

LAW OF UKRAINE

On military and civil administrations

(Verkhovna Rada Bulletin, 2015, No. 13, Article 87)

This Law defines the organisation, powers and operation of military and civil administrations to ensure the safety and normal life of people in the anti-terrorist operation area.

Article 1. Status and purpose of military and civil administrations

1. Military and civil administrations are temporary state bodies operating in Donetsk and Lugansk Regions as part of the Anti-Terrorist Center of the Security Service of Ukraine and intended to secure the operation of the Constitution and laws of Ukraine, safety and normal life of people, public order, to participate in prevention of subversion and terrorist acts, and to prevent humanitarian disaster in the anti-terrorist area.

Article 2. Legal grounds of operation of military and civil administrations

1. Operation of military and civil administrations shall be governed by the Constitution of Ukraine, Law of Ukraine *On Combating Terrorism*, this Law and other related legal regulations.

Article 3. Organisation of military and civil administrations

1. Military and civil administrations shall be established upon decision of the President of Ukraine in case of necessity.

2. Military and civil administrations shall be established in one or more residential areas (villages, town or cities), where village, town or city councils and/or their executive bodies do not perform the duties imposed on them by the Constitution and laws of Ukraine, including due to voluntary dissolution or self-removal from duties, or due to actual neglect of duties.

3. Military and civil administrations shall be formed in a district or region in case of a failure to convene the session of the district or region council, accordingly, within the timelines contemplated by the Law of Ukraine on Local Self-Governance in Ukraine, or to ensure governance aimed at public order and security. If it is resolved to establish a district or regional military and civil administration, this status shall be assigned to the relevant state district or regional council, and chairman of the district or regional council shall be assigned the status of head of the relevant military and civil administration.

4. Military and civil administrations of residential areas shall consist of military servicemen of the military formations established under the laws of Ukraine, junior and senior staff of law enforcement bodies who are seconded to such administrations under applicable laws to perform duties in the interests of the state defence and security with retention of employment in the military service and service in law enforcement bodies and without removal from personnel lists, and employees who signed an employment agreement with the Anti-Terrorist Center of the Security Service of Ukraine.

5. If a district or regional administration acquires the status of the district or regional military and civil administration, accordingly, positions of civil servants at such local state administrations may be filled by military servicemen of the military formations established under the laws of Ukraine, junior and senior staff of law enforcement bodies who are seconded to such administrations under applicable laws to perform duties in the interests of the state defence and

security with retention of employment in the military service and service in law enforcement bodies and without removal from personnel lists.

6. The list of positions in military and civil administrations of residential areas that are subject to filling by military servicemen of the military formations and by junior and senior staff of law enforcement bodies shall be approved by the President of Ukraine upon submission of the head of the Anti-Terrorist Center of the Security Service of Ukraine.

7. Operation of military and civil administrations related to functions of local self-governance bodies shall be financed from the relevant local budgets, while other functions shall be financed from the State Budget of Ukraine.

8. Structure and staff list of military and civil administrations of residential areas shall be approved by the head of the Anti-Terrorist Center of the Security Service of Ukraine upon submission of the head of the relevant military and civil administration.

9. General governance of military and civil administrations of residential areas and district military and civil administrations shall be provided by heads of the relevant regional military and civil administrations. Governance of regional military and civil administrations in the area of public order and security shall be provided by the head of the Anti-Terrorist Center of the Security Service of Ukraine.

10. Direct governance of military and civil administrations shall be provided by the heads of such administrations.

11. Military and civil administrations shall perform their duties until liquidated on the opening day of the first session of the relevant newly elected council, or, if the military and civil administration was established with the purpose of governance in the area of public order and security, until the end of the anti-terrorist operation.

12. Military and civil administrations shall perform their duties according to the laws of Ukraine applicable to duties of the relevant local self-governance bodies with due regard to the provisions of this Law.

