



# Questionnaire

Information requested by the European Commission  
to the Government of Ukraine  
for the preparation of the Opinion on the application of Ukraine  
for membership of the European Union

Part I

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## **INTRODUCTORY REMARKS**

On 28 February 2022 Ukraine presented its application for membership of the European Union. On 7 March 2022, the Council invited the European Commission to submit to the Council its Opinion on this application for membership.

In its Opinion, the Commission will analyse Ukraine's application on the basis of its capacity to meet the criteria set by the Copenhagen European Council of 1993, which require:

- "that the candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities;
- the existence of a functioning market economy, as well as the capacity to cope with competitive pressure and market forces within the Union;
- the ability to take on the obligations of membership, including adherence to the aim of political, economic and monetary union."

At the same time, as defined by the 1995 Madrid European Council, applicant countries are expected to develop their administrative structures and the EU needs to be able to integrate new members.

In order to provide the Commission with the necessary information to conduct this analysis, a list of questions is hereby handed over to the Government of Ukraine.

The following guidelines are provided to assist the Government of Ukraine in preparing its reply:

- The Government of Ukraine is asked to present the replies in a concise, transparent and clear form, covering all essential aspects of the subject.
- The Government of Ukraine is invited to specify, where relevant, measures taken to implement obligations arising from the Association Agreement (AA) and the Deep and Comprehensive Free Trade Area Agreement (DCFTA).
- The replies should be sent to the Commission in English. Where a translation into English of one of the requested pieces of legislation is not yet available at the time of transmission, a note on that should be included and the text provided as quickly as possible.
- As is the case with the Association Agreement and Deep and Comprehensive Free Trade Area Agreement, the European Commission will interact with the Government of Ukraine. Contributions from any level of authority or administration within the country, which are not formally submitted through the government of Ukraine, will not be considered by the Commission.
- If the Government is not in a position to deliver data covering the entirety of the territory of Ukraine, please specify in your replies.

The Commission is at the disposal of the Government of Ukraine to give supplementary explanations and clarifications about the Questionnaire. Meetings to review progress and resolve possible problems related to replying to the Questionnaire will be organised on an ad hoc basis.

The replies of the Government of Ukraine should be addressed to the Commissioner responsible for Neighbourhood Policy and Enlargement Negotiations. An additional copy of the replies should be addressed to the Director-General of DG NEAR.

The Commission may request additional information, statistics or clarifications, if the need arises.

# **POLITICAL CRITERIA**

## ***DEMOCRACY AND THE RULE OF LAW***

### **I. Constitution**

1. Please provide a brief description of the constitutional and institutional set-up in Ukraine. How is the constitutional system of check and balances between the three powers (executive, legislative, judiciary) implemented?
2. What is the relation between domestic and international law according to the Constitution? Would the Constitution allow the primacy of EU law over domestic law upon accession?
3. How are the judges of the Constitutional Court appointed and how is its independence guaranteed?
4. Please describe the functioning of the Constitutional Court, including its key decisions in recent years and how these are implemented/taken into account.
5. Please describe which institutions are defined as independent under the Constitution. How are their constitutional guarantees of independence ensured?
6. Is there a body in charge of checking draft laws on their constitutionality? Please specify/clarify its role and the procedure in practice.
7. Please describe the procedure needed to revise the Constitution. Have there been already revisions of the Constitution? If so, please explain relevant amendments, procedure, scope and changes made.
8. Are there constitutional provisions which could prevent Ukraine from aligning with European standards and/or EU *acquis* and require amending the Constitution? Please provide a list of such provisions, if applicable.
9. What is/are the official language(s) of Ukraine?

### **II. Parliament**

10. Please provide a description of the structure and functioning of the Parliament including the competences of the speaker of the Parliament, the prerogatives and competences of the Parliament with respect to ensuring parliamentary oversight of the government and executive institutions. How are such mechanisms implemented in practice?
11. Please provide a list of authorised proponents of legislative initiatives and laws and explain the procedures for the adoption of legislation (including an explanation of existing fast track procedures, if any).
12. Please describe the Parliament's rules of procedure and provide information concerning their implementation. When were they amended last? Is there any plan to amend them?

13. How does the Parliament exercise its legislative functions? Is there a system of verifying, at Parliament level, the compatibility of new legislation and amendments proposed in parliamentary procedure with the EU *acquis*? Explain and provide information and examples. Does the Parliament request accompanying documents when assessing draft laws, such as impact assessments, evidence of public consultations?
14. Please specify what percentage of law were adopted by fast-track procedure over the past 5 years.
15. Please specify the competences of the Parliamentary Committees.
16. How many political parties are registered in Ukraine? How many of these are represented in Parliament?
17. Please provide a breakdown of Members of Parliament according to (a) gender; (b) belonging to national minorities.
18. Please describe the provisions in place defining the persons having the right to vote in elections and the arrangements regarding voters' registers.
19. Please describe the overall framework for party and campaign financing, the rules guaranteeing its transparency and provide details on the monitoring of its implementation. How are the GRECO recommendations on "Transparency of Party Funding" addressed? Do the existing reporting obligations under the Electoral Code for public parties during elections also cover private funding sources? Please explain what mechanisms are in place for reporting private and public party financing funding.
20. Please describe the progress achieved to date in addressing the recommendations of the Office for Democratic Institutions and Human Rights in terms of the regulatory framework for campaign finance.
21. Is there a Constitutional or ordinary legal framework for the use of instruments of direct democracy, including referendum? What is their scope of applicability and the procedure to be followed? Do they have binding and direct legal effects or are they merely consultative? Can international treaties be subject to a referendum?
22. Overall transparency. To what extent is the Parliament open to public scrutiny and is transparent in the conduct of its business, in terms of information and accessibility to the public and the media?

### **III. Government**

23. Please provide a description of the structure and functioning of the government. Which is the legal basis for the structure and functioning of the government?
24. What mechanisms exist for inter-ministerial coordination? Specifically, what mechanisms exist to link strategic planning and budgeting, in each Ministry?
25. What structures exist to ensure the coordination of European Integration issues? How is the compatibility of planned legislation with the EU *acquis* and with international obligations been verified and monitored? Which body is responsible for such verification?

26. What are the structure of local self-government and the competences of the local self-government bodies? Please specify.
27. Please describe the electoral system for municipalities. Are regular elections held for municipalities throughout the country? What are the eligibility requirements and the grounds for ineligibility?
28. Are local self-government bodies subject to administrative and judicial control?
29. Is there a strategy on decentralisation and/or a policy for achieving a balanced organisation between responsibilities and resources across layers of government in line with the subsidiarity principle?
30. On fiscal management, how does Ukraine ensure that local governments have the funds needed to fulfil their responsibilities?
31. How are the administrative boundaries of the municipalities regulated and defined?
32. Which institutions are responsible for local self-government reform?
33. Are regions/municipalities consulted in any formal way in the context of preparation of legislation, which will either affect them or in which they will be involved in the implementation?

#### **IV. Civil Society**

34. Can all individuals and legal entities express themselves, assemble peacefully and establish, join and participate in non-formal and/or registered organisations?
35. Please provide an overview of Civil Society Organisations (CSOs), including associations or foundations, and their activities in your country.
36. Please describe the legal framework on CSOs and the registration procedure.
37. Are there official bodies for dialogue and cooperation between CSOs and public institutions and if so, how are CSOs represented within them? How is this cooperation working in practice? Is there sufficient administrative capacity and funding in order for the mechanism to achieve its goals? Is the structure sufficiently visible, open and available for CSOs?
38. Are draft laws, bylaws, strategies and policy reforms effectively consulted with CSOs (in terms of adequate access of information, sufficient time to comment, selection and representativeness of working groups, acknowledgement of input, feedback etc.)?

#### **V. Public Administration**

##### **A. Strategic framework of public administration reform (PAR)**

39. Describe the main characteristics of organisation of the public administration (ministries, agencies, coordination functions, distribution of responsibilities across territorial levels).

40. Describe the institutional set-up for coordination of public administration reform. Is there a central body in charge? Which bodies/institutions are involved in the coordination structures and what are their roles? What is the capacity of the lead institution and the main stakeholders to carry out their tasks?
41. Is a comprehensive strategy for the reform of the public administration in place? If so, describe its preparation process, including the public consultation process.
42. Does the strategy have a sequenced action plan with clear information on responsibilities for implementation, costs and sources of financing?
43. Describe the framework for monitoring implementation of the strategy. Are regular reports on implementation prepared and are they published? Is progress measured against performance indicators? How are civil society and the business community involved in the monitoring process?
44. What is the state of play of implementation of the strategy and its action plan? What were the shortcomings noticed in the implementation process and how were they overcome?

#### **B. Policy development and coordination**

45. Please describe the policy-making system, and the institutional arrangements within the government for strategic planning. Are there specific guidelines on strategic planning? Is there a government work programme, including an annual legislative programme? What are the main objectives of this programme?
46. What types of legal acts exist? Please explain the course of legislative procedure needed for their adoption.
47. Please describe the medium-term policy planning system.
48. Are impact assessments (fiscal, regulatory, environmental, etc.) systematically prepared for draft legislation and policy proposals? What mechanisms exist to monitor the effective implementation of legal acts by public bodies (e.g. policy monitoring system in place, reporting requirements, administrative oversight, and inspections)?

