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Organization of public authority as the basis of decentralization reform in European states

Paper objective is study of the experience of organizing the public authority of European states. Decentralization is a complex and multi-faceted phenomenon, which also depends on the delimitation of public authority between state authorities and municipalities, the increase of the financial capacity of local self-government bodies which related with the competence. The experience of European states is different but given the identity of legal systems and the similarities of the challenges that have been overcome, these states are analyzed for using positive experience which can be used in Ukraine.

Key words: decentralization, municipality, community, state, authority.

Problem setting. Decentralization is a complex and multi-faceted phenomenon, which also depends on the delimitation of public authority between state authorities and municipalities, the increase of the financial capacity of local selfgovernment bodies which related with

the competence. The experience of European states is different but given the identity of legal systems and the similarities of the challenges that have been overcome, these states are analyzed for using positive experience which can be used in Ukraine.

Recent research and publications analysis. The following scientists were engaged in the research: Boryslavskaya O, Zaverukha I, Zakharchenko E., Lelechko A., Vasileva O, Kuibida V., Tkachuk A., Pigul N., Luta O. and others.

Paper objective is study of the experience of organizing the public authority of European states.

The paper main body. The emergence of the concept of a decentralized state is considered as a known dispute between Jean Bauden, a French economist and Johann Altusius, a German lawyer and theorist of state-building. At the end of the XVI century. J. Boden developed the theory of a sovereign monolithic state, which substantiated absolutism throughout Europe. Ideas contrary to the teachings of Boden, were developed by J. Altusius about 1600, which he justified the idea of a federal state organization. The basic postulate of his teaching was that sovereign should be people, not the monarch and regional authorities, unlike the central one, should have as many powers and rights as possible to resolve issues of organization of life support of the communities concerned, based on the principle of subsidiarity [3]. However, the realization of these ideas in full became possible only in the twentieth century. with the emergence of the idea of subsidiarity, the essence of which was that the legal, administrative functions of the state and bodies of local self-government should be delimited. The state may intervene in community affairs only if the latter is incapable of performing the functions of local self-government. The state must guarantee the right of the territorial community to independently resolve issues of local importance and protect civil liberties [4].

In theoretical and practical research, the notion of “decentralization” is multidimensional and is considered in various ways. At the semantic level, decentralization (from the Latin de-opposition, centralis – central) is interpreted as the destruction, weakening or abolition of centralization [4; p.133]. That is, a system of distribution of functions and powers between state and local levels of government with the extension of the rights of the latter. The role of decentralization of gover-

nance in the process of establishing a local self-government institution is decisive.

The main idea of decentralization is the transfer of powers within the public authority from the state authorities to the level of territorial communities and provision of the latest financial resources for the exercise of powers. Effective decentralization is seen as an element of effective governance and the manifestation of democracy, effective public authority [10].

Over the past decades, most European states have reformed public authority and provided sub-national governments with a wide range of competences, competencies and autonomies. Local and regional authorities are the closest bodies to the public, most often they have the closest contact with citizens and local authorities on the part of the state, and therefore they can best understand the needs and requirements of residents. Local and regional authorities around the world are responsible for the main policy areas affecting the everyday life of citizens: health, education, access to basic services such as water, transport and waste management, urban and territorial planning, access to infrastructure, environmental and territorial sustainability, local economic development, cultural development and social integration. All these responsibilities and many others are among the main tasks of many local authorities. [14; p. 14].

Nowadays, the main principle of forming the competence of each level of government is to get the most effective implementation of certain functions of public affairs administration bodies at the appropriate level. However, the optimal relationship between public administration and local government in different countries is built differently. At the same time, the most important factors that determine this phenomenon are historical, national and geographical peculiarities of the development of one or another ethnic group that created its own state [11]. The European Charter of Local Self-Government is a regional act that envisages broad rights and guarantees for local self-government and ratified by all member states of the Council of Europe, including the smallest states – Monaco, Andorra and San Marino [12].

