

I. GENERAL PROVISIONS

Article 1. Local State Administrations and their Role in the System of Executive Bodies

Oblast, raion, Kyiv and Sevastopol state administrations shall exercise executive power in oblasts, raions, raions of the Autonomous Republic of Crimea and cities of Kyiv and Sevastopol.

The local state administration shall be a local executive body and be included into the system of bodies of the executive power.

The local state administration within the range of its specialty shall exercise executive power within the territory of the relevant administrative and territorial unit, as well as discharge powers delegated to that local state administration by the relevant council.

Peculiarities of exercising the executive power in the cities of Kyiv and Sevastopol shall be delineated by specific laws of Ukraine.

Article 2. Major Tasks of the Local State Administrations

Local state administrations within the relevant administrative and territorial unit shall ensure:

1) execution of the Constitution and the laws of Ukraine, acts (decrees) of the President of Ukraine, the Cabinet of Ministers and other higher executive bodies;

- 2) legality and law and order, observance of the rights and freedoms of citizens;

- 3) implementation of the state and regional programs of socio-economic and cultural development, environmental protection programs, and in places with compact residence of national minorities and indigenous population – programs on their national and cultural development;

- 4) the relevant budget formulation and implementation;

- 5) report on implementation of the relevant budgets and programs;

- 6) cooperation with local self-government bodies;

- 7) discharging of authorities granted by the state and other powers delegated by the relevant councils;

Article 3. Principles of Activities of Local State Administrations

Local state administrations shall operate on the principles of:

responsibility before the people and the state for their activities;
rule of law;
legality;
priority of human rights;
transparency;
combination of state and local interests.

Article 4. Status and Attributes of Local State Administrations

Local state administrations shall be juridical persons.

Local state administrations shall have a seal bearing the State Coat of Arms of Ukraine, its own name, as well as accounts of those local state administrations in the banking establishments of Ukraine.

Local state administrations shall be located correspondingly in oblast and raion centers and the cities of Kyiv and Sevastopol.

Premises where those local state administrations and their structural subdivisions are located shall bear plates with the State Coat of Arms of Ukraine and the name of the local state administration located in those premises.

The State Flag of Ukraine shall be hoisted over premises where local state administrations are located.

Samples of seals and the relevant plates bearing names of local state administrations and their structural subdivisions shall be approved by the Cabinet of Ministers of Ukraine.

Article 5. Composition and Structure of Local State Administrations

The composition of local state administrations shall be formed by heads of those local state administrations.

Within the limits of budgetary appropriations allocated for maintenance of the relevant local state administrations, the heads of those local state administrations shall delineate the

structure of the local state administrations.

Suggested lists of departments, divisions and other structural subdivisions of local state administrations, as well as typical provisions governing local state administrations shall be approved by the Cabinet of Ministers of Ukraine.

Article 6. Acts Issued by Local State Administrations

For the purposes of implementation of the Constitution and laws of Ukraine, acts of the President of Ukraine and the Cabinet of Ministers, ministries and other central executive bodies, as well as in order to discharge their own and delegated powers the head of the local state administration within the limits of his authority shall issue instructions while the managers of departments, divisions and structural subdivisions shall issue orders.

Instructions issued by heads of local state administrations passed within the limits of their authority shall be obligatory for implementation by all bodies, enterprises, institutions, organizations, officials and citizens residing within the relevant territory.

Article 7. Legal Principles of Local State Administrations Activities

The legal status of local state administrations shall be established by the Constitution of Ukraine, the present law and other laws of Ukraine.

While operating, local state administrations shall be governed by the Constitution of Ukraine, the present law and other laws of Ukraine, acts of the President of Ukraine, the Cabinet of Ministers, higher executive bodies, and raion state administrations of the Autonomous Republic of Crimea shall be governed by resolutions and decisions of the Verkhovna Rada of the Autonomous Republic of Crimea and resolutions of the Council of Ministers of the Autonomous Republic of Crimea passed within the limits of their authority.

II. ESTABLISHMENT OF LOCAL STATE ADMINISTRATIONS

Article 8. Heads of Local State Administrations

Local state administrations shall be headed by the heads of the relevant local state administrations.

The heads of local state administrations shall be appointed by the President of Ukraine upon the submission of the Cabinet of Ministers for the President's term of office.

Nominees for the office of the heads of oblast state administrations shall be submitted by the Prime-Minister of Ukraine for consideration by the Cabinet of Ministers of Ukraine. Nominees for the office of the heads of raion state administrations shall be submitted by heads of the relevant oblast state administrations for consideration by the Cabinet of Ministers of Ukraine. One nominee shall be put forward for each office of the head of a local state administration. In the case the President of Ukraine rejects the nominee, then the Prime Minister of Ukraine or the head of an oblast state administration correspondingly shall submit the new nominee for consideration in the Cabinet of Ministers. Once appointed, heads of local state administrations immediately take office.

Article 9. Termination of the Authority of Local State Administrations Heads

The authority of the head of a local state administrations shall terminate if:

- 1) he has violated the Constitution and laws of Ukraine;

- 2) he forfeits the rights of citizenship or if the fact of double citizenship has been revealed;

- 3) he is declared legally incapable by the court;
- 4) he has left the state for permanent residence in another country;
- 5) a sentence passed by the court becomes effective;
- 6) he violates the requirements of avoiding dual employment;
- 7) upon the initiative of the President of Ukraine based on the grounds provided for by the present law and the law on the civil service;
- 8) he is voted no-confidence by the majority (two-thirds) of the composition of the relevant council;
- 9) he resigns from office by personal application.

