

## The European Union's ENPI Programme for Ukraine

Support for the implementation of the EU-Ukraine Association Agreement / A4U Project

Project Identification No.:  
EuropeAid/137074/DH/SER/UA  
Contract N: 2015/370-128

### **A4U Position Papers N18**

**Improving European Policy Coordination  
– a Summary of Main Guidelines Based  
on A4U Recommendations and the  
SIGMA “Baseline Assessment Report...”**

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December 2018



This project is funded by  
the European Union



A project implemented by Consortium led by  
GFA Consulting Group GmbH



Funded by  
the European Union

## FOREWORD

The paper *“Improving European Policy Coordination - Summary of Main Guidelines Based on A4U Recommendations and the SIGMA “Baseline Assessment Report...”* contains several references to the SIGMA report, but primarily **focuses on proposals how to strengthen the effectiveness of coordination of European policy in Ukraine**. The text reflects e.g. conclusions from discussions and consultations with representatives of the units (directorates general) in the reformed SCMU, ministries and agencies responsible for coordination of European policies.

## LIST OF ABBREVIATIONS AND ACRONYMS

APIAA	Action Plan for Implementation of the Association Agreement
CMU	Cabinet of Ministers of Ukraine
CoG	centre of government
CS	civil service
DG	directorate general
DG-PCSP	DG for Policy Co-ordination and Strategic Planning
DG-SPEI	DG for Strategic Planning and European Integration D
PEI	Deputy Minister for European Integration
EEAI	European and Euro-Atlantic Integration
EI	European integration
EU	European Union
GAP	Government Action Program
GC	governmental committee
GC-EEI	Governmental Committee for European and Euro-Atlantic Integration
GOCEEI	Government Office for European and Euro-Atlantic Integration
GPAP	Government Priority Action Plan
HRM	human resource management
IMB	inter-ministerial body
MEDT	Ministry of Economic Development and Trade
MFA	Ministry of Foreign Affairs
MoF	Ministry of Finance
MoJ	Ministry of Justice
MTGPAP	Medium-Term Government Priority Action Plan
PAR	public administration reform
PARS	Strategy of Public Administration Reform
PM	Prime Minister
RoP	rules of procedure

SCMU Secretariat of the Cabinet of Ministers of Ukraine

VPM Vice Prime Minister

## I. Horizontal issues

### I.I. Institutional and legal coordination framework – the tasks and role of the CoG

#### **SIGMA “Baseline assessment...”:**

*(...) “The legal framework for policy development and co-ordination is in place, and the critical functions for an effective policy-making system, including co-ordination of the European integration (EI) process, have been assigned to institutions in the centre of government (CoG). However, overlaps exist between the mandates of the CoG bodies regarding co-ordination of policy planning and monitoring the Government’s performance”. (...) “The mandates of CoG bodies regarding the scrutiny of policy proposals should be clarified to avoid overlaps. The SCMU should start fulfilling its current mandate by checking the coherence of draft legislation and other policy proposals with the priorities of the Government”. (...)*

#### **A4U\*:**

- (...) To strengthen the coordination capacities of the CoG it is essential to: distinguish, define and describe priority coordination processes that the CoG has to manage, analyse main procedures and institutional framework(s) essential for swift adoption and realization of the priorities of the Government in order to identify the main gaps/bottlenecks, and insert into the new system/regulations mechanisms allowing the CoG to influence main coordination processes to assure the proper and timely required realization of governmental priorities.
- (...) the existing institutional setup differs from solutions adopted and proven in many European countries, where mostly one single dedicated governmental committee (GC) headed by a high level representative of the CoG bears the responsibility for coordinating the elaboration, reconciliation and adoption of all types of governmental regulations and documents (...). Those committees are usually headed by the Minister-head of the PMs’/Governments’ office, his deputy or VPM placed within the CoG (...). On the basis of his special (institutional/political/legal) position within the CoG and government – the head of the committee, enjoying also a privileged relation with the PM, disposes over additional means and instruments to exert political and extra-institutional impact on line ministries.
- (...) the head of the committee has to supervise directly relevant coordination and strategic planning/monitoring departments within the CoG in order to effectively manage and coordinate the work of the committee. Institutional solutions can also be found, in which the head of the committee, in addition, directs also the work of a smaller but formalized group (“pre-committee”) that pre-examines and allows for governmental processing of draft laws prepared by line ministries. At this stage, their validity, compliance with government

