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РЕАЛІЗАЦІЯ ПРОЄКТІВ ДЕРЖАВНО-ПРИВАТНОГО ПАРТНЕРСТВА: СВІТОВИЙ ДОСВІД ДЛЯ УКРАЇНИ

Актуальність завдання щодо вироблення ефективного в українських умовах механізму державно-приватного партнерства обумовлено важливістю даного інституту для стратегічного розвитку регіонів. В то же час, на сучасному етапі розвитку економічних відносин, з урахуванням глобалізаційних тенденцій та пов'язаних з цим трансформаційних процесів, система взаємодії інститутів державного та приватного секторів набуває все більшого значення. Нестабільність, схильність до системних криз і нестача ресурсів у держави для фінансування розвитку усієї необхідної інфраструктури передбачають активізацію державних інститутів з метою підтримки та стимулювання національних підприємницьких ініціатив. У цих обставинах однією з найбільш адекватних сучасним реаліям форм сприяння регіональному розвитку виступає модель державно-приватного партнерства, що довела свою високу ефективність у багатьох розвинених країнах.

У статті через аналіз особливостей організаційно-управлінського механізму державно-приватного партнерства в країнах світу автори виявляють його потенціал як інститут розвитку територій та стимулювання підприємницької діяльності. На прикладі успішно реалізованих проєктів у Франції, Великій Британії, Фінляндії, США та Канаді досліджено практичні аспекти впровадження моделі державно-приватного партнерства.

Продемонстровано, що ініціативи розвитку інфраструктури, охорони здоров'я, освіти, транспортного сполучення тощо, реалізовані за допомогою ДПП мають позитивний ефект, незважаючи на наявні певні проблеми у реалізації. Спираючись на результати розвитку ДПП в Європейському Союзі та окремих країнах, обґрунтовано можливості вдосконалення даного механізму взаємодії держави й бізнесу на регіональному рівні.

На підставі проведеного аналізу вітчизняного досвіду реалізації проєктів державно-приватного партнерства в Україні наголошується на тому, що хоча створена певна нормативна база для реалізації таких проєктів, значний відсоток договорів на їх реалізацію не був доведений до завершення.

На основі проведеного аналізу автори зазначають, що інструменти використані в різних країнах мають свою специфіку та відмінності. Водночас їх поєднує наявність суспільно значущої мети та взаємовигідний характер. Механізм державно-приватного партнерства дозволить вирішити державні завдання з переходу України до інноваційного соціально орієнтованого типу економіки, створення сучасної регіональної інфраструктури, не витрачаючи значних коштів з бюджету, забезпечуючи високу якість об'єктів і їх ефективне використання.

Ключові слова: державно-приватне партнерство, регіональний розвиток, концесія, контрактні відносини, державне управління.

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IMPLEMENTATION OF PUBLIC-PRIVATE PARTNERSHIP PROJECTS: WORLD EXPERIENCE FOR UKRAINE

The relevance of developing a mechanism of public-private partnership effective in Ukrainian conditions is due to the importance of this institute for the strategic development of regions. At the same time, at the current stage of the development of economic relations, taking into account globalization trends and related transformational processes, the system of interaction between institutions of the public and private sectors is gaining more and more importance. Instability, susceptibility to systemic crises and the lack of state resources to finance the development of all necessary infrastructure require the activation of state institutions in order to support and stimulate national entrepreneurial initiatives. In these circumstances, the public-private partnership model, which has proven its high effectiveness in many developed countries, is one of the forms for supporting regional development, being the most adequate to modern realities.

In the article, through the analysis of the peculiarities of the organizational and management mechanism of the public-private partnership in the countries of the world, the authors reveal its potential as an institution for the territories' development and entrepreneurial activity stimulation. On the example of successfully implemented projects in France, the United Kingdom, Finland, the USA and Canada, the practical aspects of the implementation of the public-private partnership model have been studied. It has been demonstrated that initiatives for the development of infrastructure, health care, education, transportation, etc., implemented with the help of PPPs have a positive effect, despite certain problems in implementation. Based on the results of PPP development in the European Union and individual countries, the possibilities for improving this mechanism of interaction between the state and business at the regional level have been substantiated. Based on the analysis of the domestic experience of the implementation of public-private partnership projects in Ukraine, it is emphasized that although a certain regulatory framework has been created for the implementation of such projects, a significant percentage of contracts for their implementation have not been brought to completion.

The authors note that the tools used in different countries have their own specifics and differences. At the same time, they are united by the presence of a socially significant goal and a mutually beneficial nature. The Public-Private Partnership mechanism will allow solving the state tasks of Ukraine's transition to an innovative socially oriented type of economy, the creation of modern regional infrastructure, without spending significant funds from the budget, ensuring the high quality of facilities and their effective use.

