

**ЕКОНОМІКА ТА УПРАВЛІННЯ НАЦІОНАЛЬНИМ ГОСПОДАРСТВОМ**

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ОСНОВАХ ИНДУСТРИАЛЬНЫХ ПАРКОВ**

**Urgency of the research.** Current world is actively developing IP industrial parks (hereinafter IP). In foreign legal science main types of existing IP's, are carefully study the themes of organizational and legal framework for the existence of IP.

**Target setting.** Meanwhile, IP's infrequently became the subject of research in Russian science. Researches are "scrappy", and affect local aspects of this problem.

**Actual scientific researches and issues analysis.** Domestic science has no clear picture of IP's legal regulation at the Federal and regional levels, as well as it is "not in touch" with contemporary problems of IP's functioning.

**Uninvestigated parts of general matters defining.** Domestic science has no clear picture of IP's legal regulation at the Federal and regional levels, contemporary problems of functioning of IP.

**The research objective.** Under such circumstances, it is necessary to identify the prerequisites for the creation of IP in a territory characterized by the basic scheme of formation of IP's in the region and their relationship with direct investments. Among the objectives of the analysis of the legal regulation of IP algorithm of their formation and interaction of regional authorities and IP residents.

**The statement of basic materials.** The article identifies preconditions for the formation of the IP. Among them: a substantial degree of activity of the authorities, the high level of innovation and considerable human resources. Preference turns high-tech industries, energy saving technologies, using environmentally friendly processes. Also enjoy priority in production, which has a high level of added value and the most efficient processing.

For example, the Voronezh Oblast examines legal rules governing the formation and operation of PIS. Explores the advantages of placing companies in the IP's territory. Great attention is paid to the essential conditions of the contracts, concluded for the exercises of investment activities. Explores the mechanisms of State support for companies using this institute on the borderline between economy and law. Characterized by legal grounds for termination of State support for resident companies.

**Conclusions.** As a result of previously mentioned benefits of IP's creation and manufacturing in the sphere of industrial production, led in the conclusion of the text to the economic nature of IP's.

**Актуальность темы исследования.** В настоящее время в мире активно развиваются ИП индустриальные парки (далее ИП). В зарубежной науке подробно рассматриваются основные виды существующих ИП, тщательно изучаются организационные и правовые основы существования ИП.

**Анализ последних исследований и публикаций.** Между тем, ИП нечасто становятся предметом изучения в отечественной науке. Исследования носят "лоскутный характер", затрагивают отдельные аспекты данной проблематики.

**Выделение неисследованных частей общей проблемы.** В отечественной науке нет четкой картины правового регулирования ИП на федеральном и региональном уровнях, современных проблем функционирования ИП.

**Постановка задачи.** При таких обстоятельствах необходимо выявить предпосылки создания ИП на какой-либо территории, охарактеризовать основные схемы формирования ИП в регионе и их связь с прямыми инвестициями. В числе задач - анализ правового регулирования ИП, алгоритма их формирования и взаимодействия властей региона и ИП, УК и резидентов.

**Изложение основного материала.** В статье выявляются предпосылки для формирования ИП. В их числе: существенная степень активности властей, высокий уровень инновационной деятельности и значительные трудовые ресурсы. Предпочтение оказывается наукоемким производствам, энергосберегающим технологиям, использованию экологически чистых процессов. Приоритетом также пользуются производства, которые обеспечивают высокий уровень добавленной стоимости и наиболее эффективную переработку сырья. Дается юридически корректное определение ИП. На примере Воронежской области анализируются правовые нормы, регламентирующие формирование и функционирования ИП. Исследуются преимущества размещения компаний в ИП на территории данного региона. Большое внимание уделяется существенным условиям договора на осуществление инвестиционной деятельности. Изучаются механизмы государственной поддержки компаний, использующих данный экономико-правовой институт. Характеризуются юридические основания прекращения господдержки компаний-резидентов ИП. Детально характеризуются механизмы взаимодействия управляющих компаний и резидентов ИП. Подробно описываются последствия неисполнения обязательств управляющими компаниями. Раскрываются основные проблемы в процессе функционирования ИП в регионе.

