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СПЕЦИАЛЬНЫЕ ЭКОНОМИЧЕСКИЕ ЗОНЫ И ТЕРРИТОРИИ ПРИОРИТЕТНОГО РАЗВИТИЯ В КОНТЕКСТЕ СОВРЕМЕННОЙ ЭКОНОМИЧЕСКОЙ ПОЛИТИКИ УКРАИНЫ

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АННОТАЦИЯ

Определены актуальные проблемы создания и функционирования специальных экономических зон и территорий приоритетного развития в Украине. Проанализирован вклад субъектов СЭЗ и ТПП в решение социально-экономических проблем регионального развития и принятые меры нормативно-правового регулирования для преодоления негативных тенденций углубления диспропорций между регионами государства. Доказано, что главной причиной неудач является преобладание лоббистских интересов региональных властных структур над рациональными экономическими потребностями территорий. Предложена стратегия реанимации действующих СЭЗ, основными звеньями которой должны быть: упорядочение и усовершенствование законодательной базы; обеспечение стабильной, предсказуемой и последовательной льготной политики государства; разработка комплексной концепции применения инновационного кластерного подхода; система жесткого контроля и мониторинга деятельности специальных зон, исключающая возможность злоупотреблений и махинаций.

Ключевые слова: специальные экономические зоны, территории приоритетного развития, специальный правовой режим экономической деятельности, мониторинг результатов функционирования, трансграничные кластерные инициативы.

SPECIAL ECONOMIC ZONES AND TERRITORIES OF PRIORITY DEVELOPMENT IN TERMS OF MODERN ECONOMIC POLICY OF UKRAINE

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ABSTRACT

Topical issues of creating special economic zones and territories of priority development in Ukraine and functioning thereof are defined. FEZ (free economic zones) and TPD (territories of priority development) subjects' contribution into solving social and economic problems of regional development is analyzed, as well as legal and regulatory actions taken to overcome negative tendencies of aggravating disproportion between the state regions. The main reason for failures is proved to be lobbying interests of regional government agencies prevailing over rational economic needs of the territories. The strategy is suggested aimed at reviving current FEZ that falls into the following elements: alignment and modernization of legislative framework; providing the sustainable, predictable and consistent state subsidy policy; development of integrated concept of applying the innovative cluster-based approach; system of strict control and monitoring of special zones activity to prevent abuse of power and discreditable practices.

Keywords: special economic zones, territories of priority development, special legal order of economic activity, monitoring of functioning results, cross-border cluster-based initiatives.

Problem setting. Special economic zones and territories of priority development are the remarkable elements of structural transformations in the world economic system. Nowadays there are a lot of modifications of that term which is called by the world community as special economic zones (SEZ): free economic zones, priority development territories, free enterprise zones, special economic districts, free trade zones, industrial-enterprise zones, export development zones, free customs zones etc. The selection of SEZ type is usually determined by a number of factors, in particular, by the availability of regional-economic disproportions, depressive territories, zonal surplus of unemployed manpower, and necessity of stimulating some industrial branches. The problem of SEZ has a geopolitical dimension, in particular: perspectives of state integration into modern world economics, setting its place in global labour division.

Not in vain UNO accepted special economic zones as one of the substantial achievements of the second half of the 20th century, as they played a great part in economic integration and expeditious usage of innovations.

Nowadays there are about two thousand special economic zones in the world. 11 SEZ and 72 territories of priority development (TPD) are located on the territory of Ukraine and they are the most extensive experiment which was implemented by native officials in the sphere of regional policy.

However, despite continuance of this experiment and its extension on different regions by the economic structure and their development stage ("special duties" captured over 10% of the territory of Ukraine, the assessments of specialists as for implementation of such an instrument are contradicting [1, p. 73]. Besides the question of urgency in further existence of SEZ and TPD becomes topical again whenever the new government assumes power.

Latest research analysis. Research in the directions of functioning of SEZ and TPD are urgent not only among the native scientists, but also among the foreign economists and politicians. The evidence of the defined problems importance is a constant discussing question in the spheres of SEZ and TPD activity at the summits of the European Community.

General recommendations as for effective functioning of special juridical modes of the economic activity were elaborated in terms of TRANSFORM programme for Ukraine by the German scientists A. Zindberg, L. Hoffman, F. Miollers, S. Kramon-Taubadel. Among the native researches one can admit the publications of Y. Makogon, N. Mikula, O. Shnyrkov, T. Ershova, V. Abramova, V. Borshchevskyi, V. Tkachenko, N. Hotsyanivska, V. Kuzmenko, L. Kuznetsova, I. Avdyushchenko and others.

