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**APPRAISAL  
OF THE DRAFT CONCEPT OF  
THE LOCAL SELF-GOVERNMENT REFORM  
AND TERRITORIAL ORGANISATION OF POWER IN UKRAINE**

The present report was prepared by the CoE Centre of Expertise for Local Government Reform, Directorate General II - Democracy, in co-operation with Prof. Gérard Marcou, University Paris 1 Panthéon-Sorbonne, Director of GRALE (Research Group on Local Administration in Europe), France.

## **Introduction**

The present legal appraisal of the draft Concept of the Reform of Local Self-Government and Territorial Organisation of Power in Ukraine was requested by the Ministry of Regional Development, Construction and Municipal Economy of Ukraine within the framework of the Council of Europe (CoE) Programme to Strengthen Local Democracy in Ukraine (2010-2013, funded by the Swedish International Development Cooperation Agency Sida).

The CoE has been involved in all reform proposals during the past decade and has provided assessments and recommendations on all of them. None of the proposals has been adopted so far, and the decentralisation reform in Ukraine is long overdue. This draft Concept is to be submitted for discussion and approval to the Cabinet of Ministers of Ukraine in 2012. It is a political document to be complemented by a package of legislation. The draft Concept is supported by a “Political proposal”, large parts of which are resumed in the draft Concept. It includes a short risk assessment of the reform, and a short comparison of the draft Concept with other possible options - these parts should be more developed. Finally, it summarises the positions expressed by the stakeholders during the consultation phase. In particular, it reports on comprehensive proposals submitted by the Kharkiv Oblast State Administration, which points out clearly and in a systemic way the various directions of the reform. Both the draft Concept and the “Political proposal” contain a summary of the shortcomings of the current system justifying a need for a comprehensive reform; such assessments were performed previously and the CoE shares all of its points.

The draft Concept is an outline of a comprehensive reform embracing the territorial pattern of the first tier of local government (the municipal level – under different names in the Ukrainian nomenclature), the local government institutions at all levels, including an elected executive of the regional (*oblast*) and district (*rayon*) councils, the distribution of tasks among the various local government levels, a reorganisation in depth of the local state administration that should be focused on coordination and supervisory functions. There is also a time schedule, with the adoption of the legislative framework of the reform as the first step in 2012, the implementation of the first step, and a new package of legislation, including constitutional amendments for 2013-2015.

Unfortunately, there is no clear link between this draft Concept and the draft Law on Amalgamation of Territorial Communities presented in December 2011 (it was also appraised by the CoE - CELGR/ LEX 1/2012). The draft law, prepared by the Ministry of Regional Development, was rejected by the Parliament on 17 May 2012. Later, the draft was revised in accordance with the CoE recommendations, and it was agreed to register it again in the Parliament. It would be important to follow-up on this legislation, and establish its link with the Concept.

**The Draft Concept represents an adequate basis for the comprehensive reform of the local government and of the territorial organisation of Ukraine that has been recommended by the CoE for many years, provided that comments below are taken into account.**

The appraisal below will first provide a general assessment of the concept of reform; next, the CoE experts point out some issues that could undermine the implementation of the reform; lastly, the paper will discuss the unsolved issues which were mentioned in the previous CoE appraisals.

## **I. The draft Concept: an outline in accordance with the European Charter of Local Self-Government and the previous recommendations of the CoE**

1. The draft Concept is based on the principles set out by the present Constitution of Ukraine and on the assumption that the present three-tier system is adequate: *hromada* – *rayon* (and cities of regional significance) – *oblast* (the Autonomous Republic of Crimea, and cities with special status equivalent to *oblast* - Kyiv and Sevastopil). At a later stage, it might be necessary to reconsider the district borders, in order to redress existing disproportions (pointed out in the “Political proposal”, p.15) and to take into account the results of the territorial reform at the first tier.

2. The draft Concept identifies correctly the first tier as the crucial issue of the Ukrainian local government system and hence considers **the reform of the territorial pattern at the first tier as the first step of the reform to be implemented**. Only after a successful consolidation of the first tier it will be possible to determine the tasks assigned to that level, the relationship with upper tiers and with state administrations.<sup>1</sup>

3. **The municipal pattern has to be based on the administrative-territorial units**, as it derives from the Constitution of Ukraine. Hence, the existence of **independent municipal bodies on the territory of a municipality (*hromada*) should be removed**.

