



Mr A. Klochko
Chairman
Committee on State Building,
Local Governance, Regional and
Urban Development
Verkhovna Rada of Ukraine

Ref ► SSM/AK

Strasbourg, 16 March 2021

Dear Mr Klochko,

Let me first thank you for your letter and your kind words of appreciation for the longstanding and fruitful co-operation established between the Committee you chair and the "Decentralisation and territorial consolidation in Ukraine" Programme implemented by the Centre of Expertise of the Council of Europe.

I would also like to congratulate you for all your hard work aimed at finalising the decentralisation reform, one of the most important, but also most successful reforms in Ukraine to date. We are of course following with great interest the progress you are making in respect of preparing the Constitutional amendments, but also in respect of the two very important pieces of legislation which are now being discussed, on local state administrations (on which the Centre of Expertise has already formulated an opinion) and on local self-government. We stand ready to offer, upon request, our support in these important endeavours.

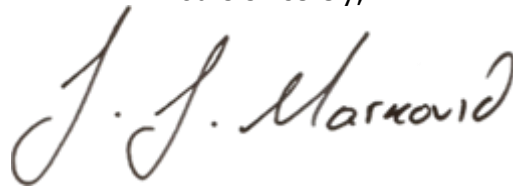
After consulting with colleagues from the Venice Commission and the Congress, I can confirm that the Council of Europe strongly supports the proposed reform of the legal personality at local level. The European model, followed by the vast majority of the Council of Europe member States, is one where it is the local community, not the organs of authority (councils or their executive bodies) which are the legal entities and the subjects of legal rights and responsibilities. We believe that such system offers considerable democratic advantages and we would encourage Ukraine to adopt it.

.../...

In respect of your specific questions concerning the relation with the European Charter of Local Self-Government I must say that the Charter is a flexible instrument, aimed at accommodating a diversity of situations and at offering a minimal level of protection to local governments and citizens against abuse of power by central governments. Changing the subject of legal personality in Ukraine from councils to communities is therefore not, strictly speaking, an obligation under the Charter.

I remain of course available for any other questions you may have.

Yours sincerely,

A handwritten signature in black ink, reading "S. J. Marković". The signature is written in a cursive style with a large initial 'S' and 'J'.

Snežana Samardžić-Marković

Cc: Mr Borys Tarasyuk, Ambassador Extraordinary and Plenipotentiary,
Permanent Representative of Ukraine to the Council of Europe