#### **C. Public service and human resources management**

49. Please present the legal framework governing the public service (civil servants, other public employees, political appointees, temporary employees)?
50. What are the distinctions between different types of public servants (e.g. civil servant, other public employees, political appointees, etc.) in terms of their status, legal regime, rights and obligations? What are the safeguards in place against the politicisation of the civil service?
51. Please describe the recruitment procedure for the different categories of civil servants (e.g. senior, middle and low level managers, executive/non-managerial level).
52. What are the legal guarantees for ensuring transparency and meritocracy in recruitment/appointment/promotion? Which bodies are in charge of monitoring and reporting on the process?

53. Please explain how dismissals of civil servants are regulated, i.e. the specific conditions for triggering the dismissal prescribed by the legislation for each category of staff (senior managers, middle managers and expert/non-managerial staff), the authority which takes the decision and the legal mechanisms for preventing abusive dismissals etc.
54. Please describe the legal framework to promote integrity of the civil service. Is there a Code of Ethics applicable to civil servants? If so, how is its application monitored? Are there specific rules applicable to specific categories of civil servants?
55. Is there a transparent legal or regulatory basis for actions taken by civil servants? In particular, how is impartiality and non-discrimination of actions by civil servants ensured?
56. Please describe how independent oversight of the civil service is guaranteed.

#### **D. Accountability**

57. Describe the legal framework governing establishment and organisation of all public bodies under the executive power along with their lines of accountability. Provide an organisational chart of the executive branch at the different levels of governance.
58. Describe how accountability of administrative bodies is ensured (e.g. are administrative bodies accountable or answerable for their actions to other administrative, legislative or judicial authorities and subject to scrutiny by others)?
59. Explain the legal framework governing the scrutiny by oversight institutions and provide a list of all structures involved (independent institutions).
60. Describe the legal framework and institutional setup to guarantee access to information.
61. What are the procedures to guarantee citizens' rights of recourse against public service actions? Describe these (e.g. parliamentary committees, ombudsperson's office, internal and external audit, inspectorates, standard-setting authorities).
62. How is implementation of the recommendations formulated by these bodies monitored and taken into account by the public administration?
63. Do special administrative courts exist? What are their competences?
64. Describe the role of the Ombudsperson in the oversight of administrative bodies in terms of ensuring compliance of the laws, public policies and other regulations with the Constitution as well as with the international human rights instruments. (for other questions related to the Ombudsperson see also under Fundamental rights)
65. Does the Ombudsman enjoy external and internal independence when acting in execution of its mandate? What guarantees exist for the independence of the Ombudsman officials (e.g. case lawyers)? Please specify in particular the procedures for their selection and appointment, end of mandate and the allocated financial and human resources. What mechanisms are in place to guarantee a transparent selection and appointment process?

66. Is access to all official documents granted to the Ombudsperson? Is s/he entitled to suspend the execution of an administrative act if s/he determines that the act may result in irreparable prejudice to the rights of a person? If so, how is this implemented in practice? Does the Ombudsperson have the right to contest the conformity of laws with the Constitution and, if so, how is this implemented in practice?

#### **E. Service delivery**

67. Please describe the service delivery policy in place. How is a coherent policy between the different levels of governance ensured?
68. Describe the legal/policy framework to guarantee the quality and equal access to public services. How are needs of special groups ensured (such as persons with disabilities, foreigners, senior citizens etc.)?
69. What mechanisms are in place to ensure that the public service is open and transparent? Can any citizen affected by an administrative action have access to the legal basis for the action? How are reasons for administrative decisions shared with the affected citizens?
70. Describe the legal framework for administrative procedures. How are special administrative procedures regulated? Explain their justification.

#### **F. Public financial management (PFM)**

71. Has Ukraine adopted a comprehensive PFM strategy with a medium-term action plan, covering the key PFM sub-systems and issues in each (i.e. budget preparation, revenue administration and collection, budget execution with cash management, public procurement systems, debt management, public internal financial control, budget inspection, accounting and reporting and external audit, etc.)? If not, is Ukraine planning to adopt a comprehensive reform programme? In what timeframe?
72. How is monitoring and reporting of PFM reforms ensured? Is civil society involved in monitoring? How often are monitoring reports prepared? Are they published?
73. Please describe the measures that Ukraine has taken to ensure budget transparency across the different phases of the budget cycle (budget preparation, approval, executing and oversight)?

#### **VI. Civilian oversight over security forces**

74. Is there civilian control over the security forces, including intelligence services, and how is it exercised? Please describe the relevant arrangements in place for parliamentary control of security forces.

## **VII. The Judiciary**

### **A. Organisation and structure of the court and prosecutorial system**

75. Please provide a brief description of legislation or other rules governing the structure and functioning of the judicial system, including the organisation framework and number of courts. Are there any tribunals outside the ordinary judicial system (such as military tribunals, juvenile tribunals, etc.)?
76. Please describe the geographical distribution and number of courts/jurisdictions (“judicial map”) and their specialisation, in particular specific courts or chambers within courts to deal with fraud, organised crime and corruption cases and indicate any ongoing and planned changes.
77. Is the jurisdiction of every court stipulated in clear and predictable terms? How is the conflict of jurisdiction regulated and how is it enforced by the courts? Are there areas where courts are too small for objective case allocation and/or specialisation? Can the physical distance and lack of communications be problematic in light of access to justice? Please provide concrete examples.
78. Please provide a description of the prosecutorial system. What are the respective roles of prosecutors and deputy prosecutors and what is the hierarchical system between them?
79. Please describe the system(s) of appeal procedures.
80. Is there a Judicial and/or Prosecutorial Council or a single/joint High Justice Council (gathering both judges and prosecutors), independent from the executive and the legislative, responsible for managing the justice system/prosecution services, incl. the appointment, promotion and career respectively of judges/prosecutors/both professions?
81. Management body(ies): High Judicial Council / Prosecutorial Council:
  - a) Describe their composition, powers, premises and budget. Is there a single or separate bodies? How is the institutional independence and stability guaranteed and protected? How are members appointed? What are the powers, if any, of the legislative and/or executive authority in the nomination/dismissal process?
  - a) Is composition mixed (members coming from the judiciary and members not part of it)? Do the members serve full or part time? Are they part of the national civil service? How long is their mandate? Do members have specific privileges? Can the mandate be renewed and who can renew it? What are their qualifications requirements to become member? How is the career management after serving as a member regulated?
  - b) Is the High Judicial Council/Prosecutorial Council adopting its procedural rules? By which majority (simple, qualified) and are remedies available in case of non-respect of the rules? What are the current rules regarding quorum and decision-making process in the Councils?
  - c) How is accountability ensured? How is potential conflict of interest scrutinised and prevented? If the conflict of interest of Council(s) Members occurs, what rules do apply and how is their implementation ensured? What are the current rules regarding quorum and decision-making process in the Councils?
  - d) Do non-judicial/non-prosecutorial members have the right to vote and what are their exact methods of selection, roles and functions? How disqualification from decision-making of these members is regulated and applied in practice?

- e) Do ex-officio members of these Councils have the right to vote and what are their exact powers and functions?
  - f) If the Minister of Justice is an ex-officio member, do they have the right to vote and if yes, in what cases?
  - g) Does the High Judicial Council/Prosecutorial Council dispose of and manage its own budget and staff and are these sufficient to allow effective performance of the tasks?
82. How is the transparency of the work and procedures of the management body(ies) ensured? Is the Council working in transparency towards the public (e.g. broadcasting of sessions) and are reports regularly and timely made available online, i.e. through publication on its website?
83. Judicial reform: Is there a general strategy of the reform of the judiciary in place, with a corresponding action plan? If yes, please describe the strategy, its timeframe, action plan specific measures and further plans for reform of the judiciary. Who is or will be responsible for the implementation, coordination and monitoring of the further steps?

## **B. Independence**

84. Are the fundamental principles of statute for magistrates (including judicial independence) set out in internal norms at the highest level? Are these entrenched in the Constitution and reflected in internal law? How are the rights of the judiciary protected? Have there been any complaints about the independence of the judiciary and the autonomy of prosecutors? If so, how were they resolved? How does the public perceive independence of the judiciary and autonomy of prosecutors and based on what type of indicators?
85. Do judges enjoy both external and internal independence when deciding an individual case? Does the system guarantee that every judge within the court system, in the context of judicial adjudication, is independent vis-à-vis other judges, also in relation to his/her court president or other (e.g. appellate or superior) courts? What are the measures in place ensuring internal independence of the judiciary? Are the lower courts independent from the Supreme Court or other higher courts? Is the Supreme Court or another high court prohibited from giving instructions, guidance, recommendations, explanations or supervision to the lower courts? Do judicial leadership posts hold any evaluation, appraisal or disciplinary powers? If so, what safeguards exist to prevent the undue influence of the internal judicial hierarchy?
86. Do prosecutors enjoy a proper degree of autonomy when working on an individual case? Do hierarchical instructions and guidelines need to be put in writing and need to be included in the file and/or made publicly available? Do instructions not to prosecute exist and if, with which safeguards? Do lower prosecutors have recourse to an independent mechanism enabling them to contest the hierarchical instructions of senior prosecutors and on what basis? How are the independence of courts and the autonomy of the prosecution service ensured from a financial point of view?
87. How can a decision by a prosecutor not to press charges or to drop a case be challenged, in particular in cases where there is no obvious victim apart from the public interest?