Article 4. Power of military and civil administrations

1. Military and civil administrations of residential areas shall exercise the following power in the relevant territory:

1) preparation and approval of programs for social, economic and cultural development of the relevant administrative territorial units and target programs related to other issues of local self-governance;

2) ensuring balanced economic and social development of the relevant territory and efficient use of natural, labour and financial resources;

3) involving, on contractual basis, companies, institutions and organisations, irrespective of the type of ownership, to comprehensive social and economic development of villages, towns and cities, and coordination of this work in the relevant territory;

4) placing, on contractual basis, of orders for production of goods and performance of works (rendering of services) necessary to the area community, by companies, enterprises and organisations;

- 5) preparation, approval and amendment of local budget; ensuring of fulfilment of the relevant budget;
- 6) establishment of rates of local taxes and duties according to the Tax Code of Ukraine, if there is no decision of the relevant council on these matters;
- 7) making decisions on providing discounts on local taxes and duties under applicable law, if there is no decision of the relevant council on these matters;
- 8) establishment, on terms and conditions prescribed by applicable law, of tariffs for household, utility services (except for tariffs for heat energy, centralised water supply and sewage, domestic waste processing and disposal, centralised heating, centralised supply of cold water, centralised supply of hot water, sewage services (using the systems installed inside the house), which shall be established by the national commission for state regulation in the area of utility services), transport services and other services;
- 9) raising, on contractual basis, funds of companies, enterprises and organisations located in the relevant territory, irrespective of their type of ownership, and funds of people and budgetary funds for construction, expansion, repair and maintenance, on share basis, of social and production infrastructure and for measures related to environmental protection;
- 10) management of housing and utility, household, trade, transport and communication facilities jointly owned by relevant territorial communities, ensuring proper maintenance and efficient operation of such facilities and the relevant level and quality of public services;
- 11) establishment for companies, enterprises and organisations, jointly owned by relevant territorial communities, of the share of profit to be allocated to the local budget;
- 12) managing the property jointly owned by relevant territorial community (except for disposal matters, including by way of privatisation of community-owner property and lease of community-owner property for more than one year);
- 13) contributing to expansion of residential construction, providing assistance in residential construction to people who are in need of accommodation; providing assistance to owners of apartments (houses) in renovation of such apartments (houses), if damaged by any terrorist or sabotage acts; organisation, at their own expense and on shareholding basis, of construction, reconstruction and repair of community-owned utilities, social and cultural facilities, residential houses and roads of local importance; fulfilment or delegation, on competition basis, to a master construction organisation (or contracting organisation) of any functions of the customer contracting for construction, reconstruction and repair of accommodation, social and production facilities in community ownership;
- 14) establishment, according to applicable law, of terms, conditions and restrictions for site development of land plots;
- 15) managing enterprises related to education, healthcare, culture, physical culture and sports, and recreation that are owned by or are transferred to territorial communities or youth organisations in the relevant place of residence; organisation of material, technical and financial support of the same;
- 16) providing social and cultural enterprises, jointly owned by relevant territorial communities, and general public with fuel, electricity, gas and other types of energy; solving issues related to water supply, sewage and waste water purification; control of drinking water quality;

