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THE FRANCHISING IN NATURALLY RESERVE FUND: TO BE OR NOT TO BE?

Franchising is an integral part of the economy in the whole world, but in Ukraine this form of business organization is staying at the initial stage of its development. There are many international companies that are interested in eco-franchising their services in Ukraine. The franchising tool can also become a form environmentally oriented business activities, a development vector of cooperation of naturally reserved fund institutions and representatives of the private sector, who want to carry out their activities taking into account environmental imperatives and produce truly ecologically pure products, but first of all corresponding contractual mechanism must be formalized into a legal structure and an independent object of normative-legal regulation.

O.F. Nogachevsky describes franchising as the form of long-term business cooperation, in which a large company provides an individual entrepreneur or a group of entrepreneurs with a license (franchise) for the production of goods or services under the trademark of this company in a limited area, for the terms and the conditions defined by the agreement [1;64]. Some scientists think that a franchising agreement cannot be considered in the context of surety or agency agreement and apply to it regulations of the law, which are typical for these types of contracts [2;7]. Berzhanir A.L. comparing a franchising agreement and contract of assignment thinks, that these treaties bring together the possibility of the mediating similar social relations in the service, sales of products, performance of services, based on the principles of cooperation of the parties and their equality. Although, a legal content of contractual relations in these mentioned types of contracts is different [3;56].

The draft Law of Ukraine "On franchising" (Verkhovna Rada of Ukraine, 2017) stipulates, that franchising is a entrepreneurial activity, on the basis of which one party (the right holder) on a contractual basis undertakes to transfer to the other party (user) for remuneration for a specified period of up to 3 years a complex exclusive rights to use (with the obligatory mark "on the terms of franchising ") the mark for products and services, a company name, service, technological process or specialized equipment, commercial information protected by law, and also other objects of exclusive rights provided by the contract. Since within the framework of the national legislation there is no normative legal act, that regulates the main provisions, principles, scope of franchising agreements; legal status of counterparties, the grounds for implementing juristic liability, the grounds for implementing economic-environmental sanctions, the issue of concluding franchising agreements in the field of conservation work within the programs of SPE remains actual. As a "eco+" start-up concept, franchising, in the realm

of reserved case has effective advantages both for the franchiser in the person of a public partner, and for the franchisee in the person of a private partner. The tool of franchising in the environmentally protected realm of Ukraine may become one of the type of private activity, that includes an active behavior of the right holder (franchisor) directed for the creation of public offer transferring the rights to law enforcer (franchisee) to the object of property (franchise), which is privately owned by the right holder on a contractual basis with the essential terms of the contract in the form of: temporal boundaries, the object of the agreement, the subject structure, the payment for use, the geographical area of the economic activity (Table 1).

Table 1

Types of financial instruments that ensure the development of franchise agreements

<i>State Nature instruments</i>
State aimed environmental protected, environmental-educational, recreational (green-tourism), healthy (green-MED) programs
Agreements of public and private partnership (contracts on preservation, reproduction, protection, restoration of degraded areas)
State incentive programs for participation by private entrepreneurs in the mechanism of support for reserve lands (quasi tax rebates, tax holidays, other types of state preferences)
Public-private partnership agreements (lease, concession, leasing, franchising, creative cooperation).
Programs "support of private landowners" by buying out or leasing unique lands of environmental significance and paying for the owner's work if he personally controls the relevant area.
Granting of preferential loans to representatives of private sector of economy in the event of deduction of certain % from the received profits for the development of the reserve case
Provision of funds for the reproduction of unique natural complexes, the restoration of degraded lands with unique flora and fauna in case of permission to transfer land to reserve status without redemption
Agreements between the state and the representative of the private sector of economy "in life" on the right to transfer land to the conservation status without changing the owner (the owner receives % from recreational, tourism and entertainment activities)
Formation of natural protected areas on the principle of "joint" where private lands are joined to the state territories, and are financed by the developed system of providing service to the population
Public private programs "green offsets" (entrepreneurs who carry out economic activity that has anthropogenic impact, they pay compensation payments that exceed the norm 3-7 times)
Target participation privileges programs with non-state medical institutions (obtaining preferences from the state in case of provision of medical services to the employees of NRF institutions or financing of such services by representatives of the private sector of the economy.)
Formation from the representatives of the private sector "extension employees" within the framework of reserve land programs
<i>Private Nature instruments</i>
Investing religious and cultural communities in the development of the field of bequest (for example, parish communities in Western Europe)
The presence of non-commercial funds with large companies, the funds of which are granted into the development of NRF
Investment and financial measures of farms, commercial associations, condominiums

