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# RECENT DEVELOPMENT OF CROSS-BORDER COOPERATION BETWEEN POLAND AND UKRAINE IN THE SOCIO-ECONOMIC SCOPE

# OBECNY ROZWÓJ WSPÓŁPRACY TRANSGRANICZNEJ MIĘDZY POLSKĄ A UKRAINĄ W ZAKRESIE SPOŁECZNO-GOSPODARCZYM

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#### Abstract:

This paper presents an overview of the recent development in cross-border cooperation between Ukraine and Poland in the socio-economic scope and policy issues relating to cross-border regions. The authors focus on the evolution of the framework concerning the formation of Euroregions with particular reference to the issues connected to cross-border projects in such regions. In addition, the recommendations are proposed in order to identify some directions for future actions to be taken to promote the innovative development of such cooperation between Ukraine and Poland, taking into account the economic and political peculiarities of both countries.

**Keywords:** witness, witness recall, interview, scripts, misinformation, questions

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#### Streszczenie:

W niniejszym artykule przedstawiono przegląd obecnego rozwoju współpracy transgranicznej między Ukrainą a Polską w zakresie społeczno-ekonomicznym i zagadnień politycznych dotyczących regionów transgranicznych. Autorzy koncentrują się na ewolucji ram dotyczących tworzenia euroregionów, ze szczególnym uwzględnieniem zagadnień związanych z projektami transgranicznymi w tych regionach. Ponadto zaproponowano zalecenia w celu określenia kierunków przyszłych działań, które należy podjąć w celu promowania innowacyjnego rozwoju współpracy między Ukrainą a Polską, z uwzględnieniem specyfiki gospodarczej i politycznej tych państw.

**Słowa kluczowe:** współpraca transgraniczna, Euroregion, klastry transgraniczne, projekty transgraniczne, transfer technologii, transgraniczne struktury innowacji

# Statement of the problem in general outlook and its connection with important scientific and practical tasks

According to the Europe 2020 Strategy, which sets out a vision of Europe's social market economy for the 21st century, Europe needs more cooperation in order to ensure smart, sustainable and inclusive growth and overcome global challenges.

In the meantime, recent challenges, such as globalization, development of international trade, global environmental and economic problems, labor and intellectual migration, etc., necessitate the development of cross-border cooperation and use its innovative forms.

According to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities, transfrontier co-operation means "any concerted action designed to reinforce and foster neighborly relations between territorial communities or authorities within the jurisdiction of two or more Contracting Parties and the conclusion of any agreement and arrangement necessary for this purpose (art.2).

The main purpose of cross-border cooperation is to work together on issues of social and economic policy, culture, science and education, environmental protection; overcome inter-state borders, considering the general principles of European spatial planning (The Charter of European Planning 1983). Accordingly, the cross-border regions are "intermediaries in inter-state cooperation, cross-border exchange of information, innovations and socio-cultural values" (Bacsi Z., 2006).

The representatives of the Association of European Border Regions (AEBR) consider that cross-border cooperation provides so-called added value to the development of

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communities and regions, based on past experience of people living together in neighboring border regions, and thereby want to cooperate and make a valuable contribution to the promotion of peace, freedom, security and the observance of human rights (Contribution of Cross-Border Co-Operation to Implementing the Lisbon Strategy 2005). According to the State Strategy for Regional Development for the Period up to 2020, approved by the Cabinet of Ministers of Ukraine on August 6, 2014, the development of cross-border cooperation is regarded as one of the priority tasks for the implementation of Ukrainian state regional policy. Over the last 10 years, significant attention and political support for the development of cross-border cooperation have been provided in Ukraine, the legal framework for such cooperation has been developed, and legal mechanisms for the preparation and implementation of cross-border cooperation projects with the EU Member States have been established. During this period, three State Programs for the Development of Cross-border Cooperation were adopted - for 2007-2010, 2011-2015, and 2016-2020.

