FROM OBJECTIVES TO RESULTS: THE IMPLEMENTATION OF THE EU-UKRRAINE ASSOCIATION AGREEMENT AS SEEN BY STAKEHOLDERS

Report of the Ukrainian Side of the EU-Ukraine Civil Society Platform on the assessment of the implementation of certain provisions of the EU-Ukraine Association Agreement by Ukraine

- Ratification of the Rome Statute
- Strengthening the Judiciary
- Water Resources Management
- Reinforcement of the Scientific Potential of Ukraine
- Accessibility of Information and Communication Technologies
- Consumer protection
- Equality and non-discrimination in the employment and social sphere
- Vocational Education and Training
FROM OBJECTIVES TO RESULTS:
THE IMPLEMENTATION OF THE EU-UKRAINE ASSOCIATION AGREEMENT AS SEEN BY STAKEHOLDERS

Report of the Ukrainian Side of the EU-Ukraine Civil Society Platform on the assessment of the implementation of certain provisions of the EU-Ukraine Association Agreement by Ukraine
This analytical report was written under the aegis of the Ukrainian Side of the EU-Ukraine Civil Society Platform with assistance of the EU-funded Civic Synergy project, implemented by the International Renaissance Foundation.

Its content is the exclusive responsibility of the authors and does not necessarily reflect the views of the European Union and the International Renaissance Foundation.

**Civic Synergy**
The Civic Synergy Project aims at strengthening public participation in the implementation of European integration reforms in Ukraine through institutional capacity building. It also has a task of enhancing activities of the Ukrainian Side of the EU-Ukraine Civil Society Platform (UA CSP) and the Ukrainian National Platform of the Eastern Partnership Civil Society Forum (EaP CSF UNP). The project is funded by the European Union and the International Renaissance Foundation and implemented by IRF’s European Program Initiative.

**Ukrainian Side of the EU-Ukraine Civil Society Platform**
The EU-Ukraine Civil Society Platform (CSP) is a non-governmental body established in pursuance of the EU-Ukraine Association Agreement, Arts. 469-470, to exercise oversight of the Agreement implementation. The Ukrainian Side of the CSP (UA CSP) consists of 15 members, approved by the UA CSP Assembly, who represent various sectors of Ukraine’s civil society, including CSOs, trade unions and employers’ organizations. The UA CSP functions based on six thematic Working Groups, which unite a total of over 200 member organizations.

**The UA CSP Working Groups include:**
1. Political dialogue and foreign and security policy;
2. Freedom, justice and human rights;
3. Economic cooperation, free trade area and cross-border collaboration;
4. Employment, social policy, equal opportunities and health;
5. Energy, transport, environment and climate change;
Oleksandra Matviychuk – Ratification and implementation of the Rome Statute of the International Criminal Court (ICC) of 1998 and its related instruments (Art. 8 of the EU-Ukraine Association Agreement).

Dmytro Vitvitsky – Strengthening the judiciary, improving its efficiency, safeguarding its independence and impartiality (Art. 14 of the EU-Ukraine Association Agreement).

Hanna Tsvetkova – Water quality, water resources management and implementation of the EU Water Framework Directive (Arts. 363 and 365 of the EU-Ukraine Association Agreement).

Yulia Bezvershenko – Reinforcement of the scientific potential of Ukraine to resolve national and global challenges and increase its competitiveness (Arts. 374-376 of the EU-Ukraine Association Agreement).

Volodymyr Nochvay – Ensuring widespread availability of Information and Communication Technology (ICT) and better quality of electronic services (Arts. 389-395 of the EU-Ukraine Association Agreement).

Natalia Borodachova – Consumer protection (Art. 415 of the EU-Ukraine Association Agreement).

Marfa Skoryk and Rostyslav Dzundza – Gender equality and non-discrimination in employment, social policy and service provision (Chapter 21 of the EU-Ukraine Association Agreement).

Rodion Kolyshko – Vocational education and training (Art. 432 of the EU-Ukraine Association Agreement).

Compilers
Roman Kobets, Civic Synergy Senior Analyst
Mykhaylo Koltsov, Civic Synergy Analyst
Yaroslav Lytvynenko, Civic Synergy Junior Analyst
Abbreviations: ............................................................................................................................................................................ 5

Summary ...................................................................................................................................................................................... 6

Methodology .............................................................................................................................................................................. 8

Section 1. Ratification and implementation of the Rome Statute of the International Criminal Court (ICC) of 1998 and its related instruments (Art. 8 of the EU-Ukraine Association Agreement) ........................................ 10

Section 2. Strengthening the judiciary, improving its efficiency, safeguarding its independence and impartiality (Art. 14 of the EU-Ukraine Association Agreement) ........................................................................................................... 16

Section 3. Water quality, water resources management and implementation of the EU Water Framework Directive (Arts. 363 and 365 of the EU-Ukraine Association Agreement) .................................................................................... 24

Section 4. Reinforcement of the scientific potential of Ukraine to resolve national and global challenges and increase its competitiveness (Arts. 374-376 of the EU-Ukraine Association Agreement) ........................................ 31

Section 5. Ensuring widespread availability of Information and Communication Technology (ICT) and better quality of electronic services (Arts. 389-395 of the EU-Ukraine Association Agreement) ........................................... 38

Section 6. Consumer protection (Art, 415 of the EU-Ukraine Association Agreement) .................................................... 47

Section 7. Gender equality and non-discrimination in employment, social policy and service provision (Chapter 21 of the EU-Ukraine Association Agreement) ................................................................................................. 55

Section 8. Vocational education and training (Art. 432 of the EU-Ukraine Association Agreement) .................. 60
ABBREVIATIONS:

AA – Association Agreement
ATO – Anti-Terrorist Operation in Eastern Ukraine
CJU – Council of Judges of Ukraine
CMU – Cabinet of Ministers of Ukraine
CSO – civil society organization
CSP – EU-Ukraine Civil Society Platform
DBN – Ukraine’s building regulations
EaP – Eastern Partnership
EC – European Commission
e-IRG – e-Infrastructure Reflection Group
ERA – European Research Area
ESFRI – European Strategic Forum for Research Infrastructures
EU – European Union
GPU – Prosecutor General’s Office of Ukraine
HDM initiative – Harmonizing Digital Markets of the EU and Eastern Partnership Neighbors
HQCJ – High Qualification Commission of Judges of Ukraine
ICC – International Criminal Court
ICT – Information and Communication Technology
MoEDT – Ministry of Economic Development and Trade of Ukraine
MoENR – Ministry of Ecology and Natural Resources of Ukraine
MoES – Ministry of Education and Science of Ukraine
MoI – Ministry of Interior of Ukraine
MoJ – Ministry of Justice of Ukraine
NACP – National Agency on Corruption Prevention
NASU – National Academy of Sciences of Ukraine
NCCIR – National Commission for the State Regulation of Communications and Informatization
NCP – National Contact Point
NGO – non-governmental organization
OSA – Oblast State Administration
OTP – Office of the Prosecutor of the International Criminal Court
PIC – Public Integrity Council
PPP – public-private partnership
PSF – Policy Support Facility
R&D – research and development
RBMP – River Basin Management Plan
S&T – science and technologies
SAEG – State Agency of Ukraine for Electronic Governance
SBU – Security Service of Ukraine
SJIA – State Judicial Administration
SSSC – State Service of Special Communications and Information Protection of Ukraine
UA CSP – Ukrainian Side of the EU-Ukraine Civil Society Platform
UN – United Nations
UNP EaP CSF – Ukrainian National Platform of the Eastern Partnership Civil Society Forum
URAN – Ukrainian Research and Academic Network
VE – vocational education
WCU – Water Code of Ukraine
WFD – EU Water Framework Directive
The report “From Objectives to Results: the Implementation of the EU-Ukraine Association Agreement as Seen by Stakeholders” was written by the Ukrainian Side of the EU-Ukraine Civil Society Platform with assistance of the Civic Synergy project. It focuses on the assessment of how Ukrainian state authorities implemented provisions in eight areas of those covered by the EU-Ukraine Association Agreement (AA) during January 2015 through March 2017.

The assessment was done as an analysis and discussion involving various stakeholders. Its methodology was based on the so-called “goal tree” approach, modeling the necessary decisions and measures to be adopted or implemented by authorized policy-makers in order to fully implement relevant parts and provisions of the Association Agreement – with further retrospective comparison with the decisions and measures adopted and implemented during January 2015 through March 2017, based on criteria of actual existence, adequacy, fullness and openness.

The results demonstrate that the methodological approach to creation of “goal tree” is well suited for proper, full and effective planning of implementation of the heterogeneously prescribed AA’s provisions. This approach can also be applied for clearly specified implementation tasks which are directly prescribed in the main text of the AA (consumer protection) and in cases of concise reference in the AA’s text to the annexes with the list of EU directives to which national legislation should be approximated (anti-discrimination) as well as in cases of absence of “strict” commitments (AA’s provisions such as “parties cooperate” as in case of vocational education).

The main conclusions of the study are as follows:

1. In most of the cases, authorities are insufficiently planning the implementation of objectively heterogeneous AA’s provisions. For example, there is an overly narrow understanding of the tasks related to requirement for the Rome Statute ratification and exchange of information on vocational education. An absence of a state strategy in the main analyzed areas is a partial explanation of such a state of play.

2. The actual AA implementation progress in the areas under review is uneven. Whereas Ukraine has managed to achieve certain progress in approximation of its water legislation, there is actually no progress in such areas as exchange of information in the sphere of vocational education, elimination of discrimination and Rome Statute ratification. The implementation of the EU standards in the spheres of electronic communications, science, exchange of information on vocational education is slow.

3. The typical problems of the AA’s implementation provisions are as follows: delay in approximation of legislation to the EU law (delaying approval of draft regulations that prescribe implementation of relevant norms, e.g., the Law of Ukraine “On scientific and technological activities”); insufficiently open process of implementation (lack of all stakeholders’ engagement in the process of development and adoption of relevant decisions at early stages); approximation of legislation to the AA requirements is incomplete (partial transfer of norms); controversial nature of implementation (in the non-discrimination area the legislative steps conflicted with the adopted implementation plans for European Directives); lack of actions taken to address current problems (e.g., in the judiciary).

4. The interaction between state authorities and civil society on issues of bringing Ukrainian legislation in line with European law in area of science, information society development, consumer protection and non-discrimination is unsatisfactory. The level of decision making openness and availability of information on steps taken by authorities to achieve their objectives is insufficient. There are no communication/feedback mechanisms for professional community and stakeholders (in the field of science and other areas). In other words, the government lacks institutions with capacity to assess and analyze outcomes of state policy decisions and provide, based on this, well-founded recommendations on policy amendments.

5. In most analyzed cases, state authorities do not conduct monitoring of the implementation efficiency of new legislative norms after their adoption.
An institutional and organizational framework required for the implementation of the AA provisions is inefficient. For example, the activities of the Ukraine-EU Joint Committee on Scientific and Technological Cooperation are inefficient and nontransparent.

In most cases, financial tools and funds necessary for the implementation are not earmarked in the budget. For example, regional cooperation mostly takes place at the expense and with active facilitation of foreign partners. The Ukrainian side constantly protracts the fulfillment of its financial obligations in the implementation of bilateral projects under the framework of international science and technology cooperation.

All these drawbacks in the AA implementation do not allow to make good use of opportunities that the Agreement opens for Ukraine and its citizens. Absence of special state strategy for promotion of broadband Internet access leads to spontaneous and unsatisfactory pace of development of the national access infrastructure. Ukraine does not take full advantage of the opportunities to participate in European research programs and develop new technologies in cooperation with business. The labour and services markets witness systemic discrimination.

The main recommendations to the Government based on the analysis, discussion and assessment:

1. To properly plan the full and efficient implementation of the AA’s provisions, including so-called “soft” commitments (with no requirement of harmonizing the legislation with the EU legal acts).

2. To carry out an audit (“screening”) of current Ukrainian legislation for its conformity with the provisions of international and European law. To request EU assistance in implementation of this task as well as involve stakeholders’ representatives and Ukrainian non-governmental experts.

3. To set up informing of stakeholders by authorities about decision making, carrying out activities and their outcomes.

4. To launch systematic progress monitoring of planned reforms, including the monitoring of the implementation efficiency of new legislative provisions after its adoption.

5. To analyze Ukrainian and international experience of practical implementation of the state strategic documents (in areas of water resources management, non-discrimination, support of innovation and science, information society and consumer protection).

6. To introduce training programs for personnel of required specialization and conduct training activities on professional development of civil servants and staff (in area of basin management, consumer protection and non-discrimination).

7. To envisage in budget the financial instruments and funds, required for the AA implementation. To ensure necessary financial and organizational support to the National Council of Ukraine on Science and Technology Development, the National Research Fund, scientific program of support of the basin management and Vocational Education Councils. To carry out an audit of the research infrastructure of the state science and higher education institutions.
This study reviews decisions and measures the Government and Parliament of Ukraine took to implement the EU-Ukraine Association Agreement between Jan. 1, 2015 and Mar. 31, 2017.

The study organizers decided against applying a traditional form of monitoring research, where planned activities are compared with implemented ones. The decision was motivated by:

- Absence of other than official governmental reports sources of information on implementation of the Association Agreement provisions at the disposal of the CSP, which deprived such external monitoring of a substantial “value added”;
- Significant amount of information and impossibility to cover, in one study, all aspects of the Government’s activities aimed at fulfillment of Ukraine’s obligations within the framework of the Association Agreement.

Therefore, it was decided to choose monitoring evaluation of steps needed to be taken in order to implement specific chapters and provisions of the Association Agreement as a research method.

The distinctive features of the study are as follows:

**Monitoring was done based on the so-called “Goal Tree”** — that is, simulation of decisions and measures which must be approved/taken by authorized public policy makers in order to fully implement relevant chapters and provisions of the Association Agreement and comparing them with decisions and measures actually approved and taken between January 2015 and March 2017.

“Goal Tree” is a popular procedure for activities planning, often used as a way of putting policy tasks into order. It is a graphical reflection of a comprehensive structure of tasks and relations between them. Tasks at the top of a “Goal Tree” are of a general nature and gradually become more detailed mowing downward. In this way, the top portion of the ‘tree’ contains broad goals, and its bottom levels represent objectives, priority tasks and secondary tasks.

Having made a top-to-bottom analysis of a “Goal Tree,” one can get an answer to the question: “How do we have to carry out this task?” When analyzing it in a reverse order, that is, from bottom to top, one can get an answer to the question: “Why do we carry out this task?”

This study uses a “Goal Tree” retrospectively (ex-post) rather than projectively (ex-ante), i.e., with respect to those actions and decisions which were to be taken, rather than future ones.

In all cases, the goals are specific provisions/chapters of the EU-Ukraine Association Agreement.

**Specific chapters** and provisions of the Association Agreement were selected by UA CSP task forces.

**Comprehensive nature** of this Report does not mean that the study covers all topics but it means a **multifaceted character of discussions and evaluation** (with participation of various stakeholders’ representatives) of decisions and measures taken by government authorities. This evaluation is a generalization of relevant evaluations made by stakeholders.

**Participants in the study used the following criteria to evaluate decisions and measures taken by the government authorities** in order to implement the Association Agreement:

- **Fact** — evaluation whether the relevant decisions were adopted, relevant measures were taken.
- **Relevance** — whether the content of decisions/measures was relevant to what had to be done.
- **Scope** — to what extend a decision fulfils the relevant task (partially, fully).
- **Openness** — to what extend stakeholders were engaged (included) into the process of decision making/coordination and implementation.
The first to be evaluated was a Fact. This criterion served as a sort of a filter for further evaluation: if participants of the research stated that there were no decisions taken by the government authorities with respect to the relevant topic within the identified timeframe, evaluation was stopped; if they recognized that decisions were taken, the process of evaluation continued.

Relevance, Scope and Openness were evaluated on the basis of 10-point scale, where 1 is the lowest point and 10 is the highest point.

First, experts evaluated activities from the Goal Tree, after that, they evaluated objectives. This way, evaluation of objectives is the end result of generalization of evaluation of relevant activities.

**Way of evaluation**: joint discussion with representatives of stakeholders and individual interviewing of stakeholder representatives. The reports on the consultations with stakeholders are available at the link [https://goo.gl/BrajRf](https://goo.gl/BrajRf).

**Process of report drafting**

1. In February 2017, the Chief analyst of the Civic Sinergy project analyzed various kinds of monitoring research concerning implementation the Association Agreement and proposed a pilot option of a report based on a Goal Tree with participation of various stakeholders; relevant methods were developed to this end.

2. In March 2017, the Civic Synergy project Management supported the proposal and offered a quota principle of defining a number of topics (“trees”) for six task forces of CSP. It was planned to do a monitoring research of 16 topics altogether. Coordinators of task forces were instructed to prepare topic proposals and recommend candidates for carrying out researches (Appendix 1).

3. On April 5, 2017, persons recommended for carrying out researches participated in a training activity where they were explained methods of work, how to organize work and communication in the process of research as well as how to draft a report. Video of the training activity you can see here: [https://www.youtube.com/watch?v=dvLvmnAM?nc](https://www.youtube.com/watch?v=dvLvmnAM?nc).

4. In late April 2017, researchers working on relevant topics sent interim materials, which included:
   - preliminary draft of a Goal Tree;
   - list of stakeholders whose representatives were planned to participate in the process of discussion and evaluation;
   - a list of decisions and measures taken by the Ukrainian government authorities which will serve as a basis for research. The list of analyzed documents is on the link [https://goo.gl/NZD7zr](https://goo.gl/NZD7zr).

5. In May 3-5, 2017, the Civic Sinergy project analysts carried out 11 consultations on how to process prepared materials, clarification of tasks, helping to organize work and establishing sustainable communication.

6. In late May, authors of chapters of the report sent final materials, which were upgraded and edited in June-July 2017. Because some authors and topics of some chapters of the report changed, discussions and evaluations together with stakeholders took place in early July.
SECTION 1.
RATIFICATION AND IMPLEMENTATION OF THE ROME STATUTE
OF THE INTERNATIONAL CRIMINAL COURT (ICC)
OF 1998 AND ITS RELATED INSTRUMENTS
(ART. 8 OF THE EU-UKRAINE ASSOCIATION AGREEMENT)

Introduction

The International Criminal Court (ICC) is a permanent judicial instance having jurisdiction over individuals who committed the cruelest violations of human rights and humanitarian law, specifically genocide, crimes against humanity, war crimes and a crime of aggression. In no way does the ICC substitute a national judicial system, acting based on the principle of complementarity. The Court opens proceedings when a state is not willing or able to investigate a criminal case properly. Countries that have ratified the Rome Statute of the International Criminal Court are participants in the ICC.

The Rome Statute ratification is an explicit international commitment of Ukraine under the EU-Ukraine Association Agreement. Its Article 8 stipulates: "The Parties shall cooperate in promoting peace and international justice by ratifying and implementing the Rome Statute of the International Criminal Court (ICC) of 1998 and its related instruments."

On Jan. 20, 2000, Ukraine signed the Rome Statute in pursuance of Presidential Order of Dec. 11, 1999 No. 313/99-пн. However, the Constitutional Court of Ukraine prevented its full ratification. According to the CCU Conclusion of July 11, 2001 No. 3-в/2001, the Rome Statute did not conform to the Constitution of Ukraine. Thus, the Statute ratification had to be preceded by amending Article 124 of the Constitution.

In 2016, a necessary amendment to Article 124 of the Constitution was made by adding new section 6 as follows: "Ukraine may recognize the jurisdiction of the International Criminal Court on the conditions defined in the Rome Statute of the International Criminal Court." It is coming into force in June 2019.

Although Ukraine has not yet ratified the Rome Statute, it nevertheless has recognized the ICC jurisdiction. On Apr. 17, 2014, the Government of Ukraine submitted a declaration under Article 12(3) of the Rome Statute, recognizing the ICC jurisdiction over likely crimes perpetrated on the territory of Ukraine during the period of Nov. 21, 2013 through Feb. 22, 2014. And on Sep. 8, 2015, the Government of Ukraine submitted its second declaration under Article 12(3) of the Rome Statute, recognizing the ICC jurisdiction over likely crimes committed on the territory of Ukraine after Feb. 20, 2014 without a terminal date.

Thus, there is a peculiar situation: on the one hand, Ukraine has undertaken commitments before the International Criminal Court arising from the submitted declaration of jurisdiction recognition, and on the other hand, it has not acquired any rights since it is still not a member of the ICC.

Representatives of the following stakeholders were invited:

- **Authorities:**
  - Security Service of Ukraine (SBU);
  - Prosecutor General’s Office of Ukraine (GPU);
  - Council of Judges of Ukraine (CJU);
  - Ministry of Justice of Ukraine (MoJ);
  - Ministry of Interior of Ukraine (MoI);
  - Parliamentary Committee on Human Rights, Ethnic Minorities and Interethnic Relationships (PCHR);
  - Parliamentary Committee on Foreign Affairs (PCFA);
  - Ukrainian Parliament Commissioner for Human Rights (Ombudsperson).

- **Science institutions:**
  - Kyiv Taras Shevchenko National University;
  - National University “Kyiv Mohyla Academy”.

- **Non-governmental organizations:**
  - Counsellors’ Advisory Group;
  - Ukrainian Helsinki Human Rights Union;
Kharkiv Human Rights Protection Group;
Expert Center for Human Rights;
Eastern Ukrainian Center for Civic Initiatives;
Regional Center for Human Rights;
Amnesty International Ukraine;
East SOS.

Individual representatives:
- Counsels;
- Judges;
- Victims;
- Journalists;
- Independent experts.

Representatives of stakeholders who participated in the poll:
- Valentyna Symonenko, CJU Chairwoman;
- Olena Smirnova, Deputy Head of the Ombudsperson's Secretariat;
- Kostyantyn Tarasenko, Head of the National Police Chief's Human Rights Commissioners;
- Yevhen Afonin, captain, Chief of the SBU Slovyansk City Office;
- Judge of a local court in Luhansk Oblast (agreed to the consultation on condition of anonymity);
- Tetiana Fuley, Head of the Judiciary Corps Training Methodology Division of the National School of Judges of Ukraine;
- Volodymyr Yavorsky, independent expert, one of the authors of the application to the ICC on the "situation in Ukraine";
- Roman Kuybida, chief expert on judicial reform with the Reanimation Package of Reforms;
- Yurii Belousov, Head of the Expert Center on Human Rights, ex-representative of the Ombudsperson on issues of national preventive mechanism;
- Oleksandr Pavlichenko, Chairman of the Board of the Ukrainian Helsinki Human Rights Union, Deputy Director of the Kharkiv Human Rights Protection Group;
- Maksym Filipenko, coordinator of campaigns for the Amnesty International Ukraine, inter alia on ratification of the Rome Statute;
- Oleksandra Dvoretska, legal coordinator of East SOS;
- Hanna Yanova, expert in issues of gender-based violence during the armed conflict at the Eastern Ukrainian Center for Civic Initiatives;
- Pavlo Dykan, counsel representing victims in international crimes, coordinator of the Counsels' Advisory Group;
- Maryna Lilichenko, counsel representing victims in international crimes;
- Kostyantyn Zadoya, Assistant Professor at the Chair of Criminal Law and Criminology of the Kyiv Taras Shevchenko National University;
- Mykola Myrny, journalist with the Human Rights Information Center who specializes in covering Rome Statute ratification;
- Anna Mokrousova, psychologist, a liberated civilian captive of illegal armed formations in Luhansk.

