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t i m e f o r e x p e r t s

22



International expertise

17



Investment attractiveness

5



Competitiveness and territories

39

32



International knowledge transfer



Institutionalization of lobbying practices

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About Association

InterRegioNovation is the International Association devoted to the transfer and exchange of knowledge and innovations at all regional levels (country, region, city, community etc.) between knowledge transfer professionals (business, research institutions, policy makers, government agencies, individuals, others) in all countries of the enlarged Europe, CIS countries and from other continents for stimulating and enhancing economic and social growth in the regions.

This is a policy and research association that brings together all knowledge transfer professionals who are interested in delivering efficient, flexible, innovative and cost-effective services across the private and public sectors.

We work closely with business, research and educational institutions, government agencies, policy makers, NGOs, media, individuals and other stakeholders to promote the interests of their industries.

The Association has its expert database represented by highly skilled professionals with a huge practical and scientific experience in various aspects of innovation development in different EU and CIS countries.

Our members understand the changing needs of the transfer and exchange of knowledge and innovations and through continuous professional development, marketing and networking opportunities offered in this association, we keep current with the latest knowledge trends and issues that challenge people in their work and life journey. We also offer expansive opportunities for partner connection through our networks.

This journal is one of the Association's tools for innovators and everybody who is interested in any aspects of innovation development.

www.interregionovation.eu

About journal

On behalf of the Editorial Board, it gives us a great pleasure to welcome you to the first issue of the Regional Innovations Journal.

The Regional Innovations publishes original research papers, policy analyses, review papers and book reviews in order to establish an effective channel of communication between business, research institutions, policy makers, government agencies, and individuals relative to the analysis of various aspects of knowledge and innovations transfer and exchange within regional dimensions.

This is an independent, peer-reviewed, Internet-based international journal devoted to publishing original research papers of highest quality, sharing ideas and discussing innovation sector within regional dimensions. Normally, four issues are prepared each year. The journal welcomes to submit research papers by exceptional innovators, leading universities, globally recognized business, government agencies, policy makers and political leaders.

We intend that our readers will be exposed to the most central and significant issues in innovations development. We wish to publish papers that exemplify the highest standards of clarity, and that promise to have significant impact on existing front-line debates or to lead to new ones. The journal explores key priorities of the knowledge and innovations transfer and exchange in terms of critical aspects of human life (economy, law, science, business, health, education, culture etc.). We therefore welcome submissions not only from established areas of research, but also from new and emerging fields and those which are less well represented in existing publications, e.g. engineering studies, biomedical research etc.

We also strive to ensure that being under expert evaluation, each submission will receive developmental and supportive comments to enhance the article. Our refereeing process will involve that each submission will be reviewed by one or more specialists in the relevant field. Articles will be added to the volumes and the journal audience will receive e-mails, Facebook, LinkedIn and Twitter updates to encourage them to the new articles.

We are delighted with, and immensely grateful to the large numbers of colleagues, both members of the Associations InterRegioNovation and FranceXP (France), representatives from Taras Shevchenko National University of Kyiv (Ukraine), our friends from the International Forum of the Territories (France) and from the Baltic InterRegional Development hub (Latvia) and other institutions, who have supported the editorial process. And we are very proud of the expertise that they collectively bring, which we believe is unsurpassed by any contemporary innovative journal.

We are immensely grateful to our colleagues for their support and advice through the process of setting the journal up, and for the confidence they have placed in us in supporting this initiative at a time of economic uncertainty.

In the development of the Regional Innovations to date, we would like to enlist the support of a number of organisations who wish to promote this online journal to their experts. To ensure its sustainability, we would also like to invite other organisations, networks, conferences and meetings to associate themselves with the Regional Innovations. We therefore aim for the Regional Innovations to become the leading online forum to globally disseminate outstanding research papers on innovation sector in regional dimensions. Being an online periodical, the Regional Innovations is also a forum for exchange of imaginative ideas readers wish to share. Contributions of articles on innovations sector and your comments about this issue are very welcome.

To this end, if you lead, represent, or are a member of any such organisation, please contact us to offer your support and commit to promoting the Regional Innovations as a publication outlet for research undertaken by your experts.

Finally, it gives us an enormous pleasure to officially launch the first issue of the Regional Innovations, and we do hope you enjoy and benefit from the Regional Innovations!

Jean-François Devemy
Publishing Director

Contents

1. COMPETITIVITE ET TERRITORIES	5
2. UKRAINE'S INVESTMENT ATTRACTIVENESS FOR EUROPEAN INVESTORS	17
3. INTERNATIONAL EXPERTISE AND REGIONAL INNOVATION	22
4. INTERNATIONAL KNOWLEDGE TRANSFER AS A BASE OF GLOBAL INNOVATIONS	32
5. PROBLEMS OF LOBBYISM INSTITUTIONALIZATION IN POST-SOVIET COUNTRIES (A CASE OF UKRAINE)	39
About authors	46
Requirements for articles	47



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COMPETITIVITE ET TERRITOIRES

Abstract

Competitiveness of the territories is a major issue when employment, innovation and globalization are the main challenges of the states.

However, there are a lot of misunderstandings all around the idea. The first is the difference between competitiveness of the territory and competitiveness of the territories. The second lays in the identification of different kinds of competitiveness.

The elaboration of a policy for competitiveness of the territories needs a strong knowledge of the territories and to be able to imagine their future through various scenarios. Different kind of strategies may be set up, for equality or equity of the territories, polycentric development, “3 C policy”, and specialization.

The programmes for territorial competitiveness are based on diagnosis of zones, analysis of the requested type of competitiveness and evaluation procedures.

Many tools may be used for strengthening the competitiveness of the territories: requalification of human resources capacities, development of various forms of clusters, “Triple Helix” policy, TIC networks, cross border cooperation, project pipeline and financial resources.

But in addition, each country must identify the actors of the development of the competitiveness of the territories and adapt the share of the responsibilities among public authorities in order to obtain the most efficient governance system for the territories.

Key words: *territories, competitiveness, governance, regions, strategy.*

Parler d'aménagement du territoire aujourd'hui, c'est tout d'abord parler de compétitivité; parce que la toute première priorité des territoires est l'emploi, parce que nos économies sont de plus en plus ouvertes et par conséquent engagées dans la concurrence internationale, parce que l'avenir des territoires est directement dépendant de leur capacité à affronter les défis de l'innovation, de la flexibilité, de la visibilité et bien d'autres critères de la réussite économique et sociale.

Pour autant, l'expression «compétitivité des territoires» employée sans retenue ne signifie pas grand-chose, tant elle recouvre des stratégies différentes et des politiques différentes.

Compétitivité du territoire ou compétitivité des territoires

En 2005, le Gouvernement français a décidé de sélectionner un nombre limité de pôles de compétitivité (il y en a 71 aujourd'hui). Ces clusters étaient retenus pour leur capacité à affronter la concurrence internationale sur

un segment bien déterminé. Leur répartition sur le territoire est très inégale: la région Poitou-Charentes dispose d'un seul pôle tandis que la région Rhône-Alpes en compte 13.

A l'inverse, à peu près à la même époque, la France a initié la labellisation de pôles d'excellence rurale, projets destinés à valoriser des atouts locaux – culturels, touristiques, artisanaux – en appuyant des initiatives qui mobilisaient des acteurs multiples autour d'un projet commun sur un territoire commun.

Dans le premier cas, l'objectif n'a pas été de valoriser tel ou tel territoire, mais de concentrer les efforts sur les atouts situés sur des territoires donnés afin de renforcer la compétitivité de l'ensemble du pays. Dans le second cas, au contraire, les pouvoirs publics ont cherché à aider les territoires à mettre en valeur leurs qualités, et c'est pourquoi ces projets ont été répartis de manière équilibrée en donnant toutefois la priorité aux territoires qui en avaient le plus besoin.

Les compétitivités et non pas la compétitivité

C'est une erreur fréquente que de promouvoir des solutions standard en faveur de la compétitivité des territoires : politiques de formation pour requalifier les ressources humaines, développement des infrastructures de communication et notamment des technologies de l'information et de la communication (TIC), aide à l'investissement, politiques d'attractivité et de communication...

Quel est donc le rapport entre le territoire qui veut développer sa compétitivité industrielle et celui qui recherche la compétitivité touristique ; celui qui recherche la compétitivité agricole et celui qui recherche la compétitivité culturelle ? Cela ne veut pas dire bien sûr qu'il ne faut pas développer la culture dans les territoires agricoles, mais pour autant il convient de bien distinguer les priorités.

Dans un ouvrage collectif « *Aménagement et développement territorial* » publié sous la direction de Jacques Bonnet¹, Nicolas Millet, distingue 12 ressources territoriales susceptibles de constituer des leviers de développement en faveur de la compétitivité des entreprises; ces ressources ne représentent pas le même enjeu selon le type de compétitivité recherchée:

- Le foncier et l'immobilier: un foncier bon marché favorisera la compétitivité d'entreprises situées dans un segment sensible aux coûts de production, tandis que des entreprises du secteur de la logistique rechercheront plutôt la proximité de grands axes de communication et les entreprises de haute technologie seront attirées par la présence de main-d'œuvre qualifiée et d'autres entreprises de haute technologie avec lesquelles elles pourront facilement constituer des réseaux de proximité.
- Les règles de servitude et d'urbanisme: celles-ci peuvent soit apporter des garanties contre les risques naturels, soit favoriser le regroupement d'entreprises dont les activités sont complémentaires (ce que l'on appelle les « externalités convergentes ») mais également exclure les activités susceptibles de porter atteinte à la qualité touristique d'un site ou à l'environnement d'activités nécessitant une présentation prestigieuse (luxe).
- L'énergie: l'histoire et la géographie industrielle témoignent de la tendance de bon nombre de secteurs à s'implanter à proximité des ressources en énergie dont ils ont besoin ; aujourd'hui, la « performance énergétique » d'un territoire peut constituer un argument de compétitivité.
- Les infrastructures et la logistique: à ce sujet, l'auteur explique les différences de compétitivité entre métropoles de taille différente ainsi que les

différences induites par la proximité des grands corridors de communication.

- La recherche/développement: il existe 4 types de technologie qui présentent des enjeux de compétitivité différents : celles qui sont appelées « turbulentes » parce que très sensibles aux variations du marché et des transferts de technologie, les « fertiles », inscrites dans la compétition mondiale et qui nécessitent la recherche d'une taille critique permettant de concentrer les efforts d'investissements publics et privés, les « stables » qui correspondent à des produits dont le cycle de vie est long (BTP) et enfin les technologies « à enjeu », qui préparent le renouvellement du tissu productif comme celles situées autour des nanotechnologies.
- Les systèmes experts, c'est-à-dire là où a été développée la capacité d'accès à l'information, où les métropoles sont favorisées.
- Le capital humain et l'appareil de formation.
- Les congrès, événements et salons, qui constituent un atout incontestable des métropoles.
- Les systèmes de financement, à ce propos l'auteur souligne le rôle des banques régionales en Allemagne où 6% de l'emploi industriel dépend de capitaux étrangers contre 18% en Grande Bretagne et 28% en France.
- Le marketing territorial, illustré par les slogans de type « I love NY », « I Amsterdam » ou « OnlyLyon ».
- La gouvernance et les réseaux de coopération, sujet que nous verrons plus bas, notamment à propos des pôles de compétitivité.
- La commande publique.

Les territoires...

Avant toute chose il faut connaître les territoires : leurs besoins, leurs atouts et leurs handicaps, leur vigueur et leur fragilité, mais aussi leur sensibilité à l'action publique et privée.

En France, la DATAR (délégation interministérielle à l'aménagement du territoire et à l'attractivité régionale) a mis au point un « **Observatoire des territoires** » chargé de recenser et d'analyser leurs forces et faiblesses à des échelles allant du territoire européen au quartier, en passant par l'échelle régionale, métropolitaine, communale, mais aussi en tenant compte des territoires ayant une identité autre que celle imposée par le découpage administratif.

L'observatoire permet de connaître les équipements publics, les moyens de communication, la répartition sur les territoires des services publics mais également des « services au public » tels que les professions de santé, et le commerce de proximité. Il recense également la situation économique et sociale (PIB, taux de chômage, niveau

¹ Jacques Bonnet, professeur de géographie économique et urbaine à l'université de Lyon III.

d'éducation) et dispose même d'instruments de mesure de la qualité de la vie, des mouvements migratoires interrégionaux ou des échanges interentreprises. Ces informations sont enregistrées et actualisées régulièrement sur un site internet à la disposition du grand public sans limitation d'accès. Les informations diffusées sont dites « dynamiques » parce qu'elles apportent des comparaisons dans le temps et des comparaisons entre territoires. L'utilisateur peut en extraire des cartes mais aussi des tableaux et peut connaître toutes les sources des informations présentées.

L'observatoire est alimenté par diverses ressources statistiques et notamment l'INSEE (Institut National des Statistiques et des Etudes Economiques) qui sont transformées en divers indicateurs :

- **Indicateurs simples** : par exemple taux de chômage ou produit intérieur brut par habitant ;
- **Indicateurs complexes**: il s'agit de l'agrégation de plusieurs indicateurs tels que les financements publics pour la recherche et le nombre de laboratoires, les investissements privés et l'emploi des jeunes, afin de faire apparaître leur interaction ;
- **Indicateurs dynamiques** : ils sont destinés à montrer l'évolution d'un phénomène : évolution des contributions fiscales, accroissement de la population de jeunes ménages, évolution de l'âge de la population ;
- **Indicateurs d'interdépendance** : ils permettent de connaître les liens entre les territoires, par exemple, les flux de communications téléphoniques, les accords entre entreprises et laboratoires de recherche, les relations dans une chaîne de production (tels que les élevages et abattoirs).

L'observatoire des territoires de la DATAR est accessible à l'adresse <http://www.observatoire-des-territoires.gouv.fr>

Des projets comparables sont en cours d'élaboration en Pologne et en Roumanie.

A l'échelon européen, un « Observatoire en Réseau de l'Aménagement du Territoire Européen » (ORATE) - en anglais: ESPON (European Spatial Planning Observation Network), a été créé en 2007 par les ministres européens de l'aménagement du territoire ; la Suisse, l'Islande, la Norvège et le Liechtenstein participent également au programme. A la différence de l'Observatoire de la DATAR, ORATE a été conçu pour réaliser des recherches thématiques sur les forces et les faiblesses d'une région comparée aux autres régions européennes ; ces recherches sont effectuées par des scientifiques sélectionnés après appel d'offres.

Conjointement avec le Centre National pour l'Analyse Visuelle de l'université de Linköping en Suède, l'OCDE a

mis au point un outil appelé «OECD eXplorer » destiné à l'exploration et l'analyse de statistiques régionales.

Celui de l'OCDE se trouve à <http://stats.oecd.org/OECDregionalstatistics>

Connaître les territoires, c'est aussi imaginer leur avenir d'où la nécessité d'engager une démarche de **prospective**.

La prospective doit être distinguée de la prévision ; Il ne s'agit pas de prévoir quelque chose que l'on ne maîtrise pas – le temps qu'il fera demain, par exemple – mais de construire différents scénarios pour l'avenir et de tenter d'en discerner les avantages et les inconvénients.

La DATAR dispose d'une équipe de prospective mais il existe d'autres institutions spécialisées dans ce domaine et notamment le groupe « Futuribles » qui réalise des études, organise des colloques et propose des formations à un public varié et notamment aux cadres chargés de prospective dans les entreprises privées.

Ces dernières années, la DATAR a réalisé une étude de grande ampleur, intitulée « Territoires 2040 » avec le concours de scientifiques de formations très différentes et qui a été publiée après une vaste concertation tant à l'échelon national que local.

Les stratégies

Les différentes stratégies engagées en faveur de la compétitivité des territoires peuvent être classées en différentes catégories. La présentation ci-dessous est bien évidemment très théorique et non exhaustive, et mérite d'être nuancée pour chaque cas de figure.

L'égalité des territoires

Il s'agit du type de stratégie que l'on rencontre dans les pays où les déséquilibres régionaux sont les plus significatifs, où les pouvoirs publics concentrent les priorités et les investissements publics là où un effort de développement est prioritaire.

C'est – dans une certaine mesure – le choix qui a été fait en Chine, où certaines régions bien ciblées, situées essentiellement dans l'ouest du pays, ont bénéficié de la priorité des investissements publics.

L'expérience a montré que de telles politiques, en dépit des résultats réels constatés, se heurtent souvent aux difficultés d'absorption financière des territoires pauvres si un soutien d'assistance technique pour le développement de projets n'est pas apporté dans le même temps que le soutien financier.

L'équité entre les territoires

Dans ce cas de figure, les pouvoirs publics apportent à chaque territoire les moyens de développer ses propres atouts. Ce type de stratégie est le plus décentralisé car il ne résulte pas d'une planification nationale mais de choix effectués par chacun des territoires ; en revanche, la conséquence est que des déséquilibres, des doubles-emplois (et donc des gaspillages) et surtout une incohérence du développement national peuvent en résulter s'il n'existe pas un minimum de concertation à l'échelon national.

Ce type de stratégie se rencontre le plus souvent dans les Etats fédéraux, tels que l'Allemagne et le Canada.

