



Part



Volume



Chapters **XXVI–XXIX**

**UKRAINE'S ANSWERS**  
to the EU Questionnaire  
on the Application  
for Membership

MAY 2022

# RESPONSES



to the Questionnaire on  
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 II  
Volume VI  
Chapters XXVI–XXIX

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# **CHAPTER 26. EDUCATION AND CULTURE**

## ***I. EDUCATION, TRAINING AND YOUTH***

### **A. Cooperation in the field of policies**

#### **1. Which authorities are responsible for education and training?**

According to the Article 62 of the Law of Ukraine “On Education” the authorities in the educational sphere include:

- the Cabinet of Ministers of Ukraine;
- central executive authority in the field of education and science (the Ministry of Education and Science of Ukraine);
- central executive authority for education quality assurance (the State Service of Education Quality of Ukraine);
- permanent collegial body in the area of quality assurance in higher education (the National Agency for Higher Education Quality Assurance);
- state authorities in charge of education institutions;
- Supreme Council of the Autonomous Republic of Crimea;
- Council of Ministers of the Autonomous Republic of Crimea;
- local self-government bodies.

#### **2. Please describe the structure of the educational and training system, including the role of private educational provision, and the level of public control.**

According to the Law “On Education” (article 10) the education system of Ukraine includes the following components: preschool education; complete general secondary education; out-of-school education; specialized (arts, sport, etc.) education; vocational education and training; vocational pre-tertiary education; higher education; adult education.

The levels of education in Ukraine are:

- preschool education;
- primary education;
- basic secondary education;
- field-specific secondary education;
- first (initial) level of vocational education and training;
- second (basic) level of vocational education and training;
- third (upper) level of vocational education and training;

- professional pre-higher education;
- initial level (short cycle, Junior Bachelor degree) of the higher education;
- first (Bachelor) level of higher education;
- second (Master) level of the higher education;
- third (PhD/Doctor of Arts) level of higher education.

Partial qualifications may be achieved in the system of the out-of-school education and adult education (including postgraduate education).

The Ukrainian school system starts from preschool education which is a holistic process aimed at: ensuring all-round development of preschool children in accordance with their potentials, inclinations, talents, individual, mental and physical features, and cultural needs; shaping preschool children's moral standards, gaining social experience by them. Children of the upper preschool age must be involved into the preschool education in accordance with the preschool education standard.

According to the Article 30 of the Law of Ukraine "On Preschool Education" a pedagogical staff member of a preschool education institution is a person with high moral qualities who has higher pedagogical education in the relevant specialty and/or professional qualification of a pedagogical staff member, ensures efficiency and quality of work. Appropriate physical and mental state necessary for performing professional duties must be ensured.

In Ukraine, professional standards of educators and heads of preschool education institutions have been developed and approved, which define the main requirements for this category of employees.

The complete general secondary education (school education) is aimed at comprehensive development, upbringing and socialization of the person who is able to live in the society and interact with the nature in the civilized manner, strives for self-improvement, life-long learning, is ready for conscious life choice and self-realization, responsibility, labour activity and civic activism.

The complete general secondary education has three levels: primary education lasting four years; basic secondary education lasting five years; field-specific secondary education lasting three years. A field-specific secondary education envisages academic and professional tracks.

Vocational education and training (VET) aims at formation and development of professional competences of the individual necessary for their professional activity under a certain profession in a respective field, ensuring their competitiveness at the labour market and mobility and life-long career prospects.

VET can be obtained on the basis of basic general secondary education or complete general secondary education. Getting vocational education on the basis of basic secondary education is performed alongside with getting field-specific secondary education and getting a respective document on complete general secondary education.

Professional pre-higher education (the form of post-secondary non-tertiary vocational education, ISCED) aims at formation and development of education qualification that confirms individual's ability to perform typical tasks in a certain field of professional activity, related with performing job assignments of advanced complexity and/or performing limited managerial functions which are characterized by some uncertainty of conditions and require application of principles and

methods of respective science, which leads to achieving respective educational and/or professional qualification.

Professional pre-higher education can be obtained on the basis of basic general secondary education or complete general secondary education. Obtaining professional pre-higher education on the basis of basic secondary education is performed alongside with obtaining filed-specific secondary education and getting a respective document on complete general secondary education.

Higher education aims at attaining by an individual a high level of scientific and/or creative artistic, professional and general competences necessary for activities in a certain speciality or in some field of knowledge. Higher education can be obtained on the basis of complete general secondary education.

Adult education is a component of the life-long education aimed at exercising a right to continuous education by each person who has achieved the age of majority, based on their personal needs, social development priorities and needs of economy. State authorities and local self-government bodies create conditions for formal, non-formal and informal adult education.

Adult education includes: postgraduate education, professional training of workers, re-training and professional development courses, continuous professional development, any other components envisaged by the legislation, offered by an educational agent or independently indicated by an individual.

Postgraduate education assumes obtaining new and improving already gained competences based on the obtained higher, vocational education and training or professional pre-higher education and practical experience. Postgraduate education includes: specialization, retraining, professional development and traineeship.

Out-of-school education aims at development of capabilities of children and youth in the area of education, science, culture, physical culture and sports, technical and other creativity, acquiring initial professional knowledge and skills necessary for their socialization, further self-fulfilment and/or professional activity.

The out-of-school education may be obtained alongside with getting preschool, complete general secondary, vocational education and training and professional pre-higher education. Competences gained under programmes of out-of-school education may be considered and recognized at the respective level of education.

Specialized education is education in the field of arts, sports, military or science. It can be obtained in the framework of formal, non-formal, informal education and aims at obtaining competences in the respective sphere of professional activity during education in the continuous integrated educational process at several or all levels of education and requires early detection and development of individual aptitudes.

**Private education.** According to the Law of Ukraine “On Education” (article 22) an education institution depending on the founder may act as a public (state, municipal), private (corporate) entity. A corporate education institution is the one founded on the principles of public-private partnership, which is carried out on the basis of agreements between public authorities and private partners and may include establishment and/or joint financing of training and educational facilities, introduction of joint programmes, etc. More details on public-private partnership as one of the types of stakeholders engagement are underscored in the item 6.

Education institutions of private ownership operate at all levels of education, including 586 private and corporate preschool institutions, 406 private general secondary education institutions, 292 private VET institutions, 78 private professional pre-higher education institutions, including 56 affiliated units of higher education institutions, 120 private higher education institutions (as of 2021).

According to the Law “On Education” private general secondary institutions can apply for budget funding from the educational subvention (which is channelled to the local budgets for teacher salaries). The process was launched in 2019, private schools can get the amount of educational subvention depending of the number of school students, but this amount is calculated with a 0,8 coefficient (meaning that a private school can get only 80% of the amount that a public school would receive for the same number of students). 236 private general secondary institutions with 31,154 school students received funding from educational subvention (with total amount of UAH 325,2 million) in 2021, which is about 60,5% of financing provided by the state budget for private schools.

At higher education institutions in Ukraine 994 772 (2021/22) students are educated of which 80% study at public universities, 6% at private universities, 4% at public academies and institutes, and 3% at public colleges. The remaining 7% study at other types of higher education institutions.

VET institutions are public (municipal) and private. There are 809 public VET institutions, of which 685 VET institutions are subordinated to the Ministry of Education and Science of Ukraine, 152 VET institutions of municipal ownership (19% of the total), 292 private VET institutions (36% of the total).

**State and public oversight (control) on education.** According to the Law of Ukraine “On Education” (article 69) a state oversight (control) in the education sector aims at implementation of the unified state policy and ensuring interests of the society regarding appropriate quality of education and educational activity. The state oversight (control) is performed by the State Service for Education Quality and its territorial branches. The State Service for Education Quality and its territorial branches perform institutional audits and unscheduled inspections of educational institutions in accordance with this Law and in accordance with the procedures approved by the central executive authority in the field of education and science (the Ministry of Education and Science of Ukraine).

The reasons of conducting an unscheduled inspection of the educational institution include:

appeal from an individual (individuals) regarding any violation that has or may adversely impact their rights and lawful interests, supported by original documents or copies of documents that evidence such violations (if any);

verification of compliance with an order on rectification of findings issued following the previous state oversight/control conducted by the central executive authority for education quality assurance or its territorial branch;

request of the Education Ombudsman;

The State Service of Educational Quality of Ukraine carries out, within the powers provided by law, state oversight (control) over the activities of educational institutions to comply with the requirements of the legislation on education and issues mandatory orders to eliminate the identified violations within a specified period (this power is defined by the Regulation of the State Service of Education Quality approved Resolution of the Cabinet of Ministers of Ukraine of March 14, 2018, No 168).

According to the Law of Ukraine “On Education” (article 41) licensing of educational activities is one of the procedures to ensure and improve the quality of education. Licensing of educational activities is a procedure for recognising the ability of a legal entity or an individual to provide educational services at a certain level of education in accordance with licensing conditions.

Educational activities shall be carried out based on the license issued by licensing authority in accordance with the law. License terms are determined separately for each level of education, as well the licensing authority is different for each level of education (more details on licensing are underscored in item 10). Requirements for license terms shall be determined by special laws. Licensing, control over compliance with license terms, issuance and cancellation of licenses for educational activities shall be carried out in the manner prescribed by law.

Education license may not be issued and the issued license shall be revoked if the founder (co-founder) of the private or corporate educational institution is: an individual who is the citizen/national of the state recognised by the Verkhovna Rada of Ukraine as the aggressor state or occupant state; a legal entity with foreign investment originating from the aggressor state or occupant state, or incorporated in the aggressor state or occupant state, or whose end beneficiary/controller is a resident of the aggressor state or occupant state.

Institutional audit is a procedure stipulated by the Law “On Education” (article 45) and is a tool for comprehensive external audit and assessment of educational and governance processes at the educational institution (all levels except for higher education) that ensure its efficient operation and sustainable development.

Institutional audit is conducted by the central executive authority for education quality assurance (State Service of Education Quality of Ukraine and its territorial branches) with a purpose to assess the quality of educational activities of educational institutions and develop recommendations for:

- upgrading of education quality of educational institutions and enhancement of the internal system of education quality assurance;
- bringing educational and governance processes in line with the legislation, and the licensing terms and conditions in particular.

The State Service for Education Quality of Ukraine is also empowered to conduct expertise and approve educational programmes of pre-school and general secondary education in cases if they are not developed on the basis of a typical educational program.

In the vocational education and training sector there is one more specific procedure for state oversight (control). It is an attestation of VET institutions, approved by the Resolution of the Cabinet of Ministers of Ukraine of February, 12, 1996 No 200. The procedure takes place regardless of subordination and forms of ownership of VET institutions is an integral part of systems of state quality control training working personnel and employees and aims to determine the capacity of the educational institution to carry out the educational activity at the level held requirements (standards).

Attestation of VET institutions is carried out once every ten years, but can be also unscheduled by the decision of the education authority. VET institutions that provide training, retraining and advanced training of workers are subject to attestation. Coursework forms professional learning without assignment qualifications that are not eligible to the procedure.

Public oversight (control) in education - carried out according to the Law of Ukraine "On Education" and is performed by public associations, relevant institutions of civic society, professional associations of teachers, associations of students, associations of parents and bodies to which they delegate their representatives (jointly called public control subjects). The public control subjects have the rights listed below but not limited to:

- initiate and participate in research on education and publish the results of such research;
- monitor and publish the results, in particular, on quality of learning outcomes, including monitoring of the state final attestation, exams and other forms of assessment of learning outcomes; quality of textbooks and other educational materials; distribution of expenditures on education and targeted use of funds from state and local budgets, other sources not prohibited by law; cases of bullying (harassment) in educational institutions and measures to respond to such cases taken by the management of the educational institution or its founder;
- participate in public discussions, public consultations and conduct public expertise, including textbooks (their projects), in accordance with the law.

Public oversight (control) directly at the educational institution may be carried out only with the permission of the head of the educational institution, except in cases established by law.

Requirements on transparency and publicity of educational institutions stipulated by the Law "On Education" (article 30) can also be considered a tool for public oversight (control).

Educational institutions are obliged to form open and public resources with information about their activities and publish such information. Access to such information for persons with visual impairments can be provided in various forms and taking into account the capabilities of the educational institution.

Education institutions are obliged to publish on their official websites:

charter of the educational institution; licenses for educational activities; certificates of educational programme accreditation, the certificate of institutional accreditation of a higher education institution; structure and governing bodies of the educational institution; the staff of the educational institution in accordance with the licensing conditions; educational programmes implemented at the educational institution and a list of educational components provided for by the corresponding educational programme; territory of service assigned to the educational institution by its founder (for institutions of pre-school and general secondary education); licensed number and actual number of persons studying at the educational institution; language (languages) of the educational process; availability of vacancies, the procedure and conditions for holding a competition to fill the vacancy (in case of its holding); maintenance and development of educational institution capabilities (according to licensing conditions); directions of scientific and research and/or artistic activity (for higher education institutions); availability of dormitories and rooms in them, the amount of payment for accommodation; quality of education monitoring results; annual report on the educational institution activities; admission rules to educational institutions; conditions for the accessibility of the educational institution for training persons with special educational needs; fees for education, training, retraining, professional development of education seekers; list of additional educational and other services, their cost, procedure for provision and payment; rules of conduct at the educational institution for the education seeker; action plan aimed at preventing and combating bullying (harassment) at the educational institution; procedure for filing and considering



(confidentially) claims about cases of bullying (harassment) at the educational institution; procedure for responding to proven cases of bullying (harassment) in an educational institution and the responsibility of persons involved in bullying (harassment), etc.

Educational institutions that receive public funds and their founders are obliged to publish on their websites the estimate and financial report on the receipt and use of all funds, information on the list of goods, works and services received as charitable aid, indicating their cost, as well as funds received from other sources not prohibited by law.

**3. Statistics: Please provide data on pupils/students and teachers/trainers at the different levels and sectors of the educational system including Early Childhood Education and Care, school education, VET, higher education and adult learning. Provide statistics on public and, if possible, private resources allocated to education at national level (investment in education as a share of GDP and as a share of public expenditure).**

According to the official statistic data on pupils/students and educators at different levels of education is as follows:

Level of Education system	Number of pupils/ students, <i>thsd.</i>	Number of educators, <i>thsd.</i>
Preschool education (2020)	1 151	141,6
General secondary education (beginning of 2020/2021 school year)	4 211	438
Vocational education and training (2020)	246,9	31,3
Professional pre-higher education (beginning of 2020/2021 academic year)	165,6	22
Higher education (beginning of 2020/2021 academic year)	1 141,9	135,2

The surveys on adult learning in Ukraine (AES - Adult Learning Survey) and vocational training in enterprises (CVTS - Continuous Vocational Training Survey) are not conducted. The methodology and tools for CVTS is currently being developed.

Statistical data on public and private resources allocated to education sector is as follows:

	Year		
	2018	2019	2020
Total expenditure on education (as % GDP)	6,01	6,07	6,03
Public expenditure on education (as % GDP)	5,32	5,44	5,42

Private expenditures on education (as % of total expenditures)	11,5	10,4	10,1
Investment in education (% of public spending)	16,8	17,4	15,8

**4. Eco-system: Please describe the extent of cooperation by educational and training institutions with employers and businesses.**

Cooperation between educational institutions and the private sector is in place in Ukraine. Employers and their associations are an integral part of the system of education and training in Ukraine. For example, representatives from employers are part of the National Agency for Higher Education Quality Assurance and the National Qualifications Agency, they also join supervisory boards of VET, professional pre-higher and higher education institutions.

Social partnership and connection with the labour market is one of the three main priorities in **vocational education and training** provided by the Concept of implementation of state policy in the field of VET "Modern vocational education and training" for the period up to 2027.

In VET, there is a formal social (based on agreements, sectoral and regional councils) and informal (in specific projects) partnership. In particular, today regional VET councils have been established and started working in all oblasts of Ukraine. They include representatives of local authorities, employers' organizations, including branch associations of employers' organizations and professional associations, educational institutions. Their activities are aimed primarily at designing proposals to change the VET institutions network, the amount of their funding, areas and amounts of training, as well as the approval of the regional order.

The development of formal social partnership was significantly facilitated by the decentralization of management and financing of the VET system in Ukraine.

Social partnership:

- providing industrial training and internships for VET students;
- participation in designing of the state / regional order for the training of workers;
- preparation of proposals to legislation, participation in joint projects, assistance in reforming the procedure for confirming the results of non-formal and informal learning;
- participation in ensuring the quality of VET by developing professional and educational standards;
- participation in the activities of regional councils of VET;
- participation in the state qualification attestation of VET graduates (chairman of the commission);
- promoting the introduction of dual education in VET;
- participation in joint activities and events, namely trainings, career fairs, professional contests, workshops, etc. For instance the Federation of Employers of Ukraine is a co-organizer of the "WorldSkills Ukraine" competition;
- joint methodological and research activities to improve the quality of education and develop

teacher competencies and skills.

In the **higher education sphere** partnership as a form of relationship between HEIs and business is based on voluntary cooperation, mutual trust and support, distribution of rights, commitments, and responsibilities of the parties in order to gain additional competitive advantages. The variety of goals and activities of HEIs determines a wide range of forms of their interaction with business organizations, methods and timing of their implementation, the range of persons and departments involved in the interaction, the number of participants and more. The collaboration is joined in the following groups: collaboration in the field of research and development (R&D), academic mobility, student mobility, commercialization of R&D results, development of the educational plan (curriculum), implementation of the lifelong learning projects; entrepreneurship initiatives; management.

Cooperation in the field of education is aimed at training specialists who meet the requirements of companies, access to highly skilled labour, bridging the gap between the labour market and the education system, between the request for skilled labour and its supply (training, retraining, advanced training), joint development of educational programs, courses, internship at enterprises, involvement in the management of graduation papers (projects) of business professionals, joint publication of educational materials, etc.). Cooperation in the field of research is aimed at ensuring research on business requests, accelerating the transfer and commercialization of research (joint R&D, exploration, design and survey work; joint participation of educational and business organizations in projects funded by the EU; creation of science and technology parks, creation and participation in business incubators, etc.).

The popular form of collaboration between business and HEIs is the student competition programs in the companies. These programs provide an opportunity to identify and support the most talented students, stimulate their interest in research in the chosen specialty, develop creativity and independence in solving specific practical situations that will often face professionals in the future. Student competitions have a more indirect impact on the quality of training in general, and, at the same time, they are an integral and necessary process of education. The Ukrainian “Best Business Plan (BBP)”, “Business-Springboard”, Student Case Championship from METINVEST - M.Student Champ 2022, Online Business Tournament “Firm Strategy” etc. are the examples of such competitions. Also, the international CFA Research Challenge is the most prestigious competition in the field of financial education.

A large-scale collaboration between IT business and education was launched at the end of 2021. Due to this, more than 50 Ukrainian universities will implement a training course on entrepreneurship in the field of information technology "Creation and development of IT products" starting from 2022. The course, which will teach 60,000 students how to create digital products, is a part of a comprehensive reform of IT education initiated by the Ministry of Education and Science of Ukraine in collaboration with the Ministry of Digital Transformation of Ukraine this year. To create the course, consultations were held with more than 150 representatives of the IT industry, 100 profile experts and 33 business associations, IT clusters and companies, educational institutions.

In the short run, the Ministry of Education and Science of Ukraine is going to implement several priority steps to improve the system of collaboration between business and HEIs. They are, as follows:

- approval of the Procedure for recognition of learning outcomes in higher and professional pre-

higher education obtained through non-formal and / or informal education (in quality courses and programs);

- introducing regulatory changes to facilitate the involvement of foreign teachers and IT practitioners in teaching in the Ukrainian educational institutions - involvement of professional foreign teachers-practitioners is one of the priorities of the President of Ukraine Foundation;

- implementation of an information campaign on the possibilities of public-private partnership, dual education, cooperation with business in the field of the professional pre-higher, higher and VET education. The information materials on opportunities for cooperation between educational institutions and business will be based on the survey results conducted in professional pre-higher and higher education institutions.

**5. Stabilisation of reforms: What are the main challenges identified for the education and training systems in the country? What are the main objectives and the timetable for implementation of the most recent reforms efforts of the education and training systems in the country? What are the main obstacles/difficulties encountered or foreseen?**

The main challenges identified in Ukraine's education and training systems are the following:

- unequal access of all children to quality preschool education, including children with special educational needs;

- inconsistency between the content of basic general secondary education, teaching methods and approaches to assessing and the needs of students in competence-based learning;

- lack of quality e-content and modern computer equipment for educational process participants;

- inconsistency of qualified training with employers' demands and labor market needs;

- insufficient level of funding for higher education and modest investments in upgrading of material and technical base do not contribute the quality of educational services and negatively affect the quality of training.

**Preschool education.** The strategic goals of the state policy in the field of preschool education are ensuring its availability, overcoming the queue to preschool institutions, expanding the network of institutions, including private, ensuring the quality of preschool education, and institutions - qualified and motivated teachers, creating modern, safe and a comfortable educational environment.

On the way to achieving strategic goals already:

- the Basic Component of Preschool Education (which according to the Law "On Preschool Education" is a State standard of preschool education) was updated (approved by the order of the Ministry of Education and Science of Ukraine of January 12, 2021, No. 33) and its implementation is ongoing. It is based on the idea of joint responsibility of the state, community, family, specialists in pedagogical education and other professions involved in the care, care and development of young and preschool children;

- simplified licensing conditions for educational activities in the field of preschool education, which increased the number of private preschool education institutions and overcome the queue for institutions. The network of preschool institutions has been extended from 14,898 in 2018 to 15,335

in 2020, including the private ones from 201 in 2018 to 492 in 2020;

- a new draft law "On Preschool Education" has been prepared, which will introduce key innovations, including alternatives to the institutional form of preschool education, definition of service areas for preschool education to ensure access to preschool education on the methodology of support, developed and approved professional standards of educators and heads of preschool education.

- professional standards of the head of preschool institutions (order of the Ministry of Economy of Ukraine No 620-21 as of 28.09.2021) and of the preschool educator (order of the Ministry of Economics of Ukraine No 755-21 of 19.10.2021) has been approved;

- due to implementation of inclusive learning in preschool education, the number of preschool children with special educational needs enrolled in inclusive learning has grown from 4,731 children in 2016 to 10,383 in 2021). In 2016 there were 275 inclusive groups in 2,125 preschool institutions;

- the number of children in preschool institutions per 100 places decreased from 108 in 2018 to 98 in 2020.

At the same time there are still some obstacles in implementing transformations in the preschool education sector. They are as follows:

the network of preschool institutions is still not capable to cover all the children with quality preschool education. Although the net coverage of children aged 3-5 with preschool education increased from 74.4% in 2018 to 76.7% in 2020, its level in rural areas remain significantly lower than in urban;

preschool education is funded from the local budgets only and is often unprioritized comparing to other sectors;

as a result of underfunding preschool institutions lack modern educational environment and salaries of preschool educators are the lowest in education sector;

the quality of preschool education needs assessment (which has been initiated by launching the study on the educational process quality at preschool institutions under ECERS-3 (Early Childhood Environment Rating Scale) as well as it is necessary to develop internal systems of education quality assurance at preschool institutions;

there are still some ineffective management and organizational processes in preschool education as well, in particular, in terms of using all types of institutional autonomy.

**Inclusive education.** The Law of Ukraine “On Education” (2017) has opened up a wide field for the implementation of the inclusive approach in the education system.

With adoption of this Law new ways appeared to create completely new possibilities to build a truly working inclusive educational system based on respect for human rights and the establishment of conditions for equal opportunities. One of the key directions is the development and implementation of effective state policy in the field of inclusive education in Ukraine.

For instance, the Law has granted parents (other legal representatives) of children with special educational needs (SEN) with the opportunity to require the establishment of an inclusive class and / or group if necessary.

The law also guarantees the right to parents to choose the form of learning for children with

SEN in the nearest educational institution and stipulates that buildings, facilities and premises of educational institutions and inclusive resource centres must meet accessibility requirements in accordance with state construction norms and standards.

In 2018, a large-scale reform of the system of assessment of SEN was launched providing for the creation of a territorially accessible network of inclusive resource centres all over the country to be created by local governments and aimed at provision of a comprehensive psychological and pedagogical assessment of child's development, psychological, pedagogical and correctional services, systemic and qualified support for children with SEN. Fundamentally new institutions are created to determine the special educational needs of children not based on the international classification of diseases, as before, but based on the international classification of functions of children with special needs. As of February 2022, the number of inclusive resource centres is 667.

Significant state funding has been allocated to create a level playing field for children with special educational need - a special subvention from the state budget to local budgets to provide support to persons with SEN has been introduced since 2017 with total amount from UAH 209,46 million in 2017 to UAH 504,4 million in 2018-2021. The funds are transferred from the state budget to the local budgets to pay for additional educational services, correctional developmental activities and the purchase of correctional equipment determined in accordance with the individual program of child development.

All teachers and educators are trained to work with children with special educational needs. For instance, for school teachers at least 10 percent of the total number of professional development training hours must be devoted to improving knowledge, skills and practical skills in working with children with SEN.

Among the difficulties encountered during implementing of the inclusion in education, there were an incompetence of some teachers in teaching children with special educational needs and their unwillingness to seek for necessary approaches, as well as unwillingness of some parents to have children with special educational needs enrolled in ordinary classes or groups. Moreover, while educational data includes monitoring on physical accessibility of educational premises (for instance, official school statistics collects data on availability of ramps and handrails, elevators, specially equipped toilets for people with disabilities) the number of schools with all conditions created is rather moderate and their adaptation requires not only significant investment but also the re-planning of school buildings.

In the **school education** sector Ukraine is implementing the New Ukrainian School (NUS) reform which aims at introduction of a competence-based learning and individual approach in instruction, as well as improving access to quality education, transfer from 11 to 12-year school learning. The main objective is to create a school that will be pleasant to go to and will provide the students not only with knowledge, as is the case now, but also with the ability to apply it in real life. The NUS concept aims to broaden opportunities for students to acquire competencies and skills that allow them to grow as innovative and creative individuals, who can contribute to the development of the society at large.

The regulatory framework for the New Ukrainian School reform was laid by the concept for state policy realisation of general secondary education reform "New Ukrainian School" until 2029 (approved by the order of the Cabinet of Ministers of Ukraine of December 14, 2016 No. 988-r) followed by an Action Plan on implementation of the Concept for state policy realisation of general

secondary education reform “New Ukrainian School” until 2029 (approved by the order of the Cabinet of Ministers of Ukraine of December 13, 2017 No. 903-r) and a new competence-based State Standard of Primary Education in 2018.

A piloting of the new State Standard of Primary Education took place in the 2017/2018 academic year and from the 2018/2019 academic year, all Ukrainian first-graders started their study in a new way. Having started in September 2018 now the NUS reform is being implemented only at primary school level. The students are studying with new textbooks, in a new modern safe and inclusive educational environment, instructed by trained primary school teachers. More grades will be involved year by year, having the first NUS graduates in 2030. Implementation of the NUS reform at basic secondary education level (grade 5) is planned for September 2022. The relevant new State Standard of Basic Secondary Education (for learning of students of grades 5-9) has been approved in 2020.

According to the new State Standard of Primary Education, teachers are applying different approaches in their work, so the Ministry of Education and Science of Ukraine, trains primary school teachers to teach using new approaches and techniques. A key change for students concerns approaches to learning and educational content. Instead of memorizing facts and definitions, students are acquiring competencies. In other words, core knowledge is formed that will be supplemented with the ability to use this knowledge, with values and skills that Ukrainian school graduates will need in their professional and personal life.

The list of competencies to be acquired by students has already been set forth in the Law "On Education". It was drawn up taking into account the Recommendations of the European Parliament and of the European Council on Key Competencies for Lifelong Learning (dated 18 December 2006). They are as follows:

- fluency in the state language;
- ability to communicate in the mother tongue (if different from the state language) and foreign languages;
- mathematical competency;
- competency in natural sciences, engineering and technologies;
- innovation;
- environmental competency;
- information and communication competency;
- lifelong learning;
- social and civic competencies related to the ideas of democracy, justice, equality, human rights, well-being and healthy lifestyle, and to awareness of equal rights and opportunities;
- cultural competency;
- entrepreneurship and financial literacy.

In order to acquire competencies, students study based on the activity-based approach, that is, they will do something more often instead of just sitting at their desks and listening to the teacher. Also, the New Ukrainian School Concept offers implementation of the integrated and project-based learning. In this way, students get a full picture of the world since they study the phenomena from the

viewpoint of different sciences and learn to resolve real problems applying the knowledge gained from various subjects.

New textbooks for primary school students were developed and published based on the new State Standard of Primary Education.

In order to create modern safe and motivating educational environment a new subvention from the state budget to local budgets “New Ukrainian School” was introduced to fund purchase of new furniture, computer and multimedia equipment, as well as teaching materials for primary school classes. The NUS subvention amounts more than 1 billion UAH each year. Funds are provided from the state budget to local budgets in terms of co-financing.

A teacher is considered to be a pivotal figure in the reform. Therefore, the NUS reform aims to contribute to teachers' professional and personal growth and to increase their social status. To teach in a new way, teachers were granted with opportunity to select educational materials, teaching methods and learning tools.

Partnership is one of the key principles of the NUS reform, including that of the school and the parents. The parents may set up their public self-government bodies and thus influence the teaching and educational processes. From now on, it is easier for parents to control finances in a school. All educational institutions receiving public funds (for instance, budget funds and charitable contributions) should make public their budgets and information on expenditures. Parents can now transfer their charitable contributions directly for school purposes instead of collecting cash, which is very difficult to keep track of.

Cooperation between all the participants of the educational process – teachers, students, administration and parents – is a cornerstone that will help achieve the rest of the results. This is the only way to achieve the main goal: change the educational environment and introduce learning for life.

During COVID-19 pandemic technologies and tool for remote and blended learning were widely introduced in school education, aiming to ensure continuity of teaching and learning. The All-Ukrainian Online School was launched on TV on April 2020 and followed up in December 2020 as an e-platform for distance and blended learning.

Few challenges encountered the deployment of the NUS reform like, for instance, reluctance of some teachers and school heads to transfer to new approaches in teaching and learning, inability of individual communities to timely create new educational environment, a lack of willingness of some teachers to use academic freedom and of some heads of educational institutions to benefit from institutional autonomy provided by the NUS reform. Moreover, as teachers' salaries are relatively not high, some pedagogical staff lack motivation for professional development. In terms of digital issues, although digital skills and connectivity have boosted during 2020-2021, the task of bridging digital gap is still in place, especially for rural areas and vulnerable groups.

**Vocational education and training.** The regulatory framework for quality transformation of vocational education and training in Ukraine is set up by the Concept for state policy realisation in VET sector “Modern Professional (Vocational) Education” until 2027 (approved by the order of the Cabinet of Ministers of Ukraine of June 12, 2019 No. 419-r). Another strategic document is the Concept of the State Targeted Social Program for the Development of Vocational Education for 2022-2027 (approved by the order of the Cabinet of Ministers of Ukraine of December 9, 2021 No. 1619).



These documents define the main problems of the VET sector, goals and directions of systemic reforms in the field. The system of vocational education and training is capable of reform and development and some VET institutions are developing dynamically and striving for change. At the same time, there are several current problems that still need to be addressed, namely:

inconsistency of VET educational programmes, the level of quality of training, material and technical base of VET institutions to the requirements of employers and personal needs of the VET learners;

inefficient multilevel management of vocational education and training system, low activity of business and VET institutions in the process of implementing programmes and projects dedicated to public-private partnership

low level of remuneration of VET pedagogical workers of VET institutions and low level of prestige of VET in Ukraine.

The reform of the VET system is carried out in three stages, which allows to implement three basic priorities: decentralization of management and financing; ensuring the quality of VET; public-private partnership and interconnection with the labour market.

The first stage (2019-2021) envisages continuation of decentralization; the beginning of the formation of a network of qualification centres; introduction of a methodology for the development of competency-based VET standards.

The second stage (2022-2024) plans the full transition to the financing from regional budgets of the VET institutions located on the territory of cities of regional significance - regional centres; implementation of the National Qualifications System (NQS); transition to competency-based educational programmes and educational standards; completion of the formation of the internal education quality assurance system.

The third stage (2025-2027) envisages the completion of the formation of the network of VET institutions and preparation for the introduction of Profile Secondary Education; creation of a network of regional Centres of Professional Excellence (CoEs), as well as a full-fledged system of internal and external quality assurance of education.

At the moment, three CoEs are planned to establish under the EU-funded programme “EU4Skills: Better Skills for Modern Ukraine” (currently, VET institutions have been selected, calculations have been made for premises renovation, purchase of equipment, etc.). Nine more CoEs are planned to establish for the loan funds provided by the European Investment Bank under the “Vocational education and training in Ukraine” project.

While the representatives of the key groups of stakeholders, including international institutions and organizations, some local executive and self-government bodies and employers demonstrate their interest in modernizing the VET sector, there are still few challenges for implementing the VET reforms, namely:

- underfunding of the VET system;
- low socio-economic motivation of a person to obtain vocational qualifications, contributing to disbalance between students entering to the HEIs and VET: number of students studying at HEIs is much higher compared to low enrolment to VET education;
- loss of attractiveness and prestige of vocational education and training;

- lack of interest of local executive and self-government bodies in the development of the regional VET system;
- insufficient interest of employers in cooperation with the VET institutions.

**Professional pre-higher education** is a new level of education that has appeared in 2019 as a result of extracting junior specialist education and training level from the system of higher education. Professional pre-higher education appeared with approval of the Law of Ukraine “On professional pre-higher education” which reflects public consensus of how a professional pre-higher education system should look like.

At the moment the system develops in accordance with principles and features determined in this Law. Due to the recency of the whole professional pre-higher education system it does not need reforms yet. The main challenge is the intersection of qualification of the third level of vocational education and training, of professional pre-higher education (professional junior bachelor) and a short cycle qualification of higher education (junior bachelor) at the same 5th level of NQF.

The Ukrainian **higher education** system has been undergoing transformations as well. The Law “On Higher Education” (adopted in 2014) provided the legal framework for the introduction of innovative approaches in the management of higher education: organizational, academic, financial, and staffing autonomy of higher education institutions as well as approved a competence-based education approach and the use of learning outcomes in higher education standards, in the construction and implementation of educational programs.

During 2014-2021 a number of quality systemic transformations took place in the HE sector covering different areas

384 competence-based educational standards of professional pre-higher and higher education (216 of them approved) as of 2021;

an indicative cost of obtaining higher education was introduced since September 2020 (approved by the resolution of the Cabinet of Ministers of Ukraine of March 3, 2020 No. 191) aimed at adjusting the tuition fee for obtaining higher education to the actual budget expenditures for the training of one state financed student. Regulation of tuition fees applies to the most popular specialties (specializations), which are 38 ensuring that the institution receives reasonable revenues from the provision of paid services, which will cover the necessary costs for quality training;

transparent mechanisms for allocating state-funded places at HEIs (targeted placement; nation-wide competition; formula-based of distribution of state-funded places between HEIs) have been introduced, which provides for the gradual transition from manual allocation of budget places in favour of the principle "the right to free education follows the best entrants" and formula distribution of the state order;

policy steps have been made to create conditions for children and youth from temporarily occupied areas of Donetsk and Luhansk oblasts to enter Ukrainian universities in order to integrate them into Ukrainian education system;

transparent mechanism of allocation of budget resources for the higher education sector was introduced. It's based on the performance-based funding formula (approved by the resolution of the Cabinet of Ministers of Ukraine of December 24, 2019 1146) which introduced freedom in 2020. The formula-based approach was introduced aiming to stimulate competition for best students, best

teachers and more resources. Moreover, the HEI funding formula stimulates universities' mergers, because the network of state HEI is over-sized now. As better universities get more resources, their staff will be paid decently and motivated for professional growth and research;

a piloting of the dual form of obtaining higher education has started, in partnership with business and employers. The project was launched by the Ministry of Education and Science of Ukraine jointly with the Scientific and Methodological Centre for Higher and Professional Higher Education and Friedrich Ebert Foundation, aiming at ensuring maximum efficiency of training of pedagogical specialists according to the labour market requirements and national economy needs.

However some key issues in the higher education sector are still in place, namely:

- insufficient level of funding for the higher education system, inefficient management and insufficient level of ensuring equality and autonomy of HEIs;

- lack of openness of HEIs, lack of ability to produce useful intellectual products, lack of principled counteraction to corruption and academic dishonesty, lack of unconditional support for honest admission and objective assessment of learning outcomes;

- insufficient access level to quality higher education due to incomplete compliance with European quality standards, infrastructure and educational environment etc;

- European integration aspirations are not always supported by the willingness to structures harmonization, scientific cooperation and taking into account best practices, creating conditions for foreigners and preparing Ukrainian students for the open world;

- widespread imitation of student-centeredness, uncompetitive wages and working conditions, lack of management training for the HEI management staff, lack of awareness of the leadership mission in human capital formation and cohesion of society in adult education.

To address them the Higher Education Development Strategy for 2022-2032, based on Result Based Management Planning, was approved (order of the Cabinet of Ministers of Ukraine, February 23, 2022 No. 286).

The main goal for the Strategy is intellectual, cultural and professional development of the individual, quality human capital formation and unification of society in order to establish Ukraine as an equal member of the European community, an effective innovative competitive economy development and ensuring the high standards of life quality.

The strategic goals for the Strategy's implementation are as follows:

- effective management in the higher education system;

- confidence of citizens, the state and business in educational, scientific and innovative activities of HEI;

- ensuring quality of educational and scientific activities of HEIs as well as competitive higher education that is accessible to different segments of the population;

- Ukrainian higher education internationalization;

- attractiveness of higher education institutions for learning and academic career.

For each goal, a number of tasks are defined, which are gradually divided into steps that will lead to the achievement of target results.

Because of the recency of the Strategy the obstacles to its implementation have not yet been identified.

**6. Governance and financing: Please describe arrangements for the governance and financing of education and training, giving details about the degree of financial and administrative autonomy of establishments and about stakeholder participation. Please address, in particular, the role of the social and labour market partners in various levels and sectors of education**

**Governance.** According to the Law of Ukraine “On the Cabinet of Ministers of Ukraine” (paragraph 2 part 1 Article 20) the Government of Ukraine ensures the state policy implementation in the field of education.

The Law of Ukraine “On Education” implies division of powers between education sector authorities. The Ministry of Education and Science of Ukraine, *inter alia*, ensures development and implements the public policy in the sphere of education and science;

elaborates a strategy of development of education in Ukraine, other strategic documents, state special programmes in the sphere of education and science and participates in their implementation;

performs normative and legal support for functioning of the educational system within the powers stipulated by laws of Ukraine;

approves the procedure, types and forms of monitoring of educational quality;

approves educational standards and publishes those standards on its official website;

implements international cooperation in the sphere of education and science;

forms recommendations about the amount and distributes educational subventions, state funding of the secondary, vocational, professional pre-higher and higher education, and the stipend fund;

develops and approves enrolment requirements;

develops licensing conditions for educational activities and submits those conditions for approval of the Cabinet of Ministers of Ukraine etc.

Public authorities are responsible for educational institutions, *inter alia*, participate in implementation of the educational policy,

participate in development of enrolment requirements in vocational education and training, professional pre-higher and higher education institutions,

distribute state funding and the stipend fund of educational institutions under their responsibility;

analyse and monitor quality of educational activities of educational institutions under their governance;

take part in development of educational standards.

The Supreme Council of the Autonomous Republic of Crimea, regional (oblast) councils, Kyiv and Sevastopol city councils are, *inter alia*, responsible for implementation of the public policy in the

area of education and quality assurance in education in the respective territory, ensuring accessibility of the complete general secondary education and vocational education and training;

plan and ensure development of the network of field-specific secondary education institutions, VET and out-of-school education institutions, specialized education institutions, special education institution, scientific-methodical and educational-methodical institutions;

establish and maintain communal postgraduate education institutions to meet the needs of teacher professional development;

establish educational institutions, as well as reorganize, restructure (change the type) and liquidate them taking into account provisions of special laws;

provide accommodation or transportation of students of field-specific general secondary and vocational education who study outside the place of their residence;

ensure equal conditions for development of educational institutions of any forms of ownership, etc.

Rayon and city councils are responsible for implementation of public policy in the field of education and ensuring the quality of education in the relevant territory,

ensure the accessibility of preschool, general secondary, out-of-school education, planning and development of the network of these types of educational institutions,

establish educational institutions, as well as reorganize, restructure (change the type) and liquidate them taking into account provisions of special laws,

assign school catchment areas for educational institutions providing primary and basic general secondary education,

ensure accessibility of preschool and general secondary for all the children residing on the certain territory and taking measures to meeting needs in preschool and out-of-school education;

provide funding and ensuring transportation of students and educators (in cases defined by special laws) towards educational institutions and back;

keep records of preschool and school age children, etc.

Village councils are responsible for implementation of public policy in the field of education and ensuring the quality of education in the relevant territory, they ensure accessibility of preschool and complete general secondary education;

establish educational institutions, as well as reorganize, restructure (change the type) and liquidate them taking into account provisions of special laws, etc.

Bodies responsible for education quality assurance include the central executive authority for education quality assurance (State Service of Education Quality) and the permanent collegial body in the area of quality assurance in higher education (National Agency for Higher Education Quality Assurance).

The State Service of Education Quality conducts institutional audit (a procedure of evaluation of quality of educational activity at educational institution and provision of recommendations to educational institutions),

provides educational institutions with guidelines on education quality assurance (except for

higher education institutions),

- approves educational programmes for preschool and general secondary education,
- monitors quality of educational activity and educational quality,

- accredits public professional associations and other legal entities performing independent evaluation of quality of education and educational activity (except for higher education institutions), keeps their register,

- performs state oversight (control) over educational institutions regarding their compliance to the legislation, etc.

**Funding.** According to the Law “On Education” (article 78) the state provides assignments for education in the amount of at least 7 percent of the gross domestic product from funds of the state and local budgets and other legal sources of funding.

Funding of institutions, establishments and organizations of the system of education is performed on expense of respective budgets as well as other legal sources not forbidden by law.

The state and communal educational institutions are entitled to provide educational and other services according to the list approved by the Cabinet of Ministers of Ukraine. Founders of respective educational institutions have a right to approve lists of commercial educational and other services that have not been included into the list approved by the Cabinet of Ministers of Ukraine.

The State creates conditions for enduring funding for obtaining education by individuals in the amount necessary to achieve learning outcomes envisaged by educational standards, and for fulfilling licensing conditions by educational institutions of the state and communal ownership.

Preschool education. According to the Budget Code of Ukraine preschool education is funded from the budgets of local communities, both maintenance of preschool education institutions and salaries of preschool educators.

General secondary education. According to the Budget Code of Ukraine general secondary education is funded from the budgets of local communities, namely the maintenance of educational institutions.

At the same time school teacher salaries are funded from the state budget, namely by educational subvention to local budgets. In order to create transparent financing of school education and more effectively use limited public resources, schools (in terms of teacher salaries) are financed by the principle "money follow child". A procedure of distribution of the educational subvention among the local budgets is established according to the formula based on the number of students in the respective territory taking into account other factors, including a level of education, a category of the territory (rural or urban) where the educational institution is located, presence of students with special educational needs, etc.

Ukraine provides other types of subventions from the state budget to local budgets to fund quality transformations in school education. namely, subvention for the New Ukrainian School reform, subvention for the implementation of the program “Capable school for better results“, subvention for the provision of state support to persons with special educational needs (SEN).

Vocational and training education (VET). According to the Budget Code of Ukraine vocational education and training is funded both from state and local budgets. In particular, training services

under the state order in state-owned VET institutions of social rehabilitation and adaptation, as well as professions of national importance, are funded from the state budget. A subvention for the establishment of VET educational and practical centres is provided from the state budget to local budgets.

Higher and professional pre-higher education. Funding of higher and professional pre-higher education is performed from both state budget and local budgets. According to the Budget Code of Ukraine education services under the State order (Government's decision on funding for defined students quantity on relevant specialities) provided by HEIs and professional pre-higher education institutions as units of state-owned HEIs are funded from the State budget. Education services provided by HEIs and professional pre-higher education institutions founded by local authorities are funded from the relevant local budgets.

Funding for private higher education institutions is provided by their founders and from other sources not prohibited by law.

**Autonomy.** According to the Law of Ukraine "On Education" (article 23) Ukraine guarantees academic, organizational, financial and staffing autonomy of educational institutions. The scope of autonomy of education institutions is established by the Law "On Education", special laws and statutory documents of the educational institution.

An educational entity/institution is entitled to independently make decisions on any issues within its autonomy defined by the Law "On Education", special laws and/or statutory documents, in particular regarding issues not regulated by legislation.

The founder of an educational institution does not have the right to interfere with the activities of the educational institution that is carried out within its autonomous rights, determined by law and statutory documents.

The governance of the educational institution (within the powers defined by the laws and statutory documents) is carried out by its founder, a head of educational institution, collegial governing body of the educational institution, collegial body of public self-government, other bodies provided by special laws and / or statutory documents of the educational institution.

**Stakeholders engagement** in governance and financing of education both at system and institutional levels are implemented by: state and public governance, public-private partnership and public self-governance.

The Law of Ukraine "On Education" defines state and public governance as well as public-private partnership among fundamentals of public education policy and principles of educational activities.

State and public governance in education is the interaction of state authorities, local self-government bodies with public associations, other institutions of civil society in order to make effective managerial decisions and satisfy public interests in the field of education. Public associations and other institutions of civil society are being established for this purpose representing pedagogical, academic and research, scientific workers, education seekers, parents, educational institutions, employers, associations of the specified categories of persons.

The bodies of state and public governance in the field of education are established by decision of the central executive body in the field of education and science, other government bodies, local

self-government bodies in the form of working groups, consultative, public, expert and other bodies.

Public-private partnership in education is carried out on the basis of agreements between public authorities and private partners and may provide for, *inter alia*:

joint financing of educational institutions, as well as legal entities and individuals engaged in educational activities;

establishment and/or joint financing and development of practical training facilities;

establishment and/or joint financing and operation of innovative enterprises (innovation centre, technological park, technopolis, innovative business incubator, etc.) on the basis of existing educational institutions;

elaboration and development of modern technologies of education, training;

professional and practical training;

introduction of joint programmes for financing the training of specialists, etc.;

implementation of measures for social protection and improvement of living conditions of employees of the education system and education seekers.

Public-private partnership in the field of education can be funded through: financial resources of the private partner, financial resources borrowed in accordance with the established procedure, funds of the state and local budgets, other sources not prohibited by law.

Public self-government in the field of education is the right of educational process participants and public associations, other institutions of civil society to resolve issues in the field of education both directly and through the bodies of public self-government, to participate in the management of the educational institution, local and state affairs in the field of education within their responsibility.

Public self-government in the field of education is implemented at the educational institution at local (territorial) and national (all-Ukrainian) levels. Bodies of public self-government in education are established at every above-mentioned level (institutional, local and national).

Bodies of public self-government in education are as follows:

public self-government bodies of the educational institution;

conferences (forums, congresses) of educational process participants, educational institutions, their associations, convened on the territory of the corresponding settlement, consolidated community, district, oblast, Autonomous Republic of Crimea, state;

the All-Ukrainian Congress of educational process participants and their associations convened in the manner approved by the central executive body in the field of education and science.

As pedagogical staff, students and their parents are among the largest groups of stakeholders, the law “On Education” stipulates that they are granted with rights to be closely involved in educational institution management processes. For example, pedagogical staff have the right to participation in governance of an educational institution as well as in activities of its collegial management bodies. Education seekers have the opportunity to participate personally or through legal representatives in public self-government and management of an educational institution. Parents of education seekers have the right to participate in the public self-government of an educational institution, in particular, to elect and be elected to these bodies.



Educational institutions at different levels of education are granted with different degree of financial and administrative autonomy.

According to the Law of Ukraine “On Preschool Education” a preschool education institution has autonomy in planning its activity and strategy of development, develops educational program of the institution, provides personnel selection and placement, establishes, reorganizes and liquidates structural units (branches, groups), adheres to financial discipline, maintains its material and technical base.

According to the Law of Ukraine “On Complete General Secondary Education” a general secondary education institution has the right to acquire property and non-property rights, bear responsibilities, be a party to litigation, own funds and other property in accordance with the law. The general secondary education institution has an independent balance sheet, current and other accounts in financial institutions and public sector banks and may have forms, seals and stamps with its name and symbols. It conducts educational activities at a certain level of complete general secondary education, subject to the availability of a relevant license. It has the right to carry out innovative activities and may conclude for this purpose appropriate cooperation agreements with other educational and research institutions, enterprises, institutions, organizations, individuals.

Financial autonomy of general secondary education institutions in terms of the use of budgetary funds provides for independent spending within the limits of the approved amounts, in particular:

- formation of the structure of the general secondary education institution and its staff list;
- remuneration of staff, establishment of surcharges, allowances, awards, payment of financial assistance and assistance for health improvement, bonuses, other types of incentives and awards for employees;
- payment for current repairs of premises and facilities;
- payment for training of pedagogical and other staff;
- conclusion of economic agreements to ensure its activities.

According to the Law of Ukraine “On Vocational Education and Training” the main powers and activities of the VET institution include, *inter alia*: educational process organization, choice of teaching forms and methods, performance of educational, training, methodical, production, commercial, financial and economic activities,

development of curricula on professions and educational programs based on typical curricula and educational programs,

development of admission procedures of students to the VET institution based on the typical admission rules,

development of plans for students admission (jointly with VET authorities) taking into account state and regional order, labour market needs, needs of citizens in vocational education and training and orders of enterprises, institutions, organizations,

attestation of pedagogical staff, organization of their internship at enterprises, entities and organizations;

providing for professional training of unemployed population and organization of industrial training of students at enterprises, institutions and organizations;

material and technical support of the educational process, personnel management.

The Law “On Higher Education” (adopted in 2014) provided the legal framework for the introduction of innovative approaches in the management of higher education: organizational, academic, financial, and staffing autonomy of higher education institutions. According to the Law, autonomy of higher education institution means self-sufficiency, independence and responsibility of a higher education institution in decision-making concerning development of academic freedoms, organization of education process, scientific research, internal governance, economic and other operations as well as recruitment and allocation of cadre at their own discretion, within the scope defined by this Law. The **organizational autonomy** has been expanded, which gives the right for universities to create any entity in accordance with the directions of educational, research and production, innovation activities of higher education institutions. The right of HEI to create innovative structures is determined, the subject of which is to bring the results of scientific and scientific-technical activities to innovative product and its further commercialization.

The powers of the founder (founders) to manage a higher education institution (HEI) are determined by the laws of Ukraine, as well as the charter of the institution. The founder of the HEI or the body authorized by him: approves the charter of the institution; sign a contract within a month with the head of the HEI, elected by competition; exercise control over the financial and economic activities of the HEI; exercise control over compliance with the charter; exercise other powers provided by law and the charter of the institution of higher education.

Direct management of a higher education institution is carried out by its head (rector, president, head, director, etc.). Article 42 of the Law of Ukraine “On Higher Education” defines the procedure for electing, appointing and dismissing the head of the HEI. The procedure for electing the head of a higher education institution has been improved: the second round of elections is considered to have taken place with more than 50% of voters, and the winner is the person voted for by more than 50% of voters, who had the right to vote. Head of a higher education institution shall annually report before the founder(s) or their authorized body and the supreme collegial body of public self-governance of a higher education institution.

Department is managed by the dean (head), academic and research institute is managed by the director, and the academic department is managed by the chair (head).

Higher education institutions and their structural divisions shall have students’ self-government that constitutes an inseparable part of public self-governance of education institutions. Students’ self-government comprises all students of a particular higher education institution. All students enrolled at a higher education institution enjoy equal rights and may elect and be elected to the working, advisory, elective and other students’ self-government bodies. Students’ self-government bodies may assume diverse forms (parliament, senate, student rector’s office, student dean’s office, student councils, etc.).

The involvement in internal bodies (rector, dean, academic council) of **outsiders** who are not employees of the university is not provided. Such persons may be attached to the supervisory board of the university. The law also provides for the involvement in the advisory bodies of persons who are not employees of HEI. Besides this, labour market partners take an active participation in development and monitoring of educational programs, improving the quality of education.

In the term of **financial autonomy** HEIs have equal rights that constitute the content of their autonomy and self-government, including the right to: carry out financial, economic, and other

activities in accordance with the legislation and the charter of the institution of higher education; dispose of own revenues (for higher education institutions of state and communal ownership), in particular from the funds of paid services; open current and deposit accounts in banks, establish endowment fund, direct funds towards social benefits for academic, research, pedagogical and other staff of higher education institutions and persons enrolled in programmes of study.

In recent years, several innovations have been introduced in the field of educational financing, one of which is the transition to a formula model of budget financing of higher education institutions. It was implemented in real life by the Resolution of the Cabinet of Ministers of Ukraine of December 24, 2019 No. 1146 "On the distribution of state budget expenditures among higher education institutions based on indicators of their educational, scientific and international activities". Following good practice for performance-based funding mechanisms, the formula is based on the three-pillar model. The stable funding pillar covers universities' operational costs and allows them to function in a relatively safe environment. The performance component rewards higher education institutions' actual achievements in their core activities. The third pillar acts as an emergency fund to support targeted institutional capacity building and cover unpredictable costs.

The amount of funding for a particular higher education institution depends on various indicators (in particular, indicators of scale of activity, regional support, research, international recognition, employment of graduates). A certain part of the fund depends on the amount of financing in the previous year. A smaller part is determined based on HEI's performance. In order not to change the amount of public funding for HEI, a certain limit is established - the minimum and maximum amount of funding, within which the amount of funds that a particular HEI receives according to the formula is determined. Private HEIs can also receive state financing for the teaching of specialists.

Research University has the right to receive priority funding for research in accordance with the Law of Ukraine "On Scientific and Scientific-Technical Activity"

**Role of the social and labour market partners.** Social partnership at the nation-wide level is implemented in Sectoral agreement between the Ministry of Education and Science of Ukraine, the Trade Unions of Education and Science of Ukraine and the All-Ukrainian Association of Employers' Organizations in Higher Education for 2021-2025 updated in May 2021. The Sectoral agreement defines the agreed positions and actions of the Parties aimed at their cooperation, creating conditions for improving the efficiency of educational institutions, implementation on this basis of professional, labour and socio-economic guarantees for workers, students, ensuring their constitutional rights, achieving harmony in society.

As graduates of VET, professional pre-higher and higher education institutions make the transition to the labour market these types of institutions try to build strong and stable partnerships with business, enterprises, other employers and their associations. Such partnerships often imply involvement of employers in the process of periodic review of educational programs and development of educational standards, organization of internships and apprenticeships, joint activities under dual form of education, holding fairs and other events, including for the purpose of career guidance.

On the other hand preschool and general secondary education institutions establish ties with pedagogical HEIs as potential employers for their graduates.

## **7. Academic freedom: Please, indicate the level of protection for fundamental academic**

**values, including academic freedom, institutional autonomy, student and staff participation in institutional governance.**

Academic freedom of participants in the educational process, institutional autonomy of the educational institution, and the participation of students and staff in the management of the educational institution are fundamental attributes of the education system of Ukraine and enshrined in law.

According to the Law of Ukraine “On Education” (article 6) academic freedom is one of the fundamentals of public education policy and principles of educational activities along with financial, academic, personnel and organisational autonomy of educational institutions.

Bylaws may not narrow down the content and scope of the autonomy of educational entities and academic freedoms of the educational process participants defined by law.

Teachers and other pedagogical staff are granted with academic freedom (article 54 of the Law of Ukraine “On Education”), including freedom of teaching, freedom from interference in pedagogical, academic and research activities, free choice of forms, methods and means of teaching in line with the curriculum.

For example, in *general secondary education* sphere academic freedom is one of the basic principles of the New Ukrainian school reform in Ukraine and implies freedom and independence in the issues of teaching, research, education (advanced training). Among the key components of the New Ukrainian School is a motivated teacher who «has the freedom of creativity and develops professionally». The concept also emphasizes the interconnection of academic freedom of the teacher with real institution autonomy and decentralization of management, and the New Ukrainian School can be successful in effectively combining these two components.

The intensification of the implementation of the principles of academic freedom in the practice of teacher work is also closely connected with the processes of the bureaucratization of national education (2014 – present). An important direction of the state policy on ensuring the freedom of professional activity of teachers, democratization of the management of the educational process was the process of debureaucratization, which began in 2014 and envisaged the release of pedagogical staff from reporting, not stipulated by the legislation, as well as the ability to independently choose information resources, education materials for teachers and learning.

The state guarantees the academic, organizational, financial and personnel autonomy of educational institutions, while the scope of autonomy of educational institutions by legislation and statutory the educational institution.

An educational entity is entitled to independently make decisions on any issues within the limits of its autonomy defined by the Law “On Education”, special laws and/or constituent documents, in particular regarding issues not regulated by legislation.

According to the Law of Ukraine "On Education" (article 24) the management of an educational institution within the powers defined by the laws and its statutory documents is carried out by:

- founder (founders);
- head of the educational institution;
- the collegial governing body of the educational institution;

- collegial body of public self-government;
- other bodies provided by special laws and/or constituent documents of the educational institution.

The main collegial governing body of an educational institution is the Academic or Pedagogical Council, which is established in the cases and in the manner prescribed by special laws (Article 27 of the Law of Ukraine "On Education").

The main powers, responsibilities, and procedures for the formation and operation of collegial governing bodies of an educational institution are determined by the legislation and constituent documents of the educational institution.

Article 28 of the Law of Ukraine "On Education" stipulates that public self-government in an educational institution is the right of participants in the educational process both directly and through public self-government bodies to collectively decide on the organization and provision of the educational process in educational institutions, protection of their rights and interests, organization of leisure and health, to participate in public supervision (control) and management of the educational institution within the powers defined by law and the constituent documents of the educational institution.

The following bodies may also operate in an educational institution:

- self-government bodies of employees of educational institutions;
- self-government bodies of students;
- parental self-government bodies;
- other bodies of public self-government of participants in the educational process.

The highest collegial body of public self-government of an educational institution is the general meeting (conference) of the staff of the educational institution.

Powers, responsibilities, principles of formation and activity of public self-government bodies are determined by special laws and constituent documents of the educational institution.

In the sector of *vocational education and training* in accordance with Article 23 of the Law of Ukraine "On Vocational Education Training " the highest collegial body of public self-government of vocational education is the general meeting of the staff of the educational institution which decides within their powers the issues of educational-industrial, the educational, educational-methodical, economic and financial-economic activity of the educational institution, determination and recommendations of candidates for the position of the head of the institution of vocational education. Decisions of the general meeting of the staff of the educational institution are advisory in nature. Other bodies of public self-government may be also established in VET institutions.

The principles of academic freedom, institutional autonomy, students and staff involvement in governance of educational institutions are integral attributes of *the higher education system*, enshrined at the level of special laws, and implemented through:

principles of functioning, basic rights and responsibilities of educational institution under principle of institutional autonomy and self-governance (Article 32 of the Law of Ukraine "On Higher Education");

authority of collegial governing bodies (Article 36 of the Law of Ukraine "On Higher

Education”);

authority of public self-government bodies of educational institutions (Article 39 of the Law of Ukraine “On Higher Education”);

participation of student self-government in governance of educational institutions (Article 40 of the Law of Ukraine "On Higher Education").

The norms of the laws that ensure academic freedom, institutional autonomy, participation in governance have a direct effect, the implementation of certain mechanisms is ensured through regulations. In particular, Methodical recommendations on the peculiarities of the electoral system and the procedure for electing the head of an educational institution, approved by the resolution of the Cabinet of Ministers of Ukraine of December 5, 2014 No. 726; Regulations on the procedure for exercising the right to academic mobility, approved by the resolution of the Cabinet of Ministers of Ukraine of August 12, 2015 No. 579, etc.

The system of *professional pre-higher education* shares the same principles and level of protection of academic freedom, institutional autonomy, participation of students and staff in governance of educational institutions with the system of higher education described above. At the same time the scope (features) of academic freedom, institutional autonomy and forms of students and staff participation in governance slightly differ.

Legislative basis for protection of above mentioned concepts in professional pre-higher education includes:

- the definition of state policy in education and principles of educational activities (Article 6 of the Law of Ukraine “On Education”);

- principles of functioning, basic rights and responsibilities of educational institution under principle of institutional autonomy and self-governance (Article 30 of the Law of Ukraine “On Professional Pre-Higher Education”);

- authority of collegial governing bodies (Article 37 of the Law of Ukraine “On Professional Pre-Higher Education”);

- authority of public self-government bodies of educational institutions (Article 40 of the Law of Ukraine “On Professional Pre-Higher Education”);

- participation of student self-government in governance of educational institutions (Article 41 of the Law of Ukraine "On Professional Pre-Higher Education").

**8. Qualifications: Please describe national educational and vocational qualifications frameworks or systems and structures, including arrangements for validation of informal and non-formal learning (work experience, in-service training, self-learning, etc.). Describe how recognition of academic qualifications is organised, and what are the challenges.**

The first edition of National Qualifications Framework (NQF) has been developed by the interagency working group led by the Ministry of Education and Science of Ukraine and the Ministry of Labor and Social Policy of Ukraine, and adopted by the Resolution of the Cabinet of Ministers of Ukraine No. 1341 of November 23, 2011. The NQF in its first edition consisted of 9 qualification levels.

The implementation of the NQF in Ukraine was initiated by joint order of the Ministry of Education and Science of Ukraine and the Ministry of Labour and Social Policy of Ukraine dated April 20, 2012 No. 488/225.

In 2014, the Verkhovna Rada of Ukraine adopted a new Law of Ukraine “On Higher Education”, which approved a competence-based approach to higher education and the use of learning outcomes in higher education standards, as well as in the construction and implementation of educational programs.

In 2019 changes in the Law of Ukraine “On Education” have established that the number of qualification levels of the NQF corresponds to the number of levels of the European Qualifications Framework (article 35 of the Law of Ukraine “On Education”).

The current edition of NQF has been approved by the Resolution of the Cabinet of Ministers of Ukraine No. 519 on June 25, 2020. NQF contains 8 levels – from the first to the eighth. The NQF is a systematic and competency-based description of qualifications levels based on European and national standards and principles of quality assurance that takes into account labour market requirements for workers' competencies and is implemented to harmonize legislation in education and social relations, to facilitate international recognition of Ukrainian qualifications, establishing effective cooperation between education and the labour market. The categories of learning outcomes are as follows: knowledge, skills, communication, responsibility and autonomy.

Resolution No.519 also matches the qualifications of VET, professional pre-higher and higher education to the appropriate levels of the NQF as well as with qualifications of Qualifications Framework for the European Higher Education Area (QF-EHEA).

*VET qualifications:*

first level of vocational education and training – NQF level 2,

second level of vocational education and training – NQF level 3,

third level of vocational education and training– NQF levels 4 and 5.

*Qualification of professional pre-higher education:*

professional junior bachelor – NQF level 5.

*Qualifications of higher education:*

junior bachelor – NQF level 5 and a short cycle qualification of QF-EHEA,

bachelor – NQF level 6 and a first cycle qualification of QF-EHEA,

master – NQF level 7 and a second cycle qualification of QF-EHEA,

doctor of philosophy, doctor of arts – NQF level 8 and a third cycle qualification of QF-EHEA.

Validation of informal and non-formal learning. The Law of Ukraine "On Education" defines formal, non-formal and informal education as types of education, determines that a person exercises his right to lifelong learning and adult education through formal, non-formal and informal education. The state recognizes these types of education, creates conditions for the development of subjects of educational activity that provide relevant educational services, and encourages the acquisition of education of all kinds. Learning outcomes obtained through non-formal and / or non-formal education are recognized in the formal education system in the manner prescribed by law (Article 8 of the Law

of Ukraine "On Education").

In pursuance of this provision of the law, the Ministry of Education and Science of Ukraine approved the Procedure for Recognition in Higher and Professional Pre-Higher Education of Learning Outcomes Achieved through Non-Formal and / or Informal Education (order of the Ministry of Education and Science of February 08, 2022 No. 130, registered with the Ministry of Justice No. 328/37664).

Without violating the principles of institutional autonomy of educational institutions, the Procedure determines the general requirements for recognition in higher and professional pre-higher education of learning outcomes obtained through non-formal and / or informal education (self-education); the range of institutions and persons to whom the Procedure applies; list and sequence of recognition procedures; the process for submitting applications and identifying the results of non-formal and / or informal learning; conduct of evaluation; inclusion of the results of recognition in the further educational process.

Learning outcomes obtained through non-formal and informal education may be recognized for the award and validation of full and/or professional qualifications. The relevant mechanism is regulated by the resolution of the Cabinet of Ministers of Ukraine of September 15, 2021 No. 956 "On approval of the Procedure for assignment and confirmation of professional qualifications by qualification centres" and Resolution of the Cabinet of Ministers of Ukraine No. 576 of June 2, 2021 "On approval of Regulations on recognition of professional qualification obtained in other countries".

Validation of the results of non-formal and informal learning for the award of professional qualifications, according to the Resolution of the Cabinet of Ministers of Ukraine No. 576 of June 2, 2021, is carried out in qualification centres on the basis of relevant professional standards by evaluating and validating the learning outcomes obtained by the applicant.

Resolutions of the Cabinet of Ministers of Ukraine of 15.05.2013 No. 340 "On approval of the Procedure for confirming the results of non-formal vocational training of persons in working professions", of 22.09.2021 No. 986 "Some issues of accreditation of qualification centres", from 15.09.2021 "On approval of the Procedure for awarding and confirming professional qualifications by qualification centres" define the requirements for entities that have the right to assess the results of non-formal and informal learning, confirmation / assignment of professional qualifications (full/partial), the procedure for assessing learning outcomes, confirmation/assignment of professional qualifications, issuance of documents (certificates) certifying confirmed / assigned professional qualification (full/partial). Information on certificates, confirmed/assigned professional qualifications is entered in the Register of Qualifications.

Recognition of foreign academic qualifications is carried out on the basis of the principles of the Convention on the Recognition of Qualifications concerning Higher Education in the European Region (Lisbon, 11.04.1997), ratified by the Law of Ukraine of December 3, 1999 No. 1273-XIV, as well as on the basis of the international agreements on mutual recognition and equivalence of documents on education and scientific degrees, and relevant national legislation, namely: Procedure for Recognition of Higher Education Degrees Obtained in Foreign Higher Education Institutions, (approved by the order of the Ministry of Education and Science of Ukraine of 05.05.2015 No. 504, registered in the Ministry of Justice of Ukraine on May 27, 2015 No. 614/27059), Procedure for Recognition in Ukraine of Documents on Secondary, Secondary Vocational, Professional Education issued by Educational Institutions of other States (approved by the order of the Ministry of Education



and Science of Ukraine of 05.05.2015 No. 504, registered in the Ministry of Justice of Ukraine on May 27, 2015 No. 614/27060) and are unified for all competent recognition authorities. The procedures are regularly updated in line with the recommendations of the Lisbon Recognition Convention Committee.

The recognition procedure is provided by the Ministry of Education and Science of Ukraine and higher education institutions by involvement of the National Information Centre of Academic Mobility (ENIC Ukraine). Since October 2021, the pilot project on Comparison of European Qualification Framework and Ukrainian NQF, initiated by the European Commission with the participation of European Training Foundation, is under development by a joint EU-Ukraine team. The final document on comparison exercise should be ready in June 2022. The National Qualification Framework (NQF)-European Qualification Framework (EQF) Self-Reference Report has been issued as an intermediate stage.

There are two main tasks that may be challenges to follow in the academic recognition:

- monitoring of implementation of the provisions of the Convention on the Recognition of Qualifications concerning Higher Education in the European Region (1997) and national recognition legislation by Ukrainian higher education institutions as a mechanism of ensuring the development of the best recognition practices to promote the quality of recognition.

- detection of cases of “laundering” degrees from the temporarily occupied territories of Ukraine by higher education institutions of the Russian Federation. There are cases when the higher education institutions of the Russian Federation issue degrees to students that studied in the universities in the occupied territories of Ukraine that do not have Ukrainian licenses and accreditation.

**9. Please provide information on transitions within the education and training systems, as well as from education to work transitions. What is the role of education and training institutions, the social and labour market partners? What guidance mechanisms, if any, are provided to support pupils and students to make well-informed choices?**

The Law of Ukraine “On Preschool Education” (article 3) stipulates that **preschool education** is mandatory for one year before primary education, although children can receive it both at institutions and in families. So attending of pre-school institutions is not obligatory in Ukraine.

According to the Law of Ukraine “On Education”, in Ukraine the **complete general secondary education** is mandatory and is achieved in institutional or individual forms determined by the law, as a rule, at educational institutions.

The complete general secondary education has three levels: primary secondary education lasting four years; basic secondary education lasting five years; field-specific secondary education lasting three years. Primary, basic secondary and field-specific secondary education may be obtained at separate educational institutions or at structural units of the same legal person (educational institution).

Primary education is being obtained, as a rule, from the age of six years. Children who have turned seven by the beginning of the academic year should start obtaining primary education in that academic year. Persons with special educational needs may start obtaining primary education at a

different age, and the length of obtaining primary and basic secondary education by such persons may be extended while supplementing the educational programme with a special development component. Special aspects of obtaining complete secondary education by such persons are established by a special law.

The main rules for enrolment of education seekers to primary education as well as their transition between the levels of the complete general secondary education are defined by the Law “On Complete General Secondary Education” while the detailed procedure of enrolment, expulsion and transfer of pupils to state and municipal general secondary education institutions is set by the order of the Ministry of Education and Science of Ukraine of April 16, 2018 No 367 registered at the Ministry of Justice of Ukraine on May 05, 2018 by No. 564/32016.

Procedures of enrolment, expulsion and transfer of education seekers to private and corporate education institutions for obtaining of complete general secondary education is determined by their founder(s). Procedures for enrolment, expulsion and transfer of education seekers to state and municipal specialized education institutions (art, sport, military, etc.) are approved by the relevant central executive authorities. Procedures for enrolment of persons to special institutions of general secondary education, transfer from one type of institution to another and expulsion of such persons is established by the central executive authority in the field of education and science (the Ministry of Education and Science of Ukraine).

According to the Law “On Complete General Secondary Education” (article 9) enrolment of children in education institutions on a competitive basis (carrying out any measures aimed at testing the child's knowledge, skills or other competences) for obtaining primary education is prohibited, except for specialized education institutions and private education institutions.

Enrolment of children in state, municipal education institutions for basic secondary education may be conducted on a competitive basis, provided that this does not violate the right of school students who have obtained primary education in this education institution, to continue their education and provided that the number of applications for enrolment exceeds the total number of available places in the corresponding classes.

Obtaining field-specific secondary education envisages two tracks/ focuses: academic – field-specific education based on a combination of the educational content defined by the standard of the field-specific secondary education and enhanced study of individual subjects based on abilities and educational needs of education seekers with an orientation on further education at higher levels of education; professional – field-specific education, oriented on the labour market, and based on a combination of the educational content defined by the standard of the field-specific secondary education and a profession-oriented approach to education based on students’ needs and abilities.

Obtaining the field-specific secondary education is guaranteed with academic or professional focus. Obtaining field-specific secondary education with any focus does not limit the right of a person to change it, as well as to obtain education at other levels of education. Obtaining the field-specific secondary education with any focus (academic or professional) by no means restricts a right to obtain education at other levels of education. Education institutions may have educational programmes of the field-specific secondary education by one or both focuses.

Enrolment of children in state, municipal and corporate education institutions for obtaining field-specific secondary education (academic or professional track) takes place on a competitive

basis. The competition may not be held if the number of applications for admission does not exceed the total number of vacancies in the respective classes.

General secondary education may also be provided by VET institutions, professional pre-higher and higher education institutions as well as other educational institutions licensed to carry out educational activities in the field of general secondary education. Field-specific secondary education with vocational focus is provided by VET institutions.

Learning outcomes of education seekers at any level of the complete general secondary education are assessed by the state final assessment which may be conducted in different forms specified by the legislation, in particular, in the form of the external independent assessment.

The state final attestation of the seekers of primary education is performed exclusively with a goal of the quality monitoring of educational activity of the institutions of education and/or quality of education.

The procedure, forms and list of educational subjects in which the state final attestation is conducted are stipulated by the Ministry of Education and Science of Ukraine.

Upon completion of study at the educational program of the appropriate level of complete general secondary education, regardless of the form of its acquisition and on the basis of the results of the annual evaluation and state final attestation, school students receive the following documents on education:

- certificate of primary education;

- certificate of basic secondary education;

- (graduation) certificate of complete general secondary education.

The system of **vocational education and training** is quite flexible in shaping the labour trajectory. Formal VET is focused on the requests of employers who enter into agreements for vocational training of young people in specific professions.

A young person (usually of 15 years old) can start vocational training after basic secondary education and at the same time receive a complete general secondary education. Upon successful completion of such formal training, a person will receive 2 documents: graduation certificate for complete general secondary education (the opportunity to continue education at the level of higher education) and a diploma of a skilled worker in a certain profession of a certain category.

A young person (17-18 years old) can continue formal VET after completing general secondary education. Upon successful completion of such an educational program, a person will receive 1 document: a diploma of educational qualification level "skilled worker in a particular profession of a certain category" or a diploma of educational qualification level "junior specialist in a particular specialty ". In case of early withdrawal from the educational program (various reasons), the person will receive a certificate of professional qualification. Both diploma and the certificate grant young people a right to start working according to the received professional qualification.

Formal education programs include mandatory training and internships at companies that have entered into relevant agreements with VET institutions. The ratio of training and practice in real production or in the field of services is not less than 60% of the total number of hours of the practical component of the educational program. In the case of dual education, this ratio is at least 70% of the educational program. During training and practice in the workplace, students receive a salary for the

work actually performed. The opportunity to acquire and improve professional competencies in the work environment enables young people to make the right choices for their future careers.

Graduates of VET institutions who have received formal education under contracts of enterprises, institutions, organizations are sent to work in the prescribed manner. The law guarantees the first place of work in the specialty for at least three years (Article 197 of the Labour Code of Ukraine), the Law of Ukraine "On Promotion of Social Formation and Development of Youth in Ukraine" (Article 1)).

The main mission of **professional pre-higher education** (PPHE) is training of professional junior bachelors with an indisputable focus on practical activities in modern industries and services, and focused on meeting the needs of the labour market.

According to the article 7 of the Law of Ukraine "On Professional Pre-Higher Education" a person can be enrolled to the PPHE institution after completing basic secondary education, general secondary education or VET.

A young person (14-15 years old) can start training after basic secondary education and at the same time receive a complete general secondary education. Upon successful completion of such formal education in 3 or 4 years, a person will receive 2 documents: graduation certificate for complete general secondary education (the opportunity to continue education at the level of higher education) and a diploma of complete professional junior bachelor.

Also, a young person (17-18 years old) can transit to PPHE after completing general secondary education. In that case after completing a study program in 2 or 3 years a person will receive 1 document - a diploma of completion of professional junior bachelor. A person can also be enrolled to the PPHE institution after finishing VET – in that case the terms of studying are established by educational institutions.

Some educational programs provide education in the dual form of education where 70 percent of training is conducted in the workplaces. The diploma gives young people the right to start work according to the received qualification or to be enrolled to the HEI with a reduced period of study. During the preparation to the enrolment to PPHE a person has a wide range of information guidance - questions and answers, video explanations on the website of the Ministry of Education and Science of Ukraine, on Facebook, open day at the institutions to help such persons to make well-informed choices. Besides during the enrolment campaign there is a telephone hotline in place.

According to the Law of Ukraine "On Professional Pre-Higher Education" (article 43), admission to PPHE institution is carried out on a competitive basis in accordance with the Terms of Admission to Professional Pre-Higher Education, approved by the central executive authority in the field of education and science. Citizens of Ukraine have the right to obtain professional pre-higher education free of charge in state and municipal institutions of higher education on a competitive basis.

Admission to PPHE institutions is carried out on the basis of entrance external independent assessment of knowledge and skills or on the examinations and assessment of creative and / or physical abilities of entrants held in professional pre-higher education institutions, taking into account the average score of the document on basic or complete general secondary education.

According to the Law of Ukraine "On Professional Pre-Higher Education" (article 51) completion of professional pre-higher education ends with the attestation of graduates. Attestation is the establishment of compliance of learning outcomes of students with the requirements of

educational program and / or the requirements of the uniform state qualification exam. Attestation of a graduate is carried out by a PPHE institution examination commission, which may include representatives of employers and their associations, representatives of public authorities and local governments, research institutions and other organizations. Attestation is carried out openly and publicly. PPHE institution awards a successfully graduating person the correspondent degree of higher education and in some cases may assign the appropriate professional qualification.

For some regulated and critical professions graduation and obtaining a professional pre-higher education degree depends upon successful passing of Uniform State Qualification Exam (USQE) – standardized national assessment exam that assesses achievement of target learning outcomes, developed and conducted nationally by an independent body. List of specialties that should pass USQE is approved by the Resolution of the Cabinet of Ministers of Ukraine of May 19, 2021 No. 497 “On final assessment of professional pre-higher education students and higher education students at the first (bachelor's) and second (master's) levels in the form of a uniform state qualification exam”). USQE is mandatory for all students of state, communal and private educational institutions of relevant specialty and level of education. The system of USQE functions over 20 years in the health educational field and starts to function for other educational fields.

According to the article 5 of the Law of Ukraine “On Higher Education” obtaining **higher education** at each level of higher education involves the successful implementation of a person's educational program, which is the basis for awarding the relevant degree of higher education: junior bachelor's; bachelor's; master's degree; doctor of philosophy / doctor of art.

A person can obtain a higher educational degree of junior bachelor, bachelor (master of medicine, dentistry, pharmacy or veterinary) after completing general secondary education. After completing a study program in 4 years (5-6 years for master of medicine, dentistry, pharmacy or veterinary) a person will receive 1 document - a diploma of bachelor (master of medicine, dentistry, pharmacy or veterinary).

A person can obtain a higher educational degree of master after completing a bachelor's degree. After completing a study program in 1,5-2 years a person will receive 1 document - a diploma of master.

The Doctor of Philosophy is an educational and at the same time scientific degree obtained at the third level of higher education on the basis of a master's degree. The degree of Doctor of Philosophy is awarded by a one-time specialized academic council of a higher education institution or scientific institution based on the results of successful completion of the relevant educational-scientific program and public defence of the dissertation in a one-time specialized academic council.

According to the Law “On Higher Education” (part 6 article 5) the Doctor of Arts is an educational and creative degree obtained at the Third Cycle/level of higher education on the basis of Master's degree. A person has the right to acquire a Doctor of Arts degree under the creative programme (PhD programme). The first stage of acquiring a Doctor of Arts degree can be an internship, which is a form of training of performing arts executives of higher qualification. Procedure for acquiring the educational and creative degree of Doctor of Arts and training under assistantship-internship programme is approved by the Cabinet of Ministers of Ukraine on the proposal of the central executive body in the field of culture in coordination with the central executive authority on education and science.

The degree of Doctor of Arts is awarded by a specialised council for awarding the degree of Doctor of Arts of an institution of higher education in the field of art as a result of successful implementation of the higher education program and public defence of creative art project in the manner prescribed by the Cabinet of Ministers of Ukraine.

Also, a person can obtain a bachelor's degree based on the degree of professional junior bachelor, junior bachelor, bachelor (obtained in the different field of knowledge), master (obtained in the different field of knowledge). In this case, the term of study is set by the educational institution taking into account the standards of higher education and previously achieved learning outcomes.

The diploma gives young people the right to start work according to the received qualification or to be enrolled to the PhD degree.

According to the Law of Ukraine "On Higher Education" (article 44) admission to higher education institutions is carried out on a competitive basis in accordance with the Terms of Admission to Higher Education, approved by the Ministry of Education and Science of Ukraine. Citizens of Ukraine have the right to obtain higher education free of charge in state and municipal institutions of higher education on a competitive basis, if a citizen obtains a certain degree of higher education for the first time from the state or local budget, as well as in other cases provided by law.

Admission to the degree of Bachelor after a complete general secondary education is based on external independent assessment of knowledge and skills of entrants and the level of their creative and / or physical abilities.

Admission to the degree of Master of Medicine, Dentistry, Pharmacy or Veterinary after on a complete general secondary education is based on external independent assessment of knowledge and skills of entrants and the level of their creative and / or physical abilities.

Admission to the degree of Master of other specialties after a bachelor degree is based on different schemes:

admission to law specialties is based on Uniform Entrance Exam (UEE) that is standardized exam aimed to assess foreign language abilities of entrants and Uniform Professional Entrance Exam (UPEE) that is standardized exam aimed to assess law-related knowledge and skills of entrants;

admission to other specialties is based on UEE and a professional exam at university.

In relevant cases the level of creative and / or physical abilities of entrants is also evaluated.

During the preparation to the admission to HEI a person has a wide range of information guidance - questions and answers, video explanations on the website of the Ministry of Education and Science of Ukraine, on Facebook, open day at the institution to help such persons to make well-informed choices. Besides during the enrolment campaign there is a telephone hotline is in place.

According to the Law of Ukraine "On Higher Education" (article 6) completion of higher education ends with the attestation of graduates. Attestation is the establishment of compliance of learning outcomes of students with the requirements of educational program and / or the requirements of the uniform state qualification exam. Attestation of a graduate to award a higher education degree is carried out by a HEI examination commission, which may include representatives of employers and their associations, representatives of public authorities and local governments, research institutions and other organizations. Attestation is carried out openly and publicly. HEI awards a successfully graduating person the correspondent degree of higher education and in some cases may

assign the appropriate professional qualification.

Attestation of higher education graduates may include a Uniform State Qualification Exam (USQE). USQE is mandatory for some regulated and critical professions. USQE is a standardized national assessment exam that assesses achievement of target learning outcomes, developed and conducted nationally by an independent body. List of specialties and level of higher education that should pass USQE as well as procedures of USQE are approved by the Resolutions of the Cabinet of Ministers of Ukraine of May 19, 2021 No. 497 “On attestation of professional pre-higher education students and higher education students at the first (bachelor's) and second (master's) levels in the form of a unified state qualification exam”), on March 28, 2018 No. 334 “On approval of the Procedure of the Uniform State Qualification Exam for graduates of a master degree of specialties in the field of knowledge "22 Health care". USQE is mandatory for all students of state, communal and private educational institutions of relevant specialty and level of education. The system of USQE in the health educational field has functioned for over 20 years and starts to function for other educational fields.

The decision to award a degree and award the appropriate qualification may be revoked by the institution of higher education in case of violation of academic integrity by the student, including the presence of academic plagiarism, fabrication, falsification, in the manner prescribed by the Resolution of Cabinet of Ministers of Ukraine (of August 26, 2021 No. 897).

Attestation of graduates obtaining a degree of Doctor of Philosophy (Doctor of Arts) is carried out through public defence of dissertation (creative art project) by a one-time specialized academic council established by a higher education institution or scientific institution with an accredited third-level educational program.

Obtaining a degree of higher education for the majority of professions (with or without assigned professional qualification) gives direct access to the labour market. Small number of professions, in particular health, law, aviation professions, require additional training and assessment/ certification before getting the right to practice.

The **social partners**, in particular employers, play an important role in training professionals at different levels of education. Employers can directly and indirectly, according to their needs, determine the content of educational programs through the development of professional standards, based on which the standards of professional pre-higher education, higher education and educational and training programs are developed. They have the opportunity to directly participate in the development of educational and training programs, in the educational process (teaching, organization and provision of practical training), career guidance work. They may sit as members of examination commissions and supervisory boards of educational institutions. These opportunities are determined by the rules of special laws.

Aiming at supporting graduates in making well-informed career choices a number of **systemic career development initiatives** have been launched aimed at providing students and youth with information and skills needed to better fit within the labour market.

The All-Ukrainian Career Guidance and Career Development Project "Choose the profession of your dream" is a systematic implementation of career guidance for *general secondary education* students at the national level implemented by the Ministry of Education and Science of Ukraine, together with the Institute for Educational Content Modernization and the Association of Innovative and Digital Education from 2021 based on successful experience of Germany, France and other international partners of Ukraine.

Within the first year of project implementation school children of grades 7-11 and their teachers from more than 15,000 secondary schools in all regions of Ukraine were covered by the project, while the total number of participants who will receive career guidance under this project is more than 2 million people.

The uniqueness of this project is:

artificial intelligence to identify the abilities of students,

National foresight study "Human Capital - 2035",

issuance of an Interactive Ability Passport to each Ukrainian student.

National companies participate actively in the project, providing online excursions and online courses on the most demanded professions.

Teachers and school psychologists get advanced qualifications for the course "School of a career consultant".

Career centres are established in each administrative unit of Ukraine based at VET institutions. The centre acquaints everyone, especially young people, with the regional labour market, conditions, requirements for the workplace, the size of wages, organizes meetings with regional business leaders. In order to assist in the employment of graduates of higher education institutions in their structure, they created and operate units to promote the employment of students. These units used to cooperate with employment centres, private and public entities providing for consultations, workshops and other events to inform on professions and relevant educational programmes.

The CSR Ukraine and the United Nations Population Fund with the support of the Ministry of Education and Science of Ukraine, developed a comprehensive course "Skills for a successful career" in 2020 to improve the career management skills of VET graduates. The purpose of the course is to prepare people for personal and professional growth and develop competences for a successful start in business. The course program consists of 30 classes and five modules. In 2020, the course was piloted in VET institutions of the Vinnytsia, Ternopil, Khmelnytsky and Chernihiv regions. It is planned to be integrated into the curricula of all vocational education institutions throughout the country.

In 2021 Recommendations on the Career Centre of vocational education institutions were developed to coordinate the work of these centres, to promote the employment of applicants and guarantee the right of graduates to obtain the first job, to assist in improving their professional skills or obtaining additional qualifications, as well as to promote vocational education. Currently, 142 career centres operate in vocational education institutions.

The Ministry of Education and Science of Ukraine, together with the Volyn Resource Centre (an educational and methodological centre of vocational education in the Volyn region), has launched the Business Education for Vocational Education Project under the USAID Agricultural and Rural Development Program (AGRO). The project is aimed at expanding self-employment opportunities for young people in various regions of Ukraine through entrepreneurship training in vocational education institutions.

Within the framework of the project "EU Support to Eastern Ukraine - Reconstruction, Peacebuilding and Governance" of the UN Program for Peacebuilding and Reconstruction, with the financial support of the European Union, a textbook "Fundamentals of Entrepreneurship" was



developed. This manual was approved by the Institute for Educational Content Modernization for use in vocational education institutions and posted on the website of the Ministry of Education and Science of Ukraine.

On March 17, 2016, the Ukrainian Pact for Youth 2020 was launched as a part of the European Pact for Youth initiative, which appeared as a response to the needs of Ukrainian youth to increase their competencies in order to find employment and build their careers in Ukraine. In 2021, taking into account the challenges of the modern world related to youth employment and the demand of the labour market in Ukraine, the initiative of the Pact for Youth until 2025 (hereafter - Pact) was renewed.

The initiative is implemented by means of non-formal and informal education. The main partners are NGO Centre for Corporate Social Responsibility, Ministry of Youth and Sports of Ukraine, United Nations Population Fund (UNFPA) and UNITY Program (USAID). The national partners of the Pact are also the Ministry of Education and Science of Ukraine and the Ministry of Economy of Ukraine.

The results of the Pact for Youth until 2025 initiative as of 2021:

33 companies joined the initiative, namely Alfa-Bank Ukraine, Auchan Retail Ukraine, Decathlon Ukraine, DTEK, Coca-Cola Beverages Ukraine Limited, KPMG Ukraine, Kredobank, Lactalis Ukraine, Metinvest Holding, Nestle Ukraine, PepsiCo Ukraine, Raiffeisen Bank Aval, Ukrtelecom, Arzinger, Credit Agricole, EY, Goodvalley Ukraine, lifecell, P&G, Raben Ukraine, Reikartz Hotel Group, Servier Ukraine, Syngenta Ukraine, UKRSIBBANK BNP Paribas, Vetropack Ukraine, ELEKS, Jabil, Prykarpattiaoblenerho, Ternopil City Council, AVON, FUIB, Molokiya, EVERLEGAL;

companies created about 14,300 places for internships and work for youth, 136 educational institutions were involved in the partnership;

trainings for trainers of the Pact's regional partners were held in the framework of the program “Skills Lab: successful career and own business”;

work of career counselors in youth centres was monitored (17 counselors provided consultations for more than 400 individuals and 14 groups ).