88. Threats against the independence of judges and autonomy of prosecutors: Are there legal provisions establishing sanctions against persons seeking to influence judges/prosecutors in any undue manner? Which authorities can act in specific procedures for protecting judicial independence /prosecutorial autonomy when judges or prosecutors consider that their independence/autonomy is threatened? Which measures can be taken in this case?
- a. Issuing a formal declaration/press release?
  - b. Filing of complaint/notifying an authority?
  - c. Sanctions against persons seeking to influence judges in an improper manner?
  - d. Possible reaction by the Prosecution Service?
  - e. Possible reaction by the Supreme Court?
  - f. Possible reaction by the Judicial Council or judicial inspection?
  - g. Possible reaction by the Constitutional Court?
89. Recruitment/nomination: Describe the methods and criteria for the selection/appointment of candidates for judicial office. How are judges and prosecutors recruited (are there competitive and public written exams with anonymous results; are the questions publicly available or not; systematic interviewing of all candidates; comparison of CVs; etc.)?
90. Please describe the appointment procedure carried out for judges, prosecutors and court presidents, including of the highest courts: constitutional and legal basis, procedure, competent bodies, criteria applied, limitation of terms in office for court presidents, and judicial review. How do the procedures of selection/appointment guarantee that the best candidates are finally appointed? Are there deviations from the merit-based appointments, and if yes, on what legal grounds?
91. Evaluation/Promotion: Is the performance of holders of judicial office assessed? If yes, describe the body in charge as well as the relevant methods and criteria. Do the promotion criteria contain factors such as ability/efficiency and integrity? What type of career system is established in Ukraine (based on merit, seniority, mixed)? Is there a fair and transparent system of promotion of judges and prosecutors in place? Are there legal remedies available before an independent tribunal against final decisions on the matter?
92. Irremovability of judges: Does the system foresee the principle of “irremovability” of judges and prosecutors? Are there sufficient legal safeguards regarding the transfer of judges without their consent? If such transfers are allowed, can judges be required to move between courts and regions without their consent? Who and how is the decision to move a judge without consent made? Can judges appeal final decisions of transfer?
93. What procedure governs the allocation of judges to particular courts and regions? Who decides on such transfers? For which reasons (e.g. organisational, disciplinary)? Is an appeal against the decision possible?

94. Dismissal of judges/prosecutors: Please describe the exact procedures for the dismissal of judges and prosecutors (legal basis, competent authorities to launch the procedure, reasons for dismissal etc.). Which authorities have the power to propose (and who should be consulted) and to decide on the dismissal of judges/prosecutors and on the withdrawal of judges? Are there legal remedies against the final decisions on dismissal of individual judge/prosecutor?
95. Can decisions by a disciplinary body be appealed before a Court?
96. Can cases be taken away from judges and if so, by whom and under which circumstances? Has the take-over of cases been proscribed in Law? If yes, please describe its functioning? Can judges complain, and to whom, about the taking-away of cases?
97. The allocation of incoming cases within a court/prosecution office: Are general objective criteria for distributing cases within a court pre-established, thus preventing that the allocation of cases is influenced by the wishes of any party to a case or any person concerned with the results of the case (e.g. law, well-established practice)? How are cases allocated (e.g. by court president/chief prosecutors, by court staff, random allocation, pre-defined order) and which authority supervises the allocation?
98. What is the salary scale for judges and prosecutors and does it include a system of rewards/bonuses? How does this compare with other professions (high-ranking civil servants, attorneys, lawyers in private enterprises, etc.) and to the average income? How is the salary of judges and prosecutors set and adjusted in practice? Who is deciding about it? Is information about the system of remuneration publicly available?
99. Do judges / prosecutors receive non-monetary benefits such as free housing, real estate etc. or monetary compensations such as reimbursement of transport, meals, etc.? If yes, who decides on granting such benefits and upon which criteria? How does this compare with other civil servants? Who is deciding about it? Please describe all the benefits and/or compensations received by judges and prosecutors.
100. Describe the legal regime of outside incomes of judges and prosecutors? Are there any limitations, regarding amount or other? Is there any code of ethics in general and in particular as regards gifts?
101. Is there a probation period for judges / prosecutors? If so, please describe it. Are there objective and pre-determined procedures to evaluate the work during the probationary period? Who is responsible for this evaluation? Are decisions on end of probation subject to judicial or administrative scrutiny?
102. Is the guaranteed tenure of office set out in legislation? Is there a mandatory legal retirement age? Who decides on granting permanent tenure and on the basis of which criteria?

### **C. Impartiality**

103. Impartiality of the judiciary: Please provide information on the constitutional/legal provisions and the institutional arrangements in place providing for the impartiality of the courts and the prosecution service.

104. What are the measures in place to prevent conflict of interest in judiciary and prosecutorial service? Who can decide on it, including the question of recusal? How is implementation ensured and what are the practical challenges in the implementation of these measures? Is the integrity of judges and prosecutors being checked throughout their career, and how?
105. Can judges be subject to sanctions if they disrespect the obligation to withdraw from adjudicating a case in which their impartiality is in question or is compromised or where there is a reasonable perception of bias?
106. Does the law provide remedies against attempts to influence judges and prosecutors in taking decisions on a concrete case? Are sanctions in place against persons seeking to influence judges? Please describe the relevant procedures.
107. Is there any analysis carried out by public institutions and/ or by independent organisations of the public perception of the level of corruption in the judiciary? If so, please provide it

#### **D. Accountability and discipline**

108. Is there a code of ethics/code of conduct for members of the judiciary and prosecutors? If so, who has adopted the code? What is its legal status? How is it being effectively implemented? Is integrity and ethics training part of the curriculum for initial training?
109. Do the laws provide immunity to judges/prosecutors? If so, what does immunity cover? What is the procedure for lifting the immunity? What is done to ensure that this is clear and transparent? Please give examples of how this has been implemented. What are the possible sanctions if the immunity is lifted?
110. Is there an Inspection Service for the judiciary? Is it within the Judicial Council or the Ministry of Justice? If so, describe its composition, role, way of functioning, budget and number of cases it is dealing with. In case of no specific inspection service, are there other internal control mechanisms established, and if yes, how do they operate?
111. What are the grounds for disciplinary proceedings against judges and prosecutors? Who may initiate disciplinary proceedings? Who investigates/prosecutes/adjudicates? Is there an effective legal remedy allowing for challenges against disciplinary decisions?
112. Are judges and prosecutors obliged to declare their assets? Which body is responsible for verifying the accuracy of assets' declarations and what happens with its findings? Are these declarations cross checked with other information databases, such as tax or property? Are there sanctions for falsifying declarations?
113. How can a decision by a prosecutor not to press charges or to drop a case be challenged, in particular in cases where there is no obvious victim apart from the public interest?
114. Have there been any allegations on corruption in the judiciary and, if so, are there any convictions in such cases? Is there a strategy/action plan to fight corruption in the judiciary? If so, what are the practical results in their implementation? Please provide statistics on indictments and convictions in cases of corruption in the judiciary over past 5 years.

## **E. Professionalism/Competence**

115. Initial training (delivered before or upon appointment): Please describe the training system for judges and prosecutors. Is it compulsory? Which institution is responsible for the legal framework of initial training and which institution implements the initial training, including the enrolment process, delivery of training, its final evaluation? How long does the initial training take? In the case where initial training is an obligatory requirement for entering the career of a judge or prosecutor, what are the selection criteria for being admitted to such training? If there is a requirement to have passed a final examination, how is such an examination organised?
116. Continuous training: Are specific training courses organised for judges and prosecutors in areas such as company law, cybercrime, organised and financial crime, corruption, EU law, procedural rights, victims' rights, rights of the child, non-discrimination, ECHR case-law, etc.? Are training needs assessed as part of the overall annual evaluation of judges, prosecutors and other court and prosecution offices' staff? What is the system of the evaluation of judicial training? What is the average time a judge or prosecutor spends annually on continuous training? Is continuous judicial training compulsory in any circumstances? What percentage of judges, prosecutors and other staff in the judicial sector has received further training over the last 5 years (compared with the profession as a whole)?
117. Are the following subjects part of initial and continuous training of judges, public prosecutors or lawyers: rule of law, fundamental rights, digitalisation, judgecraft (set of skills and attitudes of being a justice professional), foreign languages, non-legal knowledge (e.g. behavioural sciences, psychology, anthropology, economics and cognitive linguistics)?
118. Is there an entity providing judicial training? If so, what are its exact role and status (independence)? Are there any other training facilities? Are there sustainable and adequate resources (financial, human and material) for the judicial training body?

## **F. Quality**

119. What is the annual budget of the judiciary, in absolute terms and in percentage of the national budget? Please provide a breakdown for courts and prosecution offices. What is the budget of the judiciary per inhabitant? Please provide an overview for the last five executed years. What is the procedure for deciding the budget? Who is managing the budget in judiciary? How is the financial autonomy of the judiciary guaranteed?
120. Is jurisprudence consistent across the legal system and are measures in place to ensure consistency? Are verdicts and their reasoning electronically available to other judges within a reasonable amount of time? Are court rulings publicly available? Is it easily accessible?
121. Which measures are in place to ensure transparency of justice? Are trials recorded? Are trials open to public, along which modalities?
122. Is there a system of monitoring the day-to-day activity of the courts based on data collection (e.g. number of incoming cases, number of decisions, and number of postponed cases, timeframes for judicial proceedings)?

123. The availability of alternative dispute resolution methods (ADR)

- a) Is there a judicial mediation mechanism in place?
- b) Are there non-judicial mediation mechanisms in place?
- c) Is arbitration available?
- d) Is judicial conciliation available?

124. Is confidentiality of mediation guaranteed? What is the enforceability of agreements resulting from mediation?

125. Have there been provisions adopted providing a legal basis for conducting oral hearings through videoconference or other distance communication technology in cross-border judicial proceedings in civil, commercial and criminal matters?