Keywords: digital transformation, open data, artificial intelligence, electronic public service, hybrid threats.

The formulation of the problem. Systemic reforms aimed at ensuring the quality of life are being continued in Ukraine. Given the small possibilities of state financing, it is advisable to attract the resources of the private sector on the basis of mutually beneficial cooperation with the state. The investment attraction remains rather difficult, given the contradictory nature of the task. Attracting private capital in the presence of monopolies on the market, strict regulation of tariffs, which in turn significantly extends their payback period is problematic.

The term Public-Private Partnership (PPP) is usually understood as a special form of interaction between business and state. The nature of this interaction, the methods and specific forms of such cooperation differ significantly depending on the national characteristics of market relations and legal systems.

Public-private partnership in Ukraine has every chance to become an institutional tool for the renewal of public production based on the combination of state assets with investment, management and other resources of the private sector. Technically backward and worn-out infrastructure requires significant financial investments and the use of the latest technologies, which the state is unable to provide on its own under the conditions of financial and economic crisis. Accordingly, the main motivation of the state for the implementation of PPP projects is the limitation of budgetary resources, as well as the lack of possibility for effective management of public infrastructure objects in market conditions.

PPP can increase the quality, the efficiency and the competitiveness of public services. It can supplement limited public sector capacities and raise additional finance in an environment of budgetary restrictions. The best use of private sector operational efficiencies can increase quality to the public and the ability to speed up infrastructure development [6].

Analysis of recent research and publications. Modern theories of partnership between the state and the private sector are considered in the works of numerous Ukrainian and foreign scientists such as: S. Danasarova, A. Denisenko, B. Dezilets, A. Hrytsenko, Ye. Kovieshnikova, O. Masliukivska, V. Mykhieiev, K. Pavliuk, O. Poliakova, V. Rebok, Y. Shevchuk, V. Varnavskiyi, I. Zapatrina, D. Ricardo, G. Hodzhi, J.M. Keynes, F. Knight, F. List, A. Marshall, J. Mill, D. North, W. Oiken, P. Samuelson, A. Smith, and others.

At the same time, the further development of public-private partnership requires the scientific substantiation for organizational and legal foundations. At the same time, the importance of current and prospective transformations, the further development of public-private partnerships in various sectors, the need to attract large-scale investments, necessitate the further development of more advanced mechanisms for the implementation of PPP projects.

Besides this, substantiation of the mutual influence of subjects in the process of implementing innovative ideas, solutions, strategies, in particular, regarding the interaction of state and business within PPP projects need further development and refinement.

The aim of the paper. The goal of the article is the theoretical and methodological justification of public-private partnership in Ukraine based on the analysis of the world experience of PPP development.

The main body of the paper and the obtained results. From legal point of view, PPP is the coordination of actions of all parties on a clearly defined legislative platform that reflects its essence, content and regulatory tools. In Ukraine, a certain regulatory framework has been created for the implementation of public-private partnership projects.

Public-private partnership is cooperation between the state of Ukraine, the Autonomous Republic of Crimea, territorial communities represented by relevant state bodies... and legal entities, except for state and communal enterprises, institutions, organizations (private partners), which is carried out on contract basis [4].

In 2013, the government adopted the “Concept for the Development of Public-Private Partnerships in Ukraine for 2013-2018”, aimed at intensifying the implementation of projects through PPPs. Further changes in 2014-2020 consisted in the transition from a state-regulated

economy to an economy built on the principles of market management, close to liberal economic theories, in particular, the theory of a socially oriented market economy. As a result, a huge number of public administration tasks were gradually revised. Therefore, the results of scientific and analytical research are subject to critical rethinking. As a result of updating the legislation on PPPs together with the first concession tenders in October 2019, a number of obstacles to the development of PPPs in Ukraine were removed, and state management was provided with a regulated procedure for conducting tenders and analyzing the effectiveness of PPP projects [3].

In Ukraine during 2016–2020, there was a constant trend regarding concluded public-private partnership agreements, such as: as of 01.01.2020, according to central and local authorities, more than 192 contracts on the terms of public-private partnership were registered, of which 52 contracts were being executed (concessions – 34, joint activities – 16, others – 2). At the same time, more than 135 contracts were not executed, because four of them had expired, 113 were not executed, and 18 had been terminated). Within 2018–2021, the majority of concluded agreements under PPP conditions (more than 60%) were not implemented. As of 01.01.2022, only 16% of PPP agreements were being implemented, 22% were terminated and more than 62% were not being implemented [8].