However, in spite of the numerous recommendations and developments, scientists had not come to a single conclusion as for the building universal organization pattern of SEZ and TRP functioning which would favour qualitative and quantitative increasing of activity indexes, and they did not determine as for the principles and instruments of a single regional policy concerning "special duty zones".

Aim. So let us consider it necessary to systematize the main moving and braking factors of SEZ and TPD activity by tracing development perspectives of the latter.

Research results. At the state governing practice special economic zones as the instrument of stimulating separate territory development has been known for a long time. By giving some privileged and preferences to the enterprises which work or which are being built on the certain territory, the state thus stimulates capital inflow, business process activation, creating new workplaces with a high salary. It is also important that new technologies come into industry and management with the foreign capital via SEZ. Besides the mentioned direct privileges from SEZ existence, there are also indirect ones which may refer to receipts increasing to different level budgets and special-purpose funds (salary taxation, payroll accounting), engagement of neighbouring enterprises which serve to the subjects of SEZ (transport, building organizations, ports), and also advanced training local staff and development of the infrastructure which serves to special economic zones.

As one can see, the most active influence on the state economics was made by SEZ and TPD in 2007. Since 2011 their part had been minimized. And only due to following the policy of creating new workplaces, the state manage to save

Table 1. SEZ and TPD Contribution into State Economics

№	Indexes	SEZ					TPD				
		For the whole functioning period	For 2007	Specific gravity for 2007 in the general structure, %	For 2011	Specific gravity for 2011 in the general structure, %	For the whole functioning period	For 2007	Specific gravity for 2007 in the general structure, %	For 2011	Specific gravity for 2011 in the general structure, %
1	Raised investment, mln. грн.	5700	606	10.63	3.983	0.07	11200	1305	11.65	10.959	0.1
2	Workplaces created	15495	1976	12.75	9083	58.62	50073	9028	18.03	20462	40.86
3	Products sold, mln. грн.	38500	5036	13.08	18.390	0.05	69070	14139	20.47	27.086	0.04
4	Transferred to budget and state funds, mln. грн.	5600	387	6.91	3.912	0.07	8900	519	5.83	2.708	0.03

Source: data of the Ministry of economic development and trade of Ukraine for the corresponding years

at least 666.3 mln грн. In SEZ, basing on the fact that value standards of one workplace fluctuate in different industrial branches from 43 000 грн. (wood – processing industry) up to 197.3 000 грн. (Chemical industry). In the meanwhile, taking into account value standards of creating one workplace in scientific-technological branch 70 000 грн., the state saved at least 112 mln грн [2].

General positive dynamics of integrated specific gravity of SEZ and TPD development in the general-national economics complex were fixed. For the period from 1996 till 2011 it increased from 2.1 till 6.93 %, but, in comparison with 2007 it reduced till 1.8 % [3, p. 11].

But the question of suitability and effectiveness of SEZ and TPD functioning is ambiguous. Position “against” is based on the following arguments. For the first, it is an opaque procedure of decision making as for creation of these territories and zones and the participation of certain enterprises in them, when, taking into account the demand of the notion “zone”, the status of SEZ and TPD was given to the whole regions.

For the second, the activity results of the territories with the special economic mode turned out to be quite uninformed and did not always correspond to the expectations. For the whole period of SEZ and TPD functioning real indexes of their activity constituted 60–70 % of the level expected. Canceling tax privileges, special customs

