**Ukrainian-Lithuanian Annual Conference**

**“Administrative Law: from Common Historical Roots to the**

**Modern European Values”**

Organizers: Educational and Research Law School, Taras Shevchenko National University of Kyiv (Kyiv, Ukraine), Baltic-Ukrainian centre for studies, research and innovations and Law School, Mykolas Romeris University (Vilnius, Lithuania)

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Record of the Conference will be available on the web pages of organizers.

**Programme:**

8:00 a.m. – 8.30 a.m. Registration ZOOM

8:30 a.m. – 9.00 a.m. Welcome Ceremony

**Prof. dr. habil. Olena Orliuk, Acting Director of the Educational and Research Law School, TSNUK**

**Prof. dr. Lyra Jakulevičienė, Dean of the Law School, MRU**

1. **History of Administrative Law. Moderator: prof. dr. habil. Yuliya Vashchenko, Professor at the Administrative Law and Procedure Department, Deputy director, Educational and Research Law School, Taras Shevchenko National University of Kyiv**

**9.00 a.m. – 10 a.m.**

**Gintaras Šapoka, MRU****, Law School, Lecturer at the Institute of Public Law,** “Administrative Legal Traditions in the Grand Duchy of Lithuania”

**Ieva Deviatnikovaitė,** **MRU, Law School, Professor at the Institute of Public Law,** “Roots of Administrative Law”

**Alla Pukhteteska, TSNUK, Educational and Research Law School,** **Associate professor at the Administrative Law and Procedure Department,** “World-wide Known Legal Sources of Ukrainian Democratic Republic of Cossacs Period”

**Artem Solomakha, TSNUK, Educational and Research Law School, Associate professor at the Administrative Law and Procedure Department,** “Features of formation and development of Administrative Law at the University of Kiev”

1. **Public Administration, Civil Service. Moderator: prof. dr. Ieva Deviatnikovaitė, Professor at the Institute of Public Law, Law School, Mykolas Romeris University**

**10. 15 a.m. – 12.30 p.m.**

**Edita Žiobiene, Ombudsperson for Children's Rights of the Republic of Lithuania,** “Ombudsman's Decision: Power, Importance and Non-appeal-ability”

**Simona Bareikytė, Judicial Assistant at the Supreme Administrative Court of Lithuania,** “Public Administration Entity as a Judge in its Case: the Revocation of Administrative Decision”

**Ingrida Danėlienė, MRU, Law School, Assoc. professor at the Institute of Public Law,** **Vice dean,** "The (Un)Common Approach in Europe Towards the Principle of Proportionality: the Context of Covid-19"

**Petro Dikhtievskyi,** **TSNUK, Educational and Research Law School, Head of the Administrative Law and Procedure Department,** “The aspects of Access to the Public Information about the Status of Use of Natural Resources”

**Yuliya Vashchenko** **TSNUK, Educational and Research Law School**, **Professor at the Administrative Law and Procedure Department,** “The Long Road to the Administrative Procedure Act in Ukraine: Historical Aspects and Modern Discussions”

1. **Administrative Justice. Moderator: prof. dr. Toma Birmontienė, Professor at the Institute of Public Law, Law School, Mykolas Romeris University**

**1.00 p.m. – 2.00 p.m.**

**Eglė Bilevičiūtė, MRU, Law School, Professor at the Institute of Public Law,** **vice-president of the Commission of Administrative Disputes of Lithuania,** “Quasi-court Institutions in Lithuania”

**Agnė Tvaronavičienė, MRU, Law School, Professor, and director of the Institute of Public Law,** “Non-Judicial Mediation in the Administrative Disputes: Lithuanian Model”

**Oleksandr Paseniuk,** **TSNUK, Educational and Research Law School, Professor at the Administrative Law and Procedure Department,** “Solving the Problem of Jurisdiction - though Solving the Problem of Substantive Law”

**Yevgen Gerasymenko, TSNUK, Educational and Research Law School, Associate professor at the Administrative Law and Procedure Department,** “Rights and Duties of the Parties to the Administrative Procedure on the Refugee Status Recognition”

**Abstracts:**

**Gintaras Šapoka, “Administrative Legal Traditions in the Grand Duchy of Lithuania”**: One of the magnificent achievements of the Grand Duchy of Lithuania was the legal codification of the 16th century – the Lithuanian Statutes in 1529, 1566 and 1588. The Statutes were a compilation of a codified source of law and based on the general tradition of continental European law. The Statutes separated public and private law. Moreover, some legal provisions we can identify as administrative legal norms.

