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## FOREIGN EXPERIENCE OF EXERCISING POWERS BY LOCAL SELF-GOVERNMENT BODIES AND EXECUTIVE AUTHORITIES

**Abstract. Purpose.** The purpose of the article is to study the foreign experience of interaction between local self-government bodies and executive authorities and to formulate proposals for improving this process in Ukraine. **Results.** The article studies the issue of foreign experience of functioning of local self-government bodies and executive authorities in terms of exercising joint powers. Positive examples of interaction between local self-government bodies and executive authorities, as well as trends in implementing the relevant experience in Ukraine are presented. The author identifies the problems faced by foreign local self-government bodies and executive authorities in the course of interaction in terms of exercising joint powers. The ways of borrowing the positive experience of foreign countries in terms of interaction between local self-government bodies and executive authorities in terms of exercising joint powers are proposed. It is revealed that in many countries the mechanisms of coordinating local budgets with central (state/regional) authorities exist, which are aimed at determining local tax rates, expenditure limits and other measures to ensure financial sufficiency and proper coordination of budgets. Such interaction typically tends to be at the political level, usually at the level of ministers or senior officials on the one hand, and municipal associations on the other. **Conclusions.** It is concluded that certain types of cooperation are implemented through representative bodies that more effectively represent the positions of municipalities and defend the interests of local authorities. The representative structures of municipalities are beneficial for both central and local authorities. The former can conduct consultations and negotiations in a more orderly manner and expect that the agreements reached will apply to a large number of communities, while the latter are able to participate in the decision-making process and influence its final outcome in a way that is not possible for each municipality individually. Ukraine should adopt the effective experience of cooperation between local self-government bodies and executive authorities, in particular in the form of consultations, meetings, development of joint documents/programmes, organisation of meetings, sessions, joint advisory bodies, etc. in order to effectively perform joint powers.

**Key words:** interaction between state authorities, interaction with executive authorities, foreign experience of interaction between state and municipal authorities, trends in interaction with executive authorities in Ukraine.

### 1. Introduction

The most common instruments of cooperation between local self-government and executive authorities are the exchange of information, transfer of necessary data, provision of consultations or meetings. However, some other forms of interaction have proven to be important and effective: various methods of bilateral determination of financial support required to meet statutory obligations; delegation of powers to local authorities, thus expanding their scope of activities; cooperation agreements that define procedures for interaction, bilateral provision of services

or financial support. In Ukraine, cooperation between executive authorities and local self-government bodies is sometimes reduced to the implementation of bureaucratic procedures within the scope of delegated powers, and this practice has no development trends. In view of the above, the issue of foreign experience of cooperation between these bodies is relevant and requires a study of those effective cooperation practices that are most common in the European Union due to their efficiency, effectiveness and usefulness.

The issues of foreign experience of interaction between local self-government

bodies and executive authorities have been studied by the following scholars: I. Kovalevych, N. Kaminska, M. Kashchyshyn, O. Chernenko, A. Panov, A. Kovalova, A. Chyrkin, N. Mishyna, V. Dudchenko, N. Hvizava, V. Popko and others. The issues of foreign experience of interaction between local self-government bodies and executive authorities have been studied in the scientific works by M. Havrda, A. Moreno, M. Jones and others.

The purpose of the article is to study the foreign experience of interaction between local self-government bodies and executive authorities and to formulate proposals for improving this process in Ukraine.

## **2. The most common forms of interaction between executive authorities**

Almost all member states consider consultations to be the most common form of interaction. Most countries have mandatory consultations on issues of local importance, such as reforms, budgeting, and local taxes. This form of cooperation is usually implemented between associations of municipalities and representatives of central authorities. Many countries have special consultation structures (congresses, conventions, working groups, etc.) that meet periodically (annually, quarterly, etc.). In countries with a well-developed decentralisation of power, these structures are usually regional, although there may be issues that should also be considered at the federal level.

For example, Belgian legislation provides for formal consultative structures that facilitate cooperation in all sectors of interaction between government entities. Belgium is characterised by a mixed model of local self-government, as local interests are part of the national interests, which are realised through the activities of local governments (Kovalevich, 2009).

The Czech Republic has established regular consultation forums between central and local authorities. Representatives of these authorities or their officials meet regularly to coordinate the exercise of their powers and responsibilities. In addition, it is one of the countries that not only has the principle of local self-government enshrined in the constitution, but also has a constitutional provision for the powers of local governments (Havrda, 2020).