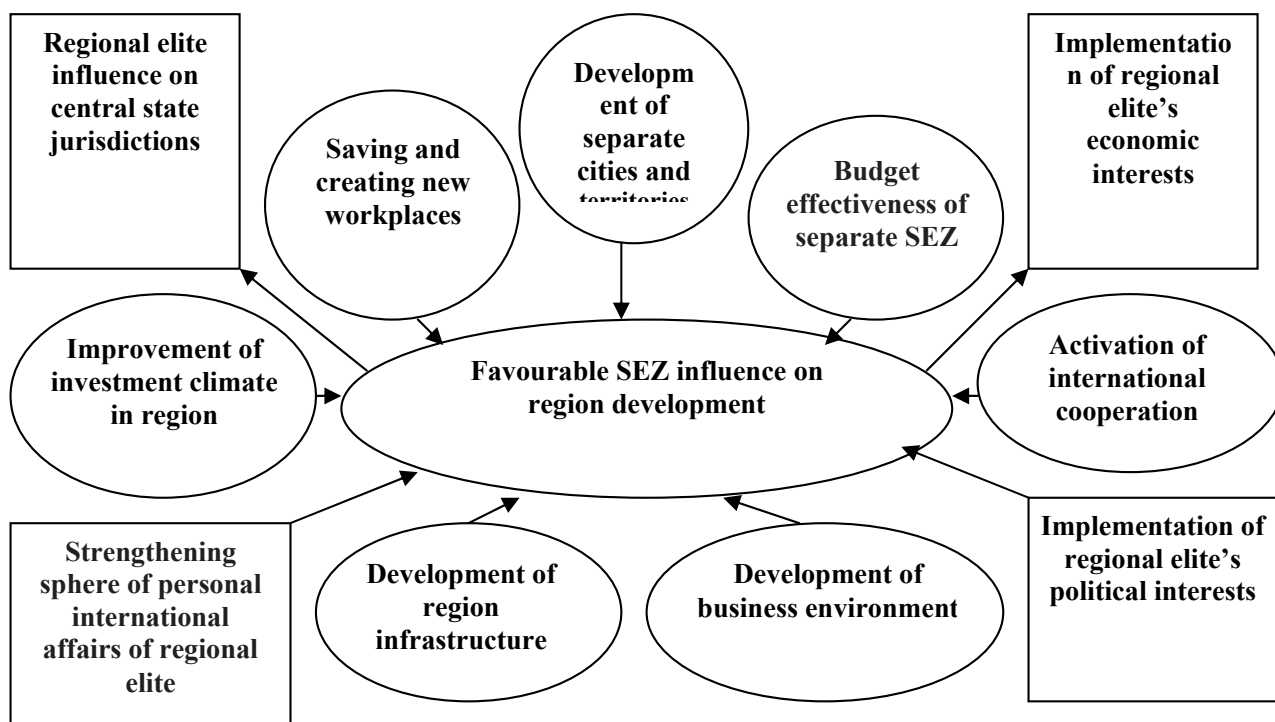
mode for the subjects which implement investing projects by making changes to the Law of Ukraine “About making changes to the Law of Ukraine “About the State Budget of Ukraine for 2005” and some legislative statements of Ukraine”¹ dated by 25.03.2005 № 1505, retarded slow development tempos of special theories and their influence on the socio-economic state of regions and their location substantially.

It is worthy to underline unjust advantage of the emotional component over the analytical one in discussions of the similar character. It is illustrated by the fact that the Government offered the parliament the decision project as for cancelling tax privileges in terms of special modes at first (in march 2005), and only in 4 months it finished the activity analysis of SEZ and TPD subjects.

For the third, intention to use free economic zones and territories of priority development is not only a method of investments engagement, but also it is an instrument of social problems solution on depressive regions. Besides, free economic zones were often used for implementation of doubtful import schemes (for instance, meat).

For the fourth, low state control over SEZ and TPD work caused mass breaching in special territories activity. It can be illustrated by

¹ Law of Ukraine “About making changes to Law of Ukraine “About State budget of Ukraine for 2005” and some other legislative statements of Ukraine” dated on 25.03.2005.