4. The law has to provide municipalities with two ways of implementing the territorial reform: either the amalgamation of municipalities into one larger municipality, or the integration into a joint inter-municipal cooperation (IMC) body with a council of representatives of the member municipalities forming its own executive. This option is mentioned in the “Political proposal” (p.8) but not in the draft Concept. **The recommendation is to add the IMC option to the Concept**.

Further, the draft Concept mentions that inhabitants of villages, boroughs or towns that are not (or not any longer) an autonomous *hromada*, form “bodies of self-organisation” integrated in the system of local self-government bodies of the municipality (*hromada*). This is a good way to overcome difficulties and to establish a municipal body at a better scale.

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<sup>1</sup> European experience supports this chronology of the local government reform. In Poland, where the local government reform has been the most successful in the East European countries, the municipal level has been subject to reform before establishing the district and the regional levels. Also in Hungary, the effort has been concentrated on the municipal level.

However, **the model of the IMC body, institutions and competencies, should be organised very precisely by the law in order to achieve the purpose of the territorial reform; otherwise there is a serious risk that IMC becomes a way to avoid the territorial reform.**<sup>2</sup>

Remarkably, there is no reference to the Perspective plans for the formation of territorial communities by the regional state authorities, as it was provided in the draft law of December 2011 on the amalgamation of territorial communities. The CoE criticised the Plan because of the lack of an open procedure, involving local authorities in the elaboration of the plans, and because of the contradiction between the voluntary unification of territorial communities and the binding force of the Plan<sup>3</sup>. Indeed such **plans are necessary, and should be mentioned in the draft Concept, but they should be aimed at building an agreement** among the neighbouring territorial communities on the borders and on the type of unification.

**The draft Concept should provide explicitly for two ways of the territorial reform: 1) IMC option, which should refer to integrated inter-municipal bodies, the status and the competences of which are determined by the law, 2) consolidation plans, which should be elaborated at the regional level with the participation of the territorial communities.**<sup>4</sup>

5. As regards **the recognition of the right of citizens to form “bodies of self-organisation”** involved in the system of local self-government bodies of a new unified municipality (*hromada*), this can be a good way to overcome distrust of the territorial reform, to keep a closer link of the municipal administration with people of different settlements integrated into the municipality. This was an efficient option to achieve a broader acceptance of the territorial reforms in several countries (e.g. Poland, Greece, and Bulgaria).

6. The draft Concept envisages a radical change in the institutions at the district and regional level. **It proposes to amend the Constitution in order to establish executive bodies of district and regional councils and to redistribute tasks between state authorities at these levels and these self-government executive bodies.** Furthermore, the draft Concept does not refer to the present definition of the regional and district councils as

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<sup>2</sup> For example, the territorial reform in France since the 1999 law established integrated inter-municipal bodies vested with significant authority on key issues and tax power. These bodies go far beyond standard inter-municipal cooperation. This way was found since it was politically impossible to achieve a full territorial reform through amalgamation. But it has been successful in consolidating more than 35,000 municipalities into less than 2,600 such integrated IMC bodies (“intercommunalités”). The full coverage of the territory should be achieved with the implementation of the law of 16 December 2010.

<sup>3</sup> CoE - CELGR/ LEX 1/2012

<sup>4</sup> Here, the French experience can be used: the consolidation plans are enacted by the prefect, but on the basis of the consultation with local authorities in each “*département*”, the commission composed of local authorities may amend the draft submitted by the prefect; amendments are binding for the prefect if adopted by a two-third majority.

representations of common interests of *hromada*, thus leaving open the determination of regional and district councils as representations of territorial communities of a higher level. Whatever the final decision, the key point is the establishment of elected executive bodies of the district and regional councils.

7. The distribution of tasks among local government levels and between the State administration and local government will be reconsidered. In this respect:
  - Concurring responsibilities of local government bodies of different levels should be eliminated;
  - Functions of local bodies of the executive power (the heads of the state administration at the region and district levels with their offices) and of territorial bodies of central organs of the executive power (i.e. of the relevant ministries and other central government bodies) will be transferred to local government bodies that are closer to citizens. This statement (section 3 of the draft Concept) suggests a significant devolution of tasks from the state to local government.