**Ieva Deviatnikovaitė,** **“Roots of Administrative Law”**: The history of the emergence of administrative law in various countries (France, Germany, Spain, the United States, the United Kingdom, Poland, Latvia, Estonia, and Lithuania) will be discussed in the report “Roots of Administrative Law”. The chronological boundaries of the report are from 1750 BC to the middle of 20th century. In the report some cornerstones of administrative law will be mentioned – 1814 Romagnosi’s “Principi Fondamentali di Diritto Amministrativo”, 1873 *Blanco* case, 1947 Crown Procedure Act, 1880 Laferriére’ s „Interpretation of Administrative Law in the Kingdom of Poland“, 1887 Okolski’s „Dealing with Administrative Jurisdiction and Litigation“, etc.

**Alla Pukhtetska, “World-wide known legal sources of Ukrainian democratic republic of Cossacks Period”**: In the proposed materials author`s described the most famous and discussed in the international legal sources documents, manuscripts, agreements signed during the period of the Ukrainian democratic republic of Cossacks Period. Author has collected historical & legal sources, having high level of validity to illustrate the glory & power of Cossacks during a special historical period of Cossacks independence & personal participation in the leading international relations & agreement of the discussed period.

**Artem Solomakha, “Features of formation and development of Administrative Law at the University of Kiev”**: Genesis of administrative law at Kyiv University started from the first year of work of the Faculty of Law and was held in the light of scientifical, social and political crises, including the October 1917 revolution, political system of which abolished the police law as a science and discipline. The Soviet Union, whose propaganda for many years formed the "Soviet administrative law", some dogmas of which can still be heard in responses from an inattentive student. And only the Revolution of Dignity 2014, finally defined Ukraine’s course towards European integration, both at the international and legislative level, has became the necessary last impetus for the full revival of Western European traditions of Ukrainian law and, in particular, administrative law. Thus, we reveal the evolution of scientific approaches to understanding of administrative law at every particular point in history through the prism of its development at the University of Kiev in Ukraine.

**Edita Žiobienė, “Ombudsman's Decision: Power, Importance and Non-appeal-ability”**: Ombudsman institution determines its special place in the system of the institutions of the branches of state power, its functions, as well as the powers necessary to perform these functions. The ombudsman office is a paradox, being both powerful and powerless at the same time, because, on one hand, he or she has extensive powers to investigate, to examine witnesses and documents, to visit a site or office, and to determine whether a complaint is justified, but on the other hand, he or she does not have the power to make any public agency or official to accept his or her recommendation (decision).   Much more complicated issue arises when the complainant disagrees with the Ombudsman's decision. Does he have right to appeal? Is the ombudsman obligated to explain reasoning or legality of his decision in the court?

**Simona Bareikytė, “Public Administration Entity as a Judge in its Case: the Revocation of Administrative Decision”**: Until the last two decades, the topic of the revocation of administrative decision has not been widely and in detail studied by administrative law scholars. Nevertheless, the last two decades could be rewarded as a breakthrough of the comparative research in the administrative law field, which has been uncovering the unknown about the local governance’ strengths and shortcomings, also creating opportunities for the administrative law scholars and practitioners to learn about other countries’ governance-legal instruments, institutes that solve similar or identical problems in different countries. Revocation of administrative decision will be discussed from the three perspectives, meaning through the supranational organization (EU), the state, in which administrative procedures are codified (Czech Republic), and the state, in which administrative procedures are not codified (Lithuania). A comparative study will reveal the influence of different legal regimes on the universal concept of the revocation of administrative decision, the strengths, shortcomings, and the risks of this legal institute in public administration. Based on the doctrine of adaptive management, the author will be inviting to rethink the concept of the revocation of administrative decision from the simple action of the public administration entity to the core principle of how public administration should carry out.