Scheme 1. Arguments in favour of saving SEZ

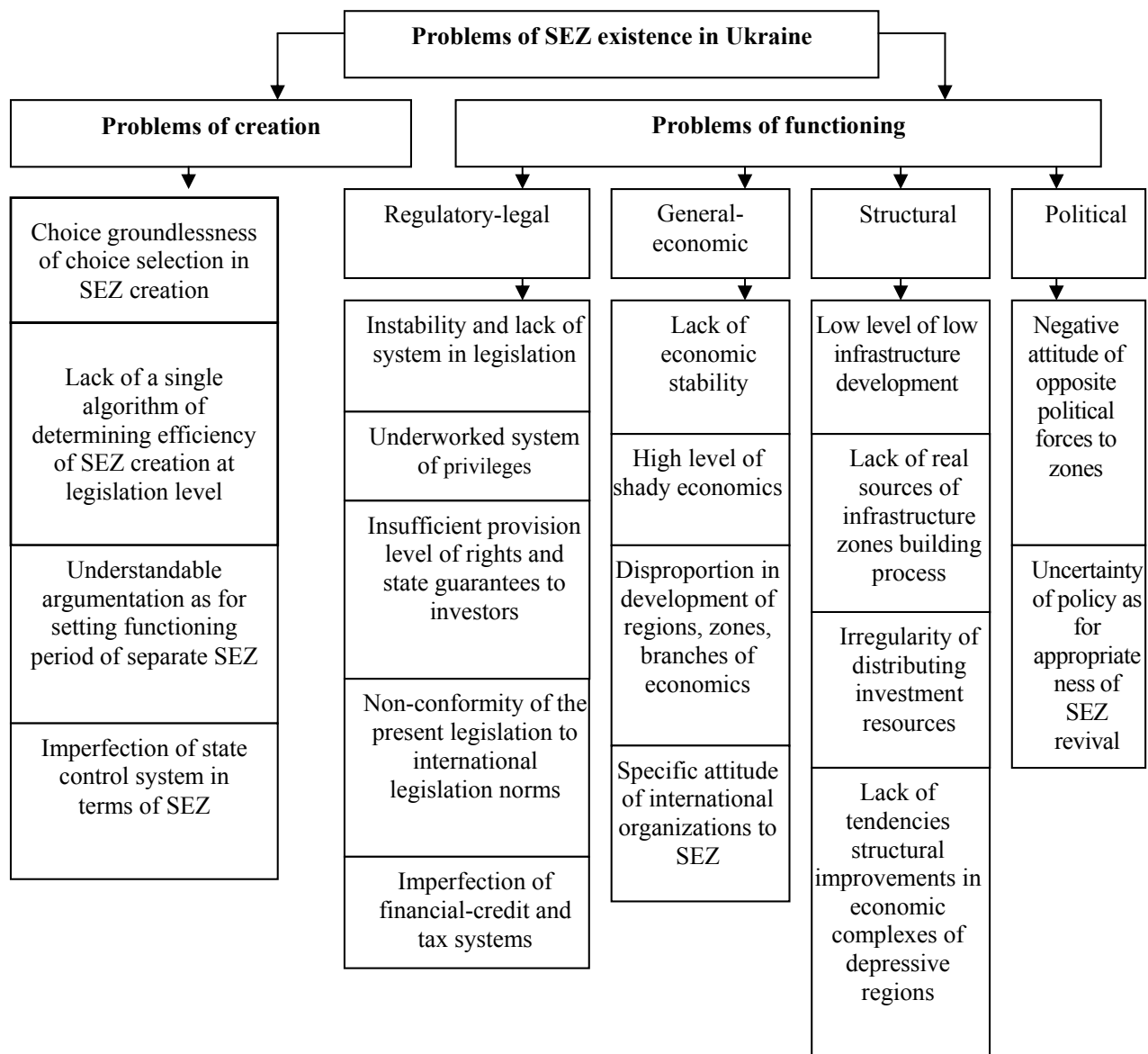
the results of tax administration trials, according to which it turned out that at 211 enterprises selected out of 230 which work in SEZ and TPD, in 2010–2011 facts of tax and customs legislation breaching were revealed [3, p. 12].

For the fifth, low infrastructure state support of the special territories neutralizes all the attempts of activating investment-innovation policy. So, if in Poland a special accent of the state policy is put on infrastructure development of special territories – transport communications, information and telecommunication provision, then, in Ukraine exactly low infrastructure level repulses potential investors. Thus, “having saved” on development of industrial and social infrastructure, expenses connected with propagation of SEZ investment attraction, development of investment projects and suggestions, their presentation at international congresses, the Ukrainian authorities have got too much powerful investors, slow upgrading of investing abilities in its SEZ, small financial output from investment projects implementation, spreading up the phenomenon of “virtual” manufacturers, appearance of shady activity schemes.

The widespread statement about the irrationality of special economic zones was the information that only 3 % of all the projects

implemented in SEZ and TPD, had completed all the investment liabilities [4, p. 56]. However, I think, this is not objective, as it is deprived of the complex analysis relating the fact of the matter. As all the investment projects in terms of special modes were implemented basing on separate arrangements with the local authorities, it is logically that each counterpart took some liabilities. The Finance Ministry analysis was based on the implementation level of planned indexes by SEZ and TPD subjects (not only obligations, but also business-plan parameters) – amounts of investments, number of new workplaces, production output, income to budgets, tax privileges, – and it revealed that only four enterprises realized their plans by each of the shown indexes. At the same time the analysts paid no attention to the implementation condition of contractual liabilities by the state. Thus it is not correct at all to talk about correspondence of taken investment liabilities and responsibility of subjects for nonfulfillment of the latter.

Thus discussions concerning functioning perspectives of SEZ and TPD in Ukraine cause a great social resonance. It is not a surprise because the problem refers not only fleshing out the state budget and fighting shady economics, but also the whole layer of socio-economic



Scheme 2. **Problems of SEZ functioning in Ukraine**

processes, the most substantial among them are proportional development of the Ukrainian regions, fighting unemployment, forming favourable investment climate, and also image of the state at the world arena.

However the substantial barrier on the way to urgent questions solution of the special legal regimes of the economic activity is the activity of the effects succession which comes across with the Ukrainian authorities. The first of them is “iceberg” effect, when following the small visible part the huge invisible part is revealed. In particular, the originator of the “fight with privileged regimes” is the Government, and the practical performer of the Government will is the Parliament. In other words, people’s deputies “thanks” to the Government volition find themselves in the

situation “between David and Goliath”, when, on the one hand, they are pressed by congregation, who hope for the European standards of social protection, and on the other hand – they are influenced persistently by investors, first of all, foreign ones.

