatsiya choralari to'g'risidagi Bitimida belgilangan "aniq yo'naltirilganlik mezonlari"ga muvofiqlashtirish zarurati asoslab berilgan. Bunday holatlarga subsidiyalarning ayrim korxonalar, tarmoqlar yoki guruhlar foydasiga bevosita ajratilishi, yoki eksport samaradorligi yoki import o'rniga mahalliy mahsulotlardan foydalanish sharti bilan berilishi lozimligi asoslantirilgan;

asosiy tushunchalarga – "kompensatsiya chorasi", "kompensatsiya boji", "zarar", "rivojlangan davlat", "eksportchi", "importchi" va "uchunchi tomon" kabi atamalarga aniq huquqiy ta'riflar berilgan holda, yangi "Kompensatsiya choralari to'g'risida" maxsus qonunni qabul qilish zarurati asoslab berilgan;

zararni aniqlash bo'yicha umumiy huquqiy prinsiplarni tizimlashtirish, "moddiy zarar tahdidi" kabi innovatsion yondashuv va unga tegishli sabab-oqibat bog'liqligini aniqlash mexanizmlari konseptual jihatdan ishlab chiqilish zarurati asoslantirilgan;

import qilingan texnologik uskunalarni ikki yil ichida maqsadli xarid qilish sharti bilan foyda keltiruvchi imtiyozlarni olishga imkon beruvchi yangi shartli imtiyoz mexanizmi nazariy jihatdan ishlab chiqilib, huquqiy zarurati asoslantirilgan.

Tadqiqotning amaliy natijalari quyidagilardan iborat:

tadqiqotda O'zbekiston Respublikasining milliy qonunchiligini Jahon savdo tashkilotining Subsidiyalar va kompensatsiya choralari to'g'risidagi Bitimi hamda zamonaviy Erkin savdo bitimlari talablariga muvofiqlashtirish uchun zarur bo'lgan batafsil huquqiy va me'yoriy asos ishlab chiqilgan;

"Muhofaza choralari, antidumping va kompensatsiya bojlari to'g'risida"gi Qonunni xalqaro savdo normalariga, xususan, subsidiya "ayrim korxonalar, tarmoqlar yoki guruhlariga aniq ajratilgan" yoki "eksport samaradorligi yoki mahalliy mahsulotlardan foydalanish sharti bilan berilgan" holatlariga oid SKCH Bitimidagi aniq mezonlarga muvofiqlashtirish zarurati asoslab berilgan;

JST me'yorlariga ko'ra amal qiluvchi subsidiya chegarasi – ya'ni, 1 foizdan yuqori bo'lgan kompensatsiya boji – tushuntirib berilgan va milliy qonunchilikda ushbu mezonga muvofiq yondashuv ishlab chiqilgan;

O'zbekiston qonunchiligida vaqtinchalik bojlar joriy etish bo'yicha aniq muddat va mezonlarning mavjud emasligi JST SKCH Bitimining 17.1-moddasiga zid ekanligi aniqlangan. Shu asosda, vaqtinchalik choralarning muddati maksimal to'rt oy bilan cheklanishi, faqat istisno holatlarda uzaytirilishi va subsidiya mavjudligi hamda zarar yetkazilgani to'g'risidagi asoslangan dastlabki dalillar bilan mustahkamlanishi lozimligi asoslab berilgan;

Erkin iqtisodiy zonalar (EIZ) tajribasi tahlili orqali, bojxona imtiyozlari bilan bog'liq maxsus zonalarda berilayotgan rag'batlar eksport samaradorligiga yoki savdoga to'sqinlik qiluvchi shartlarga bog'liq bo'lmasligi kerakligi asoslantirilgan va bu orqali JST qoidalariga zid bo'lgan normalarning oldi olinishi mumkinligi asoslab berilgan;

subsidiyalar dasturlarini nazorat qilish va ularning JST standartlariga muvofiqligini ta'minlash bo'yicha vakolatli, maxsus monitoring organini tashkil etish zarurligi asoslab berilgan. Ushbu organ muntazam auditlar o'tkazishi, subsidiyalarning yo'naltirilganligi va savdoga ta'sirini baholashi, shuningdek, shaffoflikni ta'minlovchi ochiq hisobotlarni e'lon qilishi lozimligi asoslantirilgan;

O'zbekistonning savdo siyosatida "zarar" mezonini qayta ko'rib chiqish zarurligi asoslab berilgan. Xususan, "jiddiy zarar" atamasi o'rniga JSTda qabul qilingan "moddiy (asosli) zarar" tushunchasini joriy etish, hamda zarar mezonlarini JST standartlariga muvofiq milliy siyosatga integratsiya qilish taklif etilgan. Bu esa savdo nizolarida zarar darajasini ilmiy asosda baholash metodologiyasi uchun zamin yaratishi asoslantirilgan.

Tadqiqot natijalarining ishonchliligi. Tadqiqot natijalarining ishonchliligi nufuzli manbalardan olingan nazariy ma'lumotlardan foydalanish orqali ta'minlanadi. Jumladan, xalqaro huquq normalari, milliy qonunchilik, huquqni qo'llash amaliyoti, statistik ma'lumotlar hamda sud pretsedenti asosida tahlillar olib borilgan. Ushbu materiallar rasmiy manbalardan olinib, xorijiy tajriba va milliy hamda xalqaro ilmiy jurnallarda chop etilgan maqolalar bilan boyitilgan. Ishlab chiqilgan taklif va tavsiyalar tegishli vakolatli organlar tomonidan ma'qullangan va tasdiqlangan bo'lib, ularning amaliy ahamiyatga egaligini ko'rsatadi.

Tadqiqot natijalarining ilmiy va amaliy ahamiyati. Tadqiqotning ilmiy ahamiyati dissertatsiyada ko'tarilgan masalalarning dolzarbligi hamda unda bayon etilgan xulosalar va takliflarning mustahkam ilmiy asosga ega ekanligida namoyon bo'ladi. Ushbu tadqiqot natijalari ilmiy va tadqiqot faoliyatiga o'z hissasini qo'shib, "JST huquqi", "JST doirasida nizolarni hal etish", "Xalqaro huquq" va "Xalqaro tashkilotlar huquqi" kabi fanlarning nazariy bazasini boyitadi. Tadqiqot natijalari o'quv jarayonida – ma'ruzalar, amaliy mashg'ulotlar hamda o'quv-metodik materiallarni tayyorlashda qo'llanilishi mumkin.

Tadqiqot natijalarining amaliy ahamiyati esa qonunchilik jarayonlarida qo'llanilish imkoniyati bilan bog'liq bo'lib, normativ-huquqiy hujjatlar loyihalarini ishlab chiqish va ularga o'zgartirishlar kiritishda foydalanish mumkin. Bundan tashqari, tadqiqot natijalari savdoga ta'sir qiluvchi subsidiyalarni amalga oshirish

va ularni nazorat qilish tizimini takomillashtirish orqali huquqni qo'llash amaliyotini rivojlantirishga xizmat qiladi.

Tadqiqot natijalarining joriy qilinishi. Tadqiqot natijalaridan quyidagilarda foydalanilgan:

O'zbekiston Respublikasi Investitsiyalar, sanoat va savdo vazirligi tomonidan ishlab chiqilinayotgan yangi O'zbekiston Respublikasining "Kompensatsiya choraari to'g'risida"gi qonunda foydalanildi. Jumladan, mazkur qonunning 3 – moddasida keltirilgan "kompensatsiya chorasi", "kompensatsiya boji", "zarar", "rivojlangan davlat", "eksport qiluvchi", "import qiluvchi" "manfaatdor tomon" atamalarini shakllantirishda foydalanilgan (O'zbekiston Respublikasi Investitsiyalar, sanoat va savdo vazirligining 2025 yil 10 fevraldagi 03-81-00161 sonli dalolatnomasi). Mazkur taklif xalqaro savdo huquqi standartari bilan uyg'unlikni ta'minlashda, milliy qonunchilikda huquqiy aniqlikni oshirish hamda savdoni himoya qilish choralari qo'llash uchun aniq huquqiy asos yaratishga, kelajakda subsidiyalar bilan bog'liq vaziyat vujudga kelganda, jarayonni to'g'ri sharhlashga va baholashga xizmat qiladi;

dissertatsiyada "kompensatsiya chorasi", "zarar" va "de minimis" kabi asosiy huquqiy tushunchalarni chuqur va keng qamrovli tarzda qayta ta'riflash zaruriyati ilgari surilib, bu borada berilgan takliflar III bobdagi asosiy qoidalarni shakllantirishda foydalanildi, shular jumlasidan, 9-moddaning keltirilgan "zararni aniqlashning umumiy prinsiplari", 12-moddaning "moddiy zarar yetkazish xavfi" va 13-moddaning "sababiy bog'liqlik" qoidalarini ishlab chiqishda foydalanilgan (O'zbekiston Respublikasi Investitsiyalar, sanoat va savdo vazirligining 2025 yil 10 fevraldagi 03-81-00161 sonli dalolatnomasi). Mazkur takliflar savdo buzilishlariga qarshi kurashishda huquqiy bazaning samaradorligini oshirish bilan birga, Subsidiyalar va kompensatsiya choralari o'ldirishga oid JST majburiyatlariga to'liq rioya etilishini ta'minlashga, ichki sanoat tarmoqlarini samarali himoya qilishga, halol raqobatni rag'batlantirishga va xalqaro savdo huquqi prinsiplariga amal qilish borasida yanada kuchliroq asos bo'lishga xizmat qiladi;

O'zbekistonning savdo siyosatida zarar standartini qayta belgilash ehtiyoji, xususan, "jiddiy zarar" atamasini "muhim (asosli) zarar" tushunchasiga almashtirish hamda JST tomonidan belgilangan zarar mezonlarini milliy siyosatga integratsiya qilish orqali savdo nizolarida zarar darajasini aniqlashga oid takliflardan O'zbekiston Respublikasi Prezidentining 2022-yil 30-sentabrdagi "Tadbirkorlik subyektlarining eksport salohiyatini yanada kengaytirish chora-tadbirlari to'g'risidagi" PF 228-son Farmonini ishlab chiqishda foydalanilgan (O'zbekiston Respublikasi Investitsiyalar, sanoat va savdo vazirligining 2025 yil 10 fevraldagi 03-81-00161 sonli dalolatnomasi). Mazkur taklif huquqiy aniqlikni mustahkamlash, eksport qiluvchilar zimmasidagi ortiqcha moliyaviy yukni kamaytirish hamda tashqi savdo operatsiyalarida yanada katta moslashuvchanlikni ta'minlashga, milliy savdo tartibga solinishini xalqaro ilg'or amaliyotlar bilan uyg'unlashtirishga va shu orqali O'zbekiston biznes subyektlari uchun raqobatbardosh va barqaror eksport muhitini shakllantirishni xizmat qiladi;

O'zbekiston Respublikasi Prezidentining 2018-yil 4-dekabrdagi "Respublikada pillachilik tarmog'ini jadal rivojlantirishni qo'llab-quvvatlash doir qo'shimcha chora-tadbirlar to'g'risida"gi PQ 4047-son qarori 8-bandi ikkinchi xatboshisi "Belgilab qo'yilsinki, mazkur bandda nazarda tutilgan imtiyoz, imtiyozni qo'llash natijasida bo'shaydigan mablag'larni texnologik uskuna olib kirilgan kundan boshlab dastlabki, 2

yil ichida chiqarishni kengaytirish maqsadida texnologik uskunalarni sotib olish uchun maqsadli tarzda yo'naltirish sharti bilan qo'llaniladi" degan ikkinchi xatboshisi bilan to'ldirishda foydalanilgan (O'zbekiston Respublikasi Investitsiyalar, sanoat va savdo vazirligining 2025-yil 10-fevraldagi 03-81-00161 sonli dalolatnomasi). Mazkur taklif davlat tomonidan beriladigan imtiyozlarni JSTning SKCH Bitimi talablari bilan mos ravishda tartibga solishni, xususan ruxsat etilgan subsidiyalarni savdoni buzuvchi yoki JST qoidalari bo'yicha chora ko'rilishi mumkin bo'lgan subsidiyalardan farqlashga xizmat qiladi;

O'zbekiston Respublikasi Prezidentining 2024-yil 21-iyundagi PQ – 126 sonli "Tashqi savdo va hududiy sanoatni rivojlantirishda tadbirkorlar birlashmalarining rolini yanada oshirish chora-tadbirlari to'g'risida"gi qarorining 1 bandi va 5 – bandining 4-xat boshi shakllantirilishida foydalanilgan (O'zbekiston Adliya vazirligining 2025-yil 25-iyundagi 8-0009-02 sonli dalolatnomasi). Eksportni rag'batlantirish agentligi hamda Eksportni qo'llab-quvvatlash jamg'armasi negizida Davlat aktivlarini boshqarish agentligi muassasligida "Savdoni rivojlantirish kompaniyasi" aksiyadorlik jamiyatini tashkil etish va uning ustav kapitalidagi davlat ulushini boshqarish funksiyasini ishonchnoma asosida Savdo-sanoat palatasiga berish juda ham muhim hisoblanadi. Ushbu o'zgartirish, Subsidiyalar va Kompensatsiya bojlati to'g'risidagi bitimning 10 va 12 moddalari talablariga, ya'ni shaffoflik va xavsizlik talablari ta'minlashga moslashtirishga xizmat qiladi.