The initiative has 40 regional partners including civil society institutions and youth organizations that have implemented 11 Skills Lab programs of successful career and 5 Skills Lab programs for young people to launch their own business. Together about 100 activities were held. An important focus of the renewed Pact is the establishment of a mentoring platform MENTORPLACE. The mentoring platform is an initiative of private business employers for young people. 5 mentoring programs in various fields are implemented: IT, media and communications, medicine and pharmaceuticals, project management with the participation of more than 210 mentors and more than 300 young people. More than 300 hours of personal consultations took place, participants from 22 regions of Ukraine and mentors of 50 companies joined. The implementation of the initiative contributes to the recognition of the non-formal and informal education, primarily by representatives of employers. This recognition provides privileges to young people during employment, as they have the competencies required by employers.

## Administration of the systems

**10. Status of education and training institutions: briefly describe the procedures for setting up educational and training institutions. Which is the authority that monitors the setting up and functioning of educational and training institutions? Are there different types of status for educational and training institutions (e.g. private, public, private subject to control, etc.)?**

**Procedures for setting up educational and training institutions. Types of status for educational and training institutions.** According to the Law “On Education” educational institution is a legal entity of public or private law, the main activity of which is educational activity.

An individual entrepreneur or the structural unit of a legal entity of private or public law, whose main activity is educational activity shall have the rights and obligations of the educational institution provided for by the legislation. The individual entrepreneur or a structural (affiliated) unit of a legal entity of private or public law, whose educational activity ceases to be the main type of its activity, shall lose its rights and obligations, including the rights to benefits provided for by law for educational institution.

Educational activity shall be considered the main type of activity if the income for this type of activity and/or from this type of activity exceeds half of the total income of this legal entity (individual entrepreneur).

The educational institution can operate in one of the following statuses:

- budgetary institution;
- non-profit institution;
- profitable institution.

Depending on the founder, an educational institution may operate as of state (state-owned), communal, private or corporate entity.

The following individuals or legal entities are not eligible as founders of an educational institution:

an individual who is the citizen/national of the state recognised by the Verkhovna Rada of Ukraine as the aggressor state or occupant state;

a legal entity with foreign investment originating from the aggressor state or occupant state, or incorporated in the aggressor state or occupant state, or whose end beneficiary/controller is a resident of the aggressor state or occupant state.

An educational institution can carry out educational activities simultaneously at different levels of education and for different types of education and create structural (affiliated) units for this purpose. In order to carry out statutory activities the educational institution may, on a contractual basis, unite with other legal entities, creating educational, educational and research, scientific, educational and production and other types of associations, each of whose members shall retain the status of a legal entity.

The status, organisational and legal form, type of educational institution is determined by its founder and indicated in its statutory documents.

Educational institutions regardless of all types of ownership shall have equal rights and duties in accordance with a law. Educational institutions shall operate on the basis of their own statutory documents, approved by their founders in accordance with the law.

A founder of an educational institution makes a decision on establishment, reorganisation, liquidation or changing the type of the educational institution, approval its original or restated charter, conclusion of its founding agreement (if necessary) is made by a founder of educational institution.

A founder of an educational institution can be a public authority acting on behalf of the state, a respective council acting on behalf of the territorial community(s), an individual and/or legal entity, by decision and at the expense of whose property the educational institution was founded or who otherwise acquired the rights and obligations of the founder in accordance with the legislation.

A founder of the educational institution is responsible for:

ensuring the maintenance and development of capabilities of the founded educational institution at a level sufficient to meet the requirements of education standards and licensing conditions;

in case of reorganisation or liquidation of the educational institution, provide education seekers with the opportunity to continue their studies at the appropriate level of education;

ensuring the establishment in the educational institution of an unimpeded environment for educational process participants, in particular for persons with special educational needs.

According to the Law “On Preschool Education” Preschool education institutions can be established by state authority on behalf of the state, the relevant council on behalf of the territorial (local) community (communities), natural and / or legal person (including a religious organization, the statute (provisions) of which are registered in the manner prescribed by law).

According to the Law “On General Secondary Education” General secondary institutions can be established by state authority on behalf of the state, the relevant council on behalf of the territorial (local) community (communities), natural and / or legal person.

According to the Law “On Out-of-School Education” Out-of-school education institutions can be established by state authority on behalf of the state, the relevant council on behalf of the territorial (local) community (communities), natural and / or legal person (including a religious organization, the statute (provisions) of which are registered in the manner prescribed by law).

VET institutions can be established by central and local executive authorities, local self-government bodies, enterprises, institutions, organizations and their associations, regardless of the ownership and subordination, including religious organizations, the statutes of which are registered in accordance with the legislation, citizens of Ukraine. VET institutions can be established jointly with foreign companies, entities, organizations and foreign citizens if it is not inconsistent with law.

Ukrainian legislation does not establish limitations or specifications towards who can found professional pre-higher educational institutions.

According to Article 31 of the Law of Ukraine “On Higher Education” the decision to establish, reorganize or liquidate a higher education institution is made: for state-owned institutions - by the Cabinet of Ministers of Ukraine; for institutions of municipal form of ownership - by the relevant local authority; 3) for institutions of private ownership - by individuals and / or by legal entities in accordance with the law, including by religious organizations, the charter (provisions) of which are registered in accordance with the law.

**Monitoring of setting up and functioning of educational and training institutions.** The Law of Ukraine “On Education” (article 43) stipulates that educational activities shall be carried out on the basis of the licence issued by licensing authority in accordance with the law. Licensing of educational activities shall be a procedure for recognising the ability of a legal entity or an individual to provide educational services at a certain level of education in accordance with licensing conditions.

In Ukraine, licensing of educational activities is carried out in the fields of higher, professional higher, postgraduate, VET, general secondary, preschool and out-of-school education in accordance with the Law of Ukraine "On Licensing of Economic Activities Types" and special laws in the field of education.

The Ministry of Education and Science of Ukraine is a licensing authority for educational activities in the fields of higher, professional pre-higher, postgraduate education and VET. The oblast, Kyiv city and Sevastopol City state administrations are licensing authorities for educational activities in the fields of general secondary, preschool and out-of-school education.

Licensing of educational activities is carried out in accordance with the Licensing Conditions for Educational Activities, approved by the Resolution of the Cabinet of Ministers of Ukraine of December 30, 2015 No. 1187 , through the Unified State Electronic Database on Education. During licensing, the ability of the licensee to conduct educational activities in accordance with the requirements established by the Licensing Conditions is established.

In order to ensure interests of the society regarding appropriate quality of education and educational activity as well as implementation of the unified state policy in education a state oversight (control) in the education sector is used performed by the State Service for Education Quality of Ukraine and its territorial branches, which is central executive authority for education quality assurance.

The State Service of Education Quality is also responsible for monitoring the quality of educational activities and the quality of education in the manner prescribed by law.

The National Agency for Higher Education Quality Assurance, for its part, is empowered to perform a license expertise, to prepare an expert opinion on the possibility of issuing a license for educational activities in the field of higher education.

**11. Mechanisms for the monitoring and evaluation of the educational and training system and institutions: what are the mechanisms in place or in the process of being implemented for monitoring and evaluating educational and training establishments? What do they examine? What are the mechanisms/tools for monitoring external quality assurance in higher education and training? To what extent are they independent from governmental institutions?**

**Mechanisms for monitoring and evaluation** both for educational institutions and for the system of education are in place in Ukraine. They include, *inter alia*: monitoring the quality of education, monitoring the quality of educational activities, institutional audit, public accreditation of educational institutions, institutional accreditation, accreditation of educational programs.

Institutional audit and monitoring the quality of education activities are the mechanisms used by the State Service for Education quality of Ukraine.

Institutional audit is a comprehensive external audit and assessment of educational and

governance processes at the educational institution (except for higher education institutions) that ensure its efficient operation and sustainable development, which aims to assess the quality of educational activities of educational institutions and develop recommendations for:

- upgrade of education quality of educational institutions and enhancement of the internal system of education quality assurance;
- adjust educational and governance processes to the legislation, and the licensing conditions in particular.

The results of the institutional audit shall be published on the websites of the educational institution (if any), the founder (except for the founder of a private educational institution) and the body that carried out the institutional audit.

Based on the results of the institutional audit an educational institution is granted with conclusion on the quality of educational activities of educational institution, an internal system for education quality assurance, as well as recommendations for improving the activities of educational institutions. Educational institutions that have a valid certificate of public accreditation of the institution are considered to have passed the institutional audit in a planned manner.

The institutional audit is carried out on an unscheduled basis at the educational institution that has a poor quality of educational performance. The unscheduled institutional audit can also be initiated by the founder, head, collegial governing body, the highest collegial body of public self-government or the educational institution supervisory (trustee) board.

If educational activities of the institution are found to be inconsistent with the legislation and/or licence terms, the body that conducts the audit determines the time period for eliminating deficiencies and violations in activities of the educational institution. Verification of rectification of the findings and violations is conducted following the end of such period. In case of the negative result of such verification, the founder of the educational institution may be provided with recommendations to replace the head of the educational institution, or even to terminate or reorganising the educational institution.

Procedure for institutional audit of general secondary education institutions is approved by the order of the Ministry of Education and Science of Ukraine of January 09, 2019 No 17, registered by the Ministry of Justice of Ukraine on March 12, 2019 by No 250/33221. Institutional audit is carried out in a planned manner in the educational institution not more than once every 10 years in accordance with long-term and annual plans.

Procedures for institutional audit of preschool, out-of-school and professional pre-higher education institutions are developed as drafts but not yet approved. Pilot audits of preschool, out-of-school education institutions were planned for 2022 after the approval of above-mentioned procedures.

Monitoring the quality of education is a system of consistent and systematic measures carried out in order to identify and track trends in the development of the quality of education in the country, in certain territories, at educational institutions (other entities of educational activity), to establish the correspondence of the actual results of educational activities to its declared goals as well as assessing the extent, direction and reasons for deviations from goals.

The procedure, types and forms of monitoring of the quality of education are defined by the

order of the Ministry of Education and Science of Ukraine of January 16, 2020, No. 54, registered by the Ministry of Justice of Ukraine on February 10, 2020 by No. 154/34437.

The procedure defines the following participants of monitoring of the quality of education:

- Ministry of Education and Science of Ukraine;
- State Service for Education Quality of Ukraine and its territorial branches;
- Ukrainian Centre for Education Quality Assessment and its regional centres;
- scientific organizations, scientific, scientific and methodological institutions, other institutions under the Ministry of Education and Science of Ukraine;
- educational institutions, their founders or their authorized persons;
- other legal entities performing independent assessment of quality of education and quality of educational activity.

Monitoring the quality of education can be internal and external. Internal monitoring of the quality of education is conducted by educational institutions (other entities of educational activity) themselves.

External monitoring of the quality of education can be carried out by any bodies, enterprises, institutions, organisations, other legal entities that independently assess the quality of education and educational activities. The participation of educational institutions (other entities of educational activity) and educational process participants in external monitoring of the quality of education shall be voluntary, except for cases established by law.

External monitoring can be performed at institutional (at the level of educational institution), local, regional, nation-wide, international levels. External international monitoring is performed by participation of Ukraine in international surveys and studies (Trends in International Mathematics and Science Study (TIMSS), Program for International Student Assessment (PISA), Progress in International Reading Literacy Study (PIRLS). Participation of educational institutions in international education quality assessments is organised by the Ministry of Education and Science of Ukraine. The results for international comparative studies are made public at the Ministry's website and are taken into account for data-based state policy development.

Recently, Ukraine took part in PISA 2018 cycle, has entered PISA 2022 cycle and plans to apply for the next PISA 2025 cycle.

Monitoring of quality of education activity is conducted by the central executive authority for education quality assurance (State Service of Education Quality) but can also be conducted by other state authorities in charge of subordinated educational institutions. Public oversight (control) entities have also the right to monitor and disclose the results, in particular regarding: quality of learning outcomes, including monitoring of State final attestation, exams and other forms of learning outcomes evaluation.

Public accreditation of educational institutions is an assessment of the educational institution on the efficiency of the internal system for ensuring the quality of education and ensuring that education seekers achieve the learning outcomes stipulated by educational programmes and educational standards. This procedure is performed in order to recognise the quality of educational activities of the educational institution and form its positive image and reputation.

Public accreditation is made on a voluntary basis at the request of the educational institution and is performed by professional public associations accredited in the prescribed manner, other accredited legal entities that independently assess the quality of education and educational activities.

The results of public accreditation of the educational institution can be taken into account during the accreditation of educational programmes and institutional accreditation. Successful results of public accreditation of the educational institution are certified with the appropriate certificate issued for a period of up to ten years.

Accreditation of educational programme is a mechanism used for educational programs of professional pre-higher and higher education institutions. The procedure implies assessment of the educational programme for its compliance with the educational standard, as well as the ability of the educational institution to ensure that education seekers achieve the learning outcomes provided for in the educational programme.

Accreditation of the educational programme is voluntary and is performed at the initiative of the educational institution. The educational programme shall be accredited if it is provided by a special law.

Educational programme of the corresponding level of education is accredited by the body for ensuring the quality of education, determined by a special law, and/or accredited public professional associations or other accredited legal entities that independently assess the quality of education and educational activities of educational institutions.

Accreditation of educational programmes for professional pre-higher education is performed by the State Service of Education Quality of Ukraine, for which the procedure is approved by the order of the Ministry of Education and Science of Ukraine of July 01, 2021 No. 749, registered by the Ministry of Justice of Ukraine on December, 13, by No. 1608/37230.

The National Agency for Higher Education Quality Assurance performs accreditation of educational programs for higher education (as stipulated by the Law of Ukraine “On Higher Education”). The relevant procedure is approved by the order of the Ministry of Education and Science of Ukraine of July 11, 2019 No. 749, registered by the Ministry of Justice of Ukraine on August, 08, by No. 880/33851.

The following mechanisms are in place **to monitor external quality assurance in higher education**. They are as follows: accreditation of educational programme (described in this item earlier), institutional accreditation, use of technologies of external independent assessment, annual report on higher education quality,

Institutional accreditation of higher educational institutions (article 25-1 of the Law of Ukraine “On higher education”, article 46 of the Law of Ukraine “On education”) institutional accreditation is an assessment of the quality of educational activities of a higher education institution, and the compliance of the internal quality assurance system of the educational institution with requirements. The procedures of institutional accreditation are under development.

Use of technologies of external independent assessment for graduating higher education. External independent assessment of learning outcomes (EIA) (article 45 of the Law of Ukraine “On higher education”, article 47 of the Law of Ukraine “On Education”) is the evaluation of learning outcomes obtained by a person at a certain educational level, which is carried out by a specially authorized state institution (organization). EIA is used for admission to higher education institutions

on a competitive basis.

Also, EIA is used during final attestation of higher education students for specified specialties in the form of Uniform State Qualification Exam (USQE). USQE is mandatory for some regulated and critical professions as a standardized national assessment exam that assesses achievement of target learning outcomes, developed and conducted nationally by an independent body. More details on USQE are described under item 9.

Annual report on the quality of higher education in Ukraine (article 18 of the Law of Ukraine “On higher education”) annually issued by the National Agency for Higher Education Quality Assurance, analysing its compliance with the tasks of sustainable innovative development of society, a report on its activities, develops proposals for legislative changes aimed at quality assurance of higher education. Annual report is addressed to the President of Ukraine, the Cabinet of Ministers of Ukraine and higher education institutions. The reports for 2019-2021 are available in Ukrainian via the link - <https://cutt.ly/qGyMKFv> , the most recent report in English is available here - [https://en.naqa.gov.ua/?page\\_id=600](https://en.naqa.gov.ua/?page_id=600) .

Each annual report includes the analysis of the current situation and challenges for Ukrainian higher education quality assurance including quantitative indicators on higher education institutions, academic staff and students. It also provides evaluation of quality of study programmes, teaching, learning outcomes, students' research work, infrastructure, student-centredness. Specific attention is paid to the academic integrity issues.

Transparent competitive admission to higher education programs based on nation-wide competition (article 44 of the Law of Ukraine “On higher education”). Enrolment procedures to higher educational institutions represent nation-wide competition based upon results of external independent assessment (standardized assessment of academic achievements of university applicants). External independent assessment is carried out by specially authorized state institutions (organizations).

Formula-based funding of higher educational institutions provided by the Resolution of the Cabinet of Ministers of Ukraine of December 24, 2019 No. 1146 "On the distribution of state budget expenditures among higher education institutions based on indicators of their educational, scientific and international activities". Transition to a formula model of budget financing of higher education institutions where the sum of state funding under one of the funding pillars depends upon the performance of the institution.

Monitoring of employment of graduates (article 64 of the Law of Ukraine “On higher education”). Information on the employment of graduates is an integral part of public information on the activities of higher education institutions and their educational programs, as provided by the Standards and Recommendations on Quality Assurance in the European Higher Education Area. This tool provides for transparency and efficiency of HEIs in terms of the opportunity of their graduates to get employed and build their professional careers. More details on this tool are underscored under item 26 e).

Independent institutions for evaluation and quality assurance of higher education (article 23 of the Law of Ukraine “On higher education”). An independent institution for evaluation and quality assurance of higher education is a non-governmental organization (institution, agency, bureau, etc.) accredited by the National Agency for Higher Education Quality Assurance, which evaluates educational programs, learning outcomes and / or higher education institutions. in order to make



recommendations and provide assistance to higher education institutions in organizing the quality assurance system of higher education and making proposals to the National Agency for Higher Education Quality Assurance in to accredit the educational program. The procedures and network of independent institutions for evaluation and quality assurance of higher education are under development. Quality evaluation by the independent institutions is carried out on voluntary request of higher educational institutions.

**Independence of HE quality assurance tools** from governmental institutions is insured at different levels and in different areas.

Organizational independence: according to the Law “On Higher Education” of 2014 NAHEQA is a permanent collegial body (legal entity under public law) independent in the exercise of its powers from third parties such as higher education institutions, government, and other stakeholder organizations.

Independence from the Government (Cabinet of Ministers of Ukraine) and the relevant ministry (Ministry of Education and Science of Ukraine) is ensured by the procedure of NAHEQA formation. The organization and conduct of competitive selection of NAHEQA members is entrusted to an International Competition Commission, which is formed by the Cabinet of Ministers of Ukraine as an advisory body. The Commission consists of nine persons: four international representatives are delegated from the European Higher Education Area and one representative each from the Ministry of Education and Science of Ukraine, the joint representative body of all-Ukrainian associations of employers’ organizations, the National Academy of Sciences of Ukraine, the National Academy of Pedagogical Sciences of Ukraine, and the National Association of Students of Ukraine, which is a member of the European Students’ Union (ESU). The terms of the competition are formed in such a way that NAHEQA must include representatives of all-Ukrainian associations of employers’ organizations, higher education students of the first (Bachelor) or second (Master) level, the National Academy of Sciences of Ukraine, national branch academies of sciences and higher education institutions of public, municipal and private ownership. The winners of the competition are approved by the Cabinet of Ministers of Ukraine as NAHEQA members.

It should also be noted that NAHEQA in Ukraine has such legal status that ensures its independence from the relevant Ministry, higher education institutions and other entities in the field of higher education in the exercise of their powers.

Operational independence: According to the Regulations on Accreditation of Study Programmes in Higher Education, the nomination and appointment of experts is undertaken based on the list of certified experts, subject area relevance, absence of conflict of interests, and experts’ availability. This appointment is made independently from third parties and then published on the NAHEQA website.

Independence of formal outcomes: the expert group includes at least three members. A student expert is included into each group obligatory. An employer expert can be included as additional expert. The final outcomes of the quality assurance processes are approved by the NAHEQA. Experts are informed that they are acting in a personal capacity and not representing their respective institutions when working for the NAHEQA. Accreditation decisions are based solely on expertise. This is reflected in the regulatory documents.

Erasmus+ CBHE projects created opportunities to achieve real results in QA System building from its start and in line with ESG 2015. Thanks to the synergy and complementarity provided by

Structural Projects from year to year, Ukraine has made significant progress in creating and improving the national QA system during 2015-2020. The Ministry of Education and Science of Ukraine, National Agency for Higher Education Quality Assurance (NAHEQA) in cooperation with CBHE projects elaborated appropriate tools for External QA in Ukraine in accordance with the ESG and for further use by the NAHEQA. Representatives of Ukrainian HEIs and NAHEQA prepared a description of the model of Internal Quality Assurance system for Ukrainian HEIs and the model of External Assessment.

**12. Statistical data collection and processing facilities: describe the facilities and the type of data collected, including participation in international and European [For example Eurostudent] surveys and databases[For example the Database of External Quality Assurance Results (DEQAR) and the European Tertiary Education Register (ETER)]. How are statistics collected on the destination of school leavers, VET and higher education graduates (tracer studies, graduate tracking)? How are data being collected on EU-level targets (i.e. European Education Area)?**

According to article 72 of the Law of Ukraine “On Education” educational statistics includes:

- statistics of the executive agency in charge of statistics (State Statistics Service of Ukraine) on education and labour market;
- administrative data and other information of the central executive body in charge of education and science (Ministry of Education and Science of Ukraine) about the system of education, including obtained with the use of the state IT systems;
- data obtained through processing of the depersonalised information about the students;
- findings of monitoring surveys of education quality;
- indicators that represent the status of the education system.

According to article 74 of the Law of Ukraine “On education” in Ukraine functions the Unified State Electronic Database on Education. It is an automated system whose functions are the collection, verification, processing, storage and protection of information about the education system. Mandatory components of the Unified State Electronic Database on Education are the Register of subjects of educational activity (educational institutions), the Register of students, the Register of educational documents, the Register of certificates of external independent assessment, the Register of student ID cards, the Register of pedagogical employees, the Register of pedagogical employees’ certificates. The list and volume of information contained in the registers and the procedure for their maintenance are established by the central executive body in the field of education and science. Regulations on the Unified State Electronic Database on Education are approved by the order of the Ministry of Education and Science of Ukraine dated June 08, 2018 No. 620.

All information contained in the Unified State Electronic Database on Education, except for personal data and information with limited access, is available in the format of open data, including taking into account the needs of persons with visual impairments. The person has full access to all information about himself entered in the Unified State Electronic Database on Education. Free access to the information contained in the Unified State Electronic Database on Education is carried out through the official website of the central executive body in the field of education and science. The

owner of the Unified State Electronic Database on Education is the central executive body in the field of education and science. The Unified State Electronic Database on Education technically administered by the State Enterprise “Inforesurs” under the Ministry of Education and Science of Ukraine.

The Automated Information Complex of Education Management (AIKOM) is also in place. AIKOM is an information-analytical system designed for use by educational entities for the purpose of effective management of educational institutions in the field of preschool, general secondary, out-of-school, professional pre-higher education and VET. Its functions, inter alia, include accumulation, storage and automated processing of educational statistics, collecting of statistical information in the field of education from educational entities. Regulation on the Automated Information Complex of Education Management is approved by the resolution of the Cabinet of Ministers of Ukraine of December, 2, 2021 No. 1255.

The Automated Information Complex of Education Management is technically administered by the State Scientific Institution “Institute of Educational Analytics” under the Ministry of Education and Science of Ukraine.

Statistical data on the network and activities of preschool, general secondary education and VET institutions is collected and processed by the State Scientific Institution “Institute of Educational Analytics” using administrative reporting forms, approved by the orders of the Ministry of Education and Science of Ukraine.

Statistical data on the network and activities of professional pre-higher and higher educational institutions, higher education and research institutions on training of postgraduates is prepared and published by the State Statistics Service of Ukraine based on administrative data of the Unified State Electronic Database on Education. Administrative data and other information from the Ministry of Education and Science of Ukraine in an automated mode is transferred from the Unified State Electronic Database on Education to the State Statistics Service of Ukraine.

Statistical information on formal education is provided for international questionnaires, including the UNESCO Institute for Statistics (pupils and teachers, students and pedagogical staff). The following indicators are provided:

- number of students / pupils (by levels of education, by educational degrees (educational-qualification levels, educational-professional degrees), by type of ownership of educational institution, by age, by grades, by sex);

- number of foreign students (by levels of education, by educational degrees (educational and qualification levels, educational and professional degrees), by type of ownership of educational institution, by citizenship, by sex);

- number of graduates (by level of education; by fields of knowledge and areas of training; by sex);

- number of teachers / lecturers (by level of education; by type of ownership of educational institution; by sex);

- number of educational institutions (by level of education; data on premises and material base; by availability of ICT).

Information is provided to the Eurostat Education Questionnaire on indicators: number of

students/ pupils (by level of education); number of graduates (by level of education; by fields of knowledge and areas of training; by sex).

The European Training Foundation (ETF) questionnaire on key indicators of vocational education and training is being filled out including the following indicators: number of VET institutions, the number of students enrolled (by sex); number of graduates (by sex).

Data on the system of vocational education and training, including in relation to the criteria of external and internal efficiency is being collected biennially within the framework of Ukraine's participation in the Torino process (the relevant reports were issued for 2010, 2012, 2014, 2016, 2018-2020).

Ukraine has been consistently taking part in all data collection for the Bologna Process Implementation Reports (BPIR), that are typically published every 2-3 years in conjunction with the Bologna Process Ministerial Conferences. Information on policy developments on the system level is provided by the Ministry of Education and Science of Ukraine, while the State Statistics Service of Ukraine provides official statistics on higher education.

To facilitate information sharing among all national higher education stakeholders, the Ministry of Education and Science of Ukraine has translated the latest BPIR 2020 into Ukrainian, and it is published on the EU [bookshop](#) and on the EACEA [website](#).

The legal basis for the task of *tracking of the employment of graduates* was laid in 2019 by the Law of Ukraine "On Higher Education" (article 64) as follows: the central executive body in the field of education and science monitors the employment of graduates of higher education institutions. Impersonal statistics on the employment of graduates of higher education institutions in the labour market are posted on the Internet for free access in a format that allows them to be processed automatically by electronic facilities.

In order to obtain information on employment of graduates of VET, professional pre-higher and higher education institutions, the Ministry of Education and Science of Ukraine together with the Pension Fund of Ukraine developed the Procedure for Information Exchange between the Pension Fund of Ukraine and the Ministry of Education and Science of Ukraine using the register of insured persons of the State Register of Compulsory State Social Insurance (approved by the order of the Ministry of Education and Science of Ukraine of 04.03.2021 No. 287 and the resolution of the Pension Fund of Ukraine of 04.03.2021 No. 9-1 registered in the Ministry of Justice of Ukraine on 05.05.2021 for No. 596/36218).

Data on documents on education issued from November, 1, 2017 to October, 31, 2018 was sent from the Ministry of Education and Science of Ukraine to the Pension Fund of Ukraine and 3,624,443 records were received. Using Guidelines for monitoring the employment of graduates of higher and professional pre-higher education institutions and determining the employment rate for the Formula for allocating state budget expenditures on higher education among higher education institutions (approved by the order of the Ministry of Education and Science of February 2, 2022 No. 101) a monitoring exercise was held followed by [report](#) and [data set](#) published.

Participation in international and European surveys and monitoring studies. Ukraine periodically participates in international and European surveys and monitoring studies. Ukraine has taken part in EUROSTUDENT V study 2012-2015 "Social and Economic Conditions of Student Life in Europe" which studied students' opinions on a wide range of issues related to their daily life and

education are studied: accessibility of higher education, conditions of study and living, students' plans for the future, attitude to the possibility of studying in other countries, etc. Participation of Ukraine was held in a framework of a pilot exercise with the goal of assessing feasibility of implementing EUROSTUDENT at a national level. In 2018 Ukraine has participated in the OECD 'Programme for International Student Assessment' (PISA) study that tests reading, mathematics and science performance of 15-year-old pupils across the world, and has entered into PISA-2022 cycle. In 2007 and 2011 Ukraine participated in IEA's "Trends in International Mathematics and Science Study" (TIMSS) that is a series of international assessments of the mathematics and science knowledge of students around the world. Focused statistical information is gathered during monitoring studies for the purposes of meaningful analysis of study results.

#### Presentation at international and European databases

Ukrainian higher educational institutions that have received accreditation from agencies that are members of the European Quality Assurance Register for Higher Education (EQAR), are presented in Database of External Quality Assurance Results (DEQAR). Presently there are 10 higher educational institutions there. 36 higher educational institutions are presented in the World Directory of Medical Schools that is the listing of a medical school maintained by the World Federation for Medical Education (WFME ) and the Foundation for Advancement of International Medical Education and Research (FAIMER).

### **Infrastructure**

**13. Please provide information on the criteria for setting up infrastructure: coverage of national territory; what variables are taken into account for setting up educational and training infrastructure (population density, geographical criteria, etc.)? According to what criteria is infrastructure set up for the education of children of national minorities?**

According to the Law of Ukraine "On Education" the right to free education shall be guaranteed to: pre-school and complete general secondary education seekers - through the development of a network of educational institutions of all forms of ownership and their financial support in accordance with the procedure established by law, and in an amount sufficient to ensure the right to education of all citizens of Ukraine, foreign citizens and stateless persons permanently or temporarily residing in the territory of Ukraine.

The Law "On Education" stipulates that district, town/city councils are responsible for the accessibility of primary and basic general secondary education and out-of-school education as well as planning and development of a network of institutions for preschool, primary and basic secondary education, out-of-school education.

According to the article 14 of the Law "On Education" local self-government bodies shall create conditions for the accessibility of *out-of-school education* by establishing, maintaining and developing a network of out-of-school education institutions in accordance with the educational, cultural and mental needs and public requests.

According to the Law "On Education" (article 11) local self-government bodies shall create conditions for obtaining *pre-school education* by establishing and development of a network of

educational institutions. There is no specific list of criteria for setting up infrastructure for preschool and general secondary education.

Preschool education institutions are established taking into account socio-economic, national, cultural, educational, spiritual and language needs of children of appropriate age, the necessary educational and methodological and logistical base, teaching staff, as well as compliance with sanitary legislation. However, the Law “On Preschool Education” defines the maximum number of pupils on the groups of preschool education institutions, namely:

- in groups for children under one year - up to 10 persons;
- in groups for children aged one to three - up to 15 persons;
- in groups for children aged three to six (seven) years - up to 20 persons;
- in groups for children of different ages - up to 15 persons;
- in groups with short-term and round-the-clock stay of children - up to 10 persons;
- in inclusive groups - no more than three children with special educational needs.

The founder (founders) of a preschool institution may set a maximum number of pupils in a group less than specified by the law. In preschool institutions located in villages, settlements, the number of children in groups is determined by the founder (founders) depending on the demographic situation.

The Law “On Education” (article 13) stipulates that in order to provide the territorial accessibility of *complete general secondary education*, local self-government bodies shall establish and run a network of educational institutions and their branches. Aiming to create conditions for obtaining general secondary education, reasonable and efficient use of available resources and capabilities, an educational institution may have the status of a hub school. A hub school is a general secondary education institution that has branches and/or carries out transportation of education seekers, teachers (if needed) to school and back, and provided with qualified teaching personnel, state-of-the-art capabilities and educational base and is able to ensure the proper level of obtaining primary and basic secondary education.

The Regulation on the Hub School (approved by the resolution of the Cabinet of Ministers of Ukraine of June 19, 2019 No. 532) sets up the number of students in the hub school (excluding their number in its branches) must be at least 200 persons.

The Law “On Complete General Secondary Education” sets up the maximum and minimum number of school students in classes as follows: the maximum number of students may not exceed 24 persons in primary school classes (grades 1-4), 30 persons in basic secondary (grades 5-9) and field-specific (grades 10-11(12)) classes. The minimum number of school students in the state or communal/ municipal general secondary education institution shall be at least 5 persons.

Another incentive to optimize a school network on the respective territory is indirect and financial. The educational subvention from the state budget to local budget to cover salaries of teachers (including social security contributions) in all types of municipal and private educational institutions that provide complete general secondary education.

The amount of educational subvention is calculated each year based on the number of school students in Ukraine (including primary, basic general secondary and field-specific general secondary

education). According to the Procedure and Conditions on providing an educational subvention from the state budget to local budgets (approved by the resolution of the Cabinet of Ministers of Ukraine of January 14, 2015 No 6) since September 1, 2016, the educational subvention does not fund general secondary education institutions (except for primary schools and private general secondary education institutions) with less than 25 students.

The amount of educational subvention is distributed between local communities according to the formula (approved by the resolution of the Cabinet of Ministers of Ukraine of December, 27, 2017 No 1088) based on the normative class size defines for each territory.

The normative class size varies from less than 20 students per class to more than 27 students per class and depends on two independent factors: student density (the number of general education students divided the surface area of the local budget) and percentage of rural population (obtained by dividing rural population by total population and multiplying by 100).

Due to this approach, the local authorities have powerful financial stimulus to effectively use budget funds and consider the real needs in general secondary institutions at the territory when planning the school network. However, certain communities still choose to maintain an inefficient school network with a large number of small schools as closing schools rests an unpopular decision for rural citizens, including because such a decision would lead to the forced dismissal of a certain number of teachers.

Neither specific criteria nor approaches are used for setting infrastructure for the *education of children of national minorities*. At the same time the Law of Ukraine “On Complete General Secondary Education” stipulates that persons belonging to indigenous peoples and national minorities of Ukraine are guaranteed the right to study the language of the respective indigenous people or national minority in municipal and corporate schools or in national cultural associations.

Classes and / or groups with the indigenous people or national minority of Ukraine language of instruction along with the state language are established in order to properly organize the educational process in general secondary education institutions.

Classes with indigenous or national minority language of instruction along the state language are opened if there is a sufficient number of applications as according to the law the number of students in a class of a state, municipal educational institution may not be less than 5 persons and more than 24 persons in primary school, 30 persons in secondary school.

*Vocational education and training.* The reorganization of VET institutions is underway by joining the incomplete to the more powerful ones. During 2016-2021 66 VET institutions under the Ministry of Education and Science of Ukraine have been reorganized. The purpose of this network transformation is to improve the quality of educational services, attract the best teachers to the educational process, improve cooperation with employers in the region.

In 2021, the Ministry of Education and Science of Ukraine has developed Guidelines for optimizing the network of VET institutions. Currently, they are being approbated in 7 oblasts (Vinnytsia, Poltava, Rivne, Zaporizhia, Chernivtsi, Lviv, Mykolaiv). The Guidelines define 4 main criteria for setting up VET institutions networks:

demographic-statistical - fixes the ratio of the number of vocational education institutions with

the population in the region. This criterion takes into account the potential number of young people who will study in the senior specialized vocational school

economic - determines the current and future needs of local employers for workers trained by the institution. The amount of resources spent on vocational education is also determined. Among the indicators are the number of groups in institutions, weekly employment of training workshops, the percentage of employment, in particular by profession, graduates, etc.

accessibility - takes into account the distance to the institution or the time spent traveling to it by public transport;

social - determines the ability of the network to meet the demand of the population to obtain working professions. The social criterion also takes into account the ratio of vocational education institutions to the number of school leavers, the number of students with special educational needs and the proportion of adults in need of advanced training or retraining.

For the *higher education sector* there are no direct specific criteria for setting up infrastructure both by geographical criteria and by population density. The only one criteria that takes into account the population is the funding requirement for public financing - funding at the expense of the State Budget of Ukraine for the training of specialists with higher education in the specialties of the relevant degrees of higher education is established in the amount necessary to provide for every 10 thousand of population education of at least 180 students (art. 72 Law "On Higher Education").

The implementation of formula funding in Ukraine, which aims to increase the efficiency of the budget expenses, encourages HEIs to increase their scale, including mechanism of their merging. In particular, the distribution of financial resources based on performance component (the scale of the institution) is set depending on the actual number of applicants for higher education, who study the expense of budget funds, and is: 0.8 - for institutions of higher education. which contingent of such students is less than 1000 persons; 1 - for 1000-2999 persons; 1.2 - for 3000-5999 persons; 1.4 – for 6000-9999 persons; 1.5 – for more than 10,000 persons. In 2021, there were 3 HEIs with more than 10,000 budget funding students and covered using the formula (Ivan Franko National University of Lviv, Lviv Polytechnic National University, Igor Sikorsky Kyiv Polytechnic Institute). Taking into account the contract students, in 2021 HEIs with a contingent of more than 10,000 students was 17. The largest one is Taras Shevchenko National University of Kyiv, where almost 30,000 students are studying.

At the same time, to amortise the effect of potential of large cities the regional aspect is taken into account in the formula funding - the indicator of regional support of higher education institutions, which is the largest for universities that are not located in Kyiv, Kharkiv or Lviv.

To optimise the provision of education services and provide the appropriate infrastructure, certain steps have been taken to restrict the possibility for higher education institutions to open their branches in cities such as Kyiv, Kharkiv, Lviv, Dnipro and Odesa. Structural units of higher education institutions may not open master's degree programs, or open bachelor's degree programs if there is a higher education institution within no more than 50 km that offers similar educational programs.

The Ministry of Education and Science of Ukraine is working on reform of the higher education institutions network. In 2021, Ukraine signed a Loan Agreement with the International Bank for Reconstruction and Development ("Ukraine: Improving Higher Education for Results Project"). One



of its funding priorities is the Association and Partnerships for improvement of efficiency and quality. Due to this project, it was envisaged to improve the conditions for quality teaching and learning in selected state HEIs that would start the process of merger, as well as to support the process of merger of higher education institutions.

One of the challenges for the network of higher education institutions is the subordination of institutions to various ministries and central executive bodies, except the Ministry of Education and Science of Ukraine (Ministry of Health of Ukraine, Ministry of Culture and Information Policy of Ukraine, State Statistics Service of Ukraine, the Administration of the State Border Guard Service of Ukraine, the Ministry of Internal Affairs of Ukraine, the Ministry of Social Policy of Ukraine, the Ministry of Defence of Ukraine and the Ministry of Finance). However, the specialisation and specificity of defence, security and health activities requires the use of certain specific approaches to their financing and management.

One of the huge challenges for the system of higher education institutions was the first aggression of the Russian Federation in 2014, as a result of which part of the Donetsk and Luhansk regions, Crimea was occupied. 17 institutions of higher education (10 from Donetsk region, 7 from Luhansk region and 1 from Crimea) were displaced to other regions of Ukraine (Kyiv, Vinnytsia, Pokrovsk, Severodonetsk, Kropyvnytskyi, etc.) together with researchers, teachers and students. The largest of them are Donetsk National University, Donetsk National Technical University, Donetsk National Medical University, Taras Shevchenko National University of Luhansk, Luhansk State Medical University, Volodymyr Dahl East Ukrainian National University, V. V. Taurida National University. Despite the support of the state, some of them were unable to fully restore their human and material potential.

#### **14. How does the education and training system respond to digital challenges? What statistics are available (e.g. number of pupils per computer, distance learning facilities)?**

In 2019, the first survey on the level of digital skills of Ukrainians was conducted. It showed that 51% of Ukrainians had below or no such skills. In response to the demands of rapid learning for digital skills and the pandemic Covid-19 the project Diia.Digital Education was launched in 2020 which aims to teach 6 million Ukrainians digital literacy. The Diia.Digital Education project is used for upskilling and reskilling in online and mixed format online + offline and includes courses not only on improving digital awareness and literacy, but also on gaining new knowledge for practical application, such as programming.

In addition, all more than 70 educational series correspond to at least 1 of the digital literacy sections (basics of computer literacy, information literacy, data skills, digital content creation, communication and interaction in the digital society, security in the digital environment, solving problems in the digital environment and lifelong learning). If a person needs basic help with using a service or platform Diia.Digital Education, everyone can apply to 1 of 6,200 Hubs - offline points of digital education. In this way, online learning helps to gain relevant skills and saves time for offline learning.

Ukraine's education system faced serious digital challenges in 2020 when due to COVID-19 pandemic educational institutions were temporarily closed and the 2019/2020 academic year was

completed remotely. Different provision of families with means for distance learning and unequal access to quality Internet influenced on the remote modes of education and required appropriate solutions. So, new legislation, as well as practical mechanisms and tools were created to help education and training system to respond to digital challenges.

Aiming to tackle digital challenges in *general secondary education* sector Regulations on distance learning of general secondary education were approved in 2020 providing for a regulatory framework for the organization of distance learning at schools. According to this Regulation, the organization of distance learning can be carried out with:

- ensuring the completion of general secondary education by distance learning (as a separate form of education);

- use of distance learning technologies during the organization of general secondary education in various forms, including during quarantine and other emergency circumstances.

The educational institution within its own autonomy has the opportunity to:

- determine in the educational program(s) of the educational institution(s) the forms of organization of the educational process to provide distance learning (training sessions, consultations, webinars, online forums, virtual tours, etc.);

- to choose (approved by the pedagogical council of the educational institution) specific electronic educational platforms, learning management systems, online services and tools with the help of which the educational process can be organized during distance learning. Teachers independently choose the forms, methods and means of distance learning, as well as determine the feasibility of a particular training session in synchronous or asynchronous mode. Such actions of teachers do not require any special approvals;

- to use electronic educational resources created by pedagogical staff of the educational institution, and in case of using other electronic educational resources - ensure their verification of compliance with state educational standards, standard educational and model curricula, language of education, other requirements of legislation in general secondary education. Such verification is carried out by pedagogical staff, who select appropriate resources for use in the educational process;

- to use electronic class schedule, electronic class journal / diary;

- to monitor and control the quality of distance learning in the educational institution (including to apply the method approved by the pedagogical council to exercise control over the implementation of educational programs by the head of the institution).

The founder and head of the educational institution provide organizational and methodological support to teachers for the implementation of distance learning. Within the framework of such support, training on mastering the skills of working with electronic resources, effective methods of distance learning can be organized; the planning of the amount of funds needed for professional development of teachers (in the direction of using information and communication (digital) technologies in the educational process); created conditions for the use of electronic class journal, etc.

Ukraine has responded quickly and adequately to the new challenges in terms of creating a new educational e-content. During the long quarantine period digital lessons and online resources for distance learning became available on the Internet.

The Ministry of Education and Science of Ukraine has taken into account the lack of home computers with Internet access for some students, especially in low-income families and from rural areas. It was decided to introduce broadcasting lessons for all classes using the capabilities of television. In particular, starting from March 2020, a number of TV channels broadcasted main lessons - Ukrainian language and literature, biology, mathematics, history. In addition, the Ministry of Education and Science of Ukraine cooperated with the leading online educational platforms which gave access to their educational content for the general educational community and students.

In December, 2020 the Ministry of Education and Science of Ukraine jointly with the Ministry of Digital Transformation of Ukraine launched a platform for distance and blended learning “All-Ukrainian Online School” to ensure equal access to quality school education. It is a web platform for distance and blended learning for students and methodical support for teachers.

The main goal of the All-Ukrainian Online School is to provide students and teachers with equal and free access to quality educational materials and the opportunity to receive assistance in organizing distance learning.

Currently the platform contains up to 2000 video lessons, tests and materials for individual work on 18 core subjects for students in grades 5-11: Ukrainian literature, Ukrainian language, biology, biology and ecology, geography, world history, history of Ukraine, mathematics, algebra, algebra and beginnings of analysis, geometry, art, basics of law, science, physics, chemistry, English and foreign literature.

Students can use the platform both for distance learning and for additional acquaintance with a topic that, for example, was missed due to illness or other reasons. Also there are recommendations for organizing blended and distance learning for teachers.

All educational materials correspond to the current state educational programs.

Also the platform has an "E-Cabinet" for teachers which allows them to create separate virtual classes for students, track their progress and provide feedback using quality educational materials and tools.

Schoolchildren can use a mobile app - a tool for convenient learning with using mobile devices. It provides access to all courses and materials on the platform. Students can also participate in discussions and communicate with their classmates.

Providing schools with computer equipment was another priority task. According to statistics, in general secondary education institutions from the beginning of 2020/2021 to the beginning of 2021/2022 school year the number of portable personal computers (laptops, netbooks) increased by 30,556 units, the number of servers - by 1,315 units, the number of printers - by 13,860 units (including 3D printers by 270 units), the number of classes with interactive surfaces - by 8,083 classes, the number of classes with visualization tools (without interactive) - by 13,377 classes. According to the official data of the Ministry of Education and Science of Ukraine as of September 2021 99,19% of general secondary institutions were connected to the Internet, including 19,1% with speed of 100 Mbps and more, 21,76% - with speed of less than 30 Mbps. The number of establishments with Internet connection using FTTx, PON, ETTN technologies with fibre-optic cable increased by 4,569.

62,674 more laptops have been purchased under the state program “Laptop for every teacher” in November-December 2021.

In general secondary education there are:

8,84 students per 1 learning device (with the corresponding figure in urban areas being 10,04 and in countryside - 6,77);

47,8% of general secondary education institutions (6,792 out of 13,991) have distance learning platforms, LMS, others have the opportunity to use the state free platform All-Ukrainian online school or commercial free / paid alternatives.

Aiming to facilitate administrative work for teachers and school leaders a free e-journal module was launched in “AIKOM” - a state-owned information management system of educational statistics and analytics, covering preschool, general secondary education.

Currently there are many private developers in Ukraine who have already presented e-journals and LMS, as well as general secondary education institutions that have successfully implemented and used them on a paid basis. However, there are a significant number of institutions, the founders of which can not afford to purchase appropriate software solutions.

Due to the need to create a free state electronic journal, which was also exacerbated by the challenges posed by the COVID-19 pandemic, it was decided to develop an appropriate module of electronic journals in the planned modernization of AIKOM.

This service is not mandatory, the decision to use it is made by each educational institution on a voluntary basis.

In the sector of vocational education and training technologies of distance and blended learning are widely used since 2020 because of COVID-19 pandemic. VET institutions use GSuite for Education, Zoom, Teams, Moodle and other platforms to deliver online classes. Teachers were trained in digital skills training courses.

Together with partners (EU4Skills) a manual on distance and blended learning in VET education was developed.

Also, the project «EU4Skills: the best skills for modern Ukraine» together with the Ministry of Education and Science of Ukraine organized courses to increase the digital competencies of teachers and management staff of VET institutions.

From July to October 2021, 2000 participants from VET sector had the opportunity to take one of two online courses for free for the management staff of VET institutions as well as for teachers (lecturers, masters) of VET institutions.

In October 2021, 107 representatives of VET institutions began training on the organization of safe online learning. During the course, they developed practical case studies with tips for teachers, students, and their parents on protecting personal data and combating the dangers of digital education. The training was held within the course «Safe digital education for vocational education». During the four classes, participants learned about the concept of digital education, advantages and disadvantages, online etiquette of communication on the Internet, harmful content and risky behaviour: methods of prevention and the correct reaction of teachers.

The course was also organized by the experts from the EU Program «EU4Skills: Best Skills for Modern Ukraine» and the Ministry of Education and Science of Ukraine.

Aiming to define which area of digitalization should be prioritized and developed in the

educational institution a piloting of SELFIE tool was launched in 2021 in Ukraine involving VET institutions as well.

In order to support adoption of digital technologies in the *professional pre-higher and higher education* sectors a manual with recommendations for the implementation of blended learning in professional pre-higher and higher education institutions was issued in 2020.

A free online course «Google Digital Tools for Higher and Professional Pre-Higher Education Institutions» was launched, organized by the Ministry of Education and Science of Ukraine with the support of Google Ukraine involving 6,155 participants. Particular attention within the course was paid to the organization of distance learning: how to prepare tasks in virtual rooms, collect students' works, engage in secure video meetings, organize the automatic import of grades, generate different types of reports, and use various devices for the secure educational process online, etc.

Few initiatives were launched in 2021 on cooperation of IT enterprises and HEIs, namely:

In December 2021 a large-scale collaboration between IT business and education was launched - it was planned that in 2022 more than 50 Ukrainian universities will introduce a training course «Creation and development of IT products» - an educational program on IT entrepreneurship for students of public higher education institutions. The project partners are the Ministry of Education and Science of Ukraine and the Ministry of Digital Transformation of Ukraine;

«Educational Grants» competition for university teachers took place in 2021, for the first time (organized by Ukrainian IT company Softserve). The program provides for financial support in the amount of \$ 2000 to each of the five winners to develop a new or upgrade an existing technical course taught in Applied Mathematics, Software engineering, Computer Science, Information systems and technologies, Computer Engineering, Cybersecurity, Applied Linguistics. 5 winners were chosen from 84 applications for courses in big data, econometrics, design, IT project management, machine learning, application design thinking;

The Roadmap of the IT Education Reform was presented (December 2021) developed by the Ministry of Education and Science of Ukraine together with the Ministry of Digital Transformation of Ukraine and covering 15 initiatives in the general secondary, vocational, professional pre-higher, higher and non-formal education. The beginning of the initiative implementation was planned to be from the first quarter of 2022 to 2023. At the conference were also presented effective initiatives in the perspective of 10 years.

A World Bank investment project “Ukraine: Improving Higher Education for Results Project” was launched in 2021 (amounted USD 200 million). The project includes investments in digital infrastructure of universities for remote and blended learning, as well as funding of digital decisions for examinations, management and evidence-based policy making.

Development digitalisation in Ukrainian higher education, implementation of distance/blended learning system, blended approach to education and mobilities, e-tools and e-platforms have become an essential part of the CBHE projects activities under the EU Erasmus+ Programme during 2014-2021 and turned into the significant helping hands to the Ukrainian HEIs to meet COVID-19 pandemic challenges as well as war circumstances.

106 HEIs (38 %) with experience in CBHE projects make active use of the projects' outcomes on e-tools and e-resources, utilise modern equipment and software (incl. virtual laboratories) purchased with support of the European Union. It all helped them to cope with COVID-19 challenges

and to face and handle unexpected challenges of war more smoothly and successfully.

#### **15. Provision of accommodation for students/trainees not living at home: what facilities do exist?**

According to the Law “On Education” (article 56) education seekers are provided with state guarantees, including provision of accommodation. This includes provision with dormitories for the following categories: school students obtaining general secondary education students in educational institutions outside the place of residence, VET students, professional pre-higher education students, higher education students.

According to point 27 of resolution of the Cabinet of Ministers of December 30, 2015 No. 1187 “On Approval of Licensing Regulations to Conduct Educational Activities” those students of VET, professional pre-higher and higher education, who need a dormitory, should be provided with it (except for industrial training).

According to Ukrainian legislation in the field of education, in order to ensure access to education in **general secondary education institutions** (lyceums, special educational institutions and specialized education institutions) there may be a boarding house - an internal structural unit that provides accommodation and maintenance of students in accordance with law.

Conditions and rules of residence and maintenance of students in boarding schools of lyceums, special institutions of general secondary education (training and rehabilitation centres and special schools), boarding houses (dormitories) of institutions of specialized education (scientific, art, sports lyceums, military, naval, military sports lyceums and lyceums with enhanced military and physical training), to which they are enrolled, are defined in the Procedure for living and keeping students in boarding schools, approved by the Cabinet of Ministers of Ukraine from November 3, 2021 No. 1131 (hereinafter - the Procedure). This Procedure defines the conditions under which students are accommodated in boarding houses.

Meals for students living in the boarding house (except for students of specialized sports education institutions with specific training conditions (sports lyceums) and specialized military education institutions (naval, military, sports lyceums and lyceums with enhanced military and physical training) are provided accordingly to the norms of nutrition and the Procedure for the organization of nutrition in educational institutions and children's health and recreation facilities, approved by the resolution of the Cabinet of Ministers of Ukraine of March 24, 2021 No. 305.

Orphans and children deprived of parental care (except those who are under guardianship / custody or who are placed in foster care, other institutions and establishments), as well as those enrolled in military boarding houses -marine, military-sports) lyceums, lyceums with enhanced military-physical training), persons from among them, as well as students who lost their parents during the period of study between the ages of 18 and 23, living in a boarding house are on full state support in accordance with the resolution of the Cabinet of Ministers of Ukraine of April 5, 1994 No. 226 "On improving the education, training, social protection and material security of orphans and

children deprived of parental care".

Students are kept in the boarding house at the expense of the founder of the relevant educational institution and other sources not prohibited by law.

According to official statistics, in the 2021/2022 academic year, there are 505 general secondary education institutions in the education system, which include a boarding house (boarding school).

**Vocational education and training.** According to Article 37 of the Law of Ukraine "On Vocational Education and Training", students of VET institutions have the right to free use of educational, cultural, sports, household, health facilities of the VET institution.

Free dormitories are provided for non-resident students for the period of study. The dormitory provides for the necessary conditions for living, independent work, recreation, living, physical culture, educational work, including accommodation and training of persons with disabilities in accordance with the UN Convention on the Rights of Persons with Disabilities.

The mechanism for providing living space in dormitories of VET institutions, settlement on the provided living space, its use and eviction from dormitories is established by the Procedure for providing dormitories for persons studying in VET institutions, approved by the Cabinet of Ministers Of Ukraine dated April 17, 2019 No. 331.

The total number of dormitories in VET institutions is 680. The room capacity of dormitories is about 154.8 thousand places, of which 88.5 thousand places are actually used. All non-resident students who need housing are provided with places in the dormitory. Most dormitories are equipped with a kitchen, showers, a separate study room. There are refrigerators, washing machines etc. The condition of dormitory buildings differs from each other. Many of them need renovation.

**Professional pre-higher and higher education.** According to article 54 of the Law of Ukraine "On Professional Pre-higher Education" students have the right to be provided with a dormitory for the period of study. Also according to article 9 of this Law students of specialized art, sports, military pre-higher education schools of state ownership are provided with free places in dormitories (boarding schools), food and other support in accordance with the law.

According to article 62 of the Law of Ukraine "On Higher Education" students have the right to be provided with a dormitory for the period of study.

The use of dormitories in higher and professional pre-higher education is regulated by the order of the Ministry of Education and Science of Ukraine of November 21, 2019 No. 1452 "On approval of the Regulations on the use of dormitories of professional pre-higher and higher education institutions".

Network of dormitories represent facilities of mixed quality, many of which need renovation. As of 2020, on the balance of higher education institutions under the Ministry of Education and Science Ukraine, there were at least 1246 dormitories with a total area of 5248.1 sq.m. Up to 50% of students need a place in a dormitory. In large university centres, the need for dormitories for higher education students is the largest. Many students do not get the opportunity to settle in a dormitory and are forced to rent private housing at high prices. It was planned to initiate a "State special-purpose social program of restoration and development of a network of dormitories for accommodation of higher education institutions for 2022-2026".

The concept of the program was approved (order of the Cabinet of Ministers of Ukraine No

992-r of August 26, 2021). According to the draft program it was planned to renovate 1249 dormitories (various subordination) and build 127 new dormitories during 2022-2026. Due to Russian aggression against Ukraine these numbers should be updated.

**16. What are the facilities and provisions, at all levels and sectors of education, for persons with special needs; both in terms of physical facilities and teaching/learning methods.**

Ukraine is committed to create conditions for inclusive learning at all levels of education. Development of inclusive education in Ukraine creates an opportunity for children with special educational needs to gain equal access to quality education with their peers.

Educational institutions at all levels of education system of Ukraine implement systemic policies in providing for favourable conditions of learning for students with special needs both in terms of facilities, teaching approaches and learning tools.

For instance, in terms of physical facilities according to Licensing Regulations to Conduct Educational Activities (approved by the resolution of the Cabinet of Ministers of December of 30, 2015 No. 1187) the licensee must ensure the availability of educational facilities for persons with disabilities and other low-mobility groups, including unimpeded access to the building, classrooms and other infrastructure in accordance with state building codes, regulations and standards (except for buildings, whose planning scheme is not designed to implement inclusive measures), which must be documented by a specialist in technical inspection of buildings and structures, who has a qualification certificate, or the relevant institution authorized to conduct these surveys.

In 2017, with the adoption of the new Law of Ukraine "On Education" (Articles 19, 20), a legislative basis was created for the further development and implementation of inclusive education. The law defined the term "person with special educational needs" - a person who needs additional permanent or temporary support in the educational process, defined the terms "inclusive education", "inclusive educational environment", "individual educational trajectory", "individual development program", "creation of a safe educational environment", "universal design in the field of education", etc.

This Law of Ukraine stipulates that every child may receive education in the nearest preschool or general secondary education institution, the right to choose the institution belongs to the parents. In the case of a person with special educational needs (SEN) or his / her parents (other legal representatives), the educational institution forms an inclusive class and / or group on a mandatory basis.

According to the Law of Ukraine "On Education" (article 19) state authorities and bodies of local self-government create conditions to ensure rights and opportunities for persons with SEN to gain education at all its levels based on their individual needs, capabilities and interests.

The state ensures training of professionals for work with persons with SEN at all levels of education.

All types and forms of education are used for education, vocational training or retraining of persons with special educational needs, taking into account their needs and individual capabilities.

State authorities, local self-government bodies and educational institutions create conditions for persons with SEN to get education on an equal basis with others by means of adequate financial,



staffing, logistical and universal design and / or reasonable accommodation, taking into account individual needs and capabilities of such persons identified in the individual development program.

The law guarantees the right to parents to choose the form of learning for children with SEN in the nearest educational institution.

Education, training and development of persons with SEN at preschool, out-of-school and secondary education institutions are funded from the state and local budgets, other legal sources, including taking into account the needs of the child identified in the individual development program.

Enrolment of persons with SEN to special education institutions, transfer from one type of institution to another type and their expulsion are performed according to the procedure established by the Ministry of Education and Science of Ukraine.

If needed, educational institutions create inclusive and/or special groups and classes for education of persons with SEN. In case of application of the person with SEN or their parents, establishment of such a group and class is mandatory.

A special class and / or group is established by the head of the educational institution in agreement with the founder of this educational institution or the relevant authorized body.

Educational institutions create conditions for learning of persons with SEN in accordance with the individual development program and taking into account their individual needs and capabilities.

Educational institution organizes and/or provides persons with SEN with psychological, pedagogical and correctional services, as well as additional learning tools.

In order to provide a comprehensive psychological and pedagogical assessment of children's development, psychological and pedagogical and correctional services, as well as psychological and pedagogical support for children with special educational needs, local governments establish inclusive resource centres.

Buildings, facilities and premises of educational institutions and inclusive resource centres must meet accessibility requirements in accordance with state construction norms and standards. Design, construction and reconstruction of buildings, facilities, premises of educational institutions and inclusive resource centres must consider the principles of universal design and / or reasonable accommodation. However, significant investments are needed to ensure physical accessibility of all educational premises.

In 2018, Ukraine launched a large-scale reform of the system of assessment of SEN, which provided for the creation of a territorially accessible, unified network of **inclusive resource centres** throughout Ukraine providing their services for children with SEN aged 2 to 18.

Inclusive resource centres are created by local governments at the rate of one centre per 12,000 children in the city or 7,000 children in the countryside. As of February 2022, there were 667 inclusive resource centres in Ukraine.

To ensure quality education for people with SEN, inclusive resource centres aim to identify SEN of children and adults, provide them with qualified psychological and pedagogical support in educational institutions in accordance with the Regulations on Inclusive Resource Centre approved by the Cabinet of Ministers of July 12, 2017 No. 545. This document approves the following categories (types) of SEN (difficulties) that may arise in students during their studies:

functional (sensory, motor, speech) difficulties may be to limit the vital activity of various degrees of auditory, visual, musculoskeletal (muscular), speech functions (related to the reproduction of the sound-component structure of speech; speech intelligibility; tempo and rhythm; melodic-intonational pattern; characteristics of the voice; distinguishing the sounds of speech by ear; the use of vocabulary and grammar; reading, writing, communication);

learning difficulties may consist in the limitation or originality of the course of arbitrary activities of various degrees of manifestation (written activity, mathematical operations, etc.);

socio-adaptive / (personal, environmental difficulties); socio-cultural (in particular, interaction with representatives of individual cultures, obtaining information through sign language, etc.) difficulties - may be the presence of barriers to skills: adaptation to social conditions; organization of an adequate system of relations with social objects; manifestation of role plasticity of behaviour; integration into social groups, assimilation of stable social conditions, adoption of norms and values of the new social environment, forms of social interaction.

Specialists of inclusive resource centres at the request of parents or other legal representatives of the child or adult conduct a comprehensive psychological and pedagogical assessment of personal development. As a result of such assessment, a conclusion is drawn about a comprehensive psychological and pedagogical assessment of a person's development, which is the basis for providing the student with appropriate support.

Inclusive resource centres provide a comprehensive psychological and pedagogical assessment of child's development, psychological, pedagogical and correctional services, systemic and qualified support for children with SEN.

Acquisition of **preschool education** by children with SEN is regulated by the Law of Ukraine "On Preschool Education".

The state provides accessible and free preschool education in state and municipal preschool institutions for children with SEN, taking into account the characteristics of their intellectual, social and physical development. The form of education is most convenient and effective.

Children, including children with SEN, may receive preschool education at the request of their parents or caregivers:

- in preschool institutions, regardless of subordination, types and forms of ownership;

- in structural subdivisions of legal entities of private and public law, including educational institutions;

- in the family - according to the preschool home-schooling;

- with the help of individuals who have pedagogical education and / or professional qualifications as an educator, including those who carry out independent professional activity;

- with the help of entrepreneurs, whose main activity is educational activities.

Following the recommendations of the Inclusive Resource Centre and a written application from parents or caregivers, the preschool education institutions provide access to the educational process of a child assistant with special educational needs (Article 11 of the Law).

To meet educational and social needs, to organize correctional and developmental work in preschool education institutions, inclusive and / or special groups must be formed on the basis of a

written request from parents or caregivers of a child with SEN.

The realization of children's right to preschool education takes into account the special educational needs of each child, including children with SEN in accordance with the principles of inclusive education in all types of preschool education institutions.

Persons with disabilities can receive preschool education in inclusive and special groups of preschool education institutions and also in special preschool education institutions.

Persons with SEN and persons with disabilities can receive a complete general secondary education:

- in inclusive groups (classes);
- in special groups (classes) of educational institutions;
- in special educational institutions;
- on the individual form of education in the form of pedagogical patronage;
- in educational centres at hospitals.

Inclusive learning in the preschool education sector is also regulated by the Procedure of organization of inclusive learning in preschool education institutions (approved by the Resolution of the Cabinet of Ministers of Ukraine of April, 10, 2019, No. 530).

The number of preschool children with SEN enrolled in inclusive learning has grown by 44% (from 6,853 children in 2020 to 10,383 in 2021). In 2020, there were 2,957 inclusive groups in 2,125 preschool institutions.

Inclusive learning in **general secondary education** is regulated by the Procedure of organization of inclusive learning in general secondary education institutions (approved by the Resolution of the Cabinet of Ministers of Ukraine of September, 15, 2021, No. 957).

The coverage of children with SEN with quality school education continues growing. The number of children with SEN enrolled in inclusive education in regular schools has increased to 33,000 in 2021. As of 2021, 18,681 inclusive classes operate in 6,394 regular schools with 17,215 assistants of teacher involved.

When enrolling to general secondary education institutions children with SEN who reside in the school catchment area of the municipal education institution have the right to priority enrolment.

Equal access to complete general secondary education for children with SEN should take into account:

- compliance with the requirements of the legislation on the accessibility of education institutions for persons with SEN;

- teaching courses (integrated courses) in ways that are most appropriate for persons of appropriate age, including by adapting / modifying the content of courses (integrated courses) for persons with SEN;

- the use of educational means and teaching methods that take into account the SEN of pupils and contribute to the successful learning of the content of the education and development of the child;

- education of children who are blind, deaf or blind and deaf, through the languages, methods

and tools of communication most appropriate for such children, which maximize knowledge acquisition and social development, in particular through the use of the Ukrainian sign language in the educational process and / or Braille;

adherence to the principles of universal design and/or reasonable accommodation in accordance with the best interests of the child.

Duration of complete general secondary education for children with SEN studying in inclusive classes can be increased for one year at primary education level and/or for one year at basic secondary education level according to the individual educational programme.

Depending on the degree of manifestation (single minor difficulties, mild degree of manifestation, moderate degree of manifestation, severe degree of manifestation, most severe degree of manifestation) of the category (types) of educational difficulties, support is provided depending on the degree of manifestation from mild to severe. Depending on the degree of difficulty, the applicant receives support from support levels from the first to the fifth. A team of psychological and pedagogical support is created for a person with SEN in an educational institution, which must include specialists from the inclusive resource centre who conducted the assessment. The team develops an Individual Personal Development Program and an individual curriculum. The individual development program is reviewed in the educational institution at least twice a school year (more often if necessary).

Depending on the defined level of support, persons with SEN receive assistance from a teacher's assistant, adaptation / modification of curricula, provision of additional psychological and pedagogical, correctional and developmental classes (services), provision of teaching aids, child support inclusive education), etc.

According to the Budget Code of Ukraine (article 103-3) a subvention from the state budget to local budgets to provide support to persons with SEN has been introduced. Resolution of the Cabinet of Ministers of Ukraine of February 14, 2017 No. 88 approved the Procedure and conditions for its provision. The amount of the subvention was: in 2017 - UAH 209.46 million; in 2018-2022 - UAH 504.4 million.

In order to improve the accessibility of educational content for a wide range of users, including children with SEN, the All-Ukrainian online school - a nation-wide platform for distance and blended learning provides for text and audio description for each video lesson. Training for lesson planners and expert support on inclusion are also placed at e-platform.

Ukraine provides opportunities to organize learning at healthcare institutions. A person (child) who is undergoing inpatient treatment and / or who is provided with rehabilitation care in a healthcare institution can get complete general secondary education provided by the specially authorized state institution, general secondary education institutions, and their branches, defined by the founders of healthcare institutions or other educational institutions (their branches), in particular at the territory of the healthcare institution (by choice of the parents of the child or the child himself/ herself if reached the age of majority).

Possible modalities of learning include: creating of additional classes, determining the form of education, approving individual training plan or defining another more favourable ways of learning with opportunity to use facilities, equipment and other material and technical base of a healthcare institution.

Ukraine creates conditions for **vocational education and training** of persons with SEN taking into account their individual needs, capabilities, abilities, and interests, as well as ensures the identification and elimination of factors hindering the realization of rights and needs of such persons in education. Persons with disabilities have a priority right to enrol in a VET institution.

In order to realize the right of persons with SEN to receive quality vocational education, retraining and advanced training taking into account their needs and capabilities, the Cabinet of Ministers of Ukraine approved the Procedure for inclusive education in vocational education institutions (10.07.2019 No. 636). The procedure defines the organizational principles of inclusive education in VET institutions, regardless of the form of ownership and subordination. Currently, 4,000 students with disabilities study in VET institutions.

Persons with SEN have the right to re-obtain other qualifications, occupations (groups of occupations), and specialties at the same level of VET free of charge and on the terms of competition for state (regional) order in state and municipal VET institutions. That work also for the learners of the VET institutions with specific learning conditions, if they have lost the opportunity to perform their work according to the previously obtained qualification due to health reasons according to the conclusion of the medical-social expert commission.

VET institutions can create inclusive groups for the training of people with SEN. Admission of such persons is provided out of competition. Persons with SEN who need transportation to the educational institution are provided with such transportation at the expense of local budgets, including appropriate transport for the visually impaired, hearing impaired, musculoskeletal, and other low mobility groups of people.

In the vocational training of persons with disabilities and persons with SEN, along with traditional forms, the use of alternative forms of education is allowed.

The organization of the educational process of students with SEN in VET institutions provides for:

- creating an inclusive educational environment and providing psychological and pedagogical support to students with SEN;

- bringing the territory of the VET institutions, buildings, structures and premises in accordance with the requirements of state construction norms, standards and rules.

- If the existing buildings, structures and premises of VET institutions cannot be fully adapted to the needs of persons with disabilities, their reasonable adaptation is carried out taking into account the universal design;

- providing students with SEN with the necessary special means of correction of psychophysical development in accordance with the standard list approved by the Ministry of Education and Science of Ukraine;

- differentiated approach to the development of educational programs, assessment and quality control of knowledge of students with SEN;

- application in the educational process of the most acceptable for students with SEN methods and ways of communication, including Ukrainian sign language and relief-dot font (Braille), with the involvement of relevant specialists and teachers;

- ensuring the availability of information in various formats (Braille, enlarged font, electronic

format, etc.).

Admission procedures. Students with SEN after graduation from general secondary education institutions can continue their education in VET, professional pre-higher and higher education institutions.

The conditions for admission of persons with disabilities to these institutions are updated annually and provide for admission to institutions on the basis of External independent assessment (EIA) or through entrance examinations in the form of an interview.

People with disabilities are mostly enrolled to universities of common basis but according to their application, special conditions must be created for the external independent assessment of persons with disabilities, namely:

a sign language interpreter presence in the auditorium where EIA takes place;

provision of additional time (up to 30 minutes) for EIA work;

carrying out EIA work at a table suitable for writing in a wheelchair;

provision of EIA work with tasks adapted for people with profound visual impairments, printed in relief-dot font for writing and reading blind (Braille), etc.

The list of special (special) conditions created for persons with SEN in external independent assessment points was approved by a joint order of the Ministry of Education and Science of Ukraine and the Ministry of Health of Ukraine on August 29, 2016, No. 1027/900, registered by the Ministry of Justice of Ukraine on December 27, 2016, No. 1708/29838. If special conditions for the EIA cannot be created, these people can take an internal entrance exam at the university, where appropriate conditions must be created for them.

Orphans, children deprived of parental care, people with some diseases have the right to participate in the competition within the established quotas, based on the results of internal entrance exams at the university.

Inclusive learning in the professional pre-higher education sector is regulated by the Procedure of organization of inclusive learning in the professional pre-higher education institutions (approved by the Resolution of the Cabinet of Ministers of Ukraine of December, 15, 2021, No. 1321). Inclusive learning in the higher education sector is regulated by the Procedure of organization of inclusive learning in higher education institutions (approved by the Resolution of the Cabinet of Ministers of Ukraine of July, 10, 2019, No. 635).

According to the Law of Ukraine “On Higher Education” license requirements for conducting educational activities in higher education institutions include the requirement to create appropriate conditions for individuals with SEN, physical facilities in particular. NAQA’s Guidelines on accreditation procedure provides statements on relevant conditions for students with SEN. Additionally, CBHE projects under the EU Erasmus+ Programme support development teaching and learning methods for such category of students, in particular MILETUS project with participation of the Ministry of Education and Science of Ukraine provided mobility capacity building for physically limited and otherwise deprived students with special educational needs.

In the study of 2020 NAQA attempted to identify the extent to which Ukrainian universities have been involved in adapting their facilities to the education of people with special needs. The analysis showed that 85.2% of higher educational institutions implement the relevant measures to

varying degrees and at different rates. However, only 7.7% of HEI declared their infrastructure fully ready to perform this task and almost 15% of HEI did not start this activity (with state-owned institutions dominating among them).

## **Teachers and trainers**

**17. Please describe the requirements for the qualification of teachers, school principals, trainers and leaders of education or training establishments and other staff at all levels and sectors of education and training, including staff in early childhood education and care.**

The Law of Ukraine “On Education” (article 58) defines general requirements for educational and professional qualifications of pedagogical staff at educational institution.

The Law stipulates that persons whose physical and mental condition allows them to carry out pedagogical activities and who have educational and/or professional qualifications that meet the established legislation, in particular the professional standard (if any), qualification requirements for the corresponding positions of pedagogical workers, shall be accepted for the positions of teaching staff. So persons who have received a higher, professional pre-higher or vocational education in the fields of pedagogy (pedagogical education), the corresponding educational institution shall assign the professional qualification of educator.

Persons who have received higher, professional pre-higher or vocational education at educational institutions in different field, this institution may assign a professional qualification of an educator if it is provided for by the relevant educational programme.

Persons who have received higher, professional pre-higher or vocational education in different fields and who have not been awarded the professional qualification of educator, may be appointed to the position of educator for one year.

Persons can continue to work in the relevant positions of teaching staff of the pre-school, out-of-school, professional (vocational), professional pre-tertiary, higher and postgraduate education system after their successful attestation in the manner prescribed by law.

Persons who provide complete general secondary education, the professional qualification of educator can be awarded by the institution of higher or postgraduate education or by a relevant qualification centre after one year of work in the positions of educators providing complete general secondary education, subject to the successful passing of the qualification exam in accordance with the qualification requirements to a teacher or an appropriate professional standard (if any).

The requirements for the qualification of teachers (pre-school and secondary school), school and kindergarten principals, school psychologists as well as trainers (university lecturers) are described in details in the professional standards developed by the Ministry of Education and Science. Professional standards are the instruments for development job descriptions, pre-service and in-service teacher training programs, self-assessment and professional development.

**Early childhood education and care.** The requirements for the qualifications of the heads of preschool institutions are described in the Article 31, item 2 of the Law of Ukraine on Preschool Education (2001) and include the following: Ukrainian citizenship; fluent mastering of Ukrainian language; master degree; pedagogical or pedagogical-academic experience not less than 3 years

(except directors of private schools); organizational skills; physical and psychological level of health, which allows fulfilment of his/her job descriptions; successful results of participation at the competition.

Professional standard of the head of preschool institutions (order of the Ministry of Economy of Ukraine No 620-21 as of 28.09.2021) specifies the conditions of the permit to the profession (item 1.8):

- master degree level in the field specialty “Education/Pedagogy” (for the directors of the state and municipal kindergartens);

- results of medical examinations;

- meeting of the requirements of Article 31, item 2 of the Law of Ukraine on Preschool Education (mentioned above) and the absence of criminal records.

Professional standard of the preschool educator (order of the Ministry of Economics of Ukraine No 755-21 of 19.10.2021) identifies the conditions of the admission to the profession:

- bachelor or master degree in the educational speciality “012/Preschool Education” and/or professional qualification of the preschool teacher;

- bachelor or master degree in the educational field specialty “01 Education/Pedagogy” under the condition of existing qualification of preschool teacher;

- moral qualities (according to the Article 54 of the Law “On Education”);

- results of medical examinations;

- introductory training on labour and health protection.

**General secondary education (primary and secondary school).** The requirements for the qualifications of a head of general secondary education institution are described in the Article 38 of the Law of Ukraine “On Complete General Secondary Education” and include the following: Ukrainian citizenship; fluent mastering of Ukrainian language; master degree; pedagogical or pedagogical-academic experience not less than 3 years (except directors of private schools); organizational skills; physical and psychological level of health, which allows fulfilment of his/her job descriptions; successful results of participation at the competition.

Professional standards of the head of general secondary education institution (order of the Ministry of Economy of Ukraine No 568-21 of 17.09.2021) identifies the conditions of the admission to the profession:

- successful results of the competition for the position of the head of general secondary education institutions (Articles 38, 39 of the Law of Ukraine On Comprehensive Secondary Education);

- results of medical examinations;

- introductory training on labour protection;

- master degree level.

Professional standards of the teachers (order of the Ministry of Economics of Ukraine No 2736 as of 23.12.2020) identifies the conditions of the admission to the profession:

- pedagogical education, higher education and/or professional qualification;



fluent mastering Ukrainian language (for Ukrainian citizens) or mastering Ukrainian language necessary for communication (for foreign citizens);

moral qualities (according to the Article 54 of the Law on Education);

results of medical examinations;

introductory training on labour and health protection.

**Vocational education and training.** According to the Article 45 Law of Ukraine “On Vocational Education and Training” (1998, latest changes from 2022), teachers who work in the VET institutions have to demonstrate relevant professional education and professional-pedagogical training, moral qualities and physical conditions, which allow them to fulfil their pedagogical responsibilities.

The requirements for the qualifications of the teachers of the VET institutions are identified by the qualification characteristics, which are approved by the central executive body providing state policy in a field of labour relationships based on the requirements of the central executive body in a field of education and science.

Qualification characteristics of the head of VET institution are identified in the order of the Ministry of Education and Science of Ukraine of July 17, 2019 No 998 “On approval the order of competition for the position of the director of the state VET institution school” and include the following:

fluent mastering Ukrainian language;

master degree;

moral qualities and physical conditions, which allow them to fulfil the responsibilities of the director of VET institution school;

practical experience at the level of administration of the system of VET or in an economic field no less than 3 years.

**Professional pre-higher education.** According to article 42 of the Law of Ukraine “On professional pre-higher education” the qualification requirements for the position of the head of a professional pre-higher education institution are: fluency in Ukrainian language, master’s (specialist) degree, and a minimum 5 years of academic employment.

Candidate for head of a state or municipal professional pre-higher education institution should be a citizen of Ukraine. Head of a professional pre-higher education institution cannot serve more than two terms.

The professional standard for academic personnel of professional pre-higher education institutions is not yet developed. Qualification requirements for particular job position are determined by educational institution based on classification of this profession in Classifier of occupations (CO). Academic personnel of professional pre-higher education institutions are classified in the group of “Teachers of institutions of professional pre-higher education, vocational education and training and teachers of general secondary education” and as such have similar qualification requirements.

**Higher education.** According to article 42 of the Law of Ukraine “On higher education” the qualification requirements for the position of the head of a higher education institution are: fluency in Ukrainian language, academic title, scientific degree and a minimum of 10 years of academic

employment.

Candidate for the head of a state or municipal higher education institution should be a citizen of Ukraine. Head of a higher education institution cannot serve more than two terms.

The professional standard for academic personnel of higher education institutions (order of the Ministry of Economy of 23.03.2021 No. 610) defines the following qualification requirements:

for positions of assistant, lecturer, senior lecturer - master's degree (specialist) in the specialty (7 level of the National Qualifications Framework - NQF);

for the positions of associate professor, professor - research degree (PhD/candidate of sciences/doctor of sciences/doctor of arts) and/or academic title (associate professor, senior researcher, professor) in the relevant field of knowledge (NQF 8 level).

Additional requirements may be established by the statutory and other documents / regulations of the higher education institution.

**18. Please describe the provision and organisation of initial education and continuous professional development for teachers, trainers and academic staff. To what degree are the programmes ready to train teachers for student-centred teaching and competence-based learning? To what degree do the programmes train teachers for the use of digital technologies in the pedagogical process?**

According to the Law of Ukraine “On Education” (article 58) persons who have received a higher, professional pre-higher or vocational education in pedagogical field (pedagogical education), the educational institution shall assign the professional qualification of educator.

Pedagogical education involves the training of a person, the result of which is the acquisition of expertise in the field (subject, specialisation), pedagogy, psychology, including by means of pedagogical training necessary to ensure the process of learning, upbringing and personal development, including persons with special educational needs, monitoring of pedagogical activity and analysis of pedagogical experience, educational assessments, the use of educational techniques and teaching methods, effective ways of interaction of all participants in the educational process.

Pedagogical education (pre-service/ initial teacher training) is provided by pedagogical higher educational institutions and colleges and also by pedagogical faculties of classical universities. The field of study “Education / Pedagogy” includes 7 subject areas, for which graduates are prepared in educational institutions, including HEIs and colleges. The list of relevant areas include:

- 011 Educational, pedagogical sciences;
- 012 Pre-school education;
- 013 Primary education;
- 014 Secondary education (by subject areas);
- 015 Vocational education (by professions);
- 016 Special education;
- 017 Physical education and sports.

In addition to the main specialty indicated above, the students during pre-service/ initial teacher training can get additional specialization or even additional specialty, i.e. 024 "Choreography", 053 "Psychology", 231 "Social work".

The Ministry of Education and Science of Ukraine has renewed the standards of pre-service teacher training in accordance with professional standards. Educational program at the level of bachelor degree includes 240 credits according to ECTS. 65% of educational program should cover general and professional competencies, identified by the standards, 15 % of the educational program (the minimum) is planned for pedagogical practicum.

The Law of Ukraine “On Complete General Secondary Education” has introduced pedagogical internship - a 1-year mandatory mentoring for newly appointed secondary school teacher provided by experienced teacher.

Initial education for academic staff of higher educational institutions. Future academic staff of higher educational institutions are trained at master and PhD levels of higher education within all spectrum of specialties according to the list of fields of knowledge and specialties in which higher education students are trained, approved by the resolution of the Cabinet of Ministers of Ukraine of April 29, 2015 No. 266. Teaching competences are foreseen by relevant standards of higher education. Educational programs of education of academic staff base on the standard of higher education and professional standard of academic staff.

In-service teacher training. The procedure for professional development of academic staff (pedagogical and scientific-pedagogical workers) was approved by the resolution of the Cabinet of Ministers of Ukraine of August 21, 2019 No. 800 "Some issues of professional development of pedagogical and scientific-pedagogical workers".

According to legislation teachers and academic staff should be involved in professional development. The required number of hours for professional development is the following:

- not less than 150 hours during 5 years for secondary school teachers (annual training is mandatory);
- not less than 120 hours during 5 years for preschool, extracurricular institutions and professional pre-higher education teachers;
- not less than 150 hours for VET teachers;
- not less than 6 ECTS credits (180 hours) during 5 years for higher and postgraduate education institution teachers

The Law on Education (2017) introduced academic freedom for pedagogical staff, deregulating the model for teachers professional development. Teachers can choose institutions where to take course for professional development, as well as training courses and programmes. But practically this model is being implemented only from year 2020. Educators have a right to choose the providers of professional development, who develop their training programs with consideration of professional standards.

The possible forms of in-service training include institutional (in educational institutions), dual (both in educational institutions and at production site), at production site, at the workplace.

The main areas of teacher professional development programs are as follows:

- professional competences development (knowledge of subject, teaching techniques);
- forming skills for students key competences;
- students' age-specific psychological and physiological characteristics, basics of andragogy;
- creating safe and inclusive educational environment, inclusive learning, support in education for children with special educational needs;
- use of ICT and digital technologies in education;
- speech, digital, communicative, inclusive, emotional and ethical competences;
- professional competences, mastering new production technologies and equipment (for VET teachers);
- managerial skills (for educational institution leaders and their deputies).

As according to the current model of in-service teacher training the market of teacher training services is deregulated, requirements to in-service teacher training providers and training programs have been set.

In-service teacher training services can be provided by educational institutions or their units, scientific institutions, legal entities or individuals providing educational services of teacher professional development. A provider should develop a training program and make it public on its website, including information on its developer, training program (course) title, purpose of training, duration (in hours or ECTS credits), contents, list of competences to be developed during the training, form of training.

The training certificate should include: name of provider, training program (course) title, duration (in hours or ECTS credits), name of participant, description of learning outcomes, number and date of issue, name and signature of provider's authorised person. A provider should make public the list of certificates on its website within 15 days they are issued.

The recognition procedure of in-service teacher training results implies different procedures provides different types of procedures depending on the provider. If a provider is already licensed to provide training services - no recognition needed, if a provider has no license - training results should be recognised (approved) by the pedagogical (scientific) council of educational institution, where teacher works.

In practice there are still some obstacles to the full-scale implementation of the model "money follows teacher", as in 2020 funds channelled to teacher training were sequestered to the special fund to tackle COVID-19 issues, in 2021 the main obstacles to broad implementation of the decentralised in-service teacher training model were the limited financial autonomy of general secondary institutions and low capacity of schools to conduct procurements of teacher training services.

Currently a competence-based and student-centred approaches in teaching and learning are stipulated by the Law of Ukraine "On Education" as well as special laws and bylaws. Both are actively implemented in education reforms ongoing at all levels of education - from preschool to higher education. Student-centred teaching and competence-based learning are included in the professional standards, but because of the autonomy of teacher training providers, each of them has a right to select teaching methods and assessment tools to measure the extent. However, according to the Training Assessment Project: Ukraine, conducted by the World Bank under the Systems Approach for Better

Education Results (SABER) in 2021 almost all institutions have made changes to their programs or course curricula to reflect education reforms, and about two-thirds of them adjusted all their programs or at least half of them.

During 2016-2021, a number of Erasmus+ CBHE projects was aimed at development and improvement of initial teacher education and continuous professional development for teachers, trainers and academic staff in cooperation with the Ministry of Education and Science of Ukraine.

Among them ITE-VET project focused on improving the structures and quality of the VET teachers training system; MOPED project provided modernization of pedagogical higher education by innovative teaching instruments, including digital technologies; dComFra project developed digital competence framework for Ukrainian teachers and other citizens; PAGOSTE project proposed new mechanisms of partnership-based governance and standardization of VET teacher education in Ukraine; MultiEd project supported foreign language teacher training capacity development; UTTERLY project developed innovative approach to promotion teaching excellence via University teachers' certification centres including training on student-centred teaching and competence-based learning.

Requirements for information and digital competence are integral part of both professional and education standards for teachers, as well as professional development programs.

The teachers' professional standards provide requirements for information and digital competence including: ability to navigate in the information space, search and critically evaluate information, operate it in professional activities; ability to use open resources, information and communication and digital technologies in the educational process; ability to develop students' positive attitude to information and communication and digital technologies and their responsible use.

The professional standard of the head (director) of general secondary education (approved in 2021) also provides requirements for information and digital competence decomposed into the following components:

ability to navigate in the information space, search and critically evaluate information, operate it in management;

ability to effectively use existing and (if necessary) create new electronic (digital) management resources;

ability to manage the processes of creating an effective safe electronic (digital) educational environment of the institution and providing conditions for its effective use.

The Typical in-service teacher training program for digital competence development was approved (order of the Ministry of Education and Science of Ukraine of December 10, 2021, No. 1340. The program implies 150 academic hours of training. It aims at raising the level of teachers' digital competence as well as their preparation for further work in the digital European environment. The modules of the program are as follows:

- Education in the digital world;
- Ongoing professional development;
- Digital educational resources;
- Learning and assessment;

- Development of digital competence.

Training providers can develop their programs based on this framework program by using all or some of the modules mentioned above.

The issue of developing digital skills of teachers became especially relevant during the Covid-19 pandemic. Ukraine jointly with the involved development partners responded to the problem in a timely and high-quality manner.

During 2020-2021, a large number of trainings and courses on various topics were organized for more than 45,000 educators. The following topics were covered by educators during these trainings: effective Google for Education solutions for cloud interaction; digital education for teachers: Microsoft's tools for distance learning; digital skills for teachers; general principles and tools of distance learning; methods of distance learning of general secondary education students of different ages; organization of safe online learning; etc.

Also the Ministry of Digital Transformation of Ukraine jointly with the Ministry of Education and Science of Ukraine launched the National Tests for Digital Literacy for teachers to measure the level of knowledge and skills in a real-time format - Digigram. The Digigram for teachers is designed to identify gaps in teachers' digital skills, in line with the digital competences framework for teachers. So far, more than 150,000 teachers have passed it.

The framework of digital competencies for pedagogical and scientific-pedagogical workers was developed in 2021 covering the following 5 areas of digital competencies for teachers and 22 competencies:

1. Digital literacy.
  - 1.1. Computer literacy.
  - 1.2. Information and media literacy.
  - 1.3. Security in the digital environment.
2. Professional involvement.
  - 2.1. Professional communication in digital environment, network etiquette.
  - 2.2. Professional interaction and cooperation in the digital environment.
  - 2.3. Reflection and assessment of the level of own digital competence.
  - 2.4. Professional development in the digital environment.
  - 2.5. Research activities. Academic integrity.
3. Digital educational resources.
  - 3.1. Search and selection of digital educational resources.
  - 3.2. Creation of digital resources, their modification and adaptation.
  - 3.3. Management of digital resources for storage, organization and distribution.
  - 3.4. Protection of digital educational resources. Open licenses and Copyright.
4. Educational activities.
  - 4.1. Use of digital technologies in the process of teaching / learning.

- 4.2. Management of the educational process in the digital environment.
- 4.3. Organisation of active learning in the digital environment.
- 4.4. Digital inclusion and accessibility.
- 4.5. Digital evaluation and analysis of educational achievements of students.
- 5. Promoting the formation and development of information and digital competence of students.
  - 5.1. Formation and development of information and media literacy of pupils / students.
  - 5.2. Formation and development of competence of educators to create digital content.
  - 5.3. Teaching students effective communication, interaction and cooperation in the digital environment.
  - 5.4. Formation of digital culture, digital security and cyber hygiene of students.
  - 5.5. Promoting the competence of solving problems in the digital environment in pupils / students.

**19. Are there any specific provisions for academic careers? What are the requirements for promotion and evaluation of teaching/academic staff?**

Aiming to ensure promotion and evaluation of academic staff academic titles of Senior Researcher, Associate Professor and Professor are used. The procedure of awarding these academic titles is approved by the resolution of the Cabinet of Ministers of Ukraine of August 19, 2015 No. 656, providing for the following requirements: availability of an appropriate scientific degree, a certificate in accordance with the Common European Framework of Reference for Languages (at least B2) or qualification documents related to the use of a foreign language, international experience, scientific publications, a minimum of academic or research employment experience (defined by the Ministry of Education and Science of Ukraine), and experience in training of doctors of philosophy.

Attestation is the main teacher appraisal procedure in Ukraine. It is a mandatory procedure which provides the framework for teachers' careers. Teachers' attestation is the process of complex assessment and it can be regular and extraordinary.

Compliance with the position held, the level of qualification of the pedagogical worker provides for mandatory (regular) attestation once every 5 years, or for certain results of the extraordinary attestation 2 years after the next. The extraordinary attestation takes place upon the teacher's wish when he/she wants to get the higher qualification level.