In Bulgaria, parliamentary consultations are held on draft laws that may affect local authorities. The National Association of Municipalities represents local governments at these meetings and organises meetings with members of parliament to lobby for local interests. In the area of social security, the Social Security Council was established as a public

advisory body, which includes the National Association of Municipalities, together with central government, trade unions, employers' organisations and non-governmental organisations. In addition, the Council of Ministers established an Interministerial Council with the participation of the National Association of Municipalities to exchange specialised information at the expert level between the participants (Peculiarities of organizational and legal support for the activities of associations of local self-government bodies at the national level in the countries of the European Union, 2020).

Estonia has introduced electronic consultation procedures on draft laws, which are actively used by local government associations. In Iceland, discussions cover issues ranging from the adoption of local government charters to the provision of funding and the allocation of responsibilities. In Norway, consultations between central and local governments have been formalised through a series of four annual meetings between ministers and the political leadership of the Norwegian Association of Local and Regional Authorities (Voronov, Hradova, Hryshko, 2022, pp. 24-42). These meetings are a means of discussing the link between the financial situation of local governments and the performance of their duties.

In Italy, all regions have a political representative (a leader or member of the regional executive) who is responsible for relations with local authorities. Its main functions are to coordinate the activities of regional and local authorities, to cooperate with them and to establish legislative and administrative procedures that facilitate this interaction. In addition, an important role in each region is played by the Council of Local Autonomies, an advisory body that represents local interests (Kaminska, 2012, p. 57).

The Local Council Association of Malta represents local authorities in general meetings with the central government, which are held on a regular basis, as well as in ad hoc committees, even though Malta is a small island country that is not divided into administrative units. In the Netherlands, according to the Code of Inter-administrative Relationship Provisions, a consultative meeting of government agencies chaired by the Prime Minister is held twice a year. In Romania, consultations with associations of local authorities on issues within their competence are provided for in the Local Act (Kashchyshyn, 2018; Moreno, 2012; Code on Inter-administrative Relations, 2013)

Slovenia also has a statutory requirement to consult with the Association of Municipalities on draft regulations on local issues.

In Spain, official consultations between national and regional authorities are held within the framework of sectoral conferences, which are considered necessary to agree on their common policy.

Swiss law also provides for negotiations with municipalities to resolve local issues. In addition, the Constitution of this country stipulates that the Confederation shall consider the impact of its activities on local authorities (Federal Constitution of the Swiss Confederation, 2000). In pursuance of this provision, the Federal Government adopted the 'Guidelines for Cooperation between the Confederation, the Cantons and the Municipalities', which enshrines the right of municipalities to participate in consultations on federal activities that may have an impact on local governments; to participate in expert committees or working groups established by the Confederation and to provide relevant opinions within their competence. In addition, representatives of local governments should be involved in the work of permanent advisory commissions in some areas with sectoral functions in cases where their interests are affected.

Central government plays an important role in advising local authorities. Such contacts are often informal and usually take place between civil servants and individual municipalities. In some cases, communication is accompanied by training of local staff to help municipalities improve their performance. The above-mentioned relations take place in all areas where circumstances require, usually without a pre-determined regularity due to their informal nature. Electronic communications facilitate increased contact, frequency and responsiveness.

In Hungary, several services established by the Ministry of Local Government and Territorial Development exist to advise or train local authorities and their officials. For example, the Local Government Hotline provides fast and professional assistance to local authorities by telephone. In addition, regular conferences are held with the participation of international experts to provide professional training for both local political representatives and civil servants. The Ministry also publishes documents, guidelines and books related to local government. In addition, the European Union Information Service for local governments was established in 2003 to assist local authorities in the integration process by providing information on the functioning of the EU, legislative harmonisation and investment opportunities (Chernezhenko, 2018).

The Italian Ministry of the Interior provides ongoing assistance and advice to local

authorities, both directly (through the so-called 'Window for Local Authorities') and through its offices in the provinces (Prefecture-U.T.G., or territorial government offices). As part of these activities, the Ministry also collects and publishes municipal statutes on its official website. In addition, the Italian regional governments have administrative offices that monitor the work of local authorities, provide them with legal advice, information and recommendations (Panov, 2020).

The annual Dialogue Day in Bulgaria is a nationwide initiative that brings together (in each of the 28 constituencies) members of parliament from the constituency, mayors, other representatives of municipalities and citizens, as well as members of central government and the media. The main outcome of these meetings is a better understanding of stakeholders' positions on various issues. Cooperation in setting common goals, organising governance or identifying sources of financial support is also considered a good practice of cooperation between municipal and central government.

For example, in Bulgaria, an agreement on institutional cooperation was signed between the Council of Ministers and the Association of Municipalities on 12 October 2005. The agreement envisages long-term cooperation based on the principles of partnership, transparency and coherence, which includes regular meetings, as well as participation in advisory, monitoring and working groups. In addition, the inter-municipal cooperation on regional policy issues envisages the establishment of partnership councils consisting of local authorities, representatives of enterprises, institutions, organisations, etc. to implement activities, programmes and projects of mutual interest.