### **G. Efficiency**

126. What is the average length of (a) a civil/ commercial case, including a small value cases, (b) a criminal case and (c) administrative law cases? In case of delays in handling cases, which problems are they mainly linked with? (For example: complex summoning process, prolonged period for collection of evidence; police evidence not being accepted in courts; failure by witnesses to appear; failure by judicial experts to appear; workload associated with enterprise registration; workload associated with high number of appeals; absence of alternative dispute resolution mechanisms; complex case management; lack of technical equipment.)

127. What is the clearance rate, i.e. the ratio of the number of resolved cases over the number of incoming cases in a given year:

- a) In first instance for civil/commercial, administrative and criminal cases;
- b) In appeal for the same categories of cases;
- c) At the Supreme Court;
- d) At the Constitutional Court;

128. Are there dedicated measures/plans to reduce the backlog of cases?

129. Which roles / competencies do judges have (including outside normal proceedings such as in the execution of judgements, in registry issues etc.)? Which roles / competencies do prosecutors have (including outside criminal proceedings such as in the execution of judgements, civil of family law cases etc.)?

130. Please describe the procedure for executing civil / criminal judgements. How are effectiveness and promptness in the execution of judgments ensured? What legal remedies exist against non-execution of judgments and how frequently are they used? Have structural causes for delays in execution, if any, been addressed by competent authorities and how?

131. Equipment: Is there an IT-supported case management system in the courts? Are systems and software compatible across Ukraine? (The need to manage the computerisation on the national level calls for a central capacity to define needs, implement computerisation, including

procurement of software and hardware, as well as to advise and help computerised courts.) Please describe briefly the main tools provided by the system.

132. Is there a Supreme Court database with case law accessible to courts, legal and judicial professions?
133. Are databases of law enforcement agencies accessible by courts? Is there a centralised electronic criminal register accessible by relevant authorities?
134. Do judges and prosecutors have access to the archives and legal databases? How is access to recently adopted laws ensured? Are archives computerised?
135. Please describe the domestic legal and institutional framework for processing war crimes, crimes against humanity and genocide, and the situation with any proceedings initiated; please provide a translated copy of the relevant laws.

### **VIII. Anti-Corruption Policy and strategy**

136. Please give an overview of the efforts geared towards tackling the prevention and repression of corruption (i.e. adoption of legislation, alignment with international conventions, adoption of strategies and action plans to implement legislation, reinforcement of institutional and human resources capacities to deal with corruption). Which are the main priorities in this field? Which are the bodies responsible for the fight against corruption? How is coordination between different services ensured horizontally as well as across the levels of governance?
137. Is there a national anti-corruption strategy and multi-annual action plan? Was this strategy the subject of broad consultation at all levels (e.g. interdepartmental, consultations with stakeholders in the private sector, civil society and the media)? What is the status of adoption of strategic policy documents, including the action plans, at all levels of governance? Which sectoral anti-corruption plans are in place?
138. Is there a monitoring/evaluation mechanism or is there mid-term review planned and is there an impact assessment planned at the end of the implementation to see whether or not the strategy/action plan generated tangible results (e.g. does the strategy contain a clear vision and how does it focus on priorities that are likely to bring about real change)? Is there a designated monitoring body, which meets regularly and oversees effectively the implementation? Please provide information about budget allocated in this regard.
139. Are civil society and non-governmental organisations associated to developing and monitoring the national anti-corruption policy? Is there a transparent mechanism to ensure/monitor follow up of their recommendations (and at what frequency does it meet)?
140. Please describe efforts to strengthen implementation of the above and provide concrete results related to the fight against corruption.
141. Which measures are taken to raise awareness of corruption as a serious criminal offence (e.g. campaigns, media and training)? Who is responsible for awareness-raising? Are measures that include awareness raising included in the national anticorruption strategy and other policy documents? Please provide some practical example.

142. What are the measures, approaches, strategies etc. targeting prevention of corruption (transparency and integrity measures, corruption-proof legislative drafting, etc.)? What is the practical experience with their implementation? How effective is the compliance with these mechanisms and what sanctions exist in case of non-compliance?

#### **A. Institutions**

143. What specialised anti-corruption bodies exist? Please describe them, indicating their legal and institutional status, composition, functions, powers and resources including staffing (i.e. public and private sector corruption). How are the independence and appropriate level of expertise and resources for these bodies ensured?

144. In case there is a dedicated anti-corruption body in line with the UNCAC provisions

145. Has it sufficient budget, staffing, equipment and a clear mandate? Describe its legal status and mechanisms of accountability.

146. Does it enjoy the necessary independence and is it protected from political influences? Is it cooperating with other anti-corruption bodies, national security agency, NGOs?

147. Is able to rely on other agencies for obtaining data? It is well connected with the law enforcement bodies and receives feedback on potential cases handed over to these bodies. Is the non-delivery of requested data punishable?

148. Has the Agency/Commission/Department or any other authority operational responsibilities (including the power to start administrative investigations) related to:

- i. Asset declarations and verifications?
- ii. Conflicts of interest?
- iii. Political party financing?
- iv. Lobbying (keeping register)?

149. To what extent and from which sources are statistical data available on corruption cases (investigations, cases in court, convictions and sanction level), international co-operation in corruption cases, the link between corruption and organised crime and the link between corruption and money-laundering?

150. Is there any specific training on combating corruption or training on ethics for public officials, the judiciary and the law enforcement?

151. Does Ukraine take any measures to protect whistle-blowers in the fight against corruption? If yes, please provide detail on such measures, their legal basis and their implementation.

152. Are internal control and audit bodies in place and do they regularly perform checks and report on them?

153. Are integrity plans in place in key parts of the public administration and judiciary? Are there commonly accepted guidelines available for designing and monitoring integrity plans? Do such plans/guidelines contain safeguards with respect to the use of public resources?

## **B. Domestic legal framework**

154. Please provide succinct information on legislation or other rules governing this area. In particular, please mention:

a) Whether there is a clear definition of corruption (passive and active) and in which type of acts: policy documents and/or legal texts? Which type of conduct can be sanctioned as corruption? Is active and/or passive bribery sanctioned? In the public and/or private sector? Trading in influence? Corruption of foreign and international public officials? What kind of sanctions exist (e.g. possibility of confiscation of proceeds, disqualification measures)? Does legislation contain provisions designed to prevent corruption?

b) Whether the criminal code criminalises the following offences: bribing national and international public officials, money-laundering embezzlement, misappropriation or other diversion by a public official, trading of influence, abuse of office; bribery and embezzlement in the private sector, laundering of proceeds of crime, concealment and obstruction of justice.

c) Whether illicit enrichment is criminalised.

155. Protection of the financial interests of the European Union (criminal aspects)

156. Does the law criminalise fraud against the Union's financial interests, covering both expenditure and revenue?

157. Does the law provide for the concepts of criminal liability of heads of businesses and liability of legal persons for these offences?

158. Has Ukraine established jurisdiction over all of these offences?

159. What measures have been taken to implement Council of Europe Group of States Against Corruption (GRECO) recommendations? Which recommendations are pending? Why? Please provide reasons and plans of action with clear indicators to fulfil the recommendations.

160. Has Ukraine aligned its legislation to UN Convention against Corruption (UNCAC), Merida 2003 PDF 31/10/2003?

161. Has Ukraine aligned its legislation with the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions and OECD 2021 Recommendation for Further Combating Bribery of Foreign Public Officials in International Business Transactions html?

162. What are the rules and institutional arrangements for the avoidance of conflict of interest in the case of officials, irrespective of whether they are members of parliament, government, the administration and the judiciary?

163. Is there a legal obligation to declare assets? By whom? Which laws specify those obligations? Are declarations of assets made public and are they pro-actively used as a tool to uncover illicit wealth? Is there any independent monitoring agency, national security agency, or NGO verifying the asset declarations? If yes, are their reports public? What is the role of the tax authority, if any in verifying asset declarations?

164. Are citizens being made aware on how to report irregularities and are complaint mechanisms easily accessible? Is there a legal obligation to follow up on complaints and to inform citizens accordingly?

165. Is there a general policy in place to prevent corruption in the private sector, e.g. have accounting and auditing standards been introduced in the private sector? If yes, what has been the result so far of such policy?
166. Does legislation on free access to information exist? Is there a Commissioner for Free Access to Information or a body in charge to supervise implementation of legislation? What is the role and remit of the Commissioner for Free Access to Information?
167. Public procurement, privatisation, large budgetary expenditure, construction, and land-use planning: How are these areas monitored? Is the monitoring done efficiently and by an independent body? Is there sufficient follow-up to irregularities? Is there parliamentary oversight? How is financial control regulated? Is there a functioning auditing authority?
168. How do you assess the extent of corruption in the field of public procurement? What measures are in place to ensure transparency and accountability in procurement processes? What percentage of public procurement procedures involve awards without public tender?
169. Is there a legal basis for cooperation between police and prosecution as well as with other relevant bodies in the fight against corruption? Any internal independent investigation authority established? If yes please provide detail about task, authority, staffing, resources etc.
170. Is the domestic legislation aligned with the Financial Task Force (FATF)/MONEYVAL recommendations?
171. Are provisions on immunity, for example covering politicians or magistrates standing in the way of criminal investigations?
172. Are there clear procedures for lifting immunities in line with EU standards and are they being used when needed?
173. Are all allegations of corruption systematically investigated, independently of the status of the suspect/accused (no impunity)?

