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**THE INFLUENCE OF THE ADMINISTRATIVE SPACE ON THE
LEGAL SYSTEMS OF THE MEMBER STATES
OF THE EUROPEAN UNION**

For the first time, the concept of the European administrative space was used in the materials of the program Support for Improvement in Governance and Management (hereinafter - SIGMA). This program was created in 1992 and is a joint initiative of the Organization for Economic Co-operation and Development and the European Union.

Its goal is to improve public administration and support the socio-economic development of the country by increasing the potential of the public sector, strengthening horizontal management, and improving the development and implementation of public administration reforms.

It is worth noting that the European Commission has determined the scope of public administration reform, covering six main areas:

- 1) Management reform strategy;
- 2) Development and coordination policy;
- 3) Civil service and human resources management;
- 4) Responsibility;
- 5) Provision of services;
- 6) Management of state finances.

The principles of public administration were developed in close cooperation with the European Commission to define detailed requirements for functioning public administration.

While the general criteria for good governance are universal, the program has developed more tailored principles for European Union candidate and potential candidate countries, as well as more general principles suitable for a wider range of countries, including those working with the European Union under the European Neighborhood Policy.

SIGMA has been conducting governance reviews of EU candidate countries and potential candidates since 2015. Comprehensive monitoring reports were prepared in 2015 and 2017, while more targeted reviews were conducted in 2016 and 2019. These reviews analyzed each country's performance in public administration reform, set benchmarks, and proposed reform recommendations. Audits of compliance with the principles of public administration were also carried out in some partner countries based on the interests and initiative of each individual country. It should be noted that a report was prepared for Moldova in 2015, for Georgia and Ukraine in 2018, and for Armenia in 2019[1].

SIGMA publication No. 27 states that Central and Eastern European countries wishing to join the European Union must meet the Copenhagen and Madrid criteria of the European Union Membership Council and therefore focus on public administration reform. At the same time, it is emphasized that the *acquis communautaire* applies to the referrals of state administration[2].

The *acquis communautaire* (translated as "property" or "accomplishment of the Communities") is understood as a set of legislative acts, political documents and the practice of their application that exist in the European Union at any given moment. The introduction of *acquis* into national legal systems is a necessary condition for the completion of the country's accession to the European Union.

In various areas of legislation, the goals and content of the reforms are quite clear. Candidate countries need to transpose EU legislation into their domestic legal system and then implement and enforce it. However, there is no *acquis communautaire* to set standards for horizontal management systems or national public administrations. The lack of general legislation of the European Union in the field of public administration and administrative law creates a serious problem for candidate countries.

The goals and directions of public administration reform in the light of their accession to the European Union are less clear. However, there is a general consensus on the key components of good governance. These components include the supremacy of legal principles of reliability, predictability, accountability and transparency, as well as technical and managerial competence, organizational capacity and citizen participation. Despite the absence of an *acquis communautaire*, this consensus is based on the established principles of public administration shared by the member states of the European Union with different legal traditions and different management systems. Over time, these principles were defined and clarified in the case law of national courts and later in the case law of the European Court.

The practice of the European Court can establish general principles. In many cases, the interpretation of the relevant provisions of the Union legislation by the European Court leads to changes in the understanding of the principles of administrative law in the member state. This indicates a kind of Europeanization of administrative law. All this demonstrates the emergence of the European Administrative Space, which mostly concerns the main institutional mechanisms, processes, general administrative standards and public service indicators[2].

In the legal system of the Union, the European Court defined a large number of principles of administrative law, referring to the general principles of administrative law, which are characteristic of the member states of the European Union at that time. Particularly important of them, which must be applied by all member states of the union at the national level when applying European Union law, are:

1. The principle of management through law;
2. Principles of proportionality;
3. Legal certainty;
4. Protection of legitimate expectations;
5. Prevention of discrimination;
6. The right to a hearing in administrative decision-making procedures;
7. Security measures;
8. Fair conditions for citizens' access to administrative courts.

It is worth noting that in SIGMA publication No. 27 these principles were systematized and the following groups were distinguished among them:

1. Reliability and predictability (legal certainty);
2. Openness and transparency;
3. Accountability;
4. Efficiency and effectiveness

The set of general principles of public administration of the member states of the European Union constitutes the European administrative space. It includes a set of general standards for actions within public administration, which are defined by law and applied in practice through procedures and accountability mechanisms. It is in this context that SIGMA publication No. 27 understands the European administrative space as a special part of European Union law. Although the European administrative space is not an agreed part of the *acquis communautaire*, it should be a reference point for public administration reforms in the candidate countries. Countries applying for membership in the European Union must take these standards into account when developing their public administration systems.

References:

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ПРИНЦИП СУБСИДІАРНОСТІ ТА ЗАХИСТ ПРАВ ЛЮДИНИ В УКРАЇНІ

У науці конституційного права все частіше і частіше йдеться про те, що національна система права у частині захисту прав людини в Україні потребує трансформації. В умовах збройних конфліктів одним з не самих очевидних, але важливих напрямів розвитку цієї системи є її локалізація.

Локалізація може здійснюватися в рамках сучасного етапу муніципальної реформи у двох напрямках:

- формування та розширення переліку муніципальних прав людини;
- подальше залучення органів місцевого самоврядування до захисту прав людини.

Важливим науковим завданням слід уважати розробку пропозицій щодо кожного з цих напрямів.

Для того, щоб охарактеризувати зміст першого напрямку локалізації системи захисту прав людини в Україні (формування та розширення переліку