It should be noted that Poland is a strategic economic and political partner for Ukraine, taking into account the Polish wide and positive experience of cross-border cooperation. In order to organize such cooperation properly, the common experience of the EU Member States, as well as relevant methodological recommendations for its development has been applied in Poland (Practical Guide to Cross-border Cooperation 2000). In addition, Poland became a part of the European conventions on regional development and cross-border cooperation; harmonized relevant legislation; formed Euroregions along the perimeter of its borders (main structures) (Mikula N., at al. 2014), established associations of border areas and a network of regional development agencies. More than 400 regulatory documents were signed between Ukraine and Poland, 143 of them are valid international agreements and agreements on cooperation between these countries in various areas. The number of agreements on interregional cooperation, signed at regional and local levels between Ukraine and Poland, is about 450. According to the results of the questionnaire within the framework of the annual scientific and analytical report "Development of Cross-border Cooperation", the development of cross-border cooperation in the Ukrainian-Polish cross-border region were evaluated for 3 points out of 5 (27.3% of respondents). The interviewed experts highlight such obstacles that impede the development of cooperation in the Ukrainian-Polish cross-border region, as an unstable political situation (17.14%), inadequate financial support for the development of cross-border interaction (14.29%), frequent

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change of the heads of local authorities (regional, district, etc.) (12.38%), centralization of decision-making, the inconsistency of legislation, organizational obstacles (permits, etc.) (11.43%) (The Development of the Cross-Border Method: scientific-analytical Report 2016).

Moreover, the role of cross-border innovation structures (industrial, transport and logistics parks, etc.), cross-border clusters, and Euroregions is insignificant and should be enhanced in order to increase investment for the development of relevant territories and improve using of the border areas' potential.

Therefore, it remains relevant to identify the recent developments of cross-border cooperation between Ukraine and Poland in the socio-economic scope.

# Analysis of latest research where the solution of the problem was initiated

It should be noted that the issues of cross-border cooperation have been discussed in the economic scientific literature. In particular, the cross-border cooperation as one of the priority areas of the state integration strategy, the theoretical and methodological principles of cross-border cooperation between the regions were studied by N. A. Mikula and V. V. Zasadko.

The concepts of cross-border clusters are discussed in scientific papers by M. Diez (Diez, M., 2000), P. Zashev, Ceglie G., Dini M. Supporting the European experience, the idea of creating cross-border clusters was developed by the Ukrainian researchers S. Sokolenko (Sokolenko, S. 2008), N. Vnukova (Vnukova, N. 2008), O. Amosha (Amosha, O., 2008). The legal and methodological principles of cross-border cooperation of Ukraine were investigated by I. Artyomov, G. Dinis, S. Pyasetska-Ustych (Cross-border cooperation of Ukraine: state, problems, prospects, 2012).

Cross-border cooperation development in the terms of the European Neighborhood and Partnership Instrument was the matter of investigation of such Ukrainian scientists as N. Hnydiuk, N. Andrusevych, O. Ovchar, V. Kryvtsova, N. Kaduk and others. The problems and prospects of developing the Cross-Border Cooperation Program "Poland-Belarus-Ukraine" within the European Neighborhood and Partnership Instrument were highlighted by Ye. Erfan, O. Hleba (Erfan Ye., Hleba O., 2015).

The analysis of scientific researches in this field allows to point out the following tendency: Ukrainian scientists are mostly focused on the analysis of political initiatives (V. Borshchevskyi) (Borshchevskyi V., 2009), the process of formation of institutions, forms of cross-border cooperation (V. Zasadko, N. Mikula, O. Ishchenko, Y. Kish (Kish Y., 2008), H. Shcherba (Shcherba H., 2009)), scientists from other countries

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have investigated the administrative and regulatory influence of cross-border cooperation (E. Medeiros) the evolution of cross-border cooperation at the EU's external borders (J. Blatter (Blatter J., 1996), G. Capannelli, C. Filippini (Capannelli G., Filippini C., 2009), M. Perkmann (Perkmann M., 2007)), effects of cross-border cooperation on economic relations in the region (A. Niebuhr (Niebuhr A., 2005), D. Smallbone, M. Xheneti (Smallbone D., Xheneti M., 2008)). However, the issues of cross-border cooperation between Ukraine and Poland in the current socio-economic situation are needed to be investigated further.

K. Kutsab-Bonk (Kutsab-Bonk K.., 2016, p. 21) supposes that nowadays there is a post-industrial stage of world development, forming of "knowledge economy" basis. This stage is characterized by the convergence of different political, economic systems, both globally and within particular cross-border regions. To stimulate innovative economic development, effective interactions between local authorities, regional state authorities, business entities, and organizations are needed, in particular Euroregions.

# Aims of paper. Methods

This paper is aimed to highlight recent trends and challenges concerning cross-border cooperation between Ukraine and Poland in the socio-economic scope and to propose a view to encouraging its further development.

Numerous scientific methods have been used in a research paper, namely: analysis and synthesis method concerning the analysis of regulatory legal background in the field of cross-border cooperation; comparative law method in research of organizing cross-border cooperation in the Republic of Poland, Ukraine and Belarus; the formal logics and prognostic methods - for theoretical generalization and development of proposals on improvement of relevant adjusting of cross-border cooperation; abstract-logical method - for theoretical generalization and formulation of conclusions.

