

Local Free Economic Zones: New Approach and New Opportunities

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The problems of creation and functioning of local free economic zones (further FEZ) are no longer the matter that concerns only theorists, but these issues also concern businessmen and politicians. Different countries have gained both positive and negative experience of creation and functioning of such zones.

This article contains the analysis of theoretical and applied issues of creation and functioning of local (regional) FEZ, their interrelation with State FEZ, which are created by State authorities; a new approach is proposed to the definition of term "local FEZ" itself; its advantages and opportunities are described in comparison with traditional ideas regarding local FEZ. The conclusions have been drawn up regarding the possibility and profitability of the creation of local FEZ on the basis of approach described in this article in regions of both Russia and other countries.

Keywords: *local free economic zone, free economic zone, FEZ, objectives and tasks of creation of zones, experience of functioning of zones in various countries.*

Introduction

In this article the **main scientific problem** is the issue of enhancement of efficiency of creation and functioning of local FEZ. **Objects of the research** are existing local FEZ, their interrelation with State FEZ, potentially feasible local FEZ.

The **aim of the approach** proposed in this article to creation of local FEZ is transformation of them into an effective tool for resolving regional social and economic issues.

The **research methods** are economic methods of analysis and modelling of creation and functioning of local FEZ.

The novelty of the proposed approach to creation and functioning of local FEZ is in overcoming of one-sided idea regarding the basis and objectives of creation and functioning of such zones.

It is not possible to research issues of local FEZ if their correspondence with State FEZ is not identified, since otherwise one may imply significantly different contents for the same term. Besides that, the approach to creation and functioning of local FEZ proposed in this article is based on author's interpretation of the term "Local FEZ", which is different from the commonly accepted one.

Among theorists and practitioners there are two points of view regarding the issue of correspondence

between State and local (regional) FEZ: State FEZ, founded by the State authorities and local regional FEZ, founded by regional authorities are economic and legal entities:

- 1) that have a very high degree of similarity in essence; the differences are explained only by different levels of capacities and competencies of State and regional authorities;
- 2) alternative, fundamentally different entities.

The former point of view is predominant not just in Russia, but in other countries of the world as well. The latter point of view has a far less number of supporters; a critical analysis of this point of view is given in the book of Prof. Yu.S. Matochkin (Matochkin, 1999).

A new approach to the definition of local FEZ is proposed in this article, which is based on the following major preposition: local FEZ may in their essence be very similar to State FEZ, which corresponds to the former point of view, but they may be significantly different from them, but in no case they may be considered as alternative economic and legal entities to the State FEZ. In other words, a third point of view on correspondence of State and local (regional) FEZ is proposed, a particular case of which is the already mentioned former point of view.

The objective of the approach proposed to a new definition of the term "local FEZ" itself is the aim to contribute to creation of such local FEZ, which activity will practically ensure resolving of social and economic issues of one or the other region.

Theoretical and applied aspects of creation and functioning of FEZ

A unified interpretation of the term "free economic zone" has not become firmly established yet neither in Russian, nor in foreign literature.

According to the International Convention on Facilitation and Harmonisation of Customs Procedures (Kyoto, May 18, 1973), the free zone is a part of territory of a country, upon which goods are considered as objects being beyond the bounds of national customs territory and thus they are not subject to ordinary customs control and taxation.

The authors of the textbook "Free Economic Zones" V. Ignatov and V. Boutov, give their definition: "Free economic zones are limited territories, sea- and airports, where special privileged economic conditions are applied to national and foreign entrepreneurs, that contribute to implementation of foreign trade, general eco-

conomic, social, scientific, technical technological tasks” (Ignatiev, Boutov, 1997).

Another definition of a FEZ was given by T. Dan’ko and Z. Okroug: “By FEZ they understand a sovereign territory of a State (States), which is a constituent part of economic complex of a country (group of countries), where they ensure production and distribution of public product in order to achieve certain and specific all-national integrated, corporate objective with the use of special mechanisms of regulation of public economic relations of production and distribution, able to diffusely expand its borders” (Dan’ko, Okroug, 1998).