The attempts of the President, the Government and the parliament to give reasons for “budget innovations” by the need of the fastest integration into European economic space and strict demands of EC and WTO seem not to be convincing enough, especially in comparison with our Western neighbours from the former socialist encampment, where SEZ continue to exist without barriers, despite the membership of these countries in the international financial organizations and EC. Moreover it can be spoken about the fact

Table 2. Main differences between SEZ and TPD

Comparison criteria	Special economic zone (SEZ)	Territories of priority development (TPD)
Level of covering territory	Has clearly defined lines, territory is equipped according to customs demands	Limits established at the administrative borders of population centres or the whole districts
Management	Ruled by special body which is responsible for activity and development of SEZ	There is no separate ruling body, ruling functions are put on the local authority bodies
Administrative mode character	Each SEZ has legislation defined list of activities liable to tax and customs privileges	Priority projects are determined by the local authority bodies
Fulfilling operations character	Right for investment projects implementation is given on competitive basis. Subjects have no right for privileged loans or state guarantees	Investment projects are of primary importance for engaging sovereign loans, given by the foreign countries and by the international finance and credit institutions

that Euro-integration arguments in terms of the present authorities policy as for SEZ resemble boomerang, in a way, which, on the one hand, is launched to “knock down” the level of the possible privileges up to the minimum and fill in the state budget, but, on the other hand, comes back and contains, as a rule, a danger of “appropriate change of game rules”, which threatens by financial sanctions connected with the implementation of court “s decision by the claims of the cheated investors (*“boomerang” effect*).

Even if the declared aims are reached as for the budget fulfillment and partial liquidation of shady schemes, this will bring positive results only for the short-term periods, because some effects will turn out: investors’ distrust, fear of capital legalization (in particular, “escape” of the capital), strengthening negative tendencies in depressive regions, political aggravation etc. That is we shall have one more undesirable effect – *“pendulum” effect*.

Besides Governmental and political parties have to balance constantly between the social priorities of the low-protection population groups and problem solution of the depressive regions inhabitants, who “survive” due to SEZ. Therefore there is a high probability of returning to the practice of double standards and unclear actions: venturers should give out the lost, but within some time – other levers – state guarantees, orders, lobbying etc. That is why there reasons to talk about one more negative effect – *“ropewalker” effect*, which will make the government and

Verkhovna Rada balance constantly between business, politics and community, that is to be in “suspended condition” and keep in it all subordinate structures [1, p. 75].

In connection with everything said, all the problems of SEZ and TPD should be grouped into regulatory and legal, general economic, structural and political (scheme 2). In the meanwhile the block of regulatory and legal non-regulations has a deregulating character and provides a favourable climate for spreading negative factors action of economic, structural and political character. At the same time the latter serve a powerful braking mechanism in the process of gaps liquidation in the present legislation and problems solution of institutional provision of special mode territories. Therefore I regard it as necessary to stop at the key moments of legal non-regulations as for SEZ and TPD.

It is an absurd situation when, taking into account continuous existence period of special legal modes in the present legislation some inaccuracies in defining terms SEZ and TPD are not liquidated. The special mode of economy is regarded as the synonym to special economic zones, territories of the priority development, which does not correspond to reality. The sorts of the special economy modes, except SEZ and TPD, are concession, economy under the conditions of emergency state, war state etc. In the Economy code of Ukraine legal norms, which specify economic activity on some territories, had been classified for the first time in some branches of the national

economy. At the same time, the Economy code does not detail the notion “special economy mode”.

In my opinion, under the special economy mode we should understand a special order of fulfilling economic activity by subjects on the territory of SEZ, which differs from the general mode of the economic activity prescribed by the state. However legislative mode of special economic zones includes not only economic activity fulfilling by the subjects stated, but also state policy as for decreasing taxes, giving privileges, tax accounts etc.

It is worthy to admit the following categories referring the special mode of economic activity of SEZ and TPD, which contains special rules; setting special license order, non-prescribed by the general legislation, for running economic activity at the special mode territory; legislative consolidation of limitations or encouragements of economic agents during organizing or running economic activity at SEZ and TPD territories. All listed criteria should be followed in totality, only in that case one or another mode can be referred to the special economy mode of SEZ and TPD.