It should be noted separately that the European Charter of Local Self-Government, in the second part of Article 12, provides for a

special procedure for entry into force for States Parties. A State may become party to the Charter only if it recognizes the twenty paragraphs of the Charter that are binding on its State, which the State party must notify the Secretary General of the Council of Europe. It is also interesting to find the condition stipulated in Article 17 of the Charter, which stipulates that the State party can not denounce the Charter before the expiration of a five-year period from the date on which the Charter enters into force for the state. I believe this provision is aimed at the stable application of the Charter in the territory of the states, and the deliberate will of the states that wish to become member states.

This Charter obliges each of the participants to comply with legal rules that guarantee the administrative, financial and political independence of local authorities.

The principle of subsidiarity is disclosed in Article 4, paragraph 3, of the European Charter of Local Self-Government. "Municipal functions are generally carried out mainly by those bodies that have the closest contact with the citizen. By assigning one or another function to another body, it is necessary to take into account the scope and nature of the task, as well as the requirements for achieving efficiency and economy. "The basis of legal regulation of functions and powers of local self-government of the majority of foreign states is the principle of subsidiarity, which is recognized at the pan-European level. Its emergence is connected with the formation of the notion of public administration – a unified system of public administration, in which local authorities, local interests, local self-government are generally not contradicted by the state, but, on the contrary, are integrated into a single management mechanism, whose activities are aimed at a comprehensive solution of problems, which arose before society as a whole. [2, p. 45-46]. The process of decentralization of the system of government in Europe is based on the principles of "from the system of state power on the ground to the system of local self-government" and "from a strong state to a strong civil society" [5; p. 31].

Pigul N. and Luta O. rightly point out [6] that under the present conditions there are five main characteristics that are inherent in decentralization in European countries:

- democratization through the development of local and regional autonomy;

- the most effective solution of local problems;
- Freedom through local and regional autonomy;
- Ensuring cultural, linguistic and ethnic diversity;
- Economic competition between local and regional levels.

Amalgamation of municipalities

It is worth mentioning the fact that most of the decentralization reforms that were implemented in recent times in European countries were accompanied by an increase in the resource base of local self-government bodies through the amalgamation of municipalities. In the European states in 1952-1992, the total number of municipalities declined: in Denmark 80%, in the UK – 76%, in Germany – 67%, in Austria – 42%, in Norway – 41%, in the Netherlands – by 6% [5; p. 32]. This trend was launched in Europe, whose governments first decided to consolidate territorial units to the sizes that are optimal for the implementation of government social programs. The motivation behind the implementation of such reforms, apart from political factors, was based on the balance of the goals of economic efficiency of the provision of public services and the provision of democracy at the local level, that is, community participation in management. Theoretically, with the increase in community size, economic benefits increase due to the scale effect, however, the level of community influence on decision-making decreases. Accordingly, the management is removed from the inhabitants. The study of the empirical experience of the association of territorial communities and the impact of the size of the community on the effectiveness of its management revealed ambiguous results [1].

In general, two generalized schemes of amalgamation of territorial communities are divided into European countries: the North European, within which the formation of large municipalities (Sweden, England) and South-European – with the amalgamation of communities in relatively small municipalities (France, Italy). Accordingly, various municipalities and authorities have also been formed. In Sweden, the average size of the community is 34 thousand inhabitants, in England – 167 thousand, Denmark – 58 thousand, the Netherlands – 44 thousand, Finland – 17 thousand, Latvia – 16 thousand, Poland – 15 thousand, in Poland – 12 thousand, France -1.5 thousand, Italy –

7.5 thousand, Spain – 5.5 thousand, Germany – 7 thousand, Austria – 4 thousand [15]

Such large-scale consolidation of municipalities significantly increased the financial and economic components of the managerial capacity of local self-government and made them multifunctional.

