Ukraine’s 2025 Public-Private Partnership Reform and the Space Sector: Regulatory Opportunities and Implementation Constraints

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Law No. 4510-IX on Public-Private Partnership has recast the legal framework for long-term cooperation between public authorities and private investors in Ukraine. The reform is significant for the space sector, where major projects require substantial capital, specialised technology and sustained public oversight. This article examines the opportunities created by the new Law and the limits imposed by the administrative-law regime governing strategic space activity. The analysis is doctrinal and functional. It reads Law No. 4510-IX together with Ukrainian legislation on space activity, public finance, procurement, State secrecy, export control, administrative procedure, intellectual property and technology transfer, as well as relevant European and international standards. The article argues that the reform provides a more coherent basis for project preparation, effectiveness analysis, competitive selection, contractual risk allocation and public support. It also permits software, information systems, equipment and components to form part of a PPP object. These features are capable of supporting projects in satellite communications, Earth observation, ground infrastructure and related information *services. Their use remains subject, however, to the competence of public authorities, sectoral permits and declarations, certification, registration, security restrictions, export control and continuing State supervision. The practical value of the reform will therefore depend on the coordination of general PPP legislation with special space and security law, reliable budgetary planning, institutional capacity and the protection of results of space activity.*

Keywords: public-private partnership; state-private partnership; space sector; Ukraine; Law No. 4510-IX; administrative law; national security.

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Introduction

The space sector combines scientific research, industrial production, communications, defence capability and the provision of public services. Its projects are usually capital-intensive, technologically complex and long-term. They may also involve classified information, dual-use technology and infrastructure whose operation affects national security. Public funding remains indispensable, but it is rarely sufficient to meet the sector's investment and modernisation needs. Cooperation with private undertakings is therefore not an optional feature of contemporary space policy; it is one of the means by which States obtain finance, technology and specialised expertise.

Public-private partnership (PPP) offers a legal structure for such cooperation when a private party invests in a project, assumes part of the project risks and undertakes long-term responsibility for creating, maintaining or operating an asset or service. It should not be confused with any contract involving a public authority and a business. International guidance treats PPP as appropriate only where it is affordable, institutionally manageable and more effective than implementation without a private partner (OECD, 2012; World Bank, 2017). These conditions are especially demanding in the space sector because technical failure, regulatory delay or loss of control over strategic technology may have consequences beyond the commercial interests of the parties.

Ukrainian legal scholarship has long identified fragmented legislation, inconsistent strategic planning, limited private investment and weak institutional coordination as obstacles to the development of national space activity (Drozd, 2019; Malysheva, 2024; Kostenko, 2024). The adoption of the Law of Ukraine on Public-Private Partnership No. 4510-IX on 19 June 2025, which entered into force on 31 October 2025, changed the general legal framework within which those problems must now be considered. The Law repealed the 2010 statute on state-private partnership and introduced a more detailed scheme for project preparation, analysis, selection, contracting, support and monitoring (Law No. 4510-IX, 2025).

The reform does not create a separate category of space PPP. It does, however, cover fields directly relevant to space activity, including security and defence, scientific and scientific-technical activity, electronic communications, digital infrastructure, information technology and cybersecurity. It also permits software, information systems, equipment and components to form part of a PPP object. The legal question is therefore not whether the Law can apply to space-related projects, but how its general rules interact with the sector's special administrative-law regime.

Ukrainian positive law now uses public-private partnership as the statutory category. In doctrinal terms, state-private partnership is treated as a specific form within that broader category for strategically important projects in which the State is the decisive public actor and retains sovereign powers of authorisation, supervision and security control. It is not a separate contractual form outside Law No. 4510-IX. It reflects the substantive feature emphasised in the security-centred approach to the space sector: private investment is admitted within a framework in which the State continues to bear international responsibility and to protect national security.

The article asks what opportunities Law No. 4510-IX creates for cooperation with private investors in Ukraine's space sector and which administrative, financial and sector-specific constraints may limit its practical use. The analysis is based on doctrinal interpretation, comparison of the former and current PPP regimes and a functional examination of the relevant public authorities and legal procedures.

