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Viktor Tymoshchuk

<https://orcid.org/0000-0001-6109-0909>

PhD, Senior Research Scientist

V.M. Koretsky Institute of State and Law of the National Academy of Sciences of Ukraine, Ukraine

THEORETICAL AND PRACTICAL CHALLENGES OF PROPER ADMINISTRATIVE SERVICE FEE REGULATION

Abstract

The article addresses one of the recommendations of the European Union outlined in the 2024 Enlargement Report on Ukraine – the adoption of a law on administrative fees. This is indeed a very relevant issue for Ukraine, the resolution of which will significantly impact the functioning of public administration and its relationship with citizens. The adoption of such a law of appropriate quality will contribute to greater stability in the system of providing administrative services through the introduction of moderate and transparent compensatory administrative fees for administrative services. The availability of additional financial resources in this area will help maintain the accessibility and quality of administrative services. Proper legislative resolution of this issue is also a way to overcome certain unscrupulous interests in this field, particularly those of a departmental or other nature.

Key Words: *Administrative Services, Fees for Administrative Services (Administrative Fees), Administrative Service Centres, The Law On Administrative Fees, Eurointegration.*

Introduction

Ukraine's survival today is not only related to the fight against the aggressor on the frontlines. It is also a matter of the effective functioning of Ukraine as a state and the rapid integration of our country into the European Union and NATO. An important guiding factor on this path is the annual assessment of Ukraine conducted by the European Commission. The assessments and recommendations outlined in the EU

Enlargement Reports define priority tasks for our state.

In the field of public administration, one of the areas that significantly affects the lives of citizens and businesses, and one of the items of the “Fundamentals” section within the EU membership negotiations, is the issue of administrative services in general and the regulation of relations regarding the payment for administrative services in particular. Thus, the 2024 Enlargement

Report (*Ukraine Report 2024*) states: «Service delivery to the public and to businesses is working overall. <...>. Offline provision of services continued via a large network of local administrative service centres (ASCs). The number of ASCs that are accessible to people with disabilities and senior citizens is steadily growing. To further increase administrative service provision capacity, Ukraine should adopt the proposed Law on administrative fees»¹ (*Emphasis supplied by VT*).

Despite the conciseness of these assessments and the specificity of the EU recommendation, it is worth analysing:

- why the EU emphasizes the need for adopting a law on administrative fees and why Ukrainian civil society (non-governmental organizations and the expert community) has also insisted and continues to insist on this idea;

- what theoretical challenges lie behind this task, starting with the general question — should administrative services be paid for, what constitutional frameworks and limitations does Ukraine have in this regard, and which bodies should set the fees for administrative services;

- which specific administrative services could be subject to payment, and what parameters need to be considered in this matter, including the following: is payment the general rule or an exception; how to determine the specific amounts of fees (charges) for administrative services;

- the main controversial issues in policy-making and legislative drafting on this matter are as follows: can the government be granted the power to set fees for administrative services; how to better establish the specific amounts of fees: in absolute units or in the form of a special measure (conditional unit); how to ensure the effectiveness and stability of legal regulation; where to get the calculations for setting initial fee amounts;

- other important questions: can the amounts of the administrative fee vary within the country's territory and/or among providers of administrative services; is it lawful and correct to impose higher fees for urgency.

Thus, what is the status of this issue in theoretical and practical dimensions, why has this issue arisen in the negotiation process but is moving so slowly within the Ukrainian government and parliament?

It should be noted that without the support of legal science and without the theoretical development of relevant issues, achieving proper quality in legislation and, in general, positive results will be impossible. Although the issue has a constitutional basis, it primarily belongs to the sphere of administrative law as a fundamental branch of law, and partly to financial law as a comprehensive field of law. However, it is also worth mentioning that this issue not received much attention from scholars.

Methodology and Objectives

The research methodology primarily relies on the use of historical, comparative-legal and dialectical methods. The historical method is applied in the collection and analysis of information, particularly with respect to normative legal acts governing the

payment for administrative services in Ukraine, as well as the practice of their application, and, separately, the practice that have developed in this sphere of social relations due to the absence of adequate legal regulation. The historical method — similar to the policy analysis

¹ European Commission, *Ukraine Report 2024*, Directorate-General for Neighbourhood and Enlargement Negotiations,

October 30, 2024, https://neighbourhood-enlargement.ec.europa.eu/ukraine-report-2024_en.

method in political science — facilitates a clearer identification of existing problems related to the payment for administrative services and the functioning of the administrative service delivery system through the lens of its sustainability, as well as their underlying causes. Also, this method enables the projection of potential consequences arising from the adoption of particular approaches to the future normative regulation of relations concerning the payment for administrative services, that is, it allows for the determination of relevant causal linkages, trends, and prospects. Of particular value in this research is the comparative-legal method, specifically the examination and analysis of relevant foreign experience in approaches to the payment for administrative services and their legal regulation. Attention is devoted to the experience of the states belonging to different legal families and possessing diverse systems of public administration. Nevertheless, priority is accorded to the countries within the continental European legal tradition that are EU member states (notably Bulgaria, Estonia and others), as well as Ukraine's immediate neighbours (such as Poland, the Czech Republic and the Federal Republic of Germany). The dialectical method is likewise employed,

given that all social phenomena, their legal regulation, practice — both strengths and shortcomings — historical context and experience must be considered in their interrelation. Appropriate responses to Ukraine's specific challenges and problems necessitate taking into account the peculiarities of domestic experience and the current state of development, and selecting the most suitable solutions for the future.

The objectives of the research are chiefly as follows: to reinvigorate scholarly and public discourse on the regulation of relations concerning the payment for administrative services; to demonstrate the urgent need for proper legislative regulation of these social relations in addressing pressing issues for Ukraine, the challenges to the sustainability of the administrative service delivery system, and, crucially, in connection with Ukraine's respective commitments on its path towards EU membership; to elucidate the key tasks at both theoretical and practical levels that arise in the process of adopting corresponding national legislation; and to propose — from the author's perspective — optimal solutions for Ukraine.

Literature Review

It must be noted at the outset that the issue of payment for administrative services has not yet received due attention among domestic researchers in the field of administrative law. Nor has it been the subject of focused inquiry among Ukrainian scholars of financial law. The bulk of the works referenced in this research belong rather to translated

materials produced by international organisations (notably, the OECD (2001)²) and to domestic analytical organisations (such as the Centre for Political and Legal Reforms (CPLR, 2003)³), including work led by the author of this research. The first of the works mentioned above primarily analyses the matters and approaches concerning the

² Vprovadzhennia systemy zboru opłaty z korystuvachiv derzhavnykh posluh: Teoriia i praktyka [Implementation of a system for collecting payments from users of public services: Theory and Practice]: Translation from English and French / Resource centre for the development of public organisations, "Gurt", Kyiv, Publishing House "Kyiv-Mohyla Academy", 2001, 123 p.

³ Tymoshchuk V.P., Administratyvna protsedura ta administratyvni posluhy. Zarubizhnyi dosvid ta propozytsii dlia Ukrainy [Administrative procedure and administrative services. Foreign experience and proposals for Ukraine], Kyiv, Fact, 2003. pp. 121-134.

advisability of introducing fees for administrative (or, more precisely, public) services, as well as the experiences of certain countries. The CPLR report addressed the pressing challenges faced by Ukraine in the early 2000s, driven in part by widespread abuses in this domain. A new wave of analytical research in Ukraine emerged following the submission of draft law No. 4380 to the Parliament in 2020, accompanied by requests from the Parliament itself (notably, researches carried out by the Research Service of the Verkhovna Rada of Ukraine⁴ and certain non-governmental organisations) and a series of expert discussions. The said report of the Research Service once again demonstrated the considerable diversity of approaches adopted by different countries on this issue, including with respect to the determination of specific administrative fees. For instance, some countries establish such fees through acts of the government (or even ministries), while others do so by parliamentary enactment. Yet, these researches are predominantly descriptive and fail to address the specific challenges faced by Ukraine in this area (such as the gratuitous nature of most administrative services; persistent abuses in sectors where fees are still set by the government rather than the legislature, and so forth). Among strictly

scholarly sources, one may single out a section in the thesis for a doctor's degree of O. Bukhanevych (2016)⁵, which itself draws extensively on CPLR sources and ideas. This work also discusses certain abuses in the process of delivering administrative services, the necessity of proper legislative regulation of the respective social relations, the linkage to the cost price of providing administrative services and the compensatory nature of administrative fees. One might also mention the article of I. L. Zheltobryukh in the Great Ukrainian Legal Encyclopaedia⁶, which is largely based on current legislation and the approaches embodied in draft law No. 4380. The author contributes several valuable points, observing that administrative fees are paid once, in advance, and are often non-refundable in the event of an applicant's denial. At the same time, this article, for reasons inherent to the format of the encyclopaedia, does not explore the current practical problems and challenges in this domain. It is also worth noting one of the author's own earlier works⁷, the ideas of which have been further developed and have contributed to the revitalisation of the scholarly and expert debate. In the overall body of sources used for this research, primary emphasis has, objectively, been placed on normative legal acts.

