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**APPRAISAL
of the Draft Law on Local Self-Government in Ukraine**

Secretariat note

The present report was prepared by the Directorate of Democratic Institutions, Directorate General of Democracy and Political Affairs, in co-operation with Dr Vadym Proshko, Group of Independent Experts of the Congress of Local and Regional Authorities of Europe, and Prof. Gérard Marcou, University Paris 1 Panthéon-Sorbonne, Director of GRALE (Research Group on Local Administration in Europe), France.

General Remarks

The revision of the existing Law usually aims at one of the following two objectives: either the revolutionary objective, when new legal relations and sometimes new legal subjects or objects are established; or the evolutionary objective, when amendments to the law are caused by the social changes and a need for modification of legal relations according to the new reality. The proposed draft Law belongs to the second, evolutionary type. About 90% of the structure and text of the current Law are preserved in the draft Law.

In addition, important as it is, isolated revision of the basic Law at this moment will not solve the issues of decentralisation and reform local self-government (LSG), unless this is done in parallel with the revision of Budget and Tax codes, Constitution, and other related legislation. Furthermore, as the Council of Europe (CoE) already recommended, before proceeding with revision of legislation, the priority action should be the development and adoption of the **National Decentralisation Strategy**, which would provide a clear and comprehensive vision of the new model of LSG in Ukraine.

Finally, it should be noted that after almost ten years of co-operation between the Ukrainian authorities and the CoE, which has included legal appraisals, discussions, conferences and roundtables on the subject of local self-government reform, one could expect a draft Law of a higher quality and incorporating the results of previous work. The present paper will thus repeat some of the comments made previously.

Specific Remarks

The draft Law rejects the existing system of division of responsibilities of executive bodies of local self-government (LSG) into own and delegated responsibilities, in each sphere of activity. The existing division in practice turned out to be inefficient and is actually not applied. Furthermore, the Budget Code completely ignores this division of responsibilities.

The European Charter of Local Self-Government (ECLSG) proposes a clear basis for distinguishing between own and delegated responsibilities. According to Article 4:

- 1 The basic powers and responsibilities of local authorities shall be prescribed by the Constitution or by statute. However, this provision shall not prevent the attribution to local authorities of powers and responsibilities for specific purposes in accordance with the law.*
- 4 Powers given to local authorities shall normally be full and exclusive. They may not be undermined or limited by another, central or regional, authority except as provided for by the law.*
- 5 Where powers are delegated to them by a central or regional authority, local authorities shall, insofar as possible, be allowed discretion in adapting their exercise to local conditions.*

Additionally, as pointed out in the official commentary of the Charter, such delegated tasks should not impinge on the sphere of LSG.

The only proper delegated tasks that are possible according to the Ukrainian law are those of Article 85 of the Budget Code; this article has remained unchanged after the recent amendments. According to this provision, the State may delegate expenditure assignments to LSG bodies, subject to assigning them additional resources. However, this article does not guarantee full compensation for these delegated tasks. Article 39, paragraph 5 of the present

draft Law provides for full compensation for the tasks of the State executive power delegated to the executive bodies of LSG councils (see also Art. 59.1 and 4), which is an improvement with regard to the present situation. However, the **Budget Code should be co-ordinated with this provision.**

The draft Law does not address the previously criticised issues of delegation of responsibilities of oblast and rayon councils to local state administrations, and rather clearly stipulates the responsibilities of local administrations according to which they act as executive bodies of respective councils. Additionally, Article 39 makes it possible to delegate State tasks to executive bodies of local councils. These provisions raise issues that are not properly resolved in the present draft Law.

The first issue is that of the notion of executive body as it is used in the Law. This practice has demonstrated that the activities of a village, settlement and town/city mayor have a much stronger impact than is stipulated by the Law (as a technical executor of the decisions of the council and its executive committee). At the same time, when implementing his/her own policy, the mayor does not bear responsibility because this policy is officially approved by the decision of the executive committee (whose officials are subordinate to a mayor). This is a remnant of the Soviet system when the management of local issues by the party was ensured through the executive committee, and the majority of executive committee members simultaneously held positions of members of the respective party committee. It would be reasonable to **strengthen the status of the mayor** and entitle him/her to take personally decisions on some executive activities. It is true that a number of European countries have preferred to organise the executive functions of local councils on a collegial basis, through various boards or committees. However, the general tendency of the reforms introduced during the last 15 years has been to strengthen the leadership and the political responsibility of the mayor or the president of the local council (e.g. reforms in Italy, Spain, the Netherlands, the UK, Germany, etc.)

