



PARLIAMENTARY HEARINGS IN UKRAINE: THE EXPERIENCE AND PROSPECTS

Olena Chomahashvili,

*head of the commercial designations Department
of industrial property of the Intellectual Property
Research Institute of the NALS of Ukraine, PhD in Law,
associate professor*

Чомахашвілі О. Парламентські слухання в Україні: досвід та перспективи.

В статті увага приділена вивченню теоретичної та нормативно-правової основи порядку проведення парламентських слухань в Україні та окресленню межі обов'язковості; розглянуто практику проведення парламентських слухань в Україні на прикладі екологічної сфери та розглянути виконання прийнятих вказівок; проаналізовано ситуацію сьогодення у сфері проведення парламентських слухань та сформульовано пропозиції щодо розвитку цього питання. Пропонується розглядати парламентські слухання не тільки як форму парламентського контролю, а і як спосіб зворотного зв'язку з об'єктом управління. Докладно розглянуто питання правових та організаційних засад проведення парламентських слухань.

Досліджено теоретичну та нормативно-правову основу порядку проведення парламентських слухань в Україні. Автор наголошує, що положення про проведення парламентських слухань у Верховній Раді України не визначає наслідки неприйняття Верховною Радою України Постанови щодо схвалення рекомендацій учасників слухань. Розглянувши практику проведення парламентських слухань на прикладі екологічної сфери є очевидним, що більшість прийнятих вказівок не були виконані. Проаналізувавши ситуацію у сфері проведення парламентських слухань були сформульовані такі пропозиції щодо розвитку: створення належної нормативно-правової основи організації і проведення парламентських слухань, з метою повноцінного використання потенціалу контрольної функції парламенту; посилення інформування широкого загалу суспільства щодо змістовного наповнення парламентських слухань; залучення фахівців та експертів до участі у парламентських слуханнях з подальшим опублікуванням їх виступів.

Ключові слова: проведення парламентських слухань, парламентський контроль, контрольна функція парламенту, екологічні права.

Parliamentary hearings are essential for the proper performance of the Verkhovna Rada of Ukraine of its functions. They are held to examine issues of public interest and require legislative regulation. Parliamentary hearings influence the planning bill works because their recommendations are determined by legislation to be developed and adopted for the regulation of certain spheres of social relations. They also generally act as a guide-

line for design norm of the state because their results are recommended to take not only in laws but in other regulations.

Parliamentary hearings contribute to the transparency of the parliament, as soon as they are conducted publicly and openly with direct radio broadcast and their transcripts posted on the official website of the Verkhovna Rada of Ukraine. In addition, due to the active participation of the public they are effective means of dia-



logue between the government and society in whole.

At the same time the parliamentary hearings require certain improvements and implementation of the recommendations [1, 5].

Parliamentary hearings are an integral part of parliamentary government, they have a particular place and role in the multifaceted activities of representative bodies and held to examine issues of public interest and require legal regulation at all [2].

The purpose of the research is to analyze the current legislation of Ukraine and generalize the practice of parliamentary hearings to determine the legal basis of positive changes, implementation of the adopted recommendations; formulate the algorithm of necessary actions to improve the dialogue between the public and government.

We propose to consider parliamentary hearings not only as a form of parliamentary control, but also as the way of feedback control object [1, 97].

Parliamentary hearings held in Parliament to examine issues of public interest and require legislative regulation.

Parliamentary hearings held during the session, usually not more than once a month during the week, which is given for work within committees, fractions (parliamentary groups).

The proposal for parliamentary hearings shall be made on the basis of a decision taken by corresponding with issues in a draft resolution of the Verkhovna Rada, which has determined the theme of the parliamentary hearings and date of the meeting. Only one thematic issue can be offered for the discussion at the parliamentary hearings.

The issue of parliamentary hearings is included in the agenda of the parliamentary session without a vote.

The decision on the subject, date and time of the parliamentary hearings is adopted by the Parliament no later than 30 days before the elections. In the decision of the Verkhovna Rada of Ukraine is

also indicated a committee or committees responsible for preparation of parliamentary hearings.

The decision of parliamentary hearings of the Verkhovna Rada is published in the Voice of Ukraine within 10 days after the date of its adoption.

The proposals to hold parliamentary hearings on the issues that have been the subject of the Verkhovna Rada of the current convocation may be made no earlier than one year after the previous parliamentary hearings in regard of the topic.

Many representatives are invited to participate in the hearings in the Parliament. Among them are the representatives of public authorities, local governments, political parties and other associations, academic institutions, members of the public who want to take part in parliamentary hearings and filed no later than five days by the committee that is preparing for hearings.

The committee, which is preparing to hold parliamentary hearings, makes a list of invitees for hearings, conducts hearings and parliamentary order of performances of participants. The list of invitees for parliamentary hearings is submitted for the approval to the Chairman of Verkhovna Rada of Ukraine no later than three days before the elections.