The authority of the head of a local state administration shall be terminated by the President of Ukraine in the case if:

- 1) the application on resignation from the office of the head of a local state administration has been approved;
- 2) a submission of the Cabinet of Ministers of Ukraine based on the grounds provided for by the legislation on the civil service has been submitted;
- 3) he is voted no-confidence by a simple majority of votes from the composition of the relevant

council.

The authority of the head of a local state administration shall terminate if he is declared dead.

In the case a new President of Ukraine is elected, heads of local state administrations shall continue discharging their authority until the new heads of those local state administrations are appointed according to the established procedure.

Article 10. Deputy Heads of Local State Administrations

The first deputy head and deputy heads of local state administrations shall discharge their duties delineated by heads of the relevant state administrations and are personally responsible for the state of affairs entrusted to them.

The first deputy head of the oblast state administration shall be appointed by the head of that oblast state administration upon the consent of the Prime Minister of Ukraine.

Deputy heads of the oblast state administration shall be appointed by the head of that oblast state administration upon the consent of the relevant Vice Prime Minister of Ukraine.

First deputy heads and deputy heads of raion state administrations shall be appointed by heads of raion state administrations upon the consent of the relevant deputy heads of oblast state administrations.

First deputy heads and deputy heads of local state administrations shall declare the termination of their authority of which they should notify the newly appointed heads of local state administration on the day those heads are appointed to the office.

Article 11. Managers of Departments, Divisions and other Structural Subdivisions of Local State Administrations

Managers of departments, divisions and other structural subdivisions of local state administrations shall be at the head of the relevant units and bear personal responsibility before heads of the relevant state administrations for implementation of tasks imposed on those units.

Managers of departments, divisions and other structural subdivisions of local state administrations shall be appointed to the office, as well as dismissed by heads of the relevant state administrations upon the consent of higher executive bodies in accordance with the procedure established by the Cabinet of Ministers of Ukraine.

Article 12. Requirements to Officials of Local State Administrations

To offices in local state administrations shall be appointed citizens of Ukraine.

Heads of local state administrations, deputy heads, managers of departments, divisions and other structural subdivisions of local state administrations may not be the National Deputies of Ukraine nor have other representative mandates, nor may they hold another simultaneous office, including offices on the voluntary basis, except for training, research or other creative activities during free time, nor be members of the managing body or supervisory board of managers of enterprises or organizations which have profit making intentions.

Individuals who have been convicted of a premeditated crime may not be appointed for positions in local state administrations unless those convictions have been expunged from that individual's record according to the procedure established by law.

III. COMPETENCIES OF LOCAL STATE ADMINISTRATIONS

Chapter I. Authority of Local State Administrations

Article 13. Issues which are Decided by Local State Administrations

The following shall be the issues which fall under the jurisdiction of local state administrations within limits and format delineated by the Constitution and Laws of Ukraine:

- 1) safeguard of the legality, human rights and freedoms and legal interests of citizens;
- 2) socio-economic development of the relevant territories;
- 3) budget, finances and accounting;
- 4) management of property, privatization and entrepreneurial activities;
- 5) industry, agriculture, construction, transport and communications;
- 6) science, education, culture, health care, physical culture and sport, family, women, youth and adolescents;
- 7) use of land, natural resources, environmental protection;
- 8) foreign economic activities;

9) defense work and preparedness for deployment;

10) social protection, employment of residents, labor and salary payment;

Local state administrations shall resolve other issues which fall within their authority according to the law.

Article 14. Performance by Local State Administrations of Authorities of other Bodies

Local state administrations shall discharge authority of local governments delegated to them by the corresponding councils.

The Cabinet of Ministers of Ukraine within the limits delineated by the laws of Ukraine may delegate to local state administrations certain authority of higher executive bodies.

Transfer of authority of other bodies shall be accompanied by simultaneous transfer of the relevant financial, material, technical and other resources necessary for discharging of that authority.

Article 15. Objects of Management of Local State Administrations

Objects of the state ownership transferred to local state administrations according to the procedure established by the law shall fall within management of those local state administrations.

Objects of common ownership of territorial communities shall fall within management of local state administrations if the relevant powers are delegated to local state administrations by raion or oblast councils.

Local state administrations shall not be allowed to put up as collateral objects of state ownership, nor property of territorial communities which fall under the management of those local state administrations, nor may they make transactions of cession of claims, transfer of debt, acceptance of the transferred debt, donations, gifts.

Article 16. State Oversight Performance by Local State Administrations

Local state administrations within the limits delineated by the Constitution and laws of Ukraine shall perform state oversight on the relevant territories, in particular it concerns:

- 1) preservation and rational use of state property;
- 2) the state of financial discipline, accounting and reporting, implementation of state contracts and budget obligations, appropriate and timely indemnification of damages inflicted on the state;
- 3) use and protection of land, forests, minerals, water, atmospheric air, flora and fauna and other natural resources;
- 4) protection of historical and cultural monuments; maintenance of housing facilities;
- 5) adherence of producers to the standards of production, technical conditions and other requirements connected with quality and certification of that production;
- 6) observance of sanitary and veterinary regulations, collection, utilization and disposal of industrial, consumer and other waste, adherence to the rules of equipping with services and utilities;

7) observance of architectural and construction norms, rules and standards;

8) observance of rules on trade, transport and public utilities, delivery of consumer services, as well as legislation on protection of consumer rights;

9) observance of legislation on science, language, advertising, education, culture, health protection and maternity and child care, protection of the family, youth and adolescents, as well as social protection of the population, physical culture and sport;

10) labor safety and ensuring timely payment to employees and that wages are not less than the minimum wage established by the state;

11) observance of the public order, rules of technical operation of transport and traffic regulations;

12) observance of the legislation on the state secret and information.