Furthermore, there is a contradiction between the direct election of mayors (Art. 32) and the dilution of their responsibilities within a board or committee of other elected officials. Once the mayor is directly elected, the board or the committee (if any) should rather be vested with delegated powers of the council to decide between the sessions, and the members of the board or committee vested with powers delegated (or withdrawn) by the mayor, subject to conditions set out by the Law.

Another problem is that the composition of the committee is unclear: it should include “the first deputy (if nominated) and deputies of the village/settlement/town mayor, heads of some departments, divisions and other executive bodies of the council and other persons” (Art. 40). This means that the committee would include both elected officials and mainly professional public servants, and eventually other categories of persons (see the mention of “other persons”). This is inconsistent with the idea underlying the provision of Article 39, paragraph 4: “The authority of executive bodies of the council may not be delegated to other legal entities or natural persons excluding cases envisaged by the Constitution and laws of Ukraine” since there is no limit to the choice of persons that can be appointed to the executive committee. Such a mixture contradicts the principle of the democratic accountability of the committee, since professional public servants have to serve under the authority of the elected executive body; this provision puts them on an equal basis.

Lastly, the issue of the executive authority at the rayon and oblast levels is still unresolved. The Constitution is still unchanged on this point (Art. 118) despite the tentative constitutional review of 2004. As a consequence, the State administration of the rayon or the oblast is still

the executive body of the council for LSG matters (Art. 58). This means that the council still does not have the power to form its own executive. The only change in the draft Law is that it no longer provides for the delegation of council powers to the State administration. But the major issue is that no political leadership capable to support public policies can emerge at that level, since the chair of the council depends on the State administration for its information and for the preparation of draft programmes or decisions.

There is a longstanding contradiction between the constitutional position, according to which, rayon and oblast councils represent the common interests of the municipalities (*hromadas*) on their territory, and the position of the full administration of the rayon and the oblast, including self-government matters, being in the hands of the local State administration.

Progress could be made without waiting for a constitutional review. It should be possible, within the limits of the present constitutional provisions, to include all expenditures and resources related to LSG tasks in the budget of the council, and to increase the list of these tasks by the Law. The executive will still be in the hands of the local State administration, but it should be possible to form a supervisory permanent committee of the council, chaired by the Chair of the council, to whom the Head of the State administration would have to report. This committee could vote on directives on self-government matters¹. It should be stressed that the general tendency in Europe has been to separate in various ways the self-government functions and the State functions at the local level. This does not weaken the State; on the contrary, the State authority will be focused on key issues of national scope that are of relevance at the local level, and which therefore have to be maintained under the authority of the local State administration.

Another key issue is the territorial reform. The draft Law gives no clear orientation and, furthermore, does not provide for adequate institutions making it possible for municipalities to join together. The draft Law keeps the notion of “administrative and territorial unit”, which was recently introduced and made it possible to devise the first-level unit (*Hromada*), and therefore to organise wider units. But Article 11 of the draft Law provides only for associations of municipalities, without distinguishing between the representation of interests at the national or international level and the organisation of the management of joint functions or projects within their competence; it rules out any delegation of powers to an association of municipalities. Moreover, associations are based only on voluntary agreements and nothing is mentioned on the legal nature of such associations and agreements.

The municipal pattern of Ukraine is very fragmented. The reluctance to introduce territorial reform in the Law can be understood; however, the territorial problem is still there. It is therefore necessary for the law to at least establish an institutional framework able to facilitate **inter-municipal co-operation** (IMC), and to encourage municipalities to join in a new authority whilst maintaining the existing municipalities, in order to exercise at the relevant territorial level a number of functions which cannot be performed by small municipalities. Such authority has to be a public corporation ruled by public law, and not a private law association. Only in that case can this joint authority use public money and develop policy-making at its level. It would be also necessary to include provisions making it possible to overcome the resistance of isolated municipalities. Facing the challenge of municipal fragmentation, there are only two choices allowing the rationalisation of the territorial pattern and the improvement of the performance of key services: territorial amalgamation, or IMC

¹ In France, such a system was introduced in 1871, at a time when the prefect was the executive of the general council (the same as department council), and he remained vested with this function until 1982. The permanent committee proved to be an important instrument to change the balance between the prefect and the council.

with a number of key functions passed onto the inter-municipal level. The new law should address this issue.