# Exposition of main material of research with complete substantiation of obtained scientific results. Discussion.

The Euroregion, as a model of border relations, is a zone of cross-border cooperation regarding economic, social, cultural matters, tourism, environmental protection and development of good-neighborhood, protection of cultural heritage, development of trade exchange and other areas. In Central Europe, the Euroregions are functioning as an institutional base for the integration of EU Member States, primarily, in the political and legal scope. Thus, in Polish practice of Euro regional cooperation, two models of

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interaction between regional authorities and local authorities have been used in the process of formation:

- formation of Gmina target union, which is registered in Polish court according to the Law on union formation, and then signing the agreement on understanding and formation of a Euro regional structure with a similar union of foreign partners' administrative entities (Euroregions "NISA", "SPREE-NEISSE-BOBER", "PRO EUROPA VIADRINA" at Polish-German and Czech Borders), or
- formation of a cross-border international union with a single constitutional document for the parties with the involvement of central authorities ("CARPATHIAN EURO-REGION" (Mikula N., et al., p.p. 47,48).

There are two Euroregions on the Poland-Ukraine's border: the Euroregion "BUG" (encompasses cross-border areas of Ukraine, Poland, Belarus and aimed to develop cooperation in the field of transport, regional development, communication, delivery of energy and water, nature protection, industry, trade, agriculture, education, science research, healthcare, culture, art, tourism, recreation, etc.) and the "CARPATHIAN EUROREGION" (international association formed in on February 14, 1993, in the city of Debrecen (Hungary) by the representatives of the regional administrations of Poland, Ukraine, Slovakia, Hungary (in 2000 the request from regional administrations of Romania to join the Euroregion was accepted).

The Euroregion "BUG" was the second Euroregion founded in Ukraine and the sixth one founded in Poland (1995), its main purpose is to enhance the development of socio-economic, scientific, technical, environmental, cultural, and other relationships between its participants.

The priorities of the "BUG" Euroregion's development strategy are:

- border building and border infrastructure development;
- reconstruction of existing roads and construction of new roads; construction of related objects of transport infrastructure;
- implementation of environmental measures in the border areas;
- realizing of socially oriented activities aimed at securing the rights and interests of most vulnerable groups of the population;
- creating a database to disseminate diverse information about the region;
- formation of a favorable business environment through the broadening of specialized institutions' networks.

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The most significant projects implemented in the Euroregion "Bug" are the following projects: "Modernization of the International Car Crossing Checkpoint "Yagodin - Dorogusk "(2000-2002)," Ukrainian-Polish Cross-border Agency - Together Towards the Future "(2004-2005), "Border Management" (2005-2007), "Ukrainian-Polish Strategy for Cross-Border Cooperation: A New Level of Neighborhood Relations" (2007-2008), "Development of Cooperation between Volyn and Lublin Regions in the field of Business Support" (2008-2009), as well as the establishment of the International Institute of Social Geography and Management, which was later transformed into the Faculty of International Relations of Lesya' Ukrainka Volyn State University; the foundation of the Ukrainian-Polish universities' collegium; implementation of the procedure of joint customs and border control at the international automobile checkpoint "Ustilug - Zosin";.

In addition, the project "Strengthening Cross-border Cooperation in the Field of Providing Business Services and Facilitating Access for Entrepreneurs" should be mentioned, within which the following micro-projects were implemented: "Creating a Ukrainian-Polish Virtual Exchange of Innovative Projects and Proposals", "Developing Eco-tourism and Forming a Positive Tourist Image of the Border Region" and "Improvement of the Investment Climate in the Border Regions".

Today, the implementation of the Draft Cross-Border Cooperation Strategy of Lublin Voivodeship, Volyn, Lviv and Brest Regions for 2014-2020 continues, aimed at changing the functional features of the border, developing economic, environmental, socio-demographic, scientific, infrastructural and tourist scopes. For this, an initiative group has started to work in Lutsk and Lublin in order to set up a deputy council with representatives from the Volyn region (Ukraine), Lublin Voivodeship (Poland), and Brest Region (Belarus) within the framework of the Euroregion "BUG". The idea of such a form of cooperation between the deputies from three states is considered quite relevant today, especially in regard to Poland's accession to the EU and the intentions of Ukraine to European integration [30].