Le développement polycentrique

Le développement polycentrique a été très en vogue en France ces dernières années. Cette stratégie se caractérise par la constitution de pôles de développement tels que les métropoles, les pôles de compétitivité, ou toute forme de clusters permettant la concentration sur un même territoire de moyens humains, financiers, et d'infrastructure, en favorisant les échanges de proximité tout en limitant au maximum les besoins en transports. L'objectif est de constituer des « locomotives » susceptibles d'entraîner les territoires voisins dans un même élan en faveur de la compétitivité.

Un telle politique a ses limites. En premier lieu les « externalités négatives » apparues dans les territoires métropolitains (pollution, délinquance, mauvaise qualité de vie) se sont vite révélées très coûteuses. Par ailleurs l'effet « locomotive » n'a pas toujours été au rendez-vous.

La stratégie des "3C"

Les débats en cours à la DATAR, mais également au sein des instances européennes, semblent faire émerger un nouveau type de stratégie fondé sur 3 priorités : concentration, communication et complémentarité.

Comme dans la stratégie polycentrique, les pouvoirs publics favorisent la constitution de pôles de développement, mais ceux-ci doivent pouvoir communiquer dans les meilleures conditions possibles et être complémentaires.

Cette stratégie sous-entend l'engagement d'importants efforts en matière d'infrastructures de communications et notamment dans le domaine des TIC. La complémentarité signifie que les territoires se spécialisent et qu'il existe entre eux une importante politique de coopération, de transfert de savoir-faire (transfert de technologie) et que des mesures sont mises en place pour éviter les concurrences stériles comme les incohérences de développement.

La spécialisation

Une des conclusions de la démarche de prospective "Territoires 2040" engagée par la DATAR a été la possibilité du recours à des politiques destinées à renforcer en priorité les atouts de chaque territoire. En d'autres termes, cela signifie que les territoires pourraient être spécialisés dans les domaines où ils sont le plus compétitifs.

La démarche a néanmoins fait apparaître les risques d'une spécialisation trop prononcée : affaiblissement des territoires spécialisés dans des segments à faible valeur ajoutée, création de situation de dépendance pour les régions spécialisées dans une position dans la chaîne de production éloignée du consommateur final, augmentation des besoins en infrastructures de transports.

Les programmes et les instruments de la compétitivité

La mise en place d'une politique de compétitivité d'un territoire, passe logiquement par une phase de **diagnostic territorial**; la méthode la plus courante est la réalisation d'une analyse SWOT (Strength, Weakness, Opportunities and Threats), c'est-à-dire des forces, faiblesses, opportunités et menaces. Ce type d'analyse est généralement complété par d'autres travaux tels que la Gestion Prévisionnelle des Emplois et Compétence (GPEC), pour ce qui concerne les ressources humaines.

Cette analyse sera d'autant plus pertinente qu'elle aura été réalisée en tenant compte de **zonages territoriaux**. En France, l'étude des territoires distingue les bassins de vie et les zones d'emploi.

Selon l'INSEE, « *Le bassin de vie constitue le plus petit territoire au sein duquel ses habitants ont un accès aux principaux services et à l'emploi* », tandis que la zone d'emploi est « *un espace géographique à l'intérieur duquel la plupart des actifs résident et travaillent, et où les établissements peuvent trouver l'essentiel de la main-d'œuvre nécessaire pour occuper les emplois offerts. Le découpage en zones d'emploi constitue une partition du territoire adaptée aux études locales sur le marché du travail. Le zonage définit aussi des territoires pertinents pour les diagnostics locaux et peut guider la délimitation des territoires pour la mise en œuvre des politiques territoriales initiées par les pouvoirs publics ou les acteurs locaux...* ».

L'analyse de la compétitivité du territoire doit permettre d'identifier le type de compétitivité que le territoire doit rechercher. Ainsi un territoire disposant de ressources humaines abondantes mais peu qualifiées, ainsi que de ressources naturelles à bon marché pourra s'orienter vers une stratégie de compétitivité-prix en attirant les investisseurs par une offre foncière peu coûteuse et une fiscalité attractive. Une telle stratégie nécessite que le

territoire se trouve dans une zone stable, tant du point de vue politique que monétaire, afin que les échanges extérieurs puissent s'exercer dans un climat de sécurité. Cette stratégie peut être utile à court terme dans les territoires frappés par le chômage, mais peut se révéler dangereuse à plus long terme car l'économie fondée uniquement sur une compétitivité de coût est le plus souvent facilement délocalisable dès qu'apparaît un facteur de hausse des coûts ou d'insécurité.

A l'inverse, dans des territoires où sont massivement implantées des entreprises de haute technologie, la politique d'attractivité identifiera les politiques à engager pour renforcer la qualité de vie susceptible d'attirer les chercheurs ainsi que les ressources humaines disposant d'un niveau de qualification recherché. C'est au moment où le diagnostic territorial est terminé que commence le processus d'évaluation.

L'évaluation n'est pas un contrôle, ni un audit, ni un système de suivi (monitoring) ; l'évaluation est ce qui permet de savoir :

- Ce qui doit être fait, et ce qui a été fait,
- Le résultat que l'on peut espérer, et le résultat obtenu,
- Les moyens nécessaires pour obtenir le résultat espéré, et les moyens réellement engagés,
- Les hypothèses et les risques susceptibles d'obérer les résultats attendus,
- L'efficacité et l'efficience de la politique engagée,
- Les effets immédiats, ainsi qu'à moyen et long terme sur la compétitivité du territoire.

L'évaluation est un processus totalement intégré aux stratégies de développement des territoires (voir à ce sujet la place de l'évaluation dans la gestion des fonds structurels européens); elle permet d'élaborer la stratégie, de connaître les moyens à mobiliser et de prévoir les résultats attendus, et en fin de période, de recueillir toutes les informations nécessaires pour la préparation des politiques suivantes.

C'est pourquoi l'évaluation, contrairement à une idée reçue, ne se situe pas à l'issue du processus stratégique, mais tout au long du processus, y compris lors de sa conception. De fait, l'Union Européenne a prévu l'engagement d'évaluations «ex ante» avant l'adoption des programmes opérationnels nationaux financés sur les fonds structurels. Cette évaluation permet de vérifier si les programmes prévus s'appuient bien sur les besoins réels des territoires concernés et si les moyens mobilisés sont susceptibles de satisfaire les objectifs annoncés.

L'évaluation ex ante étant terminée, il faut engager l'évaluation en continu permettant, tout au long de la réalisation du programme, de vérifier l'adéquation du rythme des actions entreprises avec les besoins du

territoire, ainsi que l'efficacité des premières mesures engagées. C'est pourquoi, au moment de l'adoption du programme, les acteurs de la stratégie territoriale doivent définir les indicateurs qui permettront de réaliser cette évaluation et se donner les moyens de les renseigner dans les meilleures conditions possibles de fiabilité et de rapidité.

Le premier levier des politiques de compétitivité dans les territoires, ce sont **les ressources humaines**: formation initiale, scolaire et universitaire, mais aussi renforcement des services en matière de santé, de culture, de sports et bien d'autres encore constituent le large éventail des politiques destinées à attirer sur le territoire les compétences les plus adaptées à l'économie de compétitivité que l'on souhaite développer.

La politique en faveur des **clusters** constitue un autre levier particulièrement répandu. Théorisés par les universitaires américains Michael Porter et Alfred Marshall, les clusters sont formés de réseaux d'acteurs économiques, le plus souvent installés sur un même territoire et engagés dans une démarche complémentaire tout en respectant les lois de la concurrence².

En France, la DATAR a encouragé la création de plusieurs types de clusters. Les systèmes productifs locaux, premier type de cluster « datariens » ont été conçus comme « *une organisation productive particulière, localisée sur un territoire correspondant généralement à un bassin d'emploi. Cette organisation fonctionne comme un réseau d'interdépendances constituées d'unités productives ayant des activités similaires ou complémentaires qui se divisent le travail (entreprises de production ou de services, centres de recherche, organismes de formation, centres de transfert et de veille technologique, etc.)* »³ C'est ainsi qu'ont été constitués la Cité de l'Initiative à Roubaix, qui a permis d'instaurer un système de « circuit-court » dans le textile pour réduire les coûts et améliorer la réactivité aux commandes des clients, le District de la vallée de l'Arve pour mutualiser les savoir-faire et les réseaux dans le domaine de la mécanique de précision ou encore le pôle santé regroupant 47 entreprises dans le sud-est Toulousain.

Des initiatives comparables ont été engagées en Italie, avec les districts industriels, qui emploient 40% de la

² Pour d'autres auteurs, tels que Czamanski et Ablas, la concentration géographique n'apparaît pas comme une caractéristique majeure des clusters qui sont considérés comme un groupe d'entreprises reliées par un flux important de biens et de services. « *Identification of Industrial Clusters and Complexes: a Comparison of Methods and Findings* », S. Czamanski, L. ABLAS, 1979.

³ (Paulette POMMIER ; DATAR, Collection Territoires en mouvement ; « Systèmes productifs locaux » 2002. 78 p., bibliogr.)

main-d'œuvre manufacturière⁴, les « micro-clusters » de Catalogne, ou les Kompetenznetze en Allemagne.

En octobre 2009, la DATAR a lancé un appel à projet pour la réalisation de « Grappes d'entreprises⁵ » destinées à favoriser l'accès au marché en mobilisant un maximum de ressources issues du territoire.

Les « pôles d'excellence rurale », créés par la DATAR en 2005, ne sont généralement pas considérés comme des clusters mais le concept s'en approche. Ces pôles ont été conçus pour valoriser les atouts d'un territoire et développer une synergie entre tous les acteurs locaux autour de cet atout qui peut être un site archéologique ou touristique, un savoir-faire local ou artisanal, une ressource naturelle locale.

L'association France-Clusters a développé un réseau de chefs d'entreprises, élus et universitaires qui échangent leurs expériences et soutiennent les initiatives par la réalisation de diagnostics et une contribution méthodologique.

La politique des « pôles de compétitivité » engagée par la France en 2005 est de nature différente. Il s'agit de concentrer sur un même lieu des entreprises tournées vers l'exportation de produit de haute technologie, associées à des laboratoires de recherche et des universités. Au centre de ce triangle se trouve une structure d'animation chargée de sélectionner des projets portés par des acteurs économiques extérieurs et de coordonner les activités de recherche, de développement et de mise en œuvre. Les 71 pôles de compétitivité français bénéficient d'un soutien de l'Etat qui se monte à 500 M€ par an et consacré prioritairement aux actions d'animations, et d'aides de plus en plus significatives de la part des collectivités locales. En contrepartie, les pôles font l'objet d'un suivi régulier de la part des pouvoirs publics et sont soumis à des évaluations organisées tous les 3 ans environ.

L'Allemagne a mis en place une politique de nature comparable avec les Spitzenclusters (clusters de pointe) mais dont le nombre a été limité à sept.

Il existe deux manières de distinguer les catégories de clusters. En premier lieu, il convient de considérer d'une part ceux destinés à renforcer la compétitivité du territoire dans son ensemble, tels que les pôles de compétitivité, de ceux destinés à renforcer la compétitivité de chaque territoire, tels que les SPL et les grappes. Cette distinction renvoie à la dichotomie compétitivité du territoire/compétitivité des territoires, présentée au début de cet article.

Les clusters doivent également être identifiés selon qu'ils favorisent l'accès au marché par la compétitivité, tels que les grappes, ou bien le renforcement de la recherche et de l'innovation comme la plupart des pôles de compétitivité.

Certains observateurs font toutefois remarquer qu'à travers les clusters, l'administration publique est insuffisamment impliquée pour promouvoir la compétitivité du territoire.

C'est pourquoi a été développée, essentiellement dans les pays d'Europe du nord, le concept de « **triple hélice** », voire de « quadruple hélice ».

Il s'agit d'un modèle de développement des territoires fondé sur l'interaction entre les pouvoirs publics, les entreprises et les institutions universitaires et de recherche; le nom provient d'une allusion à la théorie de l'ADN.

Le concept a inspiré les pôles de compétitivité, mais s'en distingue dans la mesure où la place des pouvoirs publics, et notamment des collectivités décentralisées, y est plus importante, mais également parce que les sphères institutionnelles de l'université, de l'industrie et de la décision politique, en plus d'activer leur fonctions traditionnelles, assument chacune le rôle des autres sphères, les universités participant à création d'une atmosphère industrielle, ou jouant le rôle d'un quasi-gouvernement pour organiser la recherche à l'échelon régional ou local.

Plus précisément, ce modèle illustre l'incorporation successive d'éléments de l'interaction à chaque étape de la conception des produits innovants. Lors de la première étape, production des savoirs, ce sont les pouvoirs publics et l'Université qui agissent. Lors de la deuxième étape, transfert des technologies, l'Université collabore avec l'Entreprise, et ce sont l'Entreprise et les pouvoirs publics qui introduisent les produits sur le marché⁶.

Ce concept n'est pas nouveau ; initié dans les années 80 par les sociologues Loet Leydesdorff (Université d'Amsterdam) et Henry Etzkowitz (Université de New Castle, Grande Bretagne), il a fait l'objet depuis, de nombreuses publications, notamment dans la revue « Research Policy » en février 2000.

Les publications et communications élaborées directement ou encouragées par la DG Recherche de la Commission Européenne sont innombrables et ne pourraient être citées dans cette note ; mais il est intéressant d'observer que désormais la plupart des appels d'offre de jumelage ou d'assistance technique de la DG élargissement ou de la

⁴ Actes du colloque organisé par la DATAR à Toulouse Labège le 21 juin 1999.

⁵ Grappes est la traduction française de clusters.

⁶ Ce § a été tiré du site <http://www.tusur.ru/fr/entreprise/triple-helice/>

DG RELEX (Commission Européenne) portant sur des projets de coopération pour le développement régional, comportent un paragraphe sur ce sujet pour exiger la participation d'experts ayant une solide expérience de ce type de technique. De même, on observera que les deux senior advisors récemment recrutés par SIGMA pour renforcer son équipe «Stratégie et réforme» sont deux spécialistes de la triple hélice.

Aux Etats-Unis, l'université de Stanford (Californie) a créé un «Triple helix research group» particulièrement actif http://triplehelix.stanford.edu/3helix_about_us

En Russie, l'université de Tomsk spécialisée dans les systèmes de contrôle et de radio électrique, TUSUR participe de façon active à l'implantation de ce modèle en Russie. Cette université a créé un complexe à but pédagogique et scientifique, qui réunit les instituts de recherche scientifique, les compagnies hi-tech, les bureaux d'études et les laboratoires des entreprises, situés au sein de l'université.

À TUSUR, l'application et le développement du modèle «Université-Entreprise-Gouvernement» est confiée au vice-recteur chargé du développement innovant et des relations internationales, Prof. Alexandre F. Uvarov. C'est lui qui a initié la création de l'Institut de l'Innovation, dont l'objectif est de coordonner l'ensemble de l'infrastructure innovante de l'université. Récemment, le «Centre du développement corporatif» a été créé au sein de l'Institut pour mieux assurer le fonctionnement de «Triple hélice».

Il est surprenant de constater que si le concept de la «Tripe hélice» est omniprésent (trop) dans les débats sur la compétitivité des territoires dans le monde, il semble assez peu abordé en France. Toutefois, une étude commandée par la DATAR à ADE (Jean-Marie Rousseau et Paulette Pommier) «Liens pôles de recherche et d'enseignement supérieur, développement régional et politique de sites, avril 2008», y fait allusion dans son introduction⁷ sans pour autant approfondir la question.

Un territoire ne peut être compétitif aujourd'hui s'il ne dispose pas d'une connexion satisfaisante au réseau internet. Le développement des **technologies de l'information et de la communication** sur le territoire est donc un impératif, mais pose plusieurs difficultés.

La première difficulté est de déterminer quel doit être l'engagement des pouvoirs publics. En effet, le respect du principe de libre concurrence implique de limiter cet engagement au strict minimum sans pour autant risquer de laisser des territoires demeurer en «zone blanche» c'est-à-dire sans couverture suffisante.

En France, le choix a été fait de distinguer 3 zones: les zones dites «rentables» dans lesquelles les opérateurs privés se sont engagés sans limitation, car la densité et l'utilisation du réseau leur garantissait un retour sur investissement satisfaisant, les zones dans lesquelles, à l'inverse il paraissait évident que leur implication était exclue, et enfin les zones dans lesquelles les opérateurs privés prévoyaient de s'investir ultérieurement. Cette 3^{ème} zone pose une difficulté dans la mesure où les opérateurs privés peuvent être tentés de faire preuve d'une ambition trop forte afin de se réserver des opportunités de marché à terme sans pour autant se voir contraint de quelle manière que ce soit à un effort financier.

La deuxième difficulté est d'ordre technique: doit-on concentrer l'effort sur les zones les plus déshéritées et par conséquent utiliser l'argent public pour financer l'accès de chaque foyer au très haut débit, ou multiplier les points d'accès dans les zones où les collectivités locales pour compléter l'effort de l'Etat. Dans le premier cas, l'investissement public sera le moins rentable mais il profitera aux plus pauvres, dans le second, il pourra servir d'effet de levier pour multiplier les financements et les projets, mais profitera à ceux qui ne sont pas les plus déshérités.