\*The recommendations quoted in the paper come from various deliverables (analyses, expertise, guidelines, etc.) prepared within the A4U project

priorities, implementation costs (RIA), etc. are examined. The assessment of the submitted proposals has not only technical but primarily strategic and political character (...).

- In some of the systems the last and not only legal but also coordinative and strategic check of the CoG is additionally performed by specific governmental units (agencies, centres) usually responsible for assuring compliance with law drafting principles at the latest stage of governmental proceedings at the CabMin level. To be entrusted with this additional competencies, however, requires those units to be integral institutional part of the CoG (...).
- In the Ukrainian context, the lack of similar clear regulations providing a coherent system of quality and strategic checks, combined with specific “political attributes” of the key players (VPMs) managing the governmental committees, the specific role of their Offices and the differentiated institutional involvement of the CoG in their works seems to constitute important sources of weaknesses of the CoGs’ capacity to ensure necessary strategic overview and coordination. In addition, the existing regulations do not prevent reciprocal and possibly negative mutual interference of the existing three GC. (...)
- Taking i.e. into account the experiences of several European countries it is recommended to establish two principal governmental coordination tracks (...). One track should bear the responsibility for the efficient AA/DCFTA-implementation coordination (...) and be formally managed and subordinated to one main governmental inter-ministerial body (IMB) (...). The other, principal track should encompass all other pivotal inter-ministerial strategic, policy planning and legal activities necessary for the preparing of governmental deliberations and decisions. The inter-ministerial proceedings to be managed within the principal track should be preferably based on the model of the “main single committee”. This option requires to precise the systemic and legal interrelations between (both) IMBs.
- The CoG has to be attributed the coordinative and strategic role in every IMB allowing it – (...) – to supervise and influence all the principal, strategic and legal governmental activities of the line ministries. It concerns in particular activities requiring inter-ministerial cooperation and reconciliation of positions. To achieve this goal both bodies have to be chaired by high representatives of the CoG and/or having a direct mandate from the PM (...).
- The presented concept, to become operational and effective, has to be reflected in an appropriate structure of the CoG. The current institutional setup (...) has to be transformed into a complex and compact system composed of not more than 3-4 Directorates General including GOCEEI. The main purpose of those bodies should consist in a coherent substantive preparation of the postulated IMBs and Government meetings, strategic planning and monitoring of realization of governmental priorities (...).

## **I.II. Donor coordination in the field of AA-implementation**

### **SIGMA “Baseline assessment...”:**

*(...) “The statute of GOCEEI foresees its responsibility for coordinating the planning and overall monitoring of EU assistance. Currently, no guidelines exist on how to provide inputs to the planning and monitoring of EU assistance. The guidelines for planning and monitoring EU assistance should be developed to better support the administration in the next stages of the EI process. The APIAA does not, however, include cost estimates or sources of funding to implement the planned activities”. (...) “The SCMU Directorate for Policy Co-ordination and Strategic Planning*

*and the GOCEEI should establish mechanisms to ensure coherence of the GPAP with the APIAA. The GOEEI should make sure that all activities in the APIAA which require additional funds for their implementation are costed and their sources of funding are known” (...).*