**Выводы.** В результате выявлены преимущества использования ИП в промышленном производстве, сделан вывод об экономической природе ИП.

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**Keywords:** regional economy; industrial park; Voronezh region; management companies; a resident-company of the IP; state support's mechanisms.

**Ключевые слова:** региональная экономика; индустриальный парк; Воронежская область; управляющие компании; компании-резиденты ИП; механизмы государственной поддержки.

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**Urgency of the research.** The term industrial park (or manufacturing park, or technological cluster, hereafter IP) was widely spread abroad since the 70<sup>th</sup> of the XX century [1; 2]. At first IP's (Industriepark, industrial park, parque industrial, industrial estate, etc.) began to develop in the spheres of car industry and chemical industry, than they appeared in the other spheres of economy. In addition the majority of IP's appeared not by the move of the companies to the new place, but due to the takeover of existing IP's. Serious players of the market usually take stakes only after newly created IP's got on feet [3]. Only subsequently, after acknowledging IP's advantages, regional public authorities began actively facilitate the idea of IP's by attracting large-scale companies.

**Target setting.** New producing units, that are created during realization of the capital investment projects (hereafter CIP) usually are allocated in IP's. As a general rule IP's are developed by a single, unified project. Developed infrastructure networks, including electricity, water supply and water disposal, communication, transportation and so on are created on the territory of the IP. Companies that allocated their producing units on the IP territory share joint infrastructure and obtain services, which are provided by the managing company (hereafter MC). As the result companies may concentrate their attention on the core activities, receiving advantages of business rivals by the economies of scale, during the operation of capital-intensive infrastructure and cost-effectiveness.

In whole IP may be characterized as a territory with a particular legal regime [11]. Status of every IP must be considered separately, as well as legal sources, that create legal framework of the IP's status are usually passed on the level of regions.

IP's that exist throughout the globe substantially may be divided into three operational models [3; 4]:

1) The wider part of IP's have a separate MC, that do not only ensure space for company allocation, but also works with infrastructure as well as provide managing service. Frequently MC's are daughter companies of large-scale power-generated company or is affiliated with it.

2) Separate, in general rather small IP's do not have united MC, but their location provides an opportunity to by all the resources and services by oneself, or from several specialized companies.

3) In some IP's a single artificial person at one time works as MC and as a producer, selling superfluous resources and keeping costs down.

**Actual scientific researches and issues analysis.** It must be said, that IP's not often became the subject of Russian science. Researches have a "patchwork character". Thus V. K. Andreev considers only particularities of business legal structure of resident companies [5]. V. A. Vajpan indicates specifics of small and middle business in IP [6]. S. M. Mirnova studies the influence of the mentioned appearance in the territories of the advance development [8]. N. F. Popova highlights the role of IP in the liquidation of the economical asymmetry in the development of Russian territories [12]. N. N. Tarasov distinguishes them as an instrument for the territory development [13]. As well as M. A. Cyciev lights up a question on preferences, that IP's will receive in the nearest future [14].

**Uninvestigated parts of general matters defining.** Meanwhile complex researches of contemporary problems of IP's creating and functioning don't exist. There are no clear pattern on the legal regulation of IP's on federal and regional levels. Questions of IP's registration procedure and questions of entering into CIP contracts are also don't held in the framework of the research. The question of the essential conditions of CIP contracts was not highlighted also. Examples of support from the state authorities that is provided both for MS's and resident companies were not characterized by the direct way.

**The research objective.** In the mentioned conditions analysis of organizational and legal problems of IP as of the united body looks the most actual way of the research. It is needful to discover precon-

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ditions of the IP creating on some sort of territory, as well as to highlight the legal regulation of creation, registration and implementation of IP's, moreover to mention measures of MC's and resident companies state support, finally procedures of CIP contracts conclusion and termination.

**The statement of basic materials.** Global experience shows that preconditions of IP creation usually include the following: a) attendance of highly qualified labor resources in one step access; b) closeness of market outlets; c) highly developed and diversified transport network; d) sufficient supply by energy and water; e) existence of social infrastructure.