Chapter 2. Major Sectoral Authority of Local State Administrations

Article 17. Authority in the Field of Social and Economic Development

The local state administration shall:

1) draw up programs of social and economic development and submit those programs to the local council in order for them to be approved, ensure implementation of those programs and report before the relevant council on their implementation;

2) ensure the effective use of natural, labor and financial resources;

3) formulate a balance of labor, material and financial and other resources, local construction materials and fuel necessary for management of socio-economic development of the relevant territory; delineate the necessary level of services delivered to the population according to the standards of minimum social needs; provide estimate and delineate the level of services necessary for assurance of the minimum social needs provided for by the legislation;

4) submit to the council assessments with respect to the appropriate distribution of new enterprises and other objects irrespective of the form of ownership within the relevant territory;

5) submit upon the consent with relevant local self-government bodies proposals concerning the creation of special (free) economic zones, and changes in the status of those zones;

6) consider and pass decisions on proposals of local self-government bodies with respect to draft plans and measures of enterprises, institutions, organizations located within the relevant territory;

7) draw up proposals on financial and economic substantiation of the level of production which is allowed to be sold for the state needs paid for from budgets of local governments and other sources of financing.

8) draw up and submit proposals to the draft governmental programs of social and economic development of Ukraine, as well as long-term forecasts and draft indicative plans of development of the relevant branches of the national economy and their financial and economic provision.

Article 18. Authority in Budgetary and Financial Sphere

The local state administration shall:

- 1) draw up and submit for approval by the council the relevant draft budget and ensure its implementation; report before the relevant council on the budget implementation;
- 2) submit according to the established order financial indicators and proposals to the draft state budget of Ukraine to the higher executive bodies, as well as proposals on appropriations from the state budget of Ukraine in order for them to be allocated among the territorial communities, including grants, subsidies and data on changes in the number of objects which are subject to budget financing, balance of financial resources to be taken into account when determining the level of subventions, as well as for budget equalization resulting from assurance of minimal social needs;
- 3) obtain from all enterprises irrespective of the form of ownership, information required by legislative acts for formulating and implementing the budget;
- 4) finance enterprises, educational establishments and organizations, objects of culture, science, health protection, physical culture and sport, social protection of the population transferred to the management of a local state administration according to the procedure established by law by higher state power and executive bodies or local governments which represent common interests of territorial communities, and also measures connected with development of housing and public utilities, improvement and road construction, environmental protection and public order, including other events provided for by the legislation;
- 5) in the common interests of territorial communities join together on a contractual basis budgetary funds and financial resources of enterprises, institutions, organizations and residents for construction, extension, reconstruction, maintenance and repairs of industrial enterprises, vehicles, transport, networks of heat, water, gas and power supply, roads, communications, services provided to residents, health care institutions, trade, education, culture, social provision of housing and communal objects, including their procurement in order to meet needs of residents, and finance implementation of these measures;
- 6) perform according to the established procedure regulation of the investment policy;

7) regulate prices and tariffs for work and services offered by enterprises as well as specify and establish the norms of their use, exercise control over their maintenance.

Article 19. Authority in the Field of Property Management, Privatization and Entrepreneurial Activity

The local state administration shall:

1) manage within the relevant territory the enterprises and works which are state property and fall within the sphere of its management, make decisions on establishment, reorganization and liquidation of enterprises, institutions and organizations under its management, as well as exercise functions delegated by the relevant rada (council) on managing the property which is in joint ownership of territorial communities;

2) manage the property of other legal subjects of ownership in the case its ownership is transferred in accordance with the established procedure;

3) submit proposals to the owners of property of enterprises, institutions and organizations which is of particular importance for meeting the state needs concerning its alienation to the state ownership;

4) submit proposals to the programs on privatization of state property, organize their implementation;

5) ensure implementation of the state policy aimed at promotion of small business, render assistance to businessmen dealing with development and implementation of innovation projects, manufacturing of consumer goods, construction materials, provision of household, communal and other services to people, training staff.

Article 20. Authority in the Field of City Construction, Housing and Communal Facilities, Maintenance and Other Services, Trade Service, Transport and Communications

The local state administration shall:

1) organize the elaboration and conduct of expertise of the city construction documentation of settlements according to state norms and standards;

2) ensure the organization of provision of services to residents by enterprises, institutions and organizations of housing and communal property, communications, television, radio broadcast, trade and public catering establishments, domestic and transport service irrespective of forms of property;

3) organize the work on certification of enterprises and works, production, work and services provided by enterprises and housing and communal property organizations, maintenance and other services, trade servicing of the population;

4) organize protection, restoration and usage of architectural relics, monuments and city buildings, palaces, parks, historical and cultural landscapes.