La troisième difficulté est financière: doit-on financer directement des projets précis dans lesquels les opérateurs ne s'impliqueront pas, ou subventionner des projets privés dans lesquels les opérateurs privés ne s'engageraient pas sans un appui financier des pouvoirs publics.

Le service international de la DATAR a réalisé une étude qui analyse les avantages et les inconvénients des diverses solutions présentées ci-dessus et adoptées par différents pays.

La compétitivité des territoires nécessite le renforcement des **échanges internationaux** entre territoires. Dès sa création, la DATAR disposait de bureaux à l'étranger, chargés d'inciter les entreprises à venir investir dans les régions françaises. Ces bureaux ont été repris en 2001 pour créer l'Agence Française des Investissements Internationaux (AFII) dont le nom international est Invest in France, placée sous la tutelle de la Direction du Trésor et de la DATAR. La même année, le Comité Français des Manifestations Economiques à l'étranger est devenu UbiFrance, agence chargée de promouvoir les investissements français à l'étranger. La plupart des grands pays disposent de ce type de structure.

Mais les échanges internationaux, pour ce qui concerne la compétitivité des territoires, ne concernent pas seulement l'import/export; il s'agit aussi de la coopération, de la solidarité et de l'échange de compétence, notions clés du concept de «**coopération transfrontalière**».

⁷ Page 24, § «Pour un décloisonnement et une démarche de «clusterisation».

Selon Christian Bromberger et Alain Morel, « *la frontière crée de la distance dans la proximité, tandis que le réseau crée de la proximité dans la distance* ». De fait, de nombreux états dans le monde et tout particulièrement les états de l'Union Européenne, ainsi que les « pays du voisinage » de l'UE, ont engagé des politiques de coopération transfrontalière et transnationale permettant l'échange d'expérience et la complémentarité entre entreprises formant un réseau à cheval sur une frontière ou situées dans des régions appartenant à des pays différents. En France, la Mission Opérationnelle Transfrontalière (MOT) apporte un soutien technique aux collectivités territoriales qui souhaitent s'engager dans une opération de coopération transfrontalière. Sur le modèle de la MOT, des institutions similaires ont été créées en Pologne, en Hongrie et en Roumanie.

Le concept de «**project-pipeline**», qui n'a pas de traduction en français, recouvre l'ensemble des activités engagées sur un territoire pour préparer des projets susceptibles d'être financés dès que les moyens financiers seront disponibles.

Les territoires ont tout intérêt à constituer un «project pipeline» important et ainsi anticiper les opportunités de développement qui leur seront fournies par les stratégies en faveur de la compétitivité. Cela signifie identifier des projets pertinents, rassembler toutes les informations quant à leur faisabilité, leur intérêt pour le territoire et les conditions de leur mise en œuvre, obtenir toutes les autorisations administratives nécessaires et mobiliser toutes ressources financières possible.

Enfin, et surtout, toute politique en faveur de la compétitivité des territoires nécessite la capacité à réunir tous les **moyens financiers** nécessaires.

La France a créé une institution financière, BPIFrance, avec pour objectif de relancer la compétitivité de ses entreprises et de créer des emplois locaux. Pour cela les régions sont associées à sa gouvernance et à son fonctionnement. Ainsi son conseil d'administration est composé de deux représentants des régions qui disposent d'un pouvoir de recommandation sur l'action de la banque au sein d'un comité national d'orientation (au même titre que les syndicats et le patronat). En pratique, chaque région dispose d'un guichet unique auquel pourront s'adresser les entreprises. BPIFrance est détenue à parts égales par l'État et la Caisse des dépôts et dispose d'un budget de 42 milliards d'euros, dont 20 destinés à être prêtés et 10 consacrés à des investissements en fonds propres sur le quinquennat. BPIFrance a été construite sur le modèle Allemand de la KfW.

Les acteurs de la compétitivité des territoires

En France, où l'intervention de l'Etat dans le développement économique a fait naître le concept de « colbertisme⁸ » et où les déséquilibres territoriaux ont conduit à parler de « Paris et le désert français⁹ », la compétitivité des territoires a nécessité la création en 1963 de la DATAR (*Délégation Interministérielle à l'aménagement du territoire et à l'action régionale, devenue la DIACT délégation interministérielle à l'aménagement et à la compétitivité des territoires en 2005 et redevenue la DATAR mais pour signifier Délégation interministérielle à l'aménagement du territoire et à l'attractivité régionale*).

La DATAR a eu la double particularité d'être une administration de mission à caractère interministériel. Administration de mission, parce qu'elle était chargée de faire des propositions et de concevoir des stratégies et des projets au fur et à mesure des besoins, et par opposition aux administrations de gestion car elle n'avait aucune activité à gérer. Administration à caractère interministériel parce qu'elle était directement placée sous l'autorité du premier ministre et parce que les personnels qui l'animaient étaient issus de tous les ministères et pour certains mêmes, du secteur privé.

Au fil du temps ces deux caractéristiques se sont malheureusement estompées et la décentralisation a fait basculer une partie importante de l'initiative en matière d'aménagement du territoire vers les collectivités locales. De fait, la DATAR est devenue une administration comme les autres, ce qui a amené l'actuel gouvernement à la dissoudre dans un «Commissariat général à l'égalité des territoires» (CGET) qui comprendra également le comité interministériel des villes et l'Agence pour la Cohésion Sociale et l'Égalité des chances, structure en cours de préfiguration à l'heure actuelle, qui sera probablement fort éloignée de l'esprit de la DATAR d'origine.

Il y a peu d'exemple comparable à la DATAR à travers le monde. En Chine, la Commission Nationale du Développement et de la Réforme¹⁰ est une structure interministérielle chargée de concevoir et de planifier les politiques de développements des territoires. L'échelon national est secondé par des échelons provinciaux et territoriaux. Même en prenant l'échelle de la Chine, cette structure est beaucoup plus importante que la DATAR et l'étendue de ses compétences est beaucoup plus vaste. A l'inverse, le PCRDC (Presidential Committee for Regional Development) de la Corée du sud s'apparente davantage à la DATAR des origines : une structure de taille extrêmement réduite, composée de personnalités de très

⁸ Du nom de Jean-Baptiste Colbert, ministre de Louis XIV.

⁹ Jean-François Gravier, 1947.

¹⁰ NDRC en anglais.

haut niveau, chargée uniquement de proposer des politiques pour les territoires.

Dans certains états fédéraux, il existe une structure chargée de coordonner les politiques d'aménagement du territoire, sans pour autant pouvoir imposer une stratégie. C'est le cas par exemple de la BBSR (Federal Institute for Research on Building, Urban Affairs and Spatial Development) en Allemagne.

Cependant, de plus en plus, dans les états décentralisés comme dans les états centralisés, la compétitivité des territoires ressort de la responsabilité des acteurs locaux.

Cette nouvelle approche donne souvent lieu à des contrats: contrats Etats/régions (France mais aussi Pologne), mais également des contrats entre divers acteurs sans obligatoirement concerner l'Etat. La Colombie est en train de développer une expérience très intéressante dans ce domaine¹¹.

Trois exemples:

Grenoble et la vallée du Grésivaudan

La vallée du Grésivaudan est située dans les Alpes françaises entre le massif de la Chartreuse et celui de Belledonne et à mi-chemin entre Grenoble et Chambéry. Grâce à la ressource hydraulique permettant la production d'électricité (la «houille blanche») ce territoire a développé dès le 19^{ème} siècle une tradition industrielle tournée d'abord vers la papeterie.

Lorsque ce secteur a été confronté à la concurrence internationale, les acteurs économiques locaux (département, communes, chambre de commerce, industriels) ont engagé une reconversion vers l'industrie de haute technologie en profitant de la présence à Grenoble d'établissements du Centre National de la Recherche Scientifique et d'universités dynamiques.

Les pouvoirs publics locaux ont réussi à s'accorder pour engager une politique volontariste afin de construire un territoire compétitif dont les axes principaux ont été:

- La création d'une des plus grandes communautés de communes de France : 47 communes et plus de 97 000 habitants, permettant ainsi de disposer des moyens techniques et financiers nécessaires pour devenir un des meilleurs pôles d'attractivité pour les entreprises ;
- L'affichage d'une volonté de spécialisation dans l'industrie des nanotechnologies ;
- La constitution d'une riche panoplie d'offres pour les entreprises : pépinières, ateliers relais, terrains industriels, approvisionnement abondant

et sécurisé en eau et en énergie et surtout capacité de mobilisation des pouvoirs publics pour répondre aux attentes des entreprises ;

- La création de services culturels, sportifs et autres loisirs de grande qualité ;
- Une politique en faveur de l'environnement et la qualité de la vie afin d'attirer la population la plus exigeante ;
- Le soutien technique et financier aux grands projets industriels, notamment par la participation aux pôles de compétitivité Minalogic et Tenerrdis, ainsi qu'aux programmes NANO 2012 et 2017 ;
- L'animation d'un réseau d'entrepreneurs et de chercheurs par les services de la communauté de communes, par l'organisation de réunions conviviales et la participation à des salons et conférences directement en lien avec l'industrie des nanotechnologies.

De fait, aujourd'hui, la vallée du Grésivaudan est reconnue comme l'un des territoires les plus compétitifs en matière de nanotechnologies. Les 30 000 emplois du secteur privé concernent pour 40% l'industrie et 8 000 entreprises¹², le taux de chômage y était de 6,6 % en 2006, contre 9,5 % dans la région Rhône-Alpes¹³.

Valenciennes

Dans les années 90, le territoire situé autour de Valenciennes, sous-préfecture du département du Nord (région Nord-Pas de Calais), était une des zones les plus affectées par les mutations économiques en France. Le taux de chômage de cette agglomération de 191 000 habitants était de 20%¹⁴ et les taux de délinquance et de suicide étaient parmi les plus élevés de France.

Grâce à une rencontre au cours du salon automobile de Détroit en 1996, les élus locaux ont pu apprendre que les dirigeants de Toyota recherchaient un site en Europe pour y construire une importante usine de construction automobile. Plusieurs régions étaient envisagées en France, mais aussi dans d'autres pays d'Europe centrale: Pologne et république Tchèque notamment.

Sous l'impulsion du maire, Jean-Louis Borloo, de la députée Cécile Gallez et du sous-préfet, Henri Masse, un comité de pilotage a été constitué afin de concevoir une stratégie d'accueil pour attirer les industriels. Une visite a été organisée à Nagoya et une délégation japonaise a été reçue à Valenciennes.

Le volontarisme du maire et du sous-préfet, épaulés par un chargé de mission de la DATAR, Jacques de la Villéon,

¹¹Contratos plan ; departamento nacional de la planeacion.

¹² Source : site Internet de Minalogic.

¹³ Source : INSEE

¹⁴ Source : site internet du journal l'Union-L'Ardennais.

ont permis de mobiliser tous les acteurs concernés, qu'ils soient publics ou privés afin d'apporter aux dirigeants de Toyota des propositions concrètes réalisables dans les meilleurs délais : le conseil régional pour la mise en place d'un programme adapté de formation professionnelle, les services de l'Etat et de la mairie pour l'instruction des autorisations administratives dans les meilleurs délais, les notaires pour résoudre toutes les questions relatives à l'offre foncière, et bien d'autres encore, tels que l'hôtellerie pour l'accueil des cadres japonais ou le théâtre pour adapter l'offre culturelle.

Une mobilisation d'une telle ampleur et aussi rapide a permis de convaincre les dirigeants de Toyota de choisir le site de Valenciennes. Mais le succès de l'opération a nécessité de la part de tous ces acteurs un effort dans la durée, notamment pour garantir le bon versement des subventions publiques, les opérations de recrutement et de formation, le respect des délais dans la réalisation des travaux d'aménagement de l'usine et la communication auprès du grand public. Tout ceci a été réalisé sous l'autorité de Laurent Fiscus, sous-préfet nommé exclusivement pour assurer le pilotage du projet. Il ne s'est déroulé que 23 mois entre le démarrage des travaux et le début de la production¹⁵.

L'ouverture de l'usine a permis la création de près de 4 000 emplois directs, et le taux de chômage est tombé à moins de 13,9%.

Le Charollais

Au sud de la Bourgogne, le Charollais est un territoire connu pour la qualité de la production de viande bovine. Il est moins connu pour ses qualités touristiques pourtant réelles.

Dans les années 90, une étude, commandée par un groupement professionnel local, a alerté l'opinion publique sur le déclin économique du territoire: rétrécissement du marché de la viande, difficultés d'installation des jeunes agriculteurs, vieillissement de la population, baisse des ressources fiscales, maintenance insuffisante des infrastructures publiques, faiblesse de l'investissement privé, enclavement territorial...

Face à cette situation, les élus locaux ont décidé d'engager une vaste concertation afin d'élaborer une stratégie de développement local susceptible de revitaliser l'économie du territoire à l'aide des ressources dont il disposait.

La stratégie adoptée a été fondée sur la valorisation des atouts du territoire :

- Valorisation du potentiel touristique par une campagne de communication, des actions de formation (apprentissage de l'anglais pour les

commerçants), l'organisation de manifestations (les soirées médiévales de Charolles) et la mise en place d'une signalétique touristique sur tout le territoire;

- Valorisation des axes de communication : amélioration des accès à la «Route Centre Europe Atlantique» qui traverse le territoire, développement d'un aérodrome local (Saint Yann), création de nouvelles solutions de transports en commun;
- Financement de la construction et du fonctionnement de services à la personne, afin d'attirer les jeunes ménages : centres médicaux, installations sportives et culturelles;
- Construction de zones d'activités disposant des meilleures facilités de communication et de travail en réseau.

Le projet le plus important de ce programme a été la constitution d'un pôle d'excellence rurale (labellisé par la DATAR) regroupant un marché aux bestiaux, un laboratoire de recherche sur la qualité et la traçabilité de la viande, une école des métiers de la bouche, un musée des métiers de la viande et un restaurant de haut niveau spécialisé dans la cuisine des morceaux de bœuf.

S'il est trop tôt aujourd'hui pour donner des éléments statistiques sur les effets de cette politique, il n'en demeure pas moins que l'on peut observer, ne serait-ce que par la transformation du paysage du territoire, une réelle revitalisation locale, source d'espoir pour toute la population.

¹⁵ Source : site internet de Toyota.

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UKRAINE'S INVESTMENT ATTRACTIVENESS FOR EUROPEAN INVESTORS

Abstract

The article highlights the main public policy measures to create a favorable investment climate in Ukraine. The authors consider the recent changes to legislation aimed to boost the investment activity. Also the article presents ratings for Ukraine conducted by the leading international financial organizations and analyses the investment attractiveness of Ukraine.

Key words: public policy, legislation, investment, investment climate, business.

Over the recent years the main principles and framework of brand new investment policy were formed conclusively, that guides investment policies in most Western European countries centered around attracting investments to accelerate economic growth and provide financial stability to the state, this policy requires coordination of all actions with state-wide economical strategy to allow synergies on national and supranational levels. Such investment policy should be well-balanced regarding to the distribution of rights and duties of the state, while respecting interests of investors to be able to achieve some mutually beneficial agreements.

One of the main tendencies of EU countries investment policies is an implementation of investment protectionism measures applied to shield internal market from foreign capital inflows into strategic sectors. Restrictions on forward foreign direct investments can be observed in agriculture, communications, transport industries and financial services market.

All of the above predetermines the topicality of searching for the new directions for foreign investments of transnational corporations. Thus, considerable tax burden and protectionist measures in EU countries contribute redistribution of investment capital to the emerging countries that are in need of foreign investment for economic growth. Measures stimulating an inflow of foreign investment are as follows:

- Fiscal stimulation of investing activity;
- Development of free economic zones;
- Development of specialized infrastructure;
- Simplification of bureaucratic apparatus;
- Reaching compromises with regard to double taxation, trade and investment agreements with countries that invest;
- Creation of favorable macroeconomic conditions for investment operations.

Taking into consideration these tendencies Ukraine is a promising recipient for foreign direct investment, particularly in the innovation sphere. Important to note that complex of tax allowances is a part of fiscal mechanism of regulation in Ukraine, and that is especially relevant in the context of innovatory and modernization based approach to national economy development, declared in the economic reforms program for 2010-2014.

Moreover, macroeconomic stability is preserved in Ukraine. Table 1 represents data as to budget deficit in Ukraine and neighboring European countries.

Table 1**Budget Deficit in Ukraine and neighboring European countries in 2010-2013, % of GDP**

Country	Period			
	2010	2011	2012	2013 (forecast)
Czech Republic	4,8	3,3	4,4	3,3
Slovakia	7,7	5,1	4,3	2,6
Poland	7,9	5,0	3,9	3,4
Ukraine	5,9	1,8	3,8	3,2

Source: composed from OECD Economic Outlook No. 93 (database). – [Electronic resource]. **Access:** http://www.oecd-ilibrary.org/economics/government-deficit_gov-dfct-table-en

Table 1 represents the data on Ukraine's budget deficit for 2010-2013, which indicates macroeconomic stability. For example, in 2012 Ukraine's budget deficit is 0,6% less than analogous index number for Czech Republic, 0,5% less than for Slovakia and 0,1% less than for Poland. Ukraine has a number of economic and geographical advantages with regards to promoting direct foreign investment comparing to other developing countries:

- Optimal labor costs for foreign investors;
- Availability of wide range of professional competence in labor market;
- Labor law, loyal to employers;
- Great transit potential of the country;
- Richness in natural resources.