According to Art. 3 of the Charter of the Carpathian Euroregion International Association its main goal and objectives are:

- organizing and coordinating activities that promote economic, scientific, environmental, cultural and educational cooperation between its members;
- assisting in the development of specific projects on cross-border cooperation between members of the Association in the scope of mutual interests;

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- facilitating the development of contacts among the population of the territories that are members of the association, in particular among specialists of different industries;
- promotion of good neighborly relations between members of the Association;
- identifying potential areas for multilateral cross-border cooperation among Association members;
- mediating and ensuring the cooperation of members of the Association with international organizations and institutions.

As some experts emphasize (Sokolenko S., 2008), the development of cluster systems in Ukraine is insufficient, although the creation of cross-border clusters could help to intensify the exchange of resources and technologies, the transfer of technological and management decisions, to form a single innovation and information space and, thus, to enhance regional competitiveness.

Cross-border clusters are based on the cooperation of independent companies and institutions that are geographically concentrated in one cross-border region, specialize in different fields, but are related to common technologies and complement each other. Unlike transboundary industrial, technological, and scientific parks, they are formed on the basis of already established transboundary relationships and their activities are based on mutually beneficial cooperation between economic entities, authorities, non-profit and public organizations of these territories.

A noteworthy example here may be the "Cross-Border Innovation Cluster", created according to an agreement between the Chamber of Commerce of Poland (Poland) and Lesya' Ukrainka Eastern European National University (Ukraine). This Cluster fulfills its goals by creating a space for the development of new innovative products and services; commercialization of scientific centers' potential; conducting scientific research; organizing training, workshops, seminars, and conferences on topics related to innovation development, as well as conducting economic activities; establishing and maintaining a system of information and exchange by experience, forming scientific and business contacts, etc [31]. Another cross-border cluster "Infostat-Ukraine-Poland" monitors the needs and issues for the development of such cooperation in specific border territories in order to successfully reform the economy and improve the citizens' well-being.

There are also cluster initiatives in the "CARPATHIAN EUROREGION" involving western regions of Ukraine, most of which operate in the tourism sector ("OBERIG" rural tourism cluster, "KAMYANETS" tourist cluster, and "ECOTUR" cluster). Partially cooperation between Ukraine and Poland has been carried out in the construction

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cluster within the Project "Implementation of Polish Innovations Based on the Construction Cluster" supported by the Polish-American-Ukrainian Cooperation Initiative (PAUCI). One more successful example of the implementation of the cluster model of Ukraine-Poland cooperation is the creation and development of an aviation industry cluster "Avia Dolina", funded under the Neighborhood Program Poland - Belarus - Ukraine Interreg IIIA / Tacis CBC 2004-2006.

The cooperation in the border territories of three countries initiated by the mentioned program was extended by the Poland-Belarus-Ukraine Cross-border Cooperation Program for 2007-2013, within which 117 contracts on project co-financing were signed. However, it should be noted, that the Ukrainian side has shown less activity in tripartite cross-border projects. In particular, the Polish side was responsible for the implementation of 8 Polish-Belarusian-Ukrainian projects, Belarus – for 5 ones; and only 1 of them was the responsibility of the Ukrainian side.

A positive result of the Program is the creation of the first transboundary biosphere reserve "Western Polesie" in 2012, which is a unique element of the system of transboundary territories under protection at the Polish-Belarusian-Ukrainian border in terms of regional planning and regional eco-balancing policy.

Subsequently, the cooperation between Poland, Belarus, and Ukraine within the Program has been extended for the period 2014-2020. The European Commission has proposed to allocate almost 176 million EUR for this new Program, and the Ministry of Infrastructure and Development of Poland fulfills the functions of the Managing Authority of the Program.

Currently within the Poland-Belarus-Ukraine Cross-border Cooperation Program 2014-2020, with the financial support of the European Union, the Carpathian region implements such projects as:

- "Cross-border Pilgrimage Route as a Tool for Promotion of Common Historical and Cultural Heritage in the Ukrainian-Polish Border", aimed to "increase the tourist attractiveness of the border regions by creating and promoting new tourist products based on the historical and cultural heritage, preservation of historical and cultural heritage objects of the Ukrainian-Polish border and increasing their accessibility, creating preconditions for raising awareness of local leaders and authorities in the field of conservation and promotion of historical and cultural heritage";
- "Joint protection of people and the environment through the creation of a Ukrainian-Polish system for prevention and reaction to disasters in the "CARPATHIAN EURO-REGION", which aims to increase the level of security in the Carpathian region by

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enhancing the capacity of regional fire and emergency services, reducing the time for disaster reaction in the mountainous area;

- "Panther - Transport in Przemysl and Nizhankovych Areas for Cooperation", aimed at creating preconditions for the economic, social, and cultural development of the Ukrainian-Polish border by improving communication links between Przemysl County and Stary Sambir Region.