According to the results of attestation (regular, extraordinary), comprehensive assessment of pedagogical activity, pedagogical workers can increase their career status and, accordingly, material remuneration (salaries, surcharges, allowances, etc.).

Attestation of all categories of pedagogical workers (including all levels of educational administrators, pedagogical workers of preschools, secondary schools, special schools, vocational schools, pedagogical colleges, in-service teacher training institutes, other scientific-methodological entities) is carried out in accordance with the procedure established by the Standard Regulations on Attestation of Pedagogical Workers, approved by the order of the Ministry of Education and Science of October 06, 2010 No. 930. Requirements for qualification categories, pedagogical titles are also

determined by qualification characteristics, professional standards.

Attestation stimulates pedagogical workers to constantly increase the level of professional competence, increase professional skills, develop creative initiative, increase prestige and authority, ensure the effectiveness of the educational process. Extraordinary attestation is carried out at the request of the pedagogical worker in order to increase the qualification category (tariff category) or at the request of the head, pedagogical council of vocational school or the relevant education management body in order to assign the employee a qualification category, pedagogical title or lower his qualification level.

The career movement of a pedagogical worker has the following stages in specific pedagogical positions. Teachers of all specialties, methodologists, social pedagogues, practical psychologists based on the results of (regular/extraordinary) attestation are consistently assigned qualification categories: "specialist", "second category specialist", "first category specialist", "higher category specialist". It is remarkable that teachers' professional standards also describe the continuum of the competences' development according to four levels which correspond with the four qualification categories.

For high achievements and effectiveness in the work a pedagogical worker can be awarded pedagogical titles "senior teacher", "teacher-methodologist".

In the VET sector heads of clubs, masters of industrial training according to the results of attestation for high achievements and efficiency in the work can be awarded pedagogical titles "Master of Industrial Training II category", "Master of Industrial Training I category".

Decisions are made by attestation commissions (mostly created in educational institutions, but also in local educational authorities), including classroom and extracurricular activities observations, in-service teacher training certificate, recommendation from educational institution leader, Student learning outcomes, reviewing relevant documentation.

Based on the results of the attestation, the attestation commissions make the following decisions:

- 1) the pedagogical worker corresponds/does not correspond to the position held;
- 2) the pedagogical worker corresponds/does not correspond to the previously assigned qualification category ("specialist", "specialist of the second category", "specialist of the first category", "specialist of the highest category"), to the established tariff category;
- 3) to assign to the pedagogical worker the qualification category ("specialist", "specialist of the second category", "specialist of the first category", "specialist of the highest category", to establish the corresponding tariff category);
- 4) to assign to the pedagogical worker the pedagogical title ("senior teacher", "teacher-methodologist", "practical psychologist-methodologist", "head of the circle - methodologist", "master of industrial training of II category", "master of industrial training of I category");
- 5) the pedagogical worker corresponds (does not correspond) to the previously assigned pedagogical title;
- 6) the pedagogical worker corresponds to the position held provided that he / she performs the measures determined by the attestation commission.



A prerequisite for the attestation of teachers is the completion of in-service training in various forms of at least 150 hours for 5 years.

Attestation of academic staff in the high educational institutions (HEIs) is conducted based on the statements developed in each of the HEIs, which are recommended by the rector and approved by the Scientific Board.

General secondary education reform, which started in 2017 envisions teachers' attestation will be substituted by the process of teachers' certification, which would be at the different quality level. Initially, the goal of certification was to reveal the teachers who would be capable of sharing their best practices.

Certification is currently a voluntary procedure (can be initiated only by the teacher himself), could be held every 3 years and takes place in parallel with the attestation procedure. Certification includes independent testing, classroom observation by external experts, and teacher self-assessment. Those teachers who are successfully certified are exempted from the next mandatory attestation cycle and are awarded with a monthly 20% wage premium in order to promote the new appraisal procedure. The main difference from attestation is that all procedures involve external assessments so this is expected to remove bias in evaluation.

To ensure the certification process, the State Service of Education Quality has developed a mechanism for implementing the stages of self-assessment of pedagogical skills and the study of practical experience of teachers (classroom observation).

Self-assessment of pedagogical skills is based on the developed electronic form of the self-assessment questionnaire. The self-assessment questionnaire consists of one hundred statements, the content of which corresponds to the labour actions of professional competencies specified in the Professional Standard. As a result of self-assessment, each participant in the certification receives information about the state of formation of his professional competencies in the form of a pie chart.

The study of the practical experience of certification participants is carried out by trained independent experts from among highly professional teachers for two days.

Independent experts study practical experience by assessing 15 professional competencies of teachers according to the developed Methodology. The methodology of expert assessment of professional competencies contains 35 criteria with relevant indicators.

During the expert assessment of professional competencies of certification participants, the following main methods of information collection were defined:

- analysis of the self-presentation of the certification participant, which contains information about the educational environment, personal achievements, partnership with parents;
- observation of training sessions (at least two);
- analysis of the questionnaires of the director of the general secondary education institution, his deputy and the head of the methodological association;
- interview with a certification participant.

Based on the results of studying the practical experience of the certification participant, the expert group fills in the form of the expert opinion.

Based on the results of the analysis of the self-assessment questionnaire and expert assessment

of the professional competencies of the certification participant by studying the practical experience of his work, the expert group provides the certification participant with proposals for improving his professional activity.

At the moment, teachers' certification exists only at the level of primary teachers. The main reasons of it - lack of effective mechanisms to scale it.

## **Curricula**

**20. Which authorities establish the curricula at each level of education and training? What degree of autonomy do educational establishments have in implementing curricula at the level of schools? What level of autonomy do higher education institutions have (including academic freedom, hiring of rectors and other staff)?**

Establishment of the curricula depends on special laws and differs accordingly at every level of education.

At **preschool level** of education according to the Law of Ukraine "On Preschool Education" (Article 22) the Basic Component of Preschool Education (its current version approved by the order of the Ministry of Education and Science of Ukraine of January 12, 2021, No. 33) is a state standard that contains norms and provisions that define state requirements for the level of development and upbringing of a pre-schooler, as well as the conditions under which they can be achieved.

Compliance with the requirements of the Basic Component of Preschool Education is mandatory for all preschool education institutions, regardless of subordination, types, and forms of ownership, other forms of preschool education.

The procedure for achieving the results of learning (acquisition of competencies) provided by the Basic Component of Preschool Education by pre-schoolers is determined by the educational program of the educational institution.

Preschool institutions can use educational programs recommended by the Ministry of Education and Science of Ukraine to form educational programs of the institution.

The Ministry of Education and Science of Ukraine recommended 10 comprehensive programs for the development and education of young and preschool children, more than 20 programs in selected areas, and about 150 manuals for teachers and children.

According to the Law of Ukraine "On Education" (Article 54), pedagogical staff members have the right to academic freedom, free choice of forms, methods, and teaching aids that correspond to the educational program.

In the sphere of **general secondary education**, according to the Law of Ukraine "On Complete General Secondary Education" (Article 11), the educational institution develops and uses in its educational activities one curriculum at each level (cycle) of complete general secondary education or transversal curriculum for several levels of education.

The total learning for pupils of primary, basic secondary, field-specific secondary education, requirements for their competences and compulsory learning outcomes that should be achieved at the appropriate level of complete general secondary education and which were grouped by the relevant

fields of study are defined by the state standards of complete general secondary education.

According to the Law “On Complete General Secondary Education” curriculum is a document that defines the sequence of achievement of learning outcomes of pupils in the course (integrated course), a description of its content and types of pupils' educational activities, indicating the approximate number of hours required for their implementation, and approved by the pedagogical council of the education institution.

The basic curriculum consists of two main elements: state and optional. The state component of the curriculum is determined by the Ministry of Education and Science of Ukraine and obligatory for all secondary educational institutions. The optional component of the curriculum is on the other hand developed by the schools themselves.

Curriculum of an educational institution might be developed on the basis of an appropriate basic curriculum with different stakeholders, scientific institutions, individuals or legal entities and approved by the central executive body for quality assurance of education.

The decision on the use of curriculum by an educational institution, developed on the basis of a basic curriculum, is made by the pedagogical council of the educational institution and approved by its head.

On the basis of the school curriculum developed in school, the pedagogical council draws up, and its head approves the annual curriculum (school plan one or more), which specifies the list of subjects (integrated courses) required for study, elective (optional students) educational components, in particular, subjects, courses, integrated courses, and the number of teaching hours per week (and / or the number of hours per academic year). In addition, the curriculum of the educational institution with all necessary amendments which will be used by the educational institution in the educational process should be approved by the pedagogical council.

Currently, the Ministry of Education and Science of Ukraine has approved a variety of model curricula for subjects and integrated courses, from which every school can choose any to use in the educational process or modify them according to peculiarities (including staffing and logistics) of each educational institution.

General secondary education institutions can independently choose the educational program under which the educational process will be carried out in the educational institution, develop and implement their own educational programs. Developed educational programs not on the basis of standard educational programs are submitted for approval based on the results of the expertise. The State Service for Education Quality of Ukraine is empowered to conduct above-mentioned expertise and approve educational programmes of pre-school and general secondary education in cases if they are not developed on the basis of a typical educational program. As of now the procedure is developed but not approved yet.

Expertise of the educational program is carried out in order to establish compliance of the educational program with the requirements of legislation in the field of education and assess its quality. The procedure is carried out in two stages.

At the first stage, the compliance of the educational program with the requirements of the legislation in the field of education is established. The second stage is the internal and external evaluation of the quality of the educational program, which includes analysis, verification, and comparison of student learning outcomes with compulsory learning outcomes, defined by the state

standard of the relevant level of general secondary education.

Internal evaluation of the quality of the educational program is carried out by the educational institution in which the educational program was developed. External evaluation of the quality of the educational program is carried out with the involvement of pedagogical, scientific and pedagogical workers from other educational institutions.

The results of internal and external evaluation of the quality of the educational program are reviewed and decision is made whether to approve the educational program or not.

In addition, educational programs, where the fact of academic plagiarism, fabrication, falsification of data on the results of assessing the quality of the educational program has been determined, are not approved.

In the **vocational education and training sector**, at all levels of formal and, as a rule, non-formal education, VET is regulated by state standards for specific occupations, on the basis of which educational programs are developed.

Starting from 2016, state educational standards for specific professions are based on a modular-competent approach, containing a typical educational plan with the distribution of educational time for general, theoretical, practical components.

The powers of the VET institutions include the development of working curricula from professions, identifying the list of educational components and developing educational programs, identifying a free-shaped component for additional professional competencies. Working Curricula for professions of the first and second levels of VET are approved by oblast and Kyiv city state administrations.

Working curricula for professions of the third level of VET are approved by a specially authorized central executive authority, which ensures the development of state policy in the field of VET.

Working curricula in certain subjects, industrial training and practice are developed by pedagogical staff of VET institutions, in accordance with the standard, taking into account changes in the relevant field of production or services, proposals of personnel, agreed and approved at the educational institution level.

Working curricula for general education subjects are developed on the basis of standard curricula for general educational institutions, taking into account the specifics of the profession and the regional component. Curriculum developers have the right to change the distribution of hours between the topics listed in the standard curricula.

Resolution of the Cabinet of Ministers of Ukraine of October 20, 2021 No. 1077 "On approval of the State standard of VET" provides an opportunity to create state educational standards for specific professions as effective tools for interaction between the labour market and education, recognition of qualifications and documents on VET, to create flexible learning trajectories and lifelong learning, integration of the VET system of Ukraine into the world education system and the European educational space. The content of state educational standards is focused on specific learning outcomes that can be identified, planned, evaluated and measured, which a person is able to demonstrate after completing the educational program or individual educational components. These standards are the basis for the development of educational programs by VET institutions, enterprises, institutions and

organizations that provide primary vocational training, vocational (vocational) training, retraining, advanced training of skilled workers.

The new state educational standard provides for significant autonomy to developers of educational programs. Developers are developing an educational program, and agree with employers (if necessary). Responsibility for the content, the structure of the curriculum belongs to the pedagogical staff and the head of the VET institutions. Mandatory requirements for the developed educational program - the structure of the educational program, the content of educational components, their duration are aimed at achieving standardized learning outcomes. The developer determines the duration of the educational program taking into account the types of training (initial training, vocational (vocational) training, retraining, advanced training), forms of education, the results of entrance examinations, the characteristics of students, especially for individuals with special educational needs, but not above the deadlines provided by the Resolution of the Cabinet of Ministers of Ukraine of June 03, 1999 No. 956 "On approval of the Regulations on degree vocational education and training":

- training at the first level/degree does not require students of basic or complete general secondary education, the term of study should not exceed 1 year;

- the term of study at the second level/degree should not exceed

- a) for persons who have completed general secondary education - 1.5 years;

- b) for persons who have basic general secondary education and receive complete general secondary education - 4 years;

- c) for persons who have basic general secondary education or, as an exception, do not have it and have not yet completed general secondary education - 2 years.

- the period of study at the third level / degree should not exceed 2 years.

During 2021-2022, state educational standards for specific professions (80 standards are expected to be approved by the end of 2022) and relevant educational programs are being actively developed according to new approaches.

In the field of **professional pre-higher education** according to the Law of Ukraine "On Professional Pre-Higher Education" (article 30) professional pre-higher educational institutions (PPHEI) have equal rights that constitute the content of their autonomy and self-governance, including the right to develop and implement educational programs within the licensed specialty.

Standards of professional pre-higher education in the specialties required for access to regulated professions may contain additional requirements for admission rules, the structure of the educational program, the content of education, the organization of the educational process and the final assessment of graduates.

The Law of Ukraine "On Professional Pre-Higher Education" (article 49) defines general requirements to study programs and curricula. PPHEI develops study programs within the licensed specialty and approves them according to their own procedures. Study program should be based upon the standard of professional pre-higher education in the relevant specialty (if any).

Study program contains:

- 1) prerequisite requirements to start study program;

- 2) the content of training, formulated in terms of learning outcomes;
- 3) the amount of ECTS credits;
- 4) a list of educational components and the logical sequence of their implementation;
- 5) requirements of professional standards (if any);
- 6) final assessment of students;
- 7) requirements to the system of internal quality assurance;
- 8) list of competencies of the graduate.

Study programs may have a correctional and developmental component for people with special educational needs.

Study programs should foresee elective components for students. PPHEI may use typical or other study programs of specialized secondary education. PPHEI develops a curriculum on the basis of a study program. Curriculum determines the list and duration of educational components in ECTS credits, their logical sequence, forms of the educational process, types and scope of teaching classes, schedule, final assessment. Curriculum should ensure achievement of program learning outcomes. That means that authority to establish curricula at the level of professional pre-higher education belongs to the professional pre-higher educational institution. Professional pre-higher educational institutions are fully autonomous in implementing curriculum at the level of institution. Additional governmental requirements may be established for programs which give access to regulated professions.

#### The autonomy of professional pre-higher educational institutions (PPHEI)

According to the Law of Ukraine “On Professional Pre-higher Education” (article 32) functioning of a professional pre-higher education institution is carried out on the principles of:

- 1) autonomy and self-government;
- 2) delimitation of the rights, powers and responsibilities of the founder (founders), state bodies and local governments, the management of which includes the institution of higher education, the governing bodies of the institution of higher education and its structural units;
- 3) a combination of collegial and unanimous principles;
- 4) independence from political parties, public and religious organizations (except for institutions of higher spiritual education).

The state guarantees the academic, organizational, financial and personnel autonomy to PPHEI. The scope of PPHEI autonomy is determined by the law and statutory documents of the PPHEI (also described under questions 6 of this chapter 26).

According to the Law of Ukraine “On Professional Pre-higher Education” (article 32) the content of PPHEI autonomy and self-government includes the right to:

- 1) introduce specializations, develop and implement study programs within the licensed specialty;
- 2) independently determine the forms of education and forms of organization of the educational process;

- 3) hire and dismiss teaching and academic staff, other employees;
- 4) form its own staff list;
- 5) establish structural units with the rights and responsibilities of VET institutions, specialized secondary and extracurricular education;
- 6) introduce own systems of staff and students stimulating for educational, art, research, innovative and sports achievements;
- 7) provide additional educational and other services;
- 8) independently develop and implement their own programs of educational, artistic, sports and innovation activities;
- 9) independently determine the content and programs (syllabi) of academic disciplines;
- 10) award the degree of professional junior bachelor to successful graduates;
- 11) form, reorganize, transform (change the type) and liquidate their structural units in accordance with the law;
- 12) carry out publishing activities;
- 13) collaborate with educational institutions, research institutions and other legal entities on the basis of relevant agreements;
- 14) place their training (production) units at enterprises, institutions and organizations;
- 15) participate in the activities of international organizations;
- 16) introduce their own symbols and attributes;
- 17) apply with an initiative to the authorities on amendments to existing or development of new regulations in the field of professional pre-higher education, as well as participate in work on draft relevant documents;
- 18) carry out financial, economic and other activities in accordance with the legislation and PPHEI statutory documents;
- 19) dispose of its own revenues (for PPHEI of state and communal ownership), in particular from the provision of commercial services;
- 20) open checking and deposit accounts in banks;
- 21) establish educational-and-research, industrial complexes or other associations, not prohibited by the legislation, together with research institutions, educational institutions, enterprises;
- 22) exercise other rights that do not contradict the law.

### Academic freedom

Ukrainian legislation applies the concept of academic freedom not to institutions but to individuals. According to the Law of Ukraine “On Education” (article 1) academic freedom is an independence and autonomy of educational participants during teaching, academic, research and / or innovative activities carried out on the principles of freedom of speech, thought and creativity, dissemination of knowledge and information, free publication and use of research results subject to

restrictions established by law.

Academic freedom of teaching, academic and research workers of all levels of education is protected by Law of Ukraine "On Education" (article 54). These workers have the right for academic freedom, including freedom of teaching, freedom from interference into teaching and academic activities, free choice of forms, methods and means of teaching that correspond to the study program.

By-laws may not narrow the autonomy of the educational institutions and academic freedoms of participants in the educational process.

#### Election of head of professional pre-higher educational institutions (PPHEI)

Procedures of election and appointment of a head of PPHEI, qualification requirements for candidates for head of PPHEI are defined in the Law of Ukraine "On Professional Pre-higher Education" (article 42).

The head of PPHEI is appointed by the founder following competitive selection for a term of five years. Competitive selection is carried out by the Board of Trustees. The following individuals may participate in the competitive selection of the head of PPHEI:

academic and teaching workers of PPHEI;

representatives from other full-time employees, who are elected by the relevant employees by direct secret ballot;

elected representatives from among students (cadets) who are elected by students (cadets) by direct secret ballot.

Key features of competitive selection are defined in the Law of Ukraine "On Professional Pre-higher Education".

In **higher education**, according to the Law "On Higher Education" (article 32) higher educational institutions have equal rights that constitute the content of their autonomy and self-governance, including the right to develop and implement educational programs within the licensed specialty.

Standards of higher education in the specialties required for access to regulated professions may contain additional requirements for admission rules, the structure of the educational program, the content of education, the organization of the educational process and the final assessment of graduates. That means that authority to establish curricula at the level of higher education belongs to the higher educational institution and HEI are fully autonomous in implementing curriculum at the level of institution. Additional governmental requirements may be established for programs which give access to regulated professions.

Higher education curricula is discussed in greater detail under question 22 of this chapter 26.

#### Autonomy of higher education institution

According to the Law "On Higher Education" (article 32) the activities of higher educational institutions are conducted in particular on the principles of: autonomy and self-governance; delimitation of the rights, authority and responsibilities of the founder (founders), state bodies and local authorities, governing bodies of the higher education institution and its structural subdivision.

Higher education institutions have equal rights that constitute the content of their autonomy and self-governance, including the right to:



- 1) develop and implement educational (scientific) programs within the licensed specialty;
- 2) independently determine the forms of education and forms of organization of the educational process;
- 3) choose the types of training programs for bachelors and masters, provided by the International Standard Classification of Education;
- 4) hire teaching, research, academic staff and other employees;
- 5) form and approve its own organizational chart in accordance with the legislation;
- 6) make a final decision on the recognition (including establishment of equivalence) of foreign qualifications of bachelor's, master's, doctor of philosophy / doctor of arts, doctor of sciences and academic titles of associate professor, professor during enrolment and / or hiring of research or academic staff;
- 7) introduce rating assessment of educational, art, research and innovative achievements of students in the educational process;
- 8) provide additional educational and other services in accordance with the legislation;
- 9) independently develop and implement their own programs of educational, art, scientific, research and development and innovative activities;
- 10) independently introduce specializations, determine their content and programs of academic disciplines;
- 11) award degrees of higher education to graduates who have successfully passed the final assessment procedure for graduation at the appropriate level of higher education;
- 12) make decisions in accordance with the legislation on awarding and revoking the degrees of Doctor of Philosophy, Doctor of Arts, independently form one-time specialized scientific councils or one-time specialized councils for awarding the degree of Doctor of Arts;
- 13) establish general secondary education institutions in coordination with local self-government bodies;
- 13-1) act as a founder or co-founder of VET institutions, professional pre-higher institutions, colleges;
- 14) form, reorganize and liquidate their structural units;
- 15) carry out publishing activity, in particular to publish textbooks, manuals and scientific works, and also to develop own polygraphic base;
- 16) carry out joint activities with educational institutions, research institutions and other legal entities on the basis of relevant agreements;
- 17) place their training, research and research and production units at enterprises, institutions and organizations;
- 18) participate in the work of international organizations;
- 19) introduce their own symbols and attributes;
- 20) establish their own forms of moral and material encouragement of participants in the educational process;

21) apply with an initiative to the governing bodies in the field of higher education, to amend existing or develop new regulations in the field of higher education, as well as to participate in work on projects;

22) carry out financial, economic and other activities in accordance with the legislation and the charter of the institution of higher education;

23) dispose of own revenues (for higher education institutions of state and communal ownership), in particular from the provision of paid services;

24) open current and deposit accounts in banks;

24-1) form on its basis innovative structures of different types (science and technology parks, business incubators, small enterprises, etc.) on the basis of combining the interests of high-tech companies, science, education, business and government to implement and implement innovative projects;

24-2) set students to staff ratio;

24-3) independently determine the items and amounts of expenses of own revenues;

25) exercise other rights that do not contradict the law.

#### Academic freedom

Situation with academic freedom in higher education is identical to professional pre-higher education and described above in this question.

#### Election of rectors

Procedures of election and appointment of a head of higher educational institution, qualification requirements for candidates for head of higher educational institution are defined in the Law "On Higher Education" (article 42).

The head of a higher education institution is elected by secret ballot for a term of five years as prescribed by this Law and the charter of the higher education institution.

The following individuals may participate in the election of the head of a higher education institution:

every research, academic and teaching staff member of a higher education institution;

representatives from other full-time employees, who are elected by the relevant employees by direct secret ballot;

elected representatives from among students (cadets) who are elected by students (cadets) by direct secret ballot.

In a private higher education institution procedures for electing or appointing heads of institutions and their subdivisions may be determined by the institution's charter without compliance with the Law of Ukraine "On higher education".

### **21. What is the core/compulsory curriculum in primary and secondary education? What type of curricula or similar documents exist for early childhood education and care?**

According to the Law "On Education" (paragraph 3 of article 12), complete general secondary

education has three levels of education - primary education, basic secondary education and field-specific secondary education. Standards of different levels of education are approved for each level of education in accordance with the National Qualifications Framework.

In **pre-school education** according to the Law of Ukraine "On Preschool Education" (article 22) the Basic Component of Preschool Education is a state standard that contains norms and provisions that define state requirements for the level of development and upbringing of a pre-schooler, as well as the conditions under which they can be achieved.

Compliance with the requirements of the Basic Component of Preschool Education is mandatory for all preschool education institutions, regardless of subordination, types, and forms of ownership, other forms of preschool education.

The procedure for achieving the results of learning (acquisition of competencies) provided by the Basic Component of Preschool Education by pre-schoolers is determined by the educational program of the educational institution.

Preschool institutions can use educational programs recommended by the Ministry of Education and Science of Ukraine to form educational programs of the institution.

The Ministry of Education and Science of Ukraine recommended 10 comprehensive programs for the development and education of young and preschool children, more than 20 programs in selected areas, and about 150 manuals for teachers and children.

According to the Law of Ukraine "On Education" (article 54), pedagogical staff members have the right to academic freedom, free choice of forms, methods, and teaching aids that correspond to the educational program.

In the field of **general secondary education**, as an important part of the reform of general secondary education, the State Standard for Primary Education (2018) and the State Standard for Basic Secondary Education (2020) were developed and approved. The Law of Ukraine "On Complete General Secondary Education" (2020) defines the description of requirements for learning outcomes in educational fields and the total workload of students at the appropriate level of education, defined in the basic curriculum - a component of state standards.

In accordance with state standards were developed and approved two basic curriculum for primary school and one basic curriculum for 5-9 grades of general secondary education. The component of the basic curriculum is a National educational plan, which determines the total workload at the appropriate level (or cycle) of complete general secondary education (school hours, its recommended distribution by years of study or integrated courses), the number of hours for the study of elective educational components, in particular, subjects, courses, integrated courses.

According to the list of subjects (or integrated courses) of the basic curriculum, a model curriculum (programs) has been developed. The model training programs define:

- approximate sequence of achieving the expected learning outcomes of students, which are clearly consistent with the requirements of the relevant educational field of National Standard;
- the content of the subject (or integrated course), which is consistent with the state standard and the relevant cycle of study;
- types of educational activities of students, recommended for use in the educational process to master a certain content and achieve the expected learning outcomes.

Model curricula are the basis for the development of school curriculum by educational institutions.

**22. Please describe VET and higher education curricula delivery methods and learning environments (e.g. modular, credit-based)? What kind of arrangements exist for credit transfer and recognition (i.e. credits from domestic and/or foreign educational institutions) and for recognition of foreign qualifications/degrees? Is the Diploma Supplement issued automatically, free of charge and in a widely spoken language to each higher education degree?**

In the **vocational and training sector**, the Ministry of Education and Science of Ukraine continues to update vocational education, introducing state standards for specific working professions on a modular basis. Modular and competence approach is a comprehensive approach to create content of training in a particular profession, focused on acquiring the necessary knowledge, skills and abilities for work. The training module is a logically completed component based on a separate unit of professional standard, contains training material necessary to achieve professional and key competencies and belongs to a certain level of qualification. Approved state standards are implemented in vocational and technical educational institutions, regardless of ownership and subordination, at enterprises, institutions, organizations that provide training for skilled workers.

Educational programs for each VET level are designed so that first-level graduates have the opportunity to continue their studies at the second level and second-level graduates at the third level. A person who has obtained VET at the appropriate level and has a certified educational qualification may continue his/her education at the following levels of education. Upon successful completion of the primary VET, a skilled worker has the right to improve his / her qualification during his/her life, to receive another working profession according to the relevant educational programs and curricula.

Educational programs for professional development, obtaining other professional qualifications are developed by VET subjects, approved by the customer (if necessary) and the head of the VET institution. Upon successful completion of such an educational program, the person receives a certificate of assignment/improvement of professional skills.

In the case of vocational training for additional professional competencies, renewal of previously acquired qualifications/competencies, educational programs are developed at the request of the customer of educational services. Based on the results of training, a person can receive (if desired) a certificate of competence, job function, work action.

The content and duration of educational programs of advanced training, acquisition of new professional qualifications take into account the previous qualifications and competencies acquired by the person. Current regulations provide for the procedure of incoming assessment of previously obtained learning outcomes, assignment/confirmation of full and/or partial professional qualifications.

In the case of continuing education at the level of professional pre-higher education or higher education under the educational-professional program of a professional junior bachelor, the duration of training for persons with educational and qualification level "skilled worker" can be reduced by 50%.

Resolution of the Cabinet of Ministers of Ukraine of October 20, 2021 No. 1077 "On Approval of the State Standard for Vocational Education" provides an opportunity to create educational

programs using the Recommendations of the European Parliament and the Council for Vocational Education and Training on Sustainable Competitiveness, Social Justice and Sustainable Development (2020/C417/01), the principles of European credit vocational education and training (ECVET), which will allow:

- develop flexible and individual educational trajectories, combining the necessary learning outcomes for the seeker(s) of vocational education, taking into account their abilities, interests, needs, motivations, opportunities and professional activities;
- opportunity for the seeker(s) to obtain full/partial qualification after assessment and confirmation of the obtained standardized learning outcomes;
- to acquire professional qualification(s) gradually (over a lifetime) through the recognition, transfer and accumulation of assessed units of learning outcomes, to transfer them to other educational programs or qualifications;
- promptly respond to relevant and/or important for the labour market competencies, knowledge, skills/abilities;
- reasonably determine and distribute the training load of the seeker(s) of vocational education between educational components, theoretical and practical training;
- increase permeability between different levels of education and training.

In 2021, the process of developing educational programs began with the definition of education credits for assessed and confirmed learning outcomes (competencies), which can be accumulated to obtain a full qualification or transferred to other educational programs or qualifications.

Ukraine has established criteria and procedures for recognition of professional qualifications obtained in other countries for citizens of Ukraine, foreigners and stateless persons, including refugees and persons in need of additional or temporary protection, employment and professional activity. Professional qualifications obtained in those countries with which international agreements have been concluded on behalf of Ukraine or the Government of Ukraine are recognized in Ukraine in accordance with the provisions of such agreements. If the rules of this international agreement apply to an international agreement concluded on behalf of Ukraine or the Government of Ukraine. (Resolution of the Cabinet of Ministers of June 2, 2021 No. 576 "On approval of the Procedure for recognition in Ukraine of professional qualifications obtained in other countries").

In the field of **higher education** till 2014 (before the adoption of current Law of Ukraine "On Higher Education") curricula, forms of organization of the educational process and some methods were determined centrally for all higher education institutions (Regulations on the organization of the educational process in higher education, approved by order of the Ministry of Education of Ukraine of June 02, 1993 No.161). The adoption of this Law in 2014 significantly expanded the academic autonomy of higher education institutions, delegating to them the right to determine both the forms and methods of organizing the educational process.

According to the Law of Ukraine "On Higher Education" (article 32) higher educational institutions have equal rights that constitute the content of their autonomy and self-governance, including the right to develop and implement educational programs within the licensed specialty.

According to the Law of Ukraine "On Higher Education" (article 10) requirements to study programs are established by the standard of higher education. Higher education institutions develop

study programmes in line with a license for educational activity at a certain level of higher education and the Standards of Higher Education. The Standards of Higher Education describe the requirements for higher education programmes at a certain higher education level and within a certain subject area. The Standards of Higher Education are developed in accordance with the National Qualifications' Framework and approved by the Ministry of Education and Science of Ukraine. The standards define key requirements for study programmes:

- the ECTS credit load;
- admission requirements;
- list of mandatory competencies of graduates;
- programme learning outcomes;
- forms of final attestation/examination.

The higher educational institutions develop a curriculum based on a study program. Curriculum determines the list and duration of educational components in ECTS credits, their logical sequence, forms of organization of the educational process, types and duration of teaching classes, schedule, forms of formative and summative assessment. Curriculum should ensure that the students achieve program learning outcomes.

Program learning outcomes (PLO) include PLO that are defined by the standard of higher education and PLO defined by HEI. The standards define a minimum number of credits that should be focused on achievement of PLO specified in this standard. Depending upon the level of higher education, the number of such ECTS credits constitutes from 35 % to 75 % of a study program length (35% - for master study programs; 50% - for bachelor and integrated master study programs; 65-75% - for junior bachelor study programs; 50% - for professional junior bachelor).

The Ukrainian Quality Assurance system uses the Higher Education Standards as a tool for study programmes assessment in particular.

Standards of higher education in the specialties required for access to regulated professions may contain additional requirements for admission rules, the structure of the educational program, the content of education, the organization of the educational process and the final assessment of graduates.

That means that authority to establish curricula at the level of higher education and at the level of professional pre-higher education belongs to the educational institution and educational institutions are fully autonomous in implementing curriculum at the level of institution. Additional governmental requirements may be established for programs which give access to regulated professions.

According to the Law "On Higher Education" (article 32) the activities of higher education institutions are conducted in particular on the principles of: autonomy and self-governance; delimitation of the rights, authority and responsibilities of the founder (founders), state bodies and local authorities, governing bodies of the higher education institution and its structural subdivisions.

Higher education institutions have equal rights that constitute the content of their autonomy and self-governance, including the right to:

- 1) develop and implement educational (scientific) programs within the licensed specialty;
- 2) independently determine the forms of education and forms of organization of the educational

process;

3) choose the types of training programs for bachelors and masters, provided by the International Standard Classification of Education.

Higher educational institutions are fully autonomous in choosing curricula delivery methods and learning environments. There exist semester-based and trimester-based curricula, modular and linear curricula, subject-based and integrated curricula etc. Nevertheless, many higher education programmes have a modular structure, and ECTS is obligatory for curriculum design in Ukraine according to the Law “On Higher Education”.

#### Arrangements for credit transfer and recognition

After joining the Bologna process Ukraine uses the European Credit Transfer and Accumulation System (ECTS). ECTS is a credit transfer and accumulation system used in the European Higher Education Area to provide, recognize, validate qualifications and educational components and to promote the academic mobility of higher education seekers. The system is based on determining the study load of the higher education student, necessary to achieve certain learning outcomes, and is accounted for in ECTS credits.

The need for credit transfer and recognition appears during academic mobility, renewal to study programs, transfer to different specialties or to different higher education institutions.

Recognition of the learning outcomes of formal and non-formal education as well as transfer of credits obtained during studies is carried out by the decision of a higher education institution on the basis of provided documents on previous education (diploma supplement, academic certificate, certificate of advanced training, academic transcript etc.) or academic mobility (academic transcript, etc.). The rules of credits and learning outcomes recognition is identical for Ukrainian and foreign nationals.

The Resolution of the Cabinet of Ministers of Ukraine of August 12, 2015 No. 579 approves Regulations on exercising the right to academic mobility. The new regulations on mobility and regulations on transfer and renewal of students are being developed.

#### Recognition of foreign qualifications/degrees

Principles of recognition of professional and educational qualifications are determined by the Laws of Ukraine "On Education", "On VET", resolution of the Cabinet of Ministers of Ukraine of November 23, 2011 No. 1341 "On approval of the National Qualifications System" (amendments in 2020).

The Law of Ukraine "On Education" (article 34) stipulates that:

- educational (academic) qualification is awarded, recognized by an educational institution or another authorized subject of educational activity, and certified by the relevant document on education;
- professional qualification is assigned/confirmed, recognized by the qualification centre, subject of educational activity, other authorized subject, and certified by the relevant document, which allows performing a certain type of work or professional activity.

Recognition of foreign professional qualifications is carried out in accordance with the Resolutions of the Cabinet of Ministers of Ukraine dated on June 2, 2021 No. 576 “On approval of

Procedure for Recognition in Ukraine of Professional Qualifications Acquired in Other Countries” and dated on September 15, 2021 No. 956 "On approval of the Procedure for awarding and confirming professional qualifications by qualification centres".

It should be noted that prior to the adoption of the Resolution of the Cabinet of Ministers of Ukraine dated on June 2, 2021 No. 576 both professional and academic qualifications were recognized based on evidence of academic qualification. Recognition of the evidence of academic qualification has given and still gives the right to pursue the corresponding professional activity (exceptions are certain regulated professions in particular in the field of health care, where special recognition mechanisms exist). According to this newly approved Resolution professional qualifications are recognized by qualification centers which are not authorized to recognize academic qualifications.

So, currently, Ukraine has mixed approaches to recognition of professional qualifications due to novelty and short duration of recognition based on evaluation of compliance with professional standards, underdeveloped network of qualification centers (that started in late 2021) and so on.

Recognition of foreign qualifications/degrees is described in detail in questions 38, 39, 42, 43, 44 of chapter 3.

#### Diploma Supplement

The Diploma Supplement (DS) is issued to all graduates of higher education institutions of all forms of ownership and subordination in order to provide the information necessary for an objective assessment of higher education qualifications of higher education diploma holders. The Law “On Higher Education” states that the DS is issued automatically in Ukrainian and English languages, free of charge to each higher education degree, and is only valid with a higher education diploma. Issuance of the DS is carried out in the manner determined by the Ministry of Education and Science of Ukraine.

In 2021, Ukraine introduced a new diploma supplement in Ukrainian and English forms and content of which will correspond to the model developed by the European Commission, the Council of Europe and UNESCO/CEPES, adjusted for the specifics of Ukraine’s national system of higher education. The list of information to be contained in documents on higher education was approved by the Resolution of the Cabinet of Ministers of Ukraine of September 9, 2020 No. 811 "On documents on higher education (scientific degree)". At the same time, the form of the document on higher education is developed by each institution independently. Also, the Ministry of Education and Science of Ukraine approved the order of February 10, 2021 No. 164 "On approval of Guidelines for the description of documents on higher education (scientific degrees) and its annex, academic certificate and Guidelines for completing the appendix to the European diploma".

### **23. How are quality assurance systems set up (including internal quality assurance measures)? How accreditation of degree programmes/institutions are made?**

The quality assurance education system is regulated by the Law of Ukraine “On Education”. Article 41 of the Law stipulates that the components of the education quality assurance system are:

system of quality assurance in educational institutions (internal system quality assurance education);



system of external quality education assurance;

quality assurance system in the activities of government agencies and institutions that provide external quality education assurance.

System of quality assurance in educational institutions (internal system quality education assurance) may include:

- strategy (policy) and procedures for ensuring the quality of education;
- system and mechanisms for ensuring academic integrity;
- published criteria, rules and procedures for evaluating students;
- published criteria, rules and procedures for evaluating pedagogical (scientific and pedagogical) activities of pedagogical and scientific and pedagogical staff;
- published criteria, rules and procedures for evaluating the management activities of managers of educational institutions;
- ensuring the availability of the necessary resources for the organization of the educational process, including for independent work of students;
- ensuring the availability of information systems for effective management of educational institutions;
- creation of an inclusive educational environment, universal design and intelligent adaptation in the educational institution;
- other procedures and measures determined by special laws or documents of the educational institution.

The system of external quality education assurance may include:

tools, procedures and measures to ensure and improve the quality of education, in particular:

- standardization;
- licensing of educational activities;
- accreditation of educational programs;
- institutional accreditation;
- public accreditation of educational institutions;
- external independent assessment of learning outcomes;
- institutional audit;
- monitoring the quality of education;
- certification of pedagogical workers;
- public oversight;
- other instruments, procedures and measures determined by special laws.

Bodies responsible for education quality assurance include the central executive authority for education quality assurance (**State Service of Education Quality of Ukraine**) and the permanent collegial body in the area of quality assurance in higher education (**National Agency for Higher**

## **Education Quality Assurance).**

The State Service of Education Quality conducts institutional audit (a procedure of evaluation of quality of educational activity at educational institution and provision of recommendations to educational institutions),

provides educational institutions with guidelines on education quality assurance (except for higher education institutions),

approves educational programmes for preschool and general secondary education,

monitors quality of educational activity and educational quality,

accredits public professional associations and other legal entities performing independent evaluation of quality of education and educational activity (except for higher education institutions), keeps their register,

performs state oversight (control) over educational institutions regarding their compliance to the legislation, etc.

The National Agency for Higher Education Quality Assurance (NAHEQA) (which the powers are set in the Law of Ukraine “On Higher Education”, article 18) that is key pillar of external quality assurance system was formally launched in 2016, but in reality the system started to work after relaunch in 2018.

The functions of NAHEQA:

- develops requirements to the system of higher education quality assurance and regulation on educational programs accreditation and submits the latter to the Ministry of Education and Science for approval,

- analyses the quality of educational activity of higher educational institutions,

- performs the institutional accreditation,

- forms a unified database of specializations introduces by the higher education institutions, used to train students at each level of higher education,

- performs accreditation of educational programs in higher education,

- develops the procedure for awarding the degree of Doctor of Philosophy and revoking the decision of the one-time specialized academic council on awarding this degree and submits it for approval to the Ministry of Education and Science, etc.

The quality assurance system of the NAHEQA and independent institutions for evaluation and quality assurance of higher education includes the following procedures and measures that at least ensure:

- 1) availability and effectiveness of processes and procedures for external quality assurance of HE;

- 2) availability of sufficient and balanced resources for external quality assurance processes in HE;

- 3) independence in the activities of the NAHEQA and independent institutions for evaluation and quality assurance of higher education;

#### 4) accountability.

In the field of **pre-school education**, the system of education quality assurance is defined according to the provisions of the Law “On Education” (article 41). To assist managers and other pedagogical staff of pre-school institutions in development and operating an internal system of education quality assurance and self-assessment of educational and management processes, the State Service of Education Quality approved the relevant Guidelines (SSEQ Order of November 20, 2020 No. 01-11/71). According to the Guidelines the State Service of Education Quality recommends to elaborate the internal quality assurance system taking into account the following stages: identification of the internal system components, ensure the functioning of its components and self-assessment of educational and management processes in pre-school institutions for its further improvement.

In the field of **general secondary education**, the Law of Ukraine “On Complete General Secondary Education” stipulates that the quality assurance system for general secondary education includes the following components:

- quality assurance system in education institutions (internal quality assurance system);
- system of external quality assurance of education;
- quality assurance system in the activities of governing bodies and institutions providing external quality assurance of education.

The internal quality assurance system of education shall be formed by the education institution and shall include, in particular, mechanisms for ensuring academic integrity, the procedure for identifying and establishing facts of academic integrity violations, types of academic responsibility of pedagogical staff and pupils for specific violations of academic integrity.

Guidelines for the establishment of the internal quality assurance system of education are developed by the State Service for Education Quality of Ukraine, approved by the Ministry of Education and Science of Ukraine and published on their official websites.

The system of external quality assurance of general secondary education and the system of quality assurance in the activities of administrative bodies and institutions providing external quality assurance of education in the field of general secondary education are defined by the Law of Ukraine “On Education” and the Law “On Complete General Secondary Education”.

The governing bodies and institutions performing the external education quality assurance in the field of general secondary education, include the central executive authority for education quality assurance (**State Service for Education Quality**) and its territorial branches, the institutions that conduct external independent assessment (**Ukrainian Centre for Educational Quality Assessment**), authorized by the state, their regional offices, local state administrations and local self-government bodies, accredited professional associations, other accredited legal entities that, provide independent evaluation of education quality and educational activities of education institutions.

The Law “On Education” stipulates that **External independent assessment (EIA)** is the assessment of learning results obtained by a person at a certain educational level, which is carried out by a specially authorised state institution (organisation).

According to the Law “On Complete General Secondary Education” external independent assessment is a form of evaluation of pupils’ learning outcomes obtained at the basic or field-specific secondary education levels.

Pupils completing basic or field-specific secondary education are subjected to state final attestation in the form of external independent assessment, except as required by the legislation.

The results of an external independent assessment of persons who have completed basic secondary education may be used to enrol in central executive authority lyceums and other education institutions providing field-specific secondary education.

External independent assessment is conducted by a specially authorized state institution under the Ministry of Education and Science of Ukraine, namely the Ukrainian Centre for Education Quality Assessment (UCEQA). The regional units (centres) of UCEQA (regional centres for education quality assessment), executive authorities, local self-government bodies, as well as other institutions and organizations in accordance with the legislation, participate in the preparation and performance of external independent assessment.

The openness of external independent assessment is ensured by:

state control and public monitoring of its implementation;

full and timely informing of persons, who should pass it, about the programmes, forms of tasks of the worksheet, terms, time, place and procedure of external independent assessment.

The tasks of the EIA worksheet are prepared in Ukrainian. At the request of the person who is obtaining or has completed general secondary education in another language, the tasks are translated into the appropriate language (except for the tasks in the language component).

To ensure the organization of external independent assessment, the Ministry of Education and Science of Ukraine:

1) approve:

a list of external independent assessment programs;

a list of subjects in which external independent assessment of the learning outcomes obtained at a certain educational level is conducted;

provisions on collegial working bodies for the preparation and conduct of external independent assessment;

the procedure for the use of the technical devices necessary to control the external independent assessment – together with the central executive body in the field of internal affairs;

list of diseases and/or pathological conditions that may be an obstacle to the external independent assessment, list of special (specific) conditions created for persons with special educational needs in external independent assessment points, form of medical opinion of health authorities or institutions on the creation of special (specific) conditions for the external independent assessment, the procedure for their issuance and accounting - together with the central body of executive power in the field of health;

forms of documents certifying the fact of the external independent assessment;

2) establish:

the maximum number of subjects in which a person can undergo, in a given year, an external independent assessment of the results of studies obtained on the basis of complete general secondary education (on the basis of field-specific secondary education) at the expense of the state budget;

terms of organization and conduct of external independent assessment;

levels of complexity of the tasks of external independent assessment.

Financing of measures for preparation and carrying out of external independent assessment shall be carried out at the expense of the state budget in accordance with the procedure established by the legislation and at the expense of other sources not prohibited by the legislation.

External independent assessment of the results of studies obtained on the basis of complete general secondary education (based on field-specific secondary education), with the number of academic subjects established by the central executive authority in the field of education and science, shall be carried out at the expense of the state budget. A person has the right to undergo an external independent assessment in excess of the number of subjects taught by the central executive authority in the field of education and science at the expense of individuals and legal entities in the manner established by the central executive authority in the field of education and science.

In the sector of **vocational education and training**, the procedure and conditions for attestation of VET institutions are determined by the Resolution of Cabinet of Minister of Ukraine of February 12, 1996 No. 200.

Attestation of VET institutions, regardless of their subordination and forms of ownership, is an integral part of systems of state quality control training working personnel and employees and aims to determine the capacity of the educational institution to carry out the educational activity at the level held requirements (standards).

The main tasks of attestation are:

analysis and evaluation of the real state of the organization and implementation of the educational process;

rating compliance knowledge, skills and abilities students' requirements training plans and programs;

definition of available material and technical and educational and methodological bases requirements training plans and programs;

rating qualitative composition of pedagogical and managerial staff in.

VET institutions that provide training, retraining and advanced training of workers are obliged to have a procedure of attestation. Coursework forms of professional training without assignment qualifications are not certified.

Attestation of VET institutions is carried out once every ten years. Also, it may be carried out unscheduled by the decision of the state administration authority on education. Only licensed VET institutions should be tested.

VET institutions are considered to be tested if 75 and more percent of areas (professions, specialties) in which training, retraining and advanced training of workers and employees are certified.

A certified VET institution acquires the right to issue a state-standard VET document.

To assist managers and other pedagogical staff of VET institutions in development and operating an internal system of education quality assurance and self-assessment of educational and management processes, the Ministry of Education and Science of Ukraine approved the relevant

Guidelines (MoES Order of May 6, 2021 No. 509). According to the Guidelines the Ministry of Education and Science of Ukraine recommends to the heads of VET institutions to approve the Regulations of internal quality assurance in the institutions. Such document should include the main goals of the internal quality assurance system, its components, frequency and mechanism of self-assessment.

The system of quality assurance in **professional pre-higher education** meets the requirements of article 41 of the Law of Ukraine “On education” cited above. Specifics of quality assurance in professional pre-higher education are presented in articles 17-26 of the Law of Ukraine “On professional pre-higher education” and consists of:

1) the system of internal quality assurance - assuring the quality of educational activities and the quality of professional pre-higher education by professional pre-higher education institutions (PPHEI);

2) the system of external quality assurance of educational activities of PPHEI and quality of professional pre-higher education (by external agencies, the key player of which is the State Service of Quality in Education (SSQE));

3) the system of quality assurance of the SSQE and independent institutions for evaluation and quality assurance of higher education.

The system of internal quality assurance includes:

1) policy, principles and procedures of QA at PPHEI - should be integrated into the overall management system of the PPHEI, consistent with its strategy and involving internal and external stakeholders;

2) procedures for the development of study programs - should ensure compliance of study programs with the standards of professional pre-higher education (professional standards - if any), declared goals, account for the positions of stakeholders, clearly define qualifications awarded (consistent with NQF);

3) monitoring and review of study programs (with participation of students) - should ensure the achievement of program goals, compliance with the needs of students and society, including surveys of applicants for professional higher education;

4) compliance with legislation at all stages of student track (admission, educational process, recognition of learning outcomes, transfer, dismissal, attestation etc.);

5) student assessment - should be relevant, reliable, transparent and objective;

6) definition and compliance with competence requirements of academic staff, transparent rules of employment and continuous professional development;

7) ensuring the necessary funding - should cover educational and teaching activities, educational resources and support for students;

8) the collection, analysis and use of relevant information for the effective management;

9) provision of information about activities of PPHEI and education;

10) academic integrity of staff and students employees;

11) participation in external quality assurance procedures;

- 12) involvement of students and employers as full partners of quality assurance;
- 13) ensuring student-oriented learning;

The internal quality assurance system of PPHEI is assessed by the State Service of Education Quality (SSEQ) or independent accredited institutions for evaluation and quality assurance of higher education.

The system of external quality assurance of educational activities of professional pre-higher education institutions and of the quality of professional pre-higher education includes tools, procedures and measures to ensure and improve the quality of professional higher education, including:

- 1) standards of professional pre-higher education;
- 2) licensing of educational activities;
- 3) accreditation of educational-and-professional programs;
- 4) external independent assessment of learning outcomes;
- 5) uniform state qualification exam;
- 6) institutional audit;
- 7) monitoring the quality of education;
- 8) attestation of pedagogical (scientific and pedagogical) employees;
- 9) certification of pedagogical workers;
- 10) public oversight.

Some of above-mentioned tools, mechanisms, instruments, procedures and measures are described in corresponding parts of this item as well as items 11, 2, 10, 11, 19 of this chapter.

The quality assurance system of the SSEQ and independent institutions for evaluation and quality assurance of higher education includes the following procedures and measures that at least ensure:

- 1) policies and procedures to ensure the quality of their own activities;
- 2) the necessary resources for the organization of processes and procedures;
- 3) external independent audit of activities (processes and procedures) of relevant bodies and institutions.

The system of quality assurance in **higher education** meets the requirements of article 41 of the Law of Ukraine “On education” cited above. Specifics of quality assurance in higher education are presented in articles 16-25 of the Law of Ukraine “On higher education” and consists of:

1) the system of internal quality assurance - assuring the quality of educational activities and the quality of higher education by higher education institutions;

2) the system of external quality assurance of educational activities of higher education institutions and quality of higher education (by external agencies, the key player of which is the National Agency for Higher Education Quality Assurance (NAHEQA));

3) the system of quality assurance of the NAHEQA and independent institutions for evaluation

and quality assurance of higher education.

The system of internal quality assurance of higher educational institutions includes the following procedures and measures that at least ensure:

- 1) principles and procedures for ensuring the quality of higher education;
- 2) monitoring and periodic review of educational programs;
- 3) annual assessment/evaluation of higher education students, research and teaching staff and regular publication of the results of such assessments/evaluations on the official website of the higher education institution, on information stands and in any other way;
- 4) advanced training of academic staff;
- 5) availability of necessary resources for educational process, including independent work of students, for each educational program;
- 6) availability of information systems for effective management of the educational process;
- 7) publicity of information about educational programs, higher education degrees and qualifications;
- 8) observance of academic integrity by employees of higher education institutions and higher education students, including an effective system for the prevention and detection of academic plagiarism.

The internal quality assurance system of higher education institutions is assessed by the National Agency for Quality Assurance in Higher Education or independent accredited institutions for evaluation and quality assurance of higher education.

The NAHEQA annually prepares and publishes a report on the quality of higher education in Ukraine starting from 2019. The reports for 2019-2021 are available in Ukrainian via the [link](#), the most recent report in English is available [here](#).

Annual report 2019 contained the following information in the section on internal quality assurance system:

- Analysis of parameters and configurations of internal quality assurance systems in Ukrainian higher educational institutions.
- NAHEQA recommendation on introduction of internal quality assurance system.

Annual report 2020 contained the following information in the section on internal quality assurance systems:

- General information about higher education institutions that took part in the survey.
- Availability of internal quality assurance system.
- Quality of educational programs.
- Quality of teaching.
- Quality of learning outcomes.
- Quality of student's papers.
- Quality of infrastructure.



- Student-centeredness.

Annual report 2021 contained the following information in the section on internal quality assurance systems focused on regular student surveys as an element of internal quality assurance systems of higher educational institutions.

The external quality assurance system includes the following procedures and measures that at least ensure:

- 1) effective processes and procedures for internal quality assurance system;
- 2) availability of a system of external quality assurance procedures;
- 3) availability of published decision-making criteria in accordance with the Standards and Recommendations on Quality Assurance in the European Higher Education Area;
- 4) accessible and clear reporting;
- 5) periodic inspections of the quality assurance systems and follow up of mechanisms of reacting to recommendations.

External quality assurance system in higher education is described in detail under question 11 of this chapter 26.

**Accreditation of educational (study) programme** is a mechanism used for educational programs of professional pre-higher and higher education institutions. The procedure implies assessment of the educational programme for its compliance with the educational standard, as well as the ability of the educational institution to ensure that education seekers achieve the learning outcomes provided for in the educational programme.

Accreditation of the educational programme is voluntary and is performed at the initiative of the educational institution. The educational programme shall be accredited if it is provided by a special law.

Educational programme of the corresponding level of education is accredited by the body for ensuring the quality of education, determined by a special law, and/or accredited public professional associations or other accredited legal entities that independently assess the quality of education and educational activities of educational institutions.

Accreditation of educational programmes for professional pre-higher education is performed by the State Service of Education Quality of Ukraine, for which the procedure is approved by the order of the Ministry of Education and Science of Ukraine of July 01, 2021 No. 749, registered by the Ministry of Justice of Ukraine on December, 13, by No. 1608/37230.

The National Agency for Higher Education Quality Assurance performs accreditation of educational programs for higher education (as stipulated by the Law of Ukraine “On Higher Education”). The relevant procedure is approved by the order of the Ministry of Education and Science of Ukraine of July 11, 2019 No. 749, registered by the Ministry of Justice of Ukraine on August, 08, by No. 880/33851.

According to the Law of Ukraine “On Professional Pre-higher Education” (article 19) accreditation of an educational program is an evaluation of an educational program and / or educational activity of an educational institution under this program in order to ensure and improve the quality of education. Accreditation of educational programs is mandatory for state, municipal and

private educational institutions and should be obtained in order to get the right to graduate students and issue diplomas. Accreditation of professional pre-higher education programs is performed by a central executive authority in the field of quality of education - the State Service of Education Quality (SSEQ).

The accreditation of higher education study programme is based on the Regulation on accreditation of study programmes in professional pre-higher education adopted in 2021 (order of the Ministry of Education and Science of July 07, 2021 No. 749)

Accreditation of study programmes in professional pre-higher education is carried out by the SSEQ and its territorial bodies.

The purpose of accreditation is:

1. determination of compliance of the study programmes in professional pre-higher education and educational activity of the educational institution under this program with the requirements and criteria of quality assessment;

2. assistance to educational institutions in identifying the strong and weak sides of the study programmes in professional pre-higher education;

3. providing all stakeholders (participants of the educational process, employers, parents of students, etc.) with information on the quality of the study programmes in professional pre-higher education and educational activities of educational institutions under this program;

4. confirmation of the importance of professional pre-higher education in Ukraine in providing training for the labour market;

5. promoting the integration of educational institutions into the European educational area.

The assessment system is based on the European model of accreditation of higher education programs, taking the peculiarities of Ukrainian professional higher education into account.

Required conditions for accreditation are compliance of the study programmes in professional pre-higher education and educational activities of the educational institution under this study programmes in professional pre-higher education with the following criteria:

1. structure and content of the study programmes in professional pre-higher education;

2. organization of admission to study according to the study programmes in professional pre-higher education and recognition of learning outcomes obtained in other educational institutions;

3. organization of the educational process;

4. availability and effectiveness of control measures, evaluation of program learning outcomes of students and academic integrity;

5. staffing support for the implementation of the study programmes in professional pre-higher education;

6. educational environment and material resources;

7. internal quality assurance system of study programmes in professional pre-higher education.

Unlike previous accreditations, where only compliance of study programs with certain digital parameters was required, today the strategy of the institution's development in terms of the quality of

training under the program and the implementation of opportunities to be improved are also assessed.

It is being determined whether the goals of the institution and the content of the program meet the needs of seekers and society, the state and requirements of the labour market.

The criteria established by the Regulation on accreditation of study programmes in professional pre-higher education are used by experts during accreditation examination, post-accreditation monitoring, as well as by educational institutions for self-assessment of study programmes in professional pre-higher education and educational activities under this program.

An expert group consisting of a representative of the territorial body of the SSEQ and two experts from among the specialists included in the register of experts of the SSEQ, one of whom is appointed by the head of the group, is formed to conduct the accreditation examination of the educational and professional program.

The expert group works mainly remotely, and the visit to the location of the educational institution is usually carried out by a representative of the territorial body of the SSEQ in order to process a checklist of questions (tasks), clarify the data specified in the document on self-assessment results. During the accreditation, the possibility of communication between experts and the management of the institution is provided, positions will be clarified, results will be discussed. Dialogue is required.

An educational institution that trains professional junior bachelors in an of study programmes in professional pre-higher education whose accreditation has been denied has the right, with a license in the relevant specialty, to continue educational activities in this of study programmes in professional pre-higher education with a certificate of professional pre-higher education.

But today, institutions of professional pre-higher education do not consider the possibility of conducting training without recognizing the quality that meets the expectations of the state.

According to the Law of Ukraine “On Higher Education” (article 25) accreditation of an educational program is an evaluation of an educational program and / or educational activity of a higher education institution under this program in order to ensure and improve the quality of higher education. Accreditation of educational programs is mandatory for state, municipal and private educational institutions and should be obtained in order to get the right to graduate students and issue diplomas. Accreditation of higher education programs is performed by the National Agency of Higher Education Quality Assurance involving a large number of professional community and business representatives.

The accreditation of higher education study programme is based on the Regulation on accreditation of study programmes in higher education adopted in 2019 (order of the Ministry of Education and Science of July 11, 2019 No. 977). This Regulation determines the basic principles and procedures for accreditation of study programmes as a tool for external quality assurance of higher education in Ukraine. Mandatory conditions for accreditation are the compliance of the study programme and educational activities of the higher education institution under this study programme with the criteria for assessing the study programme quality, which are an integral part of the Regulations.

A systemic approach to the quality of higher education in Ukraine has ensured that NAHEQA has launched and operated appropriate processes, procedures and measures for continuous and consistent improvement of the education quality.

The evaluation of a specific study programme and educational activities under this programme is carried out according to the criteria set by NAHEQA and the order of the Ministry of Education and Science of Ukraine of July 11, 2019 No. 977) .

Criteria for evaluating the study programme:

1. Design and goals of the study programme.
2. The structure and content of the study programme.
3. Access to the study programme and recognition of learning outcomes.
4. Training and teaching according to the study programme.
5. Control measures, evaluation of higher education applicants and academic integrity.
6. Human resources.
7. Educational environment and material resources.
8. Internal quality assurance of the study programme.
9. Transparency and publicity.
10. Learning through research.

The NAQA programme accreditation mechanism includes each of the following:

1) A higher education institution wishing to accredit a study programme submits materials for accreditation to NAQA. Materials for accreditation are submitted online through NAQA official portal. All documents related to accreditation are gathered in the accreditation file, which is kept in electronic form.

2) Within five business days of the date of registration of the accreditation application, an expert panel tasked with performing the accreditation audit is established by an order of the Chairman of NAQA in accordance with these Regulations; the timetable for the expert panel's work is scheduled, including dates for its visit to the respective higher education institution and deadline for submission of the expert panel report.

3) An expert panel for the accreditation audit of a study programme consists of a head and two experts, including one expert from among students.

4) The accreditation includes:

assessment by the expert panel of the Self-Assessment Report, materials attached to it, and all other materials and information regarding the study programme and activities of the higher education institution under such programme;

a site visit of the expert panel to the higher education institution with the aim of verifying facts stated in the Self-Assessment Report, interviewing representatives of stakeholders regarding the study programme and activities of the higher education institution under such programme, developing recommendations aimed at improving the quality of the educational activities under such programme. A site visit is the main component of the accreditation audit. Expert panel site visit is carried out in accordance with the programme agreed by the head of the expert panel and the head of the higher education institution and / or the guarantor of the study programme no later than three working days before its start. The duration of the expert group's visit to the higher education institution may not

exceed three days;

the development of a report based on the results of the accreditation audit.

5) The report is sent to the head of the higher education institution who has the right, within three working days from the date of receipt of the report, to provide NAQA with substantiated comments on the report, which may include information on violations of the accreditation procedures defined by this Regulation.

6) On the day of submission of comments to the report or on the day after the deadline for submission of such comments, the Secretariat of NAQA provides access to the materials of the accreditation file to members of the relevant sectoral expert council.

7) Sectoral Expert Council's (SEC) work on the accreditation case takes place in the electronic system of the Agency, which provides transparency and information to external parties. It is based on the analysis and verification of information received from expert groups.

8) Decisions on all issues are made collectively, by a majority vote of full SEC. Decisions must be open, fair, reasonable and credible. The electronic system provides an opportunity for HEI and expert panel to respond to the draft expert opinion after reviewing it. SEC members read this answer before the meeting and, if necessary, have the opportunity to adjust the draft expert opinion. HEI and expert panel members have the right to participate in SEC meetings to argue their position on the draft SEC opinion.

9) The accreditation case and the draft expert opinion are reviewed at the SEC meeting, which adopts one of the following decisions:

approval of SEC expert opinion and referral of the accreditation case for consideration to the National Agency;

submission to NAQA of a substantiated proposal for the appointment of a re-accreditation examination.

SEC meeting may be held remotely in accordance with the established procedure.

10) The expert opinion of SEC or the proposal to appoint a re-accreditation examination is reviewed at a meeting of the National Agency.

11) In case of agreement with the proposal contained in the expert opinion of SEC, NAQA adopts one of the following decisions:

Decision on accreditation of the study programme

Decision on conditional (deferred) accreditation

Decision to refuse accreditation

In case of disagreement with the proposal contained in SEC expert opinion, or if the accreditation examination was conducted in violation of the procedure established by the Regulations or if there are grounds to believe that the expert group in the report came to clearly unfounded conclusions, NAQA has the right to decide on the appointment of a re-accreditation examination.

To ensure openness and transparency of the accreditation process:

1) the following is published on the official website of the higher education institution:

information on self-assessment of the study programme, which is posted no later than five working days from the date of accreditation materials submission to NAQA;

decision on accreditation or refusal to accredit the study programme, expert opinion of the relevant SEC, report of the expert group, which are published within ten working days after the decision of the National Agency;

2) the following is published on the official NAQA website:

order on approval of the composition of the expert group for the accreditation examination, which is published no later than the next working day after its signing;

decision on accreditation or refusal to accredit the study programme, expert opinion of the relevant SEC, report of the expert group, which are published within 10 working days after the decision of the NAQA.

According to the Law “On Higher Education” (article 7) study programme accreditation is mandatory in Ukraine. Ukrainian higher educational institutions (HEIs) can issue diplomas only if the relevant study programme is accredited by an authorised body – by NAHEQA or by a foreign QA agency included in the list of agencies recognized in Ukraine by the Order of the Cabinet of Ministers of Ukraine. According to the Law of Ukraine “On Higher Education”, Ukrainian higher educational institutions may choose an EQAR-registered agency listed in the Order of the Cabinet of Ministers of Ukraine No. 554-p dated July 10, 2019 to conduct programme accreditation at their institution. The decisions (accreditation certificates) of these foreign agencies are recognised as equivalent to accreditation by NAHEQA.

Institutional accreditation is not conducted by NAHEQA yet. A regulation on institutional accreditation is being developed.

During 2015-2020 Erasmus+ Structural projects with participation of the Ministry of Education and Science of Ukraine and NAHEQA supported development of the Quality Assurance system in Ukraine. QUAERE project focused on QA guidelines development on the base of ENQA standards and guidelines and EDUQAS project aimed on implementation of QA system via cooperation of University-Business-Government in HEIs. High number of the Universities - CBHE projects partners got unique experience in quality assessment, e.g. HEIs hosted advisory visits of EU partners’ experts and site visits organised in international accreditation procedure format with participation of regular accreditation experts from different accreditation agencies, like ASIIN Germany, Quality Agency for Higher Education Latvia, ANQA Armenia, SKVC Lithuania, and ACQUIN Germany. The administrative and academic staff enhanced their knowledge, enriched resources on the methodologies on quality assurance and together with the QA units established within the CBHE projects contributed to the development of the internal quality assurance system.

The Ministry of Education and Science of Ukraine, National Agency for Higher Education Quality Assurance and Ukrainian Students Union in cooperation with CBHE projects elaborated appropriate tools for External QA in Ukraine in accordance with the ESG and for further use by the NAHEQA. Representatives of Ukrainian HEIs and NAHEQA prepared a description of the model of Internal Quality Assurance system for Ukrainian HEIs and the model of External Assessment. Structural CBHE projects initiated and educated a QA experts pool in Ukraine based on the cohort of the experienced in piloting accreditation project partners, representing by the teaching and research staff, students, employers’ organisations and other stakeholders. Later on, they provided a multiplying

effect and disseminated their expertise to HEIs out of the partnerships. A number of project participants became experts of NAHEQA or developers of higher education standards under the Ministry of Education and Science of Ukraine selected by the open competition. Additionally, the detailed Training Kit for training QA experts is used both at national and institutional levels.

**24. Teaching of the official languages of the European Union: Please describe the teaching of languages provided at the various levels of the education system. Please provide information on existing translator and interpreter training programmes at postgraduate level.**

In the **general secondary education** sector, teaching foreign languages (as the first foreign language) is obligatory for grades 1-11 since 2012. Ukrainian students have the opportunity to learn a second foreign language in basic secondary school from grades 5 to 11. It is optional and depends on the choice made by the school's administration. The list of languages to choose is sufficient and their choice depends on parents' vision, the availability of teachers for concrete language and teaching materials.

From 2017, the Ministry of Education and Science of Ukraine started the implementation of new National Framework (Standards) and curriculum for foreign language learning (both for the first and second foreign language) with new approaches and content within the reform New Ukrainian School. They are based on a competence-based approach as the main and common in foreign language teaching.

Curriculum, teaching materials, and assessment – formative and summative testing and examinations meet specific levels of the Common European Framework of References for Languages (CEFR).

The assessment criteria at state level are defined by the New Educational Standards. These Standards outline the general and subject-specific skills, knowledge and understanding according to the levels of Common European Framework of References for Languages: primary school, grades 1-4 - Level (A1); basic secondary school, grades 5-6 – Level (A2), 7-9 – Level (B1); upper secondary school, grade 10- 11(12) (B2).

The territory of Ukraine is multilingual and there are many languages which are taught in schools such as English, German, French, Spanish, Polish, Slovak, Hungarian, Czech, Romanian, Italian, Greek, Scandinavian. Some of them are taught as languages for national minority. That is why, foreign language teaching in Ukraine is now generally recognized as a matter of developing both linguistic and intercultural competences and the training of teachers and the planning of curriculum content and assessment takes this into consideration.

As of the beginning of 2021/2022 school year, students were taught official languages of the European Union as the first foreign language or as the second foreign language in general secondary education institutions of all forms of ownership, as follows:

List of languages	Number of students who study first foreign language	Number of students who study second foreign language
English	4087432	74640

Bulgarian	7441	472
Spanish	17400	14582
German	612468	471568
Greek	2658	-
Polish	80327	59057
Romanian	2528	-
Hungarian	2524	2327
French	125012	90758
Italian	980	892
Slovak	553	349
Czech	1103	1084

The spread of the foreign languages studying fits into the context of European directives, which recommend that the Member States should teach two other languages of the European Union in educational institutions, in addition to the state language.

**Vocational education and training.** Data on the study of foreign languages in VET institutions is not collected. For the most part, students study English, German or French as a foreign language.

The standards of **professional pre-higher education, higher education** of vast majority specialties at bachelor and master level declare that one of required general competences of a graduate is ability to communicate in a foreign language both orally and in writing. The standards of higher education at PhD level contain general competence that is ability to present orally and in writing and discuss research results and / or innovative developments in certain fields of knowledge in Ukrainian and English, deep understanding of scientific texts in English in the field of scientific research.

In accordance with principles of institutional autonomy Ukrainian higher education institutions develop study programs independently. Study programs should ensure achievement of standards of higher education. As the standards contain requirements towards knowledge of foreign languages, curricula usually include relevant subjects. The lengths of language subjects that are taught in higher education curriculum and years of study are defined by HEI itself. Besides, HEI may create additional possibilities of studying foreign languages - speaking clubs, journal clubs, extra courses, electives etc. Majority students study only one foreign language at university.

The type of European languages that are taught by HEI is usually defined by the background of students (languages taught at school) and number of students that wish to continue a particular language. Usually it is English, German, French, and Spanish. Though there is no official statistics regarding the exact list of languages that are learnt by non-language learning students at universities and number of students per each foreign language, we can judge the distribution of languages learnt in bachelor programs by means of analysis of applicants for master programs who have to take the Uniform Foreign Language Entrance Exam (UFLEE). The UFLEE is a standardized foreign language test that is required to apply for a master program (except for military entrants). UFLEE is run in four languages and distribution of applicants per language is following:



English - 96.1% of applicants

German - 2.2% of applicants

French - 0.6% of applicants

Spanish - 0.15% of applicants

There is a different situation with foreign language learning in the “Health care” field of knowledge. According to resolution of the Cabinet of Ministers of Ukraine of March 28, 2018 No. 334 “On approval of the Procedure of the Uniform State Qualification Exam for graduates of a master degree of specialties in the field of knowledge "22 Health care" exam on English language for professional purposes was introduced as mandatory step in the middle of curriculum since September 01, 2019 for the following specialties: Medicine, Dentistry, Pharmacy, Pediatrics, Medical Psychology. That would eventually lead to teaching English to students of these specialties.

Research study by the NGO UENet with the Ministry of Education and Science of Ukraine of results of standardized assessment of language skill of entrants to bachelor and entrants to master program demonstrated absence of sufficient progress of bachelor students with mastering foreign language. The UFLEE is viewed as an instrument to stimulate learning of foreign languages during bachelor programs. Also the Ministry of Education and Science of Ukraine works on other measures aimed at improving the learning of foreign languages at university.

*Education of research students.* Attestation of the seeker of degree of Doctor of Philosophy, Doctor of Arts, Doctor of Science is carried out in Ukrainian language or, at the request of the applicant, in English. The educational scientific program is taught in Ukrainian language, but provides for the acquisition of language competencies sufficient for the presentation and discussion of the dissertation in a foreign language (English or other according to the specifics of the specialty) orally and in writing, as well as for a full understanding of foreign scientific texts in the relevant specialty. The amount of this programme component is defined in ECTS credits in the relevant higher education standards.

The PhD student who has confirmed the level of his/her knowledge of a foreign language, in particular English, with a valid TOEFL test certificate, or International English Language Testing System, or Cambridge English Language Assessment certificate, at level C1 of the Common European Framework of References for Languages, is eligible for re-accounting the relevant ECTS credits, as completed in full.

PhD students majoring in Philology are being trained in Ukraine. The purpose of the educational-scientific program is to provide training for students of the third (educational-scientific) level of higher education in the field of Philology for teaching and research activities.

**Translator and interpreter training programmes. Postgraduate education.** Training of professionals in foreign languages, in particular the languages of the European Union, including translators and interpreters, is carried out within the relevant specializations of the specialty 035 "Philology" (that is matched to 0231 Language acquisition, 0232 Literature and linguistics according to ISCED-2013) primarily at bachelor and master level.

Order of the Ministry of Education and Science of Ukraine of May 25, 2016 No. 567, approved the List of specializations for bachelor's and master's degrees in specialty 035 "Philology" which allow training of translators and interpreters from the following official languages of the European

Union: English, Bulgarian, Polish, Slovak, Croatian, Czech, Slovenian, Dutch, German, Swedish, Danish, Icelandic, Spanish, Italian, Portuguese, Romanian, French, Estonian, Hungarian, Finnish, Modern Greek, Lithuanian, Latvian, Irish.

The actual number of higher education study programs in particular languages and number of students as of 2021 is given below. Information is extracted from Unified State Electronic Database on Education and is judged based on the name of specialization and on the title of study program and therefore is approximate. The number of students in the table exceeds the actual number of students because all linguistic students learn two or more foreign languages and as such would be calculated several times.

Also there are 8 English language programs at professional pre-higher education level to which 120 students were enrolled in 2021.

Learning of foreign languages in linguistic higher education programs, data from 2021

Training of linguistic professionals (translators, interpreters, linguists, researchers etc)	Bachelor level		Master level	
	Number of programs	Number of students who study given language, full program	Number of programs	Number of students who study given language, full program
English	293	18929	159	5809
German	96	2913	60	1141
French	56	1219	35	334
Polish	33	631	14	385
Spanish	26	848	16	248
Italian	13	210	11	92
Czech	8	118	4	51
Modern Greek	6	76	5	57
Slovak	4	34	2	27
Bulgarian	4	43	3	8
Dutch	4	49	0	0
Portuguese	4	40	0	0
Romanian	3	11	1	9
Swedish	3	47	1	8
Croatian	3	19	2	7
Hungarian	2	8	1	28

Slovenian	2	6	1	4
Lithuanian	1	20	0	0
Finnish	1	11	0	0

Professions of translator, interpreter are not additionally regulated. Therefore postgraduate training within these professions is not required by any legislative act. Training at postgraduate level may be provided by educational institutions, by profitable and non-for-profit providers that are not educational institutions. Such training would be part of adult education. No governmental statistics and information about postgraduate training for translators and interpreters are being collected.

## **25. Digital competences: Please describe how digital skills are taught at the various levels of the education system.**

The state educational policy in *general secondary education* institutions of Ukraine generally contributes to the process of digitalization of education and society.

The state educational policy in accordance with the concept of the New Ukrainian School in general secondary education institutions is determined by the State Standard of Primary Education (2018) and the State Standard of Basic Secondary Education (2020). In these documents, computer science and digital competence is recognized as one of the key competencies of students, the formation of which is aimed at primary and basic secondary education in Ukraine.

The field of computer science is recognized as one of 9, which are defined by state standards, which aims to develop the student's personality, able to use digital tools and technologies to solve problems, development, creative self-expression, personal and social well-being, critical thinking, safe and secure. act responsibly in the information society.

The teaching of computer science in schools is aimed at the formation of students' digital competence, which begins in the 2nd grade and during the first two years of study (in the 2nd and 3rd grades) this subject is integrated into the course "I explore the world". From the 4th to the 9th grades the subject "Computer Science" is studied as a separate one. Senior students (10-11th grade) study basic subjects and elective courses (4 subjects), including the subject "Computer Science". Each secondary school chooses 2 subjects from the list of optional ones.

On September 1, 2022, the piloting of the project of updating the school course in computer science will begin. This project is an example of the synergy between the two ministries - the Ministry of Education and Science of Ukraine and the Ministry of Digital Transformation of Ukraine and our international partners (EU4DigitalUA project).

The project plans are: analyse and update the content of the subject "Computer Science", develop a conceptually new approach to teaching methods of computer science in schools, create a repository of digital educational resources, allow students and teachers to choose learning trajectories.

The project involves the best Ukrainian and European experts, as well as representatives of IT clusters and IT associations of Ukraine, who are ready to provide technological expertise for the effective implementation of new digital technologies in teaching, learning and assessment, as well as creating new content for school subject of computer science in grades 1-11.

From September 1, the project will start piloting through all classes in the schools selected by

us together with our partners. According to the results of the pilot, changes are expected to be widely implemented.

Among the key challenges in digital transformation of school education sector is the lack of data on the general level of digital competence and skills of students and educators, as well as comprehensive tools in place to measure it.

The Law of Ukraine “On Education” stipulates that VET is a logical continuation of general secondary education in the development, renewal and formation of digital skills. State educational standards for specific professions and educational programs provide for the development of digital competencies of a person to increase personal potential and development, expand employment opportunities, social integration and active citizenship.

The educational content of the educational components of the educational program includes digital technologies, equipment, tools, applications for the organization of production processes, professional and tolerant communication in the workplace, learning opportunities, selection of necessary materials, tools, equipment for production through available digital platforms and the possibility of organizing business activities.

Educational programs 2, 3 levels of VET include 30-35% of educational material on the use of digital technologies in professional activities. All students of state and municipal VET institutions have free access to the Internet through their own devices or desktop computers. Educational facilities of VET institutions (7%) are equipped with interactive whiteboards (with appropriate software), image demonstrators (16%) for visualization of educational material. Teachers use available learning platforms to place educational content on specific topics of educational components, training modules.

Work is underway on:

- updating of stationary computer places with computer equipment with high technical characteristics, licensed programs,
- development of interactive/digital content for mastering full/partial professional qualifications at the state level has been started,
- an accessible, convenient national digital platform is being developed for the placement of educational content in the profession that is needed in the labour market.

In the *higher education sector* digital competences are the key basic transferable skills for almost all specialties according to state standards on the bachelor’s degree level of education, that don’t belong to the field of Information Technology (Computer Science, Computer Science and Information Technology, Software engineering, Computer Engineering, System analysis, Cybersecurity). On the Master’s degree level of education digital competences are realized within the ability to use Information Technology for specific professional tasks. The European digital competencies framework (DigiComp 2.0.) hasn’t been adopted on the level of higher educational system yet but this process is underway. One of the most promising directions of implementation of digital competencies in education is the introduction of multidisciplinary programs on the Master’s and PhD level by the HEIs, that allow proficient use of digital skills in other branches of the economy (Fintech, Finreg etc.).

The main challenges for digital education in higher education institutions are:

- low level of digital competencies of participants in the educational process;
- outdated content of education in computer science subjects;
- educational programs are not aimed at forming the necessary digital competencies of future teachers;
- lack of modern equipment and technology and sufficient coverage of the Internet in institutions and establishments of education and science;
- lack of quality digital educational content for education. The prepared draft of strategy of Ukraine Digital Agenda – 2020 view the digital competencies as cross-platform digital competence, i.e. when subjects are taught through the use of “digital” technologies, thus digital skills are developed concomitantly.

The main objectives for digital literacy and skills in the public education segment are as follows:

- situation analysis. Conducting independent qualitative and quantitative research on the availability of digital skills in different groups of the population (civil servants, teachers, students, young professionals, unemployed, people with disabilities, retirees, small and medium-sized businesses), determining criteria for influencing digital skills, the main obstacles to the use of digital technologies and specific tools;
- based on this study - the development of a list of digital skills and competencies by line ministries for target audiences in individual industries;
- development of quality educational content, revision and updating of training programs and training of civil servants, educators and the unemployed;
- development and promotion of publicly available online and offline digital literacy courses, including blended learning to reach a large number of people from different backgrounds based on the adopted European digital competencies framework (DigiComp 2.0.);
- measurement and certification of digital skills. Adaptation of the methodology for measuring and implementing independent certification of the level of digital skills in accordance with the needs of the labour market.
- harmonization of the regulatory framework governing the certification of digital skills of civil servants, teachers, other segments, with international requirements, as well as the regulatory framework relating to additional accruals to salaries subject to confirmation of digital competencies.

Based on the European framework Dig.Comp 2.1, an adaptation of the framework of the digital competencies framework for the citizens of Ukraine was made in 2021, considering the results of the survey on digital literacy of Ukrainians conducted in 2019. The digital competencies framework for citizens include 6 areas and 30 competencies as follows:

0. Basics of computer literacy
  - 0.1. Use of computer and mobile devices.
  - 0.2. Use of basic software.
  - 0.3. Use of applications and application software.
  - 0.4. Using the Internet and online applications.

## 0.5. Digital identity management.

### 1. Information literacy, ability to work with data.

#### 1.1. View, search and filter data, information and digital content.

1.2. Critical evaluation and interpretation of data, information and digital content. Checking the reliability of sources.

#### 1.3. Data, information and digital content management.

#### 1.4. Implement your own requests and needs with help of digital technologies.

#### 1.5. Self-realization in the digital society.

## 2. Creating digital content.

### 2.1. Development of digital content.

### 2.2. Editing and integration of digital content.

### 2.3. Copyright and licenses.

### 2.4. Primary programming skills.

### 2.5. Creative use of digital technologies.

## 3. Communication and interaction in the digital society.

### 3.1. Communication using digital technologies.

### 3.2. Digital dissemination and exchange technologies.

### 3.3. Cooperation with the help of digital technologies.

### 3.4. Digital citizenship. Use of e services. E-signature.

### 3.5. Responsibility. Legal and ethical norms. Network etiquette.

## 4. Security in the digital environment

### 4.1. Device protection and secure Internet connection.

### 4.2. Protection of personal data and privacy. Internet security.

### 4.3. Protection of personal rights of consumers from fraud and abuse.

### 4.4. Protection of health and well-being.

### 4.5. Environmental protection.

## 5. Solving problems in the digital environment and lifelong learning.

### 5.1. Solve technical problems

### 5.2. Determination of needs and their technological solution

### 5.3. Self-assessment of the level of own digital competence, closing gaps.

### 5.4. Solving life problems with digital technologies.

### 5.5. Lifelong learning. Professional and self-development in the digital environment

## **Adapting to change**

### **26. What are the identified skill needs and/or shortages for the labour markets? What are the responses from the educational and training systems to meet current and future skills needs (e.g. by the labour market)?**

The current period in Ukraine's recent history is unprecedented in terms of cumulative pressures imposed by the COVID 19 pandemic and the war on the labour market. However, availability of several tools and mechanism that provide data and information regarding the labour market (see below) allows to identify a number of general trends that shape it. First of all, Ukraine's labour market has several underlying structural challenges, these being:

- ageing population;
- migration;
- mismatches between formal education system and labour market needs.

Shortages of skilled employees can be observed in a variety of sectors and industries, including agriculture, information technologies, energy, healthcare, construction, metallurgical and machine-building industries. However, while shortages in specific occupations and occupation-related skills are very diverse and shift rather dynamically, recent surveys of over 13,000 businesses conducted in 2021 by the State Employment Service in cooperation with EU4Skills/Polish Solidarity Fund have clearly indicated a cross-sectoral demand for transversal skills.

Many companies when hiring employees pay more attention to motivation, communication skills and digital competences even more than to specific technical skills related to their job or occupational roles and functions. Among the many transversal skills and competences, the employers identified the following ones: orientation towards results (49%), teamwork (48%), responsibility (40%), ability to maintain dialogue (65%), ability to clearly communicate both verbally and in written (48%). Such digital skills as ability to work with basic office and word processing software (72%) and working with databases (57%) were also identified as important.

Another methodological approach to analyse the labour market needs of Ukraine was the Labour Market Information System developed by the ETF, which is being used from 2020. Special methodologies also were designed by the Institute for Educational Analytics, National Academy of Science of Ukraine. According to the latest data (2020-2021) labour market needed predominantly workers with complete general secondary or vocational education (6% with professional pre-higher and 8% with complete general secondary education), 52% with bachelor degree and 8% with master degree. Analysis of vacancies also demonstrated the need for a variety of transversal skills, such as:

- languages – 52%
- basic computer skills – 38%
- team skills – 37%
- administrative and support activities – 35%
- control and quality assurance – 31%
- time management – 29%

project management – 28%

data analysis – 27%

sales and marketing – 25%

communications and PR – 22%.

The skills mentioned above are demanded independently of specific professional skills. In some cases these demands should be considered as supplementary ones. According to current law, qualifications may be complete or partial. But the concept of partial qualification doesn't allow to satisfy current needs. One of the possible responses is introduction of microcredentials, which Ukraine is considering.

Structure of higher education and vocational education and training corresponds labour market needs in common. To resolve specific needs in economic sectors the government stipulates different forms of cooperation between education system and labour market. They are:

- academic freedom for universities to introduce new study programs to response labour market needs;
- participation of employers in educational institutions board of trustees;
- common activity of companies and educational institutions on state-public partnership principles;
- employers' involvement in preparation of proposals to legislation, participation in joint projects, assistance in reforming the procedure for confirming the results of non-formal and informal learning;
- participation in ensuring the quality of VET by developing professional and educational standards, development of educational programs;
- dual education;
- regional councils on vocational education and training in which employers play key role;
- participation of employers in accreditation study program;
- participation of employer representatives in National Qualifications Agency (one fourth of NQA members are representative of employers);
- participation of employer representatives in the National Agency for Higher Education Quality Assurance;
- participation of employers and initiation of businesses for work- and career-oriented events, career fairs, trainings, tournaments

Ukraine implements a number of policies at different levels of education system to ensure that skills and knowledge of graduates meet the expectations of employers and labour market needs, including systemic career development initiatives aimed at providing students and youth with information and skills needed to better fit within the labour market. More information on career guidance activities and initiatives is underscored under item 9 of Chapter 26.

At the **vocational and training education** annually, the regional education authorities develop forecast indicators of employee training for the year. These indicators take into account proposals of



vocational and training institutions, regional VET councils, employers' organizations, their associations, and trade unions, city councils, councils of united territorial communities, regional employment centres, as well as indicators of economic and social development programs, regional labour market development, demographic situation, statistical observations, analytical information from local employment authorities on the supply and demand of professions and qualifications.

Analytical materials make it possible to predict the quantity and quality of professional qualifications in the future in Ukraine and certain sectors of the economy. The instruments and sources of information used by local and regional education authorities for developing forecasts include:

- a monthly survey of national business leaders on their expectations from the National Bank of Ukraine. One of them is the issue of the need for skilled workers, changes in their salaries;

- data from national all-Ukrainian associations, trade unions, joint representative bodies of employers, in particular information on the needs of skilled workers, promising or new professional qualifications, and requirements for new jobs (this information is also shared with employment centres);

- analytical tools providing information on the structure of the labour market, forecast by positions/qualifications, possible career trajectory. One of such tools is the Qualifications Map of Ukraine providing quarterly analysis of the labour market, economic trends of professional requirements form a forecast of qualifications, the number of employees in the economy, and assesses who has good prospects to find a suitable job. This resource is a modern tool for visualizing large databases (registers) to enable the heads of VET institutions to make evidence-based decisions on the formation of the contingent of students for 1, 3, 5 years, preparation of documents for licensing new professions, development of educational programs for full/partial qualification.

In the framework of the EU-funded “EU4Skills: Better Skills for Modern Ukraine” modern forms of teaching and learning are promoted in support of further development of the National Qualifications Framework (NQF) and the development of a total of 100 new qualifications based on professional standards, including curriculum development. The development of new teaching, learning and training materials for teachers and trainers aims at improving the quality of vocational education and training.

Currently EU4Skills provides technical support and capacity development at: national level to the Ministry of Education and Science of Ukraine, National Qualifications Agency, State Employment Service, at regional level - to regional educational authorities, at local level - to educational service providers and companies.

EU4Skills experts have also developed education standards for career education, career learning modules, text books, teacher guidelines all in line with the new Ukrainian school reform timeline to be sustainable.

In 2014, the Verkhovna Rada of Ukraine adopted a new Law of Ukraine “On Higher Education”, which approved a competence-based education approach and the use of learning outcomes in **higher education** standards, as well as in the construction and implementation of educational programs. Along with the adoption of higher education standards, which are formulated from the standpoint of modern requirements for the set of competencies for each specialty, a system of monitoring and forecasting current competencies and relevant program results is being developed.

A pilot project for the dual form of higher education has been launched based on cooperation with business and employers with support of the Scientific and Methodological Centre for Higher and Professional Pre-Higher Education and Friedrich Ebert Foundation, aiming at ensuring maximum efficiency of training of pedagogical specialists according to the labour market requirements and national economy needs.

The Ministry of Education and Science of Ukraine has developed and approved requirements for interdisciplinary educational (scientific) programs of higher education. Interdisciplinary educational (scientific) programs of higher education are provided for the first time by the Law of Ukraine of December 18, 2019 No. 392-IX "On Amendments to Certain Laws of Ukraine on Improving Educational Activities in Higher Education", which are aimed at creating conditions for the formation of unique sets of competencies of graduates.

The relevant order of the Ministry of Education and Science of February 1, 2021 No. 128 "On approval of requirements for interdisciplinary educational (scientific) programs" was registered in the Ministry of Justice of Ukraine on April 6, 2021 for No. 454/36076.

The development of interdisciplinary educational (scientific) programs in Ukraine will open new professional and academic rights for future professionals and help increase the competitiveness of the national higher education system as a whole. At the initial level (short cycle) of higher education, interdisciplinary - extended - educational programs can be developed. Objectives of the following programs:

formation of learning outcomes common to a group of specialties belonging to one or two fields of knowledge;

assistance in the implementation of the student's conscious choice of specialty for further study.