In the European Union, public-private partnerships have been used to strengthen economic, territorial and social ties between separate parts of the single economic space. The authority to implement functions related to the promotion, financing and monitoring of such partnership is entrusted to a number of general directorates under the auspices of the European Commission and the European Parliament. They coordinate activities on the exchange of experience between PPP participants, carry out its analysis and generalization.

In global practice, public-private partnership is aimed at attracting private investments (both domestic and foreign ones) on long-term terms for financing and managing public infrastructure. The choice of the initial direction for using the specified mechanism depends primarily on the economic and social levels of development of a country or a certain region [1].

Current European legislation does not directly regulate PPPs. However, the general principles established by the Agreements on European Community, in particular the provisions on creating legal entities and providing services, as well as legal acts on public tenders and concessions, create the legal basis for the formation of PPPs. In order to spread information about the best practices of PPPs, so-called collections of implemented projects in various economic spheres are created, their characteristic features are summarized, disagreements are structured, and advice and recommendations are developed.

One of the program documents presented by the European Bank for Reconstruction and Development (EBRD) is “Core principles for a modern concession law”. This document clearly outlines the position of the EBRD as a project lender, defines the key principles of state regulation, which should ensure the possibility of attracting financing for PPP projects. The EBRD mainly finances municipal infrastructure development projects, and participates in PPP projects requiring long-term financing. The main factors for making decisions by international organizations on the financing of PPP projects are clear regulatory and legal framework, unified understanding of the project’s goals by state and private partners, personal participation in the implementation of projects by municipal authorities, and economic and innovative effect of the project on the national economy.

The European Union had its own motives for introducing public-private partnership projects. The interest of the EU in the PPP at a certain stage was increased by attempts to overcome the existing gap between the old and new EU members regarding the quality and availability of public services and the simultaneous desire to preserve the existing budget balance.

The financial and economic crisis became a catalyst for increasing the need for state investments for progressive development of the European Union countries. In 2008, the European Center of Expertise in the field of PPPs was created on the initiative of the European Investment

Bank, together with the European Commission, which was additionally allocated EUR 30 billion for the implementation of infrastructure projects within the framework of PPPs in 2009. The allocated funds made it possible not to stop existing PPP projects and to start new ones, which ensured the preservation of existing and creation of new jobs, as well as stimulation of the new technologies development.

In particular, France has significant PPP traditions. The main forms of partnership in the country are concessions and “mixed economy companies”. A characteristic feature of such companies is the main role of the state sector and local authorities in their management through the majority of representation in the companies, which is provided for by law.

At the beginning of the 21st century, the program “Network of research and innovative technologies” began to operate in France, which marked a significant turn in state policy from investing public funds in industrial enterprises that depend on the state and function in the market of public goods, to the development of partnership relations between the state and private business structures.

This program was aimed at improving the conditions for conducting research and development at enterprises; promoting the emergence and growth of innovative technological companies; encouraging research and development related to overcoming technological barriers, creating joint products and services based on new technologies; carrying out research and development, which in the medium and long term can help meet the economic and social needs of the country.

In recent decades, due to the implementation of public-private partnership, large-scale infrastructure projects have been implemented. Some successful examples of them are: High speed rail “Bretagne Pays de la Loire” and “Sud Europe Atlantique”, “Plan Campus” University Program, Bordeaux City Stadium, Le Mans City Stadium, High Speed Highways, Airports etc. (PPP & Concessions: the French experience [5]).

The United Kingdom can be considered as a pioneer of public private partnership. The UK was the first country in the world to develop the concept of PPPs for public services projects. Through partnership with the private sector, PPPs enable the delivery of efficient, cost-effective and measurable public services within modern facilities whilst minimizing the financial risk [2].

From 10 to 100 new public-private partnership agreements are concluded annually. The main form of partnership in the country is the so-called Private Finance Initiative (PFI), according to which a private business builds and puts into operation state infrastructure facilities at the expense of its own funds. Reimbursement of the costs of the private investor is carried out later either at the expense of revenues from the operation of these objects, or at the expense of payments from the budget.

Most often, as part of a private financial initiative, the investor is involved in the further operation of the object and the organization of its activities, up to the hiring of personnel. road management, transport infrastructure, health care, law enforcement, and defense were the areas of implementation for these projects. The value of most of the projects was up to EUR 30 million, and only about seven percent of them cost more than EUR 150 million. The infrastructure (including highways and railways), schools, hospitals, and even prisons were PPP objects.

Today, almost every fifth investment project in the UK is implemented on the PPP principles. The most famous major infrastructure PPP project is the development and maintenance of the London Underground.