**The devolution programme still has to be established. The draft Concept gives no indication on the scope of this devolution, but makes only reference to the principle of subsidiarity.** However, the determination of the full and exclusive competencies and powers of local self-government bodies for the provision of services to the population and the distribution of competencies between local self-government bodies of the various levels, the local organs of the executive power and the territorial bodies of the central organs of the executive power will be part of the first step of the reform, e.g. the necessary legislative acts should be passed during the year 2012. There is nevertheless an ambiguity since it is said that the determination of the competencies of the district and regional self-government bodies should take place in the second step of the reform, e.g. between 2013 and 2015. As a matter of fact, the second step will be the most important as regards the functions of the various institutions in the new system, since the process of the transfer of tasks to the new local self-government bodies of the various levels will take place once these have been established and it will take in account their capacities. This suggests that the *transfers will be done progressively* – as this has been done usually in other countries having implemented a decentralisation reform of that kind (e.g. France, Poland, for instance).

**8. The reorganisation of the state administration at the local level will accompany the local government reform.** This reorganisation will be aimed at optimising the provision of services by state administrations to the population and eliminating “disproportions” as regards the access to services and the quality of services – this statement of the draft Concept suggests **a review of district boundaries**. The functions carried out by local state administrations should be determined once the functions of local self-government bodies have been determined for each level and their functions are devised in general terms as mainly supervisory and coordination functions, other tasks being determined on the basis of the principle of subsidiarity (draft Concept, p.7). The Kharkiv Oblast State Administration proposed the “liquidation” of the district state administration as a consequence of the reform (Proposal, p.8).

9. The draft Concept emphasises the development of **citizen participation** in decision-making. It states that the decision-making process should be open as much as possible to citizen participation, in particular through various forms of direct democracy and through the enforcement of the principles of openness and accountability (par.3 “Steps and capacities to resolve problems”). The draft Concept also points out the necessity to organise the control of local self-government bodies by the citizens and their organisations, and not only through administrative supervision.

This is probably the most difficult part of the programme. **These principles need an adequate legislative framework** determining rights, procedures, appeals, judicial review, a differentiation among various sectors (for example urban planning, environment protection) on the basis of common principles and general provisions for all sectors not subject to a special legislation. Furthermore, **the success of citizen participation institutions depends on how much citizens trust the public institutions**. This means that considerable efforts have to be made in order to improve the working methods, the transparency, the integrity of local government bodies in order to increase trust; only then citizens will participate. Political culture should also be taken into account. Direct democracy has developed as an ordinary way of decision-making at the local level only in a small number of countries: Switzerland and, to less extent, Germany; in former socialist countries this may be the case only in the Czech Republic. In other countries, local democracy relies much more on representative democracy. In Sweden, strict transparency requirements became an efficient safeguard against power abuses. Ukraine has to find its own balance between local democracy institutions.

10. The draft Concept provides for a supervisory procedure of the compliance of local self-government bodies with the Constitution and the laws of Ukraine; this supervisory function should become the main function of the state administration at the regional and district level. This means, that the State administration should not review the decisions of the local self-government bodies on the basis of merit, but only on the basis of legality, at least as regards own functions of local government bodies. The draft Concept should clarify this point.

**The control system has to be further elaborated.** Specifically, it concerns the right to postpone/cancel a local government act (by the Head of the State administration or the administrative judge), the interim remedies, and the right of the local self-government bodies to challenge the decision quashing their act. This would be a big step forward in ensuring the compliance with the European Charter of Local Self-Government. The principle has already been laid down in the Constitution and in the local government law of 1997. However, the function of the territorial organs of central government bodies (ministries) with regard to the performance of local government tasks in the service provision could undermine this principle, as discussed later.

11. The draft Concept pays attention to the conditions of the reform: the budget basis and

the personal resources of new municipalities or integrated joint authorities. In the second phase of the reform, there should be amendments to the Budget and Tax codes in order to give new municipal budgets own resources adequate to their new functions. As recommended recently by the Committee of Ministers of the Council of Europe (CM/Rec (2011)11), the transfer of tasks upon local government bodies whereas maintaining the same level of service has to be fully compensated by grants or tax revenues (par.3 and 6).