Practical justification

⁴ Research Service of the Verkhovna Rada of Ukraine. Analytical memorandum on comparative legislation concerning the regulation of fees for the provision of administrative services and the establishment of administrative charges under the laws of European countries and the European Union, 2023, <https://research.rada.gov.ua/uploads/documents/32544.pdf>.

⁵ Bukhanevych, O.M. Theoretical-legal and praxeological foundations for the provision of administrative services in Ukraine: Thesis for a doctor's degree in law (12.00.07), Institute of Legislation of the Verkhovna Rada of Ukraine, Kyiv, 2016, pp. 163–180.

⁶ Zheltobryukh I. L. Administrative fee / *Great Ukrainian Legal Encyclopaedia. Vol. 5: Administrative Law* / Ed. Board: Yu. P. Bytyak (Chief Editor) et al.; National Academy of Legal Sciences of Ukraine; V. M. Koretsky Institute of State and Law of the National Academy of Sciences of Ukraine; Yaroslav Mudryi National Law University, 2020, pp. 56–59.

⁷ Tymoshchuk V. On the normative regulation of relations concerning payment for administrative services // *Pravova derzhava*. Issue 33. Kyiv: V. M. Koretsky Institute of State and Law of the National Academy of Sciences of Ukraine, 2022, pp. 360–372.

Contrary to methodological approaches, we will start not with theoretical justification but with practice.

The European Commission, in its documents on evaluation of the state of affairs in Ukraine, highlights one of the significant positive achievements – the creation and functioning of Administrative Service Centres (hereinafter referred to as “ASC”). However, even more importantly, Ukrainian citizens – the consumers of services – provide positive feedback about ASCs.

ASCs have become client-oriented, barrier-free, transparent, integrated offices that provide administrative services. Here are some figures from the report of the responsible authority for this policy (Ministry of Digital Transformation) for 2024. In Ukraine, out of 1469 communities (each of which is legally⁸ required to establish an ASC) there have been established a “network”: 1352 ASCs (1319⁹ are functioning); 150 territorial subdivisions (138 are functioning); 3319 remote workplaces (RWP) (3058 are functioning); 45 mobile ASCs (29 are functioning)¹⁰. In 2024, more than 20 million services were provided through ASCs.

The main advantage of ASCs for citizens is the integration of services, meaning that in every community and in one office, citizens can access these services. Currently, this includes a very large number of services (approximately 200-500 services), including many highly demanded service groups (although the situation may vary): civil status registration (provided by 40% of ASCs),

residence registration (almost all ASCs provide this service according to expert data), property and business registration (about 80-90% of ASCs provide these services), social protection administrative services (77% of ASCs provide these services). Some ASCs also provide passport services (252 ASCs) and vehicle registration and driver’s license exchange services (117 ASCs), among others.

ASCs are also one of the mechanisms for implementing the decentralization reform, as they help maintain and even improve territorial accessibility to administrative services. This is especially valuable in the context of significant territorial community consolidation and periodic optimization of territorial subdivisions of executive authorities, which are also being moved further from service consumers. For example, in recent years, the number of civil status registration departments (the State Register of Civil Status Acts) under the Ministry of Justice has decreased. The State Tax Service has recently started its own “optimization.”

Therefore, it is important to consider that, in addition to ASCs, many entities providing administrative services, especially state bodies, continue to directly offer administrative services: the State Migration Service – passport services; the Ministry of Justice – the State Register of Civil Status Acts; the State Service of Ukraine for Geodesy, Cartography and Cadastre – land registration; the Ministry of Internal Affairs and National Police – vehicle registration; the Pension Fund of Ukraine (PFU) and District Social Protection

⁸ Verkhovna Rada Ukrainy, *Pro vnesennia zmin do deiakyykh zakonodavchykh aktiv Ukrainy shchodo optymizatsii merezhi ta funktsionuvannia tsentriv nadання administratyvnykh posluh ta udoskonalennia dostupu do administratyvnykh posluh, yaki nadaiutsia v elektronni formi* [On Amendments to Certain Legislative Acts of Ukraine on Optimization of the Network and Functioning of Administrative Service Centres and Improving Access to Administrative Services Provided in Electronic Form], Zakon Ukrainy 943-IX, November 3, 2020, <https://zakon.rada.gov.ua/laws/show/943-20#Text>.

⁹ The difference in established and operating ASCs is caused by the impact of the full-scale war.

¹⁰ Ministerstvo tsyfrovoy transformatsii Ukrainy, *Blyzko 5 tysyach tochok ta 20 milioniv posluh u TsNAPakh — holovni dosiahnennia 2024 roku* [About 5,000 points and 20 mln services at ASC are the main achievements of 2024], February 15, 2025, <https://thedigital.gov.ua/news/blizko-5-tisyach-tochok-ta-20-milyoniv-poslug-u-tsnapakh-golovni-dosyagnennya-2024-roku>.

Departments – social administrative services (SAS).

But why does the EU link this issue with ASCs as a capability in this area and give this new recommendation in the 2024 Report – the adoption of a law on administrative fees?

This is likely due to the fact that the creation of ASC infrastructure (buildings, furniture, equipment, e-interaction) and the establishment of institutional processes within ASCs were significantly supported by various international technical assistance projects, funded by the European Union overall and its member countries (Germany, Sweden, Denmark, Poland, Slovenia, Estonia, etc.). These were substantial “investments” from the EU.

In these challenging times, when public resources are critically insufficient and the majority of expenditures go towards defending the country, it is naturally necessary to address the preservation of the system of administrative services, effectively “preserving invested capital” (although, of course, this is now the property of the communities of Ukraine and the state of Ukraine, not a commercial project). The EU and the governments of EU countries are thus emphasizing that Ukraine has internal resources in this matter, and these resources must be utilized.

Ultimately, throughout all the years of establishing this system of providing administrative services, specialists have always raised the issue of its sustainability. Providing high-quality administrative services requires resources, including financial ones, not only in the initial stages to equip the premises but also constantly: for staff, equipment, daily material supplies (paper, cartridges), and so on. Currently, ASCs in Ukraine, for example, provide 400 services (from the ASC of the Bobrovytsia community in the Chernihiv region), but 90% of these services are free of charge for the recipients. Revenues

from paid administrative services cover only up to 30% of the expenses for ASCs. Therefore, the expenses for providing these services are covered by the local budget, funded by all taxpayers. This is at a time when, since the beginning of the full-scale war in February 2022, public resources in Ukraine have objectively had to be primarily directed to the defence of the country against the aggressor.

Thus, the practical justification for the adoption of the law on administrative fees is quite obvious. Public resources are limited. International aid is also limited. Therefore, Ukraine must use its internal resources to preserve and develop the system. These funds are necessary not only for local self-government bodies but also for the central government, including for digitalization of services.