Parliamentary hearings are conducted publicly and openly with direct radio and, if necessary, TV broadcasting.

During the parliamentary hearings the Parliament during the plenary session adopts a resolution of Verkhovna Rada of Ukraine, which approves the relevant recommendations [2].

Legal regulation of the organization and conduct of parliament and committee hearings in Ukraine. Therefore, our research highlights some of their results. An analysis of regulations on holding hearings in committees of the Verkhovna Rada of Ukraine and the parliamentary hearings in the Parliament of Ukraine follows that order of hearings and ad hoc special parliamentary commission remains unresolved.



At the same time, the practice of temporary special commissions of the Verkhovna Rada of Ukraine suggests that such commissions are formed to prepare and review the most important laws (e.g. laws amending the Constitution of Ukraine). Taking into account, the Regulations on hearings in committees of the Verkhovna Rada of Ukraine should be extended to temporary special commission regards the powers of commissions for the preparation and preliminary consideration of the bills.

In case if the status of investigation commissions is irregular at law, the Parliament should regulate the procedure of such commissions at least by appropriate resolution that would have endorsed the Regulation on the hearings in the investigation of the Verkhovna Rada of Ukraine.

The regulations on holding of parliamentary hearings in the Verkhovna Rada of Ukraine, providing mandatory involvement in hearings of representatives of state and local authorities, political parties and other associations, academic institutions, the public, do not specify the criteria for «selection» of participants mechanisms to ensure participation in hearings of representatives from all (or at least most) stakeholders.

The Parliamentary hearings on assigned role in the legislative process and implementation of control powers strongly suggest norm Regulations on holding of parliamentary hearings in the Verkhovna Rada of Ukraine, according to which hearings a draft decision on the results of hearings shall be distributed to the deputies the Verkhovna Rada of Ukraine beforehand.

In other words, a hearing conducted after the result, approximately known in advance, which eliminates the need for its conduct. The corresponding provisions deserve the critical evaluation.

As it was mentioned above, the lack of legal regulation of the conduct of parliamentary and committee hearings is the fact that the persons concerned have ac-

tually deprived of the right to make public its position on issues that are discussed at the hearings if they cannot because of regulatory restrictions publicize this position in his speech (speech) during the hearings.

This assertion is supported by the fact that under the provisions the burden of preparation of analytical materials for the parliamentary hearings rests with the Cabinet of Ministers and other executive bodies and local authorities. The apparatus of the Verkhovna Rada of Ukraine should be obliged to reproduce and distribute to the participants the hearings materials submitted by representatives of all stakeholders.

As the authors of the study say [3], critical assessment of merits and standards of provisions under which MPs materials prepared for parliamentary hearings, given 5 days before the hearing, and other participants in the hearing — on the day of their conduct during registration. In this approach, the majority of participants will not be able to fully acquaint with the contents of these materials, make comments and suggestions submitted for discussion. In their view, failing production of sufficient copies of information and analytical materials, the latter would be placed on the official website of the Supreme Council for 5 days before the hearing so that the public hearings and participants could get acquainted with them.

Below it is discussed the content of the recommendations of the parliamentary hearings and investigated their status of their implementation. Since the subject of parliamentary control is the work of the Government, and not the entire system of executive power, the author examined the content of the recommendations of the participants in the hearing only in the part that directly relates to the Cabinet of Ministers of Ukraine.

The authors did not aim to examine and analyze the performance of any and all recommendations of the seminar par-



ticipants addressed the Cabinet of Ministers of Ukraine, limited only by clearly defined guidelines (e.g. for a defined normative acts, drafting legislation, increase / decrease in funding of certain programs etc.).

Such approach is due primarily to the fact that the lack of clearly defined guidelines makes virtually impossible to control the completeness and timeliness of their implementation.

Also, the authors did not consider the content and results of the implementation of the recommendations provided by the Government taking certain organizational and administrative measures. This is because the content of the instructions of the Cabinet of Ministers of Ukraine.

The basic source of the study are the bills that were or are under consideration of the Verkhovna Rada of Ukraine, regulations of the Cabinet of Ministers, the Verkhovna Rada of Ukraine on the recommendations of the parliamentary hearings and for the information of the Cabinet of Ministers heard during the days of the Government in the Parliament of Ukraine, laws of Ukraine (among them stands out separately by the State budget of Ukraine for the relevant years), speeches of representatives of the Government during the Days of the Government in the Parliament of Ukraine, and other publicly available printed and electronic sources of reliable information.

Failure execution / partial execution / failure of certain recommendations were considered in this study, the authors started from the following. Implementation guidelines means its full implementation in the prescribed recommendation term (if the timing of the recommendations provided, the implementation of recommendations considered its performance within a reasonable time — that is one to two years or until the next parliamentary hearings on similar issues, starting from the date of adoption of the Resolution on guidelines implementation of which is subject to analysis). In partial fulfillment of recommendations of the authors im-

plies its partial implementation (*i.e.* the extent narrower than foreseen recommendation) in the prescribed period or recommendation within reasonable time.