The draft Law provides clearer stipulation of some issues which are very vague in the current Law, e.g. mechanisms for citizen participation, the procedure of early termination of the mandates of mayors, LSG activities in the modern information environment.

The draft Law introduces the system of obligatory registration of LSG acts by the State authorities (this aims at external confirmation of the act's legality), but it still foresees that after the act's registration and coming into force, it may be recognised as illegal by the decision of the court. The question is which body will then be responsible for it: the local self-government body or the body which registered it.

Indeed, the purpose of this registration procedure is not clear. For the application of local government decisions or regulations, the basic precondition is publicity: general publicity in case of a regulation, individual notification for individual decisions. Then, the act is presumably lawful, but could be unlawful. Therefore, an oversight procedure has to be organised by the Law. The supervisory authority has to stop the unlawful act in some way: referring to the court is a classical instrument for this purpose, and this implies an assessment of the act from the viewpoint of lawfulness. Only registering the acts without exercising any supervision is useless.

At the same time, a number of social changes within the past 13 years, unfortunately, are not reflected in the draft Law, in particular with regard to the following issues.

The Budget Code actually splits the communities into large and small ones. The smallest ones include the territorial communities of villages, settlements and towns of rayon significance. Small communities are now deprived of such "large" responsibilities as secondary education and health care. It is caused by an obvious lack of technical capacity of such communities for the efficient resolution of problems in such sectors. The above-mentioned responsibilities belong to rayon state administrations. It would be reasonable to take into account these changes in the new version of the Law and grant the respective responsibilities to rayon councils.

During the last 10-15 years, there has been a process of transfer of responsibilities for the delivery of public services from local self-government to private entities. Here, the monopolists appear (private water-supply companies, private housing maintenance companies, etc). The Law should stipulate clear mechanisms of LSG impact on such entities, the lend-lease procedure, the concession of communal property, examples of bankruptcy of such entities, possibilities of providing grants from local budgets, etc. However, the local authority should still be seen as the provider of local services even when the services are delivered by the private sector, and therefore it should still be accountable to citizens for the provision of these services. The draft Law should provide for the legal instruments making it possible for the local authority to exercise its responsibility.

The related problem is that of local communal enterprises subordinate to oblast administrations (oblast heat and energy supply enterprises, oblast water supply and waste water management enterprises, etc), which cannot be influenced by the local community. This issue should be regulated by the Law.

It is foreseen that, according to one of the approaches of the administrative and territorial reform, joint ventures, entities and organisations are to be established. These are specific

entities and their activities cannot be regulated by the corporate law only, therefore the principles of establishment of such entities is subject to law in order to avoid the dictate of a bigger community over a smaller one, etc. The legal status of common property of territorial communities managed at oblast or rayon level should be determined. This is certainly to be the subject of specific laws, but this draft Law should provide general principles.

The draft Law (and the rest of the Ukrainian legislation) does not address the problem of “*matryoshkas*”- the territorial communities included in bigger territorial communities. It is necessary to solve this problem either by amalgamation/division of the communities (this issue can be stipulated in the transitional provisions) or by taking into account such creations and providing for legal relations between the communities.

The draft Law establishes relations between local self government bodies and private enterprises placed on the territory of their jurisdiction, but the issue of relations with the enterprises incorporated into companies registered on another territory is still unsolved.

The draft Law ignores the fact that councils (at least in towns, rayons and oblasts) are now established according to the party principle. Therefore, when considering the internal activities of councils, the law should address in particular the relations between factions.

Finally, the draft Law contains some mistakes, repetitions, and inaccuracies, such as:

Article 59.1: “1) the level of financial resources provided under law to local self-government should correspond to their responsibilities provided by law under the state transfer policy; herewith the medium level of transfers to local budgets of different levels should be the same”. What is “the medium level of transfers” and why should it be the same for a village as for an oblast?

Article 22.2: “A council is considered legitimate when a minimum of two thirds of its members are elected with their responsibilities determined and not terminated according to the legal procedures”; and Article 22. 5 “The council is considered as legitimate when a minimum of two thirds of the members of the respective council are elected and authorised”.