One can also predict what will happen if this law is not adopted. Since the main goal of adopting the law on administrative fees is to increase budget revenues, i.e., the resource for providing administrative services, further delays in taking this decision will increase the gap between the expenditures going into this system and the revenues (compensatory payments) obtained from the services provided. This gap will objectively affect the fact that local self-government bodies will lack resources to maintain the functioning of ASCs (and other access points to services), which will in turn worsen the accessibility and quality of services. Executive authorities will also continue their “optimization” (which is effectively the reduction of territorial bodies and staff), further worsening service accessibility.

Digitalization does not cover all the needs of administrative service provision, because Ukraine's

demographics and current studies¹¹ show that online services, although they have gained popularity, have seen a decline in growth since last year; some of the most widespread services objectively require offline communication; security factors in

Ukraine require the maintenance of offline channels; and legal standards for proper public administration mandate ensuring alternative and physical access to services.

2.2. Theoretical justification

The issue of fees for administrative services always sparks lively debates (this is confirmed annually within the Master's program of A. Melechevych School of Public Administration at NAUKMA or in any other audience). Even specialists often take fundamentally different positions on whether citizens should pay an additional fee for a specific service, considering they already pay taxes.

Therefore, it is important to understand why it is necessary for the recipient (the client) to compensate at least a portion of the costs for administrative services. When a person obtains a passport, registers his/her business, car, or property, it is the customer who should pay for this service, not all other citizens who are taxpayers. At the very least, part of the expenses should be compensated by the recipient of this individual benefit. This is fair.

One of the few studies on this (or at least a related) topic available in Ukraine is a publication of 2001, where the introduction already stated that OECD countries “are increasingly financing public services from consumers. This policy contributes to: reducing the budget deficit; increasing transparency of expenditures and revenues from providing certain services for consumers and public institutions that provide them; freeing

taxpayers from costs that should be borne by consumers to whom these services are directly provided; and regulating consumer demand for certain types of services.”¹². Although the study itself does not focus on administrative services, these approaches are fully applicable to the sphere of administrative services.

The exception to the general rule is obviously social protection services, as it would be unreasonable and unethical to charge a person who is in need of social assistance. There are also a few services where payment should not be a “barrier” to access, such as birth registration, death registration, etc. In other words, certain services may be designated as free for the consumer. However, this cannot apply to 90% of services, as is the case today. On the contrary, the general rule should be that services are paid for, and there must be reasons for services to be free of charge.

From the perspective of the Constitution of Ukraine, one of the key provisions in this issue is paragraph 1 of part 2 of Article 92, which states that “taxes and fees are established exclusively by law”. In Ukraine, the fee for administrative services is called an “administrative fee”. One could debate whether it would be better to avoid the term “fee” and instead use a more general term like “payment” or the older term

¹¹ UNDP, *Analitichnyi zvit «Dumky i pohliady naseleння Ukrainy shchodo derzhavnykh elektronnykh posluh u 2024 rotsi»* [Analytical Report “Opinions and Views of the Population of Ukraine on State Electronic Services” based on the results in 2024], January 21, 2025, <https://www.undp.org/uk/ukraine/publications/analitichnyi-zvit-dumky-i-pohlyady-naseleння-ukrayiny-shchodo-derzhavnykh-elektronnykh-posluh-u-2024-rotsi>.

¹² *Vprovadzhennia systemy zboru oplaty z korystuvachiv derzhavnykh posluh: Teoriia i praktyka* [Implementation of a system for collecting payments from users of public services: Theory and Practice]: Translation from English and French / Resource centre for the development of public organisations, “Gurt”, Kyiv, Publishing House “Kyiv-Mohyla Academy”, 2001, p. 5.

“state duty” (as was the case since 1993 based on the CMU Decree “On State Duty”¹³). However, it is still reasonable to agree with the legislator in the Law of Ukraine “On Administrative Services” and the specialists who proposed it, that the term “administrative fee” is acceptable. This is because it refers to a subset of public services, which are legally provided in the form of administrative acts. These services are primarily provided by local government bodies and executive authorities (and much more rarely in an authorized or outsourcing manner – by other entities). Considering the public-legal nature of these relations and the fact that this is a sphere of public administration, the term “administrative fee” is very appropriate and, in our opinion, the most accurate. The term “duty” is clearly outdated and not entirely appropriate, as it does not pertain to the customs sphere.

Ultimately, it is unimaginable to think of an approach where this fee could be established by anyone other than the state. The administrative fee, like a tax, must be transparent, clear, and stable. The state at the national level is best positioned to regulate this through law.

Also, it is inherently not possible for every executive authority or local self-government to regulate this matter independently. After all, we are dealing with the legal regime for public authorities, as defined in part 2 of Article 19 of the Constitution of Ukraine, which states that *“state authorities and local self-governments, their officials, must act solely based on, within the powers, and in the manner prescribed by the Constitution and laws of Ukraine.”* Therefore, both the payment for services and the amount of fees can only be established by the state, ideally by law.

However, can one find interpretations of the quoted paragraph 1 of part 2 of Article 92 of the Constitution at the level of dogmatics, as the word *“established”* can be interpreted in two ways? On the one hand, this could be the legislator's position that a specific administrative service is paid, and the fee amount is immediately stated. On the other hand, there could be an approach where the legislator simply establishes that a specific service is paid (i.e., that an administrative fee is charged), but the authority *to determine* the specific amount could be delegated to other entities (for example, the government or local councils in local self-government). From a purely literal understanding of the word *“established”*, both options are acceptable. However, in the second case, the legislator still needs to define certain rules, grounds, and limitations.

Thus, the search for an acceptable answer, considering the two possible options (or their combination), should primarily be based on the objectives of the corresponding state policy, the problems that need to be solved, and their causes. The answer to the last question will be provided separately in the next section. For now, we note that the objective should, in our opinion, include the following subgoals and functions:

- ensuring the system for providing administrative services with stable compensatory resources to maintain its uninterrupted functioning (i.e., the main function is compensation);
- keeping administrative services accessible to consumers without turning public administration into a commercial activity. Thus, the amounts of administrative fees should be moderate and acceptable for individuals and business entities;

¹³ Kabinet Ministriv Ukrainy, *Pro derzhavne myto* [On State Duty], Decree 7-93, adopted January 21, 1993, <https://zakon.rada.gov.ua/laws/show/7-93#Text>.

- ensuring equality and non-discrimination, as all citizens should receive equal treatment from the state;

- ensuring a high level of transparency and certainty in these relations, as they involve state power and public funds.

Current legislation and practice

The current legislation, specifically Article 11 of the Law of Ukraine “On Administrative Services” (“*Payment for administrative services (administrative fee)*”), defines certain parameters in this sphere:

“1. When providing administrative services in cases specified by law, a payment (administrative fee) is charged. 2. Provision of administrative services in the sphere of social security of citizens is carried out on a free-of-charge basis. 3. The amount of the fee for providing administrative services (administrative fee) and the procedure for its collection are determined by law, taking into account its social and economic significance. 4. The fee for providing administrative services (administrative fee) is credited to the state or respective local budget, except for the cases specified by law. 5. The fee for providing administrative services (administrative fee) is paid by the applicant once for the entire set of actions and decisions taken by the administrative services provider necessary for obtaining the administrative service (including the cost of forms, expertise conducted by the service provider, obtaining extracts from registers, etc.). 6. The collection of any additional payments not provided by law or the demand for any additional funds is prohibited. 7. Executive authorities, other

state bodies, authorities of the Autonomous Republic of Crimea, local government bodies, and their officials cannot provide other paid services...”¹⁴.

On the one hand, there are many positive aspects to note here, in all the cited provisions of Article 12, including the establishment of a paid service by law; the allocation of this fee to the state or local budget; the unity of the fee (i.e., the prohibition of breaking up the administrative fee), the prohibition on collecting “additional funds” and “providing other paid services”, etc.

On the other hand, the practice of more than 12 years since the adoption of this law shows is such that it has only been possible to restore order in a few areas.