Article 21. Authority in the Field of Use and Protection of Land, Natural Resources and Environmental Protection

The local state administration shall:

1) draw up programs on the rational use of land, forests, improving fertility of soil which are state-owned and ensure their implementation according to the procedure established by law;

2) submit proposals to the relevant councils and take measures concerning implementation of their decisions on privatization of lands and their expropriation for the state needs;

3) draw up, submit for approval to the relevant councils and ensure implementation of the regional environmental programs; report to the respective council on their implementation; submit proposals concerning state environmental programs to appropriate bodies;

4) take measures concerning indemnification of damages caused because of violation of the law on environmental protection by enterprises, institutions, organizations and citizens;

5) submit proposals to the relevant bodies of self-governance on organizing territories and units of the nature-preserve funds of local significance;

6) inform the people about ecologically dangerous accidents and situations, condition of the environment as well as about measures taken to improve it;

7) organize the work on liquidation of consequences of environmental accidents, involve enterprises, institutions and organizations irrespective of forms of ownership, as well as citizens, in this work;

8) submit proposals, according to the procedure established by law, on cessation of operation of enterprises, institutions, organizations irrespective of forms of ownership in the case of their violation of the law on environmental protection and sanitary regulations;

9) draw up and ensure observance of the regulations on use of water supply stations designed to satisfy drinking, household and other needs of people, establish sanitary zones to protect water supply resources; restrict or prohibit the usage of drinking water for industrial needs by enterprises.

Article 22. Authority in the Field of Science, Education, Health Care, Culture, Physical

Education and Sports, Maternity and Childhood, Family and Youth

The local state administration shall:

- 1) implement the state policy in the field of science, education, health care, culture, physical education and sport, maternity and childhood, family and youth;
- 2) promote the development of science and technology, implementation of regional scientific and technology programs, introduction of new ecologically safe technologies, and increased level of technology and quality of production, solution of scientific and technology problems which are of particular importance for the growth of effectiveness and competitiveness, ensure protection of rights of inventors and innovators, establishment of territorial innovation centers and technology parks;
- 3) fulfill programs on compulsory and complete general secondary education, exercise general supervision over research, educational, health care, cultural, physical and sport institutions which fall under its administration, ensure their material and financial security;
- 4) take measures to preserve the network of educational, cultural, health care, physical and sport institutions, as well as draw up plans of their development, and take them into account while preparing projects of social and economic development;
- 5) take measures to limit and liquidate infectious diseases, epidemics, epizootics;
- 6) organize the work of medical institutions on health care of people, provide within their powers benefits and assistance related to the protection of maternity and childhood, as well as improve the living conditions of families having many children;
- 7) ensure implementation of legislation on all-round development and functioning of Ukrainian as the national language in all spheres of social life, creation of conditions for development

and use of languages of other nationalities;

8) participate in deciding matters concerning recognition a locality as a resort, establishing zones of sanitary protection of resorts and determining their regime;

9) support the activity of creative unions, national and cultural societies, women's, youth, children's and other social organizations, foundations, associations, and other civic organizations.

Article 23. Authority in the Field of Social Maintenance and Social Protection of People

The local state administration shall:

1) implement the state policy in the field of social maintenance and social protection of socially unprotected citizens -- pensioners, invalids, unable to work single people, children-orphans, single mothers, families of many children, and other citizens, who, because of insufficient material means, need assistance and social support from the state.

Support development of their social maintenance, correct and timely granting and payment of pension and assistance, offering targeted social assistance and support, granting and payment of targeted pecuniary aid, other compensation measures of social protection;

2) organize the network, provide the strengthening and development of the material-technology base of institutions for social management of people, improving the level and quality of their services;

3) draw up and ensure implementation of complex programs for improving the services offered for socially unprotected citizens and all-round development of their services;

4) provide employment for invalids, encourage them to get education and necessary qualifications, provide financial and household assistance to them, as well as treatment in sanatoria and rest-homes of invalids, war and labor veterans and persons who suffer from the consequences of the Chornobyl tragedy; help people to receive treatment in prosthetic and orthopaedic dentistry, render assistance to invalids in order to provide them with means of conveyance and rehabilitation, organize care of adults of the full legal age capable to function and who for reasons of health require this care;

5) provide people according to the established procedure with subsidies for housing and communal services;

6) support public and religious organizations, charitable funds and individual citizens to give assistance to socially unprotected people.

Article 24. Authority in the Field of Employment, Labor and Wage

The local state administration shall:

1) provide implementation of state guarantees in the sphere of labor, including the right to receive timely compensation for the work done;

2) draw up and organize implementation of projected and current territorial employment programs and measures related to social protection of various groups of population from unemployment;

3) provide, according to the law, performance of paid public works for the persons who are registered as unemployed;

4) provide social protection of employees engaged in work under hazardous conditions at enterprises, institutions and organizations of all forms of property, as well as a proper

certification of working places;

5) participate in conducting collective negotiations and concluding territorial tariff agreements and settlement of collective disputes (conflicts).

Article 25. Authority in the Field of Ensuring Legality, Law and Order, Rights and Freedoms of Citizens

The local state administration shall:

1) ensure implementation of the Constitution and laws of Ukraine, decisions of the Constitutional Court of Ukraine, acts of the President of Ukraine, as well as the Cabinet of Ministers of Ukraine, and other governmental bodies;

2) ensure implementation of measures concerning protection of public safety, public order, and fighting crime;

3) ensure consideration of applications submitted by citizens and their associations, exercise control over the state of this work in local self-governments, enterprises, organizations and institutions located within the relevant territory;

4) take measures concerning legal information and education of citizens;

5) consider issues and submit proposals on national awards, presidential distinctions and honorable titles of Ukraine;

6) ensure implementation of legislative acts on issues of citizenship related to residence of foreigners and other persons who have no citizenship, support bodies of internal affairs in

observance of regulations of the passport regime;

7) discharge functions related to elaboration and implementation of measures on housing, employment, providing social and household as well as medical care to refugees and deportees who return to the areas of their previous residence at their own free will;

8) ensure implementation of legislation in relation to national minorities and migration, on freedom of thought and speech, freedom of ideology and creed;

9) declare areas of emergency situations in the event of natural calamities, accidents, catastrophes, epidemics, epizootics, fires, and other emergencies, perform duties foreseen in the law on observance of public order in such sites, saving lives of people, protection of their health and rights, preservation of material valuables;

10) participate in decision on elections and referenda as well as administrative-territorial systems within the limits prescribed by law;

11) consider issues on administrative violations related to its competence, establish administrative commissions and coordinate their activities;

12) implement management of archive matters.

