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# ECONOMIC AND LEGAL GROUNDS FOR INVESTMENT IN DEVELOPMENT OF TRANSPORT INFRASTRUCTURE

**Purpose**. In Ukraine, as in many countries of the world, transport is one of the most fundamental sectors of the national economy, important part of the industrial and social spheres. But in the conditions of industry reforming there are problems of investing in development of rail transport. So the work is devoted to the grounds of potentially available sources of investment in infrastructure of railway transport of Ukraine. The work stresses the importance of the problem of attracting foreign investment in the economy, highlights the proposals to solve this problem. **Methodology.** To solve the problems of this class the work presents the proposed methods of analysis, synthesis and comparison, deduction, induction, logic and abstraction. It becomes necessary to search for and study of new conceptual approaches to organization of investment processes at railway transport enterprises, appropriate management and financial decisions and schemes of railway infrastructure development. Findings. The paper shows ways to optimize investment for modernization and technical re-equipment of the transport complex of Ukraine. It proposes the ways of attracting capital of investors for development of transport infrastructure: 1) compliance with European laws and regulations; 2) reforming of the tax system of Ukraine; 3) combating corruption in the country; 4) implementation of public-private partnership tools into the mechanism of state regulation of investment processes; 5) creating a favorable investment climate for implementation of rail transport infrastructure projects; 6) creating a system of compensation to investors; 7) guarantees of transport infrastructure investment protection. Originality. The work offers the sources of investment for development of railway infrastructure in Ukraine, which should include: state budget funds, use of targeted loans and leasing. The main direction of the state policy concerning infrastructure should be a gradual transition of activity in creation and operation of infrastructure facilities from a spending unit (that is a burden for the state) to efficient business through public-private partnerships. Practical value. Using these results will ensure the confidence of potential investors to invest in the development of transport infrastructure with income security.

Keywords: transport infrastructure; investment; investment activities; government regulation; rail transport

### Introduction

Worldwide specialists, scholars and transport industry experts confirm that the investment in infrastructure and their increase is effective, efficient, proven by many countries, as well as reliable means of stimulating economic growth in the country. Investment in transport infrastructure development, in the short term, creates new jobs and solves social problems, in the medium term stimu-

lates economic growth in the region, territories, and in the long run creates the effect which reduces transportation costs as a whole, the economy shows certain indicators of growth and, consequently, the quality of life in general is improved.

The problem of disparity between development of rail transport and its infrastructure and the needs of the economy in recent years has significantly deteriorated. Modernization and development of

railway transport requires significant investments and the issues related to decision-making, preparation and execution are especially difficult. Although the main problem is access to investment resources (budget funds, access to foreign resources, ability to start charging for rail transportation infrastructure, ability to attract private capital), the analysis shows that improvements can take place through diversification of investments in development of railway transport.

## Purpose

Today, the development of railway transport infrastructure is a prerequisite for Ukraine's integration into the global transport space. World experience shows that investment in railway transportation infrastructure, despite high capital intensity and long payback periods, may be of interest to private investors as «long-term money» instruments provided the guaranteed acceptable (estimated) level of profitability.

The dynamic development of rail transport generates a multiplier effect in key sectors of the Ukrainian economy. Thus, one of the key instruments of economic stabilization of Ukraine could become investments in large infrastructure projects of rail transport. Implementation of such projects, on the one hand, will increase national wealth, and on the other hand, will form the real foundation for economic modernization, i.e. the transition to an innovative development path.

The purpose of this article is grounds of potentially available sources of investment in infrastructure of railway transport of Ukraine. The work stresses the importance of the problem of attracting foreign investment in the economy, highlights the proposals to solve this problem.

#### Methodology

To achieve this goal there are proposed methods of analysis, synthesis and comparison, deduction, induction, logic and abstraction. It becomes necessary to search for and study of new conceptual approaches to organization of investment processes at railway transport enterprises, appropriate management and financial decisions and schemes of railway infrastructure development.