In Iceland, in February 2006, a cooperation agreement was signed that laid the foundation for establishing relations between the state and local authorities. Its main goal is to establish cooperation between the government and municipalities and harmonise public administration policies. Under the Agreement, representatives of expert committees from both levels of government meet periodically to discuss common issues (Government offices of Iceland. Local Authorities and Regional Policy, 2009).

In Italy, cooperation is a regional function; each region has a political figure in charge of cooperation and an administrative support structure. In the main policy sectors, usually there are bodies that ensure cooperation. For example, in order to implement programmes to strengthen law enforcement and security

services, the Minister of the Interior and prefects may sign agreements with the regional government and local authorities to determine the logistical, instrumental and financial contribution of the region and local authorities.

District commissariats in Luxembourg perform advisory, mediation and coordination functions between central and local authorities (Kovalova, 2009). In the Slovak Republic, municipalities are amalgamated to ensure the fulfilment of those powers that cannot be exercised by each municipality individually, which is considered an effective coordination mechanism for the provision of services to high standards (Chyrkin, 2019).

In Switzerland, the institution of cooperation defines joint responsibilities between cantons and municipalities to ensure their effective implementation. Legal entities with federal obligations often include representatives of both cantons and municipalities to their administrative councils (Jones, 1998).

The UK has introduced a Partnership Framework that regulates relations between central and local authorities (in England since 1997, in Scotland since 2001), although it has no legislative basis. For example, in England, the Central Local Partnerships meet regularly to consider key issues related to local government. In Scotland, the purpose of the Framework is to ensure regular communication and discussions, establish procedures for consultation and areas of joint work.

### **3. Mechanisms of interaction between central and local authorities**

In England, there are also mechanisms for mutual prioritisation between central and local authorities. For example, the Local Area Agreement (LAA) is a three-year agreement that provides for the allocation of funds by the central government to address local priorities within the framework of certain policies agreed with the central government. The local area is represented by the local government and the Local Strategic Partnership (LSP), a single body that brings together different components of the public and private sectors, as well as business, community and voluntary sector representatives, to ensure that initiatives and services are effectively delivered (Mishyna, 2004).

Good practice in the financial sector refers to the bilateral identification of the needs required by local authorities to fulfil their responsibilities and to be able to provide services to citizens. Bulgaria's budget approval process involves the National Association of Municipalities at various stages. The consultations, which are held at both the political and expert levels, are designed to ensure a transparent and balanced

allocation of funds. If the opinions of experts differ, a bilateral protocol is attached to the draft budget, which allows the Council of Ministers to make a decision on the issue (Dudchenko, 2015).

For 20 years, Danish municipalities have played an important role in shaping economic policy. Budgetary cooperation is based on the agreement that economic policy is developed on the basis of agreements with local authorities after the economic and political goals are defined by the central authorities (government and parliament). These agreements, concluded between the central government and associations of local governments, establish growth rates for public spending, municipal tax rates, and other issues related to local expenditures and revenues. They are not binding on each municipality, although members of the association are expected to comply with their provisions (Hvazava, 2012).

In Finland, central and local governments also cooperate by discussing the allocation of municipal resources. In addition, parliamentary acts are regularly assessed for their possible impact on local governments (municipalities) (Popko, 2017).

In Iceland, it is agreed to estimate the costs associated with the development of bills and other regulations governing municipal finance. Several ministries (Ministry of Social Affairs, Ministry of Education, Science and Culture, Ministry of the Environment) are involved in conducting such audits together with the Icelandic Local Government Association. In some countries, the empowerment of local governments through delegation by the central government is considered a positive practice of cooperation (Czech Republic, Spain). Other effective ways of cooperation between central and local authorities exist. For example, Denmark has established an independent body (comprising central government (ministries), the Association of Local and Regional Councils and representatives of the academic community) to evaluate the activities of local and regional authorities in order to identify best practices and develop proposals for improvement. Estonia has introduced an e-consultation system that allows the National Association of Local Authorities to comment on draft laws related to local issues. In some regions of Italy, local government officials are trained as part of regional programmes, as local authorities are usually unable to provide such training on their own (Monitoring of the application of the European Charter of Local Self-Government, 2020).

The Netherlands has adopted the Code of Intergovernmental Relations, which establishes the rules of interaction

between central and local authorities. This document not only regulates the scope of functions and powers of each party, but also contains provisions on expenditures and control. Representatives of these bodies meet twice a year to consider issues of common interest. In Portugal, contract programmes (Contrato programma) are considered a useful tool for financial and technical cooperation. These agreements have made it possible to implement new projects in several sectors (environment and public sanitation, infrastructure, transport, education and civil protection). Service agreements (contrats de prestation) are also used in Switzerland as a mechanism for cooperation between cantons and municipalities. Although not very common at present, these agreements play an important role in the revision of the financial equalisation system [20].