Concerning an assistance of involvement of foreign investments there is a number of advantages as for governmental regulations in Ukraine:

- Favorable fiscal environment: attainability of preferential tax treatment regime;
- On the territory of Ukraine national regime of investment activity is applied to foreign investors, they are under equal conditions for operations as local investors;
- In case of termination of investment activity, returns of investments in natural or currency form, as well as income from investment, are guaranteed by state, without any additional custom duties applied;
- State guarantees unhampered and immediate transfer of revenues and other money in foreign currency, that were received from investment activity on legal grounds;
- Activity of the State Agency for Investment and Nation Projects of Ukraine with the aim to facilitate attractiveness for foreign investors.

Despite the favorable conditions for foreign investors in Ukraine, rankings, which were compiled by leading financial institutions of the world, give quite contradictory evidence regarding attractiveness of country. In September 2013 agency Moody`s downgraded the sovereign rating of Ukraine to Caa1 as a result of reducing international reserves and the lack of progress in negotiations with the IMF. This downgrade represents a low level of investment attractiveness of Ukraine. Agency Standard & Poor`s downgraded the long-term sovereign credit ratings of Ukraine in obligations in foreign and national currency from B to B-. Long-term national scale rating dropped from A- to BBB-, short-term sovereign rating is affirmed at B. After reviewing rating of Ukraine has become as low as rating of Belarus, while in other CIS countries this rating is much higher. At the same time S & P has maintained a “negative” outlook, and consequently, the probability of further decline in the next 12 years.

According to the rating of the most favorable business environment created by Forbes, Ukrainian ranking is 105 of 164 [7]. Ukraine has 161 point from 177 according to the Index of Economic Freedom, compiled by Wall Street Journal and The Heritage Foundation. Among the factors that affect the ranking of economic freedom, openness of market is a key element for investors, as well as compliance with applicable law, the effectiveness of regulatory policy. According to the Global Competitiveness Index Ukraine occupies 84 place out of 148. In particular, the 107 place in terms of macroeconomic environment, 68 in terms of the quality of infrastructure. The most problematic factors towards enhancing national competitiveness were determined access to finance, corruption, complex bureaucratic procedures, tax regulations and uncertainty in government policy.

European Business Association determines the index of investment attractiveness of Ukraine every 3 months. In the report of EBA was noted that the European prospects of Ukraine have increased investment attractiveness index after nearly two years of consistently low peer reviews. Thus in the third quarter of 2013 the index increased by 3 points - from 2,1 at the beginning of the year to 2,4 (for measurement is used a 5- point scale).

Today Ukraine occupies 112 place out of 189 in the world in terms of ensuring favorable environment for business according to Doing business rating (data for June 2013) [8]. Thus, the position of Ukraine increased by 25 points compared to the previous period. It is important to note that Ukraine was included to the list of 10 countries that have achieved the greatest success improving the quality of the business environment. This list was generated on the basis of relating the degree of reforms and the level of progress in the general ranking.

Today Ukraine has the following institutional support of investment activity: State Agency for Investment and National Projects, State Innovation Finance Institution, the National register of investment projects, Ukrainian Bank for Reconstruction and Development, the National register of investment projects.

It is seen from the Table 1 that institutional support in Ukraine aimed at streamlining of investment activity, increasing of access to credit, simplification of procedures for registration of investment projects, providing consulting support for the implementation of investment and creation of favorable conditions for directing investments in the economy.

In the matter of promoting foreign investment in Ukraine there are a number of fiscal incentives in order to strengthen the investment activity. Tax Code of Ukraine [1] established modes of tax incentives for certain sectors of the national economy. These industries include agriculture, housing, energy efficient technologies, production of baby food and more. Also in Ukraine to foreign investors is applied national investment regime, they have the same conditions for activity as domestic investors.

Thus, in the case of termination of investment activity foreign investors are guaranteed a return of its investments in kind or in currency without paying taxes, and income from investments in cash or in kind. In addition, the state guarantees unhindered and immediate transfer of profits and other funds in foreign currency obtained legally as a result of foreign investments.

In the context of global trends in the development of innovative vector of economy in Ukraine were created favorable conditions for innovations and development of new technologies. Thus, according to the Law of Ukraine of 21.06.2012 № 5018 -VI "About Industrial Parks" [2], government provides incentives to the establishment and operation of industrial parks that can be formed on the lands of state, municipal and private property. This law provides provision of state support from the budget for the installation of industrial parks and projects within these parks, simplifies the process of technical improvement of parks and business activities within them. The law provides an exemption from import duties on importation of equipment and their components, materials which are not excisable goods and are not produced in Ukraine.

In the period 2012-2013 the government made a number of important program document aimed at implementing of the investment potential of Ukraine. Thus, in order to establish a systematic approach to the solution of problems of European investors in Ukraine and considering proposals of the European Business

Association and the central executive order of the Cabinet of Ministers # 1074 from 19.12.2012, the Plan of actions was approved in order to encourage activity of foreign investors [3].

According to the plan, a mechanism of registration of foreign investments and establishment of order cancellation of state registration of foreign investments; the proposals for improving law concerning protection of intellectual property rights (ownership) of pesticides and agrochemicals, their registration, treatment and disposal of containers with pesticides and agrochemicals will be improved. Such measures will cause significant improvement of the investment climate in Ukraine in short terms.

The increase of the investment attractiveness of Ukraine is influenced significantly by the program of economic development for 2013-2014 years, adopted in February 2013. [4] It is important that the program is aimed to balance the development in all fields of the national economy, taking into account clear priorities which have the most significant impact on the economic growth and financial stability of the state. The main goal of the program is to increase the competitiveness of the economy, improving the investment climate by implementing deregulation measures and achieving sustained macroeconomic stability. As part of the creation of a favorable investment environment objectives of public policy for 2013-2014 are ensuring an optimal level of macroeconomic indicators, legalization of economic transactions, simplifying bureaucratic procedures relating to business and encouraging investment projects in priority sectors. Performing these tasks will not only ensure a sustainable economic growth, but also will improve the investment climate and will increase the amount of investments in the economy.

In the context of increasing of the investment attractiveness of Ukraine approval of strategy of public finance management is also very important [5]. Strategy in particular contains the necessity of calculating the budget expenditures in the medium term, and establishes procedures for determining such expenditure budget programs that ensure the implementation of investment projects. This strategy regulates relations in the field of public investment, through an increase of living standards and creating a favorable environment to attract private investment capital, both from internal and external sources. Thus, strategy highlights the following tasks in the area of public investments in the medium-term:

- Improvement of the legal framework in the field of public investments;
- Ensuring the unification of approaches to the preparation and implementation of projects related to public investments;
- Introduction of the evaluation of investment projects.

Thus, the result of the strategies, public investments will create a solid foundation for further economic growth and expansion of investment potential of country.

It should be noted that the determination of investment attractiveness is becoming increasingly important due to the accelerated globalization of the world economy. Analysis of factors such as risk investors who are determined for each individual industry, profitability and return on production processes, infrastructure maintenance and investment field calculation needs modernization, the development potential of the industry and the expansion of industrial relations play an important role in a study of investment climate.

It is also important to note that at present, considerable attention is paid to the development of public-private partnership in Ukraine. In August 2013 the Concept of Development of public-private partnership in Ukraine for 2013-2018 years was approved [6], purpose of which is to define a common approach to developing an effective mechanism of interaction between state institutions, local authorities, private sector and institutions of civil society on the basis of public-private partnerships to ensure successful implementation of projects. According to the concept, improving of the investment climate with the promotion of public-private partnerships should be done by:

- Ensuring transparency of the licensing system and the removal of bureaucratic obstacles;
- Improving procedures of supervision and control of technical regulations in the field of standardization and certification;
- Creating favorable conditions for the use of land during the implementation of public-private partnerships;

- Ensuring transparency between the public and private partners in the preparation and implementation of public-private partnerships and more.

Also as priority areas for the application of this form of cooperation between the state and private sector were defined production infrastructure and high technology, agriculture, housing, social welfare, science and technology, science and innovation, development of nature reserve fund.

Thus, in Ukraine the conditions for successful institutional investment activity have been formed during the recent years. Legislative initiatives 2010-2013 became the foundation for attracting private capital for the development of priority sectors of the national economy. Deregulation of the investment sector and simplification of bureaucratic procedures for investors give rise to an increase in the inflow of foreign capital for modernizing of the national infrastructure, innovation and implementation of scientific and technological potential.

Thus, within our research we can conclude that suspension of eurointegration processes in Ukraine negatively influenced on a decline of investment attractiveness ratings of a country, as increase of political risks to a great extent affects investors' decision-making.

However, taking into account that during the last years there were created institutional conditions for developing successful investment activity in Ukraine, potential of attracting internal and external private capital to development of the national economy stays high.

The law initiatives of 2010-2013 can contribute to implementing this potential in a mid-term perspective. They can be considered as a base for attracting private capital for development of priority production industries. Provided achievement of political stability in the country, deregulation of investment field and simplification of bureaucratic procedures for investors could provide for increase of foreign capital flow for modernizing the national infrastructure, developing innovative activity and implementing scientific and technical potential.

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INTERNATIONAL EXPERTISE AND REGIONAL INNOVATION

Globalisation has led, in the past 50 years or so, to a tremendous increase in the use and employment of international experts. It is usually considered, although no precise, reliable or convenient statistics are available, that the present market of international expertise is about 150 billions a year¹⁶. No matter whether the figure is reliable or not: it is undoubtedly huge amounts of money involved in the support of international relations by the way of expertise and experts, something like the equivalent of the GNP of Israel, Greece, Finland or Egypt.

This noticeable, even striking development of international expertise is mainly the consequence of several concomitant factors, namely

- Globalisation of the economy and increase of international exchange
- Decolonisation, fall of the soviet empire, rise of the number of independent states
- Development of autonomous or independent international organisations (UN including agencies like the UNDP, World bank, Asian development bank of other regional development banks, European Commission, etc..)

As a consequence, regional innovation is increasingly influenced by international expertise. As soon as regional innovation involves more than one country (cross border cooperation or regions or local authorities, bilateral or multilateral international cooperation, geographically targeted assistance policies of regional or international organisation,...), international experts are directly needed and involved. It is therefore interesting and useful for those who are interested in regional innovation and its dissemination, to better explore the world of international experts and expertise.

¹⁶ Mr Nicolas TENZER, in its report to the French Prime Minister in may 2008, mentions the figure of 700 billions in the next 5 years.

Who are and what are exactly international experts, how do they exist and live, what are their input in regional innovation and what problems do they represent or meet this is what we will try to briefly explore and explain in the following lines.

I definition – status

II conditions of existence and life

- Finding experts, finding missions
- Taxation
- Insurance

III contribution to regional innovation

IV limits and trouble

- Overall quality, experience, adaptability
- Dumping
- Weakness of the control system
- Corruption
- Other bad practice

V ways to improve the system of international expertise

- Trade unions or professional associations
- A better selection
- Standardisation
- Long term expectations vs. short term demands
- Cutting the costs while improving the experts' situation - coming back to direct administration

I definition – status

Everybody has a personal understanding of what and international expert (I.E.) is, or at least what he is supposed to be. Nevertheless, if you ever try to go further, you will come soon to the conclusion that nobody has the same definition of an I.E.. Some tend to consider he is a private independent worker, some not. Some understand he delivers expertise for a State, some for private enterprises, some for NGOs. Some consider he is directly involved in the production of services or goods in the

framework of a project, some on the contrary think he should only give advice and should not be involved in the direct action of the organisation or the individuals to the activity of which he is supposed to contribute.

It is hence necessary to bring together a number of criteria in order to better approach a tentative definition. First and foremost he/she is involved in a project. He/she does not perform his usual task or profession, but brings some input in someone's performance or implementation of a project. In other words, an English craftsman building furniture in China is not an expert. He just performs his usual profession in another country. But an English craftsman explaining how to build furniture to Chinese visitors who foresee the construction of a furniture factory is an international expert regardless of the place of performance.

A project could be then defined as follow:

International project:

Any concerted action involving at least two countries and / or international organizations in the expression of needs, control, management or implementation, under a separate activity from the main activity of organizations involved.

And consequently the I.E. is therefore to be determined as

Any individual professionally involved in an international project, in the framework of a specific mandate and/or mission or task.

This definition excludes, among others, volunteers performing humanitarian aid for free. But again, a physician advising on the creation of an hospital or teaching new methods of curing a disease shall be considered as an expert.

Under these definitions, I.E. can operate under many different statuses or juridical situations. It can happen that I.E. are either private individual entrepreneurs, employees of a private firm, civil servants, retired employees or civil servants, or anything else. The variety of juridical situations is really huge¹⁷.

II conditions of existence and life

I.E. are in most cases individuals, whatever the actual juridical situation is. They have to find missions, to pay taxes and social contributions; they encounter specific

risks while performing their task abroad, and they have to be paid for their work.

Finding missions is the first and foremost question, even for those experts who do not work full time. It is a demanding job in itself; some experts devote more than half their working time to it. Different processes and approaches are available, but the common rule is that it needs hard working except in some rare cases (ref <http://www.francexp-site.fr/blog/etre-ou-devenir-expert-international.html>) The first and unavoidable step consists of preparing a CV <http://www.francexp-site.fr/pages/appui-aux-missions/le-cv-de-l-expert-international.html>

The number of potential experts is almost limitless. Everyone who has a special knowledge or experience of a profession, legislation or mastering a particular technique, is entitled to proclaim himself an international expert. Whether for a short term - one or two days a week - a medium term - one to six months - or a long term mission - six months to three or four years - the demand of international experts is high and supply is not always present at the same height . Thus the association of international consultants for example - AIC - hardly meet a third of call for candidates it broadcasts without even receiving application for all published vacancies.

It is nevertheless needed to turn this possibility into reality, and to do this, some simple techniques must be known and applied.

The essential first step prior to any other is to write a CV in European format in English and possibly in another language. There are several other CV templates, such as the World Bank, USAID, or FEI (International Expertise France), but the EU model has two advantages: 1) it can stand for the high number of tenders or applications of the European Union, and 2) it is easily adaptable to other models, whose essential characteristics are quite close to this model.

The CV characteristics of EU or other international CV are different from the common habits: in particular, it is longer - the usual rule is to write three full pages - , and other hand, it must in principle be specially adapted to the specific needs of each tender or each mission. So that some experts do not hesitate to prepare a comprehensive CV, ten or fifteen pages, and then to build on this foundation to reduce to a format suitable for each offer or new opportunity. The basic rule is, contrary to common habits, to long and detail the tasks and missions accomplished, rather than shorten it.

¹⁷ For more details, Ref to L' expert en droit international EDITIONS A.PEDONE, Jacobo Rios RODRIGUEZ 2012.
Ref as well to the meeting report of may 2012 devoted to this question <http://www.francexp-site.fr/blog/29-mai-2012-8eme-reunion-de-francexp.html>

[For further information read “the CV of the international expert”: <http://www.francexp-site.fr/pages/appui-aux-missions/le-cv-de-l-expert-international.html>]

The second step is to spread the CV among operators and funders that may have recourse to experts. It advised, in this regard, to wide spread in your own country and abroad. You can distribute the CV:

- among the rare generalist organizations focused on serving only experts, and all the experts, as FRANCeXP or AIC (International Association of consultants, paying services);
- To many operators, in France or abroad, some specialized (CIVIPOL, ACOJURIS, ADETEF, DCI,...), the other more or less general (FEI, SOFRECO, BCEOM...);
- Directly to donors (EU, WB , UNDP,..), in some cases directly recruiting experts for specific needs (TAIEX...).

A second parallel step, optional but more pro-active , can be to identify , on public sites of major donors (EU, UNDP, WB, etc. ..) the international tenders the subject of which appears near your preferences and abilities, then offer your services directly to operators or consortia of pre- selected operators . More difficult is the access to public institutions shortlisted for procedures reserved for States and public administrations (the so-called “twinning” operations), because this information is generally not public or published.

In a third step, when contact is made with an operator or a donor, it is time to negotiate a contract or pre-contract under normal conditions, i.e. without being either too greedy or too conciliatory on material, including financial conditions, or missions. This is a matter depending on both market and experience. Among expert associations, only FRANCeXP provides guidance or assistance on the market level. Some traps are to be avoided at this stage, whether accidental or the consequence of bad practices, and in this case there is no training or information organized or formalized at this stage. FRANCeXP’s objective is to assist the interests of future experts or experts in a difficult environment in this regard.

Contracting as an expert

As mentioned above, contracting is a main step, dangerous for it includes a lot of traps to be avoided. Advice or experience is necessary, and even with both it still happens that there is no happy end. This includes an idea of how much should be claimed as fees as well as many other conditions.

Contract implementation

Implementing a contract as an expert is theoretically the core of the profession. Some specificities have to be known in this area as well. Some of them have been described par Mr Jacobo RIO in his already above quoted production (“l’expert en droit international” PEDONE 2012).

Remuneration

One of the major issues for the expert or future international expert is how it can or should seek or receive in return for his work. This issue is extremely complex, and we will certainly not exhaust the subject here. But for operational reasons, one must have at least rough ideas on the matter.