Thus, the areas of state registration of real estate¹⁵ and business¹⁶ are relatively well-organized. That is, there is at least formal legality here because it has been determined which services are paid or free and specific fees for paid administrative services have been defined. The situation is somewhat similar in the field of state registration of land plots. However, even for these three sectors, the need has long arisen to make at least part of the service paid (for example, the registration of individual entrepreneurs and legal entities remains free). Some sources¹⁷ have shown that local governments have not taken on the

¹⁴ Verkhovna Rada Ukrainy, *Pro administratyvni posluhy* [On Administrative Services], Zakon Ukrainy 5203-VI, adopted September 6, 2012, <https://zakon.rada.gov.ua/laws/show/5203-17#Text>.

¹⁵ Verkhovna Rada Ukrainy, *Pro derzhavnu reiestratsiiu rechovykh prav na nerukhomo maino ta yikh obtiazhen* [On State Registration of Real Rights to Real Estate and Their Encumbrances], Zakon Ukrainy 1952-IV, adopted July 1, 2004, Article 34, (as amended by Zakon 834-VII, adopted November 26, 2015), <https://zakon.rada.gov.ua/laws/show/1952-15#Text>.

¹⁶ Verkhovna Rada Ukrainy, *Pro derzhavnu reiestratsiiu yurydychnykh osib, fizychnykh osib - pidpriyemstv ta hromadskykh formuvan* [On State Registration of Legal Entities, Individual Entrepreneurs and Public Organizations], Zakon Ukrainy 755-IV, adopted May 15, 2003, Article 36, (as amended by Zakon 835-VIII, adopted November 26, 2015), <https://zakon.rada.gov.ua/laws/show/755-15#top>.

¹⁷ Prosto, *Bila knyha derzhavnoi polityky u sferi administratyvnykh posluh (redaktsiia tretia — 2024 rik)* [White Paper on State Policy in the Field of Administrative Services (third edition – 2024)], January 2024, Page 18,

function of business state registration (i.e., they did not appoint state registrars, and at certain periods, there were 40% fewer state registrars for business than for real estate), and one of the reasons was precisely because these services are mostly free. Local politicians are not ready to finance this function without compensatory revenues to the local budget. Obtaining extracts from the State Land Cadastre is free of charge and this has also led to a significant reduction in the number of cadastral registrars and even pushes the government toward risky outsourcing — delegating these powers to private entities (“certified land surveyors”).

The situation is even worse in other service groups, even from a purely formal point of view. Over the 12 years, it has not been possible to bring order at the level of laws.

For example, regarding passport fees, despite the adoption of the new law in this sphere in 2016¹⁸, there is no proper, transparent, and sustainable “pricing” system in place. A de facto own system for determining fees for these services has been introduced, which does not comply with Article 11 of the Law of Ukraine “On Administrative Services”. In addition to the category of “administrative fee”, Article 20 also includes categories such as “cost of administrative services”, “maximum cost of administrative services”, and so on. The amounts of administrative fees are not specified in the law. They consist of several elements, some of which are influenced by the government, while others are directly determined by the state producer of passport forms (which is a state enterprise

but heavily reliant on private subcontractors). Therefore, neither the state nor the parliament is forming the administrative fee in this case.

The above-mentioned issue is a separate problem, as there are also illegal payments (for example, additional charges for passport services provided by a specific service provider — State Enterprise “Document” in the sphere of the State Migration Service (SMS)). This is a unique situation where a passport can be obtained for two different prices: at the ASC (Administrative Service Centre) and SMS (State Migration Service), the cost is one, while at SE “Document”, working under the brand “Passport Service”, it is another, and significantly higher (as of February 2025, an additional 650 UAH is charged for each administrative service). Such precedents are unheard of worldwide. Incidentally, this state enterprise started offering its services abroad during the full-scale war, with a significantly different pricing policy (additional 80-100 Euros per service). Without delving into the appropriateness of this, we simply express doubt that there is a lack of legal grounds, specifically legislative regulation. After all, abroad, these services should be provided by consular institutions. Even in the case of high demand, these relations should be properly regulated, including the issue of setting the cost of services. This should not be a commercial project, especially for people seeking protection from war.

There are issues with (additional) “paid services”¹⁹, particularly “consultations” and “drafting applications in the system of state registration of civil

https://prosto.in.ua/documents/764/White%20Book_web_2024.pdf.

¹⁸ Verkhovna Rada Ukrainy, *Pro Yedynyi derzhavnyi demografichnyi reiestr ta dokumenty, shcho pidtvrdzhuiut hromadiansstvo Ukrainy, posvidchuiut osobu chy yii spetsialnyi status* [On the Unified State Demographic Register and Documents Confirming Citizenship of Ukraine, Certifying a Person or His/Her Special Status], Zakon Ukrainy 5492-VI, adopted November 20, 2012, Article 20 (as

amended by Zakon 1474-VIII, adopted July 14, 2016), <https://zakon.rada.gov.ua/laws/show/5492-17#Text>.

¹⁹ Kabinet Ministriv Ukrainy, *Perelik platnykh posluh, yaki mozhut nadavatyasia viddilamy derzhavnoi reiestratsii aktiv tsyvilnoho stanu* [The list of paid services that may be provided by civil status registration departments], Postanova 1168, dated December 22, 2010, <https://zakon.rada.gov.ua/laws/show/1168-2010-%D0%BF#Text>.

status acts under the Ministry of Justice²⁰. There are also dubious “experiments”, such as “marriage in a day”, where the fee for this administrative service (which is actually provided in collaboration with commercial service providers, though they have the status of state or municipal enterprises) can range from several thousands to twenty thousand hryvnias²¹. Overall, “ceremonial rites” (weddings) from the state authority, which cost from UAH 481.00 to UAH 3,664.00, effectively turn this administrative activity into a commercial one. This is allowed by these questionable actions for the Ministry of Justice, but it is not provided for similar bodies in the local government system. Overall, the fee for the marriage registration service provided by local government authorities is still only UAH 0.85 to the local budget. This is an anomalous situation, where the Ministry of Justice charges significantly different “fees” for the same services compared to local government bodies. Such non-transparent and inadequate situations may be one of the factors hindering the adoption of the law on administrative fees. The same applies to related issues, such as blank forms in the passport sector, driver's licenses, car registration documents, and the supply of specialized technical equipment in these areas (which also have a monopolistic nature).

Regarding vehicle registration, the main formal problem now is that the laws (including the Law of Ukraine “On Road Traffic”) do not specify that these are paid administrative services. However, the government regulates their cost at its own

risk. There is clearly a lack of legitimate foundation and transparency in pricing.

On the other hand, regarding administrative services provided by local self-governments, the situation is completely opposite and worse for another reason. The government does not risk regulating anything there and shows no initiative. As a result, a significant number of powers performed by local self-governments are not resourcefully supported by the state, at least at the level of compensatory fees. Direct revenues from other administrative services (remember, 90% of them are free) are insufficient to cover the costs of local self-governments. In other words, when the state delegates new powers to local self-governments, adds mandatory services to the ASC (which, by the way, is a separate problem of excessive and extensive expansion of service lists), no proportional resources are allocated to local self-governments to cover the relevant expenditures for providing these services.

This overview indicates several needs. It is necessary to clearly regulate which services in all groups, especially mass services (which could also be called “basic”), are paid, and to define well-targeted fee amounts. This should be done through a single law that would also bring unity to the approaches, proportionality of fee amounts, and transparency for consumers – this could be an efficient solution for Ukraine. Moreover, it would address narrow departmental interests, where issues are resolved only for specific state bodies (such as the Ministry of Internal Affairs, the State Migration Service, etc.).

What do legislators propose

²⁰ Ministerstvo yustytzii Ukrainy, *Rozmir platy za nadannia platnykh posluh viddilamy derzhavnoi reiestratsii aktiv tsyvilnoho stanu* [The amount of the fee for the provision of paid services by the departments of state registration of civil

status acts], Nakaz 4526/5, dated October 14, 2022, <https://zakon.rada.gov.ua/laws/show/z1249-22#n25>.

²¹ HOTOVO! Dokument-servis, <https://gotovo.net.ua/wedding-for-day>.