## ***FUNDAMENTAL RIGHTS (QUESTIONS COVERING ALSO CHAPTER 23)***

### **I. Substantial rights**

174. Please provide succinct information on the constitutional order, legislation or other rules governing the area of fundamental rights, and their compatibility with the relevant international conventions.
175. Provide a list of all human rights instruments and related protocols ratified by Ukraine along with the date of signature and ratification. Include details of any reservations which have been made to those treaties and any declarations recognising the right of individuals to petition committees established by the conventions. In addition, please specify what legislation and provisions have been adopted to ensure compliance with the obligations stemming from these conventions. How are these implemented and monitored?
176. What is the rank of these conventions in the domestic legal system, including the constitution? Has Ukraine introduced the direct applicability of international conventions in domestic law in all cases and at all levels?
177. What steps have been taken to cooperate with UN bodies dealing with human rights issues, including visits by UN special mechanisms (such as special rapporteurs), reporting to Treaty bodies and responding to Treaty body recommendations?
178. Does Ukraine have a National Human Rights Institution (NHRI)? Does it comply with the Paris Principles on NHRIs and does the NHRI have accreditation to the GANNHRI and what is its accreditation status?
179. Please indicate whether the institution has undergone an assessment of compliance with the Paris Principles or the Venice Principles and if yes what are the results? What is the state of the play if such compliance assessment has been performed?
180. Please provide a brief description of legislation or other rules governing the mandate, the set-up, functioning and independence of the NHRI / Ombudsperson institution including its composition and decision-making mechanism, number of cases and how these are followed up.
181. What are the competences of the NHRI/Ombudsperson's institution in the field of human rights and what type of recommendations can it hand down? Does the Institution have special competences regarding the rights of women, rights of children, rights of older persons, rights of persons with disabilities, rights of LGBTIQ persons, or protection of minorities (including ethnic, racial or religious minorities)? Can the NHRI / Ombudsperson's institution have investigation power? Can the NHRI / Ombudsperson act *ex officio*?
182. How is the financing of the NHRI / Ombudsperson's institution regulated?
183. What other independent bodies, supported by the public budget, exist in Ukraine for the protection and promotion of fundamental rights? What are the tasks and powers of these bodies? Please include notably reference to bodies relating to anti-discrimination, protection of personal data and access to information.
184. Do police, prison and border guards and other law enforcement officers receive training on human rights, including training on the rights of women, rights of the child, rights of older persons, rights of persons with disabilities, persons belonging to minorities, LGBTIQ persons?

#### **A. Human dignity and right to life and to the integrity of the person**

185. Please provide an overview of legislation relevant to the right to life (Art. 2 of the Charter of Fundamental Rights of the EU and Art. 2 of the European Convention on Human Rights).
186. Please specify how human dignity and the right to integrity of the person are guaranteed, both within the legal framework and in practice. What strategies and measures are in place to ensure the respect of the right to integrity of the person?
187. In the fields of medicine and biology, do precise rules exist which indicate what is and what is not permitted? Are these rules subject to a permanent monitoring process, in particular with regard to the right to integrity of the person?

#### **B. Prohibition of torture and inhuman or degrading treatment or punishment**

188. Does the domestic legal framework include a definition of torture and is this prohibited?
189. What measures are there in place to prevent a person from being removed, expelled or extradited to a State where there is a serious risk that s/he would be subjected to the death penalty, torture or other inhuman or degrading treatment or punishment?
190. Is there any independent body, which oversees the conditions in prisons, pre-trial detention, police stations and other places of deprivation of liberty? Is there a National Preventive Mechanism in place, in line with the provisions of the Optional Protocol of the UN Convention Against Torture? If so, please provide details on its set-up, eg is the NPM permitted unhindered and unannounced access to all places of deprivation of liberty; is civil society permitted to monitor places of deprivation of liberty, if so, under which conditions?
191. What actions have been taken to ensure effective investigation of all ill-treatment allegations and strengthening internal control services dealing with such allegations, including cases targeting women, children, LGBTIQ persons, persons with disabilities and members of minorities?
192. What mechanism is in place for detainees/prisoners to report cases of ill-treatment or torture? Is a secure and confidential system in place for such reports? Are inquiries into cases and allegations of ill treatment of detainees followed up? If so, how is this done? What is done to ensure a thorough, transparent and independent process?
193. To what extent is support to victims provided? What is the legal framework in place?

#### **C. Prohibition of slavery, servitude, and forced or compulsory labour**

194. Has Ukraine ratified relevant international conventions and agreements in this field? Please indicate which ones. Please provide information on specific legislation, strategies as well as measures designed to prevent the occurrence of slavery, servitude and forced or compulsory labour.

#### **D. Respect for private and family life and communications**

195. How are the rights protecting and upholding respect for private and family life, home and communications ensured? In which circumstances can they be set aside?
196. Please describe the exact procedure for the application of house searches and special investigative means (such as telephone tapping) and how the protection of fundamental rights is ensured. Is, for example, any case of telephone tapping or house search allowed without a judge's warrant? What is the practical experience with implementing the legislation in this area?
197. Respect of privacy: is privacy safeguarded by law?

#### **E. Right to marry and right to found a family**

198. Elaborate how the right to marry and the right to found a family are protected within the domestic legislation, including partnerships open to same-sex couples.
199. Please provide information on the legal age of marriage, disaggregated by gender.

#### **F. Freedom of thought, conscience and religion**

200. Please elaborate on the legislative structures in place to ensure protection of the right to freedom of thought, conscience and religion. Please explain whether this includes the right to manifest a religion or belief individually or in community and persons who change or leave their religion or belief, as well as persons holding non-theistic or atheistic beliefs are equally protected. Please give details and explain any limitations to this freedom permitted by the law.
201. Please provide information on measures taken to uphold freedom of thought, conscience and religion and fight discrimination on such grounds.
202. What is the constitutional status of religions in Ukraine? Is there any state religion or concordats signed with certain religious groups?
203. Is there a legislative framework for conscientious objection? If so, please provide details.

#### **G. Freedom of expression including freedom and pluralism of the media**

204. Please provide information concerning the legislative framework, elaboration and implementation of legislation regarding the promotion of the freedom of expression and information and freedom and pluralism of the media. Please explain any limitations to this freedom permitted by the law and measures designed to prevent interference with these freedoms.
205. Please provide information on the media legislation.
206. Describe the libel legislation. What types of penalties are used for libel offences? What is the general trend of the court decisions in the area of freedom of expression?
207. Is blasphemy criminalised and are there criminal sentences?

208. Does the legislation on hate speech follow the ECtHR case law where it makes a distinction between, on the one hand, genuine and serious incitement to violence and hatred, and on the other hand the right of individuals (including journalists and politicians) to express their views freely, including speech which "offends, shocks or disturbs the State or any sector of the population"?
209. Does specific legislation exist or are specific actions undertaken with regard to freedom of expression on the internet?
210. Please describe the media landscape (written press and audiovisual sector). How are the audiovisual media financed? Is there a supervisory body for the (audiovisual) media, what is its composition and how does it function? Have recommendations of experts from the Council of Europe and OSCE been taken into consideration when drafting legislation in the field of media?
211. Is there a specific legislation on media coverage during electoral campaigns?
212. Is there a public service broadcaster and does the legal framework provide for its independence? What is the procedure for the appointment of the members of the public broadcasters' steering committees/boards? What is the role of the media regulatory authority in this regard? How is the editorial line decided upon? Is its funding in line with the *acquis*?
213. Please describe the rules in place with regard to government advertising.
214. Please describe the rules governing the public financing of media.
215. Please describe how the written press is supervised. Is there any supervisory body, what are its composition, role and obligations? How does it function and how is it financed?
216. Which safeguards are in place to ensure the independence of the regulatory body for the audiovisual media services, including conditions related to appointment and dismissal, as well as safeguards for their operational independence (e.g. related to reporting obligations)? Are the rules on the conflict of interest and dismissal of the members of the Board defined in law? Does the regulatory authority exercise its powers impartially and transparently?
217. What is the level of transparency of media ownership? Are there rules ensuring effective transparency of ownership defined in law? What about their implementation in practice?
218. What is the situation and rules regarding the concentration of media ownership?
219. What are the working conditions of journalists? Are there rules and practices in place that guarantee journalists' independence and safety?
220. Are there crimes against journalists being committed and is there a climate of impunity? Are cases of threats and attacks against journalists consistently followed up? Please provide statistics in this regard.
221. What is the situation and legislation regarding journalists' access to information and public documents?
222. Are there lawsuits and convictions against journalists (incl. defamation cases) and are any measures taken to safeguard journalists against abusive lawsuits?

#### **H. Freedom of assembly and association, including freedom to form political parties, the right to establish trade unions**

223. How are the freedoms of assembly and association protected by the domestic legal framework, and what laws regulating these rights are in place?
224. Which, if any, justifications are permitted as regards possible restrictions placed on the exercise of these freedoms? Which body may impose such restrictions?
225. Please explain the procedure to form and register a political party, and what are the provisions on dissolution of political parties? Is there any case law in this field?