“Of all possible various forms of creation of free economic zones for Russia, due to its specifics, the major practical value is represented by those that can intensify joint investment activity with foreign capital, attract advanced foreign technology and managerial experience to economy by means of creation of a more favourable, compared with other regions, conditions for foreign economic activity upon a specific limited territory with an advantageous geographical position” (Lashko, 2000).

“FEZ is a territory where, by providing a duty-free customs regime and other economic measures they encourage foreign investments and expand foreign economic activity”. (Kozlova, 2000).

As one may see from the above-stated there is no common definition for the FEZ in fact. But summarising opinions of various authors one may arrive to the following conclusions: firstly, FEZ is an integral part of a country; secondly, a whole system of privileges is in effect upon this territory.

All these and many other definitions of the FEZ in spite of all their diversity have the following in common: the first place is taken by territorial feature and the second one – by economic feature of a FEZ.

Such approach is a generally accepted one both by theorists and practitioners in different countries of the world. For example, according to the Law On the Basis of Creation of Free Economic Zones, accepted in Lithuania in June 28, 1995, the FEZ is defined as “a territory designed for economic and financial activity, where special economic and legal conditions of functioning set for economic subjects are in effect. No permanent residents can reside in this territory”. According to the Tax Code of the Russian Federation “The free economic zone and free storehouse are tax regimes in which foreign goods are stowed and used within corresponding territorial borders or premises (sites) without levying of customs duties, taxes, as well as without application of measures of economic policy to goods mentioned, and the Russian goods are stowed and used on conditions, applied to export in accordance with the customs regime of export, in order defined by the Code”.

This quoting of authors and official documents of different countries can be endlessly continued. And what is the practical aspect of creation and functioning of FEZ?

The world association of FEZ unites more than a hundred of similar structures. They operate successfully in China (Shanghai, Shen’chzen’), Cyprus, Brazil, USA, Switzerland, Ireland and many other countries.

The first decisions on creation of free economic zones on the territory of Russia were taken yet in 1990. By Resolution № 106-1 of July 14, 1990 “On Creation of Free Economic Zones” the Supreme Council of the RSFSR declared territories of Leningrad, Vyborg, Primorsky krai, Kaliningrad, Sakhalin and Chita region as free economic zones. Soon in September 13, 1990 By the Decree of the Supreme Council of Russian Federation № 165-1 “On Creation of Zones of Free Entrepreneurship” the territories of Altay *krai*, Kemerovo and Novgorod regions, city of Zelenograd and Evreiskaya Autonomous region were additionally declared as free economic zones. In order to realise the Decree of the Supreme Council of the RSFSR the Council of Ministers of the RSFSR made the decision on November 24, 1990 “On Urgent Measures on Development of a Free Economic Zone in the City of Nakhodka of Primorsky Krai” (FEZ “Nakhodka”).

In respect of each of the FEZ in 1991 the Government passed Decrees on urgent measures on development of free economic zones.

In order to accelerate the realisation of mentioned decrees, as well as to strengthen the legal guarantees to foreign investors in free economic zones in 1992-1993 there were signed Decrees of the President of Russian Federation №1325 of June 4, 1992 “On Some Measures on Development of Free Economic Zones (FEZ) upon the Territory of Russian Federation”; №1625 of December 23, 1992 “On Ensuring of Special Economic Conditions for Development of Kaliningrad Region”; №1572 of December 10, 1992 «On Creation of Free Trade Zone “Sheremet’evo”; №847 of June 3, 1993 “On Free Customs Zones “Moscow Free Port” and “Free Port Terminal”. In 1996 there was passed the Federal Law “On the Special Economic Zone in Kaliningrad Region”, in 1999 – the Law “On the Special Economic Zone in Magadan Region”. That is just a brief list of different legislative acts on free economic zones that played a very important role in improving the investment climate in the regions.

In 1993 there was accepted the Customs Code of Russian Federation, one of chapters of which is dedicated to the regime of free customs zones and free storehouses.

In Russia one could have observed a true parade of the foundation of FEZ. The consequences of such a parade turned out to be more than modest. One may speak of real functioning, what is more in a rather restricted manner, of two-three FEZ, including and first of all in Kaliningrad region.

A lot has been said and written about successes and failures of the creation and functioning of FEZ in different countries. Of course, any experience is interesting and useful, but for Russia in general, and its regions in particular, in our view, the major significance is represented the experience of countries of the Eastern Europe, in which a transition from centrally planned economy to market economy is being carried out with a different degree of success. And for Kaliningrad the special interest is represented by the experience of neighbouring countries: Lithuania and Poland.