**A4U:**

- (...) Establishment of clear and legally anchored chain of command of the ensemble of foreign assistance coordination dedicated processes, tasks and institutions on governmental and working levels. The chain has to encompass the main coordinator, involved institutions/bodies, their competencies and procedures (rules of procedure and other legislation if necessary) to be followed by institutions/“owners” managing/using foreign assistance encompassing all project/program phases (planning, introducing, monitoring, assessing, reporting).
- (...) Attribution of clear coordination competencies to coordinative bodies on intra-ministerial level via introduction of clear and standardised obligations in regulations on DGs-SPEI/EI-units assigning responsibility for foreign assistance planning and monitoring in reference to ministerial AA-related activities/policies and contributions to the APIAA. The measure has to be followed by attribution of competencies on the political management level. Preferably all activities in this specific area should be directly supervised by ministerial DPEIs (Deputy Ministers for EI). This would require entrusting them with supervision over DGs-SPEI/EI-units. In spite of the intentions of the institutional reform and introduction of Directorates General (DG), in the current situation when the DGs-DPEI does not exclusively deal with European (AA/DCFTA) issues, such a solution is rarely practiced and fewer arguments favor it.
- (...) Attribution of well-tailored sectoral competencies and responsibilities to line ministries (DGs-SPEI/EI-units) regarding especially the “pre-selection” phase to ensure desired foreign programs or projects to be consistent with all ministerial activities and avoid content duplication in projects offered by various donors. Strengthening cooperation and exchange of information between donors and government (...) and supervision of line ministries by the coordination responsible bodies (CoG, GC-EEI, GOCEEI) in order to prevent foreign bilateral projects to overlap i.e. with projects financed by donors and multilateral organizations.
- (...) The DGs-SPEI have to play a key internal systemic and coordinative role in the reshaped donor coordination system managed by the CoG. They should be made responsible for analysing the respective line ministries/ministerial units demand for foreign assistance, assessing the conformity of donor projects with ministerial (sectoral) strategies and monitoring their implementation. In addition, the DGs-SPEI have to constitute the source of information for the CoG (...). Regular, formalized exchange of information between ministerial units responsible for internal foreign assistance coordination (DGs-SPEI/EI-units) and GOCEEI is highly recommended. Endorsement of regularly amended informations, plans and contributions to APIAA on different coordination levels including GOCEEI, GC-EEI and DGs-SPEI/EI-units.
- Drafting of ministerial (sectoral) strategies foreseeing and planning the use of foreign assistance in the policy areas covered by AA should be subjected to strategic analysis and horizontal assessment at the CoG level by DG-PCSP and GOCEEI. The aim of this screening being the setting up of final priorities to be approved/endorsed by the main decision body (preferably GC-EEI and/or government). One of the issue that has to be considered and precisely defined is the division of tasks between the GOCEEI and the DG-PCSP within the CoG which are both entrusted with the elaboration of “concepts of attracting foreign aid” (...).

## **II. AA-implementation coordination process from the perspective of an efficient a.) CoG, b.) GC-EEI and c.) DGs-SPEI/EI-units coordination**

### **II.I. Institutional and legal framework of the coordination processes managed by the CoG**

#### **A4U:**

*(...)“Main elements of the AA-implementation system are already placed within the CoG. This includes the coordination triangle composed of GOCEEI, GC-EEI and OVPM. At the same time the coherence and performance of this system is weakened due to i.e. the a.) lack of precise rules defining their reciprocal interdependencies, b.) lack of precise regulations describing i.e. the role and competencies of the DPEIs (deputy ministers for EI) and DGs-SPEI and c.) fact that responsibility and competences of the existing coordination system, which determines the efficiency of the CoG coordination in the sphere of European integration are spread between different institutions/decision makers including at least two major institutional coordination triangles coordinated by GOCEEI and MEDT respectively. This situation is weakening not only the position and coordinative capacity of the Office but also of the CoG itself”. (...) “The formal inclusion of the PM – at least via its supervision of the EI policy area – would certainly eliminate some of the negative side effects of the existing deficits” (...).*

- A systemic and political decision should be taken on the streamlining of all European Integration related governmental activities into one single coordination track (regulation) acting under the aegis of the CoG with the exception of purely political relations/agenda reserved to the MFA/President (...).
- The legal framework is today based on few specific regulations defining separately the way of functioning, the tasks and responsibilities of its main actors (VPM, GOCEEI, GC-EEI), while others regulating i.a. competencies of essential key players, such as DPEIs are missing, or are of very general nature as it is the case of ministerial EI-units and especially the recently created SPEI-DGs (...). The most desirable option would be a complex revision of the existing regulations and their transfer into one legal act eliminating all the current deficits (...).
- It is recommended to introduce regular and formalized meetings of directors of SPEI-DGs and EI-units organised by GOCEEI preceding GC-EEI sessions. The agenda of the meetings should be devoted to the discussion of horizontal and strategic problems, tasks concerning planning and monitoring activities, preparing meetings of the GC-EEI by resolving conflicting and/or inter-ministerial issues or preparing decisions of ministers on problems that cannot be solved on the working level (...).
- GOCEEI and GC-EEI with today’s weak legal statuses (the first being an directorate general within the Secretariat of CMU, the second one of few GC’s with very limited competencies), even having well-adjusted procedures (...), will continue to encounter authority, substantial and timing problems affecting the scope and efficiency of the coordination process (...).
- It is necessary to develop conceptual works on the empowerment of a legally independent institutional entity “GOCEEI”, with a strong position within the administration (if possible subordinated to the PM) correlated with a new conception of the coordination and decision making responsible body replacing the current GC-EEI and reflecting the consequences of PAR (...).

- It is recommended to extending the institutional capacity of GOCEEI through the creation of a separate horizontal strategic department/unit. This would require limiting the areas of strategic policy planning to be managed by the Office, so as not to double integration structures of individual ministries. The establishment of such unit and capacity would significantly strengthen not only the position of the VPM and the Office but also the coordination and strategic capacity of the CoG (...).

## II.II The role of the Prime Minister in the coordination process

### A4U:

*“(...) At the pre-accession or early member stage, the direct Prime Ministers (PM) involvement and/or direct supervision of inter-ministerial activities/cooperation in this particular area is much more pronounced in institutional and legal solutions. Over time, this competence passes to the minister of foreign affairs (usually deputy minister for European affairs), leaving the prime minister – already within its general, constitutionally defined powers – direct authority in the area of strategic matters, sensitive or subject to possible disputes between ministers. This particular position of PMs is (was) often reflected in the formal composition and/or procedures of the European governmental committees being in practice chaired by the PM’s main EI advisors occupying the position of chief of ministerial coordination body – the equivalent of GOCEEI” (...).*

- (...) The experience of most European countries taking part in the association and/or accession process is that without regular involvement of the PM and the government the process itself does not enjoy the support that is needed to respect internally and externally agreed timetables, settle coordination problems inside the administration, debate and decide on strategic issues and exert a more effective influence on internal (i.e. national parliament) and external stakeholders (...).
- (...) Awarding the PM direct and specific responsibility for the EI policy area would not only increase the effectiveness of the implementation process but also strengthen the PM's position in the government. In addition, this step would further strengthen the position of GOCEEI and VPM – and as consequence of the CoG itself – in their inter-ministerial coordinative activities vis-à-vis line ministries but also in adjusting the existing coordination system to their needs (...).

## II.II Strengthening the position and competencies of the GC-EEI

### SIGMA “Baseline assessment...”:

*“(...) The GOCEEI is the key institution assigned the critical functions related to EI in Ukraine. Its statute foresees responsibility for overall daily co-ordination of EI, planning of EI-related actions, monitoring country preparations for the EI process and coordinating alignment of national legislation with the EU acquis, as well as coordinating the planning and overall monitoring of EU assistance”. (...) “The Governmental Committee on European, Euro-Atlantic Integration, (EI Committee/GC-EEI) acts as a subsidiary working body of the CMU, discussing the items on the agenda of the upcoming CMU session in the field of EI. (...) The RoP of the CMU thereby mandates the EI Committee as a political-level co-ordination body for EI. However, it is not performing all of its designated tasks as, (...), it did not discuss the APIAA prior to its adoption or the report on implementation of the APIAA in 2017.” (...) “The administrative-level co-ordination mechanism for EI has not been established and political-level co-ordination is not fully functional.” (...) The EI*

*Committee is not fulfilling its overall political-level co-ordination function, however, and administrative-level co-ordination mechanisms have not been established” (...).*