State ^[15]	Number of municipalities	Number of municipalities 2018
Denmark (2005)	271	98
Estonia (1995)	254	79
Finland (2001)	448	311
Latvia (2009)	524	110
Norway (2010)	428	422
Poland (2012)	2479	2478
Sweden (2012)	290	290
Spain (2012)	8117	8124
Italy(2012)	8094	7960
France(2012)	36697	35357

Legal regulation of the amalgamation of municipalities in different states

In Denmark, the main idea of the reform was to reduce the number of municipalities, but to increase the number of inhabitants. This model required the municipalities to have at least 20,000 inhabitants. Municipalities with less than 20,000 inhabitants were accepted if they agreed on a compulsory co-operation with a larger municipality. [9; p. 89] [15; p. 6]

In Estonia, the Law on Administrative Reform was adopted in June 2016. This law provides that in order for the local authorities to be able to effectively perform their functions provided for in this Law and provide high-quality public services to residents. The minimum size of the municipality should be 5000 inhabitants. Those municipi-

palties that did not meet this requirement should have submitted proposals to change the administrative and territorial organization of their own municipalities by 01.01.2018. The law provides for the Government to initiate a change in the administrative-territorial division of those municipalities that do not meet the criteria or have not submitted their own proposals.

The Act provided financial incentives for municipalities association, a voluntary association – 100 euros per inhabitant (minimum 300 000 EUR and the maximum amount of 800 000 euros) for each municipality that is integrated. An additional grant of EUR 500 000 is foreseen to reach 11,000 inhabitants in the municipality [13].

Over the past years, the Swedish government has been promoting territorial reform, requiring small municipalities to jointly organize medical and social services and providing financial incentives to those who are willing to unite. As a result of these efforts, the number of municipalities has decreased. [16; p. 7]

Latvia's reform in 2009 consolidated local government governance into one level, consisting of 110 municipalities (novadi) and 9 cities (cities). 26 districts were abolished and five "planned regions" were created. The regions operate under the supervision of the ministry responsible for regional development and are not actually administrative units, but their decision-making boards consist of elected members of municipalities.

In 2014, the Norwegian government launched a reform that resulted in the merger of municipalities. The government encourages municipalities to take such a step by financial incentives and providing new functions to larger and more capable units. Such an administrative-territorial division increases the authority of municipalities and leads to decentralization and increased autonomy of municipalities and districts. Municipalities' budgets also increase in proportion to new authorities. [8; p.48]

Switzerland is showing a tendency to unite the communes, since it affects the efficiency of governance both in the state as a whole and at the local level. As of 2013 – there were about 2700 communes, in 2018 in Switzerland there are 2,222 communes [15].

Sweden, like other countries in the region, did not escape the need to reform local governance, which took place in several stages of its

development. On each of them, regular reforms of the administrative-territorial system were carried out, as a result of which the local authorities became closer to the people, and this provided a decent standard of living for all citizens of the country. Previously, there were more than 2 thousand communes with a small population in the country. They lacked financial resources and could not respond effectively to the challenges of the day. Legislative changes were adopted, which resulted in a decrease in the number of communes. Today, in Sweden, there are 290 communes.

An important component of decentralization processes is the territorial organization of the lower level (communities). Thus, the Law of the Italian Republic on the structure of local autonomy, adopted in 1990, aims to optimize the size of the administrative-territorial units, the elimination of small-scale units that did not have sufficient financial resources to solve urgent problems. The new communes, according to the law, can be created in Italy in the presence of not less than 10 thousand inhabitants, the province – not less than 200 thousand inhabitants. The law also provided for financial incentives for the unification and further merging of communes with a population of less than 5,000 inhabitants, or for their accession to larger communes. [5; p.32]

The beginning of the reform in Latvia was the adoption in 1994 of the law “On Local Self-Government”, which defined the essence, basic rights and obligations, as well as the financial base of local self-government. Describing the administrative-territorial reform, it should be noted that, despite the small size of the country, for Latvia at the beginning of the reforms was characterized by uneven development of its regions and territories. The model of the administrative-territorial system of that time was inherited from the Soviet Union, and its chopping stood on the hindrance of the unification of the transfer of powers. The main objective of the administrative-territorial reform was the creation of administrative territories with local and regional self-government, which can be economically developed and provide the provision of quality services to the population. However, the introduction of administrative-territorial reform was difficult. First of all they concerned the reluctance of small communities to unite. During the first six years of reform, only 20 united communities have been

formed. At the same time, the government's mistake was that there were no clear rules on the criteria and format of the merger. This led to the fact that new communities even though they were, but were not able to perform the necessary functions. [6; p.685]