Industrial parks, technoparks are an effective means of revitalizing economically undeveloped territories, and an experimental method of stimulating high-tech industries. In Poland, the industrial and technological parks were created with the involvement of private capital, primarily, in the field of research activities related to the production of high-tech goods. Instead, in regards of cross-border regions, formed at EU external borders, the priority is given to investments in the production of consumer goods, which contributes to lower unemployment, reduced labor migration, the economic recovery of depressed areas (Poland's GDP growth is 50% (Benovska L.,, 2014) and facilitate to organize the economic, ecological and aesthetic structure of the settlements, removing the industrial production from the cities.

In addition, the industrial parks, as some experts emphasize, contribute to attracting foreign investors to the economy of the country subsidizing investment activity, reducing the real costs of business.

In this aspect, the positive and successful experience of Poland, with numerous industrial and technoparks, free economic zones (their total area is approximately 16.2 thousand hectares) is highly important for Ukraine. The contribution of Polish Special Economic Zones, where their industrial parks are located, to the economy of the country, is extremely significant - more than 100 billion zlotys (about 25 billion euros) of investments, 300 thousand modern jobs, and another indirect positive influence on the economy. Despite EU requirements, Poland continued SEZs' functioning until 2026. An important area of cooperation between Ukraine and Poland in the socio-economic scope is the transfer of technology. Taking advantage of the EU's capabilities, Poland has been able to improve significantly its scientific and technical base and to use its considerable capacity to create joint projects involving Ukrainian innovation entities, including the scope of the transfer of technology.

What is actually meant by the term "technology"? The United Nations Conference on Trade and Development (UNCTAD) Draft International Code on the Transfer of Technology defines "technology" as "systematic knowledge for the manufacture of a product, for the application of a processor for the rendering of a service" (United Nations

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Conference on Trade and Development. Transfer of technology 2001, p. 5), while "technology transfer" is the process by which commercial technology is disseminated (United Nations Conference on Trade and Development. Transfer of technology, p. 6). A number of bilateral documents have been signed to facilitate cooperation in the field of technology transfer. To exemplify, the Agreement between the Government of Ukraine and the Government of the Republic of Poland on cooperation in the field of culture, science, and education (date of entry into force 22.11.1999) countries agreed on cooperation in the field of science and education, providing comprehensive support for enhancing cooperation between academies, research institutions, higher education institutions, scientists, creating the necessary conditions for scientific cooperation.

The Agreement between the Government of Ukraine and the Government of the Republic of Poland on Cooperation in the Field of Science and Technology (date of entry into force is 12.01.1993) stipulates the arrangements for cooperation strengthening and development between two countries in science and technology by means of implementation of joint research and research-design projects development, disseminating their results, academic and staff mobility; exchange of scientific, scientific-technical information and documentation; joint using of research instruments and scientific equipment; creation of joint scientific-technical centers and creative teams (Article 2). To implement this Treaty, a Joint Commission on Cooperation in Science and Technology is to be established. Technology transfer between Polish and Ukrainian partners has numerous advantages, including better opportunities to pursue innovation abroad, proximity to European sales markets, improvement of life quality, etc.

A successful example of technology transfer is the cooperation of the State Concern "Ukroboronprom" with MESKO S.A., a member of the Polish Defense Holding. Due to this cooperation, Polish partners supply some of the rocket propulsion components manufactured by "Ukroboronprom". Special attention is given to the issues of scientific and technical cooperation on the creation of prospective explosive mixtures aimed at the production of high-power combat explosives. The Ukrainian and Polish sides have agreed to work together on the creation of new powder formulations, using modern technologies that are qualitatively different from the Soviet standards. This will face the needs of the Ukrainian army and become more competitive in the international market [32].

The treaties between Ukraine and Poland in the fields of science, education, and technology provide opportunities for the wide use of partnership and cooperation mechanisms between these countries. These documents are also in full compliance with the