Each case is different, but the main categories involved are as follows:

1 / Officials paid by their Ministry of Foreign Affairs, with several subcategories: Expatriate career diplomat or civil servant seconded as a career diplomat, contractual Expatriate Ministry of Foreign Affairs, under national or local contracts, foreign employee employed locally under contract, official or expert private sector employee under contract for technical assistance, official or private sector expert commissioned from the MAE to meet specific needs for technical assistance...;

2 / National officials or other nationalities employed by international organizations (UN, World Bank, European Commission...), including several subcategories as well: permanent staff, contract, expert...;

3/ officials involved in or related administrative twinning projects;

4 / consultants involved in projects financed by public funds after tender (calls for pure supply, restricted tenders or framework contracts);

5 / consultants directly recruited for specific needs by international donors (e.g. recruitment type TAIEX);

6 / purely private missions financed by private companies or NGOs on their own funds;

7/ missions financed by the beneficiary countries on their own funds.

There may still be other categories, but this distribution encompasses most of the possible situations.

Let us bring a focus on the categories 3, 4 and 5. The others are relevant as well, but require specific developments and involve fewer experts than these.

Introductory remarks in the case we are discussing here (3.4 and 5), before giving a few figures:

1 / Never the personal or family situation of the expert is openly considered. Whether you are single, divorced, with or without children, your family accompanying you or not, whether you are an active official, retired, freelance consultant, your spouse works or not, most of the time, this is irrelevant to your employer. An exception is noted, however, in the case of administrative twinning financed from European funds, where the personal situation of RTA ("resident twinning adviser" or RTA) can be partially taken into account through the billing of schooling for children (but not for the costs of housing, transportation or other). In contrast, and to give only a single example, the presence of an expatriate spouse alongside a French diplomat gives right to the payment of a true second salary, and specific incentives of the latter also take into account the composition of the family.

2 / Ancillary costs are mostly ignored either, with the exception again of the "twinning" situation (potentially but not always). It is the same situation for moving expenses, transportation, installation, education, insurance, etc... Again, this is very different from that of many international diplomats who receive moving expenses, installation, a possibility to advance in wages during the arrival and installing period (up to two months), and periodic transportation costs for the diplomat and his family to return to his country. It can happen in a particular contract, that the compensation takes the form of ancillary costs mentioned here, but it is in fact most of a skin which refers to the rules discussed below. Neither is taken into account pension contributions or unemployment insurance (this is an important point for the calculation of net salary).

3 / Finally the concepts of risk area or risk country or difficulty of living, are not taken into account.

The remuneration of diplomats usually takes into account the level of prices in the area or country, the more or less difficult pronounced living conditions, and somehow also the level of risk to which they are exposed. Countries of expatriation are divided into zones, corresponding to levels of difficulty, theoretical cost or risk, and the variable part of the remuneration is affected. Clearly, it is less well paid in a country considered normal, such as Germany, Britain or the United States, than in a country known as difficult or very difficult as Algeria, Afghanistan or Iraq. But in the case we are discussing,

there is no formal differentiation that relies on such criteria.

4 / Your level of reference wage or the cost of living in your country of origin or habitual residence is usually not taken into account as well.

Whatever your regular wages, your legal situation, regardless of nationality, regardless of the cost of living in your country of origin or residence, your pay is theoretically identical. It results in a dumping effect - if we consider the situation for countries where wages and cost of living are higher - or windfall - if we consider the point of view of companies hiring cheaper experts in some countries for the same turnover or the expert, in extreme cases, receiving for a day of expertise as much or even more than they usually receive in a month's work.

These important preliminary points raised, let's specify the basic principles of remuneration or payment of expert missions.

1/ Expertise is paid on the day worked.

In principle, any day started is fully paid (for example, a conference or a exchange of two hours is considered a day of work). But one cannot pretend theoretically to be paid more than 22 working days per month on average (the average non- official holidays and nonworking not a year). Sometimes it is possible, especially for missions of very short duration, to admit the weekends or some holidays were actually worked, but it is not the general rule and must be properly explained, and accepted as an exceptional situation.

2/ Wage supplements are linked to each day of attendance at the place of performance or delivery of the service. More precisely, they are related to overnight stays. These salary supplements, commonly called per diem and calculated for each day of attendance, are intended to cover expenses related to travel: hotel, taxi, meals, phone, etc...

3/ Most of the time, transportation costs are paid separately. Airline tickets or train, transport costs by road are supported by the employer. But in some cases, a contract, especially on long -term (over one year), can be negotiated all expenses included.

4/ Earnings depend on the level of seniority and experience:

The general experience is often distinguished from the specific experience, which directly relates to the mission for which expertise is required. Most often, two categories of experts are considered: junior experts who have less

than 5 , 8 or even ten years of experience or relevant experience, and senior experts, who can demonstrate more than ten or fifteen years of general experience or relevant experience. These limits are not systematically the same thought organizations and projects.

It is necessary to consider all these details before entering in the detailed figures. One can indeed compare that other things being equal, and the details given above highlight, if need be, disparities of situations (for concrete remuneration ranges paid to experts, refer to <http://www.francexp-site.fr/pages/appui-aux-missions/la-remuneration-de-l-expert-international.html>)

Taxation and social contributions

Whether he makes a business opportunity or an ongoing project, a supplemental retirement activity, a full-time or intermittent activity, the international expert is very quickly faced with a real Chinese puzzle: what taxes and social contributions apply to income derived from the activity of international expertise?

Let's recognize right now that we will not exhaust the subject here. Situations, laws and procedures differ - not to mention contradictions in interpretation of texts, between different actors, and sometimes even within the same supposed agencies implement legislation and levies. At most we will try to suggest ways and support our analyzes on the largest possible number of written and tangible documents. Given the too large disparity in tax and social legislation, we will limit our study, in the majority of cases to the French legislation. Nevertheless some analyses remain relevant in other countries whenever they have a legislation similar to the French one.

Several types of situation should be examined, which can be distributed as follows:

1 / Time and place of mission, residence and domicile

2 / Expert status:

- Independent Expert private (except auto-entrepreneur)
- Auto entrepreneur
- Private sector employee
- Retired private sector
- Official active
- Retired public service
- Other (diplomats, etc...)

3 / Employer, customer or donor agency

1 / Time and place of mission, residence and domicile

The first issue to address is that of your tax or social residence and your home: this fundamental point determines the law applicable to you.

Generally, you are considered a tax resident of a country when you live more than six months in the year and / or where you have the center of your economic, professional and family.

If, for example, you live in France for more than six months per year, your family lives there, you are registered to vote, you own a home, etc ... there is no real difficulty, you must pay your taxes in France. The situation is however quite subtle when these diverge: if you complete a mission exactly six months (this is not a mere school-case, it happens), if you move alone without your family, if family moved vote but you keep housing in the country and continue to be registered on the electoral lists, etc. ...

For example, most tax administrations consider the six-month rule as determinative, it results in many different days: from 182 to 184 generally. So that for a six-month mission fair, you can be a tax resident of two countries or of no country depending on the exact length of your stay.

In addition, some countries consider that you have to pay taxes where you receive your income, others in the country of your nationality. So if you are a U.S. citizen, you have to pay taxes in the United States for the portion of your income in excess of \$ 75000 even if you reside throughout the year outside the territory of the United States. France, as we have seen in the political debate of the 2012 presidential elections, even considering tax in France part of the income of the French living abroad.

In general, tax treaties rule cases of divergence of law and tend to avoid double taxation. But this is not always the case. In general also , these treaties provide that income from work or activity are taxed in the country of residence or domicile , and actual or theoretical income from immovable property are taxed in the country of location of the property.

2 / Expert status:

- Independent private expert (except self-entrepreneur).

It is subject to charges and taxes depending on the legal regime of the structure he created. See also comparative social charges and taxes in Europe (<http://fiduspain.com/les-charges-sociales-en-europe.html> and <http://fiduspain.com/comparaison-taux-dimposition-des-societes-europeennes.html>).

- Self-entrepreneur

Simplified unique status subject to withholding tax does not exceed a maximum turnover (about 23,000 Euros per year) . May cause difficulties when the turnover exceeds the limits and forcing them to adopt a posteriori another legal regime. This scheme can also be adopted by officials who carry a sideline.

- Private sector employee

Some useful references:

- Article 81A CGI (General Tax Code) relating to the taxation of income from the expertise provided by an employee abroad.

- Retired private sector

- Active official

The French officials activity may combine their income with an official activity of expertise or education (Decree of 1936), within a specified limit. This is the case as well in many countries abroad (e.g. Ukraine, Romania, Hungary...).

Some useful reference documents:

- A letter from the Ministry of Finance in 1999, providing our members on the site FRANCeXP;
- Section 81A CGI (General Tax Code) relating to the taxation of income from the expertise provided by an employee abroad;
- Decree-Law of 29 October 1936;
- Article L136 -2 of the Code of Social Security;
- E-mail DGAFP (B7 office Compensation, pensions and working time) of 28 April 2011 addressed to the DPAFI (MININT) , received a request concerning the legal status of the salaries of officials by the company under CIVIPOL the European program Leonardo:
“After verification, it is indeed an accessory remuneration. It is governed by Decree No. 2007-658 of 2 May 2007 on the cumulative activities of officials, non-permanent staff of public law and workers in industrial establishments of the State. You can rely on the provisions of paragraph 2 of Article 3 which provides for inclusion in additional remuneration”. A public interest mission of international cooperation with organizations or of general interest to international or foreign State, for a limited time”.

Compensation paid by the Company to these agents is therefore subject to the provisions of Article D171 -11 of

the Code of Social Security or an exemption from all social contributions (old age, sickness, has mp...). She however subject to the CGS and CRDS. Moreover, it must be taken into account in the contribution base of the ACM if the employee under its main activity does not have a compensation system already above the ceiling (20% of TIB). (NDR: on this point, see also below point 3 ADETEF analysis, slightly divergent, it seems).

- Retired Public Service

- Retired from the French public service can combine their expertise with retirement income (DL 1936 as amended).
- A difference of employer and employee expenses will be recorded as a function of the age of the retiree expert (+ or - 65yrs). (See below point 3 ADETEF analysis).

- Other (diplomats, etc ...)

As an exception to the general rule, diplomats and officials serving abroad on active duty (not for detachments from private agencies or officials on availability) are notionally domiciled in Paris (tax not center residents) and taxed only on their base salary (excluding allowances residence).

3/ Discussions with D.S.S. on employer contributions and employee compensation experts active staff (situation as of 29 05 2012).

In this context, the experts engaged in short-term missions are from the departments of ministries. In addition to the perception of "per diem" (reimbursement of living according to a fixed scale), they may receive , if their direction is in agreement, compensation paid by a public operator (ADETEF FEI CIVIPOL, etc ...) within the budget allocated by the funder for the project.

The fees paid to officials in service under an ancillary activity are thus subject to social security contributions lightweight (see above DL 1936 art CGI 81, 1999 letter). This has been several referrals to the Department of Social Security and the Directorate of Legal Affairs Bercy to fully clarify the applicable reference texts.

A first position was to invoke Article 171-11 of the code of social security submitting accessories remuneration paid by EPIC contributions reduced. It seems that the assimilation of GIP to EPIC is not permitted by law.

If it is applied to the remuneration that is ancillary, Article 171 D 11 of the Code of Social Security allows exemption from contributions outside CSG CRDS. This treatment has not been challenged by a URSSAF control in 2004

(ADETEF) and has not been subject to any remark or recovery under the control of the years 2006 and 2008 which was held in June 2009. But in answer to a question in the Tax Department , the DSS emphasized that GIP were not among the entities listed in the decree to benefit from this exemption. The Urssaf, in its response, the same reasoning. Asked by DG Treasury, the Department of Legal Affairs Economic and Financial departments confirmed that the GIP, not being a public institution, was indeed liable for social security contributions but only because experts who perform on his behalf and not on the fees paid to experts who are not under his direct authority.

With respect to short-term experts directions, the role of GIP is limited to pay them, if any, additional remuneration the amount of which is determined by the management.

Under these conditions, even if Article 171 D 11 of the Code of Social Security is strict interpretation is not applicable, the structure ADETEF feels entitled to take only the CSG CRDS for officials who are experts are not under its direct authority. ADETEF estimates lie in the wire right GILFAM jurisprudence cited by the DAJ in his note. This question is not settled yet.

However, the analysis is DGFIP further than the DSS in that it distinguished:

- Experts [officials] who perform ancillary and are "real employees" GIP;

- Experts [officials] who engaged in short-term missions, are not actually under the "direct supervision" GIP employer.

On the first leg of the situation and distinguished "everyone" (URSSAF + 5B + DGFIP) agrees, it seems, and there also was a literal Obviously, semantics and corresponding to the right: (GIP created by a security agreement) and EPA (created by decree or law) (cf. e.g. a recent report on RITTER , for the creation of the current ARS and the advantages / disadvantages balanced between the status of GIP or EPA...) are different although more initial differences are reduced legal situations: therefore , the GIP is off screen , "by definition" Article D.171 -11 CSS.

E.g. the partial submission of GIP now to procurement code from said MURCEF and VAT law.

As for DGFIP analysis in consideration of the judgment C CASS (below) it is accurate.

There should be then perhaps see the "distribution" within ADETEF between officials "really" under the authority and others and check that there are no "circumvention" of

legislation, but this does not seem to be the case since DGFIP notes that URSSAF controls in 2004 and 2009 did not identify any irregularities.

3/ Employer, customer or donor agency

See above case of public operators.

Analysis above, partially retracing the position of public or private experts paid by public operators, including spring interest to French experts, in general, to seek hiring operators, organizations or foreign customers, whether calls or offers classic European matches. Indeed, the amount of fees or compensation of overtime is usually greater when the employer is not French. This is especially true in the case of twinning, where many governments are draining a part of this daily compensation, sometimes all.

Few foreign employers demand proof of payment of tax and social security charges and would dispute the analysis of accruals made by the French expert.

In addition, experts who can often have an incentive to maximize their tax domicile , some countries with favorable tax regimes or social (single flat tax for individual entrepreneurs registered in Azerbaijan and Ukraine, for example, synthetic tax in Côte d'Ivoire, portage by companies domiciled in Jersey or Guernsey and limit catches 10% of the money collected , etc ...).

Moreover the income earned abroad on the occasion of the implementation of EU assistance programs or other international organizations are often exempt from social or tax levy under bilateral agreements between countries receiving technical assistance and international organization in question (if , for example, the UN or European American technical assistance, Azerbaijan, Ukraine, and other countries).

One can easily infer from these concrete examples that it is necessary to be aware of the legislation to be applied in order to minimize tax and social contributions.

Risks and security, Insurance

Travelling and working abroad implies a number of risks. It is a very important topic, unfortunately often ignored or treated casually or with amateurism. The topics to be discussed, include: classification and frequency of problems or risks encountered - especially the difficulties linked to road traffic -; response tools or prevention, starting with insurance issues , the role of private or public donors, of operators, through information channels , and leading to the role of public authorities, in particular embassies, in case of isolated difficulties or crisis of

increasing severity; risk compensation systems in the form of material support or improved pay and finally the actions and positions to be adopted.

As far as insurance is concerned, the group criminal insurance offered to his members by FRANCeXP has to be borne in mind. It is the sole example today of an insurance allowing any member to benefit at any point in the world of a legal and moral support for the provision of a lawyer in case of criminal indictment (including for road accidents). It is necessary to seek a greater involvement of major direct or indirect employers of experts - European Commission at the head of it - which discard yet fully on Contracting operators and embassies to solve security issues of the many experts who work for them.

III Contribution to regional innovation

International experts are a major tool for the creation and dissemination of regional innovation. Although innovation can be created and disseminated in a purely national context with the help of national specialists, the input of international expertise in regional innovation is growing and worthless in many aspects.

A growing and main part of international funding is oriented towards regional innovation. The European Commission devotes huge amounts of money to the neighbourhood ("IPA" funds, Instrument for Pre-Accession Assistance and ENPI - European neighbourhood policy instrument -), as well as to cooperation between regions across the borders inside the European union (INTERREG programmes). In most cases these instruments or policies involve mainly international experts and international expertise. A lot of other international donors support regional innovation through specific instruments or policies and international expertise – UNDP, Asian development bank, interamerican development bank, multilateral development bank, etc...

IV Limits and trouble

The contribution of I.E. to regional innovation is therefore permanent and growing. Nevertheless the system involving I.E. demonstrates some limits as described hereafter.

- Overall quality, experience, adaptability

The first limit consists in the quality of the experts themselves (we excluded the question of the political or technical pertinence of the projects supported by the experts' input – this is another topic which should be dealt with separately). The selection system adopted by most of the providers leads in many cases to a disputable result.