In fact, decentralization in the Czech Republic began with the adoption of the 1997 Constitutional Act, which established "higher territorial self-governing units", their number, location and ways to change administrative boundaries. The provisions of this normative act were developed in 2000 when the Law "On the edges (regional administration)" was adopted, in which the land was defined as "the territorial community of citizens who owns the right to self-government". The law defines the organizational, functional and structural foundations of local governance in the context of decentralization. Another area of decentralization was the so-called district reform, which began in 2000 with the adoption of a law regulating the activities of district administrations. At the same time, municipal reform is being implemented. A special law defines the municipality as "the main self-governing territorial community of citizens." Thus, the analysis of the processes of decentralization in the Czech Republic suggests that in this state, the main focus is on the territorial aspect of this problem. [7; p. 227]

Conclusions.

The European model of self-government is based on the principle of subsidiarity. It involves the provision of services by the authorities at the level as close to consumers as possible, as well as the legality of the work of self-governing bodies, which has a negative (general or permissive) or positive (specially authorized) regulation of the activities of these bodies. Due to this approach, all spheres of public life are divided between the state and bodies of local self-government and there are no spheres of public life for which the state bodies and bodies of local self-government do not contribute, because local self-government bodies and bodies of public authority have complementary competencies.

Decentralization carried out in European countries resulted in a more effective use of resources both state and local, and no state has returned to its previous position, which in turn affects the economic development of the states.

Список використаних джерел

1. Данилишин Б. М., Пилипів В. В. Децентралізація у країнах ЄС: уроки для України. 2016. URL : http://ird.gov.ua/pe/re201601/re201601_005_DanylyshynBM,PylypivVV.pdf (дата звернення 01.12.2018)
2. Децентралізація публічної влади: досвід європейських країн та перспективи України / [Бориславська О., Заверуха І., Захарченко Е., та ін.]; Швейцарсько-український проект «Підтримка децентралізації в Україні». DESPRO. Київ : ТОВ «Софія», 2012. 128 с.
3. Зарубіжний досвід проведення децентралізаційних реформ. URL : <http://globalnational.in.ua/archive/9-2016/140.pdf> (дата звернення 01.12.2018)
4. Кабаш О. Р., Герчаківський С. Д. Теоретичний логос фіскальної децентралізації. 2009. URL : http://ird.gov.ua/pe/re200902/re200902_133_GerchakivskySD,KabashOR.pdf (дата звернення 01.12.2018)
5. Лелчко А. П., Васильєва О. І., Куйбіда В. С., Ткачук А. Ф. Місцеве самоврядування в умовах децентралізації повноважень. 2017. URL : <https://decentralization.gov.ua/uploads/library/file/202/%D0%9C%D1%96%D1%81%D1%86%D0%B5%D0%B2%D0%B5-%D1%81%D0%B0%D0%BC%D0%BE%D0%B2%D1%80%D1%8F%D0%B4%D1%83%D0%B2%D0%B0%D0%BD%D0%BD%D1%8F-%D0%B2-%D1%83%D0%BC%D0%BE%D0%B2%D0%B0%D1%85-%D0%B4%D0%B5%D1%86%D0%B5%D0%BD%D1%82%D1%80%D0%B0%D0%BB%D1%96%D0%B7%D0%B0%D1%86%D1%96%D1%97.pdf> (дата звернення 01.12.2018)
6. Пігуль Н., Люта О. Зарубіжний досвід проведення децентралізаційних реформ. URL : <http://global-national.in.ua/archive/9-2016/140.pdf> (дата звернення 01.12.2018)
7. Сліденко І. Д. Децентралізація: міжнародний досвід (нормативний аспект). 2015. URL : https://dspace.uzhnu.edu.ua/jspui/bitstream/lib/6479/1/%D0%94%D0%B5%D1%86%D0%B5%D0%BD%D1%82%D1%80%D0%B0%D0%BB%D1%96%D0%B7%D0%B0%D1%86%D1%96%D1%8F_InstZak.pdf (дата звернення 01.12.2018)
8. Decentralisation at a crossroads. 2013. URL : www.ccre.org/img/uploads/piecesjointe/filename/CCRE_broch_EN_complete_low.pdf (дата звернення 01.12.2018)
9. Local and Regional Governments in Europe Structures and Competences. 2016. URL : www.ccre.org/img/uploads/piecesjointe/filename/CEMR_structures_and_competences_2016_EN.pdf (дата звернення 01.12.2018)
10. International Guidelines on Decentralisation and Access to Basic Services for all United Nations Human Settlements Programme. 2009. URL :

