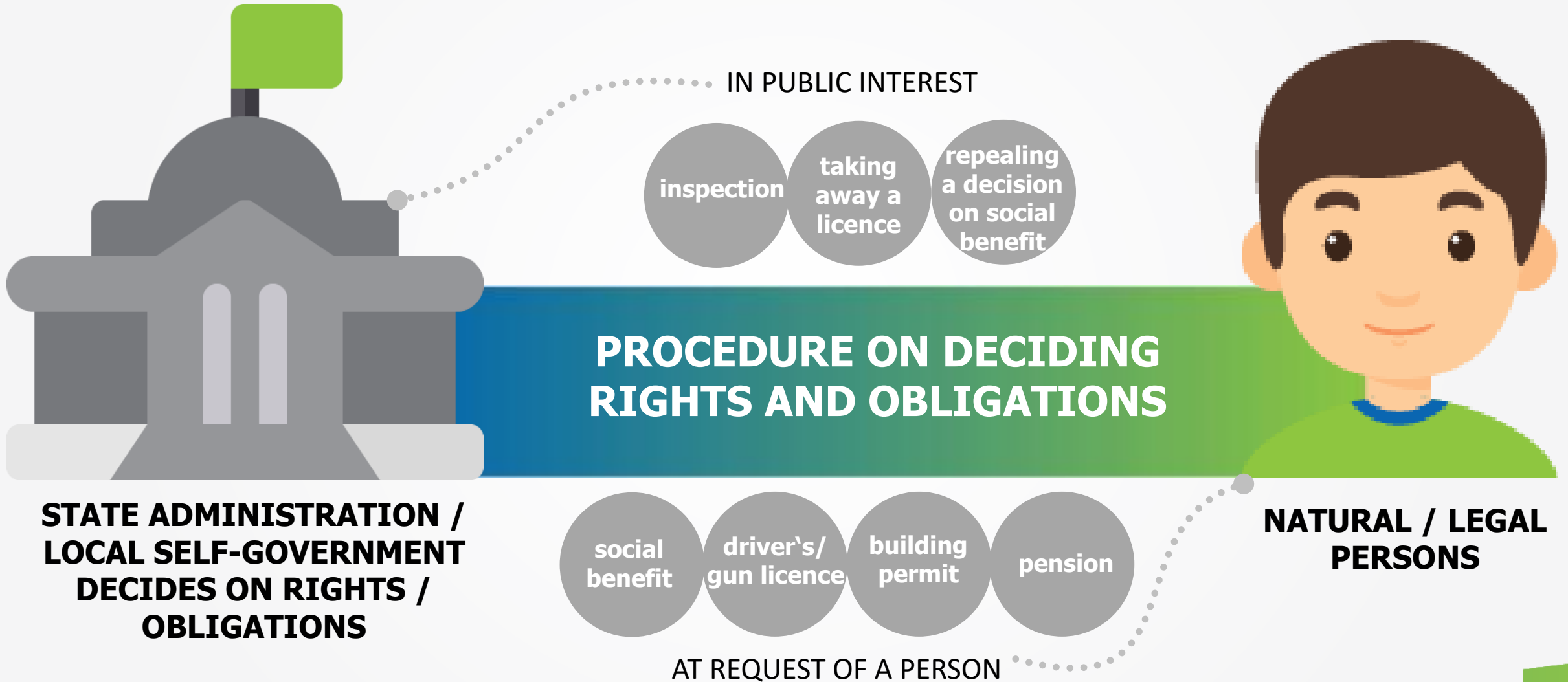


LAW ON ADMINISTRATIVE PROCEDURE

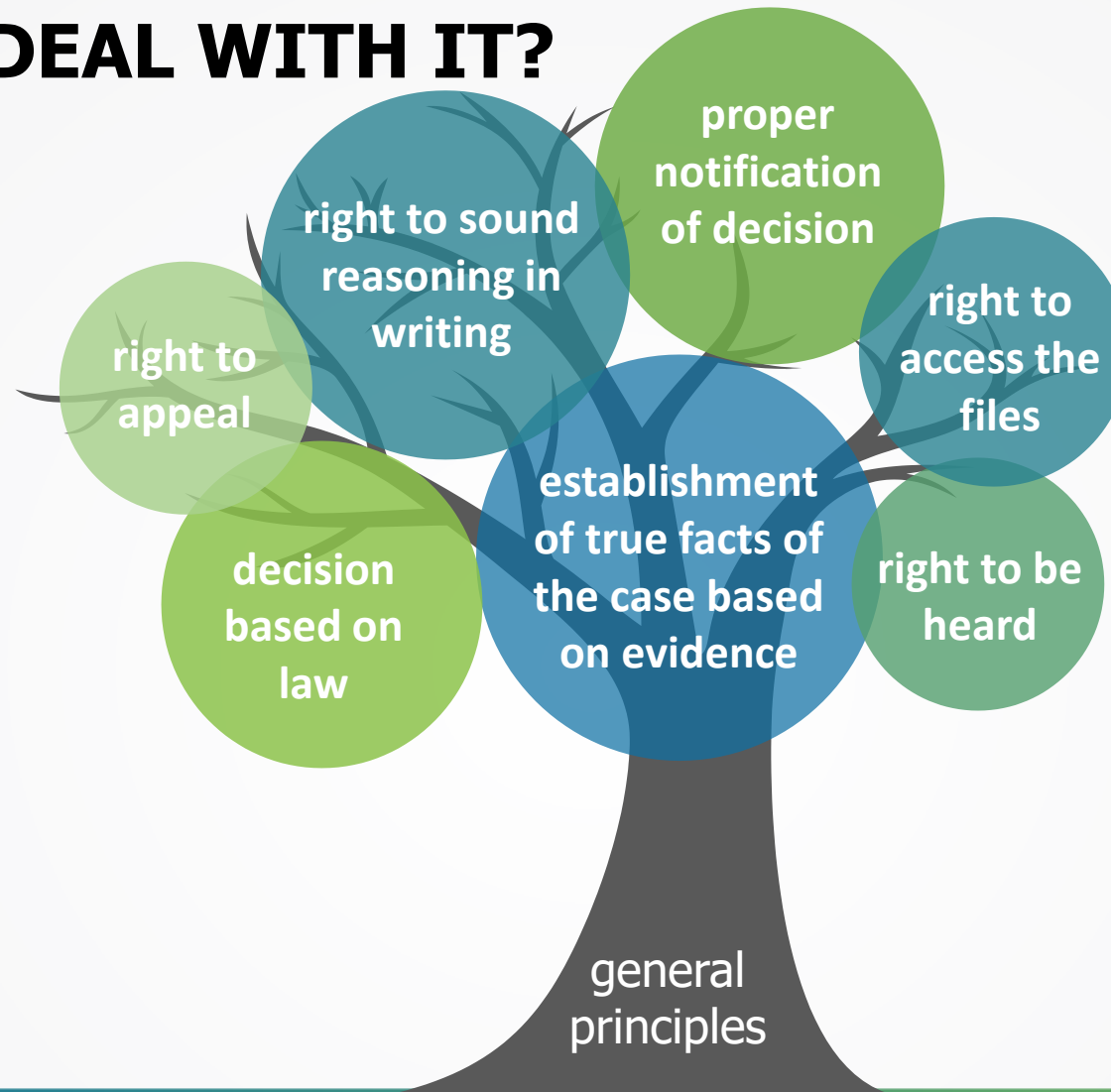
A NEW CHAPTER IN RELATIONS BETWEEN CITIZENS AND STATE

WHAT IS ADMINISTRATIVE PROCEDURE?