Tadqiqot natijalari aprotatsiyasi. Tadqiqot natijalari 5 ta ilmiy-amaliy konferensiyada – 3 ta xalqaro, 2 ta milliy miqyosdagi anjumanlarda taqdim etilgan va muhokama qilingan.

Tadqiqot natijalarining e'lon qilinganligi. Mazkur dissertatsiya mavzusi bo'yicha jami 11 ta ilmiy ish, jumladan, 5 ta ilmiy maqola (shundan 3 tasi xalqaro nashrlarda) chop etilgan.

Dissertatsiyaning tuzilishi va hajmi. Dissertatsiya kirish, uchta bob, xulosa, foydalanilgan adabiyotlar ro'yxati va ilovalardan iborat bo'lib, umumiy hajmi 152 betni tashkil etadi (adabiyotlar ro'yxatisiz).

DISSERTATSIYANING ASOSIY MAZMUNI

Dissertatsiyaning **kirish** qismida tadqiqot mavzusining dolzarbligi va zarurati, tadqiqotning respublika fan va texnologiyalari rivojlanishining asosiy ustuvor yo'nalishlariga muvofiqligi, tadqiq etilayotgan muammoning o'rganilganlik darajasi, dissertatsiya mavzusining dissertatsiya bajarilayotgan oliy ta'lim muassasasining ilmiy-tadqiqot ishlari bilan mosligi, tadqiqotning maqsad va vazifalari, obyekt va predmeti, usullari, tadqiqotning ilmiy yangiligi va amaliy natijasi, tadqiqot natijalarining ishonchliligi, tadqiqot natijalarining ilmiy va amaliy ahamiyati, ularning joriy qilinganligi, tadqiqot natijalarining aprotatsiyasi, natijalarning e'lon qilinganligi, dissertatsiyaning hajmi va tuzilishi haqida ma'lumotlar bayon qilinadi.

Dissertatsiyaning **birinchi bobi** — "Subsidiyalarni tartibga solishning konseptual asoslari va JST tizimidagi huquqiy tuzilmalar" deb nomlanib, xalqaro savdo huquqi doirasida subsidiyalarning nazariy va huquqiy asoslarini o'rganadi. Bu bobda subsidiyalarning tarixiy taraqqiyoti, ya'ni Tariflar va savdo bo'yicha bosh bitim (GATT) davridan JST subsidiyalar va kompensatsiya choralari

bo'yicha bitimining (SCM bitimi) shakllanishigacha bo'lgan bosqichlar yoritiladi. Unda subsidiyalar JST huquqi doirasida qanday tasniflanishi va tartibga solinishi hamda xalqaro savdo munosabatlariga qanday ta'sir ko'rsatishi yoritib beriladi.

Muallif subsidiyalarni tartibga soluvchi JST doirasidagi normalarni bir necha bosqichlarga bo'lgan holda o'rganga. Dastlab GATT 1947 doirasida asosiy e'tibor tariflarni liberallashtirishga qaratilgan. Subsidiyalar esa mumkin bo'lgan savdoni buzuvchi vosita sifatida tan olingan bo'lsa-da, unga oid huquqiy normalar – xususan, VI va XVI moddalari – yetarli darajada aniq bo'lmagan, aniq ta'riflar va protsessual kafolatlardan mahrum bo'lgan. Bu moddalarda zararli subsidiyalarni bartaraf etish uchun kompensatsion bojlarni qo'llash imkoniyati nazarda tutilgan bo'lsa-da, “subsidiyaning” aniq ta'rifi berilmagan va to'liq protsessual mexanizmlar ishlab chiqilmagan edi. GATT muzokaralari davomida tarif to'siqlari kamaygan sari, subsidiyalar proteksionizmning muqobil va shaffofligi past vositasi sifatida ko'zga tashlana boshladi. Ko'ptomonlama mexanizmlarning samarali emasligi ijrodagi qiyinchiliklar va huquqiy noaniqliklarga olib keldi. Ayniqsa, uchinchi mamlakatlar bozorlaridagi raqobatga ta'sir qiluvchi subsidiyalar GATT tizimida bevosita tartibga olinmaganligi katta muammo bo'ldi.

1973-1979-yillardagi Tokio raundida bu kamchiliklarni bartaraf etish maqsadida Subsidiyalar kodeksi – ya'ni GATTning VI, XVI va XXIII moddalari talqiniga oid bitim – qabul qilindi. Bu muhim qadam bo'lishiga qaramay, kodeksning plurilateral xususiyati va cheklangan a'zolik doirasi uning normativ kuchini pasaytirdi. 1985-yilda e'lon qilingan *Leutwiler* hisobotida subsidiyalar savdoga eng katta buzuvchi ta'sir ko'rsatadigan omillardan biri sifatida ko'rsatilib, bu sohaga oid yagona, majburiy huquqiy mexanizmga ehtiyoj keskinligini tasdiqladi.

Mazkur harakatlar 1986-yilda boshlangan Urugvay raundida o'zining mantiqiy davomiga yetdi. GATTga a'zo davlatlar subsidiyalarni cheklovsiz qo'llash iqtisodiy jihatdan og'ir yuk va uzoq muddatda strategik jihatdan samarasiz ekanligini tan olib, yagona huquqiy asosga kelishdi. Muzokaralar natijasida Subsidiyalar va kompensatsiya choralari bo'yicha bitim (SKCH bitimi) ishlab chiqildi – bu JST tizimida subsidiyalarni tartibga solish va kompensatsiya choralarni qo'llashga oid asosiy multilateral hujjat hisoblanadi.

SKCH bitimi “subsidiyaning” huquqiy ta'rifini aniq belgilaydi va subsidiya qanday holatlarda xos va maqsadli bo'lishi, uni taqiqlash yoki ruxsat berish mezonlari, shuningdek, kompensatsiya choralarni qo'llash tartibini belgilaydi. Ushbu bitim, JST huquqiy tizimida ilk bor yagona va to'liq subsidiyalar ta'rifini bergan hujjat bo'ldi.

SKCH bitimining 1.1(a)(1)-moddasida moliyaviy ko'mak shakllarining to'liq ro'yxati keltirilgan bo'lib, ular quyidagilarni o'z ichiga oladi: (a) to'g'ridan-to'g'ri yoki potentsial mablag'lar yoki majburiyatlar transferi (masalan, grantlar, kreditlar, kredit kafolatlari); (b) davlat daromadlaridan voz kechish (masalan, soliq imtiyozlari); (c) tovar va xizmatlarni taqdim etish yoki sotib olish (umumiy infratuzilma bundan mustasno); (d) davlat tomonidan moliyalashtirish mexanizmlariga to'lovlar amalga oshirilishi; hamda (e) davlat tomonidan xususiy subyektga subsidiya berish vazifasi yuklatilishi yoki ko'rsatmalar berilishi.

Dissertatsiyaning ikkinchi bob “Jahon Savdo Tashkiloti doirasidan tashqaridagi subsidiya tartibga solinishi: Erkin Savdo Bitimlaridagi (ESB)

JST+ qoidalar” deb nomlanib, subsidiya bilan bog‘liq murakkabliklarni to‘liq hal etishda JST qoidalarining chegaralanganligini ko‘rsatadi. Shu sababli, ko‘plab davlatlar subsidiya tartibotini kuchaytirish maqsadida Erkin Savdo Bitimlari (ESB) orqali yanada qat‘iyroq qoidalarni joriy etishni afzal bilgan. Ushbu bobda ESBlar doirasidagi JST qoidalarining subsidiya tartibga solinishidagi roli va ularning global miqyosdagi ta‘siri tahlil qilinadi.

Jahon savdo huquqi sohasidagi yetakchi olimlar – *Jon H. Jekson*¹ va *Luka Rubini*² kabi mutaxassislar ta‘kidlaganidek, subsidiya masalasining “murakkabligi” faqat iqtisodiy ta‘sirining ko‘p qirrali xususiyatida emas, balki amaldagi ko‘p tomonlama tizimda ularning ta‘rifi, qamrovi va tartibga solinishi borasida aniq yuridik me‘yorlarning yo‘qligida namoyon bo‘ladi. *Rubinining* fikriga ko‘ra subsidiya iqtisodiy rivojlanish uchun zarur siyosiy vosita bo‘lib xizmat qiladi, biroq xalqaro savdo huquqi bu vositalar ichida raqobatni buzuvchi subsidiya bilan foydali subsidiya o‘rtasini farqlovchi aniq va normativ asosni ishlab chiqa olmagan. SKCH bitimi subsidiya ustidan nazorat o‘rnatish bo‘yicha poydevor yaratgan bo‘lsa-da, *Rubinining* fikricha, u nazarda tutgan mexanizmlar – xususan, shaffoflik, xabarnoma berish va nizolarni hal etish jarayonlari – bugungi dolzarb muammolarni hal qilish uchun yetarli darajada samarali emas. Xuddi shuningdek, *Bagvell* va *Stayerlar*³ ham subsidiya tartibotlari hukumatlar zimmasiga boj stavkalariga nisbatan haddan tashqari yuk bo‘lishi mumkinligini, bu esa milliy siyosiy manevr qilish imkoniyatlarini cheklab, ko‘p tomonlama tizimning izchilligiga putur yetkazishini ta‘kidlagan.

So‘nggi yillarda Doha raundining to‘xtab qolishi va JST Apellyatsiya organining muzlatib qo‘yilishi ko‘p tomonlama savdo tizimiga bo‘lgan ishonchni pasaytirib, ESB va MSB (Mintaqaviy savdo bitimlari) sonining tez ortishiga olib keldi. Ushbu hujjatlar global subsidiya tartibotini isloh qilish va to‘ldirish vositasi sifatida tobora keng qo‘llanmoqda. Masalan, AQSH-Meksika-Kanada Bitimi (USMCA) va Keng qamrovli va ilg‘or Trans-Tinch okeani hamkorlik Bitimi (CPTPP) JST me‘yorlaridan ustunroq subsidiya tartibotini o‘z ichiga olgan bo‘lib, xususan, davlatga tegishli korxonalar (SOE), sektorlar bo‘yicha maxsus subsidiyalar va kengaytirilgan xabarnoma majburiyatlariga alohida e‘tibor qaratilgan.

Preferensial savdo bitimlari (PSB) va JST qoidalari o‘rtasidagi yuridik munosabatlar bo‘yicha bo‘limda xalqaro savdo tizimi doirasidagi subsidiya bilan bog‘liq nizolar ikki asosiy huquqiy asosda hal etilishini ta‘kidlaydi: JST va ESBlar. Har ikkisi nizolarni hal qilish, yuridik majburiyatlarni bajarilishini ta‘minlash hamda buzilishlar uchun chora ko‘rish bo‘yicha o‘zining alohida mexanizmlariga, protsessual xususiyatlariga va yurisdiksiyon tafovutlariga ega. JSTning Nizolarni hal qilish to‘g‘risidagi kelishuvining (DSU) 23-moddasiga muvofiq, a‘zo davlatlar faqat JST doirasidagi nizolarni hal qilish mexanizmidan foydalanish majburiyatiga

¹ John H. Jackson, “The World Trading System”, 2nd edition, Law and Policy of International Economic Relations, 2007.

² Luca Rubini, “WTO Discipline on Subsidies and Countervailing measures: Balancing Policy Space and Legal Constraints by Dominic Coppens Cambridge”, Cambridge University Press, 2014.

³ Kyle Bagwell & Robert W. Staiger, “Will International Rules on Subsidies Disrupt the World Trading System?”, 96 Am. Econ. Rev. pp. 877, 877–79 (2006).

ega. Bu, jumladan, SKCH Bitimi bo'yicha subsidiya nizolarini ko'rib chiqishda JSTga eksklyuziv yurisdiksiyani beradi.

SKCH Bitimi subsidiyalarni ikki toifaga ajratadi: taqiqlangan subsidiyalar (masalan, eksport subsidiyalari va mahalliy tarkibga asoslangan subsidiyalar) va salbiy savdo oqibatlarini keltirib chiqaradigan chora ko'riladigan subsidiyalar. Bitimning 4- va 7-moddalari ushbu ikki toifa uchun maxsus protsessual mexanizmlarni belgilab beradi hamda ijro samaradorligini oshirish uchun tezlashtirilgan muddatlarni nazarda tutadi.

ESBlar ko'pincha mustaqil nizolarni hal etish mexanizmlarini o'rnatadi, ularning yurisdiksiyasi JST bilan hamohang yoki raqobatdosh bo'lishi mumkin. Bunday bitimlarda odatda yurisdiksiyon bandler mavjud bo'ladi – masalan, *“fork-in-the-road”* (yo'l ajralishidagi tanlov), *“anti-concurrent”* (parallel yuritishni oldini oluvchi), *“JST-birinchi”* va *“ESB-birinchi”* bandleri – ular parallel sudlashish va forum tanlash amaliyotining oldini olishga xizmat qiladi.

Dissertatsiyaning “O‘zbekiston qonunchiligida JST subsidiyalar qoidalarining amalga oshirilishi: boshqa yurisdiksiyalardagi Erkin Savdo Bitimlari (ESB) tajribasining qiyosiy tahlili” deb nomlangan uchinchi bobida quyidagilar yoritilgan: Subsidiyalar va kompensatsion chora-tadbirlar to'g'risidagi Bitim (SKCH Bitimi) Jahon Savdo Tashkiloti (JST)ning huquqiy tuzilmasining asosiy poydevorlaridan biri bo'lib, a'zo davlatlar tomonidan subsidiyalar taqdim etilishi va tartibga solinishi bo'yicha majburiy qoidalarni belgilaydi. JSTning umumiy tizimiga mansub bo'lgan ushbu Bitim davlat moliyaviy aralashuvlarining xalqaro savdoga zarar yetkazmasligi yoki adolatsiz raqobat ustunliklari keltirib chiqarmasligini ta'minlashga xizmat qiladi.

