

L.V. Valuieva, Candidate of Juridical Sciences, Associate Professor
Odessa National Maritime Academy
the Department of Administrative and Criminal Law
Didrihsona Street, 8, Odessa, 65029, Ukraine

THE ISSUE OF FORMATION OF MANAGEMENT COMMERCIAL SEA PORT

Summary

This article analyzes the relationships associated with the formation of the control system of the sea trading ports, in particular the integration of local governments in the management seaport, land use issues, and others.

Due to the beginning of reform of property relations in seaports and the course on privatization and liberalization of the industry being enshrined in the Law of Ukraine "On Sea Ports of Ukraine" there is a need to settle the interests of all subjects of control and management in ports in order to create a level playing field for each participant.

Key words: sea ports, local governments, business entities, privatization, land use, management system, the port authority, functions.

Formulation of the problem. Strategy of development of sea ports of Ukraine till 2038 among the areas defined direction of improvement of ports and restructuring their property complex toward privatization. The strategy adopted to attract private investors for the long term, the creation of clusters in the port sector of cargo handling ... [1]. Surely it requires port authorities a large number of diverse activities and most importantly - encourage private investment to expand areas, approach channels, construction of berths and port infrastructure, as stiff competition exposes them to the risk of crowding out competitors.

Seaports in the person of representatives of administrations interact with local authorities on social issues. It is likely that the level of competitiveness of business entities (including ports) affects not only the financial capacity, but also the social

environment, which is formed by the use of labor (HR) reserve city (region).

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Ukraine prepares many experts with the necessary education and qualifications and the necessary level of knowledge and business skills, as evidenced by the excess of proposals over the needs of the labor market. That is a favorable social environment is a factor increasing the efficiency of seaports of Ukraine. In light of the improvement of the mechanism of interaction between sea ports with local authorities on the subject of improving the social role of the port would be appropriate to include in the Board of Directors of the Public Administration seaport representatives of local government and regional administration, because the relationship with the local authorities could be useful in terms of improve relations between public authorities, officials involved in the political and economic life of the region and the ports, thereby contributing to the solution of social issues in the region and in ports in particular, and thereby allowing focus on the competitiveness of port business and steady growth of traffic, without being distracted by social policy.

Analysis of recent research and publications. The actual trend is currently reorganizing port administrations of public enterprises wholly owned by the government, the company, which involved regional, local authorities, private investors. The said subjects studied C. Belous, S. Gorchakov, L. Davydenko and O. Zima, A. Klepikov, V.V. Lebedev, O. Losevska, M. Melnikov, O. Naumov, A. Nitsevyeh, V. Razvadovskyy, Y. Sergeev, V. Stetsyuk and others. However, most of the questions this topic still debatable.

The purpose of the article. The most progressive in the relationship between the state and private investors recognized as enshrined in the law of the sea ports of Ukraine principle of separation of commercial functions of control and economic activity from the disposal of assets and their distribution between the public and private sector. This law ignores issues include local authorities to the management port, and however they need to meet the needs of the region (city) location of the port, providing employment, the formation of the local budget, facilitating the implementation of social projects. The powers of the executive bodies of local self-government include monitoring for enterprises, institutions and organizations located

in their territory, monitoring the activities of utility companies and the use of profits, hearing reports on the work of their managers, monitoring the operation and organization of public service enterprises Housing utilities, trade, catering, transport and communications.

The purpose of this article is to study the degree of consideration of the interests of local communities and local authorities in shaping management port on the basis of the Law of Ukraine "On Sea Ports of Ukraine" and making some proposals on this issue.

Presenting main material. Law of Ukraine on seaports legalized restructuring processes seaports, though they began long before its adoption. In particular, the activities launched non-state actors engaged in port activity, though not called ports. These include JSC "Sea specialized port Nika Terra" [2], located in. Nicholas, which was built entirely by the investor (he has his own pilot service necessary water area for maneuvering ships and special inspection of maritime safety and fire safety) , LLC "Port" Ochakov "[3], LLC" port water area "in the occupied territories in now. Sevastopol and others.

So, in this regard, firstly, it was necessary to introduce a list of port areas (electronic database of accounting seaports). Article 6 of the Law of Ukraine "On Sea Ports of Ukraine" from 17.05.2012. Provides for the establishment of the Register of sea ports to provide the data needed to perform tasks in the field of maritime safety, environmental protection, and to state supervision (control). Business Register seaports of Ukraine carried out in the manner determined by the Cabinet of Ministers of Ukraine [4].

