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Механізм регулювання інноваційного розвитку дослідницького сектора системи вищої освіти України

Метою публікації є розробка теоретичних положень, методичних підходів та науково-практичних рекомендації стосовно формування та використання механізму державного регулювання інноваційного розвитку дослідницького сектора системи вищої освіти (ІР ДС СВО) України.

У статті узагальнюються та поглиблюються наукові підходи до визначення сутності поняття ІР ДС СВО України, розробляється класифікацію форм та моделей регулювання ІР ДС СВО, досліджуються основні напрями державного регулювання ІР ДС СВО. Узагальнено національний та міжнародний досвід використання форм регулювання ІР ДС СВО з метою використання в економіці України та Лівану, здійснено аналіз та оцінювання особливостей регулювання ІР ДС СВО на міжрегіональному та регіональному рівнях національної економіки. На основі проведених досліджень розроблено стратегічні напрями ІР ДС СВО в Україні, пропозиції щодо удосконалення організаційно-економічних основ (механізму) державного регулювання ІР ДС СВО в Україні, сформульовано фінансові умови інноваційного лідирування вищих навчальних закладів в частині дослідницької діяльності за умов інтеграційних процесів у СВО.

Встановлено, що адекватним сучасному стану та вимогам розвитку ДС СВО України є набір засобів стимулювання інноваційної діяльності, що включає до свого переліку організаційні механізми залучення провідних вчених-викладачів з досвідом наукової, дослідницької та організаційної співпраці з провідними університетами світу; управління закладами вищої освіти із залученням стейкхолдерів; забезпечення академічної та фінансової автономії державних ВНЗ із формування їх статусу як отримувачів коштів бюджету, але з поступовим передавання майна із розпорядження у власність; регулярної діагностики ринку праці; забезпечення конкуренції на ринку освітніх послуг, а також фінансові механізми трансформації бюджетного фінансування ВНЗ; сприяння інтеграції університетів та наукових установ; підвищення соціального статусу інноваційно активних науково-педагогічних та наукових працівників; концентрації бюджетних ресурсів держави у провідних університетських центрах у поєднанні з фінансуванням провідних регіональних та галузевих ВНЗ.

механізм регулювання, інноваційний розвиток, форми та методи державного регулювання, дослідницький сектор системи вищої освіти

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Modern approaches to regulation of public-private partnership (international experience)

The purpose of this publication is to summarize the methodological approaches to definition of essence of the category "public-private partnerships" (PPP) and the content of the mechanism of the regulation of its development in Ukraine; improve the classification of the forms and methods of the regulation of the PPP; generalize the current international experience of using different forms of the regulation of the PPP for its use in the economy of Ukraine; explore the features of the application of the various forms of the PPP at the macro level and mesoeconomic national economy related differences in terms of evaluating their effectiveness; explore the methodological and managerial aspects of the increasing of the efficiency of impact of the mechanism of the regulation of the PPP to solve issues of the social and economic development by preventing the inherent risks; to develop strategic directions for using the foreign experience of building the mechanism of the regulation of the PPP in Ukraine; to develop proposals for the organization of monitoring of the PPP procedures.

public-private partnerships, regulatory mechanism, forms and methods of state regulation, the risks of PPP projects, the financing of PPP projects, and monitoring of PPP projects

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Современные подходы к регулированию государственно-частного партнерства (международный опыт)

В статье обобщаются методологические подходы к определению сущности государственно-частного партнерства (ГЧП) и содержания механизма его регулирования в масштабах национальной экономики, уточняется классификация современных форм и методов регулирования ГЧП, систематизируется международный опыт использования форм регулирования ГЧП с целью его применения в экономике Украины, исследуются особенности управления процессом партнерства органов государственного управления и частного бизнеса на различных уровнях национальной экономики, а также связанные с этим особенности функционирования механизма регулирования ГЧП, исследуются угрозы и риски реализации договоров ГЧП, разрабатывается система мер их предупреждения и устранения; обосновываются стратегические направления использования зарубежного опыта применения механизма регулирования ГЧП в Украине и предложения по мониторингу ГЧП.