- 17) solving issues related to rendering, at the expense of the local budget, funeral of lonely citizens, war and labour veterans and other vulnerable categories; providing funeral assistance in other cases prescribed by law;
- 18) contributing to organisation of drafting people to term military and alternative (non-military) service, mobilisation, youth training for service in the Armed Forces of Ukraine, organisation of training (examination) and special military camps; bringing the military commissioner's order to announce mobilisation to companies, enterprises and organisations, irrespective of type of ownership, and to general public;
- 19) reservation of jobs for people liable to military service, at companies, enterprises and organisations according to applicable law;
- 20) organisation of and participation in measures related to mobilisation training and civil protection;
- 21) solving, under applicable laws, any issues related to provision of military units, enterprises and training institutions of the Armed Forces of Ukraine with service and residential premises and other facilities, including utility services; control of the use of the above and service rendering;
- 22) contributing to organisation of production and supplies to military units of the contracted products, services and energy resources by community-owned companies and organisations;
- 23) taking measures to create proper conditions for operation of checkpoints on the state border of Ukraine;
- 24) providing assistance to the State Border Service of Ukraine in the maintenance of the relevant regime on the state border;
- 25) protection of facilities that are important for the national economy of Ukraine and public life;
- 26) taking measures related to military and patriotic education of general public;
- 27) solving, in the manner prescribed by applicable law, issues related to regulation of land relations (except for issues related to disposal of land plots from community ownership and lease of such land plots for more than one year);
- 28) solving, in the manner prescribed by applicable law, issues related to licensing of special use of natural resources of local importance for a period of time not exceeding one year, and revocation of such license;
- 29) making decisions on organisation of territories and facilities of nature reserves of local importance and other areas under special protection; submitting proposals to relevant state authorities on assigning to natural and other sites of environmental, historical, cultural or scientific importance, the status of natural, historical or cultural landmarks protected by law;
- 30) establishment, according to law and at the expense of local budget, of centres providing basic free-of-charge legal assistance, appointment and dismissal of heads of these centres; involving, under applicable law, individuals and legal entities governed by private law to provision of basic legal assistance;
- 31) providing assistance to bodies of courts, prosecutor's offices, justice, security service, internal affairs, bar and the State Executive Service of Ukraine;

- 32) hearing reports of prosecutors and heads of internal affairs bodies on the status of rule of law, fight against crime, civil order protection and results of operation in the relevant territory;
- 33) cancellation of instruments issued by executive bodies of the relevant council, which are in conflict with the Constitution, laws of Ukraine, other legislative acts, and decisions of the relevant councils adopted within its scope of competence;
- 34) making, in the manner prescribed by applicable law, decisions related to organisation, within the relevant administrative and territorial unit, of elections to state bodies and local self-governance bodies, and elections of village, town and city mayors;
- 35) establishment, in the manner prescribed by applicable law, of rules for urban planning of the relevant residential area, procuring cleanness and order in the residential area, trade in markets, silence in public places, violation of which shall entail administrative liability;
- 36) making, within the scope defined by law, decisions on mitigation of natural disasters, epidemics and epizootics, violation of which shall entail administrative liability;
- 37) identification of territories where potentially dangerous measures may be taken in the presence of civil people with participation of the Armed Forces of Ukraine, other military formations and law enforcement bodies and use of weapons and military equipment;
- 38) making decision on pre-term liquidation of territorial public self-organisation bodies in cases referred to in this Law;
- 39) approval of transferring state-owned property into community ownership and acquisition of state-owned assets;
- 40) establishment, in the manner prescribed by applicable law, of community emergency and rescue service; solving issues related to the size and expenditures of such service; preparation of and taking measures related for material and technical support of community emergency and rescue services;
- 41) procuring of centralised temporary storage of archive documents accumulated in the process of documenting of service, labour or other relations of legal entities and individuals in the relevant territory, and other archive documents that do not belong to the National Archive Fund;
- 42) solving issues related to storage, transportation, disposal and sterilisation of domestic waste, sterilisation and disposal of dead animals;
- 43) urban development; control of urban development, landscape gardening, protection of greeneries and water reservoirs; creation of public leisure areas;
- 44) organisation of local markets and trade fairs, contributing to development of all forms of trade;
- 45) establishment of operating hours of community enterprises, trade companies, public catering companies and companies providing consumer services, that are jointly owned by the relevant territorial communities, which would be convenient for general public;
- 46) approval of routes and schedules for local public transport irrespective of the type of ownership, reconciliation of these issues in terms of transit public transport in cases required by law;
- 47) procuring of proper condition and protection of cemeteries and other burial places;

48) involving, on contractual basis, companies, enterprises and organisations that are not in joint ownership of the relevant territorial communities, to providing public transport and communication services.