- http://www.uclgdecentralisation.org/sites/default/files/ladguidelines%28s%29_eng.pdf (дата звернення 01.12.2018)
11. Маслов Ю. К. Реформування місцевого самоврядування в системі публічної влади країн Європейського Союзу. 2016. URL: <http://dspace.onua.edu.ua/bitstream/handle/11300/7297/Maslov%20SPACE%2012016.pdf?sequence=1&isAllowed=y> (дата звернення 01.12.2018)
 12. Chart of signatures and ratifications of Treaty 122. 2018. URL: <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/122/signatures?desktop=true> (дата звернення 01.12.2018)
 13. Administrative-Territorial Reform. 2018. URL: <https://www.rahandusministerium.ee/en/objectivesactivities/local-governments-and-administrative-territorial-reform/administrative> (дата звернення 01.12.2018)
 14. National and subnational governments on the way towards the localization of the SDGs. United Cities and Local Governments. 2017. URL : <http://www.uclgdecentralisation.org/es/node/1390> (дата звернення 01.12.2018)
 15. Subnational governments in oeCD Countries: KeY Data. 2018. URL : <https://www.oecd.org/regional/regional-policy/Subnational-governments-in-OECDCountries-Key-Data-2018.pdf> (дата звернення 01.12.2018)
 16. Subnational public finance in the European Union. 2012. URL : www.ccre.org/docs/note_conjoncture_en.pdf (дата звернення 01.12.2018)

References

1. Danylyshyn B. M., Pylypiv V. V. (2016). Detsentralizatsiia u krainakh YeS: uroky dlia Ukrainy. URL : http://ird.gov.ua/pe/re201601/re201601_005_DanylyshynBM,PylypivVV.pdf [in Ukrainian].
2. Boryslavska O., Zaverukha I., Zakharchenko E. (2012). Detsentralizatsiia publichnoi vlady: dosvid yevropeiskykh krain ta perspektyvy Ukrainy. Boryslavska O. (Ed.) Shveitsarsko-ukrainskyi proekt «Pidtrymka detsentralizatsii v Ukraini». DESPRO. Kyiv : «Sofia» [in Ukrainian].
3. Zarubizhnyi dosvid provedennia detsentralizatsiinykh reform. URL : <http://globalnational.in.ua/archive/9-2016/140.pdf> [in Ukrainian].
4. Kabash O. R., Herchakivskyi S. D. (2009). Teoretychnyi lohoh fiskalnoi detsentralizatsii. URL : http://ird.gov.ua/pe/re200902/re200902_133_GerchakivskySD,KabashOR.pdf. [in Ukrainian].
5. Lelechko A. P., Vasyliieva O. I., Kuibida V. S., Tkachuk A. F. (2017). Mistseve samovriaduvannia v umovakh detsentralizatsii povnovazhen. Lelechko A. P.(Ed.). URL : <https://decentralization.gov.ua/uploads/library/file/202/%D0%9C%D1%96%D1%81%D1%86%D0%B5>