Problems of sustainable development of rail transport of Ukraine, effective management and development of its infrastructure in terms of scarce investment resources are highlighted in the researches of such leading scientists of Ukraine, as: I. M. Aksonov [1], A. H. Iliashenko [4], M. Makarenko, M. Tsvietov [6], Yu. Ye. Pashchenko, O. I. Nykyforuk [8], D. Preiher, O. Sobkevych, O. Yemelianov [9, 10], Ye. Sych, V. Ilchuk [11], N. I. Bohomolova [2], V. L. Dykan, S. P. Loza [3], S. A. Starykh, T. S. Sulakshyn [12] and others. Despite the considerable amount of research, today there is no single approach to the priorities of the financial provision of railway infrastructure. There are unresolved problems of finding reliable sources of investment, development of effective mechanisms for financing rail transport, which requires further research of theory and practice of regulation of investment processes in Ukraine.

## **Findings**

Accelerated economic development of Ukraine is possible only in case of efficient use of transport infrastructure as a major component of the national transport system and its dynamic development, especially in terms of potential for our country to become a member of WTO, adoption by the Government of Ukraine the financial obligations to the IMF, World Bank and EBRD, implementation of the FTA with the European Free Trade Association (EFTA). In this connection it is necessary to develop and implement an effective strategy for the development of the transport industry of the country, primarily on the basis of finding innovative model of infrastructure restructuring intended for extension of public relations and acceleration of material flows. This requires fulfilment of the country's transport system potential by upgrading the rolling stock, road and rail network branching off, eliminating of disparities of national network in relation to international transport corridors and eliminating of obstacles and barriers to the movement of transnational freight flows, renewal of national shipping by sea and river fleet, updating and strengthening of the air force fleet, including by means of attracting home-produced aircrafts, expansion of regulatory and contractual framework and the geographic structure of transportation.

The purpose of Ukrainian transport integration into the EU transport service market is the state's striving to ensure the development of exports of transport services, to improve the use of

transit potential, the competitiveness of domestic transport in the international transport service market [1].

Solving problems of improving the quality of transportation process management in terms of entry into the global transport system should be brought to the international standards of transport infrastructure, which requires significant capital investment from various sources of funding into the modernization of equipment and the purchase of rolling stock [15, 17].

Improved quality of transport services and efficiency transportation will ensure investment in transport, which will improve the economic situation in the country; that is why the legal issues of investment activity, using marketing approach, play a crucial role at the current stage of development of market relations [4].

The relations between cargo owner and transport operator during conducting domestic and international cargo transportation are regulated by the laws and regulations that constitute the legal basis.

Organization of international transportation is regulated by interstate agreements where there is a wide range of participants in the transportation process, regulation of relationship between states on the use of international transport routes and vehicles, the procedure of establishing interstate relations while transporting the goods [8].

The components of the international arrangement are conventions and agreements, which include the general activity principles of individual transport means, organization of international transportation, commercial conditions of freight and passenger transportation, fares, freight rates for the transport and handling of goods, conditions of overload, storage and transportation of high-security freight, environmental pollution and its prevention, as well as other organizational, technical, commercial and legal issues. Implementation of international transportation is controlled in various international transport organizations.

In recent years, the role of foreign investment in the economic development of the countries has been growing. For Ukraine, as for any young state that intends to stabilize its economy and to gradually gain its rightful place on the world stage, the topical issue is attracting foreign investment. The investment policy is directed on the safe operation of transport and promotes increasing of the technical level of the production base, formed in accordance with transport structures, which differ in terms of their development and competitiveness at the domestic and foreign markets and are divided into companies with sufficient technical and economic potential, capable of to develop independently and improve their own funds to cover expenses that are not reimbursed with published tariffs [6].

Attracting foreign investment is for many years a priority task of Ukraine's economy that in terms of economic crisis requires special attention from the state. Today the situation that has developed with the investment attractiveness of Ukraine could be better.

Investment activity should be developed by means of the investment sources in the form of issuance of securities of development and construction of transportation facilities, use of own sources of transport enterprises for the purchase of shares of transport engineering companies. Herewith it is necessary to ensure the efficiency of investments through their implementation on a competitive basis. Improved investment can be achieved through the use of leasing for replacement and renewal of vehicle fleet and industrial equipment [9].

The practice of developed countries shows the crucial role of investment in solving marketing problems, indicating the importance and necessity of detailed study of investment activities and relations arising in the course of their conducting in Ukraine [16].