The draft Concept also considers the financing of the reform process itself, but it is very vague on this point (par. 5): it mentions only that the reform will be funded from the State budget and from local government budgets, according to yearly appropriations. This is not enough. **There should be a system of incentives for the existing territorial communities making it clear that there is a benefit in entering in a new enlarged *hromada*. Then, there should be an estimate of the cost of the reform for several years, and a planning of the resources needed for several years.** The lack of financial support could result in the failure of the reform.

12. Already in the first phase, during 2012, **there should be a reform of the local government public service**, in order to prepare the personnel for the reform, including a reform of classifications taking advantage of the European experience in this field.

13. The draft Concept states that in the second phase of the reform a new local government law will be adopted and that **many laws will have to be amended in order to implement the reform**, e.g. legislation on the municipal properties, land, communal services, civil obligations, environment protection. **These amendments to current legislation have to be closely linked to the concept of the devolution of tasks** to new local self-government bodies, and the devolution of tasks upon local government at different levels can only be achieved with the modification of sector legislation that has to detail the new government structure of each sector.

## II. Shortcomings and risks of the draft Concept

The main drawbacks of the draft Concept are: 1) the description of local government functions, 2) the description of the respective functions and powers of the local state administration and the territorial bodies of the central organs, and 3) supervision of local self-government bodies, which the draft tackles irrespectively of the continuous CoE advice provided with regard to the European standards in this area.

1. Regarding local government functions, the draft Concept is based on the idea that local government bodies should exercise full and exclusive powers at each level (*hromada*, *rayon*, *oblast*), and that no power, function or task should be exercised concurrently by local government bodies of different levels. At the same time, **there is no concept of what should**

**be the role of each local government level**, beyond the reference to the subsidiarity principle, which can justify the centralisation of a function as well as its devolution.<sup>5</sup>

The main problem is not “own” but “exclusive” competencies. The misunderstanding results from a wrong consideration of the distribution of tasks in federal governments: there is always a list of the matters belonging to the competence of the federal legislature, whereas the others are left as a residual competence to the legislatures of the federated authorities, or there are a combination of various criteria regarding the distribution of legislative powers. But, in a unitary state (and this is the same at the level of member states of a federation or in countries with regional governments vested with legislative power – for example Spain, Italy), the distribution of tasks is not about legislation, but administration. This means the allocation of multiple tasks in any matter of public responsibility: for example financing and management of expenditure, the power to adopt regulations for the implementation of legislative provisions or central government rules or for the organisation of the various bodies involved in a given function, the power to take, implement and control individual decisions, the power to manage the personnel, the duty to adjudicate upon claims, and many other tasks. As a consequence, **except for the matters of purely local concern, the legislation has to distribute the tasks among several government levels** (e.g. standards of service provision and levels of funding of a given service by central government; planning at the regional level; management, individual decisions at the municipal or district level). Therefore, the **sector legislation, as emphasised earlier, has a key role to play in the decentralisation** reform, which means that a new distribution of tasks between state bodies and local government bodies, and among the various local government bodies has to be reflected in all sectors where local government bodies and local state bodies have tasks. Whereas it is certainly possible, and necessary, to avoid concurring powers (*повноважень*<sup>6</sup>) and tasks (*завдань*), it is not possible to avoid that various authorities concur in the same function (*функція*).

The recommendation is therefore to **stipulate that all local government tasks are performed by municipal governments (*hromada*), unless they are specifically assigned by law to an upper local self-government level**. This means that all devolved tasks have to be taken over by municipal governments, and the law has to determine which ones will - exceptionally – be assumed by regional or district governments.<sup>7</sup> However, **the territorial reform has to be implemented first, and a network of territorial units with own local self-government bodies that can be vested with the appropriate budgetary capacity and personnel has to be established at the first tier of the local government system**.<sup>8</sup>

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<sup>5</sup> In France, where there are also three levels of local self-government the question of the so called “clarification of competencies” could not be solved in 30 years since the decentralisation reform of 1982, including the recent local government law of 16 December 2010.

<sup>6</sup> This notion of *повноваження* does not seem to be used exactly in the same sense in all the text, it is sometimes used in a broader sense of “competency” or “responsibility”.

<sup>7</sup> This has been done successfully in Poland and fixed by the Constitution of 1997; a similar provision can be found in the constitutions of the Czech and Slovak Republics.