Article 26. Authority in the Field of International and Foreign Relations

The local state administration shall:

1) ensure execution of obligations on international agreements of Ukraine within the relevant territory;

2) promote the development of international cooperation in the field of economics, protection of human rights, fighting terrorism, environmental protection, health care, science, education, culture, tourism, physical education and sport;

3) conclude agreements with foreign partners on collaboration within the competence prescribed by law;

4) promote foreign economic ties between enterprises, institutions, organizations located in the confines of its territory regardless of the form of property;

5) promote development of export base and increased industrial production for export;

6) organize trade within frontiers on land and sea;

7) support the operation of custom and frontier services, as well as provide proper conditions for their functioning;

8) submit to the relevant bodies, according to the established procedure, proposals on attracting foreign investments for the development of economic potential of the relevant territory.

Article 27. Authority in the Field of Defense Management

The local state administration shall:

1) ensure implementation of the legislation on military responsibilities by officials and citizens,

enterprises, institutions and organizations;

2) take measures related to mobilization preparedness and civil defense within the relevant territory;

3) ensure implementation of the legislation on benefits to war veterans and persons equated to them, those on active duty and those discharged from active duty, as well as benefits and assistance to the families of servicemen who are on active duty for a fixed period;

4) assist in preparing youth for the military service, as well as in organizing a call up for service for a fixed period and alternative (nonmilitary) service;

5) take measures aimed at creating proper conditions for the functioning of checkpoints which grant permission to pass the borders of Ukraine.

Article 28. Rights of Local State Administrations

In order to implement the prescribed powers local state administrations shall have the right to:

1) conduct a review of the state of observance of the Constitution of Ukraine, laws of Ukraine and other legislative acts by local governments and their officials, managers of enterprises, institutions, organizations and their branches and departments regardless of forms of property and subordination in areas specified in Article 16 of the Law;

2) involve scientists, specialists and civic representatives in review, preparation and consideration of issues which are within the authority of local state administrations;

3) receive relevant statistic information and other data from state bodies and local

governments, their officials, political parties, civic and religious organizations, enterprises, institutions and organizations, their branches and departments regardless of the form of property;

4) give in accordance with the current legislation orders on issues which are obligatory for compliance by managers of enterprises, institutions, organizations, their branches and departments regardless of the form of property as well as by individual citizens, raise questions about their responsibility according to the procedure established by law;

5) perform other functions and powers within the current legislation.

Article 29. Local State Administrations' Exercise of Authority Delegated to them by Oblast and Raion Councils

Local state administrations shall exercise authority delegated to them by oblast and raion councils according to the Constitution of Ukraine within the scope and limits prescribed by Article 44 of the Law of Ukraine "On Local Self-Governance in Ukraine".

IV. RELATIONS BETWEEN LOCAL STATE ADMINISTRATIONS AND THE PRESIDENT OF UKRAINE, EXECUTIVE BODIES AND LOCAL GOVERNMENTS, ASSOCIATIONS OF CITIZENS, ENTERPRISES, INSTITUTIONS AND ORGANIZATIONS

Article 30. Relations between local state administrations and the President of Ukraine and the Cabinet of Ministers of Ukraine

While exercising their authority local state administrations and their heads shall bear responsibility before the President of Ukraine.

While exercising their authority local state administrations and their heads shall bear responsibility before the Cabinet of Ministers of Ukraine and shall be accountable to and

overseen by it.

Heads of oblast state administrations shall inform the President of Ukraine and the Cabinet of Ministers of Ukraine and every year shall provide annual accounts to them on implementation of authority imposed on local state administration as well as on social and political, socio-economic, environmental and other situations within the relevant territory, shall submit proposals on improving current legislation of Ukraine and practice of its implementation, system of state management.

Article 31. Relations of Local State Administrations with Ministries and Other Central Executive Bodies

Local state administrations when exercising their powers in the administrative sphere shall interact with the corresponding ministries and other central executive bodies.

Departments, divisions, and other structural subdivisions of local state administrations shall be accountable to and overseen by the corresponding ministries and other central executive bodies.

Heads of local state administrations shall coordinate activities of territorial bodies of ministries and other central executive bodies, and assist them in performance of the tasks entrusted to these bodies.

Concerning realization of the authority of local state administrations, leaders of territorial bodies of ministries and other central executive bodies shall be accountable to and overseen by the heads of the corresponding local state administrations.

In the event that a ministry or another central executive body defines the work of a corresponding department, division, or another structural subdivision of a local state administration or its leadership as unsatisfactory, the minister or the leader of another central executive body shall address a respective motivated submission to the head of the local state administration. The head of the local state administration shall be obliged to consider this

submission and, no later than within a one-month period, to make a decision and to provide a substantiated response.

The head of a local state administration shall be entitled to bring before the ministries and other central executive bodies motivated questions on whether leaders of their territorial bodies meet the requirements of the offices they occupy; on these grounds, the ministry or another central executive body shall be obliged to make a decision and provide a substantiated response within a one-month period.