**A4U:**

- The current model of managing Ukrainian European policy through the GC-EEI, but in fact also via two other inter-ministerial committees (GC on Social Policy and Humanitarian Development, GC on economic, financial and legal policy /.../), is in several aspects not reflecting best European practices. (...) The existing institutional solutions and procedures concerning GCs (governmental committees) are primarily characterized by the dispersion of management (planning, implementation, monitoring) of the package of European policy issues/areas. It is due to the fact that AA-implementation is discussed and decided on three independent governmental forums, headed by three different vice prime ministers (VPMs), enjoying different status within the government (...).
- (...) it is recommended to:
- develop in future such institutional framework regulations, in which in one single inter-governmental institution all the threads of the integration process – apart from strictly political activities/priorities (...) – will be reunited, planned and monitored. (...) this body should be able to discuss and assess on substance not only the legal compliance of draft legislation and monitor its implementation, but also to have the capacities (human, legal, procedural) to take position on actions planned and undertaken by individual ministries, and to make regular strategic reviews of the state of relations with the EU and/or internal implementation barriers on issues/areas of special importance to the government. (...)
- (...) ‘individualising’ and raising the legal position of the GC-EEI clearly distinguishing it from other GCs and granting it specific competences concentrating all European policy issues in one priority governmental committee. Both measures can be implemented either in the form of a separate law (...) or – in a minimalistic approach – taken into account and reflected in a new version of the Rules of procedure (RoP).
- (...) adopt a regulation on the GC-EEI, which would allow for special situations the committee to be held on the level of ministers, with the possibility of participation of the PM and the deputies. (...) At the same time, the postulate of direct (formal) subordination of the GC-EEI to the PM or at least of an closer institutional (legal) connection with the VPM chairing its works remains valid.
- (...) introduce regular of formal meetings of SPEI-DGs Directors devoted to strategic issues preceding the deliberations in the GC-EEI and/or even to allow the Directors General to participate at the meetings. In consequence this would strengthen their position as intra-ministerial coordinators, provide them with regular and updated information on the current state of play of UA-EU relations, eliminate at least some of the information deficits resulting from the fact that ministerial DPEIs have often no precisely defined roles in the supervision of DGs-SPEI/EI-units. This step would also be helpful in transforming the GC-EEI into a real core strategic institution enlarging its scope of responsibilities including the settlement of inter-ministerial disputes that is a core task of its European equivalents. (...) the introduction of this measures also requires a clarification concerning the status of the DGs to be introduced in the remaining ministries (...).

- (...) One of the priorities is to simplify the system of preparation of the GC-EEI and monitoring its provisions, ceding more activities in this respect (both substantive and technical) to the GOCEEI. (...) The current 'multi-stage-level' preparation formula, which is accompanied by many unnecessary administrative activities, involves participation in convening and organizing one committee meeting of several bodies such as: a) GOCEEI, b) OVPM, c) sectoral department in the SCMU, d) department responsible for the organization of meetings of all GCs and e) informal State Secretaries (StS) meeting with participation of SCMU directors during which the agenda of the GC is established. The agenda determined in this way is most probably more a resultant of the interests of individual ministries than the expression of analytical reflection made by the coordination body (...).

### **II.III. DGs-SPEI in the context of their role in the strengthening and building of effective European, coordination structures and procedures in pilot line ministries - first assessment**

#### **SIGMA "Baseline assessment...":**

*(...) "The GOCEEI is responsible for preparing the APIAA and for monitoring its implementation. Before the Plan is adopted by the CMU, the draft plan or any proposals for amendments should be discussed at the EI Committee of the CMU. The legal framework does not stipulate any co-ordination during the APIAA preparation process with the other SCMU directorates dealing with preparation of the MTGPAP and the GPAP, or with the MoF; according to representatives of the GOCEEI, such co-operation does not take place in practice. EI plans are not costed; (...) alignment between the APIAA and the GPAP is limited (...) only 60% of legislative commitments from the APIAA are included in the GPAP". (...) "The SCMU Directorate for Policy Co-ordination and Strategic Planning and the GOCEEI should establish mechanisms to ensure coherence of the GPAP with the APIAA" (...).*