All previously mentioned occur in the Voronezhskaja Oblast (hereafter VO). The region is situated on the borderland of economic interests of Russia, Europe, Asia and Far East. Vast transport network is developed here that's why it is not hard to construct logistical tunnels. In accordance with the statistical data, the region is inhabited by 2333,5 thousand of people (from them 1566,9 live in cities and 766,9 in countryside) [7]. Voronezh region is rich by labor force. Due to the actual legislation, this category includes people, who are engaged in entrepreneurship and business as well as people which can work by labor contracts but not doing that somehow. The concept of labor force may be explained through special methodical regulations. Thus, it includes employable population (women from 16 to 54 years and men from 16 to 59 years), working population, who are out of range of employable population (the elderly and underage) and labor migrants. In our times labor force of the region includes 1,4 billion people. Scientific facilities of the Voronezhskaja Oblast are also significant. There are approximately 40 higher education institutions, where learn 133 thousand students, 22 thousand students learn in more than 50 specialized, technical educational institutions, dozens of research institutions also work in the region.

Implementing economic policy Government of the VO banks on the innovations, effective owners and investors. At the moment the region becomes more and more well looking for investors. In this regard high level of innovation, positive activity of public authorities and rich labor force are available.

Voronezh region is well looking not only for Russian business. In 2016 regions economics received \$600 billion of capital investment. In terms of capital investment volume Voronezhskaja Oblast have taken the 29<sup>th</sup> place among other Russian regions. As is well known direct capital investment are long-lived assets made by artificial person with the aim of receiving of stable income. They may be characterized as having low mobility. Such a type of investment is very attractive. Receiving money for a long period recipient is not risking by assets, in case of untenable development of the situation risks goes to the investor. Direct capital investments are regarded as the best form of assets income. That is simple to explain. Investments are provided with real assets and guarantee large spillover effect (development of the infrastructure, new working places, income of technologies and administrative experience, finally boost of tax income). Due to the statistical data proportion of the direct investments in the region has grown up from 40% in 2013 to 46% in 2016. Government of the VO provides support to the companies, that realize capital investment projects in the region.

Voronezh Oblast creates friendly environment for the investors and guarantees effectiveness of the deposited capitals by the following ways: creating of the contemporary legislative foundations, by creating benefits and trade preferences, contribution in conclusion of CIP contracts and founding of multi-functional centers. That is to say that Voronezh Oblast has all the preconditions for the creation and functioning of IP's.

Development and daily activities of IP's are regulated both by federal and by regional legislation.

Following documents must be mentioned among the list of federal legislation.

Federal Law No. 488-FZ from 31.12.2014 "On the industrial policy in Russia" [9] regulates competence of central government in regard to IP's. In particular the Government constitutes requirements to the IP's, MC's, technological cluster and specialized organizations for the purposes of stimulation (par. 5 art. 6) and circumstances of stimulation implementation (par. 1 art. 19).

Regulation of the RF Government from 30.10.2014 No. 1119 [9] validated the rules on the selection of Russian federative entities, that have the right on the state support in the form of subsidy on the

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reimbursement due to the creation, modernization and/or reconstruction of infrastructure objects in IP and IT technological cluster's. Paragraph 2 of the previously mentioned Regulation decode general concepts, that were passed in the sphere. Thus "IP" is a complex of infrastructure objects, buildings and constructions managed by an MC and designed for the creation and modernization of IP residents producing units.

IP's or technological cluster "Resident" is an artificial person or an entrepreneur, that realizes project on the IP territory in the period of seven years before the date of request initiation on the reimbursement. For that purposes residents must not use simplified taxation system and are obliged to sign a contract both with the governing authorities of federative entities and MC.

Rules of contribution of federal subsidies on the reimbursement of expenses that were spent on the IP's infrastructure creation are formalized in the Regulation of the RF Government No. 15 from 20.01.2016 [9]. reimbursement of expenses is financed by the budgets of the regions, where IP's were created. Regulation of the RF Government No. 831 from 11.08.2015 [9] adapts rules of subsidies contribution on the MC functioning from the Russian federal budget.