Article 32. Relations of Local State Administrations with Other State Power Bodies

While exercising their authority, local state administrations shall interact with other state power bodies within the limits of the Constitution and laws of Ukraine.

Article 33. Relations between Oblast and Raion Local State Administrations

Oblast state administrations within the limits of their authority shall direct the activities of raion state administrations and exercise oversight of their activities.

Heads of raion state administrations shall regularly inform the heads of oblast state administrations of their activities and report to them annually and on request.

Heads of oblast state administrations shall be entitled to reverse orders of heads of raion state administrations if they contradict the Constitution of Ukraine, resolutions of the Constitutional Court of Ukraine, presidential decrees, acts issued by the Cabinet of Ministers of Ukraine, by the heads of oblast state administrations, ministries and other central executive bodies.

Managers of departments, divisions, and other structural subdivisions of an oblast state administration shall be entitled to reverse orders of the heads of the corresponding

departments, divisions, and other structural subdivisions of raion state administrations if they contradict the legislation of Ukraine and acts issued by higher executive bodies.

Providing that the grounds envisaged by legislation exist, heads of oblast state administrations may bring to the attention of the President and the Cabinet of Ministers of Ukraine issues on bringing heads of raion state administrations to disciplinary responsibility.

Based on the results of the work of a raion state administration, the head of the oblast state administration may apply incentive measures established by legislation to officials of the raion state administration.

Article 34. Relations of Local State Administrations with Oblast and Raion Councils

Local state administrations shall exercise authority delegated to them by the corresponding oblast and raion councils.

When councils delegate powers to local state administrations, this delegation shall be accompanied with the transfer of financial, material and technical, and other resources necessary for exercising this authority.

Local state administrations shall be accountable to and overseen by the corresponding councils in terms of the delegated authority.

Heads of local state administrations shall be entitled to submit for consideration of the corresponding councils issues related to exercising delegated authority as well as other proposals.

Heads of oblast state administrations shall have the right to consultative vote at the meetings of oblast councils. Heads of raion state administrations shall have the right to consultative vote at the meetings of raion councils.

Heads of local state administrations shall give to the corresponding councils annual reports on execution of the budget, programs of socio-economic and cultural development of territories, and delegated authority.

Oblast and raion councils may express their no-confidence in the head of the corresponding local state administration; on this basis, taking into account proposals of the higher executive body, the President of Ukraine shall make a decision and give to the corresponding council a substantiated response.

If no-confidence in the head of oblast or raion state administration was expressed by two-thirds of the composition of the corresponding council, the President of Ukraine shall dismiss the head of the corresponding local state administration.

Article 35. Relations of Local State Administrations with Local Self Governments of Territorial Communities and their Officials

Local state administrations shall interact with village, settlement or city local councils, their executive bodies, and village, settlement or city heads on their corresponding territories, assist them in exercising their own powers of local self-governance, in particular, in resolving problems of economic, social and cultural development of the corresponding territories, in strengthening the material and financial base of local self-governance, exercise oversight of the executive powers imposed on them by law, consider and take into account in their activities proposals of deputies, local self-government bodies and their officials.

In the event that a local state administration considers issues that touch upon the interests of local self-governance, it shall inform the corresponding self-government bodies in advance. Representatives of these bodies and territorial community officials shall be entitled to participate in the consideration of such issues by the local state administration, with their comments and proposals being stated.

Heads of local state administrations, deputy heads, managers of departments, divisions, and other structural subdivisions of local state administrations, or their representatives shall be

entitled to attend meetings of local self-government bodies and to take the floor on issues related to their competence.

Local state administrations shall not be entitled to interfere in the local self-government bodies' exercise of their authority.

In order to implement joint programs, local state administrations and local self-government bodies may conclude agreements and create joint bodies and organizations.

Article 36. Relations of Local State Administrations with Enterprises, Institutions and Organizations

Local state administrations shall manage the property of the enterprises, institutions and organizations under their management, conclude and cancel contracts with their managers.

Managers of enterprises, institutions and organizations under the management of ministries and other central executive bodies shall be appointed to and dismissed from their offices under agreement with the head of the corresponding local state administration, except for managers of institutions, enterprises and organizations of the Armed Forces and other military units of Ukraine.

Local state administrations shall not intervene in economic activities of enterprises, institutions and organizations, except for the cases defined by law.

Local state administrations shall be entitled to appeal to the owner or the authorized person of an enterprise, institution, or organization with the motivated submission on holding their managers responsible in the case that they violated laws. The owner or authorized person shall be obliged to inform the local state administration of the results of consideration within a one-month period.

Managers of enterprises, institutions and organizations shall be entitled to appeal to higher executive bodies or to the court with a request to reverse the instructions of heads of local state administrations, if these instructions contradict the legislation regarding their activities.

Managers of enterprises, institutions and organizations irrespective of the form of ownership shall be obliged to provide the heads of local state administrations with necessary information requested by them within a 10-day period within the limits delineated by law.

Article 37. Relations of Local State Administrations with Civic Associations

Local state administrations shall interact with political parties, public and religious organizations in order to ensure rights and liberties of citizens, meet their political, ecological, social, cultural, and other interests, with proper regard given to national and local interests, promote execution of statutory tasks, and ensure observance of legal rights of these civic associations.

Political parties, public and religious organizations may submit proposals concerning their activities to be considered by local state administrations. In such cases representatives of these organizations shall be entitled to attend consideration of the issues submitted by them and provide necessary explanations.

Article 38. Relations of Local State Administrations with Citizens

Local state administrations shall ensure observance of rights and liberties of citizens. Citizens shall appeal to local state administrations in case of solution of problems that belong to the area of authority of local state administrations.