**Ingrida Danėlienė, “The (Un)Common Approach in Europe Towards the Principle of Proportionality: the Context of Covid-19”**: The principle of proportionality is a unique multifaceted principle – it is a result of Western legal thought, which, with regard to its relevant substantive aspects, derives from the academic and official doctrine of continental and Anglo-Saxon legal traditions, having found particular relevance in the legislative and administrative processes. Over the years, the proportionality principle has gained exceptional importance in the light of possible restrictions on individual rights and freedoms. Accordingly, within the European legal systems, the influence of extranational law (including European Union law and ECHR law, as elaborated by the European Court of Human Rights) has determined a substantially thorough development of the content of the elements of the proportionality principle, thus leading to a substantially common approach in Europe towards the principle of proportionality. However, a number of evidently different national approaches towards the proportionality imperative surfaced when the European states were faced with the necessity to weigh the proportionality of restrictions of an unprecedented nature, as introduced in the context of Covid-19. One may thus question, which elements of the proportionality principle were of greatest relevance in the context of Covid-19 restrictions, and which have been (rightly?) questioned by the administrative, legislative and judicial branches of government? Did the proportionality principle pass the Covid-19 test or perhaps the time has come to re-evaluate it?

**Petro Dikhtievskyi,** **“The aspects of Access to the Public Information about the Status of Use of Natural Resources”** : The purpose of the research is to show problem issues related to the definition of information as a unique resource in meeting the connected needs, interests, benefits of person, society, state, international community in communication between them through various technologies, including problem solving of the access to public information about the status of use natural resources. Access to the public information about the status of use natural resources should be provided by:

a) optimization of the procedure for consideration and response to the information request of the consumer of public information;

b) realization of the person’s right to the decisions made by the authorized bodies of public administration and the review of these decisions, determination of the term of realization of the right to administrative appeal;

c) effective development of the mechanism of administrative responsibility.

**Yuliya Vashchenko,** **“The Long Road to the Administrative Procedure Act in Ukraine: Historical Aspects and Modern Discussions”**: Clear, transparent, and predictable administrative decision making is essential for every democratic state. Efficient administrative procedural legislation is crucial for full enjoyment and protection of the rights of private persons in relations with public authorities. In many countries, special codes or laws on general administrative procedure have been adopted. In Ukraine, despite a comprehensive scientific base developed and numerous draft legal acts (from administrative procedural codes to laws on administrative procedure) submitted to the Parliament of Ukraine of different convocations,

administrative procedures are still regulated by a vast number of legal acts that require comprehensive systematization on the basis of progressive European principles and values. The adoption of the Law of Ukraine on administrative procedure on 16 of November 2021 is considered as one of significant steps on this way. The author is going to discuss the challenges faced on the way of drafting the administrative procedural code (currently – law on administrative procedure) and modern approaches regarding the systematization of administrative procedural legislation in Ukraine.

**Eglė Bilevičiūtė, “Quasi-court Institutions in Lithuania”**: During recent several years the quasi-court institutions in Lithuania were reformed. The presentation will present the statue, classification, nowadays and further reforms of quasi court institutions as Lithuanian Administrative Disputes Commission and others quasi-court institutions in Lithuania.

**Agnė Tvaronavičienė, “Non-Judicial** **Mediation in the Administrative Disputes: Lithuanian Model”**:A new wording of the Law on Mediation of the Republic of Lithuania (applicable from 1st January 2021) created a legal basis for applying non-judicial (out-of-court) mediation in administrative disputes. The presentation aims to reveal the most important preconditions of implementation of non-judicial mediation in administrative disputes, presents main characteristics of Lithuanian model and discusses most important challenges, which currently mediation in administrative disputes is facing.

**Oleksandr Paseniuk,** **“Solving the Problem of Jurisdiction - though Solving the Problem of Substantive Law”:** The problems of distinguishing between administrative and civil / commercial jurisdiction in the judicial procedure of Ukraine through the interpretation of certain concepts of administrative and administrative-procedural law have been described.

**Yevgen Gerasymenko, “Rights and Duties of the Parties to the Administrative Procedure on the Refugee Status Recognition”**: Results of the author’s research on the rights and duties of the parties to the administrative procedure on the refugee status recognition will be presented. International standards in the field and Ukrainian legislation have been analysed. Based on that analysis improvements to the national legislation have been made.