2. Military and civil administrations of residential areas shall perform the duties of executive bodies delegated to local self-governance bodies under laws of Ukraine.

3. District and regional military and civil administrations shall, in addition to tasks of local state administrations in the relevant territory, perform the following tasks:

1) taking measures, as envisaged by applicable law, for organisation of Ukraine-wide referendums and elections to state bodies and local self-governance bodies in the relevant administrative territory;

2) preparation and approval of program for social, economic and cultural development of the district or region, accordingly, and target programs related to other issues, and hearing of performance reports;

3) preparation, approval and amendment of district and regional budgets, accordingly, approval of performance reports; allocation of the state budget funds in form of subsidies and subventions between district budgets, local budgets of cities of regional importance, villages, towns and cities of district importance;

4) solving, upon request of relevant councils (of relevant military and civil administrations of residential areas), issues related to lease, concession or mortgage of community-owned facilities that cover common needs of territorial communities and are managed by district and regional councils, including acquisition of such facilities in the manner prescribed by law;

5) management of facilities jointly owned by territorial communities of villages, towns, cities and city districts that belong to competence of district and regional councils (except for issues related to disposal of such facilities, including through privatisation); appointment and dismissal of heads of such facilities;

6) solving, in the manner prescribed by applicable law, issues related to regulation of land relations (except for issues related to removal of land plots from community ownership);

7) solving, in the manner prescribed by applicable law, issues related to licensing of special use of natural resources of district or regional importance, accordingly, and revocation of such license;

8) establishment of rules for use of water-collecting facilities intended for drinking, household and other public needs, areas of sanitary protection of water-supply sources, restriction or prohibition of industrial use of drinking water by enterprises;

9) making decisions on organisation of territories and facilities of nature reserves of local importance and other areas under special protection; submitting proposals to relevant state authorities on assigning to natural and other sites of environmental, historical, cultural or scientific importance, the status of natural, historical or cultural landmarks protected by law;

10) making, within the scope defined by law, decisions on mitigation of natural disasters, epidemics and epizootics, violation of which shall entail administrative liability;

11) protection of facilities that are important for the national economy of Ukraine and public life;

- 12) making decisions to apply to court for declaring invalid any regulations of local executive bodies, companies, enterprises and organisations that restrict the rights of territorial communities in the area of their common interests and powers of district and regional councils and bodies;
 - 13) approval of transferring state-owned property into joint ownership of territorial communities of villages, towns and cities and acquisition of state-owned assets;
 - 14) hearing reports of prosecutors and heads of internal affairs bodies on the status of rule of law, fight against crime, civil order protection and results of operation in the relevant territory;
 - 15) establishment of tariffs for housing and utility services on terms and conditions defined by law.
4. District and regional military and civil administrations shall also contribute to formation and transportation across the relevant territories of humanitarian cargoes intended for needs of civilians residing in the area, which is not under control of the Ukrainian authorities.

Article 5. Rights of military and civil administrations

1. Subject to agreement with the Anti-Terrorist Centre of the Security Service of Ukraine, military and civil administration shall be entitled to carry out the following activities on the relevant territory:

- 1) to impose limitations regarding presence of persons outside and at other public places without the defined documents at certain time of day;
- 2) to temporarily restrict or prohibit movement of vehicles and pedestrians in the streets, on the roads and terrain;
- 3) to arrange inspection of individuals' identity documents, and, if necessary, search of belongings, vehicles, baggage and cargo, office premises and dwelling premises of citizens, save for the limitations stipulated by the Constitution of Ukraine;
- 4) pursuant to the procedure defined by the Constitution and law of Ukraine, to bring up an issue regarding prohibition of operation of political parties, non-governmental organisations;
- 5) to arrange control over operation of telecommunication enterprises, to use local radio stations, television centres and printing houses for awareness-building among the population, personnel of military formations and law-enforcement agencies;
- 6) to impose limitations on selling weapon, highly potent chemical and toxic substances, alcohol beverages and alcohol-based substances;
- 7) to seize for storage fire arms and ammunition, cold weapon held by citizens, as well as training and military equipment, explosive and radioactive substances and materials, highly potent chemical and toxic substances owned by enterprises, institutions and organisations;
- 8) to determine the procedure for using shelters, buildings and other constructions for civil protection and to ensure security requirements;

