

Implementation of European standards in the activities of local government bodies

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Abstract: The relevance of the study lies in the need to determine the compliance of local government activities with European standards, as Ukraine's European integration course involves the implementation of a number of tasks, particularly the compliance of such activities with European standards and the decentralization of power. The purpose of the article is to conduct a comprehensive analysis of European standards of local self-government from the perspective of their democratic potential, to determine which of them require implementation in the national legislation of Ukraine, and to propose methods and tools for implementing the latter in the activities of local self-government. The research methodology consisted of methods that enabled the study of European standards of local self-government and the mechanism for their implementation in the national legal system (logical-semantic method for analyzing the essence of European standards of local self-government; modeling, which was used to study trends in the implementation of European standards; analysis, synthesis, and generalization - to determine the advantages of implementing European standards). As a result of the study, the problems of implementing European standards in the activities of local self-government were identified, and the conclusion proposed ways to solve them.

Keywords: *Administrative and territorial reforms, Decentralization of power, Implementation of European standards, European standards of local self-government, Implementation tools.*

1. Introduction

The strategic goal of Ukraine is European integration and, as a result, the implementation of European standards into the national legal system. The reform of local self-government on the basis of decentralization is already taking place in Ukraine, but the question of the effectiveness of this reform requires research, because it is the tools of any process that matter. International agreements also define the need for Ukraine to bring its national legislation into line with European norms and standards.

Important in the process of bringing national legislation to European standards is not so much the problem of implementation as the algorithms and mechanisms of practical implementation of these implemented standards of local self-government in everyday practice.

Administrative-territorial reform partly involves the implementation of European standards of local self-government, and the implementation of this process depends on the political will of government officials, local self-government officials, etc. The process of decentralization of state power and the transfer of many of its competencies to the level of local self-government should be suitable for the people themselves - the community. Therefore, bringing the activities of local self-government bodies to European standards primarily involves meeting the needs and interests of residents of territorial communities.

The above-mentioned reform in Ukraine is an effective result of the evolution of theoretical considerations and the practice of activities of local self-government bodies in the direction of finding an optimal model of interaction between the institutions of the state and local self-government. In addition, the compliance of the activities of local self-government bodies with European standards indicates an increase in the role and autonomy of local self-government in solving problems at the local level.

It is important to note the principle of subsidiarity, which is one of the European principles of local self-government, according to which the powers of the lowest territorial level (so-called delegated powers) that are effectively exercised at the local level should be removed from the sphere of authority of central authorities and transferred to local self-government institutions levels

The problem of researching the implementation of European standards in the activities of local self-government bodies involves the need to research a wide range of theoretical and practical issues related to the peculiarities of state construction and determined by the European integration steps of Ukraine.

The analysis of certain aspects of the implementation of European standards in the activities of local self-government bodies was carried out in the scientific works of such scientists.

Ukrainian scientist Plyusch [1] in his scientific work investigated the evolution of the development of local self-government, the prospects of this institution at the current stage of state formation in Ukraine, in particular in the conditions of European integration; defined horizontal, vertical, selective and pure decentralization, their characteristic features. He stated that pure decentralization is effective, when power relations are relatively evenly distributed among all officials of local self-government.

The scientific works of Klyuchkovskiy [2] and Bezverhnyuk, et al. [3] examine the issues of European standards of local self-government, and it is noted that the scientific study of international standards of local self-government has begun in Ukraine, but the nature of such international standards cannot be considered definitively studied yet.

In the scientific work of Rosenvalon [4] which contains support for the European principles of decentralization of power, it is noted that the more and more the management of society is stimulated by principles and procedures based on the project of eliminating advantages for individuals and the appropriation of certain functions by the involved forces, the more it is guaranteed to ensure the general interest within these frameworks"; the support of the same position is also reflected in other scientific works [5].

The issue of attributing the principles of subsidiarity and decentralization of power to European standards is also studied by scientists Monolatii [6] in particular, it is argued that the central government should play a subsidiary (auxiliary) and not a subordinate (subordinate) role in order to bring the solution of issues closer to their places of origin. occurrence

Researcher Monolatii [6] in her scientific work on local self-government and the modern process of decentralization of a separate administrative-territorial unit in Ukraine notes that the process of democratization of the regulatory and legal framework of local self-government is taking place slowly, and the actual actions of city councils in the implementation of the policy of decentralization of power and reforming the provision of services to meet the needs of the population require revision.

In their works, scientists Baimuratov and Grigoryev [7] reveal the issue of implementation of European standards in the activities of local self-government bodies and point to their important role in shaping the competence of municipal authorities. In addition, scientists Baimuratov [8] and Batanov [9] pay a lot of attention in their scientific works to the legal nature and features of international standards of local self-government.