Goal tree
Both the poll organizers and the respondents – representatives of stakeholders – decided to take a broad approach to the subject matter of Art. 8 of the EU-Ukraine Association Agreement (AA) and include into it the following questions:
- Exchange of information with the ICC in the context of the preliminary investigation into the "Situation in Ukraine" case initiated by the ICC Office of the Prosecutor (OTP);
- Work of authorized agencies on collection of evidence and registration of international crimes committed on the territory of occupied Crimea and in the Anti-Terrorist Operation (ATO) zone;
- Setting up an efficient mechanism for investigation of international crimes at the national level.

In this way we identified six main tasks (objectives) to do for successful implementation of the provisions of EU-Ukraine AA Art. 8:
I. Bring national legislation into line with international humanitarian and criminal law;
II. Provide for mechanisms in national legislation that will ensure cooperation with the ICC in compliance with the Rome Statute;
COOPERATION ESTABLISHED IN PROMOTING PEACE AND INTERNATIONAL JUSTICE BY RATIFYING AND IMPLEMENTING THE ROME STATUTE OF THE INTERNATIONAL CRIMINAL COURT (ICC) OF 1998 AND ITS RELATED INSTRUMENTS

Legend

- Adequacy
- Fullness
- Openness
III. Ratify the Rome Statute of the International Criminal Court in accordance with the commitment Ukraine has undertaken under EU-Ukraine AA Art. 8;

IV. Set up and ensure efficient operation of a Special Interagency Group for systemic evidence collection and registration of international crimes committed on the territory of occupied Crimea and in the ATO zone, which will include representatives of governmental agencies and NGOs engaging in documenting such crimes;

V. Establish efficient, full and timely exchange of information with the ICC in the context of the preliminary investigation into the "Situation in Ukraine" case initiated by the ICC OTP;

VI. Set up an efficient mechanism for investigation of international crimes at the national level.

These tasks were elaborated into a number of activities that detailed their contents.

The following needs to be done to bring national legislation into line with international humanitarian and criminal law:

- Analyze current Ukrainian legislation for its compliance with international humanitarian and criminal law;
- Have amendments to the Criminal Code, the Code of Criminal Procedure and other laws of Ukraine, which aim at harmonizing them with international humanitarian and criminal law, drafted, passed and signed by the President;
- In pursuance of the Minsk arrangements, have a law on amnesty, which will ensure adequate investigation and establishment of guilt through a court trial, as well as impossibility of pardoning persons guilty of international crimes, drafted, passed, signed by the President and duly applied by authorized agencies;
- Develop a high-quality regulatory framework that will detail the provisions on international crimes defined in the Codes.

To implement in national legislation of Ukraine mechanisms that will ensure its cooperation with the ICC in compliance with the Rome Statute, the following has to be done:

- Conduct an analysis of current legislation of Ukraine for presence of mechanisms enabling Ukraine’s cooperation with the ICC based on the Rome Statute principles;
- Draft and adopt necessary amendments to Ukrainian legislation.

The ratification of the Rome Statute of the International Criminal Court in accordance with the commitment Ukraine has undertaken under EU-Ukraine AA Art. 8 requires making the following steps:

- Recognize the ICC jurisdiction;
- Adopt the Rome Statute by the Ukrainian Parliament;
- Become a full-fledged ICC member;
- Achieve official recognition by the EU that Ukraine has fulfilled its commitment under EU-Ukraine AA Art. 8.

The following is necessary to do to set up and ensure efficient operation of a Special Interagency Group for systemic evidence collection and registration of international crimes committed on the territory of occupied Crimea and in the ATO zone, which will include representatives of governmental agencies and NGOs engaging in documenting such crimes:

- Approve a Regulation on the Special Interagency Group;
- Form the Special Interagency Group of representatives of governmental agencies and NGOs engaging in documenting crimes committed on the territory of occupied Crimea and in the ATO zone;
- Earmark funds in the Budget for operation of the Special Interagency Group, which must be carried on based on a plan;
- Train sufficient number of specialists from various state agencies under a refresher program for investigators and experts immediately involved in investigation of international crimes;
- Involve sufficient number of investigators in investigation of international crimes on the territory of Donetsk and Luhansk Oblasts from other regions of Ukraine;
- Form a law enforcement reserve of the National Police in Luhansk and Donetsk Oblasts and implement additional motivation mechanisms for its staff;
- Achieve recognition of the evidence collected by the Special Interagency Group as sufficient and adequate in national courts and international instances.

To establish efficient, full and timely exchange of information with the ICC under the two declarations submitted by the Government of Ukraine on the recognition of the ICC jurisdiction, the Government of Ukraine should:

- Timely prepare additional applications to the ICC that will answer questions raised in the annual reports on ICC OTP actions within the preliminary investigation into the "Situation in Ukraine" case;
- Timely and fully respond to additional inquiries received from the ICC OTP regarding the "Situation in Ukraine";
Confirm the massive and systemic character of persecutions in occupied Crimea and the international character of the armed conflict in Donbas in the information submitted to the ICC;
Periodically report to public, victims and their legitimate representatives on progress of communication with the ICC.

To set up an efficient mechanism for investigation of international crimes at the national level:
- Adopt legislation that will make it possible to involve an international element (foreign judges, prosecutors and detectives) in investigation and execution of justice in international crimes;
- Involve foreign judges, prosecutors and detectives in investigation and execution of justice in the issues of international crimes and admit international jurors to proceedings in international crimes;
- Train a sufficient number of specialists that will be directly involved in investigation and execution of justice in the issues of international crimes;
- Conduct effective investigation and charge those guilty of international crimes in occupied Crimea and the ATO zone.

**Explanation of scores**
The respondents noted certain work the Government had done to analyze current legislation of Ukraine and assess its compliance with provisions of international humanitarian and criminal law. Altogether, they rated this work at 5.6 points. Mentioned as examples were some of the bills drafted by the Presidential Administration and the Government, such as "On amending the Criminal Code and the Code of Criminal Procedure of Ukraine regarding the criminal liability for crimes against humanity" and others, that were intended to eliminate the drawbacks discovered in the analysis. However, the poll participants also noted this work had a fragmentary character of and the quality of the legislative initiatives in the implementation of international standards was poor. As a result, these efforts received a general **score of 3.6**. The rest of activities under the first objective were marked as "absent" and accordingly **rated at zero**.

The stakeholders' representatives observed that the Government continued working on the analysis of current legislation of Ukraine for presence of mechanisms enabling Ukraine's cooperation with the ICC based on the Rome Statute principles. They generally **rated this work at 5.6** and marked the rest of activities under this task as absent with **a zero score**.

According to the poll participants, the Government has fulfilled its task of the ICC jurisdiction recognition by Ukraine. They gave this objective a general score of 6 point. Specifically they took into account the two declarations the Government of Ukraine had submitted under Article 12(3) of the Rome Statute – on Apr. 17, 2014 and Sep. 8, 2015 – recognizing the ICC jurisdiction over likely crimes perpetrated on the territory of Ukraine since Nov. 21, 2013. Just based on these declarations had the ICC OTP initiated and continued the preliminary investigation into the "Situation in Ukraine" case. The rest of this objective's activities, which deal with the Rome Statue ratification per se, received **a zero score** as absent.

As for the fourth objective, on evidence collection and registration of international crimes committed on the territory of occupied Crimea and in the ATO zone, relevant work of the Government was rated very low. The respondents marked most activities under this task as absent, rating them at **zero**, since they said there was practically no information from authorized agencies on implementation progress. There was an exception: the formation of law enforcement reserve to remand the National Police in Luhansk and Donetsk Oblasts and the implementation of additional motivation mechanisms for local operation of the staff. This activity was **rated at 3.5**. The respondents also took into account the interim ruling issued by the UN International Court of Justice in the Ukraine vs. Russia case, which had recognized the prima facie jurisdiction under the International Convention for the Suppression of the Financing of Terrorism and the International Convention on the Elimination of All Forms of Racial Discrimination. With this fact in mind, they gave 2.6 points to achieving recognition of the evidence collected by the Special Interagency Group as sufficient and adequate in national courts and international instances.

All the activities under the fifth task were named not fulfilled and given **a score of zero**. To a significant extent it was due to lack of information whatsoever from authorized agencies on implementation progress. The stakeholders’ representatives pointed out that the Government, despite preparing a few applications to the ICC, for about two years had not been sending any additional information that would address the issues raised in the annual reports on ICC OTP actions within the preliminary investigation into the "Situation in Ukraine" case. Nor had the previous applications met the criterion of timeliness. For example, for almost half a year the OTP studied the situation in Ukraine based on applications of human rights organizations.
Similarly, the poll participants considered all the activities under the sixth task as not fulfilled and rated them at zero. They said the under-reformed law enforcement and judicial systems, inexperienced in working in the armed conflict conditions, had encountered an unprecedented number of crimes, which are difficult to investigate because of the numbers of victims and perpetrators as well as other reasons. The authorized agencies lack expertise and technical means to streamline the analysis process, so the respondents assessed the general level of available material and human resources as low. They paid special attention to the problem of low motivation the investigators had in view of the likely prospects of total amnesty in pursuance of the Minsk arrangements, their dependence on the political conjuncture at the local and/or national levels as well as the failure to keep public adequately informed on investigation progress. Most of the respondents also mentioned that the top leadership of the state lacked political will to involve foreign judges, prosecutors and detectives in investigation and execution of justice in international crimes as well as to admit international jurors to proceedings in such cases.

Conclusions
1. Ukraine has no significant achievements in implementation of Art. 8 of the EU-Ukraine Association Agreement. The only ponderable achievement of the Government is the submission of two declarations that de facto extended the ICC jurisdiction to Ukraine beginning from Nov. 21, 2013 and the amendment to Art. 124 of the Constitution of Ukraine that gives the green light to the Rome Statute ratification after the three-year deferment of coming into force.

2. There are fundamental difficulties in the interaction between civil society and state authorities on bringing Ukrainian legislation in line with international humanitarian and criminal law. Cooperation on systemic evidence collection and registration of international crimes committed on the territory of occupied Crimea and in the ATO zone has not been established either.

3. Practically no information is available from the authorized agencies on the evidence collection and registration of international crimes committed on the territory of occupied Crimea and in the ATO zone; on exchange of information with the ICC in the context of the preliminary investigation into the “Situation in Ukraine” case initiated by the ICC OTP; etc.
For the President of Ukraine:
- Initiate setting up a hybrid mechanism for involving foreign judges, prosecutors and detectives in execution of justice in Ukraine in the issues related to war crimes and crimes against humanity as well as for admitting international jurors to proceedings of Ukrainian courts in cases of international crimes.

For the Parliament of Ukraine:
- Bring the Criminal Code and the Code of Criminal Procedure of Ukraine in line with international humanitarian and criminal law;
- Ratify the Rome Statute of the International Criminal Court.

For the Cabinet of Ministers of Ukraine:
- Complete the assessment of Ukrainian national legislation for its compliance with international humanitarian and criminal law and draft, based on the assessment's findings, amendments to national legislation, specifically the Criminal Code and the Code of Criminal Procedure of Ukraine;
- Involve Ukrainian and foreign experts, representatives of Ukrainian and international human rights organizations and representatives of the International Committee of the Red Cross in the assessment of national legislation and the drafting of necessary amendments to the national criminal law and criminal procedure;
- Conduct an exhaustive analysis of Ukrainian national legislation for presence of mechanisms enabling Ukraine's cooperation with the ICC based on the Rome Statute principles and draft amendments to national legislation based on findings of the analysis;
- Develop an action plan on the ratification and implementation of provisions of the Rome Statute of the International Criminal Court in collaboration with NGOs and maintain dialogue with them during the entire process of the action plan implementation.

For the Prosecutor General’s Office of Ukraine:
- Form a Special Interagency Group for systemic evidence collection and registration of international crimes committed on the territory of occupied Crimea and in the ATO zone of representatives of the Ministry of Defense, the GPU, the Military Prosecutor's Office, the SBU, the MoI, the MoJ, the Ministry of Foreign Affairs and other state agencies as well as NGOs engaging in documenting such crimes;
- Ensure effective independent investigation and prosecution of persons involved in perpetration of international crimes in occupied Crimea and the ATO zone, ensure fair trial and prosecution for those guilty irrespective of the side that committed a crime and ensure access to justice for all victims of international crimes;
- Organize prompt preparation of applications to the ICC that will contain answers to questions raised in the annual reports on ICC OTP actions within the preliminary investigation into the “Situation in Ukraine” case and launch periodical GPU reports to public, victims and their legitimate representatives.

For the Council of Judges of Ukraine:
- Take into account existing difficulties in the execution of justice in cases related to corrupt actions of top officials and international crimes committed during the armed conflict from the angle of proper selection of judges for these cases, special security measures, proper guarantees of impartiality and increased transparency requirements;
- Send requests to EU countries for involvement of their representatives in the judges selection procedures during the implementation of a specialized model of executing justice in cases of corrupt actions committed by top officials as well as during the implementation of a model of transition period justice, and initiate the creation of proper legislative and institutional conditions for this.
SECTION 2.
STRENGTHENING THE JUDICIARY, IMPROVING ITS EFFICIENCY, SAFEGUARDING ITS INDEPENDENCE AND IMPARTIALITY (ART. 14 OF THE EU-UKRAINE ASSOCIATION AGREEMENT)

Introduction
The aspiration for peaceful settlement of conflicts, which must be ensured by impartial and fair courts of justice, has been one of the major features of European culture since long ago. That is why great attention was attached to the questions of justice and effective protection of rights and freedoms of person and citizen from the very beginning of establishing the present united Europe. The feeling of being legally protected, the confidence in being able of asserting one's rights and interests is the foundation, resting on which are both the personal feeling of civic liberties and the evolution of business activities and economic prosperity.

In Ukraine, unfortunately, judges and courts guarantee none of the above. The judicial independence is still a dream, despite all the formally existing norms and the declarations by politicians. The use of court as a political massacre tool, the massive corruption, the pressure on judges, the attempts of civil servants to influence trials, etc. – all have become a noxious traditions over the years of Ukraine’s independence. The very judicial profession has been compromised in Ukraine, and stable distrust of the judicature has evolved: according to a 2016 national poll under the Open Court project, 63% of Ukrainians give little or no credence to the judiciary. Therefore, the main task in the area of justice is to restore confidence in courts and judges in Ukraine. Just this goal has been guiding the large-scale judicial reform launched in 2014 immediately after the victory of the Revolution of Dignity (the Law of Ukraine “On restoring trust in the judiciary in Ukraine”). It gained momentum with the appropriate amendments to the Constitution of Ukraine made in 2016, the establishment of new institutions (the High Council of Justice and the Public Integrity Council) and the introduction of merit-based selection of judges and members of collective bodies directly involved in the organization and functioning of the judiciary in our country. The judicial reform is one of Ukraine’s international commitments, specifically under Art. 14 of the EU-Ukraine Association Agreement (AA) and the third part (operational) of the EU-Ukraine Association Agenda.

Within the scope of this study – in order to identify the implementation efficiency of the judicial reform – the authors built a tree of objectives. While designing the tree, the authors tried to cover the entire range of the reform, being aware of the interaction between various factors. In particular, the transparency of appointment of judges is closely tied up with the access to this profession, and therefore we were concurrently exploring whether young people wished to work in courts. The authors also probed the efficiency of governmental anticorruption measures in combination with the level of financing support of courts. It was important to find out whether the judiciary itself made sufficient efforts to restore trust in courts and recognize their authority. And certainly, the authors considered amendments to legislation as an integral part of the judicial reform.

Representatives of the following stakeholders were invited:
- Human Rights, Kyiv-based NGO;
- Judicial Reform group within the Reanimation Package of Reforms, Kyiv-based NGO;
- Berehinya, Ternopil-based NGO;
- Stanislav Human Rights Group, Ivano-Frankivsk-based NGO;
- Development Center "SAKURA," Chernivtsi-based NGO;
- Carpathian Human Rights Agency "Vested," Uzhgorod-based NGO;
- Podil’ya Human Rights League, Khmelnytsky-based NGO;
- Harmony, Vinnytsya-based NGO;
- Court Management Institute, Kyiv-based NGO;
- Institute of Applied Humanitarian Research, Kharkiv-based NGO;
- Counsels and other legal practitioners in Lviv, Kyiv, Uzhgorod, Vinnytsya and Kharkiv;
- Regional media in Lviv, Odesa, Ternopil and Vinnytsya;
- Journalists of the online publication LB.ua ("Livy Bereh," Kyiv-based);
- Workers of courts in Lviv, Ivano-Frankivsk, Zakarpattya, Odesa, Kyiv, Vinnytsya and Khmelnytsky Oblasts;
Territorial departments of the State Judicial Administration of Ukraine (SJA) in Lviv, Ternopil, Ivano-Frankivsk, Chernivtsi, Zakarpattya, Khmelnytsky, Vinnytsya, Kyiv, Kharkiv and Odesa Oblasts and the city of Kyiv;

Workers of prosecution bodies: the Prosecutor’s Offices of the city of Lviv, Kyiv Oblast, Ternopil Oblast, Ivano-Frankivsk Oblast and the city of Odesa.

Representatives of stakeholders who participated in the poll:
- Mykola Zaverukha, newspaper Ekspres, Khmelnytsky;
- Maria Konyk, Lviv Oblast SJA Deputy Head;
- Natalia Chumak, Kyiv SJA Deputy Head;
- Anastasia Bachynska, counsel, Uzhgorod;
- Olena Kakulina, Judiciary Press Center Acting Head;
- Nadia Boyko, Head of Secretariat of the Odesa Circuit Administrative Court;
- Oleksandr Lebed, Deputy Head of Secretariat of the Sumy Oblast Economic Court;
- Lyudmyla Bezusova-Popovych, chief PR specialist at the Ivano-Frankivsk Oblast Court of Appeal;
- Denis Pidhorny, prosecutor at the Main Military Prosecutor’s Office of the Prosecutor General’s Office of Ukraine;
- Oleksandra Hubyskis, online resource Nashi Hroshi, Lviv;
- Andriy Yanytsky, online publication LB.ua, Kyiv;
- Andriy Buri and Vitaliy Razik, regional charity foundation "Law and Democracy," Lviv;
- Mykola Yatskov, Carpathian Human Rights Agency “Vested,” Uzhgorod;
- Andriy Maleyn, Stanislav Human Rights Group, Ivano-Frankivsk;
- Vitaliy Misyats, Podillya Human Rights League, Khmelnytsky;
- Raisa Panasyuk, Harmony, Vinnytsya;
- Ihor Kukharchuk, Development Center “SAKURA,” Chernivtsi;
- Vitaliy Drobotun, Human Rights, Kyiv;
- Anatoli Mykytyshyn, counsel;
- Andriy Volynets, counsel;
- Ruslan Taratula, counsel;
- Ostap Tymchiy, counsel.

Goal tree
At the stage of preparation and discussion, the experts, study organizers and stakeholders’ representatives identified the following objectives:

I. Attraction of new (not related to the old system) specialists to courts;
II. Open and publicly accessible courts;
III. Amended legislation to improve judicial system functioning;
IV. Prevention of corruption in courts;
V. Adequate financing of judicial institutions;

These objectives were further elaborated into activities and measures.

Renewal of the Ukrainian judicial system requires, first and foremost, new specialists who would implement up-to-date openness and accessibility standards of judicial process, more broadly apply the principles of fairness (not just of lawfulness, as is the case now) in the administration of justice, use new technologies and alternative ways for the settlement of disputes, etc. Taking this into account, the following measures were singled out:
- Interest students in court internship and subsequent work;
- Conduct open competitions for taking the positions of judges among law professionals.

The Ukrainian judicial system features lack of openness for public at large. The signs of this lack of openness are manifested by the way judges are selected, evaluated, appointed and moved to other courts. Reprimands and proceedings regarding judges, their performance evaluation, including that from the angle of reversed judgments, and other things are not characterized by openness either. You cannot get to all courts even for open trials. It can be an indication of both the unwillingness of judges to be open to public and the lack of practice of properly informing society on activities of courts.

There are big problems with the physical access to judges for people with physical disabilities. According to the State Judicial Administration (SJA), only 17% of courts have ramps. Therefore, the poll participants were asked to assess the following:
STRENGTHENING THE JUDICIARY, IMPROVING ITS EFFICIENCY, SAFEGUARDING ITS INDEPENDENCE AND IMPARTIALITY IN PURSUANCE OF THE EU-UKRAINE ASSOCIATION AGREEMENT

Legend

- Adequacy
- Fullness
- Openness
Improvement in the physical accessibility of courts for people with disabilities;
Establishment of proper communication of courts with society (existence of a PR officer at courts);
Accessibility and openness of court services to people with disabilities.

The judiciary inefficiency in Ukraine is also related to the specifics of its procedural legislation. In particular, it needs to be revised to ensure observance of reasonable length of proceedings; trial accessibility for people with disabilities; implementation of up-to-date technical means of communication; unity of law enforcement practices; equality of parties to a trial, especially in criminal proceedings; and a number of other things. The codes of procedure – which are the foundation for the execution of justice – do not contain any norms to ensure proper representation of people with disabilities. Therefore, the authors of the study also paid significant attention to amendments in procedural legislation.

A poll of judicial service consumers, conducted in late 2014 by the Center for Judicial Studies in conjunction with the Council of Judges of Ukraine and the SJA, provided basic material for an analysis of the judiciary corruption and bribery situation. Of those polled, 11.5% of citizens confirmed that they knew facts of corrupt actions and bribery of both judges and court staff. The percentage is significantly higher for courts of appeal, 21-26%.

In a poll of judges, conducted in 2014 within the framework of the Monitoring of Judicial Independence, 22.2% of respondents confirmed that they knew facts of corrupt actions and bribery of both judges and court staff. Among the polled judges of courts of appeal, 26.9% answered in affirmative to this question, and among the judges of higher specialized courts, 34.9%.