государственно-частное партнерство, механизм регулирования, формы и методы государственного регулирования, риски реализации проектов ГЧП, финансирования проектов ГЧП, мониторинг проектов ГЧП

Statement of the problem. The global socio-economic transformations and development of the market relations in Ukraine are raising the question of the transformation of the role and place of the state and private business in the process of the regulation of the market economy, especially at the regional level. Despite the global reforms, the state still serves as the main subject of the regulation of all spheres of life. However, in terms of the development of the democratic principles, the objective need appears more sharp for the active and effective participation in the regulation of the economic processes by the public organizations of businessmen and consumers, creating a full-fledged system of the public-private partnership (PPP). At present, a complete system of social organizations that represent the interests of the business community in a dialogue with the state has not yet formed in our country; many of the mechanisms of the interaction between business and the state are not worked and not legislatively fixed. At the same time, the adequate evaluation and use of the foreign PPP experience, considering local realities, has special importance.

Analysis of recent researches and publications. In the foreign economic science, in the works of Donahue J., Eisner R., Lehman C., Schumpeter J., Wilson J., et al., the basic theoretical approaches to the development of the PPP are developed, models, forms and mechanisms of the most productive interaction between the government and business are approved. Consideration of these issues in the Ukrainian reality is still at an early stage, and is new to the economic science. Most profoundly, by now, the issues of the cooperation between the state and small business, formation and activities of its corporate alliances are investigated.

Especially we note the important contribution of such known scholars as, A. Akintoye, L. Bing [3], P. Burger [4], C. Clement-Davies [5], J. Delmon [7], C. Duffield [8], E. Engel [10], E. Farquharson [12], B. Flyvbjerg [15], D. Grimsey [16], J.T. Hodges [18], T. Irwin [19], P.L. Posner [29], A. Sanghi, A. Sundakov [31], G. Schwartz [32], E. R. Yescombe [33], H.K. Yong [34]. Fundamental researches in this area are conducted by several other scientists.

Acute problems and prospects of the incipience of the PPP are also highlighted in the works of the Ukrainian scientists. However, despite these studies, the problems of the adaptation of the advanced foreign experience to the domestic realities are still insufficiently highlighted.

Statement of the objective. The aim of this article is to summarize the methodological approaches to definition of essence of the category “public-private partnership” and the content of the mechanism of the regulation of its development in Ukraine; improve the classification of the forms and methods of the regulation; generalize the

current international experience of using different forms of the regulation for its use in the economy of Ukraine; explore the features of the application of the various forms of the PPP at macro level and mesosystem of national economy related differences in terms of evaluating their effectiveness; explore the methodological and managerial aspects of the increasing of the efficiency of impact of the mechanism of the regulation to solve issues of the social and economic development by preventing the inherent risks; to develop strategic directions for using the foreign experience of building the regulation mechanism in Ukraine; to develop proposals for the organization of monitoring of the PPP procedures.

The main material. It is stated that the economic management on the part of the public administrative bodies (PAB) is implemented through the regulatory impact on the system of relations between subjects of regulation (state – corporations – public associations of the industrialists and businessmen – consumers of goods and services) that interact within a limited economic space to achieve the objectives and conditions of the social production. If in the process of regulation, the question of the need for combining tangible and intangible resources of society (represented by the PAB) and private sector funds to create public goods or the provision of public services raises, then in the current situation of the national economy it is mainly in the form of the PPP. Thus, the PPP is the process of combining efforts and resources, balancing the interests, finding the socio-economic compromise between partners to meet the challenges of the infrastructure demonopolization of the public appointment.

Using the systematic approach to the analysis of variants of the PPP regulation stipulated the need to generalize the international experience and improving the classification of certain forms, that reflect the legal aspects of the degree and extent of the cooperation between the state and objects of the partnerships in the form of service contracts, management, leasing, product distribution, joint ventures, joint-stock ownership, options of concession, agreements on cooperation, agreements on participation in research and innovation collaboration (Fig. 1).