In the scientific works of Demchenko [10] the issue of European standards of local self-government is highlighted as complex and under-researched, and individual developments in this area are not sufficiently researched, because they leave open the questions of the specifics of the experience and practice of implementing European standards of local self-government into national legislation.

Scientist Pukhtynskiy [11] defines international standards as international legal norms that regulate the basic principles, forms and methods of implementing municipal power, established by international documents.

At the same time, Lutz [12] in his scientific work focuses on the fundamental principles, forms and methods of international documents in the field of implementation of municipal power, and notes that such international standards determine the rules recognized by the majority of states, fix jointly formed by states principled approaches and international principles of establishment, formation and functioning of the local self-government institute.

The Western scientist Bellamy [13] in his scientific work claims that it is not norms that protect individual freedom, but institutions that enable subjects to act in a certain way and provide them with means of protection against encroachment by others. Also, scholars argue Zicha, et al. [14] that law is the ability of people to do or not do certain things, and they are best protected by democratic government, autonomous within the community; constitutional rights will not be worth anything if there is no such differentiation of state functions, which preserves the autonomy of different spheres and levels of social life.

Scientists argue Ladychenko, et al. [15] that the development of local self-government in Ukraine in accordance with European standards of its actual implementation should gradually move from community management systems - the so-called "good governance" systems - as democratic, effective, responsive to modern challenges, transparent and publicly accountable; after all, the state must implement modern European democratic methods of self-government; carry out a gradual transition from "communal" to modern "municipal" self-government, and engage in codification and systematization of norms in the field of local self-government.

According to other scholars Agafonova and Irkha [16] since the signing of the Association Agreement between Ukraine and the countries of the European Union, issues of foreign investment, in particular, donor assistance and grants from European Union institutions, have gained great importance, which contributes to the acceleration of the implementation of international standards and the creation of international support programs for Ukraine in the field of organizing the functioning of local governments in Ukraine.

2. Material and Methods

The research methodology consists of such methods of scientific knowledge as general and special. These methods are used to study European standards of local self-government and the mechanism of their implementation in the national legal system. In particular, the essence of European standards of local self-government was analyzed using the logical-semantic method; scientific views on the implementation of European standards of local self-government were systematized using the methods of classification and grouping.

Among the group of general scientific methods, the modeling method used to study trends in the implementation of European standards became the most popular.

Thanks to the methods of analysis, synthesis and generalization, the advantages of implementation into national legislation of European standards of local self-government were determined.

The study of the issue was carried out in four stages:

1. At the first stage, in the theoretical generalization of the formed legal categories as the basis of the study, the characteristic features of international standards of local self-government were analyzed and proposed;
2. At the second stage, the role and significance of the use of international standards was formed, in particular in the process of reforming local self-government in Ukraine;
3. At the third stage, the general characteristics of the implementation of international standards in the activities of local self-government bodies in Ukraine are given;
4. At the fourth stage, conclusions were made and concrete proposals were made for the application of international standards in the activities of local self-government bodies in Ukraine.

3. Results and Discussion

3.1. Peculiarities of Establishing European Standards of Local Self-Government, Their Classification and Application

The main role in establishing international standards at the national level is played by international intergovernmental organizations, in particular the Council of Europe, the Congress of Local and Regional Authorities of Europe, the Committee of Ministers of the Council of Europe, the Conference of European Ministers responsible for local and regional development, the European Commission for Democracy through Law (Venice commission) etc.

International acts issued by the above-mentioned European international non-governmental organizations and establishing European standards of local self-government are classified on the charter of the Council of Europe, the Congress of Local and Regional Authorities of Europe; resolutions of the Congress of local and regional authorities of Europe; recommendations of the Congress of local and regional authorities of Europe, the Committee of Ministers of the Council of Europe, etc.

International standards of local self-government have certain forms of expression, in particular, institutional forms of international and European cooperation in the development of common rules, norms, standards and principles for the development of local democracy, strengthening the legal basis of local self-government activities was the adoption of declarations, charters, conventions, codes, strategies, resolutions, recommendations, etc.

The Council of Europe European Charter of Local Self-Government [17] which entered into force in 1997 in Ukraine and became part of the national legislation, obliged the signatory states to apply the basic legal norms guaranteeing the legal, administrative and financial autonomy of territorial communities and their bodies. The mentioned international document, as a guarantee of the application of the guiding principles of local autonomy, became one of the foundations of democracy, which the Council of Europe undertook to protect and develop in the spirit of pan-European values.

Today, the need to bring national legislation into line with international standards arose in connection with the signing by Ukraine of the Association Agreement between Ukraine and the European Union, which took place in several stages: on March 21, 2014, as part of the extraordinary Ukraine-EU Summit, the Final Act of the Summit and the political part of the Agreement were signed. After that, on June 27, 2014, as part of a meeting of the Council of the European Union, as well as on September 16, 2014, the Verkhovna Rada of Ukraine and the European Parliament ratified the Association Agreement between Ukraine and the European Union.