Under the guidelines author understands its failure to fully or failure within a fixed or reasonable time. As the results of the monitoring results of implementation of the recommendations of the parliamentary hearings the author found the main reasons for failure of guidelines of developed proposals for improving the organization and conduct of parliamentary hearings and monitoring their implementation. Parliamentary hearings on environmental issues «On compliance with environmental legislation in Ukraine, implementation areas and improve environmental policy» (29.11.2000) (On recommendations of parliamentary hearings on compliance with environmental legislation in Ukraine, and directions of improvement of environmental policy (№ 2130-III of 07.12.2000)).

The content of hearings and recommendations of participants of parliamentary hearings held on 29.11.2000 is a result of discussion of the issue of compliance with the requirements of environmental legislation in Ukraine and ways of implementation and improvement of environmental policy. It was said that in recent years in Ukraine were formed the foundations of environmental law, made structural reforms in the field of environment and natural resources, laid the foundations of a new environmental policy and mechanisms of its implementation. At the same time, the lack of a clear strategy for reforming society, inconsistency of reforms in the field of environment and natural resources, uncoordinated and inconsistent actions of central and local executive authorities and local governments do not promote proper efficiency and effectiveness of program elements. Basic directions of the state policy in the field of the environment, natural resources and environmental safety were approved by the Verkhovna Rada of Ukraine in March 1998.



Financing of environmental programs and environmental protection measures are inadequate. The inertia in implementing of market mechanisms of financial support for environmental activities has led to the steady decline of investments in this area. It is under-funded protection measures and sustainable

land use. There is the need of internal coordination and further improvement and development of existing environmental legislation and economic mechanisms of nature. ♦

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Чомахашвілі А. Парламентские слушания в Украине: опыт и перспективы. В статье внимание уделено изучению теоретической и нормативно-правовой основы порядка проведения парламентских слушаний в Украине и обрисовке пределов обязательности; рассмотрена практика проведения парламентских слушаний в Украине на примере экологической сферы и рассмотреть выполнение принятых указаний; проанализирована ситуация в сфере проведения парламентских слушаний и сформулированы предложения по развитию этого вопроса. Предлагается рассматривать парламентские слушания не только как форму парламентского контроля, но и как способ обратной связи с объектом управления. Подробно рассмотрены вопросы правовых и организационных основ проведения парламентских слушаний.

Исследовано теоретическую и нормативно-правовую основу порядка проведения парламентских слушаний в Украине. Автор отмечает, что положение о проведении парламентских слушаний в Верховной Раде Украины не определяет последствия непринятия Верховной Радой Украины Постановления об принятии рекомендаций участников слушаний. Рассмотрев практику проведения парламентских слушаний на примере экологической сферы очевидно, что большинство принятых указаний не были выполнены. Проанализировав ситуацию в сфере проведения парламентских слушаний были сформулированы следующие предложения по ее развитию: создание надлежащей нормативно-правовой базы организации и проведения парламентских слушаний, с целью полноценного использования потенциала контрольной функции парламента; усиление информирования широкой общественности общества по содержательному наполнению



парламентских слушаний; привлечение специалистов и экспертов к участию в парламентских слушаниях с последующим опубликованием их выступлений.

Ключевые слова: проведение парламентских слушаний, парламентский контроль, контрольная функция парламента, экологические права

Chomahashvili O. Parliamentary hearings in Ukraine: experience and prospects. In the article attention is paid to the theoretical and legal foundations of the order of parliamentary hearings in Ukraine and outlining their mandatory limits. It is analysed the practice of parliamentary hearings in Ukraine on the example of the environmental sector and consider the fulfillment of instructions; the today situation in parliamentary hearings and formulated the proposals for the development of this issue. It is proposed to consider the hearings not only as a form of parliamentary control, but also as a way of feedback of control object. Details analysis of legal and institutional framework of parliamentary hearings was made.

The theoretical and legal basis of the order of parliamentary hearings in Ukraine was studied. The author emphasizes that provision of parliamentary hearings in the Parliament of Ukraine does not determine the consequences of the rejection of the Verkhovna Rada of Ukraine Resolution on approval of the recommendations of the seminar participants. Having examined the practice of holding parliamentary hearings on the example of the environmental sphere is obvious that most of the taken steps were not met. After analyzing the situation in the parliamentary hearings there were formulated following proposals for development of them: an appropriate regulatory basis for the organization and holding of the parliamentary hearings, in order to fully exploit the potential of the control function of Parliament; strengthening of informing the public about the social content of parliamentary hearings; involvement of specialists and experts to participate in the hearings, followed by the publication of their performances.

Key words: parliamentary hearings, parliamentary control, the control function of Parliament, the environmental law