At the second (master's) and third (educational-scientific) levels of higher education, interdisciplinary educational-scientific programs can be developed in two or three specialties belonging to one or different fields of knowledge. The goal is to train specialists who are able to solve complex problems in conditions of uncertainty and ensure the further development of scientific knowledge.

Despite the recent adoption of relevant legislation on interdisciplinary programs, there are currently illustrative examples of the implementation of such programs in Ukrainian higher education institutions.

Among them is the bachelor's degree in interdisciplinary program "ARTES LIBERALES" at the Ukrainian Catholic University, which was launched in 2014. The aim of this program is to prepare graduates who are able to think critically and analytically, communicate orally and in writing, understand global social processes, respond to ethical challenges of today, as well as be experts in their chosen specialty. The same university implements the master's educational program "Media Communications", which includes PR, Digital & Visual, Media Analytics and Management, as well as the bachelor's "Ethics-Politics-Economics". The Alfred Nobel University has launched program "Innovative Finance: Digital Technology". The Western Ukrainian National University implements educational programs "Creative Business", "Politics, Leadership, Psychology, Economics".

## **27. Please provide information on the following:**

**a) Which measures related to the adaptation of education and training to the requirements of the labour market and twin green and digital transition are in place?**

One of the key tools to adapt education and training to the modern labour market requirements is staff training according to the professional standards. Employers' requirements to the competence level of potential employees forms the basis of professional standards. Professional standards are the basis for the development of educational standards that ensure the quality of high-skilled workers. As of April 1, 2022, 235 professional standards have been approved.

Nowadays, popularization of working professions in the field of energy efficient construction, career consultancy for youth, and stimulation of **vocational and training education** students to develop innovative vision of the future of their educational institutions belong to the current trends of Ukrainian vocational education and training.

The Ministry of Education and Science of Ukraine was involved in the creation Energy Innovation Hubs within the implementation of Qualifications Component of the GIZ project "Promotion of Energy Efficiency and Implementation of the EU Energy Efficiency Directive" aimed at creation of capacity for training of qualified specialists for the area of energy efficiency.

A training course "Fundamentals of energy efficiency" was elaborated and successfully piloted. The course programme covers all relevant types of human activities – from the general needs of energy consumption in the world and the country to the needs at your workplace and efficient using of energy resources in everyday life. The training course is implemented by VET institutions as a subject of choice for certain occupations.

The competition "My VET School Builds Energy Efficient Ukraine" was organized by the NGO "School of Energy Efficiency" in the framework of the GIZ project "Promotion of Energy Efficiency and Implementation of the EU Energy Efficiency Directive" in September – October 2021. During the competition more than 50 different projects were sent by the VET institutions.

The work on promotion of working professions and education on energy efficiency continues. The implementation of the Concept of the National Promotion Campaign for Professional Qualifications in the Field of Energy Efficiency and further development of energy innovation hubs will be the next steps of the project.

Modern educational and practical centres (EPC) are being created on the basis of VET institutions. The EPC activities are aimed at the introduction of new energy-saving technologies and materials in the professional training of qualified personnel. The areas of renewable and "green" energy, as well as alternative energy sources are the priorities for the development of professional qualifications.

In the **higher education sector** the Strategy of Development Higher Education in Ukraine in 2022-2032 identifies the relevance of adapting education to prospective and in-demand competencies as one of the key challenges to be addressed. The trend towards neo-industrialization, the introduction of the concept of Industry 4.0, robotics, the development of IT technologies, environmental issues in the next ten years will change the list of most popular professions. Experts estimate that specialists capable of designing and implementing new technologies in response to new challenges, as well as professions related to IT and data, with the greening of production and life, will be in demand. Professions related to health, education, creativity, and the provision of personal services will remain relevant, as they cannot be replaced by automated systems even with the use of artificial intelligence.

A piloting of the dual form of obtaining higher education has started, in partnership with business and employers. The project was launched by the Ministry of Education and Science of Ukraine jointly with the Scientific and Methodological Centre for Higher and Professional Higher Education and Friedrich Ebert Foundation, aiming at ensuring maximum efficiency of training of pedagogical specialists according to the labour market requirements and national economy needs.

Erasmus+ CBHE projects promote cooperation HEIs with employers to meet the labour market requirements and promote student employability. A number CBHE projects focused on providing student with practical skills via practice, study programmes improvement together with business sector, among them FABLAB project aimed on development of a network infrastructure for youth innovation entrepreneurship support on fablab platforms, GameHub project supported university-enterprises cooperation in game industry, ITE-VET project provided improving teacher education for applied learning in VET, TOPAS project oriented on practical education in agrarian studies, Ag-Lab project improved students' skills in laboratory practice for agro-food sphere, CybPhys project provided development of practically-oriented education in cyber-physical systems modelling, COOPERA project covered dual higher education issues.

During September 2020 – February 2021 Municipal Development Institute (MDI) was implementing the assessment of the educational needs for Ukraine' energy sector with the financing from USAID Energy Security Project (USAID ESP). The survey comprised 3 stages and was aimed at finding out: 1) which specialists are needed for the energy sector, 2) if the current energy education meets the needs of the employers, 3) what steps should be taken to eliminate gaps between the educational needs in the energy sector and the capacity of the educational establishments.

Based on the data obtained, MDI specialists have prepared the recommendations on meeting the educational needs in the energy sector. These recommendations cover the revision of the educational programs and the enhanced quality of their implementation, improvement of the VET training in energy, strengthened cooperation between the educational establishments and employers, improved image of the employment in energy and gender inclusion, extension of the resource base of the educational establishments. The presentation of the findings is published [here](#).

Overall, Ukraine needs deeper involvement of its educational institutions into international collaboration in twin green and digital field to facilitate effective adaptation of education to the requirements of twin green and digital transition.

Digitalization as well as sustainable development are the priorities for higher education that are becoming increasingly important. Ukraine has identified digital transformation as a policy priority, marked by recent successes in the implementation of ProZorro and eHealth systems, the 4G mobile network and the introduction of e-services in the public and private sectors. Digitalization in Ukraine is carried out by the joint efforts of the expert and business communities, and in 2018 the government adopted the Concept and Action Plan for the development of the digital economy and society of Ukraine for 2018-2020.

The World Bank has approved the "Ukraine: Improving Higher Education for Results Project", according to which the key tasks for the digitization of higher education are:

- modernization of the information-analytical system of higher education;
- introduction of the National online survey of students and the Unified electronic system of competitive state funding of research and development of higher education institutions;

- launch and improvement of digital solutions for educational measurements of educational achievements.

Among different levels of digital skills that divided into sets of six areas of competence (basics of computer literacy; information literacy, ability to work with data; creation of digital content; communication and interaction in the digital society; security and solving problems in the digital environment; lifelong learning) the most used as transversal competency for bachelor's degree in higher educational standards for different specialties in Ukrainian is skills of using the information and communication technologies.

The issues of training (professional development) and confirmation of staff qualifications to perform the work with ozone-depleting and fluorinated greenhouse gases are provided by the Law of Ukraine "On Regulation of Ozone-Depleting and Fluorinated Greenhouse Gases" dated December 12, 2019 (Article 10, 11) and the Resolution of the Cabinet of Ministers of Ukraine of September 23, 2020 No. 1086 adopted in accordance with this Law. It sets requirements and procedures of issuing the certificate to perform the work on installation, maintenance, servicing, repair or decommissioning of equipment, tightness checks of the system as well as recuperation of controlled substances from such equipment.

#### **b) What activities are undertaken to stimulate initiative and entrepreneurship, and use of digital tools as a basic competence for young people within the different levels of education.**

In the new State Standard of Basic **Secondary Education** adopted in 2020, there is a computer science (informatics) field of study. It is compiled according to the Digital Competence Framework for Citizens, taking into account national approaches to teaching it as a separate subject. There are four main computer science digital skills represented in learning outcomes:

1. Search, representation, transformation, analysis, generalization and systematization of data, critical evaluation of information for problem solving.

2. Creation of information products and programs for effective problem solving, creative expression with or without digital devices.

3. Conscious use of digital technologies and devices to access information, communicate and cooperate as a creator and / or consumer.

4. Awareness of the consequences of using information technologies for yourself, society, environment and sustainable development of society, compliance with ethical and legal norms of digital interaction.

Each of these competences is developed throughout all the levels of secondary education, so students have a chance to grow in their digital proficiency according to their age group.

Issues of entrepreneurship and financial literacy are formed in the educational process of general secondary education institutions during the implementation of competencies in entrepreneurship and financial literacy.

Entrepreneurship and financial literacy are key competencies enshrined in the Law of Ukraine "On Education" (Article 12) and runs through the content of all current curricula for general secondary education. The cross-cutting content line "Entrepreneurship and Financial Literacy" can be implemented by means of any subject, which is detailed in the curriculum for grades 5-9. The

programs also provide open electronic resources that can be used by teachers to develop skills of entrepreneurship, initiative and financial literacy.

The variable component of the educational process for secondary education is represented by a selective course in entrepreneurship and financial literacy for students in grades 1-11 of secondary education, which aims to develop competencies needed to improve financial and entrepreneurial competencies.

During 2016-2021, the experimental project “Development of business education in Ukraine as an element of state policy to promote entrepreneurship” (MoES, Institute for Education Content Modernization, Kropyvnytskyi City Council) was realized. The results of the project are: (1) developed education program for secondary school (8-10 grades) with business simulation incorporated into the curriculum was developed; (2) an online Business Tournament “A Firm Strategy” was held with more than 16,500 participants; (3) training for pedagogic and academic staff on IT instruments in entrepreneurship teaching was conducted (4,250 participants); (4) annually workshops "Entrepreneurship and career guidance in a modern educational institution" for heads of educational institutions, methodologists, teachers, and lecturers were organised (2,410 participants). "Entrepreneurship Education in Ukraine / Entrepreneurship Education UA Facebook community has been running since 2017.

The formation of entrepreneurial competence is formed in the system of **vocational education and training** through the implementation of state educational standards for specific professions. VET institutions on the basis of educational standards develop educational programs, training modules, disciplines, subjects, integrated courses that form the necessary knowledge of labour law, types of entrepreneurship, organizing their own business, the necessary economic calculations of doing business, administrative and criminal liability for compliance with law, ability to use digital applications to communicate with fiscal authorities, potential partners, employees, potential managers, forecast their economic activities, risks, resolve conflict/problem situations.

In vocational institutions teachers have the academic freedom to build a curriculum of the basics of "Fundamentals of Entrepreneurship", "Fundamentals of Ukrainian Legislation", "Fundamentals of Economics", "Digital Technologies" or create one training module, resulting in entrepreneurial competence, ability implement through various forms.

The Law of Ukraine "On Vocational Education and Training" (Article 25) provides that vocational training of students is carried out in close combination with the manufacture of useful products, the provision of services paid for in accordance with the law. For such opportunities, VET institutions, in partnership with business, update their own training workshops with modern equipment and fill them with relevant materials. To recreate the conditions of a real enterprise, training and practical centres are created at the expense of the state and regional budgets.

The format of training on the basis of such centres encourages young people to take initiatives to start their own business, to additionally master the competencies necessary for further work. The opportunity to immerse yourself in the real production process gives an understanding of the possible difficulties of the future profession, career prospects. The choice of further career is influenced by counselling in the Career Centres established in each region, based on 247 VET institutions. Such centres accompany students during their training in: consulting with the structure of the regional labour market, required qualifications, job requirements, the need for new skills, negotiating with employers, writing business plans, finding investors, promoting their own start-ups.

VET institutions cooperate with existing, socially responsible business. This partnership gives young people at the stage of training to create a positive image for the future employer, build their careers there, get acquainted with the specifics of a particular business, start your own business.

The formation of entrepreneurial competence is facilitated by independent work, participation in projects, competitions, which are constantly organized at the level of the institution, region: "Best Business Plan", "My Family Budget", "Youth Start-up" and more.

To ensure the formation of an innovative culture of entrepreneurship among **higher education** students the Ministry of Education and Science of Ukraine together with the NGO "Innovation Partnership Platform" created business clubs in 25 universities. Regular consultations and events for SMEs take place aiming to increase the number of partnerships between higher education institutions and SMEs.

The network of academic start up incubators YEP with the Ministry of Education and Science of Ukraine, the Ministry of Culture of Ukraine, Diya, the Ukrainian Start-up Fund, Genesis and the USAID Competitive Economy of Ukraine Program has been implementing the multi-level Entrepreneurship University project since 2020. The initiative aims to create universities with a strong business culture and start up infrastructure in Ukraine. As part of the project, they launched the course "Innovative Entrepreneurship and Start-up Project Management" in 76 universities in 29 cities of Ukraine and more than 2,000 students are students of the course.

In 2019 Ukraine joined the European Union's EU4Digital initiative that supports the Digital Reform Program in Ukraine, offering a series of activities to promote key areas of the digital economy and society in line with EU norms and practices to deliver economic growth, create more jobs, improve people's lives and help businesses. Among the four focuses of this program the Digital skills in education (digital skills for teachers, youth and students) are crucial one.

To promote career guidance among Ukrainian youth the State Employment Service of Ukraine (SES) has joined the International Labour Organization "Entrepreneurship development for youth in Ukraine" project with financial support of Czech Republic government. In the framework of the project, 39 trainers from among the specialists of the SES were trained, 24 online trainings on entrepreneurship were held according to the methodology "BIZ-UP: Self-employment skills for youth". The trainings were attended by 307 young people who are looking for work, studying in the centres of vocational (vocational) education under the SES and are interested in starting their own business. During the training, young people mastered the online training modules BIZ-UP, gained basic knowledge of entrepreneurship, acquired the skills to make informed decisions. In total, during 2021, the SES specialists together with the social partners held more than 120 different career guidance events on entrepreneurship for 3,700 young people from among pupils and students.

### **c) What activities are undertaken to promote transversal skills, citizenship education and education on European values/European perspective in education?**

According to the Law of Ukraine "On Education" the state creates the conditions for obtaining civic education aimed at the formation of competencies related to the realization of a person's rights and responsibilities as a member of society, awareness of values civil (free democratic) society, the rule of law, human and civil rights and freedoms.

Article 12 of the Law states that one of the 12 key competencies is civic and social competencies

related to the ideas of democracy, justice, equality, human rights, well-being and healthy living, with equal rights and opportunities in line with goals and principles of education, and in addition - cross-cutting competencies, including critical thinking.

An important element of civic education is the formation of citizens' responsible attitude to the protection of sovereignty and territorial integrity of Ukraine, ensuring security and awareness of common interests of man and state, developing skills necessary for active participation in democratic life, free society, to promote and protect democracy and the rule of law, and the development of national identity, which includes the consolidation of the functioning of the state language in all spheres of public life, including respect for and development of the languages of all national minorities and indigenous peoples living in Ukraine.

Civic education covers all types of education (formal, non-formal, informal), as well as all components of education, all levels of education and all age groups, including adult education, and aims to form civic competencies. Civic education helps in the acquisition of necessary competencies.

The Ministry of Education and Science of Ukraine as the central executive body ensures the development and implementation of policy in the sphere of education, including promotion of democratic and European principles among seekers of all educational levels.

For instance, in **general secondary education** citizenship education has long been a part of Ukrainian school curriculum; it has been taught as a part of complex subjects and as an elective course. Since 2018 citizenship education has become a compulsory subject in the grade 10. At the same time, civic and social competence is one of the transversal competences that are to be developed in every subject (and national curricula state expected learning outcomes for these competences in each subject group). In addition, for school students who continue to study according to the previous curricula, they were revised and four transversal themes, including “Civic responsibility” were introduced for each subject. Many materials showing how to combine developing civic competence and reaching learning outcomes of a subject were developed and are available free of charge to all Ukrainian teachers.

All-Ukrainian Association of Teachers of History and Social Sciences “Nova Doba”, based on many years of experience in implementing education for democratic citizenship in Ukraine, has created an online platform for civic education. It is constantly updated with various teaching materials: illustrations, audio and videos, interesting facts, and real-life examples. It also contains interactive classes, trainings, discussions, business games, case studies, etc.

The following online tools support the development of a culture of democracy in schools and the development of civic competences:

a collection of interactive exercises for the development of civic competencies in various subjects, a so-called Toolbox;

an interactive guide “How to build a democratic school: An interactive guide to school’s approach to the formation of a democratic school culture and the development of civic competences”

According to Articles 28 and 70 of the Law of Ukraine "On Education" in educational institutions there are student self-government bodies, whose activities are aimed at creating favourable conditions for full development of the individual, its successful integration into public life, involvement of children in public administration. transparency and openness.



The Ministry of Education and Science of Ukraine, education authorities, pedagogical teams of educational institutions are working hard to form priorities and strategic directions for children and students, support socially active programs, initiatives and projects of student government.

The All-Ukrainian Meeting of Leaders of Student Self-Government is held annually, where participants share their experience in conducting joint actions, projects, cultural, environmental, social and other initiatives. During the events, leaders are trained to participate in decision-making processes at the national, regional and local levels.

Over the past year, the All-Ukrainian Council of High School Students has initiated the following events:

All-Ukrainian Relay of Student Youth "Flag of Charity" (charitable, volunteer, charitable);

project "M (youth) -18" (joint activities of student and local governments, united territorial communities on community support and development).

project "Everything will be fine!" - posting on Facebook pages filled with tips, life hacks, creativity;

All-Ukrainian competition of videos "The Face of My Ukraine", dedicated to the 30th anniversary of Independence of Ukraine;

creation of a joint slide presentation of the Student League of Ukraine on participation in events dedicated to the 30th anniversary of Independence of Ukraine, etc.

The Ministry of Education and Science of Ukraine recommended that the education authorities of regional state administrations should provide support to projects developed by youth and children's organizations.

At the **vocational education and training sphere**, in VET institutions the study of the course on the subject of "Civic Education" is carried out following the working curricula and programs in groups with a complete general secondary education and provides 70 hours per course of study. The civic education course implies using a competency-based approach to vocational education standards.

To create favourable conditions for the development of public initiative and self-organization in society, the formation and operation of civil society institutions, the establishment of partnerships between them and public authorities, local governments the National Strategy for Civil Society Development in Ukraine 2021-2026 was approved (Presidential Decree of September 07, 2021 No. 487/2021).

To create a course of civic education for VET students the Ministry of Education and Science of Ukraine and the International Foundation for Electoral Systems (IFES) signed a Memorandum of Cooperation. Currently, work has begun on developing a curriculum and teaching materials for a civic education course for VET institutions. It is planned that the course will be introduced as a subject of a variable or invariant part of the curriculum.

In the **higher education sphere** appropriate measures are also in place. According to the Concept of development of civic education in Ukraine, approved by the Cabinet of Ministers of Ukraine on October 3, 2018 No. 710-r, the higher education institutions in the sphere of civic education provide achievements in the relevant types and levels of the following results:

- developing the ability to make independent decisions based on the values of civil society, in

particular, justice, equality and the rule of law;

- setting up for teamwork, for finding compromises and joint management, in particular in educational institutions, participation in public activities, including student self-government;
- development of communication and cooperation competencies;
- development of citizens' abilities necessary for effective interaction with state authorities and local self-government bodies.

For the implementation of the Concept, the Ministry of Education and Science of Ukraine has developed and proposed in 2020 for public discussion a draft Strategy for the Development of Civic Education until 2030 and an action plan for its realization.

The Reform of higher education set a priority that is its quality and development of adult education, and the goal that should be achieved – the graduates of higher education institutions are competitive specialists in the labour market who have modern knowledge, are able to solve complex problems, can create high-quality and innovative intellectual products and share the values of a free democratic society. Such aim meets the essence of higher education mentioned in the Law “On Higher Education”, where higher education shall mean a totality of systematized knowledge, abilities and practical skills, thinking patterns, professional, world-conceptualizing and civic qualities, moral and ethical values as well as other competencies attained at a higher education institution (research institution) in a relevant field of knowledge within a particular qualification at levels of higher education which in their complexity are higher than the level of complete general secondary education.

The Guidelines on higher education standards development approved by the Ministry of Education and Science of Ukraine defined requirements regarding mandatory competences on European values and European perspective in education for standards. On the bachelor's degree level the standards include compulsory general (transversal) competence for all specialties: ability to exercise one's rights and responsibilities as a member of society, to be aware of the values of civil (free democratic) society and the need for its sustainable development, the rule of law, human and civil rights and freedoms in Ukraine.

The higher education standards for specialties in the fields "Humanities", "Social and Behavioural Sciences", "Law", "Military Sciences, National Security, State Border Security", "Public Administration", "International Relations" should include special (professional, subject) competencies concerning European and Euro-Atlantic integration issues. Additionally, during 2015-2021, 45 HEIs implemented 121 Jean Monnet projects promoting European Studies in 21 cities over Ukraine. The JM projects disseminated projects' results in Ukrainian society covering among others the following topics: interdisciplinary studies on Europeanization, European values and identity, cross-cultural comparisons of Ukraine and the EU in educational research, EU language policy, social cohesion, European experience in democracy and governance, EU governance and politics of European integration, European standards of local self-government and EU regional policy, sustainable development, concept of Europe, corporate social responsibility, European antitotalitarian practices, prevention of corruption.

There are several educational platforms in Ukraine, which provide teaching materials on civic education outside the formal education system. For example, the most popular and widespread are the following: the cycle of civic education courses at Prometheus, a public project of mass open online

courses (MOOC). The first distance platform that is fully dedicated to civic education in Ukraine is developed by Open University of Maidan (VUM). There are 147 thousand students that were learners of courses. There are courses from leading teachers of business schools, public sector, business and social practitioners. The topics of the training courses are related to personal development and realization of one's potential, entrepreneurship as a mechanism of quality development of the community and society, understanding of the construction and operation of an open society and its formation in Ukraine.

Key indicator of the democratization of society and civic skill acquisition is the development of the student movement in Ukraine. Prospects for the development of student self-government, which in the context of educating a new generation of citizens of Ukraine, is becoming a significant factor in the formation of student youth as an active force in society. The formation of this quality in young people is impossible without socially significant activities, independence and participation in the activity of public student associations. The role of the latter is growing in the context of university reform, which is a manifestation of the democratization of the education system.

There are representative the projects of Ukrainian youth organizations, which involved students, namely: "Golden Personnel Reserve of the Nation", "Virtual Academy" (VMGO Ukrainian Student Union); "Development of student self-government as a prerequisite for a democratic state" (VMGO Youth for Justice); "Social formation, spirit development and the formation of universal values in student youth" (VMGO Association of Human Rights Organizers of Students of Ukraine); ISIC Ukraine project (Studentland).

The Association of Human Rights Organizers of Students of Ukraine (APOS) is the largest in Ukraine. The main purpose of the organization is to ensure and protect the legitimate social, economic, creative, age, national and cultural, sports, educational, scientific interests of its members. The total number of members of the Association is about 694,600 students and unites representatives of student unions of education, culture, health care, railway transport, communications workers, civil aviation, agro-industrial complex and others. The Association has its representative offices in all regional centers of Ukraine and in the cities of Kyiv and Kryvyi Rih.

Students of higher educational institutions of Ukraine are the members of numerous youth civic organizations.

Ukrainian students are active members of various international student associations. Ukrainian students are active members of the largest international youth organization AIESEC, which unites more than 23,000 people from 100 countries. This organization has been operating in Ukraine since 1994. It currently has 620 active members, 13 offices across the country, more than 500 Ukrainian volunteers travel to other countries each year and hosts more than 1,500 volunteers from other countries.

Ukrainian law students and young lawyers join the ELSA (The European Law Students' Association), an international, independent, non-political and non-profit organization that brings together those interested in personal development and new knowledge and communication with law students and lawyers from across Europe.

Medical students are actively involved in international student associations. Among them is the European Medical Students' Association (EMSA). The Ukrainian Medical Students' Association has local representatives from 16 medical schools across Ukraine. UMSA includes not only Ukrainian students, but also a great deal of international medical students from 116 foreign countries who are

studying in Ukrainian universities. Ukrainian Pharmaceutical Students' Association is a new public organization representing the interests of pharmaceutical students in Ukraine. UPSA is working to develop the future of pharmacy.

**d) Which innovative teaching methods are used and in what way are they integrated into the education and training provision?**

The reforming processes in education have been started since 2014 and aim to change the paradigm of system functioning as well as approaches to teaching taking into account the best European practices.

In the sphere of **general secondary education**, the European perspective on education has been one of the main driving forces of the ongoing New Ukrainian School – reform of secondary education in Ukraine started in 2018. One of its main goals is to bring Ukrainian secondary education in sync with European standards. This includes shifting to 12 years of schooling, student-centred, value-based and competence-based education. Article 12 of the Law on Education of Ukraine (2017) lists 11 key competences that ensure “comprehensive development, upbringing and socialization of the person who is able to live in the society and interact with the nature in the civilized manner, strives for self-improvement, life-long learning, is ready for conscious life choice and self-realization, responsibility, labour activity and civic activism”.

New state standards of education (for primary schools - 2018; for basic secondary education - 2020; for high school - a draft version is developing) make sure that learning outcomes of all subject groups also include development of these competences. Working groups drafting these documents were using European competence frameworks as a source of inspiration and to ensure common understanding of these competences by all subject groups. The following competence frameworks were consulted and used: Digital Competence Framework, Entrepreneurship Competence Framework, Reference Framework of the Competences for Democratic Culture, The Cambridge Framework for Life Competencies, and LifeComp.

In the course of the ongoing school reform special attention is given to promoting transversal skills. Article 12 of the Law on Education of Ukraine (2017) also lists 10 transversal skills that are to be developed in each subject: reading with understanding, a skill to express one’s opinion orally and in writing, critical and systemic thinking, ability to logically justify one’s position, creativity, leadership, ability to manage emotions in a constructive way, assess risks, make decisions, solve problems, ability to cooperate with other people. The current state standards of education ensure that these skills are a part of learning outcomes in all subject groups.

Moreover, criteria for quality education developed by the State Service of Education Quality and approved by the Ministry of Education and Science of Ukraine, that are a foundation for each school’s own system of quality assurance, list development of “values important for society” (such as empathy, civic mindedness, tolerance, inclusion) as an important part of each teacher’s work.

On the level of national documents and recommendations value-based teaching relying on European values and competence frameworks, development of transversal skills and teaching of civic education / development of civic competences are in place. On the level of teachers’ practice, these innovations are a part of professional development programmes both at the regional in-service teacher training institutions (ITTIs) and through various online and face to face courses, webinars, workshops

offered in cooperation with international donors supporting the education reform. Also, the Ministry of Education of Ukraine coordinates development of various resources for teachers and school students enabling them to switch to value-based education.

In the framework of general secondary education reform (New Ukrainian School - NUS) started in 2017, 143 schools began piloting the new State Standard of Primary Education.

In 2017, 2375 the appropriate trainings were held by «The Lego Foundation» (65 000 teachers), 3 trainings and 1 online course organised by British Council (18 000 teachers), 11 trainings organised by Ukrainian-Finnish project «Learning Together» (246 participants). Also Institut Français d'Ukraine (IFU) and Goethe-Institut Ukraine held some training programmes.

During 2019-2021 were conducted trainings for teachers, that covered 6 modules and were supported by the Ukrainian-Finnish project "Learning Together", the Ukrainian Institute for Educational Development, MoES specialists, international experts and the Reform Support Team under MoES. 54 trainers from regional ITTIs took part in trainings on inclusive education and professional development of teachers. Subsequently, 74% of trainers conducted NUS trainings, which covered 947 regional trainers. In addition, 116 teachers from pilot schools and NUS regional coordinators were trained in assessment practices and tools.

The following topics were covered during the trainings:

- new teacher's role in the context of the New Ukrainian School implementation;
- values, key competencies, cross-cutting skills, development of educational programmes;
- competency potential and compulsory learning outcomes (general / specific / assessment benchmarks);
- pedagogical mentoring and elaboration of the professional community;
- methods of identifying educational needs and requirements;
- communication with students and parents on the NUS implementation;

Training under the programme "New Ukrainian School: Transition to the Next Level" began on April 27, 2021. The programme included 6 modules that lasted from April to August 2021. Representatives of 136 pilot schools took part in the training. 2417 certificates were issued. In October 2021, the 7th module (2 webinars) was attended by regional coordinators - representatives of ITTIs (about 300 people), who received certificates of trainers.

The teachers' professional standards also provide requirements for information and digital competence. They are as follows:

the ability to navigate in the information space, search and critically evaluate information, operate it in professional activities;

the ability to use open resources, information and communication and digital technologies in the educational process;

the ability to develop students' positive attitude to information and communication and digital technologies and their responsible use.

In 2021, the professional standard of the head (director) of general secondary education was approved, also providing requirements for information and digital competence. The issue of

developing digital skills of teachers became especially relevant during the Covid-19 pandemic. Ukraine jointly with the involved development partners responded to the problem in a timely and high-quality manner. During 2020-2021, a large number of trainings and courses on various topics were organised for more than 45,000 educators. The following topics were covered by educators during these trainings: effective Google for Education solutions for cloud interaction; digital education for teachers: Microsoft's tools for distance learning; digital skills for teachers; general principles and tools of distance learning; methods of distance learning of general secondary education students of different ages; organisation of safe online learning, etc.

Also with the support of partners and experts, manuals on methods of organising distance and blended learning at different levels of education have been developed.

In April-May 2021, a pilot implementation of the online tool SELFIE took place in Ukraine. 60 general secondary education institutions and 30 vocational education institutions from 10 regions of the country were evaluated. An interactive results-based report was prepared which may help the management of the institution to identify digital strengths and weaknesses. The SELFIE digital readiness of educational institutions was assessed in 8 main areas, including: the institution's infrastructure, digital skills of students and teachers, the effectiveness of various forms and methods of teaching, digital technologies for assessment, personalization of learning and so on.

According to the report, the least developed areas (those in need of improvement) concern the introduction of digital technologies in the classroom (53%), infrastructure development (53.3%) and the practice of assessment using digital technologies (55.1%).

In December 2021, the Ministry of Education and Science of Ukraine approved the Typical program for professional development of teachers' digital competence. The purpose of the program is to increase the level of competence of teachers, as well as preparation for further work in the context of digitalization and the European vector of development in the following areas:

- digitalization of society and education;
- digital technologies for professional development, communication and cooperation;
- electronic educational resources;
- use of information and communication technologies;
- information and cyber security in the information society and digital educational environment;
- digital services for learning, evaluating the results of students and improving their digital competence.

Erasmus+ CBHE project MoPED supported modernisation of pedagogical higher education by innovative teaching tools and inquiry methods based on effective cooperation between EU and Ukrainian HEIs. During 2019-2021, about 300 school and university teachers have obtained new competences on STEAM education and digitalisation via MOPED trainings (online and face-to-face format) that became popular among the HEIs students and schools teachers all over Ukraine.

In the sector of **vocational education and training**, the development of technologies, the globalization of environmental problems, the digitalization of production and communication processes, the internationalization of labour markets are changing approaches to learning in the VET system. The content of educational standards and educational programs has shifted the emphasis on the formation of professional competencies by achieving specific learning outcomes. This approach

will allow a person to build a flexible trajectory of learning, to accumulate learning outcomes throughout life to obtain a full qualification. For sustainable development and positive change, the national VET system uses innovation tools:

1. Use of IT: there are digital transitions to save time, resources, create virtual educational environments, digital resources and tools, use multimedia equipment and software, actively use social networks, create educational video content by teachers and students, etc.

2. Partnership for best skills: involving employers in the development of educational standards and programs; organization of training in real workplaces; open areas of professional competencies are created to obtain additional partial qualifications during the training period, opportunities for continuous training, bringing jobs closer to potential employees, reducing the time for students to choose a profession.

3. Motivation of the future labour collective: annual competitions of professional skill of working professions among graduates of vocational schools of different levels. The winners of the national level will receive a scholarship from the President of Ukraine next year. For the work performed during the internship, students receive a salary, and the period of such work is included in the length of service and insurance.

4. Network of training and practice centres, educational hubs: the possibility of organizing rapid learning, obtaining partial qualifications for the demands of the labour market, the requests of employers.

5. STEM - training: development of integrated courses, training modules to create a holistic picture of the production process, equipment operation, phenomena in terms of complementary sciences.

6. Venture capital: support for youth business ideas, start-ups.

7. Interactive teaching methods: students become active participants in the formation of their own learning outcomes, gain experience in tolerance in communication, seek smart solutions to risks and challenges, position themselves in the labour market (work in small groups, projects, cases, brainstorming, idea map, cafe world, strategic sessions, PARLA, plate, design, simulation of professional situations, coaching, etc).

VET institutions use GSuite for Education, Zoom, Teams, Moodle and other platforms to deliver online classes. Teachers were trained in digital skills training courses.

Together with partners (EU4Skills) a manual on distance and blended learning in VET education was developed.

Also, the project «EU4Skills: Better skills for modern Ukraine» together with the Ministry of Education and Science of Ukraine organized courses to increase the digital competencies of teachers and management staff of VET institutions.

From July to October 2021, 2000 participants from the VET sector had the opportunity to take one of two online courses for free for the management staff of VET institutions as well as for teachers (lecturers, masters) of VET institutions.

In October 2021, 107 representatives of VET institutions began training on the organization of safe online learning. During the course, they developed practical case studies with tips for teachers, students, and their parents on protecting personal data and combating the dangers of digital education.

The training was held within the course «Safe digital education for vocational education». During the four classes, participants learned about the concept of digital education, advantages and disadvantages, online etiquette of communication on the Internet, harmful content and risky behaviour: methods of prevention and the correct reaction of teachers.

The course was also organized by the experts from the EU Program «EU4Skills: Better Skills for Modern Ukraine» and the Ministry of Education and Science of Ukraine.

Aiming to define which area of digitalization should be prioritised and developed in the educational institution a piloting of SELFIE tool was launched in 2021 in Ukraine involving VET institutions as well.

Pursuant to the Resolution of the Cabinet of Ministers of Ukraine of March 10, 2021 № 184 “Issues of the Unified State Web Portal of Digital Education: Action. Digital Education”, the Ministry of Education and Science of Ukraine is developing a module of the web-based distance learning platform "All-Ukrainian School Online"- "Professional Education Online". At the same time, the EU4Skills project is developing 25 training modules in the form of digital educational materials for the 10 most popular professions in the labor market.

In the sphere of **higher education**, innovative teaching methods are a multicomponent that combines all the new and effective ways of learning (acquisition, transfer and production of knowledge), which contribute to the intensification and modernization of the educational process, develop creativity and personal potential of higher education in Ukraine. According to Regulations on the Accreditation of Educational Programs for the Preparation of Applicants for Higher Education (order of July 11, 2019 No 977), the educational programs should be evaluated on the criterion of teaching and learning in the educational program, i.e. if forms and methods of teaching and learning contribute to the achievement of the stated goals of the educational program and program learning outcomes, meet the requirements of the student-centred approach and the principles of academic freedom. The higher education institutions based on academic freedom choose and use different teaching methods that comply with this aim.

Among the interactive methods, forms and techniques that are most often used in the educational process of higher education institutions are the following: case-based learning, project-based learning, audio-visual teaching method; brainstorming, Socrates' dialogue, Decision tree discussion with the invitation of specialists, business game, commenting, evaluation (or self-evaluation) of participants' actions, master classes, interview method (interviewing), modelling, training, PRES-formula (Position - Reason - Explanation or Example - Summary), problem (problem-search) method, public speech, work in small groups, individual and team-trainings (both individual and complex skills), business and practice-oriented simulation and others.

For the most specialties the case-study method is used, especially for branch 07 “Management and Administration”, 12 "Information Technologies", master’s degree educational programs. Such educational programs provide general competency "Ability to identify, pose and solve problems" or special skill “Ability to analyse and structure the problems of the organization, make effective management decisions and ensure their implementation” (or similar one to the relevant specialty). For developing such skills, the analytical (which analyse the described situation), problematic (which decide on the described problem) and descriptive (where the cases are illustrative and describe the problem with a ready solution) cases are used. With this method of teaching, students learn to make decisions independently and justify it. The existence of a single correct solution is fundamentally



denied. Higher education institutions often attract business for getting real cases. Educational platform Casers gives such opportunities for the wide range of specialties, offering case-championships with the cases from corporate business and municipalities.

Project-based study is another widely used method for different branches of education – from social science (Sociology) to technical branches, information technologies. Such projects often are the cooperative product of higher education institutions and Business. The example is the Innovation Campus (Kharkiv Polytechnic Institute), where project-based learning gives students the opportunity to develop practical skills in their third year of study. Some courses and disciplines are replaced by the development of practical projects. These projects can last from 2 days to 6 months. Some projects are developed individually, others - in groups. Due to the innovative educational program UCODE, which was developed by Kharkiv Polytechnic Institute in collaboration with UNIT.Factory, the educational program enables talented young people to receive a classical university education, supported by good practical skills in the field of IT. Undergraduate studies last 4 years, including 2 years at the Innovation Campus - project training.

The British Council in Ukraine in partnership with the Institute of Higher Education of the National Academy of Pedagogical Sciences of Ukraine, Advance HE (Great Britain) and with the support of the Ministry of Education and Science of Ukraine and the NAHEQA implements the Ukrainian Higher Education Teaching Excellence Programme. The purpose of the Program is to improve the quality of higher education in Ukraine by developing the institutional capacity of Ukrainian universities to improve teaching and learning. It is a three-year project (2020 – 2022) on leadership development for Ukrainian HE students and staff, across the spectrum of hierarchical levels. This project engaged 30 HEIs. Due to the implementation of the Program the following results expected to be achieved: creation of a national platform for professional discussion and exchange of best practices for excellence teaching in higher education, formation of a network of teachers and university managers ready to implement changes and exchange effective practices for excellence teaching among colleagues both at their own university and between Ukrainian universities. The component for teachers includes the study of practical approaches to teaching and learning in higher education. The main focus of the program is to motivate participants to use new approaches based on student-centred learning, which they will be able to apply in the classroom with their students and share knowledge with their colleagues.

One of the formats of modern quality higher education is the use of online and blended-learning courses (MOOC) in the educational process. They are in addition to full-time education and provide teacher support. The e-courses are developed on the basis of textbooks, manuals with the use of multimedia materials, such as hypertext, a selection of links, video examples, video tasks, etc. In turn, the online course involves a set of video lectures using infographics instead of text.

With the introduction of distance learning, many universities are already using the technology of an online seminar called "webinar", which shows comparative tables, presentations, videos and more. With the help of Internet technologies, the webinar has preserved the main feature of the seminar - interactivity, which provides modelling of the functions of the speaker, listener, who will work interactively, communicating together according to the scenario of such a seminar.

**e) Are any measures in place to monitor the tracking of graduates beyond their educational careers?**

The monitoring of graduates tracking is provided on micro- and macro levels. According to Recommendations for the application of the criteria for assessing the quality of the educational program, approved by the National Agency for Higher Education Quality Assurance on November 17, 2020, the sub-criterion 8.4 requires the practice of collecting, analysing and taking into account information on the career path of graduates. For monitoring of education programs quality based on an internal quality system, higher education institutions track their graduates, keep in touch and take questionnaires, involve them in the process of improving educational programs.

Such monitoring and surveys may not have a full coverage of graduates and are based on mutual trust and interest of all parties. The results of such tracking allow to make decisions on improvement of educational programs, making them more relevant with the requirements of the labour market. For such an aim of monitoring in higher education institutions, the career centres or similar subdivisions could be established. The monitoring of graduates for improvement of educational programs should be provided at least once a year.

The legal basis for the task of **tracking of the employment of graduates** was laid in 2019 by the amendments to the Law of Ukraine "On Higher Education" (article 64) as follows: the central executive body in the field of education and science monitors the employment of graduates of higher education institutions. Impersonal statistics on the employment of graduates of higher education institutions in the labour market are posted on the Internet for free access in a format that allows them to be processed automatically by electronic facilities.

To provide the implementation of the appropriate Law provision the Ministry of Education and Science of Ukraine together with the Pension Fund of Ukraine have started active work in this issue. The Order of the Ministry of Education and Science of February 2, 2022 No. 101 approved the Guidelines for monitoring the employment of graduates of higher and professional pre-higher education institutions and determining the employment rate for the Formula for allocating state budget expenditures on higher education among higher education institutions. The aim of such monitoring is to get the information about the performance of higher education institutions on the labour market and take into account this information for determination of the volume of financing in accordance with the Formula for each higher education institution that is financed from the state budget.

In order to obtain information on employment of graduates of VET, professional pre-higher and higher education institutions, the Ministry of Education and Science of Ukraine together with the Pension Fund of Ukraine developed the Procedure for Information Exchange between the Pension Fund of Ukraine and the Ministry of Education and Science of Ukraine using the register of insured persons of the State Register of Compulsory State Social Insurance.

To conduct the first monitoring exercise data on documents on education issued from November, 1, 2017 to October, 31, 2018 was sent from the Ministry of Education and Science of Ukraine to the Pension Fund of Ukraine and 3,624,443 records were received. Using above-mentioned Guidelines for monitoring the employment of graduates of higher and professional pre-higher education a monitoring exercise was held followed by [report](#) and [data set](#) published.

Monitoring data can be used by applicants - to assess the demand for a particular specialty and the attractiveness of studying at a particular university, universities - to self-evaluate their educational programs and make strategic decisions on their design, continuation or opening of new programs, employers - on the demand for graduates of particular HEI. It should be noted that a significant share

of the shadow sector of the Ukrainian economy and employment abroad don't allow to obtain objective data on the actual employment of graduates. That is why graduates of IT specialties, Applied Mathematics, Software Engineering and Maritime and Inland Water Transport have the lowest rates of formal employment. For the need of usage, the data for analytics the Ministry of education and science of Ukraine provide the open access to row data.

In addition, the State Employment Service monitors the professional training of registered unemployed by means of its own data basis - the Unified Information and Analytical System. This tool provides information about employment of graduates of HEIs and consolidation in the workplace after employment.

**f) Are there provisions in place for transparency, valuation and support of short learning options, including micro-credentials?**

The centres of vocational education under the State Employment Service have been developed and implemented with the support of international projects 92 short-term training programs for partial qualifications and organized training for 1,838 people, including 1,821 registered unemployed.

In order to increase the level of digital competence of registered unemployed, 35 educational programs for the acquisition of IT skills were developed. The professional training of more than 900 registered unemployed was organized, in particular in the areas of targeted courses: "Practical software testing. QC - Testing", "Drone Operator", "Basics of Computer Graphics", "Applying Digital Skills to Work with Electronic Information Online Resources and Services", "Creating 3D Graphics in Autodesk 3ds Max", "Social Media Manager (SMM-promotion)", "3D - design", etc.

In the sector of **vocational education and training**, the legislation of Ukraine provides for the possibility of organizing short-term training at the request of individuals or legal entities. Such training is non-formal education and can be organized by educational entities, enterprises, and other persons who have sufficient resources to achieve the objectives of training: material and technical base, personnel, methodological and educational tools. As a result of such training, a person can receive a document on education of their own design, which can be the basis or advantage of employment. At his own request, a person may confirm the results of training in the manner prescribed by law, obtain a certificate of assignment/confirmation of professional qualifications (full, partial). The received certificate is entered into the Unified Register of Qualifications of Ukraine.

There are 403 training and practice centers (TPCs) in every second VET institution as centers of modern production technologies. More than 200 were created from the state budget, others were invested by local / regional authorities and business partners. One of the functions of such centers is short-term training of young people, adults (workers / unemployed, others) to obtain new or improve existing professional qualifications (full). The procedure and minimum time for this type of professional training with the assignment of full professional qualification are regulated by the order of the Ministry of Education and Science of 06.06.2014 № 688 (registered with the Ministry of Justice of Ukraine on July 7, 2014 № 743/25520). Successful completion of such training programs is evidenced by a state-standard document - "Certificate of assignment (improvement) of professional qualifications", with official registration in a single state database of education. In order to improve existing qualifications, obtain partial qualifications / micro-qualifications and gain additional professional competencies, TPCs also offer short educational programs. Successful completion of such courses is confirmed by certificates and other documents that will further give their owners the

opportunity to increase their value in the labour market, obtain / confirm professional qualifications in the prescribed manner (Resolution of the Cabinet of Ministers of Ukraine of September 15, 2021 № 956).

In the sphere of **higher education**, based on academic autonomy, higher education institutions can offer micro-credentials in many different formal, non-formal and informal learning settings. Such forms are rapidly developing in response to the demand for more flexible, learner-centred forms of education and training. For students that study in formal education on educational programs such micro-credentials could be proposed by higher education institutions within the 25% ECTS of an educational program as free for option courses. As a rule, such certified programs have from 1 ECTS minimum (30 academic hours) to 30 ECTS. The standards ensuring quality, transparency, recognition, and portability for such programs for students conform to the general requirements of quality of education. Higher education institutions could develop their own rules for design and other requirements of such micro-credentials.

For specific groups of professions (e.g. teachers or public servants) special requirements and rules for learning options are provided.

The Procedure for professional development of pedagogical and scientific-pedagogical employees, that approved by the Resolution of the Cabinet of Ministers of Ukraine of August 21, 2019 No. 800, determines the procedure, types, forms, volume (duration), frequency, conditions of professional development of pedagogical and scientific-pedagogical workers of educational institutions and institutions of all forms of ownership and spheres of management, including payment mechanism, conditions and procedure for recognition of professional development results. Higher education institutions can develop training programs based on standard training programs approved by the Ministry of Education and Science of Ukraine. The results of professional development of educational institutions of professional development who have a license for professional development or conduct educational activities under an accredited educational program do not require separate recognition or confirmation.

**g) What type and implementation status of lifelong learning policies and strategies are in place, in society at large, also in view of vulnerable groups?**

The principles of lifelong learning in Ukraine are based upon the recommendations of the Council of Europe (Recommendation of the European Parliament and of the Council of 18 December 2006 on key competences for lifelong learning 2006/962/ EU) and are implemented in the following main areas: professional development of employees; development of civic competencies in the population; ensuring the possibility of obtaining complete general secondary education or any level of it by adults regardless of age (compensatory education). Each of these areas has a legal framework that contains special opportunities for socially vulnerable groups.

The Ministry of Education and Science of Ukraine has developed a draft Law of Ukraine “On Adult Education”, which has been publicly discussed, agreed upon by stakeholders and social partners, legal, anti-corruption and regulatory expertise and has already been submitted by the Government to the Verkhovna Rada of Ukraine. The draft law represents a holistic system of adult education, the implementation of which will contribute to its development in the future.

As of now the implementation of lifelong learning policies and strategies is enshrined and

guaranteed by Ukrainian legislation.

According to the Law of Ukraine "On Education" (article 18), adult education, which is a component of lifelong learning, is aimed at realizing the right of every adult person to lifelong learning, considering his or her personal needs, social development priorities, and economic needs.

State authorities and local governments create conditions for formal, non-formal, and informal adult education.

Components of adult education are postgraduate education, professional training of employees, retraining and/or advanced training courses, continuous professional development, any other components provided by law that can be proposed by the subject of educational activity, or independently determined by the person.

A person has the right to freely choose an educational institution or organization, type, form, pace of education, and educational program within the framework of adult education.

Postgraduate education involves the acquisition of new and improvement of previously acquired competencies based on higher, vocational education and training, or professional pre-higher education and practical experience.

Postgraduate education includes:

Specialization - specialized training in order to acquire the ability to perform tasks and responsibilities that have features within the specialty;

Retraining - adult education aimed at vocational training in order to obtain another occupation (occupations);

Advanced training - acquisition of new and/or improvement of previously acquired competencies within a professional activity or field of knowledge;

Internship - gaining practical experience in performing tasks and responsibilities in a particular professional activity or field of knowledge.

According to the Law of Ukraine "On Education" (article 19), state and local authorities create conditions to ensure the rights and opportunities of persons with special educational needs to receive education at all levels of education, considering their individual needs, capabilities, abilities, and interests.

The State provides staff training to work with people with special educational needs at all levels of education.

Types and forms of education that are used for education, vocational training, or retraining of persons with special educational needs take into account their needs and individual abilities.

State and local authorities, educational institutions shall create conditions for persons with special educational needs to receive education on an equal basis with others. This means providing adequate financial, human resources, logistics, and universal design and/or a reasonable accommodation, taking into account individual needs and possibilities of such persons identified in the individual development program.

The scale of coverage of adults with different forms of education is hard to estimate. According to Resolution of the Cabinet of Ministers of Ukraine dated of June 30, 2021 №708 "On the state order for training of specialists, research, academic and working personnel, for advanced training and

retraining in 2021” the amount of state funding for advanced training and retraining of personnel (postgraduate education) constituted 2,15 billion UAH that was a little over 5% of all state funding for VET, professional pre-higher, higher education, advanced training and retraining. However, these 2.15 billion UAH represent only a small share of funding in adult education and mostly cover mandatory forms of advanced training (like internship in medicine or advanced training of public servants). The largest amount of educational services in adult education is covered by municipal, enterprise, private and donated funds.

Adult education that takes place in different sectors is under different authorities which may have sector-wide data. The nation-wide statistics of the number of adults involved in education is not available.

In the **vocational education and training** sector, according to the Law of Ukraine "On Vocational Education and Training" (article 5), citizens of Ukraine have equal rights to receive vocational education and training in accordance with their abilities and inclinations. Restrictions are allowed on medical and age indicators, as well as indicators of professional suitability, determined by the Cabinet of Ministers of Ukraine.

The State creates conditions for vocational education and training of persons with special educational needs taking into account their individual needs, capabilities, abilities, and interests, as well as ensures the identification and elimination of factors hindering the realization of rights and needs of such persons in education.

Persons with special educational needs have the right to re-obtain other qualifications, occupations (groups of occupations), and specialities at the same level of VET free of charge and on the terms of competition for state (regional) order in state and municipal VET institutions. That work also for the learners of the VET institutions with specific learning conditions, if they have lost the opportunity to perform their work according to the previously obtained qualification due to health reasons according to the conclusion of the medical-social expert commission.

Article 12 of the Law of Ukraine "On Vocational Education and Training" provides that VET is carried out in VET institutions by day, evening (shift), full-time, part-time, distance, and external forms training, with and without separation from production and according to individual curricula.

VET institutions can create inclusive groups for the training of people with special educational needs. Admission of such persons is provided out of competition.

Persons with special educational needs who need transportation to the educational institution are provided with such transportation at the expense of local budgets, including appropriate transport for the visually impaired, hearing impaired, musculoskeletal, and other low mobility groups of people.

In the vocational training of persons with disabilities and persons with special educational needs, along with traditional forms, the use of alternative forms of education is allowed.

The considerable attention of state authorities is focused on the support of elderly, particular in social policy:

- strengthening the legal protection of the elderly;
- ensuring a decent standard of living for the elderly and providing the necessary support to citizens who are in difficult life circumstances;
- promoting the role of the family in caring for the elderly;

- organization of effective social services for the elderly, provision of psychological assistance;
- promoting affordable employment of older people, ensuring equal access for older people to programs and systems of vocational guidance, training and retraining;
- ensuring the availability of information resources for the elderly.

For this purpose, in 2018 the Ukraine approved the Strategy of State Policy on Healthy and Active Longevity for the period until 2022 (Decree of the Cabinet of Ministers of Ukraine as of 11.01.2018 No. 10-r “On Approval of the Strategy of State Policy on Healthy and Active Longevity for the period until 2022”) (hereinafter – the Strategy).

The Strategy defines priority areas for combating demographic change, provides comprehensive measures to support senior citizens, their integration into social development, improve the quality of life, protect the rights of senior citizens.

To carry out the Strategy, the Action Plan for the Implementation of the Strategy of State Policy on Healthy and Active Longevity until 2022 was approved by the Decree of the Cabinet of Ministers of Ukraine as of 26.09.2018 No. 688-r approved. This Action Plan contains specific assignments, in particular, to improve conditions for self-realization elderly and their participation in the development of society.

To ensure the implementation of the Action Plan and the Law of Ukraine “On Social Services” adopted in 2019, a number of legal acts have been developed, as well as innovative services are being implemented for elderly at their place of residence.

One of the popular services is the social service on adaptation in the format of “University of the Third Age”, which is received by more than 36 thousand people.

Almost all territorial centres of social services have “Universities of the Third Age”, where various faculties are established: “Basics of Medicine, Healthy Lifestyle”, “Socially Active Life Position”, “Psychology and Law”, “Cultural and Artistic Faculty”, “Communication and Information Technologies”, “Philological Faculty”, etc.

Provision of this service ensures identification and promotion of diverse interests and needs of the elderly, their reintegration into the active life of society, assistance in adapting to modern living conditions by acquiring new knowledge, improving quality of life through access to modern technologies and adaptation to technological innovations, the formation of practical skills, the opportunity to expand the circle of communication and experience exchange, the organization of meaningful leisure.

In 2021 the total number of students in VET institutions – 244 300 persons. Graduates of general secondary education – 236 600 persons. Unemployed and working adult population -7 700 persons.

#### **h) How is worked based training integrated in education programmes and how are pathways between general and vocational education organised?**

The worked based training is closely integrated in educational programmes to meet with the requirements of the concurrent labour market and ensure the high-level specialists training quality.

In the **vocational and training education** sector formal education programs include mandatory

training and internships at companies that have entered into relevant agreements with VET institutions. The ratio of training and practice in real production or in the field of services is not less than 60% of the total number of hours of the practical component of the educational program. In the case of dual education, this ratio is at least 70% of the educational program. During training and practice in the workplace, students receive a salary for the work actually performed. The opportunity to acquire and improve professional competencies in the work environment enables young people to make the right choices for their future careers. The total number of students in VET institutions – 244 300. After 9th grade (basic general secondary education) – 176 400 students. 170 500 students (97%) receive a complete general secondary education in a VET institution.

In the field of **higher education** according to the Law of Ukraine “On Higher Education” the practical training of persons enrolled at higher education institutions is delivered through traineeship at enterprises, institutions and organizations according to agreements concluded by higher education institutions or at institutions’ structural units that provide for practical training. Students undertake traineeship according to the law. Depending on the specific specialty and educational program types of worked based training can be: pedagogical, economic, clinical, managerial, technological, assistant, undergraduate, research, etc. Worked based training is determined by educational and professional bachelor's and master's degree programs. Such training is carried out to acquire practical skills to make independent decisions in real conditions of working place.

The final step of training is the practice of students, which is carried out before the qualification work or diploma project. Due to this training, theoretical knowledge from all disciplines of the curriculum is deepened and consolidated, factual material is collected for the performance of qualification work, diploma project or passing exams.

For foreign students, the bases of practice are provided in relevant contract or agreement on the training of specialists and can be located both on the territory of the countries ordering specialists and within Ukraine.

To solve the problem of insufficient level of readiness of many graduates of higher education for independent professional activity at the first jobs corresponding to the acquired education the Concept of training specialists in the dual form of education has been approved by the Cabinet of Ministers of Ukraine dated September 19, 2018 No. 660-r. The concept is based on the German experience of the dual form of education, which was presented, in particular, through the Representation of the Friedrich Ebert Foundation, German-Ukrainian Agrarian Policy Dialogue, the Eastern Partnership Project "Dual Education in Dialogue" with different levels of education. It stipulates that it is important to create conditions for combining work with education in the format of work-based training of full-time higher education students exactly on workplaces.

The dual form of higher education is provided by the Law of Ukraine "On Education". The dual form of education involves work-based training in accordance with the employment contract. The student signs a tripartite agreement with the educational institution and the employer for dual education and must fulfil its requirements under the agreement.

Dual education presupposes the active participation of employers, first of all in providing opportunities for higher education students to master practical skills, involving teachers-practitioners, and developing new methodological approaches. Dual education aims for students to develop a practical understanding of the peculiarities of their profession, to adapt the educational process of higher education institutions to the requirements of the labour market.



Regarding the organizing pathways between general secondary and vocational education, this issue is fully described in question 9 of the Chapter 26 “Education and Culture”.

**i) What is the share of work-based learning in programmes and the permeability between general and vocational streams of education?**

Work-based learning takes a significant place in educational programmes. For instance, in the **vocational education and training** sector the appropriate knowledge and skills can be obtained by anyone who wants to study for life. It all depends on the status of the person and the expected document on education: state or own model, on the acquired educational or assigned professional (full / partial) qualification.

Graduates of general secondary education institutions can continue their education according to the educational programs of formal VET with the acquisition of the educational and qualification level "skilled worker of a certain profession". Educational programs of formal vocational education should include training and internships in the workplace (up to 60%). A person who has been awarded the educational qualification level "skilled worker" and has a graduation certificate of complete general secondary education may continue his / her studies in the system of professional higher and / or higher education.

Dual education is provided in 370 VET institutions and covers 143 professions. More than 1200 enterprises, institutions and organizations are engaged in this process. As of 2020/2021 academic year, 12380 students have been obtaining such form of education.

In the **pre-higher and higher education** fields work-based learning can be understood as:

- getting an education at the workplace (in production);
- dual form of education;
- practical training as part of an educational (academic) program.

Education at the workplace is a form when students master an educational program in the workplace through practical training, participation in performing duties and tasks under guidance of practitioners involved in the educational process. Education at the workplace (in production) as a form of education is foreseen primarily for VET and professional pre-higher education (article 9 of the Law of Ukraine "On Education" and Article 47 of the Law of Ukraine "On Professional Pre-Higher Education"). At the same time, requirements of standards of professional pre-higher education makes impossible to achieve expected competence and learning outcomes through education at the workplace and therefore such a form of getting an education at professional pre-higher education level *de facto* is not used.

The dual form of higher education is a way of obtaining full-time education, which involves work-based training at enterprises, institutions and organizations to acquire a certain qualification. The share of work-based training in dual form of higher education constitutes from 25 percent to 60 percent of the total educational program and is implemented under contract (article 49 of the Law of Ukraine “On Higher Education”). Work-based training foresees performance of duties and tasks under work contract. Hours between the theoretical and practical components are distributed differently depending on the characteristics of training in the specialty (profession). The dual form in professional pre-higher education is being implemented as a pilot project and shows good

perspectives. More about dual education is described in question 27h of this chapter 26.

Practical training of persons studying in higher education institutions as part of educational (academic) program is carried out by their internship (at enterprises, institutions and organizations in accordance with the concluded agreements of higher education institutions or in its structural subdivisions that provide practical training (article 51 of the Law of Ukraine “On Higher Education”).

According to the Methodological recommendations for the development of standards of higher education, approved by the order of Ministry of Education and Science of Ukraine on June, 01, 2017 No. 600, the standard sets a minimum amount of ECTS credits for work-based learning that vary depending upon specialty and level of higher education.

The duration of working hours during the internship is regulated by the Labour Code of Ukraine and is: for persons aged 16 to 18 - 36 hours per week (Article 51 of the Labour Code of Ukraine); for persons aged 18 and older - no more than 40 hours per week (Article 50 of the Labour Code of Ukraine).

There may be different models for the distribution of hours and the harmonization of learning content. The main one is the block model, in which hours are distributed between the educational institution and the enterprise by blocks (weeks, months).

Permeability between general and vocational streams of education is described in questions 9 and 27h of the Chapter 26 “Education and Culture”.

## **Youth**

**28. Is there an active, updated and youth co-designed national youth strategy? Is there an active Youth Council in place? Have youth representatives a specific role in decision-making or consultation?**

The Strategy of the Development of Youth Policy in Ukraine until 2030 was approved by Presidential Decree of 12.03.2021 No 94/2021 (hereinafter - the Strategy). The Strategy was elaborated by the Ministry of Youth and Sports of Ukraine in cooperation with UNICEF in Ukraine with the active participation of young people from all regions of Ukraine, as well as a wide range of representatives of civil society organizations and institutions working with youth, youth centres, business sector, employers. During 2019-2020, 5 regional discussions of the Strategy, about 30 experts’ meetings and focus groups were held, and more than 500 people participated. The Strategy was presented to international partners, including the Council of Europe and UN agencies in Ukraine.

The aim of the Strategy is to create opportunities for Ukrainian youth to be competitive in the modern world and to make a significant contribution to the further development of Ukrainian society. The Strategy includes 4 priorities: safety, health, capacity and integration.

Using the developments received during the preparation of the Strategy after the procedure of public discussions, the Concept of the State Targeted Social Programme Youth of Ukraine for 2021-2025 was approved by the Government of Ukraine in December of 2020 (hereinafter - the Concept). Based on the Concept, the draft State Targeted Social Programme Youth of Ukraine for 2021-2025 (hereinafter - the Programme) was elaborated and approved by the Government of Ukraine Resolution of 02.06.2021 No 579.

The new Law of Ukraine “On the Basic Principles of Youth Policy” was adopted in April of

2021 by the Parliament of Ukraine of 27.04.2021 No 1414-IX (hereinafter - the Law). The Law was elaborated by the working group consisted of the members of the Ukrainian Parliament, representatives of government bodies, as well as representatives of youth and children's NGOs and unions.

The Law covers the following issues as youth participation, and recognition of youth work and development of a three-tier system of youth centres and launching the new Ukrainian Youth Foundation.

The Programme has one of the priority tasks devoted to the issues of youth participation in the decision-making process, which provides for:

- training of representatives of youth advisory bodies, student self-government bodies on participation in decision-making processes;
- raising the level of awareness of young people about direct forms of participation in public life;
- holding the national competition "Youth Capital of Ukraine", which is held annually since 2017 by the Ministry of Youth and Sports of Ukraine, the NGO Ukrainian Institute of International Politics and the National Youth Council of Ukraine. The purpose of the competition is to award the best city for well-being and youth development. The winning city holds events throughout the year to actively involve young people in all spheres of life at the local and regional levels. The youth capital of Ukraine in 2022 is Ostrog (Rivne Oblast).

The priority of youth participation in decision-making processes in national youth policy in Ukraine is also implemented through the development of youth advisory bodies. Youth councils are formed to take into account the views of young people in the process of development and decision-making. Youth councils unite young people who are ready to work together to improve life in their communities.

The Law provides the establishment of the National Council for Youth which is an advisory body by the Cabinet of Ministers of Ukraine to develop an agreed position on the formation and implementation of youth policy, cooperation between central and local executive bodies, local governments with youth actors on the development and implementation of youth policy.

The National Youth Council includes representatives of:

- youth and children's public associations;
- self-government bodies of higher education and professional higher education institutions;
- youth councils;
- central executive bodies, responsible for ensuring the implementation of certain areas of youth policy;
- Parliament of the Autonomous Republic of Crimea, the Council of Ministers of the Autonomous Republic of Crimea, local executive bodies, local authorities;
- Committee of the Verkhovna Rada of Ukraine responsible for youth policy,

The Prime Minister of Ukraine heads the National Youth Council. Representatives of government bodies and local self-government bodies should not exceed 50% of the total membership.

Also the Law provides for determining the activities of youth advisers and the initiation of such positions in state and local executive bodies and local authorities, as well as improving the main tasks of youth advisory bodies. The issue of youth advisers is regulated by the list of special regulations and orders of the Cabinet of Ministers of Ukraine elaborated by the Ministry of Youth and Sports of Ukraine with the youth community.

Due to the existing legal framework for youth participation in Ukraine, more than 334 youth councils have already been established and this number is constantly growing. The National Youth Council of Ukraine, the National Ukrainian Youth Association and the Ukrainian Association of Youth Councils operate to advocate for youth rights.

In the framework of the Open Government Partnership Initiative, the Ministry of Youth and Sports of Ukraine is conducting activities aimed at mastering innovative tools of civic participation, which improve the analysis and forecasting of decision-making options at the national, regional and local levels. The CivicLab technique has become such a tool. The CivicLab methodology is an innovative digital methodology of the Council of Europe for the development of proposals during consultations on the development of public management decisions in the process of their adoption. The methodology is adapted to the needs of the target audience and relevant topics and includes a range of activities: needs assessment and selection of participants for the consultation according to established criteria, digital component including a set of standard matrices (offline), remote (online) and in combined formats.

**29. What, if any, are the national strategies encompassing one or several of the following fields: youth employment and youth entrepreneurship, non-formal education of young people, creativity, youth participation, health / well-being of young people, social inclusion of youth, youth volunteering?**

In March 2021 the Strategy of the Development of Youth Policy in Ukraine until 2030 (hereinafter - the Strategy) was approved by Presidential Decree No 94 of 12/03/2021 (<https://cutt.ly/CSw3xvq>). The aim of the Strategy is to provide opportunities for young people living in Ukraine to be competitive in the modern world (viable, capable, healthy), to participate in civic life and as conscious citizens to contribute to the further development of Ukrainian society.

The Strategy includes 4 priorities for youth development (safety, health, capacity and integration):

safety - increasing the safety of the environment and strengthening the resilience of young people which means the ability to cope with stress, unpredictability, difficult life circumstances, environmental challenges;

health - formation of skills of a healthy lifestyle, development and preservation of physical culture, culture of healthy food and psychohygiene;

capacity - increasing the level of youth participation in public life, its independence, competitiveness, the formation of civic competencies in youth;

integration - increasing mobility, social and cultural inclusion in the social life of Ukraine and the world (awareness of each other's lives, volunteering, communication and exchange of knowledge and experience, lack of barriers to self-realization and socialization).

Taking into account the Strategy the State Targeted Social Programme Youth of Ukraine for 2021-2025 (hereinafter - the Programme) defines the creation of opportunities for self-realization and development of potential of youth in Ukraine and its participation and integration into public life as main aims of the national youth policy.

This Programme has the following priority tasks:

**1) raising the level of youth competencies, including civic ones, for:**

development of civic competencies among young people;

career development; promotion of a healthy lifestyle among young people;

strengthening the responsible attitude of young people to family planning and responsible parenting;

reintegration and socialization of youth.

The NGO MYR with the support of the Ministry of Youth and Sports of Ukraine and the UNFPA elaborated a special training “Building a healthy lifestyle for young people” within the national programme “Youth Worker”. Relevant training is held annually for representatives of civil society institutions and public servants working with young people. The training program consists of 3 training modules for 3 days (24 hours).

The development of street cultures is one of the tools for socialization of vulnerable groups of young people, organization of meaningful and active leisure of young people, physical activity and promotion of a healthy lifestyle, as well as prevention of negative phenomenon among young people. In 2021, the Ministry of Youth and Sports of Ukraine in partnership with NGOs initiated the events in 10 cities of Ukraine to support the development of street cultures, which were attended by more than 200 professionals working with young people (youth workers). These youth workers develop a network of street cultures in their communities in order to carry out youth work through it. Similar events are planned to be held annually.

**2) raising the level of volunteering culture among young people, including:**

participation of young people in volunteering;

training of representatives of organizations that involve volunteers and professionals who promote volunteering among young people;

volunteers and professionals who promote volunteering among young people.

As of the beginning of 2022, there are training programs to increase the capacity of representatives of organizations that involve volunteers in their activities; a manual on volunteering for professionals in the education sector named "How can I change the world today?" has been elaborated. These initiatives are implemented by the Ukrainian Volunteer Service in partnership with the US Peace Corps in Ukraine and UNICEF with the support of the Ministry of Youth and Sports of Ukraine.

On March 1, 2021 together with UNICEF and the Ukrainian Volunteer Service, the National Volunteer Platform is working effectively, aimed at promoting volunteering and raising the culture of volunteering among young people.

As of the beginning of 2022 about 500 organizations are registered on the platform, which involve volunteers in their activities; about 900 volunteer opportunities have been registered, which

young people can join; about 200 thousand young people are covered by the promotion of the platform. Through the platform, about 40,000 young people registered for various volunteer opportunities.

**3) intensification of youth involvement in decision-making processes, which provides for:**

training of representatives of youth advisory bodies;

student self-government bodies on participation in decision-making processes;

raising the level of awareness of young people about forms of participation in civil life;

direct forms of participation in civil life;

holding the annual national competition "Youth Capital of Ukraine".

To determine the priorities of youth policy for the next 5 years, an assessment and analysis of 24 forms of youth participation in society (political activity, mobility, volunteering, participation in civil society institutions, advocacy, etc.) was held. The following results were obtained:

56 % of young people in Ukraine do not aware/are not interested/do not show interest in participation in civic life;

27.3 % of young people are informed about certain forms of participation and tools of participation, are hesitant and don't use them;

16.7 % of young people somehow or in some way participate in civic life.

The most popular forms of participation among Ukrainian youth are participation in elections (56.7 %) and campaigns to defend one's opinion through individual action and the means of collective unorganized action. Youth participation in other forms of organized activity remains low (data of 2018): the participation in the activities of youth and children's NGOs is indicated by only 2.4 %, student self-government bodies - 7.9%, experience in volunteering - 8.9 %, experience in youth centres - 3.6 % of young people.

To measure the level of youth participation in society, the Ministry of Youth and Sports of Ukraine in cooperation with UNDP elaborated an Youth Participation Assessment Index. As part of the implementation of the Programme, it is planned to evaluate the level of youth participation annually. This tool is important for different sectors, namely for:

the public sector to identify priority areas for policy development to increase youth participation and to develop targeted programs for youth at both national and regional levels;

ensure effective planning of activities for the implementation of such programs; to advocate the need to invest in youth policy;

international, private and public organizations to determine the level of youth participation in communities where youth projects and activities are planned, as well as to measure the impact and effectiveness of certain initiatives;

youth centres, organizations and employees to plan youth initiatives and activities more effectively, according to their needs; define work formats for different target groups;

researchers using the annual available opinion polls as youth participation is an important way to monitor the movement of Ukrainian society from post-totalitarian to democratic practices.

Additional tool to encourage young people to participate in public life at the local level is the Award of the Government of Ukraine for special achievements of young people in building Ukraine (Resolution of the Cabinet of Ministers of Ukraine of 21.11.2007 No 1333). The Award of the Government of Ukraine for special achievements of youth in the development of Ukraine is awarded to young people under the age of 35, whose special achievements contribute to the development of youth initiatives at the local level. Every year 20 Awards are conferred in the amount of UAH 50,000 each. More information on youth participation and youth involvement in decision-making processes is provided in item 28.

**4) strengthening the social cohesion of youth, including through youth exchanges within Ukraine and in partnership with other governmental and international organizations.**

The Ukrainian-Polish and Ukrainian-Lithuanian youth exchanges are carried out annually, as projects of cooperation among civil society institutions, institutions and establishments working with youth in Ukraine, Poland and Lithuania, in the form of international youth exchanges.

The All-Ukrainian Youth Centre State Institution promotes the development of social cohesion of youth. In particular, in the framework of the Social Cohesion project, certified trainers in social cohesion were trained. The training was attended by representatives of 10 youth centres, which will implement youth exchanges in Ukraine. This program includes the following topics such as diversity and social cohesion, the impact of youth participation, media literacy, effective communication and work with conflict. In this way, participants can learn to understand and accept the uniqueness of each person, find common ground, participate in public life, be media literate and resistant to informational influences, be able to overcome conflicts and find common solutions.

A team of facilitators from the All-Ukrainian Youth Centre together with experts from UNDP conducted 2 facilitated self-assessments of the ability of youth centres to conduct youth exchanges. Such events will be held at many youth centres in Ukraine, which is a step towards developing their capacity to conduct youth exchanges. This tool allows not only to assess the capacity of the centre, but also to find ways to strengthen it.

**5) implementation of programs for the training of professionals working with youth, which includes:**

conducting activities to implement the program "Youth Worker";

training of specialists working in educational institutions and institutions working with youth to advise young people on career development in Ukraine.

**6) ensuring the operating of youth centres, including the state institution "All-Ukrainian Youth Centre", which includes:**

ensuring the activities of the state institution "All-Ukrainian Youth Centre";

operating of regional youth centres;

training of representatives of youth centres to increase the level of their capacity and quality of activity.

Areas of youth work are defined in accordance with the needs and interests of the youth in the local community, which is the main condition for effective activity. As of the beginning of 2022 there are more than 300 regional and local youth centres and spaces in Ukraine, established on the basis of educational institutions, culture, physical culture and sports, various forms of ownership and

subordination.

The network of youth centres in Ukraine consists of a youth centre of all-Ukrainian level, which belongs to the Ministry of Youth and Sports of Ukraine (All-Ukrainian Youth Centre), the Autonomous Republic of Crimea, regional, Kyiv and Sevastopol city (regional youth centres), district, city, district in cities, towns, rural centres (local youth centers).

The main aim of the work of such centres is to promote socialization and self-realization of youth, intellectual, moral, spiritual development, realization of their creative potential and national-patriotic education, promotion of healthy lifestyles, employment and leisure activities, youth entrepreneurship, civic education and volunteering, increasing the mobility of young people.

The legislation regulating this issue includes:

Resolution of the Cabinet of Ministers of Ukraine of 20.12.2017 No 1014 “On approval of the Standard Regulations on the youth centre and on the expert council at the youth centre;

Order of the Ministry of Youth and Sports of Ukraine of 03.08.2017 No 3284 “On approval of the National Quality Label and quality criteria for youth centres”, registered in the Ministry of Justice of Ukraine of 28.08.2017 No 1061/30929;

Order of the Ministry of Youth and Sports of Ukraine of 30.07.2019 No 3884 “On approval of the Terms of remuneration of employees of youth centres”, registered in the Ministry of Justice of Ukraine of 19.08.2019 No 951/33922;

Order of the Ministry of Youth and Sports of Ukraine of 09.12.2021 No 4798 “On approval of Recommendations on the organization of work of youth space”.

The National Quality Label will be awarded according to procedure to the centres of Ukraine that meet the approved standards and criteria based on the example of the Council of Europe Quality Label standards for youth centres. In 2021 a draft Order of the Ministry of Youth and Sports of Ukraine “On approval of the procedure of awarding youth centres a national mark of quality, monitoring and evaluating the effectiveness of their activities” was elaborated.

All-Ukrainian Youth Centre State Institution operates as:

resource centre for youth centres and spaces of regional and local levels;

program office to support youth centres to bring them to the standards of providing social development and youth development;

centre for implementation of work to increase the human resources of youth centres and spaces of Ukraine: specialized training programs for employees of youth centres and spaces;

administrator of the registers of youth centres that have received the National Quality Mark;

provider of the consultations, support to youth centres and spaces.

Since 2018 the Ministry of Youth and Sports of Ukraine together with the NGO Youth Platform with the support of the British Council in Ukraine is implementing the program "Effective Management of Youth Centres". In 2021, the program was transferred for further management to the All-Ukrainian Youth Centre. In 2021 50 trainers were trained within the program, which will further promote the training of youth centre employees in different regions of Ukraine according to the developed program.



Activities of the All-Ukrainian Youth Centre State Institution, which promotes the development of the network of youth centres of Ukraine, socialization and self-realization of youth, annually covers more than 300 thousand young people, together with institutions and organizations working with youth; more than 100 events for young people on existing opportunities for youth development in Ukraine were held.

**7) promoting the creation of conditions for the development of the capacity of civil society institutions which includes:**

providing in the financial support to youth and children's NGOs for the implementation of programs (projects, activities);

training of representatives working in youth and children's civil organizations to increase the level of their competencies for working with youth.

**8) implementation of expert, analytical, informational and final evaluation measures, including:**

preparation of the annual report to the President of Ukraine, the Verkhovna Rada of Ukraine, the Cabinet of Ministers of Ukraine on the situation of youth in Ukraine;

conducting a representative sociological survey of the situation of youth in Ukraine, including through a survey within the project U-Report;

monitoring the implementation of projects and activities to assess the effectiveness of youth policy implementation;

holding activities to inform young people about opportunities for their development.

**9) implementation of international youth cooperation by participation Ukrainian youth delegations in international events;**

Ukrainian youth and youth NGOs are playing active role in European Youth Parliament, European Youth Forum, European Solidarity Corps projects, as well as, in the youth component of Erasmus+ Programme.

The National Youth Council of Ukraine became a member of the European Youth Forum in 2016. Thus, the interests of Ukrainian youth are represented at the European level.

According to available statistics, Ukrainian youth constitute a third of the total number of young participants of the Eastern Partnership countries taking part in the youth segments of the Erasmus+ Programme.

Besides, the Ukrainian Youth Delegates to the UN also take part in the UN General Assemblies annually. Ukrainian Youth Delegate to the UN is a nationwide program aimed at increasing the participation of youth in international politics and spreading of the principles of the UN among young people, as well as building a dialogue between government of Ukraine and young people. The program was founded in October 2014 and the first Ukrainian youth delegates took part in the 69th session of the UN General Assembly. The main partners of the program are Bohdan Hawrylyshyn Family Foundation, Ministry of Youth and Sports of Ukraine, Ministry of Foreign Affairs of Ukraine,.

Ukrainian Youth Delegates take part in the Congress of Local and Regional Authorities. The Congress has invited young people with different backgrounds – youth activists, youth workers, students - to take part in its sessions, to participate in the debates and to exchange with Congress

members on the issues on the agenda. Also youth delegates have been required to develop their own projects at local and regional level in between the sessions.

**10) support of youth projects and implementation of tasks of national youth policy by the state institution Ukrainian Youth Foundation described in item 36.**

According to the legislation in force, in particular the Law of Ukraine "On Employment of Population" of 05.07.2012 No 5067-VI, the state ensures the implementation of the constitutional right of young citizens to work and social protection in case of unemployment. The State Employment Service of Ukraine provides assistance to young people in:

- selection of suitable work, including temporary employment;
- assistance in organizing business activities;
- career counselling and career choice services, including in online format.

In 2021, 369.5 thousand young people (31% of the total number of unemployed population) had the status of unemployed. 130.4 thousand people under the age of 35 were employed by the State Employment Service, and 1.8 thousand young people were employed in the first place of work.

The Law provides for the establishment of a quota of working places for young people who have completed or terminated their studies in secondary, vocational and higher education institutions, resigned from military or alternative service, and are hired for the first time. Career guidance lessons, online competitions, career fairs, meetings with representatives of professions, economic excursions to enterprises, master classes are organized for students. In particular, during 2021, 3.4 thousand career guidance lessons for schoolchildren, 718 professional excursions and 326 career days were conducted. In 2021, 317.8 thousand unemployed people under the age of 35 received 933.8 thousand career guidance services. More than 368 thousand professional consultations were provided for young people. Also, in 2020-2021, free comprehensive online career guidance testing of young people was provided, on the Internet platform "My profession: consulting network" [myprofession.com.ua](http://myprofession.com.ua). Based on the test results, comprehensive recommendations for choosing a profession are provided. As of the end of 2021, 208.2 thousand people were tested online. For young people who have already chosen a profession and continue their study meetings with employers, career fairs, soft skills trainings, job search training, professional counselling and psychodiagnostics on skills are organized. In order to develop and support entrepreneurial initiative among the unemployed young people, a one-time unemployment benefit is paid for the organization of entrepreneurial activity. In 2021, 125 young people under the age of 35 received such assistance to start a new business.

In order to ensure equal conditions for young people, prevent poverty and social exclusion in 2021, the Cabinet of Ministers of Ukraine approved the National Strategy for Barrier-Free Space in Ukraine until 2030 (hereafter - the Strategy), aimed at identifying key problems and its solutions. In order to implement the Strategy the Cabinet of Ministers of Ukraine approved the Action Plan for 2021-2022 (Resolution of 04.08.2021 No 883).

In pursuance of the Action Plan for 2021-2022 to implement the Strategy, the Ministry of Youth and Sports of Ukraine is constantly working to study the needs of young people with disabilities. Within the project "Join, Interact, Create: Active Youth and Local Authority in Environmental Protection", the Kyiv International Institute of Sociology conducted a comprehensive study aimed at creating a database on ways to strengthen the role of youth in building cohesion and sustainability of their communities by the participation in initiatives, including youth infrastructure and youth centres.

In particular, the existing youth infrastructure in Ukraine was analysed in terms of its accessibility for young people with disabilities, their needs to create conditions for self-realization of young people with disabilities. A total of 2,432 respondents from the staff of 200 youth centres and youth were interviewed by personal interview.

According to the survey results, the Ministry of Youth and Sports of Ukraine analysed the amount of youth infrastructure that needs to be arranged to create the necessary conditions for accessibility for young people with disabilities and will continue to work to find sources of funding for these youth centres. The results of the study will be the basis for the development of inclusive training programs for employees of youth centres to create inclusive programs for young people, work with young people and equip accessible youth centres and spaces. These training programs will be implemented starting from 2022 in the framework of the State Targeted Social Programme Youth of Ukraine for 2021-2025. In 2022 5 trainings for youth centres and youth spaces to create a barrier-free space for young people in youth infrastructure are planned in cooperation with the Council of Europe project "Youth for Democracy in Ukraine".

**30. Which institution is in charge of the overall coordination of youth issues in the country? Cross-sectoral cooperation on youth matters between various concerned Ministries is a very important aspect of the EU Youth cooperation framework. Please provide information on how such cross-sectoral cooperation is ensured.**

The Ministry of Youth and Sports of Ukraine is the main body in the system of central executive bodies, which ensures the formation and implementation of national youth policy. In fact, it advocates youth issues, elaborates regulations on topical youth issues, and initiates improvements to other central executive bodies to develop the situation of young people.

As the issue of the development and implementation of youth policy is cross-sectoral, each central executive body, within its competence, participates in the process of the policies development related to youth issues.

In particular, this is ensured in two ways: first, other Ministries are involved in the development of strategic documents addressing youth issues; secondly, they send for consideration to the Ministry of Youth and Sports of Ukraine regulations concerning the solution of youth issues within their responsibility. For example, the Ministry of Economy of Ukraine is responsible for employment policy and develops regulatory documents related to youth employment with the participation of the Ministry of Youth and Sports of Ukraine.

In 2021, the new legislation of the youth sphere was adopted:

the Law of Ukraine "On Basic Principles of Youth Policy" of 27.04.2021 No 1414-IX;

the National Youth Strategy until 2030 (approved by the Decree of the President of Ukraine of 12.03.2021 No 94);

the State Targeted Social Programme Youth of Ukraine for 2021-2025 (approved by the Resolution of the Cabinet of Ministers of Ukraine of 02.06.2021 No 579).

These strategic documents were elaborated with the participation of other state authorities. In particular, the State Targeted Social Program Youth of Ukraine for 2021-2025 identifies relevant authorities of central and local levels responsible for different tasks (the Ministry of Education and

Science of Ukraine, the Ministry of Culture and Information Policy of Ukraine and others).

Every year joint initiatives are implemented, new tools for working with young people are introduced. For example, the Ministry of Economy of Ukraine and the Ministry of Education and Science of Ukraine are partners in the Pact for Youth 2025 Initiative. The Ministry of Youth and Sports of Ukraine cooperates with the Ministry of Culture and Information Policy of Ukraine on the development of infrastructure for young people. The Ministry of Youth and Sports of Ukraine in cooperation with the Ministry of Social Policy of Ukraine work on the promotion of a culture of volunteering among young people.

**31. In which mechanisms established under the Youth Open Method of Coordination would Ukraine be particularly interested to participate?**

Ukraine and its relevant youth institutions are interested in participating in the mechanisms established under the Youth Open Method of Coordination so that to contribute thoroughly to the discussion on youth issues at a European level and to contribute as well to the exchange of knowledge and experiences with the EU Member States in the area of youth policy. The Ministry of Youth and Sports of Ukraine supports this mechanism as a productive and efficient tool for the formation, implementation and promotion of youth policy at all levels, from the local to the European level.

Besides, as of the beginning of 2022 in Ukraine, there is a practice of applying the Youth Participation Assessment Index, which includes the results of sociological research and implementation of the State Targeted Social Program Youth of Ukraine for 2016-2020. An annual evaluation of the Youth Participation Index is planned, that will:

- 1) increase the percentage of young people participating in public life;
- 2) reduce the percentage of young people who do not participate in public life;
- 3) increase the percentage of young people who know about and use the various tools of participation.

Meanwhile, the Ministry of Youth and Sports of Ukraine is interested in implementing the methods used by the European Union to assess the situation of youth in different countries, which in turn will also ensure the consistency of analytical data for further effective youth policy-making.

In accordance with the European Union Youth Strategy for 2019-2027, approved by the Resolution of the Council of the European Union and the Representatives of the Governments of the Member States meeting within the Council on a framework for European cooperation in the youth field (2018/ C 456/01), Ukraine is interested in participating in the following areas:

- connecting the EU with young people; equality of all sexes;
- inclusive societies;
- information and constructive dialogue;
- mental health and well-being;
- moving rural youth forward;
- quality employment for all;
- quality training;

- space and participation for all;
- sustainable green Europe;
- youth organizations and European programs.

## **B. Access to education and training**

**32. Education and training of children of EU nationals: Please provide information on the estimated number of EU nationals working in Ukraine and having children residing there at the age of compulsory school attendance under domestic law. Please indicate whether there are special provisions for education of these children and what are their main countries of origin.**

According to Law of Ukraine “On Employment” foreigners and stateless persons who arrived in Ukraine for employment for a certain period, are hired by employers on the basis of a permit for employment of foreigners and stateless persons issued in the manner prescribed by the law, unless otherwise provided by international agreements /treaties of Ukraine.

Statistical data on the number of permit for employment of foreigners and stateless persons issued for EU nationals is as follows.

		Permits issued + extended	Permits issued in 2021	Permits extended in 2021
1	Austria	113	81	32
2	Belgium	36	22	14
3	Bulgaria	78	48	30
4	Greece	36	15	21
5	Denmark	97	56	41
6	Estonia	28	13	15
7	Ireland	36	18	18
8	Spain	110	87	23
9	Italy	209	107	102
10	Cyprus	15	8	7
11	Latvia	109	70	39
12	Lithuania	162	80	82
13	Luxemburg	2	1	1
14	Malta	1	0	1

15	Netherlands	111	69	42
16	Germany	396	220	176
17	Poland	601	393	208
18	Portugal	60	45	15
19	Romania	236	142	94
20	Slovak Republic	104	63	41
21	Slovenia	16	7	9
22	Hungary	47	15	32
23	Finland	9	5	4
24	France	282	132	150
25	Croatia	26	10	16
26	Czech Republic	108	74	34
27	Sweden	27	17	10
	<b>TOTAL</b>	3055	1798	1257

According to the Law of Ukraine “On the Legal Status of Foreigners and Stateless Persons” (article 4) foreigners who according to the law arrived in Ukraine for employment and have obtained a permit for employment of foreigners and stateless persons shall obtain a temporary residence permit.

According to available statistics, as of February 2022, 5,270 of EU nationals temporarily reside in Ukraine on the basis of a temporary residence permit for employment reasons.

The period of stay in Ukraine determined for foreigners does not apply to minor children, so they can stay in Ukraine without restrictions until they reach 18 years of age. During their stay in Ukraine, minor children are not obliged to obtain temporary residence permits, but the law provides for the right to receive them.

According to the Law on Education (article 3) every person has a right to high-quality and affordable education. Ukraine creates equal opportunities for access to education. No one can be restricted in their right to get education. The right to education is guaranteed regardless of the age, sex, race, health status, disability, nationality, ethnic origin, political, religious or other views, colour, place of residence, language, origin, social and material position, criminal record, as well as other circumstances and characteristics.

Every person has a right to access to public educational, scientific and information resources, including Internet resources, e-textbook and other multimedia educational resources, according to the procedure established by the legislation.

According to the Law of Ukraine “On Complete General Secondary Education” every citizen of Ukraine, other persons who legally reside in Ukraine, as well as every child, regardless of the reasons for his / her stay in Ukraine, shall be guaranteed free education in state and municipal

educational institutions of complete general secondary education at each level at the expense of state and local budgets once in a lifetime.

There are no special provisions for education of children of EU nationals working in Ukraine. They can choose either one of the public schools or private schools or schools with international accreditation.

No statistical data is available on these children of EU nationals working in Ukraine and residing in the country, as not being collected.

**33. Equal access: Describe arrangements to ensure equal access to education and training regardless of gender, ethnic origin, mother tongue, religion or disabilities. Describe the measures in place to support learners with fewer opportunities, including disadvantaged learners and minorities (including Roma).**

According to the Law of Ukraine “On Education” (Article 3. The Right to Education) every person has a right to high-quality and affordable education. The right to education includes a right to get education throughout life, a right to affordability of education, a right to tuition-free education in cases and according to the procedure specified by the Constitution and Laws of Ukraine.

Ukraine creates equal opportunities for access to education. No one can be restricted in their right to get education. The right to education is guaranteed regardless of the age, sex, race, health status, disability, nationality, ethnic origin, political, religious or other views, colour, place of residence, language, origin, social and material position, criminal record, as well as other circumstances and characteristics.

Every person has a right to access to public educational, scientific and information resources, including Internet resources, e-textbook and other multimedia educational resources, according to the procedure established by the legislation.

The State performs social protection of education seekers in cases established by legislation, and ensures equal access to education for persons from socially vulnerable groups and creates conditions for obtaining education by persons with special educational needs based on their individual needs, capacities, abilities and interests, and provides for detecting and correcting facts that prevent exercising rights and meeting the needs of the above persons in the sphere of education.