1. From State-Private to Public-Private Partnership in Ukrainian Law

The replacement of the term state-private partnership with public-private partnership marks a change in the statutory language of cooperation between public authorities and private undertakings. The broader term corresponds to European usage, where PPP denotes long-term cooperation involving a public authority or public entity and a private party for infrastructure or services (European Commission, 2004). It places the public interest, rather than the institutional form of a particular State body, at the centre of the legal definition.

That change does not eliminate the specific role of the State in strategic sectors. Law No. 4510-IX permits several categories of public partner, but competence remains linked to the legal regime of the relevant asset and the authority empowered to manage it. Article 10 provides that a project is prepared exclusively on the initiative of the public partner. Where State property or a national security capability is involved, the public side will ordinarily be represented by the State through the competent authority or public-sector entity (Law No. 4510-IX, 2025: art. 10). The projects considered in this article – defence communications, national Earth-observation capability, orbital control, launch-related infrastructure and classified systems – fall within that state-centred part of the statutory framework.

Article 4 reinforces the need for a differentiated approach. The Law expressly identifies sectors relevant to space capability, but Article 4(2) preserves prohibitions and restrictions established by other legislation (Law No. 4510-IX, 2025: art. 4). The general PPP regime must therefore be applied together with rules on space activity, national security, State secrets, export control and strategic property. The Law enables partnership; it does not displace the special legal status of the activity or the object.

This distinction is central to the administrative-law analysis. The system of public bodies involved in space partnership includes authorities of general, sectoral and special competence. The first group determines strategic and security priorities; the second forms or implements policy in the relevant field; the third performs registration, permitting, certification, control and supervision. These functions may intersect within one project, but they retain separate legal bases. A PPP agreement cannot replace an administrative act or predetermine a regulatory decision, and a sectoral authorisation does not by itself establish that PPP is the appropriate form of implementation.

The 2025 reorganisation of central executive authorities illustrates the practical importance of institutional clarity. Cabinet Resolution No. 905 transferred the relevant functions of the former Ministry for Strategic Industries to the Ministry of Defence and placed the direction and coordination of the State Space Agency of Ukraine within the governmental scheme through the Minister of Defence (Cabinet of Ministers of Ukraine, 2025). Resolution No. 281 remains the Agency's organic regulation, although parts of its text continue to refer to the former ministry and minister (Cabinet of Ministers of Ukraine, 2015). This formal inconsistency does not remove the Agency's powers, but it complicates the allocation of responsibility for policy formation, policy implementation and the management of State assets.

The resulting model is neither a return to direct administrative command nor an abandonment of State authority. It combines contractual cooperation with public-law limits. That combination reflects the security-centred approach developed in this analysis: in the space sector, partnership must serve national security, technological development and the public interest, while the State remains responsible for the exercise of sovereign regulatory powers.

The administrative-law mechanism is wider than the agreement itself. It operates through normative and individual acts, organisational measures, administrative services, registration, certification, permits and control. Coordination and persuasion are important where the State seeks to attract investment and support innovation, while coercive measures remain necessary as a security safeguard. The reform strengthens the contractual and coordinating elements of this mechanism, but it does not convert public powers into contractual rights. This is why the legality of a project depends not only on the wording of the agreement but also on the competence, procedure and form through which each public decision is adopted.

2. Regulatory Opportunities Created by Law No. 4510-IX

Law No. 4510-IX establishes a more coherent project cycle than the previous legislation. Article 3 identifies private investment, the long duration of the PPP term and the transfer to the private partner of part of the risks connected with financing, creation, construction, maintenance, management or operation of the PPP object (Law No. 4510-IX, 2025: art. 3). These characteristics distinguish PPP from the ordinary acquisition of goods, works or services. A space project may fall within the regime where private finance is combined with long-term responsibility for an operational capability such as a ground complex, communications system, data infrastructure or control facility.

The concept of the PPP object is also broad enough to reflect the technological composition of contemporary space systems. Article 6 covers existing and newly created movable and immovable property and expressly includes software, information systems, equipment, components and vehicles used to provide socially significant services (Law No. 4510-IX, 2025: art. 6). A project need not therefore be reduced to a single building or item of machinery. It may comprise the interconnected physical and digital elements required to deliver a space-related service.