In Ukraine, the relevant draft law “On Administrative Fees” (registration number 4380)²² was prepared back in 2020. The development of the draft law involved not only parliament members but also experts in administrative services, representatives of the ASC community, international technical assistance projects, etc. Importantly, this draft law was supported and continues to be supported by nationwide associations of local self-governments. Ultimately, in June 2023, the draft law was unanimously supported by the members of the relevant parliamentary committee. And only on June 5, 2025, it was adopted in the first reading. Therefore, the appearance of this task in the EU 2024 Report is very valuable for Ukraine, as it significantly increases the chances of its adoption.

Draft Law 4380 proposes a simple, efficient and balanced approach: to establish moderate compensatory fees for certain groups of administrative services in the range of 50-100-200-300 hryvnias (for some services, with the additional cost of form products). There is an increased fee for urgency, i.e., accelerated processing (although it is known that not all countries accept this approach). Conversely, there is a reduced fee for receiving services in electronic form, and local self-governments have the right to provide benefits and compensations for the administrative service fees.

The main value of Draft Law 4380 is the annex listing more than 150 of the most popular administrative services, as its adoption would already provide additional resources for the public administration system. However, the “methodological part” is also valuable,

i.e., the body of the law, where it defines what constitutes an administrative fee, the principles of state policy on this matter, the rules for determining specific fee amounts, etc.

Thus, the adoption of the law on administrative fees could help achieve two goals. First, it would strengthen the sustainability of the administrative services system. Since the fee for services primarily goes to local budgets, local governments would have more opportunities to finance the operation of ASCs and support this system in general. Additionally, the state needs resources for digitalization and resources for executive government bodies, which often perform back-office functions in providing specific types of services. Therefore, part of the fee for administrative services should be properly directed to the state budget, at least where state registries, forms, and government agencies as back offices are used.

Therefore, the adoption of the law on administrative fees should provide greater transparency and anti-corruption measures in the system of providing administrative services.

In political discourse, a question may arise whether the EU specifically referred to this particular draft law (No. 4380 of 2020) or perhaps another draft or other decisions. However, there are strong reasons to assert that the EU indeed referred to draft law No. 4380. This is because no other draft law with this title existed. Moreover, this draft law has already passed the relevant parliamentary committee with a positive recommendation for approval in principle.

Foreign experience

²² Verkhovna Rada Ukrainy, *Proekt Zakonu pro administrativnyi zbir* [Draft Law On Administrative Fee],

registration number 4380, dated November 16, 2020, <https://w1.c1.rada.gov.ua/pls/zweb2/webproc34?id=&pf3511=70434&pf35401=538173>.

It is known that there are different approaches to regulating fees for administrative services worldwide, even within the EU countries. Among the known experiences, there are approaches where fees for services are set by the government or even by individual ministries. But it is important to remember that one must consider the country's legal system and the specific issues that need to be addressed.

Therefore, the Polish Law on Stamp Duty²³ of 2006 (with subsequent amendments) is particularly valuable and interesting. By its name, it is somewhat similar to Ukraine's Decree "On State Duty". However, by its content, it is quite similar to the Draft Law "On Administrative Fees". It specifies what the fee is paid for, which services (categories of cases) are free, when the fee is paid, how the payment is confirmed, and so on. The most valuable part is that it provides a specific list of actions and decisions made by government bodies, along with the corresponding fee amounts. Another interesting example is the Finnish Act on Criteria for Charges Payable to the State (150/1992)²⁴. It generally defines the rules for determining fee amounts. Some of these rules are worth considering by Ukrainian lawmakers. In particular, services such as providing general information and certificates are exempt from fees if they do not cause significant expenses (Section 3, Article 5). The general rules for determining fee amounts are "linked" to the average cost of providing the service, and it also outlines the grounds when the fee may be lower or higher than the cost of providing the service. An interesting provision is that "for similar services

(actions) performed by one or several authorities, a single fee may be established, even if the costs for providing them differ. When setting such a fixed fee, the general average cost of the provided services (actions) should be taken into account" (Section 2, Article 6). In Finland, there is no single authority responsible for setting the fee amounts, and this power belongs to a large number of agencies.

Also noteworthy is the experience of some German states. For example, Bavaria has the Bavarian Law on Administrative Fees dated 20 February 1998²⁵. This law regulates issues such as: determining official (service) actions for which fees are paid; recipients of the funds; payers of fees; exemptions from payment of fees for certain subjects and persons; approval rules for the fee table; defining the fee amounts, rounding; application of coefficients in cases of deviation, withdrawal, or satisfaction of an application, and in the context of legal protection procedures; costs included in the fees; advance payment of fees, payment deadlines; reduction of fees; management of funds, etc. Article 5 is particularly interesting, which states that "the Ministry of Finance adopts the Fee Table as a regulation. Fees include: 1) defined specific amounts (final amounts), or 2) amounts based on the value of the subject of the official action (value fees), or 3) amounts based on the time spent on performing the official action (time-based fees), or 4) amounts within certain ranges (framework fees)". "The amounts of fees should be constantly checked to ensure that they still align with the cost calculations of the services/actions, and adjusted if necessary".

²³ Lexlege, *O oplacie skarbowej* [about stamp duty], Ustawa adopted November 16, 2006, <https://lexlege.pl/ustawa-oplacie-skarbowej/>.

²⁴ *Akt pro zbir z opłaty korystuvachiv derzhavnykh posluh* [Act on Criteria for Charges Payable to the State], Vprovadzhennia systemy zboru opłaty z korystuvachiv derzhavnykh posluh: Teoriia i praktyka [Implementation of a system for collecting payments from users of public services:

Theory and Practice]: Translation from English and French / Resource centre for the development of public organisations. "Gurt", Kyiv, Publishing House "Kyiv-Mohyla Academy", 2001, p. 48-52.

²⁵ *Zakon Respubliki Bavariiia pro upravlinnski koshty* [Bavarian Administrative Funds Act], adopted February 20, 1998, Information based on a working translation by the German Foundation for International Legal Cooperation.

The experience of the Czech Republic is also very interesting. Since 2004, the country has had the Law on Administrative Fees, dated 26 November 2004²⁶. This law also defines general rules in a descriptive form within this sphere. The actions subject to the fee are defined in separate articles of the Administrative Fees List (hereinafter referred to as the “List”), which is an integral part of this law. It defines the rules for paying fees, refunds, and exemptions from fees. The List itself helps to determine these fee amounts in a very transparent and accessible manner.

In 2023, several studies of foreign experiences were conducted in Ukraine. In particular, the Research Service of the Verkhovna Rada (the Parliament of Ukraine) prepared “The Analytical Note on Comparative Legislation Regarding the Regulation of Fees for Administrative Services and the Establishment of Administrative Fee Amounts According to the Legislation of European Countries and the European Union”²⁷. This research also showed that there are quite different approaches to this issue in various

countries, including the setting of specific fee amounts. In other words, there is no unified approach, and some countries determine these amounts through government acts (or even ministries), while others do so through their parliaments. Among the countries that use the latter approach is, in particular, Estonia²⁸.

In our opinion, Ukraine's experience would align closely with countries such as Estonia, Poland and the Czech Republic, which have laws on administrative fees (or similar laws in essence). These laws define general approaches to the paid and free-of-charge services, the procedure for paying these fees (or charges), and, most importantly, establish clear and transparent administrative fee amounts for specific services. By the way, in these countries, fee amounts are determined in absolute figures, not as percentages (in Poland – in zlotys, in the Czech Republic – in Czech crowns, in Estonia – in euros).

This is a solution to the problems that objectively exist in Ukraine.

Key discussion issues in the current policy process and the progress of the draft law

On the one hand, there have been and still are specialists who sincerely believe that the government (the Cabinet of Ministers of Ukraine) should set the amounts for administrative service fees. They argue that this would give the government the advantage of being able to change these amounts more quickly, responding to inflation or other factors.