Officials of local state administrations shall be obliged to consider appeals of citizens and, in no later than the term defined by law, adopt a decision or give a substantiated response.

Officials shall personally receive citizens following the procedure delineated by law.

Decisions adopted by officials of local state administrations may be appealed to the President of Ukraine, a higher executive body, the Authorized Human Rights Representative of the Verkhovna Rada of Ukraine, or a court.

V. ORGANIZATION AND ORDER OF ACTIVITIES OF LOCAL STATE ADMINISTRATIONS

Article 39. Authority of Heads of Local State Administrations

Heads of local state administrations shall:

- 1) lead the corresponding local state administrations, direct their activities, bear responsibilities for performance of the tasks imposed on local state administrations and the exercise of their powers;
- 2) represent the corresponding local state administrations in relations with other State and self-government bodies, political parties, public and religious organizations, enterprises, institutions and organizations, citizens and other persons both in Ukraine and abroad;
- 3) appoint to and dismiss from the offices their deputy heads, managers of departments, divisions, and other structural subdivisions in accordance with Articles 10 and 11 of this Law;
- 4) appoint to and dismiss from the offices heads of the staff of local state administrations and heads of the staff of structural subdivisions of local state administrations;
- 5) conclude and cancel contracts with managers of enterprises, institutions and organizations under management of a corresponding local state administration, or authorize their deputy

heads to do this;

6) coordinate, following the established procedure, appointment to and dismissal from the offices of managers of independent enterprises, institutions and organizations under the management of higher executive bodies, except for enterprises and organizations of the Armed Forces and other military units of Ukraine;

7) within the limits of confirmed budgets, act as managers of funds of the corresponding state administrations, using them only for special purposes;

8) regularly inform citizens of how the authority entrusted to the local state administration is exercised;

9) in order to promote execution of the authority of local state administrations, form advisory, consultative and other auxiliary bodies, services and commissions, whose members perform their functions on a voluntary basis; in addition, heads of local state administrations define their tasks, functions and personal membership;

10) perform other functions foreseen by the Constitution and laws of Ukraine, orders issued by the President of Ukraine, Cabinet of Ministers of Ukraine, higher executive bodies.

In cases foreseen by law, heads of local state administrations may request that the Verkhovna Rada of Ukraine would appoint early elections of village, settlement, city, submunicipal, raion, oblast councils and the heads of village, settlement, city councils.

In the event that the head of a local state administration is absent, his/her functions shall be performed by the first deputy head, and in the event of the absence of the latter, the functions shall be performed by one of the deputy heads of the local state administration.

Article 40. Powers of First Deputies and Deputy Heads, and Other Officials of Local State

Administrations

First deputy heads, deputy heads and other officials of local state administrations shall exercise functions and powers according to the distribution of responsibilities, defined by heads of local state administrations and bear responsibilities before the head of the local state administration and higher executive bodies for the state of affairs entrusted to them.

Article 41. Instructions of Heads and Orders of Managers of Structural Subdivisions of Local State Administrations

Heads of local state administrations shall personally issue instructions and bear responsibility for them in accordance with law.

Draft instructions of a statutory legal character shall be submitted for the approval of the managers of corresponding structural subdivisions of local state administrations.

Acts of local state administrations that are not of a statutory legal character and adopted within the limits of their authority shall enter into force from the moment of their adoption unless these acts specify another date of their enactment. These acts shall be delivered to their executors, and in case of necessity shall be promulgated.

Statutory legal acts of local state administrations shall be liable to the State registration in the corresponding body of justice following the established procedure, and enter into force from the moment of their registration, unless these acts define a later date of their implementation.

Statutory legal acts of local state administrations related to the rights and duties of citizens, or are of a general character shall be subject to promulgation and enter into force from the moment of their promulgation unless these acts specify a later date of their implementation.

Article 42. Organization of Activities of Departments, Divisions and Other Structural

Subdivisions of Local State Administrations

Departments, divisions and other structural subdivisions of local state administrations shall exercise supervision of fields of management and bear responsibility for their development.

Departments, divisions and other structural subdivisions of local state administrations shall be accountable to and overseen by the heads of corresponding local state administrations and higher executive bodies.

Departments, divisions and other structural subdivisions of raion state administrations shall be accountable to and overseen by corresponding departments, divisions and other structural subdivisions of oblast state administrations.

Article 43. Appeals Against and Reversals of Acts of Local State Administrations

Acts of Local State Administrations that contradict the Constitution and laws of Ukraine, resolutions of the Constitutional Court of Ukraine, presidential decrees, acts issued by the Cabinet of Ministers of Ukraine, or interests of territorial communities or individual citizens may be appealed to a higher executive body, or to a court.

Instructions of heads of local state administrations that contradict the Constitution and laws of Ukraine, resolutions of the Constitutional Court of Ukraine, other legislative acts, or are inexpedient, uneconomical, ineffective in terms of expected or actual results shall be reversed by the President of Ukraine, Cabinet of Ministers of Ukraine, the head of a higher local state administration, or in due course of law.

Orders of the managers of departments, divisions and other structural subdivisions of local state administrations that contradict the Constitution of Ukraine, other legislative acts, resolutions of the Constitutional Court of Ukraine, acts of ministries and other central executive bodies may be reversed by the head of a local state administration, corresponding ministries, other central executive bodies.

