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SOME ASPECTS OF THE IMPROVEMENT OF LEGAL REGULATION OF ADMINISTRATIVE ACTIVITY IN THE SEA PORTS OF UKRAINE

The article discusses some regulatory powers of state bodies in the exercise of management of seaports of Ukraine.

The article proposes reorganization of the state enterprise “Ukrainian Sea Ports Authority” into public institutions. Institution is organizational structure not involved in entrepreneurial activity. It is suggested to conduct works related to their activities at the expense of the appropriations allocated from the state budget or local budgets of administrative-territorial units.

The author believes that the exercise of commercial functions in the port should take place on equal terms for both public and non-public businesses. Thus, administrations should fulfill only public functions (control, provision of services on behalf of the state, etc.).

In this regard, the author proposes to amend the Law of Ukraine “On Ukrainian Sea Ports” and provides an idea of reorganization of “Ukrainian Sea Ports Authority” into public institution.

The article also observed that the appointment of the heads of branches of “Ukrainian Sea Ports Authority” should

be attributed to direct authority of the head of the institution.

The author also notes that the State Inspection of Ukraine on Security of Maritime and River Transport is a central executive body that provides implementation of state policy in the sphere of security in maritime transport. It performs a specific function being responsible for safety of navigation at the national and international level, and therefore it should have direct authority over the main person who controls the safety of navigation on a local level – in the seaport. The author believes that appointed captains of seaports have the right to this particular authority.

It is concluded about the need for separation of the main commercial and administrative functions in public administration of sea ports. The administrative functions include: state property management and surveillance of the safety of navigation and compliance with laws, regulations, international agreements in the field of merchant shipping. The economic function is regulation of concession agreements, service vehicles, cargo and passengers.