Ushbu majburiyatlarning huquqiy kuchi JSTni tashkil etuvchi Marrakesh Bitimining XVI:4-moddasiga asoslanadi, u har bir a'zodan o'z milliy qonunlari, normativ hujjatlari va ma'muriy tartibotlarini JST bitimlariga, jumladan, SKCH Bitimiga muvofiqlashtirishni talab qiladi. Bu majburiyat 1969-yilgi Shartnomalar huquqi to'g'risidagi Vena konvensiyasining 26 va 27-moddalari bilan yanada mustahkamlanadi, ularning asosida *“pacta sunt servanda”* prinsipi e'tirof etilgan va ichki huquq shartnoma majburiyatlarini bajarmaslik uchun asos sifatida ko'rsatilishi mumkin emasligi qat'iy belgilangan.

SKCH Bitimi to'rt asosiy ustunga tayanuvchi aniq va ijro etilishi mumkin bo'lgan tizimni taklif etadi: (i) subsidiyalarni tasniflash; (ii) muayyan subsidiyalarni taqiqlash; (iii) shaffoflik va xabardor qilish majburiyatlari; va (iv) salbiy ta'sirlar uchun kompensatsiya mexanizmlari. 1-modda asosida subsidiyaga hukumat yoki davlat organining foyda keltiruvchi moliyaviy yordami sifatida ta'rif berilgan.

2-modda esa Bitim doirasini faqat muayyan subsidiyalar – ma'lum korxonalar, sanoat tarmoqlari yoki geografik hududlarga yo'naltirilgan subsidiyalar bilan cheklaydi. Bu esa tartibga solish e'tiborini raqobatga eng katta ta'sir ko'rsatadigan choralari sari yo'naltirishni ta'minlaydi. Bunday yondashuv JST tomonidan tartibga solinadigan subsidiyalarni umumiy davlat xarajatlaridan farqlash imkonini beradi va bozorni buzuvchi siyosatlarni aniqlashga yordam beradi.

O'zbekiston kabi JSTga a'zo bo'lishi kutilayotgan davlatlar uchun SKCH Bitimi ostidagi majburiyatlar ikki tomonlama ahamiyatga ega. Marrakesh Bitimining XII-moddasiga ko'ra, JSTga a'zolik ushbu tashkilotning barcha

huquqiy normalarini, jumladan SKCH Bitimini qabul qilishni va uning normalariga milliy qonunchilik uyg'unlashtirishni talab qiladi. Bu esa mavjud qonunchilikni tahlil qilish va unga o'zgartirishlar kiritish, ma'muriy amaliyotlarni muvofiqlashtirish va JST subsidiyalar qoidalariga mos ravishda institutsional islohotlar o'tkazishni talab etadi. Bundan tashqari, a'zolik JST nizolarni hal etish tizimida to'liq ishtirok etishni, shu jumladan, milliy subsidiyalar dasturlarining qonuniyligi bo'yicha chiqadigan qarorlarni bajarishni ham o'z ichiga oladi.

A'zolik kelajak sari qaratilgan majburiyatlarni ham yuklaydi: O'zbekiston nafaqat mavjud subsidiyalar tizimini isloh qilishi, balki doimiy muvofiqlikni ta'minlashga xizmat qiladigan ichki mexanizmlarni – masalan, ochiq hisobotlar, o'z vaqtida xabardor qilish va subsidiyalar siyosatining oldindan baholanishi tizimini – joriy qilishi kerak bo'ladi. Ayniqsa 25-moddada ko'zda tutilgan SKCH Bitimining shaffoflik normalari JST a'zolaridan barcha muayyan subsidiyalar bo'yicha batafsil xabarnomalar taqdim etishni talab qiladi. Bu esa xalqaro kuzatuv tizimini mustahkamlash va tengdoshlar tomonidan monitoring o'rnatilishini ta'minlaydi.

Shu ma'noda, O'zbekistonning SKCH Bitimi bo'yicha majburiyatlari faqat shakliy muvofiqlik bilan cheklanmaydi. Ular davlatning iqtisodiyotga aralashuvi doirasida shaffoflik, adolat va kamsitmaslik tamoyillariga asoslangan huquqiy va institutsional madaniyatni shakllantirishni o'z ichiga oladi. Ushbu majburiyatlarning muvaffaqiyatli amalga oshirilishi O'zbekistonning bo'lajak JST a'zosi sifatidagi ishonchliligini oshirish va xalqaro savdoning qoidaga asoslangan tizimi doirasida barqaror bozorlarga kirish imkoniyatlarini ta'minlash uchun muhim ahamiyatga ega.

XULOSA

Ushbu tadqiqot JST va ESBlarda subsidiyalarni tartibga solishning xalqaro-huquqiy asoslarini tahlil qilib, O'zbekiston qonunchiligini JST subsidiyalar qoidalariga moslashtirish bo'yicha nazariy va amaliy tavsiyalar ishlab chiqdi.

I. Ilmiy-nazariy xulosalar:

1.1. Jahon Savdo Tashkiloti (JST) doirasida subsidiyalarni tartibga solish yondashuvi bosqichma-bosqich rivojlanib kelgan. Dastlabki huquqiy asoslar sifatida GATTning VI va XVI moddalarida faqat umumiy yo'riqnomalar berilgan edi. Ushbu qoidalarning cheklanganligi tariflarning keskin qisqartirilishi natijasida subsidiyalar muhim ahamiyat kasb eta boshlaganidan so'ng yanada yaqqol namoyon bo'ldi. Vaqt o'tishi bilan yanada mustahkam va keng qamrovli tartibga solish tizimiga ehtiyoj oshib bordi, natijada Urugvay raundida Subsidiyalar va Muvofiqlashtiruvchi Choralar to'g'risidagi Bitim (SKCH Bitimi) qabul qilindi. Ushbu bitim muayyan bo'shliqlarni to'ldirib, subsidiyalarni tasniflash, intizomiy tartib va muvofiqlashtiruvchi choralar qo'llash borasida xalqaro huquqiy normalarga asos bo'lib xizmat qildi.

1.2. SKCH Bitimining "subsidiyalar" tushunchasiga bergan ta'rifi muhim taraqqiyot hisoblanadi. Bitim subsidiyalarni "hukumat tomonidan moliyaviy ko'mak" va "foyda taqdim etilishi" asosida tasniflaydi. Bu konsepsiya iqtisodiy nazariyaga asoslanadi, chunki subsidiyalar tariflardan farqli o'laroq, ularning

tuzilishi va qo'llanilishiga qarab, halol savdoni qo'llab-quvvatlashi yoki buzishi mumkin. Ushbu ikki tomonlama yondashuv JSTga davlat tomonidan taqdim etiladigan turli shakldagi yordamlarni samarali tartibga solish imkoniyatini beradi va umumiy moliyaviy ko'mak bilan xalqaro savdoga jiddiy ta'sir ko'rsatadigan maxsus subsidiyalarni farqlashga zamin yaratadi.

1.3. Tariflardan farqli ravishda subsidiyalar murakkab ikki tomonlama tabiati bilan ajralib turadi, ya'ni ular nafaqat proteksionistik, balki iqtisodiy siyosatni shakllantirish vositasi sifatida ham xizmat qiladi. Bu murakkablik JST tomonidan savdo erkinligini ta'minlash maqsadlarini mamlakatlarning qonuniy ichki iqtisodiy strategiyalari bilan muvozanatlashtiruvchi aniq tartibga solish yondashuvini talab qiladi. JST subsidiyalarni tartibga solish siyosatini ishlab chiqishda subsidiyalarning ijtimoiy farovonlik, iqtisodiy o'sish yoki innovatsiyalarni qo'llab-quvvatlash kabi umumiy manfaatlarga xizmat qilishini hisobga oladi. Shu sababli, SCM Bitimi subsidiyalarni butunlay bekor qilishni emas, balki savdoga salbiy ta'sir ko'rsatadigan holatlarning oldini olishga yo'naltirilgan muvozanatli yondashuvni ilgari suradi.

1.4. SKCH Bitimidagi "xususiylashtirish" talabi iqtisodiy jihatdan keng qamrovli maqsadlarga xizmat qiluvchi subsidiyalar bilan faqat muayyan korxonalar yoki hududga yo'naltirilgan va xalqaro savdoni buzishi mumkin bo'lgan subsidiyalarni farqlaydi. Ushbu yondashuv faqat raqobat muvozanatini buzish ehtimoli yuqori bo'lgan subsidiyalar JST intizomiga tortilishi kerakligini ta'minlaydi. Xususiylashtirish testi yordamida SKCH Bitimi umumiy ijtimoiy farovonlikka xizmat qiluvchi subsidiyalarni himoya qiladi va nazoratni faqat xalqaro raqobatga salbiy ta'sir ko'rsatishi mumkin bo'lgan subsidiyalarga qaratadi.

1.5. SKCH Bitimi subsidiyalarni uch toifaga ajratish tizimidan foydalanadi, bu yondashuv odatda "svetofor" tizimi deb yuritiladi. Ushbu tizim subsidiyalarning qaysi turlari mutlaq taqiqlangan, qaysilari ruxsat etilgan, ammo tekshiruvga tortilishi mumkin, va qaysilari ma'lum shartlar doirasida savdo nizolariga olib kelmasdan saqlanishi mumkinligini aniq belgilaydi. Taqiqlangan subsidiyalar – eksport va mahalliy tarkib talab qiluvchi subsidiyalar bo'lib, ular tabiatan savdoni buzuvchi ta'sirga ega deb topilgan va shuning uchun butunlay man etilgan. Amalga oshirilishi mumkin bo'lgan subsidiyalar esa, agar ular zarar yetkazsa, manfaatlarni yo'qqa chiqarsa yoki boshqa JST a'zolariga "jiddiy zarar" yetkazsa, bahs-munozaraga sabab bo'lishi mumkin.

1.6. SKCH Bitimi JSTning kengroq huquqiy tizimi doirasida ishlaydi, u qator boshqa bitimlarni, jumladan, Qishloq xo'jaligi bo'yicha Bitim, TRIMs Bitimi va yaqinda qabul qilingan Baliqchilik Subsidiyalari bo'yicha Bitimni o'z ichiga oladi. Har bir bitim o'ziga xos savdo muammolarini hal qiladi va subsidiyalar bo'yicha muayyan tartibga solish majburiyatlarini yuklaydi. JSTning huquqiy modeli huquqiy moslashuvchanlikka ustuvorlik beradi va SKCH Bitimiga asosiy standart sifatida xizmat qilish imkonini berib, turli iqtisodiy tarmoqlarning o'ziga xos talablarini maxsus bitimlar orqali hisobga olishga yo'l ochadi.

1.7. SKCH Bitimining amaliy qo'llanilishi va samaradorligi JST sud amaliyoti orqali rivojlandi, xususan, nizolarni hal etish bo'yicha panel va Apellyatsiya organlari tomonidan "moliyaviy ko'mak", "foyda" va "xususiylashtirish" kabi murakkab atamalar bo'yicha izohlash amaliyoti takomillashtirildi. Muhim ishlar subsidiyalarni tartibga solish tamoyillarini yanada

aniqroq va moslashuvchan tushunishga yordam berdi, shu bilan birga, JSTning ko'p tomonlama tabiati bilan erkin savdo bitimlari doirasidagi ikki va mintaqaviy majburiyatlarni uyg'unlashtirishga xizmat qildi.

II. Tadqiqot natijalari bo'yicha qonunchilik normalarini takomillashtirishga qaratilgan quyidagi taklif va xulosalar ishlab chiqildi:

2.1.O'zbekiston Respublikasining Bojxona kodeksining bojxona erkin hududlari (BEH) to'g'risidagi 5-moddasi eksportga bog'liq bo'lishi mumkin bo'lgan imtiyozlarni bartaraf etish maqsadida qayta ko'rib chiqilishi lozim. BEH doirasidagi imtiyozlar investitsiyalarni jalb qilish va ishlab chiqarish faoliyatini rivojlantirishga yo'naltirilishi, shu bilan birga, faqat eksport natijalarini talab qilmasligi kerak. Ushbu yondashuv BEH doirasidagi imtiyozlarning SKCH Bitimi bo'yicha "taqiqlangan subsidiyalar" sifatida tasniflanishining oldini oladi. Shaffoflik va hisobdorlikni ta'minlash uchun O'zbekiston Bojxona kodeksiga BEH doirasidagi barcha subsidiyalar haqida JSTning Subsidiyalar va kompensatsion choralar qo'mitasiga hisobot berish majburiyatini belgilovchi norma kiritishi lozim. Bu hisobot har bir imtiyoz dasturining batafsil tavsifi, ishtirok etish mezonlari va ushbu imtiyozlarning qo'llanish tartibini o'z ichiga olishi kerak.