9) to arrange evacuation of population from places and areas dangerous for living, as well as evacuation of enterprises, institutions, organisations and valuables having an important public, economic and cultural significance;

10) if required, to procure population with drinking water, food, articles of prime necessity, medication according to the established procedure.

Article 6. Head of the military and civil administration

1. The head appointed to the position and dismissed from the position subject to a decision passed by the National Security and Defence Council of Ukraine shall be in charge of the military and civil administration of the relevant residential area.

2. Head of the military and civil administration shall:

1) ensure compliance with the Constitution and laws of Ukraine, execution of enactments passed by the President of Ukraine and the relevant executive authorities on the corresponding territory;

2) arrange operation of the relevant military and civil administration and perform management of its operation, bear personal responsibility for execution by the military and civil administration of the powers conferred to it;

3) appoint to positions and dismiss from positions officers and officials, other employees of the relevant military and civil administration;

4) be an administrator of the budget funds;

5) represent the relevant military and civil administration, and territorial community in relations with public authorities, local self-governments, civil organisations, enterprises, institutions and organisations regardless of their type of ownership, citizens;

6) apply to court to declare illegal enactments passed by the bodies of local self-governments, local executive authorities, enterprises, institutions and organisations which limit rights and interests of the relevant territorial community;

7) enter into agreements according to the legislation on behalf of the territorial community, the relevant military and civil administration;

8) issue orders and decrees, within its authority, having the same legal force as decisions passed by the relevant council (councils). Drafts of orders issued by the head of the military and civil administration which are statutory and regulatory enactments shall be promulgated according to the procedure envisaged by the Law of Ukraine *On Access to Public Information*, except for extraordinary situations and other cases of emergency, stipulated by law, when such drafts shall be promulgated immediately after they are drawn up. One can appeal to court against orders and decrees passed by the head of the military and civil administration;

9) perform personal reception of citizens and ensure compliance with the legislation regarding consideration of applications filed by citizens and their organisations on the relevant territory.

Article 7. Final and transitional provisions

1. This Law shall come into force on the next day following the date of its publication.
2. This Law shall become null and void in one year following the date of its publication.

Validity term of this Law may be extended pursuant to the Decree of the President of Ukraine approved by the Verkhovna Rada of Ukraine.

This Law shall become null and void if martial law is imposed or state of war is declared on the territory of Ukraine or its certain areas.

3. The following amendments shall be introduced to Article 7 of the Law of Ukraine *On Combating Terrorism* (The Vidomosti Verkhovnoi Rady Ukrainy, 2003, No. 25, page 180):

1) part two shall be supplemented with two sentences of the following wording: “As part of the Anti-Terrorist Centre of the Security Service of Ukraine military and civil administrations can be established and operated being temporary public authorities aimed for ensuring effect of the Constitution and laws of Ukraine, ensuring safety and recovery of life activities of the population, public order, participation in combating acts of sabotage and terrorism, prevention of the humanitarian disaster at the anti-terrorist operation area. Arrangement, powers and operation procedure of the military and civil administrations shall be defined by law”;

2) part ten shall be reworded as follows:

“The Anti-Terrorist Centre of the Security Service of Ukraine shall be supported by means of the funds provided for by a separate line of the State Budget of Ukraine, as well as by means of other sources stipulated by the laws of Ukraine”.

President of Ukraine
Kyiv
3 February 2015
No. 141-VIII

P. POROSHENKO