Broad category	Main variants	Ownership of capital assets	Responsibility of investment	Assumption of risk	Duration of contract (years)
1. Supply and management contract	outsourcing	Public	Public	Public	1-3
	maintenance management		Public/private	Private/public	3-5
	operation management		Public/public	Public	
2. Turnkey			Public/public	Private/public	1-3
3. Affermage / lease	Affermage		Private/public	Public/public	5-20
	Lease (BLT)		Private/public	Public/public	
4. Concessions	Franchise	Public/private	Private/public	Public/public	3-10
	BOT (BT, BTO, BOOT, BROT)	Public/public	Private/public	Public/public	15-30
5. Private ownership of assets and PFI type	BOO/DBFO	Public	Private	Public	Indefinite
	PFI	Public/private		Private/public	10-20
	Divestiture	Public		Public	Indefinite

BLT – Built-Lease-Transfer; **BOT** – Built-Operate-Transfer; **BT** – Built-Transfer; **BTO** – Built-Transfer-Operate; **BOOT** – Built-Own-Operate-Transfer; **BROT** – Built-Rehabilitate-Operate-Transfer; **BOO** – Built-Own-Operate; **DBFO** – Design-Build-Finance-Operate; **PFI** – Private Finance Initiative

Figure 1 – Classification of PPP (international comparison)

Source: developed by the author on the basis [2; 14; 22].

The detailed analysis of the national models of regulation of the PPP, implemented through the main options for partnership in the coordinates “source of investments – risks, liabilities, duration of the cooperation” is done (Fig. 2).

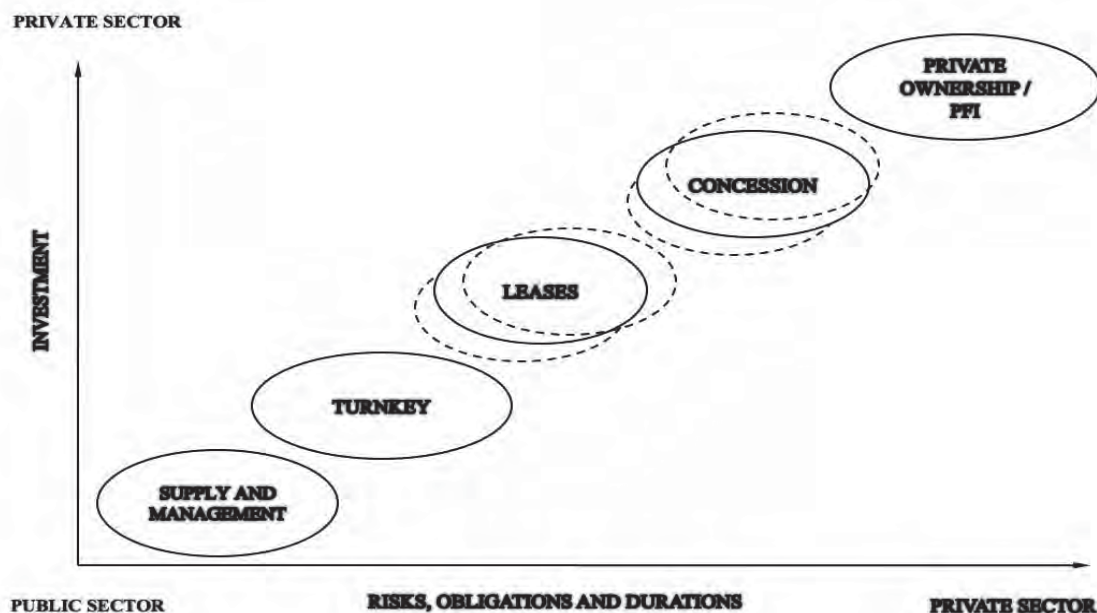


Figure 2 – Basic features of PPP models in a coordinate system “investment – risks, obligations and durations”

Source: developed by the author on the basis [1; 11; 13; 17; 21; 23; 35].

The expediency of defining the essence of the category “the mechanism of regulation of the PPP” as an ordered system of measures of the administrative and management influence of the PAB on a set of mutually beneficial relations between the government, business, civil society institutions, local communities from the redistribution of powers in the production of goods and services, which now are mostly implemented by the state enterprises and institutions, is stated (Fig. 3).