2.2.O'zbekiston Respublikasining "Muhofaza choralari, antidemping va kompensatsion bojlar to'g'risida"gi qonuni butunlay qayta ko'rib chiqilishi va unda SKCH Bitimi qoidalari to'liq aks ettirilishi lozim. Subsidiyalar Bitimiga qo'shilish boshqaruv va sud tartibotlarida sezilarli o'zgarishlarni talab qiladi. SKCH Bitimining 10-moddasiga muvofiq, kompensatsion bojlar faqat rasmiy tergov natijasida va vakolatli organ tomonidan qo'llanilishi lozim. 12-modda eksportchilar va xorijiy ishlab chiqaruvchilarga rasmiy bildirishnoma yuborilishini va dalillarni taqdim etish imkoniyati berilishini talab qiladi. Tergov organi 22-modda asosida tergov natijalari bo'yicha dastlabki bayonotni e'lon qilishi va barcha jarayonlar 23-modda asosida sud ko'rib chiqishiga ochiq bo'lishi lozim.

3-modda subsidiya tushunchasini aniq belgilovchi shaklda qayta tahrirlanishi lozim, shu jumladan, subsidiya "ma'lum bir korxonaga, sanoat tarmog'i yoki shaxslar guruhiga" foyda keltirsa yoxud uni berish eksport natijalariga yoki import o'rniga mahalliy mahsulotlardan foydalanishga bog'liq bo'lsa, u "aniq subsidiya" hisoblanishi lozim. Bundan tashqari, SKCH Bitimining 1 va 2-moddalarida keltirilgan "moliyaviy hissalar" ("financial contribution") va "foйда" ("benefit") tushunchalariga ochiq ishoralar kiritilishi zarur, bu esa subsidiya normalarining aniq va huquqiy talqinda qo'llanishini ta'minlaydi.

Shuningdek, "kompensatsion chora", "zarar", "rivojlangan davlat", "eksport qiluvchi", "import qiluvchi" va "de minimis" kabi asosiy atamalar 3-moddada alohida aniqlik bilan belgilanishi kerak. Bu yondashuv huquqiy aniqlikni mustahkamlaydi hamda xalqaro savdo huquqi standartlariga muvofiqlikni kafolatlaydi.

Zararni aniqlashga oid normalar takomillashtirilishi zarur. Zararni baholash metodologiyasi quyidagilarni o'z ichiga olishi kerak:

Zararning aniqlanishi bo'yicha umumiy prinsiplarga asoslangan, ob'yektiv yondashuvlarni ta'minlaydigan mezonlar;

"Asosiy moddiy zarar xavfi" ("risk of material damage") tushunchasining aniq, isbotga asoslangan mezonlar orqali talqin etilishi;

Subsidiya berilgan mahsulotlar va ichki ishlab chiqaruvchilarga yetkazilgan zarar o'rtasidagi sabab-oqibat bog'liqligini aniqlashda shaffof yondashuv.

4-modda savdo himoya choralari tekshiruvchi doimiy, mustaqil va aniq vakolatga ega organi tashkil etishni nazarda tutuvchi tarzda o'zgartirilishi lozim. Hozirda bunday vakolatli organning yo'qligi shaffoflik va barqarorlikni izdan chiqaradi. Doimiy organ joriy etilishi mas'uliyatni kuchaytiradi, JSTning shaffoflik talablari bajarilishini ta'minlaydi va savdo himoya choralari samarali tatbiq etilishini kafolatlaydi.

17-moddaning 1 foizlik kompensatsion boj stavkasi bekor qilinishi kerak.

SKCH Bitimi subsidiyalarni oldindan belgilangan mezonlar asosida emas, balki oluvchiga yetkazilgan real foyda asosida baholashni talab qiladi. Shu sababli, bojar SCM Bitimining 14-moddasiga muvofiq aniq va adolatli tarzda hisoblab chiqilishi kerak.

18-modda "jiddiy zarar" ("serious damage") atamasi o'rniga JST standartiga muvofiq "moddiy zarar" ("material injury") tushunchasini joriy etishi kerak. Moddiy zarar bahosiga import hajmi, narxlar dinamikasi va ichki sanoatga ta'sir kabi omillar tahlili kiritilishi zarur. Bu o'zgarish SKCH Bitimining 15-moddasiga muvofiqlikni ta'minlaydi hamda zarar aniqligini oshiradi.

19-modda vaqtinchalik boj choralariga to'rt oylik maksimal muddatni belgilab berishi kerak, bu muddat faqat istisno hollarda uzaytirilishi mumkin. Vaqtinchalik choralar faqat yetarli dastlabki isbot mavjud bo'lgandagina qo'llanilishi lozim, bu SKCH Bitimining 17.1-moddasiga to'liq mos keladi.

16-modda bir mahsulotga nisbatan bir vaqtning o'zida antidemping va kompensatsion boj qo'llanilmasligini aniq belgilashi kerak. Agar bir vaqtning o'zida ikki tekshiruv o'tkazilayotgan bo'lsa, zarar yetkazgan asosiy sababga nisbatan faqat bitta chora tatbiq etilishi kerak, bu haddan tashqari boj solishni oldini oladi.

27-modda shaffoflikni kuchaytirish maqsadida taqdim etilgan dalillarning maxfiy bo'lmagan qismlarini umumiy bayon etishni majburiy qilib qo'yishi lozim. Bu SKCH Bitimining 12-moddasiga muvofiq bo'lib, tekshiruv jarayonining adolatli va oshkoraligini ta'minlaydi.

25-modda tekshiruv muddatining maksimal davomiyligini 12 oy qilib belgilashi, faqat istisno hollarda 18 oygacha uzaytirilishini nazarda tutishi lozim. Bu SKCH Bitimining 11.11-moddasiga muvofiqlikni ta'minlab, ishlarning o'z vaqtida hal etilishini kafolatlaydi.

20-modda kompensatsion bojar uchun avtomatik ravishda amalga oshiriladigan "sunset review" (yakuniy ko'rib chiqish) tartibini joriy qilishi kerak. Unga ko'ra, agar yana zarar yetkazilish ehtimoli mavjudligi isbotlanmasa, bojar besh yildan so'ng bekor qilinadi. Bu SKCH Bitimining 21-moddasiga muvofiq bo'lib, savdo himoya choralarining muntazam tahlil qilinishini ta'minlaydi.

2.3. **"Raqobat to'g'risida"gi Qonunning 23-moddasi** davlat yordamining bozor raqobatiga ta'sirini baholash mezonlari bilan to'ldirilishi lozim. Ushbu o'zgartirish davlat tomonidan taqdim etilayotgan yordamlardan qaysilari raqobatni buzishi mumkinligini aniq belgilaydi. Shu bilan birga, davlat yordamini nazorat qilish bo'yicha mustaqil tartibga soluvchi organ tashkil etilishi kerak.

2.4. **O'zbekiston Respublikasi Prezidentining "Tashqi savdo faoliyati ishtirokchilarini qo'llab-quvvatlash bo'yicha qo'shimcha chora-tadbirlar**

to‘g‘risida”gi PQ–97-sonli Farmonida nazarda tutilgan transport subsidiyalarini eksport faoliyati bilan bevosita bog‘laydigan bandlar tahrir qilinishi lozim. Yangilangan subsidiyalar logistika tizimini yaxshilashga yo‘naltirilishi va ular nafaqat eksport, balki ichki savdo manfaatlariga ham xizmat qilishi, shu orqali Jahon Savdo Tashkiloti (JST) talablariga mos kelishi kerak. Akkreditatsiyani qo‘llab-quvvatlash tizimi faqat eksportga yo‘naltirilgan sub‘yektlar bilan cheklanmasligi, balki xalqaro standartlarga muvofiqlikni maqsad qilgan barcha xo‘jalik yurituvchi sub‘yektlarni ham qamrab olishi lozim. Bu yondashuv subsidiyalarni yanada inklyuziv (inklyuziv va inkor qilinmas) qiladi va SKCH Bitimining talablariga muvofiqlikni ta‘minlaydi. Oldindan to‘lovni qisqartirish, yoshlarga kreditlar ajratish va aylanma mablag‘larni qo‘llab-quvvatlash kabi mexanizmlar eksport faoliyatigagina emas, balki ichki bozorda faoliyat yuritayotgan korxonalar uchun ham teng asosda amal qilishi kerak.

2.5. Shuningdek, **O‘zbekiston Respublikasi Prezidentining “Tashqi savdoni va hududiy sanoatni rivojlantirishda tadbirkorlar uyushmalari rolini kuchaytirishga doir qo‘shimcha chora-tadbirlar to‘g‘risida”gi qarori** transport va moliyaviy qo‘llab-quvvatlash bo‘yicha subsidiyalarni faqat eksportga yo‘naltirilgan faoliyat bilan cheklamasligi lozim. Ularning amal qilish doirasi ichki va tashqi bozorlarga yo‘naltirilgan iqtisodiy faoliyatni qamrab olishi, iqtisodiy o‘rishni rag‘batlantiruvchi, ammo SKCH tartib-qoidalariga zid kelmaydigan muvozanatli mexanizmni shakllantirishi zarur.

2.6. **O‘zbekiston Respublikasi Prezidentining 2022-yil 30-sentabrdagi PQ–228-sonli “Tadbirkorlik sub‘yektlarining eksport salohiyatini yanada kengaytirish chora-tadbirlari to‘g‘risida”gi qarorida** xalqaro savdo standartlariga muvofiqlikni ta‘minlash maqsadida tegishli o‘zgartirishlar kiritilishi lozim. Xususan, qarorning uchinchi va to‘rtinchi bandlari eksport tartibga solinishi sohasida oshkoralik va huquqiy aniqlikni ta‘minlash maqsadida chiqarib tashlanishi kerak. Bundan tashqari, birinchi bandga qo‘shimcha kiritilib, eksport shartnomasining umumiy qiymatining 5 foizidan oshmagan xorijiy valyutadagi kamomad muddati o‘tgan deb hisoblanmasligi va mazkur holat bo‘yicha tadbirkorlik sub‘yektiga nisbatan hech qanday jarima qo‘llanilmasligi aniq belgilanishi zarur. Ushbu norma 2022-yil 1-noyabrgacha sodir bo‘lgan holatlarga ham retroaktiv tarzda tatbiq qilinishi lozim. Mazkur o‘zgartirishlar huquqiy barqarorlikni mustahkamlash, eksport qiluvchilarga nisbatan ortiqcha moliyaviy yukni kamaytirish hamda milliy savdo tartibga solinishini xalqaro ilg‘or amaliyotga yaqinlashtirish orqali raqobatbardosh eksport muhitini shakllantirishga xizmat qiladi.

III. Huquqni qo‘llash amaliyotini takomillashtirish bo‘yicha taklif va tavsiyalar:

3.1 Subsidiya tartibga solinishining asosiy muammolaridan biri ularning e‘lon qilinishi va monitoringi bo‘yicha shaffoflik yetishmovchiligidir. JST doirasida yanada qat‘iy va standartlashtirilgan subsidiya xabarnomasi mexanizmini joriy etish tavsiya etiladi. Bu esa O‘zbekistonning JSTga a‘zligi jarayonida subsidiya shakllari, ularning manfaatdorlari va kutilayotgan natijalari to‘g‘risida aniq ma‘lumot taqdim etishini ta‘minlaydi. Ushbu chora monitoringni yaxshilash,

nizolarni kamaytirish va subsidiya mexanizmlarini yanada shaffof qilish imkonini beradi.

3.2 JSTning hozirgi nizolarni hal etish tizimi samarali bo'lsa-da, jarayonning ortiqcha cho'zilishi muammosi mavjud. Shu sababli, subsidiya bilan bog'liq nizolarni tezkor hal etish uchun JST tarkibida maxsus nizolarni ko'rib chiqish qo'mitasini tashkil etish taklif etiladi. Ushbu qo'mita subsidiya bilan bog'liq murakkab nizolarni samaraliroq hal etishga va kelajakda ushbu masalalar bo'yicha amaliyot yaratishga xizmat qiladi.

3.3 O'zbekiston Respublikasi Investitsiyalar, sanoat va savdo vazirligi huzirida Qozog'iston, Yevropa Ittifoqidagi Subsidiyalarni tartibda soladiga qo'mitalarga o'xshash maxsus organ tashkil etish JSTda subsidiyalarni samarali tartibga solish nuqtai nazaridan muhim tashabbus hisoblanadi. Bunday organ milliy nohalol raqobat, iqtisodiy suverenitet va davlatlarning iqtisodiy manfaatalariga bo'lgan potensial tahdidlarni aniqlash maqsadida, shaffoflik, xalqaro standartlarga asosida ushbu tizimni shakllantirish vazifasini bajaradi.

3.4 JSTning SKCH bitimi subsidiya bo'yicha aniq mezonlarni belgilaydi, biroq savdo buzilishlarining oldini olish uchun davlat yordamining ruxsat etilgan shakllarini yanada aniqroq belgilash zarur. Shu bois, JST doirasida "yashil chiroq" (ruxsat etilgan) subsidiya turlarini, masalan, ekologik muhofaza va ilmiy tadqiqotlar uchun ajratilgan subsidiyalarni aniqroq ajratib ko'rsatish hamda "qizil chiroq" (taqiqlangan) subsidiya shakllarini, xususan, eksportga bog'liq va importni almashtirishga qaratilgan subsidiyalarni yanada qat'iy tartibga solish bo'yicha islohotlar ilgari surilishi lozim. Shu nuqtai nazardan, O'zbekiston Respublikasi kelajakda subsidiyalarni tartibga solishda Qozog'oston, Koreya, Yevropa Ittifoqidagi davlatlar singari ikki tomonlama bitimlar tuzganda, yuqoridagi holatlarni inobatga olishi shart.