Citizens who belong to national minorities are guaranteed in accordance with the law the right to receive instruction in their native language, or to study their native language in state and communal educational institutions and through national cultural societies.

Based on the Law of Ukraine “On Education” and Ukraine's SDG commitments, public policies aiming at ensuring the equal access to quality education are being implemented, namely:

**Preschool education.** In order to increase coverage of children of preschool age with quality and accessible preschool education (in particular at rural areas) systemic policies are being developed to build a network of preschool institutions. Now, rural children have limited access to preschool education (the level of enrolment is 86,8% at urban areas and only 56,4% at rural areas), at the same time in big cities preschool institutions are overcrowded.

Inclusive learning in preschool education sector is organized for children with special educational needs. The number of preschool children with special educational needs enrolled in

inclusive learning has grown by 44% in 2021 (from 6,853 children in 2020 to 10,383 in 2021). There were 2,957 inclusive groups in 2,125 preschool institutions in 2020.

**General secondary education.** Every child is guaranteed with a right to receive primary and basic secondary education in the most accessible and closest place of residence to the educational institution (its structural unit). For this purpose catchment school areas are assigned for every general secondary institution.

According to the Law the municipal educational institution must enrol all children (entering primary or secondary school) who: reside on the catchment area of the education institution; are siblings of children who study in this education institution; are children of employees of this education institution.

In order to make a place of study of children closer to their place of residence, a branch of the institution of education may be created in the respective locality.

A number of policies are being implemented in order to grant equal access to quality education for every child, namely:

(1) the New Ukrainian School (NUS) reform which aims at introducing a competence-based learning and individual approach in instruction, as well as improving access to quality education, transfer to 12-year school education. The NUS aims to broaden opportunities for students to acquire competencies and skills that allow them to grow as innovative and creative individuals, who can contribute to the development of the society at large.

Having started in September 2018, now the NUS reform is being implemented only at primary school level. The students are studying with new textbooks, in a new modern safe and inclusive educational environment, instructed by trained primary school teachers. More grades will be involved year by year, having the first NUS graduates in 2030.

(2) In order to provide students from rural schools with quality education, to which they have limited access, Ukraine is building a network of hub schools (larger and better equipped schools in rural areas with more experienced teachers for better access to quality education). There are 1293 hub schools and 1795 branches as of January 2022 that accept 582206 school students, including 6937 students with special educational needs.

(3) transportation of students and pedagogical staff to the educational institution (place of study, work) and backwards (to the place of residence) is guaranteed by the Law of Ukraine “On Complete General Secondary Education” and provided by the local self-government bodies with school buses including specially equipped for transportation of persons with disabilities. As of January 2022, 126380 school students are being transported to hub schools with 2364 school buses.

Introduction of digital technologies in education. Digital transformation process in education has boosted due to COVID-19 pandemic in 2020, as pandemic has disrupted the usual way of life of school students, their families, teachers, had far-reaching economic and social consequences.

In order to ensure equal access to education a set of measures have been implemented. In spring 2020, school lessons were broadcast on TV in order to cover the widest possible school children audience. At the end of 2020, a platform "All-Ukrainian online school" was launched (lms.e-school.net.ua) for distance and blended learning of students and methodological support for teachers.

Currently, the platform contains 2000 video lessons, tests and materials for independent work



on 18 core subjects for students in grades 5-11: Ukrainian literature, Ukrainian language, biology, biology and ecology, geography, world history, history of Ukraine, mathematics, algebra, algebra and beginnings of analysis, geometry, art, basics of law, science, physics, chemistry, English and foreign literature. All educational materials correspond to the current state educational programs.

School students can use the platform both for learning during quarantine/war and for additional acquaintance with a topic that, for example, was missed due to illness or other reasons. Recommendations for blended and distance learning with the help of the platform's teaching materials have been developed for teachers.

In order to improve the accessibility of educational content for a wide range of users, including children with special educational needs, training for lesson planners and expert support on inclusion has been provided. Also a text and audio description was created for each video lesson.

In 2021, the number of portable personal computers (laptops, netbooks) increased by 30,556 units, the number of servers - by 1,315 units, the number of printers - by 13,860 units (including 3D printers by 270 units), the number of classes with interactive surfaces - by 8,083 classes, the number of classes with visualization tools (without interactive) - by 13,377 classes. The number of establishments with Internet connection using FTTx, PON, ETTN technologies with fiber-optic cable increased by 4,569.

Organization of inclusive learning. Ukraine is committed to create conditions for inclusive learning at all levels of education. The Law of Ukraine “On Education” guarantees the right to parents to choose the form of learning for children with special educational needs in the nearest educational institution. Development of inclusive education in Ukraine creates an opportunity for children with special educational needs to gain equal access to quality education with their peers.

The coverage of children with special educational needs with quality education continues growing. The number of children with special educational needs (SEN) enrolled in inclusive education in regular schools has increased to 33,000 in 2021. As of 2021, 18 681 inclusive classes operate in 6394 regular schools with 17 215 assistants of teacher involved.

Children with special educational needs (SEN) who reside in the catchment area of the municipal general secondary education institution have the right to priority enrolment in it in accordance with the procedure established by the legislation for obtaining of primary and basic secondary education.

Duration of complete general secondary education for children with special educational needs studying in inclusive classes can be increased for one year at primary education level and/or for one year at basic secondary education level according to the individual educational programme.

Learning at healthcare institutions. A person (child) who is undergoing inpatient treatment and / or who is provided with rehabilitation care in a healthcare institution can get complete general secondary education provided by the specially authorized state institution, general secondary education institutions, and their branches, defined by the founders of healthcare institutions or other educational institutions (their branches), in particular at the territory of the healthcare institution.

Possible modalities of learning include: creating of additional classes, determining the form of education, approving individual training plan or defining another more favourable ways of learning with opportunity to use facilities, equipment and other material and technical base of a healthcare institution.

**Vocational education and training.** Creating conditions for everyone to get professional qualifications, including inclusive education is one of the priorities of VET policies which include: establishing educational and practical centres in VET institutions; conducting online courses for VET teachers aiming to improve their digital skills; developing dual learning in VET - starting from 3 VET institutions in 2015, now one third of VET institutions use a dual form of education; equipping VET institutions with digital equipment for distance learning.

Persons with disabilities can get vocational education at a level that corresponds to their abilities and capabilities and a priority right to enrol in a VET institution. Currently, 4,000 students with disabilities study in VET institutions.

**Professional pre-higher and higher education.** Enrolment to higher education institutions is carried out on a competitive basis in accordance with regulation (“Terms of Admission to Higher Education”) approved by the Ministry of Education and Science of Ukraine.

Since 2008 transparent enrolment procedures for joining a university bachelor program based on External Independent Assessment (EIA) are used, improving equality in access to higher education. The completion of a compulsory secondary education program is another prerequisite for joining a university bachelor program. Starting from 2017, enrolment procedures based on EIA technologies are used for Master programs. State-funded places are automatically distributed throughout the country so that the best entrants could have the opportunity to study for free in the best and most desired universities.

People with disabilities are mostly enrolled to universities on common basis, but there are special conditions during the EIA such as: a sign language interpreter presence in the auditorium where EIA takes place; provision of additional time (up to 30 minutes) for EIA work; carrying out EIA work at a table suitable for writing in a wheelchair; provision of EIA work with tasks adapted for people with profound visual impairments, printed in relief-dot font for writing and reading blind (Braille), etc.

If special conditions for the EIA cannot be created, these people can take an internal entrance exam at the university, where appropriate conditions must be created for them.

Orphans, children deprived of parental care, people with some diseases have the right to participate in the competition within the established quotas, based on the results of internal entrance exams at the university.

Entrants from temporarily occupied territories of Donetsk and Luhansk regions, of the Autonomous Republic of Crimea and the city of Sevastopol, and from the line of conflict, can be enrolled to higher education institutions within established quotas to study free of charge on state-funded places. The enrolment procedure to universities and colleges is simplified for them. They can be enrolled to the Ukrainian universities and colleges that have educational centres “Crimea-Ukraine” and “Donbas-Ukraine” without EIA. The network of such educational institutions was expanded to 200 institutions in 2020.

The Government established a number of privileges for internally displaced persons like social stipend, free textbooks, free access to Internet and databases, discounts for accommodation in dorms. Those who enrolled on paid education (contract) can apply for receiving a low percentage long-term loan for education.

**Ensuring access to education for students from national minorities.** Ukraine ensures the

right to study in the native language or to study of the native language through a wide network of educational institutions.

The Law of Ukraine “On Education” is a legal background to improve the approaches in using the state language and other languages in the educational process, to ensure the acquisition of the state language at the same level by all school graduates, to have equal opportunities in exercising their constitutional rights.

So, Ukraine implements an inclusive approach to improve the quality of teaching of the Ukrainian for students from national minorities, namely by:

- setting lower requirements for learning outcomes of Ukrainian language for schoolchildren from national minorities whose native language does not belong to the same as the Ukrainian language group;

- adopting new educational programs in the Ukrainian language for primary school taking into account peculiarities of the languages of national minorities;

- providing the schools of national minorities with bilingual dictionaries of school terminology and textbooks for reading of modern Ukrainian literature for primary school students;

- re-equipping (with new technical equipment, educational materials, audio systems, USB flash drives etc.) classrooms for Ukrainian language and STEM studies in schools with national minorities’ language of instruction;

- including the elements of bilingual education into in-service teacher training programs for teachers of the Ukrainian language.

Roma access to education remains one of the most actual issues. The educational level of the Roma population in general remains extremely low. The most common level of education is basic secondary education. In most cases, children's non-attendance at school is a consequence of the financial insecurity of Roma families. The measures being taken to address this issue include:

- activities on development and preservation of the Romani language;

- activities taken by local educational authorities and educational institutions aiming to involve Roma children both into school and out-of-school activities;

- providing Roma students with psychological assistance in order to successfully adapt them to the educational process;

- providing regular in-service teacher training courses for educators working with children from the Roma minority;

- providing parents of Roma children with full information on various forms of education and explain the provisions of the Law of Ukraine "On Complete General Secondary Education", in particular, Article 25 "Rights, duties and responsibilities of student’s parents".

**34. Tuition fees and other conditions of access to higher education establishments (public and private): how are they regulated? Are they different for citizens and for foreigners? Describe if there are financial support systems in place for students in higher education (grants, loans, scholarships).**

*General provisions.* Admission to higher education institutions is carried out on a competitive basis in accordance with the Terms of Admission to Higher Education, approved by the central executive body in the field of education and science. Citizens of Ukraine have the right to get higher education free of charge in state and municipal institutions of higher education on a competitive basis, if a citizen obtains a certain degree of higher education for the first time from the state or local budget, as well as in other cases provided by law.

Admission to the degree of Bachelor or Bachelor (Master of Medicine, Pharmacy or Veterinary) is based on a complete general secondary education based on external independent assessment of knowledge and skills of entrants and the level of their creative and / or physical abilities, taking into account: 1) the average score of the document on complete general secondary education; 2) points for the cover letter; 3) points for special achievements of persons who are members of the national teams of Ukraine at international student competitions.

External Independent Assessment (EIA) of school graduates and entrants to higher/professional pre-higher educational institutions is carried out by a specially authorized state institution (organization), the provisions of which are approved in accordance with the law - Ukrainian Centre for Education Quality Assessment. The ranking list of entrants is formed on the basis of a competitive score for each specialty in accordance with the priorities set by entrants with a message about whether or not they receive the right to obtain higher education at the expense of the state budget.

The Rules of Admission to a Higher Education Institution must specify the list of accredited and non-accredited educational programs under which admission to each level of higher education is carried out. Admission to study of foreign citizens and stateless persons is carried out on accredited educational programs.

Admission based on a bachelor's degree, a bachelor's degree or a junior specialist's qualification level at the time of admission for a bachelor's degree (master's degree in medicine, pharmacy or veterinary) is based on the results of EIA and entrance examinations in higher education. disciplines) from which no EIA conducted, or creative competitions.

Admission on the basis of a bachelor's degree for a master's degree is based on the results of entrance examinations using organizational and technological processes of external independent evaluation and entrance exams in higher education or creative competitions in subjects (disciplines) that do not conduct entrance exams using organizational-technological processes of EIA, including a single entrance exam in a foreign language using organizational and technological processes of EIA.

Admission to doctoral studies or creative leave to prepare a dissertation for the degree of Doctor of Science is based on scientific, scientific and technical achievements in the chosen specialty in accordance with the requirements set by the central executive body in education and science.

In case of enrolment at the expense of individuals (legal entities), an agreement is additionally concluded between the higher education institution and the individual (legal entity) who orders a paid educational service for himself or for another person, assuming financial obligations to pay for it.

In addition to receiving funding from the state budget, which is provided to ensure the implementation of the state order for training, educational institutions actively use all methods of diversification of funding sources. In particular, within the framework of their license, HEIs have the right to train specialists on a paid basis, which allows them to increase their financial potential.

One of the important influential innovations to improve the HEIs was the implementation of

the Law of Ukraine "On State Budget of Ukraine for 2020", namely the development and implementation of the Resolution of the Cabinet of Ministers of Ukraine of March 3, 2020 No. 191 "Some issues of indicative cost". In accordance with this resolution, the procedure for forming the minimum tuition fee for higher education in institutions of higher and professional pre-higher education, research institutions, as well as their territorially separated structural units has been developed. Regulation of tuition fees applies to the most popular specialties (specializations), which are 38.

The resolution stipulates that the value of the indicative cost of the institution is calculated based on the actual budget expenditures for the training of one state financed student. The initial data, in fact, are the budget allocations of the general fund for wages, utilities and other current expenses, as well as the estimated contingent of applicants. The application of the provisions of the above resolution is designed to ensure that the institution receives reasonable revenues from the provision of paid services, which will cover the necessary costs for quality training.

Students can take a loan to pay for tuition. The procedure and conditions of preferential lending for vocational and higher education in vocational and higher educational institutions conducting educational activities in Ukraine are determined by the Procedure for preferential lending for vocational and higher education, approved by the Cabinet of Ministers of Ukraine on August 29, 2018 No. 673. Full-time and part-time students who study on the basis of agreements can receive a loan. Beneficial advantages of such a loan are: only 3% per annum; loan repayment within 15 years; loan repayment can be started from 12 months after graduation.

The possibility of obtaining loans from the state or local budget is provided for studying in higher education institutions of both state (municipal) and private ownership.

*Foreign students.* The features of the reception of foreigners to higher education institutions are regulated by the Law of Ukraine "On Higher Education" (No. 1556-VII of 1 July 2014) and other specific laws.

Article 4 of the Law of Ukraine "On Higher Education" guarantees the right to seek higher education on equitable terms with the Ukrainian nationals, including through support from the state or local budgets for some categories of foreigners: foreign nationals and stateless persons, including foreign Ukrainians, permanently residing in Ukraine, persons who received refugee status in Ukraine, and persons requiring additional protection have the right.

Other foreigners and stateless persons may enrol in higher education institutions on a fee-paying basis (either paid by individuals or legal entities). Tuition fees for foreigners is determined by the higher education institutions and depends on the ranking of the university, the region where it is located and the popularity of the specialty.

The minimum level of the fee for foreigners determined at the same way as for Ukrainian students. There is no maximum level of the fees for both categories of students and they are set by the HEIs.

Other conditions of access for foreigners to study at higher education institutions can be provided by Ukraine's international agreements, legislation or agreements between higher education institutions on international academic mobility.

According to national legislation, Ukraine can provide up to 1000 state scholarships annually for studying foreigners at higher education institutions.

Within the current Ukraine's international agreements on educational cooperation, signed with over 20 foreign countries (such as the Republic of Albania, the Socialist Republic of Vietnam, the Republic of Bulgaria, Georgia, the Hashemite Kingdom of Jordan, the Republic of Kazakhstan, Qatar, Union of Comoros, the People's Republic of China, the Republic of Latvia, Mongolia, the Republic of Poland, the Republic of Serbia, the Republic of Tajikistan, the Republic of Turkey, the Tunisia Republic, Turkmenistan), Ukraine offers annually up to 350 the state scholarships for citizens of the partner states for obtaining higher education (bachelor's/master's/PhD degree) and internship. The scholarship covers tuition fees, monthly allowance and health services according to the legislation of Ukraine, accommodation at the university dormitory with payment established for citizens of Ukraine.

According to the above-mentioned Agreements, up to 150 Ukrainian citizens annually obtain higher education, undergo internship or take part in summer language courses in partner countries.

### **C. EU programmes**

**35. Are there any national programmes to support youth and education organisations (including NGOs) and their activities? If so, please provide information about their structure and management modalities.**

The State Targeted Social Program Youth of Ukraine for 2021-2025 (hereinafter - the Programme), which was approved by the Government of Ukraine in 2021, defines as the main aim of the national youth policy the creation of opportunities for self-realization and development of potential of youth in Ukraine and its participation and integration into public life. The priority tasks were underscored in item 29.

Among other tasks this Programme includes national programmes to support youth and children NGOs, namely strengthening the social cohesion of youth, including through youth exchanges within Ukraine and in partnership with other states and international organizations. Ukrainian-Polish and Ukrainian-Lithuanian youth exchanges are carried out annually, in the framework of which civil society organisations working with youth implement international youth exchanges held in Ukraine, Poland and Lithuania.

The seventh task of the Programme is promoting the providing the conditions for the development of the capacity of civil society institutions to achieve the objectives of the Programme, which includes 1) providing for financial support to youth and children's NGOs for the implementation of programs (projects, activities); 2) training of representatives working in youth and children's civil organizations to increase the level of their competencies for working with youth.

The tenth task of the Programme is supporting youth projects and implementation of youth policy priorities by the State Institution "Ukrainian Youth Foundation" (hereinafter - the Foundation). The Foundation is an investor, expert, service and state assistant in the innovative approaches in the implementation of national youth policy in order to give young people more opportunities to develop their potential in Ukraine. In fact, it is an institution that ensures the development of a proper expert environment, the improvement of procedures for financing youth projects and the capacity building of civil society institutions working with youth. In 2022 the process of the establishment of the Foundation is ongoing according to the Law of Ukraine «On the Basic Principles of Youth Policy»

(Chapter VII).

In general secondary education, there are national programmes that support NGOs, whose activities are aimed at school students. An example of such a programme is the State Targeted Social Program for the Development of Physical Culture and Sports for the period up to 2024, approved by the Resolution of the Cabinet of Ministers of Ukraine of 01.03.2017 No 115, within which state support is provided to non-governmental organizations of pupil and student sports (NGOs Ukrainian Federation of Student Sports and Ukrainian Federation of Pupils Sports).

All-Ukrainian children's and youth game "Falcon" ("Jura") was launched in 2003 by order of the Ministry of Education and Science of Ukraine. All-Ukrainian stages of the game have been held since 2009. The game is led by the Ministry of Education and Science of Ukraine and the General Staff. The direct management of the game is carried out by the Ukrainian State Centre for Local Lore and Tourism for Student and Youth.

Children aged 6 to 17 can take part in the game on a voluntary basis. Older youth participate in the game as coaches, instructors, educators, members of the camp officer.

"Jura" is a systematic form of education for children and youth, an important means of civic education. Education in the game is transversal in the general educational process, organically combines the tasks of the main areas of education: national, civil, moral, family, aesthetic, legal, environmental, physical, labour and is based on the history of Ukrainian state, Ukrainian Cossacks, knowledge their rights and fulfilment of constitutional and civil duties, responsibility for their own future, welfare and destiny of the country.

The game itself differs from others, especially sports game, in that it is aimed not at competitions but at creative cooperation with children and youth in educating Ukrainian citizens of the XXI century, the elite of the Ukrainian state - creative, scientific, state and self-sufficient, competitive with the world.

Many valuable things in the "Jura", in particular the construction of the education system, are borrowed from the educational system of the public youth organization: PLAST (SKAUT), with which the State Centre has worked closely since 2008.

The self-educational course - self-education in small groups - is implemented according to the system of degrees. Personal growth, which provides assistance to each participant in the game and helps in his/her conscious and active participation in their own development.

Self-government in the primary cells of the "Jura" is carried out according to the method of formation (scout) circle system

Participants share responsibilities, make decisions, organize, implement and evaluate their activities

The basis of the program are weekly classes - meetings. Children play, sing, listen, discuss, master, discuss what they have read or reviewed, learn new things according to the program for their age. In addition to meetings, a group of children goes on trips, participates in competitions, events, studies at specialization schools.

**36. What services of the relevant ministries are in charge/are planned to be in charge of the supervision and monitoring of the different EU programmes under indirect management**

**for the whole of Ukraine? How are they staffed/planned to be staffed? Do these ministries have audit services?**

The Erasmus+ Programme is a very important tool to provide capacity building of Ukrainian education and promote the international youth mobility of young Ukrainians.

Ukraine had a fruitful cooperation during the 2014-2020 programme period. The Erasmus+ results have a substantial impact on building the capability of higher education institutions to implement reforms based on good European practices, *inter alia*, development of new curricula, cultivating good university governance, and building stronger cooperation between higher education and society. In the framework of the European Union Erasmus+ Programme, the Ukrainian organizations actively participated in all calls for proposals in the fields of education, youth and sports in 2014-2020.

The Ministry of Education and Science of Ukraine does not have a specific structure responsible for the supervision and monitoring of the EU programmes. At the same time, the Directorate of European Integration, Budgeting and Policy Coordination is in place within the structure of the Ministry of Education and Science of Ukraine, which includes an Expert Group for European Integration (with three civil servants employed) responsible, *inter alia*, for coordination of policies on the European and Euro-Atlantic integration in the field of education and science, cooperation with international organizations and development partners, coordination of preparing and implementation International Technical Assistance projects as well as other projects involving donor and partner organizations.

As Ukraine takes part in the EU Erasmus+ Programme as a Partner Country, the main role is played by the National Erasmus+ Office in Ukraine, while the Ministry staff is more involved in communication, coordination and advocacy support. However, the Ministry staff has a leadership in setting priorities for developing project proposals in the field of higher education and VET as well as organizing competitive selection of the project proposals to be supported by the Ministry of Education and Science of Ukraine under the KA2 CBHE (Strand 3. Structural Reforms Projects) calls. The other Ministry staff (apart from the civil servants employed at the Expert Group for European Integration), namely from the Directorate of Vocational Education and Training and the Directorate of Professional Pre-higher and Higher Education are closely involved in selection and implementation of CBHE and CBVET projects.

The Directorate of Preschool, School, Out-of-School and Inclusive Education is responsible for coordination of Ukraine's participation in the e-Twinning Programme.

The Directorate for European Integration, Budgeting and Policy Coordination (namely its Expert Group for European Integration) is also involved in representing Ukraine in the Priority Area 9 (PA9) "People and Skills" of the European Union Strategy for the Danube Region (EUSDR). The Ukrainian Ministry together with the Federal Ministry of Education, Science and Research of Austria, the Federal Ministry of Labour of Austria, the Ministry of Labour and Social Protection of the Republic of Moldova and the Ministry of Education, Culture and Research of the Republic of Moldova coordinates the PA9 of the EUSDR.

The Ministry of Education and Science represents Ukraine in the Steering Group of the PA9. Ukraine participates in the Danube Transnational Programme project "Investing in People and Skills". During the Ukrainian Presidency in the EUSDR in 2022, the Ministry of Education and Science of Ukraine coordinates the implementation of the second thematic priority of the Presidency



“Development of human capital and labour markets”. The Ministry staff from the Directorate of Vocational Education and Training is also closely involved.

The Ministry of Education and Science of Ukraine includes the Unit of Internal Audit which could provide the audit of the EU funds management when the need arises.

The Ukrainian young people are active participants of the EU programs Erasmus+ and the European Solidarity Corps. According to the SALTO-YOUTH Resource Centre for Eastern Europe and Caucasus, Ukraine is one of the leaders in the Eastern Europe in the Erasmus+ and European Solidarity Corps youth segments in 2014-2021 years. At the same time, according to the National Erasmus+ Office in Ukraine, only 0.16% of young Ukrainians (aged 14-34) participated in Erasmus+ events in the last 6 years (2015-2020). The awareness of Ukrainian youth about the opportunities provided by the Erasmus+ Program remains very low. According to a poll conducted by the Ministry of Youth and Sports of Ukraine in 2018, the majority of respondents (86%) said they didn't know about the youth segment of the Erasmus+ Program, and only 1% of respondents took part in it. That is why it is necessary to raise the level of awareness of young people about Erasmus+ Programs.

The Ministry of Youth and Sports of Ukraine does not have a specific structure or agency responsible for the supervision and monitoring of the EU programmes. The Department of Youth Policy and the Department of International Cooperation and European Integration within the structure of the Ministry of Youth and Sports of Ukraine are responsible for cooperation with NGOs in the implementation of Erasmus + and European Solidarity Corps programmes. Both departments provide support to NGOs and volunteers for migration and legal issues during the implementation of the projects and their stay in Ukraine. The Ministry of Youth and Sports of Ukraine is going to facilitate the consideration and establishment of a special service or team for the supervision and monitoring of the different EU programmes. However, this can be possible based on the results of a future feasibility survey (study) in order to assess the benefits and challenges connected with upgrading Ukraine's status in the Erasmus + and European Solidarity Corps programmes.

## ***II. CULTURE***

### **A. Cooperation in the field of policies**

**37. What, if any, are the support systems in the following fields: artistic creation, innovative cultural projects, improvement of skills for artists and cultural operators, cultural cooperation with other countries, access to culture?**

Article 11 of the Constitution of Ukraine stipulates that the State supports the consolidation and development of the Ukrainian nation, its historical consciousness, traditions and culture, as well as the ethnic, cultural, linguistic and religious identity of all indigenous peoples and national minorities of Ukraine.

In accordance with Article 14 of the Law of Ukraine “On Culture” Ukraine guarantees support to domestic producers in the field of culture. Support programs for domestic producers in the field of culture are carried out through:

creation of a favourable tax regime and the provision of financial support by the state for the production and distribution of books, films and other types of cultural products in the Ukrainian language in Ukraine and abroad;

establishment of quotas for demonstration and distribution of domestic Ukrainian-language cultural product on television, radio, film and video network (for detailed information on regulatory measures please see the question 91 in the Chapter 10 “Information Society and Media”);

implementation of measures of state support to producers in certain fields of activity in the spheres of culture and arts in accordance with the laws of Ukraine and long-term national cultural state target programs.

Moreover, support for the development of cultural sector may be granted in accordance with strategic documents, laws and other regulations through:

- maintenance or provision of financial support to cultural institutions from state and local budgets to ensure their functioning and accessibility of their services for various categories of the population;

- allocation of buildings, constructions, and premises to cultural institutions that meet the needs of cultural institutions (the methodology for calculating rents for state property is determined by the Resolution of Cabinet of Ministers of Ukraine № 630 dated 28.04.2021 "On Certain Issues of Calculating Rent for State Property", which defines reduced rental rates for the use of state property for certain types of cultural institutions);

- promotion of international cultural exchange, cooperation of cultural institutions, creative professionals, cultural agents of Ukraine with foreign partners by creating co-productions, joint actions, tours, international art competitions;

- provision of funds from the state budget to the state cultural institutions for creation of new performances, concerts, choreographic and circus performances (programs), tours by theatres, artistic groups (ensembles), concert and circus enterprises, purchase of dramatic works for renewal of repertoires of drama theatres, purchase of musical art works for renewal of repertoires of musical theatres, concert organizations and artistic groups (ensembles).

There is an extensive network of state and municipal cultural institutions in Ukraine, which receive financial support from the state or local budget. Additional sources of funding of cultural institutions are funds received from their business activities, provision of paid services, as well as charitable contributions, grants and gifts from other sources that are not prohibited by law. State and municipal cultural institutions have the right independently to dispose the revenues received from provision of paid services and other sources of funding. Due to partial funding from the budget, such cultural institutions are able to ensure the availability of high quality cultural products and services. There are preferences for visiting of such institutions by certain categories of people. Private cultural institutions are funded by their founders and from other sources not prohibited by law.

The Law of Ukraine "On Culture" stipulates that among the main principles of state policy in the field of culture are: guaranteeing the rights of citizens in the field of culture and ensuring accessibility of quality cultural services for all citizens.

In accordance with the recent amendments to the Law of Ukraine “On Culture” funding for the provision of a basic set of cultural services must be granted from the state and/or local budgets, as

well as from other sources not prohibited by law. The basic set of cultural services is a list, content and scope of cultural services that must be provided to residents of local communities to ensure access to reading and information, museum objects, movies, opportunities for creative self expressions (meaning amateur art), art education. It was planned that the cultural subvention would be provided to local communities to meet these minimum standards since 2022.

Moreover, the Government initiated the creation of multifunctional cultural services centers – inclusive, modern and open public spaces. In 2021, the Law on Culture was amended to introduce the definition “cultural services centre” and to enable its financing from local budgets. During 2020-2021, several nationwide researches on cultural practices were carried out and the information on the best practices was disseminated among local communities. In 2022, the guidelines for establishing a Cultural Services Center, will be published based on the results of the pilot project implemented in 7 border regions (Chernihiv, Donetsk, Luhansk, Zaporizhia, Kherson, Chernivtsi, and Zakarpattia regions). Such cultural services centers can combine various cultural institutions (library, museum, artistic club, etc.) in one building and be a place for developing creativity and doing small business (cafe, psychologist's, lawyer's offices, beauty salon, souvenir shops, bookstores, etc.).

Cultural institutions, regardless of their ownership, as well as individual artists enjoy indirect support programme in the form of tax benefits, including reduced VAT rate of 7% (in contrast to the standard rate of 20%). In accordance with paragraph 193.1 of article 193 of the Tax Code of Ukraine, the rate of 7% is applicable to the following transactions:

- provision of services for showing (conducting) theatre, opera, ballet, music, concert, choreographic, puppet, circus, sound, light and other performances, productions, performances of professional art groups, artistic groups, actors and performers, cinematographic premieres, cultural and artistic events;

- provision of services for displaying original musical works, demonstrating exhibition projects, conducting excursions for groups and individual visitors in museums, zoos and reserves, visiting their territories and objects by visitors;

- provision of services for distributing, showing, public announcement and public showing of films adapted in accordance with the legislation in Ukrainian language versions for persons with visual impairments and persons with hearing impairments.

In accordance with the Tax Code of Ukraine (clause "b" of subparagraph 164.2.17 of paragraph 164.2 of article 164) the value of relevant goods and services paid by the cultural institution and related to the participation of the cultural institution in the creation and performance of cultural actions and events, including tours, if included into the terms and conditions of the relevant agreements, is not considered as additional benefit and may be exempt from personal income tax (18%).

Moreover, in accordance with paragraph 282.1 of article 282 of the Tax Code of Ukraine, cultural institutions, which are fully financed at the costs of state or local budgets, are exempt from land tax.

Also in accordance with paragraph 170.7-1 of article 170 of the Tax Code of Ukraine incomes in form of budget grants (targeted assistance in form of funds or property, which is provided from state and / or local budgets, by international technical assistance projects or programs in the field of culture of creative industries) are not subject to taxation and shall not be included into the total

monthly or annual taxable income by individual taxpayers during their accrual (payment, provision) for the benefit of the taxpayer.

As regards improvement of skills of artists and cultural operators, there is a special advanced training programme only for teachers, concertmasters of artistic education institutions, as well as for employees of cultural institutions, financed at the costs of the state budget.

(For detailed information on scholarships for the artists and other programs to support artistic creation, innovative cultural projects and international cooperation in the field of culture please see question 39).

### **38. Describe the authorities responsible for the cultural policy. How is the policy implemented?**

Policy setting and policy implementation in the field of culture are partially separated. The functions of state policy implementation include the provision of administrative services (i.e. issue of licences, permits, registration procedures etc), organization of artistic events, realization of grant and other support programs for the sector etc.

The Ministry of Culture and Information Policy (the MCIP) is the main body in the system of central executive authorities that ensures both setting and implementation of state policy in the field of culture. The scope of the MCIP also includes state language policy, restoration and safeguarding of national memory, interethnic relations, religion and protection of rights of national minorities in Ukraine, arts, protection of cultural heritage, museum affairs, export, import and return of cultural values, television and radio broadcasting, information and publishing.

The central executive bodies directed and coordinated by the Cabinet of Ministers of Ukraine through the Minister of Culture and Information Policy:

- The Ukrainian Institute of National Remembrance - implements state policy in the field of restoration and safeguarding of national remembrance of Ukrainian people.
- The State Service of Ukraine for Ethnopolitics and Freedom of Conscience - implements state policy in the field of interethnic relations, religion and protection of the rights of national minorities in Ukraine.
- The State Committee for Television and Radio Broadcasting of Ukraine - implements state policy in the field of television and radio broadcasting, information and publishing.
- The State Agency of Ukraine for Art and Artistic Education - implements state policy in the field of arts and specialized artistic education.

With its order No. 2353 dated 7 December 2020, the MCIP approved the Procedure for Interaction between the Ministry of Culture and Information Policy of Ukraine and the central executive bodies. The MCIP establishes priorities, guidelines, criteria in a form of draft legal acts, government resolutions, strategies, development programs and action plans. The central executive bodies can prepare and submit proposals to the MCIP for policy setting, including proposals of draft legal acts. They ensure the efficient and targeted use of budget funds, but they are not responsible for allocating funding for a given area.

The State Film Agency of Ukraine operates separately from the MCIP and ensures setting and

implementation of the state policy in the field of cinematography. Since 2022, the Minister of Cabinet of Ministers of Ukraine coordinates its work.

The Ukrainian Cultural Foundation (UCF) is a state institution established in 2017 according to the Law of Ukraine “On the Ukrainian Cultural Foundation” with the aim to contribute to the development of culture and arts in Ukraine, to support cultural diversity and integration of Ukrainian culture into the global cultural context. The UCF is subordinated to the Ministry of Culture and Information Policy of Ukraine and provides financial support in the form of grants to the projects selected on a competitive basis.

The UCF is funded by a separate budget programme in the State Budget of Ukraine, namely KPKVK 3801140 ‘Maintenance of the Ukrainian Cultural Foundation, including the implementation of the Foundation’s measures to support projects’. In addition, in 2020 another separate programme was launched for the UCF in the State Budget of Ukraine aimed at supporting cultural and creative institutions affected by the pandemic: KPKVK 3801320 ‘State support for culture, creative industries, tourism, small and medium enterprises due to restrictive measures related to the spread of the acute respiratory disease COVID-2019 caused by the coronavirus SARS-Cov-2’. State funding for this budget programme was allocated from the COVID-19 Acute Respiratory Disease Response State Fund.

The UCF’s grant programmes and their budget are determined according the Foundation’s Strategy and its priorities for the current year agreed upon with the Ministry. The minimum and maximum amount of grant funding within each programme, as well as the share of co-funding, are specified in the Guidelines for Applicants according to the conditions of each competition program. They are approved by the Supervisory Board of the Foundation.

Budget programme KPKVK 3801140 ‘Maintenance of the Ukrainian Cultural Foundation, including the implementation of the Foundation’s measures to support projects’.		
<b>2018-2021</b>	<b>Planned funding, UAH</b>	<b>Effective (actual) funding, UAH</b>
General fund	1 896 499,5	1 673 473,6
Special fund	0,0	13 061,4
<b>Total</b>	<b>1 896 499,5</b>	<b>1 686 535,0</b>
Budget programme KPKVK 3801320 ‘State support for culture, creative industries, tourism, small and medium enterprises due to restrictive measures related to the spread of the acute respiratory disease COVID-2019 caused by the coronavirus SARS-Cov-2’		
<b>2020</b>	<b>Planned funding, UAH</b>	<b>Effective (actual) funding, UAH</b>
<b>General fund</b>	<b>580 966,6</b>	<b>518 259,3</b>

UCF can also attract additional (non-state) funding from the partner institutions. For example, the programme ‘Culture. Tourism. Regions’ was developed together with the USAID Competitive Economy Program. The funding for the projects was provided by the UCF whereas the educational and mentoring component was financed by the USAID Competitive Economy Program. In 2020, the UCF launched the Children of Culture programme together with the Garage Gang NGO. The program provided funding for cultural projects that develop children's potential. Project teams collected at least 25% (not less than UAH 50,000) on the Garage Gang’s crowdfunding platform, the remaining

funding was provided under the UCF competition procedures. In 2020, the UCF and Zagoriy Foundation Charitable Foundation signed a Memorandum, according to which the Zagoriy Foundation financed the UCF projects (selected through the usual competition procedure) in the amount of UAH 1.5 million.

Ukrainian Book Institute (UBI) is the agency that implements public policy for the book industry. UBI promotes books reading in Ukraine, supports books publishing, stimulates translation activities and promotes Ukrainian literature abroad.

A number of sectoral laws of Ukraine are in force in these areas. In particular, the Laws of Ukraine

- "On Culture",
- "On Museums and Museum Affairs",
- "On Theatres and Theatre Business",
- "On Touring Events in Ukraine",
- "On Libraries and Librarianship",
- "On Protection of Cultural Heritage",
- "On Export, Import and Return of Cultural Property",
- "On National Minorities in Ukraine",
- "On Freedom of Conscience and Religious Organizations",
- "On Copyright and Related Rights",
- "On Ensuring the Functioning of the Ukrainian Language as the State Language",
- "On National Arts and Crafts",
- "On Professional Artists and Creative Unions",
- "On cinematography",
- "On State Support for Cinematography in Ukraine".

Strategic documents for implementation include:

- Global Goals of Sustainable Development 2030;
- the Program of Cabinet of Ministers of Ukraine (approved by the Resolution of the Cabinet of Ministers of Ukraine № 471 dated June 12, 2020);
- Priority Action Plan of the Government for 2021 (approved by the Resolution of the Cabinet of Ministers of Ukraine № 276 dated March 24, 2021);
- Long-term Strategy for Development of Ukrainian Culture - Reform Strategy (approved by the Resolution of the Cabinet of Ministers of Ukraine № 119 dated February 1, 2016);
- The Concept of Reforming the System of Providing the Population with Cultural Services (approved by the Resolution of the Cabinet of Ministers of Ukraine № 27 dated January 23, 2019), and the Action Plan for its implementation (approved by the Resolution of the Cabinet of Ministers of Ukraine № 355 dated May 22, 2019);

- The Concept of Reforming the Financing System of Providing Cultural Services (approved by the Resolution of the Cabinet of Ministers of Ukraine № 1035 dated August 19, 2020), and the Action Plan for its implementation (approved by the Resolution of the Cabinet of Ministers of Ukraine № 1 dated January 5, 2021);

- Strategy for Popularization of Ukrainian Language until 2030 "Strong Language - Successful State" (approved by the Resolution of the Cabinet of Ministers № 596 dated July 17, 2019) and the Concept of the National Program for Ensuring the Comprehensive Development and Functioning of the Ukrainian Language as the State Language in all Areas of Public Life for the period until 2030 (approved by the Resolution of the Cabinet of Ministers №. 474 dated May 19, 2021);

- Strategy promoting the realization of the rights and opportunities of persons belonging to the Roma national minority in Ukrainian society for the period up to 2030 (approved by the Resolution of the Cabinet of Ministers of Ukraine № 866 dated July 28, 2021), etc

Ukraine is a party to a number of international conventions, namely:

- the Convention on the Protection and Promotion of the Diversity of Cultural Expressions;
- the European Cultural Convention;
- the Convention for the Protection of the World Cultural and Natural Heritage;
- the Framework Convention on the Value of Cultural Heritage for Society;
- the European Convention on the Protection of the Archaeological Heritage (revised);
- the Convention on the Protection of the Architectural Heritage of Europe;
- the Convention on the Protection of Underwater Cultural Heritage;
- the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Cultural Property;
- the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and its protocols;
- European Charter for Regional or Minority Languages;
- The European Framework Convention for the Protection of National Minorities.

The Regulation of the Cabinet of Ministers of Ukraine № 950 dated July 18, 2007 stipulates that strategic documents and concepts of reforms shall include:

- analysis of a problem,
- design of appropriate policy solution in a form of a legal act
- stakeholder consultations
- indicators of policy implementation
- appropriate action plans or work plans of relevant authorities

Evaluation reports on the progress in implementation of strategies and other program documents are submitted to the Cabinet of Ministers of Ukraine. Reports are often published on official websites of responsible bodies.

The Ministry and other authorities responsible for cultural policy implementation form their

Work plans for each year taking into consideration the international obligations, tasks defined by Action plans of strategic documents as well as the priority actions in the field of culture and creative industries. Central executive bodies can submit proposals to the MCIP'S annual work plan. Annual work plan of the MCIP is approved by the Ministry's order and published on the official website of the Ministry. Reports on the implementation of the MCIP's annual work plans are publicly available as well. Work plans for the next period are prepared based on the evaluation results of the implementation of previous documents and taking into consideration both quantitative and qualitative indicators of implementation.

Consultative, advisory and other bodies (commissions, committees, organizational centres, councils, working groups, interdepartmental working groups, etc.) can be established if necessary. Such bodies can function on a permanent or a temporary basis. In general, subsidiary bodies acts on a voluntary basis according to the principle of collegiality. Researchers and other independent experts may be engaged to their work.

### **39. What, if any, are the programmes in support of the cultural and creative sectors in your country?**

There are several programmes in support of the cultural and creative sectors in Ukraine.

At the state level, grants of the President of Ukraine are annually awarded to young artists in the field of theatre, music, circus, fine arts, as well as to young writers and masters of folk art to support creation and implementation of creative projects in accordance with the Decree of the President of Ukraine No. 1152 dated October, 20 1998 "On state support of culture and arts in Ukraine".

Moreover, every year 12 annual prizes in amount of UAH 20,000.00 are awarded to Ukrainian artists in the field of music, choreography, theatre, fine arts, for outstanding works of traditional folk art, for the best literary works, and for outstanding achievements in the field of poetry translation.

Additionally, Ukrainian artists can receive scholarships from the President of Ukraine in the following areas:

- young artists in the field of music, theatre, fine arts, choreography, pop and circus arts and cinema (250 annual scholarships under the Decree of the President of Ukraine dated 30 December 2013 No. 717 "On additional actions for state support of culture and arts in Ukraine"),

- young masters of folk art (80 annual scholarships under the Decree of the President of Ukraine dated 27 September 2011 No. 928 "On scholarships of the President of Ukraine for young masters of folk art"),

- outstanding persons of culture and arts (300 two-year and 300 lifelong state scholarships, which are awarded twice a year according to quotas under the Decree of the President of Ukraine dated 10 September 2011 No. 906 "On state scholarships for outstanding persons of science, education, culture and arts, health care, physical education and sports and information sector").

One of the most prominent governmental arm-length institution is the Ukrainian Cultural Foundation, which provides support to artists, cultural actors and cultural projects by distributing grants on a competitive basis in such sectors as:

- visual arts,



- performing arts,
- cultural heritage,
- design and fashion,
- music sector,
- audio-visual arts,
- literature and publishing,
- cultural and creative industries, etc.

Grant applications are submitted once a year. For most support programmes, the grant cycle begins in autumn. Calls for proposals are open to Ukrainian artists and to legal entities of all forms registered in Ukraine. Non-Ukrainian artists, institutions, cultural organizations and NGOs may apply as partner together with a Ukrainian applicant. All applications undergo technical and expert selection.

During the COVID-19 pandemic, in 2020, the Ukrainian Cultural Foundation launched the institutional support programme that covered payrolls, rent expenses, utilities and other expenses of the creative businesses that lost their income because of the pandemics.

Overall, during the four grant seasons of 2018-2021, the UCF received 10120 applications for grants, of which 2475 grants were awarded totalling UAH 2 billion 83 thousand.

UCF has several grant programmes aimed at supporting:

- audio-visual art and cinema development (*Audio-visual Art*),
- a barrier-free society and artists with disabilities (*Inclusive Art*),
- creative industries and performing art (*Innovative Cultural Product*),
- promotion of cultural studies, artistic mobility and exchange of artistic practices (*Training. Exchanges. Residencies. Debuts*),
- support of regional cultural initiatives and creation of local cultural hubs (*Culture. Tourism. Regions*),
- support of significant cultural events (*Significant Events*),
- support of projects aimed at preservation and promotion of cultural heritage (*Cultural heritage*).

The largest grant program of the UCF is *Innovative Cultural Product*. It covers almost all the sectors of Ukrainian culture and is aimed at unleashing the potential and boosting the competitiveness of cultural and creative industries. Under this programme, 268 creative projects were implemented during 2019-2021.

Programme *Training. Exchanges. Residencies. Debuts.* (short N.O.R.D. from Ukrainian) aims to promote the exchange of knowledge, experience and ideas in the field of culture and arts, as well as open new artistic practices and ideas. In 2019-2021, 159 projects were supported as part of this programme.

Funding of the UCF's grant programmes, 2021

No.	Name of the grant programme	Number of applications	Number of the projects that underwent competitive selection and received grant funding	Average amount of the grant, UAH	Effective budget of the grant programme, UAH
1	<i>Training. Exchanges. Residencies. Debuts</i>	963	159	651 000,1	103 522 090,0
2	<i>Innovative Cultural Product</i>	2494	265	778 000,9	206 416 000,53
3	<i>Inclusive Art</i>	543	123	470 000,50	57 871 000,35
4	<i>Audio-visual Art</i>	1608	241	1 750 000,70	421 918 000,51
5	<i>Significant Events</i>	783	140	1 849 000,36	258 910 000,25
6	<i>Culture. Tourism. Regions</i>	541	88	609 000,28	53 616 000,47

The Foundation's activities have significantly changed the Ukrainian creative economy. In particular, the cultural market was replenished with new players with competitive ideas. UCF created a market niche for new professionals such as cultural managers and experts in creative industries.

Over 4 years of the Foundation's activities UAH 1 billion 328 million 940 thousand were directed to the cultural sphere, which, in turn, created additional value added, increased income and employment of cultural representatives, which through supply chains affected the government's tax revenues.

Moreover, the wider impact of the Foundation lies within the creation of new meanings, dissemination of new ideas, knowledge, concepts and skills, which contributes to the competitive national cultural product, innovation, technological progress and cultural growth and quality of life. For example, in 2021, 4513 people were involved in UCF-funded project teams. The gender composition of the teams is 43% (men) and 57% (women).

12% of the projects had people with disabilities among their team members, 24% of the projects had veterans, 26% — internally displaced persons, 50% — volunteers.

57% of teams chose for their public events a venue accessible to people with disabilities; 31% of teams organized their projects (public events) online; 42% of the teams involved people from different age groups while implementing the project; 54% of teams see the possibility of commercializing their project. The TOP project outputs for the period 2018-2021 were scripts — 58, printed editions — 54, festivals — 51.

Expanding the geography of projects in 2021, the Foundation supported projects from all regions of Ukraine. As for the international projects, in 2021 the partners were from Germany — 19 projects, the UK —

13, Poland — 5 projects, France — 3, Armenia — 1, Georgia — 1, Netherlands — 1, Spain — 1, Sweden — 1.

Along with the state financial support for the implementation of cultural projects, UCF engages international partners. The British Council, U.S. Agency for International Development (USAID), International Renaissance Foundation, EVZ Foundation, Zagoriy Foundation, Netherlands Embassy and other institutions actively participated in supporting the UCF grant programs. Thus, UCF implemented the *Culture for Changes* programme in 2020-2021. This is an international cooperation programme aimed at supporting cultural dialogue and creating joint artistic projects. 9 international projects were implemented in 2020 (Ukrainian-German cultural initiatives), 28 — in 2021 (Ukrainian-German, Ukrainian-British initiatives). Moreover, to support Ukrainian culture abroad, the Ukrainian diaspora was given an opportunity to participate in grant competition. In 2021, grant applications were submitted from Sweden, Germany, Thailand, and Finland.

The UCF is a member of international networks, namely International Federation of Arts Councils and Culture Agencies (IFACCA), European Network of Cultural Centres (ENCC), Culture Action Europe, International network for cultural mobility On the Move, European Network on Cultural Management and Policy (ENCATC), etc. The Foundation presents its opportunities and activity at international meetings, accelerators, events, etc. Expansion of international relations and fundraising activities are one of UCF's priorities.

**The main tools for cooperation and fundraising are:**

- ***Business Angels Club*** within the UCF, which promotes the involvement of sponsors, patrons, investors in the Ukrainian cultural space;

- ***Cultural Charity*** is a partnership programme aimed at attracting philanthropists and patrons to promote charity in the field of culture;

- ***Creative Accelerator*** is a comprehensive programme that provides training on business skills in creative industries so that the projects supported by the UCF remain sustainable;

- ***Cultural Business Hub*** is a platform for communication and networking of businesses, cultural organizations and authorities to share experience, expertise, and study cases and find partners. In 2021, the European Business Association joined the project;

- ***the Refuelling Initiative*** increases the international visibility of Ukrainian art residencies. It informs the international community about the opportunities available to various artists in Ukraine, maintains professional standards of art programmes and attracts foreign artists, curators and art managers in Ukrainian residences.

There are also a special support programmes in the field of literary creation and translation implemented by the Ukrainian Book Institute (the UBI). The UBI was established in 2016 in accordance with the Law of Ukraine “On Amendments to Certain Laws of Ukraine on Improving the System of Public Administration in the Book Publishing Sphere”. The purpose of the UBI is to support book publishing, promote reading, encourage translation activities and promote Ukrainian literature all over the world. The Ukrainian Book Institute achieves these aims through several programmes.

*The Libraries Replenishment Programme* has been implemented by the UBI every year since 2018. The Ministry of Culture and Information Policy of Ukraine and the UBI publicly announce the selection of books to be purchased and transferred to the libraries. The books are selected on a

competitive basis by an expert councils formed by the UBI. After the selection procedure the council drafts the list of books recommended for purchase to replenish Ukrainian libraries. The draft list of recommended books is finally approved by the Ministry of Culture and Information Policy of Ukraine.

Since 2020, the UBI has been implementing *the Translate Ukraine Programme*. It partially reimburses the costs of publishing of Ukrainian literature in foreign languages, namely the acquisition of rights to translate a Ukrainian book into another language and the payment of royalties as well as the reimbursement of translation services. The maximum amount of reimbursement for each project is equal to EUR 4 000. The projects are selected on a competitive basis and are evaluated by the translation expert council established by the UBI. As part of the programme, in 2020 the UBI supported 53 translations of works of Ukrainian authors into 21 languages (English, German, Italian, French, Slovak, Polish, Arabic, Hebrew, Mongolian, Macedonian and others) in 24 countries. In 2021, the programme supported 71 translations into 23 foreign languages in 27 countries.

There are also several prize programmes in the field of literature that are awarded annually in Ukraine:

- Oles Honchar Prize for the best literary works that affirm the ideals of humanism, the spiritual values of the Ukrainian people, and the idea of independence of Ukraine;
- Sholem Aleichem Prize for the best literary and artistic works that promote the spiritual and cultural heritage of the Ukrainian and Jewish peoples;
- Mykola Gogol Prize for the best literary and artistic works;
- Taras Shevchenko National Prize of Ukraine (in the category of literature) for the most outstanding works of literature, which are the supreme spiritual heritage of the Ukrainian people, and affirm high humanistic ideals, enrich the historical memory of the nation, its national consciousness and identity, and are aimed at state formation and democratization of Ukrainian society.

#### **40. What legal regime applies to book pricing? Are there any fixed price regulations?**

Book prices are set by the publisher according to market principles, and there is no separate legislation governing book pricing. As a rule, the price consists of the cost of production (editing, correction, design, layout, royalties, translation fee, etc.) and the publisher's margin.

Recognizing the benefits of fixed prices and their role in stimulating market competition, currently, the introduction of the fixed price regulation in Ukraine may now be associated with some risks. For example, the cost of book printing depends of the volatile dollar exchange rate since Ukraine imports the printing materials. Therefore, preventive measures against inflation and exchange rate fluctuations should be designed when introducing the fixed price regulation in Ukraine.

Ukrainian legislation does not specify the types of bookstores. At the same time, books are sold through stationary (classic) bookstores, of which there are about 200 in Ukraine, retail chains, online bookstores, marketplaces, book exhibitions and fairs. Each bookstore determines its own range of books based on the preferences and requests of customers. Margin on books is not limited and is regulated by free competition on the market.

It should be noted that in 2015, the Tax Code of Ukraine was amended: transactions related to the preparation, production, and distribution of Ukrainian books were exempted from value added

tax (Law of Ukraine ‘On Amendments to the Tax Code of Ukraine on preparation, production, distribution books and periodicals of printed mass media of domestic production’ № 206-VIII dated February 13, 2015). This VAT exemption also applies to the transactions related to the preparation, production, and distribution of electronic books (except for erotic books).

There is also the Ukrainian Association of Publishers and Booksellers in Ukraine, whose main purpose is to create favourable conditions for the publishing business. Today it comprises more than 90 legal entities that are the largest publishers and book distribution companies. The Association effectively represents the interests of publishers and booksellers, and drafts legal proposals, in particular on book taxation issues.

Currently, Ukraine has focused on supporting bookstores by reimbursing their rent rates. The relevant draft law was developed jointly with the representatives of the book market, registered in the Verkhovna Rada of Ukraine in autumn 2021 and was taken as a basis for the subsequent parliamentary voting in January 2022 ([http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=73161](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=73161)).

With the adoption and implementation of the law, the number of bookstores is expected to grow twice and the circulation and range of books will increase, too.

In Ukraine, there are incentives that allow the Ukrainian publishing houses and bookstores, which print and distribute no less than 50% of all books in Ukrainian language, to lease the state and municipal property without bidding (Law of Ukraine ‘On State and Municipal Property Lease’ No. 157-IX dated October 3, 2019). Also, for the Ukrainian publishing houses and bookstores, which print and distribute no less than 50% of all books in Ukrainian language, the rent rate is 4% from the full price of the leased property, which is defined by the independent evaluation (Resolution of the Cabinet of Ministers of Ukraine No. 630 dated April 28, 2021 ‘Some Issues of Calculation of the Rent Rate for the State Property’).

#### **41. What legal regime applies to the sale and movement of cultural goods?**

In accordance with article 15-1 of the Law of Ukraine “On Museums and Museum Affairs” of June, 29 1995 No. 249/95-VR the Museum Fund of Ukraine consists of state and non-state parts.

The state part of the Museum Fund of Ukraine includes museum objects and museum collections, that are state property, are stored in state museums, including museum objects and museum collections that are stored in museums managed by local executive bodies and local councils, as well as in museums established by enterprises, institutions, organizations and education institutions of state and municipal ownership or as subdivisions of such entities. The state part of the Museum Fund of Ukraine covers also museum objects to be included into the state part of the Museum Fund of Ukraine, and museum collections that are stored at enterprises, institutions and organizations of state and municipal ownership.

The non-state part of the Museum Fund of Ukraine includes museum objects and museum collections, that are stored in private museums, museums of private enterprises, institutions, organizations, and that are not included or subject to inclusion into the state part of the Museum Fund of Ukraine, in particular museum objects that are subject to inclusion into the non-state part of the Museum Fund of Ukraine and that are the property of religious organizations, citizens and associations of citizens.

Museum objects and museum collections included into the state part of the Museum Fund of Ukraine (i.e. public collections) are not subject to sale, except for exchange for other museum objects or museum collections. Decision on the exchange of museum objects and museum collections that

belong to the state part of the Museum Fund of Ukraine is taken by the central executive body, which implements the state policy in the spheres of culture and arts. This article stipulates also that cultural property that are included into the state part of the Museum Fund of Ukraine can not be subject to privatization and pledge.

Thus, based on the specific regulations of the legislation of Ukraine, museum objects and museum collections that are included into the state part of the Museum Fund of Ukraine, are excluded from turnover (can not be sold or purchased).

In case of sale of museum objects or museum collections that belong to the non-state part of the Museum Fund of Ukraine, the state has a prior right to their purchase, which is exercised by the central executive body responsible for making and implementation of state policy in the spheres of culture and arts or by state museums authorized by such executive body.

Article 29 of the Law of Ukraine “On Export, Import and Return of Cultural Property” stipulates that in order to prevent the purchase of cultural property that were illegally exported from other countries, stolen or unfairly acquired, individuals and legal entities, irrespective of their ownership form, who wish to get ownership of the cultural property, are obliged to take all the necessary measures to obtain information about the origin of these cultural property. Legal entities and individuals involved into trade of cultural goods are required to keep a register, which must include information about the origin of each cultural property, name and address of the supplier, description of cultural property and its value.

In accordance with the Trade Rules of Antiques, approved by the joint order of the Ministry of Economy and European Integration of Ukraine, the Ministry of Culture and Arts of Ukraine on 29 December 2001 under No. 322/795, it is prohibited to accept for commission and to sell in the specialized commission shops and auctions any items and their fragments that were obtained in result of archaeological excavations, as well as orders, medals, seals, various types of weapons. Also, these Rules stipulate that with the purpose of retail trade of antiques or holding auctions, business entities are obliged to transfer for the sale, including auctions, any antiques only after their check with the respective registers of lost and stolen items kept by authorized bodies. The results of an auction can be cancelled if later it will be found out that the sold items were stolen or were subject of other crimes before. Such items of auction sale must be returned to the legal owner in accordance with the applicable law.

With regard to amendments of legislation, in particular the Law of Ukraine “On Consumer Protection”, the Procedure of Trade Activities and the Rules of Trade Services at the Consumer Goods Market, approved by the Cabinet of Ministers of Ukraine on 15 June 2006 under No. 833, with the purpose to update the Rules in accordance with the actual legislation, to remove any obstacles for the business and to de-shadow the relevant area, the Rules are revised at the initiative of their issuer, the Ministry of Economy of Ukraine, in cooperation with the Ministry of Culture and Information Policy of Ukraine, law enforcement agencies and other stakeholders, including antiques traders.

The internal movement of private cultural property in Ukraine is not limited by law. The internal movement is limited by law only in respect of cultural property that are enlisted in the state part of the Museum Fund of Ukraine, as well as documents of the National Archival Fund of Ukraine. In this case, the movement can be done by the state or municipal institution that store them, only with the consent of the state executive body or self-government body to which such an institution is subordinated. The Laws of Ukraine “On Museums and Museum Affairs” and “On the National

Archival Fund and Archival Institutions” are applicable.

The Law of Ukraine “On Export, Import and Return of Cultural Goods” dated September 21, 1999 № 1068-XIV introduces the following restrictions:

- prohibition of export of cultural property from Ukraine without a valid certificate of the right to export (temporary export) cultural property from the territory of Ukraine, to be issued by the Ministry of Culture and Information Policy of Ukraine,
- prohibition of export from Ukraine (except for temporary export for exhibitions, restoration or research) of cultural property that are included into the Museum Fund of Ukraine or the National Archival Fund of Ukraine and / or enlisted in the State Register of National Cultural Heritage,
- procedure of issue of the above mentioned certificate,
- procedure of state examination of cultural property.

In accordance with paragraph 2 of Article 561 of the Customs Code of Ukraine control over the movement of cultural property at checkpoints across the customs border of Ukraine is carried out by customs authorities in cooperation with the Ministry of Culture and Information Policy of Ukraine and the State Archival Service of Ukraine.

Also, the article 374 of the Customs Code of Ukraine stipulates several preferences for import (transfer) of cultural property to the territory of Ukraine by citizens under the group of goods code 97 in accordance with Ukrainian Classification of Goods, which are made 50 or more years ago, namely the exemption from customs duties. Moreover, in accordance with paragraph 197.7 of Article 197 of the Tax Code of Ukraine such transactions are exempt from value added tax.

In accordance with article 210 of the Tax Code of Ukraine dealers with the art works, collection items or antiques enjoy a special taxation regime.

According to the Law of Ukraine “On the National Archival Fund and Archival Institutions”, the documents of the National Archival Fund that are owned by the State or territorial communities may not be subject to privatization, sale, pledge, or other agreements related to the transfer of property rights, and can be given only for temporary use. Property rights to these documents may be transferred only under treaties that are approved by the Verkhovna Rada of Ukraine, or under the laws of Ukraine. Ownership of a document of the National Archival Fund, which does not belong to the state, territorial communities, can be transferred only if and after having notified the central executive body implementing the state policy in the field of archives and record keeping or an authorized archival institution of the intent to alienate the document.

In case of sales of a document of the National Archival Fund, the State has the pre-emption right to purchase it at the price announced for sale. In case of refusal to enjoy this right or failure to enjoy it within one month from the date of receipt of the notice, the owner or the authorized person has the right to sell the document. The pre-emption right of the state to purchase a privately owned document does not apply if the latter is purchased by children, spouse, parents, siblings, paternal or maternal grandparents. The new owner the document that was previously owned by the National Archival Fund, shall notify in writing the executive body implementing the state policy in the field of archives and record keeping or the authorized archival institution.

## **42. What legal regime applies to the preservation and protection of cultural heritage?**

Cultural heritage is subject to protection by law in accordance with Article 54 of the Constitution of Ukraine.

The State ensures the preservation of historical monuments and other cultural heritage property, and takes measures to return to Ukraine the national cultural treasures of the nation from abroad.

In accordance with the international conventions ratified by the Parliament of Ukraine, preservation of cultural heritage is an international legal obligation of the country to the global community. Ukraine joined a range of international conventions and agreements in the sphere of cultural heritage, namely:

- Convention on the Protection of Cultural Property in the event of Armed Conflicts (Hague, 1954) and its two Protocols (1954 and 1999);
- European Convention on Protection of the Archaeological Heritage (London, 1969);
- Convention on Means of Prohibiting and Preventing the Illicit Export, Import and Transfer of Ownership of Cultural Property (Paris, 1970);
- Convention for the Protection of World Cultural and Natural Heritage (Paris, 1972); □  
Convention
- for the Protection of the Architectural Heritage of Europe (Granada Convention, 1985);
- European Convention on the Protection of Archaeological Heritage (revised) (Valletta, 1992);
- Convention on the Protection of the Underwater Cultural Heritage (Paris, 2001);
- Convention for the Safeguarding of the Intangible Cultural Heritage (Paris, 2003);
- The European Landscape Convention (The Florence Convention, 2000);
- Council of Europe Framework Convention on the Value of Cultural Heritage for Society (The Faro Convention, 2005);
- The Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005).

The basic law on cultural heritage is the Law of Ukraine On Protection of Cultural Heritage adopted 8 June 2000 No 1805-III. The Law regulates legal, organizational, social and economic relations in the field of protection of cultural heritage for its preservation, use in public life, protection of the traditional character of environment for the sake of present and future generations.

In accordance with the Article 1 of the Law, the cultural heritage is defined as the system of cultural heritage properties inherited by mankind from previous generations. The cultural property is defined as a prominent place, construction (creation), complex (ensemble), their parts, related movable items, and also territories or underwater cultural and archaeological heritage sites, other natural, natural-anthropogenic or created by people objects, irrespective of state of conservation, which have preserved until the present time its value from the archaeological, aesthetic, ethnological, historical, architectural, artistic, scientific or art point of view and have saved its authenticity.

The Law regulates the relations on recording (discovery, research, classification, public registration) of cultural property, prevention of their destruction or damage, protection, conservation, maintenance, appropriate use, restoration, repair, rehabilitation, adaptation and museum storage of cultural heritage, as well as control over compliance with legislation in the field of protection of cultural heritage by individuals and legal persons, including owners of cultural heritage.

Objects of cultural heritage are enlisted in the State Register of Immovable Monuments of Ukraine and classified as:



- archaeological cultural heritage;
- historical cultural heritage;
- objects of monumental art;
- architectural heritage;
- urban heritage sites;
- garden and park art heritage sites;
- cultural landscape heritage;
- science and technology heritage sites.

Cultural heritage properties that have passed the public registration procedure acquire the status of cultural heritage monument.

The system of authorities responsible for the safeguarding of cultural property consists of:

- the Ministry of Culture and Information Policy;
- executive authorities of the Autonomous Republic of Crimea;
- regional, district, Kyiv and Sevastopol city administrations;
- executive bodies of village, settlement or city councils.

Works on a cultural heritage site, which result in changes in its inherent characteristics, which are the subject of protection, including those that constitute its historical and cultural value, are not allowed. Conservation, restoration, rehabilitation, maintenance and adaptation of monuments is realized in the presence of license of performer of work, issued according to the procedure determined by law.

There is a system of permits for researchers who carry out archaeological research, excavation and other research works at archaeological heritage sites. Such permits are issued upon the submission of a qualification document confirming the professional level of a researcher. All movable items of cultural heritage (anthropogenic, anthropological, palaeozoological, palaeobotanical and other objects of cultural value) found during archaeological research are the state property and shall be transferred for permanent storage to the state part of the Museum Fund of Ukraine.

The Law also regulates special approval procedures for entities, who plan to carry out construction or other types of works on the territory of cultural heritage monuments and in their close proximity.

To protect the traditional character of the environment of cultural heritage, some cities, villages and towns with fully or partially preserved historical buildings and significant number of registered cultural property are enlisted in the List of Historic Settlements of Ukraine. In such historic settlements, there are specially regulated approval procedures for entities that plan to carry out construction or other types of works in the historic areas.

Since 2019, the Law has been amended with provisions on special protection of the World Heritage sites and the special regime of using the territories around such sites (buffer zone), as well as with provisions for the development of a management plan for the World Heritage sites and monitoring its implementation. The Law also provides for procedures of informing the UNESCO

World Heritage Committee on the intended urban development on the territory of the World Heritage sites or within its buffer zone. Without consultation with the UNESCO World Heritage Committee any urban planning works are not allowed.

In accordance with the Article 30 of the Law, the authorities responsible for the safeguarding of cultural property are obliged to prohibit any activity of individuals or legal entities that can endanger the monument or break the law in the field of protection of cultural heritage. Directives of the cultural heritage protection authorities are mandatory for all legal entities and individuals.

The Law provides for the establishment of special regimes for conservation management of the monuments, their territories, areas around such monuments, the World Heritage sites and their buffer zones, and historical area of settlements in Ukraine based on the results of research.

In May 2022, the provisions of the Law will enter into force, which establish special regimes of land use of cultural heritage sites depending on their type and boundaries as well as special regimes of protection zones in the immediate proximity to cultural heritage monuments.

Restrictions established by the Law or determined in the manner prescribed by the Law must be reflected in the land and urban cadastre. Further elaboration of regulatory acts is needed to implement these norms.

In accordance with the Law of Ukraine “On the Principle of Urban Planning” urban planning activities shall be carried out in compliance with the legislation on the protection of cultural heritage, preservation of the traditional character of surroundings of historical settlements. Responsibility for preservation of the cultural heritage property has the owner of such property.

A monument, except for an archaeological monument, may be in the state, communal or private ownership. All monuments of archaeology, including those under water, as well as related movable objects, are the state property. Such movable objects are subject to assignment to the state part of the Museum Fund of Ukraine, recorded and stored in accordance with the Law.

All the owners of the monuments or their authorized persons irrespectively of the form of ownership of these objects shall conclude the safeguarding agreement with the authorities responsible for the safeguarding of cultural property. The owner or authorized person should maintain the monument in a proper condition, repair in good time, protect from damage, destruction, demolition according to the Law and the safeguarding agreement.

In case of threat of damage distraction or demolition of a monument the owner or authorized person are obliged to bring it to the proper condition. The authorities responsible for the safeguarding of cultural property may oblige the owner or authorized person of a monument to take such measures by issuing an appropriate order. The law provides for the administrative liability and the imposition of financial penalty in case of non-compliance with the order. Intentional destruction, damage or demolition of cultural heritage property is an offence for which criminal liability is provided in accordance with the Article 298 of the Criminal Code of Ukraine.

The Law of Ukraine “On Museums and Museum Affairs” dated 29 June 1995 No 249/95-BP regulates relations in the field of cultural property, which are part of the Museum Fund of Ukraine (both state and private parts). Museum items, museum collections including museum collections, which belong to the state part of the Museum Fund of Ukraine, are the state property.

The export, import and return of cultural property are regulated by the Law of Ukraine “On

Export, Import and Return of Cultural Property” dated 21 September 1999 No. 1068-XIV.

In accordance with the Law of Ukraine “On Culture” dated 14 December 2010 No 2778-VI, the responsible bodies and local authorities ensure the preservation of intangible cultural heritage. The list of elements of intangible cultural heritage includes traditional folk culture, languages, dialects, folklore, traditions, customs, rituals, folk arts and crafts, folk handicrafts, historical toponyms etc.

**43. What legal regime applies to the cession of rights (exclusive or otherwise) to exploit aspects of cultural heritage (e.g. digitisation of art collections)?**

Property and intellectual property rights with regard to cultural heritage are regulated by:

- the Constitution of Ukraine,
- the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property,
- the Civil Code of Ukraine (in particular its books three and four),
- the Law of Ukraine “On Copyright and Related Rights” of December, 23 1993 No. 3792-XII,
- the Law of Ukraine “On Protection of Cultural Heritage” of June, 8 2000 No. 1805-III,
- the Law of Ukraine “On Protection of Archaeological Heritage” of March, 18 2004 No. 1626-IV,
- the Law of Ukraine “On Museums and Museum Affairs” of June, 29 1995 No. 249/95-VR,
- the Law of Ukraine “On Libraries and Library Affairs” of January, 27 1995 No. 32/95-VR,
- the Law of Ukraine “On the National Archival Fund and Archival Institutions” of December, 24 1993 No. 3814-XII,
- the Law of Ukraine “On Export, Import and Return of Cultural Property” of September, 21 1999 No. 1068-XIV.

The Article 41 of the Constitution stipulates: everyone has the right to own, to use and to dispose of his or her property and the results of his or her intellectual and creative activity; private property rights are acquired in accordance with law; citizens may use objects of state and communal property rights to satisfy their needs in accordance with law; no one may be unlawfully deprived of property rights; private property rights are inviolable.

The legislation of Ukraine is partly approximated to the international legislation. Paragraph 7 of Article 15 of the Law of Ukraine “On Copyright and Related Rights” corresponds to the provisions of paragraphs 1 and 2 of article 4 of Directive 2001/29/EC on the harmonisation of certain aspects of copyright and related rights in the information society and states that “the first sale of a copy or original copyrighted work by its owner or with the consent of the copyrighter causes the exhaustion of the distribution rights. The copyrighter has no right either to prohibit such resale or to demand any compensation”.

The legal basis for activities in the field of culture, public relations related to the creation, use, distribution, preservation of cultural heritage and cultural values and access to them are regulated by the Law of Ukraine “On Culture”. In particular, the Law provides for the regulation of relations

between subjects of activity in the field of culture as regards intellectual property in the field of culture, ensuring execution and protection of copyright and related rights; ensuring freedom of creativity and forms of cultural expression; protection of intellectual property rights, copyright and related rights.

The legal regime for the transfer of rights to use cultural property is determined by several bylaws, including Regulation on the Museum Fund of Ukraine, approved by the Resolution of the Cabinet of Ministers of Ukraine of July, 20 2000 No. 1147, Instruction on organizing the registration of museum items, approved by the Order of the Ministry of Culture of Ukraine of July, 21 2016 No. 580 and registered by the Ministry of Justice of Ukraine on August, 12 2016 under No. 1129/29259.

According to paragraph 13 of the Regulation on the Museum Fund of Ukraine transfer and acceptance of museum items and museum objects for permanent or temporary storage in museums is carried out in accordance with relevant transfer deeds based on the resolutions of the Fund Purchase Committee. A deed specifies the form of transfer of museum items (purchase, gift (donation), bequest, court decision to transfer cultural goods into state ownership), information about their history, origin and everyday use. The deeds shall be accompanied by copies of the documents confirming ownership of the cultural property.

In accordance with paragraph 46 of the Regulation on the Museum Fund of Ukraine production of pictures, printed and souvenir products using images of museum items is carried out in accordance with the requirements of legislation in the sphere of copyright and based on written permit of museums, in which they are stored. Objects are transferred on the basis of a protocol of the Museum Fund Purchase Committee and other relevant agreements (in case of purchase, donation, transfer for restoration, expertise or temporary storage).

In accordance with the Article 18 of the Law of Ukraine “On Protection of Cultural Heritage” objects of cultural heritage, which are monuments (except for monuments, alienation or assignment of which are limited by the legal acts of Ukraine) may be alienated or assigned by the owner or its authorized person for possession, use or management of another legal entity or individual subject to the consent of the responsible body in the field of cultural heritage protection.

All the owners of the monuments or their authorized persons irrespectively of the form of ownership of these objects shall conclude the protection agreement with the authority responsible for the safeguarding of cultural property. In this case, the owner is responsible for the proper maintenance of the monument of cultural heritage in a proper condition, its timely repair, protection against damage, destruction or demolition according to the law and protection agreement. If in result of action or failure of the owner of the monument it is in danger of damage or destruction, the authorities responsible for the safeguarding of cultural property can initiate the procedure of compulsory alienation or sale of the monument in judicial procedure.

In accordance with the Article 15 of the Law of Ukraine “On Protection of Archaeological Heritage”, the researcher of archaeological heritage shall transfer all archaeological objects discovered during the research for the permanent storage to the institution specified in the permit for registration in the state part of the Museum Fund of Ukraine. Any findings from archaeological research (immovable and movable objects related to an object of archaeological heritage and found during archaeological research) belong to the state property. The State cares for the establishment and development of cooperation with foreign States and international organizations to prevent illegal archaeological excavations, illegal import, export and transfer of ownership of movable objects

originating from archaeological heritage sites.

In accordance with the Articles 4 and 5 of the Law of Ukraine “On Export, Import and Return of Cultural Property”, cultural property that are legally located outside Ukraine may be returned by concluding of a purchase agreement with the owner of the cultural goods, by exchanging them on a mutually beneficial basis or receiving them as a gift. Cultural goods that are legally owned by Ukrainian individuals or legal entities, but whose origin is linked to the history and culture of other countries, may be returned to these countries by concluding a sale agreement with the owner of the cultural goods, exchanging them on a mutually beneficial basis or receiving them as a gift.

In accordance with Articles 28 - 32 of the Law of Ukraine “On Export, Import and Return of Cultural Property”, cultural property seized by customs or law enforcement authorities, as well as confiscated by court decision, shall be transferred free of charge to respective executive bodies, who ensure their storage, expertise and search of information about their ownership. After the ownership of the cultural property is determined, they shall be transferred to their legal owner or an authorized person in accordance with the established procedure.

Legal entities and individuals who trade with cultural goods shall keep a register, which shall contain information on the origin of each cultural item, the name and address of its supplier, description of cultural goods and their value. A bona fide purchasers of cultural goods shall have the right to receive compensation. The state or the owner requesting the return of unlawfully removed cultural property shall compensate the expenses for its storage, restoration, expertise in case of their return.

According to Article 10 of the Law of Ukraine “On the National Archival Fund and Archival Institutions”, the documents of the National Archival Fund that are owned by the State or territorial communities may not be subject to privatization, sale, pledge, or other agreements related to the transfer of property rights, and can be given only for temporary use. Property rights to these documents may be transferred only under treaties that are approved by the Verkhovna Rada of Ukraine, or under the laws of Ukraine. The procedure for using documents of the National Archival Fund belonging to the State or territorial communities, has been approved under the order of the Ministry of Justice of Ukraine dated 19.11.2013 No. 2438/5, registered in the Ministry of Justice of Ukraine 21.11.2013 on No. 1983/24515.

Ownership of a document of the National Archival Fund, which does not belong to the state, territorial communities, can be transferred only if and after having notified the central executive body implementing the state policy in the field of archives and record keeping or an authorized archival institution of the intent to alienate the document. In case of sale of a document of the National Archival Fund, the State has the pre-emption right to purchase it at the price announced for sale. In case of refusal to enjoy this right or failure to enjoy it within one month from the date of receipt of the notice, the owner or the authorized person has the right to sell the document. The pre-emption right of the state to purchase a privately owned document does not apply if the latter is purchased by children, spouse, parents, siblings, paternal or maternal grandparents. The new owner the document that was previously owned by the National Archival Fund, shall notify in writing the executive body implementing the state policy in the field of archives and record keeping or the authorized archival institution.

In accordance with the Law of Ukraine “On the National Archival Fund and Archival Institutions” and the Procedure for Using State-Owned Documents of the National Archival Fund,

the users of documents that are stored by the National Archival Fund shall enjoy the following rights:

- receive documents or their copies for temporary use outside the archival with the written consent of the archival management;
- produce, including by technical equipment, or receive from the archival copies and extracts from documents, unless there are risks to the safety of documents or copying infringes copyright and related rights; moreover, users may not require that these copies or extracts are certified by the archival;
- publish, announce, cite and otherwise reproduce the content of documents of the National Archival Fund with mandatory reference to their places of storage and in compliance with law.

At the same time, in accordance with the Procedure of Using State-Owned Documents of the National Archival Fund unique documents of the National Archival Fund cannot be taken outside the archival even for temporary use.

If the documents of the National Archival Fund are objects of copyright in accordance with Article 8 of the Law of Ukraine “On Copyright and Related Rights”, the transfer of rights (exclusive or otherwise) to exploit of cultural heritage shall be carried out in accordance with Article 31 of the Law of Ukraine “On Copyright and Related Rights”.

#### **44. What systems are in place as regards statistics pertaining to the cultural sector?**

In accordance with the recent amendments of the Law of Ukraine “On Culture” in April 2021, the system of regular monitoring of implementation of state policy in the field of culture is introduced in order to facilitate evaluation and forecasting of the dynamics of quantitative and qualitative changes in the field.

The monitoring is carried out through collecting, transmitting, systematizing, storing and analysing of information based on the principles of sustainable development and in line with the sustainable development goals. Sources of monitoring data are statistical information, administrative data, sociological and other surveys. Evaluation is aimed to measure direct effects, effectiveness and consequences of the implementation of state policy in the field of culture, development programs, projects, to impact assessment, and to preparing of recommendations for management decisions.

The procedure and methodology for monitoring and evaluating the implementation of state policy in the field of culture shall be approved by the Cabinet of Ministers of Ukraine. It is carried out by local governments and local authorities at the level of administrative-territorial units, and by the central executive body in charge of the formation and implementation of state policy in the field of culture at the national level. The Ministry of Culture and Information Policy of Ukraine is in charge of regular collection of statistical data in the cultural sector at the national level. All data are processed and systematized in accordance with the specified activities. Data of institutions and enterprises in the cultural sector and information about their activities are collected through regular statistics reports in annual periods.

As for now, the Ministry of Culture and Information Policy of Ukraine carries out annual monitoring and collection of statistical administrative data on the functioning of the following entities in cultural sector:

- art schools (based on the annual report form 1-MIII (1-MSh form) with more than 20

indicators, including data on students, teachers and their qualifications, amount of budget funding and expenditures for their maintenance. The statistical form adopted by the Order of the Ministry of Culture of Ukraine dated October 26, 2018 No. 934 “On approval of the reporting form No. 1-MSh (annual) and of Instructions for its completion, of the reporting form No 1-MSh (consolidated annual) and of Instructions for its completion”, registered by the Ministry of Justice of Ukraine on November 21, 2018 under No. 1316/32768;

- cultural clubs (based on the annual report form 7-HK (7-NC form) with more than 10 indicators, including technical data on premises and equipment, involved artists and associations, amount of budget funding and expenditures for their maintenance. The statistical form is adopted by the Order of the Ministry of Culture of Ukraine dated 18.06.2019 No. 478 “On approval of the reporting form No 7-NC (annual) and of Instructions for its completion, of the reporting form No. 7-NC (consolidated annual) and of Instructions for its completion”, registered by the Ministry of Justice of Ukraine on July 11, 2019 under No. 770/33741.

- libraries (based on the annual report form 6-HK (6-NC form) with more than 15 indicators, including technical data on premises and equipment, number of readers and librarians, digital resources and amount of budget funding and expenditures for their maintenance. The statistical form is adopted by the Order of the Ministry of Culture and Tourism of Ukraine dated 05.12.2007 No. 75 “On approval of the reporting form No 6-NC “Report on the activities of state and public libraries, centralized library systems (CBS), managed by the Ministry of Culture and Tourism of Ukraine”, reporting form No 80-a-rvk “Consolidated report of state, public and other libraries”, and of Instructions for their completion”, registered by the Ministry of Justice of Ukraine on 19 December 2007 under No. 1385/14652.

Further, in 2021 the Ministry of Culture and Information Policy of Ukraine has prepared:

- draft order on approval of the reporting form No 9-NC (annual) “Report on the activities of theatres”, and of Instructions for its completion”,

- draft order on approval of the reporting form No 12-NC (annual) “Report on the activities of concert organizations and professional performance teams”, and of Instructions for its completion”,

- draft order on approval of the reporting form No. 13-NC (annual) “Report on the activities of circus”, and of Instructions for its completion”, which will introduce applicable systems as regards statistics of theatres, concert halls and circuses.

Similar system as regards statistics of museums shall be prepared and introduced in future.

Moreover, there is the system in place as regards the economic statistics of creative industries in Ukraine. The initial statistical data for calculation of all estimates collected by the State Statistics Service of Ukraine and the State Tax Service of Ukraine according to their procedures and methodologies. Similar to Eurostat’s “Cultural Statistics” the Ministry of Culture and Information Policy of Ukraine does not collect any new data but rather aggregates existing figures pertaining to creative industries in line with the creative industries framework. The information on the CI economic estimates is published annually:

- creative industries economic estimates in 2018: <https://mkip.gov.ua/content/statistika-kreativnih-industriy.html>

- creative industries economic estimates in 2019: <https://mkip.gov.ua/content/mkip-prezentue->

[ekonomichne-doslidzhennya-kreativnih-industriy.html](https://ekonomichne-doslidzhennya-kreativnih-industriy.html) (policy brief in English is available at <https://freepolicybriefs.org/2021/06/21/creative-industries-impact/>);

- creative industries economic estimates in 2020: <https://mkip.gov.ua/news/6555.html>,
- taxes paid by creative businesses in 2019-2020: <https://mkip.gov.ua/news/5452.html>.

Ukraine's methodological approaches in creative industries rely on the best European experience, and the Ukrainian classifications are harmonized with the relevant EU and world's classifications which makes our data comparable with other countries. The consistent statistical framework of the creative industries in Ukraine was drafted based on the approaches of other European and global frameworks such as the 2014 UNESCO Culture for Development Indicators, the 2020 UNESCO Culture 2030 Indicators, and the European Statistical System Network on Culture – ESSnet-CULTURE.

Ukraine significantly relied on the European experience to make the Ukrainian framework compatible with the European countries. Based on the aforementioned frameworks, Ukraine has outlined indicators that serve as the evidence base to elaborate state policies in the field of creative industries. For example, in 2020, based on this data, Government made a decision to allocate additional funding for the Ukrainian Cultural Foundation, Ministry's subsidiary institution, to launch a support programme for those creative organisations (including private businesses and NGOs) that suffered the most during the pandemic.

1) Here are the main estimates that the Ministry of Culture and Information Policy of Ukraine regularly calculates every year::

- share of creative industries in Ukraine's GVA,
- employment in creative industries,
- number of creative businesses,
- external trade in creative goods and services (exports and imports),
- turnover of creative businesses,
- personnel costs in creative industries,
- taxes.

2) 34 types of economic activities that belong to creative industries – the list was approved by the Resolution of the Cabinet of Ministers of Ukraine No. 265-p on 24 April 2019. Ukraine's Classification of Types of Economic Activity, State Classifier 009:2010 is harmonized with the Statistical classification of economic activities in the European Community / Nomenclature statistique des Activités économiques dans la Communauté Européenne (NACE Rev.2). 34 types of economic activities that belong to creative industries in Ukraine are defined at the 4-digit level, therefore, Ukraine's calculations may be compatible with the EU estimates and the creative industries' economic impact may be compared with other sectors of economics;

3) list of creative goods according to the Ukrainian Classification of Goods for Foreign Economic Activity which is compiled based on the UNCTAD's Creative Goods Groups and is in line with the Harmonized Commodity Description and Coding Systems;

4) list of creative services that is based on the methodology of the UNESCO Institute for Statistics.



Moreover, the Ministry of Culture and Information Policy of Ukraine cooperated with the Kyiv School of Economics, Ukraine's leading economic university, to calculate creative industries multipliers. This helped to identify creative industries' spillover effects that influence Ukraine's economic, social, regional and cultural spheres.

To do that, a computable general equilibrium (CGE) approach was used. The CGE economic model allowed us to define the economic impact of additional consumption and capital investments in creative industries. Data utilized by the CGE model are given by the Social Accounting Matrix (SAM). The SAM structure is related to the input-output table that the State Statistics Service of Ukraine publishes for 42 industries. Since it was not sufficient to distinguish creative industries from other sectors of the economy, to compensate for these deficiencies, the following sources were used:

- input-output table for Ukraine for 2018;
- input-output table for Poland for 2015 (latest available) to approximate the intermediate consumption of creative industries which is not available from the Ukrainian input-output tables;
- annual report on state budget expenditures of Ukraine for 2018;
- balance of payments of Ukraine for 2018;
- structural business statistics of Ukrainian enterprises with regard to the gross value added and sales volume for 2018.

The results of the CGE model suggested a strong effect of investment in CIs. The creative industries multipliers' range from 1.9 to 2.2, which is even bigger than in the construction, finance and insurance sectors.

This methodological approach also helped to identify the increase in GDP per one hryvnia of capital expenditures (investments).

As for the statistics of books in Ukraine, it falls within the competence of the Book Chamber of Ukraine. It is a state research institution, which is managed by the State Committee for Television and Radio Broadcasting of Ukraine, a central authority coordinated by the Minister of Culture and Information Policy of Ukraine.

The functions of the Book Chamber of Ukraine are to complete statistical accounting, acquire and store all printed books in Ukraine, conduct bibliographic research and create bibliographic information databases. In accordance with the Law of Ukraine "On Publishing", publishers are obliged to submit reports on the production of printed editions according to the established procedure. This procedure is regulated by the Order of the State Committee for Television and Radio Broadcasting of Ukraine "On approval of the reporting forms No. 1-V (books) (quarterly) "Report on book production", No. 1-V (mass media) (semi-annual) "Report on the production of printed mass media" and instructions on their completing" dated January 9, 2014 No. 1. All publishers, publishing organizations, and individual entrepreneurs who publish books shall submit to the Book Chamber of Ukraine and the State Committee for Television and Radio Broadcasting of Ukraine the report according to the form No. 1-V on a quarterly basis. The Book Chamber of Ukraine systematically publishes statistical information on the publication of printed editions in Ukraine in the *Bulletin of the Book Chamber*. This information is also posted on the website of the Book Chamber of Ukraine in the section *Press of Ukraine*, and the statistical collection *Press of Ukraine* is issued annually ([http://www.ukrbook.net/statistika\\_.html](http://www.ukrbook.net/statistika_.html)).

#### **45. What measures have been taken in the context of the implementation of the 2005 UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions?**

Ukraine ratified the 2005 UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions in the year 2010 (by the Law of Ukraine № 1811-VI dated January 20, 2010). The Convention entered into force for Ukraine on June 10, 2010.

The norms of the Convention are implemented in the Law of Ukraine “On Culture” № 2778-VI dated December 14, 2010. According to the Law (Article 3), the state policy in the field of culture is based on the principles of ensuring freedom of creativity and cultural expressions; protection of intellectual property rights, copyright and related rights; guaranteeing the rights of citizens in the field of culture; inclusiveness; accessibility of high quality cultural services for everyone; accessibility of art education; development of cultural institutions regardless of their ownership; promotion of creative industries development; encouraging international cultural cooperation.

21 regional working groups were formed in all the regions of Ukraine to establish the efficient system of monitoring the implementation of the Convention (118 specialists of structural subdivisions of regional and Kyiv city state administrations representing 13 spheres of activity (culture, education, economy, social protection, mass media, etc.)).

The Ministry of Culture and Information Policy of Ukraine in cooperation with the Ukrainian Centre for Cultural Studies, the authorized institution to provide scientific and methodological support for the implementation of the 2005 Convention (according to the Order of the Ministry of Culture of Ukraine № 907 dated October 19, 2018), hold educational activities and consultations for the regional working groups to provide, collect and exchange of information related to protection and promotion of diversity of cultural expressions. Such an integrated approach contributes to the effective implementation of the Convention and timely and properly preparation of the periodic reports.

Every four years, Ukraine submits national periodic reports on the implementation of the 2005 Convention to present the progress made in protecting and promoting the diversity of cultural expressions. Previous reports of Ukraine were submitted in 2014 and 2019.

In 2021, Ukraine joined the celebration of the Year of the Creative Economy for Sustainable Development, proclaimed by the UN in 2021. The topic of the Annual International Forum "Creative Ukraine" (September 23-24, 2021) was the re-equipment of creative industries, i.e. finding new tools and changing the usual settings, because after the pandemic it is impossible to return to old practices: creative business and public policy need new formats, including digitalization of all processes and sustainable, consistent, long-term development strategies. Therefore, in 2021, the Creative Ukraine Forum presented the work on the Strategy for the Development of Creative Industries.