Components of the PPP	Objects of the PPP		
	Industrial and social infrastructure	Industrial companies	Scientific research, development and innovation
Forms of the PPP	Contracts for the provision of services management. Lease contracts, leasing agreements, production sharing agreements. Joint ventures, corporatization. Concessions		Cooperative and other agreements. Agreements on scientific research and innovation cooperation
Models of the PPP	Operator model. Contract model. Model of the temporary transfer of rights. Model of the concession. Model of the cooperation. Organizational model. Financing model		Exchange model (focused on a specific project). Model “pool” (institutional partnership, long-term cooperation)
Financial and organizational tools of the institutional environment of the PPP	Investment Fund. Development Bank	Industrial clusters. Industrial-production special economic zones (SEZ)	Venture innovative funds. Venture companies. Technical Innovation SEZ. Technology Platforms. Technology parks. Business incubators
Subjects of the PPP	Representatives of the public authorities (central government, regional and municipal authorities, ministries, departments). Representatives of the private sector (legal or natural). Public and private centres of the PPP, expert organizations. Controlling organization. Investment companies, funds, commercial banks. Social organizations. Insurance organizations		
Kind of funding	Mixed funding from the state and the private sector (within one or two models): loans, mortgages, credit lines of banks. Project financing, infrastructure bonds. Venture financing. Resources of the investment funds, bond loans, and others		

Figure 3 – Elements of the mechanism of PPP

Source: developed by the author.

The effective use of the mechanism of regulation ensures the optimal nature of cooperation between the parties agreeing a wide range of issues: responsibilities, risks, financial security, design, construction, exploitation, ownership, participation in the

management and profits distribution, which are based on the principles of equality, transparency, non-discrimination, competition, efficiency, minimization of risks and costs.

It is established that due to the direct and indirect impact of legal and organizational nature' reasons, the list of the used PPP in Ukraine is significantly narrowed. The international experience of using PPP models is much more significant and covers a much wider range of the infrastructure objects. Therefore, we stated the necessity of introducing in the practice the PPP domestic regulation international experience of the cooperation between the PAB and private investors, which, considering the results of the SWOT-analysis of the practice of the partnership provides the implementation of the measures for its reforming (Fig. 4).

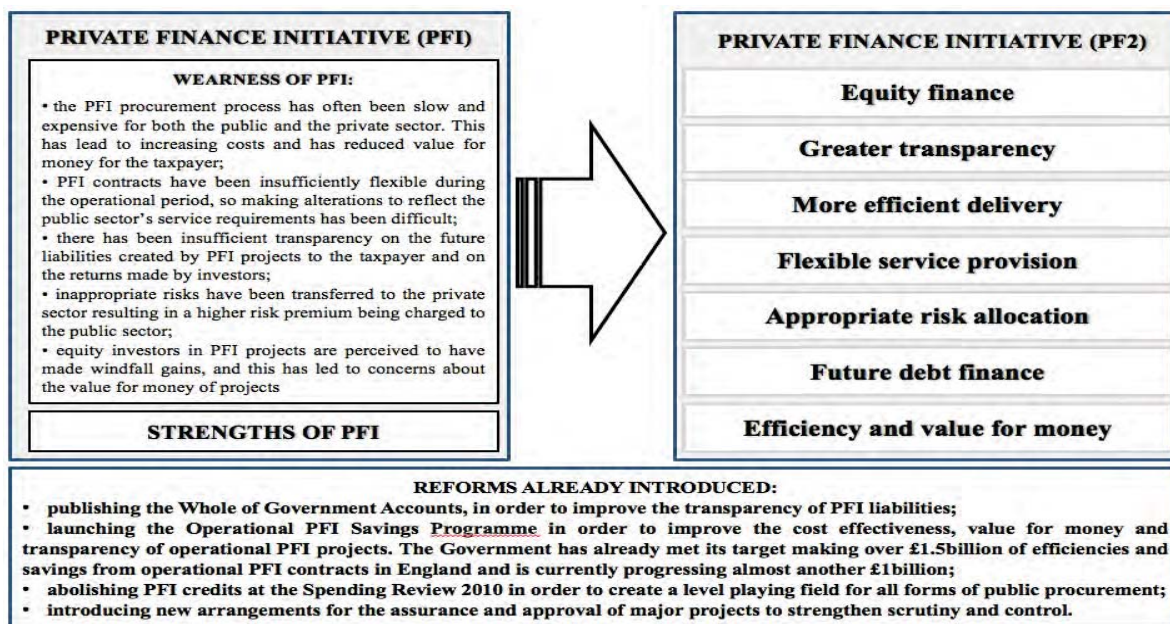


Figure 4 – Strategic directions to improve the mechanism of regulation of PPP

Source: developed by the author on the basis [3; 33].

Further development of the PPP practice requires expanding the list of indicators of evaluating its effectiveness. Calculation of the indicators of the fiscal, social and financial efficiency, methods of technical and economic analysis of risks at the stage of the consideration of the competitive options for implementing the PPP projects is advisable to supplement with the assessment procedures for the practical implementation stages of the project and the stage of analysis of the implemented project and its completion (Fig. 5).