3.5 SKCH bitimi hozirda faqat ikki turdagi subsidiyalarni – eksport subsidiyalari va importni almashtirish subsidiyalarini taqiqlaydi. Zamonaviy savdo va ekologik muammolarni hisobga olgan holda, taqiqlangan subsidiya turlari ro'yxatini kengaytirish lozim. Bu jumladan:

Joylashuv subsidiyalari – investorlarni muayyan hududlarga jalb qilish uchun beriladigan subsidiyalar, bu esa xalqaro savdo muvozanatini buzishi mumkin.

Resursga asoslangan subsidiyalar – tabiiy resurslarni qazib olish yoki ekspluatatsiya qilishga yo'naltirilgan subsidiyalar, xususan, qazilma yoqilg'i sanoatini rag'batlantirish bo'yicha subsidiyalar, bu esa barqaror rivojlanish maqsadlariga zid keladi va ekologik zarar yetkazishi mumkin.

SKCH bitimining 8-moddasi muddati tugagan "yashil chiroq" subsidiyalarini qayta joriy etish yoki ularning huquqiy maqomini aniqlashtirish zarur. Bunday subsidiyalar ijtimoiy va iqtisodiy jihatdan foydali maqsadlarni, jumladan, ekologik muhofaza, hududiy rivojlanish, ilmiy tadqiqotlar va innovatsiyalarni qo'llab-quvvatlash uchun mo'ljallangan. Shu bilan birga, GATTning XX-moddasiga o'xshash maxsus istisnolar mexanizmini joriy etish orqali xalqaro miqyosda tan olingan maqsadlarga xizmat qiladigan subsidiyalarni tartibga solish mumkin.

3.6. Hozirgi kunda SKCH bitimi faqat tovarlar subsidiyalarini qamrab oladi, xizmatlar sohasi esa tartibga solinmagan holda qolmoqda. GATSning XV-moddasi xizmatlar bozorida subsidiya ta'sirining mumkin bo'lgan buzilishlarini tan olgan holda, "kelgusidagi muzokaralar" ni chaqirishdan ko'ra, xizmatlar sektorida

subsidiya amaliyotiga oid aniq tartib-qoidalarni ishlab chiqish lozim. Xususan, quyidagilarga e'tibor qaratish kerak: mahalliy xizmat ko'rsatuvchilarga ortiqcha imtiyozlar beruvchi subsidiyalar, bu esa xorijiy raqobatchilar uchun teng sharoit yaratish tamoyiliga zid keladi; muayyan xizmat tarmoqlarini rag'batlantirishga qaratilgan moliyaviy yordam, bu esa xizmatlar savdosida adolatli raqobatni buzishi mumkin.

3.7. Ko'p tomonlama tartibga solish jarayonining murakkabligi va sustligi sababli, dastlab subsidiyalarni Erkin Savdo Bitimlari doirasida tartibga solish maqbul yo'nalish bo'lishi mumkin. Yevropa Ittifoqi tajribasida qo'llanilgan ushbu bosqichma-bosqich yondashuv subsidiya normalarining ikki tomonlama va mintaqaviy kelishuvlar orqali mustahkamlanishini ta'minlaydi, bu esa kelajakda ularning ko'p tomonlama tizimga integratsiya qilinishiga imkon yaratadi.

**SCIENTIFIC COUNCIL ON AWARDING SCIENTIFIC DEGREES
DSc.07/03.06.2023.Yu.22.04 AT THE TASHKENT STATE
UNIVERSITY OF LAW**

TASHKENT STATE UNIVERSITY OF LAW

TOYIROV AZIZBEK TOLIBOVICH

**THE LEGAL REGULATION OF WORLD TRADE ORGANIZATION
RULES ON SUBSIDIES AND THEIR IMPLEMENTATION IN
UZBEKISTAN'S LEGISLATION**

12.00.10 – International law

**ABSTRACT
of doctoral (PhD) dissertation on legal sciences**

Tashkent – 2025

The doctoral dissertation (PhD) theme was registered at the Supreme Attestation Commission under the Ministry of Higher Education, Science and Innovations of The Republic of Uzbekistan by B2023.3.Phd/Yu1205.

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The doctoral dissertation is available at the Information – Resource Center of Tashkent State University of Law (register under №1403), (Address: 100047, Tashkent city, A. Temur street, 13. Phone: (99871) 233-66-36).

Abstract of the dissertation submitted on August 11, 2025.

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Introduction (abstract of PhD thesis)

Relevance and demand for the research topic. . In the world, the regulation of subsidies remains one of the most complex and contentious issues in international trade law, continuously challenging scholars and policymakers. Despite the sophisticated framework established by the Agreement on Subsidies and Countervailing Measures (SCM Agreement)¹, the current rules inadequately address market distortions caused by subsidies. WTO dispute settlement statistics underscore this challenge: 141 cases have involved subsidies, representing approximately 25% of all disputes brought before the Organization². The Doha Ministerial Declaration of 2001 explicitly emphasized the necessity of enhancing existing legal frameworks governing subsidies, with particular consideration for developing and least-developed countries' interests³.

Globally, contemporary subsidy regulation faces emerging challenges that extend beyond traditional frameworks. These include subsidies in the fisheries sector⁴, support for regional economic development, financing of technological research and innovation, production diversification, and implementation of environmentally sustainable production methods⁵. Many WTO members have addressed these gaps through bilateral and multilateral agreements, creating a complex web of subsidy regulations that supplement the multilateral trading system⁶. The stagnation of the Doha Round negotiations and limited political will within the WTO to undertake comprehensive reforms have further complicated the development of effective global subsidy disciplines⁷.

In New Uzbekistan, WTO accession represents a critical priority for economic liberalization and integration into the global trading system. Uzbekistan's WTO accession process, initiated in 1994, represents the longest negotiation in the organization's history⁵. After an eleven-year hiatus (2005-2016), the process resumed with renewed political commitment under President Shavkat Mirziyoyev's administration⁶. The Presidential Decree "Uzbekistan-2030 Strategy" specifically identifies the adaptation of national legislation to WTO rules and standards as the 93rd strategic goal⁷. As emphasized by the President during the 78th UN General Assembly session in September 2023, full WTO membership remains central to Uzbekistan's foreign economic policy⁸. This necessitates comprehensive harmonization of Uzbekistan's legal framework with WTO agreements, particularly the SCM Agreement, while simultaneously preparing for post-accession challenges in subsidy regulation.

¹ Agreement on Subsidies and Countervailing Measures, Apr. 15, 1994, Marrakesh Agreement Establishing the World Trade Organization, Annex 1A

² WTO Dispute Settlement statistics

³ Doha Ministerial Declaration, WTO Doc. WT/MIN(01)/DEC/1 (Nov. 20, 2001)

⁴ WTO Agreement on Fisheries Subsidies

⁵ https://www.wto.org/English/thewto_e/acc_e/a1_ouzbekistan_e.htm

⁶ See Jamshid Normatov, "Uzbekistan's Long Way to the World Trade Organization", p.4.

⁷ <https://lex.uz/ru/docs/-6600413>

⁸ <https://president.uz/en/lists/view/6679>

This dissertation research serves to a certain extent in the implementation of the tasks defined by the following legal documents: the Customs Code of the Republic of Uzbekistan, the Tax Code of the Republic of Uzbekistan, the Laws “On protective measures, antidumping and compensation duties” № 554-II dated 11.12.2003, “On Competition” № LRU-850 dated 03.07.2023, “On farming” №662-II dated 26.08.2004, the Presidential Decrees of the Republic of Uzbekistan “On the Development Strategy of New Uzbekistan for 2022-2026” No. PD-60 dated January 28, 2022, “On the Uzbekistan 2030 Strategy” No. PD-158 dated September 11, 2023⁶ “On Additional Measures to Accelerate Uzbekistan’s Accession to the World Trade Organization” No. PD-181 dated June 2, 2023, “On further measures to accelerate market reforms and bring the national legislation of the Republic of Uzbekistan in line with the agreements of the World Trade Organization” № DP-85 dated June 03, 2024 and other legal documents related to the topic.

Compliance of the research with the priority areas of development of science and technology of the Republic. The dissertation research has been conducted in accordance with the national priority area “Development of an Information Society and a Democratic State: Formation and Implementation of a System of Innovative Ideas in the Social, Legal, Economic, Cultural, and Spiritual-Educational Spheres,” which is one of the key directions for the advancement of science and technology in the Republic.

The degree to which the problem has been studied. Since gaining independence, numerous scholars have undertaken extensive research on the World Trade Organization (WTO) and its various legal domains. Scholars such as J. Normatov, D. Khurbonova, D. Ilina, N. Khurbanbaeva, K. Koziev, Kh. Islamkhodzhaev, A. Umirdinov, V. Turakulov, Z. Komilova, Sh. Shodikhodzhaev, U. Yakubkhodzhaev, R. Azkhodzhaeva, S. Usmova, I. Pugach, Y. Yusupova, Z. Berdinazarov, Sh. Almosova, and D. Abdurasulova have conducted research across various fields related to the WTO.¹

This research is also based on the scholarly works of researchers from the Commonwealth of Independent States (CIS). In particular, D. Dvornikov, A. Azarov, Yu. Matveyev, N. Karpova, V. Shumilov, and A. Tsepov have conducted studies on the regulation of specific legal aspects within the framework of the World Trade Organization (WTO).²

Additionally, the research draws upon the works of numerous prominent Western and Eastern scholars, including W. den Bosch, D. Prevost, D. Coppens, S. Austin, S. Lester, B. Mercurio, A. Davies, W. Zdouc, J. Crawford, M. Ortiz, C. Bellmann, J. Hepburn, J. Wouters, Y. Abe, S. Sekine, R. Adlung, S. Miroudot, R. Anderson, K. Bacon QC, S. Bigdeli, L. Borlini, M. Cremona, L. Hancher, G. Horlick, P. Clarke, M. Trebilcock, J. Jackson and J. Lee.³ These distinguished scholars' contributions have significantly informed and shaped the academic foundation of this study.

¹ **Note 1.:** The works of these scientists are listed in the reference.

² **Note 2.:** The works of these scientists are listed in the reference.

³ **Note 3.:** The works of these scientists are listed in the reference.

The connection of the dissertation research with the plans of scientific research work of the higher educational institution where the dissertation was completed. The dissertation topic is aligned with the priority areas of scientific research outlined in the Tashkent State Law University's research work plan, specifically focusing on "Problems of Harmonization of National Legislation with the Rules and Norms of the World Trade Organization".

The purpose of the study is to focus on regulating subsidies within the framework of the WTO Agreement on Subsidies and Countervailing Measures (SCM Agreement) and Free Trade Agreements (FTAs), harmonizing the legislation of the Republic of Uzbekistan with SCM Agreement provisions, and developing scientifically grounded proposals and recommendations for enhancing international and national mechanisms for subsidy regulation.

Research objectives:

to examine the theoretical and scientific framework governing subsidies within the context of the WTO;

to analyze the regulation of trade-related subsidies within the framework of Free Trade Agreements;

to explore the legal framework governing subsidies under WTO law;

to review the institutional mechanisms for regulating subsidies within the WTO;

to assess the practice of WTO member states in implementing subsidy rules both under the WTO and FTAs;

to conduct a comparative legal analysis of subsidy regulation in foreign jurisdictions, including the European Union, Russia, US, Japan, and Kazakhstan, in the context of FTAs;

to evaluate the alignment of Uzbekistan's legislation with WTO rules on subsidies and provide recommendations for harmonizing national laws with the relevant WTO agreements;

to analyze the WTO's rules on subsidies and identify the key obligations imposed on member states in this area;

to identify aspects of Uzbekistan's domestic legal regime that are inconsistent with WTO subsidy rules;

to propose potential solutions for addressing these inconsistencies and ensuring compliance with WTO law.

The object of the study is the system of international legal relations related to the regulation of subsidies within the framework of the World Trade Organization (WTO).

The subject of the research examines the regulatory framework for subsidies under WTO agreements, the evolving mechanisms for subsidy governance within Free Trade Agreements (FTAs), the practical enforcement of subsidy regulations, comparative legal practices of foreign jurisdictions, and the challenges associated with harmonizing Uzbekistan's national legislation with WTO subsidy norms.

Research methods. This dissertation widely uses such methods of scientific knowledge as the study of phenomena in the field, systematic analysis, logic, generalisation, deduction, comparative law and statistical data.

The scientific novelty of the research is as follows:

it is justified that the Law of the Republic of Uzbekistan “On Safeguard Measures, Anti-Dumping and Countervailing Duties” must be aligned with international trade standards, in particular with the “specificity criteria” established in the WTO Agreement on Subsidies and Countervailing Measures; it is substantiated that such alignment should cover cases where subsidies are granted directly to specific enterprises, sectors, or groups, or are provided on the condition of achieving export performance or using domestic products instead of imported ones;

it is justified that there is a necessity to adopt a new special law “On Countervailing Measures,” with precise legal definitions provided for fundamental concepts such as “countervailing measure,” “countervailing duty,” “injury,” “developed country,” “exporter,” “importer,” and “third party”;

it is justified that the general legal principles for determining injury must be systematized, and there is a conceptual need to develop mechanisms for identifying the causal link associated with innovative approaches such as the “threat of material injury”;

it is justified that a new conditional incentive mechanism should be theoretically developed and legally grounded, which would allow the granting of preferential benefits under the condition that imported technological equipment is purchased for its intended purpose within a two-year period.