Secondly, consideration seaport as somehow organized port area requires an appropriate legal settlement related to land use, especially trafficking non-agricultural land (including regulations under the Law of Ukraine on September 6, 2012 "On Amendments to Certain legislative acts of Ukraine on the delimitation of state and municipal property "[5], the Law of Ukraine dated 09.18.12." On Amendments to the Law of Ukraine "On Banks and Banking" on state land bank "[6], the draft Law of Ukraine 07.12.2011. "On Land Market" [7]), and port relationships with the executive

authorities and local self-government - towards the settlement of land acquisition and change the purpose of land with only exercise these authorities in coordination with the Ministry of Infrastructure of Ukraine .

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In different countries the issue was solved in different ways, such as Rotterdam port belongs to the local authorities. This means that the city is also the owner of the land on which the port [8]. Port controls all the affairs of government Council. It consists of: Chairman, CEO, Director for shipping (on transportation) and many industry leaders. On behalf of the city government is caring for the port, manages and develops another activity that brings good income city - surrender of land to port (short, long and very long). That port administrative services form an integral part of the budget of the municipality.

In Ukraine seaport management system, the structure of its bodies and their powers defined by law and the central body of the industry and it is an inalienable right of States to self-determination, but we seek harmonious coexistence of all members of the international community and should therefore take into account their recommendations and best practices . Intergovernmental Authority UNCTAD (United Nations Conference on Trade and Development) identified certain organizational elements that are administered by local port administration, namely [9]: the choice of organizational structure, development and implementation of administrative procedures, cost analysis and control budgets, structuring tariff documentation of border and customs procedures, telecommunications and data processing, collection, analysis and use of best management practices, staffing (personnel selection procedures, training programs), marketing and public relations. All these issues could be effectively solve with the help of local authorities and communities.

As we have already noted, the government should ensure the implementation of international conventions in all its open ports regardless of the form in which property they are because the Law on seaports introduced electronic database of accounting seaports [4].

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"expected settlement of the current system of regulatory framework through full installation ports landed, when not only transaction terminals, but also a large number of non-specialized port services will be given in the contracts to the private sector, leaving administration port only functions of supervision [10].

The adopted law on seaports would enter the general principle on the issues of ownership of land and waters within the port, which can not be given to the ownership of private entities (with the administrations in the ports should be the exclusive right to use), but art. 24 of the Law stipulates that land within the territory of seaports may be in the state, communal and private property, and only land on which there are strategic objects of infrastructure, and land which provide administration activities seaports of Ukraine is not be privatized and / or alienated in any way.

Consider this question in more detail in terms of hotel land in communal ownership. In our view, the lack of adopted law on seaports should be called the absence of its provisions norms relating to consideration of the interests of local communities and local authorities in determining the number, size, location and boundaries of the seaport (city, district, regional, etc. - depending on the submission territory of the Seaport).

In this context of interest to us is, first, land use, and secondly, the fact that the port is usually one of the main employers and taxpayers, regardless of the size of the port. At the same time, according to the law on ports, seaport area defines and changes the Cabinet of Ministers of Ukraine (Art. 8 of the Act) - without the participation of local communities.

Conclusions. Thus, despite the adoption of the most important branch of the Law of Ukraine "On Sea Ports of Ukraine," the situation of land use and while taking into account the specific interests of communities requires further regulation of the rights of all stakeholders.

Maybe they can provide by including port corporation board members of city government, or through making the city an agreement on cooperation and coordination of port. Confirmation practical role of the proposal are the processes that are currently taking place in Illichivsk sea port, where according to the law on seaports Council was

established seaport performing coordination activities between entities whose work is connected with the Sea Commercial Port. The functions of the particular concerns and develop proposals for the development of engineering infrastructure in the region. Members of the Council are: chief port, the port captain, representatives of stevedoring companies that handle cargo at the port, sharing the representatives of the City Council and Odessa Regional State Administration, heads of trade unions.

Considering the above, we also offer to amend the claim. 2 of Article 8 "Scope seaport" Law of Ukraine "On Sea Ports of Ukraine" and put the said paragraph by the following: "The limits of the territory Seaport defines and changes the Cabinet of Ministers of Ukraine by prior agreement with the authorities local government, based on the provisions of the Land Code of Ukraine"

As for the water area of ports, then we believe it should be transferred to the control of local governments, it would more quickly and efficiently provide its technical updating (including through the port charges) and more democratically manage it, and most importantly, would remove the conflict with the Constitution, according to which bodies of water are the property of all the people of Ukraine, not public property.

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