Experts are quite often selected by officials or private firms who do not know the topic or the area of experience the expert is supposed to deal with. The selection is based on CVs that are not or cannot realistically be controlled. The mere knowledge of languages – the simplest thing to do – is never controlled, and many an expert purely alleges a given level of command he never had. Many projects are linked with public administration, while the majority of experts are selected among private sector experts who did not work in the sphere and have only an external view and understanding of what the public sector is. In too many cases, even worse, the selected experts do not even know the topic they are supposed to deal with (as extreme but real examples, an expert of strategic planning who does not know the meaning of strategic planning, or a financial expert who was a watch seller)

- Dumping

As mentioned above, the experts' remuneration is not linked with the original wages – except in some noticeable cases as the situation with the World Bank is – or with the living cost and standards in the country of residence. No requirement is officially made about the country of origin of the experts involved in a project. The remuneration of the employing society contracting with a given donor is not linked with the remuneration actually paid to the expert. As a consequence, a growing part of experts is recruited among countries where the living cost and average salaries or wages are lower, and the fees, wages or salaries of the experts tend to dwindle or in the best case are stable. This is not without consequence of course, on the overall quality of the delivered expertise.

- Weakness of the control system

Most donors, multilateral or bilateral, have established some kind of control system for the projects they are financing. To a given extent, the mere existence of a control system is already a limit to pure spilling or resource. But this control system is often purely formal, implemented by controllers with no or few experience of the activity they are supposed to control, and concentrated on immediate tangible results, whereas they are not always the most important ones. Let's give again a mere real example. In a given country, a project is supposed to help the institutions to elaborate a new constitutional law. One of the given indicators consists of a number of voted articles of the new constitutional law. Even though the project have had a real influence on the orientation given to the new constitutional law, the controller counts the number of adopted articles, and if none was adopted at the moment when the control is done, the project is considered null and void although it is, in reality a real success and a demonstration of efficiency and effectiveness.

- Corruption

It is true that a lot is done against corruption by most of the donors. Nevertheless a lot remains to be done in the never-ending struggle against corruption. One of the factors that foster corruption is the multiplication of decision centres and the connexion between public and private sector – typically organising public action relying on private companies through tendering systems instead of performing and implementing directly the public missions.

- Other bad practice

A lot of examples of bad practice persist in the system involving I.E. today. As an illustration, some example is given below – without exhausting the topic, for imagination is really creative in this area –

before bidding:

a) free work:

It is not uncommon when you are selected for inclusion as "key expert" on offer from a company or an ad hoc consortium, that you are asked to contribute to the preparation of the tender proposal ("methodology" in particular) in preparation. Sometimes it is a hard work and "time consuming", which is rarely paid. The underlying idea is that you have interest in contributing to the common work, as if the company wins the tender because of the work you provide, you will be directly "rewarded" by the paid use of your expertise.

While this argument has some merit, if ever you put end to end the number of hours spent after a few years working on offers that do not have income, the total amounts not to weeks, but months of work, which have not been compensated in a way or another. So be careful with that. Sometimes as well, some companies offer a flat-rate compensation for participation in the drafting of a technical offer.

b) The statement of availability without prior agreement on future employment conditions.

When you come in contact with a company at the stage of preparation of the tender, whether the company contacted you or that the initiative comes from you, the discussions are free until the expert sign a statement of availability (SOEA – statement of exclusivity and availability-), which binds to the company for the given project, and prevents both continuing discussions with a consortium or a competing company, but also to participate in another tender as long as the result it is not officially announced. Before signing such a document, it is not usual to sign a

written contract, however it is prudent on both sides, to get along on the conditions of execution of the mission in case of potential success. At a minimum, there must be agreement on the financial terms. Sometimes the operator remains deliberately vague on these financial conditions, and tries, after the announcement of the success of the proposal that includes your CV, to impose you disproportionate material conditions.

c) "Dropping" after signing a SOEA (SOEA – statement of exclusivity and availability):

It is the case of a company that signed a SOEA with an expert, then changes his mind and decides not to submit the expert in the bid. In such cases, the expert has no opportunity to participate in said tender, and in particular to agree with a competitor. This is a sneaky maneuver that may have intended only to prevent a very good expert - one whose CV corresponds perfectly to the requirements of the tender - but is considered too expensive to participate in the competition with the given competitor.

d) Fictional or semi-fictional experts or project managers

Another temptation - and unfortunately the practice is here too - is to include in the offer a good CV, but knowing that this person will never actually be available if the tender is won. So, other experts expect the work and commitment of an expert or a project manager who will never actually be available and must overcome the deficiencies of the company or the expert in question.

2 / After the tender

a) Fictional or semi-fictional experts or project managers

Sometimes the operators do not know either, in good faith, that an given expert or project manager will not be available. But the result is the same: for those who actually work in the project, the burden is twofold. Especially for the poor project manager ("team-leader") who has to do the job whatever the actual conditions and available means are.

b) Setting aside of a too expensive expert

Sometimes it is once the tender was won that an expert is discarded, although the tender was mainly won thanks to the quality of his CV. Sometimes this shelving is justified (psychological or physical problems, incidents making any cooperation impossible on site with the partner or client orders...) But it also happens that these are only a maneuver intended to replace an expensive expert, who has won a tender by a less expensive expert in order to increase or preserve margins.

c) Payment delays or default

Some companies pay poorly and later, under the most diverse pretexts (a classic that has no legal basis: "We expect payment by the European Commission before paying you").

3/ After project completion.

This is another topic that deserves specific developments. The difficulties do not end with the execution of a project. For the expert whose activity is not exclusively devoted to international expertise, it is sometimes difficult to get his job back or even a short post on his return to the company. Better to have enough to live on his savings and his garden awhile...

V Ways to improve the system of international expertise

As we have stressed the situation and the limits of international expertise in regional innovation, it is normal to initiate some working tracks that might help improving the system or diminishing some drawbacks. The following represents a few potential reforms.

- Trade unions or professional associations

The first reform or evolution to come would be the creation of specific trade unions or professional associations of experts, allowing them to take part by themselves in the eradication of some drawbacks. Some initiatives were undertaken – TACU – technical assistance consultants united, FRANCeXP - association of experts of French culture – etc... But none of the existing organisations has gained so far the necessary legitimacy or size. It is absolutely necessary that the professional associations of experts obtain the possibility to be considered as an interlocutor together with the representatives of the contracting firms. TACU has managed to take part in the discussion with the European Union when revisiting the PRAG (practical guide for EU technical assistance). This was a first step, but a long way remains to go. The main, if not the only way to improve the situation of international experts, relies on the pressure

put on the donors and their representatives, on the contracting companies, and on the beneficiaries.

- A better selection

As already mentioned, the quality of international experts is uneven. A lot of work is to do in this area, together and with the help and/or pressure of the professional associations.

- Standardisation

Professional standards should be established in the sphere of regional innovation supported by I.E., as well as more reliable standards for selecting experts or paying them, depending on the actual situation of each expert. (Family, place of residence and domicile, country of implementation of the given mission, etc...)

- Long term expectations vs. short term demands

Project monitoring and assessment should be tremendously reformed in order to reach a better balance between immediate objectives and long-term goals, and the projects should be established with the help and/or controlled by actual practitioners or at least with their help and input.

- Cutting the costs while improving the experts' situation - coming back to direct administration

Eventually, the pre selection of experts should not be left to private companies acting mainly on the basis of their potential profit. Whenever the lack of staff implies subcontracting the selection of experts, this selection should be made on the sole basis of a flat rate. It would imply selecting the experts on the basis of their knowledge, experience or know-how, and not on the basis of economical reasons.

Some other potential reforms can be consulted on the site of FRANCeXP (cf www.francexp-site.fr/pages/petitions/ce-que-nous-reclamons.html).



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INTERNATIONAL KNOWLEDGE TRANSFER AS A BASE OF GLOBAL INNOVATIONS

Abstract

This paper provides a balanced view, aligned with changed realities, of the issues associated with the international knowledge transfer and it focuses on a critical analysis in the context of global development. It aims to open debates among experts (both scientists and practitioners) in these fields in order to find the best approaches and solutions.

Key words: *international knowledge transfer, innovation, technology, education, research and development, structural challenges*

A strong scientific knowledge base is one of world traditional key assets. Knowledge transfer involves the processes for collecting and sharing explicit and tacit knowledge, including skills and competence. It includes both commercial and non-commercial activities such as research collaborations, consultancy, licensing, spin-off creation, researcher mobility, publication, etc.

At any time in human history, knowledge constituted a reason for creating relations between distant regions: in itself it was a reason for human migration, political action, institution building and economic exchange. During the manifold establishments of relations, knowledge was disputed, negotiated and finally transformed. These transformations can be more easily understood when recognized as processes of cultural and literal translations in global connectivity.

Knowledge not only needs to be possessed, but needs to be disseminated from one place to another; one country to another; one firm to another. Globalization is understood as the global or potentially global diffusion of any means of social cohesion, be it economic, political, technical, cultural, or epistemic.

Two main questions can be brought up and discussed. Firstly, how can knowledge mediate between local contexts and global, non-universal forms of understanding? Secondly, how can globalization of knowledge be understood when translation comprises misunderstandings and ambiguities? The global transfer of knowledge can be understood as taking place in a surrounding that depends on the

interaction of transmitting and receiving actors. To consider globalization processes of knowledge from such a micro-perspective discerns the fact that the transmission of individual items of knowledge or relatively specific knowledge packages occurs much more frequently than the transmission of entire systems of knowledge.

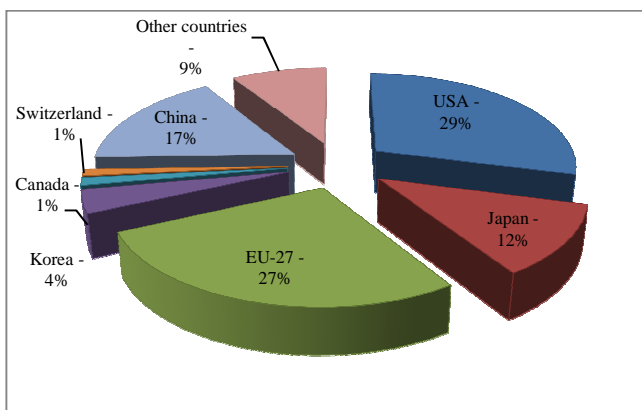
Institutions have very often played a crucial role for the global transfer of knowledge in history. On the one hand, they can be places of knowledge exchange, of personal encounter, of teaching, learning, and of producing knowledge. On the other hand, they have a certain tendency for conservatism: where epistemic objects are stored, objects such as exhibits in museums, books in libraries, experimental designs and curricula in universities, the knowledge itself is in danger of becoming inflexible and resistant to change.

An international environment and culture of innovation and knowledge transfer (KT) is desirable in facilitating the conditions for a more innovative Europe. Fostering KT between all EU member states and developed as well as developing third countries is advantageous for the European research landscape in a number of areas, in particular with respect to emerging technologies (including biotechnology and nanotechnology), which provide specific challenges for intellectual property (IP) and regulatory frameworks.

In certain areas of R&D, in particular in the areas of pharmaceutical and biotechnological research, specific geographical or climatic conditions may give rise to technology leadership in certain areas. Brazil, for instance,

has developed a capable biotechnological research sector, in part related to its vast biological diversity. Chile, a country which is rather insignificant in other innovative sectors, claims technology leadership in aquaculture research. India has launched a number of programmes which aim at professionalizing the exploitation of traditional knowledge accumulated over millennia of agrarian culture.¹⁸ Such traditional knowledge has already contributed and is anticipated to contribute further to new medicines and breeding technologies. [1]

Modern development of world economy has a set of global trends. The first and the main trend is a permanent growth of R&D expenditures. In 1991-1996 global R&D expenditures were increased from \$438 billion to \$576 billion (annual growth – 4,4%), and in 1996-2002 – to \$677 billion (annual growth – 2,8%), and in 2010 they were increased again and reached almost \$1231 billion. Difference in growth rates of expenditures of some countries mostly can be explained by their approaching to optimum indicator (3% of GDP) (picture 1).



Picture 1. Structure of R&D Expenditures in the world in 2012, % of GDP

Globally R&D expenditures have a high level of geographical concentration. Picture 1 shows that 10 countries which have the biggest R&D expenditures have 86% of unit weight from world volumes in 2001-2011. And 8 countries are highly developed countries, where the leaders are the USA, Japan and EU (picture 2).

Knowledge transfer takes place according to 4 key areas:

- Collaborative research (knowledge exchange);
- Knowledge exchange activities (information exchange);
- Information and people exchange (experiential nature of knowledge transfer);

- Commercialization and development (technology transfer).

Importantly, knowledge transfer is not simply about intellectual property management. It is perhaps more appropriately understood as innovation management in the broadest sense of innovation (including innovation in research environments, business models as well as a diverse array of industries and disciplines).

These may be understood as follows:

1. Research:

- Research may be collaborative (traditional research and potential for university commercialization) or commercial (contracts for research and conventional consultancies, where it is possible that no intellectual property is retained by the university);
- Subsidiaries;
- Strategic alliances etc.;
- Industry-university partnerships.

2. Information exchange and skills transfer:

- Seminars, conferences;
- Networks;
- Training;
- Economic pressures on university sector;
- “Value-added” student experiences;
- Employability.

3. People exchange (human resources):

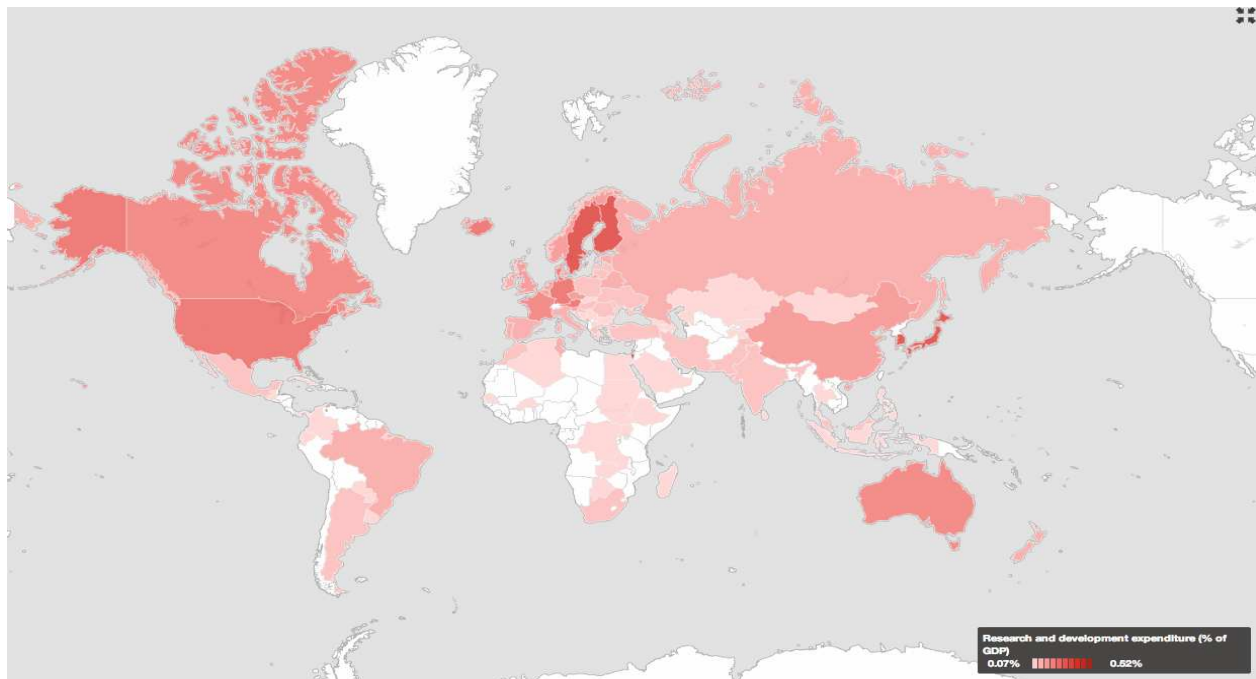
- Research and training.

4. Commercialization and development:

- Subsidiaries and spin-outs;
- Role of Technology Transfer Offices.

Effective international knowledge transfer (IKT) requires attention to a number of key prerequisites for successful partnership:

1. Context (including research infrastructure and institutional differences);
2. Language (researcher communication and mobility, drafting language);
3. Intellectual property;
4. Bilateralism and the possible impact on flexibilities for IKT;
5. Administrative efficiency;
6. Commercialization; and
7. Funding and exploitation.



Picture 2. World scale of R&D expenditures in 2007-2012, % of GDP

Interactive tools, support measures and guidance should include flexibilities and appropriate adaptability in order to account for the varying realities in partner countries. Rigid approaches to partnership models will ultimately undermine possibilities with third countries.

Model agreements and other similar tools have significant value for application in the area of IKT. However, in that application such tools should be equipped with appropriate flexibility so as to adapt to different conditions in different partner countries as well as differences between academia and industry.

International knowledge transfer (IKT) occurs in various identifiable and specific forms. As such, IKT activities might be grouped according to:

- the forms of cooperation;
- the transfer partners;
- the levels on which knowledge transfer occurs; and
- the types of funding and infrastructure supporting knowledge transfer practices.

IKT is particularly influenced by the identity of the partners. Thus, cooperation between member states and European partners may be quite different from cooperation between member states and third countries. Similarly cross-sectoral cooperation raises specific issues, particularly for cooperation between academia and industry. It is this latter relationship that is of particular

interest to this report as the academia-industry partnership promises great economic and scientific potential.

IKT is provided within different cooperation forms. They are

- cooperative research;
- contract research;
- licensing;
- spin-offs;
- subsidiaries.