In the context of improving the efficiency of the mechanism of regulation of the PPP in Ukraine in terms of the decentralization and transition to the models of the enhance autonomy during the formation and use of the local budgets, significant importance is the diversification process of the recommended to use models of the partnership in separate regions of the state. For this in work we made the integral assessment of the actual state and prospects of the PPP distribution consisting of the indicators of the regional level of the formation: the gross regional product (GRP); production specialization by industry sector in the real economy; population and income levels; the level of infrastructure; the level of investment activity; sources of the formation of the local budget. Per the results of assessment, the priority actions of the regulatory impact of the PAB on the realization of the procedures of the partnership for the implementation of all stakeholders were proposed.

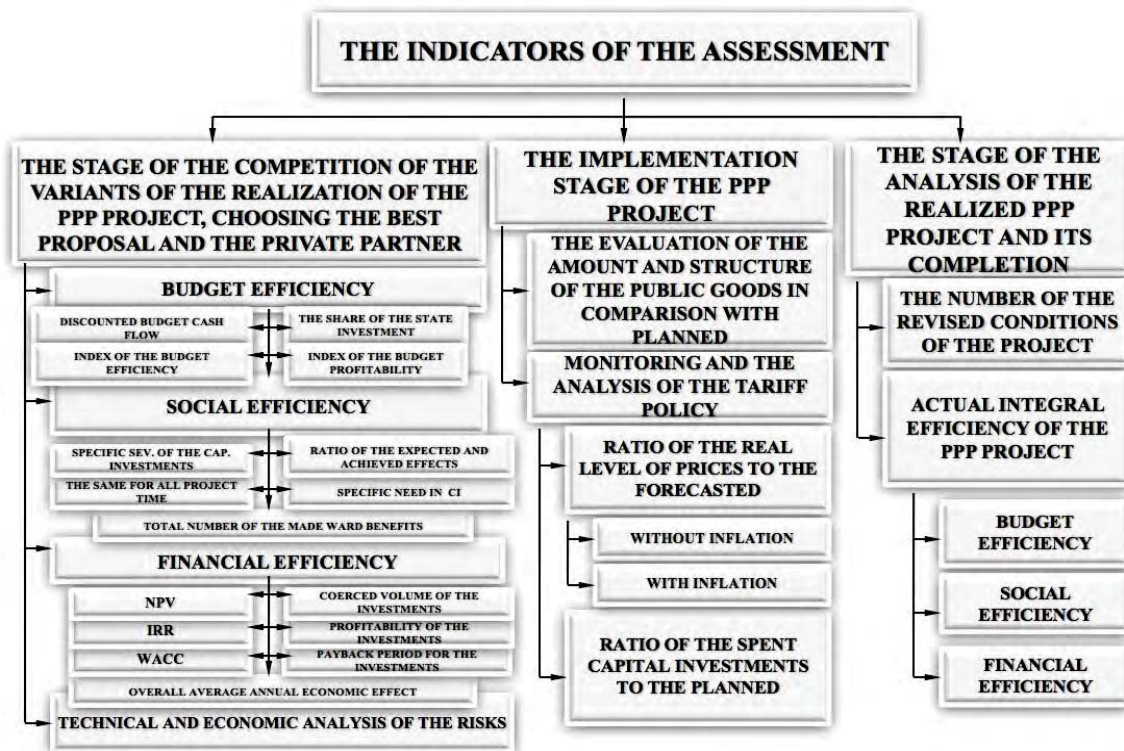


Figure 5 – The system of indicators evaluating the effectiveness of implementation of PPP projects in regional infrastructure

Source: developed by the author on the basis [24; 25; 27; 28].

The functioning model of “risk matrix” of the implementation of the PPP projects is improved, the list of categories of risks is expanded, the place of deployment is specified, which is subsequently used to develop the detailed maps of means of their prevention, relaxation and elimination (Fig. 6).