Acts of federal authorities of executive branch of power also exist in the mentioned sphere. Thus the form of contracts, concluded between the Ministry of industries and trade and regional governments on the federal subsidies for the reimbursement of expenses that were spent on the IP's infrastructure creation is ruled by the Act of the Ministry No. 727 from 17.03.2016 [9]. The order of IP's and MC's lists formation is regulated by the act № 303 from 09.02.2016 [9]. The act of Rosstandart from 12.12.2014 № 1982-st enacts GOST P 56301-2014 [9], that regulates rulings for IP's.

At the same time creation of IP's is the subject of federative entities competence. And they are created by: a) regional legislative acts and b) individual decisions on the concrete IP's creation. Among the list of the general acts passed in the Voronezh Oblast must be mentioned the following:

On July, 7 2006 was passed a law No. 67-OZ of the VO "On the state (regional) support of investor activities on the territory of the Voronezh Oblast" [10]. The law regulates terms enacted in the sphere of IP's, main procedures of IP creation, general parameters of legal procedures. The wording of "IP" is given in art. 3 of the law and it is the same as in federal legislation.

On March, 2 2016 the Duma of the Voronezh Oblast passed a law No. 01-OZ "On industrial (technological) parks and technological clusters on the territory of the Voronezh Oblast" [10]. The Law regulates organizational, economic and legal foundations of IP's creation and development. In that case IP's must be created by the Government of the Voronezh Oblast. The law separates competence of the following authorities in relation to IP's: the Duma of the Voronezh Oblast, the Government of the VO, specialized VO authority in the state (regional) politics implementation in the sphere of investment activities. The last but not least may be mentioned the Department of economic development of the Voronezh Oblast (hereafter Department).

By the law from March, 2 2016 competence of the Department in particular includes: conclusion of contracts on the development of IP's with MC (3.3.40); enactment of the United list of industrial (technological) parks (3.3.41) and some other activities, tied with IP.

Department is also devoted by the right of legal acts adoption. Thus by the Act No. 24-O from 12.03.2010 [10] was formalized the order of preparation and approval of the proposal on the IP creation on the territory of the VO.

In accordance with previously mentioned legal acts for the procedure of possibility the IP creation originator sends proposal to the Department. Documents, prepared in the described way are added to the proposal. Usually such an addition includes: information on the MC; technological and economical description of IP; territorial plan and a description of IP borders. The following information may be mentioned in the documents, inter alia: list of artificial persons that are planning to participate in IP functioning, their description, project of IP.

Department compares information which were prepared by the investor with the materials of territorial planning, values economic and technological parameters of IP's functioning. After that Department prepares conclusion, where formulates its own position on the creation of IP on a concrete allotment

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or declines in the adoption of the proposal. Due to this conclusion and also due to additional documents Department develops a project of VO Government decision on the creation of IP.

Decision on the creation of the concrete IP can be prepared by the regional government with addition of the positive conclusion of the Department. Thus, by the VO Government Regulation from November, 1 2011 No. 950 IP "Liskinski" was created on the territory of the Liskinski municipal district

Regulation of the Department from 05.06.2015 N 51-13-09/91-O hold the order of formation and of maintenance of the IP's list [10].

Due to the Regulation of the VO Government, Department concludes a contract with MC on the implementation of assignments on IP's creation and functioning. The order of previously mentioned contracts conclusion is regulated by the Act from 12.03.2010, No. 23-O of the Department "On the enactment of the order of contracts conclusion on the development of the industrial park on the territory of the Voronezh Oblast" [10].

In accordance with VO law from 07.07.2006 No. 67-OZ Department and investor concludes a contract on realization of investment activities. Mutual rights and obligations existing during the process of investment activities are determined in this contract. Mutual rights and obligations installed in this contract during the procedure of realization of financial investment on the territory of the region, as well as concrete conditions, that investor must estimate on a regional support by financial investment (including conditions, values and timeline).

Department includes the project into the list of investmental projects. The list includes data on the projects, that are realized on the territory of the Voronezh Oblast and lay claims on the receiving of state support from the regional funds support. Due to the decision of expert comity joint with the regional government, that implements strategies of regional socio-economic development, are included to the Register.