Ukraine regularly pays a voluntary contribution to the International Fund for Cultural Diversity (IFCD), established in accordance with Article 18 of the 2005 Convention for the Protection and Promotion of the Diversity of Cultural Expressions. The amount of the contribution is 1% of Ukraine's contribution to the UNESCO budget, so in 2021 \$ 1937 was paid.

Ukraine's financial contribution to the Fund creates preconditions for the participation of Ukrainian organizations in the annual call for project proposals to the Fund. The Ministry of Culture and Information Policy of Ukraine provides assistance and organizes consultations for potential

participants from Ukraine. The information about the announcement of the call and the terms for submitting project proposals is published on the official web site of the Ministry. Over the last years, there has been a trend of increasing interest to the IFCD among local authorities and local communities seeking to improve access to a variety of forms of cultural expression, including access to cultural goods and services, in their regions. It can be explained by dynamic decentralization process and the implementation of Reform of the system of public cultural services by the Ministry of Culture and Information Policy of Ukraine.

In 2017, the "Business Performances: Transformation of Theatres" project of the National Union of Theatre Actors of Ukraine was selected for support by the IFCD.

#### **46. Does Ukraine subscribe to the objectives of the European Agenda for Culture?**

Ukraine subscribes to all strategic objectives of the New European Agenda for Culture that include:

- social dimension: harnessing the power of culture for social cohesion and wellbeing;
- economic dimension: supporting culture-based creativity in education and innovation, and for jobs and growth;
- external dimension: strengthening international cultural relations.

##### *1) Social dimension*

The development and implementation of the inclusive cultural policy is among the Governmental priorities. In 2019, the Government adopted the Concept of Reforming the System of Providing Public Cultural Services and the Action Plan on its implementation, followed by the Concept of Cultural Services Funding System Reform and the Action Plan on its implementation. The reforms are aiming to ensure equal access to high-quality cultural resources on both national and local levels, to promote cultural expressions, social cohesion and well-being in local communities, to encourage creative entrepreneurship and regional development by means of culture.

In 2018-2021, three cycles of Cultural Leadership Academy project were implemented in cooperation with international development partners with the purpose to upgrade skills and qualifications of local cultural managers, individuals and civil society actors engaged into cultural and creative sectors at local level, who will be the local drivers of the intended reforms in the field of culture and creativity.

##### *2) Economic dimension*

A particular focus is placed on the development of creative industries. In 2018, the term "creative industries" was introduced in the national legislation for the first time. It gave an impulse for further actions of support and promotion to CCI. New competence-based and interdisciplinary approaches combining arts studies with marketing and business skills have been introduced in "Audio-visual Art" and "Design" study programs of higher education institutions.

Annual International Creative Ukraine Forum was held in 2021 for the fifth time bringing together professionals, creative actors and policy-makers to discuss the actual challenges and to define priorities for public policy in CCI sector. Each year, the event focuses on the central topic such as Baukultur, digitalisation, pandemic as a new normal, creative industries retooling, etc. Moreover,

workshops on the particular creative sectors such as the film industry, design, fashion, marketing, concert and music industry, art crafts, etc. take place as part of the event. Each year more than 600 participants and 100 speakers from 15+ countries attend the forum.

The new mechanisms and institutions have been introduced since 2018 to foster the development of CCI sector. Among the most significant programmes implemented by the Ukrainian Cultural Foundation (the UCF) and Ukrainian Book Institute (the UBI) for supporting culture-based creativity and innovations in CCI are:

- **Innovative Cultural Product** - the largest grant program of the UCF covering almost all the sectors of Ukrainian culture is aimed at unleashing the potential and boosting the competitiveness of cultural and creative industries.

- **Training. Exchanges. Residencies. Debuts.** (short N.O.R.D. from Ukrainian) - aims to promote the exchange of knowledge, experience and ideas in the field of culture and arts, as well as open new artistic practices and ideas.

- **Creative Accelerator** - a comprehensive programme that provides training on business skills in creative industries so that the projects supported by the UCF remain sustainable;

- **Cultural Business Hub** - a platform for communication and networking of businesses, cultural organizations and authorities to share experience, expertise, and study cases and find partners. In 2021, the European Business Association joined the project;

In 2021, the Cabinet of Ministers of Ukraine launched the Creative Economy Council (resolution of the Cabinet of Ministers of Ukraine No. 501 dated May 19, 2021). It is an advisory body of the Government for establishing a direct dialogue between the Government and business on the development of creative industries, both at national and regional levels. Since 2021, the Council has started sectoral working groups (on design, art crafts, concert and music industry) that unite representatives of the respective creative sectors. Groups' members discuss creative industries problems and needs on a regular basis, prepare proposals for the governmental policies and policy documents and organize information campaigns and creative education training sessions.

### *3) External dimension*

Ukraine strives to be fully integrated in the European cultural context. To this end, Ukraine takes measures to enhance international cooperation and to reinforce the cultural links with the European Union Member States. Ukrainian cultural operators are encouraged to develop professional networks, to engage into new cooperation formats like partnerships, associations, and platforms, co-productions through grant programs of the UCF and to benefit from active involvement of Ukraine into European and international cultural processes.

Ukraine's participation in the *Creative Europe programme* since 2016 is among the factors that have contributed to positive changes in the sector of culture and creative industries, enhancing its internationalization. The information, consulting and training activities of the National Creative Europe Desk have enhanced the general awareness of the European context and trends, as well as the capacity of cultural operators to establish professional relations and to implement transnational projects in partnership with other institutions. In 2021, the new Agreement between the European Union and Ukraine on the participation of Ukraine in the Creative Europe Programme (2021 to 2027) was signed.

Ukraine has ambitions to become eligible for other EU programmes and initiatives, like the European Capitals of Culture, and to increase its participation in the Union's programmes and initiatives for culture and cultural heritage.

In 2020, Ukraine joined the EURIMAGES fund for the co-production, distribution, exhibition and digitisation of European cinematographic works. In 2021, Ukraine accessed to the Enlarged Partial Agreement on Cultural Routes. These instruments shall support Ukraine's endeavours to cooperate closely with the Council of Europe and the EU Member States in developing sustainable cross-border cultural tourism and promoting European audio-visual industry.

The international seminar "Cultural Heritage as a Driver for Sustainable Development. Opportunities within the European Programmes" was held in 2018 in Kharkiv in the framework of the European Year of Cultural Heritage. The event was aimed at raising awareness on cultural heritage as an invaluable resource for the regional development and social cohesion and on the programmes, initiatives and projects of the EU and Council of Europe in this regard.

#### **47 How does Ukraine intend to participate in the structures established under the Open Method of Coordination?**

Ukraine is interested in participating in the structures established under the Open Method of Coordination so that to contribute to the discussions and exchanges of best practices among Member States on cultural policy issues with a particular focus on:

- the role of culture for social cohesion and the development of territories;
- practical implementation of Baukultur approach;
- value of multicultural diversity and ways to promote it in the context of hybrid threats;
- the role of culture in postconflict rehabilitation, and access to culture for vulnerable groups;
- digitalization of culture and cultural heritage, and rights protection issues;
- measures to combat illicit trafficking in cultural property;
- rehabilitation of cultural heritage;
- working conditions of artists, and skills development programmes.

#### **B. EU programmes**

#### **48. Please explain measures taken/planned to promote the Creative Europe programme and enhance participation of cultural operators in the country.**

In 2016, Ukraine accessed to the Creative Europe programme for the first time having no experience of participation in the EU programmes for culture and creativity earlier.

Ukraine's participation in the Creative Europe in 2016-2020 became one the factors that have contributed to positive changes in the sector of culture and creative industries in Ukraine and to reinforcement of cultural links between Ukraine and the European Union. The information, consulting and training activities of the National Creative Europe Desk have enhanced the general awareness of the European cultural context and trends, as well as the capacity of Ukrainian cultural

operators to network internationally and to implement cross border projects successfully in partnership with other institutions.

During 2016-2020, within the Creative Europe programme, Ukrainian organizations implemented 38 international projects in cooperation with 117 partner institutions from 29 European countries. The total amount of financial support for projects with the participation of Ukrainian organizations was € 5,472,228. In 2019, in cooperation with the Goethe-Institut, Institut Francais and Nida Arts Colony, the Ukrainian platform for cultural initiatives IZOLYATSIA launched a pan-European mobility programme, which aims to encourage the mobility of artists and professionals in the field of culture as a project, co-financed by the Creative Europe programme. Ukraine and Serbia were only 2 non-EU countries in the TOP-10 the most active and successful countries participating in the programme.

Ukraine has also joined the initiatives supported by the Programme, including the European Union Prize for Literature, which was awarded to Ukrainian author Haska Shyryan for her book "Behind the Back" in 2019. Also in 2019, Ukrainian international multidisciplinary festival of contemporary art "GOGOLFEST" became one of the five festivals honoured with the EFFE Award, which is given every two years to the most interesting and most creative art festivals in Europe within the project "Europe for Festivals - Festivals for Europe", sponsored by the Creative Europe programme. In 2021, Ukrainian singer alyona alyona won the Music Moves Europe Talent Award, which is funded by a pilot programme for music sector support directly by the European Commission.

On October 12, 2021, Ukraine and the European Union signed the Agreement on the participation of Ukraine in the Creative Europe Programme (2021-2027). The Agreement was ratified by the Law of Ukraine № 1963-IX dated December 15, 2021. The Agreement entered into force for Ukraine on December 21, 2021. Ukraine takes part as an associated country in all actions in the Culture strand, all actions in the Cross-sectoral strand until December 31, 2022 and several actions in the MEDIA strand until December 31, 2022, and continues after that date if evidence submitted by Ukraine by September 30, 2022 meets the necessary conditions set out in Article 9 of the Regulation (EU) 2021/818.

The Creative Europe Desk Ukraine was established as a distinct unit of the Ukrainian Cultural Foundation with duly separation of functions and enough co-funding from the National Budget of Ukraine. In 2020, the total budget of the national Creative Europe Desk was EUR 121.280,00, including the EU grant of EUR 60.640,00. In 2021, Ukrainian Government ensured proper functioning of the Creative Europe Desk Ukraine entirely from the National Budget because of the gap between two programme periods.

During 2021, the CED Ukraine continued its functioning even in the situation of pandemic, taking part in more than 65 events in Ukraine and abroad both online and offline. In the second part of the year 2021, CED Ukraine organized 8 webinars on new calls for proposals and held 81 personal consultations for Ukrainian applicants. A number of events were organized in cooperation with NGO "Association of Creative Industries of Ukraine" aiming at facilitation in development of efficient communication strategies for projects and brands. In cooperation with UN Women CED Ukraine organized a special discussion on women leadership in creative industries during the HeForShe Arts Week. 150 institutions from 5 countries had a possibility to initiate partnership in the course of 3 networking events organized by CED Ukraine in cooperation with CED from Netherlands, Spain, Italy, Latvia. Active promotion of i-Portunus project opportunities in Ukrainian media resulted in

Ukraine's position in TOP-10 most active countries. Within the promotion campaign in media CED Ukraine prepared more than 320 publications for different media, over 100 posts for social media, and 12 digests during 2021.

In 2021, the Fourth Annual International Fair for Cultural Grants, which was organized by CED Ukraine in cooperation with the Ukrainian Cultural Foundation in hybrid format, traditionally became a perfect meeting place for those searching for partners and funding for creative projects. Over 800 participants joined the event, 2700 viewers watched it online, and 75 selected organizations took part in the offline incentive training on preparing grants applications.

The online course "Preparing an application for the Creative Europe programme", which was developed by CED Ukraine in 2019, consists of 11 videos, and is available free on the Internet, has collected more than 8000 views.

### ***III. SPORT***

**49. Following the entry into force of the Lisbon Treaty on 1 December 2009, the EU has been attributed a new competence for sport (Article 165 TFEU). In this respect, please provide a description of the organization of sport in Ukraine, including the competent authorities, and the role sport plays in societal (health, education and social inclusion terms) as well as economic terms.**

The Ministry of Youth and Sports of Ukraine is the main executive body that ensures development of the state policy in the field of physical culture and sports. Its activities are directed and coordinated by the Cabinet of Ministers of Ukraine (Government of Ukraine). The Ministry of Youth and Sports of Ukraine in its structure has the Department of Olympic Sports, Department of Physical Culture and non-Olympic Sports, Department of Investment and Development of Sports Infrastructure. The local governing bodies and local communities have the relevant departments or units for physical culture and sports.

In order to create conditions for strengthening the health of the population and to ensure the access to sport and physical activity as a fundamental right for all in Ukraine, the following organizations operate:

All-Ukrainian Centre for Physical Health "Sports for All" is an institution of physical culture and sports, which is coordinated by the Ministry of Youth and Sports of Ukraine and provides development of all areas of physical culture, organizes physical culture and health activities aimed at ensuring physical activity;

Ukrainian Centre for Physical Culture and Sports for the Disabled People "Invasport" is specialized organization that ensures the implementation of the state policy on physical culture and sports among the people with disabilities;

State Institution "Administration of national teams and ensuring of sports events";

Physical culture and sports NGOs and its associations, which organize physical culture and health-improving activities, in particular at the place of work of citizens;

The National Olympic Committee of Ukraine is an all-Ukrainian union of NGOs recognized

by the International Olympic Committee. The National Olympic Committee of Ukraine unites more than 40 Ukrainian Olympic sports federations and has also its branches in all regions of Ukraine;

The Sports Committee of Ukraine is an all-Ukrainian union of NGOs of physical culture and sports, the main task of which is to ensure the development of non-Olympic sports in Ukraine.

The Committee has 45 full members - non-Olympic federations and has 10 associate members;

The National Committee for Sports for the Disabled of Ukraine is a physical culture and sports organization of Ukraine that develops the Paralympic and Deaflympic movements in Ukraine;

Ukrainian Association of Sports of Veterans is an all-Ukrainian union of NGOs established to create a unified system of veteran sports, its development and promotion at all levels, social protection of veterans of physical culture and sports, improving the participation in international sports tournaments.

There are 52 Olympic sports in Ukraine involving more than 700 thousand people, with more than 23 thousand coaches working in the sphere.

The system of Olympic sports consists of:

more than 2500 sports clubs with more than 800 thousand members;

1 167 institutions of physical culture and sports - children's and youth sports schools with 434,268 pupils aged 6 to 23 years involved in the training. 17,772 trainers work in the children and youth sports schools. In 2021, the total amount of funding for sports schools from budget expenditures amounted to 5.7 billion UAH;

34 schools of higher sports development. In 2021, they provided training for 3,949 athletes for national teams of Ukraine under the leadership of 970 top level coaches. The amount of funding was 549.0 thousand UAH;

7 Olympic training centres;

18 specialized sports education institutions (lyceums) with more than 4,430 students improving their sports skills led by 740 professional trainers.

As a result of the armed aggression of the Russian Federation against Ukraine 260 of 1017 institutions of physical culture and sports were temporarily suspended. 7571 trainers (74% of the total number) have not ceased their professional activities aimed at training the reserve sports for national teams. Out of a total of 326,609 athletes, more than 111,000 don't have the opportunity to train.

The Ministry of Defence of Ukraine, Ministry of Internal Affairs of Ukraine have sports teams and relevant departments in their structure. The Ministry of Education and Science of Ukraine established a Committee on Physical Culture and Sports to operate activities in educational institutions.

Total budget of the Ministry of Youth and Sports of Ukraine for the sports sphere in 2021 amounted to 7 billion 26.8 million UAH and it is distributed by the following areas:

- scientific research and sports medicine - 42.9 million UAH;

- preparation and participation of Ukrainian athletes in the Summer Olympic, Paralympic, Deaflympic Games in 2021, preparation for the Winter Olympic and Paralympic Games - 2.8 billion UAH;



- sports for people with disabilities - 777.2 million UAH;
- physical culture and sports - 2.4 billion UAH;
- sports infrastructure development - 1.6 billion UAH.

The Ministry of Youth and Sports of Ukraine, implementing the EU-Ukraine Association Agreement, has developed a draft Sectoral framework of qualification for the physical culture and sports sphere and professional standards according to the European Qualification Framework approach and best practice of EU member states (France, Estonia and Portugal).

The development of the sectoral qualifications framework in the sports system in Ukraine will facilitate the implementation of a lifelong learning approach and recognizing the experience of non-formal education received by employees in the physical culture and sports sphere. The draft Sectoral framework of qualification for the physical culture and sports sphere and professional standards of athlete, sports judge, fitness coach, sports animator, doping control officer, sports manager, coach, athlete in sports for people with disabilities have been discussed with experts of the National Agency of Qualifications in 2021.

**Overall legal framework in the field of physical culture and sports is composed of following basic documents:**

**The Law of Ukraine “On physical culture and sports”** of 24.12.1993 No 3808-XII (with last amendments of 25.07.2021). This Law defines the general legal, organizational, social and economic bases of activity in the field of physical culture and sports and regulates public relations in creating conditions for the development of physical culture and sports.

The **Strategy of Development of Physical Culture and Sports until 2028** was approved by the Resolution of the Government of Ukraine of 04.11.2020 No 1089 (hereinafter - the Strategy). The Strategy defines the main directions of state policy in the physical culture and sports sphere and is based on a comprehensive approach. The Strategy aims to create equal opportunities for the development of Ukrainian society, which seeks to be physically and mentally healthy, the creation of a new generation of athletes, coaches, managers and officials who will stimulate the effective development of Ukrainian sports sphere.

The Strategy is implemented in the following areas of state policy in the physical culture and sports sphere:

- physically active nation;
- professional sports; sports infrastructure;
- digital transformation of the sphere of physical culture and sports;
- staffing of physical culture and sports.

In order to gradually implement the Strategy, the Action plan was developed for 2021-2022 on the implementation of the first stage of the Strategy and approved by the Resolution of the Cabinet of Ministers of Ukraine of 03.03.2021 No 163-2021.

The **State Target Social Programme for the Development of Physical Culture and Sports** approved by the Resolution of the Cabinet of Ministers of Ukraine of 01.03.2017 No 115 was prolonged for the period up to 2024. The Programme is implemented in order to assign a leading role to physical culture and sports in Ukraine as an important factor of healthy lifestyle, disease

prevention, formation of humanistic values, creating conditions for comprehensive harmonious human development, physical and spiritual improvement of people.

**50. Please describe the national policy (including legal acts) in the field of anti-doping and match-fixing on the one hand and the fight against violence in sport on the other hand.**

**Ukraine joined the Enlarged Partial Agreement on Sport (EPAS)**, a unique platform aimed at developing intergovernmental cooperation in the field of physical culture and sports within the Council of Europe. Ukraine's internal accession procedures to this Agreement are being completed (Law of Ukraine of 16.12.2020 No 1096-IX). Representatives of the Ministry of Youth and Sports of Ukraine take part in European events on the development of physical culture and sports, study and implement the best European experience and management practices in the field of physical culture and sports aimed at combating doping, corruption in sports, match-fixing, violence during sports events, etc.

The Government of Ukraine has taken substantial and systematic steps in the fight against doping. Ukraine ratified the Anti-Doping Convention in 2001 (Law of Ukraine of 15.03.2001 No 2295-III), and the Additional Protocol to it in 2004. The International Convention against Doping in Sport was ratified in 2006 (Law of Ukraine of 03.08.2006 No 68-V).

The Ministry of Youth and Sports of Ukraine ensures the implementation of international antidoping documents by:

- coordination of activities of the National Compliance Platform with the participation of other public sector stakeholders responsible for anti-doping issues;

- monitoring the implementation of conventions by completing the UNESCO ADLogic questionnaire and the Council of Europe's annual questionnaire on the implementation of the Anti-Doping Convention, participation in other monitoring mechanisms (monitoring missions, etc.);

- participation in activities of the Monitoring Group of the Anti-doping Convention (TDO), Ad hoc European Committee for the World Anti-Doping Agency (CAHAMA), Conference of Parties of International Convention against Doping in Sport;

- bringing national legislation in line with the requirements of international documents and standards.

Strategy of Development of Physical Culture and Sports until 2028 was approved by the Resolution of the Government of Ukraine of 04.11.2020 No 1089 (hereinafter - the Strategy) underscores the anti-doping activities as one of the priorities of the sports policy. Also, the Action plan for 2021-2022 on the implementation of the first stage of the Strategy approved by a Resolution of the Government of Ukraine defines the measures for the fight against doping in sport.

The Ministry of Youth and Sports of Ukraine in cooperation with experts of the Council of Europe, the World Anti-Doping Agency and the Polish Anti-Doping Agency has elaborated a Law of Ukraine "On anti-doping activity in sport" adopted by the Parliament of Ukraine in January 2022. The Law aims at bringing national anti-doping legislation in line with international standards, including the requirements of the 2021 World Anti-Doping Code, and to strengthen the independence of the national anti-doping organization system.

The National Anti-Doping Centre of Ukraine actively cooperates with the national antidoping

organizations of the EU member states, in particular Poland, on the exchange of best practices in anti-doping activities.

In order to promote the principles of fair play and the fight against corruption in sports and match-fixing, Ukraine has signed and ratified the Council of Europe Convention on the Manipulation of Sports Competitions (Law of Ukraine of 16.11.2016 No 1752-VIII). In pursuance of the provisions of the Convention, the Ministry of Youth and Sports of Ukraine takes measures to launch the National Platform of Integrity in Sports (hereafter - National Platform) aimed to coordinate the efforts of all stakeholders to combat the manipulation of sports competitions. The inter-ministerial working group (hereafter - Operational Group) was set up under the coordination of the Ministry of Youth and Sports of Ukraine. The working group already performs the functions of the operational group of the National Platform. The Operational Group includes representatives of the Ministry of Youth and Sports, the National Police, the National Bureau of Interpol, the National Agency for the Prevention of Corruption, the National Commission on Gambling and Lottery Regulation, the National Olympic Committee, and the Ukrainian Football Association.

The National Platform is developing cooperation with other national platforms in the framework of the Copenhagen Group and the Council of Europe Follow-up Committee on the Manipulation of Sports Competitions (T-MC).

The focus of fighting against violence in sport and building a system based on an integrated approach to safety, security and service at sporting events is fixed in strategic documents in the sports sphere as well as in the Action Plan of the Government of Ukraine and the Strategy of Development of Physical Culture and Sports until 2028.

As of 2022, Ukraine remains a full member of the European Convention on Spectator Violence and Misbehaviour at Sports Events and in particular at Football Matches, ratified by the Law of Ukraine of 15.11.2001 No 2791-III.

The Ministry of Youth and Sports of Ukraine works on the ratification of the new Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events. The draft Law on ratification of the Convention was submitted to the President of Ukraine and passed to the Verkhovna Rada of Ukraine.

The Ministry of Youth and Sports of Ukraine represents Ukraine in activities of the UNOCT's Global Programme on Security of Major Sporting Events, and Promotion of Sport and Its Values as a Tool to Prevent Violent Extremism that aims to:

- increase Member States awareness of terrorism-related threats against vulnerable targets in the context of major sporting events;

- use sport and its values as a tool to build resilience especially among youth;

- prevent violent extremism;

- increase the ability of Member States to prevent and counter threats against major sporting events.

## **51. Do the public institutions subsidise sport federations and what is the procedure?**

According to the legislation in force, the development of physical culture and sports is financed

from the state and local budgets, as well as other sources not prohibited by law.

The state subsidizes sports organizations through the State Institution “Administration of national teams and ensuring sports events”, which is managed by the Ministry of Youth and Sports.

Upon submission of a substantiated requests from the national sports federations, the Ministry provides funding for:

- conducting training camps and competitions in Ukraine, participation in such competitions abroad

- providing athletes and coaches with the necessary sports equipment and facilities,

- development of municipal sports infrastructure through subsidies.

National sports federations with institutional capacity can join the Pilot project on promotion of autonomy in the organization of sports competitions described below.

One of the priorities of the work of the Ministry of Youth and Sports of Ukraine is to create a new model of cooperation between the state and sports federations, according to which sports NGOs are taking as example the European sports model aiming at promoting the autonomic role of sports organizations. As of the beginning of 2022 10 sports federations joined the Pilot project on promotion of the autonomy in the organization of sports competitions by national sports federations and receive funds from the state budget directly.

As a result of the implementation of the Pilot project aimed at broadening the responsibility of sports federations the Ministry of Youth and Sports of Ukraine elaborated a draft Law of Ukraine “On Amendments to the Law of Ukraine” On Physical Culture and Sports”. The draft Law is registered in the Verkhovna Rada of Ukraine and is being passed the hearings in the Parliament Committees in 2021.

Also, the priority to build the autonomy of the sports federations is defined in the Strategy of Development of Physical Culture and Sports until 2028 approved by the Resolution of the Government of Ukraine of 04.11.2020 No 1089 and Action plan for 2021-2022 on the implementation of the first stage of the Strategy approved by the Resolution of the Cabinet of Ministers of Ukraine of 03.03.2021 No 163-2021.

The procedures for conducting the Pilot project are regulated by the Resolution of the Cabinet of Ministers of Ukraine of 05.08.2015 No 573 “On conducting an experiment to attract Ministry of Youth and Sports of Ukraine of national sports federations from individual Olympic and non-Olympic sports to the organization and holding sports events and amendments to the Resolutions of the Cabinet of Ministers of Ukraine of 08.07.2009 No 695 and of 29.02.2012 No 152”.

## **52. What is the situation of sport in the education system (e.g. number of hours of Physical Education)?**

Physical culture in the field of education aims to ensure the development of physical health of pupils and students, a comprehensive approach to the development of mental and physical abilities, improving physical and psychological preparation for active life, professional activity on the principles of individual approach, priority health, widespread use various means and forms of physical education and grassroots sports, the continuity of this process throughout life.

According to the fifth part of the Law of Ukraine "On Physical Culture and Sports" in institutions of general secondary, specialized, professional (vocational) education, physical education lessons are mandatory and are held at least three times a week. Local state administrations and local self-government bodies may decide to introduce additional physical education lessons in general secondary and specialized education institutions, provided that funds are available in the respective budgets.

**School education.** According to the state standards of primary, basic and complete general secondary education in Ukraine, it recommends planning physical education lessons three times a week in general secondary education institutions of all types, which makes 3105 academic hours per school year. At the same time, within the autonomy, general secondary education institutions can independently increase the number of hours devoted to the field of education "Physical Culture".

Physical education programs for general secondary education are built on a modular system and contain invariant (compulsory) (theoretical and methodological knowledge and general physical training) and a variable component of the modules (football, basketball, volleyball, etc.).

Criteria for selecting variable modules in the curriculum of 5-9 and 10-11 grades are: the availability of material and technical base, regional sports traditions, staffing and desire of students. The desire of students is determined by the mandatory survey. Before the beginning of the school year, the school methodological association considers the selection and distribution of variable modules in each class.

**Vocational education and training.** From the 1st September 2018 VET institutions provide 3 hours per week of the subject "Physical Culture". Certification of physical training is carried out in the form of a test and is carried out at the expense of hours of the educational process.

Also VET institutions have sports sections, clubs, school, regional competitions and Olympiads, sports events and games, "health days", etc.

**Professional pre-higher education.** According to the Article 13 of the Law of Ukraine "On professional pre-higher education" the Ministry of Education and Science of Ukraine ensures the development of physical education and sports in professional pre-higher education institutions. The standards of professional pre-higher education contain general competence aimed at promoting physical activity of bachelor students: "Ability to ... use different types and forms of physical activity for active recreation and healthy living". Achievement of competences included into standard of professional pre-higher education is mandatory for all relevant educational programs by all professional pre-higher educational institutions.

The curriculum for students who have entered professional pre-higher education institutions based on basic general secondary education and simultaneously study to get complete general secondary education follows the requirements of standards of complete general secondary education. According to the Order of the Ministry Education and Science of Ukraine dated January 06, 2018 No. 570 the number of physical education hours is 210 hours/year during 2 years.

**Higher education.** Arrangement of sports and physical education at higher education institutions, their inclusion into the curriculum or extracurricular activities are part of academic autonomy. According to article 34 of the Law of Ukraine "On higher education" the head of the higher education institution within his/her authority promotes the formation of a healthy lifestyle among higher education students, strengthening the sports and health base of higher education

institutions, and creates appropriate conditions for mass sports.

All standards of higher education for bachelor level (described in detail under chapter 26, question 20) contain general competence aimed at promoting physical activity of bachelor students: “Ability to ... use different types and forms physical activity for active recreation and healthy living”. Achievement of competences included into standard of higher education is mandatory for all correspondent educational programs by all higher educational institutions.

The number of physical education hours and forms of physical education within higher education programs is established by higher educational institutions.

Furthermore, in Ukraine, there is a Student Sports Union of Ukraine and the Ukrainian Federation of Pupils Sports, which promote the involvement of pupils and students in extracurricular activities in physical culture and sports activities in educational institutions, as well as organize and hold national and international events among pupils and students in sports together with the relevant sports federations.

### **53. Please describe existing policy measures in support of physical activity and healthy lifestyles.**

Physical activity is one of the important factors in the development of Ukrainian citizens. The Physically Active Nation is one of the state policy priorities in the physical culture and sports sphere according to the Strategy of Development of Physical Culture and Sports until 2028 (hereinafter - the Strategy). The Strategy and its Action Plan provide a number of tasks and activities to achieve the goal “Ukrainians are regularly and consciously engaged in physical culture and sports”.

At the initiative of the President of Ukraine, the Healthy Ukraine Program is being implemented, one of the directions of which is the development of physical activity of the population. In the framework of this Program, the Social Project “Active parks - locations of healthy Ukraine” (hereinafter - the project “Active parks”) was launched. The relevant Regulation was approved by the Resolution of the Cabinet of Ministers of Ukraine of 07.04.2021 No 326.

The project “Active parks” provides the introduction of new forms of involvement of various groups, including people with disabilities, for health activities in places of public recreation (parks, squares, etc.), access of citizens to sports facilities and free rental of sports equipment.

In 2021, more than 600 locations project “Active parks” were open and operational, with 459 coordinators holding mass sports events. The national coordinator of the project “Active parks” is the All-Ukrainian Centre for Physical Health "Sports for All" (hereinafter - the Centre). The Centre has created a website of the social project "Active Parks" and an option to switch via QR-code, which is placed on the stands installed on equipped sports grounds “Active Parks” in all regions of Ukraine. In the regions of Ukraine, there are specially equipped sports grounds, taking into account the requirements of inclusive access to sports locations for various people, including persons with disabilities. There are also stands with QR-codes containing sets of exercises, divided into groups depending on the complexity and use of sports equipment.

In 2018 Ukraine joined the EU member states that organize events on the occasion of the European Week of Sport (further - EWoS). Annually sports and physical activity events dedicated to the European Week of Sport are organized by the National Olympic Committee of Ukraine, Sports

Committee of Ukraine and the Centre “Sport for All” in cooperation with the Ministry of Youth and Sports of Ukraine. As the flagship events, the #BeActive Olympic lessons with the participation of EWoS Ambassadors in Ukraine (Serhii Bubka, Olha Saladukha, Olena Hovorova, Nataliia Dobrynska and Anastasiia Kozhenkova) are held annually by the National Olympic Committee of Ukraine.

**54. Are there any national programmes to support sport organizations (including NGOs) and their activities? If so, please provide information about their structure and management modalities.**

**The Strategy of Development of Physical Culture and Sports** until 2028 was approved by the Government of Ukraine in November of 2020 and the State Target Social Programme for the Development of Physical Culture and Sports was prolonged for the period up to 2024 are two main strategic documents of the sports policy. These documents envisage the involvement of governmental and non-governmental organizations of physical culture and sports in the development of the national sports sector.

The **State Target Social Programme for the Development of Physical Culture and Sports** until 2024 contains a set of tasks and measures aimed at combining the efforts of executive bodies, local authorities, civil society institutions to reform physical culture and sports in order to bring it in line with European requirements and standards by defining as the basis of the European model of reforming relations between public authorities and civil associations of the sphere of physical culture and sports.

The Ministry of Youth and Sports of Ukraine cooperates in its activities with non-governmental organizations of physical culture and sports, namely: National Olympic Committee, National Paralympic Committee, Sports Committee of Ukraine, All-Ukrainian sports federations, associations and provides financial support to them.

## ***CHAPTER 27. ENVIRONMENT AND CLIMATE CHANGE***

### ***List of abbreviations***

Climate Change Adaptation Strategy	Strategy of environmental safety and adaptation to climate change for the period up to 2030
CMU	Cabinet of Ministers of Ukraine (Government)
EIA	Environmental Impact Assessment
Environmental Strategy-2030	Fundamental principles (strategy) of the state environmental policy of Ukraine for the period up to 2030
ETS	Emission trading scheme
GHG	Greenhouse gases
HRFs	High-Risk Facilities
LCPs	Large combustion plants
LEDs	Low Emission Development Strategy
MEA	Multilateral environmental agreements
MEPR	Ministry of Environmental Protection and Natural Resources of Ukraine
MRV	Monitoring, reporting and verification of GHG emissions
NASU	National Academy of Science of Ukraine
NDC	Updated Nationally Determined Contribution to the Paris Agreement
NERP	National Emission Reduction Plan of Major Pollutants from the Large Combustion Plants
ODS	Ozone-depleting substances
PRTRs	Pollutant Release and Transfer Registers
SAUEZM	State Agency of Ukraine on Exclusion Zone Management
SDGs	Sustainable Development Goals
SEI	State Environmental Inspectorate
SES	State Emergency Service of Ukraine



SSGS	State Service of Geology and Subsoil of Ukraine
UHMC	Ukrainian Hydro-Meteorological Center
UNFCCC	UN Framework Convention on Climate Change
VRU	Verkhovna Rada of Ukraine (Parliament)
WFD	Water Framework Directive

## ***I. GENERAL ENVIRONMENT AND CLIMATE POLICY***

### **1. Are there any constitutional provisions in relation to environmental protection, fighting climate change and/or sustainable development? Which authorities are responsible for environment and climate policy?**

The Constitution of Ukraine has several provisions related to the environmental protection and/or sustainable development:

Article 16. Ensuring environmental safety, maintaining the ecological balance in the territory of Ukraine, overcoming the aftermath of the Chornobyl catastrophe – the catastrophe of a global scale – and preserving the gene pool of the Ukrainian people, shall be the duty of the State.

Article 41. The use of property shall not prejudice the rights, freedoms, and dignity of citizens, the interests of society or aggravate the environmental situation and the natural qualities of land.

Article 50. Everyone shall have the right to an environment that is safe for life and health, and to compensation for damages caused by violation of this right. Everyone shall be guaranteed the right of free access to information about the environmental situation, the quality of foodstuffs and consumer goods, as well as the right to disseminate such information. No one shall make such information secret.

Article 66. Everyone shall be obliged not to harm nature or cultural heritage, and to compensate for any damage he/she inflicted.

No constitutional provisions explicitly refer to climate change and/or sustainable development.

The distribution of competences between different levels of governance is defined under the Constitution of Ukraine and specified under the laws of Ukraine.

According to the Constitution of Ukraine, authorities responsible for environment and climate policy in Ukraine are:

#### **Verkhovna Rada of Ukraine (hereinafter VRU):**

- has an exclusive authority of adopting the laws of Ukraine in all areas;
- approves national programs of environmental protection;
- sets the foundations of environmental safety.

The competence of the VRU in the field of environmental protection is specified by the laws of Ukraine. For example, the Law of Ukraine “On Environmental Protection” (25.06.1991 No. 1264-XII) clarifies the VRU’s exclusive competence in the environmental field. It includes:

- determination of the main directions of state policy in the field of environmental protection;
- approval of national environmental programmes;
- approval of decrees of the President of Ukraine on declaring certain localities as zones of environmental emergency;
- addressing other issues in the field of environmental protection in accordance with the Constitution of Ukraine.

### **President of Ukraine:**

The Constitution of Ukraine does not define any specific competence of the President for the environmental policy in Ukraine. However, the President's general competences regarding the environment are defined by laws of Ukraine. For example, according to Article 53 of the Law of Ukraine "On Nature Reserve Fund" (16.06.1992 No. 2456-XII) the President decides on the organization of territories and objects of the nature reserve fund of the national importance. Decrees of the President of Ukraine also put into effect the decisions of the National Security and Defense Council of Ukraine, including those concerning the national security of Ukraine in the environmental sphere.

### **Cabinet of Ministers of Ukraine (hereinafter CMU):**

- implements the environmental policy determined by the VRU;
- coordinates the activities of central executive bodies, other institutions and organizations of Ukraine in matters of environmental protection.

The Government adopts legal acts and has other competence in the environment and climate policy in cases defined by the laws of Ukraine. The Law of Ukraine "On Cabinet of Ministers of Ukraine" (22.02.2014 No. 794-VII) empowers the Government to develop and implement national programs for environmental protection, addressing issues of public administration in the field of environmental protection, environmental security, nature management, etc. The special environmental laws also determine the Government's competence. For example, CMU:

- adopts the procedure for the establishment and use of the State Fund for Environmental Protection within the State Budget of Ukraine, the list of environmental protection measures, the procedure for development and approval of environmental standards, limits on the use of natural resources, discharges of pollutants into the environment;
- ensures the development and implementation of state targeted and other environmental programs;
- approves the organization of territories and objects of the nature reserve fund of national importance;
- manages state-owned natural resources in cases provided by the law.

CMU exercises executive power directly and through ministries, other central executive bodies, the Council of Ministers of the Autonomous Republic of Crimea and local state administrations, directs, coordinates and controls the activities of these bodies. The Ministry of Environmental Protection and Natural Resources of Ukraine (hereinafter MEPR) has been set up to be responsible for state policy in the field of environment and climate change – (for more information see the answer to Question 8).

### **Council of Ministers of the Autonomous Republic of Crimea:**

- determines the organization and activity of governing bodies in the field of environmental protection and use of natural resources,
- ensures the implementation of the environmental policy of Ukraine, and the environmental rights of citizens;

- approves environmental programs;
- organizes the study of the natural environment;
- creates and determines the status of the reserve, including currency, funds for financing programs and other measures for environmental protection;
- approves organization of territories and objects of the nature reserve fund of local significance and other territories and objects subject to special protection, establishes their additional categories;
- establishes, if necessary, environmental safety standards that are more stringent than those in force in Ukraine as a whole.

Local state administrations in their respective territory shall ensure:

- the execution of the Constitution and the laws of Ukraine, acts of the President of Ukraine, acts of the CMU and other executive authorities in the field of environment protection and climate change;
- the implementation of state and regional programmes for environmental protection programmes.

The Constitution of Ukraine does not explicitly refer to the competencies of the Ministry of Environment. Such competencies are provided by the Government's decision to establish MEPR. MEPR is the main body in the system of central executive bodies responsible for the development and implementation of state policy in the field of environmental protection, environmental safety, as well as biological and genetic safety, climate policy, within the powers provided by law.

The main tasks of the MEPR are ensuring the development and implementation of state policy in the field of air protection, monitoring, reporting and verification of greenhouse gas emissions from installations located in Ukraine, as well as regulation of ozone-depleting substances and fluorinated greenhouse gases, protection of the ozone layer and prevention of global warming, climate change and compliance with the UN Framework Convention on Climate Change (hereinafter – UNFCCC), the Kyoto Protocol to it and the Paris Agreement.

Other sectoral competences among the ministries and other authorities are described in Question 8.

## **2. Is there a general environmental protection framework act, serving as a basis for other environmental legislation?**

The Law “On Environmental Protection” was adopted in 1991 and serves as a legal basis for other legislation in the field of environmental protection. The law is constantly amended. The latest changes date back to December 03, 2020.

The Law provides for the principles of the environmental protection, namely:

- (a) priority of environmental safety requirements, obligatory observance of environmental norms and limits of use of natural resources during realization of economic, administrative and other activity;

- (b) guaranteeing an environmentally friendly environment for human life and health;
- (c) precautionary nature of measures to protect the environment;
- (d) greening of material production based on the complexity of solutions in environmental protection, use and reproduction of renewable natural resources, widespread introduction of new technologies;
- (e) preservation of spatial and species diversity and integrity of natural objects and complexes;
- (f) scientifically based coordination of environmental, economic and social interests of society on the basis of a combination of interdisciplinary knowledge of environmental, social, natural and technical sciences and forecasting of the state of the environment;
- (g) mandatory environmental impact assessment;
- (h) publicity and democracy in decision-making, the implementation of which affects the state of the environment, and the formation of the population's environmental worldview;
- (i) scientifically based regulation of the impact of economic and other activities on the environment;
- (j) guarantees general use of natural resources to be free of payments, and requires payment for special use of natural resources for economic activity;
- (k) compensation for damage caused by violation of environmental legislation;
- (l) addressing issues of environmental protection and use of natural resources, taking into account the degree of anthropogenic change of territories, the cumulative effect of factors that adversely affect the environmental situation;
- (m) a combination of incentives and responsibilities for environmental protection;
- (n) solving environmental problems on the basis of broad interstate cooperation;
- (o) establishment of environmental tax, rent for special use of water, rent for special use of forest resources, rent for subsoil use in accordance with the Tax Code of Ukraine;
- (p) taking into account the results of strategic environmental assessment.

The law includes provisions on environmental rights and obligations of citizens; powers of councils and state executive bodies in the field of environmental protection; observation, forecasting, accounting and information in the field of the environment; regulation in the field of environmental protection; control and supervision in the field of environmental protection; regulation of the natural resources use; the economic mechanism for environmental protection; environmental safety measures; natural areas and areas subject to special protection; emergency ecological situations; settlement of disputes in the field of environmental protection; responsibility for violations of environmental protection legislation; international relations of Ukraine in the field of environmental protection.

**3. What are the main principles underpinning environmental legislation (e.g. do no harm, polluter pays principle, precautionary principle, etc.)?**

The main principles underpinning environmental legislation in Ukraine are provided by the framework 1991 Law of Ukraine “On Environmental Protection”. They are set by Article 3 and include:

- a) the priority given to environmental safety requirements, the obligation to comply with environmental standards and limits on the use of natural resources in the implementation of economic, managerial and other activities;
- b) guaranteeing an environmentally safe environment for human life and health;
- c) the precautionary nature of measures to protect the environment (or in other words, the precautionary principle of environmental protection);
- d) greening of material production on the basis of complex solutions in matters of environmental protection, use and reproduction of renewable natural resources, widespread introduction of new technologies;
- e) preservation of spatial and species diversity and integrity of natural objects and complexes;
- f) scientifically sound coordination of environmental, economic and social interests of society on the basis of a combination of interdisciplinary knowledge of environmental, social, natural and technical sciences and forecasting the state of the environment;
- g) mandatory nature of environmental impact assessment;
- h) transparency and democracy in decision-making affecting the state of the environment, the development of the population's environmental values;
- i) scientifically sound norm-setting of the impact of economic and other activities on the environment;
- j) free of charge general use and payment-based special use of natural resources for economic activity;
- k) compensation for damage caused by a breach of environmental legislation;
- l) addressing issues of environmental protection and use of natural resources, taking into account the degree of anthropogenic change of territories, the cumulative effect of factors that adversely affect the environmental situation;
- m) combination of incentives and liability in the field of environmental protection;
- n) solving problems of environmental protection on the basis of broad international cooperation;
- o) establishment of an environmental tax, rent for special use of water, rent for special use of forest resources, rent for subsoil use in accordance with the Tax Code of Ukraine;
- p) taking into account the results of strategic environmental assessment.

The same Law envisages direct provision for citizens of Ukraine to compensate for damage caused by pollution and other adverse effects on the environment.

In addition, the 2019 Strategy of the State Environmental Policy of Ukraine till 2030 includes the principles of Ukraine’s environmental policy, such as: transparency, accountability and openness of public authorities, public participation in state decision-making, respect to environmental rights

and concerns of citizens, promoting environmentally responsible business practices and behaviors of citizens, prevention of environmental losses and damage, international cooperation and European Union integration.

Sectoral legislation on ambient air, water, land and soils, biodiversity protection, waste management etc includes specific principles of sectoral policy as well (e.g, Water Code (Article13), Forest Code (Article 34), Law “On Waste” (Article 5), etc.

**4. What are the plans as regards establishing a long-term national strategy governing protection of the environment, climate change and/or a national sustainable development strategy? Is this strategy effectively implemented? What are the obstacles to its adoption and effective implementation?**

Ukraine has several strategic documents in the areas of environmental protection in general, climate change and sustainable development. The main documents are listed below. The overarching strategic document is the Environmental Strategy until 2030, as explained further.

***Fundamental principles (strategy) of the state environmental policy of Ukraine for the period up to 2030, approved by the Law of Ukraine of 28 February 2019 No. 2697-VIII (hereinafter – Environmental Strategy-2030).***

The aim of the state environmental policy is to achieve good environmental status by introducing an ecosystem approach to all areas of socio-economic development of Ukraine to ensure the constitutional right of every citizen of Ukraine to a clean and safe environment, introduction of sustainable use and conservation and restoration of natural ecosystems. Among the principles of state environmental policy are the promotion of sustainable development by achieving a balance of development components (economic, environmental, social), achieving Ukraine’s Sustainable Development Goals (hereinafter SDGs), as well as implementing environmental policy based on international cooperation and European integration. The last principle provides for the improvement of environmental legislation and increasing the level of its compliance, including the approximation of Ukrainian legislation to the EU acquis.

Environmental Strategy-2030 identifies existing problems and the current state of the environment in Ukraine, the purpose, principles and tools, strategic goals and objectives, and expected results of state environmental policy. Environmental Strategy-2030 establishes two stages of implementation of state environmental policy:

- by 2025 (in particular, stabilisation the environmental situation by consolidating the changes in the system of public administration that have occurred through the reform of the public environmental management system, implementation of European environmental norms and standards, etc.),

- by 2030 (in particular, significant progress is expected to be made to improve the environment by balancing socio-economic needs with environmental challenges, etc.).

Environmental Strategy-2030 establishes a **framework for monitoring and evaluation** of its implementation, specific indicators for assessing the implementation of state environmental policy. It sets 30 indicators for assessing the implementation of state environmental policy and their targets for 2020, 2025 and 2030.

The results of monitoring and evaluation of implementation should be reflected:

- in the National Report on the Implementation of the State Environmental Policy of Ukraine submitted by CMU to VRU every five years (the report was not submitted due to the five-year cycle of its preparation),

- in regional and sectoral environmental reports, which are submitted annually to the central executive body, which forms and implements state policy in the field of environmental protection and environmental safety (i.e. to MEPR), central and local executive bodies, and local governments.

Environmental Strategy-2030 sets that MEPR annually prepares and publishes a report on the implementation of the state environmental policy of Ukraine and the implementation of the National Action Plan for the implementation of the Environmental Strategy. Such a report was to be prepared and submitted to the CMU within six months from the date of entry into force of the law approving the strategy – on 1 October 2019. At this moment, **a pilot implementation report was prepared** with the assistance of the EU4Environment programme.

The corresponding National Environmental Action Plan for the period up to 2025 was adopted on 21 April 2021.

Among the obstacles to the implementation of the Environmental Strategy are:

- delayed approval by Verkhovna Rada of key laws for the reforms on waste management, industrial pollution and the Emerald network;

- structure of the energy and industry of Ukraine with old and polluting technologies;

- inability to implement the polluter pays principle towards population and business due to constant crises events, ongoing war since 2014 and poverty of the population;

- insufficient institutional capacity for implementation of the Environmental Strategy-2030;

- huge investments needed to provide the necessary infrastructure to meet EU standards (for example, air monitoring infrastructure, water monitoring infrastructure, sewage water treatment up to the current EU standards, waste treatment, etc).

***The concept of implementation of state policy in the field of climate change for the period up to 2030, approved by the Order of the Cabinet of Ministers of 7 December 2016 No. 932-r (hereinafter – the Climate Concept).***

The purpose of the Climate Concept is to improve state policy in the field of climate change to achieve sustainable development of the state, create legal and institutional prerequisites for a gradual transition to low-carbon development in economic, energy and environmental security and welfare.

The main areas of implementation of the Climate Concept are:

- strengthening the institutional capacity to formulate and ensure the implementation of state policy in the field of climate change,

- preventing climate change by reducing anthropogenic emissions and increasing the absorption of greenhouse gases and ensuring a gradual transition to low-carbon development of the state,

- adapting to climate change, increasing resilience, and reducing the risks associated with climate change.

Among the tasks of the Climate Concept is also to ensure the implementation of the provisions of the Association Agreement between Ukraine and the EU.



The climate concept sets out the expected results, some of which are measurable. For example, to reduce the energy intensity of gross domestic product by 20 percent by the end of 2020 and provide for a gradual approximation of energy intensity to the corresponding indicators of developed countries with similar climatic, geographical and economic conditions.

In pursuance of the Climate Concept, the Action Plan for the implementation of the Concept for the implementation of state policy in the field of climate change for the period up to 2030, approved by the Directive of the Cabinet of Ministers of 6 December 2017 No. 878-r. The plan sets 25 measures, sets deadlines and responsible entities. Some measures are short-term and should be implemented during 2018-2020 (for example, submission to the Cabinet of Ministers of the draft Law of Ukraine on the introduction of monitoring, reporting and verification of greenhouse gas emissions), other measures are permanent (e.g., submission of the National Updated Nationally Determined Contribution to the Paris Agreement). A comprehensive assessment of the implementation status of the Climate Concept and the Action Plan was not conducted yet.

***Strategy of environmental safety and adaptation to climate change for the period up to 2030, approved by the CMU Order of 20 October 2021 No. 1363-r (hereinafter – the Strategy).***

The Strategy defines the goals, objectives of state policy on environmental safety and adaptation to climate change, stages of implementation and expected results. The strategy will be implemented in two stages – by 2025 (including to achieve the stabilisation of the environmental situation through the implementation of EU environmental norms and standards and the formulation of priority adaptation measures) and by 2030 (including to achieve significant progress in improving environmental safety and adapting to the climate change impacts).

The Operational Plan for the implementation of the Strategy for the period up to 2030 in 2022-2024 was adopted by the Directive of the Cabinet of Ministers of 20 October 2021 No. 1363-r.

The Operational Plan sets out 28 measures, deadlines for their implementation, responsible entities, and indicators for the implementation of measures. Draft Operational Plans for 2025-2027 and 2028-2030 are scheduled to be submitted to the Government of Ukraine by September 1, 2024, and September 1, 2027.

Central and local executive bodies, local self-government bodies ensure the implementation of the Strategy. The MEPR provides its organizational support and monitoring of implementation, as well as coordination of the activities of central and local executive bodies.

Ministries, other central and local executive bodies shall submit to the MEPR information on the status of implementation of the Operational Plan quarterly by the 5th day of the following month. The MEPR analyses and summarizes the submitted information and prepares an annual report on the implementation of the Strategy, which is submitted annually by March 1, starting in March 2023, to the Government of Ukraine and published on its official website. The MEPR will assess the achievement of the goals of the Strategy based on the results of the first and second stages in 2026 and 2031.

***Updated Nationally Determined Contribution to the Paris Agreement approved by the CMU Order of 31 July 2021 No. 868-r ( hereinafter - NDC).***

In July 2021, in order to increase its climate ambitions, Ukraine updated its Nationally Determined Contribution to the Paris Agreement setting an ambitious economy-wide target of a 65

% reduction in GHG emissions by 2030 compared to 1990. The modelling results confirm that the target is consistent with a trajectory to achieve the net zero GHG emissions not later than 2060.

Ukraine, like other UN member states, joined the global process of sustainable development in 2015. During 2016–2017, a large-scale and comprehensive process of adapting the SDGs to the Ukrainian context continued. Each global goal has been revised to take into account the specifics of national development. The result of this work was a national system consisting of 86 tasks of national development.

***Sustainable Development Strategy “Ukraine – 2020”, approved by the Decree of the President of Ukraine of 12 January 2015 No. 5/2015.*** The strategy covers a number of possible scenarios for the development of the state. The document defines the purpose, scenarios, road map, priorities and indicators of proper defense, socio-economic, organizational, political, and legal conditions for further development of Ukraine.

National targets, indicators for monitoring the implementation of targets and targets for achievement by 2030 are reflected in the National Report "Sustainable Development Goals: Ukraine". The established national system of tasks and indicators of the SDGs provides a solid basis for further comprehensive monitoring of the country. In total, 17 goals and 86 national tasks are incorporated in 145 normative legal acts of the Government, 1052 tasks and 3465 measures enshrined in these acts are aimed at the implementation of goals and tasks.

On September 30, 2019, the President of Ukraine issued a new Decree No. 722/2019 ***“On the Sustainable Development Goals of Ukraine until 2030”***, which supported the achievement of global goals of sustainable development. According to the Decree, the SDGs are guidelines for the development of draft forecast and program documents, draft regulations to ensure the balance of economic, social, and environmental dimensions of sustainable development of Ukraine. In pursuance of this Decree, the Ministry of Economy has prepared a Voluntary National Review of Ukraine’s progress in achieving the Sustainable Development Goals during 2015-2019.

On August 21, 2019, the Government of Ukraine approved Order No. 686-r “Issues of data collection for monitoring the implementation of sustainable development goals”. The document identifies 183 indicators in the context of which data is collected to monitor the implementation of the SDGs, as well as identifies entities responsible for gathering relevant information and timing of its delivery.

Monitoring of indicators of achievement of SDGs in Ukraine is carried out on an annual basis. The State Statistics Service of Ukraine is the coordinator of data collection for monitoring the implementation of the SDGs and the development of metadata according to the national indicators of the SDG. In pursuance of CMU Order of 21 August 2019 No. 686-r, the State Statistics Committee has prepared a Monitoring Report “Sustainable Development Goals – Ukraine • 2020”.

The State Statistics Service has created a section “Sustainable Development Goals” on its official website. The section contains information on official national and international documents on SDGs, data and metadata on SDG indicators, relevant publications, and assessment of progress in achieving SDGs in Ukraine.

To further progress towards the SDGs, an Interagency working group has been set up on the Integrated National Financing System for Sustainable Development Goals. On 30 March 2021, the

first meeting took place. The meeting was chaired by the Vice Prime Minister for European and Euro-Atlantic Integration of Ukraine. The Interagency working group is responsible for:

- assessing development funding and setting priorities for achieving SDGs at the national and regional levels,
- optimization of resource allocation,
- introduction and effective use of new mechanisms for financing the SDGs.

***Marine environmental strategy of Ukraine, approved by the CMU Order of 11 October 2021 No. 1240 (hereinafter – the Marine Environmental Strategy).***

The Marine Environmental Strategy sets key directions of Ukraine's marine protection policy. It was developed to implement the EU Marine Strategy Framework Directive and, to some extent, EU Water Framework Directive.

Strategic goals of the marine policy and priority tasks all aim at achieving and supporting “good” environmental status of the Black and Azov Seas.

The Marine Environmental Strategy defines the following strategic goals of Ukraine's marine environmental policy:

- Reducing the risk to human health from pollution and littering of marine waters and coastal protection zones, preventing the degradation of marine ecosystems and promoting their recovery by reducing marine pollution and minimizing anthropogenic pressure on marine ecosystems.
- Conservation and reproduction of biological diversity, natural landscapes of the coastal protection zone and habitats of biological species.
- Balanced use and reproduction of aquatic bioresources and development of mariculture, revival of the population of especially valuable industrial fish species.

#### **5. How do you assess administrative capacity of your country to transpose EU environmental acquis and enforce and implement the legislation?**

Measures to implement specific EU environmental acquis are defined in the Action Plan for the implementation of the Association Agreement between Ukraine, on the one hand, and the European Union, the European Atomic Energy Community and their Member States, on the other hand, approved by the Cabinet of Ministers Directive of 25 October 2017 No. 1106. Ukraine has an overall monitoring system of the implementation of the EU-Ukraine Association Agreement: the Pulse. The Pulse offers comprehensive information about tasks for implementation of the Association Agreement, implementation measures taken and progress achieved.

The country has limited capacity to transpose EU environmental acquis. In recent years it relied on the assistance of the EU and its member states when implementing steps to transpose every specific legal act provided by the Association Agreement. Gradually the staff of the MEPR has been learning EU environmental acquis. The parliament relies on external expert assessments when making their conclusions regarding the compliance of draft laws with the EU environmental acquis.

The enforcement and implementation of the legislation, adopted to transpose EU environmental acquis, requires significant investments into personnel training and capacity building, in particular

when it comes to regional authorities or bodies. In addition, the implementation of some legislation necessarily depends on major infrastructure investments (e.g. air monitoring, waste management).

In Ukraine, the powers of supervision (control) over environmental issues are exercised by several central executive bodies. For example:

- State Environmental Inspection of Ukraine – carries out state control over compliance with the law in the field of environmental protection, rational use, reproduction, and protection of natural resources,

- State Subsoil Agency – carries out the state control over geological study of subsoil (state geological control) and their rational and effective use, observance of rules and norms of use of oil and gas subsoil,

- State Forest Agency of Ukraine – exercises state control over compliance with the requirements of regulations on forestry (except for state control over plant quarantine and plant protection), in the field of hunting,

- State Service of Ukraine for Geodesy, Cartography and Cadaster – exercises state control over the use and protection of lands of all categories and forms of ownership regarding the procedure for acquiring and exercising land rights, land use for their intended purpose, location, design, construction, and commissioning of facilities that adversely affect or may affect state of lands, etc.,

- State Agency of Melioration and Fishery of Ukraine – carries out state control in the field of protection, use and reproduction of aquatic bioresources in the exclusive (marine) economic zone of Ukraine, territorial sea, inland waters of Ukraine, compliance with fisheries rules, limits and standards of aquatic bioresources, rules of wildlife in part aquatic bioresources, etc.,

- Ukraine for Food Safety and Consumer Protection State Service – exercises state control over the observance of biological and genetic safety measures in relation to agricultural plants during the creation, research and practical use of genetically modified organisms, the level of radioactive contamination of agricultural products and foodstuffs, etc.

On April 7, 2020, the MEPR approved the Regulations on territorial and interregional territorial bodies of the State Environmental Inspectorate (Order No. 230). To implement it, specific provisions on the SEI of oblasts and districts have been approved, detailing their tasks and powers. The SEI approved the structures of specific SEI of oblasts and districts, which cover the areas of state environmental control.

The mechanism for state environmental control is established by the general Law of Ukraine “On Basic Principles of State Supervision (Control) in the Sphere of Economic Activity” of 5 April 2007 No. 877-V. State environmental control is carried out in the form of planned and unscheduled measures (inspections).

Ukraine is currently reforming the system and procedure for conducting environmental control. On May 31, 2017, the Cabinet of Ministers adopted the Concept of Reforming the State Supervision (Control) System in the field of environmental protection (Resolution CMU from No. 616-r). One of the directions of reform is the creation of a single body of central executive power, which will perform supervisory functions in the environmental sphere. The Draft Law on Environmental State Control was registered in the Verkhovna Rada (No. 3091 of 19 February 2020). The Draft Law has been adopted as a basis and is being finalized.

Protected areas are governed and managed at the state level by MEPR, which includes the Department of Protected Areas and Land Resources with a staff of only 24. The functions of the state management of protected areas at the regional level are performed by regional state administrations. Separate units of protected areas remain in only a few regions. To ensure the effective implementation of the state policy in the field of governance and management of protected areas of the national regional and international importance, biodiversity conservation and implementation of EU legislation in the field of nature protection, Ukraine plans to establish a separate central executive body or strengthen the capacity of MEPR (item 54 of the National Action Plan on environmental protection for the period up to 2025, approved by CMU Order of April 21, 2021 No. 443-r).

**6. Is there a concrete action plan for the environment and climate change adaptation with short- and medium-term objectives, an indication of the availability of the budgetary and other resources, including to enhance the capacity of the relevant administrative bodies at all levels, to achieve them and a timetable? How is its implementation monitored?**

The **National Action Plan** has been adopted to implement the Environmental Strategy-2030 and covers the first stage of its implementation. CMU has approved the National Action Plan for Environmental Protection until 2025 (CMU Order of 21 April 2021 No. 443-r). Other sectoral strategies may also include action plans as an implementation tool (see above).

The National Action Plan sets out 190 measures to achieve five goals:

- Formation in society of environmental values and principles of sustainable consumption and production.
- Ensuring sustainable development of Ukraine's natural resource potential.
- Ensuring the integration of environmental policy in the decision-making process for socio-economic development of Ukraine.
- Reduction of environmental risks to minimize their impact on ecosystems, socio-economic development and public health.
- Improvement and development of the state system of environmental management.

The National Action Plan sets for each action the deadline for its implementation, the responsible entities for its implementation and indicators for the implementation of the action.

The National Action Plan contains measures linked to the EU environmental acquis. Conventionally, the measures can be divided into two groups:

- measures aimed at implementing the EU environmental acquis, but there are no references to specific acquis (e.g., development and approval of the Marine Environmental Strategy of Ukraine),
- measures aimed at implementing specific EU environmental acquis (e.g., Directives 2007/60/EC, 2000/60/EC, Regulations (EC) No.1272/2008, No.1907/2006, No.649/2012).

**Sources of funding** for the National Action Plan are determined by the CMU Order of 21 April 2021 No. 443-r. Ministries, other central executive bodies, regional and Kyiv city state administrations during the formation of the draft State Budget of Ukraine for the year should provide funds within the real budget capabilities needed to implement the National Action Plan. The document recommends that local governments, when formulating draft local budgets, provide funds

within the real possibilities of budgets, necessary for the implementation of the National Action Plan. At the same time, sources of funding for the implementation of measures may also be funds for international technical assistance, contributions from interested international organizations, as well as other sources not prohibited by law.

The ministry, other central and local executive bodies must submit to the MEPR by the 5th day of next month following the reporting quarter the information on the **status of implementation** of the National Action Plan. The MEPR summarizes the implementation status and submits to CMU by March 1, of the CMU quarterly.

***Strategy of environmental safety and adaptation to climate change for the period up to 2030, has been approved by the CMU Order of 20 October 2021 No. 1363-r (hereinafter – the Climate Change Adaptation Strategy).*** It defines the goals, objectives of state policy on environmental safety and adaptation to climate change, stages of implementation and expected results.

As already described above, the Strategy also has a short term Operational Action Plan that includes 28 measures, such as the requirement to develop a risk assessment and vulnerability studies for sectors of economy and natural components to climate change that will be the basis for preparing Adaptation Strategies for each sector of economy and geographical region. Central and local executive bodies, local self-government bodies ensure the implementation of the Climate Change Adaptation Strategy, in particular, ensure that the program documents of the CMU and programs of economic and social development of regions and cities are in line with the Climate Change Adaptation Strategy, and include necessary funding for the implementation of the Climate Change Adaptation Strategy while approving annual budgets.

The MEPR provides its organizational support and monitoring of implementation, as well as coordination of the activities of central and local executive bodies. MEPR is also responsible for preparation by 1 September 2024 Draft Operational Plan for Climate Change Adaptation Strategy implementation for 2025-2027 and by 1 September 2027 Draft Operational Plan for 2028-2030 as well as preparation of proposals for amendments to the Climate Change Adaptation Strategy based on the assessment of the implementation.

Some other national strategies and planning documents include specific measures related to environmental protection and climate change. In particular, **State Regional Development Strategy for 2021-2027** has a related **Action Plan for 2021-2023**, which includes several measures under the following tasks:

- increasing size of protected areas of state and local importance;
- creation of internationally protected areas, including UNESCO MAB sites;
- protection, restoration and balanced use of protected areas;
- mitigation and adaptation to climate change, including in vulnerable areas;
- information and awareness-raising.

The Verkhovna Rada (Parliament) of Ukraine ratified the **United Nations Framework Convention on Climate Change (UNFCCC)** on October 29, 1996. Ukraine became a Party to the UNFCCC on August 11, 1997. On 17 November 2006 Ukraine ratified Kyoto Protocol and on 14 July 2016 Ukraine ratified the Paris Agreement.

As an Annex I Party to UNFCCC Ukraine has to report to the UNFCCC annually on its GHG emissions and regularly on its climate change policies, measures and progress towards meeting its national targets (“biennial reports” and “national communications”).

***Nationally Determined Contribution to the Paris Agreement approved by the CMU Order of 31 July 2021 No. 868-r (hereinafter - NDC).*** It sets an ambitious economy-wide target of a 65 % reduction in GHG emissions by 2030 compared to 1990.

Ukraine has established a national inventory system in order to fulfill its commitments of GHG inventory under UNFCCC, Kyoto Protocol and the Paris Agreement. Since 2004, Ukraine prepares and submits the National Inventory Report annually in accordance with the respective COP/CMP Decisions, ensuring methodological consistency with guidance from the IPCC, performance of QA/QC procedures related to the calculations . It includes the estimates of GHG emissions and removals starting from 1990 to the latest inventory year (year of submission minus 2 years), thus providing information that gives us an ability to monitor the level of GHG emissions on an annual basis. The latest National Inventory Report covering the period of 1990-2019 was submitted in 2021.

In order to achieve the target, set in NDC, Ukraine is currently working on a comprehensive Action Plan that will integrate all sectors of economy and necessary transformations in each sector that has to be done in Ukraine and that would allow reducing GHG emissions and mitigate climate change as well as monitor their implementation (more information will further be described in Section J. Climate Change).

**7. How is it ensured that the environmental legislation and policies are aligned with EU environmental legislation? What are the main difficulties encountered?**

The Annex XXX of the EU-Ukraine Association Agreement provides for the list of 29 directives and regulations in 8 thematic areas which Ukraine has an obligation to implement. Thematic areas include the following: environmental governance and integration of environment into other policy areas; air quality; waste and resource management; water quality and water resource management, including marine environment; nature protection; industrial pollution and industrial hazards; climate change and the protection of ozone layer; genetically modified organisms. The main provisions for implementation, as well as timeline are provided for each legal act.

In October 2017, CMU adopted the Plan of Measures to implement the EU-Ukraine Association Agreement. The plan provides for concrete measures, deadlines and responsible authorities for implementation of the measure. The Plan contains 93 measures in the field of environmental protection.

One of the key mechanisms to ensure compliance of national legislation with the EU acquis are relevant law drafting procedures in Ukraine: Rules of Procedure of the Parliament (Law of Ukraine 1861-VI from 10.02.2010 as amended) and Rules of Procedure of the CMU (CMU Resolution No.950 of 18.07.2007 as amended). In particular, parliamentary rules of procedure require any draft law to be supplemented with assessment of EU acquis compliance before it is considered by the Parliament (article 93(3)). The governmental rules of procedure require assessments of EU acquis compliance both during the development of the draft CMU decision and during its consideration by CMU. In addition, governmental rules of procedure have a separate mechanism for consultations with the European Commission on energy related draft decisions (some of which have direct relevance with environmental protection).

Information and analytical system for monitoring the implementation of the Association Agreement "Pulse of Agreement" was introduced by the Government in 2017. The system is open for free access at the link <https://pulse.kmu.gov.ua> . "Pulse of Agreement" provides a total of about 8 thousand activities, distributed within 2 thousand tasks. In the process of monitoring the implementation of the Agreement, each measure is assigned the status of "completed" or "not implemented". Status of implementation of measures can be traced to the main implementers - the relevant authorities, thus providing transparency on interdependencies between state entities at a particular moment of fulfillment of the relevant obligation.

In the sector of environmental protection the progress varies depending on the specific area. Most progress has been made on issues such as EIA, SEA, access to environmental information and in part, water management. But those areas that need a radical change in structure management, full reset, financial and investment support show slower progress ( air, waste, industrial pollution, nature protection). For more detailed progress in each sector see Part II. Sectoral Environment and Climate Policies.

Ukraine has launched a dialogue with the EU on joining the European Green Deal at the highest and technical level (task force). The implementation of four initiatives of common interest has already begun. The implementation of the European Green Deal and Ukraine's desire to be part of this process has positive effects on the implementation of the Agreement.

The main difficulties for ensuring that environmental legislation and policies of Ukraine are aligned with EU environmental legislation include insufficient expert and administrative capacity, lack of financial resources, and huge investments needed to provide for necessary infrastructure to meet EU standards (for example, air monitoring infrastructure, water monitoring infrastructure, sewage waters treatment, waste treatment, etc.).

**8. How are the responsibilities shared for the various sectors (water, waste, nature protection, etc.) shared at central and local administration level and how is coordination envisaged? How is the cooperation between the relevant ministries envisaged?**

The system, competence and powers of state bodies in the environmental sphere are determined by the Constitution of Ukraine, codes of Ukraine (e.g., Water Code of Ukraine, Land Code of Ukraine, Forest Code of Ukraine, Subsoil Code of Ukraine) and laws of Ukraine (e.g., "On Environmental Protection", "On Protection of Atmospheric Air", "On the Nature Reserve Fund of Ukraine", "On Flora", "On Fauna", "On the Ecological Network of Ukraine", "On Environmental Impact Assessment", "On Strategic Environmental Assessment", "On the Principles of Monitoring, Reporting and Verification of Greenhouse Gas Emissions", "On Regulation of Ozone-Depleting and Fluorinated Greenhouse Gases", "On Waste"). The competence and powers of executive authorities are specified/detailed in the regulations on the relevant executive authorities.

In the system of central executive authorities, MEPR is the main authority for state environmental policy. It also coordinates activities of:

- State Agency of Water Resources of Ukraine,
- State Agency of Forest Resources of Ukraine,
- State Agency of Ukraine on Exclusion Zone Management,



- State Environmental Inspectorate of Ukraine,
- State Service of Geology and Subsoil of Ukraine.

**Ministry of Environmental Protection and Natural Resources of Ukraine.** The competence and powers of the MEPR are defined by the laws of Ukraine and are detailed in the Regulation on the Ministry of Environmental Protection and Natural Resources of Ukraine, approved by the Cabinet of Ministers of 25 June 2020 No. 614.

The MEPR ensures:

- 1) development and implementation of state policy in the field of environmental protection, environmental safety and biological and genetic safety, within the powers provided by law,
- 2) development and implementation of the state policy in the field of forestry and hunting, within the powers provided by law,
- 3) development of state policy:
  - in the field of water management development, management, use and reproduction of surface water resources,
  - in the field of geological study and rational use of subsoil,
  - in the field of management of the exclusion zone and the zone of unconditional (compulsory) resettlement, overcoming the consequences of the Chernobyl disaster, decommissioning of the Chernobyl NPP and transformation of the Shelter into an environmentally safe system, as well as public administration in the field of radioactive waste management. stages of their long-term storage and disposal,
  - on the implementation of state supervision (control) in the field of environmental protection, rational use, reproduction, and protection of natural resources.

The main tasks of the MEPR are:

- 1) ensuring the development of state policy in the field of:
  - protection of the natural environment, environmental safety and biological and genetic safety, within the powers provided by law,
  - geological study and rational use of subsoil,
  - waste management, including radioactive, hazardous waste, chemicals,
  - handling of pesticides and agrochemicals,
  - overcoming the consequences of the Chernobyl disaster,
  - radiation protection,
  - rational use, reproduction, and protection of natural resources,
  - protection and rational use of land,
  - conservation, reproduction and sustainable use of biological and landscape diversity, protection, conservation, use and reproduction of forests, formation, conservation, and use of ecological network,
  - organization of protection and use of nature reserve fund,

- air protection, monitoring, reporting and verification of greenhouse gas emissions from installations located in Ukraine, as well as regulation of ozone-depleting substances and fluorinated greenhouse gases, protection of the ozone layer and prevention of global warming, climate change and compliance with the UNFCCC, the Kyoto Protocol to it and the Paris Agreement,

- development of water management, management and control over the use and protection of water and reproduction of water resources,

- state supervision (control) over compliance with legislation on the rational use, reproduction and protection of natural resources, land use and protection, environmental and radiation safety, environmental impact assessment, protection and use of territories and objects of nature reserves, conservation, reproduction and sustainable use of biological and landscape diversity, formation, conservation and use of ecological network, air protection, monitoring, reporting and verification of greenhouse gas emissions, regulation of ozone-depleting substances and fluorinated greenhouse gases, and waste management (except radioactive waste management), hazardous chemicals, pesticides and agrochemicals, compliance with biological and genetic safety requirements for biological objects of the natural environment during the creation, research and practical use of genetically modified organisms in the open system,

- environmental impact assessment, strategic environmental assessment,

- implementation of state geological control,

2) implementation of state policy in the field of:

- protection of the natural environment, environmental and within the powers provided by law, biological and genetic safety,

- geological study and rational use of subsoil,

- waste management (except radioactive waste management), hazardous chemicals, pesticides, and agrochemicals,

- rational use, reproduction, and protection of natural resources,

- protection and rational use of land,

- conservation, reproduction and sustainable use of biological and landscape diversity, protection, conservation, use and reproduction of forests, formation, conservation, and use of ecological network,

- organization of protection and use of nature reserve fund,

- air protection, monitoring, reporting and verification of greenhouse gas emissions, as well as the regulation of ozone-depleting substances and fluorinated greenhouse gases, the protection of the ozone layer and the prevention of global warming, climate change and compliance with the UNFCCC, Kyoto Protocol to it and the Paris Agreement,

- protection and reproduction of water, rational use of water resources,

- environmental impact assessment, strategic environmental assessment,

3) ensuring the development and, within the powers provided by law, of the implementation of state policy in the field of forestry and hunting.

The MEPR does not have its own territorial bodies, they were eliminated several years ago: CMU Order of 13 March 2013 No. 159 “On liquidation of territorial bodies of the Ministry of Environmental Protection” liquidated territorial departments of the MEPR. To ensure the transfer of powers from the territorial bodies of the MEPR to the oblast state administrations, Kyiv and Sevastopol city state administrations, respective structural subdivisions of the environment were created in these administrations.

**State Agency of Water Resources of Ukraine** (hereinafter – the State Water Agency). The competence and powers of the Water State Agency are defined by the Constitution and laws of Ukraine, which are detailed in the Regulation on the State Agency of Water Resources of Ukraine, approved by CMU Resolution of 20 August 2014 No. 393.

The State Water Agency is a central executive body, whose activities are directed and coordinated by the CMU through the Minister of Environment and implements state policy in the field of water management and surface water resources management, use and reproduction.

The main tasks of the State Water Agency are:

- 1) implementation of state policy in the field of management and surface water resources management, use and reproduction,
- 2) making proposals to ensure the formation of state policy in the field of water management and surface water resources management, use and reproduction.

Territorial bodies of the State Water Agency are so called sectors in the relevant regions (Directive of the Cabinet of Ministers of 28 August 2013 No. 662-r “On the establishment of territorial bodies of the State Agency of Water Resources”). Currently there are 22 sectors (two sectors unite two regions – Sector in Donetsk and Luhansk regions, Sector in Kherson region and Sevastopol). The State Water Agency has approved specific Regulations on the sector in the relevant regions. Sectors issue permits for special water use, establish modes of operation of reservoirs, agree on water supply standards, passports of water bodies, boundaries of sanitary protection zones of water bodies, etc.

Ukraine is implementing the reform of the water sector based on the principle of river basin management of water resources. The State Water Agency has established 12 river basin administrations of water resources and approved the Regulations on them. Basin Water Resources Administration develops a river basin management plan, forms and organizes the work of basin councils, conducts surface water quality analysis, etc. The water management organizations of the State Water Agency are also the Regional Water Resources Offices in certain oblasts and the Canals Administrations.

**State Agency of Forest Resources of Ukraine** (hereinafter – the State Forest Agency). The competence and powers of the Forest State Agency are defined by the Constitution and laws of Ukraine, which are detailed in the Regulation on the State Agency of Forest Resources of Ukraine, approved by the Directive of the Cabinet of Ministers of 8 October 2014 No. 521.

State Forest Agency is a central executive authority, whose activities are directed and coordinated by the Cabinet of Ministers through the Minister of Environment, and which implements state policy in the field of forestry and hunting.

The main tasks of the State Forest Agency are:

- 1) implementation of state policy in the field of forestry and hunting,
- 2) submission of proposals to the MEPR to ensure the formation of state policy in the field of forestry and hunting.

Territorial bodies of the State Forest Agency are the Administrations of Forestry and Hunting, which are created at the regional (oblast) level. The State Forest Agency approved the relevant Regulations on Administration. The Administration of Forestry and Hunting issues special permits for logging in the order of felling of the main use, for shooting and catching predators, issuing certificates of origin of timber, etc.

**State Agency of Ukraine on Exclusion Zone Management** (hereinafter – SAUEZM). The competence and powers of the SAUEZM are defined by the Constitution and laws of Ukraine, which are detailed in the Regulation on the State Agency of Ukraine for Exclusion Zone Management, approved by the Resolution of the Cabinet of Ministers of 22 October 2014 No. 564.

SAUEZM is a central executive authority, whose activities are directed and coordinated by the Cabinet of Ministers through the Minister of Environment and implements state policy in the field of exclusion zone and zone of unconditional (compulsory) resettlement, overcoming the Chernobyl disaster, decommissioning and transformation of the Chernobyl NPP. Shelter project on an environmentally safe system as well as carries out public administration in the field of radioactive waste management at the stage of their long-term storage and disposal.

The main tasks of SAUEZM are:

- 1) implementation of state policy in the field of exclusion zone and zone of unconditional (compulsory) resettlement, overcoming the consequences of the Chernobyl disaster, decommissioning of the Chernobyl NPP and transformation of the Shelter into an environmentally safe system, as well as public administration in the field of radioactive waste,
- 2) submission to the Minister of Environment of proposals to ensure the formation of state policy in the field of exclusion zone and zone of unconditional (compulsory) resettlement, overcoming the consequences of the Chernobyl disaster, decommissioning of the Chernobyl NPP and transformation of the Shelter into an environmentally safe system with radioactive waste.

**State Environmental Inspectorate of Ukraine** (hereinafter – the SEI). The competence and powers of the SEI are defined by the Constitution and laws of Ukraine, which are detailed in the Regulation on the State Environmental Inspectorate of Ukraine, approved by the Directive of the Cabinet of Ministers of 19 April 2017 No. 271.

The SEI is the central executive authority, whose activities are directed and coordinated by the Cabinet of Ministers through the Minister of Environment and implements state policy on state supervision (control) in the field of environmental protection, rational use, reproduction, and protection of natural resources.

The main tasks of the SEI are:

- 1) implementation of state policy on state supervision (control) in the field of environmental protection, rational use, reproduction, and protection of natural resources,
- 2) implementation of state supervision (control) over compliance with the requirements of environmental legislation,

3) submission to the Minister of Environment of proposals to ensure the formation of state policy in the field of environmental protection, rational use, reproduction, and protection of natural resources.

**State Service of Geology and Subsoil of Ukraine** (hereinafter – SSGS). The competence and powers of the SSGS are defined by the Constitution and laws of Ukraine, which are detailed in the Regulations on the State Service of Geology and Subsoil of Ukraine, approved by the CMU Resolution of 30 December 2015 No. 1174.

SSGS is the central executive body, whose activities are directed and coordinated by the CMU through the Minister of Environment and implements state policy in the field of geological study and rational use of subsoil; it is the authorized body for the implementation of production sharing agreements.

The main tasks of SSGS are:

- 1) implementation of state policy in the field of geological study and rational use of subsoil,
- 2) submission to the Minister of Environment of proposals to ensure the formation of state policy in the field of geological study and rational use of subsoil.

The CMU Order of 16 November 2011 No. 1145-r “On the establishment of interregional territorial bodies of the State Service of Geology and Subsoil” established interregional territorial bodies as structural units of the SSGS: Northern interregional department, Southern interregional department, Regional interregional department Central Interregional Department, Azov-Black Sea Interregional Department.

**The protected areas management system** is complex. While central authorities, including the Parliament, CMU and MEPR, are setting key framework and procedures for protected areas management, the main responsibility for daily management is shared among several institutions: National Academy of Sciences of Ukraine (6 protected areas), MEPR (54), SAUEZM (1), Ministry of Education and Science (2), State Forestry Service (7), National Academy of Agrarian Sciences (2), State Directorate for Affairs (5), local state administrations (management of local protected areas). As explained above, Ukraine plans to introduce a single central authority for protected areas management.

Staffing. The maximum **number of employees** of the MEPR and subordinate authorities is determined by CMU Resolution of 5 April 2014 No. 85 “Some issues of approval of the maximum number of employees of the staff and territorial bodies of central executive bodies and other state bodies”. In particular:

<b>Central executive body</b>	<b>Number of employees</b>
MEPR	308
State Agency of Water Resources of Ukraine	177
State Agency of Forest Resources of Ukraine	81

State Agency of Ukraine on Exclusion Zone Management	56
State Environmental Inspectorate of Ukraine	110
State Service of Geology and Subsoil of Ukraine	267
<b>Total</b>	<b>999</b>

**At the local (regional) level** environmental responsibilities are shared by local state administrations and local self-governance bodies (apart from territorial bodies of central authorities, where they exist, as described above).

Local state administrations in their respective territory shall ensure:

- the execution of the Constitution and the laws of Ukraine, acts of the President of Ukraine, acts of the CMU and other executive authorities in the field of environment protection and climate change;
- the implementation of state and regional programmes for environmental protection programmes.

The competence of local state administrations is specified by the Law of Ukraine “On Local State Administrations” (09.04.1999 No. 586-XIV) and environmental laws. For example, according to the Law of Ukraine “On Environmental Protection” (25.06.1991 No. 1264-XII) the competence of the oblast, Kyiv and Sevastopol city state administrations in the field of environmental protection includes:

- ensuring the implementation of state policy in the field of reserve management and studies, formation, preservation and use of environmental network, management and regulation in the field of protection and use of territories and objects of the nature reserve fund of Ukraine in the relevant territory;
- participation in monitoring the state of the environment;
- implementation of powers in the field of environmental impact assessment in accordance with the legislation on environmental impact assessment;
- issuance of permits for operations in the field of waste management, emissions of harmful substances into the environment, special use of natural resources in accordance with the law, etc.

Local self-government:

Local self-government shall be exercised by a territorial community in the manner established by law, both directly and through local government: village, settlement and city councils, and their executive authorities.

The competence of local self-government in the field of protecting the environment is specified by the Law of Ukraine “On Local Self-Government in Ukraine” (21.05.1997 No. 280/97-BP) and environmental laws. The competence of local councils includes, for example:

- ensure the implementation of environmental policy of Ukraine, environmental rights of citizens;
- give consent to the location of enterprises, institutions and organisations on their territory in the manner prescribed by law;
- approve, taking into account environmental requirements, projects of planning and development of settlements, their general layouts and schemes of industrial hubs;
- approve local environmental programmes;
- make decisions on the organisation of territories and objects of the nature reserve fund of local significance, and other territories subject to special protection;
- issue (re-issue, issue duplicates, cancel) permits for special use of natural resources of local significance in cases provided by law, etc.

**9. Are there any mechanisms to provide for the integration of environmental protection requirements into other policies, in particular into agriculture, industrial, energy and transport policies with a view to promoting sustainable development, as outlined in Article 11 of the Treaty on the Functioning of the European Union?**

Article 11 of the Treaty on the Functioning of the European Union stipulates that environmental protection requirements must be integrated into the definition and implementation of the Union's policies and activities, in particular with a view to promoting sustainable development.

There are several mechanisms for integration of environmental protection requirements into other policies in Ukraine. These mechanisms include procedural provisions of the CMU and Parliament work, and strategic environmental assessment, which has a wide scope and in practical terms is applicable to all sectoral planning and policy documents.

For example, the Rules of Procedure of the CMU require each ministry to be consulted on a draft decision of the CMU before it is considered and voted on. It also requires an explanatory note to be prepared along with a draft decision. Such explanatory note should include forecast of environmental impacts where applicable. Similarly, the Parliament's rules of procedure require consultations with the relevant environmental committee on any policy decision which may have impact on environmental protection and safety (usually such decisions are taken in the form of laws).

Any draft decision for approval of strategic planning documents (strategies, plans, programmes, etc.) must be accompanied with the outcomes of the strategic environmental assessment (SEA). SEA system is based on the respective law of Ukraine and is described in more detail in question 20.

The Environmental Strategy-2030 provides that the integration of the environmental considerations during the development and approval of documents of state planning, sectoral (regional), regional and local development and in the decision-making process on the planned activities of facilities that may have a significant impact on the environment is one of the main principles of the state environmental policy of Ukraine. And ensuring the integration of environmental policy in the decision-making process for socio-economic development of Ukraine is one of the objectives of the state environmental policy. This, inter alia, means:

- ensuring the integration of the environmental component into the policies and / or programs of national, sectoral, regional and local development, creating a tax, credit and investment climate to attract funds from international donors and private capital in environmental activities;

- decoupling the economic growth on increasing the use of natural resources and energy and increasing the level of environmental pollution;

- introduction of sustainable low-carbon development of all sectors of the economy in Ukraine;

- inclusion of biodiversity value issues in national, local, strategic, policy documents and development plans of the economy and its industries;

- stimulating the introduction of more environmentally friendly, resource-efficient production and environmental innovations by economic entities, in particular the environmental modernization of industrial enterprises, etc.

The recently adopted **National Economic Strategy of Ukraine till 2030** provides for taking into account the Sustainable Development Goals and the need to achieve climate neutrality no later than 2060. The decarbonisation of the economy (energy efficiency, development of renewable energy sources, development of a circular economy and synchronization with the European Green Deal initiative) is one of the principles of the economic policy of Ukraine. The strategy, among the concrete tasks, includes adaptation of industrial production to environmental requirements; financing measures aimed at improving the environmental, energy and economic performance of the functioning of the industrial parks; etc.

***Nationally Determined Contribution to the Paris Agreement*** *that* sets an economy-wide target of a 65 % reduction in GHG emissions by 2030 compared to 1990 and provides the necessity to include GHG emission reduction targets in sectoral documents.

Environmental protection and climate requirements are already taken into account in the following strategic planning documents, such as:

**The Energy Strategy of Ukraine till 2030** provides for the need to minimize the negative impact of the energy sector on the environment, including in the electricity sector, nuclear sector, coal mining, oil and gas mining, etc. On December 29, 2021, the CMU approved the National Action Plan on Energy Efficiency for the period up to 2030, setting a new national energy efficiency target and a concrete plan of measures to achieve it. The previous national plan until 2020 expires. According to the Plan, the country should reduce primary energy consumption by 22.3% and final - by 17.1%. And reduce greenhouse gas emissions by 56.6 million tons.

In the framework of planning the development of the energy sector, in accordance with the requirements of Directive 2018/2001 "On the Promotion of the Use of Energy from Renewable Sources" (RED II), the Ministry of Energy is developing an Integrated National Plan for Energy and Climate for the Period of 2021-2030, which combines goals, policies and measures for the development of energy efficiency, ecology and renewable energy.

According to **the Transport Strategy of Ukraine till 2030**, a safe for society, environmentally friendly and energy efficient transport is one of the main directions of the implementation of the transport policy of Ukraine. Ensuring the environmental safety in transport needs the implementation of the following tasks:



- ensuring the priority of environmental safety requirements, mandatory compliance with environmental standards, regulations and limits on the use of natural resources in the conduct of economic, managerial and other activities;

- implementation of precautionary measures to protect the environment in the transport sector and the development of a mechanism to compensate for the damage;

- ensuring the conduct of strategic environmental assessment during the development of plans and programs for the development of the transport sector;

- implementation of the mechanism of economic incentives for the transition of freight and passenger traffic to more environmentally friendly rail and water transport;

- introduction of economic and other measures to stimulate the use of cleaner modes of transport in cities;

- introduction of a mechanism of economic incentives for carriers to reduce emissions of pollutants and greenhouse gases, reduce noise from vehicles, etc.

As explained earlier, **State Regional Development Strategy for 2021-2027** includes a separate group of tasks “Formation of a network of protected areas, preservation and reproduction of ecosystems, and improvement of the environment”. Related action plan includes a number of activities and measures in this regard.

The planned strategy document, in particular in the field of heat supply, will be the **Strategy for the Development of Housing and Communal Services for 2022-2027**, the draft of which has been developed and is currently being approved.

The Strategy will be the main planning document for the formation, implementation and coordination of state policy in the field of housing and communal services, achieving efficient usage of state resources, resources of local communities and regions in the interests of human being, state unity, sustainable development of settlements, environmental protection and sustainable use of energy and natural resources for current and future generations of Ukrainians.

The Strategy will reflect and confirm Ukrainian aspiration for adhering to the principles of efficiency, openness, environmental friendliness and focus on humanitarian needs. The Strategy will correspond to the chosen directions of development of Ukrainian society as an integral part of the European space, as stated in the Association Agreement between Ukraine and the EU, and based on the The European Green Deal.

The overall goal of the Strategy will be a sustainable transition to new standards of quality of life and climate neutrality of comfort living processes.