<sup>8</sup> In Sweden and Denmark, there is no provision assigning all local government tasks to municipalities as a matter of principle. On the contrary, the county councils (regional councils in Denmark from 2007) benefit from



Next, **local government tasks have to be performed by the new enlarged *hromadas*, except for those specifically assigned to the *rayon* or *oblast*.**

Additionally, the **general competence clause should be recognised at all three levels.** The general competence clause is mentioned in Article 4 of the European Charter of Local Self-Government. This is not a principle of the distribution of tasks or functions, but a freedom principle: its purpose is to give to a local self-government body the possibility to take initiatives dealing with a local public interest for its population, provided that it does not impinge on the powers of another authority and does not act in breach of the law. It is not deemed to represent a significant share of the budgetary expenditure and will depend on the budgetary capacity of a local self-government unit. This is a factor of flexibility with regard to specific local needs, and an incentive to manage resources in order to have such a capacity, even if it is limited.

2. The distinction between “own” and “delegated” competencies is one of the first statements of the draft Concept (par.3). Own competencies mean functions that are performed by local governments under their own responsibility within the framework of the law. Delegated competencies mean functions exercised as an agent of the state; they are still state functions despite the fact that they are performed by local self-government bodies. As a consequence, the relationships between local self-government bodies and state administrations will not be the same in both cases, especially as regards funding and supervision. This crucial distinction is not fully elaborated in the draft Concept.

Furthermore, **the distinction between own and delegated competencies has to be based on a concept of what functions will be performed by the state or under its direct responsibility, and what functions will be devolved upon local self-government bodies, to be performed under their own responsibility.** The only indication in the Concept (page 7: “*основні вимоги до реформування...*”) is that the competency (*повноваження*) of the local state administration will be the supervision of the lawfulness of legal acts adopted by local self-government bodies, the coordination of the activity of the territorial agencies of central power and “other competencies” according to the principle of subsidiarity. The key point is the content of these “other competencies”.

The performance of state functions is usually organised either through the agencies of the state administration, or through local government bodies (sometimes qualified as “indirect State administration”).

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the general competence clause. Nevertheless, it is easy to see from the legislation and from the breakdown of their budgets that their functions determined by the law could not be performed at the municipal level.

What is **missing in the draft Concept is a strategic vision of what should be the functions under the responsibility of the state administration in the future, after the territorial reform.**

The distinction between own and delegated tasks can already be found in the 1997 Law on local government. However, **a wide concept of delegated functions or tasks would undermine the scope of the reform.** A major part of the tasks managed by local self-government bodies would be then performed under guidance by the state administration. This risk is illustrated by the following statement of the draft Concept (p.8): “territorial agencies of central bodies of the executive power carry out control functions in order to ensure the execution of the laws of Ukraine on the respective territories, provide administrative services to the population and legal persons according to most convenient forms and modalities, carry out a permanent monitoring of the disproportions in the access to services on the respective territories”. The control function is broadly devised and should include the control upon local government bodies. The monitoring of the access to services suggests a capacity to review decisions of local government bodies or to instruct them. The capacity to provide administrative services suggests that these agencies will be further in charge of delivering services such as issuing permits or certificates or personal documents. The control and the monitoring functions can refer to delegated tasks of local self-government bodies. Such functions are acceptable as far as delegated tasks are clearly and precisely determined. An example of ambiguity in the present legislation is the provisions of the budget code on the so called “second basket”, e.g. the functions subject to the equalisation system because they correspond to functions that are guaranteed by the state. Despite the fact that these functions are own tasks of the local self-government bodies, they are strictly monitored by the state agencies.

The CoE experts reiterate that **a broad scope of delegated tasks and a detailed regulation of local authorities’ own tasks would create only the appearance of a decentralisation whereas the real situation would not change.**

**Therefore it is extremely important that the draft Concept is completed by a list of the functions or tasks that will be devolved upon local government bodies, including the conditions of devolution and the amendments to the respective sectoral legislations.**

The CoE advice would be to limit the list of delegated competencies; the functions of local governments should be mainly own tasks and powers. Long list of delegated tasks will blur the responsibilities of the state and local government, as well as the accountability of the authorities in charge. The functions that the Government of Ukraine considers to pertain to the responsibility of the state can be performed by own territorial agencies of the state, and the state administrations have to be accountable to them; the local self-government bodies have to be accountable for their tasks before the citizens.