In Canada, the government of British Columbia since 2002 has provided the opportunity for local educational institutions to create corporations to participate in commercial activities with the aim of selling their product both within the province and abroad. In the province of Nova Scotia, PPP mechanisms are used during the construction of schools. When the construction is completed, the private partner leases the school. Opponents of PPP note that the actual costs were no lower than with traditional government construction, and, moreover, the private partner received equal

ownership rights with the government for the built schools. However, despite opposition, PPP mechanisms are expanding. The provincial government has intensified work on stimulating schools to create corporate colleges and entrepreneurship in the field of consulting and marketing services.

The first Scandinavian country to implement PPP projects was Finland. In contrast to other countries, various scientific and research PPP projects, which were implemented with the assistance of the Finnish Funding Agency for Technology and Innovation (TEKES), were of primary importance here. This agency functions as a part of Finnish Ministry of Employment and the Economy.

TEKES is the most important publicly funded expert organization for financing research, development and innovation in Finland. Every year, TEKES finances some 1,500 business research and development projects, and almost 600 public research projects at universities, research institutes and universities of applied sciences. Research, development and innovation funding is targeted to projects that create in the long-term the greatest benefits for the economy and society. TEKES does not derive any financial profit from its activities, nor claim any intellectual proprietary rights [9].

The main function of this organization is to encourage research divisions of private companies to work together with universities and research institutes in order to create new technological processes and products in such cooperation. TEKES can provide more than 30% of the amount necessary for the implementation of the declared project, the other part is invested by the company itself. Business, cooperating with science and at the same time receiving significant support from the state, minimizes costs for its own development.

Within the framework of such partnerships, Finland mobilizes about USD 6 billion for scientific research and development. annually, with 70% of this amount falling on private business and 30% on state budget funds.

In the USA, National Council for Public-Private Partnership, which is a non-commercial organization, was created in 1985 to implement a national strategy and coordination in the field of PPP. In this country, cooperation between the authorities and representatives of private business is especially widespread at the municipal level of the state hierarchy. An average city uses for-profit firms to perform 23 of the country's 65 basic municipal government activities (water supply, sewerage, garbage collection, schooling, parking lot operation, etc.).

PPPs are generally procured at the state level, or by municipalities (whether applying state law or invoking self-ruling powers under their particular "home rule" charters) or by special authorities, entities typically created under state or municipal law to perform a specific governmental duty [7].

In the USA, the intensive use of PPPs was associated with the development of transport infrastructure. At the state level, it was recognized that there are areas in which the private sector works best, and the state needs to enter into appropriate contracts with it. To work out the conceptual issues of the PPP, the government and departments began to create consulting companies, as well as control organizations.

PPPs are considered as agreements for the joint achievement of specific scientific and technical results with a clear distribution of works performed. The main subjects of such agreements are the driving forces of the innovation process, such as government, state scientific organizations, academic institutes and private industrial firms. They not only participate equally in the financing of research and development, but also get the opportunity to choose projects, manage them and use the obtained results. The situation is somewhat different in developing countries and countries with transition economies. According to the World Bank, about 2.7 thousand PPP projects have been implemented in these countries since the 1990s. During 2010-2020, in developing countries, the largest number of PPP projects were implemented in the fields of electricity, road construction, modernization of water supply and drainage. As we can see, the investments and interests of private investors and states were focused on the field of electric power, construction of highways and operation of airports [3].

Conclusions and prospects for further research. As a result of the conducted research, we can state that the implementation of PPP projects was successful given its mutually beneficial nature. The private sector can obtain and increase profits, while the public sector is able to increase the volume and improve the quality of services.

The analysis shows that the boundary between the contract system and PPP in the most developed countries is gradually being blurred. The key characteristics of PPPs are:

- 1) Formal contract regulating the main relations between partners;
- 2) System of informal connections between partner structures forming a network;
- 3) Benefit of each of the partners participating in the projects.

A review of the PPP experience shows that there is an obvious potential for creating viable and profitable PPP projects in many sectors of the economy in Ukraine. PPP agreements should play a key integration role in the process of decentralization and formation of unified goals of the state and the territorial community, which consist in preserving and reproducing the national wealth of Ukrainian territories.

At the same time, it must be remembered that the state is not a business, the task of which is to achieve the maximum effect at the lowest cost in the shortest possible time. Therefore, PPP is one of the effective mechanisms for increasing the efficiency of state power, which in the developed countries of the world is based on the concepts of private initiative, private property and free entrepreneurship as well as the need for state power to achieve high efficiency on democratic principles.

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