EU4PAR



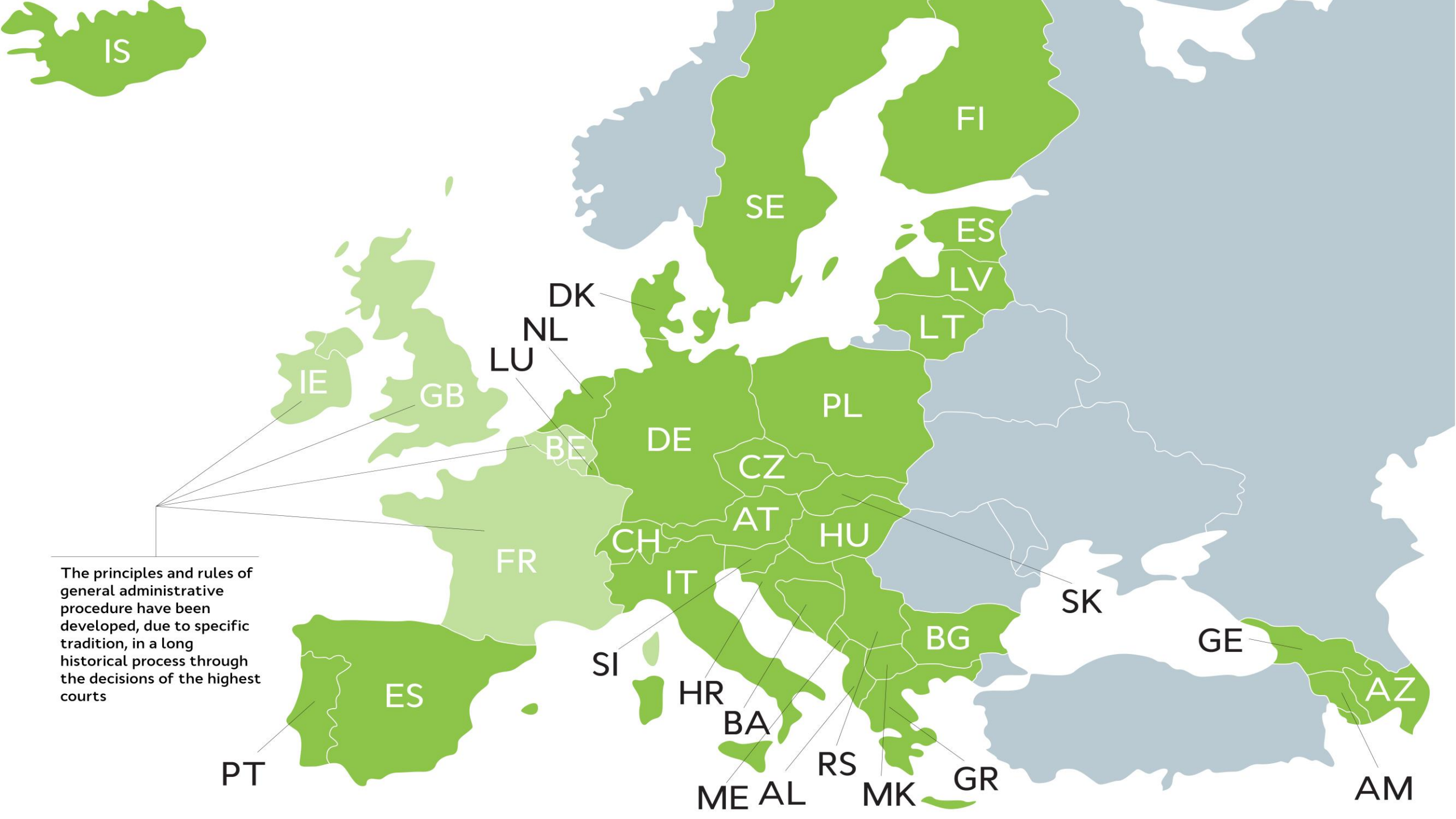
HOW DOES EU DEAL WITH IT?



(„right to good administration“, see Article 41, Charter of Fundamental Rights of the EU)

GENERAL LAWS ON ADMINISTRATIVE PROCEDURE

+ sector legislation



The principles and rules of general administrative procedure have been developed, due to specific tradition, in a long historical process through the decisions of the highest courts

WHAT VALUE DOES IT ADD?



**simplifies life of
citizens and public
administration**



**improves respect of
citizens' rights, freedoms
and personal dignity**



**reduces room for
corruption**



**fosters legality, certainty
and predictability of public
administration**

**EMPOWERS THE CITIZENS AND
BUSINESSES IN RELATIONS WITH
THE PUBLIC ADMINISTRATION**

WHAT IS THE PROBLEM IN UKRAINE?



Procedures governed by a large number of sector laws and even secondary legislation **without a common approach**



In many laws, **basic „EU principles“ are not** ensured



General Law on Administrative procedure with basic principles and general rules + if needed, specific rules in sector legislation (but not contrary to principles)

A SELECTION OF NOVELTIES / 1

- right to be heard
- right to access to files
- right to sound justification
- right and duty of the organ to access data held in official registries and not request submission of certificates
- scheme of delegation in the organ
- exclusion of a potentially biased official
- rules for fact finding and evidence

A SELECTION OF NOVELTIES /2

- time limits for decision (30 / 45 days)
- electronic application
- duty of the official to fill in application
- as a rule the decision (administrative act) is issued in writing, but simplification is possible if the request of a person is fully granted
- rules for notification of decision (burden of proof is on organ, decision can take no effect if not properly notified)
- right to appeal to a higher body in hierarchy
- limited possibilities of repealing a decision, compensation of damages if the person was in good faith
- rules of enforcement