The practical results of the research is as follows:

the research provides a detailed legal and regulatory framework for aligning Uzbekistan’s national legislation with the standards set by the World Trade Organization’s Agreement on Subsidies and Countervailing Measures (SCM Agreement), as well as those outlined in modern Free Trade Agreements (FTAs);

the necessity of harmonizing the Law of the Republic of Uzbekistan “On Safeguard Measures, Anti-Dumping and Countervailing Duties” with international trade standards, particularly with the specificity criteria outlined in the WTO Agreement on Subsidies and Countervailing Measures (SCM Agreement) namely, measures “specifically provided to certain enterprises, industries, or groups” or “contingent upon export performance or the use of domestic goods over imported goods” has been substantiated;

it explains the WTO’s threshold for actionable subsidies – namely, a countervailing duty level exceeding 1 percent – and presents a framework for shaping national legislation in conformity with this benchmark;

the dissertation identifies the lack of defined timeframes and criteria for the imposition of provisional duties in Uzbek legislation as inconsistent with Article 17.1 of the WTO SCM Agreement. On this basis, it is substantiated that provisional measures must be limited to a maximum duration of four months, extended only in exceptional circumstances, and must be supported by sufficiently substantiated preliminary evidence of the existence of a subsidy and the occurrence of injury;

through the analysis of Free Economic Zone (FEZ) practices, the research addresses the issue of ensuring that the incentives granted within Customs-Free

Zones (CFZs) are not linked to export performance or trade-distorting conditions. This analysis serves to prevent the adoption of provisions contrary to WTO rules;

the research substantiates the necessity of establishing a specialized, authorized monitoring body in Uzbekistan tasked with overseeing subsidy programs and ensuring their compliance with WTO standards. This body should conduct regular audits, assess the specificity and trade impact of subsidies, and publish transparency-enhancing reports;

the dissertation substantiates the necessity of revising the injury standard in Uzbekistan's trade policy. In particular, it proposes replacing the term "serious injury" with the notion of "material (substantial) injury" and suggests integrating the injury criteria defined by the WTO into national policy. This forms the basis for a scientifically grounded methodology in assessing injury levels in trade disputes.

Reliability of research results. The reliability of the research findings is ensured through the use of theoretical data derived from reputable sources. In particular, the analyses were conducted based on international legal norms, national legislation, law enforcement practice, statistical data, and judicial precedent. These materials were obtained from official sources and enriched with foreign experience as well as articles published in national and international academic journals. The developed proposals and recommendations have been endorsed and approved by the relevant competent authorities, which demonstrates their practical significance.

Scientific and practical significance of research results. The scientific significance of the research lies in the relevance of the issues addressed in the dissertation and the robustness of the conclusions and proposals presented. The scientific findings from this research contribute to academic and research activities, enriching the theoretical foundations of courses such as "WTO Law", "Dispute Resolution within the WTO", "International Law", and "International Organizations Law". These findings can also be applied in the development of lectures, practical exercises, and the preparation of teaching and methodological materials.

The practical significance of the research results is reflected in the potential application of the rules and conclusions in legislative processes, including the drafting of regulatory legal documents and their amendments. Additionally, these findings can be used to improve the implementation and enforcement of legislative norms related to trade-affecting subsidies, thereby enhancing legal practice in this area.

Implementation of research results. The scientific results of the research were used as follows:

the findings of the research were utilized in the drafting of the new Law of the Republic of Uzbekistan "On Countervailing Measures," being developed by the Ministry of Investment, Industry and Trade of the Republic of Uzbekistan. In particular, the definitions of the terms "countervailing measure," "countervailing duty," "injury," "developed country," "exporter," "importer," and "interested party" provided in Article 3 of the said law were developed based on the proposals

from this study (as confirmed by Act No. 03-81-00161 of the Ministry of Investment, Industry and Trade dated 10 February 2025). This proposal serves to ensure alignment with international trade law standards, enhance legal certainty in national legislation, and establish a clear legal basis for applying trade remedy measures. It also contributes to the accurate interpretation and evaluation of future situations involving subsidies;

additionally, the dissertation advances the necessity of thoroughly and comprehensively redefining key legal concepts such as “countervailing measure,” “injury,” and “de minimis,” and the proposals in this regard were used in shaping the core provisions of Chapter III. Specifically, they informed the development of the “general principles of injury determination” in Article 9, the concept of “threat of material injury” in Article 12, and the rules on “causality” in Article 13 (as confirmed by Act No. 03-81-00161 of the Ministry of Investment, Industry and Trade of the Republic of Uzbekistan dated 10 February 2025). These proposals not only enhance the effectiveness of the legal framework in countering trade distortions, but also ensure full compliance with Uzbekistan’s obligations under the WTO Agreement on Subsidies and Countervailing Measures, contribute to the effective protection of domestic industries, promote fair competition, and provide a stronger foundation for adherence to the principles of international trade law;

specifically, the proposal to redefine the injury standard in Uzbekistan’s trade policy—specifically, replacing the term “serious injury” with “material (substantial) injury,” and integrating the WTO-defined injury criteria into national policy—was used in the development of Presidential Decree No. PF-228 of 30 September 2022, “On Measures for Further Expanding the Export Potential of Business Entities” (Act No. 03-81-00161 of the Ministry of Investment, Industry and Trade, dated 10 February 2025). This proposal contributes to strengthening legal clarity, reducing the financial burden on exporters, ensuring greater flexibility in foreign trade operations, aligning national trade regulation with international best practices, and fostering a competitive and sustainable export environment for Uzbekistan’s business entities;

the proposal was used in the drafting of the second paragraph of Section 8 of Presidential Decree No. PD-4047 of 4 December 2018 “On Additional Measures to Support the Accelerated Development of the Sericulture Sector in the Republic,” which states: “It is established that the benefit provided for in this paragraph shall be used on the condition that the funds released as a result of the benefit are directed, within two years from the date of importation of technological equipment, exclusively for the purpose of expanding production by purchasing technological equipment” (as confirmed by Act No. 03-81-00161 of the Ministry of Investment, Industry and Trade dated 10 February 2025). This proposal serves to regulate government-granted incentives in accordance with the requirements of the WTO SCM Agreement—particularly by distinguishing permitted subsidies from those that are trade-distorting or subject to countermeasures under WTO rules;

moreover, the proposals developed within the framework of the dissertation were considered during the formulation of Paragraph 1 and Subparagraph 4 of Paragraph 5 of the Presidential Resolution of the Republic of Uzbekistan No. PD-

126, dated June 21, 2024, "On Measures to Further Strengthen the Role of Business Associations in the Development of Foreign Trade and Regional Industry" (as confirmed by Act No. No. 8-0009-02 of the Ministry of Justice of the Republic of Uzbekistan dated June 25, 2025). In this regard, the establishment of a joint-stock company "Trade Development Company" under the Agency for State Asset Management — based on the Export Promotion Agency and the Export Support Fund — and the delegation of authority to manage the state's share in its charter capital to the Chamber of Commerce and Industry under a power of attorney, is of critical importance. This initiative reflects an effort to align with the requirements of Articles 10 and 12 of the ASCM Agreement. This institutional reform serves to ensure compliance with Articles 10 and 12 of the WTO Agreement on Subsidies and Countervailing Measures, particularly with respect to transparency and predictability requirements.

Approbation of research results. The results of this research were discussed at 5 scientific-practical conferences, including 3 international and 2 national scientific-practical conferences.

Publication of research results. A total of 11 scientific works, including 5 scientific articles (3 in international publications) were published on the subject of the dissertation.

Structure and scope of the dissertation. The dissertation comprises an introduction, three chapters, a conclusion, a list of references, and appendices. The total length is 152 pages, excluding the references.

THE MAIN CONTENT OF THE DISSERTATION

The introduction of the dissertation presents a comprehensive overview of the relevance and necessity of the research topic, its alignment with the national priorities for the development of science and technology, and the extent to which the research problem has been previously studied. It also outlines the consistency of the dissertation topic with the scientific research agenda of the higher education institution where the work is being carried out. Furthermore, the introduction specifies the research aims and objectives, object and subject of the study, research methods employed, as well as the scientific novelty and practical outcomes of the research. It highlights the reliability of the findings, their scientific and practical significance, the extent of their implementation, the approval of the research results, publication of findings, and provides details on the structure and volume of the dissertation.

The first chapter of the dissertation, **entitled, "Conceptual foundations and legal structures governing subsidy regulation within the wto framework"** explores the theoretical and legal foundations of subsidies in international trade law, tracing their historical development from the early days of the General Agreement on Tariffs and Trade (GATT) to the establishment of the WTO's Agreement on Subsidies and Countervailing Measures (SCM Agreement). It outlines the legal framework within which subsidies are categorized and regulated under WTO law and discusses their implications for international trade relations.

The author has examined the rules governing subsidies within the framework of the WTO through a multi-stage analytical approach. Initially, under the General Agreement on Tariffs and Trade (GATT 1947), regulatory attention centered primarily on tariff liberalization. While subsidies were recognized as potential trade distorters, the early provisions—namely Articles VI and XVI—were limited in scope, lacked definitional clarity, and offered only rudimentary disciplines. These articles permitted the imposition of countervailing duties (CVDs) to offset injurious subsidies but did not clearly define what constituted a “subsidy” or establish comprehensive procedural safeguards. As tariff barriers progressively declined through successive GATT negotiating rounds, subsidies emerged as a more prominent and often opaque tool of protectionism. The lack of effective multilateral disciplines created enforcement challenges and legal uncertainty. Particularly problematic were subsidies that influenced competition in third-country markets, a phenomenon not explicitly addressed in the original GATT framework. The inadequacy of the countervailing duty mechanism and the ambiguities surrounding non-violation complaints further exposed structural weaknesses in subsidy regulation.

The Tokyo Round (1973–1979) sought to remedy these deficiencies through the adoption of the Subsidies Code—formally, the Agreement on Interpretation and Application of Articles VI, XVI, and XXIII. Although a step forward, the plurilateral nature of this code and its limited membership diluted its normative strength and impact. Independent assessments, such as the 1985 Leutwiler Report, underscored subsidies as a major source of trade distortions and persistent disputes, heightening the urgency for a coherent and universally binding legal framework.

This momentum culminated in the Uruguay Round negotiations, launched in 1986. A broad consensus among GATT Contracting Parties emerged, driven by a shared recognition that unrestrained subsidization was both fiscally burdensome and strategically unsustainable, often resulting in a zero-sum escalation of subsidy policies. The negotiations ultimately produced the Agreement on Subsidies and Countervailing Measures (SCM Agreement), a landmark multilateral treaty that now constitutes the core instrument governing the use of subsidies and the application of countervailing measures within the World Trade Organization (WTO) system.

The SCM Agreement provides a legally binding definition of “subsidy” and sets out criteria for determining specificity, the actionable or prohibited nature of subsidies, and the procedural requirements for imposing CVDs. The Agreement on Subsidies and Countervailing Measures (SCM Agreement), adopted during the Uruguay Round, introduced for the first time a unified and comprehensive definition of the term “subsidy” within the GATT/WTO legal framework.

The SCM Agreement provides an exhaustive list of financial contributions in Article 1.1(a)(1), including: (a) direct and potential transfers of funds or liabilities (e.g., grants, loans, loan guarantees); (b) government revenue foregone (e.g., tax exemptions); (c) provision or purchase of goods or services (excluding general infrastructure); (d) government payments to funding mechanisms; and (e) entrustment or direction of a private body to carry out such contributions.

The second chapter of the dissertation, entitled, “Subsidy regulation beyond the WTO: WTO+ provisions in Free Trade Agreements (FTAs)” gives the limitations of WTO rules in fully addressing the complexities of subsidies, many countries have opted to establish more stringent subsidy disciplines through Free Trade Agreements (FTAs). This chapter investigates the role of WTO+ provisions in FTAs and their impact on global subsidy regulation.

As emphasized by scholars such as *John H. Jackson*¹ and *Luca Rubini*², the “perplexities of subsidies” lie not only in their multifaceted economic impact but also in the legal uncertainty surrounding their definition, scope, and regulation under the current multilateral system. *Rubini* has argued that subsidies are an essential policy instrument for economic development, yet international trade law has failed to articulate a clear normative framework that distinguishes beneficial subsidies from those that distort competition. While the SCM Agreement established a foundation for subsidy control, *Rubini* notes that its mechanisms—particularly in relation to transparency, notification, and dispute resolution—have proven inadequate in the face of modern challenges. Similarly, *Bagwell* and *Staiger*³ have raised concerns about the disproportionate burden that WTO subsidy disciplines may place on governments compared to tariff commitments, potentially restricting legitimate domestic policy space and undermining the multilateral system’s coherence.

In recent years, the stagnation of the Doha Round and the dysfunction of the WTO Appellate Body have further eroded confidence in the multilateral system, accelerating the proliferation of FTAs and RTAs. These instruments are increasingly used as vehicles for reforming and supplementing the global subsidy regime. For example, FTAs such as the United States-Mexico-Canada Agreement (USMCA) and the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) have introduced detailed subsidy disciplines that exceed those of the WTO, particularly in relation to state-owned enterprises (SOEs), sector-specific subsidies, and enhanced notification obligations.

The section of the legal relationship between PTAs and WTO rules explores that the regulation of subsidy-related disputes within the international trading system is anchored in two principal legal frameworks: the WTO and FTAs. Each system delineates its own mechanisms for dispute resolution, enforcement of legal obligations, and remedies for breaches, with distinct procedural features, institutional roles, and jurisdictional nuances. Under Article 23 of the Dispute Settlement Understanding (DSU), WTO Members are obliged to resort exclusively to the WTO’s dispute settlement mechanism for the resolution of any conflicts concerning the covered agreements. This grants the WTO an exclusive

¹ John H. Jackson, “The World Trading System”, 2nd edition, Law and Policy of International Economic Relations, 2007.