However, with regard to this option, we must primarily consider the

constitutional limitation, as Article 92 of the Constitution specifies that taxes and fees are to be established exclusively by law. Therefore, this requires either a very flexible interpretation (though this cannot be ruled out), or an acceptance of the interpretation that this is indeed a barrier. By the way, at one time, the Parliamentary Committee on Legal Policy, when considering a draft law that proposed granting such powers to the government,

²⁶ ASPI, *Zákon o správních poplatcích* [Act on Administrative Fees], 634/2004, adopted November 26, 2004, <https://www.aspi.cz/products/lawText/1/58613/1/2/zakon-c-634-2004-sb-o-spravnych-poplatcich/zakon-c-634-2004-sb-o-spravnych-poplatech>.

²⁷ Doslidnytska sluzhba Verkhovnoi Rady Ukrainy, *Analitychna zapyska z pytan porivnialnoho zakonodavstva shchodo vrehuliuвання platy za nadання адміністративних послуг та встановлення розміру адміністративного збору*

zghidno iz zakonodavstvom krain Yevropy ta Yevropeiskoho Soiuzu [Analytical note on comparative legislation on the regulation of fees for the provision of administrative services and the establishment of the amount of the administrative fee in accordance with the legislation of European countries and the European Union], <https://research.rada.gov.ua/uploads/documents/32544.pdf>.

²⁸ Riigiteataja, *State Fees Act*, adopted December 10, 2014, <https://www.riigiteataja.ee/en/eli/511022015002/consolide>.

stated that it considered this provision to be unconstitutional. Of course, the final answer to this question can only be given by the Constitutional Court of Ukraine.

But an even greater obstacle is the negative Ukrainian experience, where government decisions set opaque and unbalanced service fees (for example, splitting a single service into several separate paid services, imposing services that are essentially commercial, or turning consultations and filling out forms into separate paid services²⁹, etc.).

Even the current deviations from the requirements of the “Law on Administrative Services” show that where the government has responsibility for regulating service fees, there are legal concerns. We have already noted the issues with the passport sector. The fees are non-transparent and essentially dependent on the monopolistic enterprise. In the State Registration of Civil Status Acts sector (the Ministry of Justice), where “paid services” are set by a government act, there are also clear abuses: increases in fees for marriage registration, illegal paid consultations by government bodies. This evidence confirms that government procedures currently lack the transparency and even the legality required to ensure proper service regulation.

The second option (setting fees for administrative services in various laws: passport law, civil status registration, business registration etc.) is possible and constitutional. However, it has still not systematically solved the problem. As already mentioned, since 2015, there has effectively been no significant step forward. Moreover, this approach does not ensure consistency in service fees across various sectors, overall transparency for citizens, or compensation for service providers. That is why the experience of EU countries

such as Poland, the Czech Republic and Estonia is considered valuable for Ukraine.

Other issues frequently discussed in the context of the administrative fee draft law include:

- Where to derive basic administrative fee amounts for parliamentary approval;
- Whether fee amounts can be defined in absolute units (simply in hryvnias), or whether some measure is needed, and how to ensure the stability of such a law and the adequacy of fee amounts;
- Whether local self-government authorities can approve specific fee amounts;
- Whether fee amounts can be increased (for urgency, for special services, such as on-site services, etc.).

By answering some of these questions, the following points should be taken into account.

For determining the amount of the administrative fee at the current stage, Draft Law No. 4380 uses fee amounts from the state property registration sector as the basis for calculations made by the Ministry of Justice in that sector. By analogy, similar amounts were proposed for state registration in other areas, such as the issuance of extracts from registers. It was also considered that some services are simpler than property registration, requiring less time and effort. Additionally, it was taken into account that there are much more widespread services that need to be more accessible. For example, the fee for general registration (of any kind) may range from 200 or 300 hryvnias, but for registering a place of residence, it could be lower (100 hryvnias). One approach of the draft law is the unification of fee amounts, ensuring their proportionality. That is, setting amounts such as 100, 200, 300 hryvnias,

²⁹ Tymoshchuk V.P., *Administrativna protsedura ta administrativni posluhy. Zarubizhnyi dosvid ta propozytsii*

dlia Ukrainy [Administrative procedure and administrative services. Foreign experience and proposals for Ukraine], Kyiv, Fact, 2003. pp. 121-125.

etc. Larger fee amounts are set when the service involves the use of blank products (such as passport services).

Related to this is the question of whether administrative fees can be set in absolute units – in hryvnias. On the one hand, this would be correct, as the national currency is used for calculations. This approach ensures transparency of fee amounts for service users and makes it more difficult to charge illegal additional payments. However, the counter-argument is that inflation and other factors would require regular fee adjustments. Although, it can be said that even now, despite the full-scale war, the amounts set in Draft Law No. 4380 are still sufficiently adequate. A rule for the regular review of all fee amounts (every 3-5 years) has also been proposed.

However, it can also be acknowledged that there might be another approach, where a special measure (“conditional unit”) is introduced for administrative fees (AF), which could be periodically changed by the parliament without a need to amend other parts of the law. This would allow for sufficient stability in the law, where the coefficients (the measure) are fixed: for example, the cost of a simple registration service could be 1 AF unit; a complex registration service – 2 AF units; an extract from the register – 0.5 AF units. In this way, by raising the value of the measure by the parliament decision, for example, from 100 to 110 hryvnias, the state could proportionally update all fee amounts. At the same time, social measures should not be used for these purposes, as increasing the minimum living wage would also increase the administrative fee, which is inconsistent with social policy objectives. To maintain transparency of fees for service consumers, an additional obligation should be placed on the authorized ministry, requiring it to update the relevant information table on official web resources and through other information channels.

A related question is whether the government can approve specific fee amounts and whether local self-governments can approve specific fee amounts. Regarding the Government (Cabinet of Ministers), we have already expressed our position. However, it is important to once again highlight the reasons why, at least for the most basic and popular services, fee amounts should be included in the law – this concerns transparency, stability and social balance. After all, it is the representative body that can provide the necessary legitimacy and balance to such decisions. Therefore, this approach is reflected in draft law 4380. At the same time, considering that there are over 2200 administrative services in the country, and even if half of them is paid, the fees for non-basic services could be set in special laws.

Following the same logic, one can also address the possible powers of local self-governments in this area. Administrative services are primarily state services, so the fee amounts should be the same across the entire country, in all communities. However, it cannot be excluded that, for certain services, the right for local councils to set fees within specific ranges (for example, from 20 to 200 hryvnias) may be introduced. This could be influenced by the fact that, for example, in the capital and megacities, the level of income and expenditure is different from that in the remote rural communities. Therefore, at least for some services (such as business registration), this approach could be adopted.. There is some similarity here with the phenomenon of local taxes (for example, property tax). At the same time, a good safeguard against abuse could also be the extraterritorial nature of services, with the possibility of receiving such services not only in one's own community but also in other communities.

Regarding the fee for “urgency” or out-of-office services, it is important to consider, on the one hand, the actual

demand for “expediting” (for urgency) and enhanced service. This raises issues of legality and non-discrimination. If some citizens receive better services simply because they can afford to pay more, it has signs of discrimination. Especially since this concerns government powers and the functions of public administration. The state must guarantee equal access to these services for everyone. At the same time, the fee for urgency could be higher to prevent corruption-related “expediting” (while ordinary deadlines should also be reasonable to avoid pushing everyone towards higher payment levels).

What should definitely be avoided is VIP services (for example, exit passports, etc.). This approach has clear discriminatory features. In our opinion, if certain categories of citizens objectively require out-of-office services (due to health reasons, etc.), no additional fee should be charged for such services.

Real practical barriers

The draft law on administrative fees faces clear opposition from certain interested parties. It is known that some government officials avoided including it in the relevant EU “Public Administration Reform” Roadmap (although the latest information indicates that he will be displayed there).

The task is also absent from the Government’s Priority Action Plan for 2025³⁰. This once again confirms the great value of our Eurointegration process and the EU's position, which now significantly “binds” the power of our country.

One can assume who in the government (in the broad sense) is opposed to the law. These include experts with fully legitimate positions – those who argue that such powers should be granted to the Government, and those who advocate for regulating these issues in

There are other issues that need to be addressed. In particular, incentivizing the use of online services through reduced fee amounts. On the one hand, this might also seem discriminatory. However, there is a legal basis for this, as offline services typically require more resources.