Therefore, special attention was paid to ways of preventing and minimizing corruption in the Ukrainian judiciary:
- Amend legislation on liability of judges;
- Attract new specialists through the Public Integrity Council.

Attracting the best law professionals to court work is hardly possible without adequate financial support of the operation of judges. The financial independence of a judge must be a safeguard against corruption, whereas the court operation efficiency is directly linked to its financing and availability of necessary materials and equipment. Therefore, a separate block in the study focused on assessment of measures taken by state authorities regarding:
- Compliance with provision standards for court operation;
- Salaries of court staff;
- Amendments to salary calculation for judges.

Explanation of scores
There are courts that hold competitions for students to undergo practical training. However, few graduates stay, and even if they do, they are in permanent search for another job and eventually move on to another position in another system. It is partly due to the low level of salaries in courts. On the other hand, the court work experience opens up wider vistas for engaging in activities of a counsel or a prosecutor. According to the discussion participants – representatives of stakeholders – competent authorities have taken not a single decision to change this situation. General score – 0 (same score by all the criteria).

On June 2, 2016, the Ukrainian Parliament adopted the Laws "On amending the Constitution of Ukraine (regarding justice)" and "On the judicature and the status of judges." The latter act defines all basic functioning principles of courts and the judge selection procedure.

On Nov. 7, 2016, the High Qualification Commission of Judges of Ukraine (HQCJ) announced a competition for 120 positions of judges in cassation courts within the Supreme Court of Ukraine:
- Administrative Court of Cassation, 30 positions;
- Economic Court of Cassation, 30 positions;
- Criminal Court of Cassation, 30 positions;
- Civil Court of Cassation, 30 positions.
- On Apr. 3, 2017, the HQCJ also announced selection of candidates for positions of judges to cope with predicted 600 vacancies in local courts.

1 Newsletter of the Center for Judicial Studies (Інформаційний вісник Центру суддівських студій) No. 16.
The abovementioned amendments to legislation allowed law professionals to apply for positions in the Supreme Court and local courts. Based on tests, interviews and conclusions made by the Public Integrity Council (PIC), it was planned that candidatures for Supreme Court justices would be approved in late May 2017. However, the selection procedure for the Supreme Court is still underway.

Meanwhile, the selection procedure for local courts has just been launched, so saying of its openness would be premature. Moreover, a special selection procedure is envisaged for judge assistants who have a required experience (more than three years). This procedure is to be defined by the High Council of Justice. Most representatives of stakeholders favorably assessed the selection procedure novels but admitted that it was too early to conclude on the transparency and fairness of the competition process because such procedures had been applied only for the selection of Supreme Court justices. Accordingly, the latter element lowered the general score – 7 (8 for adequacy, 6 for fullness and 7 for openness).

Ensuring access to court premises for people with disabilities and creating there adequate conditions for this category of citizens are an order-of-the-day problem for judiciary bodies.²

The UN Convention on the Rights of Persons with Disabilities, ratified by Ukraine and in force since Mar. 6, 2010, is the basic international document that guarantees the rights of the disabled. The Convention binds its participating states to "enable persons with disabilities to live independently and participate fully in all aspects of life." According to its Article 13, "States Parties shall ensure effective access to justice for persons with disabilities on an equal basis with others, including through the provision of procedural and age-appropriate accommodations, in order to facilitate their effective role as direct and indirect participants, including as witnesses, in all legal proceedings, including at investigative and other preliminary stages." Ukraine’s building regulations also include special rules for court premises (DBN В.2.2-26:2010). These rules, which are used in designing new or reconstructing existing court premises, allow the buildings of courts to be brought up to international standards.

According to the SJA, just 17% of general jurisdiction courts (115 of 677; courts on the territories of Crimea and Eastern Ukraine occupied by Russia are not included) administer justice in conditions that nearly meet the proper premises requirements, according to basic parameters prescribed by the DBN. The rest of courts are in want of reconstruction, capital repair or construction of new premises.

During 2014-2015, a wide national campaign was held to analyze justice accessibility for people with disabilities and measures were taken to enhance the capacity of organizations representing the rights and interests of the disabled in various regions of Ukraine (Lviv, Ivano-Frankivsk, Chernivtsi, Zakarpattya, Volyn, Khmelnytsky, Vinnytsya, Kharkiv, Ternopil and Odesa Oblasts). These activities resulted in proposed amendments to legislation and recommendations for judiciary bodies, executive agencies and local governments aimed at essential improvement of justice accessibility for persons with disabilities³.

On Dec. 28, 2016, the Cabinet of Ministers of Ukraine by Order No. 1073-p approved an action plan for the implementation of recommendations of the UN Committee on the Rights of Persons with Disabilities (CRPD). These recommendations had been set forth in the final comments the CRPD had provided for Ukraine’s first report on the implementation of the UN Convention on the Rights of Persons with Disabilities. The governmental action plan covers a period until 2020 and includes justice accessibility issues. To address these issues, all the Oblast State Administrations in 2017 set up working groups comprising representatives of civil society, executive agencies and local governments.

The respondents – representatives of stakeholders – noted measures being gradually taken to ensure access to justice for people with disabilities. Obstacles on this way are predominantly due to insufficient financing and the specificity of premises where justice is administered. Most of local court premises are ill-fitted for persons with disabilities and do not meet legislative accessibility requirements (DBN B.2.2-17:2006 “Accessibility of buildings and structures for low-mobility groups of population” and DBN B.2.2-26:2010 “Courts”). However, according to the respondents, the special training for court staff in communication ethics and provision of services to the disabled was a great achievement that much compensated for the architectural and procedural lacunas. General score – 4 (5 for adequacy, 3 for fullness and 4 for openness).

---

² See the study on access to justice for people with disabilities carried out by the Law and Democracy foundation in courts using an observation technique [http://www.fond.lviv.ua/wp-content/biblioteka/_pdf](http://www.fond.lviv.ua/wp-content/biblioteka/_pdf).

In accordance with SJA Order No. 145 of Nov. 1, 2013 and in pursuance of the decision of the XI Congress of Judges of Ukraine dated Feb. 22, 2013, positions of chief specialist in public relations (press secretaries) were gradually introduced in the manning tables of courts as a civil service position, and since 2016, as a position within the support service.

The above order also prescribes appointing persons responsible for cooperation with the media. This duty is most often assigned to a deputy head of staff or an assistant chairperson of a court. In 2015, the National School of Judges of Ukraine in cooperation with the USAID Fair Justice project developed and implemented a distance learning course for court press secretaries. Since then, three such courses have been delivered to a total of nearly 200 court staffers.

Journalists appreciate publication of dockets on courts' web sites and openness of the Unified State Register of Court Decisions. The Sudova Vlada (Judiciary) portal contains pages of all courts in Ukraine. Most of them provide examples of applications, excerpts from legislation, a map of the court location, news and generalization of court practices. There are also automated e-court sections, including lists of distributed cases, lists of cases awaiting action and information on proceedings.

Some courts have approved their communication strategies. These courts often hold image events that are not directly related to the exercise of justice but facilitate building better mutual understanding with public. Such events include excursions for students, open days, informal meetings with journalists, corporate theatrical performances, etc.

However, courts almost never pay attention to media coverage of proceedings and their results in cases that bring about significant public interest. Instances when courts initiated collaboration with the media on such cases are few and far between. The respondents representing the media noted that they did not feel relief in their work from the abovementioned communication activities of courts. General score – 6 (7 for adequacy, 6 for fullness and 5 for openness).

Despite the existence or relevant legal provisions, in has been just in recent years for Ukrainian society to recognize the necessity of providing adequate opportunities for persons with disabilities to be immediate participants in proceedings and independently defend their rights and interests. A special point for attention is the need to have proper legal regulation of procedures for involving a sign language interpreter for deaf and/or dumb persons, familiarizing blind persons and people with defective vision with case materials and decisions, identifying a blind person's signature, etc.

On Dec. 9, 2015, the Parliamentary Committee on Affairs of Veterans, Combat Participants, Anti-Terrorist Operation Participants and Persons with Disabilities approved a decision "On ensuring equal access of persons with disabilities to justice." The decision contains a number of measures the SJA and other agencies should take to solve the issues of ensuring the architectural, informational and legal accessibility.

The SJA sent letter No. 14-18362/15 of Dec. 1, 2015 to the chairpersons of courts of appeal, specialized courts of appeal and local specialized courts as well as the chiefs of SJA territorial departments with proposals on assistance to people with disabilities in the exercise of their rights to equal access to justice.

Presently, the SJA, local courts and general jurisdiction courts of appeal have taken important measures on applying up-to-date information and communication tools, inter alia to improve the access to the judicature and court services for persons with disabilities. General score – 5 (5 for adequacy, 6 for fullness and 4 for openness).

The procedural legislation needs amendment that would improve the judicial efficiency, in particular prevent abuse or procedural rights, clearly delimit the jurisdictions of courts of different specializations, improve the observance of reasonable length of proceedings and suggest alternative ways for the settlement of disputes. The procedural legislation areas that need to be amended include defining a procedure for electronic evidence investigation, streamlining proceedings in simple cases, improving writ proceedings, preventing procrastinations of cases, implementing e-court, improving the representation in courts by counsels, ensuring the unity of law enforcement practices by the Supreme Court, etc. However, no substantial amendments to procedural legislation aimed to improve the judicial system functioning have been made. General score – 1 (1 for adequacy, 1 for fullness and 1 for openness).
The requirement for judges to submit declarations of integrity and kin, the monitoring of the way of life of judge and the electronic declaration of income have become a radical innovation in the fight against corruption. Judges have to submit their declaration of integrity annually before Feb. 1 by filling out the form on the HQCJ official site. Every year before Apr. 1, judges have to submit a Declaration of Person Authorized to Fulfill State and Local Government Functions. The property declarations of judges are subject to obligatory vetting by the National Agency on Corruption Prevention (NACP).

Amendments to Art. 126 of the Constitution of Ukraine have partly changed approaches to detention of a judge. The Law of Ukraine "On the judicature and the status of judges" has also changed approaches to liability of judges. In particular, the grounds for disciplinary liability of a judge are made more specific, whereas counsels and citizens are granted a personal right to file a complaint about judicial misconduct.

The above amendments to judge liability legislation have just come into force, so assessing their effectiveness will be premature. General score – 7 (7 for adequacy, 8 for fullness and 6 for openness).

Art. 87 of the Law "On the judicature and the status of judges" provides for setting up a Public Integrity Council to assist the HQCJ in establishing whether a judge (a candidate for a position of judge) meets professional ethics and integrity criteria for purposes of qualifying evaluation.

The PIC provides its conclusions and publishes information about its opinion of how much a candidate's way of life matches his or her declared income and estate, as well as other information of public interest that affects the selection. The Council has its own web site on which it publishes entire information pertaining to its operation. There is no like of the PIC abroad. Its performance will be assessed depending on who of the candidates become Supreme Court justices. The general score is quite high – 9 (9 for adequacy, 9 for fullness and 9 for openness).

During 2016, the budget of bodies and institutions of the justice system grew by UAH 1,273.7 million or 24%. Nearly 900 systems for the audio recording of proceedings were purchased and installed. As a result, the level of provision of local courts and courts of appeal with such systems rose from 68% up to 75%. In 2014-2016, the average per capita budgeting of judicial systems in Europe was €60 as against less than €40 in Ukraine. In 2017, UAH 8.63 billion was earmarked in the State Budget of Ukraine for the SJA, which is by UAH 3.3 billion or nearly 63% more than in 2016. The level of meeting the judicial system's needs has grown from 47% up to 71%.

At the same time, there are courts that have not enough money even to buy stationery and pay for postal services. Courtrooms are not equipped adequately enough, in particular those intended for use in a video conference mode. Many premises are in need of repair, and many courts do not provide their visitors with access to toilet rooms. There is objective need to build new, custom-built facilities that will meet standards and conditions for being there of staff, convoy and convoyed persons, as well as for access by persons with disabilities, security of judges, etc. Despite this fact, the general score is rather high – 7 (8 for adequacy, 7 for fullness and 6 for openness).

In 2017, the average salary of court staff was UAH 9,310, UAH 839 or 10% up from that in 2016.

This increase in salaries, which followed the minimum wage rise, is not essential. As for the salaries of the heads of court secretariats and assistants, the poll participants consider them sufficient. However, the salaries of civil servants, courtroom secretaries, and technical personnel maintaining computer equipment and providing IT services are still extremely low and not competitive in the labor market. General score – 4 (4 for adequacy, 5 for fullness and 3 for openness).

Art. 135 of the Law "On the judicature and the status of judges" provides that the compensation of a judge includes a salary and bonuses for
1. Long service;
2. Holding an administration position in court;
3. Academic degree;
4. Work that assumes access to state secrets.
The basic salary equals:
- For judges of local courts: 30 subsistence levels for able-bodied persons;
- For judges of courts of appeal and higher specialized courts: 50 subsistence levels for able-bodied persons;
- For judges of the Supreme Court: 75 subsistence levels for able-bodied persons.

The transitional provisions of this Law establish an order of bringing the salaries of judges in conformity with Article 135.

In 2016, the average remuneration of judge was UAH 22,334. In 2017, according to budgetary assignments, the average compensation is expected at the level of UAH 32,603, that is by UAH 10,269 of 46% higher than in 2016.

After passing a qualifying evaluation, the average salary of judge must be up to UAH 65,000 for courts of appeal and up to UAH 39,000 for local courts.

The abovementioned provisions of law apply only to judges who have passed a qualifying evaluation. The qualifying procedure does not take place today, so actually the salaries have been scaled up in accordance with this law only in several courts of Kyiv as well as for judges who have passed qualification for continuation of their powers. There is certain unfairness here, since there are judges who have qualified but remain without powers, while receiving a salary twice as high as that of judges who administer justice at a heavy workload. **The general score is rather high – 7 (8 for adequacy, 7 for fullness and 6 for openness).**

**Conclusions**

1. The implementation status of the EU-Ukraine AA provisions on judicial reform is on the whole satisfactory.
2. Attraction of new law professionals to positions of judges through the PIC is highly rated.
3. There is no progress in motivation of students to work in courts, nor there is progress in making amendments to procedural legislation.
4. The communication between courts and society is gradually improving. Proper communication is a sine qua non for enhancing the confidence in court.
5. Courts ought to be more proactive in collaboration with the media on coverage of proceedings and their results in cases that bring about significant public interest and should develop collaboration with civil society organizations.
6. So far, there is insufficient practice of applying a part of legislation adopted over this period, so assessment of its effectiveness would be premature.
7. Subsequent monitoring is needed for the implementation of legislative amendments on judicial reform that are scheduled by the strategic plan of judiciary development in Ukraine.
8. The competition for positions of Supreme Court justices deserves praise. Still, it will be early to make any positive conclusions until the selection process is over and this court begins working.
RECOMMENDATIONS

For the Parliament of Ukraine:
- Legislate for competition-based procedure for selecting judge assistants;
- Adopt amendments to procedural legislation that will ensure proper conduct of proceedings.

For the Parliament of Ukraine and the Cabinet of Ministers of Ukraine:
- Bring up the level of financing support of judicial bodies to the average level in Europe;
- Raise the level of salaries to court staff.

For the High Qualification Commission of Judges of Ukraine and the High Council of Justice:
- Accelerate implementation of the procedure for qualifying evaluation of judges;
- Involve the Public Integrity Council in selecting judges of general courts;

For the Council of Judges of Ukraine and the State Judicial Administration:
- Enhance communication with the media in order to increase the authority of the judiciary.
Introduction
Since 2000, European countries have been implementing common water management policy and model. The basics of this policy as well as its management tools and implementation terms for key actions were defined in the EU Water Framework Directive (Directive 2000/60/EC of The European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy). Generally speaking, the Water Framework Directive (WFD) aimed at achieving a good status of natural waters by 2015. The achievement of this common goal was envisaged through the implementation of integrated water management at the level of river basins. Besides this water policy framework document, the EU has elaborate legislation that lays down common objectives and ways of solving problem related to the water resources quality and management. A task of each EU Member State is to adapt its own legislation for the achievement of these objectives and comply with the unified rules and standards, while independently deciding on methods that will be used to this end.

Ukraine, having recognized its European integration as a priority and fulfilling its commitments under the EU-Ukraine Association Agreement (AA), has to put in considerable efforts and resources to establish cooperation on water quality and water resources management. This activity is probably the most complicated of the eight sectoral cooperation issues in environment protection. Articles 363 and 365 of the EU-Ukraine AA outline tasks on the harmonization of Ukrainian legislation to EU law and policies in the field of water quality and water resources management in order to implement norms that will guide the water policy and management development in Ukraine. Of the six water directives included in the EU-Ukraine AA, the WFD implementation comes to the front.

Representatives of the following stakeholders were invited:
- Central executive agencies:
  - Ministry of Ecology and Natural Resources of Ukraine (MoENR);
  - Ministry of Health of Ukraine (MoH);
  - Ministry of Economic Development and Trade of Ukraine (MoEDT);
  - Ministry of Regional Development, Construction, Housing and Utilities of Ukraine (MoRD);
- Basin authorities:
  - Dnipro Basin Water Resources Department (DBWRD);
- Research organizations:
  - National Academy of Sciences of Ukraine (NASU);
  - Institute of Hydrobiology of the NASU;
  - National University of Water and Environmental Engineering;
  - Institute of Water Problems and Land Amelioration of the National Academy of Agrarian Sciences of Ukraine.
- Non-governmental organizations:
  - Global Water Partnership Ukraine;
  - UkrVodokanalEkolohiya, association of water/wastewater enterprises;
  - All-Ukrainian Environmental NGO MAMA-86
  - National Ecological Center of Ukraine.
- Experts of EU water projects:
  - EU Water Initiative Plus (EUWI+).
Representatives of stakeholders who participated in the poll:

- Mykola Kuzyo, Deputy Minister, MoENR;
- Ihor Strelets, DBWRD Deputy Head;
- Mukhaylo Yatsyuk, Deputy Director, Institute of Water Problems and Land Amelioration;
- Andriy Demydenko, expert, Global Water Partnership Ukraine;
- Natalia Zakorchevna, EUWI+ expert.

Goal tree

Taking into account the contents of the EU-Ukraine AA Arts. 363 and 365, the organizers and stakeholders’ representatives identified certain questions for the scope of the study. These include the gradual approximation of Ukrainian water legislation to that in Europe and the development of a sectoral strategy, as well as a wide range of other aspects of reforming the water resources management system based on the basin principle (when the management of surface and ground waters is carried on in an integral manner, that is, for the common goal of achieving a good status of all the waters) and by common efforts of all water users within a river basin or water intake area rather than within an administrative division territory by only the State Agency of Ukraine for Water Resources, as is the case now:

- Institutional and organizational reforms;
- Implementation of basin management tools;
- Scientific support development;
- Ensuring HR potential and preparing stakeholders for management of river basins in Ukraine.

Eight objectives were identified as the main components of successful implementation of the Agreement’s Arts. 363 and 365:

I. Analyze conformity of Ukrainian legislation with the EU law and policies on water quality and water resources management in accordance with WFD requirements and norms;
II. Adopt legislation conforming to WFD provisions;
III. Form basin management authorities at the national and cross-border levels;
IV. Implement basin management tools for water resources. The rights and duties of legal relationship subjects should be clearly defined and properly regulated;
V. Provide scientific support and methodology of the basin management tools implementation;
VI. Train specialists for the basin-based management implementation in compliance with the WFD;
VII. Involve key stakeholders in basin management;
VIII. Fund the River Basin Management Plan (RBMP) implementation.

These eight objectives were further detailed as follows:

A comparative analysis of Ukrainian water legislation with WFD provisions requires:

- Identify a competent authority (authorities) responsible for adaptation of water legislation;
- Identify gaps in Ukrainian legislation and draw up comparative tables of WFD vs. Ukrainian law provisions;
- Define a strategy of Ukrainian water legislation adaptation/approximation to WFD requirements;
- Develop a sectoral strategy – National Strategy on water quality and water resources management in compliance with the WFD.

Water resources management in the EU is basin-based and detailed by a number of norms defined in the EU WFD, whereas the fundamental water law of Ukraine – the Water Code of Ukraine (WCU) of 1995 – until 2016 contained just a declaration of this principle and did not provide any norms on its implementation at the national or cross-border levels. So the harmonization of legislation should mean proper transfer of WFD norms into the Ukrainian legal framework and requires the following steps:

- By amending the WCU, legislate a hydrographic zoning unit for the territory of the country – major river basin districts;
- Develop and approve regulations on Basin Department, vesting it with the functions provided for by WFD Art. 3 (application of the WFD rules within each river basin district (Art. 3.2) or a part of an international river basin district lying within the territory of a EU Member State (Art. 3.3); achievement of the environmental objectives and coordination of programs for the whole of a river basin district (Art. 3.4));
-立法ize a water resources management tool – River Basin Management Plan;
-立法ize a basin-based organizational structure of water resources management: Basin Councils, Basin Departments and authority distribution between central executive agencies and basin authorities by amending the WCU.
UKRAINE HAS GRADUALLY APPROXIMATED ITS LEGISLATION TO EU LAW AND POLICIES IN THE FIELD OF WATER QUALITY AND WATER RESOURCES MANAGEMENT AND IS IMPLEMENTING THE EU WATER FRAMEWORK DIRECTIVE IN ACCORDANCE TO ITS COMMITMENTS UNDER ARTS. 363 AND 365 OF THE EU/UKRAINE ASSOCIATION AGREEMENT

Legend

- Adequacy
- Fullness
- Openness
The basin principle must be in the first place implemented in the organizational structure of water resources management and the proper distribution of powers and responsibilities among basin management authorities. This is one of strategically important basin-based management reforms. Presently, there are nine water resources management departments. However, despite their name, their activities have little to do with WFD provisions. Therefore, to form an organizational structure of basin management at the national and cross-border levels, the following should be ensured:

- Regulations on basin-based reform of the organizational structure and the distribution of authority among entities of water resources management approved;
- Management mechanisms for international rivers, lakes and coastal waters developed/revised;
- Regulations on Basin Departments updated/revised in compliance with the WFD;
- Basin Councils of major river basins formed/renewed.