On the May, 30 2012 State Duma of the Voronezh Oblast have adopted a program of socio-economic development on the years 2012-2016. The program *inter alia* included the listing of state measures of support for investment, and stimulation of IP's creation [10]. On February, 21 2017 Department pictured the project of the new program for the discussion on the meetings of the State Duma of the Voronezh Oblast.

Due to the law of the VO No. 67-OZ from 07.07.2006, projects that are labeled as having "high priority ranking" and in consequence of that are included in the Register, measures of state support may be granted only due to the inclusion of them in the regional program of socio-economic development. Mentioned measures are available only in the framework of the instruments, that are mentioned in the law and in a Regional budget. It is speaking about the following financial year, in particular, and about the planned period of invest financing implementation.

In accordance with the article 7 of the law, state support may be realized in the following forms:

a) an establishment of investors implements investment projects, that are included in the list, as well as they implement InvP's based on Government and departmental programs, benefits on certain taxes and fees. These include property taxes, enterprise income tax (the part that is owed to the regional budget), transport tax. In addition, there are other "indulgences", such as changing the timing of tax payments, deferral or installment, as well as the so-called "investment tax credit"; b) providing land and other natural resources on concessional terms, provided, however, that they do not violate existing federal law; c) other preferences, including: - information support projects; assistance in developing of the InvP's; - the provision of a State guarantee area. This, however, is only possible due to the funds, which were enshrined in the regional budget; - use of the regional property as a mean of ensuring in fulfilment of the obligations by themselves.

One important decision is obvious. The sum of state support measures can't be more then united tax income in the regional budget, in the case of project implementation. Thus, the timeline for the project realization must develop not more than in a five-year period. This decision must be described in a projects business-plan.

By the enforced documents may be realized the following order of state support providence. At the

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beginning commission on the distribution of production forces on the territory of the Voronezh Oblast. Then Expert comity of the VO Government On the questions of strategy of socio-economic development accounts investing companies and then decides, does it need a providing of state support. Then investment contract is concluded. The order of contracts conclusion, order of monitoring and order of implementation are realized by the VO Government. The procedure of registration and contracts accounting, as well as patterns for the documents are approved by the department.

Normative acts mark the following fundamental (from the positions of civil law) circumstances of investment contracts: a) on the types and timelines of documentation passing to the Department; b) on the timelines and quantity of revisions, made by state authorities, c) business-plan, enacted by the investors co-ordinational comity.

Investment contracts provide following grounds for the declination of contract due to the one-side willing: 1) factual achievements are not equal to the level of development that was mentioned in the business plan; 2) infringement of rules on the obligatory providing of documentation declared by the investition activities; 3) preventing of the existing activities analysis by the Department; 4) salaries payable to the persons engaged in the production; 5) providing of information that is not consistent with reality, to the Department; 6) decrease of the state support more than on the 50% from the level, that is described in the business-plan; 7) investors debts on taxes and fees; 8) usage of producing schemas or of produced goods realization, that are different to the business-plan and that are usually tied with optimization "of tax payment".

Infringement of the mentioned rules leads to the declination of IP's existence and to the termination of contract that was concluded with MC. Termination of investment activities automatically lead to the declination of investors right on receiving state support. As an example, it may be mentioned an Act of the Voronezh Region's Department No. 118 from 03.06.2015 "On the termination of the contract with Limited liability company «*Perspectiva*» and on the termination of industrial park «*Kedprom*»".

Speaking about MC, it must assist to its residents. Practice shows that the following list of services is the most usable: help with choosing of the best field for business; territorial planning for the technological infrastructure landing; accordance to the engineering communications; assistance with passing expert evaluations and their technical and material support; support with employers selection and teaching; support with transport for employers; security and video monitoring; support with operational financing (with the support of financial organizations); assignment of additional storages, offices and accommodations; support with marketing.

**Conclusion.** Finally, IP's are a particular type of outsourcing. Contracting parties receive competitive advantage by concentrating of attention on their general activities (inter alia by the effects of synergy and economy of assets, which are not spent on the usage of capital intensive infrastructure. In consequence of IP's determined territory becomes a center for logistics, storage for saving resources, transport crossing and a standing point for every type of business.

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