Article 18.3: “General public meetings are to be held according to the initiative of the village, settlement and city mayor, a minimum of five members of the respective council or ten citizens”.

Article 60.4: “transition of other property under the council’s approval by state, other subjects of ownership right; acceptance from the dead heritage and no man’s property”.

Article 78.3: “The issue of early termination of power of rayon or oblast council can be raised by the head of the respective state administration and a minimum of fifty thousand citizens living on the respective territory and possessing the right to vote”. In many Ukrainian rayons the total population is much less than fifty thousand.

Conclusions

The draft Law does not comply with CoE standards. It is of poor quality and it should be reviewed extensively before it is passed on to the Parliament for consideration. As it stands, this Law will not make any important change to the current situation of local self-government in Ukraine and therefore its value could be challenged.

Comments on Specific Articles

Text of the draft law	Remarks and proposals
Article 1. Main notions used in this Law	Delete or modify entirely. The Article on “Main notions” usually provides the definition of not used and stipulated notions in other laws, or used in this Law in its specific meaning. The suggested notions are mainly widely used, or chosen accidentally. The mentioned notion “delegated responsibilities” is found in the text as the remnant of the previous version of the Law. The definition of the notion used in the Constitution (but not legally defined) “the Programme of social and economic development” should be provided.
Article 2.1.1. Local self-government is guaranteed by the Constitution of Ukraine, the right of a territorial community - residents of a village or a voluntary association of residents of several villages in one village community, residents of a settlement and of a city - to independently, under the responsibility of bodies and officials of local self-government, resolve issues of a local nature within the limits of the Constitution and the laws of Ukraine.	Local self-government is guaranteed by the Constitution of Ukraine, the right of a territorial community - residents of a village or a voluntary association of residents of several villages in one village community, residents of a settlement and of a city - to independently, through legally stipulated direct voting mechanisms or established by the territorial community local self-government bodies, under the responsibility of such bodies and their officials, resolve issues of a local nature within the limits of the Constitution and the laws of Ukraine ² .
Article 3.4. In case one issue is differently regulated by this and other laws of Ukraine, the provision under this Law prevails.	Delete. Since there is no system of organic and regular laws in Ukraine, neither law can be “more powerful” than others.
Article 4.5. Principle of omnipresence of local self-government	This principle should be explained: either the whole territory of the country is to be divided into territorial community jurisdictions, or some territories are to be under the jurisdiction of other local self-government bodies – rayon or oblast councils.
Article 8.1. A village, settlement and city may have a Statute which, according to the Constitution of Ukraine, this and other laws, regulates the issue of organisation and exercising of local self-government, taking into account historical, national and cultural,	A village, settlement and city have a Statute which, according to the Constitution of Ukraine, this and other laws, regulates the issue of organisation and exercising of local self-government, taking into account historical, national and cultural, social and

² It is illogical and unfair when a community acts independently but under responsibility of non-acting bodies or officials.

social and economic, geographical and other distinctions.	economic, geographical and other distinctions. ³
Article 11. Associations and other local self-government alliances	There should be a clear division of associations aimed at the protection of local self-government interests (Association of cities, Association of historical towns, Euro regions, etc) and agreements between local self-government bodies on joint activities within their responsibilities.
Article 13.1. Villages, settlements, cities may have their own symbols (emblem, flag) which should reflect their historical, cultural, social and economic and other distinctions and traditions.	Villages, settlements, cities may have their own symbols (emblem, flag, anthem) which should reflect their historical, cultural, social and economic and other distinctions and traditions.
Article 15.1. Citizens of Ukraine exercise their right to local self-government through local elections, local referenda and other forms under this Law.	Citizens of Ukraine exercise their right to local self-government through local elections, local referenda and other forms of direct voting under the Constitution and laws of Ukraine
Article 16. 1. The will of the residents of a village, settlement, city, city rayon, rayon, oblast for the establishment of village, settlement, city, city rayon, rayon, oblast councils and election of village, settlement, city mayors shall be conducted through local elections. 2. Local elections are free and are held on the basis of general equal direct electoral suffrage through secret ballot. 3. Rayon and oblast councils are elected according to the system which has to provide representation of all territorial communities located in these rayons and oblasts in the respective councils. 4. The procedure of organisation and conducting of local elections is stipulated by law.	1. Village, settlement, city, city rayon (if applicable), rayon and oblast councils, village, settlement and city mayors are elected through general direct secret ballot of citizens-residents of respective territories. 2. The procedure of organisation and conducting of local elections is stipulated by law ⁴ .
Article 17. 1. Local referendum is a form of resolution of issues under the responsibility of local self-government, directly by the territorial community through direct vote. 2. As for any issue laid upon local self-government by the Constitution of Ukraine,	1. Local referendum is a form resolution of issues under the responsibility of local self-government, directly by the territorial community through direct vote. 2. The procedure of appointment and conducting of a local referendum, the implementation of its results, as well as the