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obligations of Ukraine as defined in the Association Agreement Between the European Union and its Member States, of the one Part, and Ukraine, of the Other Part. Article 159 "Transfer of Technology" of the Agreement provides the terms to exchange views and information on domestic and international practices and policies affecting the transfer of technology, in particular, including measures to facilitate information flows, business partnerships, and licensing and subcontracting deals on a voluntary basis. It is emphasized that particular attention should be paid to the conditions necessary to create an adequate enabling environment for technology transfer in the host countries, including issues such as relevant legal framework and development of human capital. In Ukraine, at the national level, the technology transfer is ensured by legislation on the acquisition and protection of intellectual property rights, innovation activities. The basic law is the Law of Ukraine "On State Regulation of Technology Transfer Activities", which defines legal, economic, organizational, and financial principles of state regulation of technology transfer activities. According to the Law mentioned, proprietary rights to technologies created using budgetary funds may be transferred for use in the territory of foreign states in the manner prescribed by this Law. Such procedure prescribes adjusting of the transfer with an authorized body and registration of technologies created or acquired using budgetary funds, which are to be transferred to legal entities registered in other countries, or to natural persons - foreigners or stateless persons (Article 15 of the Law). Similarly, the importation into Ukraine of technologies, the acquisition of which is provided for budgetary funds, requires adjustment with the authorized body based on the expert opinion (Article 17 of the Law). Article 21 of the Law also prescribes some restrictions for entering into technology transfer agreements. In 2019, Technology and Innovation Support Centers started to be established in Ukraine in order to provide access to Ukrainian and international inventions databases and to support patenting inventions. Such centers are being established on higher education institutions' basis, as well as in scientific institutions or enterprises. Centers should provide their services free of charge.

The Law of Ukraine "On Higher Education" provides for higher education institutions the right to dispose of intellectual property rights, to realize transfer (Article 69).

However, the Law above-mentioned is insufficient in order to intensify technology transfer beyond Ukraine and expand Ukraine-Poland cooperation in this scope. The proper conditions should be provided by the state in order to enhance the interest of intellectual property creators, owners, technology producers in technology transfer in the legal area. Tax incentives should be one of the means for effective stimulating. In

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European countries, tax incentives are applied to income gained from the use of intellectual property. In Poland, the tax rate from such an income is 5%. This income includes both the revenue gained as royalties and other income from the sale of these rights. It is possible to diminish the tax base by expenses on the creation and development of intellectual property scope. Such privilege may be used by the subject in case of systematic creation, use of intellectual objects.

# **Conclusions**

Based on the analysis of various aspects of cross-border cooperation between Ukraine and Poland in socio-economic scope, the following proposals could be considered to promote innovative development of such cooperation:

- drafting of a Strategy for the Development of Cross-border Cooperation, which should ensure sustainable socio-economic development of the regions, taking into account their peculiarities;
- approximation of border states' legislation in regards to organization and implementation of cross-border cooperation in terms of improving coordination of such cooperation by central and local authorities and defining institutional forms of cooperation;
- development of statistical indicators' system, formation and maintenance of up-todate databases (e.g. information portal) on the development of cross-border cooperation, in order to evaluate the effectiveness of cross-border cooperation projects and to raise awareness of all their participants;
- effective networking of intellectual product developers, producers and investors, eliminating barriers to starting and fulfilling innovation activities, developing contractual relationships in technology transfer, creating joint ventures with the rights to the technology in their capital;
- providing joint activities for specialists' training in innovation management, intellectual property evaluation, marketing, legal protection, technology transfer, and business planning.

Summing up, the main recommendations tend to suggest a future development of cooperation between Ukraine and Poland towards further using by States relevant and effective models, methods and instruments of cross-border cooperation could significantly accelerate the achievement of positive results, implement states' regional policy, taking into account their economic, legal and political peculiarities.

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# References:

- AMOSHA O., (2008). Perspektyvy formuvannia transkordonnykh yevrorehionalnykh innovatsiinykh system i nanotekhnolohichnykh klasteriv / O.I. Amosha, V.I. Liashenko. [Prospects for the formation of cross-border Euroregional innovation systems and nanotechnology clusters]. Socio-economic problems of the modern period of Ukraine. Clusters and competitiveness of border regions: Scient. coll. etc. V. 3 (71). Lviv: National Academy of Sciences of Ukraine, Inst. Region. research. P.159–177. [In Ukrainian].
- BACSI Z., (2006). The Role of Cross-Border Cooperation in Rural Development a New European Perspective / Z. Bacsi, E. Kovács. Journal of Central European Agriculture. Vol. 7, № 3, pp. 485–488.
- BENOVSKA L.Y., (2014). Industrialni parky yak instrument rozvytku rehionalnoi ekonomiky: teoretychni aspekty. Sotsialno-ekonomichni problemy suchasnoho periodu Ukrainy. [Industrial Parks as a Tool for Regional Economic Development: Theoretical Aspects. Socio-Economic Problems of the Modern Period of Ukraine.] Vol. 3(107). Retrieved from: http://ird.gov.ua/sep/sep20143(107)/sep20143(107)\_509\_BenovskaLY.pdf.
- BLATTER J., (1996). Political Co-operation in Cross-border Regions: Two Explanatory Approaches. Retrieved from: http://www-sre.wu.ac.at/ersa/ersaconfs/ersa96/SES-SION.H/h147.pdf.
- 5. BORSHCHEVSKYI V.V., (2009). *Ukraina i Polshcha v ramkakh rozshyrenoho YeS: ekonomichna optymizatsiia ta hlobalne partnerstvo* [Ukraine and Poland within the Enlarged EU: Economic Optimization and Global Partnership]: Monograph. Lviv: Avers, 244.
- CAPANNELLI G., FILIPPINI C., (2009). East Asian and European Economic Integration: A Comparative Analysis. Working Paper Series on Regional Economic Integration. Retrieved from: http://aric.adb.org/pdf/workingpaper/WP29\_East\_Asian\_and\_European\_Economic\_Integration.pdf.
- 7. ERFAN Y.A., HLEBA O.I., (2015). Realizatsiia Prohramy transkordonnoho spivrobitnytstva Yevropeiskoho instrumentu susidstva ta partnerstva «Polshcha-Bilorus-Ukraina» yak chynnyk yevropeiskoi intehratsii Ukrainy. (2015). [Implementation of the Cross-Border Cooperation Programme "Poland-Belarus-Ukraine" of the European Neighborhood and Partnership Instrument as a factor of European integration of Ukraine]. Scientific Bulletin of Uzhhorod University. Issue 1 (45). T.3. P.68-72. [In Ukrainian].
- 8. Transkordonne spivrobitnytstvo Ukrainy: stan, problemy, perspektyvy (2012). [Cross-border cooperation of Ukraine: state, problems, prospects]. Monograph / ed. I.B. Artyomov. Uzhhorod. p. 520. [In Ukrainian].
- 9. KISH. Y.B., (2008). Tsentralna Yevropa v suchasnii systemi yevrorehionalnoi intehratsii [Central Europe in the Modern System of Euroregional Integration]: Uzhgorod: Lyra, 440.

ISSN 2543-7097 / E-ISSN 2544-9478

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- 10. KUTSAB-BONK K.K., (2016). Innovatsiini vazheli stymuliuvannia transkordonnoi konverhentsii mizh Ukrainoiu ta YeS. Innovatsiina ekonomika [Innovative Levers for Stimulating Cross-Border Convergence Between Ukraine and the EU], Innovative Economy, №7-8(64), 18-22. [In Ukrainian].
- 11. MEDEIROS E. Cross-Border Cooperation in EU Regional Policy: a fair deal? Retrieved from: http://ww3.fl.ul.pt/pessoais/Eduardo\_Medeiros/docs/PUB\_PAP\_EM\_CBC\_EU\_Regional\_Policy.pdf.
- 12. NIEBUHR A., (2005). Spatial Effects of European Integration: Do Border Regions Benefit Above Average? HWWA Discussion Paper, № 307. Retrieved from: http:// https://papers.ssrn.com/sol3/papers.cfm?abstract\_id=660022.
- 13. PERKMANN M., (2007). Construction of New Territorial Scales: a Framework and Case Study of the EUREGIO Cross-border Region. Regional Studies, №41(2), 253-266.
- 14. Program sąsiedztwa INTERREG III A / TACIS CBC «Polska Białoruś Ukraina 2004–2006». (2005). Podręcznik wnioskodawcy. Warszawa, 128 p.
- 15. SHCHERBA H.I., (2009). Rozvytok transkordonnoho spivrobitnytstva v ukrainsko-polskykh yevrorehionakh. Visnyk Odeskoho natsionalnoho universytetu [Development of Cross-border Cooperation in Ukrainian-Polish Euroregions], Bulletin of the Odessa National University, Vol. 14, 2, 18-27. [In Ukrainian].
- 16. Rozvytok transkordonnoho spivrobitnytstva: naukovo-analitychna dopovid (2016) [The Development of the Cross-Border Method: Scientific-Analytical Report (2016)] / NAS of Ukraine. State Institution "Institute of Regional Studies named after Dolishnii, M.I., NAS of Ukraine"; Scient. Editor Kravtsiv, V.S. Lviv, 23 ("Problems of Regional Development")
- SMALLBONE D., XHENETI M., (2008). Policy Issues Related to Entrepreneurship Development and Cross Border Cooperation in Case Study Regions. Deliverable 16: CBCED Project, Kingston: SBRC. Retrieved from: http://crossbordercoop.net/Publications/D16\_policies\_governance.pdf.
- 18. SOKOLENKO S.I., (2008). *Problemy i perspektyvy posylennia konkurentospromozhnosti ekonomiky Ukrainy na osnovi klasterov* [Problems and Prospects of Strengthening the Competitiveness of Ukraine's Economy Based on Clusters.]. Ekonomist, №10, pp. 31-35.
- 19. MIKULA N.A., ZASADKO V.V., (2014). *Transkordonne spivrobitnytstvo Ukrainy v konteksti yevrointehratsii* [Cross-border Cooperation of Ukraine in the Context of European Integration/ Mikula N.A. & Zasadko, V.V.]: Monograph (2014), K.: NISD, 316. Retrieved from: http://lv.niss.gov.ua/content/articles/files/Mikyla\_Zasadko\_24\_06-c1513.pdf
- VNUKOVA N., (2008). Stratehiia formuvannia finansovoho klasteru u transkordonnomu rozvytku yevrorehioniv. [Strategy of financial cluster formation in cross-border development of Euroregions]. Socio-economic problems of the modern period of Ukraine. Clusters and competitiveness of border regions: scient. coll. V. 3 (71). Lviv: National Academy of Sciences of Ukraine, Inst. F Region. Research.. P.141–158. [In Ukrainian].

