The article presents a retrospective analysis of Ukrainian legislation in the scientific and technical and innovation sphere. The main problems of the national legislation regulating innovation activity are defined, namely: non-compliance with the legislative provisions; non-systematic nature of legislation; lack of mechanisms for implementing the priorities of scientific and technical and innovation activities; lack of integrated application of mechanisms of state influence (financial, credit, tax, etc.) for the achievement of certain priorities; suspension and cancellation of mechanisms for supporting scientific and technical activities, in particular, the underdeveloped mechanisms for developments prepared for commercialization; underdevelopment of innovation infrastructure (research universities, technological parks, scientific parks, clusters, high-tech innovative enterprises, innovative business incubators, venture funds); not formed motivational mechanism for transition of the real sector of the economy to the innovative way of development. The shortcomings of the current legislation on innovation activity are determined in accordance with international approaches that do not even correspond to the definition of the concepts “innovation” and “innovation activity” and there is no definition of the term “start-up”. Also, the national legislation contains no definition of elements of innovation infrastructure according to the international approach: innovation park, incubator and accelerator, cluster, cluster initiative, cluster organization, regional innovation ecosystem, legislative provision of smart specialization approach. The main directions of overcoming the problems connected with the regulatory action of
Keywords: innovation; innovation activity; legislation; national innovation system; innovation sphere; innovation infrastructure.

Ключові слова: інновації; інноваційна діяльність; законодавство; національна інноваційна система; інноваційна сфера; інноваційна інфраструктура.
The current regulatory framework (laws, decrees of the President, by-laws in the form of Government resolutions, orders of central executive authorities, etc.) related to the scientific and technical and innovation activity amounts to about 200 documents [1].

Three stages of development of the Ukrainian legislation in the scientific and technical and innovation sphere can be distinguished (Table I).

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<th>Stage</th>
<th>Period</th>
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| I     | 1991-1998    | - adoption of the first framework law on scientific and technical and innovation activities (Law of Ukraine “On research and scientific and technical activities”) in 1991;  
- introduction of tax privileges for scientific and technical activities;  
- set-up of activity of the State Innovation Fund of Ukraine, the structure of which and the target financing independent of the general budget expenditures, provided a model of financial support for innovations new in the world at that time, which combined support for innovative projects at the regional, central and sectoral levels. |
| II    | 1999-2007    | - cancellation of tax privileges;  
- liquidation of the State Innovation Fund;  
- avoiding the orientation on the programs of structural change in industry;  
- overwhelming attention to foreign loans;  
- adoption of the Law of Ukraine “On State Regulation in the Sphere of Technology Transfer” (the norms of these laws, which related to the financial support for innovations and technology transfer were stopped by subsequent acts) in 2006. |
| III   | 2008 – present time | - adoption of a number of concepts and programs related to the development of science and innovation, at the same time:  
- the decisions taken are not effected in the implementation of financial, credit, tax, customs mechanisms for the development of innovation activities;  
- draft documents on financing, granting of tax privileges and crediting of innovations are not approved by financial authorities;  
- the scientific and technical and innovation spheres are not considered to be important at the level of executive authorities. |


The Verkhovna Rada of Ukraine, in addition to the adoption of laws, joined the support of innovation activities by adopting the resolutions “On the Concept of Scientific and Technological and Innovative Development of Ukraine” in 1999 and “On Compliance with Legislation on the Development of Scientific and Technical Capacity and Innovation Activity in Ukraine” in 2004. In addition, four parliamentary hearings were held directly concerning the innovation

According to the latter, the main problems related to the regulatory action of the national legislation in the innovation sphere of Ukraine and the development of the national innovation system, include:
- low level of innovation and executive culture, failure to enforce laws and violation of legislative requirements;
- lack of long-term programs for the development of national economy based on innovations;
- lack of coordinated activity of public authorities aimed at the country's innovative development;
- non-fulfillment mechanisms of implementation of priorities of innovation activity and priorities of science and technology development specified by the laws;
- lack of integrated application of mechanisms of state influence (financial, credit, tax, etc.) for achieving innovative priorities;
- inconsistency of legislation in the field of intellectual property with international legal norms;
- underdevelopment of innovation infrastructure (research universities, technological parks, scientific parks, clusters, high-tech innovative enterprises, innovative business incubators, venture funds);
- lack of effective mechanisms for commercialization of the results of completed scientific and technical developments, which leads to the loss of state budget revenues annually;
- low level of innovation activity, in particular small and medium innovation entrepreneurship;
- lack of ready technological solutions for their implementation by business;
- underdevelopment of mechanisms for developments prepared for commercialization;
- lack of mechanisms for promoting cooperation between universities and research institutes with small and large enterprises;
- lack of a motivational mechanism for transition of the real sector of the economy to the innovative way of development [3].

That is, in spite of a considerable package of laws and regulations, Ukrainian legislation on innovation activity has many shortcomings, the most important of which is unsystematic character, which is the result of the lack of a unified approach of the state to the development of innovations. Laws are not aligned; strategic programs of different levels do not complement each other. This can be corrected through the creation of a joint governmental document that defines the goals and instruments for supporting innovation development as an element of Ukraine's economic development.

One of the main principles of the systematization of legislation on innovation activity, according to which laws and regulations must provide consistency of norms, integrity of the subject of regulatory regulation is violated [4]. Unsystematic character involves a low level of compliance with the law. Inconsistency, desetude and a large number of gaps create objective difficulties with its understanding not only for inventors and entrepreneurs, but also for government officers.

The set of laws and regulations is focused on the policy of supporting an innovation proposal through the promotion of commercialization of scientific developments and does not cover the whole chain of added value for creating innovative products.

The regulatory framework of innovation activity is rather controversial; moreover, it meets incompletely the principles of knowledge-based economics. Currently, there is no sufficiently effective legal framework for the protection of intellectual property rights, the functioning of venture capital as a market institution; procedures for creation of individual subjects of innovation activity are unjustified complicated. In addition, the criteria for project innovation and the distinction between investment and innovation projects are not legally defined. Issues of objective expertise and competitive bases of budget financing of scientific, scientific and technical, innovative programs and projects are insufficiently standardized [5].

The basic shortcomings of the current legislation on innovation activity according to the international approach are as follows:
- definition of concepts “innovation” and “innovation activity” does not correspond to modern international approaches;
- system for collecting and analyzing information on innovations is not agreed;
- powers on state support of innovations between central executive authorities are not distributed;
- there is no definition of concept “startup”, no support for startups and incentives for their activities are provided for;
- there is no definition of the elements of innovation infrastructure according to the international approach: innovation park, incubator and accelerator, cluster, cluster initiative, cluster organization, regional innovation ecosystem, legislative provision of smart specialization approach;
- there is a need to improve approaches to supporting innovation infrastructure.

Also, the shortcomings of legislation that restrain the development of innovation in Ukraine should include: the lack of an effective method for determining the amount of damage caused by violation of rights to industrial property objects; unregulated institution of joint activity between scientific establishments and institutions of higher education and private enterprises as to implementation of research and innovation projects; lack of opportunities for state-owned
scientific establishments and institutions of higher education to receive profit from the activities of enterprises created by them.

The problem in legislative provision of innovation activity in Ukraine consists in its limitation, which is the result of ineffective state influence, in particular tax privileges, antimonopoly, patent and licensing and market-oriented regulation of technological upgrading of production [6].

The main reason for non-compliance with legislation in the sphere of science and innovation in Ukraine, the complexity of its development and approval, are connected with the fact that laws and regulations are adopted in the absence of Ukraine's innovation-oriented economic strategy. The experience of EU-States shows that legislative provision must have an influence and be an instrument of economic policy implementation. Thus, the main task is to develop a long-term program of economic development of the country based on the use of the latest advances in science and technology.

The long-term program of economic development of the country should determine the indicators of changes in the state of the economy, restructuring, development of key industries, including innovative indicators and tools, mechanisms for ensuring such changes.

The program should be accompanied by a list of changes to legislative acts, which should be approved for the realization of the goals determined by the program. In addition, the peculiarities of development of the scientific and technical and innovation spheres can be identified in a separate Strategy of Ukraine's Innovation Development and comprehensive plans adopted to implement such a strategy.

The participants of the parliamentary hearings on the subject “National Innovation System: State and Legislative Provision of Development” recommended to the Cabinet of Ministers of Ukraine to develop, in accordance with the Resolution of the Verkhovna Rada of Ukraine No. 182-VIII dated February 11, 2015 [7] the Strategy of Ukraine's Innovation Development, which, inter alia, will determine the structure of the National Innovation System, ensuring the coherence and complementarity of Ukraine's industrial, scientific and technical and innovation policy and provide for the application of modern tools for supporting the formation of national and regional innovation ecosystems of Ukraine [3].

Conclusions. The main problems related to the regulatory action of legislation in the sphere of scientific and technical and innovation development in Ukraine include: non-compliance with the provisions of the legislation; absence of long-term programs for the development of a national economy based on innovations, for the implementation of which the adoption of certain acts in the scientific and technical sphere is required; unsystematic character of legislation; lack of mechanisms for implementing the priorities of scientific and technical and innovation activities; orientation of the procedure of projects selection, expert examination and their financing to executive bodies, which are characterized by complicated long-term decision-making procedure and lack of effective anti-corruption mechanisms; lack of integrated application of mechanisms of state influence (financial, credit, tax, etc.) for the achievement of certain priorities; suspension and cancellation of mechanisms for supporting scientific and technical activities; absence of coordinated activity of executive bodies aimed at the country's innovative development.

The overcoming of problems related to the regulatory action of national legislation in the innovation sphere is possible subject to elimination of the deficiencies in accordance with the international approach and to the development and effective implementation of the Strategy of Ukraine's Innovation Development.

In our opinion, the definition of the priority tasks of the Strategy in the sphere of scientific and technical and innovation activities should be:

- connected with solving economic tasks of the respective economic development strategy of the state (providing energy efficiency, energy supply, transition to alternative energy sources, restructuring of production with low added value, restoration and strengthening of export trends of branches of machine, aviation, space engineering, shipbuilding, production of military equipment, etc.);
- aimed at solving urgent issues regarding the creation and development of a system of financing scientific, scientific and technical, innovation activity and innovation infrastructure;
- focused on supporting the scientific and technical and innovation activities of scientific collectives and enterprises engaged in the development of the fifth and sixth technological waves.

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