To implement basin management tools for water resources, the following should be ensured:

- Procedure for WFD-compliant state water monitoring adopted;
- WFD-compliant programs of water resources status monitoring for major river basins developed and implemented;
- Water bodies in river basins defined;
- Indicators of natural (reference) conditions for all water body types in Ukraine approved;
- Water bodies – management units in each on the river basins – classified;
- Characteristics of river basin districts analyzed;
- Essential management problems in river basin districts identified based on findings of the analysis and assessment of the anthropogenic pressure and impact on the ecological status of a basin’s water resources;
- Environmental objectives identified for major river basins and activities programs defined to achieve these objectives;
- Stakeholders involved in the RBMP development.

The implementation the basin management tools requires scientific support and methodology, which is still absent in Ukraine. Therefore, to implement the WFD norms properly, there should be involvement of scientists in the process and relevant research conducted, as well as methodology developed to support planning at the level of river basin districts. The following needs be done:

- Approve an RBMP structure;
- Approve techniques of water body identification, boundary definition (delineation) and typologization;
- Define natural (reference) conditions for all identified water body types in Ukraine;
- Approve techniques of water body classification according to the WFD;
- Approve techniques of analysis and assessment of the anthropogenic load and impact on water resources;
- Approve techniques of identification and assessment of risks of failing to achieve a good status of water bodies;
- Approve effectiveness assessment techniques for RBMP measures.

An important task is to train specialists for the WFD implementation, which requires:

- Development and implementation of relevant training courses for civil servants;
- Trainings and appraisals in the conduct of monitoring programs for the staff of institutions involved in water resources monitoring;
- Training courses in the RBMP development for Basin Departments and contractors under individual tasks of the RBMP development;
- Development and implementation of special curricula on basin-based water resources management in education institutions that train students for work in the water sector.

Involving key stakeholders in basin management is an important condition of the new water resources management model. The following measures should be taken:

- Analyze water users and identify major stakeholders for each river basin;
- Ensure representation and participation of stakeholders on Basin Councils;
- Hold public consultations and reflect in a separate RBMP chapter how the comments made at such consultations have been taken into account;
- Deliver training in basin management to stakeholders.
**Basin management and RBMP implementation funding** is a separate important aspect of the WFD-compliant water resources management reform. The founding principles of basin-based management need to be implemented: “water pays for water, consumer pays for consumption and polluter pays for pollution.” To this end, the following should be done in Ukraine:

- Revise/update water conservation financial tools;
- Establish a special water fund;
- Revise tax legislation regarding funds allocation for the RBMP implementation.

**Explanation of scores**

Not all of the polled representatives of stakeholders had same access to information on the questions under review. This, in particular, affected their assessment and scores related to the preparatory stage – the legislative gaps analysis and the adaptation/approximation strategy development. All the respondents had clear information on the authority (authorities) responsible for the water legislation adaptation, and this is an explanation of the high scores (7.5 for adequacy, 6.25 for fullness and 6.5 for openness). However, as for the identification of gaps in Ukrainian water legislation and the development of its adaptation strategy in compliance with the WFD, the scores given by the participants varied significantly as soon as it came to the first criterion – “fact”: the independent experts and NGOs turned out to be better aware of this governmental spadework than their counterparts from research institutions. An explanation is that these tasks were fulfilled as part of EU assistance projects and were not widely publicized among various stakeholders, remaining unnoticed as brief news and other pieces of information on the sites of the MoENR and the projects. The scores given by the informed respondents were rather high:

- Identification of gaps in legislation: **6.8 in general, including 9 for adequacy, 6 for fullness and 6.5 for openness**;
- Development of a strategy for the adaptation of Ukrainian legislation to that of the EU: **6.8 in general, including 7.5 for adequacy, 6.5 for fullness and 6.5 for openness**.

The scores’ highs were given for the "adequacy" of the EU project's experts' work on the analysis of gaps and the strategy development, whereas the lows (for the fullness and involvement of stakeholders) indicated shortcomings and weaknesses in the fulfillment of these tasks. Since the spadework to a significant extent determines the efficiency of next steps, the legislation reform in particular, as well as of the implementation of European integration commitments in the water sector in general, these factors require more attention and efforts in the future.

The respondents were unanimous in noticing progress in the gradual approximation of national water legislation to the EU law and the embedment of WFD requirements in the legislation of Ukraine (general score – 7.1 of 10). High scores were given to the adoption of hydrographic zoning units for major river basin districts (average score – 8), the RBMP as a management tool (6.8) and the regulations on the RBMP structure (6.5).

None of the legislative and regulatory acts received the top score of 10 points by the established criteria (adequacy, fullness and openness), the “fullness” and "decision-making openness" being the main contributors to the score reduction. Specifically, the law on amending the WCU, which had been adopted in October 2016 and defined nine major river basins, received the highest scores from all the stakeholders by the criteria of adequacy, 9, fullness, 7.8, and openness, 7.4. This law had also approved the decision to implement the RBMP, the detailed structure of which had been provided by the Cabinet of Ministers of Ukraine decision on the RBMP development procedure, and all the respondents recognized it as adequate (7.8), full (7.3) and adopted in quite an open manner – with involvement of stakeholders (5.8). However, the research institution representative rated the decision on RBMP structure approval significantly lower, and this affected the average score.

The respondents were not unanimous in their assessment of the decision that had legislated for the implementation of the basin principle in Ukraine, namely the institutional measures on reforming the organizational structure of water resources management: establishment of basin authorities (or revision of the existing ones) and authority distribution between them and central executive agencies. Despite the certain steps made at the level of legislation – the amendments to the WCU regarding the implementation of regulations on Basin Councils and Basin Departments – some of the respondents, including the representatives of a Basin Department and a research institution, did not recognize the very fact of these changes, whereas the rest rated it low, pointing at its inadequacy, being not full and poor openness during its adoption (**3.3 on average and 3.7 for adequacy, 3.7 for fullness and 2.6 for openness**).
The decision on establishment/revision of international mechanisms for management of cross-border watercourses and international lakes was not assessed unanimously either. Most respondents did not recognize the fact of the decision implementation and the rest rated it low: general score of 5.7 and 5.7 for adequacy, 5 for fullness and 5.5 for openness.

The poll participants did not see any progress in the basin-based institutional and organizational reforms of water resources management and management tools implementation (monitoring, RBMP) in accordance with the WFD as well as any efforts in training of specialists and scientific support of the basin-based management implementation in compliance with the WFD. Similarly, the tasks on involving stakeholders in water resources management were left beyond organizational efforts. Finally, the respondents did not identify any progress in the development of financial mechanisms for the basin-based management implementation.

Conclusions
1. Ukraine has succeeded in achieving certain progress in the gradual approximation of its water legislation to the WFD in pursuance of Art. 363 of the EU-Ukraine Association Agreement (a number of amendments were made to the Water Code of Ukraine on basin-based integrated water resources management; the hydrographic zoning units for the country’s territory and the major river basin districts were defined; and the water resources management tool – River Basin Management Plan – as well as the WFD-compliant water resources management structure were established).

2. There is no progress in the implementation of AA Art. 365 on the development of a sectoral strategy for the water quality and water resources management.

3. The Government directs its efforts only toward the legislative components of this work, whereas the financial aspects and the issues of HR capacity building in the sector and involvement of stakeholders are not properly addressed.

4. Despite the existence of progress in the approximation of Ukrainian legislation to the WFD, the assessment of how this commitment is fulfilled shows that it is not full (partial transfer of WFD norms; a significant part of the corresponding norms is envisaged in draft regulations of which approval is delayed) and not open enough (involvement of all stakeholders in the processes of decision making and implementation at their early stages).

5. There is protraction in update of the regulations on Basin Departments and adoption of decisions on the restructuring of the State Agency of Ukraine for Water Resources.

6. No progress achieved in the basin management tools development: reform of the water resources monitoring in compliance with the WFD, scientific support, methodology and training of basin management specialists who possess knowledge of WFD provisions.

7. The Government has not set to work with stakeholders on the fulfillment of basin management tasks, in particular their participation in the RBMP development: Basin Councils’ work renewal, information and educational activities for stakeholders.

8. The development of special financial tools to support the basin-based management implementation has not been launched.
For the Cabinet of Ministers of Ukraine:
- Approve a decision on basin-based reform/improvement of the current organizational structure and the authority distribution among entities of water resources management in compliance with the WFD.

For the Ministry of Ecology and Natural Resources of Ukraine:
- Analyze the implementation of the strategy of the Ukrainian water legislation adaptation/approximation to the WFD;
- Develop a national sectoral strategy – Water Strategy of Ukraine.
- Carry out monitoring of the implementation of measures on approximating Ukrainian legislation to the WFD;
- Based on findings of the monitoring, adjust the implementation of these measures;
- Draft a governmental decision on changing the current organizational structure and the authority distribution among entities of water resources management in compliance with the WFD.

For the Ministry of Ecology and Natural Resources of Ukraine in conjunction with the State Agency of Ukraine for Water Resources and other central executive services that carry out their departmental monitoring of water resources:
- Prepare ways for switching from bilateral cross-border cooperation agreements to international agreements on protection and cooperation in the basins of international rivers using the cooperation experience in the Danube and Dniester basins;
- Draft and approve Regulations on International River Commissions;
- Draft and approve Regulations on International Basin Councils/Forums;
- Update the Regulations on Basin Department in accordance with the WFD;
- Set up / renew Basin Councils of major river basins;
- Draft a decision on procedure for carrying out state monitoring of waters (surface and ground) in accordance with the WFD;
- Develop monitoring programs for water resources in accordance with the WFD;
- Develop and implement training and appraisal in the conduct of monitoring programs for the staff of institutions involved in water resources monitoring;
- Develop and implement training/refresher courses in the RBMP development for Basin Departments and contractors under individual tasks of the RBMP development;
- Analyze water users and identify major stakeholders in each river basin;
- Ensure a representation quota for the major water users and civil society on Basin Councils in each river basin district;
- Ensure basin management education/training for representatives of civil society / stakeholders.

For the Ministry of Ecology and Natural Resources of Ukraine in conjunction with the National Academy of Sciences of Ukraine:
- Draft and approve reference/natural conditions for all water body types in Ukraine;
  - Draft and approve techniques for:
    - Identification, delineation and typologization of water bodies;
    - Analysis and assessment of anthropogenic load and impact on water resources;
    - Water body classification in accordance with the WFD;
    - Identification and assessment of risks of failing to achieve a good status of water bodies;
    - Effectiveness assessment of measures taken to achieve RBMP environmental objectives;
    - Establishment of reference/natural conditions for all the water body types identified in Ukraine.

For the Ministry of Ecology and Natural Resources of Ukraine in conjunction with the Ministry of Finance of Ukraine:
- Earmark budget funds for scientific programs on support of the basin-based management implementation.

For the Ministry of Ecology and Natural Resources of Ukraine in conjunction with the Ministry of Economic Development and Trade of Ukraine:
- Analyze international experience and develop proposals on the use of special financial tools in support of the basin-based management implementation.
For the Ministry of Ecology and Natural Resources of Ukraine in conjunction with the Ministry of Education and Science of Ukraine and the National Agency of Ukraine for Civil Service:

- Develop and implement special training curricula for civil servants on legislative principles and tools of the basin-based management implementation;
- Develop special curricula on basin-based water resources management for education institutions that train students for work in the water sector.

For the State Agency of Ukraine for Water Resources in conjunction with Basin Departments:

- Identify contractors and launch works on the identification, delineation and typologization of water bodies in river basins of Ukraine;
- Identify contractors and launch works on the analyses of characteristics of major river basins;
- Identify contractors and launch works on the identification of essential management problems in river basin districts based on findings of the analysis and assessment of the anthropogenic pressure and impact on the ecological status of basin water resources.
Introduction
The Europe 2020 strategy names "smart growth" among its three mutually reinforcing priorities, aiming to increase the EU productivity based on knowledge and innovation. This, in turn, requires cooperation, coordination of European and national policies and enhanced mobility of individual researchers and ideas. The EU and the countries associated to its framework program for research and technological cooperation (Ukraine is one of them) work together to create and deepen the European Research Area (ERA). It is a unified area based on the European market and open to the world, in which researchers, scientific knowledge and technology circulate freely. Since 2012, ERA has become a partnership of countries and European research organizations. Its bodies coordinate and monitor key progress indicators as well as joint research electronic infrastructures, initiatives on the implementation of national programs and agreed PPP procedures for efficient knowledge exchange between researches and industries in order to generate innovation. Relevant structural reforms carried out in member countries in line with ERA's priorities help organize ERA into a unified efficient research and innovation environment as well as facilitate regional, national, European and global development.

Ukraine too has declared its intention to become part of this Europe-wide process. Articles 374-376 of the EU-Ukraine Association Agreement provide for cooperation in science and technology. In addition, after the signing of the Agreement, Ukraine acquired the status of Horizon 2020 associated country (Agreement between the European Union and Ukraine on the participation of Ukraine in the European Union program Horizon 2020 – the Framework Program for Research and Innovation (2014-2020), ratified by Law No. 604-VIII of July 15, 2015). Therefore, the facilitation of Ukraine's involvement in ERA, envisaged by the EU-Ukraine Association Agreement, has become significantly more meaningful in its contents. In particular, Ukraine has automatically joined ERA and obtained access to a set of tools to effectively develop its national research space as an element of ERA.

Representatives of the following stakeholders were invited:
- Ministry of Education and Science of Ukraine;
- Government Office for European and Euro-Atlantic Integration within the Secretariat of the Cabinet of Ministers of Ukraine;
- Parliamentary Committee on Science and Education;
- National Academy of Sciences of Ukraine (NASU);
- State Fund for Fundamental Research;
- Horizon 2020 National Contact Points (NCP for European Research Infrastructures, NCP for Science with and for Society and NCP for Information and Communication Technologies);
- Non-governmental scientific organizations and associations (Humboldt Club Ukraine, Agency of European Innovations, ERA of Ukraine, Public Innovation Network of Ukraine and NASU Young Scientists' Council);
- Scientific institutions (NASU Institute for Economics and Forecasting and NASU Dobrov Institute for Scientific and Technological Potential and Science History Studies).

Representatives of stakeholders who participated in the poll:
- Oleksandra Antonyuk, Humboldt Club Ukraine, NASU Institute of Mathematics;
- Maryna Horokhovatska, NCP for European Research Infrastructures, NASU Innovation Center;
- Anatoliy Zahorodniiy, NASU Presidium;
- Ihor Yehorov, NASU Institute for Economics and Forecasting;
- Olha Kot, NCP for Science with and for Society, NASU Dobrov Institute for Scientific and Technological Potential and Science History Studies;
- Ivan Kulchytsky, NCP for Information and Communication Technologies, Agency of European Innovations;
- Volodymyr Nochvay, Public Innovation Network of Ukraine, NASU Institute on Problems of Mathematical Machines and Systems;
- Oleksandr Skorokhhod, NASU Young Scientists' Council, NASU Institute of Molecular Biology and Genetics;
- Oleksandr Spivakovsky, Parliamentary Committee on Science and Education;
Goal tree
Chapter 9 of the EU-Ukraine Association Agreement, which deals with cooperation in science and technologies (S&T), resembles a goal tree by itself. Taking this into consideration, the authors of the study formulated the implementation objectives and activities/measures/steps based on the Agreement’s Arts. 374-376.

In particular, we identified four objectives, which are the basic components in the implementation of these articles:
I. Implementation of the Agreement on Cooperation in Science and Technology between the European Community and Ukraine (S&T Cooperation Agreement);
II. Approximation to EU policy and legislation on science and technology;
III. Involvement of Ukraine in the European Research Area (ERA); and
IV. Reforming the science management system and research institutions in order to support the development of their potential and the development of a competitive economy and a knowledge society.

The blocks of objectives were further detailed by singling out specific activities, measures and steps. The first block of objectives addresses the most important aspects of the implementation of the S&T Cooperation Agreement, which was concluded in 2002 and last time renewed by the Ukrainian Parliament in 2015 (Law No. 602-VIII of July 15, 2015):
- Participation in the EU Framework Program for Research and Innovation Horizon 2020;
- Organization of joint S&T development events/measures;
- Coordination and facilitation of joint activities in accordance with this Agreement.

According to the authors of the study, the most important steps Ukraine has made within the framework of its participation in Horizon 2020 are the following:
- Participation of Ukraine in the relevant Program Committee;
- Establishment and operation of a Horizon 2020 National Contact Points (NCPs) network;
- Identification and removal of legislative barriers for Ukrainian scientists and businesses to participate in this program.

The coordination of joint activities in accordance with Art. 6 of the S&T Cooperation Agreement envisages establishment and functioning of a Ukraine-EU Joint Committee on S&T Cooperation. The international documents signed in pursuance of this Agreement (the Agreement between the European Union and Ukraine on the participation of Ukraine in the European Union program Horizon 2020 and the Agreement for scientific and technological cooperation between the European Atomic Energy Community and the Government of Ukraine associating Ukraine to the Euratom Research and Training Program (2014-2018), ratified by Law No. 1542-VIII of Sep. 22, 2016) also provide for coordination of activities. This function was entrusted to the EU-Ukraine Research and Innovation Committee and the Ukraine-Euratom Research and Innovation Committee, respectively.

Proper implementation of the agreement also requires coordination of activities among S&T stakeholders. So far, one body has been set up for this purpose: Coordinating Center for Implementation of the EU Framework Program for Research and Innovation Horizon 2020.

The second block contains steps to be made for Ukraine’s approximation to EU policy and legislation on science and technology, namely:
- Exchange of information on S&T policies; and
- Measures on approximation to EU policy and legislation on science and technology.

Ukraine’s status of a Horizon 2020 associated country allows it to take part in the system for Europe-wide coordination of S&T policies through participation of Ukraine’s representatives in ERA groups (typically with a consultative voice). The development of the European Research Area and the realization of its priorities follows the ERA roadmap for 2015-2020. Its implementation at the national level assumes that Ukrainian S&T stakeholders will develop a national ERA roadmap. It is especially important therefore that the exchange of information on S&T policies with our European partners would include consultations on the development of the national ERA roadmap and a roadmap for joining the European network of research infrastructures.
REINFORCEMENT OF THE SCIENTIFIC POTENTIAL OF UKRAINE TO RESOLVE NATIONAL AND GLOBAL CHALLENGES AND INCREASE ITS COMPETITIVENESS

Legend
- Adequacy
- Fullness
- Openness
The authors of the study have identified the following steps that need to be made to achieve the objective "Involvement of Ukraine in the European Research Area (ERA)":

- Development and implementation of a national ERA roadmap
- Joint implementation of scientific programs and research activities;
- Training through mobility programs for researchers and specialists;
- Joint R&D activities aimed at encouraging scientific progress and the transfer of technology and know-how;
- Implementation measures aimed at the development of an environment conducive to research and the application of new technologies and adequate protection of the intellectual property for results of research;
- Creation of favorable conditions for research;
- Creation of favorable conditions for the application of new technologies and adequate protection of the intellectual property for results of research;
- Enhancement of regional and other international cooperation in science and technologies, notably in the Black Sea region and within multilateral organizations.

The block on "Reforming the science management system and research institutions in order to support the development of their potential and the development of a competitive economy and a knowledge society" contains the following activity:

- Exchange of expertise on management of research and science institutions in order to develop and improve their capacities of conducting and participating in scientific researches.

This in particular requires conducting an independent audit of national S&T policy using one of Horizon 2020 tools, the Policy Support Facility (PSF). Moreover, critically important are the development of a new system to assess the quality of research that receive basic and project financing as well as the creation of legislative conditions for academic freedom and international collaboration.

**Explanation of scores**

The respondents – representatives of stakeholders – rated the S&T Cooperation Agreement implementation quite low, giving it a general score of 4.7 points (5.1 for adequacy, 4.1 for fullness and 4.9 for openness).

In particular, their opinion of the Government’s activities related to participation in the EU Framework Program for Research and Innovation Horizon 2020 was not high: 5.1 in general (5.6 for adequacy, 4.3 for fullness and 5.4 for openness).

Ukraine's participation in Program Committees is not full (it still has not delegated its representatives to most of them), the very process of delegating representatives and experts is much protracted, and no information on work of elected delegates is freely available. Nor has a system been set up to support work of the delegates inside Ukraine, particularly their interaction with the scientific community. In this way, according to the experts, Ukraine is losing one of the main advantages of its associated country status – the possibility to present its interests during the research topics selection to be funded under Horizon 2020.

The operation of the Horizon 2020 NCPs is not ensured to the full extent and is fragmentary. A system for coordination of their activities is absent, and so is parity in allocating material and financial resources for activities of NCPs subordinated to different state agencies.

The Government of Ukraine has done very little to identify and remove legislative barriers for Ukrainian scientists and businesses to participate in Horizon 2020 projects. As a result, Ukrainian scientists and businesses cannot adequately fulfill their financial obligations, use the tax and customs duty exemptions provided for by the S&T Cooperation Agreement, effectively exercise their right to the academic mobility, etc. The situation with legal support of the implementation of other international S&T agreements is similar.

Although the score given to the activity "Organization of joint scientific and technological development events/measures" is relatively high (5.7 generally, 5.9 for adequacy, 5.1 for fullness and 6.1 for openness), and the events are assessed as useful, the experts point out that the topics of these events and their correspondence with needs of Ukraine are not sufficiently discussed with stakeholders, whereas their coverage is too narrow.

The respondents assess the level of coordination and facilitation of joint activities as unsatisfactory (3.4 generally, 3.5 for adequacy, 3.2 for fullness and 3.6 for openness). This concerns the coordination of activities both between Ukraine and the EU and inside Ukraine among S&T stakeholders.
The realization of the "Approximation to EU policy and legislation on science and technology" objective was assessed by the stakeholders' representatives as unsatisfactory (3.3 generally, 3.9 for adequacy, 2.8 for fullness and 3.3 for openness).

In particular, the low score given to the "Exchange of information on science and technology policies" activity (3.8 generally, 4.3 for adequacy, 3.3 for fullness and 3.3 for openness) is due to the fact that Ukraine's participation in the coordination system at the European and national levels (ERA groups) was not sufficiently and efficiently ensured, as well as to absence of consultations on the development of a national ERA roadmap and a roadmap for joining the European network of research infrastructures.

The respondents were also dissatisfied with how the "Involvement of Ukraine in the European Research Area (ERA)" objective had been pursued (3.1 generally, 2.8 for adequacy, 2.7 for fullness and 3.7 for openness).

Specifically, one of the reasons for this dissatisfaction was that the Government had scheduled that the national ERA roadmap would be developed and approved in as late as the fourth quarter of 2017, even though the development had to begin with the signing of the Agreement on participation in Horizon 2020. By now, just consultations on the composition of a working group have started.

According to the stakeholders' representatives, some of measures aimed at developing an environment conducive to research and new technologies application and adequate protection of the intellectual property for results of research are taken but do not suffice to encourage relevant activities and secure confidence in the Ukrainian IP protection system (2.0 generally, 1.6 for adequacy, 1.8 for fullness and 2.6 for openness).