In Lithuania so far the initiative has not gone more

than passing the Law on the basis for creation of FEZ, in Poland the situation is much more better than in Russia and Lithuania.

Functioning of FEZ in Poland is rather successful. So, the first FEZ of Poland Euro-Park “Meletz” (created on September 5, 1995 for a 20-year period), just for 6 initial years of its existence had attracted over 445 million USD, and the number of work places created – 8020.

The results of activity of Polish FEZ up to 01.01.2002 are reflected in the Table.

Table

The cumulative effect of FEZ in Poland

FEZ Name	Volume of investments attracted, million USD	Number of new jobs	Number of permissions
Katowitskaya	899,3	10822	41
Legnitskaya	280,3	2066	10
EuroPark “Melets”	445,4	8020	31
Valbzhikhskaya	166,1	4381	20
Lodzinskaya	140,1	1442	15
Suwalskaya	61,6	2302	50
Krakow TechnoPark	59,6	984	4
Kostshinsko-Slubitskaya	95,1	588	11
Tarnobzhegskaya	66,9	2646	18
Starakhowitskaya	20,3	1031	10
Kamennogorskaya	4,3	365	6
Slupskaya	7,9	437	9
Warminsko-Mazurskaya	11,1	449	11
Total:	2258	35533	236

Source: Investment attraction tool. The launch of one zone costs to the Polish budget 5 million USD.

One may see from the table that the sum of investments attracted equals 2 bln. 258 mln. USD, that is simply a huge figure compared with investments in FEZ of Russia. Besides that, FEZ have created over 35,5 thousand jobs.

The first place among FEZ of Poland in respect of number of permissions issued, volume of investments attracted, number of new jobs created is taken by the Katowitskaya FEZ, created for 20 years.

What sort of relation does all that have to local FEZ. In spite of the multitude of definitions of FEZ given by theorists, successes and failures of practitioners in creation and functioning of FEZ, no one does dispute the basic features of State FEZ as a definite territory, for which a special economic and legal regime of functioning of economic subjects is set.

This basic features of State FEZ in most of countries of the world were automatically transferred to local FEZ, founded by regional authorities in the framework of their capacities and competencies. We consider that this unjustifiably restricted capacities of local FEZ, and often caused failures of such zones.

Local FEZ: existing and proposed approaches to their creation and functioning.

The commonly accepted definitions for local FEZ are the following:

- 1) “Local FEZ is a lot (or lots) of a territory of Kaliningrad region within the bounds of which a special regime stimulating economic activity is applied” (V.V. Ivchenko, L.B. Samoylova, 1999).
- 2) According to the Law of Saint-Petersburg of May 8, 1996 № 52-17 “On Zones of Economic Development in Saint-Petersburg” such a zone is “a lot or lots of territory of Saint-Petersburg as well as territories administratively subordinate to Saint-Petersburg, in which a privileged taxation is in effect in respect to economic activity of persons-residents of the zone, aimed at implementation of zone’s development plans”.

A similar definition of local FEZ is given in the Law of Kaliningrad region “On Local Free Economic Zones in Kaliningrad Region” of October 9, 1997, as well as in another Law of Kaliningrad region On Introduction of Amendments and Addenda to the Law of 1997, passed in November 1999. That is where the similarity ends: in Saint-Petersburg local FEZ are functioning and quite successfully, but in Kaliningrad region they do not exist likewise they didn’t. Moreover, in such a critically important document, developed by the Administration of Kaliningrad region as “Model of Development of Kaliningrad Region of Russia up to Year 2010” (November 2001) they talk about local FEZ just in passing on page 48 (a mere four lines in a document as big as 95 pages in volume).

So, local FEZ are created in many countries of the world, both large positive and negative experience of their functioning has been accumulated. In Kaliningrad region there are no such zones yet. In other regions of Russia their application is rather restricted. So, it is important to answer the following three questions right:

- 1) Is there a necessity to create of local FEZ?
- 2) If they are necessary to be created, then what can be applied from foreign and home experience when creating such zones?
- 3) What should the local FEZ look like so that the effect from its creation and functioning would be the greatest?

If the answer to the first question is rather obvious: of course yes, then answers to the latter two questions are not so obvious. In our conviction, the most important reason for absence of local FEZ in Kaliningrad region, their rather restricted application in other regions of Russia, as well as in other countries is a one-sided approach to the definition of term “local FEZ” itself. As it is seen from the above-mentioned definitions of local FEZ, the term usually refers to a limited part of a territory of a region, which has privileged conditions of economic activity, enjoys an extended economic independence and a special regime of administration. Another definition of local FEZ similar to this one is: local FEZ is a lot (or lots) of region’s territory within bounds of which a special regime of stimulating of economic activity is applied.

Both of this definitions of local FEZ have a common feature: definition of local FEZ, first of all, as a detached territory where specific economic activity is conducted, that is at the first place they put the territo-

rial feature of definition of local FEZ, and the economic one is put only to the second place.

Another rather widely used idea about local FEZ is the idea of them as economic mechanism of support and development of depressive territories or development of territories new in economic respect.

We consider that such approach to the definition of local FEZ is not a wrong one, but no doubt it is one-sided, since it completely ignores possibility and necessity of creation of local FEZ at profit-making and highly profitable enterprises in order to further develop such enterprises and due to that, in particular, to replenish region's budget. Now such possibility is not even being considered. It is enough to look upon the system of economic indicators of evaluation of efficiency of granting of tax privileges, provided by the Regulations on the Contest of Initiative Applications for Creation of Local FEZ in Kaliningrad Region:

- an absolute integral revenue;
- terms for reaching break-even point;
- terms for repayment of privileged taxation;
- internal rate of return;
- profitability of granting of taxation privileges;
- currency self-repayment.

It can be clearly noticed that they are designed only for economically unsuccessful territories and enterprises. Implementation of such projects rests on absence of money. But in order to help poor ones, it is necessary firstly to assist economically successful enterprises to become more prosperous and just then there will be real funds to help the poor ones.

Lets consider a number of figures for a more obviousness: now in Kaliningrad region there are 31 thousand registered legal entities and 52 thousand individual entrepreneurs, however the main burden in respect of forming of budgets of all levels lies upon 80 enterprises, in 2002 87-90% of all volume of investments invested into economy of Kaliningrad region were attributed to "Lukoil-Kaliningradmorneft" Ltd. We do not stand for provision of privileges of local FEZ exactly and first of all to large companies at all. The point of our proposal is different: since there no money for real assistance to depressed territories and enterprises, it is necessary to create conditions for yet more successful functioning of successful enterprises of small, medium and large-size business. This will allow to increase the number of jobs, collection of taxes to budgets of all levels, will make the process of provision of advantages to local FEZ open and regulated by the regional Law, as for now enterprises receive advantages on the basis, known just to officials and businessmen themselves.

Besides that, in case if an economically successful enterprise does not meet conditions for creation of local FEZ, then it will bear real economic responsibility. The rich one has something to lose, unlike the poor one.

In other words, local FEZ is a legal entity of any organisational and legal form and any kind of ownership that is conducting production activity, in respect of which a special regime of stimulating of economic activity is applied, that is the economic feature is to be put to the first place, but the territorial one is the secondary,

subordinate.

Meanwhile we should talk only about those legal entities, which in fact are conducting production activity (the share of that kind of activity in total revenue of legal entity should be no less than, for instance, 60%) and have a stable considerable exceeding of annual revenues over annual expenditures in the course of no less than 3 years. Accordingly, the system of privileges provided by such local FEZ, should serve as a tool of implementation of available comparative advantages of that production, but not as a mechanism of compensation of existing disadvantages or absent development factors.

So far while creating FEZ in theory and especially in practice prevails the tendency to do the opposite, and this strongly discredits the FEZ idea itself, including local FEZ.

Implementation of the idea to create local FEZ at economically successful enterprises aimed at enhancement of their economic growth, increase of economic efficiency of such productions, growth of competitiveness of these enterprises and thanks to all that replenishment of local budgets and correspondingly broadening of opportunities for solution of social and economic problems of a specific region will not just allow to fill the term "local FEZ" itself with new contents, but, most importantly, to solve important economic issues of Kaliningrad region, other regions of Russia, foreign countries in a more successful manner.

It needs to be mentioned that the approach to local FEZ proposed by us, strictly speaking, is not a totally new one. An approach to creation of local FEZ similar to the one proposed by us, had been successfully realised in the USA, where as long ago as in early 50s of XX century a type of zones new to that country was legislatively defined at the level of particular States: "Special Purpose Zones", or "Subzones" in contrast to "Zones of General Purpose" or "State Zones" created before.

Subzones in present time represent free trade zones, which are created in order to ensure production activity of particular companies, in case if it will be proved that this activity will lead to a considerable public benefit. A substantial feature of a subzone is that it, as a rule, is applied to production buildings of just one enterprise, while production sites of such enterprise may be territorially detached.

The advantages of a subzone are:

- 1) enterprise, which has the status of a subzone, produces products to which customs and taxation privileges are applied, which are not accessible to other enterprises, which make similar products, but do not have the status of a subzone;
- 2) raw materials and semi-finished products which are delivered to the subzone cost less to the producer of finished products from that raw materials and semi-finished products thanks to advantageous taxation regime of a subzone.

For example, when they import steel from Japan directly to the US customs zone, such steel is subject to customs duties. When they import the same steel to the

territory of American ship-building yard for the purpose of production of barges, which has the status of a sub-zone, duties are not levied at all.

Most intensively capacities of subzones in the USA are used by enterprises of motor-car, ship-building and textile sectors of industry. So, one third of works of American motor-car building companies have the status of a subzone. This distinctly increases competitiveness of American motor-cars.

The difference of the approach proposed by us to creation and functioning of local FEZ from the American approach to subzones is the fact that we propose to automatically apply the status of a local FEZ in respect of newly created productions in case, if they are created by enterprises that already have status of a local FEZ, irregardless the location of new productions.

Conclusions

Realisation of approach to the creation of local FEZ proposed will allow, providing privileges to successfully operating enterprises, to achieve the following:

- 1) growth of volume of taxes coming in budgets of all levels, decrease volume of taxes on the unit of products produced, but increase their volume due to growth of production output).
- 2) modernisation of production and due to that increase of its competitiveness, and that will ultimately also contribute to growth of volume of taxes coming in budgets;
- 3) real economic responsibility of profit-making enterprise for non-fulfilment of its obligations to the regional budget (the profit-making enterprise has something to loose, and what to be responsible with, unlike the loss-making one).

Such approach to the creation of local FEZ is prospective also because realisation of traditional approach to creation of local FEZ is connected with considerable expenditures on arrangement of such territories, but as a rule there no necessary funds.

The approach proposed is also interesting because of the fact that economic complex, which has the status of a local FEZ may create new productions in any district of Kaliningrad region, and at the same time a status of a local FEZ is automatically applied in respect to such production with all previously approved regional privileges; as far as municipal privileges are concerned, then if the new production is created on the territory of the same municipal entity, then these privileges are automatically applied to such production as well, in case if the new production is created on the territory of another municipal entity, then the order of application of municipal privileges to that production should be determined by the Law on Local FEZ in Kaliningrad Region.

Such approach will allow to realise the main economic idea of FEZ in Kaliningrad region: stimulate entrepreneurial activity first of all, produce by means of selective liberalisation of tax and customs regimes.

All this will allow to quickly and more completely achieve those goals for which initially FEZ, and then a Special Economic Zone were created in Kaliningrad region: acceleration of social and economic develop-

ment of the region, rise of the living standard of population on the basis of development of trade, economic, scientific and technical co-operation with foreign companies, ensuring of favourable conditions for attraction of Russian and foreign capital, advanced technologies and managerial experience, utilisation of potential of Russian enterprises, enhancement of export capacities of the region.

The approach to create of local FEZ proposed in this article, in our view, is prospective not just for regions of Russia, but for other countries' as well.

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Vietinės laisvosios ekonominės zonos: naujas požiūris ir galimybės

Santrauka

Straipsnyje nagrinėjama pagrindinė mokslinė problema glaudžiai susijusi su laisvųjų ekonominių zonų (LEZ) kūrimu ir veikla. Mokslinio tyrimo objektas – esamos vietinės laisvosios ekonominės zonos ir jų santykis su valstybinėmis, t. y. įkurtomis valstybės, ir potencija-

liai laisvomis ekonominėmis zonomis.

Tyrimo tikslas -- atskleisti vietinių laisvųjų ekonominių zonų efektyvumo didinimo būdus.

Tyrimo metodai: ekonominės analizės metodai ir laisvųjų ekonominių zonų kūrimas ir veikla.

Aprašyto požiūrio naujumas pasireiškia priemonėmis, kurios numato, kaip įveikti kai kuriuos LEZ veiklos sunkumus.

Neįmanoma tirti problemų, susijusių su vietinių LEZ funkcionavimu, atsiejus jas nuo valstybinių LEZ. Be to, straipsnyje dėstomas požiūris remiasi autoriaus interpretacijomis, atskleidžiančiomis termino „vietinės LEZ“ esmę, ir skiriasi nuo kitų aiškinimų.

Mokslininkų požiūris į valstybines ir vietines LEZ skiriasi. Ir valstybinės, ir vietinės LEZ yra ekonomiškai ir juridškai legalūs dariniai. Vienų mokslininkų nuomone, jie yra labai panašūs vienas į kitą. Skirtumus mato tik patys steigėjai. Kiti mano, kad tai alternatyvios ir iš esmės skirtingos zonos.

Pirmasis požiūris vyrauja ne tik Rusijoje, bet ir kai kuriose kitose šalyse. Jis turi gerokai mažiau šalininkų. Tarp jo kritikų yra ir profesorius B. Matočkinas (Matochkin, 1999). Naujasis požiūris į LEZ, pateikiamas šiame straipsnyje, remiasi tokia pagrindine prielaida: vietinės LEZ savo esme yra labai panašios į valstybines LEZ. Nors šis požiūris panašus į pirmąjį, galima įžvelgti ir skirtumų. Aišku, kad vietinės LEZ gali būti laikomos alternatyviomis ir legaliomis zonomis. Kitaip tariant, straipsnyje reiškiamas trečiasis požiūris į šiuos darinius.

Naujasis „vietinės LEZ“ apibrėžimas yra įnašas į pačių LEZ steigimą, nes jų veikla gali padėti spręsti vieno arba kito regiono socialines ir ekonomines problemas.

Mes nesistengiame iškelti vietinių LEZ reikšmės. Mūsų pasiūlymo tikslas toks: jeigu nėra pakankamai pinigų padėti atsiliekantiems rajonams, reikia kurti sąlygas sėkmingai plėtoti smulkųjį ir vidutinį verslą. Tai padėtų steigti naujas darbo vietas, geriau surinkti mokesčius, sudarytų pačioms vietinėms LEZ sąlygas toliau augti ir plėstis pagal visus įstatymų reikalavimus.

Jeigu įmonei nepavyktų sėkmingai veikti toje LEZ, ji pati būtų atsakinga už tai. Turtingasis turi kažką prarasti, kaip ir neturtingasis.

Kitaip tariant, vietinė LEZ yra legali organizacija, kurios veiklą reguliuoja ir stimuliuoja specialus režimas. Ekonominė veikla yra svarbiausias veiksnys, šio darinio egzistavimo prerogatyva.

Kalbame tik apie tas legalias zonas, kurios vykdo gamybą, ir ši veikla turėtų sudaryti ne mažiau kaip 60 proc. Taigi tokių LEZ veikla yra priemonė įgyvendinti regiono plėtrą ir surasti naujų jo raidos veiksmų.

Kuriant LEZ vyrauja priešingos tendencijos, o tai smarkiai diskredituoja pačią LEZ, įskaitant ir vietines LEZ, idėją.

Idėja kurti vietines LEZ ekonomiškai sėkmingose įmonėse padėtų užtikrinti ekonominę plėtrą, efektyvumo ir konkurencingumo augimą ir didintų galimybes spręsti regiono ekonomines ir socialines problemas. Vietinių LEZ steigimas labai padėtų plėtoti Kaliningrado ir kitiems Rusijos rajonams.

Raktažodžiai: *vietinė laisvoji ekonominė zona, ekonominė zona, LEZ, ekonominių zonų steigimas, laisvųjų ekonominių zonų patyrimas ir veikla.*

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