At the same time, the analysis of regulatory and legal statements about special economic zones shows that a great amount of receipts is duplicated, and simultaneously there exist some contradictory law norms which regulate identical jural relationships in different special economic zones. For instance, management question in special economic zones is regulated by the special legislative statements about particular special economic zones not identically, and, at the same time, in the majority of cases, norms of Laws and President’s Decrees do not coincide with the Law “About the general principles of creation and functioning of special economic zones” [5, p. 291]. Thus Rada in questions of special economic zones is created basing on the legislative statements about a particular SEZ, but at the same time it is not envisaged by the base law. At the same time law norms which presuppose privilege modes also vary in different economic zones which create argumentative situations and causes conflicts. To solve the enumerated problems it is necessary to codify law norms about special economic zones, and on this purpose it is worth to make additions to the Economy code of Ukraine, where it is needed to

determine criteria for the territory of special economic zone and also to set currency of the special economy mode, to set general management bodies which are created in all SEZ, to determine their power, to denote certain privileges, which are given to economy subjects depending on type of special economic zone and condition of giving privileged modes [5, p. 291].

Besides, having provided stability in legislative questions as for SEZ and TPD it will be possible to speed up solution of the problem of poor argumentation and handling the privilege system for the subjects of the theories researched. It is worth to remind of the fact that according to legislation the period of present SEZ validity was established up to 2018–2058, PTD – up to 2014–2030, and during these terms their subjects will be provided by different economic stimulus, including tax stimulus. Legal collisions as for economy subjects rights of special legislative modes in their economic activity are created by the statement of the Tax Code of Ukraine, which declares that “special tax modes are set and used in cases and order determined exclusively by this Code” and “... tax modes non-defined by this Code are not regarded as special ones”². In particular it refers to those economy subjects of SEZ and TPD, which renewed tax conditions basing on courts decisions of different instances (in particular, PTD in Donetsk, Zhytomyr, Zakarpattia, Chernihiv regions), and up to May 2012 – to those dutiful economy subjects of SEZ (in particular, “Zakarpattia”, “Mykolayiv”, “Port Crimea”, “Reni”, “Slavutych”, “Yavoriv”), which, starting from the middle of December 2005 were given the opportunity to give promissory notes to customs bodies in the sum of entry duty and value-added tax with repayment date which is equal to the term of these goods processing (but not more than 90 days) on condition of removal of their remaking products beyond customs territory of Ukraine (except excisable goods and goods referring 1–24 Ukrainian classification of foreign economic activity goods (UCFEAG) in terms of investment projects implementation on purpose of their further processing³. The corresponding

² Tax code of Ukraine dated on December 2, 2010, № 2755–6.

³ Decision of CMU “Some questions of importation and sending goods into special (free) economic zones and exporting goods beyond the borders” dated on May 21, 2012, № 450.

statement lost its efficiency, but exactly due to it in 2011 the economy subjects of SEZ were given privileges for the total amount of 85.2 billion hryvnia, in particular: in the form of exemption from paying VAT the subjects of SEZ “Zakarpattia”, SEZ “Yavoriv”, SEZ “Slavutych” were given privileges for the sum of 60.9 million hryvnia, 22.3 million hryvnia and 2.0 million hryvnia correspondingly; in the form of exemption from land payment the subjects of SEZ “Yavoriv” were given 30.1 thousand hryvnia [2].

The same took place with the statement project as for implementation of special tax mode for TPD. In spite of state guarantees as for stability of their activity up to 2014, with the acceptance of the Tax code they lost the renewed tax privileges in 2006 in the form of exemption from profit tax and applying tax bill⁴. Special tax mode for all TPD was narrowed to using only tax privileges. As the result the innovation activity of TPD was neutralized, though, exactly due to using tax privileges TPD played a key part and became working elements of innovative system of Ukraine.

Therefore, in order to form competitive advantages in terms of special law modes of economic activity and further effective usage of these economic instruments in Ukraine it is worth to make series of changes into the Tax code of Ukraine, in particular:

- to expand issue 14 “Special tax modes”, having included special law modes of economic activity, defined by the Economy Code of Ukraine and other regulatory and legal statements such as SEZ and TPD;

- to spread current tax privileges provided for a number of economic branches, economy subjects of special law modes of economic activity, in particular, temporary liberalization from profit and land tax payments;

- to introduce other tax privileges for a certain term (mainly in the first years of investment and innovative projects), possible from the point of view of Ukrainian reality and European practice, in particular: exemption from VAT payment; postponing VAT payment by import of goods which are not produced in Ukraine (new equipment and component parts to it, on condition

that tax is set in declaration), profit tax, real-estate tax on condition of directing tax free finance on investment or production targets; reducing tax rates on profit and real-estate; reducing deduction rate to social funds from the fund of salary payment to workers engaged in research work; implementing higher than state norms of the accelerated amortization method; using amortization bonus which presupposes the opportunity of referring additional per cent of fixed assets to gross expenditures, and allows enterprises to receive additional source for investment without paying profit tax; exemption or reducing demands for obligatory sale of currency receipts.