The current strategy is to find an investor for whom there are created the appropriate conditions of repurchase of property complex or buyout of a strategic enterprise and to focus on industrial investor who produces, performs works or provides services similar to those of the undertaking privatized. According to experts, such investors may become mainly foreign multinational structures or ventures with participation of domestic and foreign capital [10, 11].

Today Ukraine has the sufficient legal framework that is the basis for the implementation of strategic directions of development of the national transportation system in the medium term, namely Transport Strategy of Ukraine till 2020, Strategy of

Development of Railway Transport till 2020, Marine Doctrine till 2035, Strategy of Development of Domestic Aircraft Industry till 2020, Concept of the State Target Program of Airport Development till 2020 and other applicable regulations [13, 14].

The existing legislative acts in Ukraine set the special mode of investment, stipulate that entities that implement investment projects are exempt from import duty and VAT at the time of import into Ukraine of equipment, materials, etc. for investment projects; exempt fully or partially from the income tax, obtained from implementation of investment projects [2, 3].

Given the importance of foreign investment and the need to harmonize Ukrainian legislation and the legislation of countries – potential investors, this legal relationship may be regulated both by domestic (national) law and international agreements.

## Originality and practical value

One of the tasks of modernization of Ukraine's economy is creating favourable conditions and real opportunities for the development of the economic potential of railway transport of Ukraine on the basis of intensive development of its infrastructure.

Enhanced use of external and internal investment resources will accelerate structural transformation in the rail industry and contribute to the implementation of strategic projects to upgrade infrastructure and ensure high quality standards of rail service in Ukraine.

The work offers the sources of investment for development of railway infrastructure in Ukraine, which should include: state budget funds, use of targeted loans and leasing. The main direction of the state policy concerning infrastructure should be a gradual transition of activity in creation and operation of infrastructure facilities from a spending unit that is a burden for the state to efficient business through public-private partnerships.

Public-private partnership is an effective financial mechanism for development of railway infrastructure, which will lead not only to modernization and updating of the material and technical facilities, improving of volume and quality of work, but also will promote investment processes in Ukraine, creating the most powerful launch to the development of related industries.

Using these results will ensure the confidence of potential investors to invest in the development of transport infrastructure with income security.

#### **Conclusions**

Ensuring effective demand for transport, costeffective operation of rail transport in conditions of economic crisis and active inflation in the country requires huge efforts.

The presented ways of optimizing investment activities and their legal support show that a crucial role in attracting investor capital for upgrading and modernization of the transport sector is played by knowledge of legislation in the field of foreign and domestic relationships that will allow carrying out the investment policy in the legal field. This will ensure the confidence of future investors in the process of investment in transport infrastructure development with income security.

Herewith the mechanism for investment in railway infrastructure upgrading in Ukraine must include (in addition to commonly recognized transport infrastructure financing sources): the state budget funds, the use of targeted loans to accelerate the resolution of issues relating to bottlenecks, in particular, the use of such sources as the issue of debt securities; project and mezzanine financing, syndicated loans and leasing.

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# ЕКОНОМІКО-ПРАВОВЕ ОБҐРУНТУВАННЯ ІНВЕСТИЦІЙ У РОЗВИТОК ТРАНСПОРТНОЇ ІНФРАСТРУКТУРИ

**Мета**. В Україні, як і в багатьох країнах світу, транспорт  $\epsilon$  однією з найбільш грунтовних галузей національної економіки, важливішою складовою частиною виробничої та соціальної сфери. Але в умовах реформування галузі існують проблеми інвестування в розвиток підприємств залізничного транспорту. Тому наукова робота присвячена обгрунтуванню потенційно доступних джерел інвестування в розвиток інфраструктури залізничного транспорту України. Зауважено на важливості проблеми залучення іноземних інвестицій