3. The draft Concept also emphasises the **requirement to standardise** the services that

have to be provided to the population by local governments; these standards should be determined by the law, with evaluation indicators and criteria of the quality of the services provided by local governments (par.3, pages 4 and 7).

This requirement could turn against decentralisation. According to the draft Concept, the competencies would be devolved upon local governments according to their capacity to perform them. This is reasonable *in abstracto*, but this can be used as an argument by central administrations in order to reject or postpone the transfer of tasks.

At present there are standards for the main services provided to the population: they are standards of costs used as a basis to distribute the resources for the funding of the tasks of the “second basket” (for example number of pupils, etc), and can be found in the current equalisation formula. This is not a whole set of evaluation indicators and criteria, but authorities know what to expect within these financial limits. The elaboration of full sets of criteria and indicators will take time, require statistical inquiries, and call for the establishment of a system of data collection; all indicators and criteria might be disputed. **This process will slow down and potentially block the path of the reform.** The guarantee of the level of service might be used against the transfer of tasks upon local governments.

**Therefore, this statement should be replaced by the following principle: for the tasks newly transferred upon local government, the local self-government bodies have the duty to maintain the same level of service as it was at the time of the transfer, and the financial burden of the transfer has to be compensated. This is now an official recommendation of the CoE Committee of Ministers (CM/Rec (2011)11: par. 3, 5, 6). This does not prevent the local self-government bodies from improving the service, or reducing the costs by a better management while maintaining the level of service. Leaving them the benefit of budgetary savings would be a strong incentive to reduce costs.**

This would not rule out elaboration of performance indicators. A methodology and the purpose of evaluation can be broadly agreed between the practitioners, local and central authorities.

**4. Finally, evaluation and monitoring should not be only in the hands of the state administration.** First of all there should be a duty of local self-government bodies, as well as the state agencies, to have their own internal audit system on key performance issues. Then, an external audit is needed. There are several types of external audit systems in Europe.<sup>9</sup> The system of regional chambers of accounts practised in France and in Poland has proved to be efficient. The independence of an audit system is crucial for political leaders and the public opinion.

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<sup>9</sup> See the “Overview of external audit systems of local government in selected countries” provided by the CoE in 2011 as a part of the policy advice on external audit.

### **III. Three unsolved issues**

#### **1. There is no statement on the transfer of personnel.**

If tasks and powers are transferred from the state administrations to the local government bodies, part of the offices of the state administration and of the personnel have to be transferred to be under the executive authority of the mayors or of the chairs of the executive bodies of the regional and district councils. Otherwise, the local self-government bodies will need to recruit additional personnel, the reform will increase the personnel costs and the personnel not transferred but stripped of its tasks will recover at least part of them through control and monitoring.

The transfer of personnel is a complicated and very sensitive task, which requires a careful and cross-examined review of the personnel employed in the state offices, and the amount of the corresponding budgetary appropriations. Then the conditions of employment and of remuneration have to be harmonised between the state administration and the local government service. If the transfer to local self-government bodies brings about a loss of money or a loss of opportunities, these personnel will mobilise against the reform. The cost of such measures has to be carefully estimated and the funding has to be planned. The organisation of the local government public service has to ensure comparable career opportunities in the local government public service as in the state civil service; it should remain possible to move from one to the other.

#### **2. The draft Concept does not address the financial aspects of the reform properly.**

The draft only mentions that the “material and organisational autonomy of local self-government bodies has to be ensured” (p.6) and that the transfer of tasks has to be supported by the corresponding transfer of sufficient additional resources (p.7). There is no hint how this objective will be met.

**The draft Concept should be completed by a financial paper with a precise estimate of the expenditures to be transferred with new tasks, and alternative proposals on how to ensure the sufficiency of the local budgets to cover this expenditure.** The fears of local officials that the transfer of tasks will not be compensated need to be addressed. Furthermore, incentives have to be planned to support the consolidation movement. Financial guarantees will certainly facilitate the acceptance of the reform by local authorities.

**The financial paper should contemplate a combination of solutions: the transfer of part of the tax revenues of the state, the assignment of taxes with tax power to local governments and budgetary transfers (as grants or subsidies) for specific purposes.**

3. Since the Political proposal recites the long list of draft laws elaborated and discussed during the past several years, it is important that the Government of Ukraine makes it clear which ones of these draft laws are still on the agenda and which ones have to be considered for the implementation of the draft Concept.