Category of risk	Allocation	
Developmental risk	Government / implementing agency	
Sponsor risk		
Cost overrun risk	Special purpose vehicle (entity) (SPV) / private partner (PP) (can pass on to engineering, procurement and construction (EPC) contractors)	
Time overrun risk		
Input supply risk	SPV/PP (may pass on to input suppliers / EPC contractor	
Operating risk	SPV / PP / operating or managing (O&M) contractor	
Demand / revenue risk	SPV / PP; government in case of PFI type or projects with off take agreements with government	
Change in tax rates	SPV /PP if changes were foreseeable and not discriminatory, otherwise government	
Repatriation of capital and profit	SPV / PP	
Force majeure events	natural	SPV / PP
	political	SPV / PP
Dispute between parties	Government / SPV / PP	

Figure 6 - Threats partnership projects and their deployment in the compilation of “risk matrix” PPP

Source: developed by the author on the basis [1; 3; 9; 10; 29; 30; 32].

It is argued that the modernization of the PPP projects in Ukraine in conditions of strengthening of the globalization challenges and increasing international competition for the best rational use of limited resources should be based on the following principles: clarification

of the essential characteristics of the partnership projects considering all peculiarities of the functioning of the national economy; rationalization of the national model of the development of the PPP; update the list of goals of the realization of the PPP policy; expansion of the list of the economic activities that are within the practice of the implementing cooperation agreements; expansion of the list of varieties of the legal registration of transactions; review of the approaches to expanding the list of entities that can initiate the conclusion of partnership agreements; expansion and clarification of the content of the individual stages of the implementation of the PPP; improving current legislation on the regulation of the PPP; expanding the powers of the parties involved in the transaction; improving the means and methods of the risk management transactions of the PPP; development of an effective mechanism to guarantee the return of the invested funds of the cooperation agreements of the PAB and private business; organization of the continuous monitoring of the PPP projects; development of the implementation mechanism “unsolicited proposals” of the cooperation. It is proved that the effective mechanism of regulation of the PPP in Ukraine is influenced by the characteristic for all the countries factors of the risk and failure of the parties to the partnership agreement due to the previous economic interests. Since the regulation of the economic development of the region pursues the objective of the fulfilling the vital needs of not only the parties’ partnerships, which are in commercial relations, but all public stakeholders (primarily, the population as a supplier of all kinds of resources – production, labor, money) preliminary examination of the partnership projects should provide required mandatory calculations: (a) cash flows (from operating and investing activities) and social indicators of the investment projects of the PPP (payback period with and without considering factors of discounting cash flows, internal rate of the effectiveness, profitability index of the discounted investments, profitability index of the discounted costs); (b) cash flows from operating, investing and financing activities at the stage of the determination of the commercial viability of a similar list of indicators; (c) cash flows from operating and investing activities in the evaluation of the budget efficiency of the PPP project in calculations of the budgetary effect, discounted budgetary effect considering the distribution ratio, profitability index of the budget guarantees, internal rate of the budget efficiency.

We developed maps of the elimination of threats of the implementation of the partnership projects on the places of dislocation in the course of the regulatory actions of the authorities forecast inclusion in the arsenal of overcoming systemic and non-systemic manifestations listed above in the “matrix of risk” their specific manifestations list of measures of the feasibility studies, legal expertise, audit in transaction pricing, system of the non-financial criteria for evaluating private partners, time management, engineering expertise, crisis management, competencies, operational management, management of emergency situations, the use of new financial instruments, in-depth technical analysis, management of the framework agreements, guarantee of the unpredictable impact of the external risks and force majeure, managing constant changes.

From the organizational point we proved the necessity of expanding the list of stages of the implementation of the PPP projects, which differs from the current procedures a mandatory items that include: definition of interests of the cooperation with the purpose of electing a particular PPP mechanism; analysis of options to meet the needs of the project; preliminary analysis of the suitability of the object to the implementation; technical, legal, market, financial, environmental analysis of the project of the PPP; researching project at risk, profitability, availability and value to consumers; value research of the cooperation project for the market; conducting the mandatory tender; calculation of the volume of the public funding for the non-profit PPP projects; signing a contract of the implementation of the PPP project between the parties of the cooperation; enable monitoring of the PPP projects by the customer.

We developed adopted to the specific of the national legislation in the sphere of the PPP model MCLC (DBFM), in contrast to the traditional “contract of the life cycle” (CLC) – modification of PFI, which is analogous DBFO (Design – Build – Finance – Operate) PPP involves its use in the combination with “mixed structural and investment funds”, which are the prevailing within the EU during programming period 2014-2020. [9; 19; 20; 30].