³ A number of further Articles of the law (10.2, 18.5, 19.4, 20.4) require the obligatory adoption of a Statute. The transitional provisions of the Law should be amended by the addition of: "The State Foundation for Support of Local Self-Government in Ukraine within 6 month of the adoption of this Law is to elaborate template Statutes of a village, community established through an association of villages, a settlement, a city not divided into rayons, a city divided into rayons without rayon councils established, a city divided into rayons with rayon councils established."

⁴ All the territorial communities cannot be represented in the oblast council.

<p>this and other laws may be the subject of a local referendum.</p> <p>3. The local referendum shall not cover the issues under the responsibility of state authorities and other issues beyond local jurisdiction.</p> <p>4. Decisions adopted by the local referendum are obligatory on the respective territory and do not require any additional adoption by local self-government bodies, state authorities or their officials.</p> <p>5. The procedure of appointment and conducting of a local referendum, as well as the issues to be resolved exclusively by local referendum, are determined by the law on referenda.</p>	<p>issues to be resolved exclusively by a local referendum or those which are banned from referenda, are determined by the law on referenda.</p>
<p>Article 18.3. General public meetings are to be held at the initiative of a village, settlement and city mayor, a minimum of five members of the respective council or ten citizens.</p>	<p>General public meetings are to be held at the initiative of a village, settlement and city mayor, members of the respective council or citizens according to the procedure stipulated by the Statute of the community.</p>
<p>Article 19.2.</p>	<p>Add 12) Other issues stipulated by law or the Statute of a community as obligatory for consideration at public hearings.</p>
<p>Article 21.1. The representative bodies of local self-government are village, settlement, city, city rayon, rayon and oblast councils composed of elected members.</p>	<p>The representative bodies of local self-government are village, settlement, city, city rayon, rayon and oblast councils⁵.</p>
<p>Article 21.3. Village, settlement and city councils are local self-government bodies of basic level.</p>	<p>The notion “basic level” is not explained and used.</p>
<p>Article 22.4. The general composition of a village, settlement, city, city rayon, rayon and oblast council is determined in relation to the quantity of residents of the respective administrative and territorial unit.</p> <p>Under quantity:</p> <p>up to 1000 residents - 9-11 members of the council are elected;</p> <p>from 1001 up to 10000 residents – 15 members;</p> <p>from 10001 up to 30000 residents – 21 members;</p> <p>from 30001 up to 100000 residents – 31 members;</p> <p>from 100001 up to 300000 residents – 41 members;</p>	<p>The general composition of a village, settlement, city, city rayon, rayon and oblast council is determined by the respective council of previous convocation within the limits stipulated by the law⁶.</p>

⁵Councils are exactly the bodies composed of elected members.

⁶The existing system has not caused any serious complaints. Article 27.18 of this draft Law foresees “determination of the council quantity under law” as an exclusive competence of the council.

from 300001 up to 1000000 residents – 55 members. above 1000000 residents - 75 members.	
Article 22.5.	Delete – it duplicates Article 22.2.
Article 22. 6,7,8.	These parts should be harmonised with the electoral legislation.
Article 23. Council member.	Substitute the whole Article with: 1. A member of a village, settlement, city council is a representative of the interests of a territorial community of a village, settlement and city. 2 The rights and responsibilities of a council member and the procedure of his/her activities are stipulated by the separate law.
Article 24.1. Councils realise their activities in sessions. The session consists of plenary meetings and meetings of standing commissions of a council.	1. Councils realise their activities in sessions. The session consists of plenary meetings of a council ⁷ .
Article 27. 16) Selection and change of names of streets, squares, parks, public gardens, bridges and other objects located on the territory of the respective community; 43) Selection and change of names of streets, squares, parks, public gardens, bridges and other objects located on the territory of the respective community; 15) adoption, under law, of provisions on symbols of a village, settlement and city; 42) adoption, under law, of a provision on the content, description and procedures for use of symbols of a village, settlement and city; 17) providing proposals on names of communities, according to the law; 17) providing proposals on names of communities, according to the law;	Delete all repetitions.
Article 27.	For reasons which are not clear, the exclusive responsibilities of a council do not comprise the following: - the establishment of earmarked funds, the adoption of statutes on these funds - the adoption of the decisions on the issue of local loans - the adoption of the decisions on receiving loans from other local budgets and resources, as well as on the transfer of funds from the respective local budget - the adoption of the decisions on providing benefits, under current legislation, for local taxes and fees