в економіку, висвітлено пропозиції щодо розв'язання цієї проблеми. Методика. Для вирішення задач такого класу в роботі запропоновано застосувати методи аналізу, синтезу та порівняння, дедукції, індукції, логіки та абстрагування. Адже стають необхідними пошук і дослідження нових концептуальних підходів щодо організації інвестиційних процесів на підприємствах залізничного транспорту, відповідних управлінських, фінансових рішень та схем розвитку інфраструктури залізничного транспорту. Результати. У роботі наведено шляхи оптимізації інвестиційної діяльності для модернізації та технічного переоснащення транспортного комплексу України. Запропоновано шляхи залучення капіталів інвесторів у розвиток транспортної інфраструктури: 1) відповідність європейським нормативно-правовим актам; 2) реформування податкової системи України; 3) подолання корупції у країні; 4) впровадження інструментів державно-приватного партнерства у механізмі державного регулювання інвестиційних процесів; 5) створення сприятливого інвестиційного клімату для реалізації інфраструктурних проектів залізничного транспорту; 6) створення системи відшкодування збитків інвесторам; 7) надання гарантій захисту інвестицій у розвиток транспортної інфраструктури. Наукова новизна. Запропоновано джерела інвестування в розвиток залізничної інфраструктури в Україні, який має включати: кошти державного бюджету, використання цільових позик, лізинг. Основним напрямом державної політики щодо інфраструктури повинен стати поступовий перехід діяльності зі створення й експлуатації об'єктів інфраструктури з витратної сфери (що  $\epsilon$  тягарем для держави) – в ефективний бізнес на основі державно-приватного партнерства. Практична значимість. Використання наведених результатів дозволить забезпечити довіру майбутніх інвесторів до вкладення коштів у розвиток інфраструктури транспорту з гарантією одержання зароблених прибутків.

*Ключові слова*: транспортна інфраструктура; інвестиції; інвестиційна діяльність; державне регулювання; залізничний транспорт

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# ЭКОНОМИКО-ПРАВОВОЕ ОБОСНОВАНИЕ ИНВЕСТИЦИЙ В РАЗВИТИЕ ТРАНСПОРТНОЙ ИНФРАСТРУКТУРЫ

Цель. В Украине, как и во многих странах мира, транспорт является одной из наиболее фундаментальных отраслей национальной экономики, важной составной частью производственной и социальной сферы. Но в условиях реформирования отрасли существуют проблемы инвестирования в развитие предприятий железнодорожного транспорта. Поэтому работа посвящена обоснованию потенциально доступных источников инвестирования в развитие железнодорожного транспорта Украины. Отмечена важность проблемы привлечения иностранных инвестиций в экономику, освещены предложения для решения этой проблемы. Методика. Для решения задач такого класса в работе предложено использовать методы анализа, синтеза и сравнения, дедукции, индукции, логики и абстрагирования. Ведь становится необходимым поиск и исследование новых концептуальных подходов касательно организации инвестиционных процессов на предприятиях железнодорожного транспорта, соответствующих управленческих, финансовых решений и схем развития инфраструктуры железнодорожного транспорта. Результаты. В работе приведены пути оптимизации инвестиционной деятельности для модернизации и технического переоснащения транспортного комплекса Украины. Предложены пути привлечения капиталов инвесторов в развитие транспортной инфраструктуры: 1) соответствие европейским нормативно-правовым актам; 2) реформирование налоговой системы Украины; 3) преодоление коррупции в стране; 4) внедрение инструментов государственно-частного партнерства в механизме государственного регулирования инвестиционных процессов; 5) создание благоприятного инвестиционного климата для реализации инфраструктурных проектов железнодорожного транспорта; 6) создание системы возмещения убытков инвесторам; 7) предоставление гарантий защиты инвестиций в развитие транспортной инфраструктуры. Научная новизна. Предложены источники инвестирования в развитие железнодорожной инфраструктуры в Украине, которые должны включать: средства государственного бюджета, использования целевых займов, лизинг. Основным направлением государственной политики в отношении инфраструктуры должен стать постепенный переход деятельности по созданию и эксплуатации объектов инфраструктуры с расходной сферы (что является бременем для государства) – в эффективный бизнес на основе государственно-частного партнерства. Практическая значимость. Использование приведенных

результатов позволит обеспечить доверие будущих инвесторов к вложению средств в развитие инфраструктуры транспорта с гарантией получения заработанных доходов.

*Ключевые слова*: транспортная инфраструктура; инвестиции; инвестиционная деятельность; государственное регулирование; железнодорожный транспорт

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