Per the developed model, DBFM is defined as a contractual form of the PPP, in which the public partner on a competitive basis with the private partner enters an agreement for the design, construction and operation of the facility throughout the life cycle of the project, pay installments of the project in equal parts only after its commissioning providing maintaining the private partner the facility in accordance with the specified functional requirements.

Attracting investment funds by one of five variants is governed by the analogy to the blending of the structural and investment funds with the PPP projects that are developed by the European PPP expertise center (Luxembourg) [9].

The advantages for the PAB in the case of the implementation of the model MCLC is the delegation of the charging process for socially important state functions to the private capital; minimizing risks of the poor design when restricting public partner functions only by defining technical and functional indicators of the object and control during operation; avoiding the risk of rupture of the responsibility of the private partner for the design and construction of the infrastructure; elimination of the financial risks of the improper use; postponing payment on a contract by setting several tranches; avoiding unexpected future costs of maintaining the infrastructure. The benefits of a private partner are the ability to receive from the state a major contract for the lifecycle of the infrastructure, to be free in the choice of design and technical solutions; financial guarantees from the state in the process of raising funds to the private partner; avoiding the risk of demand; possibilities to reduce the costs on the construction and operation by the qualitative design and advanced technology.

The introduction of the mandatory procedures by the PAB of monitoring of the implementation of the PPP in the case of using the traditional models of partnership is proposed to implement using the algorithm that is shown in Fig. 7. The object of monitoring is the efficiency indicators (Fig. 5) or their discounted value.

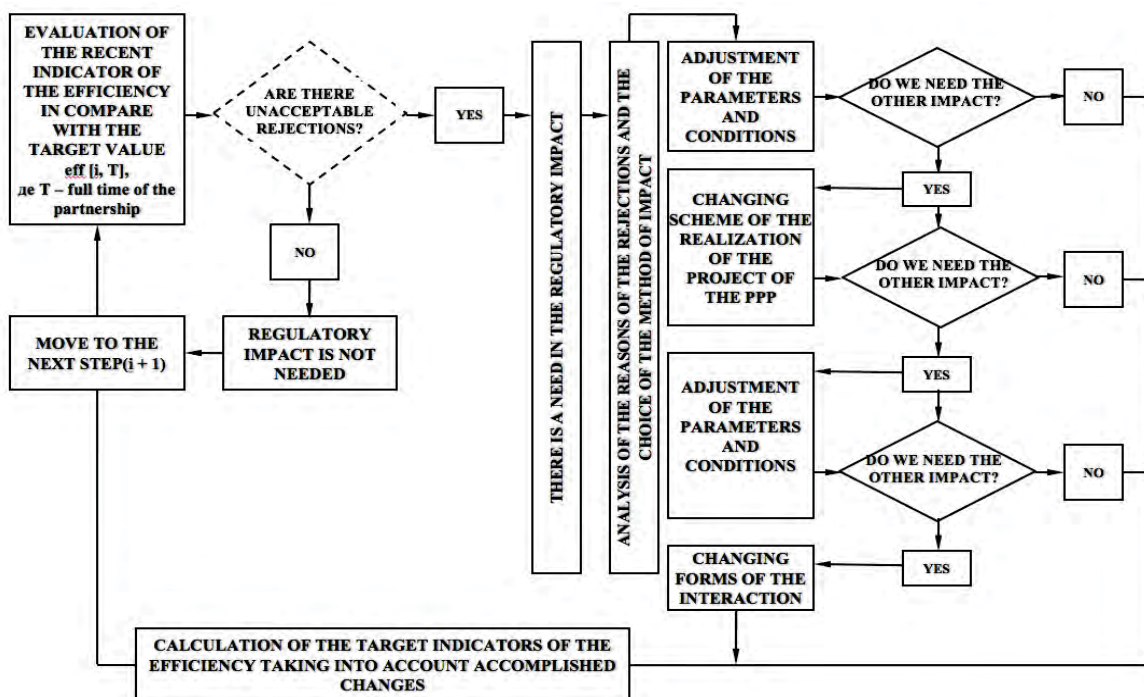


Figure 7 – Flowchart of the monitoring and regulation of the projects of the PPP

Source: developed by the author on the basis [7; 9; 15; 27, 28; 31; 33; 34].