- D0 % B2 % D0 % B5 - % D1 % 81 % D0 % B0 % D0 % BC % D0 % BE % D0 % B2 % D1 % 80 % D1 % 8F % D0 % B4 % D1 % 83 % D0 % B2 % D0 % B0 % D0 % BD % D0 % BD % D1 % 8F - % D0 % B2 - % D1 % 83 % D0 % BC % D0 % BE % D0 % B2 % D0 % B0 % D1 % 85 - % D0 % B4 % D0 % B5 % D1 % 86 % D0 % B5 % D0 % BD % D1 % 82 % D1 % 80 % D0 % B0 % D0 % BB % D1 % 96 % D0 % B7 % D0 % B0 % D1 % 86 % D1 % 96 % D1 % 97 .pdf [in Ukrainian].
6. Pihul N., Liuta O. (2016). Zarubizhnyi dosvid provedennia detsentralizatsiinykh reform. URL : <http://global-national.in.ua/archive/9-2016/140.pdf> [in Ukrainian].
 7. Slidenko I. D. (2015). Detsentralizatsiia: mizhnarodnyi dosvid (normatyvnyi aspekt). URL : https://dspace.uzhnu.edu.ua/jspui/bitstream/lib/6479/1/%D0%94%D0%B5%D1%86%D0%B5%D0%BD%D1%82%D1%80%D0%B0%D0%BB%D1%96%D0%B7%D0%B0%D1%86%D1%96%D1%8F_InstZak.pdf [in Ukrainian].
 8. Decentralisation at a crossroads. (2013). URL : www.ccre.org/img/uploads/piecesjointe/filename/CCRE_broch_EN_complete_low.pdf [in English].
 9. Local and Regional Governments in Europe Structures and Competences. (2016). URL : www.ccre.org/img/uploads/piecesjointe/filename/CEMR_structures_and_competences_2016_EN.pdf [in English].
 10. International Guidelines on Decentralisation and Access to Basic Services for all United Nations Human Settlements Programme. (2009). URL : http://www.uclg-decentralisation.org/sites/default/files/ladguidelines%28s%29_eng.pdf [in English].
 11. Maslov Yu. K. Reformuvannya mistsevoho samovriaduvannya v systemi publichnoi vlady krain Yevropeiskoho Soiuzu. 2016. URL: <http://dspace.onua.edu.ua/bitstream/handle/11300/7297/Maslov%20SPACE%2012016.pdf?sequence=1&isAllowed=y> [in Ukrainian].
 12. Chart of signatures and ratifications of Treaty 122. 2018. URL : <https://www.coe.int/en/web/conventions/full-list /conventions/treaty/122/signatures?desktop=true> [in English].
 13. Administrative-Territorial Reform. 2018. URL: <https://www.rahandusministeerium.ee/en/objectivesactivities/local-governments-andadministrative-territorial-reform/administrative> [in English].
 14. National and subnational governments on the way towards the localization of the SDGs. United Cities and Local Governments. (2017). URL : <http://www.uclg-decentralisation.org/es/node/1390> [in English].
 15. Subnational governments in oe CD Countries: KeY Data. 2018. URL : <https://www.oecd.org/regional/regional-policy/Subnational-governments-in-OECD-Countries-Key-Data-2018.pdf> [in English].
 16. Subnational public finance in the European Union. (2012). URL : www.ccre.org/docs/note_conjoncture_en.pdf [in English].

Я. П. Любченко

Организация публичной власти как основа реформы децентрализации в Европейских странах

В статье исследуется опыт разных стран относительно внедрения децентрализации через расширение компетенции муниципалитетов через нормативное закрепление реформы. Децентрализация, проведенная в европейских государствах, привела к более эффективному использованию ресурсов как государственных, так и местных, ни одно государство не вернулось в прежнее состояние, что, в свою очередь, влияет на экономическое развитие государств.

Европейская модель самоуправления основывается на принципах субсидиарности. Она предусматривает предоставление услуг органами на максимально приближенном к потребителям уровне, а также законность работы органов самоуправления.