Another open issue is the fee for extracts, certificates and references. If the state properly processes the result of an administrative service (an administrative act), a separate fee could be charged for these extracts only if the person loses the document (loses it, damages it, etc.). But if the result of the administrative service is not documented and even “unstable” (because other authorities regularly require the individual to confirm this information), then this is more of a problem for the state to set up data exchanges, rather than profiting from such certificates.

special (separate) laws. We have already analysed above why these are mistaken positions, primarily considering our own negative prior experience. An argument should also be that the problem has remained unresolved for more than 10 years. This means that qualitatively new, systemic, and transparent approaches are needed.

The position of those experts who fear that changing the rules will negatively impact the filling of the special budget fund of their agencies, such as the Ministry of Justice (which is largely financed by this agency), should also be analysed separately. It should be considered that no single agency/sector can operate under unique rules, especially those that do not comply with the “Law on Administrative Services”. The ministry's funding must be carried out in accordance

³⁰ Kabinet Ministriv Ukrainy, *Plan priorytetnykh dii Uriadu na 2025 rik* [The Government's Priority Action Plan for

2025], rozporiadzhennia 131-p, adopted February 18, 2025, <https://zakon.rada.gov.ua/laws/show/131-2025-%D1%80#Text>.

with the law, not by “earning” through dubious payments. There are also different solutions that could bring order: delegating the functions of the departments of state registration of civil status acts to local self-governments would significantly reduce the system of the Ministry of Justice, meaning part of the staff would need to be “transferred” to local governments. If the service involves the participation of central executive authorities in conjunction with local self-governments, part of the administrative fee, based on budget legislation, should go to the state budget (for example, 15-30%). Therefore, it is advisable to change budgetary legislation here as well.

A similar “problem” exists in the passport sphere. There are concerns that the State Migration Service will not receive its share for passport services, and the passport manufacturer will receive its share for producing passports. This could lead to a “deficit” of forms. This fear should be overcome with proper regulation of the distribution of

administrative fees within the budget and between the involved entities. Specifically, if 30% of the administrative fee goes to the State Migration Service, and 70% goes to local self-governments based on the location of the service provider and/or the Administrative Services Centres (ASCs), then the State Migration Service should use its part of the administrative fee to purchase blank products. Thus, the mandatory costs for blank forms should be part of the administrative fee expenses. At the same time, the state should carefully monitor the justification for the increase in the cost of blank products by the relevant enterprise (or even reconsider the issue of monopolies in this sphere to ensure more balanced pricing).

It is also important to ensure control over the cost of administrative services provided by entities that outsource these services. Currently, these include certified land surveyors³¹ and other entities where the state must exercise control.

Conclusions

For Ukraine to become a full-fledged EU member, it needs an effective public administration system. The European integration process itself is a factor that contributes to the establishment of an effective public administration system and requires changing the rules and practices of its operation for the better. This is a chance for Ukraine to more quickly build capable and efficient institutions, implement proper procedures and form policies for daily public administration. This directly relates to the provision of administrative services.

The EU provides very clear and specific recommendations for Ukraine,

demonstrating a good understanding of the real issues and the biggest challenges and internal barriers in Ukraine, including departmental or other obstacles. Therefore, it is very important that the EU has pointed out the need for the adoption of the law on administrative fees, evidently also to increase the stability of the administrative services sector, and its proper transparency and legality. After all, both the digital delivery of services and, especially, the offline component in the form of ASCs in territorial communities require resources. Moderate and transparent partially compensatory payments can provide this system with the necessary stability. Moreover, this is a

³¹ Verkhovna Rada Ukrainy, *Pro Derzhavnyi zemelnyi kadastr* [On the State Land Cadastre], Zakon Ukrainy 3613-VI, adopted July 7, 2011, subparagraph 3 of paragraph 12 of

section VII (as amended by Zakony Ukrainy 2247-IX adopted May 12, 2022, 3993-IX adopted October 8, 2024), <https://zakon.rada.gov.ua/laws/show/3613-17#top>.

step towards overcoming departmental interests and corruption risks in the provision of administrative services.

Ukraine should adopt a systemic law that defines the rules in this area and sets specific fee amounts for at least the most common groups of services, which can still be called “basic”. This will add transparency for citizens. These should be moderate compensatory payments that should not become barriers to accessing services. Social services must, of course,

remain free of charge. A functioning mechanism for periodically updating the amounts of these fees should also be created. At the same time, it is important not to allow discrimination against citizens in terms of receiving administrative services based on their financial capacity. It is also important not to allow the commercialization of public administration, maintaining its fundamental distinction from the private sector.

Bibliography

1. European Commission, *Ukraine Report 2024*, Directorate-General for Neighbourhood and Enlargement Negotiations, October 30, 2024, https://neighbourhood-enlargement.ec.europa.eu/ukraine-report-2024_en.

2. *Vprovadzhennia systemy zboru opłaty z korystuvachiv derzhavnykh posluh: Teoriia i praktyka* [Implementation of a system for collecting payments from users of public services: Theory and Practice]: Translation from English and French / Resource centre for the development of public organisations, “Gurt”, Kyiv, Publishing House “Kyiv-Mohyla Academy”, 2001, 123 p.

3. Tymoshchuk V.P., *Administrativna protsedura ta administrativni posluhy. Zarubizhnyi dosvid ta propozyitsii dlia Ukrainy* [Administrative procedure and administrative services. Foreign experience and proposals for Ukraine], Kyiv, Fact, 2003. pp. 121-134.

4. Research Service of the Verkhovna Rada of Ukraine. *Analytical memorandum on comparative legislation concerning the regulation of fees for the provision of administrative services and the establishment of administrative charges under the laws of European countries and the European Union*, 2023, <https://research.rada.gov.ua/uploads/documents/32544.pdf>.

5. Bukhaneych, O.M. *Theoretical-legal and praxeological foundations for the provision of administrative services in Ukraine*: Thesis for a doctor's degree in law (12.00.07), Institute of Legislation of the Verkhovna Rada of Ukraine, Kyiv, 2016, 455 p.

6. Zheltobryukh I. L. Administrative fee / *Great Ukrainian Legal Encyclopaedia. Vol. 5: Administrative Law* / Ed. Board: Yu. P. Bytyak (Chief Editor) et al.; National Academy of Legal Sciences of Ukraine; V. M. Koretsky Institute of State and Law of the National Academy of Sciences of Ukraine; Yaroslav Mudryi National Law University, 2020, pp. 56–59.

7. Tymoshchuk V. On the normative regulation of relations concerning payment for administrative services // *Pravova derzhava*. Issue 33. Kyiv: V. M. Koretsky Institute of State and Law of the National Academy of Sciences of Ukraine, 2022, pp. 360–372.

8. Verkhovna Rada Ukrainy, *Pro vnesennia zmin do deiakyykh zakonodavchyykh aktiv Ukrainy shchodo optymizatsii merezhi ta funktsionuvannia tsentriv nadannia administrativnykh posluh ta udoskonalennia dostupu do administrativnykh posluh, yaki nadaiutsia v elektronni formi* [On Amendments to Certain Legislative Acts of Ukraine on Optimization of the Network and Functioning of Administrative Service Centres and Improving Access to Administrative Services Provided in Electronic Form], *Zakon Ukrainy* 943-IX, November 3, 2020, <https://zakon.rada.gov.ua/laws/show/943-20#Text>.

9. Ministerstvo tsyfrovoi transformatsii Ukrainy, *Blyzko 5 tysiach tochok ta 20 milioniv posluh u TsNAPakh —*

holovni dosiahnennia 2024 roku [About 5,000 points and 20 mln services at ASC are the main achievements of 2024], February 15, 2025, <https://thedigital.gov.ua/news/blizko-5-tysiyach-tochok-ta-20-milyoniv-poslug-u-tsnapakh-golovni-dosyagnennia-2024-roku>.