The Transfer Partners

Partners in knowledge transfer arrangements usually include academic, industry and at times also government partners. Such diversity in partners brings with it also greater complications and varying business cultures that must be reconciled for effective transfer agreements and collaboration activity.

The Levels of Knowledge Transfer

Knowledge transfer proceeds on the intra-EU level in interaction between member states as well as on an extra-EU level through partnerships between European public research organizations (PROs) and partners from third countries.

Funding

Cooperative research is usually financed by external funding. This may be public, private, or mixed, via basic funding or via project funding. Despite the very few differences in the organizational and legal forms of IKT arrangements between national and international arrangements the specific handling of the arrangements will likely differ.

IKT via horizontal collaborative arrangements is performed utilising various cooperation models. The significance of horizontal cooperation is the more balanced arrangement for all partners on the same level. Knowledge is created commonly through contributions of all partners, even if the individual parts may differ significantly. Such knowledge transfer on an international level is characterised and differentiated by the broader range of knowledge dissemination that is possible.

Further IKT commonly raises 4 notable features:

- cooperative research;
- alliances;
- virtual institutes; and
- researcher mobility.

Several identified obstacles to effective IKT exist. The crucial ones may be summarized:

- legal differences;
- funding mechanisms and public tendering;
- administrative burdens; and
- globalization, including socio-cultural and linguistic differences.

In other words, differences build obstacles. They must be considered, tested, and solved or at least given weight according to the problems they cause. Because of the substantial socio-cultural, political and commercial differences in partners participating in IKT, it is therefore recommended that each potential partnership is treated individually, on a case-by-case basis. Each of these crucial areas for potential obstacles requires consideration. [2]

Several countries, including most of the BRIC states, have introduced new rules which could be seen as possible obstacles to the registration of patents. For instance, Brazil [3] and India [4] have adopted new rules which prohibit the grant of a patent relating to certain genetic resources or traditional knowledge where the source and origin of the relevant resources or knowledge is not properly indicated. These additional requirements reflect an important public policy in those countries, notwithstanding the additional burden on patent applicants.

In post-socialist countries like China and Russia, where the State and government are still heavily involved in monitoring and actively steering the flow of knowledge, not only patented (and therefore published) technological achievements, but also secret know-how is in danger of being appropriated by local authorities. [5]

The investment for R&D in foreign countries usually requires higher investment than at home, primarily due to the additional expenses required to engage in an unknown and uncertain environment. Local funding sometimes is offered, but is governed by the funding conditions and rules in place, which may be obstructive to IKT. These rules are different in different jurisdictions and may build a barrier to effective IKT activities. Further, rules governing funding provided by many European funding systems do not allow for exploitation of funded research in other countries. Additionally many procedures of public tendering for applicants from foreign countries are either not feasible or not wanted and therefore very difficult to fulfill. All of those rules do not take into account the global effects of IKT and the reciprocity of transfer in other countries. This effect should not be underestimated. If future administrative and legal approaches will not depart from these national restraints, a global networking research community remains utopian.

The abovementioned quotation refers dramatically to the uncertainties and distresses of the harsh funding environment in which today's researchers are working, both to secure funding and to maintain it. In an international context that administrative uncertainty is aggravated by working in unfamiliar environments, culturally, politically and administratively. Administrative complications are frequently experienced in dealing with public departments, conventions, practices and procedures in partner countries. Different administrative practices regarding creation and implementation of agreements dealing with IKT are among the main obstacles to effective IKT, as well as additional burdens including visa requirements. [6]

Cultural factors in research cooperation are particularly crucial, in addition to the broader cultural differences experienced by working in partner countries. Academia and industry may bring very different cultural perspectives, notwithstanding the increasingly entrepreneurial nature of university institutions, as well as the additional diversity of cultures in public research organisations. Furthermore, different cultural perspectives apply for different technologies or even branches of a particular field of technology. As discussed, differences between institutions of different states will also apply. Attitudes toward joint research and sharing knowledge will therefore be complicated by the sometimes vast differences in perspective and practice.

The language barrier should also not be underestimated. Additionally differences of geography, including the practical difficulties of long distances or simply the time differences, cause additional problems. A good example of this at an everyday level is setting up a virtual meeting across numerous time-zones. Finally, these partnerships are driven by commercial objectives and the commercial context in which they are operating, and so additional factors such as currency fluctuation will create further complications.

While examining different examples of successful IKT it was found that some aspects and attitudes are of fundamental importance and are common features that have been followed diligently by successful players.

R&D strategies are a basic requirement for the success of each and every research unit; however, these strategies will vary depending on the kind of research and the objectives of that envisaged research. For example, basic cooperative research bears fewer risks and obstacles than those faced by alliances or spin-offs. Once issues of collaboration, internationalization and applied R&D accumulate, diligent preparation is recommended prior to cooperation in order to avoid as much as possible the potential risks and uncertainty involved. The existence of a current, well-analyzed and comprehensive information set is the basis to assess cooperation in an international context. Legal, funding, and administrative aspects of the particular international requirements that might apply are critical considerations. Additional information to be obtained includes knowledge of market structures, country specialities, possible partners and competitors.

The appropriate cooperation model and useful tools for intended IKT firstly need to be selected. A particularly important consideration should always be the applicability of such model contracts to the specific conditions of a particular project. Model contracts often do not adjust effectively to the particular nature of the project in question. In any particular case there remains the consideration and weighing of the individual partners' interests and commitments. This becomes very complex in the international context where there are additional legislative, regulatory and administrative differences, as well as cultural ones. Therefore, a useful scheme for IKT in one jurisdiction may not be appropriate in an international partner's jurisdiction. As introduced above, the various contributing factors in international R&D projects are extremely diverse and so cases of collaboration must be assessed individually.

The right partner or partners for IKT will need to be chosen in the first instance, taking into account business models and objectives. Targets and limits of the arrangement, as influenced by the chosen model of

cooperation, will need to clearly be defined. Goals of planned activity and outcomes, and milestones and deliverables with appropriate timescales, will need to be agreed. In an international cooperation, potential misunderstandings deriving from different languages and communication problems need to be avoided from the beginning.

Intellectual property management (IP)

IP management is one of the most important issues, if not the most important issue, for KT activities for the purposes of commercialization. Since cooperation on the international level is complex, international research generates an even more obvious demand for effective strategies for IP creation, ownership and management in research. As on the national level, IP issues should be clarified as early as possible in the R&D project. Clear provisions for IP are essential for any agreement governing that research relationship.

International commercialization and patent management

A crucial element of any effective patent strategy is adequate assessment of the scope of the rights for product development as well as exploitation in the respective market. Opportunities for exploitation need to be planned taking into consideration the following factors:

- IP expertise of possible partners and the most relevant IP protection likely in the circumstances;
- business background of possible commercialization partners and competitors;
- gathering of information about the markets in place; and
- legal differences.

If legal protection is uncertain or not readily enforceable, a strategy for practical management and protection of knowledge is necessary. Furthermore, in some instances classical IP protection will not be as commercially relevant as other forms of protection, such as trade secrets.

Any licensing strategy depends on the position of the licensor and that licensor's market power. From the view of a licensee it is crucial to make sure that the licence is exclusive and safe enough to prevent competitors entering the market with the same product.

Entrepreneurship

More entrepreneurial public research organizations (PROs) tend to cooperate more easily with industry partners, including on the international level. Awareness of know-how, IP assets and the importance of KT processes are of high strategic importance in a commercial

environment. PROs find themselves confronted with this fact from the beginning of the spin-off process. Enhancing entrepreneurship within PROs includes equipping staff with management skills and delivering a business philosophy which facilitates and supports liaison and cooperation with commercial partners. The knowledge resources of the PRO are an important part of strategic innovation and research management, including the valuation and exploitation of IP, and appropriate skills and expertise for transfer activities. Incentives for researchers to engage in further entrepreneurial contacts and activities are likely to contribute to greater opportunities for spin-offs and other KT arrangements. The creation of spin offs from PROs is sustainable arguably only when training of the relevant staff in strategic management of innovation is in place. IKT via spin offs in the international field requires further additional experience or knowledge in the partner country. [2]

International networks

Efficient networks are a basic structural condition for international activities. Opportunities for future cooperative research projects on the international level therefore are reasonably fostered by networks. In the end, personal contact and trust are nevertheless fundamental aspects of successful and sustainable international relationships.

IKT on an extra-EU level is not as significantly organized and systematic as KT between member states. The main channels of IKT run via cooperative projects, contract research, licensing and via the creation of spin-offs or subsidiaries. Cooperative projects may be subdivided into:

- cooperative, basic or applied research (stages in between become evident in specific fields, such as materials technologies or pharmaceuticals); and
- strategic alliances (such as the shared use of research infrastructure, spin-ins or joint ventures), virtual institutes and researcher mobility.

Any cooperation according to virtual institutes does not appear to take place on an extra-EU level. Researcher mobility therefore acts as a crucial and pervasive form of IKT in current research activities.

Among the crucial obstacles to efficient IKT there are:

- legal differences;
- funding mechanisms and public tendering;
- administrative burdens; and
- differences in cultures, languages and politics, as well as geographical distances.

We can separate four prerequisites to sustainable IKT maneuvers:

- R&D strategies which are fitting to the individual case and contribute to the singularity of each project;
- professional IP management, which is crucial especially in cooperative applied research projects;
- entrepreneurship of IKT protagonists; and
- the establishment and maintenance of international networks.

KT-related bilateral agreements can roughly be divided into two types of agreements:

- Agreements on scientific-technological cooperation; and
- Agreements on the protection of IP.

At the EU level, the competence for negotiating and administering agreements on scientific-technological cooperation is with the Directorate-General for Research and Innovation. At the member state level, it rests with the various national ministries for research, education, and related areas. [7, 8]

With regard to IP-related bilateral treaties, the competence to prepare and to negotiate agreements at the EU level is with the Directorate-General for Research and Innovation, whereas at the national member state level, such competence seems to be with the various national ministries of trade, economy or commerce.

The IP-related external ties between the EU and Third Countries/regions, however, do not form isolated bilateral “IP treaties”. They are part of broader trade-related EPAs, with a strong focus on IP as trade-related subject matter. At the individual member state level, especially the technologically-advanced member states, a number of bilateral agreements on scientific and technological exchange have been concluded with non-European states. Bilateral treaties between member states and Third Countries on IP, however, are rare to non-existent. In this area, the European Commission, represented by Directorate-General for Trade, seems to have assumed competence to enter into bilateral negotiations. The reason may be the already high degree of worldwide harmonization of IP by multilateral treaties to which either Europe as a whole or single member states are signatories and the even further-reaching harmonization of IP within the EU. Further, the EU has started to “export” the results of European IP harmonization to other countries via the mentioned EPAs, meaning that there are few IP issues remaining on which to agree between single member states and Third Countries. [9, 10]

Bilateral treaties and IKT

The existence of formal bilateral treaties on R&D cooperation, and so, is not necessarily a precondition for IKT. Scientific cooperation or joint R&D in both the private and public sectors does not always have to depend on such treaties. More significantly, relevant (though not necessarily sufficient) preconditions include the existence of an institutional framework, comprised of agencies with establishments in the target countries serving as entry-points for parties engaged in collaborative research. We conclude that contextual factors, such as institutional practices, culture, research infrastructure, competencies, and so on, become necessary conditions for completing research cooperation agreements with other countries to ensure effective enforcement and KT.

Contextual factors

It should be recognized that contextual factors (institutional, cultural, competencies, research infrastructure, and so on) have a significant impact on effective KT. This should be considered in drafting individual agreements, in that a “one-size-fits-all” template for drafting IP clauses will likely result in poor

enforcement of the agreements. However, an effective model or models which may be adapted for specific circumstances where relevant will be likely to prove important for facilitating successful IKT.

Conclusions

Knowledge can take various forms. It can appear in form of a patent-protected invention but it may also be published in an academic article and protected by copyright, presenting issues for access to the knowledge in scientific research and publishing. On the other hand, open access publishing in the scientific community is emerging as an important way in which to provide readers with unrestricted access to peer-reviewed research.

Transfer of knowledge can take various paths. Traditional licensing of intellectual property is an important but by far not the only form of KT. This study has also identified cooperative research (including exchange of personnel), contract research, spin-offs and subsidiaries as forms of KT which are of critical relevance for PROs. In all of these cases, obstacles to cross-border KT include the legal and administrative infrastructure in place in partner countries for the management and enforcement of IP.

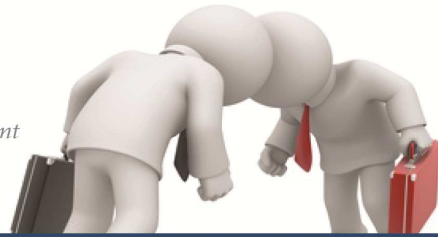
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PROBLEMS OF LOBBYISM INSTITUTIONALIZATION IN POST-SOVIET COUNTRIES (A CASE OF UKRAINE)

Abstract

Models of lobbying by groups of special interests were analyzed that act in countries with market economy. Urgency of such research was conditioned by fact that lobby cause decisive influence on development of economy of public sector. Another reason was financing of social commodities and pragmatism of public choice in terms of democratic transformations. The author offered the ways of improvement of relationship between business and state power by using lobbyism, based on European experience of public choice.

Key words: *lobbyism, group of special interest, model of lobbying, public choice, bureaucracy.*

Democratize distributive and redistributive processes based on stable mechanism of lobbying which is peculiar in all democratic states. However the reality of Ukrainian economic and political life shows the existence of important variety of problems which concern introducing legal models of lobbying which can defend interests not only of “oligarchy clans”, but favor the improvement of social and economic situation in the country. These models can help to achieve Pareto optimum condition in economy of wellbeing, they can overcome crisis connected with irrational of public choice.

In economy of public sector the problem of lobbyism is regarded as an element of bureaucratic economy when the model of political circulation is investigated by analogy with the model of economic circulation; the political processes are analyzed, different styles of voting, activity of groups’ social interests are taken in consideration (OJICOH M., 1995, 1998). In model of politic and economic circulation electors are voting for politicians and politicians appoint bureaucrats that influence on electors. Bureaucracy is not related with electors’ interests. It serves interests of different echelons of judicial and executive power. According to R.Nureev’s theory (HYPEEB P., 2005), bureaucrats implement adopted laws and are playing an active role in laws’ elaboration, also they pass to politicians’ appropriate information. Groups with special interest can use politicians passing to them erroneous information (picture 1).

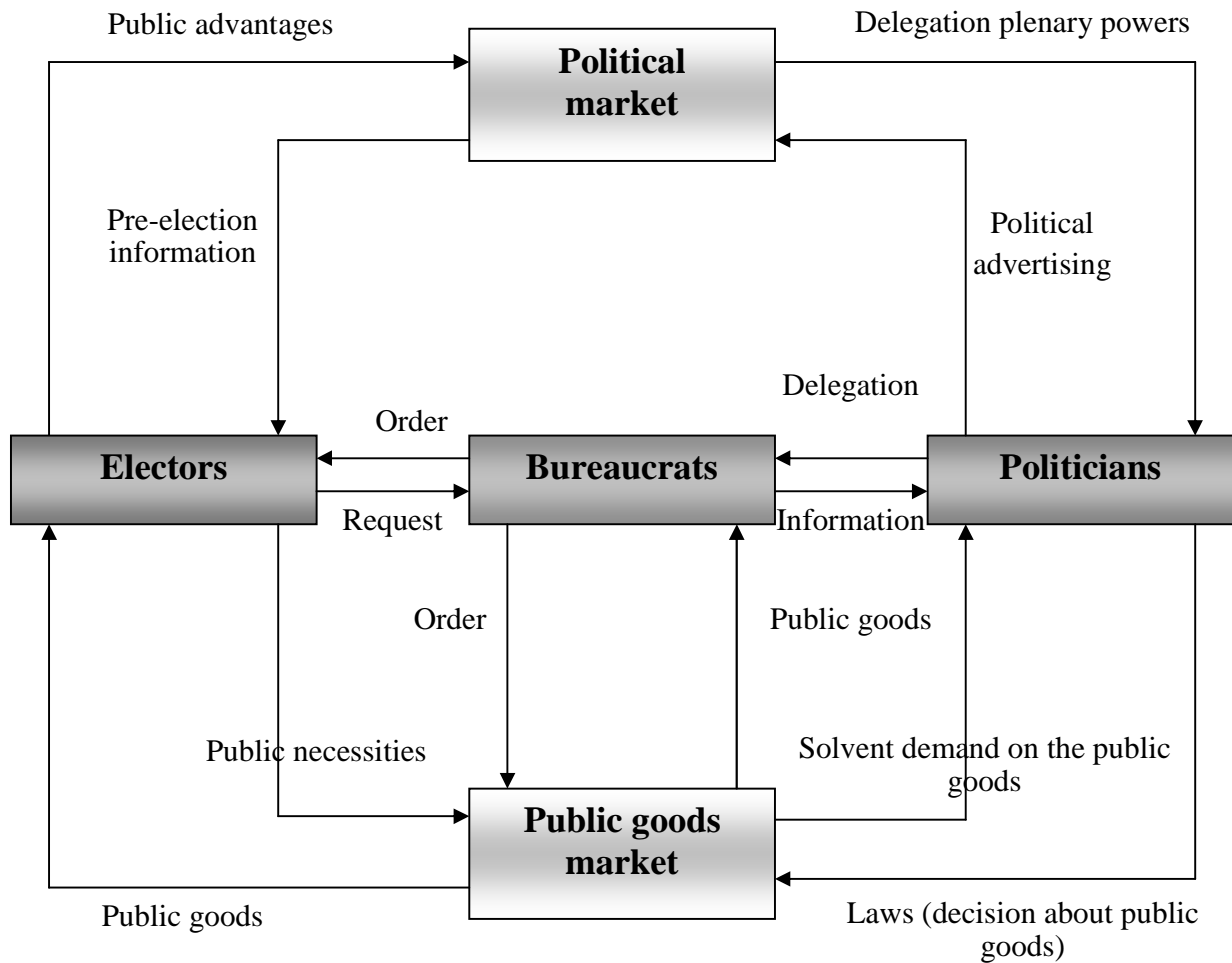
The definitions of lobbyism firstly appeared at the beginning of the XVII century in Great Britain. At the beginning lobby meant “passage corridors”, but from 1640 this notion was used like the name of premises around parliamentary holes in which legislators were meeting with citizens. The members of English parliament often walked before elections through corridors, and who disturbed deputies by asking to vote for this or that project, were called lobbyists. In Great Britain – the country with the oldest parliament in the world – lobbyism during next two centuries spread almost in all countries. It’s modern essence appeared only in XIX century.