# ISSN 2543-7097 / E-ISSN 2544-9478

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# Sources of law:

- 21. ASSOCIATION AGREEMENT BETWEEN THE EUROPEAN UNION AND THE EUROPEAN ATOMIC ENERGY COMMUNITY AND THEIR MEMBER STATES, OF THE ONE PART, AND UKRAINE, OF THE OTHER PART of 29 May 2014. Official Journal of the European Union, L 161. Retrieved from: https://trade.ec.europa.eu/do-clib/docs/2016/november/tradoc 155103.pdf
- 22. ASSOCIATION OF EUROPEAN BORDER REGIONS. CONTRIBUTION OF CROSS-BORDER CO-OPERATION TO IMPLEMENTING THE LISBON STRATEGY: PRO-CEEDINGS OF THE AEBR ANNUAL CONFERENCE. (2005). 20–21 October, Drama. Euroregion Nestos-Mesta. Final Declaration. Retrieved from: https://www.aebr.eu/files/publications/ResolutionDrama\_ENG.pdf.
- 23. COUNCIL OF EUROPE. EUROPEAN OUTLINE CONVENTION ON TRANSFRONTIER CO-OPERATION BETWEEN TERRITORIAL COMMUNITIES OR AUTHORITIES 21.05.1980. Madrid. Retrieved from: https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/106.
- EUROPEAN COMMISION. (2010). EUROPE 2020 STRATEGY. A STRATEGY FOR SMART, SUSTAINABLE AND INCLUSIVE GROWTH. BRUSSELS. Retrieved from: https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:2020:FIN:EN:PDF.
- EUROPEAN COUNCIL OF SPATIAL PLANNERS. THE CHARTER OF EUROPEAN PLANNING. (1983) Spain.: Retrieved from: http://www.ectp-ceu.eu/in-dex.php/en/publications-8/the-charter-of-european-planning-213.
- UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT. (2001).
   Transfer of technology. UNCTAD Series on issues in international investment agreements.
   New York and Geneva. Retrieved from: https://unctad.org/en/docs/psiteiitd28.en.pdf.

# Sources of internet:

- ASSOCIATION OF EUROPEAN BORDER REGIONS & EUROPEAN COMMISSION. Practical Guide to Cross-border Cooperation. (2000). Retrieved from: http://www.aebr.eu/files/publications/lace\_guide.en.pdf.
- 28. DIEZ M., (2000). The Evaluation of Regional Innovation and Cluster Policies: Looking for New Approaches: proceedings of the EES Conference. Lausanne, 12–14 October. Retrieved from: http://www.urenio.org/e-innovation/stratinc/files/library/2.pdf.
- THE EMBASSY OF UKRAINE IN THE REPUBLIC OF POLAND. Official website. Legal base between Ukraine and Poland. In:http://poland.mfa.gov.ua/ua/ukraine-pl/legal-acts.
- 30. https://www.volyn.com.ua/news/3646-evroregion-bug-stvoryue-sviy-parlament.html
- 31. https://eenu.edu.ua/uk/articles/transkordonniy-klaster-innovaciy-stvoreno
- 32. https://www.ukrinform.ru/rubric-technology/2532788-ukraina-zapustit-serijnoe-proizvod-stvo-boepripasov-po-polskim-tehnologiam.html

ISSN 2543-7097 / E-ISSN 2544-9478

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