Ukraine’s **Strategy on Irrigation and Drainage until 2030** is based on the principles of integrated river basin management, supporting soil fertility and supporting good environmental status of river basins.

## **10. Which international agreements/treaties/conventions concerning environmental protection have been signed and which ones have been ratified by Ukraine?**

### **Introduction**

Ukraine is the party to 26 major multilateral environmental agreements (MEAs).

These include global and regional MEAs like UNFCCC, Kyoto Protocol, Paris Agreement, UN CBD, Cartagena Protocol, Ozone and Water, CITES, etc.

Article 19 of the 2004 Law of Ukraine on International Treaties of Ukraine provides that duly ratified international treaties are part of the national legislation. It also provides for supremacy of the provisions of such treaties over national legislation if there's a contradiction.

Most MEAs implementation is coordinated by MEPR. Many MEAs required enacting special legislation for their implementation. Implementation of MEAs is subject to public discussions; NGOs actively participate in relevant processes and carry out independent reviews of MEA implementation (see, e.g. 2018 Review by Civic Synergy project).

Below please see the list of relevant MEAs and their status of ratification by Ukraine

<b>MEAs to which Ukraine has taken membership actions</b>	<b>Ratified (R) / Signed (S)</b>
1. Convention on Wetlands of International Importance especially as Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar Convention)	R
2. Waterfowl Habitat (Ramsar Convention)	R
3. Convention on the Conservation of European Wildlife and Natural Habitats	R
4. The Framework Convention on the Protection and Sustainable Development of the Carpathians	R
a. Protocol on Conservation and Sustainable Use of Biological and Landscape Diversity	R
5. UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage	R
6. United Nations Convention to Combat Desertification	R
7. The European Landscape Convention	R
8. The Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Water Convention)	R
a. The Protocol on Water and Health to the Water Convention	R

9. The Vienna Convention for the Protection of the Ozone Layer	R
a. The Montreal Protocol on Substances that Deplete the Ozone Layer	R
10. United Nations Framework Convention on Climate Change (UNFCCC)	R
a. The Kyoto Protocol to the UNFCCC	R
b. Paris Agreement	R
11. The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal	R
12. The Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade	R
13. The Stockholm Convention on Persistent Organic Pollutants	R
14. Strategic Approach to International Chemicals Management (SAICM)	R
15. The Minamata Convention on Mercury	R
16. Convention on Long-range Transboundary Air Pollution	R
a. Protocol on the Reduction of Sulphur Emissions or their Transboundary Fluxes	R
b. Protocol concerning the Control of Emissions of Nitrogen Oxides or their Transboundary Fluxes	R
c. Protocol on Heavy Metals	R
d. Protocol on Persistent Organic Pollutants (POPs)	R

e. Protocol to Abate Acidification, Eutrophication and Ground-level Ozone (Gothenburg Protocol)	R
17. Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention)	R
18. Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention)	R
19. Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)	R
20. Convention on Biological Diversity	R
a. The Cartagena Protocol on Biosafety to the Convention on Biological Diversity	R
b. The Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress to the Cartagena Protocol on Biosafety	S
c. The Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization	S
21. Convention on Migratory Species (Bonn Convention)	R
22. Convention on the Protection of the Black Sea Against Pollution	R
23. Convention on cooperation for the protection and sustainable use of the Danube river	R
24. Agreement on the Conservation of Populations of European Bats (EUROBATS)	R
25. Agreement on the Conservation of African-Eurasian Migratory Waterbirds	R
26. The Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and contiguous Atlantic area (ACCOBAMS)	R

## **11. How are the Sustainable Development Goals under the Agenda 2030 taken into account in the environment and climate policy-making?**

Ukraine is committed to the values and goals set in the 2030 Agenda for Sustainable Development. Since 2015, a series of reforms have been launched in Ukraine, aiming to implement socio-economic transformations and strengthen its democratic system. The Sustainable Development Goals (SDGs) are integrated into the state policy on the 'leave no one behind' basis.

Ukraine submitted its first Voluntary National Review of progress towards achievement of the Sustainable Development Goals in 2020.

Like the other UN Member States, Ukraine joined the global process for sustainable development. During 2016 and 2017 a participatory and inclusive process of adaptation of the SDGs to the Ukrainian context took place. Every global target was reviewed, taking into consideration the specifics of the national context. This process has resulted in the establishment of the national system which consists of 86 national development targets.

National targets and indicators for monitoring the achievement of targets are reflected in the national baseline report "Sustainable Development Goals: Ukraine". The established national system of targets and indicators of the Sustainable Development Goals provides a solid basis for further comprehensive monitoring. In total, 17 goals and 86 national targets have been incorporated into 145 Government decisions, and 1,052 tasks and 3465 measures foreseen in these acts have been directed towards the achievement of goals and targets. As explained above, monitoring reports are prepared on an annual basis and are available in Ukrainian and English languages at the web-site of the State Statistics Service of Ukraine together with the relevant data in electronic format.

On September 30, 2019, the President of Ukraine issued a Decree "On Sustainable Development Goals of Ukraine for the period till 2030" in which he supported the achievement of the Sustainable Development Goals and the results of their adaptation, taking into account the specific development of Ukraine set out in the national baseline report "Sustainable Development Goals: Ukraine".

At the governmental level, the process of forming an Inter-Agency Working Group on Achieving Sustainable Development Goals, a temporary advisory body of the CMU, is currently underway to ensure coordination of executive authorities' efforts to achieve global goals in Ukraine.

SDGs national process has a direct impact on environmental and climate policy. Environmental Strategy-2030 has direct references to SDGs. In particular, it provides that "Ukraine's achievement of the Sustainable Development Goals (SDGs), which were approved by the United Nations Summit on Sustainable Development in 2015" is one of the foundations of the state environmental policy.

Based on SDGs monitoring results, relevant recommendations are made and implemented during environmental and climate policy-making and policy implementation.

For example, the first SDGs Voluntary National Review of Ukraine included a number of climate-related recommendations (SDG 13), including:

- to formulate and implement a holistic state policy on climate change, harmonized with international legislation;
- to approve the second nationally determined contribution of Ukraine to the Paris Agreement;
- to develop a concept of 'green' energy transition of Ukraine through 2050;

- to develop a comprehensive national plan on energy and climate change for 2021-2030;
- to develop a national action plan on energy efficiency through 2030; and
- to develop a national action plan on renewable energy through 2030.

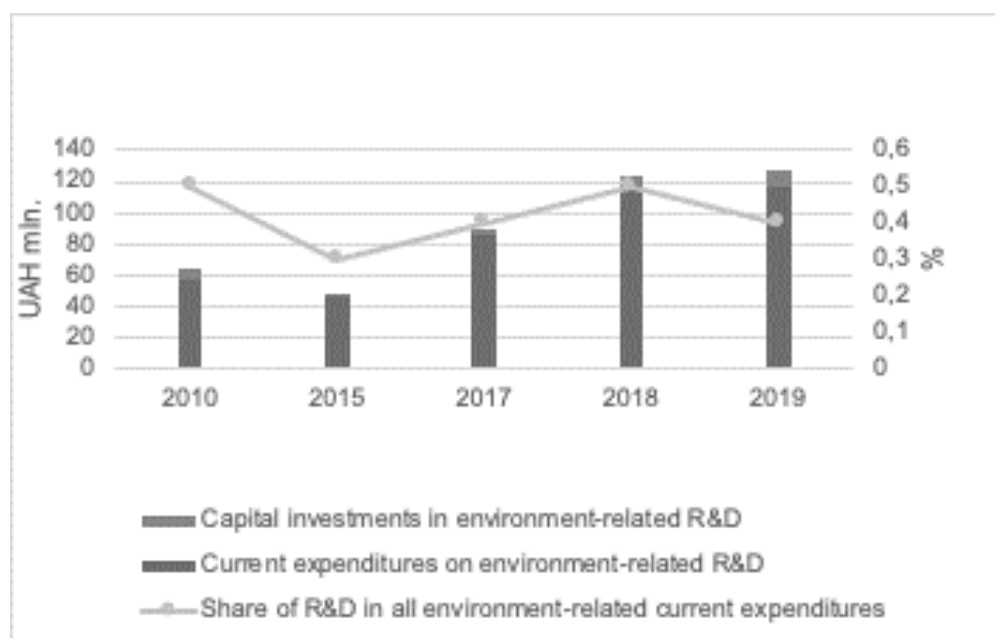
As explained in the relevant questions of this section, most of these recommendations have been implemented already. This includes the recently adopted Strategy of environmental safety and adaptation to climate change for the period up to 2030 (2021), which has a direct reference to SDGs achievement.

Similarly, policy recommendations listed in the first SDGs Voluntary National Review of Ukraine for other relevant SDGs (Clean Water and Sanitation, Conserve Marine Resources, Affordable and Clean Energy, Protect and Restore Terrestrial Ecosystems, and others) have been guiding policy making in respective areas.

## 12. Could you describe the effort in the field of environmental and climate change research and development (e.g. level of funding of national environmental institutes, etc.)?

Research and development expenditures in Ukraine are very low, almost halved in the last ten years, and investment and spending on environmental R&D are negligible. In 2019, total investments and expenditures on environmental research amounted to only UAH 127 million. A slight increase in this indicator (taking into account inflation) cannot provide the appropriate level of innovation component of the national economy. Total expenditures on all research in Ukraine (not only environmental) fell from 0.75% of GDP in 2010 to 0.41% of GDP in 2020 (OECD, 2021).

**Figure. Research and development expenditures and investment (environment-related)**



Source: State Statistics Office (2020).

The number of patents in areas that promote green growth has declined sharply over the past five years, indicating low innovation activity among Ukrainian residents. The total number of all patents for inventions issued to residents in Ukraine has decreased significantly since 2010, and in recent years is about 1 200 patents per year. In areas that promote green growth, the number of

applications from residents of Ukraine for inventions has decreased 9 times, and in recent years is about 50 applications per year according to the European Patent Office. For comparison, in 2020 in Poland this figure was 703, in Germany - more than 10 000, in the Czech Republic - 276 (OECD, 2021).

Scientific institutions and higher educational institutions of Ukraine took part in 126 projects of the Seventh Framework Program "Horizon 20" with the amount of funding in the amount of about 26.5 million euros in 2014-2020. It is the largest program of the European Union aimed at funding research and innovation. It brings together all previous European research and innovation funding programs, including the Research Framework Program, the Competitiveness and Innovation Framework Program and the European Institute of Innovation and Technology, and has a budget of around € 80 billion over 7 years (2014-2020).

On 26 August 2021, the Ministry of Education and Science completed the negotiation process for Ukraine's accession to the Horizon Europe Research and Innovation Framework Program (2021-2027) and the Euratom Research and Training Program (2021-2025).

The Ukrainian Hydrometeorological Institute of the State Emergency Service of Ukraine (SES) and the National Academy of Sciences of Ukraine (hereinafter - NASU) is the main institution in the field of hydrometeorology and scientific support for environmental monitoring. The Institute's 2022 thematic plan includes 8 scientific projects on the above topics with the total value of UAH 24.2 million.

NASU pays considerable attention to conducting research in the field of environment. The vast majority of the 160 institutions of all branches of the Academy carry out research on various aspects in this area within the framework of state issues. In addition, these studies are carried out in the framework of program-targeted, departmental and other research topics. NASU implements a number of targeted research programs, in particular, the NASU Targeted comprehensive interdisciplinary research program on the problems of sustainable development and rational use of nature in the context of global environmental change and others. The work of scientific institutions is coordinated by the NASU Presidium and the Departments of Sciences; also there is a network of academic problem scientific councils, such as the NASU Scientific Council on Environment and Sustainable Development, etc.

Active research in the field of climate change at the NASU began in 2005 with the start of the realisation of the Kyoto Protocol to the United Nations Framework Convention on Climate Change. The activities of about twenty institutions in this field are coordinated by the NASU Coordinating Council on issues related to the UNFCCC. Among the latest achievements is the draft concept of the National Targeted Scientific and Technical Program in the Field of Climate Change until 2030 developed by the abovementioned Ukrainian Hydrometeorological Institute.

It should be noted that funding of environmental and climate change research in the NASU is not allocated in a separate section (i.e. no such budgetary classification is applicable and, therefore, climate-related data are unavailable).

## ***II. SECTORAL ENVIRONMENT AND CLIMATE POLICIES***

## A. Horizontal Legislation

### 13. Are there measures providing for public access to environmental information (active and passive)? Are there provisions on administrative and/or judicial review in case access to information is not granted?

The issue of open access to environmental information has drawn great attention for at least the last 11 years. With this purpose, legal provisions were adopted, institutional resources were built up in almost every public authority, and technical resources were launched (in particular, state open web resources). The success of policy development on this issue is under the close observation of Ukrainian NGOs. To ensure this right and to implement the Aarhus Convention, the fundamental national legislation of higher legal force is the Law No.2939 On Access to Public Information. The Law sets a number of provisions, and the main among those are: transparent and broad access to environmental information as information of public interest. Public authorities that are managers of environmental information are obliged to provide and open such information. Environmental information cannot be attributed to confidential or limited-access information. Access to information is provided by: systematic and prompt disclosure of information in official publications, on official websites, on the state web portal for open data ([www.data.gov.ua](http://www.data.gov.ua), temporarily out of order during martial law), by requests for information and in any other way.

Appropriate provisions are incorporated into the sectoral legislation in environmental policy: Law No.1264 On Environmental Protection, sectoral legislation on water protection, protection of ambient air, state land Cadastre system. Under this legislation, environmental information:

- to be of open access, free for obtaining, use, dissemination and storage, except for restrictions established by the law;
- public authorities are obliged to disseminate environmental information by means of above mentioned channels, and also through regular informing of the population through mass media, annual reporting, instant notification of environmental emergencies and disasters, and a few other means.

Prior to the war, following steps in the policy of open access to environmental information have been taken: the government approved the Concept of creating a national automated IT-system which is intended for environmental information management and called "Ecosystem". Draft law On Environmental Monitoring which allowed for the introduction of an automated IT-system for access to environmental information was prepared and passed through an approval procedure by the government. If implemented, the IT-system would allow the accumulation of environmental information from all public resources in the country. The Law would also strengthen a) the institutional capacity of public authorities to collect and provide environmental information, b) some aspects of legal responsibility of those authorities.

In accordance with the Laws No.2939 and No.1264, the public has the guaranteed right to appeal in the case of denying access or providing inadequate access to environmental information, illegal rejection of the request for information or its incomplete satisfaction. There are envisaged options for appealing to the administration of public authority, to a higher authority (body) or to court. Appeals to the court are executed in accordance with the Law Code of Administrative Proceedings



of Ukraine. Public authority which is the manager of environmental information must openly inform the public on the procedure of appealing.

**14. What are the provisions in relation to access to the courts and administrative complaints when it comes to organisations (including non-governmental organisations) and individuals? What types of acts and omissions can be challenged for their legality on environmental grounds in the context of administrative decision-making?**

In accordance with the Law No.2939 On Access to Public Information, any representative of the public, namely both physical persons or their associations, organizations or groups may appeal to the court on the issues of violation of: access to information; their legal environmental rights and interests; norms and standards of environmental legislation. In addition, the Law No.1264 On Environmental Protection ensures the right for every citizen of Ukraine to submit lawsuits to the court against public or other authorities, enterprises, organizations or citizens for compensation of environmental damage and to appeal in court against decisions, actions or omissions of authorities or civil servants regarding violations of environmental rights of citizens in the order prescribed by the law. Exactly the same rights are set by the Law in regard to public environmental organizations.

In accordance with the above-mentioned Law No.2939, the right to challenge acts and omissions by public authorities and other organizations that are owners or managers of public information (which environmental information is part of) is granted to any requester of information, namely to any physical or legal person, and association of citizens without the status of a legal entity, including NGOs. The above-mentioned Law No.1264 further clarifies and complements the rights of environmental NGOs: to appeal to court in regard to a) public authority decisions or actions on access to environmental information like refusal or inadequate provision of information upon request, illegal rejection of the request or its incomplete satisfaction and to b) compensation for damage caused by offenses of environmental legislation, including to the health of citizens and to property of NGOs.

The Law On Environmental Impact Assessment ensures the right for any physical or legal person to appeal to court regarding conclusions of environmental impact assessment, other decisions, actions or omissions of public or local authorities in the procedure of environmental impact assessment.

For instance, the NGO "Environment People Law" has analyzed 168 court decisions on environmental issues in Ukraine. The court cases fall into the following categories: appeals against legal regulations; appeals against public or local authorities decisions, including issuing authorization documents; appeals against actions or omissions of power authorities; appeals against contracts; reparation (offset and compensation of losses and damage caused by offenses of environmental regulations); cessation of environmentally hazardous projects; enforcement to comply with environmental law regulations. Lawsuits are appealed both by public authorities empowered to enforce environmental law, local authorities (like city council) and NGOs. A bright case where an NGO appealed to court on environmental offense was the so-called "dolphin case" filed by NGO "Environment People Law" (court case number 910/8122/17 of 11 December 2018). The Grand Chamber of the Supreme Court of Ukraine unequivocally recognized the right of a public organization to file a lawsuit to eliminate violations of environmental law. Thus the Supreme Court of Ukraine recognized that environmental NGOs have the right to challenge the actions of public authorities (state power bodies) that violate national environmental legislation.

**15. Do standardised systems or methods for gathering, transferring and reporting of data and statistics concerning the environment exist?**

There are by-laws which set procedures and regulations on gathering, transferring and reporting of data on a sectoral basis: for state monitoring in the field of ambient air protection, water monitoring, land and soil monitoring etc. Expert organizations involved in state environmental monitoring are guided by technical guidelines, standards and techniques acknowledged in the relevant field.

State monitoring of biodiversity remains an unresolved challenge, since there are no procedures and regulations on the issue.

MEPR developed the Draft Law "On Amendments to Certain Legislative Acts of Ukraine Concerning the State Environmental Monitoring System", which provides inter alia for a harmonized approach to collection and dissemination of information on the state of the environment. The Draft Law has been approved by CMU and submitted to VRU.

Although Ukraine does not have a single information and analytical system that provides complete information on the state of the environment, there are systems of different governmental authorities designed to display information of environmental monitoring in each sector. In 2021, CMU adopted the Regulation on the Unified Ecological Platform "EcoSystem". The system is intended to be established for creation, collection, receipt, storage, use, dissemination, protection, protection of information on the state of the environment.

For statistical surveys on environmental issues (including air pollution by stationary and mobile sources of emissions, waste generation and management, environmental expenditures, environmental accounts), as well as for all other state statistical surveys, the State Statistics Service of Ukraine applies standardized methods of collecting, transmitting and disseminating information. All of them are described in the methodological provisions of state statistical surveys approved by the orders of the State Statistics Service. In particular, they describe the main provisions, rules and methods of state statistical surveys, define their main characteristics, sources and system of indicators, general principles and criteria for forming a set of units and lists of respondents, the use and dissemination of results.

Data on standardized approved forms of state statistical surveys is received from respondents within the deadlines specified on the forms, on paper or in the form of electronic reports by electronic means in accordance with the Procedure for submitting electronic reports to state statistics, approved by order of State Statistics Service of Ukraine from 12.01.2011 No. 3, or through the free service "Respondent's Cabinet" on the official website of the State Statistics Service.

The processing of primary data of respondents is carried out at the state and regional levels by special software and includes such standard procedures as control of completeness of data entry, arithmetic and logical control of primary data. Primary data provided by respondents go through several stages of processing and analysis, accumulated on the electronic resources of state statistics.

Dissemination of statistical information is carried out at the state and regional levels within the timeframe specified in the plan of state statistical surveys for the relevant year, which is approved by CMU.

Apart from that, businesses are legally obliged to apply standard methods and instruments for measurement while gathering data in order to apply for any authorization, consent or permit in the field of environmental protection.

Finally, in accordance with national legislation, the state system (state inspectorate) on environmental control which performs checking the compliance with environmental law, enforcement and bringing to liability, should also apply regulations and standardized methods, tools and instruments for measurement and reporting the data for a proper performing of its functions.

Reporting of environmental data by the authorities in open electronic format is separately regulated through by-laws.

Also the National Forest Inventory which started in 2021 will provide generalized information for strategic planning in the forestry field. The state will receive reliable information on the area of forests, growing stocks, the amount of increment, sanitary conditions, the amount of dead wood. These data are critical to making the right management decisions in particular in the face of climate change. After all, the availability of such data, which will provide objective information about the current state and quality of Ukrainian forests, determines the effectiveness of forestry, forest protection and the formation of a strategic vision of forest development in the future (see CMU Order “On approval of the procedure for conducting the national forest inventory and amending the appendix to the regulation on data sets to be published in the form of open data”, dated April 21, 2021 No. 392-r).

#### **16. What are the provisions relating to public participation (information and consultation) in decision making related to the environment?**

In accordance with the Law “On Environmental Protection”, access to environmental information is guaranteed to the public. Scope of environmental information is specified in legislation and allows access to information on sources of impact on the environment, state of the environment and its factors, environmental threats, disasters, emergencies, authority decisions in the field, environmental protection expenditures, environmental policy documents etc.

The same Law guarantees a specific right to every citizen and environmental NGO to take part in consultations on draft legal acts, plans and programs, as well as to participate in inspections on compliance with environmental legislation (the latest - by means of the instrument of public environmental inspectors).

Specific provisions on public participation in decision-making and public consultations prior to decision-making are ensured by the Law “On Environmental Impact Assessment” (regarding activities likely to have significant environmental impact) and “On Strategic Environmental Assessment” (regarding plans, programmes or policies), as well as by-laws. Also, to ensure implementation of regulations on strategic environmental assessment and public participation in urban space development, appropriate provisions are set in Law No.3038 “On Regulation of Urban-Planning Activities”.

According to the Law “On Environmental Impact Assessment” (EIA), to guarantee the rights of public participation and ensure transparency of the procedure, a single web resource (online

register) joining all EIA cases was launched. The register allows free public access to the information generated in the course of the EIA procedure, including the declaration of the intent by a developer of the project, notification on the launching of an EIA procedure, announcement on the public consultations, the EIA report, any other information which relates to the EIA and was submitted by a the project developer, as well as the EIA decision (conclusion on EIA). All the above mentioned documents are also disseminated by other means (newspapers, local authorities, other publicly accessible facilities) ensuring the public concerned to be effectively informed.

Public participation in decision making is also ensured at higher levels of state governance. With this purpose, CMU has set a Procedure for public consultations on the issues of state policy formulation and implementation (in any social and economic sectors). In accordance with the Procedure, the executive body which drafted a legal act or developed a public policy document, is responsible for public consultations and taking into account their results.

Timelines for public consultations are clearly specified in procedures of environmental impact assessment, strategic environmental assessment, adopting the urban-planning documentation by appropriate laws, as well as in the Procedure for public consultations on the issues of state policy formulation and implementation set by CMU.

**17. Has Ukraine ratified the Aarhus Convention on access to information, public participation and access to justice in environmental matters? Please briefly describe the legislative, regulatory and other measures to implement the provisions of the Convention (and its protocols).**

The Aarhus Convention was ratified in Ukraine by the national Law No.832-XIV on 06.07.99. Provisions of Aarhus Convention are fully implemented in the Laws: No.2939 On Access to Public Information, No.1264 On Environmental Protection, No.2059-VIII On Environmental Impact Assessment, No.2354-VIII On Strategic Environmental Assessment.

Public access to environmental information is guaranteed by the Law “On Environmental Protection”. The scope of environmental information is also specified in the Law and allows access to information on sources of impact on the environment, state of the environment and its factors, environmental threats, disasters, emergencies, authority decisions in the field, environmental protection expenditures, environmental policy documents etc.

Public participation on environmental assessment of projects and in policy-making is guaranteed by the above indicated Law, as well as by Laws “On Environmental Impact Assessment”, “On Strategic Environmental Assessment”, “On Regulation of Urban-Planning Activities”, and by the Procedure for public consultations on the issues of state policy formulation and implementation set by the CMU.

The access to justice in environmental matters is guaranteed by Laws “On Environmental Protection”, “On Access to Public Information”, and “On Public Appeals”, while liability for violation of public rights on the access to information, public participation and related environmental offenses are envisaged by every sectoral law and by the Code of Ukraine on Administrative Offenses.

As to other details on the implementation of provisions of the Convention, please also see answers to questions No.13-14, 16 and 21 of this Chapter.

**18. Has Ukraine ratified the Protocol on Pollutant Release and Transfer Registers (PRTRs) and the Almaty amendment to the Convention on genetically modified organisms? If not, what is the planned timeline for these ratifications?**

Ukraine ratified the Protocol on Pollutant Release and Transfer Registers (PRTRs) in 2016, but the national PRTR system as required by the Protocol has not been established yet. The draft law on National PRTR No. 6477 was registered in the Parliament on 28 DEC 2021. The purpose of the draft Law is to implement the Protocol taking into account the requirements of Regulation No. 166/2006 of the European Parliament, which provides for the establishment of the European Pollutant Release and Transfer Registry, which contains data from national PRTRs of the Parties to the Protocol.

CMU Resolution of 11.10.2021 No. 1065 approved the Regulation on the Unified Ecological Platform "EcoSystem", which was created by MEPR and put into test operation. The united ecological platform "EcoSystem" already contains the module "National Pollutant Release and Transfer of Pollutants", which currently operates as a geographic information system, which provides information on 4000 industrial facilities, which will later become the basis for reporting under the Draft law of Ukraine "On the National Pollutant Release and Transfer of Pollutants".

At the same time, work is underway to develop bylaws and reporting forms for the earliest implementation of the Draft Law.

Ukraine has not ratified the Almaty amendment to the Convention on genetically modified organisms.

**19. Has Ukraine ratified the Espoo Convention on environmental impact assessment in a transboundary context, and, if so, how does it ensure that transboundary consultation is carried out? If not, what is the planned timeline for this ratification?**

Yes, the Espoo Convention was ratified by the national Law No.534-XIV on 19.03.99. Transboundary consultations are carried out in accordance with the Law On Environmental Impact Assessment No.2059 on 23.05.2017. The Law sets the transboundary impact assessment procedure for the Party (State) of origin and for the Affected Party (State). To provide transboundary consultations the competent authority is designated.

If Ukraine is the Party (State) of origin, the competent authority shall notify the affected Party (State) and provide at least 30 days (starting from the date of receipt of the notification by the affected Party) for a reply in regard to the participation in the procedure. Timelines for public consultations in environmental impact assessment are common both for domestic and transboundary procedures: 20 working days for public comments on the scoping of environmental information in the report on environmental impact assessment and, after the report to be prepared and submitted for open access to the public - 25-35 working days for public consultations and public hearings.

**20. Has Ukraine ratified the Protocol on Strategic Environmental Assessment to the Convention on Environmental Impact Assessment in a Transboundary Context? If not, what is the planned timeline for this ratification?**

Yes, the Protocol was ratified by the national Law No.562-VIII on 01.07.2015. According to the Protocol and the *Directive 2001/42/EC* of the European Parliament and of the Council of 27 June 2001 the national Law No.2354 “On Strategic Environmental Assessment” was adopted and entered into force in 2018. The Law No.2354 includes a separate chapter IV on transboundary consultations.

In accordance with the Law No.2354 strategic environmental assessment is carried out in the process of developing of public planning document before its submission for approval.

Public planning documents include: strategies, plans, schemes, urban planning documentation, national programmes, state target programmes and other programmes and program documents, including any modifications to them, subject to adoption by public authority, local self-governance authority;

A strategic environmental assessment shall be carried out for public planning documents in the field of agriculture, forestry, fisheries, energy, industry, transport, waste management, water use, environmental protection, telecommunications, tourism, urban planning and land management (schemes) and implementation of which set the framework for types of activity (or which contain types of activity and projects) that under legislation require an environmental impact assessment, as well as for draft public planning documents which require an assessment in view of the likely effects on sites or objects of the nature-reserve fund or ecological network

There are other legal requirements in Ukraine to ensure public consultations and consultations with other stakeholders (like state executive bodies concerned) on draft legal acts. In particular, to provide public consultations, CMU Resolution No.996 on 03.11.2010 sets appropriate procedure of public consultations in the public policy formulation and implementation.

Second amendment to Espoo Convention has been submitted to the President’s Office for further submission to the Parliament.

**21. Are there provisions ensuring that projects with significant effects on the environment are subject to an environmental impact assessment before they are authorised? Which projects are covered by this legislation? What are the main steps of the national procedure for environmental impact assessment of projects? What environmental considerations are taken into account in this procedure?**

Provisions of the Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment are implemented in the national Law No.2059 On Environmental Impact Assessment and by-laws. In accordance with the Law, activities (projects) specified in the Law, are subject to environmental impact assessment (EIA) before taking the decision on the project development. This provision is harmonized with the appropriate provisions of the EU Directive. Developing a project which according to the Law is subject to EIA without such a procedure is prohibited. The Law also ensures taking of public consultations prior to decision-making on a project.

List of activities (projects) specified in the national law is composed on the basis of Annexes I and II of the Directive and related lists in the ratified international agreements of Ukraine - Aarhus and Espoo Conventions.

Competent authorities are designated separately for the projects listed in Annex I of the Directive and in Annex II.

In accordance with the Law, the main steps of the national procedure for EIA are the next: notification on the planned activities (on a project), scoping (of the research activities and the information to be provided for the environmental impact assessment report), publication of the EIA report, public consultations on the report and project, issuing the EIA conclusion (decision of a competent authority).

The conclusion on EIA procedure (EIA conclusion) is issued by competent environmental authorities which are MEPR and environmental subdivisions of local state administrations. The first category of activities in the national law mostly refers to Annex I of EIA Directive 2011/92/EU and is subject to EIA by a central competent authority (MEPR). In contrast, the second category of activities in the national law mostly refers to Annex II of EIA Directive 2011/92/EU and shall be considered by a regional competent authority that is a local state administration as a state executive body in a certain region. Environmental competent authorities play both administrative and technical roles in EIA (by managing the procedure and providing for technical expertise on assessment). Their responsibilities are exhaustively prescribed in the national Law On Environmental Impact Assessment.

Later, EIA conclusions shall be taken into consideration by any public authorities which are competent to issue a consent on development of a project ((final decision on the development of a project). Development consents are granted by numerous administrative bodies - ministries, state service agencies, local authorities, at the national or local levels. That depends on the economic sector of a project (activities).

According to the law, EIA should consider any effects of planned activities (of a project) for the environment, including effects on the safety of human life and health, flora, fauna, other biodiversity, soils, ambient air, waters, climate, landscapes, natural territories and objects, historical (cultural) heritage and other material assets or on a combination of those factors, as well as effects for cultural heritage sites or socio-economic state that is influenced by transformation of those factors. In addition, the cumulative impact of other facilities and activities should be considered.

## **22. Please briefly describe the activities in which Ukraine takes part under the framework of the European Environment Agency and Eionet.**

The cooperation between EEA and Ukraine has a long-standing history, closely linked to the pan-European "Environment for Europe" process and the implementation of the Shared Environmental Information System (SEIS) concept. The SEIS initiative was launched at a EU level to modernize and simplify the collection, exchange and use of the data and information required for designing and implementing environmental policy that in 2010 was launched in the European Neighborhood region to promote the protection of the environment and the cooperation with the Eastern partnership countries.

The outcome of the "Environment for Europe" 7th Ministerial Conference held in Astana, Kazakhstan (September 2011) and the 8th Ministerial Conference held in Batumi, Georgia (June 2016) highlighted the importance of further implementation and clear commitment towards the Shared Environmental Information System (SEIS) in the whole region. Ukraine feels very strongly

associated with this process and is committed to advance its implementation jointly with the European Environment Agency (EEA) as part of its Association Agreement with the EU, signed in June 2014.

Ukraine has proved to be a stable and reliable partner in the cooperation with EEA, actively taking part in all the activities in the first period (2010-2015) and the second phase (2016-2020) in order to ensure further developing and deepening its links with the EEA and Eionet network.

From the start of the second phase of SEIS project in February 2016, Ukraine has been actively taking part in all project activities according to the agreed thematic work plan covering area of water and production of water quality and quantity indicators; replication of the Corine Land Cover (CLC) methodology; development of air quality methodology in line with EEA activities with its member and cooperating countries; accession to the European Air Quality Index system; development of environmental assessments and State-of-Environment (SoE) report in line with European best practice examples, as well as communicating and opening the environmental information to a range of stakeholders and the public.

Ukraine has maintained a strong interest and commitment in the environmental protection and sharing of environmental information to the interest of sound policy-making and protecting the citizens. Progress made towards the production and sharing of the full set of UNECE environmental indicators.

Ukraine is interested in taking forward its commitment towards getting closer to EU and EEA and delivering data to EEA in light of its EU reporting obligations based on the model of Eionet countries. This in the next period would underpin the negotiations under the environmental Chapter 27 of the acquis and Ukraine's aspiration to become a more established and recognised partner of the EEA/Eionet network.

**23. What is the legal framework for prevention and remediation of environmental damage (beyond civil liability in cases such environmental damage affects human health and property)? What is the common standard of liability when it comes to damage caused to the environment (strict or fault based)?**

National Law On Environmental Protection sets principles and measures to prevent the adverse effects of economic and any other activities on the environment, to ensure environmental safety, to comply with environmental requirements in the designing, allocating of manufactures, construction and operation of economic facilities and to compensate the environmental losses and damage caused. To ensure compliance and enforcement of businesses and public authorities with environmental regulations, the Law designates responsible competent authority.

Apart from this, the Law stipulates that environmental damage which has already happened must be compensated in full as prescribed by national legislation. Compensation for losses and damage caused by environmental offenses should be offset separately to the State, to legal persons and to individuals.

Legislation sets disciplinary, civil, administrative and criminal liability for environmental offenses. Standards of liability are quite different: administrative liability is in the form of fines and compensation, while criminal liability - in the form of restriction of liberty, imprisonment, deprivation of the right to hold certain official positions or conduct specific activities or a fine.



Current legislation sets liability for such environmental damage to the State as air and water pollution, land degradation and pollution, losses or damage to valuable animals or plant species, violation of nature protected regime, damage to forests, to greenery in settlements, violation of waste management regulations, losses to fishery, carrying out activities without Environmental Impact Assessment or other permits, etc.

In addition, horizontal legislation in the field of environmental protection (namely, every single law) specifies an extensive list of measures on environmental safety, natural resource management and wildlife protection, that businesses and other legal persons and individuals must comply with in order not to be prosecuted. The measures carry primarily preventive character, namely they are aimed to prevent pollution, losses, damage and degradation.

Environmental offenses to be subject for administrative liability, as well as types or sizes of such liability are specified in the Code of Ukraine on Administrative Offenses. Liability for environmental offenses may be either directly and strictly determined in the Code, or calculated based on the volume of environmental losses and damage in a particular case. For example, illegal use of lands of the state forest fund is prosecuted by means of a fine rate that is directly specified in the Code. On the other hand, the damage caused to forests in the case of waste pollution, should be calculated in every specific case, in accordance with a separate legal act, and depends on the volume of offenses and forest quantitative and qualitative parameters.

Valuation of environmental losses and damage caused to the State is the competence of the State Environmental Inspectorate. It can issue a fine which could be paid by a company on a voluntary basis, otherwise, the Inspectorate shall submit a claim to the court.

While imposing the liability, the State Environmental Inspectorate shall be guided by a number of regulations which specify types of environmental losses and damage and their nominal monetary values. In particular, the Methodology on calculating the compensation for damages caused to the State by offenses in the field of water protection is applied to calculate compensation for such types of damage like water pollution by polluted wastewater, and by oil or petroleum products, and in both cases the calculation of compensation is provided in monetary form. On the other hand, other regulations on compensation for biodiversity losses set a list of animal and plant species under national protection and relevant fees for their illegal extraction, extermination or damage to specimens, their nests, housing etc. Based on those fees the total amount of compensation should be calculated.

With the purpose to strengthen state control over compliance with environmental regulations, increase liability for environmental offenses, strengthen the institutional capacity of the state competent body, a draft law On State Environmental Control is currently under consideration in the national parliament.

As to provisions of the Directive 2004/35/EC of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage, as well as the Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law - those Directives are not implemented in Ukraine, no analysis concerning the implementation of their provisions into the national legislation was conducted.

**24. What is the legal framework on detection, prosecution and sanctioning of breaches of environmental law? What type of offences can be addressed by criminal law and what criminal sanctions are available against natural and legal persons? Please describe briefly the relevant system in place.**

Detection, prosecution and sanctioning of breaches of environmental law are competencies of the State Environmental Inspectorate (hereinafter SEI). SEI is the state body that is competent to ensure compliance and enforcement with environmental regulations. SEI acts in accordance with the Law On the Basic Principles of State Supervision (Control) in the Field of Economic Activity which is common for most state bodies competent to ensure state control and inspections, and the Law On Environmental Protection that prescribes the SEI powers and competencies. SEI provides scheduled inspections and raids (unscheduled inspections). Inspections include site visits of the facilities which are subject to state environmental control (namely, those facilities operate under specific permits issued in the field of environmental protection or otherwise fall under criteria of environmental risk), checking the consent documentation that must be available, checking compliance with the requirements of environmental safety, sampling and measurements of environmental parameters, inspecting tools and vehicles applied in natural resource management etc. If the SEI defines a violation of environmental regulations, it can issue a protocol on administrative offenses, consider a lawsuit on environmental offense (for minor offenses) or submit it to the court, issue imperative instructions to terminate violations of environmental regulations, impose administrative sanctions, claim to the court on compensation for environmental losses and damage caused to the State. If the environmental offense is of a criminal nature (which is defined under the Criminal Code of Ukraine) then the SEI involves the police and the state prosecutor. Liability for environmental offenses specified in the Code of Ukraine on Administrative Offenses and the Criminal Code of Ukraine is imposed only on physical persons (individuals) and officials of the facilities. Legal persons are enforced to get compliant with environmental regulations and to compensate for environmental losses and damage caused to the State.

Sanctions for breaches of environmental law are envisaged in sectoral laws in the environmental legislation and specified in the Code of Ukraine on Administrative Offenses and Criminal Code of Ukraine. Please, see more details in the response to the question No.23.

National legislation envisages criminal liability for criminal offenses against the environment, as well as for ecocide. The Criminal Code of Ukraine of April 5, 2001, No. 2341-III, has a separate section devoted to criminal punishment for violating environmental legislation.

The Criminal Code determines the composition (content) of criminal offenses and sanctions for them. It sets few types of sanctions for environmental crimes (see also a table below):

- restriction of liberty,
- imprisonment,
- deprivation of the right to occupy certain positions or engage in certain activities,
- fine,
- arrest,
- community service,
- confiscation of property.

Environmental crimes	Type of sanctions				
	Restriction of liberty (years)	Imprisonment (years)	deprivation of the right to occupy official positions or carry specific activities (years)	Fine (times of tax-free minimum income)	Others
Section VIII. CRIMINAL OFFENSES AGAINST THE ENVIRONMENT					
Article 236. Violation of environmental safety regulations	-	5-10	+ up to 3	-	-
Article 237. Not eliminating pollution of the environment	[or] up to 5	[or] up to 5	+ up to 3	-	-
Article 238. Concealment or false information on the state of environment or state of population diseases (part 1)	-	-	[or] up to 3 or without this sanction	[or] 1,000 - 4,000	-
(part 2)	[or] 2-5	[or] 2-5	+ up to 3	-	-
Article 239. Contamination or deterioration of lands (part 1)	-	-	[or] up to 3	[or] 1,000 - 4,000	-
(part 2)	[or] 2-5	[or] 2-5	+ up to 3 or without this sanction	-	-
Article 239-1. Illegal possession of soil cover (fertile surface layer) of land (part 1)	[or] up to 3	-	+ up to 3	[or] 1,000 - 3,000	-
(part 2)	[or] 2-5	[or] 2-5	+ up to 3	-	-

(part 3)	[or] 3-5	[or] 3-5	+ up to 3	-	-
Article 239-2. Illegal possession of the water fund lands in a especially large scale (part 1)	[or] up to 3	-	+ up to 3	[or] 1,000 - 3,000	-
(part 2)	[or] 2-5	[or] 2-5	+ up to 3	-	-
(part 3)	[or] 3-5	[or] 3-5	+ up to 3	-	-
Article 240. Violation of regulations on the protection and use of mineral resources (part 1)	[or] up to 2	[or] up to 2	-	[or] 500-800	-
(part 2)	[or] up to 3	[or] up to 3	-	[or] 3,000 - 5,000	-
(part 3)	-	3-6	-	-	-
(part 4)	-	5-8	-	-	-
Article 240-1. Illegal extraction, sale, acquisition, transfer, shipment, transportation, processing of raw amber (part 1)	[or] 2-3	[or] 2-3	-	[or] 3,000 - 10,000	-
(part 2)	-	4-7	-	-	+ confiscati on of property
(part 3)	-	5-8	-	-	+ confiscati on of property

Article 241. Ambient air pollution (part 1)	[or] up to 3		+ up to 3 or without this sanction	[or] 1,800 - 3,600	-
(part 2)	[or] 2-5	[or] 2-5	+ up to 3 or without this sanction	-	-
Article 242. Violation of regulations on water protection (part 1)	[or] up to 5	-	[or] up to 5	[or] 1,000 - 5,000	-
(part 2)	[or] up to 5	[or] up to 5	-	-	-
Article 243. Marine environment pollution (part 1)	[or] up to 3	[or] up to 3	+ up to 3 or without such	[or] 300-800	-
(part 2)	-	2-5	+ up to 3 or without this sanction	-	-
(part 3)	[or] up to 3	[or] up to 3	+ up to 5 or without this sanction	[or] 1,000 - 5,000	-
Article 244. Violation of regulations on the continental shelf of Ukraine (part 1)	[or] up to 3	[or] up to 2	-	[or] 1,000 - 4,000	-
(part 2)	-	-	-	[or] 2,000 - 5,000	[or] arrest for up to 6 months
Article 245. Destruction or impairment of plant cover (part 1)	[or] 2-5	[or] 2-5	-	[or] 5,400 - 9,000	-
(part 2)	-	5-10	-	-	-

Article 246. Illegal logging or illegal transportation, storage, and sale of timber (part 1)	[or] up to 3	[or] up to 3	-	[or] 1,000 - 1,500	[or] arrest for up to 6 months
(part 2)	[or] 3-5	[or] 3-5 (part 2)	-	-	-
(part 3)	[or] 3-5	[or] 3-5	-	[or] 1,500 - 2,000	-
(part 4)	-	or 5-7	-	-	-
Article 247. Violation of regulation on the plants protection chemicals	[or] up to 2	-	-	[or] up to 100	[or] public works 120-200 hours
Article 248. Illegal hunting (part 1)	[or] up to 3	-	-	[or] 1,000 - 3,000	[or] public works 160-240 hours
(part 2)	[or] up to 5	[or] up to 5	-	[or] 200-400	-
Article 249. Illegal fishing or hunting or any other activities for extraction of resources in waters (part 1)	[or] up to 3	-	-	[or] 1,000 - 3,000 (	-
(part 2)	[or] up to 3	[or] up to 3	-	[or] 3,000 - 5,000	-
Article 250. Blasting activities violating fishery protection regulations	[or] 2-5	[or] up to 3	-	[or] 1,000 to 4,000	[or] arrest for up to 6 months
Article 251. Violation of veterinary regulations	[or] up to 3	[or] up to 3	[or] up to 5	[or] 1,000 to 4,000	-

Article 252. Purposed destruction or impairment of the territories under the state protection and sites of nature protected fund (part 1)	[or] up to 3 (part 1)	-	-	[or] 1,000 - 3,000	-
(part 2)	-	2-15	-	-	-
Article 253. Designing or operation of facilities without systems of environmental protection (part 1)	-	-	+ up to 3	1,000 - 3,000	-
(part 2)	[or] 3-5	[or] up to 5	-	-	-
Article 254. Wasteful use of lands (part 1)	[or] up to 2		+ up to 3 or without such	[or] 1,000 - 3,000	
(part 2)	[or] up to 3	[or] up to 3	+ up to 3	[or] 7,000 - 10,000	-
(part 3)	[or] 3-5	[or] 3-5	+ up to 3	-	-
(part 4)	-	5-7	+ up to 3	-	-
Chapter XX. CRIMINAL OFFENSES AGAINST PEACE, SECURITY OF HUMANS AND INTERNATIONAL LAW					
Article 441. Ecocide	-	8-15	-	-	-

The subjects of criminal liability for environmental offenses in Ukraine are individuals. In general, the Criminal Code envisages criminal liability for legal entities, but not in cases of environmental crimes. Over the last 5 years, the State Environmental Inspectorate opened 250-600 criminal proceedings per year, which is 13-35% of all lawsuits submitted by the Inspectorate to the court per year.

The Code of Ukraine on Administrative Offenses sets administrative liability and includes a separate Section in the field of environmental protection, use of natural resources and protection of cultural heritage. Under the Code, officials of legal entities and individuals (physical persons that are business entities) are subject to administrative liability. For instance, the Code envisages sanctions for ambient air and water pollution, contamination and deterioration of agricultural and other lands,

losses or damage to animals and plants under protection, violation of regulations on land and water management and protection, waste management, fishery, greenery in settlements, management and protection of plants, animals, forests and nature protected areas, on regulations in the field of environmental impact assessment and other consent procedures.

**25. Regarding spatial data, what are the legislation, implementing capacity and infrastructure developed in line with the INSPIRE directive? Are spatial datasets shared between public authorities and with the public? What arrangements are in place to make such data accessible, user-friendly, comparable, interoperable?**

The Law of Ukraine of 13.04.2020 No. 554-IX "On the National Infrastructure of Geospatial Data" defines the legal and organizational principles of creation, operation and development of the national infrastructure of geospatial data, aimed at ensuring effective decision-making by public authorities and local governments, meeting the needs of society in all types of geographic information, integration into global and European geospatial data infrastructures.

Geospatial data are divided into basic geospatial data and thematic geospatial data. Basic geospatial data are information on: reference and altitude reference systems; state border of Ukraine; administrative-territorial units, including their borders; territorial communities, including the boundaries of their territories; hydrographic objects and hydraulic structures; settlements, including their street and road network; buildings and structures; highways; railways; engineering communications; airports, sea and river ports; land cover and soils; ground section; street registers and addresses of objects; geographical names; digital terrain model; orthophotos. Thematic geospatial data includes all types of geospatial data created on the basis of basic geospatial data or as independent data sets.

CMU Resolution of 26 May 2021 No. 532 determined the Procedure for the functioning of the national geospatial data infrastructure, which determines the mechanism of organization of production, updating, processing, storage, publication, visualization, supply and use of geospatial data and metadata, other activities. related to them, and sets requirements for the production, upgrade, processing, storage, supply and use of geospatial data of the national geospatial data infrastructure. This procedure determines:

- composition of basic geospatial data and geospatial data;
- executive authorities, local governments and other holders responsible for creating and updating geospatial data and metadata;
- organization of production, updating, processing, storage, publication, visualization, use of geospatial data and metadata, other activities with them.

Basic geospatial data should not contain information that is a state secret and other information to which access is restricted in accordance with the law (information with limited access). Metadata contains background information on the composition, structure, quality, territorial coverage, functions, conditions of use of geospatial data and services and may contain other background information. The data holder is responsible for the reliability, completeness, accuracy and relevance of geospatial data and metadata.



Users have access to geospatial data and metadata through geoportals of data holders and the official website of the national geospatial data infrastructure.

The central executive body, which implements the state policy in the field of national geospatial data infrastructure, provides users with access to geospatial data and metadata of the national geospatial data infrastructure through the national geoportal. In June 2021, the geoportal of the National Geospatial Data Infrastructure (<https://nsdi.gov.ua>) was put into trial operation, which provides for the possibility of full integration of geospatial data on resources, including land, water, forests and other natural resources, as well as infrastructure, data on engineering networks and roads of Ukraine. The portal is currently under trial operation[1].

Intellectual property rights to the national geoportal belong to the state in the person of the central executive body that implements state policy in the field of national geospatial data infrastructure.

The following network services are created and operate within the national geoportal and geoportals of executive bodies and local self-government bodies:

- search services that provide detection of geospatial data and metadata;
- geospatial data and metadata viewing services;
- services for access to geospatial data and metadata, including data download forms and application programming interfaces;
- geospatial data conversion services in order to achieve interoperability;
- other services for geospatial data and metadata activities, including administrative services.

The administrator of the national geoportal is a state unitary enterprise, which is determined by the central executive body that implements the state policy in the field of national geospatial data infrastructure, and belongs to the sphere of its management, authorized to perform functions integration of geospatial data from data producers. According to the order of the State Geocadastre of 28.01.2021 No. 47, the administrator of the national geoportal is the state enterprise "Research Institute of Geodesy and Cartography".

Geoportal network services are created and developed based on user suggestions, ensuring their ease of operation on the Internet on the basis of common web browsers and editors, without the need for specially designed technology and software, around the clock without restrictions.

Access to geospatial data and metadata of executive authorities and local governments is provided free of charge to all users, unless otherwise provided by law. Executive authorities and local governments, legal entities under public law, natural monopolies are obliged to publish on the Internet all geospatial data and metadata, except for data related to information with limited access.

If the executive body or local government body, legal entity under public law, natural monopoly entity does not have its own geoportal, it has the right to apply to any other geoportal holder according to its sectoral or territorial coverage to publish such geospatial data, metadata and, if agreed, to perform other actions with them.

Officials of executive and local self-government bodies, legal entities under public law, and natural monopolies shall be administratively liable for non-disclosure of geospatial data and metadata, which are required by law to be made public.

Reducing the volume and / or reducing the quality of geospatial data and metadata available to the executive and local self-government bodies for their publication on the Internet is not allowed. If the geospatial data of the executive or local government, legal entity under public law, the subject of natural monopoly are available in a form that allows them to display in vector form, these bodies ensure the publication of such data on the Internet in vector form.

Monitoring of the functioning and development of the national geospatial data infrastructure is carried out by the central executive body that implements the state policy in the field of the national geospatial data infrastructure.

The Council on the National Geospatial Data Infrastructure has been established under the CMU, which is a collegial advisory body and has an advisory function on the formation and implementation of state policy in the field of national geospatial data infrastructure. The National Geospatial Data Infrastructure Council consists of representatives of public authorities, local governments, legal entities and specialists with authority and / or experience in geospatial data and metadata.

Regulations on the National Geospatial Data Infrastructure Council and its composition were approved by CMU Resolution of 9 September 2020 No. 812. The responsibilities of the National Geospatial Data Infrastructure Council include:

- development and submission to CMU of proposals in the field of national geospatial data infrastructure;
- helping to reduce duplication of geospatial data and metadata in different data holders;
- consideration of the annual report on the functioning and development of the national geospatial data infrastructure;
- promoting the development of information interaction between data holders.

Order of the Ministry of Agrarian Policy and Food of Ukraine dated November 10, 2021 No. 347 (registered with the Ministry of Justice of Ukraine on January 12, 2022 on No. 21/37357) approved Technical requirements for metadata for geospatial data sets and geographic information services of the national geospatial data infrastructure. These Technical Requirements are harmonized with Commission Regulation (EC) No. 1205/2008 of 3 December 2008 implementing Directive 2007/2/EC of the European Parliament and the Council as regards metadata taking into account the latest version of the international standard ISO 19115-1:2014 "Geographical information. Metadata. Part 1 – Fundamentals".

## **B. Air Quality**

**26. Does Ukraine legislation set air quality limit values or target values exist for concentration levels of specific atmospheric pollutants emissions and concentrations? If so, for which pollutants and what are these values?**

The air quality limit and target values are set in the procedure for state monitoring in the field of air protection, approved by CMU Resolution of 14 August 2019 No. 827. The procedure sets air quality limit and target values corresponding to those set in the Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe and

Directive 2004/107/EC of the European Parliament and of the Council of 15 December 2004 relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air:

Annex 2 to the procedure for state monitoring in the field of air protection, approved by the resolution of the Cabinet of Ministers of Ukraine of August 14, 2019 N 827

### III. Limit values of pollutants

Averaging period	Limit value	Margin of tolerance, percent
Sulfur dioxide		
One hour	350 µg/m <sup>3</sup> , not to be exceeded more than 24 times a calendar year	150 µg/m <sup>3</sup> (43 percent)
One day	125 µg/m <sup>3</sup> , not to be exceeded more than 3 times a calendar yea	none
Nitrogen dioxide and nitrogen oxides		
One hour	200 µg/m <sup>3</sup> , not to be exceeded more than 18 times a calendar year	0
Calendar year	40 µg/m <sup>3</sup>	0
Benzene		
Calendar year	5 µg/m <sup>3</sup>	0
Carbon monoxide		
Maximum daily eight hour mean	10 mg/m <sup>3</sup>	60
Lead		
Calendar year	0,5 µg/m <sup>3</sup>	100
PM10		

One day	50 µg/m <sup>3</sup> , not to be exceeded more than 35 times a calendar year	50
Calendar year 40 µg/m <sup>3</sup>	Calendar year 40 µg/m <sup>3</sup>	20
PM <sub>2,5</sub>		
STAGE 1		
Calendar year	25 µg/m <sup>3</sup>	20
STAGE 2 (applied after reaching the values of the stage 1)		
Calendar year	20 µg/m <sup>3</sup>	0

#### IV. Other levels of pollutants used for ambient air quality assessment

Name of the level of pollutant	Pollutant	Objective	Averaging period	Numerical expression of the level	Note
Target value	Arsenic		calendar year	6 ng/m <sup>3</sup>	
	Cadmium			5 ng/m <sup>3</sup>	
	Nickel			20 ng/m <sup>3</sup>	
	Benzo(a)pyrene			1 ng/m <sup>3</sup>	
	PM <sub>2,5</sub>			25 µg/m <sup>3</sup>	

	ozone	Protection of human health	Maximum daily eight-hour mean <sup>-4</sup>	120 µg/m <sup>3</sup> not to be exceeded on more than 25 days per calendar year averaged over three years <sup>-5</sup>	
		Protection of vegetation	May to July	AOT40 <sup>-6</sup> (calculated from 1 h values) 18 000 µg/m <sup>3</sup> · h averaged over five years <sup>-4</sup>	
Long-term objective	ozone	Protection of human health	Maximum daily eight-hour mean within a calendar year	120 µg/m <sup>3</sup>	
		Protection of vegetation	May to July	AOT40 (calculated from 1 h values) 6 000 µg/m <sup>3</sup> · h	

Other air quality limit values in Ukraine are maximum permissible concentrations of chemicals and biological substances in the air of populated areas, approved by the Order of the Ministry of Health of Ukraine 14 January 2020 No. 52. The order provides for maximum permissible concentrations of 516 chemicals and biological substances in the air of populated areas. The translation of the text of the Order in English is provided in the Annex 1 to the Questionnaire.

**27. What is the relationship of the above with the WHO Global Air Quality Guidelines, notably in the context of the European Green Deal and Zero Pollution Action Plan objectives?**

Air quality limit and target values provided for in The procedure for state monitoring in the field of air protection, approved by CMU Resolution of 14 August 2019 No. 827 correspond to those set in the Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe and Directive 2004/107/EC of the European Parliament and of the Council of 15 December 2004 relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air.

In the context of the European Green Deal and Zero Pollution Action Plan, providing for alignment of the EU Air Quality limit values with the newest WHO recommendations, air quality limit and target values set in Ukrainian legislation are less strict than limit values recommended by the WHO global air quality guidelines (2021) for particulate matter (PM<sub>2.5</sub> and PM<sub>10</sub>), ozone, nitrogen dioxide, sulfur dioxide and carbon monoxide.

**28. Is there a national programme for monitoring air quality? If yes, is information made available to the public?**

The procedure for state monitoring in the field of air protection, approved by CMU Resolution of the of 14 August 2019 No. 827, provides for the adoption of the state monitoring program in the field of air protection for each zone and agglomeration in Ukraine for 5 years. The monitoring program shall include, inter alia:

- information on the air quality monitoring network and air quality chemical laboratories in the relevant zone or agglomeration;
- the list of pollutants, methods of measurement and assessment on the monitoring network and the established assessment regime for the list of priority pollutants;
- information on planned measures to establish observation stations and / or improve existing air quality monitoring networks;
- stages, mechanism and deadlines for planned activities.

Draft programs shall be considered by the commissions on state monitoring in the field of air protection and air quality management in the relevant zones and agglomerations, on the basis of consideration the commission provides its opinion to the draft programme.

Air quality management bodies in zones and agglomerations shall publish the approved programs within five working days of its approval.

Currently the responsible authorities in zones and agglomerations have developed or approved programs for the period of 2021-2025 (for some zones and agglomerations - for the period of 2022-2026). There is no national programme for monitoring air quality for the moment.

Currently there are systems of different governmental and local authorities (air quality management bodies), responsible for air quality monitoring, designed to display information on air quality monitoring. The aggregate information on air pollution is published on the website of Central Geophysical Observatory.

**29. What is the state of play regarding: the monitoring system, its maintenance and calibration, data collection, processing and reporting?**

The Ukrainian national air quality monitoring network is operated by the Ukrainian HydroMeteorological Center (hereinafter UHMC) - a state institution within the structure of the State Emergency Service of Ukraine. As of January 2022 UHMC monitoring network consisted of 129 monitoring stations in 39 cities, the chemical composition of precipitation was monitored at 37 meteorological stations.

The measured compounds include: total suspended particles (TSP), sulphur dioxide (SO<sub>2</sub>), soluble sulfate (SO<sub>4</sub><sup>2-</sup>), carbon monoxide (CO), nitrogen dioxide (NO<sub>2</sub>), nitric oxide, ammonia (NH<sub>3</sub>), hydrogen sulfide (H<sub>2</sub>S), phenol (C<sub>6</sub>H<sub>5</sub>OH), formaldehyde (HCHO), hydrogen fluoride (HF), hydrogen chloride (HCl), cadmium (Cd), lead (Pb), chrome (Cr), manganese (Mn), iron (Fe), nickel (Ni), copper (Cu), aniline (C<sub>6</sub>H<sub>5</sub>NH<sub>2</sub>) and soot. The UHMC monitoring network comprised the air quality stations and 17 laboratories of air pollution observations for collecting and analysis of the

samples. Tools and equipment of the monitoring system are certified in accordance with the requirements of the Law of Ukraine "On Metrology and Metrological Activity".

According to the results of the assessment made under the Support for determination of zones and agglomeration for air quality monitoring and management in Ukraine (Harri Pietarila, Finnish Meteorological institute. Support for the for the Implementation of EU-Ukraine Association Agreement (EuropeAid/137074/DH/SER/UA)):

- UHMC observation posts are equipped with devices for air sampling and determination of meteorological parameters using the old post-Soviet standards and methodologies;
- the instrumentation both in the monitoring stations and in the laboratory is generally old, not fulfilling the requirements of EU Directives Fine particulates PM10 and PM2,5 and Ozone (O3) is not included at all in the UHMC measurement programme;
- current UHMC chemistry laboratory facilities will need a significant updating to ensure good quality information of the pollution measured with sampling methodologies.

In addition to the UHMC network there are a number of local networks in Ukraine - in Donetsk, Dnipropetrovsk, Kyiv zones, agglomerations of Kyiv, Dnipro, Mariupol, Kryvyi Rih. Local networks include modern automated monitoring stations using reference methods for fixed measurements defined in the Directive 2008/50/EU.

According to the results of the assessment made under the Support for determination of zones and agglomeration for air quality monitoring and management in Ukraine (Harri Pietarila, Finnish Meteorological institute. Support for the for the Implementation of EU-Ukraine Association Agreement (EuropeAid/137074/DH/SER/UA)), the current quality control and quality assurance procedures related to the air quality measurements in Ukraine are not adequate: the EU reference methods are not in use and the concepts such as reference methods and/or demonstration of equivalence, regular field calibrations and data validation are not fully included in the current operations. Specific independent unit required also by the EU air quality directives, i.e. reference/calibration laboratory (National Air quality Reference Laboratory (NRL)) is not established in Ukraine to ensure representativeness and traceability of the collected data.

Data processing in the State Emergency Service of Ukraine system is carried out using the software of the workstation "Aerochemistry". Every week the information on the average daily pollutants levels in cities, where UHMC stations are operated, is sent to MEPR. The national database for the collection, processing and reporting of air quality in Ukraine has not been established yet. In February 2022, MEPR published the draft order "On approval of the Procedure for the creation and operation of information and analytical data system on air quality" establishing the requirements to the air quality information system on the national level and in zones and agglomerations, as well as the regulation on the information on the air quality exchange.

**30. Are there national, regional or local programmes or strategies or plans for reducing emissions and concentration levels of atmospheric pollutants, and if so, for which pollutants?**

On the national level there is the Concept of implementation of state policy in the field of industrial pollution, approved by CMU order of 22 May 2019 No. 402-r and the Action Plan for the implementation of the Concept, approved by CMU order of 27 December 2019 No. 1422-r. The goal

of Concept and the Action Plan is the reduction of the industrial pollution in Ukraine through the introduction of the integrated permission system in Ukraine, based on the Directive 2010/75/EU provisions.

There is also the National Emission Reduction Plan of Major Pollutants from the Large Combustion Plants (hereinafter - NERP), approved by CMU order of 8 November 2017 No. 796-r. The NERP was approved to meet Ukraine's commitments under the provisions of the Treaty establishing the Energy Community and its annexes.

On the local and regional levels there are programs to reduce emissions into atmospheric air as a part of the large-scale plan for environmental protection.

According to the procedure for state monitoring in the field of air protection, approved by CMU Resolution of 14 August 2019 No. 827 in order to transpose provisions of the Directive 2008/50/EC and Directive 2004/107/EC, for zones and agglomerations where the level of air pollutants exceeds one of the limit values or one of the targets, as well as the margin of tolerance, for each case the air quality management bodies shall develop and approve plans to improve air quality. If there is a threat of exceeding one or more alert thresholds in the zone or agglomeration, the air quality management authorities shall develop and approve short-term action plans. So far, there is not enough data that comply with the requirements of the procedure to discover instances when limits are being exceeded, and target values of pollutants in zones and agglomerations. The procedure for the state monitoring in the field of air protection requires the air quality management bodies to publish approved air quality plans within five working days of their approval and short-term action plans within 24 hours of their approval.

**31. Are there requirements to prepare and publish air pollutants emission inventories, emission projections and national targets for air pollution emission reduction over time?**

Currently, there is no requirement to publish air pollutants emission inventories and emission projections under the Ukrainian legislation.

The national exposure reduction target for PM<sub>2,5</sub> is set in the procedure for state monitoring in the field of air protection, approved by CMU Resolution of 14 August 2019 No. 827. There are currently no national targets for other pollutants in the Ukrainian legislation.

MEPR developed the draft law on the National Register of Emissions and Transfer of Pollutants to comply with its obligations under the UNECE Protocol on Pollutant Release and Transfer Registers (PRTRs). According to the article 15 of the draft law, the data contained in the register is among information on the state of the environment (ecological information) and the competent authority shall provide free public access to the register data (except for information with limited access in accordance with part three of Article 13 of the Law of Ukraine "On Information") on the Unified State Open Data Web Portal and on its website, including the ability to view, copy and print data, as well as by regularly publishing the register data in the form of open data -organized in a format that allows its automated processing by electronic means (machine reading) for reuse. The draft law was registered in VRU on 28 December 2021 as No. 6477.



**32. What arrangements are in place to control Volatile Organic Compound (VOC) emissions from different sources including petrol storage and distribution, the use of solvents by industry and from the use of paints and varnishes?**

Regulation of volatile organic compounds emissions is carried out in accordance with the Order of the Ministry of Environment dated 27.06.2006 No. 309 "On Approval of Normatives of maximum permissible emissions into the atmospheric air from stationary sources", registered by the Ministry of Justice on 01.08.2006 No. 912/12786.

At the same time, Ukraine is in approximation process of Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control), the implementation of which is Ukraine's commitment in the framework of the Association Agreement between Ukraine, on the one hand, and the European Union, the European Atomic Energy Community and their Member States, on the other hand (hereinafter referred to as the Association Agreement), in particular the implementation of Annex VII "Technical provisions on installations and activities that use organic solvents".

The Association Agreement also provides for the implementation of Directive 94/63/EC on the control of emissions of volatile organic compounds (VOCs) resulting from the storage of petrol and its distribution from terminals to service stations, as amended by Regulation (EC) 1882/2003 and (EU) 1137/2008.

**33. What is the state of ratification and implementation of the UNECE Convention on Long Range Transboundary Air Pollution and its various protocols?**

The Convention on Long-range Transboundary Air Pollution (hereinafter referred to as the Convention) was adopted in Geneva in 1979 and entered into force for Ukraine on March 16, 1983. Ukraine is a party of the Convention.

Documents under the Convention to which Ukraine is a party and those which are under consideration or in preparation for ratification by Ukraine:

**a) Protocol on the financing of the Joint Program for the Monitoring and Evaluation of the Long-range Transmission of Pollutants in Europe (EMEP) of the Convention:**

**date of signing by Ukraine:** September 28, 1984;

**date of ratification by Ukraine:** Resolution of the Council of Ministers of the Ukrainian SSR on 15.07.1985 No. 271,

**acceptance** - 30.08.1985;

**date of entry into force of the agreement:** entered into force for Ukraine on January 28, 1988.

In order to fulfill Ukraine's international obligations under the Convention, the preparation of information under the EMEP Protocol to the Steering Body of the Joint Program for Monitoring and Evaluation of Long-Range Air Pollutants in Europe and the Review of Air Protection Strategy and Policy is ensured;

**b) Protocol on the reduction of sulfur emissions or their transboundary flows by at least 30%:**

**date of signing by Ukraine:** July 9, 1985;

**date of ratification by Ukraine:** Resolution of the Council of Ministers of the Ukrainian SSR of August 12, 1986 No. 282,

**acceptance** - October 2, 1986;

**date of entry into force of the agreement:** entered into force for Ukraine on September 2, 1987.

**c) Protocol on the Limitation of Emissions of Nitrogen Oxides or their Transboundary Flows:**

**date of signing by Ukraine:** November 1, 1988;

**date of ratification by Ukraine:** Resolution of the Council of Ministers of the Ukrainian SSR of June 3, 1989 No.153,

**acceptance** - July 24, 1989;

**date of entry into force of the agreement:** entered into force for Ukraine on February 14, 1991.

**d) Protocol on the Reduction of Sulfur Emissions, Oslo, 1994 (not ratified):**

**date of signing by Ukraine:** June 14, 1994.

**e) Geneva Protocol on the Limitation of Emissions of Volatile Organic Compounds or their Transboundary Fluxes, Geneva, 1991 (not ratified):**

**date of signing by Ukraine:** 19.11.1991.

**f) Protocol on heavy metals (not ratified):**

**date of signing by Ukraine:** June 24, 1998.

**g) Protocol on Persistent Organic Pollutants (not ratified):**

**date of signing by Ukraine:** June 24, 1998.

**h) Gothenburg Protocol to Abate Acidification, Eutrophication and Ground-level Ozone, Sweden, 1999 (not signed, not ratified).**

In 2016, Ukraine ratified the **Protocol on Pollutant Release and Transfer register** (hereinafter referred to as the Protocol) to the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, 1998 (Aarhus Convention) where Ukraine is a party (Law of Ukraine of February 3, 2016 No. 980-VIII), with further implementation and adoption of relevant legislation.

MEPR has developed a Draft Law of Ukraine "On the National Pollutant Release and Transfer Register", which passed a procedure of approval by other central authorities of Ukraine and public discussion. On 23.12.2021, it was approved by the Government and registered in VRU on 28.12.2021 as a Draft Law No. 6477.

The purpose of the draft Law is to implement the Protocol taking into account the requirements of Regulation 166/2006 of the European Parliament, which provides for the establishment of the European Pollutant Release and Transfer Register, which contains data from national PRTRs of the Parties to the Protocol.

## C. Waste Management

**34. What are the main features of the legislation concerning waste management (including household waste, waste from consumer goods, packaging waste and waste from electric and electronic equipment, batteries, end-of-life vehicles, end-of-life ships, PCB/PCT, industrial waste including hazardous waste, construction and demolition waste, plastic waste, sludges from urban waste water treatment and other waste from specific activities)? Does Ukraine intend to apply the European List of Waste?**

Legislation in the sphere of waste management is represented by the Law of Ukraine "On Waste" No. 187/98-BP, adopted in 1998 (with further updates) and bylaws.

The law contains requirements for environmentally safe waste management, determines the powers of government and local self-government authorities, rights and responsibilities of waste owners and waste management operators, measures for the prevention of waste generation, sets requirements for state accounting of waste, information provided to the public and the need to obtain permits and licenses for conducting waste management operations, regulates transboundary waste movement.

Household waste management is regulated by the Article 35<sup>1</sup> of the Law of Ukraine "On Waste" that stipulates the requirements toward household waste management and the Article 25 of the Law "On Housing and Communal Services" No. 2189-VIII, that defines requirements to household waste management as a utility service. Waste from consumer goods, packaging waste, waste of electric and electronic equipment, batteries, and accumulators from households are considered as household waste.

Household waste management is a utility service, provided by communal or private waste management entities under an agreement concluded with a local self-government authority through open procurement procedures. Service provision is regulated by several Resolutions of the Cabinet of Ministers of Ukraine, in particular "On approval of the Procedure for setting tariffs for household waste removal services" of July 26, 2006 No. 1010, "On approval of the Rules for providing household waste removal services" of December 10, 2008 No. 1070, "Issues of providing services for the removal of household waste" (on the competitive selection of contractors for the removal of household waste) from November 16, 2011 No. 1173.

Separate collection of household waste is regulated and provided in accordance with the Methodology of Separate Collection of Household Waste, approved by the Order of the Ministry of Regional Development, Construction and Housing of Ukraine 01.08.2011 No. 133.

Waste of electric and electronic equipment, waste batteries and accumulators are considered as hazardous waste that shall be collected separately and handed over to licensed entities for further treatment.

Management of end-of-life vehicles is carried out in accordance with the Law of Ukraine "On Utilization of Vehicles", which defines the requirements for dismantling and disassembly of vehicles, its components and parts with the purpose of further treatment and recycling.

Hazardous waste is regulated by the Laws of Ukraine "On Waste", and "On licensing of economic activities", as well as the Basel convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal and Stockholm convention about persistent organic pollutants. Ukraine ratified Basel convention in 1999 and Stockholm convention in 2007.

Law of Ukraine "On Waste" defines that all hazardous waste is divided into four classes according to the degree of their harmful impact on the environment, human life and health. The relevant class of waste is determined by the waste producer in accordance with regulations approved by the central executive body, which ensures the formation of state policy in the field of sanitary and epidemiological well-being. Currently, such regulation is not approved, so the hazardous waste is determined and regulated according to Basel convention and by-law "On approval of the Regulation on control over transboundary movements of hazardous waste" No. 1120-2000-p.

The hazardous waste could be managed (storage, disposal etc.) only by entities that received a license according to the Law of Ukraine "On licensing of economic activities" and Degree of the Cabinet of Ministers of Ukraine "On Approval of Licensing Conditions for Hazardous Waste Management".

PCB/PCT are regulated as hazardous waste. Also these waste types are regulated by Stockholm convention. The action plan for the convention's implementation was approved by the Cabinet of Ministers of Ukraine in 2012, reference number 589-2012-p. In 2021, MEPR issued Order "On Approval of Methodical Recommendations for Determining Areas Containing Persistent Organic Pollutants" to determine already polluted areas around Ukraine.

Industrial waste, including hazardous industrial waste, is regulated by the Law of Ukraine "On Waste". The producers of such waste are obliged to ensure its collection and transfer for processing to economic entities that have respective permits or licenses for further treatment.

Construction and demolition waste is not regulated at the legislative level.

The Law of Ukraine "On Restrictions of the Circulation of Plastic Bags in Ukraine" No. 1489-IX was adopted in 2021. This Law is aimed at reduction of lightweight plastic carrier bags (i.e. plastic carrier bags with a wall thickness below 50 microns) by limiting their distribution in retail, restaurants, catering and service facilities.

Management of sewage sludge is carried out in accordance with:

- The Rules of sewage acceptance into centralized sewerage systems and the Procedure for determining the amount of payment for excessive wastewater discharges to centralized sewerage systems, approved by the order of the Ministry of Regional Development, Construction and Housing and Communal Services of Ukraine 01.12.2017, No. 316; and

- The Procedure for the reuse of treated wastewater and sludge subject to compliance with the regulations of limit values of pollutants, approved by the order of the Ministry of Regional Development, Construction and Housing and Communal Services of Ukraine 12.12.2018, No. 341.

Framework Draft Law of Ukraine "On Waste Management" (registration number 2207-1d) was developed in compliance with the on Directive 2008/98 / EU of 19 November 2008 on waste and repealing certain Directives, Directive 1999/31 / EU of 26 April 1999 on the landfill of waste, Directive 2010/75 / EU on industrial emission (integrated pollution prevention and control). This Law will be the basis for a few sectoral laws, regulating specific waste streams: packaging, electrical and electronic equipment, batteries and accumulators, waste oils, end-of-life vehicles etc. The draft Law of Ukraine "On Waste Management" was adopted in the first reading on 21/07/2020, the draft is under preparation for the second reading.

The European List of Waste will be implemented after the adoption of the Law "On waste management".

### **35. Is there a general waste management policy (programme, strategy etc.) in place?**

The National Waste Management Strategy was adopted by the Order of Cabinet of Ministers of Ukraine of November 8, 2017, No. 820-r "On approval of the National Waste Management Strategy in Ukraine until 2030". This document identifies the main strategic directions of the national waste management policy in compliance with European approaches to waste management. The National waste management strategy lays down a comprehensive solution to waste management reform 1) bringing Ukrainian legislation into line with EU legislation; 2) establishing financial mechanisms; 3) digitalization of the waste management; 4) sets indicators for strategy implementation.

In 2019 it was followed by the National Waste Management Plan approved by the Order of Cabinet of Ministers of Ukraine of February 20, 2019, No. 117-r "On approval of the National Waste Management Plan until 2030". The National Waste Management Plan provides socio-political, institutional, organizational, technical, regulatory, technological measures aimed at reforming and improving the waste management system and identifies those responsible for their implementation.

### **36. Is there a legislative framework in place on the following topics:**

**a) Basic framework legislation (definition, hierarchy on waste management: prevention, preparing for re-use, recycling, recovery and finally disposal), authorisation schemes, responsibilities for the collection, disposal and recovery of municipal waste and of other waste, extended producer responsibility);**

The Law of Ukraine "On Waste" contains general waste management definitions, measures for prevention, recycling, recovery, and requirements for final disposal.

It determines that waste is any substances, materials and objects formed in the process of production or consumption, as well as goods (products) that have completely or partially lost their consumer properties and have no further use at the place of their formation or detection and from which their owner gets rid of, intends or must get rid of by disposal or removal. Also the Law gives definitions for hazardous waste and different operations for waste management. In particular, it regulates waste generation, collection and procurement, sorting, transportation, storage, treatment (processing), utilization, removal, disposal and transportation through territory, exported from it, as well as transportation, treatment and disposal of waste imported into Ukraine as secondary raw materials. However, waste management hierarchy is not provided in the legislation.

The Law of Ukraine "On Waste" provides requirements for authorisation schemes to obtain permits for certain waste management activities. Currently, the issuance of permits is not possible due to the need to bring the Law of Ukraine "On waste" to the requirements of the Law of Ukraine "On the permit system in the field of economic activity".

The Law of Ukraine "On Licensing of Economic Activities" requires a license for hazardous waste management, the procedure for obtaining a license is provided by the Order of Cabinet of Ministers of Ukraine "On Approval of Licensing Conditions for Hazardous Waste Management".

Responsibility for the collection, disposal and recovery of household waste is taken on local governments. The responsibility for the collection, disposal and recovery of other waste relies on the producer of such waste.

Extended producer responsibility schemes are not implemented.

**b) Framework legislation on hazardous waste;**

Hazardous waste is regulated by Laws of Ukraine "On Waste" and "On licensing of economic activities", and by Basel convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal and Stockholm convention about persistent organic pollutants . Ukraine ratified Basel convention in 1999 and Stockholm convention in 2007. Also the Cabinet of the Ministers of Ukraine approved the plans of implementation of these conventions. Law of Ukraine "On Waste" defines that all hazardous wastes are divided into four classes according to the degree of their harmful impact on the environment and human life and health. The relevant class of waste is determined by the waste producer in accordance with regulations approved by the central executive body, which ensures the formation of state policy in the field of sanitary and epidemiological well-being. At the current moment such regulation is not approved by responsible authority, therefore the hazardous waste is determined and regulated due to Basel convention and by-law “On approval of the Regulation on control over transboundary movements of hazardous wastes and their utilization / disposal and the Yellow and Green lists of wastes.”.

The hazardous waste could be managed (storage, disposal etc.) only by entities that received a license due to the Law of Ukraine "On licensing of economic activities" and Degree of the Cabinet of Ministers of Ukraine "On Approval of Licensing Conditions for Hazardous Waste Management".

In 2021, MEPR issued Order “On Approval of Methodical Recommendations for Determining Areas Containing Persistent Organic Pollutants” to determine already polluted areas around Ukraine.

**c) Legislation on specific types of waste treatment (e.g. incineration, landfill, mechanical biological treatment (MBT), separate waste collection);**

Legislation on waste landfilling consist of:

- The Order of the Ministry of Housing and Communal Services of Ukraine 01.12.2010, No. 435, "On approval of the Rules of operation of landfills";

- The Order of the Ministry of Regional Development, Construction and Housing and Communal Services of Ukraine 04.05.2012, No. 196 “On Approval of the Rules of Operation of Household Waste Management Facilities”;

- State building norms of Ukraine. Landfills for solid household waste. Basic design provisions. SBN B.2.4-2-2005\$

- Separate collection of household waste is regulated in accordance with the” Methodology of Separate Collection of Household Waste”, approved by the Order of the Ministry of Regional Development, Construction and Housing of Ukraine 01.08.2011 No. 133.

Legislation on incineration and mechanical biological treatment (MBT) is not implemented.

**d) Legislation on specific waste streams or types (e.g. end-of-life vehicles, electric and electronic equipment, sewage sludge, etc.);**

Management of end-of-life vehicles is carried out in accordance with the Law of Ukraine "On Utilization of Vehicles", which defines the basic requirements for disassembly of vehicles and disposal of individual parts. However, financial mechanisms (extended producer responsibility) for ensuring the recycling of end-of-life vehicles have not been established.

According to the Article 34 on the Law of Ukraine "On Waste" waste electrical and electronic equipment, waste batteries and accumulators should be collected separately from other waste streams and transferred to business entities that have license to carry out operations in the sphere of hazardous waste management.

Management of sewage sludge is carried out in accordance with:

The Procedure for the reuse of treated wastewater and sludge subject to compliance with the regulations of limit values of pollutants, approved by the order of the Ministry of Regional Development, Construction and Housing and Communal Services of Ukraine 12.12.2018, No. 341.

The sewage sludge is treated mechanically, biologically, chemically, or thermally to treat pathogens, helminth eggs, and toxic substances. The sewage sludge that has undergone the necessary technological stages of treatment can be used:

- 1) for fertilizing soils following the Law of Ukraine "On Land Protection";
- 2) as an alternative type of fuel following the Law of Ukraine "On Alternative Energy Sources".

Sewage sludge for soil fertilization is used only based on a permit for reuse of treated wastewater and sludge issued by a centralized sewerage company, at the sewage treatment plant which has prepared treated wastewater and sewage sludge for reuse, and subject to maximum concentrations and standards of maximum permissible discharge of pollutants.

### **Legislation on shipment of waste**

Ukraine joined the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal in 1999. General requirements for transboundary movement of waste are established by the Law of Ukraine "On Waste". Transportation of hazardous waste on the territory of Ukraine is regulated by the requirements of the Law of Ukraine "On Transportation of Dangerous Goods" and is carried out on the basis of a license for the transportation of dangerous goods. Requirements for transboundary shipments of waste are determined by the resolution of the Cabinet of Ministers of Ukraine dated 13.07.200 No. 1120 On approval of the Regulations on control over transboundary shipments of hazardous wastes and their utilization / disposal and the Yellow and Green lists of wastes. The requirements of Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste to national legislation have not been implemented.

### **37. Does Ukraine's waste management legislation include provisions on waste prevention?**

Article 31 of the Law of Ukraine "On Waste" contains provisions on waste prevention as follows:

a) development and implementation of scientifically sound standards for waste generation per unit of output (raw materials and energy), performance of works and provision of services regulating their quantitative and qualitative composition, in accordance with advanced technological achievements;

b) periodic revision of the established standards of waste generation,

c) development and implementation of a system for handling packaging materials and packaging;

d) development of a system of informational, scientific and methodological support of waste producers with information on technological and other opportunities to reduce the volume of waste generation and disposal.

Also, in 2021 the Law "On restrictions on the circulation of plastic bags in Ukraine" N 1489-IX was approved. This Law is aimed at reducing the use of plastic bags in Ukraine, and limiting their distribution.

**38. Which instruments exist apart from legislation (e.g. economic instruments, waste management planning, extended producer responsibility schemes) to ensure implementation of waste management policies? How is the cooperation with municipalities and private sector ensured?**

A landfill tax with differentiation depending on the level of waste hazard and the value of the territory was introduced to stimulate the reduction of waste in landfills.

Waste management planning is carried out at the national, regional and local levels. The National Waste Management Plan was adopted in 2019 (after the adoption of the framework law on waste management it will be revised, updated, and amended), regional waste management plans are being developed by regional state administrations then followed by local waste management plans.

Private companies are contracted by the municipalities to perform waste collection, processing, treatment, and recycling in case they win a competitive tendering. Many local governments are effectively partnering with the private sector in waste management by leveraging their powers into infrastructure development and better service provision.

**39. Which resources exist to ensure implementation of waste legislation?**

Several mechanisms have been created to ensure implementation of waste legislation in Ukraine.

Control in the field of waste management is carried out by:

- the central body of executive power, which implements the state policy on state supervision (control) in the field of environmental protection, rational use, reproduction and protection of natural resources [i.e. the MEPR];

- the central body of executive power, which implements the state policy in the field of sanitary and epidemic welfare of the population;

- local state administrations, executive bodies of village, settlement, city councils;

- public inspectors for the improvement of settlements.

Current legislation determined that the primary production control in the field of waste management is carried out by the waste producers and the public control by public environmental inspectors.



The MEPR is the licensing authority according to the Law of Ukraine "On Licensing of Certain Types of Economic Activity" and Licensing Conditions for Hazardous Waste Management, approved by the Cabinet of Ministers of Ukraine dated July 13, 2016 No. 446. Specifically, the MEPR ensures compliance with licensing conditions, issues a license to conduct business activities for the management of hazardous waste, as well as verifies that hazardous waste activities of such licensees are in compliance with the law.

Local governments have responsibility for household waste management within their local territories. Through business entities, designated by the local self-government body on a competitive basis by the provider of household waste management services, they provide services for the collection and transportation of household waste, its further treatment, recycling, and disposal. They also manage and operate landfills and dumpsites for household waste.

The National Waste Management Plan provides creating a new Agency of waste management that should be responsible for policy implementation tasks. In the region level, administration defines by their own the requirement amount of stuff in the waste management field.

In order to finance environmental protection activities National Environmental Fund and special regional (state) environmental funds are established within the National Budget and Regional (State) Budgets. The funding is channeled through payments of the environmental taxes on pollution. The list of environmental protection activities that could be financed by the Funds are defined by the Cabinet of Ministers of Ukraine (CMU) Resolution No. 1147 "On approval of the list of activities related to environmental measures". This Resolution has Subsection "Rational use and storage of industrial waste and household waste" that specifies certain waste management practices that could be financed through mentioned Funds. Before the Russian invasion the MEPR was working on the proposal to revise the mentioned Resolution in order to bring it in line with EU CEPA and CReMA.

#### **D. Water Quality and Quantity**

**40. Please describe the legislative framework and enforcement as concerns water protection and water resources management, in particular:**

- a) Water quality and water quantity;**
- b) Ground water and surface waters;**
- c) Drinking water quality;**
- d) Bathing water quality;**
- e) Urban waste water treatment;**
- f) Marine environmental protection.**

In Ukraine water protection and use is regulated by the framework Law on environmental protection, the Water Code specifically amended in 2016 to transpose the relevant EU water sector acquis, and a number of sectoral laws. Most of them are further supplemented by secondary legislation (directives of the Cabinet of Ministers of Ukraine, orders and decisions of ministries, etc.).

The Water Code regulates issues related to all waters (water bodies) on the territory of Ukraine, which constitute its water fund - **surface waters, groundwaters, inland waters and the territorial sea**. Additionally, the issue of **groundwater** as subsoil (mineral raw materials) is regulated by the

1994 Subsoil Code. The legal framework for **drinking water** and **sewerage** is based on the Law on drinking water, drinking water supply and sewerage and related secondary legislation. **Bathing water quality** requirements are established by sanitary regulations, in particular the 1994 Law on sanitary and epidemiological welfare of the population and related secondary legislation as described below.

In the past 6 years significant efforts and progress have been made to align Ukrainian legal framework with the relevant EU acquis, including WFD, MFSD, Floods Directive, Nitrates Directive, Drinking Water Directive and UWWTD. Where relevant, this is also explained below.

Enforcement of the water legislation is primarily vested with the State Ecological Inspectorate.

*(a) Water quality and water quantity*

To assess water quality and water quantity the Water Code provides for :

- surface waters - the definition of the ecological and chemical status of the surface water body, ecological potential of artificial or heavily modified surface water body (Article 21<sup>1</sup> of the Water Code);
- for groundwaters - the definition of the quantitative and chemical status of the groundwater body (Article 21<sup>2</sup> of the Water Code).

The List of priority substances for the definition of chemical status of surface and ground waters and ecological potential of artificial and heavily modified surface water bodies was approved by the Order of the MEPR of 6 February 2017 No. 45

The Methodology for classification of ecological and chemical status for surface waters and ecological potential for artificial and heavily modified surface water bodies was approved by the Order of the MEPR of 14 January 2019 No. 5.

The Methodology for classification of quantitative and chemical status for groundwaters is pending approval.

All of the above secondary regulations were developed following the relevant provisions of the EU WFD and EQS Directives and taking due account of the guidance documents developed under the EU WFD Common Implementation Strategy.

*(b) Ground water and surface waters*

The Water Code defines fundamentals of the surface and groundwater management based on the river basin principle.

The legislation of Ukraine related to river basin management planning includes:

- 1995 Water Code
- 2016 Law amending certain legislative acts of Ukraine regarding implementation of integrated approaches in water resources management based on the basin principle of 04 October 2016 No. 1641-VIII

CMU Resolutions:

- the Procedure for the development of a river basin management plan, approved by CMU Resolution of 18 May 2017 No. 336 ;

- the Procedure for the state water monitoring, approved by CMU Resolution of 19 September 2018 No. 758 );

Orders of the MEPR:

- On identification of sub-basins and water management units within the established river basin districts of 26 January 2017 No.25;

- On delineation of river basin districts, sub-basins and water management units of 3 March 2017 No. 103 ;

- On approving the procedure for the development of water balances of 26 January 2017 No. 26 ;

- Model regulations on river basin councils of 26 January 2017No. 23 ;

- List of priority substances for the definition of chemical status of surface and ground waters and ecological potential of artificial and heavily modified surface water bodies of 6 February 2017 No. 45;

- On approving the timetable for the development of river basin management plans of 27 November 2020 No. 313.

The above amendments to the Water Code and all of the secondary regulations were developed following the relevant provisions of the EU WFD and EQS Directives and taking due account of the guidance documents developed under the EU WFD Common Implementation Strategy.

*(c) Drinking water quality*

Relations in the field of drinking water supply are regulated by the 2002 Law on drinking water, drinking water supply and sewerage, amended in 2017 specifically to transpose relevant provisions of the Drinking Water Directive.

The Law is the main element of the legal framework for drinking water intake, supply, sewerage, wastewater treatment, access to information about drinking water supply and quality, etc. The Law establishes legal, economic and organizational principles of the functioning of the drinking water supply system aimed at ensuring the provision of the population with quality and safe for human health drinking water.

The Law applies to all business entities that produce drinking water, provide cities, other settlements, separately located drinking water facilities through centralized drinking water supply or through water bottling points (including mobile), the use of installations devices, other means of decentralized water supply, provide sewerage services, as well as public authorities and local governments that regulate, supervise and control the quality of drinking water and / or sewerage services, the state of sources, drinking water supply and sewerage systems, as well as consumers of drinking water and / or sewerage services.