Project preparation remains a public responsibility. Under Article 10, the initiative belongs to the public partner. The authority must identify the public need, determine the competent public body and select the lawful form of implementation. Private expertise may inform that process, but it cannot substitute for the public decision. This allocation of responsibility is consistent with the administrative-law character of partnership: the State may cooperate with business, yet the decision to use public assets, assume long-term obligations or provide State support must remain within statutory competence.

Article 11 makes the effectiveness analysis the principal ex ante safeguard. On the basis of the feasibility study, it addresses the financial model, forms of support, social and environmental consequences, fiscal effects, technical solutions, comparison with implementation without a private partner and the identification and management of risks (Law No. 4510-IX, 2025: art.

11). For a space project, the analysis must take account of its capital intensity, technological complexity, long development cycle, dependence on specialised infrastructure and security requirements. The point is not to add a separate space procedure, but to apply the statutory analysis to the actual characteristics of the sector.

Article 13 provides for open tendering, restricted tendering and competitive dialogue, while the detailed procedure and the features applicable to security and defence projects are to be established by the Cabinet of Ministers (Law No. 4510-IX, 2025: art. 13). On 22 June 2026, the Ministry of Economy, Environment and Agriculture published a draft resolution approving the Procedure for Determining a Private Partner (Ministry of Economy, Environment and Agriculture of Ukraine, 2026). As at 15 July 2026, the Law was in force, but the principal secondary procedure remained at the draft stage and settled administrative practice had not yet formed. Early application of the reform therefore depended on careful interpretation of the directly applicable provisions and on the subsequent completion of subordinate regulation.

The Law also simplified the contractual framework. Article 5 provides for two basic forms: a concession agreement and a PPP agreement. It permits those agreements to contain elements governed by other legislation, which is important for projects combining infrastructure, services, technology and intellectual-property arrangements (Law No. 4510-IX, 2025: art. 5). This flexibility does not remove mandatory rules. A mixed agreement remains subject to the applicable PPP or concession regime and to the special law governing each component.

Public support is addressed more comprehensively than under the former statute. Article 43 includes State and local guarantees, co-financing, availability payments, payments for project results or socially significant services, demand support, provision of goods or services, related infrastructure and grants (Law No. 4510-IX, 2025: art. 43). These instruments are relevant where the State is the principal user of a strategic service and the private market cannot by itself support the investment. Their inclusion in the Law does not amount to a budgetary appropriation. Each payment or guarantee must have a lawful financial basis and must be included in public planning.

Risk allocation is a further advantage of the reform. Article 34 requires the agreement to address the PPP object and its legal regime, performance indicators, project risks, public support, payments, monitoring and termination. It also permits provisions on innovation and the use of intellectual-property rights (Law No. 4510-IX, 2025: art. 34). The statutory model supports a fair allocation in which design, construction, financing, maintenance and operational risks may be placed on the private partner, while sovereign regulatory powers and security decisions remain with the competent public authorities. This approach preserves the concern with technological, commercial and international risks, but expresses it in the legal terms used by the current Law.

The reform also develops electronic procedures and aligns Ukrainian PPP law more closely with European standards. The transitional provisions envisage staged use of electronic systems, while the general approach to concessions reflects the transparency and operating-risk principles of Directive 2014/23/EU. The Government's report on implementation of the EU–Ukraine Association Agreement for 2025 treated the adoption of the new Law as progress but also recognised the need for further regulatory work (Directive 2014/23/EU, 2014; Government Office for Coordination of European and Euro-Atlantic Integration, 2026). European materials remain comparative and interpretive benchmarks; the legal basis for a Ukrainian project is the enacted national framework.

Control does not end when the agreement is signed. Article 54 places the performance of PPP agreements and the related project risks within a statutory monitoring framework (Law

No. 4510-IX, 2025: art. 54). This reflects the role of information and analytical support as a continuing part of administrative-law regulation. Reliable information is needed not only for project appraisal but also for assessing performance, public expenditure and compliance with the agreed allocation of responsibilities. Contract monitoring must nevertheless remain separate from sectoral supervision, which is exercised under the Space Activity Law and other special legislation.

The principal achievement of Law No. 4510-IX is thus not the automatic creation of investable space projects. It is the replacement of a fragmented scheme with a clearer legal structure for preparation, selection, contracting, support and monitoring. Whether that structure works in the space sector depends on the capacity of public authorities and on their coordination with the rules governing strategic activities.