Lobbyism is a system and practice of interests’ realization of different citizens’ groups through organized influence on judicial and administrative activity of state bodies (CULLIS J. and JONES P., 1998; BROWN C. and JACKSON P., 1990; WOLPE B. and LEVINE B., 1996; BUCHANAN J., 1970). It is considered to refer persons for whom the same measures cause changes of usefulness in the same direction, to group of special interest. Such subject use mechanism of lobbying for realization of his or her own interest.

The deep changes in Ukrainian society led to the stormy formation of the new organized, including corporate interests’ growth by practice of lobbyism, firstly from the side of enterprises structures and different public associations. We will mark, that this phenomenon was characteristically and for the former USSR, although it

existed in a specific form peculiar to authoritarian society. In weak democratic traditions and norms that important social institute was deformed. Inflexibility of command-administrative agencies, practically boundless absolute “power” of party-state machine and its officials, substituted lobbyism by a corruption and “telephone right”. Consequently, top-level ideas and their realization in practice hindered the distribution of the civilized lobbyism.

Ukrainian lobbyism, as well as lobbyism in Russia, carries a mafia tint, as political and economic elites are formed substantially from ordinary citizens. Lobbying in Ukraine shows in the collision of the “oligarchic clans”, and many politicians continue to participate in business with participation in the policy (lobby own interests).



Picture 1. Model of politic-economic rotation (HYPEEB P., 2005, p.92)

Conditionally, the development of Ukrainian lobbyism can be divided into two periods. The first stage of lobbyism development in Ukraine (1991-1998) is called oligarchic. In fact it consisted of the uncivilized signs of lobbying, the distinguishing feature of which was acquisition of property and advantages of business by noncompetitive methods (competitions and tenders were secret, distribution of state credits, administrative decisions were conducted in the conditions of legal vacuum, that were not grounded). The period of the

civilized lobbyism (from 1999), which is characterized by the competitions methods of influence on the enterprise sector (PR and advertisement campaigns, initiation of expert estimations of administrative decisions' projects) comes with the development of functioning markets' mechanisms of the economic system by the presence of institutes of lobbyism as organizations and groups of physical persons.

In Ukraine, as in other post-soviet countries, formal lobbying does not exist (a legislative base is absent). However the process of initiation of steps in relation to forming of the normatively-legal providing of lobbying has already begun. In 1999 bill “About lobbying in Ukraine” was proposed, according to which the lobbying of legislative and executive bodies of State power was marked as well as bodies of the local self-government it is the effective mean of the direct influence on citizens and their associations on political and socio-economic situation in the country. It is foreseen by a law that lobbying is the citizens’ and their associations’ activity of any kind and form. That is not forbidden by the law that is registered as “lobbyists” for legal influence on the bodies of legislative and executive state power and bodies of local self-government. The purpose of this is defending the interests of different groups of population business. For this purpose it is foreseen to give out a license to the lobbyist that he can operate as original attorney. However the bill did not determine volumes of administrative and criminal responsibility for the failure of legislation observing of Ukraine in relation to lobbying, it did not take into consideration all lobbying technologies which are used worldwide (picture 2), did not detail the legal and illegal methods of interests’ lobbying etc. Nowadays a bill hasn’t marked yet by the Supreme Council and does not operate in Ukraine, however there is a hope that the revision of the legislation like in the European states will allow in future to “lead out” the profession of lobbyist out of “shade”.

By determination of the Ukrainian journalists and political scientists, Ukrainian lobbyist is distinguishing, for example, from the American lobbyist as a new Ukrainian businessman from British lord. What in Ukraine it is accepted to call lobbying, abroad is acknowledged by a corruption (POY3-EKEPMAH C., 2004; MIJEP B., ГРЕДЕЛАНД О., КОШЕЧКИНА Т., 2004). The Ukrainian representatives of large business try personally to lobby their interests in higher legislative body that is why it is happened than the Ukrainian lobbyist combines both a customer and executor.

Nowadays, practically all spectrum of Ukrainian business is presented in Supreme Council of Ukraine. Such situation is actually possible to understand: why to depend on someone, paying to the performers, if it is possible to protect and lobby own business.

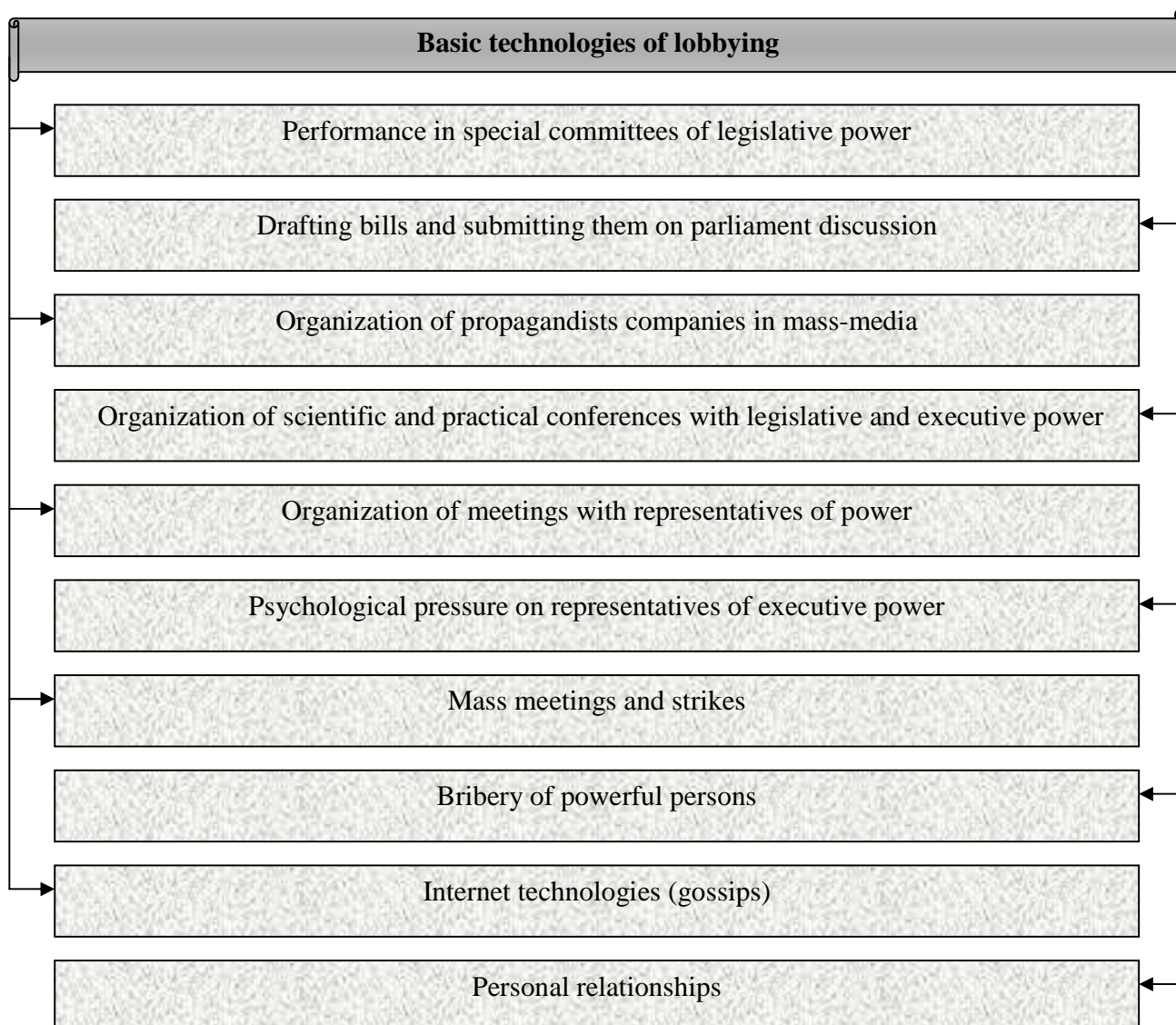
We can differentiate “healthy” and “unhealthy” lobbying, explaining that in Ukraine, mainly, widespread

in realization of certain economic, social and cultural policy in Ukraine; assistance in realization by the state of protectionism policy on national, regional, industry levels, forming the appropriate interests of lobbyists in the legal sphere, system of practical realization of corresponding of the political and socio-economic programs, certain public opinion and state.

Rights and duties of lobbyists, order of their registration, objects and subjects of lobbying, procedure of supervision and control after the lobbyists associations, forms of responsibility for violation of legislation about lobbying, etc. were prescribed in a law. Accordance to a bill, right to carry on the corridors’ negotiations with representatives of power, to force them to accept useful to some organizations decisions must be given to the persons who are professionally engaged in this

the last. To “unhealthy” lobbying bills which touch the features of privatization belong, mostly granting of taxes deductions, changes in the customs policy. From a list of lobbyists’ laws it is possible to select the decision of Supreme Soviet about support of Paralympics motion according to which certain organizations get taxes deductions; a law on the duty-free import of corn to Ukraine; law on telecommunications; law on advertising.

Among great number of technologies on interests’ lobbying (picture 2), in Ukraine two of them are the most widespread. First is the simplest, however simultaneously and the most expensive connected with subornation of deputies for “correct” pushing the button. Negotiations are held with the leader of fraction or party group. In case, if leaders decide that their fraction will support a bill or not, the ordinary deputies rarely will retreat from the “general line” of fraction. The second technology of lobbying is more difficult, as related to “applying” of few deputies, by whom the bill will be defended in relation to the necessity in public. At the same time the row of publications of necessary direction is “bought” in the mass-media. The whole procedure of such lobbying costs approximately 10 thousand dollars for the customer. The expectation is made on the deputies that during the consideration of plenty of bills and participating in political battles won’t pay attention to all details of the bill. As a rule, such chart is used during decisions’ advancement through the parliament in the sphere in which most deputies are not competent.



Picture 2. Technoogies of lobbyism (McFARLAND A., 1984; PETERS G., 1984)

Despite that the model of Ukrainian lobbyism, as well as Russian, is characterized by the great number of formal associations of business and public unions, in Ukraine the process of “conquest” of political parties is absolutely not typical for other states. Another specificity of Ukrainian practice is predominance of the lobbying methods through the Cabinet of Ministers and Administration of President, as analysts assert. It confirms the amount of the pulled out and accepted initiations of bill from the proper organs. The reason of similar practice is complication of mechanisms of passing bills through Supreme Council and efficiency of methods of the “internal” lobbying in the Cabinet of Ministers. Results of survey by magazine “Campaigner” showed that the most effective was

lobbying through Cabinet of Ministers. The decisions of the Cabinet are more effective than laws as they begin to act from the moment of signing and don’t pass through three reading in the Supreme Council. The cost of such document is considerably cheaper for a customer. The main method of lobbying in the Cabinet of Ministers is the “corridor lobbyism”, essence of which firstly is moving the necessary and refusing the unnecessary decisions. The basic mechanisms of “corridor lobbyism” consist of the necessity to estimate the real system of functioning of bureaucratic apparatus, chart of making state decisions, psychological traits of leaders, degree of influence on the close surroundings.

In some Ukrainian large companies, mainly in chemical and metallurgical industry, the special structures have already been created for connections with power. The task of the divisions, as a rule headed by the former officials, is to initiate the most suitable mode for the company in the state structures. They are called “white” lobbyists, who are officially engaged in advancement of subject’s interests, which they present. Another form of

“white” lobbying is the professional associations of concrete sectors of market (picture 3). These organizations exist due to the membership’s fees from participants which pay exactly for lobbying. They officially take part in development of laws; organize different conferences for forming the positive public opinion in relation to their activity.



Picture 3. Types of lobbying in Ukraine

However “white” lobbying is not widespread in Ukraine, as it is followed by “shadow” lobbying. “Shadow” lobbyists can be divided into branch and private lobbies. The first defend interests of the whole industry and the second are interested in concrete banks and companies. As a rule, “shadow” lobbyists are close to the “necessary” official. According to one of such “shadow” lobbyists (POY3-EKEPMAH C., 2004), his duties are to be acquainted with all relatives of influential “friends” and even to remember their dates of births.

The cost of such services from lobbyists is determined by the level of lobbying: the most expensive project for lobbying of any country is its budget and the cheapest lobbyists’ service is a deputy’s request (the cost of this request in the state body can be from 1000 to 2000\$) – table 1.

Table 1. Lobbying prices in Ukraine, \$

Lobbying services	Price
Deputies' request	1000-2000
Round-tables, press-conferences, briefings with relevant of higher rank officials	10000-50000
Parliament's request	50000
Preparation of a new bill	40000-80000
Amendment in the bill	30000-100000
Collective application of industry companies with the legislative initiative	50000-100000
Ensuring the successful participation of companies in the state budget programs (public procurement)	from 100000
Lobbying to the legislature	100000-300000
Increasing custom duties on imported goods	100000-300000
Lobbying in President Administration	300000
Implementing anti-dumping investigations	300000-1000000

Consequently, lobbyists in Ukraine are practically all members of parliament in a greater or smaller measure that distinguishes Ukrainian lobbyism from the models of lobbying in the countries of continental Europe and the USA.

To summarize, lobbyism acts key role as a basic form of co-operation between business and policy. Social sense of lobbyism is that it connects the determining spheres of vital functions of society: enterprise, state administration and public policy. These spheres own the different resources of social sense: administration retains powerful influence on the decision-making; policy forms the legislation and determines optimum circulation of public interests, and the enterprise possesses financial resources. The civilized lobbying is correlation of consequences that draws them the accepted decision with the system of the accepted values and necessities of national safety. Lobbyism also means providing of psychological influence on the motivational sphere of those persons, who is authorized to make decision: persuasion, subornation and compulsion (pressure, blackmail).

Competition of lobbyists groups is one of main pre-conditions of lobbyist activity which takes place openly and transparently. Competitive sides try to control each other, and here they are forced to appeal to the help of the Mass Media and to promulgate their interests and the interests of their opponents. Due to it the wide circles of political elite and public are included in the informative exchange.

Adjusting and normative regulation of lobbyism is instrumental in its legalization and transformation on the competent institute of democratic society. Carrying out lobbying on the basis of law, lobbyists are forced to subordinate the activity to the expressly set procedures, which helps to control them better and to apply the proper approvals in cases of offences. For all subjects of lobbying identical terms are created and that is why there are little possibilities for the privileged to contact with public executives. Taking this acceptance of law into consideration on adjusting of lobbyist activity this can

become a powerful instrument of lobbyism legitimating. World experience of co-operation between lobbyists and politicians justify that the managed type of lobbyism is more socially effective than the unofficial lobbying of interests; it brings social utility and plays a significant role in the democratization of society (The USA, Great Britain and Germany).

Taking into consideration positive foreign experience of interests' lobbying, we consider using the followings mechanisms of forming "transparent" and civilized models of Ukrainian lobbyism:

- fixing at legislative level of lobbyism institute through adopting of normatively-legal acts, which would detail legal (e.g. bills and passing them to the discussion; holding conferences with participation of representatives of executive and legislative branches; project in the types of legislative body committees) and illegal (e.g. bribery of public executives; distribution of gossips through the Internet) methods of lobbyism;
- introduction of administrative or criminal responsibility in the case of filling the untruthful information into registration applications about the realization of activity by the lobbyists;
- introduction of the differentiated tax for corporate lobbying, which must serve as the additional profitable article of state;
- introduction of the system of lobbyists' attestations, which must respond to such criteria: abilities to think analytically and perceive the considerable mass of information, flexibility and ability to determine aims and form the task, to be good psychologist.

The institute of lobbyism is able to execute the function of arranging social interests, complementing by itself the constitutional democratic system. Prohibition of lobbyism can lead to disappearance of mechanism of interests' comparison and determination of priorities at preparation or adopting that or other legislative act.

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