#### 4. Conclusions

Communication between central and local governments, in the form of consultations, advice or information exchange, is the type of interaction most commonly practiced in EU countries. However, this type of cooperation is usually informal, although it can become formalised under certain circumstances.

In a number of countries, the mechanisms of coordinating local budgets with central (state/regional) authorities exist, which are aimed at determining local tax rates, expenditure limits and other measures to ensure financial sufficiency and proper coordination of budgets. Such interaction typically tends to be at the political level, usually at the level of ministers or senior officials on the one hand, and municipal associations on the other.

Some countries have also established formal institutions to conduct bilateral negotiations with local government associations on issues of interest to the local population (statutes, budgets, etc.). However, most countries have a 'mixed model' that combines information exchange and consultations (informal interaction) with the activities of organisations for bilateral cooperation (formal interaction) (Lithuania, the Netherlands, Portugal, Romania, the Slovak Republic, Slovenia, Spain, and the United Kingdom) (Making Decentralisation Work, 2019).

Certain types of cooperation are implemented through representative bodies that more effectively represent the positions of municipalities and defend the interests of local authorities. The representative structures of municipalities are beneficial for both central and local authorities. The former can conduct consultations and negotiations in a more orderly manner and expect that

the agreements reached will apply to a large number of communities, while the latter are able to participate in the decision-making process and influence its final outcome in a way that is not possible for each municipality individually.

Ukraine should adopt the effective experience of cooperation between local self-government bodies and executive authorities, in particular in the form of consultations, meetings, development of joint documents/programmes, organisation of meetings, sessions, joint advisory bodies, etc. in order to effectively perform joint powers.

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## **ЗАРУБІЖНИЙ ДОСВІД РЕАЛІЗАЦІЇ ПОВНОВАЖЕНЬ ОРГАНАМИ МІСЦЕВОГО САМОВРЯДУВАННЯ ТА ОРГАНІВ ВИКОНАВЧОЇ ВЛАДИ**

**Анотація. Мета.** Метою статті є дослідження зарубіжного досвіду взаємодії органів місцевого самоврядування з органами виконавчої влади та формулювання пропозицій для удосконалення визначеного процесу в Україні. **Результати.** Наукова стаття присвячена дослідженню питань зарубіжного досвіду функціонування органів місцевого самоврядування та органів виконавчої влади у частині реалізації спільних повноважень. Наведено позитивні приклади взаємодії органів місцевого самоврядування та органів виконавчої влади, тенденції запровадження відповідного досвіду в Україні. Визначено проблеми, з якими стикаються зарубіжні органи місцевого самоврядування та органи виконавчої влади під час взаємодії у частині реалізації спільних повноважень. Запропоновано способи запозичення позитивного досвіду зарубіжних країн щодо взаємодії органів місцевого самоврядування та органів виконавчої влади у частині реалізації спільних повноважень. З'ясовано, що у багатьох державах існують механізми узгодження місцевих бюджетів з центральними (державними/регіональними) органами влади, які полягають у визначенні ставок місцевих податків, лімітів видатків та проведенні інших заходів із метою забезпечення фінансової достатності та належної координації бюджетів. Така взаємодія відбувається на політичному рівні, як правило,

рівні міністрів або вищих посадових осіб – з одного боку, та асоціацій муніципалітетів з іншого.

**Висновки.** Зроблено висновок, що певні види співпраці реалізуються за допомогою представницьких органів, які більш ефективно репрезентують позиції муніципалітетів і відстоюють інтереси місцевої влади. Існування представницьких структур муніципалітетів є вигідним як для центральної, так і для місцевої влади. Перші можуть проводити консультації та переговори в більш упорядкований спосіб і розраховувати на те, що досягнуті домовленості будуть стосуватися значної кількості громад, тоді як другі отримують можливість брати участь у процесі прийняття рішень впливати на його кінцевий результат у спосіб, який не під силу кожному із муніципалітетів окремо. Україні слід запозичити ефективний досвід співпраці органів місцевого самоврядування та органів виконавчої влади, зокрема у формі консультацій, нарад, формування спільних документів/ програм, організації зустрічей, засідань, спільних дорадчих органів тощо, з метою ефективного виконання спільних повноважень.

**Ключові слова:** взаємодія між державними органами, взаємодія з органами виконавчої влади, зарубіжний досвід взаємодії органів державної та муніципальної влади, тенденції взаємодії з органами виконавчої влади в Україні.