² Luca Rubini, “WTO Discipline on Subsidies and Countervailing measures: Balancing Policy Space and Legal Constraints by Dominic Coppens Cambridge”, Cambridge University Press, 2014.

² Kyle Bagwell & Robert W. Staiger, “Will International Rules on Subsidies Disrupt the World Trading System?”, 96 Am. Econ. Rev. pp. 877, 877–79 (2006).

³ Kyle Bagwell & Robert W. Staiger, “Will International Rules on Subsidies Disrupt the World Trading System?”, 96 Am. Econ. Rev. pp. 877, 877–79 (2006).

jurisdictional mandate in adjudicating alleged breaches, including those involving subsidy disciplines under the SCM Agreement.

The SCM Agreement differentiates between prohibited subsidies—such as export subsidies and local content subsidies—and actionable subsidies that cause adverse trade effects. Articles 4 and 7 of the Agreement lay out special procedural frameworks for these two categories, with accelerated timelines intended to enhance enforcement efficiency.

FTAs often establish autonomous dispute resolution mechanisms, the jurisdiction of which may coexist or compete with that of the WTO. These agreements typically include jurisdiction clauses—such as fork-in-the-road, anti-concurrent, WTO-first, and PTA-first clauses—that aim to prevent parallel litigation and forum shopping.

The third chapter of the dissertation, entitled, “ Implementation of WTO subsidy rules in Uzbekistan’s legislation: comparative insights from FTA Implementations in Other Jurisdictions” provides that the SCM Agreement constitutes a cornerstone of the World Trade Organization’s legal architecture, establishing binding disciplines on the provision and regulation of subsidies by member states. As part of the broader WTO framework, the SCM Agreement serves to ensure that state financial interventions do not distort international trade or confer unfair competitive advantages. The legal force of these obligations is rooted in Article XVI:4 of the Marrakesh Agreement Establishing the WTO, which mandates that each member must align its domestic laws, regulations, and administrative procedures with WTO agreements, including the SCM. This obligation is further underpinned by Articles 26 and 27 of the 1969 Vienna Convention on the Law of Treaties, which uphold the principle of *pacta sunt servanda* and prohibit the invocation of internal law as a justification for failure to perform treaty obligations.

The SCM Agreement introduces a structured and enforceable framework based on four core pillars: (i) classification of subsidies; (ii) prohibition of specific subsidies; (iii) transparency and notification obligations; and (iv) remedies for adverse effects. Under Article 1, a subsidy is defined as a financial contribution by a government or public body that confers a benefit. Article 2 further limits the scope of the Agreement to *specific* subsidies—those targeting certain enterprises, industries, or geographic regions—thereby ensuring that regulatory scrutiny is directed toward measures most likely to distort competition. This specificity criterion distinguishes WTO-regulated subsidies from broad-based public spending and enhances the focus on market-distorting policies.

For acceding countries like Uzbekistan, the obligations arising under the SCM Agreement assume a dual dimension. Article XII of the Marrakesh Agreement stipulates that accession is contingent upon acceptance of the full corpus of WTO rules, including the SCM Agreement. This necessitates comprehensive legal harmonization, including the review and amendment of existing legislation, alignment of administrative practices, and institutional reforms to ensure conformity with the WTO’s subsidy disciplines. Furthermore, accession implies a readiness to participate fully in the WTO dispute settlement system, including the

obligation to implement rulings concerning the legality of domestic subsidy programs.

Accession also imposes forward-looking commitments: Uzbekistan must not only reform its existing subsidy regime but also develop internal mechanisms for continuous compliance, such as transparent reporting, timely notifications, and ex ante assessments of new subsidy policies. The SCM Agreement's transparency provisions—particularly Article 25—require WTO members to submit detailed notifications of all specific subsidies, thereby facilitating peer review and reinforcing the multilateral monitoring system.

In this context, Uzbekistan's obligations under the SCM Agreement extend beyond mere formal compliance. They encompass the cultivation of a legal and institutional culture that prioritizes transparency, fairness, and non-discrimination in state economic interventions. The successful implementation of these obligations is essential for enhancing Uzbekistan's credibility as a prospective WTO member and for securing stable access to global markets under the rules-based international trading system.

CONCLUSION

This work examines the international legal framework governing subsidies within the World Trade Organization (WTO) and Free Trade Agreements (FTAs), alongside an analysis of the adjustments required in national legislation to align with the WTO's Agreement on Subsidies and Countervailing Measures (SCM Agreement) as Uzbekistan progresses toward WTO accession. This analysis has facilitated the development of the following theoretical insights and practical recommendations.

I. Scientific and theoretical proposals and conclusions:

1.1. The regulatory approach to subsidies under the WTO has developed progressively, with earlier frameworks like GATT Articles VI and XVI providing only basic guidance. The limitations of these provisions were highlighted as subsidies gained prominence following significant reductions in tariffs as a primary protective tool. Over time, the need for a more robust and comprehensive regulatory system became evident, leading to the establishment of the Agreement on Subsidies and Countervailing Measures (SCM Agreement) during the Uruguay Round. This agreement addressed specific gaps and set a precedent for other international frameworks by focusing on subsidy classification, discipline, and the use of countervailing measures.

1.2. The SCM Agreement's definition of "subsidy" is a critical advancement, categorizing subsidies as involving a "financial contribution by a government" and "a benefit conferred." The concept is grounded in economic theory, which treats subsidies as transfers that, unlike tariffs, may either promote or distort fair trade depending on their structure and application. This dual definition enables the WTO to address diverse forms of state aid effectively, setting the stage

for a targeted, rules-based approach that distinguishes between general financial contributions and specific subsidies with significant trade-distorting potential.

1.3. Unlike tariffs, subsidies have a complex dual nature, serving both protectionist and policy-oriented functions. This complexity necessitates a nuanced regulatory approach that balances trade liberalization objectives with allowances for legitimate domestic economic strategies. The WTO's approach to subsidy regulation reflects an understanding of the broader policy objectives that subsidies may support, such as social welfare, economic growth, or innovation. Consequently, the SCM Agreement does not advocate for the blanket removal of subsidies but rather for a balanced application that mitigates adverse trade effects.

1.4. The specificity requirement under the SCM Agreement differentiates subsidies with broad economic purposes from those targeted at particular enterprises or regions that could distort international trade. This framework ensures that only subsidies likely to cause competitive imbalances are subject to WTO disciplines. By using the specificity test, the SCM Agreement protects general welfare subsidies that serve legitimate public interests, reserving regulatory oversight for subsidies that are narrowly applied and likely to affect global competition adversely.

1.5. The SCM Agreement employs a three-tier classification system often referred to as the "traffic light" approach, dividing subsidies into prohibited, actionable, and non-actionable categories. This system clarifies which subsidies are universally disallowed, which are permissible but subject to scrutiny, and which, under certain conditions, can be maintained without risking trade disputes. Prohibited subsidies—export and local content subsidies—are recognized as inherently trade-distorting and therefore banned outright. Actionable subsidies, while permitted, are subject to challenge if they cause injury, nullify benefits, or create "serious prejudice" to other WTO Members.

1.6. The SCM Agreement operates within a broader WTO framework that includes agreements such as the Agreement on Agriculture, the TRIMs Agreement, and sector-specific agreements like the recently established Agreement on Fisheries Subsidies. Each addresses unique trade issues and imposes specific regulatory obligations in subsidy practice. The WTO's regulatory model underscores a preference for legal interoperability, allowing the SCM Agreement to serve as a foundational standard while accommodating the unique demands of various economic sectors through specialized agreements.

1.7. The SCM Agreement's practical application and effectiveness have evolved through WTO jurisprudence, particularly with panel and Appellate Body interpretations of complex terms like "financial contribution," "benefit," and "specificity." Notable cases have refined the understanding of subsidy disciplines, fostering a more adaptable and nuanced approach that reconciles the multilateral nature of the WTO with the bilateral or regional commitments found in free trade agreements (FTAs).

II. Proposals for improving the current legislation:

2.1. **Article 5 of the Customs Code of the Republic of Uzbekistan**, which regulates Customs-Free Zones (CFZ), should be revised to eliminate incentives that may be contingent upon export performance. Incentives within CFZs must be aimed at attracting investment and promoting production activities, without imposing export performance requirements. This approach prevents such incentives from being classified as “prohibited subsidies” under the SCM Agreement. To ensure transparency and accountability, the Customs Code of Uzbekistan should introduce a provision mandating the reporting of all subsidies granted within CFZs to the WTO Committee on Subsidies and Countervailing Measures. Such reports must include a detailed description of each incentive program, eligibility criteria, and procedures for application and use.

2.2. **The Law of the Republic of Uzbekistan “On Safeguard Measures, Anti-dumping and Countervailing Duties”** should be comprehensively revised to fully reflect the provisions of the SCM Agreement. Accession to the Subsidies Agreement requires substantial changes to both administrative and judicial procedures. In accordance with Article 10 of the SCM Agreement, countervailing duties may only be imposed following an official investigation conducted by a competent authority. Article 12 requires that exporters and foreign producers be given formal notice and an opportunity to present evidence. Under Article 22, the investigating authority must issue a preliminary statement of findings, and all proceedings must be subject to judicial review pursuant to Article 23.

Article 3 must be redrafted to provide a precise definition of a subsidy, including the specification that a subsidy is “specific” if it confers a benefit on a particular enterprise, industry, or group of persons, or is contingent upon export performance or the use of domestic over imported goods. In addition, explicit references must be made to the terms “financial contribution” and “benefit” as defined in Articles 1 and 2 of the SCM Agreement, to ensure the accurate and legally sound application of subsidy norms.

Furthermore, core terms such as “countervailing measure,” “injury,” “developed country,” “exporter,” “importer,” and “de minimis” should be defined with precision in Article 3. This approach strengthens legal clarity and ensures conformity with international trade law standards.

The provisions related to injury determination must be improved. The methodology for assessing injury should include:

- Criteria grounded in general principles of injury determination and aimed at ensuring objective assessments;
- A precise and evidence-based interpretation of the term “risk of material injury”;
- A transparent approach to establishing causality between subsidized products and the injury suffered by domestic producers.

Article 4 must be amended to provide for the establishment of a permanent, independent, and clearly mandated body to review trade remedy measures. The current absence of such an authority undermines transparency and stability. A permanent body would enhance accountability, ensure compliance with the WTO’s

transparency requirements, and guarantee the effective implementation of trade remedies.

Article 17 must eliminate the fixed 1 percent threshold for countervailing duties. The SCM Agreement requires that subsidies be assessed based on the actual benefit conferred, rather than a pre-established threshold. Consequently, duties should be calculated accurately and fairly in accordance with Article 14 of the SCM Agreement.

Article 18 should replace the term “serious injury” with “material injury,” in conformity with WTO standards. The assessment of material injury must include the analysis of factors such as import volumes, price trends, and their impact on the domestic industry. This change ensures compliance with Article 15 of the SCM Agreement and enhances the precision of injury determination.

Article 19 should establish a maximum duration of four months for provisional countervailing measures, with extension permitted only in exceptional circumstances. Such measures must be imposed only when sufficient preliminary evidence is available, in full conformity with Article 17.1 of the SCM Agreement.

Article 16 must clearly state that both anti-dumping and countervailing duties cannot be simultaneously applied to the same product. Where dual investigations are conducted, only one remedy should be applied based on the primary cause of injury, thus preventing double remedies.

Article 27 should require the disclosure of non-confidential summaries of submitted evidence to enhance transparency. This aligns with Article 12 of the SCM Agreement and ensures fairness and openness in investigative procedures.

Article 25 should limit the maximum duration of investigations to 12 months, with extensions up to 18 months allowed only in exceptional cases. This guarantees timeliness in decision-making and ensures compliance with Article 11.11 of the SCM Agreement.

Article 20 must introduce an automatic “sunset review” mechanism for countervailing duties. Accordingly, unless it is proven that injury is likely to recur, such duties should expire after five years. This provision is consistent with Article 21 of the SCM Agreement and ensures the periodic reassessment of trade remedy measures.

2.3. Article 23 of the Law “On Competition” should be supplemented with criteria for assessing the impact of state aid on market competition. This amendment would clearly identify which forms of state support may potentially distort competition. At the same time, an independent regulatory authority responsible for monitoring state aid should be established.

2.4. The provisions of Presidential Decree No. PQ–97 “On Additional Measures to Support Participants of Foreign Trade Activities” that explicitly link transport subsidies to export activities must be revised. The revised subsidies should aim to improve the logistics system and serve not only export interests but also those of domestic trade, thereby ensuring compatibility with the requirements of the World Trade Organization (WTO). The accreditation support system should not be limited solely to export-oriented entities but must also include all economic operators aiming to meet international standards. This approach makes subsidies

more inclusive and ensures compliance with the provisions of the SCM Agreement. Mechanisms such as the reduction of prepayments, the allocation of youth-targeted loans, and support for working capital should be applied equally to enterprises operating in the domestic market and not only to exporters.

2.5. Similarly, the Presidential Decree “On Additional Measures to Strengthen the Role of Business Associations in the Development of Foreign Trade and Regional Industry” should not restrict transport and financial support subsidies solely to export-oriented activities. Their scope of application should cover economic activities targeting both domestic and foreign markets, with the aim of creating a balanced support mechanism that stimulates economic growth without violating the rules of the SCM Agreement.