It is important while forming the list of tax privileges and preferences types for the economy subjects, determining their amount and currency, to use the principle of purpose-oriented necessity and sufficiency for each special law mode of economic activity form according to the importance of tasks to be solved by implementing these instruments. Thus, taking into account limitation of state financial resources, the further functioning of zones with privileged tax mode is possible only in case of corresponding the following demands. For the first, at certain territories the effect from the privileged mode, which is set by the state, but not by the local budget, should have the general-national character. Therefore functioning of SEZ and TPD is possible only on condition that it helps to solve one of important general-economic (but not local) problem or solves the local problem, which becomes the starting point or an important link on the way of reaching general-national aims. For the second, the noted general-national effect should be reached during comparatively short period of time, which is possible only by availability of internal reserves of effective development at the certain territory, and also by choosing such projects which are effective by market criteria [6, p. 205].

Gaps in legislative setting of special economy modes reflect negatively at the official government position as for estimating results of special territories functioning. According to the present Order of conducting analysis of functioning results of SEZ and TPD [6] there were provided some criteria of assessment, main parameters and indexes of territories activity with the special mode, and basing on this analysis each SEZ

⁴ Law of Ukraine “About making changes to some legislative statements of Ukraine regarding adoption of Tax code of Ukraine” dated on 02.12.2010, № 2756-6.

or TPD is referred to one of the three groups depending on tendencies of the socio-economic development. However, both indexes and methodology do not favour objective assessment of the functioning level of free economic zones, which had been caused by:

1) Incompleteness of analysis principles due to breaching principles of dynamism, systematic character and correspondence to priority directions of SEZ development to expected activity results;

2) Concentrating attention exclusively on defining activity results of special modes and their influence on the state economics in general, while the effect from zone creation in the regions disappears from the view, that is the analysis is conducted only at micro- and macro levels, without accounting mezo level;

3) Conducting accounts of absolute indexes using statistic methods of analysis without accounting dynamic, factor and comparative analysis.

The experience of the European countries proves the necessity of using as the most significant criterion the activity results assessment of SEZ and TPD, correlation of budget and socio-economic effectiveness, that is correlation between state disbursements in the form of "privileged" budget loss for SEZ maintenance and tax incomings, on the one hand, and, on the other hand – by the results from giving such privileges (intensive workplaces creation, successful investments engagement, developing scientific industrial branches etc.) [7, p. 30]. Basing on this case when for a certain SEZ or TPD it is typical to exceed the amount of privileges over budget incomings, but there are positive results in the spheres mentioned above, it is worth to develop measures for minimizing budget expenses via each particular SEZ or TPD within a certain term. In case of non-conformity of SEZ or TPD with the established effectiveness criteria it is worth to raise a question about further functioning and closing a zone with a special investment and privilege mode.

As in the interests of the Ukrainian society the unprejudiced analysis of SEZ and TPD influence on the native economics should be conducted, the government cannot be the subject of such analysis, as it is an interested party. Therefore, in order to conduct more adequate assessment, in

my opinion, it would be reasonable to engage the mechanism of consulting with expert community, which is provided by the call-off law, – the Commission of independent experts of the academic science representatives and non-state analytical centres. The non-governmental experts have not been involved into the process of the appropriate decisions development yet, though corresponding parliament-governmental commissions functioned in separate periods.

The essential problem by monitoring conducting the results of activity of SEZ and TPD is different functional direction of the specific modes. In addition to this, even in terms of one class – SEZ – essential differences exist. In particular, SEZ "Porto-Franco", "Port Crimea", "Reni" are destined to serve the extra trade flows of goods and services. Instead, the specialization of SEZ "Mukolaiv" is the development of ship-building, at the territory of SEZ "Donetsk" it is presupposed to build the industrial park. SEZ "Azov" and "Zakarpattya" belong to the complex zones which combine the functions of industrial and extra-trade zones. Other three SEZ ("Slavutysh", "Truskavets", "Yavoriv") by the character of the present mode and functional direction actually belong to TPD class.

Consequently, the targets of implementing special investment mode differ at the separate territories: involving investments into priority types of the economic activity, solving the problems of depressive territories or coal regions (Volyn, Donetsk and Luhansk regions), cities with a high specific gravity of enterprises of military-industrial complex (Kharkiv and Shostka), regions which suffered from man-caused and ecological disasters (Zakarpattya, Zhytomyr and Chernihiv regions).

Therefore it is important enough to foresee in the statutory way a more detailed description of classes and types of SEZ, avoiding, at the same time, too strict limitations, in order not to cause official circumlocution in questions of the defined type, and also, in the call-off law to consolidate merging opportunity – application of several zone types simultaneously.