Ключевые слова: децентрализация, муниципалитет, община, государство, власть.

Я. П. Любченко

Організація публічної влади як основа реформи децентралізації в Європейських державах

Метою статті є дослідження досвіду організації публічної влади європейських держав.

Децентралізація є складним та багатоаспектним явищем, яке в тому числі залежить від розмежування публічної влади між органами державної влади та муніципалітетами, збільшення фінансової можливості органів місцевого самоврядування та тісний зв'язок з повноваженнями.

Досвід європейських держав є різним, але, враховуючи тотожність правових систем та схожість викликів, які подолали ці держави пропонується проаналізувати досвід європейських держав та зробити висновки, які будуть корисними для України.

У теоретичних і практичних дослідженнях поняття «децентралізація» є багатоаспектним та розглядається різнопланово. На семантичному рівні децентралізація (від латинського de – протиставлення, centralis – центральний) трактується як знищення, ослаблення або скасування централізації. Тобто – це система розподілу функцій і повноважень між державним і місцевими рівнями управління із розширенням прав останніх.

Роль децентралізації управління в процесах становлення інституту місцевого самоврядування є визначальною.

Основною ідеєю децентралізації є передача повноважень у межах публічної влади від органів державної влади на рівень територіальних громад та забезпечення останніх фінансовими ресурсами для виконання повноважень.

Ефективна децентралізація розглядається як елемент ефективного управління та прояв демократії, ефективної публічної влади.

Протягом останніх десятиліть більшість європейських держав реформували публічну владу та надали субнаціональним органам управління широкий спектр повноважень, компетенцій та автономій. Місцеві та регіональні органи управління є найближчими органами до населення, найчастіше саме вони мають найтісніший контакт із громадянами та місцевими осередками з боку держави, а тому можуть найкраще зрозуміти потреби та вимоги жителів. Місцеві та регіональні органи влади в усьому світі відповідають за основні напрями політики, що впливають на повсякденне життя громадян: охорона здоров'я, освіта, доступ до основних послуг, таких, як: водопостачання й водовідведення, управління транспортом та відходами, міське та територіальне планування, доступ до інфраструктури, екологічна й територіальна стійкість, місцевий економічний розвиток, розвиток культури та соціальна інтеграція. Усі ці обов'язки та багато інших є одними з головних завдань багатьох місцевих органів влади.

Нині основним принципом формування компетенції кожного рівня влади є отримання найбільшої ефективності здійснення на відповідному рівні певних функцій органів управління суспільними справами. Однак оптимальне співвідношення між державним управлінням і місцевим самоврядуванням у різних країнах будується по-різному. При цьому найважливішими факторами, що визначають це явище, є історичні, національні та географічні особливості розвитку того чи іншого етносу, який створив власну державу. Європейська хартія місцевого самоврядування є регіональним актом, який передбачає широкі права та гарантії для місцевого самоврядування та ратифікований усіма державами – членами Ради Європи, включаючи найменші держави – Монако, Андорру та Сан-Марино.

Європейська модель самоврядування ґрунтується на принципах субсидіарності. Вона передбачає надання послуг органами на максимально наближеному до споживачів рівні, а також законність роботи самоврядних

органів, що має вияв у негативній (загальнодозвільній) або позитивній (спеціально-дозвільній) регламентації діяльності цих органів. Завдяки такому підходу всі сфери суспільного життя поділені між державою та органами місцевого самоврядування та відсутні сфери суспільного життя, за які державні органи та органи місцевого самоврядування не відповідають, адже органи місцевого самоврядування та органи публічної влади мають взаємодоповнюючу компетенцію.

Децентралізація, проведена в європейських державах, мала наслідком більш ефективного використання ресурсів як державних, так і місцевих, жодна держава не повернулася до попереднього стану, що, у свою чергу, впливає на економічний розвиток держав.

Ключові слова: децентралізація, муніципалітет, громада, держава, влада.