⁷ Commissions can and should work in the interim period.

	<ul style="list-style-type: none"> - the adoption of the decisions on the change of ownership of communal property (<i>відчуження комунального майна</i>); the adoption of local privatisation programmes, as well as a list of communal property that is not subject to privatisation; the determination of expediency, procedures and terms of privatisation of communal objects; the resolution of issues related to purchasing under law of privatised property, the incorporation into communal ownership of property, which changed ownership in the process of privatisation (<i>про включення до об'єктів комунальної власності майна, відчуженого у процесі приватизації</i>) with the sales contract terminated or recognised as invalid, on the concession of communal property, on the establishment, liquidation, re-organisation and re-development of communal enterprises, entities and organisations of the respective community - the adoption of the decisions on the transfer to other bodies of responsibilities to manage communal property of the respective territorial community, on the determination of the limits of such responsibilities and the terms of its exercising - the establishment, if required, of bodies and services for the implementation of joint projects concerning other objects of communal property necessitating joint funding (maintenance) by communal enterprises, entities and organisations, the determination of responsibilities of such bodies (services) - the resolution, under current legislation, of issues on the establishment of joint ventures, in particular, with regard to foreign investment, by communal enterprises - the adoption of the decisions on the organisation of territories and local nature preservation objects as well as other territories to be specially protected; providing proposals to respective state authorities on announcing the nature and other objects of ecological, historical or scientific significance as monuments of nature, history or culture protected by law - the agreement, according to current legislation, for locating on the territory of a village, settlement, city new objects which
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	<p>have, according to the current norms, an ecological impact on the respective territory</p> <ul style="list-style-type: none"> - the establishment, according to current legislation, of a police force funded by a local budget; the appointment and dismissal of chiefs and local police officers - the approval of contracts concluded by a village, settlement, city mayor on behalf of the council related to its exclusive competence - the determination of the territories where potentially dangerous activities can be carried out in the presence of civilians, with the participation of the Armed Forces of Ukraine, other military organisations and law-enforcement bodies with the use of weapons and military equipment - the approval of the transfer of state objects to communal ownership and the adoption of the decisions on the transfer of communal objects to state ownership as well as on purchase of state property - and some other responsibilities.
Article 29.	Has to be synchronised with the Budget Code
Article 32.5.	Who is a “head of a community”?
Chapter VI.	The whole Chapter VI should be revised to take into account the new Budget Code.
Article 59.3. The Law may stipulate the maximum volume of expenditures on maintenance of local self-government bodies.	Delete as the Article directly contradicts the European Charter of Local Self-Government.
Article 61.2. Revenues of local budgets are divided into own and delegated ones.	The notion “delegated revenues” should be legally provided for.
Article 66.9. Acts of local self-government bodies and officials shall come into force after state registration concluded from the day of their official publication, unless other terms are stipulated	Acts of local self-government bodies and officials shall come into force after state registration concluded within thirty days of their official publication, unless other terms are stipulated ⁸ .
Articles 68-69.	It is difficult to imagine how a small village council could publish its acts in the official bulletin or on the official website.
Article 71.3. A local state administration when considering the issues covering the interests of local self-government should respectively inform relevant local self-government bodies and officials.	A local state administration, when considering the issues of interests to local self-government, should respectively inform relevant local self-government bodies and officials, as well as consult them in advance.

⁸ After the official publication, there should be enough time for persons concerned to examine the act, consult lawyers and, in case of disagreement, apply to court. Otherwise, a local self-government body should compensate for damages incurred as a result of an illegal act.