Its final official title is "Association Agreement between Ukraine, on the one hand, and the European Union, the European Atomic Energy Community and their member states, on the other hand." This international document became the basis for reforming local self-government, using the principles of decentralization of power and subsidiarity when drafting legislation in the field of local self-government; this international document is the basis for the implementation of international standards of local self-government and the activities of local self-government bodies in Ukraine.

3.2. Peculiarities of the Implementation of European Standards in the Activities of Local Self-Government Bodies in Ukraine

Borrowing effective foreign norms, principles, standards and practices is an implementation that has its own mechanism and a unique process, which is defined as a set of financial, material and organizational measures aimed at regulating a certain type of legal relationship and enriching the institutional base, improvement mechanisms, in particular, local self-government systems in accordance with international standards.

Implementation of the guidelines of European institutions regarding decentralization in Ukraine is carried out in many directions with the help of international and domestic institutes, institutions and organizations. In particular, since 2007, with the help of Swiss experts, the project "Supporting decentralization in Ukraine" has been implemented in Ukraine, according to which the Swiss experience is being adopted and the search for an acceptable format for the decentralization of power and the

transfer of greater powers to local bodies is being carried out for Ukraine. On the side of Ukraine, this process is managed by the central body that forms policy in the field of local self-government - the Ministry of Development of Communities and Territories of Ukraine, and on the side of the Swiss partners - the Swiss Agency for Development and Cooperation.

Another program for the implementation of international standards in the field of local self-government operates in Ukraine, in particular, the program for empowerment at the local level, accountability and development "U-LEAD with Europe", which is jointly financed by the European Union and its member countries: Denmark, Estonia, Germany, Poland and Sweden. Within the framework of this implementation program, Local Self-Government Development Centers have been established in each of the regions of Ukraine, which advise and serve local self-government bodies and local self-government entities such as united territorial communities, public organizations and individual citizens. Within the framework of this program, experts advise and train on issues of effective strategic planning, regional development, budget process, project management, help build communication and implement educational initiatives on decentralization, provide methodological and financial assistance.

It is also worth noting the Program of Decentralization and Reform of Local Self-Government in Ukraine, enshrined in the Action Plan of the Council of Europe for Ukraine for 2018-2021, the purpose of which is the implementation of decentralization reform in Ukraine and the formation of a sustainable system of local self-government.

Effective implementation of international standards in the activities of local self-government bodies is possible in the case of solving problematic issues of the functioning of relevant bodies in Ukraine today, however, the issue of distribution of powers and budget funds in the conditions of solving issues of districts remains unresolved. Scientists note Gogol and Melnychuk [18] that the greatest risks of current reforms in Ukraine are associated with the existence of the above-mentioned barriers, which should be taken into account during the development and implementation of specific community development mechanisms.

In general, decentralization profoundly changes the conditions of social self-organization, state financing, and economic development. As in the whole world, decentralization in Ukraine leads to good consequences in the everyday life of citizens. Public administration becomes more rational, flexible, understandable and interactive. Relations between the state and society are strengthened, and the democratic responsibility of officials increases.

As the transparency of the distribution of resources increases, opportunities for the implementation of corrupt practices gradually decrease. Economic activity and interregional rivalry of local communities are facilitated. Therefore, in our opinion, such programs of implementation of international standards should continue to function in Ukraine, and new ones should be concluded, because they are a very effective way and tool of implementation of international standards in the activities of local self-government bodies.

4. Conclusion

The administrative-territorial reform or the reform of local self-government in Ukraine has been ongoing for more than ten years, but it still leaves a number of unresolved issues that require further steps to be taken within the limits of the defined reforms. Normative international fixing of tasks for Ukraine on the way to European integration remains partially declarative and requires detailed implementation algorithms.

International standards establish the basic principles, provisions and instructions for the implementation of local self-government in such a way as to decentralize state power, ensure an effective process of subsidiarity and provide maximum autonomy to municipalities, but their implementation is a complex process that requires both international communication interaction and the adoption of a common a foreign country of a program for the implementation of international standards.

Ukraine needs both international communication interaction in terms of implementing international standards in the activities of local self-government bodies, and the adoption of joint international programs that will help implement relevant international standards in practical activities, both financially and consultatively.

The materials of the article can be useful to scientists and practitioners who generally research the problems of implementing international standards in the activities of local self-government bodies. Also, these recommendations can be taken into account by legislative and executive authorities regarding international cooperation in the specified area.

Transparency:

The authors confirm that the manuscript is an honest, accurate, and transparent account of the study; that no vital features of the study have been omitted; and that any discrepancies from the study as planned have been explained. This study followed all ethical practices during writing.

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