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THE PUBLIC-PRIVATE PARTNERSHIP REGULATORY SUPPORT OF THE FIELD OF THE CULTURE IN UKRAINE

During the last years public-private partnership (the PPP) is one way of mutually beneficial cooperation between government, business and civil society in various spheres of life. The PPP is still a new form of relationships between the state, business and civil society in Ukraine. So it is important to analyze the legal system of PPPs, and especially in the field of culture. Developed countries consider the culture sphere as a powerful engine which changes all fields of the public life. We have to understand that nowadays the cultural sphere can greatly affect the solutions of economic, political and social problems in the country.

The subject of PPP legal system in Ukraine is examined by works of many scientists. Most scientists consider the legal regulation problem of PPP in general. The authors identify the main problems which are hindering the successful implementation of PPP projects. And there are not enough researches concerning PPP regulatory support in particular sectors of society, especially in the field of culture.

In Ukraine the development of PPP is based on a legal system which can be divided into general, special and sectoral groups. General regulations governing the relations of the state authorities and the business as a whole and does not contain specific states of PPPs.

The special group is quite large: only at the national level, there are several dozens of laws and normative acts in the field of PPP. Special law for the PPP is the Law of Ukraine "Public Private Partnership" dated 01.07.2010 Number 2404-VI. This law is the main instrument for regulation of PPP in Ukraine. It introduces basic approaches to the projects within the PPP, it establishes the essentiality of prior analysis concerning PPP projects effectiveness, it determines who will be a private partner through the competition, it provides the state support for PPP projects, and it establishes guarantees for rights and legitimate interests of the
parties in these agreements. The law says that the PPP can be implemented in various spheres, including the sphere of culture. The Cabinet of Ministers of Ukraine has defined social infrastructure and human development as one of three priority areas of PPP development in Ukraine.

The main problem in the legal regulation of the PPP is the complexity in preparation of project documentation, misallocation of powers and duties of local authorities regarding disposal of territorial community property, different ways of contracting the use of state property and so on. Most of these problems are solved by the Law of Ukraine "About Amendments to Some Laws of Ukraine regarding the elimination of regulatory barriers to the development of public-private partnerships and encourage investment in Ukraine" dated 24.11.2015 number 817 - VIII.

Sectoral groups are represented by laws and regulations which define the principles of cooperation between the state and private partners within PPPs in specific areas: energy sector, construction and operation of highways, public services, health care, culture and others. Today in the Ukraine law there is not a special law of the development and implementation of PPP projects in the field of culture. Implementation of projects in the field of culture is doing within the PPP on the basis of the Law of Ukraine "Public Private Partnership", other laws and regulatory acts.

Analysis of the legal framework in the field of culture shows that certain legal standards are outdated and do not meet modern political and socio-economic conditions of the country. It is therefore necessary to amend the laws that would ensure the development of the cultural sector in Ukraine. Ukraine has established an extensive regulation system of PPP, which is consisted of laws and regulations, and ensures the implementation of PPPs in the field of culture. For the development of PPP in culture sphere we have to create a favorable environment. Direct governmental support is an important part of such environment.