One more problem which influences functioning SEZ and TPD zones destructively, is the lack of definitely formulated system of bodies which manage the latter. The grounds of establishing

management component of different special zones have not been cleared out yet. If a part of SEZ and TPD have to obey regional state administrations vertically and created on their basis Expert councils in development and management, at the same time the activity of another part depends equally on policy of branch ministries, and on policy followed by the available bodies of executive power and local self-government. In addition to this, dominion in decision making as for approval of investment projects belongs exclusively to city councils. It is a paradox, that concentrating the main authorities as for SEZ management on the part of authority bodies of the lowest level, responsibility for SEZ activity, according to the present legislation, is carried by the next levels of bodies of executive power and local self-governing, at the same time having no levers to influence the situation.

Therefore such cumbersome multilevel and irrational structure of management bodies does not favour clear and coordinated work in special zones development and needs improvement in the direction of expanding functions of the Expert councils in development and management of SEZ and Committees on the questions of territories of the priority development in order to change influence vectors on the special mode objects. In the situation, when the mentioned above centres fulfill the function of an intermediary between the bodies of legislative and executive power of different levels and directly SEZ and TPD in questions of creation and functioning of special economic zones, introducing special mode of investment activity at the priority development territories, and also defending law and economic interests of the latter, it will be possible to increase effectiveness of SEZ and TPD functioning and avoid aggravation of relations between the Ukrainian authorities with the foreign investors who function under conditions of special investment modes.

The lack of clearly formulated and officially approved development strategy reflect negatively at SEZ functioning. Such documents should be developed by economy development bodies and SEZ management, basing on long-term programmers of socio-economic development of the region. SEZ strategy should determine their place and aim in enterprises activity, and also determine perspective development directions,

desirable investment projects etc. On this purpose it necessary to conduct zonation of SEZ territory, to establish location of certain complexes and enterprises and only after that to look for the investor for the target defined. Unfortunately, in most cases the satiation is absolutely opposite – the Management body of SEZ waits for the investor's coming with a prepared idea. At the same time we admit that he will dictate his conditions as for the terms of object activation, its production direction, salary to personnel etc.

Such an approach to SEZ management reduces substantially advertisement actions effectiveness, where special economic zones and territories of priority development take part, yet by demonstrating abilities and by non-revealing intentions and plans, it is hard to find a partner for the effective creative cooperation.

Considering development perspectives of SEZ and TPD it is worth to stop at clustered form of their functioning which became popular all over the world and which is used for raising goods competitive ability. Development strategies of clusters and structures, similar to them ("industrial" districts in Italy, "filieres" in France) became determining while choosing the economic growing model of the national, religious and local economics in many countries of the world. The world experience gives convincing examples of raising competitive abilities of the territories and production complexes via implementing cluster-oriented regional policy. The clusters create opportunities to use resources and investments of the trans-boundary cooperation and they are the perspective of broadening new markets of sales.

In particular, in Luhansk region the abilities of implementing trans-boundary cluster initiatives are being researched in transport machine-building, agricultural production, medicine. The possibility of creating the Ukrainian-Russian trans-boundary electro-metallurgical cluster with the Russian Federation and this cluster can be based on the technology of electro-cinder smelting. Creating this cluster will enable to conduct modernization of the metallurgical branch of Ukraine in the short-term perspective.

At the same time, the cluster organization form of economy in Ukraine has not reached the appropriate implementation and expansion due to the lack of perfect investment-innovating

mechanisms of formation and functioning in clusters, due to the ineffective financial instruments of their activity state regulation. In particular, it refers purpose-oriented financing, direct financial support, giving subventions, subsidies etc.

It is worth to pay attention to the development of scientific-technical and touristic-recreational zones, and after receiving and developing results of their activity, that is creating zones of productive direction. The special law mode of such territories which is oriented on developing scientific and production potential will stimulate fundamental and applied research and further implementing results of scientific developments into production.

Conclusions and perspectives of further development. Summarizing everything stated above we can make a conclusion that special economic zones and priority development territories of Ukraine have not become the active and the working mechanism of stimulating development at the separate territories. The chain of mistakes was made both at the stage of forming regulatory and legal framework and at the practical activity

stage of SEZ. But the main reason of failure, in my opinion, is that the implementation of the special law mode of the economic activity was determined not by the real need of the territory, but by the desire and abilities of regional authorities' centres to lobby this decision at the state level. SEZ and TPD became the index of the separate region's real weight in the state, its ability to dictate and advance its conditions. Consequently, the activity of SEZ and TPD in the first years of their functioning was directed not on the providing regions dynamic development, but on satisfying needs and desires of those groups of people who put efforts into these groups creation.

But, having liquidated the gaps in legislation and having solved the urgent problem of the institutional provision of SEZ and TPD functioning, the special economy mode will constitute a real, but not only declarative ability to overcome the crisis situation, the solution of the economic problems at the territory and branch levels that affirms the necessity of its modernization, taking into account modern economic situation.

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