2.6. Presidential Decree No. PQ–228 dated 30 September 2022 “On Measures to Further Expand the Export Potential of Business Entities” should be amended to ensure alignment with international trade standards. Specifically, paragraphs three and four of the Decree should be repealed to enhance transparency and legal clarity in the area of export regulation. In addition, a provision should be added to paragraph one stipulating that a foreign currency shortfall not exceeding 5% of the total value of the export contract shall not be considered overdue and shall not trigger any penalty measures against the business entity. This provision should apply retroactively to situations that occurred prior to 1 November 2022. These amendments will contribute to strengthening legal certainty, reducing excessive financial burdens on exporters, and creating a competitive export environment by bringing national trade regulation in line with international best practices.

III. Practical proposals and conclusions:

3.1. One of the main challenges in subsidy regulation is the lack of transparency in their notification and monitoring. It is recommended to introduce a stricter and standardized subsidy notification mechanism within the framework of the WTO. This would ensure that Uzbekistan provides clear information on the forms of subsidies, their beneficiaries, and the expected outcomes during its accession process to the WTO. This measure will improve monitoring, reduce disputes, and enhance the transparency of subsidy mechanisms.

3.2. Although the current WTO dispute settlement system is effective, the issue of excessive delays in the process remains. Therefore, it is proposed to establish a specialized committee within the WTO to expedite the resolution of subsidy-related disputes. This committee would serve to address complex subsidy-related disputes more efficiently and help establish practice in this area for the future.

3.3. Establishing a specialized body under the Ministry of Investments, Industry and Trade of the Republic of Uzbekistan, similar to the committees regulating subsidies in Kazakhstan and the European Union, is considered an important initiative from the perspective of effective subsidy regulation under the WTO. Such a body would be tasked with developing this system on the basis of

transparency and international standards, with the aim of identifying potential threats to fair competition, economic sovereignty, and the economic interests of states.

3.4. The WTO's Agreement on Subsidies and Countervailing Measures (SCM Agreement) sets out clear criteria on subsidies; however, to prevent trade distortions, it is necessary to further clarify the permissible forms of government support. Accordingly, reforms should be introduced within the WTO to more clearly identify "green light" (permitted) subsidies, such as those granted for environmental protection and scientific research, and to more strictly regulate "red light" (prohibited) subsidies, in particular those contingent upon export performance or aimed at import substitution. In this context, the Republic of Uzbekistan must take the above-mentioned considerations into account when concluding future bilateral agreements on subsidy regulation, similar to the practice of Kazakhstan, Korea, and the European Union.

3.5. The SCM Agreement currently prohibits only two types of subsidies—export subsidies and import-substitution subsidies. In light of contemporary trade and environmental challenges, it is necessary to expand the list of prohibited subsidy types. These include:

Location-based subsidies – subsidies provided to attract investors to specific regions, which may distort the balance of international trade;

Resource-based subsidies – subsidies aimed at the extraction or exploitation of natural resources, particularly those supporting the fossil fuel industry, which run counter to sustainable development goals and may cause environmental harm.

There is a need to reintroduce or clarify the legal status of the "green light" subsidies formerly covered under Article 8 of the SCM Agreement. Such subsidies are intended to support socially and economically beneficial objectives, including environmental protection, regional development, scientific research, and innovation. Furthermore, by introducing a special exceptions mechanism similar to Article XX of the GATT, it would be possible to regulate subsidies that serve internationally recognized public policy objectives.

3.6. At present, the SCM Agreement covers only goods-related subsidies, while the services sector remains unregulated. Although Article XV of the GATS acknowledges the potential distortions caused by subsidies in the services market, instead of deferring to "future negotiations," it is necessary to develop specific rules governing subsidy practices in the services sector. Particular attention should be paid to: subsidies that provide excessive advantages to domestic service providers, which violate the principle of a level playing field for foreign competitors; and financial support aimed at promoting certain service sectors, which may disrupt fair competition in services trade.

3.7. Due to the complexity and slow pace of multilateral regulatory processes, it may be more practical to initially regulate subsidies within the framework of Free Trade Agreements (FTAs). The step-by-step approach applied in the European Union ensures the consolidation of subsidy rules through bilateral and regional agreements, which in turn facilitates their future integration into the multilateral system.

**НАУЧНЫЙ СОВЕТ DSc.07/03.06.2023.Yu.22.04 ПО
ПРИСУЖДЕНИЮ УЧЕНЫХ СТЕПЕНЕЙ ПРИ ТАШКЕНТСКОМ
ГОСУДАРСТВЕННОМ ЮРИДИЧЕСКОМ УНИВЕРСИТЕТЕ**

**ТАШКЕНТСКИЙ ГОСУДАРСТВЕННЫЙ ЮРИДИЧЕСКИЙ
УНИВЕРСИТЕТ**

ТОЙИРОВ АЗИЗБЕК ТОЛИБОВИЧ

**ПРАВОВОЕ РЕГУЛИРОВАНИЕ ПРАВИЛ ВСЕМИРНОЙ ТОРГОВОЙ
ОРГАНИЗАЦИИ ПО СУБСИДИЯМ И ИХ ИМПЛЕМЕНТАЦИИ В
ЗАКОНОДАТЕЛЬСТВЕ УЗБЕКИСТАНА**

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АВТОРЕФЕРАТ

докторской (доктора философии) диссертации по юридическим наукам

Ташкент – 2025

Тема диссертации доктора философии (PhD) зарегистрирована Высшей аттестационной комиссией при Министерстве высшего образования, науки и инноваций Республики Узбекистан за № В2023.3.PhD/Yu1205

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Введение (аннотация диссертации доктора философии (PhD))

Цель исследования – является регулирование субсидий в рамках Соглашения о субсидиях и компенсационных мерах Всемирной торговой организации (Соглашение СКМ) и Соглашений о свободной торговле (ССТ), гармонизация законодательства Республики Узбекистан с положениями Соглашения СКМ, а также разработка научно обоснованных предложений и рекомендаций по совершенствованию международных и национальных механизмов регулирования субсидий.

Объектом исследования является система международно-правовых отношений, связанных с регулированием субсидий в рамках Всемирной торговой организации (ВТО).

Научная новизна исследования заключается в следующем:

обоснована необходимость гармонизации Закона Республики Узбекистан «О защитных мерах, антидемпинговых и компенсационных пошлинах» с международными торговыми стандартами — в особенности с критерием «специфичности», закреплённым в Соглашении ВТО по субсидиям и компенсационным мерам, в случаях, когда субсидии предоставляются «конкретным предприятиям, отраслям или группам» либо «при условии достижения экспортной эффективности или использования отечественных товаров вместо импортных»;

обоснована необходимость принятия комплексного Закона «О компенсационных мерах», в котором были бы разработаны точные юридические определения ключевых понятий, включая «компенсационная мера», «компенсационная пошлина», «ущерб», «развитая страна», «экспортёр», «импортёр» и «заинтересованная сторона»;

обоснована необходимость систематизации общих правовых принципов определения ущерба, а также концептуальной разработки механизмов установления причинно-следственной связи, применимых к таким инновационным подходам, как «угроза существенного ущерба»;

обоснован и нормативно оформлен инновационный механизм условного предоставления льгот, при котором предоставление преференций обусловлено целевым использованием высвобожденных средств для приобретения дополнительного технологического оборудования в течение двух лет с момента импорта.

Внедрение результатов исследования

предложения, разработанные в диссертации, были использованы при подготовке проекта нового Закона Республики Узбекистан «О компенсационных мерах», разрабатываемого Министерством инвестиций, промышленности и торговли Республики Узбекистан. В частности, данные предложения были учтены при формировании понятий «компенсационная мера», «компенсационная пошлина», «ущерб», «развитое государство», «экспортёр», «импортёр», «заинтересованная сторона», закреплённых в статье 3 указанного проекта закона (акт Министерства инвестиций, промышленности и торговли Республики Узбекистан №03-81-00161 от 10

февраля 2025 года). Данные предложения направлены на обеспечение гармонизации с международными стандартами торгового права, повышение правовой определённости в национальном законодательстве, формирование чёткой правовой основы для применения мер по защите торговли, а также обеспечение корректной интерпретации и оценки в случае возникновения ситуаций, связанных с субсидиями;

в диссертации обоснована необходимость глубокого и всестороннего переопределения таких ключевых правовых понятий, как «компенсационная мера», «ущерб» и «*de minimis*», и соответствующие предложения были использованы при формулировании основных положений главы III проекта закона, в том числе при разработке положений статьи 9 «Общие принципы определения ущерба», статьи 12 «Риск нанесения материального ущерба» и статьи 13 «Причинно-следственная связь» (акт Министерства инвестиций, промышленности и торговли Республики Узбекистан №03-81-00161 от 10 февраля 2025 года). Эти предложения способствуют повышению эффективности правовой базы в борьбе с нарушениями торговли, обеспечению полного соблюдения обязательств Узбекистана по Соглашению ВТО о субсидиях и компенсационных мерах, эффективной защите внутренних отраслей и продвижению добросовестной конкуренции на основе принципов международного торгового права;

предложения о необходимости пересмотра стандарта ущерба в торговой политике Узбекистана, в частности, замены термина «серьёзный ущерб» на «существенный (обоснованный) ущерб» и интеграции критериев ущерба, установленных ВТО, в национальную политику, были использованы при разработке Указа Президента Республики Узбекистан от 30 сентября 2022 года № PF-228 «О мерах по дальнейшему расширению экспортного потенциала субъектов предпринимательства» (акт Министерства инвестиций, промышленности и торговли Республики Узбекистан №03-81-00161 от 10 февраля 2025 года). Данная инициатива направлена на укрепление правовой определённости, снижение избыточной финансовой нагрузки на экспортёров, обеспечение большей гибкости внешнеторговых операций, сближение национального регулирования с международными передовыми практиками и создание конкурентоспособной и устойчивой экспортной среды для бизнеса Узбекистана;

предложения из диссертации были использованы при формулировке второго абзаца пункта 8 Постановления Президента Республики Узбекистан от 4 декабря 2018 года № PQ-4047 «О дополнительных мерах по поддержке ускоренного развития шелководства в Республике». В частности, предложение звучит следующим образом: «Установить, что предусмотренная настоящим пунктом льгота применяется при условии целевого направления высвобождаемых в результате применения льготы средств на приобретение технологического оборудования в течение первых двух лет с даты ввоза указанного оборудования» (акт Министерства инвестиций, промышленности и торговли Республики Узбекистан №03-81-00161 от 10 февраля 2025 года). Данная инициатива направлена на регулирование предоставляемых

государством льгот в соответствии с требованиями Соглашения ВТО о субсидиях и компенсационных мерах, в частности, на разграничение разрешённых субсидий и субсидий, нарушающих торговлю и подлежащих мерам в соответствии с правилами ВТО. Также это предложение служит снижению риска возможных претензий в рамках ВТО, предотвращению введения компенсационных пошлин, упрощению процесса присоединения к ВТО и укреплению конкурентоспособности шелководческой отрасли Узбекистана;

кроме того, предложения, разработанные в рамках диссертации, были учтены при формулировании пункта 1 и подпункта 4 пункта 5 Постановления Президента Республики Узбекистан № ПП-126 от 21 июня 2024 года «О мерах по дальнейшему усилению роли объединений предпринимателей в развитии внешней торговли и региональной промышленности» (Акт № 8-0009-02 Министерства юстиции Республики Узбекистан от 25 июня 2025 года). В этом контексте особо важно учреждение акционерного общества «Компания по развитию торговли» под эгидой Агентства по управлению государственными активами — на основе Агентства по продвижению экспорта и Фонда поддержки экспорта — а также передача полномочий по управлению государственной долей в уставном капитале данной компании Торгово-промышленной палате на основании доверенности. Данная институциональная реформа направлена на приведение в соответствие с требованиями статей 10 и 12 Соглашения ВТО о субсидиях и компенсационных мерах, особенно в части обеспечения прозрачности и предсказуемости государственной политики.

Структура и объём диссертации. Диссертация состоит из введения, трёх глав, заключения, списка использованных источников и приложений. Общий объём работы составляет 152 страниц, исключая список литературы.

E'LON QILINGAN ISHLAR RO'YXATI
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I bo'lim (I part; I часть)

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5. Azizbek Toyirov, Jahon savdo tashkiloti doirasida subsidiyalar tushunchasi va ularning huquqiy tartibi, *Society and innovations* (<https://doi.org/10.47689/2181-1415-vol6-iss5/S-pp268-272>), No 05, 2025, pp.268-272. (12.10.00; №12).

6. Azizbek Toyirov, “The Historical Evolution and Legal Regulation of Subsidies and Countervailing Measures in the WTO Framework”, *Journal of Intellectual Property and Human Rights*, Volume: 4 Issue: 4 | Apr–2025 ISSN: 2720-6882, p.99-103.

II bo'lim (II part; II часть)

7. A. Toyirov, Why Uzbekistan should acquire membership to the World Trade Organization, “Конституциявий Ислохот: Европа Иттифоқи ва Марказий Осиё Мамлакатлари тажрибаси” халқаро давра суҳбати материаллар тўплами, 2023, p.61-64.

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9. A. Toyirov, Prohibited subsidies under the WTO agreement on Subsidies and Countervailing measures (SCM agreement): a comprehensive legal analysis, “International Conference on Developments in Education” mavzusidagi ilmiy-

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