#### **I. The right to non-discrimination and the principle of equal treatment, including of socially vulnerable persons/ groups and persons with disabilities**

226. What are the legislative and policy instruments in place to prevent and tackle discrimination based on membership of a national minority, ethnic or social origin, sex, gender, race, colour, genetic features, language, religion or belief, political or any other opinion, property, birth, disability, age or sexual orientation? Has a general anti-discrimination law been adopted and when? Is there an overall anti-discrimination strategy in place?
227. Has Ukraine established specialised services to prevent and combat discrimination and to offer victim support, such as an equality body? If so, which legislative framework, institutional context, mandate, composition, functions and powers pertain to this body?
228. How is the independence of the equality body guaranteed? Please provide a brief description of legislation or other rules governing its independence. What are its powers and how is the financing of the equality body regulated?
229. Is there any feedback mechanism in place that shows how the equality body's recommendations have been implemented by the relevant authorities?
230. Do EU citizens have access to courts free of discrimination compared to Ukrainian citizens?
231. Does specific legislative protection for the rights of persons with disabilities exist? What measures does the legislation cover? Are there measures designed to ensure their independence and social and occupational inclusion? Are measures for the accessibility of persons with disabilities in place? What measure are taken to ensure independent living of persons with disabilities? Please explain.
232. Does Ukraine ensure legally and in practice the respect of the right to non-discrimination based on racial or ethnic origin? Does Ukraine ensure legally and in practice the respect of the right to non-discrimination based on religion or belief? Is there specific legislative protection for the right to non-discrimination based on age?
233. Has Ukraine ratified relevant international conventions and agreements regarding the right not to be discriminated against on the basis of racial or ethnic origin namely the International Convention on the Elimination of All Forms of Racial Discrimination?
234. Does Ukraine ensure legally and in practice the respect of the principle of non-discrimination on the basis of sexual orientation?

235. Is any legal measure in place regarding gender identity? Is legal gender recognition in place? If so, what provisions apply to legally change one's gender marker in identity documents?
236. Has Ukraine taken measures to align with Recommendation CM/Rec(2010)5 of the Committee of Ministers to member states on measures to combat discrimination on grounds of sexual orientation or gender identity of the Council of Europe.?
237. Has the Freedom of Assembly been exercised freely and without problems for instance in the organisation of gay prides or similar events? Provide information on any such events organised in the last three years.
238. How are hate-motivated crimes addressed in the criminal code? Do hate crimes constitute stand-alone offences or an aggravating circumstance? What penalties are applied for cases of hate crimes? What grounds are covered by the legislation and how is it implemented?
239. Is hate/discrimination on the internet an issue in Ukraine? What measures have been taken to implement provisions of the Additional Protocol to the Council of Europe Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems?

#### **J. Right to education**

240. Please provide information on how, and to what extent, the right to education is guaranteed in legislative and practical terms. Please comment on the allocation of resources and institutional framework in place to facilitate the exercise of this right.

#### **K. Right to property**

241. Please provide information on how, and to what extent, the right to protection of property and the peaceful enjoyment of possessions is guaranteed in legislative and practical terms. Is there any limitation for certain categories of persons (e.g. foreigners, EU citizens) or for certain types of property (e.g. agricultural land)? Are there exceptions to these limitations? How is the right to property assured?
242. What are the justifications permitted for restrictions placed on the exercise of this right and which body or bodies may impose such restrictions? Provide information on the main elements of the expropriation legislation. Are there any relevant ECtHR judgments? If any, please provide details on the implementation of the same.

#### **L. Gender equality and women's rights**

243. Please provide details on constitutional provisions and legislative measures, as well as soft law measures, which ensure equality between women and men, commenting particularly on equality in areas such as employment, working conditions and pay, as well as in the access to and supply of goods and services.
244. Has Ukraine ratified the relevant international conventions?

245. Are there any other practical measures and institutional mechanisms supporting gender equality? Describe the participation of civil society in the work of institutional gender mechanism, if any.
246. Please provide statistics on women's representation in political life, judiciary, law enforcement bodies, public administration and state-owned companies, especially concerning management positions, as well as in employment.
247. Is there a strategy/action plan in place in the area of gender equality? If so, please explain its scope and the main objectives to be fulfilled? Is there a monitoring mechanism in place? Please describe.
248. Have permanent gender equality bodies been established? Has Ukraine established specialised services to combat discrimination based on sex? If so, which legislative framework, institutional context, composition, functions and powers pertain to these services?
249. Has Ukraine ratified the Council of Europe Istanbul Convention? If yes, how is its implementation followed and are there any reports on implementation available? If no, what are the main obstacles and reasons for non ratification?
250. How is gender-based violence and domestic violence treated in the legislation and in judicial practice in terms of prevention, victim support and prosecution? How many cases have been investigated by the prosecutorial office? How is data collected and monitored?
251. What services are available for victims of gender-based violence and domestic violence? Are there shelters/safe houses financed by public funds? Are protection orders available? Are victims supported by social services to enable them to have the means to leave the abusive relationship? Do victims have access to free legal aid and court representation?

#### **M. Rights of the child**

252. Has Ukraine ratified the relevant international conventions to protect and promote the rights of the child and in particular the Hague Conventions? Please indicate when, for each convention.
253. Please elaborate on the legislative, administrative, and institutional framework in place to ensure effective protection of the rights of the child. Is an integrated child protection system in place? Are services for protection of children available at local level?
254. How is child labour addressed in the legislation and what is the practical experience with its implementation? Please provide information on the existence / extent of child labour and on measures taken to address this issue.
255. Please elaborate on legislative and non-legislative actions taken to address discrimination against children from ethnic minorities, children with disabilities, children living in remote areas as well as on grounds such as sex, birth status (married/unmarried parents), migration status or others. Are all children covered by compulsory health insurance?
256. Please elaborate on the measures in place to ensure education of all children, including those with disabilities. Is support to children with disabilities made available in regular schools?
257. Which measures have been taken to promote and facilitate the registration of all children?

258. Please describe the procedure for taking care of children without parental care. Are children separated from their parents housed in institutions, if so, what type and is a foster care system in place? What is the percentage of children with disabilities housed in institutions and what is the average age? Is a de-institutionalisation strategy in place and any measures to promote community-based care?
259. As regards access to justice for children, indicate if a strategy or action plan on juvenile justice is in place and assess implementation. Are measures in place to ensure child-friendly proceedings in civil and administrative cases? Are measures for children victims and witnesses in place?

## **II. Procedural rights**

### **A. Liberty and security**

260. What is the average length after the imposition of the sentence until the enforcement of criminal sanctions through incarceration? Is there a problem of backlog? If yes, please describe the nature of the problem and what strategy is being enforced to address the problem.
261. Does the legislation allow for alternatives to prison sentences, e.g. supervision measures, probation period and conditional release? How are such alternatives managed? Is there a probation service in place? If so, please describe.
262. What is the ratio of prison sentences compared with alternative sentences?
263. Is there the possibility for conditional parole and conditional prison sentences and, if so, are the convicted in these cases subject to surveillance by a probation officer during the probation period?
264. Please describe the rules and procedures governing pre-trial detention and the rules on extending it. Please explain if different rules apply to juveniles. What are the rules regarding the revision of decisions on deprivation of liberty and pre-trial detention (automatic or upon request of the suspected)? For how long can a suspected person be deprived of his liberty before a court review takes place? Is there a maximum time limit for the total duration of pre-trial detention, if so what is it? What is the average period of pre-trial detention?
265. Please describe the rules governing detention during the trial phase.
266. Please describe the rules governing detention after conviction.
267. How are human and secure conditions for detainees (in respect of international human rights standards) ensured by the police, justice, prosecution and penitentiary systems? What measures are taken if such standards are not respected?
268. Please describe the penitentiary system, the type and number of prisons. How are prisons financed? What is the authority supervising the penitentiary system?
269. What is the size of the prison population?
270. Is special attention devoted to female prisoners and young offenders? Is separate accommodation available? If yes, please provide a detailed description.

271. Are there special provisions for prisoners with mental disabilities subject to compulsory psychiatric treatment? Are such prisoners incarcerated? Are they separated from others?
272. Is health care in prison and pre-trial detention provided by staff under the Ministry of Health or the Ministry of Justice/the Interior?

**B. Right to a fair trial and procedural safeguards for suspects and accused persons**

273. How is the right to a fair trial enshrined in the legislation? How is the right to an effective remedy before an independent and impartial tribunal enshrined in the legislation?
274. Is the presumption of innocence a central part of the criminal justice system and, if so, how is it applied in practice?
275. Can trials be held *in absentia*? Please describe the rules on *in absentia* proceedings in your legal system.
276. Is a system of legal aid in place, which ensures equal access to justice? If so, please explain the scope and resources of the legal aid system. Please give details on the criteria for receiving legal aid in all types of proceedings (criminal, civil and administrative).
277. What are the rules and procedures for the appointment of legal aid lawyers? Are they entitled to fees according to normal lawyer tariffs?
278. Are there specific safeguards in the legislation for children and vulnerable adults who are suspects or accused persons in criminal proceedings? If so, please provide information on the scope and nature of such safeguards. In particular, please explain how it is ensured that children are able to effectively understand, follow and participate in the proceedings.
279. Please provide information on how the following rights are guaranteed in legislative and practical terms to suspected and accused persons.
- a) The right of the defendant to be informed promptly in a language which s/he understands of the nature and cause of the accusation against him/her;
  - b) The right to have the free assistance of an interpreter, if one cannot understand or speak the language used in the court;
  - c) The defendant's right to have adequate time and facilities for the preparation of his/her defence;
  - d) The right to defend oneself in person or through legal assistance of one's own choosing;
  - e) The right to examine, or have examined, witnesses against him/her and to obtain the attendance and examination of witnesses on his/her behalf under the same conditions as witnesses against him/her.
280. Please provide details on how the right not to be tried or punished twice in criminal proceedings for the same criminal offence is interpreted in domestic law.