10. UNDP, *Analitychnyi zvit «Dumky i pohliady naseleння Ukrainy shchodo derzhavnykh elektronnykh posluh u 2024 rotsi»* [Analytical Report “Opinions and Views of the Population of Ukraine on State Electronic Services” based on the results in 2024], January 21, 2025, <https://www.undp.org/uk/ukraine/publications/analitychnyy-zvit-dumky-i-pohlyady-naseleння-ukrayiny-shchodo-derzhavnykh-elektronnykh-posluh-u-2024-rotsi>.

11. Kabinet Ministriv Ukrainy, *Pro derzhavne myto* [On State Duty], Decree 7-93, adopted January 21, 1993, <https://zakon.rada.gov.ua/laws/show/7-93#Text>.

12. Verkhovna Rada Ukrainy, *Pro administrativni posluhy* [On Administrative Services], *Zakon Ukrainy* 5203-VI, adopted September 6, 2012, <https://zakon.rada.gov.ua/laws/show/5203-17#Text>.

13. Verkhovna Rada Ukrainy, *Pro derzhavnu reiestratsiiu rechovykh prav na nerukhome maino ta yikh obtiiazhen* [On State Registration of Real Rights to Real Estate and Their Encumbrances], *Zakon Ukrainy* 1952-IV, adopted July 1, 2004, Article 34, (as amended by *Zakon* 834-VII, adopted November 26, 2015), <https://zakon.rada.gov.ua/laws/show/1952-15#Text>.

14. Verkhovna Rada Ukrainy, *Pro derzhavnu reiestratsiiu yurydychnykh osib, fizychnykh osib - pidpriiemstiv ta hromadskykh formuvan* [On State Registration of Legal Entities, Individual Entrepreneurs and Public Organizations], *Zakon Ukrainy* 755-IV, adopted May 15, 2003, Article 36, (as amended by *Zakon* 835-VIII, adopted November 26, 2015), <https://zakon.rada.gov.ua/laws/show/755-15#top>.

15. Prosto, *Bila knyha derzhavnoi polityky u sferi administrativnykh posluh (redaktsiia tretia — 2024 rik)* [White Paper on State Policy in the Field of Administrative Services (third edition — 2024)], January 2024, Page 18, https://prosto.in.ua/documents/764/White%20Book_web_2024.pdf.

16. Verkhovna Rada Ukrainy, *Pro Yedyni derzhavnyi demohrafichnyi reiestr ta dokumenty, shcho pidverdzhuiut hromadianstvo Ukrainy, posvidchuiut osobu chy yii spetsialnyi status* [On the Unified State Demographic Register and Documents Confirming Citizenship of Ukraine, Certifying a Person or His/Her Special Status], *Zakon Ukrainy* 5492-VI, adopted November 20, 2012, Article 20 (as amended by *Zakon* 1474-VIII, adopted July 14, 2016), <https://zakon.rada.gov.ua/laws/show/5492-17#Text>.

17. Kabinet Ministriv Ukrainy, *Perelik platnykh posluh, yaki mozhut nadavatyasia viddilamy derzhavnoi reiestratsii aktiv tsyvilnoho stanu* [The list of paid services that may be provided by civil status registration departments],

Postanova 1168, dated December 22, 2010, <https://zakon.rada.gov.ua/laws/show/1168-2010-%D0%BF#Text>.

18. Ministerstvo yustytzii Ukrainy, *Rozmir platy za nadannia platnykh posluh viddilamy derzhavnoi reiestratsii aktiv tsyvilnoho stanu* [The amount of the fee for the provision of paid services by the departments of state registration of civil status acts], Nakaz 4526/5, dated October 14, 2022, <https://zakon.rada.gov.ua/laws/show/z1249-22#n25>.

19. HOTOVO! Dokument-servis, <https://gotovo.net.ua/wedding-for-day>.

20. Verkhovna Rada Ukrainy, *Proekt Zakonu pro administrativnyi zbir* [Draft Law On Administrative Fee], registration number 4380, dated November 16, 2020, <https://w1.c1.rada.gov.ua/pls/zweb2/webproc34?id=&pf3511=70434&pf35401=538173>.

21. Lexlege, *O oplacie skarbowej* [about stamp duty], Ustawa adopted November 16, 2006, <https://lexlege.pl/ustawa-o-oplacie-skarbowej/>.

22. *Akt pro zbir z opłaty korystuvachiv derzhavnykh posluh* [Act on Criteria for Charges Payable to the State], Vprovadzhennia systemy zboru opłaty z korystuvachiv derzhavnykh posluh: Teoriia i praktyka [Implementation of a system for collecting payments from users of public services: Theory and Practice]: Translation from English and French / Resource centre for the development of public organisations. "Gurt", Kyiv, Publishing House "Kyiv-Mohyla Academy", 2001, p. 48-52.

23. *Zakon Respubliki Bavarii pro upravlinnski koshty* [Bavarian Administrative Funds Act], adopted February 20, 1998, Information based on a working translation by the German Foundation for International Legal Cooperation.

24. ASPI, *Zákon o správních poplatcích* [Act on Administrative Fees], 634/2004, adopted November 26, 2004, <https://www.aspi.cz/products/lawText/1/58613/1/2/zakon-c-634-2004-sb-o-spravnich-poplatcich/zakon-c-634-2004-sb-o-spravnich-poplatcich>.

25. Doslidnytska sluzhba Verkhovnoi Rady Ukrainy, *Analitichna zapyska z pytan porivnialnoho zakonodavstva shchodo vrehuliuвання platy za nadannia administrativnykh posluh ta vstanovlennia rozmiru administrativnoho zboru zghidno iz zakonodavstvom krain Yevropy ta Yevropeiskoho Soiuzu* [Analytical note on comparative legislation on the regulation of fees for the provision of administrative services and the establishment of the amount of the administrative fee in accordance with the legislation of European countries and the European Union], <https://research.rada.gov.ua/uploads/documents/32544.pdf>.

26. Riigiteataja, *State Fees Act*, adopted December 10, 2014, <https://www.riigiteataja.ee/en/eli/511022015002/consolide>.

27. Kabinet Ministriv Ukrainy, *Plan priorytetnykh dii Uriadu na 2025 rik* [The Government's Priority Action Plan for 2025], rozporiadzhennia 131-p, adopted February 18, 2025, <https://zakon.rada.gov.ua/laws/show/131-2025-%D1%80#Text>.

28. Verkhovna Rada Ukrainy, *Pro Derzhavnyi zemelnyi kadastr* [On the State Land Cadastre], Zakon Ukrainy 3613-VI, adopted July 7, 2011, subparagraph 3 of paragraph 12 of section VII (as amended by Zakony Ukrainy 2247-IX adopted May 12, 2022, 3993-IX adopted October 8, 2024), <https://zakon.rada.gov.ua/laws/show/3613-17#top>

Віктор Тимошук

кандидат юридичних наук, старший науковий співробітник

Інституту держави і права імені В.М.Корецького НАН України

ТЕОРЕТИЧНІ ТА ПРАКТИЧНІ ВИКЛИКИ НАЛЕЖНОГО ВРЕГУЛЮВАННЯ ПЛАТИ ЗА АДМІНІСТРАТИВНІ ПОСЛУГИ

Анотація

У статті розглядається питання однієї з рекомендацій Європейського Союзу, викладених у Звіті про розширення щодо України 2024 року – ухвалення закону про адміністративний збір. Це дійсно дуже актуальна проблема для України, вирішення якої матиме суттєвий вплив на діяльність публічної адміністрації, її відносини з громадянами. Ухвалення такого закону належної якості сприятиме більшій сталості системи надання адміністративних послуг завдяки впровадженню помірних та прозорих компенсаційних адміністративних зборів принаймні за частину адміністративних послуг. Наявність додаткового фінансового ресурсу у сфері адміністративних послуг сприятиме принаймні збереженню рівня доступності адміністративних послуг та їх якості. Належне законодавче вирішення цієї проблеми – це також спосіб подолання окремих недоброчесних інтересів у цій сфері, зокрема, відомчого та іншого протиправного характеру.

Ключові слова: адміністративні послуги, плата за адміністративні послуги (адміністративний збір), Центри надання адміністративних послуг, закон про адміністративний збір, євроінтеграція.