The actions of authorized institutions aimed at enhancing regional and international cooperation, notably in the Black Sea region and within multilateral organizations, as well as in the context of multilateral agreements, are considered insufficient by the poll participants (2.5 generally, 2.2 for adequacy, 2.3 for fullness and 3.1 for openness). This is because such cooperation largely takes place at the expense and with active facilitation of foreign partners, whereas the Ukrainian party under bilateral projects does not always fulfill its financial obligations fully and timely.

The objective "Reforming the science management system and research institutions in order to support the development of their potential and the development of a competitive economy and a knowledge society" received a relatively high score (5.2 generally, 5.2 for adequacy, 4.8 for fullness and 5.7 for openness) owing, among other things, to the entry into force of the new wording of the Law of Ukraine "On scientific and technological activities." The amended law provides for establishment of a National Council of Ukraine on Science and Technology Development and a National Research Fund. Moreover, in 2016, within the exchange of expertise on management of research and science institutions in order to develop and improve their research capacities, and by request of the Education & Science Ministry, the European Commission carried out an audit of the national S&T policies (which, in fact, is the reason for quite a high score: 5.6 generally, 5.7 for adequacy, 5.2 for fullness and 5.8 for openness). However, the experts point out that, although the findings of the audit (Peer Review of the Ukrainian research and innovation system) were presented as long ago as December 2016, systemic work on study and implementation of the recommendations has never started. The scores could have been even higher if it were not for the protraction in implementing other provisions of the updated Law on S&T activities and the lack of systemic and consistent work of Governmental officials aimed to create legislative conditions for academic freedom and international cooperation.

Conclusions

1. In all the blocks of objectives, the openness of governmental decision making is rated low (2.6 to 6.1 on a 10-point grading scale). According to the respondents, the low openness significantly worsens both the quality and the adequacy (1.6 to 5.9) of these decisions in the context of the EU-Ukraine AA implementation dealing with science. The poll participants consider that the HR potential of the Government is insufficient for achieving the objectives (and in adequate time in that), whereas it just episodically resorts to the external resource of civil society and research organizations in setting an agenda of necessary steps and elaborating relevant project decisions.

2. The stakeholders' representatives consider the decisions adopted by the Government not full (1.8 to 5.2 for all the objectives and activities/measures), i.e., not resolving tasks eventually. In addition, they point out that the decision making lacks a systemic approach.

3. The Government poorly comunicates the steps it makes to achieve the objectives, using tools that are not user-friendly and fail to reach all stakeholders.
4. The S&T Cooperation Agreement is being implemented with significant shortcomings, and the opportunities it offers are not used in the full measure.

5. The state support of participation in Horizon 2020 is not systemic and is inadequate for the needs of participants.

6. The activities of the coordinating bodies (in particular the Ukraine-EU Joint Committee on S&T Cooperation) set up under the S&T Cooperation Agreement and other agreements with the EU in this area are inefficient and nontransparent. No communication/feedback mechanisms exist for scientific community and stakeholders.

7. The Government and key S&T stakeholders unsatisfactorily coordinate their activities aimed at solving problems and timely responding to both challenges and opportunities that arise in the implementation of the EU-Ukraine Association Agreement and accompanying S&T agreements between Ukraine and the EU. The Coordinating Center for Implementation of Horizon 2020 still has not be been made fully operational.

8. No mechanisms are in place for Ukraine and the EU to exchange information on science and innovation policy development trends.

9. The representation of Ukraine in the ERA groups on S&T policy development is incomplete. No support system for delegates to these groups in Ukraine is set up. Practically nothing is done to harmonize Ukrainian and ERA policies on science.

10. Despite the obsolescence of the Ukrainian research infrastructure and lack of financial resources for its renewal, the Ukrainian side does not conduct consultations on its participation in the European research and electronic infrastructures. Nor is our country represented in the corresponding ERA groups (ESFRI and e-IRG) that engage in these issues.

11. A national ERA roadmap still not developed.

12. Regional cooperation largely takes place at the expense and with active facilitation of foreign partners. The Ukrainian side constantly protracts the fulfillment of its financial obligations in the implementation of bilateral projects within the framework of international S&T cooperation.

13. No work is carried out at the state level to analyze and implement recommendations provided by the independent audit of the national S&T policies using one of Horizon 2020 tolls (Policy Support Facility (PSF), Peer Review).

14. Other PSF tools (special support and mutual learning programs) for enhancement of the efficiency and competitiveness of research institutions, science foundations and research and electronic infrastructures are not used either.

15. The Law of Ukraine "On scientific and technological activities" is implemented with a significant delay. The National Council of Ukraine on Science and Technology Development is still inactive, and necessary regulations have not been drafted, in particular on the implementation of mechanisms of academic freedom and international cooperation.
RECOMMENDATIONS

For the Cabinet of Ministers of Ukraine:
- Develop and approve an ERA Roadmap as well as an action plan for its implementation;
- Identify and remove legal barriers for Ukrainian scientists, non-governmental organizations and businesses to participate in Horizon 2020 projects and other international agreements on science. Specifically, ensure a possibility to adequately fulfill their financial obligations and exercise financial management of projects, use the tax and customs duty exemptions provided for by the Agreement, effectively realize their right to long-term academic mobility and enroll foreign scientists/students under mobility support grants;
- Establish coordination of activities between S&T stakeholders and authorities;
- Hold dedicated meetings of the Government to consider issues of state S&T policies and execution of ERA Roadmap implementation plan;
- Ensure necessary financial and organizational support for activities of the National Council of Ukraine on Science and Technology Development as well as financing of the National Research Fund;
- Approve a new system for state appraisal of science institutions and scientific activities of higher education institutions, and earmark funds for such appraisals in the draft Main Lines of Budgetary Policy for 2018-2020 as well as the draft State Budget 2018.

For the Ministry of Education and Science of Ukraine:
- Ensure full-fledged participation of Ukraine in the Horizon 2020 Program Committee as well as eight ERA groups, namely launch a process of delegating representatives and experts to these groups and set up a system of supporting their work inside Ukraine, interaction with the scientific community and proper information on their activities;
- Fully and timely ensure the operation of the Horizon 2020 National Contact Points network, establish coordination of NCPs’ activities and facilitate their proper work;
- Ensure that joint committees on support of S&T agreements with the EU operate efficiently and transparently by developing cooperation roadmaps, timely publishing their plans and minutes of their meetings and monitoring execution of their decisions;
- Launch a standing forum for delegates and experts of ERA groups as well as corresponding working groups of the National Council of Ukraine on Science and Technology Development, delegates to the Horizon 2020 Program Committee and members of the Coordinating Center for Horizon 2020 Implementation;
- Enhance regional and international cooperation, in particular in the Black Sea region and within multilateral organizations, as well as in the context of multilateral agreements, specifically European Joint Programming Initiatives;
- Establish exchange of expertise with the EU on management of the area of science in general and its individual elements, inter alia using the other PSF tools – “Special Support” and "Mutual Learning."

For the Ministry of Education and Science of Ukraine in conjunction with the Ministry of Economic Development and Trade of Ukraine:
- Create favorable conditions for application of new technologies and adequate protection of the intellectual property for results of research;
- Carry out an international audit of national electronic infrastructures (URAN, Uarnet, Ukrainian National Grid) to identify the level of their technological readiness for access to European e-infrastructures;
- Develop a roadmap for integration of state electronic infrastructures for research and innovation into the European Open Science Cloud and the European Data Infrastructure.

For the Ministry of Finance of Ukraine:
- Ensure timely and full fulfillment of financial obligations in the implementation of bilateral projects and multilateral agreements within the framework of international S&T cooperation.

For the Ministry of Education and Science of Ukraine in conjunction with the National Council of Ukraine on Science and Technology Development:
- Work out concrete steps for the implementation of recommendations of the PSF independent audit of national S&T policy;
- Carry out an audit of the research infrastructure of state science and higher education institutions as well as centers for collective use of research equipment to find out its condition and coverage of science areas;
Develop a roadmap of state research infrastructures development and take necessary measures for their integration into European research infrastructures (ESFRI).

**For the National Council of Ukraine on Science and Technology Development**

- Form a standing working group on issues of Ukraine’s participation in the European Research Area and consider expediency of forming working groups similar to the ERA groups;
- Monitor implementation by Ukraine of ERA priorities and provide recommendations on their implementation plan;
- Develop a new system for state appraisal of science institutions and scientific activities of higher education institutions as well as evaluation of the quality of research supported by the grant mechanism of financing S&T activities based on the best European practices.
SECTION 5.
ENSURING WIDESPREAD AVAILABILITY OF INFORMATION AND COMMUNICATION TECHNOLOGY (ICT) AND BETTER QUALITY OF ELECTRONIC SERVICES (ARTS. 389-395 OF THE EU-UKRAINE ASSOCIATION AGREEMENT)

Introduction
The European Union considers widespread availability of Information and Communication Technology (ICT) and Information Society development one of its strategic policy tasks. From its very establishment in 1993, in the White Paper "Growth, Competitiveness, Employment: The Challenges and Ways Forward into the 21st Century," the information society was defined as a society where people carry out their activities based on the use of services provided through information and telecommunication technologies. The knowledge acquired via unimpeded access to information is becoming a prerequisite for the wellbeing of present-day person and nation. The "Europe and the Global Information Society" report, which contains recommendations to the European Council, defines a concept of the information society development as a new type of holistic social system based on the wide use of ICT possibilities presently unheard of. This is expected to result in a qualitative leap forward in the social and human development as soon as the next year, according to the report.

One of the seven flagship initiatives approved by the European Council in 2010 within the "Europe 2020" strategy is "A digital agenda for Europe" – which is currently the EU’s main policy document on its information sphere development. Among the EU Member States, there are various models of such development that have been successfully implemented. However, there is no "unified European approach" to this sector, so Ukraine has to find its own way of information sphere development, while orienting it to the EU standards and targets. Since Ukraine signed the Association Agreement with the EU, its information society development should be harmonized with the digital agenda for Europe.

The information sphere of a state has a substantial impact on other areas and determines its economic and innovation potential, international competitiveness and quality of life of its citizens. For Ukraine, pressing tasks in this sphere include, on the one hand, developing its own digital agenda, and on the other hand, implementing relevant EU documents and projects in Ukrainian national legislation. Moreover, it is important to develop science and education, without which it will be impossible to expect any progress in the information society and knowledge economy development. All the three tasks are mentioned in Art. 390 of the EU-Ukraine Association Agreement (AA) as an objective of cooperation between Ukraine and the EU.

Representatives of stakeholders who were invited:
- Olena Minich, ex-Director of the Digital Economy Department, Ministry of Economic Development and Trade of Ukraine (MoEDT);
- Ivan Petukhov, Adamant founder, politician;
- Andriy Biryukov, Executive Director, Hi Tech Office Ukraine;
- Valeriy Fischuk, Cisco business development regional manager for Ukraine and CIS countries, Vice President of the Ukrainian Association for Innovation Development;
- Volodymyr Kolyadenko, Committee on Electronic Communications of the Chamber of Commerce and Industry of Ukraine;
- Serhiy Svystunov, Ukrainian National Grid, Bogolyubov Institute for Theoretical Physics of the National Academy of Sciences of Ukraine (NASU);
- Andriy Shevchenko, ERA of Ukraine;
- Inna Volokhina, Head of E-Communications Development Department, State Service of Special Communications and Information Protection of Ukraine (SSSC);
- O. Tsykuta, SSSC International Section;
- Oleksiy Vyskub, State Agency of Ukraine for Electronic Governance (SAEG);
- Dmytro Makovsky, SAEG;
- Antonina Volska, Chief Specialist of the MoEDT International Trade and Economic Cooperation Department;
- Oleksandr Kovalsky, Ericsson;
- Ivan Kulchytsky, Horizon 2020 National Contact Point (NCP) "Information and Communication Technologies," Agency of European Innovations;
Serhiy Rippa, Information & Computer Systems and Control Department, University of the State Fiscal Service of Ukraine;
Tetiana Kotenko, Central Ukrainian National Technical University, Horizon 2020 NCP;
Krylyo Horokhovskyi, Innovation Development Center, Kyiv Academic University;
Oleksandr Fedoseyev, Public Innovation Network, IT-PRO Agency;
Roman Khimych, expert, telecommunications operators’ consultant, ITC.ua;
Oleh Sobolev, Chairman of the Board, Wireless Ukraine association;
Anna Barikova, E-Democracy Coalition, expert at the Center for Policy and Legal Reform, E-Democracy group expert at the Reanimation Package of Reforms;
Lilia Oleksyuk, Chairwoman, All-Ukrainian Association "Information Security and Information Technologies" – WG2 of the Ukrainian Side of the EU-Ukraine Civil Society Platform (UA CSP);
Maksym Koryavets, Polissya Foundation for International and Regional Studies, WG 2 "Economic Integration and Harmonization with EU Policies" of the Ukrainian National Platform of the Eastern Partnership Civil Society Forum (UNP EaP CSF);
Graduates from the National University of Food technologies specialized in computer technologies: 8 bachelors and 8 masters.

Expert communities and associations:
- E-Democracy Coalition; WG "Digital Agenda UA" WG6, WG3 UA CSP; WG2 UNP EaP CSF, National Cloud Initiative of the Public Innovation Network of Ukraine; IT Ukraine Association; Wireless Ukraine; ITC.ua; All-Ukrainian Association "Information Security and Information Technologies."

Representatives of stakeholders who participated in the poll:
- Ivan Petukhov, Adamant founder, politician;
- Andriy Biryukov, Executive Director, Hi Tech Office Ukraine;
- Valeriy Fischuk, Cisco business development regional manager for Ukraine and CIS countries, Vice President of the Ukrainian Association for Innovation Development;
- Serhiy Svystunov, Ukrainian National Grid, Bogolyubov Institute for Theoretical Physics of the NASU;
- Andriy Shevchenko, ERA of Ukraine;
- Inna Volokhina, Head of SSSC E-Communications Development Department;
- O. Tsykuta, SSSC International Section;
- Oleksiy Vyskub, SAEG;
- Dmytro Makovsky, SAEG;
- Antonina Volska, Chief Specialist of the MoEDT International Trade and Economic Cooperation Department;
- Oleksandr Kovalsky, Ericsson;
- Ivan Kulchytsky, Horizon 2020 NCP "Information and Communication Technologies," Agency of European Innovations;
- Serhiy Rippa, Information & Computer Systems and Control Department, University of the State Fiscal Service of Ukraine;
- Tetiana Kotenko, Central Ukrainian National Technical University, Horizon 2020 NCP;
- Krylyo Horokhovskyi, Innovation Development Center, Kyiv Academic University;
- Oleksandr Fedoseyev, Public Innovation Network, IT-PRO Agency;
- Roman Khimych, expert, telecommunications operators’ consultant, ITC.ua;
- Oleh Sobolev, Chairman of the Board, Wireless Ukraine association;
- Anna Barikova, E-Democracy Coalition, expert at the Center for Policy and Legal Reform, E-Democracy group expert at the Reanimation Package of Reforms;
- Lilia Oleksyuk, Chairwoman, All-Ukrainian Association "Information Security and Information Technologies" – UA CSP WG2;
- Maksym Koryavets, Polissya Foundation for International and Regional Studies, UNP EaP CSF WG 2 "Economic Integration and Harmonization with EU Policies";
- Graduates from the National University of Food technologies specialized in computer technologies: 8 bachelors and 8 masters.
- Expert communities and associations:
  - E-Democracy Coalition; WG "Digital Agenda UA" WG6 UA CSP; WG2 UNP EaP CSF, National Cloud Initiative of the Public Innovation Network of Ukraine; Wireless Ukraine; ITC.ua; All-Ukrainian Association "Information Security and Information Technologies."
DEVELOPMENT OF THE INFORMATION SOCIETY THROUGH THE WIDESPREAD AVAILABILITY OF INFORMATION AND COMMUNICATION TECHNOLOGY (ICT) AND THROUGH BETTER QUALITY OF ELECTRONIC SERVICES

- Implementation of national information society strategies
- Promotion of broadband access
- Coordination of electronic communication policies
- Strengthening of independence and administrative capacity of the national regulator in the field of communications
- Development of regulatory framework for electronic communications
- Exchange of information, best practices and experience, undertaking joint actions
- Cooperation between the national regulator of Ukraine in the field of communications and the national regulators of the EU
- Gradual approximation to the EU law and regulatory framework in the sphere of information society and electronic communication
- Increased Ukraine’s participation in the ICT research activities of the EU
- Cooperation in the sphere of science and technologies
- Cooperation in the sphere of ICT research and innovation under the Digital Agenda of Europe

Legend
- Adequacy
- Fullness
- Openness
Goal tree
The goal tree selected by the study organizers follows the structure of Association Agreement's Chapter 14. Its Art. 389 provides that the goal of the parties' cooperation in the information society development will be to benefit citizens and businesses through the widespread availability of Information and Communication Technology (ICT) and through better quality of services at affordable prices. Art. 390 defines three objectives: "Cooperation shall aim at implementing national Information Society strategies, developing of a comprehensive regulatory framework for electronic communications, and increasing Ukraine's participation in the ICT research activities of the EU."

Thus, we identified the following three major components of successful implementation of AA Chapter 14 provisions:

I. Implementation of national information society strategies;
II. Development of a regulatory framework for electronic communications; and
III. Increased Ukraine's participation in the ICT research activities of the EU.

Besides the effective Information Society Development Strategy (approved by CMU Order No. 386-p of May 15, 2013), the status of the development and implementation of the Digital Agenda for Ukraine 2020 and its harmonization with the EU Digital Agenda, as well as the fulfillment of the Action Plan for implementation of the Open Government Partnership international initiative were also reviewed as tasks under the first objective "Implementation of national information society strategies."

Thus, three tasks were assesses:
- Implementation of the Information Society Development Strategy in Ukraine;
- Fulfillment of the Action Plan for implementation of the Open Government Partnership initiative in 2016-2018; and
- Development and implementation of the Digital Agenda for Ukraine 2020 and its harmonization with the EU Digital Agenda.

Tasks under the second objective "Development of regulatory framework for electronic communications" represent a number of provisions comprised by AA Chapter 14:
- Promotion of broadband access;
- Coordination of electronic communication policies;
- Strengthening of independence and administrative capacity of the national regulator in the field of communications;
- Exchange of information, best practices and experience, undertaking joint actions with the aim of developing a regulatory framework;
- Cooperation between the national regulator of Ukraine in the field of communications and the national regulators of the EU;
- Gradual approximation to the EU law and regulatory framework in the sphere of information society and electronic communication.

The third objective "Increased Ukraine's participation in the ICT research activities of the EU" was elaborated using provisions of AA Chapter 9 as well as appropriate provisions of the EU Digital Agenda:
- Cooperation in the sphere of science and technologies;
- Cooperation in the sphere of ICT research and innovation under the Digital Agenda of Europe.

**Explanation of scores**
The aggregate score for the goal "Development of the Information Society through the widespread availability of Information and Communication Technology (ICT) and through better quality of electronic services" – **4 points of 10** – is an average of scores given by stakeholder representatives who participated in the poll. This score indicates unsatisfactory progress of the EU-Ukraine AA implementation.

Of the three objectives, the "Implementation of national information society strategies" was the best-rated (5.3 in general; 5.3 for adequacy, 4.4 for fullness and 6.2 for openness). This objective owes its relatively high score to the status of carrying out the Action Plan for implementation of the Open Government Partnership initiative in 2016-2018, which was highly rated by all respondents (7.4 in general; 7.3 for adequacy, 7 for fullness and 8 for openness). The poll participants noted its proper implementation level as well as accordance with the necessities of the times and the economic expediency. All of the plan’s 13 items had been more or less implemented or the implementation was in progress. However, there were comments on
the initiative itself, that it was not being implemented to its full scale, and it did not open up key priorities of this partnership at the regional level.

The task “Implementation of the Information Society Development Strategy in Ukraine” was rated quite low (3.8 in general; 3.9 for adequacy, 3.4 for fullness and 4.3 for openness), whereas one of the experts representing NGOs even said that the implementation progress equaled zero. Efforts of the MoEDT and the Hi Tech Office’s working group to develop and implement the Digital Agenda for Ukraine 2020 and harmonize it with the EU Digital Agenda were evaluated somewhat better (4.5 in general; 4.7 for adequacy, 2.7 for fullness and 6.2 for openness). However, these efforts were not supported by adoption of necessary regulatory acts.

A very low score was given to the objective “Increased Ukraine's participation in the ICT research activities of the EU” (2.9 in general; 3 for adequacy, 2.8 for fullness and 3 for openness). This can be explained by the general crisis of the science and innovation policy in Ukraine and the catastrophic reduction in the state financing of science and education. Even so, Ukraine has not made much of the existing opportunities to participate in European research programs and develop new technologies in cooperation with business.

The objective “Development of regulatory framework for electronic communications” also received a low score (4.1 in general; 4.2 for adequacy, 4.2 for fullness and 3.9 for openness). The reason is that there is no law on electronic communications developed in line with European recommendations, and that the Roadmap for the implementation of provisions of the EU Directives on telecommunications (electronic communications) is still not agreed upon. Notably, the respondents gave a low score to the openness of the Government's action in this area, which is also an obstacle to the development of a concerted national policy and approximation to EU law and regulations guiding information society and electronic communications.

I. Implementation of national Information Society strategies

Average score – 5.3 (5.3 for adequacy, 4.4 for fullness and 6.2 for openness)

The poll participants pointed out that the implementation plan of the Information Society Development Strategy had not been executed, shortcomings and mistakes not analyzed, and its activities not carried out. The last published national report of the informatization status and information society development in Ukraine dated 2014. The national informatization program is in fact forgotten, and no act has been adopted to replace it. The last national informatization program was approved as long ago as in 1998!

The state policy in the sphere of information society development is partly realized through activities of the SAEG, which do not cover the entire spectrum of issues. Activities within the framework of the Open Government Partnership international initiative in 2016-2018 are quite successful. Since 2016, Hi Tech Office has been playing an active role in the "digital society" development under the aegis of the MoEDT and with assistance of Vice Prime Minister Stepan Kubiv. And finally, the information society and media development is among the key Roadmap reforms and the top priorities of the Sustainable Development Strategy "Ukraine 2020" approved by the President of Ukraine in January 2015.

However, no consolidated version of laws on information society development (Information Code) has been developed.