### **C. Rights of victims of crime**

281. Please provide details on how the rights of victims of crime are ensured in criminal proceedings. Is there legislation in place concerning the fair and appropriate compensation for the injuries that crime victims have suffered?
282. What kind of support services are available to victims of crime? Do family members have access to support services? Who provides these services? Do victims have access to shelters, to interim accommodation, to counselling and psychological support?
283. What kind of measures are in place to ensure that victims of crime are protected from secondary and repeat victimisation, from intimidation and retaliation?
284. What guarantees are in place to ensure a public hearing in court?
285. Is a comprehensive legal and policy framework in place to allow victims of torture to obtain civil redress in the form of a fair and adequate compensation, including full rehabilitation as possible, in line with United Nations Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment? If yes, please provide information on its functioning.
286. Is there a comprehensive legal and policy framework in place to safeguard the status of victims of war crimes involving sexual violence in a non-discriminatory fashion? If yes, please provide details of its scope and functioning.

### **III. Respect for and protection of minorities and cultural rights**

287. How is the principle of non-discrimination and equal treatment of minorities ensured? Please provide details of constitutional and legislative provisions as well as the institutional framework.
288. Has the Framework Convention for the Protection of National Minorities and other relevant international instruments been ratified? How are they implemented and monitored? Have recommendations by the Council of Europe and other relevant organisations been implemented?
289. Please give an overview on the constitutional and legislative provisions to this effect as well as on the strategic and policy tools adopted for the implementation. To what extent are the rights of persons belonging to minorities respected, protected and monitored?
290. Does an overall strategy on the protection of minorities and related action plan exist?
291. What measures have been taken to ensure proper representation of minorities? Please specify any budgetary allocations to this end.
292. How is the effective participation in political life of persons belonging to minorities ensured?
293. Please provide statistical information, if available, on the situation of minorities as compared with the majority population in respect of: housing, education (participation in primary, secondary, and tertiary education), health services, employment and unemployment, infant mortality and life expectancy.
294. What is the legal basis providing for information and education in minority languages? Please provide a description of existing language legislation and language training programmes for minority languages. Provide a description of existing arrangements on education in the

language of minority communities and the right to have history and culture of the persons belonging to such communities included in the curricula. Has the Council of Europe Charter for Regional and Minority Languages been ratified? How are those rights ensured and monitored? Please provide a detailed explanation for each national minority. What arrangements have been taken to ensure translation and interpretation?

295. What are the measures taken to improve inter-ethnic relations? What is the methodology used to identify ethnically motivated incidents? How are such cases investigated and prosecuted by the law enforcement bodies and the judiciary? Please provide updated figures on the number of ethnically motivated complaints.
296. Do all citizens, including persons belonging to minorities have access to identity documents and how is this right guaranteed? What measures have been taken to improve the civil registration for the Roma minority, including birth certificate and identification documents? Is the ethnic origin registered in the birth certificate?
297. Please indicate when the last population census was held. Did the questionnaire include a question on ethnic origin? How is the protection of personal data ensured while gathering the needed statistics on minorities? Please explain.
298. Is there a Roma inclusion strategy / action plans in place? If so, please set out their main parameters and indicate who is responsible for implementation, monitoring and reporting?
299. Which mechanisms exist to coordinate the implementation between different institutions and ministries and between central and local levels?
300. What type of measures (Roma specific or Roma dimension in mainstream initiatives) are given priority to ensure Roma effective equal access to education, employment, healthcare and social services, housing and essential services, as well as access to civil documentation?
301. As regards education, what is the percentage (differentiated by gender) of Roma children that complete compulsory education? What is the percentage of Roma children participating in early childhood education and care? What are the main barriers for Roma children to access compulsory education and which are the measures taken to address them?
302. What is the situation as regards employment for Roma men and women? What are the major issues and which measures are taken to ensure equal treatment of Roma in access to the labour market and to employment opportunities?
303. Do Roma communities have equal access to universally available healthcare services? Which healthcare services (if any) are insurance based, and which measures are taken to ensure equal access to these services? What is the situation as regards sexual and reproductive healthcare? Are Roma children covered by free vaccination programmes?
304. On housing:
- a) Do the Roma communities mainly live in segregated or desegregated areas?
  - b) Do Roma have equal or preferential access to social housing? And on which criteria are such measures taken?
  - c) How many Roma settlements (in percentages by location) have access to public utilities (such as water, electricity, gas and public transport)?

d) What legislation is in place to govern evictions and which rules are to be respected in case of evictions? Are these rules in compliance with international obligations, including UN rules?

305. Is there legislation or specific measures in place to combat and prevent antigypsyism and discrimination, anti-Roma rhetoric and hate speech, and addressing racist, stereotyping or otherwise stigmatising behaviours that could constitute incitement to discrimination against Roma?

#### **Measures against racism and xenophobia**

306. What is the legislative, institutional and policy framework for measures against racism and xenophobia (including against hate speech and hate crime)?

307. Provide information concerning specific legislative or policy measures to counter hate speech (both to the online and offline world).

308. What is the methodology used to collect data on hate speech and hate crime, including on their bias motivations? How are such cases investigated and prosecuted by the law enforcement bodies and the judiciary? Please provide any available figure on cases of hate speech and hate crime reported to the public authorities, including, if available, a breakdown according to their bias motivations as well as on victims or perpetrators.

#### **IV. Protection of personal data**

309. Provide information on any legislation or other rules governing this area, and the coherence of such rules to relevant international conventions, including Convention 108+ of the Council of Europe and the EU *acquis*. What is done in order to ensure efficient protection of personal data?

310. What is the scope of the existing data protection legislation (commercial operators, public authorities, specific rules concerning data protection in criminal law enforcement)?

311. Does existing data protection legislation require the designation of a data protection officer in appropriate cases (e.g. where the processing is carried out by a public authority or body, except for courts acting in their judicial capacity; or where the core processing activities of the controller or the processor require regular and systematic monitoring of data subjects on a large scale, or where the core activities of the controller or the processor consist of processing on a large scale special categories of data (sensitive data) or personal data relating to criminal convictions and offences)?

312. Does existing data protection legislation provide for the possibility of limitations or exceptions to certain data protection principles and data subject's rights for important public interest grounds? If yes, please specify.

313. Please provide information on the supervisory authority responsible for monitoring the application of data protection provisions, in particular on the legal and practical measures taken to ensure its complete independence, and on the organisation of the supervisory authority, including the number of its staff, notably of inspectors, technical and financial resources, premises and infrastructure necessary for the effective performance of its tasks and exercise of its powers.

***REGIONAL ISSUES AND INTERNATIONAL OBLIGATIONS***

314. Please provide a list of all regional initiatives in which Ukraine participates. Please specify which regional agreements have been signed or ratified.
315. Is Ukraine a party to the Rome Statute on the International Criminal Court?
316. Is Ukraine a member of the Hague Conference on Private International Law?
317. Please describe Ukraine's obligations and commitments deriving from membership to the Council of Europe, the measures taken to date to honour these obligations and the envisaged actions for any pending obligations.
318. Are there any exceptions to the Rome Statute applied by Ukraine including any bilateral immunity agreements granting exemptions from the jurisdiction of the International Criminal Court? Please provide examples.

# **ECONOMIC CRITERIA**

## **THE EXISTENCE OF A FUNCTIONING MARKET ECONOMY**

### **I. Macroeconomic stability**

319. Please provide last year's official report on the macro-economic developments in English.
320. What are the main objectives, rules and institutions in the area of fiscal and monetary policy?
321. What are the particular structural challenges/priorities for the economic policy, and which measures have been planned to tackle them?

### **I. The functioning of product markets**

#### **A. Business environment**

322. What is the size of the corporate sector? Please describe the main features of the sector.
323. Please describe the main requirements for market entry and exit for the corporate sector (business register, number of licensing procedures, number of separate administrative procedures, average amount of time and costs for corporation, bankruptcy procedures etc.) How has the average time for company registration evolved since 2016?
324. Please describe the initiatives taken to enhance the business environment, tackle corruption, and the results achieved so far. Please provide focused information on the main obstacles for doing business, including those that hinder operating in a single economic space.
325. What is the estimated share of the informal economy? How is it estimated? What effects does it have on public finances, employment and market competition?
326. To what extent and how does corruption affect the business environment?

#### **B. State influence on product markets**

327. Public sector: What is the public sector's aggregate share in the economy, including in terms of value added and employment? What sectors are still publicly controlled and/or owned and to what extent? Please outline the government plans as regards public-owned enterprises.
328. Protected sectors (e.g. utilities, transport, housing): Which sectors are subject to specific protection (market entry, price setting, etc.). Please describe recent developments in this respect, such as specific measures of liberalisation or deregulation. Which sectors are to remain under special protection? Are there provisions of preferred treatment as regards former state-owned enterprises?
329. State aid: What is the legal framework for awarding state aid? What are the main features of this framework? How have subsidies and public guarantees developed over the past five years? According to what economic criteria is state aid granted? Please provide data on direct subsidies

awarded since 2016. Please provide also information on the size and structure of all schemes for government guarantees on bank loans to the private sector as well as to state-owned enterprises. Is there a medium-term target on scaling down public guarantees? Please provide available annual reports on state aid.

330. Please report on additional economic support measures related to the pandemic, their transparency, targeting and cost, and whether they continue to be applied in 2022.

### **C. Privatisation and restructuring**

331. Please provide an overview of the privatisation process since 2016 for state-owned and socially owned companies, respectively:

- a) What have been the main methods of privatisation?
- b) How many enterprises have been privatised/liquidated/restructured/sent into bankruptcy procedures? Please provide information on the size, employment and activity of these enterprises. In which cases have the sales contracts been revoked?
- c) Have any enterprises been re-nationalised after their initial privatisation?
- d) Is the government considering potential cases for renationalisation?
- e) What activities are necessary to finalise the privatisation process?
- f) What is the status and portfolio of the agencies in charge of privatisation?
- g) What are the prospects for the further privatisation and termination of activities of the same agencies?
- h) Please quantify privatisation in terms of sales revenues and fees since 2016. How did the authorities use privatisation receipts? How will the future funds resulting from privatisation be used?
- i) What measures have been applied and are planned to improve corporate governance of the remaining state-owned enterprises?