Article 44. Staff of Local State Administrations

Heads of local state administration shall form the staff of local state administrations within the limits of allocated budget funds for legal, organizational, material and technical provision of local state administration activities, for preparation of analytical, informational and other materials, for regular oversight over execution of legislative acts and instructions of the local state administration, for providing methodological and other practical assistance to local state administrations and local self-government bodies.

The staff of a local state administration shall be headed by the chief of staff who shall be appointed to the office by the head of the local state administration. The chief of staff of a local state administration shall organize its work, ensure preparation of materials to be considered by the head of the local state administration, organize instruction delivery of the head of the local state administration to the executives, be responsible for the clerical and registration work, accountability, perform other duties entrusted to him by the head of the local state administration. The chief of staff of the local state administration shall issue orders concerning these matters.

The head of a local state administration shall confirm the status and define the structure of the staff, appoint to and dismiss from the offices heads and other officials of structural subdivisions of the staff. Regarding payment for work, the managers of structural subdivisions of the staff shall be equated with the managers of departments, divisions and other structural subdivisions of the local state administration.

Article 45. Rules of Procedure of Activities of Local State Administrations

Organizational and procedural matters of internal activities of local state administrations shall be regulated by their rules of procedure which shall be approved by the heads of corresponding local state administrations. Typical rules of procedure shall be approved by the Cabinet of Ministers of Ukraine.

Article 46. Peculiarities of Activities of Raion State Administrations in the Autonomous

Republic of Crimea

Besides the tasks foreseen by Article 2 of this law, raion state administrations in the Autonomous Republic of Crimea shall ensure execution of the Constitution of the Autonomous Republic of Crimea, statutory legal acts of the Verkhovna Rada of the Autonomous Republic of Crimea, and resolutions of the Council of Ministers of the Autonomous Republic of Crimea.

The Council of Ministers of the Autonomous Republic of Crimea within the limits of its authority shall direct and supervise activities of raion state administrations.

Proposals on appointment to and dismissal from the office of the head of a raion state administration in the Autonomous Republic of Crimea shall be submitted for consideration of the Cabinet of Ministers of Ukraine by the Head of the Council of Ministers of the Autonomous Republic of Crimea in accordance with the procedure established by Articles 8, 9, 12 of this law.

The appointment of the deputy head and deputy heads, as well as managers of structural subdivisions of a raion state administration in the Autonomous Republic of Crimea shall be exercised by the head of the corresponding raion state administration with the advice and consent of corresponding officials of the Council of Ministers of the Autonomous Republic of Crimea in accordance with the procedure established by Article 10 of this law.

The Council of Ministers of the Autonomous Republic of Crimea shall be entitled to reverse instructions of the heads of corresponding raion state administrations if they contradict the Constitution of Ukraine, laws of Ukraine, other legislative acts, and statutory legal acts of the Verkhovna Rada of the Autonomous Republic of Crimea, resolutions of the Council of Ministers of the Autonomous Republic of Crimea that do not contradict the legislation of Ukraine.

Provided that the grounds delineated by the legislation exist, the Council of Ministers of the Autonomous Republic of Crimea may bring to the attention of the President of Ukraine and the Cabinet of Ministers of Ukraine issues on bringing heads of corresponding raion state administrations to disciplinary responsibility.

Based on the results of work of raion state administrations in the Autonomous Republic of Crimea, the Council of Ministers of the Autonomous Republic of Crimea may apply incentive measures to the officials of corresponding raion state administrations.

The Representative Office of the President of Ukraine in the Autonomous Republic of Crimea, within the authority entrusted, shall interact with raion state administrations in the Autonomous Republic of Crimea.

VI. SUPPORT OF ACTIVITIES AND RESPONSIBILITY OF LOCAL STATE ADMINISTRATIONS AND THEIR OFFICIALS

Article 47. Financing and Logistical Support of Local State Administrations Activities

Financial security of local state administrations shall be realized at the expense of the State Budget of Ukraine.

The pay-roll fund and expenditures for maintenance of oblast, Kyiv and Sevastopol city state administrations shall be determined by the Cabinet of Ministers of Ukraine; those of the raion state administrations of the Autonomous Republic of Crimea – by the Council of Ministers of the Autonomous Republic of Crimea; those of raion state administrations – by the heads of oblast state administrations.

In order to ensure activities of local state administrations, their structural subdivisions, a state-owned property shall be allotted to them for their administration.

The limits of numerical strength, pay-roll funds of departments, divisions, other structural subdivisions, and the staff of local state administrations shall be determined by heads of corresponding local state administrations within the limits of funds appropriated.

Article 48. Principles of Payment for Work, Social Security of the Officials of Local State Administrations

Officials of local state administrations are civil servants; their major rights, duties, responsibilities, principles of payment for work, social security and social amenities shall be defined by the Law of Ukraine "On Civil Service."

Article 49. Responsibility of Local State Administration Officials

Officials of local state administrations shall bear responsibility in accordance with the current legislation.

Material damage caused by illegal instructions of heads of local state administrations, by orders of heads of departments, divisions, other structural subdivisions of local state administrations, by action or omission of officials of local state administrations when exercising their powers shall be compensated at the expense of the State.

The State shall have the right to recourse to the local state administration official who caused the damage to compensate it in that amount and under the procedure established by the legislation.

Article 50. Appeals Against Ordinances of Local State Administrations

Instructions of the heads of local state administrations, acts issued by other officials appointed by the heads are subject to appeal in due course of law.

VII. CONCLUDING PROVISIONS

This law shall enter into force from the day of its promulgation.

President of Ukraine
L. Kuchma

City of Kyiv
April 9, 1999
586-XIV