#### **A4U:**

*(...) "The analysis of regulations regarding competences attributed to the new DGs shows first of all, that from the formal side the process of creating new structures and describing their tasks is based on model regulations adopted by the government. Generally, ministries almost literally and without major changes implemented the model provisions on both types of DGs, (...) "The majority of AA relevant references included in the DGs-regulations have very limited and general (in case of DGs-SPEI) or only partly technical but not uniform character. As it is the case of a substantial part of Ukrainian European systemic legislation the descriptive, often very detailed part prevails over the necessity to regulate and/or to reflect systemic inter- and intra-ministerial proceedings (...)."*

The analysis of the DG's functioning over a period of several months shows that the mere introduction of directorates did not solve coordination problems within the ministries. Even more, there are new ones that appeared making internal coordination processes especially in the AA area more difficult to manage in comparison to traditional EI-units that remained unchanged in unreformed ministries. This observation mainly applies to the supervision of DGs-SPEI, which often has an "informal and/or multi-person character". Coordinative DGs are primarily supervised by major ministers and deputy ministers for European affairs are allowed to task them often without clear internal procedures and dedicated workflows. Contrary to expectations, managing European affairs has not become a priority area of the new coordination units, but rather one of many. According to several DGs-SPEI Director Generals, the involvement in the

coordination of European affairs is currently not one of their main priorities. This is not surprising taking into consideration the scope of tasks they have to manage.

The number of staff dealing with coordination of European affairs has generally not been increased, and therefore the analytical/strategic potential in this area has not been strengthened. In addition, DGs-SPEI were not established in every reformed ministry – in this cases the formula of a dedicated EI-units was maintained.

#### **A4U:**

- In the context of AA-implementation coordination it is recommended to review the regulations on DGs-SPEI in order to precisely define a.) the role and competencies of ministerial DPEIs, b.) areas of responsibility and obligations of ministerial units involved into implementation processes vis-à-vis DGs-SPEI, c.) specific internal workflows and procedures referring to intra-ministerial cooperation and preparation of main outputs (e.g. related to APIAA) for GOCEEI, GC-EEI and CoG, d.) definitions of deliveries (documents) to be internally prepared on regular basis and coordinated by the SPEI-DGs for the coordination, monitoring, strategic planning and reporting purposes, e.) essential aspects of the relation between “European” and other strategic tasks and their execution (...).
- Internal regulations have to reflect necessary synergies related to the involvement of DGs- SPEI in the preparations and implementation of APIAA, GPAP and other strategic, priority and program documents crucial for the implementation of the government's policy and its international obligations (...).
- The coordination efficiency depends primarily on clear indication of the highest ranking ministerial AA-implementation coordinator and its competencies. This leadership is/should be assured by deputy ministers responsible for EI (DPEI). DPEIs often encounter problems in the coordination of not directly subordinated departments “protecting their autonomy” and/or not understanding the necessity of intra-ministerial coordination and coherent outside representation in European integration matters. It seems that this problem has not been solved in the new ministerial structures. It has to be underlined that systemic ministerial regulations will determine the functioning and efficacy of the entire coordination system, cooperation with GOCEEI and GC-EEI (...).
- It is recommended to comprehensively assess the first experiences of functioning of the new ministerial European organizations and its impact on the coordination of AA implementation to avoid the “cementing” of possible non-effective solutions/regulations and introduce necessary changes. To make this exercise effective it should be carried out with the involvement and under the auspices of the CoG. As a result, clear recommendations should be addressed to ministries encountering structural difficulties. The recommendations should also take into account the identified shortcomings in the content, preparation and implementation of APIAA. The issue should also be regularly discussed during the VPM presided GC-EEI meetings (...).
- It is recommended to speed up and finalise the transformation of remaining “old” ministerial units into DGs, especially DGs-SPEI. The longer the current diffused institutional setup last the more it negatively influences the effectiveness of workflows and governmental/ministerial coordination capacities (..).