332. Enterprise restructuring: How many state-owned (or formerly state-owned) and socially owned enterprises have been restructured so far? How many enterprises are being restructured or envisaged to be restructured? Please identify the remaining sectors and state-owned enterprises in need of restructuring.

333. Please provide information about annual aggregate profits/loss of state-owned enterprises in the period since 2016.

## **II. The functioning of the financial market**

### **A. Financial stability**

334. Please indicate how interest rates are determined? Are any rates administratively set? If so, which ones?
335. Do quantitative ceilings exist on credit expansion? What instruments are available to prevent excessive credit growth and potential exchange rate volatility from eroding the quality of lenders' portfolios?
336. Provide an assessment of access to the international financial markets by the public sector and by the private sector. On what financial terms (commercial vs concessional)? Please provide examples.
337. If relevant, what are the legal arrangements concerning central bank credit to the private sector? If so, please quantify.
338. What are the main characteristics of the interbank clearing and settlement system? Please assess the functioning of these systems. Are there changes envisaged in the payments' system? Please indicate a tentative timeline and main features of envisaged changes.

## **B. Access to finance**

### **The banking sector**

339. Please describe the evolution of the banking sector (overall size in terms of assets, deposits (in % of GDP), share of value added and in total employment) in the past five years.

340. Please provide the following information about banks and other credit institutions in Ukraine, if possible, by type of credit institution (banks, savings banks, mortgage credit institutions, other):

- a) total number;
- b) domestic;
- c) non-domestic -EU, of which:
  - i) subsidiaries and
  - ii) branches.
- d) non-domestic non-EU, of which:
  - iii) subsidiaries and
  - iv) branches.
- e) changes in (a) to (d) since 2016.

341. Assets of the banking system (if possible, by type of credit institution - banks, savings banks, mortgage credit institutions, other):

- a) total assets of the banking system;
- b) assets owned by domestic credit institutions (in volume and share of total);
- c) assets owned by non-domestic EU credit institutions (in volume and share of total), of which:
  - i) by subsidiaries of non-domestic EU credit institutions (in volume and share of total);
  - ii) by branches of non-domestic EU credit institutions (in volume and share of total).
- d) total assets owned by non-domestic non-EU credit institutions (in volume and share of total), of which:
  - i) by subsidiaries of non-domestic non-EU credit institutions (in volume and share of total);
  - ii) by branches of non-domestic non-EU credit institutions (in volume and share of total).
- e) changes in (a) to (d) since 2016.

342. Total deposits (if possible, by type of credit institution - banks, savings banks, mortgage credit institutions, other):

- a) total deposits;
- b) deposits held by domestic credit institutions (in volume and share of total);
- c) deposits held by non-domestic EU credit institutions (in volume and share of total), of

which:

i) by subsidiaries of such credit institutions (in volume and share of total);

ii) by branches of such credit institutions (in volume and share of total);

d) total deposits held by non-domestic non-EU credit institutions (in volume and share of total), of which:

i) by subsidiaries of such credit institutions (in volume and share of total);

ii) by branches of such credit institutions (in volume and share of total).

e) changes in (a) to (d) since 2016.

343. Concentration of the market (respectively as a share of total assets, of loans and of total deposits held by the five largest institutions), indicating whether they are:

a) domestic;

b) non-domestic EU;

c) non-domestic non-EU.

d) changes in (a) to (c) since 2016.

344. Importance of the public sector in the banking industry:

a) Number of banks owned by public institutions and the amount of their assets and deposits (in volume and share of total);

b) Timetable, objectives and scope of the privatisation;

c) Do public banks benefit from special treatment? Do banks directed by public or political party officials benefit from special treatment and how? Do public utilities/companies keep their accounts with commercial banks?

d) Is there policy in place/envisaged to recapitalise them?

e) Indicate the percentage of bank capital held by public entities on a bank by bank basis.

f) Is the government considering or already engaged in any bank re-nationalisation? If yes, please explain the objectives and scope of such operation.

345. Please evaluate the degree of competition in the banking system (price competition, new products, changes in market share, and other indicators). Are there any particular concerns about the market share of the largest banks?

346. What is the average maturity of bank loans to the private sector over the past five years? What is the share of loans with maturity of up to one year?

347. Please provide data on foreign currency denominated and foreign currency indexed deposits and loans.

348. How do you assess the stability of the banking sector? What is the situation and trend concerning capitalisation, structure of capital, regulatory capital, risk weighted assets? How has the banking sector been influenced by the global financial crisis?

349. Please provide an analysis and an estimate (as an absolute amount, as a % of total loans) of non-performing loans (NPLs) in banks.
350. Have there been changes to the banking legislation? Are any (further) adjustments envisaged? Please comment on the practice as well as the legal framework, and how this legislation may help maintaining financial market stability.
351. How is the prudential supervision of banks organized?
352. Is there any protection for the depositors in case of failure of their bank?
353. Are there specific rules in case a bank is threatened with bankruptcy?

### **The Capital market**

354. What is the structure of the capital market? Is the stock exchange operational? How many companies are listed on the stock exchange? Please describe the evolution of the turnover on the stock exchange in the past five years. What percentage of transactions is carried outside the stock exchange? What are plans for the future? In practice, does the capital market provide an alternative source of finance for enterprises? Please quantify
355. How developed is the equity market? Does it provide, in practice, an alternative source of finance for enterprises? How much was raised on the market in recent years?
356. How developed is the bond market? Who are the main participants in the market and which are main financial instruments used? Are there private issues? Is there a secondary market? Please supply detailed information on the size, activity and structure of the bond market, including average maturity of the most important securities.

### **The Money market**

357. How developed is the market for short-term financial instruments? Who are the main participants in the market and which are the main financial instruments used? Is there a secondary market? Please supply detailed information on the size, activity and structure of the money market.
358. What changes are considered necessary in order to improve market organisation and efficiency?

### **Non-bank financial institutions**

359. What is the number of insurance institutions operating in Ukraine?
- a) total number;
  - b) domestic;
  - c) non-domestic EU, of which:
    - i) subsidiaries and
    - ii) branches

- d) non-domestic non-EU, of which:
    - i) subsidiaries and
    - ii) branches.
  - e) changes in (a) to (d) since 2016.
360. Concentration of respectively the life and non-life markets (in terms of gross premiums held by the largest undertakings), indicating whether they are
- a) domestic;
  - b) non-domestic EU;
  - c) non-domestic non-EU.
  - d) changes in (a) to (c) since 2016.
361. What is the situation regarding new financial markets and instruments, for example venture capital companies, factoring, leasing, etc.? Is the legal framework in place for such operations? Please provide relevant legal acts and summarise the main features. Please provide any available information on market developments.
362. Please provide information on the establishment of a capitalised pension system. What are the main challenges for its development? What are the planned steps?

### **III. The functioning of the labour market**

363. Please provide and briefly comment on the following labour market indicators for the period 2016-2021: economic activity rates, employment rates and unemployment rates, long-term unemployment rate and training, by education, gender, age, nationality and in terms of regional divergences.
364. Unemployment: How has unemployment developed since 2006 and per sector? What are the main causes of unemployment? What are the main categories concerned? What is the percentage of long term unemployment as a share of total unemployment? Please provide gender disaggregated data if available.
365. Participation rates: What are the main determining factors influencing labour market participation rates? Please provide a breakdown by sector/population group, including gender disaggregated data if available.
366. Employment: How is the division of employment between the public, the privatised and the private sector? What have been the main sectors of job creation since 2006? How do you assess the relationship between economic growth and employment? Please provide gender disaggregated data if available.
367. Please describe the policy concerning the labour market. What are the key challenges? What are the main steps taken/to be taken to improve the unemployment situation and/or the mismatch between labour supply and demand?

## **THE CAPACITY TO COPE WITH COMPETITIVE PRESSURE AND MARKET FORCES WITHIN THE UNION**

### **I. Education and innovation**

368. What is the overall investment in education and R&D (% of GDP, % of public spending)? How many researchers are there per 1000 labour force? Are there sector strategies on education and research? How many patents are issued per year? (see also chapter 26 - Education and culture)
369. Are vocational training and other requalification schemes available? What are the enrolment rates in such schemes? What is the private sector's contribution to professional training and research funding?

### **II. Physical capital and quality of infrastructure**

370. Infrastructure: Please describe how the level (in % of GDP), structure (type per economic sector) and sources (public/private) of gross fixed capital formation has developed in the last five years. Please indicate the share related to infrastructure investment including changes in roads, rail and telephony lines. Please provide a synthetic assessment on the quality of major infrastructures (transport, telecommunication, energy), indicating areas where investment needs are important.
371. What is the level of digitisation of the economy? What is the level of ICT skills of the general population? What is the usage rate of internet by the public? To what extent is Digital Technology used by businesses? By public services (e-Government)?

### **III. The sectoral structure of the economy and enterprise policy**

372. Please indicate what are the main priorities of structural/microeconomic reform agenda.
373. How has the sectoral economic structure changed since 2016 (in terms of value added to GDP and employment)? What sectors have been the most dynamic in terms of growth and/or job creation?
374. Please provide information on the main country trading partners (for both merchandise imports and exports) and the overall structure of trade by sector (NACE 2-digit level and SITC 2-digit level).