Investments by broker agencies (% from “game on the stock exchange”), estate agencies, consulting agencies
Creation specialized “environmental protected agencies”, that carry out intermediary services for environment individuals and receive profit in %
Lending by banks and financial institutions of the representatives of the private sector (providing targeted environmentally oriented loans) on the preferential terms
Conclusion of insurance contracts on the most beneficial conditions (the maximum reduction of the franchise volume) or the provision of a portion of the profits from the main contract in the field of land assignment
Formation of a non-state environmental protected fund, to which all measures of public catering and entertaining facilities pay the so-called “eco-tax”, which goes for the protection of the reserved lands
The obtained franchise (brand, logo, trade mark, license) for the sales of products (provision of services) from environmentally pure lands, which have the status of being reserved
Financial and other types of participation of local communities in the mechanism of expansion environmental reserve lands, support to the existing objects of the reserve fund
Specialized non-state funds “ Buy funds” which, cooperate with estate agencies and receive % of the profit on transactions of sale of land, which is then directed to the measures for the development of protected areas
Formation of mechanism “natural management/consulting”, where the leading top-managers have the right for the essential reduction of taxes, if they take part in the protection programs of reserve lands.
Formation targeted environmentally protected trusts (for each separate objects or the territory of NRF)
Formation of the payment mechanism “ ecosystem services”
Creating a new NRF facility or extending existing “ chain labeling” and merging funding sources

Source: Owner research results

As a start-up concept, franchising, in the realm of reserved case has effective advantages both for the franchiser in the person of a public partner, and for the franchisee in the person of a private partner. For the public partner, that is institutions of environmentally reserved fund (franchisor) the attraction of the extra budgetary funds to the industry, an effective mechanism for providing paid service to the population, a source of renovated material and technical base, research equipments, minimal risks for the state sector of the economy. The local businessmen should know the eco-franchising is not as expensive as people think. The aim of the article is investigation of the theoretical and methodical aspects of relationship marketing and environmental protection on the basis of franchising. The conclusion of a franchising contract within the framework of relations of public-private partnership in the field of nature reserve fund of Ukraine must be regulated primarily by individual features of the object and territory of the reserve fund, tasks of public-private partnership projects, mechanisms for their implementations, and also by economic-ecological expediency, effective financial-economic instruments of public and private nature.

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INNOVATION AS THE BASIS OF THE COUNTRY'S PUBLIC POLICY DEVELOPMENT

The chosen theme of innovation as the basis for the public policy development is extremely important for our country development under the current economic conditions, because the effective functioning of a market economy is possible only if there are certain external and internal factors in the country that provide a favorable basis for the entrepreneurship development. [1,4]

To overcome the technological backwardness of the national economy, reach the indicators of economically developed countries in technological leadership and competitiveness require a significant activation of entrepreneurial activity in the innovation sphere. The solution to this problem is impossible without modernization of ways and mechanisms of this development, change of its priorities, institutions, relations between the subjects of economic activity, resource base.[2]

The strategic direction for the modernization of the sectoral structure of the national economy brings to the fore the problem of mobilization of the necessary resources, including by the curtailment of structurally depressed industries. In the process of eliminating or partially curtailing, resources, space, labor are released, which can then be redeployed to priority industries. [7]

The success of implementing measures aimed at developing the national economic system within the framework of the anti-crisis strategy will be determined by the extent to which they will be complemented by appropriate transformations and efforts in the institutional, socio-cultural and political spheres. In particular, during the years of market transformations in Ukraine, no complete institutional environment was necessary for the stable and efficient economic activity of economic entities, their economic and technological progress. However, no strategic goal in the field of socio-economic development can be successfully implemented in the absence of an institutional environment that ensures the harmonization of the interests of members of society and achieve a united perception of their development goals. [2]

Development of effective partnership between the state and business can help to solve the problem of financing of innovative activity. [7]

The main consumer of innovation is production, it is necessary to ensure its susceptibility to innovations, which is achieved under the following conditions: