

## 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 Paper N6  
Proposals of Solutions (S) and A4U  
activities reflecting potential  
problems (P) and their  
consequences (C) related to the PAR  
introduction and influence on the  
coordination of AA/DCFTA  
implementation  
October 2017**

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This project is funded by  
the European Union



A project implemented by Consortium led by  
GFA Consulting Group GmbH

**“Weaknesses II”: PROPOSALS OF SOLUTIONS (S) and A4U activities  
reflecting potential problems (P) and their consequences (C) related to the PAR  
introduction and influence on the coordination of AA/DCFTA implementation  
taking into account the draft of GOEEI regulation**

**(P1)** Ministries which are not yet participating in the systemic structural reform of the ministries (introduction of DGs) will most probably retain their current organizational structures. It is to expect that the existence of two parallel administrative realities and working cultures will change and determine existing workflows and/or put these realities into a wide range of possible conflicts. Heavy weight ministries that today are not included in the group of pilot ministries and are not participating in the discussion and elaboration of organizational solutions reshaping the model of Ukrainian governmental administration may not be interested in supporting a reform they will be expected to introduce in the future, probably next year. Some of those ministries are already denying the sense of the reform and are putting into question their participation in the next wave. From the point of view of smooth DCFTA/AA implementation this situation may lead i.e. to serious disturbances of the existing workflows and methods of cooperation.

**(C1)** One cannot exclude that the transformation of existing departments/units into i.e. expert groups in pilot line-ministries (and GOEEI) might lead to a broad “illegibility and incompatibility effect” of the new structures for internal and external partners. Taking into account that the pilot-reform encompasses half of ministries this illegibility/incompatibility may additionally (to other systemic problems described by A4U in its papers and recommendations that remain unsolved) hamper the efficiency of the inter-ministerial cooperation and coordination of EU integration relevant policies.

**(S1)** To avoid or to at least limit the negative impact of this situation/development it is recommended:

a) pilot line ministries should be made obliged to inform GOEEI – and the European units in other institutions as well – on any institutional/structural/personal changes at least immediately after their introduction. The task of collecting and analysing of this information has to be optimally attributed to the unit/person responsible for the organization of the Government Committee (GC) meetings. This information should also be forwarded to A4U for the purpose of the Project and its goal stipulating on the enforcement of the coordination capacities of the Ukrainian administration.

b) a step forward in this respect would consist in a discussion on the GC level that could be concluded by the adoption of agreed guidelines and/or recommendations for the establishing of European sub-structures in line ministries where Directorate Generals will be introduced. A4U is ready to assist GOEEI in this exercise i.e. on the basis of agreed framework regulations, the new GOEEI regulation and experiences of other countries implementing AAs. It would be recommended to create – under the auspices of the Office – a working group with the participation of A4U and representatives of pilot line ministries to elaborate the best/organisational solutions.

**(P2)** The competencies and their range, knowledge of “old” directors/deputy directors that will keep their posts in old ministries and those that will be suppressed in the “new” ones might differ from those attributed and/or expected from the newly appointed chiefs/heads of expert groups in “reformed” ministries. The same applies to the relations of “old” deputy ministers and “new” Director Generals (DG) to be appointed in the weeks to come.

**(C2)** Therefore representatives of the reformed and non-reformed ministries will represent different experiences regarding AA/DCFTA-implementation, technical and horizontal matters but also different decisional powers. This will be another factor influencing the functioning of institutions/bodies that already need to be reformed and/or reorganized. It is to expect that in the first period after the introduction of DGs, GOEEI, its management and VPM will be confronted with additional coordination challenges resulting also from the above described “inequivalence” that will unavoidably accompany the reform. These at least temporary side effects of the reforms will not be nothing unusual taking into account the dimension of the structural undertaking and the scope of expected changes. However, it will be inevitably the role of GOEEI/VPM/GC triangle to manage and/or solve all organizational problems that might further negatively enhance the coordination of AA/DCFTA-implementation. Without the attribution of special powers/competencies in this respect the triangle will have to resort to decision making powers of the SCMU, CabMin or the Prime Minister. The scale of the need for such interventions is difficult to estimate but it may further undermine the position and authority of the GOEEI/VPM/GC coordination triangle. It is also possible that some of the problems/conflicts will be solved and/or discussed bypassing the AA/DCFTA implementation coordination responsible management (VPM, DG GOEEI) and/or forums (GC).

**(S2)** It is crucial to maintain during the “introductory period” at least the current pace of governmental works/activities related to the AA/DCFTA-implementation. For this purpose it is recommended to :

a) assess the functioning of the new ministerial European organizations and its impact on the coordination of AA/DCFTA implementation not later than 2 months after their introduction to avoid the “cementing” of non-effective solutions and introduce necessary changes. To make this exercise effective, it should be carried out with the

involvement and under the auspices of SCMU management responsible for PAR. As a result clear recommendations/guidelines should be elaborated and addressed to ministries encountering structural difficulties. The issue should also be regularly discussed during the VPM presided GC meetings. This exercise can be supported by A4U on the basis of information provided by GOEEI (see (S1)), dedicated interviews, creation of dedicated working groups and/or questionnaire(s).

b) To manage i.e. the problem of inequality of representation, it would be suggested to prepare a – new, complex or at least temporary – regulation defining tasks, representation and rules of procedure of the GC in the “interim period”, reflecting additionally the existing coordination weaknesses analysed and described by A4U. This exercise should be supported by A4U i.e. on the basis of its hitherto findings and recommendations presented in several documents and best experiences of other countries implementing AAs/negotiating EU membership. Work in this area should be carried out in parallel with the activities and processes described in other points of this paper. It seems that the best option would be to create a working group for this purpose consisting of representatives of GOEEI, SCMU, line ministries and A4U .

c.) As recommended by A4U already at the early stage of the Project (“Weaknesses”) the most recommended approach would be a complex revision of the existing and planned regulations covering all the levels of AA/DFCTA implementation coordination and their transfer into one complex institutional framework (separate law) eliminating all the current deficits. A4U is ready to support this task on the basis of its activities, findings and recommendations.

**(P3)** The draft on the new GOEEI regulation reflects the main assumptions of the planned introduction of DGs. The Office will become one of five Directorates General. However, the legal status of the Office – as (only) separate structural subdivision within the SCMU – that is the source of several weaknesses (as analysed and described i.e. in A4U concept papers) will remain unchanged or even enforced.

**(C3)** General formulations of the draft do not provide GOEEI and its management with necessary legal instruments allowing better coordination of inter-ministerial activities neither of line ministries nor of DGs. The legal and real position of GOEEI/GC/VPM triangle – as described in “Weaknesses” – remains insufficient to assure the efficient leadership of coordination of AA/DCFTA related tasks and duties. It is to expect that management of already existing problems and bottlenecks will become even more difficult in a new administrative (double) reality created by the co-existence of “reformed” and “non-reformed” ministries.

**(S3)** It is still necessary to develop (at least) conceptual works on the empowerment of a legally independent institutional entity “GOEEI”, 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 and reflecting the consequences of PAR. This exercise should be based on best European

practices/models and on the findings/recommendations made in Component 3 of the A4U Project (See (S.2)).

**(P4)** It is to support that the draft regulation foresees for GOEEI the “right to obtain information” from other structural units of the SCMU (also including the offices of the prime ministers and the VPM’s). However, it would be recommended to specify – after a functional analysis of other internal regulations – those new SCMU units (and reciprocal workflows) having information and/or performing activities that might be of relevance for the coordinative activities of the GOEEI/GC/VPM triangle. This concerns particularly the units involved in the legislation process and the cooperation with parliament.

**(C4)** One of the observations made in the initial phase of the Project is that before the introduction of DGs at least 3 SCMU units were – independently and with no clear and precise inter-departmental cooperation procedures – assuming tasks encompassing a wide spectrum of the legislation process and using own, not interconnected electronic monitoring tools. Some of the activities and/or their results seem to overlap with the tasks of GOEEI and/or outcomes to be obtained by the Office with the use of own sources and instruments.

**(S4)** It is recommended to provide a functional analysis of the new/planned SCMU/GOEEI structure(s) with the aim to create better synergies/establish procedures of cooperation between units dealing with similar tasks/information having direct impact on the AA/DCFTA implementation process and could/should be used by GOEEI in its coordination activities. The competencies of GOEEI in this area have to go much further than only by the attribution of a “right to obtain information”. A4U is ready to provide the necessary analysis and propose institutional solutions/workflows/regulations on the basis of available (draft) regulations, recommendations and findings made within the Project.

**(P5)** There is still a need of discussion among main stakeholders on the essential weaknesses of the existing AA/DCFTA implementation coordination.

**(C5)** The introduction of PAR (including in its wide scope so far only a pilot group of governmental institutions) without an in-depth analysis of the coordination and institutional weaknesses and a well-defined set of measures/instruments allowing the SCMU to overcome them risks – against the expectations – to further enhance the incoherence of the system and weaken its ability to provide desired results according to timetables agreed and adopted within the government.

**(S5)** A4U is ready to organise or support this discussion and elaboration of appropriated institutional solutions – as expected by GOEEI at the stage of defining the ToR of the Project – through i.e. the presentation of its recommendations, the results of the analysis of questionnaires, assessment of consequences of the PAR reform for

coordination, proposals how to improve the system and how to overcome its weaknesses. The discussion on the diagnosis and proposed solutions should be held on different levels to gather the largest possible scope of opinions to be used in the preparation of final adequate organizational solutions. Recommended levels for presentations and discussions are: a) presentation at the Wise men group meeting, b) presentations on the GC level, c) presentation and discussion at the DGs/Deputy ministers level, d) creation of an inter-ministerial working group under the auspices of SCMU and GOEEI assisted by A4U in charge of developing final proposals.

**(P6)** The available draft GOEEI organizational scheme raises essential questions regarding the extent to which the planned structure reflects all the essential tasks related i.e. to the cooperation (coordination) with governmental and parliamentary structures/bodies participating in the AA/DCFTA implementation. The scheme poses also questions about the ability/quality of the planned structure to deal with strategic analysis and planning in the sphere of European affairs.

**(C6)** These capacities are crucial for GOEEI not only in view of the enforcement of competencies and management in this regard of pilot line ministries through the creation of strategic directorates and the management of its coordinative tasks that (the work of strategic DGs has to be coordinated by GOEEI). It is essential for the proper assessment and medium- and long-term planning of the Ukrainian European policy, evidence-based policy making and the establishment of priorities going beyond the horizons of sectoral plans of ministries. It is unclear how a lot of horizontal tasks that are foreseen in the draft of the GOEEI regulation will be managed by the envisaged structure. This primarily applies to such tasks as: *“coordination of conceptual fundamentals of the state policy”, “coordination of preparation of draft programs and documents in the field of European integration”* but also those requiring specific knowledge like *“analysis of budget financing in the sphere of European integration”* or *“methodological support (...) in the development, financial justification, assessing the impact of measures aimed in implementing the agreement”*.

**(S6)** To properly manage these tasks that will i.e. often require the analysis of conflicting interests and priorities of line-ministries, it is recommended to create (at least) another expert group in the structure of GOEEI. Attributing this special task to only one state expert (as foreseen in the organizational scheme) is definitely insufficient. Additionally, taking into account that the regulation on GOEEI stipulates also about *“the preparation for membership in the EU (and NATO)”* – irrespective of the time perspective – it is recommended to entrust the future analytical entity with the monitoring of most important, from the Ukrainian perspective, EU developments. A4U already declared the readiness to prepare the proposal of organization/structure of an analytical GOEEI unit in the “Weaknesses” paper.

**(P7)** It appears that in the planned GOEEI structure there is no place for a separate department/unit responsible for EU-compliance checks of drafts of legal/normative acts and that the work in this area will be divided among 4 expert groups.

**(C7)** This approach has to be assessed as not satisfactory and not responding to the needs (taking i.e. into account the experiences of similar coordination bodies that existed/exist in countries aspiring for EU-membership and/or implementing AAs). The weaknesses related to the introduction of this solution lie not only in internal coordination difficulties or the maintaining of a uniform methodology by all the expert groups. Moreover, this not evident structural approach will not allow GOEEI to acquire and develop the knowledge and expertise necessary i.e. to deal with horizontal issues going beyond the problems of specific/single sectors and present own solutions to inter-ministerial/inter-sectoral problems expected by the CabMin and/or the Prime Minister.

**(S7)** This capacity is essential if GOEEI wants to aspire to be respected by line ministries as the AA/DCFTA coordination leader. A4U is ready to provide the office with organizational guidelines in this respect and to prepare the proposal of organization/structure of such unit.

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