3. Contractual Models and Strategic Space Assets

The choice of contract must correspond to the economic structure of the project. A concession is appropriate where the private party receives the right to operate works or services and bears genuine operating risk under the Concession Law (Law No. 155-IX, 2019). A PPP agreement is more suitable where the State remains the principal user and the private partner's revenue is derived mainly from support payments linked to operational effectiveness, demand or use of the PPP object. Strategic space services may often have this second structure because access to the system or its data cannot always be opened to a broad commercial market.

Mixed contracts are particularly relevant to space activity. A single project may involve construction, maintenance, software, the provision of data, licences, technology transfer and financial arrangements. Article 5 permits those elements to be combined, and Article 32 allows the agreements necessary for implementation, including financing, direct and grant agreements (Law No. 4510-IX, 2025: arts 5 and 32). The legal effect is coordination, not exemption. Intellectual property, export control, security, and space law requirements continue to apply to the relevant parts of the transaction.

PPP must remain distinct from public procurement. Article 2 excludes the selection of the private partner, performance of the PPP agreement and the provision of PPP support from the Public Procurement Law (Law No. 4510-IX, 2025: art. 2). Procurement is appropriate where a public authority buys equipment, works, research or services without the combination of private investment, long-term integrated responsibility and transfer of part of the project risks required by the PPP regime (Law No. 922-VIII, 2015). A complex or technologically advanced purchase is not a PPP merely because it concerns space activity. Conversely, a genuine long-term infrastructure project should not be reduced to a series of unrelated purchases.

The distinction from privatisation is equally important. Under Article 6, the transfer of an existing object to a private partner does not transfer ownership or terminate the title of the State, a territorial community or a public-sector company. An object designated for privatisation cannot simultaneously be a PPP object, and alienation is restricted during the term of the agreement (Law No. 4510-IX, 2025: art. 6). These rules correspond to the security-centred position developed in this analysis: private capital may be used without relinquishing public ownership of strategic space assets.

Ownership alone, however, does not exhaust the question of public control. The contract and the applicable administrative regime must preserve the State's ability to supervise the use of the object, protect restricted information and ensure that strategic technology is used in accordance with law. This public-law control is a defining feature of state-private partnership in the space sector. It is not a contractual privilege that may be waived by the public partner, but a consequence of statutory competence and national-security responsibility.

Intellectual property forms part of this structure. Article 34 permits the parties to regulate the use of intellectual-property rights, but it does not prescribe one model for all projects. The agreement must identify the relevant results of space activity, the rights held before the project and the rights created during its performance. It must also take account of the public interest in continued use of strategically important results and of the private partner's legitimate interest in protecting and commercialising its technology. Ukrainian scholarship has emphasised the administrative-law protection of trade secrets and industrial property in space activity (Daderko, 2018; Harbuz, 2018).

Technology transfer may be incorporated into a mixed PPP agreement, but it remains governed by special law. Following the entry into force of Law No. 4585-IX on 12 December 2025, the Technology Transfer Law does not apply to the transfer of technologies or the exercise of economic intellectual-property rights by entities forming part of Ukraine's security and defence sector. The exclusion is based on the status of the entity, not merely on the intended use of the technology (Law No. 143-V, 2006: art. 2, as amended by Law No. 4585-IX, 2025). Civilian participants and transactions outside that sector may remain subject to the general regime. In either case, the agreement cannot replace an export authorisation, security decision or other mandatory act of public administration.

4. Implementation Constraints in the Ukrainian Space Sector

4.1. Institutional and Procedural Capacity

The effectiveness of the new Law depends on the institutions that apply it. Space projects require knowledge of public property, finance, technology, national security, intellectual property and international cooperation. Those functions are divided among several authorities. The Ministry of Defence, the State Space Agency, the Ministry of Finance and other competent bodies must act within their statutory roles and coordinate decisions that affect the same project. Recurring institutional reform, overlapping powers and weak coordination remain persistent obstacles to the development of the sector.

Law No. 4510-IX allows several public partners to participate in one project if their cooperation is regulated before the competition (Law No. 4510-IX, 2025: art. 12). This mechanism may be useful where State property, budgetary commitments and sectoral competence are distributed among different bodies. It does not remove the need to identify which authority may initiate the project, manage the asset, enter into the agreement or exercise regulatory powers. Unclear competence creates procedural risk and weakens responsibility for the result.

Administrative procedure also remains relevant. Public decisions concerning project initiation, appraisal, selection and sectoral authorisation must be adopted by the competent authority and, where the Law on Administrative Procedure applies, must comply with legality, proportionality, participation and reason-giving requirements (Law No. 2073-IX, 2022). Judicial protection is available for the categories of public-law dispute assigned to administrative courts (Code of Administrative Justice of Ukraine, 2005). These safeguards confirm that the PPP agreement is only one element of the administrative-law mechanism.

Institutional capacity also depends on information and personnel. Information and analytical support requires the collection, processing and use of reliable and timely data for managerial, scientific and technical decisions. Applied to PPP, this means that the public authorities must be able to assess the project, monitor its implementation and distinguish commercially sensitive or classified information from data required for public accountability. The repeated reorganisation of public bodies has weakened institutional continuity, while the technical character of space activity increases the need for specialised staff. Completing the reform of the competent authorities and preserving professional expertise are therefore substantive conditions of implementation, not merely questions of internal administration.

4.2. Financial and Budgetary Credibility

The financing of long-term space projects is constrained by the public-finance system. Support mechanisms under Article 43 create legal possibilities, but they do not themselves allocate money. Availability payments, guarantees, co-financing and payments for project results must be authorised under the Budget Code and reflected in medium- and long-term fiscal planning (Budget Code of Ukraine, 2010). The effectiveness analysis must therefore assess not only the expected benefits of private investment but also the State's future payment obligations and fiscal risks.

This issue is particularly acute in the space sector. Projects have long implementation periods, high initial costs and uncertain technological or commercial outcomes. Wartime conditions add risks of physical damage, interruption of supply, loss of communications and changes in security requirements. Stable public financing and credible State support are therefore conditions for attracting private capital. A formal guarantee that is not supported by lawful budgetary arrangements will not provide an investor with reliable protection.

Private finance should not be treated as an end in itself. PPP is justified only where the allocation of responsibilities and risks offers a better means of achieving the public objective. Public support must not remove the private partner's responsibility for performance, and the use of a long-term agreement should not conceal costs that will ultimately be borne by the budget.

4.3. Sector-Specific Space and Security Regulation

The Space Activity Law remains the basic sectoral statute. Private entities may take part in space activity, but the State retains regulatory powers in order to protect national interests and fulfill international obligations. A Ukrainian private entity generally submits a declaration before carrying out space activity. Specified operations require permits, including tests of launch vehicles or spacecraft, launches, control of space objects in orbit and re-entry. The Law also provides for certification, registration of unique space objects and safety supervision (Law No. 502/96-VR, 1996: arts 9-1, 10, 12–13 and 20).

These procedures are separate from the selection and performance of a PPP agreement. The award of the agreement cannot bind the regulator to grant a permit or certificate. Nor can contractual monitoring replace State supervision. This distinction gives practical effect to the administrative-law concept developed here: cooperation with a private partner operates within, not instead of, the public regime governing space activity.

State-secrecy and export-control legislation may restrict access to information, participation in particular activities and international transfers of controlled goods, technologies, technical data or services (Law No. 3855-XII, 1994; Law No. 549-IV, 2003). The competitive process and the agreement must therefore be organised in a manner consistent with the classification of information and the applicable control regime. Transparency remains important, but it cannot require the publication of classified specifications or controlled technical information.

Article VI of the Outer Space Treaty provides the international foundation for continuing State involvement. Ukraine is internationally responsible for national activities in outer space, including those carried out by non-governmental entities, and must authorise and continuously supervise such activities (Outer Space Treaty, 1967: art. VI). A PPP agreement can distribute contractual duties and risks, but it cannot transfer this international responsibility or remove the State's regulatory relationship with the operator.

4.4. Intellectual Property and Technology Transfer

The legal protection and commercial use of results of space activity are central to partnership. Software, technical documentation, inventions, databases, industrial designs, know-how and confidential information may represent a substantial part of the project's value. Unresolved questions remain concerning the ownership, protection and commercialisation of results created with public resources. Those questions cannot be answered by a general reference to intellectual property in the PPP agreement.

The parties must determine which rights are brought into the project and how rights in newly created results are to be exercised. The arrangement should preserve the private partner's incentive to invest while ensuring that the State can use strategically important results for the public purpose for which the project was undertaken. Where State secrets, controlled technology or results created within the security and defence sector are involved, the allocation of rights is constrained by mandatory legislation.

Technology transfer remains a means of commercialising and using space-related results, but its legal regime depends on the participants and the nature of the technology. The amendment made by Law No. 4585-IX requires particular care because it removes security-and-defence-sector entities from the general Technology Transfer Law. Transactions outside that exclusion continue to be governed by the ordinary legislation. In both cases, intellectual-property clauses must be coordinated with State-secrecy rules, export control and the administrative powers of the competent authorities.

5. Directions for Further Development

The reform of PPP legislation does not remove the wider problems of administrative-law regulation in the space sector. Those problems fall into three connected areas: the normative, institutional and infrastructural foundations of regulation. That structure remains appropriate after the adoption of Law No. 4510-IX.

The normative priority is to align the general PPP framework with space, security, budgetary and intellectual-property legislation. Ukraine still requires a coherent long-term strategy for space activity and the removal of conflicts in terminology and legal regimes governing results of space activity. Approximation to European standards should continue without treating EU instruments as a substitute for national legislation. In the medium term, systematic codification in a Space Code could consolidate the status of public authorities, the regime of space objects, PPP forms, intellectual property, export control and legal responsibility.

State policy must also connect legal reform with the practical development of the sector. The national space programmes have repeatedly been affected by insufficient funding and discontinuity of priorities. A long-term policy should therefore link public support to clearly defined scientific, security and economic objectives, encourage the lawful commercialisation of results of space activity and maintain international cooperation. This does not require the State to relinquish control. It requires public authorities to use financial, organisational and legal instruments in a coordinated manner so that private capital contributes to the modernisation of national capabilities rather than replacing strategic planning.

International cooperation remains part of this policy because Ukraine's space industry depends on access to scientific networks, foreign markets and joint technological programmes. Cooperation with European and other international partners should be developed within the applicable security and export-control rules. In that setting, PPP can support integration into international projects while the State retains responsibility for the protection of national interests and compliance with its international obligations.

Institutional reform should be completed rather than repeatedly restarted. The powers of the Ministry of Defence, the State Space Agency and other bodies must be clearly coordinated, and obsolete references in subordinate legislation should be removed. Institutional reform also requires professional staffing, continuity in the public service, cooperation between State and private institutions and engagement with international organisations. These measures are necessary because a sophisticated contractual model cannot compensate for weak public administration.

The infrastructural dimension includes information and analytical support, training and the dissemination of knowledge about space activity. Reliable data are required for strategic planning, appraisal and supervision. Education and professional development are equally important for public officials, researchers and businesses involved in the sector. This dimension also includes the legal protection and commercialisation of results of space activity, cooperation between research institutions and business, and public understanding of the sector's economic and security significance. These measures form the practical environment in which the new PPP legislation can operate without weakening public control.

Conclusions

Law No. 4510-IX gives Ukraine a clearer statutory basis for long-term cooperation with private investors in the space sector. Its provisions on private investment, duration, risk transfer, effectiveness analysis, contractual forms, public support and the composition of PPP objects are capable of supporting projects in communications, Earth observation, ground infrastructure and related technologies. Public-private partnership is the statutory category, while state-private partnership denotes its security-centred form in strategic space projects where the State remains the decisive public actor.

The reform does not displace the administrative-law regime of space activity. Competence, permits, declarations, certification, registration, budgetary authority, State secrecy, export control and continuing supervision retain independent legal force. The practical use of PPP will therefore depend on institutional capacity, reliable public financing and a legally sound allocation of risks and intellectual-property rights.

Further development should proceed along three connected directions: improvement of the normative, institutional and infrastructural foundations of regulation. This requires coordination of PPP and special space legislation, completion of institutional reform, stronger information and professional capacity, and the systematic organisation of space law.

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