This objective was the highest-rated of the three. The scores for fulfilling the Action Plan for implementation of the Open Government Partnership initiative in 2016-2018, which was highly rated by all the respondents, were the main contributor to this result (7.4 in general; 7.3 for adequacy, 7 for fullness and 8 for openness). The success of this initiative is also indicated by the high evaluation of this objective by the criterion of openness.

Under this initiative, the E-Democracy Coalition with active participation of the SAEG has hammered out an Electronic Democracy Development Concept, which is very important for the information society development. The Government has undertaken to begin realization of the Concept and its implementation action plan as soon as in 2017.

---

4 http://zakon2.rada.gov.ua/laws/show/386-2013-%D1%80
5 http://www.dknii.gov.ua/content/shchorichna-dopovid-pro-rozvytok-informaciynogo-susplistva
6 http://www.dknii.gov.ua/content/regionalni-publicni-obgovorennya-koncepcyi-rozvytku-elektronnoyi-demokratyi-v-ukrayini
The task “Implementation of the Information Society Development Strategy in Ukraine” was rated quite low (3.8 in general; 3.9 for adequacy, 3.4 for fullness and 4.3 for openness). A telling assessment of the implementation of this Strategy is given in the Parliamentary Resolution “On the recommendations of the parliamentary hearings on ‘Reforms of the information and communication technologies and the information space development in Ukraine,’”8 which points at substantial problems in the effective state policy making and implementation in the sphere of information society. The Resolution reads: “The action plan for the implementation of the Law of Ukraine ‘On the Basic Principles of Information Society Development in Ukraine for the years 2007-2015’ has not been executed; an action plan for the implementation of the national strategy of the further information society development in Ukraine is absent; the digital inequality in access of Ukrainian citizens to electronic communications and information resources has not been overcome; the growth of computer literacy of population is slow; the level of ICT implementation and taking advantage of its opportunities in education, science, culture, health care, agribusiness and other sectors is low; sectoral and intersectoral programs are absent; support to the deepening of democratic processes is poorly coordinated and not systemic, specifically in regards to elections, voting, nationwide and local referendums, polls and consultations, implementation of public-private partnership mechanisms, and civil society oversight based on the wide use of ICT and the Internet.”

The efforts of the MoEDT and the Hi Tech Office’s working group to develop and implement the Digital Agenda for Ukraine 2020 and harmonize it with the EU Digital Agenda were evaluated somewhat higher (4.5 in general; 4.7 for adequacy, 2.7 for fullness and 6.2 for openness). However, these efforts have not yet been supported by adoption of relevant regulatory acts. Therefore, the scores were not as high as they could be, whereas an expert representing a regional NGO quite justly pointed at the absence of any governmental decisions at all. An analytical paper on Digital Agenda for Ukraine 2020 has been issued as the first draft but not approved by the Government. The MoEDT’s proposals on the “economy digitization” cover just part of the subject. Therefore, it is still early to say of the implementation, and just that was the reason for the low average score for the fullness – 2.7. On the other hand, the team of drafters is open for collaboration, what was reflected in the high score for the openness – 6.2.

The High-Tech Industries Development Strategy for Ukraine until 2025,9 approved by a governmental committee, has become an important decision in this area. This Strategy includes a program titled “The Digital Agenda for Ukraine – development of digital infrastructure and society.” However, the Cabinet of Ministers has not considered the document so far.

II. Development of regulatory framework for electronic communications
Average score – 4.1 (4.2 for adequacy, 4.2 for fullness and 3.9 for openness)

There are a number of reasons behind the low scores. The implementation of relevant EU standards and directives on electronic communications is slow, and the Roadmap for implementation and application of EU telecommunication (electronic communication) acts is not agreed upon. The roadmap was developed by the SSSC administration, negotiated with major central executive agencies and forwarded to the Governmental Office for European Integration but has not been approved as yet. Not all stakeholders are informed about, and involved in, the roadmap negotiation process.

The respondents confirmed the importance of approving a Law “On electronic communications.” At the same time, they pointed at a number of shortcomings in the three existing bills, including those mismatching Ukraine’s commitments under the Association Agreement.

Several experts also mentioned problems with the national regulator, whose decisions are often unclear and unconcerted with market. The National Commission for the State Regulation of Communications and Informatization (NCCIR) is not independent de jure and does not fulfill the functions of regulator de facto.

The approximation to the EU law and regulations has been slow in its progress – all the bills on the matter are still in the Parliament (“On electronic trust services,” “On electronic communications,” etc.) and the legislature three times has failed to pass them. Only one of the basic acts required in this sphere has been adopted – “On

8 http://zakon2.rada.gov.ua/laws/show/1073-19
9 http://www.me.gov.ua/News/Detail?lang=uk-UA&Id=a8590ddc-7f44-49ed-8587-4127ca3655bd&title=UriadoviKomitetPidGolovuvanniamStepanaKubivaSkhvalivStrategiuluRozvitkuVisokotekhnologichnikhIndustriiDliaUkrainiDo2025-Roku
Section 5

electronic commerce.”\(^{10}\) It lays down organizational and legal principles for e-commerce activities in Ukraine, establishes a procedure for electronic bargaining with the use of information and telecommunication systems and defines rights and obligations of parties in e-commerce relationships. However, this law does not cover all e-commerce models, and this appreciably hinders the e-commerce development in Ukraine. The law needs substantial adjustment regarding the use of electronic signatures.

The exchange of information and experience with the EU occurs most actively within the framework of the HDM initiative (Harmonizing Digital Markets of the EU and Eastern Partnership Neighbors) as well as visits and contacts of the MoEDT and the SAEG with EU institutions. However, the results of this exchange are not broadly publicized. No information is available if any cooperation agreement has ever been signed between the NCCIR and national regulators in the EU. The NCCIR is actively working in this direction through the implementation of bilateral projects and participation in the network of electronic communication regulators of the Eastern Partnership countries, including EU Member States.

Ukraine has no strategy for broadband access promotion. While there is a great number of cyberattacks, the attention paid to cyber security is poor. The e-business development conditions are worsening. Many e-business companies register themselves abroad to avoid the threat of groundless checkups.

III. Increased Ukraine's participation in the ICT research activities of the EU

Average score – 2.9 (3 for adequacy, 2.8 for fullness and 3 for openness)

This objective was rated extremely low (3 points of 10) by all the assessment criteria. This can be explained by the general crisis of the Ukrainian science and innovation policy and the collapse of the state financing of science and education. However, Ukraine does not take advantage of all the opportunities to participate in European research programs and develop new technologies in cooperation with business. Scientific research is not paid proper attention in policy making on the information society development in Ukraine. Ukraine's participation in the ICT research activities of the EU is of a sporadic and non-systemic character, mostly being limited to the highly competitive Horizon 2020 program and education programs (formerly Tempus and now Erasmus). It is not sufficient, however.

Conclusions

1. The Implementation Plan for the Information Society Development Strategy\(^ {11}\) has not been executed, shortcomings and mistakes not analyzed, and implementation measures not carried out.

2. The digital inequality in access of Ukrainian citizens to electronic communications and information resources has not been overcome.

3. The efforts of the MoEDT and the Hi Tech Office's working group to develop and implement the Digital Agenda for Ukraine 2020 and harmonize it with the EU Digital Agenda have not yet been supported by adoption of relevant regulatory acts.

4. The state policy in the sphere of information society development is partly realized through activities of the SAEG, which do not cover the entire spectrum of issues.

5. The implementation of relevant EU standards and directives on electronic communications is slow.

6. The Roadmap for implementation and application of EU telecommunication (electronic communication) acts is not agreed upon. Information on the Roadmap development does not reach interested participants in the market.

7. Independence and the administrative capacity of the national regulator in the field of communications need to be strengthened. The NCCIR, subordinated to the President of Ukraine, is not an independent agency de jure, and it does not fulfill the functions of regulator de facto. The NCCIR's Public Council does not work properly to represent stakeholders.

8. The approximation to the EU law and regulations is too slow.

\(^{10}\) http://zakon2.rada.gov.ua/laws/show/675-19

\(^{11}\) http://zakon2.rada.gov.ua/laws/show/386-2013-%D1%80
9. The exchange of information and experience with the EU occurs most actively within the framework of the HDM initiative as well as visits and contacts of the MoEDT and the SAEG with EU institutions. However, the results of this exchange are not broadly publicized.

10. Ukraine has no special state strategy for broadband access promotion. The national infrastructure development is spontaneous and its pace is unsatisfactory.

11. The e-business conditions have worsened.

12. Ukraine's participation in the ICT research activities of the EU is very narrow and has a sporadic and non-systemic character. It is mostly limited to the highly competitive Horizon 2020 program and education programs (formerly Tempus and now Erasmus) but is not sufficient. The implementation of exchange programs for researchers and specialists is not sufficient for Ukraine, being of a one-way character and mostly leading to departure of our researchers for working abroad.

13. Ukraine does not take advantage of all the opportunities to participate in European research programs and develop new technologies in cooperation with business.

14. The research component is insufficiently reckoned in policy making on the information society development in Ukraine.
RECOMMENDATIONS

For the Parliament of Ukraine:
- Draft a consolidated state strategy of ICT development aimed at ensuring equal, non-discriminating and competitive conditions and have it agreed upon with all stakeholders. Adopt a pro-European act to replace the National Informatization Program – a consolidated version of the laws on information society development (or an Information Code).

For the Parliament of Ukraine and the Parliamentary Committee on Informatization and Communications:
- Carry out broad consultations, attended by central executive agencies, with civil society and business to assess the conformity of the electronic communication bills with the EU-Ukraine Association Agreement and European standards. Speed up the consideration and adoption of the bills agreed upon;
- Speed up the consideration and adoption of bills aimed at approximating to the EU law and regulatory framework (bills on "On electronic trust services," "On electronic communications," etc.);
- Amend the Law of Ukraine "On telecommunications" to strengthen the national regulator's independence and its administrative capacity to exercise regulation in the field of communications. Take the National Commission for the State Regulation of Communications and Informatization (NCCIR) out of subordination to the President of Ukraine;
- Amend the Law of Ukraine "On electronic commerce" in order to improve the procedure for using electronic signatures and extend e-commerce models.

For the Cabinet of Ministers of Ukraine:
- Analyze why the Information Society Development Strategy has not been implemented;
- Use the successful experience in implementing the 2016-2018 action plan of the Open Government Partnership initiative to update and implement the Information Society Development Strategy;
- Coordinate this process with the development of the Digital Agenda for Ukraine 2020;
- In the subsequent implementation of the strategy, take more full account of provisions of supranational EU law, regional information society strategies and national information security priorities.
- Operationalize digital development priorities by measurable objectives matching European objectives;
- Develop a concerted strategy for broadband access promotion. Create conditions for investments in broadband access, including state investments, in order to extend the access for budget-funded institutions and authorities;
- Approve decisions on business climate improvement, in particular to protect ICT businesses from checkups, equipment seizure by law enforcement bodies, etc.;
- Develop and implement a system of national cyber security measures;
- Take measures for fulfilling the commitment under the EU-Ukraine Association Agreement regarding the strengthening of independence and the administrative capacity of the national regulator in the field of communications. To this end, increase the regulator's decision-making transparency. Invite civil society and business associations to more intensively collaborate with the regulator and negotiate its policy and decisions, inter alia through proper work of the NCCIR's Public Council;
- Take measures to speed up fulfillment of the commitment under the AA regarding gradual approximation to the EU law and regulatory framework in the sphere of information society and electronic communication. Specifically, take measures to implement CMU Order No. 360-p "On approving the plan of implementation of some acts of EU legislation in the sphere of telecommunications developed by the administration of the State Service of Special Communications and Information Protection of Ukraine and the National Commission for the State Regulation of Communications and Informatization";
- Set up more broad supply of information on conditions for joining the European Research Area. Conduct a targeted information campaign and involve business;
- Earmark funds in the budget for national programs of joint research with the EU in the field of ICT;
- Assign the Ministry of Education and Science and the National Academy of Sciences of Ukraine to report on results or relevant scientific and educational programs and projects of Ukraine's participation in EU research activities in the field of ICT;
- Support public-private partnership projects that aim at establishing joint research and innovation centers and laboratories.

For the Government Office for European and Euro-Atlantic Integration:
- Hold a broad discussion with civil society and businesses on the developed Roadmap for implementing provisions of EU Directives in the field of telecommunications (electronic communications).
For the Ministry of Education and Science of Ukraine and the National Academy of Sciences of Ukraine:
- Assess the status of scientific and educational programs and projects of Ukraine’s participation in EU research activities in the field of ICT. Develop recommendations on how to widen such participation;
- Launch scientific and educational programs on the information society development.
Introduction
An important component of modern human life is a safe consumption of goods and services. At times of rapid development of mass production and growing consumption public authorities must pay significant attention to safety requirements to goods and services, and to consumer protection, in particular from those producers or service providers, who ignore those requirements. The EU member-states have traditionally been among the leaders in consumer protection public policy. The current EU consumer policy is aimed at the stable development of the EU internal market and influence of the European Commission on everyday life of people, which is ensured by a special attention paid to consumer needs contrary to the unconditional stimulation of growing production of goods and service provision. In the framework of a political dialogue of the EU and member-states’ governments with consumers, consumer organizations are given a proper role. Their activities guarantee to people an ensured minimum level of consumption at affordable prices and realization of the European values – social equity, affordability, transparency, solidarity and stability.

The Ukraine’s market of goods and services is overwhelmed with bad quality, falsified and forged products. Ukrainian consumers in general have been well informed on their right to get information on goods and services, their choice, safe and secure consumption etc., but often they are not able to exercise those rights. Over the three years which have passed since Ukraine ratified the Association Agreement with the EU, the Ukrainian consumer protection system not only was not harmonized with the European one, but has significantly moved away from it: vulnerability and deprivation of rights of a consumer vis-à-vis dishonest businesses have acquired a systemic character, state/Constitutional guarantees of safety and quality of consumption have been devalued. That’s why Ukraine desperately needs reformed system of consumer protection on the basis of the prevention principle, changes in institutions responsible for making and implementation of a consumer protection public policy, consumer education policy to enable consumers to defend their rights actively etc.

Invited representatives of stakeholders:

- **Parliamentary committees and services:**
  - Economic Policy Committee (Consumer Protection Subcommittee).
  - European Integration Committee.
  - Industrial Policy and Entrepreneurship Committee.
  - Office for Financial and Economic Analysis at the Verkhovna Rada Parliament of Ukraine.
  - Parliamentary Expert Group for European Integration (representative of the UA CSP).

- **Government level:**
  - Cabinet Secretariat;
  - Office for European and Euro-Atlantic Integration;
  - Ministry of Economic Development and Trade;
  - Ministry of Agrarian Policy and Food;
  - State Service of Ukraine for Food Safety.
  - Antimonopoly Committee of Ukraine
    - Center for Comprehensive Studies of Antimonopoly Policy;
    - Department of Competition Policy.

- **Civil Society Organizations:**
  - Consumer Associations:
    - All-Ukrainian (AU) Consumer Federation PULS;
    - Non-government Union “All-Ukrainian Association for Consumer Protection”;
    - SPOZHYVCHA DOVIRA (Consumer Trust);
    - Research Center of Independent Consumer Expert Evaluations TEST;
    - AU NGO “Insurance Protection”;
    - AU NGO “Union of Ukrainian Consumers”;

**SECTION 6. CONSUMER PROTECTION (ART. 415 OF THE EU-UKRAINE ASSOCIATION AGREEMENT)**
† AU NGO “Financial literacy of Ukraine”;
† NGO “New Day of Ukraine”;
† NGO Civic representation centre “ZHYTTIA” (Life)
† NGO “Institute of Consumer Programs”;
† NGO “Youth for Consumer Rights”
¬ Non-governmental Associations whose activities concern consumer interests
† All-Ukrainian Council for Patients’ Rights and Safety Protection;
† Luhansk Oblast Women’s Human Rights Protection Organization CHAIKA (Seagull);
† AU NGO “All-Ukrainian Center of Legal Assistance ‘Civic Defender’”
† European Environmental Protection Center;
† Legal Practice “Vartovi Puchyn” (Depth Watchers);
† Ukrainian Society of Commodities and Technologies Experts.
¬ Civil Councils at the Governmental Authorities:
† Civil Councils at the Ministry of Economic Development and Trade;
† Civil Councils at the State Service of Ukraine for Food Safety.
¬ Business associations
† International Chamber of Trade and Industry
† Trade and Industry Chamber of Ukraine
† Association of Ukrainian Confectionaries;
† Association of Ukrainian Importers of Household Electronics;
† Ukrainian Trade Association;
† Ukrainian Association of Electrical Cable Producers
† AU BA League of Food Producers
¬ Experts, researchers, academics
† Coalition of NGOs and Experts “Reanimation Package of Reforms”;  
† Ukrainian Center of European Policy
† Kyiv National University of Trade and Economics (KNUTE):
† Chair of International, Private, Commercial and Civil Law;
† Chair of Administrative, Financial and Information Law.
† Non-government Union “Innovative Orkhus Network of Territorial Communities of Ukraine and City of Kyiv” (UA CSP)

Representatives of stakeholders which participated in the interview:
† Parliamentary committees and services:
  † Secretariat of the Economic Policy Committee (Consumer Protection Subcommittee);
  † Parliamentary Expert Group for European Integration.

† Government level:
  † Ministry of Economic Development and Trade;
  † Ministry of Agrarian Policy and Food;
  † State Service of Ukraine for Food Safety.
  † Antimonopoly Committee of Ukraine:
    † Center for Comprehensive Studies of Antimonopoly Policy;
    † Department of Competition Policy.

† Civil Society Organizations:
  † Consumer Associations:
    † All-Ukrainian Consumer Federation PULS;
    † Non-government Union “All-Ukrainian Association for Consumer Protection”;  
    † SPOZHYVCHA DOVIRA (Consumer Trust);
    † Research Center of Independent Consumer Expert Evaluations TEST;
    † AU NGO “Insurance Protection”;
    † AU NGO “Financial literacy of Ukraine”;
    † NGO “New Day of Ukraine”;
    † NGO “Institute of Consumer Programs”;
    † NGO “Youth for Consumer Rights”

  † Non-governmental Associations whose activities concern consumer interests
    † European Environmental Protection Center;
## The Parties Cooperate in Order to Ensure a High Level of Consumer Protection (CP) and Interoperability Between Their Systems

<table>
<thead>
<tr>
<th>Action</th>
<th>Adequacy</th>
<th>Fullness</th>
<th>Openness</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expert evaluation of legal and technical capacity</td>
<td>5</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>Regulatory documents in the CP area identified</td>
<td>8</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>A CP public policy concept is drafted</td>
<td>10</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>Setting up Web-pages with information for consumers on the Government Web-sites</td>
<td>0</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Upgrading of information provided to consumers</td>
<td>0</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>The government body responsible for professional development is appointed</td>
<td>8</td>
<td>7</td>
<td>6</td>
</tr>
<tr>
<td>Public discussions on streamlining procedures of judicial review of consumer disputes organized</td>
<td>0</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Improvement of consumer complaints processing</td>
<td>0</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>CP training for public servants and other stakeholders was organized</td>
<td>0</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Centers of independent consumer evaluation are set up</td>
<td>0</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Approximation of legislation to the EU Acquis and prevention of trade barriers</td>
<td>1</td>
<td>1</td>
<td>6</td>
</tr>
<tr>
<td>Workshop on CP organized for Consumer NGOs and businesses</td>
<td>3</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>Law of Ukraine On Consumer Rights Protection</td>
<td>4</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Adoption of the Action Plan</td>
<td>7</td>
<td>10</td>
<td>8</td>
</tr>
<tr>
<td>Taking the EU Directives on board of Ukrainian Legislation according to the Association Agreement</td>
<td>0</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Regulatory by-laws correspond to the EU norms</td>
<td>0</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Defining of the status of the government body responsible for CP and independent of sector interests</td>
<td>0</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Final report on implementation of tasks</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>
Legal Practice “Vartovi Puchyn” (Depth Watchers);
Ukrainian Society of Commodities and Technologies Experts.

Civil Councils at the Governmental Authorities:
Civil Councils at the Ministry of Economic Development and Trade;
Civil Councils at the State Service of Ukraine for Food Safety

Business associations
International Chamber of Trade and Industry;
Trade and Industry Chamber of Ukraine;
Association of Ukrainian Confectionaries;
Association of Ukrainian Importers of Household Electronics;
Ukrainian Trade Association;
Ukrainian Association of Electrical Cable Producers;
AU BA League of Food Producers.

Experts, researchers, academics
Coalition of NGOs and Experts “Reanimation Package of Reforms”;
Ukrainian Center of European Policy;
Kyiv National University of Trade and Economics (KNUTE);
Chair of International, Private, Commercial and Civil Law;
Chair of Administrative, Financial and Information Law.
Non-government Union “Innovative Orkhus Network of Territorial Communities of Ukraine and City of Kyiv” (UA CSP)

Goal Tree
Article 415 of the Agreement stipulates the following goal: the parties cooperate in order to provide a high level of consumer protection and reach interoperability between their consumer protection systems.

In pursuance of that goal, Articles 416-418 stipulate the following objectives:
I. promotion of information exchange on consumer protection systems;
II. expert evaluation of legal and technical capacity in this area with the aim of implementation of necessary systems of legislation and market monitoring;
III. upgrading of information available to consumers;
IV. training of government representatives and consumer interest advocates;
V. promotion of independent consumer associations and fostering contacts between them;
VI. gradual approximation of Ukraine’s legislation to the Acquis Communautaire;
VII. permanent dialogue between parties on the issues covered by Article 20 of the Association Agreement.

Concrete actions to be taken at the level of decision making and relevant activities of executive authorities in order to reach objectives agreed by both parties:

Promotion of information exchange on consumer protection systems in Ukraine and the EU, which requires:
- designation of responsible entities to take part in the information exchange;
- setting up a proper regulatory framework for the exchange;
- identification of institutional mechanisms for information exchange;
- setting up a frequency of information exchange.

Expert evaluation of legal and technical capacity in this area with the aim of implementation of necessary systems of legislation and market monitoring. It should be implemented through the following actions:
- expert evaluation of regulatory framework for state protection of consumer rights;
- expert evaluation of technical capacity of the state protection of consumer rights (the body responsible for implementation of public policy in this area);
- drafting documents to regulate:
  - fundamentals of public policy of consumer protection;
  - action plan for the public policy implementation;
- implementation the EU norms into the Ukrainian legislation.

Upgrading of information available to consumers. It means:
- effective system of timely informing consumers on risky products;
- setting up pages with information for consumers on the government Web-sites;
- printing information materials for distribution among consumers;
- introduction of standard form contracts between economic agents and consumers;
uploading of the consumer investigation results to the Web-site of the government authority responsible for consumer protection;
production of basic manuals on consumer protection;
setting up information and advice hotlines for consumers.

**Training of government representatives and other advocates of consumer interests.**
The following activities are envisaged here:
- designation of a state body responsible for professional development of public servants dealing with consumer protection;
- designing professional development programs for public servants dealing with consumer protection and other advocates of consumer interests;
- management of training for public servants dealing with consumer protection and other relevant stakeholders.

**Motivation/promotion of independent consumer associations and fostering contacts between consumer representatives.**
This objective requires:
- seminars on consumer protection for the civil society representatives – non-governmental associations and business-associations;
- public hearings on streamlining court litigations in case of consumer dispute, legal grounds and practices of a non-pecuniary damage compensation;
- upgrading of consumer complaints processing procedure and compensation for violated rights;
- improvement of transparency and feedback mechanisms in case of individual consumers’ and non-governmental consumer associations’ appeals and complaints;
- creation of independent consumer expert evaluation centers;
- ensuring contacts between consumer representatives – consumer associations in Ukraine and the EU.

Ukraine gradually approximates its legislation to the Acquis Communautair in line with Annex XXXIX to the Agreement, avoiding, at the same time, creation of trade barriers.
The activities in this field are:
- approximation of the Law of Ukraine On Consumer Protection to the EU norms;
- providing a proper status to the Law of Ukraine On Consumer Protection in order to protect it from interference of dishonest business representatives;
- taking EU Directives into account in Ukrainian legislation in pursuance of Chapter 20 of the Agreement;
- bringing by-laws, which regulate consumer protection, in line with the EU norms;
- defining of a status of the public authority which implements consumer protection policy irrespective of sector interests;
- prevention of trade barriers creation.

**Permanent dialogue will take place on the issues covered by Article 20 of Title V (Economic and Sector Cooperation) of the Association Agreement.**
This dialogue requires:
- designation of an authorized public body;
- defining terms of implementation of Article 20 of the Association Agreement;
- approval of action plan for implementation of Article 20 of the Association Agreement;
- reporting on completion of tasks stipulated by Article 20 of the Agreement;
- EU expert evaluation of completion of Article 20 tasks.

**Explanation of scores**

I. **Promotion of information exchange on consumer protection systems in Ukraine and the EU.**
The activities were not accomplished.

No tasks on promotion of information exchange between Ukraine and EU on consumer protection systems are mentioned in any government documents including documents of the Government Office for European Integration. Procedure and mechanism of the exchange have not been identified, as well as its frequency.
II. Expert evaluation of legal and technical capacity in this area with the aim of implementation of necessary systems of legislation and market monitoring.

The tasks on expert evaluation were stipulated by the Government Order 847-p of Sep. 17, 2014 On Implementation of the Ukraine-EU Association Agreement but they were not executed. The Concept of Consumer Protection Public Policy for the Period up to 2020, # 217-p, was approved on Mar. 29, 2017. The draft Action Plan for the implementation of the Concept is still under consideration of the Government. No procedures for inclusion of the EU requirements into Ukrainian legislation have been developed.

The documents which the society needs – the Concept and Action Plan – got positive assessments. Adequacy of the Concept is high (8 points) but not all proposed European approaches were taken into account, therefore its fullness received a score of 7 points. Openness – also 7 points because there is no feedback from the authorities. The total score of the Concept is 7. The Action Plan, as an important document inherent to the Concept, also received high points. The lowest score (5) – for the fullness of the document because government documents even at the stage of justification of their necessity have a lot of internal procedural, financial and other limitations. There is crucial difference – the Concept have already been approved and the approval of the draft Action Plan has been permanently postponed.

III. Upgrading of information available to consumers.

The tasks are not accomplished.

The respondents – stakeholder representatives expect from the authorities the fulfillment of the Constitutional guarantees of consumer safety by way of informing consumers on the results of market monitoring and relevant consumer risks (this information is collected by the authorities). The same goes for introduction of standard form contracts between economic agents and consumers, in particular, concerning banking contracts in order to eliminate disparity between the parties of an agreement. He State Service of Food Safety periodically tests food from the market but never informs consumers on the results of the tests. There are no manuals on the fundamentals of consumer literacy for the public education system. There are no advisory and information hotlines for consumers both at the national and local levels.

IV. Training of government representatives and other advocates of consumer interests.

The activities were not accomplished.

The problem of lack of professionalism among managers and employees of the executive bodies responsible for consumer protection in Ukraine seems to be permanent. Inclusion of representatives (new activists) of non-governmental consumer associations can only be welcomed. The National Agency of Ukraine for Public Service is responsible for training of relevant public servants.

This decision was evaluated as follows: adequacy – 8 points, because functions of the executive bodies often change; fullness – 6 points, because there is no guarantee that the National Agency for Public Service, as the main contractor, will have responsible attitude to the training in view of specificity of consumer protection system; openness received conventionally 6 points because the document has not been approved yet.

V. Motivation/promotion of independent consumer associations and fostering contacts between consumer representatives.

The activities were not accomplished.

Article 42 of the Constitution according to which the State shall protect consumer rights, control the quality and safety of products and all kinds of services and works, support activities of non-governmental consumer associations on the issues of:

- access of consumers to court litigations,
- investigation of consumer complaints and proper compensations,
- creation of independent consumer expert evaluation centers,
- setting up mechanisms for real application of the declared consumer rights
- is not fulfilled.
The task of ensuring contacts between representatives of consumers, consumer associations in Ukraine and the EU has not been fulfilled: contrary to the Agreement, the Verkhovna Rada Parliament of Ukraine has adopted amendments to the legislation according to which NGO representatives are obliged to submit e-declarations.

**VI. Ukraine gradually approximates its legislation to the Acquis Communautaire in line with Annex XXXIX to the Agreement, avoiding, at the same time, creation of trade barriers.**

The activities aimed at legislation approximation have been completed partially.

Transposition of some EU norms into the Law of Ukraine On Consumer Protection have received quite low scores. Adequacy – **4 points**, because changes are introduced chaotically without prior analysis of relevant EU legislation and identification of logical sequence of changes. The fullness of approximation to the EU norms has received 3 points because this law is far away from contemporary EU approaches to the consumer protection issues. Removal of all provisions on food safety from the Law looks absurd because it deprives Ukrainian consumers of the protection of their rights at the food market. It goes both for adequacy of the Law and its fullness.

The attempts to deprive consumers of their right to appeal to court without paying court fees are still observed. All other activities have not been completed.

The task of prevention creation of trade barriers has been screwed up by the moratorium on inspections of economic agents which put business interests above those of consumers. The moratorium left consumers unprotected against abuse by unfair businesses. Moreover, three years of moratorium have not helped businesses to raise on their own feet but, on the contrary, turned into a serious barrier on the consumer market.

**VIII. Permanent dialogue will take place on the issues covered by Article 20 of Title V (Economic and Sector Cooperation) of the Association Agreement.**

**Activities:**
- appointment of the authorized public body;
- adoption of the Action Plan on implementation of Chapter 20 of the EU-Ukraine Association Agreement;
- setting up timeframe for implementation of Chapter 20: 2014-2017;
- reporting on completion of Chapter 20 tasks;
- EU expert evaluation of the implementation of Chapter 20 of the Agreement.

The adequacy of the governmental decision to set up a Government Office for European Integration as an important link for maintaining a permanent dialogue received **10 points**. The fullness of the decision – only **5 points** because there are no mechanisms for the Office cooperation with all components of the government with the aim of organizational, expert and analytical, and information support to the Cabinet of Ministers of Ukraine in the area of European integration. Openness scored **3 points** because the Office has not publicly promoted itself and its mission. Total score is 6 points.

Adoption of the Action Plan on implementation of Chapter 20 of the Agreement was done in pursuance of the Government Order 847-p of Sep. 17, 2017 On the Implementation of the Ukraine-EU Association Agreement. The Action Plan required a quarterly submission of information in 2014-2017 to the Cabinet of Ministers of Ukraine by Ministries and Agencies so that the Government Office for European Integration is able to monitor the efficiency of the Agreement implementation and deliberation of relevant proposals. Adequacy of the Action Plan received **7 points** because the idea is good, but too general time line of 2014-2017 (without any detailed account) reduces adequacy of the Plan. Fullness got **10 points** because the Government Order covered all aspects of cooperation and functions ‘from bottom to top’. Openness scored **8 points** because relevant data, despite being well disseminated, are not informative enough.

Analysis of the Government’s reports on the Agreement implementation showed that frequency of the reports was not established. There is no chapter or paragraph on consumer protection in the Government’s report on implementation of the Association Agenda and Ukraine-EU Association Agreement in January-May 2016. But the Chapter “Sanitary and Phytosanitary Measures” says that the draft Law of Ukraine ‘On the Food Products Information for Consumers’ which was submitted to the Parliament “in general meets the aims of the Agreements concerning interoperability of consumer protection systems, in particular, improvement of information provided to consumers”. This information in the report is just an imitation and manipulation of
consumer interests by the authorities: the above mentioned draft Law 4126-1 of 04 March 2016 is aimed not at consumers but at the market operators and has nothing to do at all with reaching interoperability of consumer protection systems in Ukraine and the EU, in particular concerning provision of information for consumers.

The next report by the Government is on the implementation of the Agreement in 2016 in which the chapter ‘Consumer Protection’ is dedicated to the drafting of three governmental documents which were not approved in the reported year of 2016 (some of them were not approved even in the first six months of 2017). Therefore, the implementation report for 2016 did not contain any information about a fulfilled item from Chapter 20.

The Government’s reports on fulfilment of tasks from Chapter 20 of the Agreement scored 2-2-3-2. Adequacy of both reports is very low – 2 points. Openness scored 3 points (the report is open for access but there is no information on implementation of Chapter 20). The total score is 2.

Conclusions
General conclusion of the study is that the Government of Ukraine does not pay proper attention to the implementation of Chapter 20, Consumer Protection, of the Ukraine-EU Association Agreement.  
1. A sort of information vacuum has developed concerning a state of respective consumer protection systems in Ukraine and the EU, their essence and differences, as well as mechanisms of European integration in the interests of multimillion consumer community.

2. There is a need to open access to the information on activities of the Government Office for European integration.

3. State Service of Food Safety, which is a part of the Ministry of Agrarian Policy and Food, mainly targets its activities at agricultural sector and food products safety. Consumer protection function is alien to the Ministry and its employees, it suffers from low level of priority, lack of professionalism and general apathy among public servants.

4. The Ukrainian courts continue forcing consumers to pay court fees contrary to the Article 22 of the Law of Ukraine On Consumer Protection, according to which consumers are exempt from paying court fees in cases related to violation of their rights.

5. A moratorium on inspections of businesses has become an obstacle on the way of consumer market development because it opposed business interests to the consumer rights.

**RECOMMENDATIONS**

- **To the Verkhovna Rada Parliament of Ukraine:**
  - to revise a decision on introduction of moratorium on inspections of economic agents;
  - to amend Article 5 of the Law of Ukraine On Court Fees, and include consumers into the list of persons exempt from paying court fees.

- **To the Cabinet of Ministers of Ukraine:**
  - to establish an effective control over the fulfilment by Ministries and other central executive bodies of the Government Order 847-p of Sep. 17, 2014 on the implementation of the Ukraine-EU Agreement and the 2014-2017 Action Plan stipulated in that document, including in the area of consumer protection;
  - to inform about really completed tasks and adopted final documents, not about draft documents, in Government reports on implementation of the Agreement with the EU;
  - to conduct an expert evaluation of legal and technical capacity of the consumer protection system to implement proper systems of legislation and market supervision approximated with the EU approaches and best practices in line with the Government Action Plan and Article 416 of the Agreement. In particular, on establishing and ensuring a special status for the authority responsible for implementation of the consumer protection public policy, irrespective of any interests (according to the Action Plan – 2014-2017, that is by the end of 2017);
  - to establish procedure and frequency of information exchange on consumer protection systems between Ukraine and the EU and make them available on the Cabinet web-site (as required by Article 416 of the Agreement);
  - to include the Ukrainian consumer protection system reform into the Government priority plans up to 2020.

- **To the Government Office for European and Euro-Atlantic Integration:**
  - to monitor implementation of the Governmental Action Plan aimed at implementation of the Ukraine-EU Association Agreement, and make relevant proposals on the basis of information submitted quarterly, by the 10th day of the following month, by Ministries and other central executive authorities together with other agencies responsible for the Action Plan implementation according to the Cabinet Order 847-p of Sep. 17, 2017, including on the issues of consumer rights protection; make this information publicly accessible;
  - to highlight systematically on the Government Web-site issues of permanent Ukraine-EU dialogue on consumer protection, informing public in a transparent manner as requires Article 418 of the Agreement.

- **To the Ministry of Economic Development and Trade:**
  - to engage into coordination of activities by relevant bodies/agencies aimed at implementation of the EU Acquis provisions concerning protection of consumer rights according to the Action Plan in pursuance of Article 416 of the Association Agreement;
  - to conduct an expert evaluation of legal and technical capacity in the area of consumer protection with the aim of implementation of relevant systems of legislation and market supervision according to Article 416 of the Association Agreement with the EU. In particular concerning efficiency/inefficiency of The State Service for Food Safety in the interests of Ukrainian consumers and relevance of this service’s activities to the EU practices of effective consumer protection; evaluation of the fact that the Service is subordinated to the Ministry of Agrarian Policy and Food, as well as from the point of view of sectoral dependence on the interests of a mighty agrarian sector, vulnerability of consumers caused by the moratorium on inspections etc.;
  - to hold public discussion on the proposals submitted to the Action Plan of Implementation of the Concept Public Policy in the area of consumer protection for 2017-2020 before the approval of the document.

- **Ukraine’s Judiciary authorities:**
  - in dealing with consumer cases to base on:
    - the rule of law principle according to Article 22 of the Constitution of Ukraine: when new laws are adopted or amendment made to the current legislation no narrowing of content and amount of existing rights and freedoms is allowed;
    - the conclusions made by the Supreme Specialized Court for Civil and Criminal Cases concerning court fees and a need to be guided by Article 22 of the Law of Ukraine On Consumer Rights instead of Article 5 of the Law of Ukraine On Court Fees.
Introduction

EU gender equality and non-discrimination laws have been significantly developed since 1957. In order to allow for a level playing field between the Member States, the original Treaty Establishing the European Economic Community contained a provision prohibiting discrimination on the basis of sex. This would prevent Member States gaining a competitive advantage over each other by offering lower rates of pay or less favorable conditions of work to women. Employment rates are steadily lower among women than among men in the EU countries. At the beginning of 2015, the average female labor force participation rate in the EU was 52% (compared to 70.1% for men). The number of women on the EU labor market is constantly increasing. Thus, during the period of 2004-2014, the employment rate for women increased from 55.5% in 2004 to 59.6% in 2014. Whereas the employment rate for men slightly decreased over the same period of time.

Although this body of law evolved considerably to include areas such as pensions, pregnancy and statutory social security regimes, until 2000 non-discrimination law in the EU applied only to the context of employment and social security, and only covered the ground of sex.

During the 1990s, significant lobbying was carried out by public interest groups calling for the prohibition on discrimination to be extended in EU law to cover other areas such as race and ethnicity, as well as sexual orientation, religious belief, age and disability. Today, this is the main scope of non-discrimination law under the EU.

In Ukraine, the problem of discrimination, in particular on the basis of sex, as well as other areas, is becoming more and more important. Discriminatory effects are growing to cover more and more areas during the reform process. Today, the situation of women in the Ukrainian labor market is steadily declining. At the end of 2015, women’s wages as a source of their income and economic independence ranged from 47% to 78% of men’s wages, depending on the industry. On average, a woman made 75% of what their male counterparts did. In the business sector, women’s wages have been decreasing for at least the last three years from 74% of the men’s salary in 2013 down to 59% in 2015.

Market liberalization involves targeting a single, healthy, young man with no family responsibilities as an ideal worker. However, the state should help correct such distortions in the market economy and, therefore, is engaged in family support policies and practices. This requires compensatory legislative and policy tools to ensure equal rights and opportunities for workers with family responsibilities, including, first of all, women - mothers with children, who historically bear the responsibility for the family in most societies; pregnant women; caregivers; persons with disabilities, on the basis of age, origin, etc.


Representatives of stakeholders who participated in the poll:

- Lyudmyla Cherkashyna, Deputy Director, Kyiv City Office of Social Policy
- Vitaliy Soya, Director, Department of Social Policy, Labor and Employment Office
- Leonid Ilchuk, Deputy Director, Ph.D. Candidate in Political Science, Associate Professor, Research
Goal Tree
The poll organizers have identified **Achieving equality and non-discrimination in access to employment and service provision** as the goal, which includes three objectives:

I. Define criteria for equality. The criteria for equality are not clearly defined but only named/listed in the national legislation; therefore, they must be properly operationalized and sufficiently reflected in the respective legal provisions (Criteria for Equality).

II. Ensure equal access to employment for all workers on the basis of their skills and qualifications and regardless of gender, age, ethnicity or other characteristics (Access to Employment).

III. Ensure compliance of existing (mainly, discriminatory) labor market situation with desirable non-discrimination requirements (Compliance).

Implementation of the Criteria for Equality means providing clear, easy and well-operationalized criteria that ensure equality in the labor market. Therefore, it should be ensured that:

- The employment and service market has a list of non-discrimination criteria, which is exhaustive, sufficient and accessible ("List of criteria for equality: yes or no?");
- Non-discrimination standards are documented in the regulations (task – "Documents");
- Labor market participants are aware non-discrimination standards (employers, employees, regulatory authorities, policy-makers, and others are well aware of non-discrimination standards in the labor market (task – "Awareness");
- The state has clear commitments to non-discrimination standards (task – "Commitments");
- All labor market participants, including employers, employees, trade unions leaders, managers, inspectors, etc. are committed to adhere to respective non-discrimination standards and ensure equal access to employment (task – "Adherence").

The poll organizers believe that the implementation of “Access to Employment objectives depends on the following factors:

- Equal access to job opportunities for all categories of workers (older women and men, parents with young children, male and female workers from rural areas, workers with disabilities, etc.) ("Job Opportunities");
- Transparent recruitment procedures without any direct discriminatory requirements (For example, they do not exclude people with disabilities from the job application process). They do not contain any hidden requirements or undisclosed qualifications with regard to age, gender, current or expected children, marital status, desirable national or religious affiliation, sexual orientation, and other characteristics ("Recruitment Procedures");
- Non-discriminatory workplace. In particular, barrier-free environment, including entrances and approaches to places of employment and architectural accessibility for people with limited mobility (due to disabilities, limited time for parents with small children, people with family responsibilities, caregivers, etc.); available children’s rooms, changing tables, eating facilities, etc. ("Workplace");
- Avoiding discrimination when dismissing a worker. Dismissal procedures are based on impartiality, balance and fairness ("Dismissal");
- No discriminatory barriers (they include general, both psychological and physical, barriers or obstacles that may be discriminatory for any existing or potential minority groups, such as people living with HIV or former Injecting drug users) ("Barriers");
IMPLEMENTATION OF NON-Discrimination AND EQUALITY LAWS IN EMPLOYMENT, SOCIAL POLICY AND SERVICE PROVISION

**Criteria for Equality**
- Non-discrimination standards in the access to employment and service provision is approved: Adequacy 6, Fullness 4, Openness 0
- All labor market participants are well aware of non-discrimination standards: Adequacy 7, Fullness 6, Openness 0
- Non-discrimination standards are documented in the regulatory provisions: Adequacy 6, Fullness 4, Openness 0
- The state has expressed clear commitment to adhere to the non-discrimination standards: Adequacy 7, Fullness 6, Openness 0

**Access to Employment**
- Information on job opportunities is equally accessible for all: Adequacy 5, Fullness 4, Openness 3
- Recruitment procedures are transparent: Adequacy 7, Fullness 7, Openness 2
- No discriminatory barriers in place: Adequacy 4, Fullness 3, Openness 3
- Workplace is non-discriminatory: Adequacy 3, Fullness 3, Openness 3
- Dismissal procedures are fair and non-discriminatory: Adequacy 7, Fullness 7, Openness 5

**Compliance with Non-Discrimination Requirements**
- The labor market is monitored for discrimination / non-discrimination practices: Adequacy 2, Fullness 2, Openness 2
- Regulatory impact on labor market non-discrimination is assessed and properly adjusted, if needed: Adequacy 2, Fullness 2, Openness 2
- Properly authorized regulatory institutions are in place: Adequacy 3, Fullness 3, Openness 2
- Discrimination cases are detected and assessed by regulatory institutions: Adequacy 6, Fullness 7, Openness 8
- Effective sanctions are in place: Adequacy 5, Fullness 4, Openness 5
Impartial, equal and independent (regardless of gender, age and other characteristics) decision making with regard to workplace training for high-demand jobs and professional skills; and equal access to professional training, internships, and advanced training (“Training”).

Finally, the last objective, “Compliance,” was described by poll organizers as follows:

- The regulatory institutions monitor the discrimination in the labor market. (“The labor market is monitored for discrimination / non-discrimination practices”);
- Discrimination cases are detected and properly assessed by regulatory institutions and organizations (“Discrimination cases are detected and assessed”);
- All labor market regulations are reviewed by responsible institutions and organizations against their impact on gender equality; remedial measures are properly developed and implemented, if necessary (“Regulatory impact on labor market non-discrimination is assessed”);
- The government and other regulatory institutions or organizations maintain effective communication with stakeholders, respond to their assessments, requests or concerns (“Feedback for Stakeholders”);
- The government establishes special institutions authorized to ensure non-discrimination and gender equality in the labor market and access to services (“Properly authorized institutions are in place”);
- Effective sanctions are applied for violation of the non-discrimination laws and regulations (“Effective sanctions are in place”).

**Explanation of Scores**

The respondents – representatives of stakeholders - represented various groups with significantly different awareness levels and experience on discrimination and were rarely unanimous in their assessments. The opinions provided were usually polarized: government officials and pro-government experts mostly responded positively, while trade unions and independent experts as well as NGO representatives gave rather pessimistic and negative assessments.

The respondents – representatives of stakeholders - had different opinions when discussing the Criteria for Equality. Some stakeholders' representatives, mainly decision makers, assured that equality criteria are already set out in the Constitution, Article 24 (Citizens shall have equal constitutional rights and freedoms and shall be equal before the law. There shall be no privileges or restrictions based on race, skin color, political, religious, and other beliefs, gender, ethnic and social origin, property status, place of residence, linguistic or other characteristics) and respective labor laws that regulate the national labor market. They also believe that the list is exhaustive and sufficient. This group of stakeholders' representatives did not see any need for equality criteria to be further operationalized. The practitioner respondents, such as union lawyers, on the contrary, felt lost due to the scope of the task and could not clearly identify and operationalize the criteria for such a wide area as employment and service provision.