Conclusions and prospects for further researches. Theoretical generalization of the approaches to define the current content of the category “the mechanism of the regulation of the PPP” allowed to formulate a definition of its nature as a system of measures of the administrative-prescriptive influence of the government on a range of mutually beneficial relations between the government, business, civil society, local communities about the redistribution of authority in the field of building of the infrastructure for the collective use, production of goods and services that are currently the monopoly of the state. Based on the analysis of the current practice of the regulation of the PPP, the classification of certain forms is improved that reflect the legal aspects of the degree and scope of cooperation between the state and objects of the partnerships in the form of service contracts, management, leasing, product distribution, joint ventures, joint-stock property specific options concession agreements on cooperation, agreements in the research and the innovation cooperation. The basic varieties are determined and the detailed analysis of the national regulation of the PPP models is made, implemented through the main options for the partnership of public and private sectors in the coordinates “investments – the risks, liabilities, duration of the cooperation”.

It is established that the successful development of the practice of the PPP in all areas of cooperation requires the extension of the list of indicators of evaluating its effectiveness. Calculation of fiscal, social and financial efficiency, methods of technical and economic risk analysis at the stage of the consideration of the competitive options for implementing the PPP projects proposed to complement the assessment procedures for the practical implementation stages of the project and the stage of analysis of the implemented project and its completion.

The study found that adequate to the current state and the requirements of the PPP in Ukraine, taking into account the international experience, is an expanded list of the stages of the implementation of the PPP projects, involving compliance with standard PF2 on the funding of projects to ensure the proper level of the transparency, efficiency of service (production of goods), flexibility of service, risk prevention, financing possible debts in future, efficiency and added value for the users, they can gain for money.

Flow-chart of the algorithms of monitoring the progress of the implementation of the PPP, which meets the requirements of the simultaneous control of target parameters of the project, periodic inspection of requirements in the regulatory impact, fully meets the requirements of monitoring the achievement of the expected level of social, commercial and budgetary effects of the cooperation.

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Сучасні підходи до регулювання державно-приватного партнерства (міжнародний досвід)

Метою публікації є дослідження та узагальнення теоретико-методичних засад здійснення ДПП в масштабах національної економіки та розробка рекомендації щодо формування, практичного використання та подальшого поліпшення механізму його державного регулювання.

Узагальнюються методологічні підходи до визначення сутності ДПП та змісту механізму його регулювання, уточнюється класифікація сучасних форм та методів регулювання ДПП, систематизується міжнародний досвід використання форм регулювання з метою його застосування в економіці України, досліджуються особливості управління процесом партнерства органів державного управління (ОДУ) та приватного бізнесу на різних рівнях національної економіки, а також пов'язані з цим особливості функціонування механізму регулювання ДПП, досліджуються загрози та ризики реалізації договорів ДПП, розробляється система заходів їх попередження та усунення; розробляються стратегічні напрями використання зарубіжного досвіду застосування механізму регулювання ДПП в Україні, обґрунтовуються пропозиції щодо моніторингу ДПП.

Удосконалено функціонуючу модель “матриці ризиків” реалізації проектів ДПП, розширено перелік категорій ризиків, уточнено місця їх дислокації, сформульовано пропозиції щодо розробки деталізованих карт засобів їх запобігання, послаблення та усунення. Встановлено, що адекватним сучасному стану та вимогам розвитку ДПП в Україні з врахуванням міжнародного досвіду є розширений перелік етапів реалізації їх проектів. Реалізація сформульованого підходу передбачає дотримання вимог стандарту PF2 стосовно фінансування проектів, забезпечення належного рівня їх прозорості, ефективності надання послуг (виробництва товарів), гнучкості сервісу, запобігання ризикам, фінансування можливих боргових зобов'язань у майбутньому, ефективності та цінності для користувачів, яку вони можуть набути за гроші. Розроблено блок-схему алгоритму спостереження за перебігом процесів реалізації ДПП, що задовольняє вимогам одночасного здійснення контролю цільових параметрів проектів, періодичної перевірки потреби у регулюючому впливі, у повній мірі відповідає вимогам здійснення контролю досягнення очікуваного рівня показників суспільного, комерційного та бюджетного ефектів співпраці.

державно-приватне партнерство, механізм регулювання, форми та методи державного регулювання, ризики реалізації проектів ДПП, фінансування проектів ДПП, моніторинг проектів ДПП

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