**Average score — 3.8 (Adequacy – 4.4; Fullness – 4.2; Openness – 2.8)**

All respondents from among stakeholders’ representatives clearly identified and named existing regulatory documents that prohibit various types of discrimination. Certainly, decision makers and NGO representatives working with non-discrimination could identify various types of discrimination more quickly and fully compared to other respondents - representatives of stakeholders. Thus, all respondents understand the principle of equality and non-discrimination and are aware of the respective non-discrimination standards in the labor market. However, during discussions and in the poll, the respondents were obviously reluctant to evaluate the state commitment to these non-discrimination standards. This also applies to the compliance with these criteria. The experts clearly lacked knowledge about the EU Council non-discrimination directives as Ukraine’s commitments under the Association Agreement. The respondents from among stockholders’ representatives could name neither regulatory documents supporting non-discrimination laws nor non-discrimination obligations. Therefore, they had difficulties in assessing compliance with these criteria.

**Average score — 3.3 (Adequacy – 3; Fullness – 4; Openness – 3)**

The respondents – representatives of stakeholders provided rather detailed assessment of the access of different populations to employment and non-discrimination in the labor market and service provision. Almost all discussion participants and respondents provided their opinions about discriminatory practices in their particular areas of work, which were unique and not repeated. At the same time, the respondents were unanimous in their assessments of the following issues:
- Ageism (age discrimination against people who are, first of all, age 40+, and second, age 20+);
- Different types of direct and hidden sex discrimination related to women;
- Discrimination against employees with family responsibilities, also predominantly women;
- Discrimination of people with disabilities, whose labor rights protection, both formal and false, arose many complaints.

Representatives of government institutions, unlike other stakeholders, took longer to identify almost all issues related to equal access to job opportunities, transparent recruitment and dismissal procedures, and non-discrimination workplace. At the same time, no respondents recognized the issue of non-discrimination and equal training opportunities.

**Average score — 4.5 (Adequacy – 5.2; Fullness – 5.2; Openness – 3)**

Many stakeholders expressed a unanimous opinion about the labor market compliance with non-discrimination requirements. When answering the questions about the first three tasks, namely monitoring, assessment and adjustment of regulatory impact (that is, the overall regulatory monitoring of discrimination / non-discrimination in the labor market), the respondents almost unanimously reported that such activities are not implemented at all, or their volume is next to none. Thus, the respondents tend to believe that discrimination in employment and service provision is not being assessed and recorded, and no respective policy is being developed.

Government communication was rated almost unanimously as mostly poor. The responses about authorized regulatory institutions were polarized, as decision makers generally believe that such institutions exist and their authority is sufficient to address respective tasks, while other discussion participants think that the powers need to be clarified, revised and expanded.

**Average score — 3.5 (Adequacy – 3.3; Fullness – 3.3; Openness – 3.8)**

**Conclusions**

1. The implementation of the six EU Council Anti-Discrimination Directives is still at an early stage in Ukraine. The topics and actions included in the implementation plan are not in line with the topics and areas outlined in the above-mentioned directives. The implementation plan provides for establishing the code of practice on managing disability in employment. However, the plan includes almost no measures to ensure the code of practice on managing other discrimination grounds, outlined in these directives.

2. The labor and services market is influenced by discrimination.

3. Despite the fact that the adopted implementation plan for directives is in place, conflicting legislative initiatives are being taken at the same time.

4. According to the analysis of implementation plans, regulatory documents of the Ministry of Social Policy and the directives, there are significant inconsistencies between what these documents say and what the majority of stakeholders believe. The stakeholders identify age discrimination, ageism, as a top priority problem in the Ukrainian labor market while the second priority is given to sex discrimination. The government implementation plan is focused mainly on the discrimination of persons with disabilities and ignores discrimination on the basis of gender, age, and other characteristics.

5. There is no assessment of actual anti-discrimination impact of government decisions aimed at ensuring equal access to employment and basic social (education, healthcare, care, etc.) services.

6. Ukraine has a lack of institutions capable of monitoring and assessing regulatory impact and preparing well justified proposals for policy change.

7. There is a lack of officially disclosed information about respective government activities.
RECOMMENDATIONS

For the Parliament of Ukraine

- Hold a joint meeting of the three Parliamentary committees (the Committee on Social Policy, Employment and Pensions, Committee on European Integration, Committee on Human Rights, National Minorities and Interethnic Relations) to discuss the implementation of the EU Council non-discrimination directives and the necessary changes to be made the national social security and labor legislation.

For the Cabinet of Ministers of Ukraine

- Incorporate employment equality and non-discrimination in the mission and terms of reference of the future Government Commissioner for Gender Equality Policy. This new position was added to the Government Office for European and Euro-Atlantic Integration.

For the Ministry of Social Policy of Ukraine

- Expand the expert advisory group to implement objectives of Title III: Justice, Freedom and Security and Chapter 21 "Cooperation On Employment, Social Policy and Equal Opportunities" of the EU-Ukraine Association Agreement. The advisory group should include experts from both government institutions and NGOs that are competent in various aspects of non-discrimination policy regulating the labor market and service provision, as well as government agency officials who monitor and assess the effectiveness of regulatory decisions with regard to labor and service provision.
- Revise and expand the regulatory documents on the implementation of the six EU Council Anti-Discrimination Directives. Amend the implementation plan for each Directive accordingly.
- Ensure regular assessment of gender and social impact of social security and labor market reforms.
- Revise and adjust the powers of the Expert Advisory Group of the Ministry of Social Policy of Ukraine.
- Expand interdepartmental cooperation and ensure that the representatives of the expert council on prevention and counteraction of gender-based discrimination of the Ministry of Social Policy of Ukraine; the Public Council of the Ministry of Social Policy of Ukraine, and other institutions engaged in prevention and counteraction to discrimination take part in the activities of the implementation group (the expert advisory group of the Ministry of Social Policy) as advisors and consultants.
- The review and revision of implementation documents should be included in the State Social Program for the Equal Rights and Opportunities for Women and Men for the period up to 2021, which is being currently developed.
Introduction
Since the creation of the European Union, the fundamental requirement of freedom of movement of goods, services, people and capital has suggested setting up a single European labor market. For that reason, both EU governing bodies and national governments have paid a significant attention to making common policies aimed at changing employment structure, development of uniform professional and educational standards, modernization of vocational training driven by rapid technological development of production processes. The ability to respond flexibly and adequately to dynamic changes depends heavily on the ability to properly describe and disseminate the best new practices; and in the case of professional training – on the ability to coordinate changes in the system of education and professional development and retraining.

Ukraine, which seeks to join a single European labor market, should be prepared to face new challenges and tasks, in particular, concerning conformity of Ukrainian workers’ qualification and competence with the EU requirements. For that reason, Articles 430 and 432 of the EU-Ukraine Association Agreement stipulate a number of norms which prescribe the direction of Ukraine’s vocational education (hereinafter – VE) development. In Ukraine, these challenges combined with ill-conceived processes of the VE decentralization almost led to a collapse of the integrated system of workers training in late 2015 and during 2016.

Invited representatives of stakeholders:

- Government authorities:
  - Ministry of Education and Science of Ukraine
  - Ministry of Social Policy of Ukraine
  - Ministry of Economic Policy and Trade of Ukraine
  - Directorate of Vocational Education, Kyiv City Administration
  - Education and Science Committee, Verkhovna Rada Parliament of Ukraine

- Scientific organizations
  - National Academy of Pedagogical Sciences of Ukraine
  - Institute of Vocational Education
  - Ptukha Institute of Demography and Social Research

- Non-governmental Organizations
  - All-Ukrainian Association of Vocational Training Employees
  - Trade Union of Education and Science Employees of Ukraine

- Members of the UA CSP:
  - Confederation of Employers of Ukraine;

Representatives of stakeholders who participated in the discussion:

- N.G. Vasylenko, Ministry of Social Policy of Ukraine
- O.Y. Kalihayev, State Employment Service (Central Staff)
- H.M. Romanova, Institute of Vocational Education
- L.M. Lysohor, Ptukha Institute of Demography and Social Research
- V.I. Palyvoda, All-Ukrainian Association of Vocational Training Employees
- Y.M. Pavlovskyi, Confederation of Employers of Ukraine

Goal Tree
Bearing in mind the content of Article 432 of the EU-Ukraine Association Agreement organizers of the study and stakeholder representatives decided to have a broader approach to this topic and to cover aspects which directly concern setting up information exchange, and organizational and legal aspects of functioning and development of the vocational education in Ukraine.
Therefore, 5 key components of successful implementation of provisions of Article 432 of the EU-Ukraine Association Agreement were identified as:

I. efficient, full and timely information exchange in the area of vocational education (VE);
II. optimal organization of the VE system at regional level;
III. the efficient system of VE management has been set up at regional level;
IV. rights and obligations of participants of legal relations are clearly defined and properly regulated;
V. a regulatory framework of vocational education is properly designed and corresponds to the programmatic public policy documents (Cabinet Action Plan, Sustainable Development Strategy ‘Ukraine 2020’) and current international obligations (EU-Ukraine Association Agreement).

These 5 components were further specified.
The stakeholders believe that the key indicators of technical aspects of information exchange are:
- means and ways of setting up the exchange;
- persons engaged into collection and summing up of relevant information;
- frequency of such information exchanges, etc.

The recent legislative innovations put the VE system development on the regional level, adjusting it to the needs of regional labor markets. According to the stakeholder representatives, organization of the VE system should be based on the analysis of the following quantitative indicators of the VE system development:
- a number of educational establishments at the level of a region;
- an average cost of training;
- an average number of students in educational establishments;
- a travel time to the educational establishment from various parts of a region;
- availability of a mechanism(s) for identifying regional needs in workers.

The decisive role in the management of the VE system development at the regional level should belong to a special body – A Vocational Education Council. According to the Ministry of Education and Science of Ukraine, as of August 20, 2017, such Councils are operational in 20 Oblasts of Ukraine and the City of Kyiv.

On the basis of that the stakeholder representatives think that in order to have efficient system of the VE management at regional level the following has to be done:
- a body responsible for current coordination of the VR system development should be identified;
- a VR Council should be set up and included into the ranks of major regional stakeholders in a region;
- functions and powers of that Council and mechanisms to ensure that its decisions and recommendations are followed by Oblast State Administrations (OSA) should be adopted and approved.

The stakeholder representatives note that in order to engage stakeholders into the VE system development the following issues should be resolved:
- regulatory definition of fundamentals of the vocational education system management at national and regional levels;
- regulatory settlement of stakeholder engagement into the VE system management at a regional level;
- clear definition of rights and obligations of stakeholders-members of VE Councils.

The stakeholder representatives, when analyzing a state of the regulatory framework, which regulates the VE system architecture and management both at the national and regional levels, focus on the compliance:
- of the VE system management and functioning principles, which were established by the 1998 Law, with contemporary situation;
- of by-laws with the content and logic of the key regulatory act, which regulates management of the vocational education system in Ukraine and other programmatic documents of the Ukrainian state policy (Cabinet Action Plan, Regional Development Programs, EU-Ukraine Association Agreement etc.).

Explanation of scores
Representatives of stakeholders participating in the survey unanimously pointed out that there is no information exchange between Ukraine and the EU on vocational training, therefore the quality of information exchange was not evaluated.

---

EFFICIENT EXCHANGE OF INFORMATION, EXPERIENCE AND PRACTICES IN THE VOCATIONAL EDUCATION AND TRAINING HAS BEEN SET UP IN PURSUANCE OF ARTICLE 432 OF THE EU-UKRAINE ASSOCIATION AGREEMENT

- Identified entities interested in information exchange: 0
- Set up regulatory basis for such exchange: 0
- Set up institutional mechanisms for information exchange: 0
- Exchange of information in the area of vocational training: 0

- The VE system has been optimally organized at the national and regional levels: 4
- Persons interested in information exchange identified: 4
- Enough educational establishments to provide the state with required professionals: 5
- Priority sectors in need of professional labor force identified at the national level: 4
- Priority sectors in need of professional labor force identified at the regional level: 4
- Funding of the VE network is fixed in the Budget and provided according to the plan: 4
- Funding of the VE network is fixed in the Budget and provided according to the plan: 4

- The VE management at the regional level: 5
- The VE management at the regional level: 5
- A body authorized to coordinate the VE system development activities is identified at the national level: 7
- A body authorized to coordinate the VE system development activities is identified at the national level: 7
- Functions and powers of the Regional Council for the VE Development are defined and adopted: 6
- Functions and powers of the Regional Council for the VE Development are defined and adopted: 6
- Recommendations and conclusions made by the Regional Council for the VE Development are duly regarded and followed: 5
- Recommendations and conclusions made by the Regional Council for the VE Development are duly regarded and followed: 5

- Rights and obligations of the participants of legal relations are identified and regulated: 7
- Rights and obligations of the participants of legal relations are identified and regulated: 7
- A Regional Council for the VE Development is set up and operational; key regional stakeholders are involved as members: 7
- A Regional Council for the VE Development is set up and operational; key regional stakeholders are involved as members: 7
- General principles of the VE management are stipulated in a relevant regulatory act: 7
- General principles of the VE management are stipulated in a relevant regulatory act: 7
- A regulatory act identifies stakeholders at the national and regional levels, their rights and obligations: 6
- A regulatory act identifies stakeholders at the national and regional levels, their rights and obligations: 6
- The main vocational education regulatory act is modern and was adopted with participation of wide range of interested parties: 6
- The main vocational education regulatory act is modern and was adopted with participation of wide range of interested parties: 6
- Online system of lower level regulatory acts aimed at implementation of the main regulatory act provisions is developed and operational: 2
- Online system of lower level regulatory acts aimed at implementation of the main regulatory act provisions is developed and operational: 2

- Regulatory framework of the vocational education: 1
- Regulatory framework of the vocational education: 1
- The status of the main regulatory act is sufficient: 6
- The status of the main regulatory act is sufficient: 6
- Provisions of the regulatory act correspond to the Government Program, regional development programs and projects: 0
- Provisions of the regulatory act correspond to the Government Program, regional development programs and projects: 0

Legend:

- Adequacy
- Fullness
- Openness
Concerning the VE system organization at the national and regional levels, the respondents unanimously agreed that there was enough vocational education establishments (VEEs) to provide the state with a required professional labor force (the score of 5.0 points out of 10 was mainly related to a large number of VEEs). But at the regional level, experts were not so unanimous and optimistic in their evaluations (4.3 points). Despite completed decentralization of the VE management system, representatives of stakeholders agreed that at the regional level there is no system for prioritizing sectors of economy, their needs in professional labor, and therefore it is impossible to do a qualitative evaluation of it. It should be noted, that despite availability of such a mechanism at the national level, which was set up by the Cabinet Resolution 818 of 16 November, 2016 On Approval of the List of Professions of National Significance, Training for Which is Funded by the State Budget, its effectiveness and relevance were evaluated rather low (4.3 points). This score was caused by a non-transparent mechanism of identification priority vocations for a region, opportunistic and unjustified designation of the so-called ‘priority’ professions which are funded by the national budget.

Quite low scores were also given to measures aimed at funding the VE system both at the national (3.6 points) and regional levels (4.8 points). The reason for that was the common opinion of the respondents that the national level VE funding had to be preserved, because funding of workers training is of the national significance. Meanwhile, funding of the VE system through the regional mechanism has led to substantial reduction of the funding in some regions.

In general, interviewed stakeholders appraised achievements of regional authorities in setting up an efficient system of the VE management quite highly. Measures on identifying a body responsible for coordination of the VE system development were evaluated positively (6.7 points) which in part was due to the well-established structure of Oblast State Administrations (OSAs). Many OSAs in their structures have units responsible, among other issues, for the VE development in the relevant administrative and territorial entity. At the same time, the score of 6.7 points reflected the fact that despite formal availability of a unit responsible for the vocational education development, any modern mechanisms (formulation of indicators of regional needs in specialist training, setting up VE Councils etc.) that could have improved the regional level situation over the analyzed period of time were not implemented. As for setting up VE Councils and inclusion of representatives of relevant interested parties into them, this process remains obscure for public which has almost no information on the progress in that area. The experts’ score of 6.3 is driven by the fact that official web-sites of OSAs contain information on setting up relevant Councils but very often there is no information on their activities or members. For this reason, regulatory recognition of VE Councils activities and mechanisms for implementing their decisions were evaluated rather low (5.0 and 0 points respectively).

At the same time, measures taken for regulatory recognition of interested parties engaged into the VE system management and their obligations are evaluated quite positively (7.6 and 7.2 points respectively). These measures were implemented in pursuance of the Law of Ukraine On Vocational Education which stipulates general principles of vocational education management system at regional level. But the participants of the discussion indicated that provisions of this Law are quite obsolete and it does not regulate some mechanisms of the VE management system at the regional level (in particular, VE funding, place and role of the VE Councils, their composition, rights and obligations of stakeholders which are to participate in the vocational education system management at the national and regional levels).

Stakeholder representatives valued modernity and adequacy of the VE system regulatory framework as a whole at a very low rate. In particular, they consider the Law of Ukraine On Vocational Education obsolete, adopted without participation of a wide range of stakeholders, not corresponding to the Government Action Plan, regional development programs and projects, EU-Ukraine Association Agreement14, and other international obligations of Ukraine in the area of education. That is why it is impossible to evaluate the system on the basis of quality criteria. At the same time, the stakeholder representatives agreed that there is no need to change the status of the major regulatory act, it should have a status of a law (4.3 points). The common opinion is that the current system of by-laws as a whole corresponds to the content and ideology of the aforementioned Law, though it needs a substantial revision and upgrading (2.3 points).

Conclusions

1. Ukraine failed to achieve substantial results in the implementation of Article 432 of the EU-Ukraine Association Agreement, in particular, it did not establish an efficient exchange of information, best practices and experience in the area of vocational education and training during 2015-March 2017.

14 In particular, para b, Article 432 of the EU-Ukraine Association Agreement— establishing a national framework to improve the transparency and recognition of qualifications and skills.
2. Ukraine is not ready to implement such mechanism of information exchange with the EU member-states, though mechanisms and algorithms for such information collection exist and they can be used for setting up exchange of information, best practices and experience in the field of vocational education (such as reports in the framework of Turin Process made biannually by the Ministry of Education and Science of Ukraine with the support of the European Training Foundation, National Report On the State and Development Prospects of Education in Ukraine (made every 5 years by the National Academy of Pedagogical Sciences of Ukraine, annual Report On the State of Youth in Ukraine made by the Ministry of Youth and Sports of Ukraine).

3. The network of vocational education establishments does not meet the nation’s needs in qualified labor, it is often too big for the regional level, needs permanent significant subsidies and grants, and faces poor prospects of self-sufficiency.

4. The mechanisms for prioritization of labor training exist only at the national level. The current quasi-system of the so-called ‘regional request for labor training’ does not correspond to the provisions of the Law of Ukraine On Formation and Placement of State Request for Training of Specialists, Researchers, Faculty Members and Workers, Professional Development and Retraining, is inefficient and does not reflect real needs of regions.

5. The newly created mechanism for VE management – VE Council – remains a formal structure without proper functions, funds and personnel. Meanwhile, inclusion of stakeholder representatives (in particular, social partners – employer organizations and trade-unions, their associations, professional associations etc. into VE Councils in some regions is on a positive side.

6. It is necessary to preserve management of the VE system development at the level of a law. At the same time, it is important to realize that the current Law of Ukraine On Vocational Education is obsolete (it was adopted in 1998) and not fully corresponds to contemporary strategic development documents of the nation and its international obligations in the field of vocational education development.
RECOMMENDATIONS

Verkhovna Rada Parliament of Ukraine
- To intensify efforts on adoption a Law of Ukraine on Vocational Education.

The Cabinet of Ministers of Ukraine
- to draft a regulatory act to regulate clearly a status, functions and powers of the VE Councils, their composition and procedure of formation, mechanisms of interaction with Oblast authorities – Oblast State Administration and Oblast Council;
- develop the procedure of funding VE Councils from Oblast budgets.

The Ministry of Education and Science of Ukraine
- to develop methodological foundations and techniques for collection and processing information on a state and development prospects of the VE system;
- draft proper regulatory acts to regulate methodological foundations and techniques for collection and processing of relevant information;
- engage a wide range of stakeholders into collection and aggregation of relevant information from stakeholders;
- audit existing vocational education establishments, including their distribution by regions;
- develop and approve criteria of regional VE systems optimization, make realistic proposals of such optimization;
- bring the so-called ‘regional request for workers training’ in line with the current legislation.

The Ministry of Education and Science of Ukraine together with the Ministry of Finance of Ukraine
- to draft and approve guidelines for Oblast State Administrations on mechanisms and directions of funding vocational education establishments located on the territory of the relevant administrative and territorial entity.

The Ministry of Education and Science together with the National Agency for Public Service
- to design and implement special VE system management training programs for members of the VE Councils.

The Ministry of Education and Science together with the State Statistical Service of Ukraine
- to design and standardize, through guidelines and later on through a relevant regulatory act, mechanisms for gathering and analysis of information for VE Councils concerning the VE system development on the relevant territory; make conclusions and submit them to relevant Oblast authorities.

The Ministry of Education and Science jointly with the Ministry of Social Policy of Ukraine and Oblast Associations of Trade-Unions and Employers
- to analyze the inventory of professions which workers in regions are trained in;
- design a methodology of forecasting regional labor market development using lessons learned by the EU member-states.

The Ministry of Education and Science of Ukraine together with professional NGOs
- to monitor the compliance of norms and provisions stipulated in the draft Law with already adopted education regulatory acts as well as with the state development programmatic documents and Ukraine’s international obligations in the field of education.

The Ministry of Regional Development, Construction, Housing and Communal Utilities of Ukraine together with Oblast State Administrations
- to pay special attention to the sustainability of regional mechanisms for coordination of the VE development – VE Councils.
GOALS OF III LEVEL

GOALS OF II LEVEL

GOAL OF I LEVEL

FROM OBJECTIVES TO RESULTS:
THE IMPLEMENTATION OF THE EU-Ukraine ASSOCIATION AGREEMENT AS SEEN BY STAKEHOLDERS

Ratification of the Rome Statute
Strengthening the Judiciary
Water Resources Management
Reinforcement of the Scientific Potential of Ukraine
Accessibility of Information and Communication Technologies
Consumer protection
Equality and non-discrimination in the employment and social sphere
Vocational Education and Training