The Law on the state-wide targeted program "Drinking water of Ukraine" for the period of 2022 - 2026 was adopted by the Parliament of Ukraine on 21 February 2022 (requires signature by the President of Ukraine). The construction of new and reconstruction of existing centralized drinking water systems is the main focus of the Program.

Technical requirements for water quality for drinking water supply are established by the standard 4808: 2007 Sources of centralized drinking water supply. Hygienic and environmental

requirements for water quality and selection rules. Drinking water quality requirements are set by the 2010 State sanitary norms and rules "Hygienic requirements for drinking water intended for human consumption" (DSanPiN 2.2.4-171-10) approved by the Ministry of Health of Ukraine (Order No. 400 of 12 May 2010).

Ukraine is a Party to the 1999 UNECE Protocol on Water and Health to the 1992 Convention on the Protection and Use of Transboundary Watercourses and International Lakes.

*(d) Bathing waters*

Bathing water quality requirements are set within the sanitary legal framework, in particular the 1994 Law on sanitary and epidemiological welfare of the population and the related secondary legislation as described below. Specific requirements for bathing water quality are established by the State Sanitary Rules for Planning and Development of Settlements approved by the Order of the Ministry of Health of 19 June 1996 No. 173.

Bathing water quality control and enforcement is carried out by the State Food and Consumer Service of Ukraine (sanitary control).

*(e) Urban waste water treatment*

Chapter 14 of the Water Code establishes conditions for the discharge of wastewaters.

Discharge of wastewater into water bodies is allowed only if the limit allowable concentrations and the limit allowable discharges are ensured.

The Rules for accepting wastewater into the centralized sewerage systems and the Procedure for calculating the payment for the excessive wastewater discharge into the centralized sewerage systems were approved by the Order of the Ministry of Regional Development, Construction and Housing of 01 December 2017 No. 316.

The Procedure for determining the population equivalent of a settlement and the Criteria for the identification of sensitive and less sensitive areas were approved by the Order of the MEPR of 14 January 2019 No. 6.

The Procedure for the reuse of treated wastewater and sludge subject to compliance with limit allowable concentrations of pollutants was approved by the Order of the Ministry of Regional Development, Construction and Housing of 12 December 2018 No. 341.

*(f) Marine environmental protection*

Legal framework for the protection of marine environment dates back to the CMU Resolution "On approving the Rules for the protection of inland sea waters and the territorial sea from pollution and littering" of 29 February 1996 No. 269.

Ukraine is the Party to the 1992 Convention on the Protection of the Black Sea Against Pollution and its Protocols.

The Marine Environmental Strategy of Ukraine, bearing on the relevant provisions of the EU Marine Strategy Framework Directive, was approved by the CMU Resolution of 11 October 2021 No. 1240. The 2021 Marine Environmental Strategy provides for the development of:

- the Action Plan for achieving and maintaining the "good environmental status of the Azov and the Black Seas for the period of 2022-2027;

- the Procedure for the development and approval of the integrated coastal zone management (ICZM) action plans;
- Program of the state environmental monitoring of seas for the period of 2022-2027;
- integrated coastal zone management action plans for the Azov and the Black Seas.

**41. Are waters subject to general protection or is this protection restricted to certain bodies of water or waters for certain use (e.g. drinking water extraction, bathing waters), or are there special protection areas apart from general provisions?**

According to the Water Code all water objects are subject to protection. Article 1 of the Water Code defines ‘water object’ as a natural or artificial element of the environment in which water is concentrated (sea, estuary, river, stream, lake, reservoir, pond, canal, as well as aquifer).

Apart from general provisions certain peculiarities are regulated for various types of water use, e.g. drinking water supply purposes, waters for fisheries, waters used for recreational purposes, etc. Special regime is provided for certain areas, like coastal protection strips, water protection zones, sanitary protection zones, waterways coastal strips, water objects belonging to the Nature Reserve Fund, etc.

Amendments to the Water Code, adopted in 2016 as part of the WFD transposition, introduced a comprehensive set of tools, instruments and procedures comprising the River Basin Management system, including the notion of a river basin, sub-basin, river basin district, body of surface water, body of groundwater, artificial surface water body, heavily modified surface water body, transitional waters, coastal waters, the concept of protected areas as an integral part of the River Basin Management, etc.

With a view to implementing the above reform, Ukraine has identified surface water bodies, groundwater bodies, artificial and heavily modified surface water bodies, delineated river basin districts, sub-basins and water management units, launched the reformed state water monitoring system corroborated with strengthened laboratory capacities, developed a register of protected areas and maps indicating the location of each protected area within 9 river basin districts of Ukraine, adopted the timetable for the development of river basin management plans (RBMPs) for all 9 river basin districts. Pursuant to the timeline, the draft RBMPs shall be submitted to the Cabinet of Ministers of Ukraine for adoption by 1 August 2024. As regards the protection of marine waters, the Cabinet of Ministers of Ukraine approved the Marine Environmental Strategy of Ukraine (CMU Directive of 11 October 2021 No.1240).

**42. Does the existing legislation provide for principles such as prevention of pollution at source, emissions control and water quality standards, including marine waters?**

Environmental legislation provides for general principles, which are also applicable to water resources. These principles include precautionary approach to protecting the environment, priority of environmental safety requirements, etc. They are described in Question 2 above.

Except for the river basin management principle which was individually defined in Article 1 of the Water Code in 2016 along with amendments transposing the Water Framework Directive (WFD), the Water Code does not specifically articulate the principles in point. However, since Ukraine is a

Party to the 1992 UNECE Convention on the Protection and Use of Transboundary Watercourses and International Lakes, it subscribes and adheres to the above principles. Moreover, a number of instruments applied in the field of water management are based on them.

In particular, Article 96 of the Water Code requires that during the placement, design, construction, reconstruction and commissioning of enterprises, buildings and other facilities, as well as during the introduction of new technological processes, the technologies used shall ensure water protection from pollution, littering and depletion, as well as prevention of their harmful effects.

The concepts of 'limit allowable concentration' and 'limit allowable discharge' which are essential for the special water use permit system bear on the principle of emissions control.

Environmental quality standards for surface water bodies are fundamental for the assessment and classification of their ecological status and chemical status, as well as for the assessment and classification of the ecological potential of artificial and heavily modified surface water bodies (Article 21-1 of the Water Code). Environmental quality standards for groundwater bodies form the basis for the assessment and classification of their chemical status (Article 21-2 of the Water Code). The List of priority substances for the definition of chemical status of surface and ground waters and ecological potential of artificial and heavily modified surface water bodies, approved by the Order of the MEPR of 6 February 2017 No. 45, and the Methodology for classification of ecological and chemical status for surface waters and ecological potential for artificial and heavily modified surface water bodies, approved by the Order of the MEPR of 14 January 2019 No. 5, bear on relevant provisions of the WFD as well as the EU Environmental Quality Standards (EQS) Directive transposed into the legislation of Ukraine together with the provisions of the WFD.

Further transposition and implementation of the Industrial Emissions Directive (IED) in Ukraine will strengthen the application of the principles in point (see Question 67).

**43. What is the state of play of the monitoring and reporting systems for water quality standards, marine waters and its biodiversity and habitats, water levels, flows in rivers, nitrates, drinking water, groundwater, urban waste water discharges and bathing water?**

State water monitoring is an integral part of the state system of environmental monitoring of Ukraine and is carried out according to the procedure established by the Cabinet of Ministers of Ukraine.

The Procedure for the state water monitoring was approved by the CMU Resolution of 19 September 2018 No. 758. It provides for the state water monitoring for:

- surface water bodies, including coastal waters and protected areas;
- ground water bodies , including protected areas;
- marine waters within the territorial sea and the exclusive economic zone of Ukraine, including protected areas.

The Water Code establishes that the state water monitoring consists of monitoring of biological, hydromorphological, chemical and physicochemical parameters.

The Procedure identifies four public authorities entrusted with conducting state water monitoring, namely, the MEPR, the State Agency for Water Resources (SAWR), the State Service of Geology and Subsoil, and the State Emergencies Service. The MEPR shall ensure general coordination and organization of the state water monitoring. Annex 1 to the Procedure contains

parameters, frequencies and the distribution of responsibilities for state monitoring of surface water bodies (surveillance and operational monitoring); Annex 2 contains parameters, frequencies and the distribution of responsibilities for state monitoring of groundwater bodies (surveillance and operational monitoring); and Annex 3 is devoted to state monitoring of marine waters. Pursuant to Annexes 1 and 3, the MEPR is the authority responsible for state monitoring of coastal and marine waters. Pursuant to Annex 2 the State Service of Geology and Subsoil of Ukraine shall ensure state monitoring of groundwater bodies. Pursuant to Annex 1 responsibilities for state monitoring of surface water bodies are clearly distributed between the SAWR and the State Emergencies Service of Ukraine.

The SAWR (for surface water bodies) and the State Service of Geology and Subsoil (for groundwater bodies) monitor chemical and physico-chemical parameters in bodies of water used for the abstraction of water intended for human consumption providing more than 100 cubic meters a day as an average.

For groundwater intakes with a production volume of more than 100 cubic meters a day within sanitary protection zones and adjacent territories, water users shall arrange a local network of observation wells to determine water quantity and chemical and physicochemical parameters and provide observation data to the State Service of Geology and Subsoil.

The MEPR develops and approves the program of the state water monitoring taking into account the proposals of other agencies concerned. The State Water Monitoring Programs (including the surveillance and operational monitoring for surface waters, groundwaters and marine waters) were approved by the Orders of the MEPR of 5 January 2022 No.1, No.2, No.3.

Despite the fact that the Directive 2008/105/EC of the European Parliament and of the Council of 16 December 2008 on environmental quality standards in the field of water policy and Directive 2013/39/EU of the European Parliament and of the Council of 12 August 2013 amending Directives 2000/60/EC and 2008/105/EC as regards priority substances in the field of water policy are not listed in the EU-Ukraine Association Agreement, relevant provisions thereof were transposed into the legislation of Ukraine together with the provisions of the WFD.

Regulations on the state system of environmental monitoring were approved by the CMU Resolution of 30 March 1998 No. 391.

MEPR measures the content of pollutants, including radionuclides, in soils in protected areas, endangered species of flora and fauna, and species under special protection.

The Ministry of Regional Development monitors the drinking water quality in centralized water supply systems; the performance of wastewater treatment facilities, and flooding of cities and towns by groundwaters.

Water quality in recreational areas is monitored by the Ministry of Health, which coordinates the state social and hygienic monitoring.

Sources of drinking water supply, surface waters, groundwaters, and marine waters used by the population for drinking, bathing and other purposes are also subject to sanitary-hygienic monitoring or control.

Pursuant to the Water Code of Ukraine, reporting on water use is conducted in order to systematize data on water abstraction and use, discharge of water and pollutants, the availability of

circulating water supply systems and their capacity, as well as the existing wastewater treatment systems and their efficiency.

The reporting envisages the submission by a water user of a report on water use following the template called 'No.2TP-vodhosp (annual)' according to the Procedure for state accounting of water use, approved by the Order of the MEPR of 16 March 2015 No.78.

**44. What measures have been taken so far to prevent water pollution from nutrients coming from agriculture? Are these measures equivalent to the provisions of the Nitrates Directive?**

As part of the implementation of the EU-Ukraine Association Agreement the Ministry of Agrarian Policy and Food adopted the Order of 24 November 2021 No. 382 "On approval of the Rules for ensuring soil fertility and the use of certain agrochemicals". The Order regulates:

- periods during which soil fertilization is undesirable;
- rules for fertilizer application in the fields located on steep slopes;
- rules for waterlogged, flooded, frozen or snow-covered soil fertilization;
- conditions for soil fertilization nearby water bodies;
- rules for storage of manure in areas vulnerable to nitrate accumulation;
- procedures for fertilizer application, minimizing leaching of nitrogen compounds into water bodies;
- rules for maintaining soil quality during crop rotation;
- rules for maintaining minimum vegetation during rainy periods;
- scheduling application of fertilizers and keeping records of their use;
- fertilizer application in irrigated areas.

The 2016 amendments to the Water Code introduced the definition of 'eutrophication'. The Procedure for the development of a river basin management plan, approved by the CMU Resolution of 18 May 2017 No. 336, refers to the identification and mapping of nitrate vulnerable zones as those belonging to protected areas.

With a view to further implementing the above provisions the Methodology for identification of nitrate vulnerable zones was approved by the Order of the MEPR of 15 April 2021 No. 244. The Procedure for the state water monitoring, approved by the CMU Resolution of 19 September 2018 No. 758, also takes into account relevant provisions of the Nitrates Directive.

To date no nitrate vulnerable zones have been designated in Ukraine. Draft code of good agricultural practice bearing on relevant requirements of the Nitrates Directive has been developed and awaits approval.

**45. Is a system of River Basin Management being developed to ensure water quality and quantity management as well as flood risk management and if so, how?**



In 2016 the Water Code of Ukraine was amended to transpose main elements of the EU Water Framework Directive and the Floods Directive.

Thus, Article 13-1 of the Water Code assigned the river basins of Ukraine to 9 individual river basin districts, established the procedure for delineation of their boundaries, provided for the identification, as appropriate, of sub-basins and other water management units corroborated with the relevant administrative arrangements. Article 13-2 of the Water Code provided for the production of a river basin management plan (RBMP) for each river basin district and outlined its main elements. Article 13-3 of the Water Code clarified the role of the river basin councils in the system of River Basin Management and Article 13-4 institutionalized the procedure for the development of water balances.

Amendments to Articles 21 and the new Articles 21-1 and 21-2 of the Water Code revised the fundamentals of the state water monitoring system and introduced classifications of ecological and chemical status for surface waters, quantitative and chemical status for groundwaters, and ecological potential for artificial and heavily modified surface water bodies.

Chapter 21 of the Water Code was amended to introduce a preliminary flood risk assessment, flood hazard and flood risk maps, flood risk management plans (FRMPs) and appropriate administrative arrangements.

Further detailing the above provisions of the Water Code, Ukraine adopted a number of pieces of secondary legislation, including:

- the Methodology for identification of surface and ground water bodies, approved by the Order of the MEPR of 14 January 2019 No. 4;
- Order of the MEPR on identification of sub-basins and water management units within the established river basin districts of 26 January 2017 No.25;
- Order of the MEPR on delineation of river basin districts, sub-basins and water management units of 3 March 2017 No. 103;
- the Procedure for the state water monitoring, approved by the CMU Resolution of 19 September 2018 No. 758;
- List of priority substances for the definition of chemical status of surface and ground waters and ecological potential of artificial and heavily modified surface water bodies, approved by the Order of the MEPR of 6 February 2017 No. 45;
- Methodology for classification of ecological and chemical status for surface waters and ecological potential for artificial and heavily modified surface water bodies, approved by the Order of the MEPR of 14 January 2019 No. 5;
- Model regulations on river basin councils, approved by the Order of the MEPR of 26 January 2017 No. 23;
- the Procedure for the development of a river basin management plan, approved by the CMU Resolution of 18 May 2017 No. 336;
- Methodology for a preliminary flood risk assessment, approved by the Order of the Ministry of Internal Affairs of 17 January 2018 No. 30;

- Methodology for the preparation of flood hazard maps and flood risk maps, approved by the Order of the Ministry of Internal Affairs of 28 February 2018 No. 153;

- Procedure for the development of a flood risk management plan, approved by the CMU Resolution of 4 April 2018 No. 247.

All of the above pieces of secondary legislation were developed following relevant provisions of the Water Framework Directive and the Floods Directive and taking due account of the guidance documents developed under the EU WFD Common Implementation Strategy.

As concerns implementation, Ukraine has identified surface and ground water bodies, delineated river basin districts, sub-basins and water management units, re-organised River Basin Directorates as the structural units of the State Agency for Water Resources (SAWR), supports activities of 13 River Basin Councils as advisory bodies to the SAWR, launched the state water monitoring corroborated with strengthened laboratory capacities, and adopted the timetable for the development of RBMPs for all 9 river basin districts. Pursuant to the timeline, the draft RBMPs shall be submitted to the Cabinet of Ministers of Ukraine for adoption by 1 August 2024.

In the field of flood risk management, preliminary flood risk assessments were conducted, flood hazard maps and flood risk maps prepared and draft FRMPs developed for individual areas belonging to all 9 river basin districts of Ukraine. The draft FRMPs have undergone the strategic environmental assessment, including public consultations, and were submitted for the interagency consent procedure. The established timeline requires that the draft FRMPs shall be submitted to the Cabinet of Ministers of Ukraine for approval by 1 August 2022.

**46. Are marine strategies, in accordance with the Marine Strategy Framework Directive, being developed to ensure that marine waters are assessed and monitored, with measures and targets set to achieve good environmental status, including regional cooperation?**

The draft Marine Environmental Strategy was published for public consultations on the official website of the MEPR on 26 November 2020. Pursuant to the Law of Ukraine on Strategic Environmental Assessment (SEA) the draft Marine Environmental Strategy was subject to SEA. Consultations on the scoping of SEA were held in early May 2021. The draft Marine Environmental Strategy of Ukraine and supplementary documentation thereto along with the SEA Report were published by the MEPR for public consultations on 28 May 2021. Following public consultations, consultations with environmental, healthcare and other authorities concerned, and completion of the interagency consent procedure, the Marine Environmental Strategy of Ukraine was approved by the CMU Resolution of 11 October 2021 No.1240.

The overall strategic objective of the 2021 Marine Environmental Strategy is to achieve and, once achieved, maintain GES of Ukraine's marine waters of the Azov and the Black Seas pursuant to the MSFD and taking into account the 2030 Ukraine's SDGs 6 and 14. To that end the 2021 Marine Environmental Strategy establishes 3 strategic targets and a set of corroborating priority tasks under each of them:

- reducing the risk to human health from pollution and littering of marine waters and coastal protection zones, preventing the degradation of marine ecosystems and promoting their recovery by reducing marine pollution and minimizing anthropogenic pressure on marine ecosystems;

- conservation and reproduction of biological diversity, natural landscapes of the coastal protection zone and habitats of biological species;

- balanced use and reproduction of aquatic bioresources and development of mariculture, revival of the population of especially valuable industrial fish species.

The 2021 Marine Environmental Strategy takes into account Ukraine's commitments under the 1992 Convention on the Protection of the Black Sea Against Pollution (Bucharest Convention), activities of the Commission on the Protection of the Black Sea Against Pollution established under the Bucharest Convention, and other Black Sea regional cooperation initiatives, including those involving the EU Member States.

Pursuant to the 2021 Marine Environmental Strategy the programme of measures (called "Action Plan" in this case) is to be developed and adopted within 6 months after the Strategy is approved.

#### **47. Has a register of protected areas been established, including marine protected areas?**

Pursuant to the 2020 Law on the national infrastructure of geospatial data, the Emerald Network sites, territories of the Nature Reserve Fund, its functional and buffer zones, territories which were reserved for further protection, territories and sites of the National Ecological Network, Wetlands of International Importance (Ramsar sites), UNESCO Biosphere Reserves, UNESCO World Heritage Sites are included in the open access information system of the State Land Cadastre in Ukraine ».

The open access database of the State Cadastre of Territories of the Nature Reserve Fund was created in 2021 (see: <https://wownature.in.ua/en/>). For the national defense reasons access to this database as well as to the above open access information system of the State Land Cadastre is temporary limited.

On the basis of the above data and other relevant information and following the structure of a river basin management plan, the register of protected areas and maps indicating the location of each protected area have been developed for each of the 9 river basin districts of Ukraine and reflected, as appropriate, in the relevant draft river basin management plans.

The 2021 Marine Environmental Strategy of Ukraine and in particular its strategic target 2 on conservation and reproduction of biological diversity, natural landscapes of the coastal protection zone and habitats of biological species bears on the network of marine protected areas established pursuant to the national legislation of Ukraine and its commitments under international and regional agreements.

#### **48. Is the legislation in place that addresses prevention and protection against flood risks? What is the timeline regarding floods hazard and risks mapping?**

In order to implement the Directive 2007/60/EC of the European Parliament and of the Council of 23 October 2007 on the assessment and management of floods (Floods Directive), a number of legal acts were adopted, including:

- amendments to the Water Code of Ukraine introduced by the 2016 Law on amendments to certain legal acts of Ukraine on the implementation of integrated approaches to water resources management following the basin principle;

- CMU Resolution of 4 April 2018 No. 247 "On approval of the procedure for the development of a flood risk management plan";

- Order of the Ministry of Internal Affairs of 17 January 2018 No. 30 "On approval of the Methodology for a preliminary flood risk assessment";

- Order of the Ministry of Internal Affairs of 28 February 2018 No. 153 "On approval of the Methodology for the preparation of flood hazard maps and flood risk maps".

Preliminary flood risk assessments were conducted, flood hazard maps and flood risk maps prepared and draft flood risk management plans (FRMPs) developed for individual areas belonging to all 9 river basin districts of Ukraine. Pursuant to the above procedure, the draft FRMPs have undergone the strategic environmental assessment, including public consultations, and were submitted for the interagency consent procedure. The established timeline requires that the draft FRMPs shall be submitted to the Cabinet of Ministers of Ukraine for approval by 1 August 2022.

#### **49. Is there legislation in place addressing access to drinking water for human consumption?**

The issue of drinking water is regulated by the 2002 Law on drinking water, drinking water supply and sewerage, amended in 2017 specifically to transpose relevant provisions of the Drinking Water Directive. The Law is the main element of the legal framework for drinking water intake, supply, sewerage, wastewater treatment, access to information about drinking water supply and quality, etc. It defines the legal, economic and organizational principles of the functioning of the drinking water supply system, aimed at ensuring the provision of the population with quality and safe for human health drinking water. The Law also contains a definition of the drinking water.

The Law applies to all business entities that produce drinking water, provide cities, other settlements, separately located drinking water facilities through centralized drinking water supply or through water bottling points (including mobile), the use of installations devices, other means of decentralized water supply, provide sewerage services, as well as public authorities and local governments that regulate, supervise and control the quality of drinking water and / or sewerage services, the state of sources, drinking water supply and sewerage systems , as well as consumers of drinking water and / or sewerage services.

The Law on the state-wide targeted program "Drinking water of Ukraine" for the period of 2022 - 2026 was adopted by the Parliament of Ukraine on 21 February 2022 (requires signature by the President of Ukraine). The construction of new and reconstruction of existing centralized drinking water systems is the main focus of the Program.

Technical requirements for water quality for drinking water supply are further established by the standard DSTU 4808: 2007 Sources of centralized drinking water supply. Hygienic and environmental requirements for water quality and selection rules ". Drinking water quality requirements are set by the 2010 State sanitary norms and rules "Hygienic requirements for drinking

water intended for human consumption" (DSanPiN 2.2.4-171-10) approved by the Ministry of Health of Ukraine (Order No.400 of 12 May 2010).

Ukraine is a Party to the 1999 UNECE Protocol on Water and Health to the 1992 UNECE Convention on the Protection and Use of Transboundary Watercourses and International Lakes.

**50. Is there cooperation in place with neighbouring countries with which Ukraine is sharing river basins? How is the management of fisheries and other living resources integrated into such management?**

Ukraine is a Party to the 1992 UNECE Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Water Convention) and its 1999 Protocol on Water and Health.

Ukraine has concluded bilateral agreements on cooperation in frontier/transboundary waters with all its neighbouring countries, namely:

- the 1996 Agreement between the Government of Ukraine and the Government of the Republic of Poland on Cooperation in the Field of Water Management in Frontier Waters;

- the 1994 Agreement between the Government of Ukraine and the Government of the Slovak Republic on Water Management in Frontier Waters;

- the 1997 Agreement between the Government of Ukraine and the Government of Romania on Cooperation in the Field of Water Management in Frontier Waters;

- the 1997 Agreement between the Government of Ukraine and the Government of the Republic of Hungary on Water Management in Frontier Waters;

- the 2001 Agreement between the Cabinet of Ministers of Ukraine and the Government of the Republic of Belarus on Joint Use and Protection of Transboundary Waters;

- the 1992 Agreement between Ukraine and the Russian Federation on Joint Use and Protection of Frontier Water Bodies;

- the 1994 Agreement between the Government of Ukraine and the Government of the Republic of Moldova on the Joint Use and Protection of Frontier Waters.

The State Agency for Water Resources of Ukraine (SAWR) is the main responsible authority for transboundary cooperation under the above bilateral agreements. Institutionally the cooperation is coordinated via regular meetings of Plenipotentiaries. As appropriate, e.g. the 1994 Agreement with the Government of the Republic of Moldova, covers certain aspects of the management of fisheries and other living resources.

At the scale of an international river basin district Ukraine concluded the 2012 Treaty between the Government of the Republic of Moldova and the Cabinet of Ministers of Ukraine on Cooperation in the Field of Protection and Sustainable Development of the Dniester River Basin (Moldovan, Ukrainian), containing specific provisions on the conservation and use of aquatic biological resources. The Treaty provides for the establishment of the Commission on Sustainable Use and Protection of the Dniester River Basin.

Ukraine also actively participates in the International Commission for the Protection of the Danube River, established under the Convention on Cooperation for the Protection and Sustainable

Use of the Danube River. The MEPR is the main responsible authority for transboundary cooperation under the Dniester River Basin Treaty and the relevant multilateral environmental agreements.

**51. Does Ukraine use treated wastewater for agriculture or other purposes and is there a legal basis for such use?**

Irrigation of agricultural land with treated wastewater is limited, and is done exclusively for research purposes. The increasing use of treated wastewater for agricultural purposes is being actively discussed as a part of strategic planning. Treated wastewater may also be used for technical purposes in industry.

Requirements for reuse of treated wastewater for agriculture and other purposes are established by the 2002 Law on drinking water, drinking water supply and sewerage (as amended in 2017) and the Procedure for reuse of treated wastewater and sludge subject to compliance with limit allowable concentrations of pollutants, approved by the Order of the Ministry of Regional Development, Construction and Housing of Ukraine of 12 December 2018 No. 341.

Provided the limit allowable concentrations of pollutants are respected, the treated wastewater can be used for irrigation of agricultural land for growing technical, fodder and grain crops, ornamental plants, perennial and annual grasses which are not used for grazing.

For irrigation, treated wastewater should be used using reclamation systems built in accordance with the standard DBN B.2.4-1-99 "Reclamation systems and facilities".

The quality of treated wastewater for irrigation is assessed according to the criteria established by the standard DSTU 2730: 2015 "Environmental protection. Quality of natural water for irrigation. Agronomic Criteria", other national standards for the quality of water for irrigation, and must meet the requirements for limit allowable concentrations of pollutants, according to the permit for special water use.

Requirements for wastewater for irrigation and fertilization must meet the requirements of the standard DSTU 7369: 2013 "Wastewater. Requirements for wastewater and sludge for irrigation and fertilization".

**E. Biodiversity and Nature Protection**

**52. To which multilateral environmental agreements related to biodiversity is Ukraine a party?**

The list of biodiversity agreements joined by Ukraine is provided below:

a) Convention on Biological Diversity (CBD) - ratified by the Parliament, decision N 257/94-BP dated 29.11.1994;  
Protocols to CBD joined by Ukraine:

- Cartagena Protocol on Biosafety to the Convention on Biological Diversity;
- Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity;

b) Convention on International Trade in Endangered species of Wild Fauna and Flora (CITES) - ratified by the Parliament, decision N 662-XIV dated 14.05.1999

c) Convention on the Conservation of Migratory Species of Wild Animals (CMS) - ratified by the Parliament, decision N 535-XIV dated 19.03.1999

d) Agreement on the Conservation of Cetaceans of Mediterranean Sea, Black Sea and Contiguous Atlantic Area (ACCOBAMS) - ratified by the Parliament, decision N 1067-IV dated 09.07.2003

e) Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA) - ratified by the Parliament, decision N 62-IV dated 04.07.2002

f) Agreement on the Conservation of Populations of European Bats (EUROBATS) - ratified by the Parliament, decision N 663-XIV dated 14.05.1999

Memorandum of Understanding concerning Conservation Measures for the Aquatic Warbler (*Acrocephalus paludicola*);

Memorandum of Understanding on the Conservation and Management of the Middle-European Population of the Great Bustard (*Otis tarda*);

Memorandum of Understanding concerning Conservation Measures for the Slender-billed Curlew, *Numenius tenuirostris*;

g) Convention on Wetlands of International Importance Especially as Waterfowl Habitat (Ramsar Convention) - joined by Ukraine according to the Parliament's decision No. 437/96-BP dated 29.10.1996;

h) Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) - joined by Ukraine according to the Parliament's decision N 189/95-BP dated 31.05.1995

i) The European Landscape Convention of the Council of Europe - ratified by the Parliament's decision N 2831-IV dated 07.09.2005;

j) United Nation Convention on the Law of the Sea - ratified by the Parliament's decision N 728-XIV dated 03.06.1999

k) The United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa (UNCCD) - ratified by the Parliament's decision N 61-IV dated 04.07.2002;

l) The Framework Convention on the Protection and Sustainable Development of the Carpathians (Carpathian Convention) - ratified by the Parliament's decision N 1672-IV dated 07.04.2004;

Protocols to the Carpathian Convention joined by Ukraine:

- Protocol on Conservation and Sustainable Use of Biological and Landscape Diversity to the Framework Convention on the Protection and Sustainable Development of the Carpathians;

- Protocol on Sustainable Forest Management to Framework Convention on the Protection and Sustainable Development of the Carpathians;

- Protocol on Sustainable Agriculture and Rural Development to the Framework Convention on Protection and Sustainable Development of the Carpathians;

- Protocol on Sustainable Tourism to Framework Convention on the Protection and Sustainable Development of the Carpathians;

- Protocol on Sustainable Transport to Framework Convention on the Protection and Sustainable Development of the Carpathians;

m) The Convention on the Protection of the Black Sea Against Pollution (Bucharest Convention) - ratified by the Parliament's decision N 3939-XII dated 04.02.1994;

Ukraine is a party to the Black Sea Biodiversity and Landscape Conservation Protocol to the Convention on the Protection of the Black Sea Against Pollution;

n) The Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR) - joined by Ukraine according to the Parliament's decision N 3937-XII dated 04.02.1994

o) Convention Concerning the Protection of the World Cultural and Natural Heritage - ratified by the Parliament's decision N 6673-XI dated 04.10.1988;

p) International Plant Protection Convention - joined by Ukraine according to the decree of the President N 81/2006 dated 31.01.2006;

Man and the Biosphere Programme of UNESCO.

**53. Do you have a National Biodiversity Strategy and Action Plan (NBSAP) as required by the Convention on Biological Diversity? Describe its main elements and how it is coherent or not with the EU Biodiversity Strategy for 2030. Describe major opportunities and difficulties in Ukraine contributing to the achievement of the EU commitments included in the EU Biodiversity Strategy for 2030.**

Development of a National Biodiversity Strategy is foreseen not only by the Convention on Biological Diversity. Developing of the Strategy and Action Plan for the Strategy's implementation is also mandated by the National Economic Strategy of Ukraine, adopted by resolution of the Cabinet of Ministers of Ukraine on 3 March 2021 No. 179. A working group for developing the Strategy and Action Plan has been established at the MEPR. The National Biodiversity Strategy is expected to be aligned with the EU Biodiversity Strategy for 2030; as well as with the post-2020 Global Biodiversity Framework (GBF), which is expected to be adopted later this year during CBD 15th Conference of Parties.

The existing Ukrainian state policies and legislation include goals, objectives and mechanisms that are close to the EU Biodiversity Strategy, and address the following key areas: a) a coherent network of protected areas, b) nature restoration plan and c) enabling transformative change.

In particular, the Environmental Strategy-2030 stipulates that the biodiversity of Ukraine is essential for providing ecosystem services. The Law sets requirements for enhanced protection and rehabilitation of biodiversity, and sets specific targets until 2030. As an example, the Law stipulates increasing the coverage of protected areas from the current 6.3% of the country's territory to 15% by 2030.



The State Strategy for Regional Development for 2021-2027, approved by the Resolution of the Cabinet of Ministers of Ukraine (No 695 on 05.08.2020), points out the risks related to degradation of ecosystem services (clean water, air, high-quality recreation), which in turn may lead to higher vulnerability to natural disasters and pollution. To protect ecosystems from degradation, the Strategy sets three key goals: 1) establishing a network of protected areas, conservation and rehabilitation of ecosystems, restoration of the environment, 2) facilitating development of the territories in Carpathian mountains; and 3) utilizing marine potential to develop coastal regions and to rehabilitate the environment of the Azov and Black Seas.

A number of legislative acts contain provisions and regulations relevant to biodiversity conservation.

The Law of Ukraine “On Environmental Protection” defines the basic principles of environmental protection, the protection of landscape and species diversity, and integrity of natural complexes.

With the purpose to ensure sustainable management of natural areas of Ukraine, Environmental Strategy-2030 defines the following objectives: a) to enlarge and expand territories of the Nature Protection Fund, b) to create and ensure conservation and management of the representative and well-governed network of the territories and objects of the Fund both on land and in the Black and Azov Seas, including transboundary territories and those of European and international importance.

According to the National Strategy for Regional Development for 2021-2027, approved by CMU Resolution (No. 695 on August 5, 2020), the area of the Nature Protection Fund shall be expanded up to 15% of the total area of Ukraine.

The Law “On the National Ecological Network” (No. 1864-IV dated 24.06.2004) sets a legal framework for the development of a coherent network of natural territories and ecosystems. The network includes protected areas, the territories connecting these areas, buffer territories to mitigate external impacts and territories for restoration of the environment to the baseline conditions. This network shall function as a coherent, Pan-Ukrainian territorial system that is created to ensure restoration of the environment, increasing of the natural capital, conservation of landscape and biological diversity, natural habitats, genetic resources and migration routes for animals. The General Planning Scheme of the territory of Ukraine envisages expansion of the National Ecological Network and establishing of special legal regimes for its protection and management.

The National Plan of Actions for Environmental Protection until 2025, approved by CMU Order No 443-r on 21 April 2021, contains a number of actions on various biodiversity issues.

Two draft laws currently considered by the Parliament include actions on biodiversity protection. The draft law “On the Territories of the Emerald Network” is expected to enlarge the network of protected areas, and stipulate biodiversity considerations to be integrated into public and business decision-making at all levels.

The draft law “On State Environmental Control” is expected to strengthen state control over compliance with nature protection regulations, as well as to increase liability for crimes against wildlife

**54. Describe how Ukraine has implemented the Bern Convention provisions on strictly controlling the introduction of non-native species and what are the major differences with Regulation (EU) 1143/2014 on invasive alien species?**

The Decree of the President of Ukraine “On the Decision of the National Security Council of 15 October 2021 “On the Strategy of Biosafety and Biological Protection” contains main policy provisions with regards to invasive alien species (IAS) in Ukraine. A draft Action Plan to implement the Strategy has been prepared, however its adoption is postponed due to Russian invasion into Ukraine.

In addition, a number of provisions are available in the legislation of Ukraine with regards to IAS.

Article 37 of the Law of Ukraine “On Fauna” (N 2894-III dated 13.12.2001) stipulates prevention of IAS invasion into the environment, and taking appropriate measures to overcome the adverse effects if such an invasion has happened.

Some measures are envisaged by phytosanitary legislation as a number of IAS belong to the List of regulated harmful organisms adopted by the Order No 716 of 29 November 2006 of the Ministry of Agrarian Policy and Food of Ukraine. Harmful species have a different legal status. Some provisions on harmful species management are set in the Law of Ukraine “On the Protection of Plants”, “On Plant Quarantine”. Ukraine is a Party to the International Convention on the Protection of Plants. More information on phytosanitary policy is in Chapter 12.

The Law of Ukraine “On Aquaculture” contains the regulations on IAS breeding (aquatic organisms) in the controlled environment aimed at prevention of their escape into the environment.

At the time of the adoption of the Association Agreement between the European Union and Ukraine in 2014 the Regulation (EU) 1143/2014 on invasive alien species was not included in Annex XXX “Environment” to the Agreement. However, a number of provisions on IAS control have already been reflected in the Strategy of Biosafety and Biological Protection. At the same time a comprehensive analysis is required to identify those provisions of the Regulation (EU) 1143/2014 to be harmonized with the legislation of Ukraine (e.g. IAS permit system, emergency measures, early detection and rapid eradication actions, IAS surveillance, rehabilitation of damaged ecosystems etc.).

**55. Describe the legislative basis for the protection of nature, especially concerning species and habitats of conservation interest as defined in the Habitats Directive as well as wild birds.**

The main legislative acts for the protection of nature are:

The Constitution of Ukraine proclaims the responsibility of the State to ensure environmental safety and to maintain environmental stability and equilibrium in Ukraine (Article 16), confirms the right of free and unrestricted access to information on environmental issues (Article 50), and assigns the responsibility to all citizens to cause no harm to the environment and wildlife and to compensate for any damage caused by their actions (Article 6);

The Land Code of Ukraine (No. 2768-III dated 25.10.2001) sets provisions on rational land use and protection of lands, and divides land cover into nine categories. Four categories of the Land Code are relevant to biodiversity conservation: 1) lands reserved for nature protected fund and other nature

conservation, 2) lands for forestry purposes, 3) agricultural lands, and 4) water fund lands. Use of the lands of these categories envisages specific legal regimes or restrictions of land use;

The Forest Code of Ukraine (No. 3852-XII dated 21.01.1994) regulates the management of forested lands and other lands under supervision of the State Agency of Forest Resources, including some wetlands and agricultural lands. The Code sets rules of biodiversity conservation in forests and accounting for biodiversity during forest inventory preparation.

The Water Code of Ukraine (No. 213/95-BP dated 6.06.1995) sets provisions for monitoring of surface and ground waters, maintaining satisfactory condition of these waters, and for establishing river basin management plans. These requirements are in line with the EU Framework Water Directive 2000/60/EC, thus ensuring conservation and rehabilitation of inland water and marine ecosystems and their biodiversity;

Environmental Strategy-2030 establishes key principles of environmental policy regarding biodiversity conservation, restoration and maintaining of ecosystem services;

The Law of Ukraine “On Environmental Protection” (No. 1264-XII dated 25.06.1991) sets up the legal framework on biodiversity conservation, in particular: it stipulates that forests, other vegetation cover, fauna, landscapes and other natural complexes are objects under the legal protection of the State. The Law designates competent authorities for the formulation, implementation of and controlling compliance with the policy on biodiversity conservation. The abovementioned Law also stipulates that the natural areas, which are important for maintenance of environmental equilibrium and for prevention of adverse environmental transformation, are subject to a special legal protection (so called nature protected fund); the law also sets the framework conditions for protection of rare and endangered animal and plant species.

Law of Ukraine “On Fauna” is the main law on the protection, use and restoration of wild fauna and its habitats;

Law of Ukraine “On Flora” is the main law on the conservation, use and rehabilitation of wild plant species, their communities and habitats;

Law of Ukraine “On the Red Data Book of Ukraine” sets up principles of the conservation, protection, rehabilitation and reintroduction of the species of fauna and flora included into the national list of protection;

Law of Ukraine “On Nature Reserve Fund” is the main framework for the creation, governance, conservation, and effective management of nature protected areas in Ukraine; establishes categories of protected areas and relevant legal regimes of nature management, visiting and other measures on their territories;

Law of Ukraine “On Hunting Farm Management and Hunting” provides principles for hunting species management, conservation and use;

Law of Ukraine “On Fishery, Industrial Fishing and Protection of Aquatic Bioresources” establishes framework for utilization and the conservation of fish and other aquatic bioresources;

Law of Ukraine “On Aquaculture” describes legal requirements for arrangement of aquaculture activities;

Law of Ukraine “On Ecological Network” sets provisions on creation, management and protection of ecological network which is a coherent territorial system of natural territories and

ecosystems for environmental protection, nature conservation, migration of biodiversity and sustainable management of natural capital in Ukraine;

The Criminal Code of Ukraine and the Code of Ukraine on Administrative Offenses both contain articles on criminal and administrative liability for environmental offenses against wild fauna, flora, forests and nature reserve fund;

Decree of the President of Ukraine “On the Decision of the National Security Council of 15 October 2021 “On the Strategy of Biosafety and Biological Protection” contains provisions relevant to the policy with regard to invasive alien species in Ukraine;

Resolution of the Cabinet of Ministers of Ukraine No. 439 on May 12, 1997 “On the Concept of the Conservation of Biological Diversity of Ukraine” sets up the fundamentals of the biodiversity conservation in Ukraine in accordance with provisions of the Convention on Biological Diversity;

Resolution of the Cabinet of Ministers of Ukraine No 1286 on August 29, 2002 “On Adoption of Regulation on the Green Data Book of Ukraine” provides guidance for the protection of rare plant associations and their habitats;

Action plans for the conservation of marine mammals (Cetacea and Pinnipedia) (order No 393 on December 28, 2020), sturgeons (Acipenseridae) (order No. 391 of 28.12.2000), brown bear (*Ursus arctos*) (order No. 679 on October 20, 2021), Eurasian lynx (*Lynx lynx*) (order No. 595 of 16.09.2021), Black Stork (*Ciconia nigra*) (order No. 102 of 11.03.2019), European bison (*Bison bonasus*) (order No. 231/163 of 08.05.2007) were adopted by the orders of the Ministry of Environmental Protection and Natural Resources of Ukraine.

Most flora and fauna species which are subject to international protection are already included in the Red Data Book of Ukraine and thus are protected by the national law. The species that were not included in the Red Data Book are also subject to protection in accordance with the text of conventions ratified by Ukraine. In regard to the habitats protection: if an animal or plant species is under national protection then its habitats become automatically subject to protection. Conservation of the types of natural habitats listed in the resolution to the Bern Convention is not covered by the legal protection yet.

With the purpose to implement provisions of the Habitats and Birds Directives and the relevant species and habitats protection lists, the draft law On the Territories of Emerald Network is under consideration in the national parliament.

**56. What systems of protected areas exist for nature conservation? On what basis have protected areas been designated? Where does Ukraine stand in implementing the Emerald network as preparation for future Natura 2000?**

According to the Law of Ukraine “On the Nature Reserve Fund of Ukraine”, which was adopted by the Parliament on June 16, 1992 (reference No. 2456-XII), the Nature Reserve Fund was established. It is the system of Protected Areas of national and local importance that includes lands and water areas, natural ecosystems and sites that have a high value in the aspect of wildlife conservation, scientific, aesthetic, recreational and other importance. The Fund’s objectives are to conserve the natural diversity of landscapes, the genetic diversity of flora and fauna, to support an overall environmental equilibrium and to provide a background monitoring of the environment.

The existing network of the National Protected Areas (Nature Reserve Fund) includes 11 categories of areas of national and local importance. Seven categories cover nature-made territories and objects, like Nature Reserves, Biosphere Reserves, National Nature Parks, Regional Landscape Parks, Reservations, Nature Monuments, and Reserve Stows, while four categories cover man-made territories, such as Botanical Gardens, Zoological Parks, Dendrological Parks and Parks-Monuments of Landscape Architecture.

The Law designates the institutional framework of competent bodies and organizations to implement policy and manage the Fund, sets the procedure for establishment of the territories and objects of the Fund. Central competent authority (the Ministry of Environmental Protection and Natural Resources) is responsible for decision-making in regard to the territories of national importance, while local authorities (local state administrations) - to the territories of local importance. Besides, some of the territories are administered by appointed administrations. A substantial number of the territories of the Fund are legal entities; others are managed by their land or forest users.

The objectives for creating protected areas belonging to the Fund, management principles, legal regimes and permissible activities, regimes of land use and nature management on the territories of the Fund are determined directly by the regulations of the Law «On the Nature Reserve Fund of Ukraine». These objectives and principles are either approved by the central or local competent authorities; or (for small objects of the Fund) - specified in the documentation establishing the protected status of these areas.

Some of the protected territories are divided into functional zones, ranging from a zone of strict protection to sites where permissible economic activities can take place. Other protected territories may be areas with a single regime of protection.

Description of each category of the territories and objects belonging to the Fund is provided below:

a) Nature Reserves are nature protection sites of national importance that are created to preserve the natural state of a typical or unique landscape with the whole complex of components. They are established for the purpose of studying the natural processes and phenomena that occur in these reserves, for elaboration of scientific knowledge about the natural environment, efficient use of natural resources and environmental safety. The land of a Nature Reserve is completely removed from economic use.

Ukraine's category «Nature Reserve» satisfies the requirements of category Ia or Ib of IUCN classification (Strict nature reserve or Wilderness area). However, the regime of some Nature Reserves of Ukraine did not meet this international category. Some of the Nature Reserves can be protected areas of category IV.

b) Biosphere Reserves are nature protection sites of international significance, created to preserve the natural state of the most common natural systems of the biosphere. They are established to provide environmental monitoring, for researching the environment and its changes under the influence of anthropogenic factors.

In the Biosphere Reserves, there are three functional zones with special regimes: core zone (zone of strict protection), buffer zone and zone of anthropogenic landscapes (transition area).

A characteristic feature of Biosphere Reserves is that they are usually created on the base of protected areas of other categories. Therefore, there could be different categories of these reserves (Ia, II, IV, V).

c) National Nature Parks are the natural sites of national importance that are created for the conservation, restoration and effective use of nature complexes that have special natural, recreational, historical, cultural, scientific, educational, and aesthetic values. National Nature Parks have four zones: core zone (strict protection), zones of restricted and stationary recreation, and zone of economic activities.

Ukrainian National Nature Parks have satisfied the requirements of category II «National Park» of IUCN classification. However, most National Natural Parks of Ukraine do not have a strict regime, but are Protected Landscape/Seascape Areas (category V) or Natural Monument (category III).

d) Regional Landscape Parks are nature sites that are established at the local level with the purpose to preserve the natural state of typical or unique natural areas, as well as to provide conditions for recreation.

The main objectives of Regional Landscape Parks are to preserve valuable natural, historic and cultural areas and features, to create conditions for effective tourism, leisure and other recreational activities, and to promote environmental education. Regional Landscape Parks can be zoned as in National Natural Parks.

Regional Landscape Parks of Ukraine have satisfied the requirements of category V «Protected landscape/seascape area» of IUCN classification.

e) A Reservation is a natural area that is created for the conservation and restoration of natural ecosystems or their individual components. Most of the Reservations could be viewed as PAs of category IV (Habitat/species management area).

f) Nature Monuments are unique nature formations that have specific environmental, scientific, aesthetic or cognitive value and shall be preserved in their natural state. The Ukrainian category «Natural Monuments» fully meets the third category of IUCN «Natural monument».

g) Reserve Stows are the integral landscape units of woodlands, grasslands, marshes or other land cover of a great scientific, nature and aesthetic value. In the Reserve Stows, any activities that violate the natural processes are prohibited.

As of January 1, 2022, the Nature Reserve Fund of Ukraine consists of 8796 sites with a total area of 4.1 million hectares and 402.5 thousand hectares within the Black Sea. The ratio of the total area of the Nature Reserve Found to the area of Ukraine ("reserve indicator"/"share of protected areas") is 6.82%.

More than half (62.7%) of the protected areas of Ukraine are sites of national importance. Among them, there are 19 nature reserves and 5 biosphere reserves, 53 national nature parks, 328 reservations, 136 natural monuments, 18 botanical gardens, 20 dendrological and 7 zoological parks, 90 parks-monuments of landscape architecture. The total area of the protected areas of national importance is 2 576 202 ha and of local importance - 1 924 909 ha.

In addition to the Nature Reserve Fund, national legislation extends a network of protected areas. In particular, in accordance with the Law of Ukraine «On the National Infrastructure of Geospatial Data», Protected Areas include the territories of Nature Reserve Fund, its functional and

buffer zones, territories which were reserved for further protection, territories and sites of the National Ecological Network, sites of the Emerald Network, Wetlands of International Importance, UNESCO Biosphere Reserves, UNESCO World Heritage Sites.

Nowadays, Ukraine has identified 50 wetlands of international importance, 8 UNESCO biosphere reserves, 15 clusters of the transnational UNESCO World Heritage Site "Ancient and Primeval Beech Forests of the Carpathians and Other Regions of Europe", etc.

Ukraine has also launched new approaches to species conservation by the Law of Ukraine «On Amendments to Certain Legislative Acts of Ukraine concerning the Implementation of Provisions of Certain International Agreements and Directives of the European Union in the field of Fauna and Flora» No. 1684-IX of 15.07.2021. This law stipulates the need to create protection zones for the preservation of species of the Red Book of Ukraine and protection zones for the conservation of biodiversity in forests.

The Ukrainian list of Emerald Network sites consists of 377 territories with a total area of 8 098 240.9 hectares, which is 13.4% of the area of Ukraine. Work on establishing the protected status of these territories continued during 2015-2020. The work on expanding the Emerald Network continues.

Today, according to experts of the Bern Convention, the Emerald Network within Ukraine is sufficient for protecting about 40% of the species and natural habitats for which it was created.

About 50% of the Emerald Network in Ukraine is protected in accordance with the Law of Ukraine «On the Nature Reserve Fund of Ukraine».

Emerald Network sites are recognized as protected areas according to the Law of Ukraine "On the National Infrastructure of Geospatial Data" which was adopted by the Parliament on April 13, 2020. Approval of the Law has made it possible to include the Emerald Network in the open information system of the State Land Cadaster in Ukraine.

With the purpose to implement provisions of the Habitats and Birds Directives, as well as to strengthen compliance with regulations of the Bern Convention on the protection of species and habitats, the draft law On the Territories of Emerald Network is currently under consideration in the national parliament.

**57. Does a system for monitoring the conservation status of habitats and species of conservation interest as defined in the Habitats Directive as well as wild birds exist in your country? What is Ukraine's experience in reporting on the conservation status, in particular in the framework of the reporting under the relevant Resolution of the Bern Convention?**

While the laws of Ukraine "On Fauna" and "On Flora" stipulate monitoring of animals, plants and plant cover as a part of the state environmental monitoring, further work is needed for the full implementation of those provisions. Elements of biodiversity monitoring are currently covering aquatic bioresources and hunting species. As to aquatic bioresources, an annual assessment of their stocks in water bodies is undertaken by the relevant scientific institutions as a basis for approval of the annual limits and quotas on bioresource extraction from the wild (for commercial purposes). As to hunting species, there are annual censuses of their numbers in hunting farm areas conducted by the users of those areas. Based on results of these censuses the annual limits for hunting ( animal

extraction by hunting) are approved. Data on the wild birds distribution is obtained from the bird censuses conducted by scientists, covering certain species in selected areas. Staff in the administration of the protected areas carry out biodiversity monitoring on the territories of these areas, though it has to be noted that there is no formal centralized program of monitoring. Scientific initiatives, such as the Ukrainian Biodiversity Information Network document biodiversity in Ukraine (see the initiative's website for more details [www.ukrbio.com](http://www.ukrbio.com)).

Monitoring procedures for protected species of wild flora and fauna and natural habitats under international and national protection is proposed in the draft Law «On the territory of the Emerald Network».

The conservation status of 31 species of flora and fauna and the types of natural habitats have been assessed in 2019 by the Ministry of Ecology and Natural Resources in accordance with the datasheet forms that are defined under the Bern Convention implementation and are compatible with the EU forms. Due to the reorganization of the Ministry in 2019, these reports were not sent to the Secretariat of the Bern Convention.

During 2020 - 2021 the Institute of Zoology of National Academy of Sciences of Ukraine named after Schmalhausen has collected available data (publications, reports) on 108 species listed in the appendices to the Bern Convention. Of those, approximately 55 species are listed in the Bern's Convention Resolution 6. Draft reports have been prepared on the conservation status of all 108 species in accordance with Resolution 8 of the Standing Committee of the Bern Convention. In addition, characteristics of the species prepared to update the 4th edition of the Red Data Book of Ukraine (a national list of the protected species), were partially brought in line with the requirements of Resolution 8 of the Standing Committee of the Bern Convention.

#### **58. What are the major differences between the nature conservation legislation in your country and the Habitats and Birds Directives?**

Annex XXX to the EU-Ukraine Association Agreement includes measures of harmonization of national legislation in the field of nature protection as part of two EU directives:

a) Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds;

b) Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora.

An expert assessment conducted by [XX] concluded that the degree of compliance of the Ukrainian legislation with the regulations of the Birds Directive is high, while the degree of compliance with the regulations of the Habitats Directive is medium.

The main gaps in national legislation are the following:

- habitat-based approach of biodiversity conservation (to conserve biodiversity at the level of habitats and ecosystems) is not incorporated in national legislation yet;

- monitoring of the conservation status of species of wild flora and fauna and natural habitats faces institutional and technical (methodological) problems and is not provided on a regular basis. In the absence of this information, decision-making process in policy and management is unbalanced and misses biodiversity considerations



- projects and activities on the territories of the Emerald Network are not evaluated in terms of their impact on flora and fauna species and types of natural habitats protected at the European level;
- not all species of animals and plants listed in the annexes to EU directives have an appropriate level of protection under existing legislation

To address these gaps, the Ministry of Environmental Protection in cooperation with a group of Members of the Parliament prepared a draft Law «On the Territories of the Emerald Network». This draft Law was registered in VRU on 4 December 2020 under registration number No. 4461.

Both the VRU Committee on Environmental Policy and Nature Management, and the VRU Committee on Ukraine's Integration into the European Union made positive conclusions regarding the Draft Law No. 4461.

The Draft Law was voted by VRU on 15 July 2021. 199 Members of the Parliament supported it (while the minimum for a law to pass is 225 votes). Subsequently, it was decided to send the Draft Law to the VRU Committee on Environmental Policy and Nature Management for an additional review. The next step after the Committee's review will be the second voting.

According to the EU Law Compliance Report "Assessment of Compliance of the Draft Law "On Emerald Network Territories" (registration No. 4461 of 04/12/2020) with European Union law/AA obligations" (June 2021), the Draft Law No. 4461 partially transposes certain requirements of the Directive 92/43/EEC and Directive 2009/147/EC together with the respective international instruments, i.e. Bern Convention. Specifically, the Draft Law transposes the Association Agreement's requirements, and provisions of the Directive 92/43/EC regarding the conservation of natural habitats and habitats of species, including Annexes I, II and III of the Directive, as well as the requirements of the Directive 2009/147/EC with regards to special conservation measures concerning habitats of species of birds in order to ensure their survival and reproduction in their area of distribution (Article 4). Also, the Draft Law refers to subsequent secondary legislation still to be adopted. Within the scope of transposition, the Draft Law is compliant with the Directive, subject to addressing the above findings and recommendations for identified cases of incomplete compliance. It is important to note that it is realistic and viable to address most of the raised comments/issues of incomplete compliance during the next legislative stage between the first and second readings of the Draft Law. Issues identified as being out of the scope of the Draft Law can be transposed into the Ukrainian legislation in the future through laws or secondary legislation in the legal approximation process under the Association Agreement, and following the overall assessment of transposition of the Habitats and Birds Directive.

#### **59. What are the major differences between the legislation on wildlife trade and EU Regulations on that matter?**

Ukraine mostly follows the Convention on International Trade in Endangered Species (CITES) requirements and has relevant regulation (e.g. Resolution of the Cabinet of Ministers of Ukraine No. 953 of 25 July 2007). The EU requirements on wildlife trade are covered by the Council Regulation (EC) No. 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein. The Council Regulation (EC) No. 338/97 has a list of species different from CITES annexes (CITES has 3 annexes, while the Regulation 339/97 has 4 annexes - A, B, C, D). Other differences in legislation refer to the procedures and types of issuance of permits/certificates, use of phytosanitary certificates, movement of live specimens for the veterinary purposes, designation of specific customs points responsible for CITES documentation inspections, compliance issues,

coordination of Scientific and Management Authorities activities with Scientific Review Group established at the EU level. Relevant approximation is needed in case of a decision to harmonize relevant legislation of Ukraine with that of the EU.

**60. What are the major differences between the legislation on animal welfare related to wildlife and EU Regulations on that matter?**

A key national legal act that regulates animal welfare issues including those related to wildlife is the Law of Ukraine “On the Protection of Animals Against Cruelty” (No. 3447-IV of 21.02.2006). The Law of Ukraine “On Fauna” contains welfare requirements for the wildlife species. Ukraine is also a Party to the European Convention for the Protection of Pet Animals. New substantially amended Law of Ukraine “On Veterinary Medicine” was adopted by VRU on 4 February 2021 under No. 1206-IX. The Law took into account veterinary and sanitary rules with regards to animal welfare (including captive bred wild animals) as foreseen in relevant EU directives.

**61. Does Ukraine have a national forest programme or strategy and a national forest inventory system?**

**National forest programme or strategy:**

By its Order “On approval of the State Strategy of Forest Management in Ukraine until 2035” of 29 December 2021 No. 1777-r, CMU adopted the State Strategy of Forest Management in Ukraine until 2035. Within 6 months after the approval of the Strategy, an Implementation Plan is to be adopted, covering specific tasks, deadlines and the authorities responsible for these tasks.

The Strategy is developed to address the need for a uniform governmental policy in the field of forestry

The purposes of this Strategy are: a) to introduce effective and sustainable forestry management practices, b) to preserve biodiversity while adapting forests to climate change c) to promote the profession of a forest manager; d) to ensure financial stability of forest industry and e) to create favorable conditions for wood-processing and related industries in Ukraine.

Improving governance in the field of forestry, and optimizing the structure and functions of public entities in the forestry sector are among the main goals of the Strategy.

**National forest inventory system:**

The first iteration of developing the National Forest Inventory started in 2021. The inventory is being developed based on: a) the Law of Ukraine No. 643-IX of 02.06.2020 "On Amendments to the Forest Code of Ukraine on the National Forest Inventory"; and b) the Order of Cabinet of Ministers of Ukraine “On approval of the procedure for conducting the national forest inventory and amending the appendix to the regulation on data sets to be published in the form of open data”, No. 392 of 21 April 2021. The work on collecting the data for the National Forest Inventory will be conducted within 5 years, and for one more year the collected information will be analyzed and summarized in a final report.

**62. Does Ukraine have legislation in place to prohibit the placing on the market of illegally harvested timber or derived products? Is Ukraine's legislation aligned with the obligations set out in the EU Timber Regulation?**

**Prohibition of the placing on the market of illegally harvested timber or derived products:**

All forest users are required to use the electronic system of timber tracking.

According to current regulations, entering information into the unified state electronic system of timber tracking is compulsory for forest owners and permanent forest users during their harvesting and timber sale. Together, all of this information goes into the electronic timber tracking system. This data keeps a clear track of who cut what timber where and, most importantly, how much. Thus, it is possible to compare how much timber was cut and how much timber was sold afterwards.

Since 2013, a unified state electronic system of timber tracking was introduced at all state forest enterprises under subordination of the State Forest Resources Agency of Ukraine. The Agency has its offices situated in the most forested regions of Ukraine. This system is functioning now and provides accurate online accounting of forest resources by means of marking wood with special labels with barcodes and using mobile electronic devices in carrying out accounting operations in forests.

The system is an effective method of combating illegal logging and is also an effective factor in increasing the efficiency of forestry production through the application of modern logistics and management solutions, reducing the time for the formation of accounting and reporting documents, reducing the downtime of vehicles, increasing volume of high value assortments and production discipline.

The system allows electronic recording on acceptance, transfer, inventory and sales of timber. Entered accounted figures of the labeled timber are stored in the memory of a mobile terminal and transmitted via GSM connection to information and telecommunication network system, providing printing of primary accounting documents directly in the cutting areas.

In the system database a register of origin of timber is formed. Having applied this register, state forest protection service and law enforcement officers can quickly determine the legality of timber and control wood flow through the supply chain from the logging to the final consumer.

Order from the Ministry of environmental protection and natural resources of Ukraine, dated 27.09.2021 No. 621 "About the statement of the Instruction on conducting electronic timber tracking system" - <https://zakon.rada.gov.ua/laws/show/z1343-21No.Text>

According to Article 105 of the Forest Code of Ukraine, violation of forest legislation entails disciplinary, administrative, civil or criminal liability in accordance with the law. In particular, persons responsible for illegal logging and damage to trees and shrubs are responsible for violating forest legislation. - <https://zakon.rada.gov.ua/laws/show/3852-12No.Text>

**Is Ukraine's legislation aligned with the obligations set out in the EU Timber Regulation?**

According to CMU Resolution No. 835, 36 data sets of the Ministry of Environment are subject to publication, four of which are related to forestry. All these sets are available on the Unified State Open Data Web Portal, namely:

- Unified Environmental Impact Assessment Register (as a set of data published a link to a separate portal).

- State Cadastre of Territories and Objects of the Nature Reserve Fund.
- Estimated felling.
- Limits on special use of natural resources within the territories and objects of nature reserve fund of national importance.

According to CMU Resolution No. 835, the State Forestry Agency of Ukraine must publish 16 sets of open data. Among them, three were published on the Unified State Web Portal of Open Data:

1. Register of logging tickets. The kits are updated regularly - monthly - and contain the following information: names of the forest user and forestry, number and validity of the logging permit, type and area of felling, etc.
2. Information of the State Forest Cadastre. Available data from the State Forest Cadastre as of January 1, 2011 (The last state registration of forests in Ukraine took place before 2011, and has not been conducted since). Contains information on the area of forest plots for various purposes, the volume of stands of stands, the percentage of forest cover, etc. in the context regions of Ukraine.
3. Electronic list of issued certificates of origin of timber and lumber made from them.

#### **Open data information in forestry sphere:**

Open data according to the definition of Ukrainian legislation is a “public information in a format that allows its automated processing by electronic means, being free and with a free access to it, as well as its further using”

All stakeholders have public access to the open data information, including logging tickets, certificates of origin, afforestation plan and environmental impact assessment register.

Everyone can check the legality of logging, detect abuse and use this information to bring offenders to justice.

The data on the volume of wood sold, prices, number of players, etc. is available through the system of open e-auctions "Prozorro. Sales of Wood". This system helps to increase market transparency and to ensure timber legality.

#### **The Unified Environmental Impact Assessment register.**

Environmental impact assessment (EIA) data is important to monitor how the business entities are going through the EIA cycle. This data can be used for detecting potential risks from the proposed activities to the environment, and to ensure the transparency of decision making by the responsible central or local authorities.

According to the Law of Ukraine "On Environmental Impact Assessment" (No. 2059-VIII), which entered into force in 2017, all continuous and gradual main felling, continuous sanitary felling on an area of more than 1 ha, and all continuous sanitary felling on the territories and objects of the nature reserve fund should be subject to the procedure of environmental impact assessment.  
<https://zakon.rada.gov.ua/laws/show/2059-19No.Text>

According to the CMU Resolution No. 835, the Unified Register of Environmental Impact Assessment must be public and published in open data format. The Register is accessible through a government-maintained portal, with the ability to search and download scanned copies of EIA documents.

<https://zakon.rada.gov.ua/laws/show/835-2015-%D0%BFNo.Text>

**63. Does Ukraine have in place a robust and independent inspection body for forest control for all forests?**

The State Ecological Inspection of Ukraine (SEI) is an independent supervisory body responsible for ensuring compliance with environmental legislation. The SEI acts according to the Resolution of the Cabinet of Ministers of Ukraine of April 19, 2017 No. 275.

The main tasks of the State Ecological Inspection of Ukraine are:

1) implementation of state policy on state supervision (control) in the field of environmental protection, rational use, reproduction and protection of natural resources;

2) exercising, within the powers provided by law, state supervision (control) over compliance with the requirements of the legislation, in particular, regarding protection, conservation, use and reproduction of forests.

**64. Is the impact of projects and plans on protected areas assessed before their authorisation? What are the criteria used for the assessment? How are the cumulative impacts from other plans and projects taken into account in these assessments?**

According to the Law of Ukraine “On Environmental Impact Assessment” (2059-VIII dated 23.05.2017), the activities specified in the Law are subject to environmental impact assessment procedure (hereinafter EIA). Completing an EIA is mandatory before taking a decision on implementing the project. The Law prohibits developing a project without EIA, which must include a consent for the development. Assessing the impact on the environment means, inter alia, considering any effects on flora, fauna, biodiversity, landscape, natural areas and sites.

According to the Law, the EIA procedure is a mandatory element of the decision-making process when developing a project (planned activities) that are specified in the second and third paragraphs of Article 3 of the Law. The relevant activity list of the Law 2059-VIII was composed based on Annexes I and II of the EU Directive 2011/92/EC. A notable difference is that projects listed in the Annex II of the Directive as subject to screening, are subject to mandatory EIA according to the Law 2059-VIII and shall be reviewed by a local competent authority.

Assessment of cumulative impact is mandatory as per the Law and shall be included in the EIA report by a project developer. It has to be noted that no effective tools to assess cumulative effects are currently provided by the Law. As per the national requirements, an EIA report should contain a plan of measures aimed at preventing, avoiding, reducing and eliminating significant adverse effects on the environment, including (if possible) compensatory measures. Compensatory measures are required to be specified in the conclusion of a competent authority on EIA.

The draft Law “On the Territories of the Emerald Network” includes provisions on the assessment procedure of the Emerald sites as prescribed by the Habitats Directive 92/43/EEC.

**65. Is the legislation on hunting allowing the hunting of strictly protected species listed on the Annex IV of the Habitats Directive and the birds not listed in Annex II of the Birds Directive?**

According to the Law of Ukraine “On Hunting Farm Management and Hunting”, some of the species listed in the Annex IV of the Habitats Directive (e.g. wolf *Canis lupus*, European beaver *Castor fiber*) and the birds not listed in Annex II of the Birds Directive (e.g. Great Crested Grebe *Podiceps cristatus*) can be hunted in limited numbers which are specified by competent authorities.

**66. Please describe the general policy and legislative basis for soil protection, including provisions for the identification and management of contaminated sites.**

The state policy is aimed at addressing the problem of regulations on sustainable land use and land protection, restoration of the state of damaged ecosystems and promoting a neutral level of land degradation.

The framework legislative act is the Land Code of Ukraine which sets objectives, core points and procedure for land protection; the concept of man-made contaminated, degraded and unproductive lands and regulations on their use and conservation; specific regulations on the management in the field of land use and land protection.

Legal framework in the field of land use and land protection includes the next main laws:

- On Land Protection (No. 962-IV dated 19.06.2003);
- On Environmental Protection (No. 1264-XII dated 25.06.1991);
- On the Basic Principles (Strategy) of the State Environmental Policy of Ukraine for the period up to 2030 (No. 2697-VIII dated 28.02.2019);
- On State Control over Land Use and Protection (No. 963-IV dated 19.06.2003);
- On Land Use Planning (No. 711-IX dated 17.06.2020).

The key legal documents in the field of land protection and restoring soil fertility are:

- National Plan of Actions on Environmental Protection until 2025;
- National Plan of Actions to Combat Land Degradation and Desertification;
- The Procedure of Land Conservation;
- Regulations on developing the working projects of land planning and management;
- Standards of maximum permissible concentrations of hazardous substances in soils and the list of those substances;
- Methodology on calculations of the damage caused by contamination and littering of land resources due to violations of environmental legislation;
- The Procedure on Agrochemical Passportization of the Agricultural Field or Land Plot;

In addition to framework laws, a set of standards is in place, to ensure a valid survey and assessment of soil quality, selection of methods for their identification and controlling their condition.

A system of measures for land protection and land use planning is aimed at restoration and increasing soil fertility, reclamation of man-made disturbed lands, conservation of degraded and unproductive lands, protection of lands against erosion, flooding, salinization, waterlogging, contamination, prevention of other adverse effects.

With the purpose to protect and preserve soils, the legislation specifies a set of lands of a high value (in particular, lands of nature reserve fund and other protected areas, specific types of soils in agricultural lands, peatlands) and regulates their use. The List of particularly valuable soil groups is adopted in Ukraine.

Information on the qualitative assessment of lands, including agricultural groups of soils, is an integral part of the State Land Cadastre which is the state system of information about lands of Ukraine based on GIS-technologies.

Soils within land plots are subject to a particular protection. Landowners and land users are allowed to remove the fertile layer of soils of a land plot and transfer it to other plots only under the specific formally approved project design of land planning and management, except cases when soil cover shall be moved within the same land plot.

Landowners and land users are legally obliged to conserve and increase soil fertility, as well as to preserve other useful properties of the land.

Individuals and legal entities are subject to civil, administrative, and criminal liability for offenses in land regulations. One of the reasons to forcibly terminate land rights is failure to eliminate violations of the law that were defined by the state control authorities (such violations include contamination and littering of lands, degradation or destruction of the fertile soil layer, violation of the legal regime of land use, in particular on protected lands).

The economic and other activities that may lead to contamination of lands and soils to levels which exceed the legally adopted maximum permissible concentrations of hazardous substances in soils are prohibited. Once a land plot has been contaminated by hazardous substances, such a plot can only be used in compliance with the legal restrictions, regulations on prevention of adverse and hazardous effects of those lands on human health and the environment. The level of soil contamination shall be considered while taking decisions on providing lands for use, land withdrawal from economic activities or changes in the type and mode of land use.

The state policy in the field of soil use and conservation of soil fertility is implemented through the state monitoring of soils and agrochemical certification of agricultural lands, maintaining of a database on soil quality, ensuring rational use and preservation of soils, soil conservation measures applied on mandatory basis, protection of soils from adverse natural and man-made impacts, setting liability for damage to soils.

Agrochemical certification of agricultural lands is a mandatory agrochemical survey. As a result of soil assessment, an agrochemical passport is issued for the agricultural field or land plot. A passport contains the baseline and current content of nutrients in soils, levels of contamination with toxic substances and radionuclides.

The state monitoring of soils and agrochemical certification of lands are provided by the competent authority under the Ministry of Agrarian Policy of Ukraine - the Institute of Soil Protection of Ukraine. The Institute has offices in every region of Ukraine, as well as testing and measuring laboratories which are obliged to verify their competencies in the field of soil research on a regular basis. Five laboratories are accredited by the National Accreditation Agency of Ukraine, six laboratories are included in the register of the Global Network of Soil Laboratories (GLOSOLAN). Other laboratories are authorized to conduct relevant measurements by regional centers of standardization and metrology.

The intensity of agrochemical certification activities is quite high. During the tenth round of certification (2011-2015) the Institute delivered survey and assessment of 19.8 million hectares of agricultural lands, 1.9 million soil samples were taken, 9.6 million analytical studies were performed, agrochemical cartograms for the area of 20.1 million hectares were created and the materials for 360.8 thousand of agrochemical passports were developed. During the eleventh round of certification (2016-2020) the agrochemical survey was delivered for the area of 9.6 million hectares of agricultural lands, 1.3 million soil samples were taken, 4.4 million analytical studies were performed, agrochemical cartograms for the area of 9.4 million hectares were made and materials for 163.7 thousand of agrochemical passports were developed.

Materials with information and analysis on the state of soils in Ukraine are elucidated in the Periodic Report on the State of Soils on Agricultural Lands of Ukraine based on results of the 5 years-lasting round of agrochemical survey of lands, as well as in the National Report on the State of the Environment in Ukraine.

## **F. Industrial Pollution Control and Risk Management**

**67. What are the main features of the legislation concerning the permitting of industrial installations with regard to emissions of pollutants into the air, water and soil? Is there a permitting system in place based on the use of best available techniques for integrated pollution prevention and control (Industrial Emissions Directive)?**

According to Article 1 of the Law of Ukraine “On the Permitting System in the Sphere of Economic Activity” (No. 3392-VI dated 19.05.2011), an economic entity acquires the right to take certain actions to carry out economic activity or types of economic activity on the basis of a relevant document provided by the permitting authority.

According to Article 11 of the Law of Ukraine "On Protection of Atmospheric Air" (No. 2707-XII dated 16.10.1992) emissions of pollutants into the atmosphere by stationary sources may be carried out only on the basis of a permit issued to the business entity. Legal basis for issuing permits for emissions of pollutants into the atmospheric air by stationary sources is regulated by this Law.

The Law stipulates CMU to establish a permitting procedure for the emissions to the atmosphere from stationary sources; and to establish a register of legal and physical entities holding such permits.

The existing national system of permits in the field of environmental protection is based on a component-by-component approach to the regulation of environmental impact; this approach does not allow to take into account the cumulative impact of an installation on the environment. The existing national limits for the maximum allowable concentrations of emissions and maximum allowable discharges of pollutants into water do not meet the Best Available Techniques values of Directive 2010/75/EU. Ukraine took a commitment to transpose the Directive 2010/75/EU according to the EU-Ukraine Association Agreement. Implementing the Industrial Emissions Directive would mean introducing principles of reduction, prevention and control of emissions into the air, wastewater discharges with pollutant concentrations and control of waste management operations.

CMU Order of 22.05.2019 No. 402 approved the Concept of Implementation of State Policy in the Field of Industrial Pollution and CMU Order of 27.12.2019 No. 1422 approved the Action Plan for Implementation of the Concept of State Policy in the Field of Industrial Pollution. The Action



Plan includes a timeline for implementing the requirements of the Industrial Emissions Directive 2010/75/EU; this implementation timeline is linked to the approval of a national law on industrial emissions. In accordance with the mentioned Concept, a draft Law of Ukraine "On Prevention, Reduction and Control of Pollution Caused as a Result of Industrial Activities" was developed and registered in VRU on 29 September 2020. The draft law, however, did not receive a sufficient number of votes of the Members of Parliament, and was therefore withdrawn from consideration.

At present, the VRU has registered three draft laws in the field of prevention of industrial pollution:

- "On integrated prevention and control of industrial pollution" (Reg. No. 6004 of 07.09.2021) and two alternative draft laws:

- "On the prevention, reduction and control of pollution arising from industrial activities" (Reg. No. 6004-1 from 07.09.2021),

- "On ensuring the constitutional rights of citizens to a safe environment for life and health" (Reg. No. 6004-2 of 22.09.2021), based on the text of the Governmental draft law.

Upon the Government's approval of one of the draft laws on industrial emissions, VRU is to consider the draft. Once the Law is approved by the Parliament, the legal acts to implement the requirements of the Directive 2010/75/EU are to be developed in line with the existing CMU Action Plan for Implementation of the Concept of State Policy in the field of industrial pollution

**68. What are the main features of the legislation regarding emissions from large combustion plants (rated thermal input above 50 MW), waste incineration plants and installations using organic solvents?**

Ukraine, as a member of the Energy Community as of February 1, 2011, has undertaken to comply with the provisions of the Treaty establishing the Energy Community and its annexes. According to Annex II to the Treaty, all large combustion plants (hereinafter - LCPs) from 01.01.2018 had to meet the requirements of Directive 2001/80/EC on the limitation of emissions of certain pollutants into the air from the LCP. Technological normatives for permissible emissions of pollutants from thermal power plants with a rated thermal capacity exceeding 50 MW have been adapted to the requirements of Directive 2001/80/EC and approved by the Ministry of Environment Order of 22.10.2008 No. 541, registered by the Ministry of Justice of Ukraine on 17.11.2008 under No. 1110/15801 (hereinafter - the Technological Normatives).

The Technological Normatives regulate emissions permits for thermal power plants with a rated thermal capacity exceeding 50 MW.

Due to limited timeframe, and due to the state of equipment used at over 220 existing LCPs in Ukraine, the number of which exceeds 220, a significant amount of work and limited financial resources of operators serving the LCP did not allow Ukraine to meet

The requirements of the Directive 2001/80/EC are not met as of 2022 for the following reasons: a) limited timeframe remaining provided the implementation of the requirements of Directive 2001/80/EC, b) suboptimal state of equipment used at over 220 of the existing LCPs in Ukraine, c) a significant amount of work to implement the requirements and limited financial resources of the LCP operators. Due to non-compliance with the requirements of the national legislation, vast majority of

the LCP would have to be decommissioned, resulting in critical reduction of installed capacity in the national energy system threatening the system's stability.

Directive 2010/75/EU, which replaced Directive 2001/80/EU, introduced important changes, such as stricter emission limits for LCPs covering: sulfur dioxide, nitrogen oxides, and substances in the form of suspended solids, dust.

NERP is the mechanism for implementing the provisions of Directives 2010/75/EU and 2001/80/EU.

Ukraine's NERP covers the timeline until 31.12.2033, until then the measures to reduce emissions of nitrogen oxides (oxide and nitrogen dioxide) are to be fully implemented. For sulfur dioxide emissions (dioxide and trioxide) and dust, the NERP requires full implementation until 31.12.2028. The extension of the implementation of the requirements of Directive 2010/75/EU for Ukraine is agreed in the framework of the Energy Community Treaty and reflects high costs of implementation and the need to ensure stability of Ukraine's energy network.

The Technological Normatives have been amended to take into account the approved NERP and the requirements of Directive 2010/75/EC (Annex V "Technical provisions for combustion plants") by the Order of the Ministry of Environmental Protection and Natural Resources of Ukraine dated 16.02.2018 No. 62.

Annex VI "Technical provisions for waste incineration plants and co-incineration plants" and Annex VII "Technical provisions for facilities and activities using organic solvents" to Directive 2010/75/EU have not yet been implemented. Standardization of emissions from these facilities is carried out in accordance with the order of the Ministry of Environment dated 27.06.2006 No. 309 "On approval of normatives of maximum allowable emissions of pollutants into the atmosphere from stationary sources", registered in the Ministry of Justice on 01.08.2006 under No. 912/12786.

#### **69. Are there measures providing for an eco-labelling system?**

According to Article 293, paragraph 2, Ukraine has committed to making an effort to under the Association Agreement to promote and encourage trade and foreign direct investment in environmentally friendly goods, services, and technologies, the use of balanced sources of renewable energy, and energy-saving products and services, as well as environmental labelling of goods, including by removing related non-tariff barriers.

Development of voluntary environmental certification, product labelling, are among the objectives of the state environmental policy of Ukraine. Law of Ukraine No. 2697-VIII of February 28, 2019 "On Basic Principles (Strategy) of State Environmental Policy of Ukraine until 2030" identifies eco-labelling as one of the main tools for implementing national environmental policy. It prioritizes the need to stimulate the introduction of environmental management systems in enterprises while improving the environmental performance of products, including on the basis of international certification and labelling systems.

Guidelines and methods of application of eco-labelling in Ukraine are defined in accordance with a series of international standards ISO 14020, which came into force as state standards in Ukraine by the method of confirmation by identical translation in 2002-2003. In particular:

- DSTU ISO 14020: 2003 Ecological labels and declarations. General principles (ISO 14020: 2000, IDT) - defines the general principles to be followed when applying eco-labels and declarations;

- DSTU ISO 14021: 2016 Ecological labels and declarations. Type II self-declarations (Type II Ecolabel) (ISO 14021: 2016, IDT), which sets requirements for the use of environmental self-declarations that indicate a certain environmental performance of the product;

- DSTU ISO 14024: 2002 Eco-labels and declarations. Ecological labelling type I. Principles and methods (ISO 14024: 1999, IDT) / DSTU ISO 14024: 2018 Ecological labelling and declarations. Type I eco-labelling Principles and procedures (ISO 14024: 2018, IDT), which sets requirements for the environmental certification and labelling system.

- DSTU ISO 14025: 2008 Ecological labels and declarations. Environmental declarations type III. Principles and procedures (ISO 14025: 2006, IDT). An environmental product declaration or EPD is a document that contains the results of a life cycle assessment of a product, material or product (LCA), which allows the manufacturer to assess resource consumption, environmental impact and life cycle cost of products research by standardized method.

In Ukraine, the system of environmental certification and type I labelling in accordance with DSTU ISO 14024 has been developing since 2003 as an independent and voluntary system.

National Technical Committee for Standardization TC 82 "Environmental Protection" develops environmental criteria for life cycle assessment (eco-labelling standards) for clearly defined objects of standardization (categories of goods and services). Leading industry experts, production engineers and environmentalists participated in the Committee's working groups.

## **70. How is the issue of industrial risks and accidents dealt with and controlled by public authorities?**

**Is there a system in place to control major accidental hazards. Is there a policy and regulation in place to prevent major accidents and to ensure appropriate preparedness and response should such accidents nevertheless happen (e.g. Seveso)?**

The Law of Ukraine "On High-Risk Facilities" (hereinafter - the Law on HRFs) from 2001 was developed taking into account the requirements of Directive 96/82/EC of January 9, 1996 (SEVESO II). In August 2021, the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine Concerning High-Risk Objects" was adopted, which amends Law of Ukraine "On High-Risk Facilities", the Civil Code of Ukraine and a number of other normative legal acts, harmonizing the legislation of Ukraine in accordance with Directive 2012/18/EU on the control of threats of significant accidents related to the use of hazardous substances (hereinafter - the Seveso III Directive).

In order to implement the Seveso III Directive, the terms in the Law on HRFs have been revised, as their absence and inaccurate interpretation violate some procedures for belonging to HRFs. The Civil Protection Code of Ukraine has also been amended on this issue.

According to new Law the competent authority and its powers to provide information to EU Member States that may be affected by accidents with transboundary consequences at high-risk facilities and to receive an alert in the event of an HRF accident in other EU Member States have been identified, and the coordination mechanism has been improved, introduced the obligation of the business entity to independently suspend the production (operation of equipment), which arose

accident. A procedure for submitting a report on security measures at high-risk facilities (involving prevention measures, a safety management system, identification of hazards and scenarios, internal and external emergency plans), which is prepared under a simplified procedure, and providing public access to it has been introduced. In addition, a system of inspections is put in place.

The dividing of HRFs into three classes in accordance with the current legislation has been introduced in order to differentiate the requirements taking into account the hazard class and to establish specific requirements for each class of HRFs. This approach allows to take into account the requirements of the Seveso III Directive not only for sites where the accident may pose a significant threat, including at the transboundary level (1 and 2 classes of HRF), but also to take into account the requirements of national legislation for sites where there may be significant accidents that may threaten the safety of the population in Ukraine (3rd grade).

**71. Is there a database providing information on the location of and substances likely to be present in industrial plants that could trigger a major accident?**

In Ukrainian legislation there is a term high-risk object, divided on classes of risks. The object of high level of danger of the corresponding class is the object on which are used, made, processed, stored or transported one or several dangerous substances or categories of substances in quantity equal to or exceeding normatively established threshold masses, and other objects that are a real threat to cause the emergency.

The work of the central executive bodies related to such facilities is coordinated by the State Labor Office.

An economic entity that owns or uses at least one potentially dangerous facility prepares and submits a declaration of safety of the high-risk facility in the prescribed form to territorial control bodies, including the State Labor, State emergency service, and local executive bodies. The safety declaration is collected in the State Register of High-Risk Facilities within 30 working days.

In addition, the Ministry of Environment carries out state inventory of objects that have or may have harmful effects on human health and air quality, types and amounts of pollutants emitted into the atmospheric air in accordance with the Procedure for state inventory in the field of air protection, approved by the resolution of the Cabinet of Ministers of Ukraine from 13.12.2001 No. 1655. State inventory is formed from data on types and volumes of pollutants emitted into the atmospheric air from enterprises with the coordinates of the location of these enterprises.

**72. Is there a register of annual releases (to air, water and land) and waste transfers that provides public access to information on the environmental performance of large agro-industrial installations (E-PRTR Regulation)?**

In 2016, Ukraine ratified the Kyiv Protocol to the Aarhus Convention, committing itself to conduct its environmental policy, involve the public in addressing environmental issues.

Ukraine's ratification of the Protocol to the Aarhus Convention, to which Ukraine is a party, provides for the adoption of relevant legislation to establish and implement a national register of emissions and releases of pollutants.

Ministry of Environment with the support of experts of the project "Support to Ukraine in approximation to EU environmental standards (air quality and waste management)", APENA2, funded by the EU and pursuant to Presidential Decree of 23.03.2021 No. 111 "On the decision of the National Security and Defense Council of Ukraine from 23.03.2021 "On challenges and threats to national security of Ukraine in the environmental sphere and priority measures to neutralize them" and the Law of Ukraine "On ratification of the Protocol on registers of emissions and transfer of pollutants" from 03.02.2016 No. 980-VIII developed a draft Law of Ukraine national register of emissions and transfer of pollutants ".

The purpose of the draft law is to implement the Protocol taking into account the requirements of Regulation No. 166/2006 of the European Parliament, which provides for the establishment of a European Pollutant Release Register, which contains data provide every citizen with access to such information to increase the effectiveness of e-government in the field of environmental protection.

All provisions of the draft Law of Ukraine are in line with Ukraine's commitments in European Union law.

The bill passed public discussion, was approved by the Government on December 23, 2021 and registered in the VRU on December 28, 2021, No. 6477.

The register should ensure the functioning of the electronic cabinet for electronic interaction between operators, relevant bodies, authorized body, controlling body, specially authorized central executive body in the field of statistics, which ensures the formation and implementation of state policy in the field of statistics, state tax policy, state policy on administration of a single contribution to compulsory state social insurance, including the ability to submit operator's report, information on diffuse sources, and a web portal for public access to the Register (Article 14).

Resolution of the Cabinet of Ministers of Ukraine of 11.10.2021, No. 1065 approved the Regulations on the Unified Ecological Platform "EcoSystem", created by the Ministry of Environment and put into test operation. It contains the module "National Register of Emissions and Pollutants", which currently operates as a geoinform system in which information on 4,000 industrial facilities is available, and later suppose to serve as the basis for reporting in accordance with the draft Law of Ukraine "On the National Register of Emissions and Transfer of Pollutants".

At the same time, work is underway to develop bylaws and reporting forms for the earliest implementation of the bill.

## **G. Chemicals**

**73. What are the legal acts and the main features of the legislation concerning chemical substances and mixtures? Is Ukraine's legislation aligned with EU's requirements on Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), persistent organic pollutants (POPs), plant protection products, biocides and asbestos?**

The legislative framework in Ukraine is sectoral. The production and placing on market of chemicals is subject to EIA and several laws of Ukraine. In accordance with the requirements of the Law of Ukraine "On Ensuring Sanitary and Epidemiological Welfare of the Population" state registration of pure chemicals which are manufactured or imported as dangerous factors is carried out. The Law of Ukraine "On Pesticides and Agrochemicals" regulates registration procedure for

pesticide products placed on the market. The law of Ukraine “On the protection of population from infectious diseases” regulates registration procedure for placing on the market some biocide products (not all EU Product types covered). The law of Ukraine “On high-risk objects” regulates business activities of companies which operate with hazardous substances over threshold quantities. Ukraine has acceded to the Basel, Stockholm and Rotterdam Conventions, also Ukraine is a party to SAICM.

At present, draft acts have been developed to adapt the legislation to the requirements to Regulation (EC) No. 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No. 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC and Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No. 1907/2006.

The above draft acts will be considered by the executive authorities after the adoption by the VRU of the Law of Ukraine "On Chemical Safety and Chemicals Management".

**74. Is there an official register of chemicals which are on the market? Are the "new" chemical substances registered and characterized before being put on the market?**

The use of any dangerous factor of chemical and biological nature in the national economy and everyday life is allowed only in the presence of a certificate certifying its state registration (Article 9, Section III of the Law of Ukraine "On Sanitary and Epidemic Welfare").

According to Art. 21 of the Law of Ukraine "On Labor Protection" it is not allowed to use harmful substances in the production in the absence of their hygienic regulations and state registration.

The state registration of dangerous factors is carried out in accordance with Section II "Regulations on hygienic regulations and state registration of dangerous factors", approved by CMU Resolution of 13.06.95 No. 420.

All individual chemical and biological substances (compounds) are registered, including polymers and materials on their basis, as well as those that are part of mixed products that are produced and (or) used in Ukraine or imported from abroad. State registration of hazardous factors is a prerequisite for issuing permits for import, use and organization of production, for the introduction of hazardous factors in regulatory and design documentation, as well as a condition for issuing a hygienic opinion.

Registration of chemical and biological substances (compounds) is carried out by the Committee at the request of ministries, departments, organizations, institutions, enterprises, regardless of their subordination and ownership, other legal entities responsible for the production or import of a particular substance (compound).

For state registration of dangerous factors, the Applicant provides a list of documents by the Order of the Ministry of Health of Ukraine dated 23.03.2010 No. 250.

After the registration of the hazardous factor, the Committee issues to the applicant the relevant certificate (certificate) and the developed Hazard Factor Data Map; publishes information on state registration on the Committee's website.

For business entities that are not owners of the Certificate (certificate) of state registration, the official document confirming the fact (presence) of state registration of the hazardous factor is the "Hazardous Factor Data Map" (substance, material), it is mandatory document for individual chemical and biological substances (compounds), including polymers and materials based on them, as well as those that are part of mixed products that are produced and (or) used in Ukraine, as well as those imported from "Abroad" data of the dangerous factor (substance, material) is valid for the period of state registration of the dangerous factor.

**75. Are there rules on hazard classification, packaging and labelling for chemicals (for both substances on their own, substances in articles and mixtures)? Please describe. Are they aligned with the Globally Harmonized System of Classification and Labelling of Chemicals (UNGHS) and the EU Classification, labelling and packaging Regulation?**

The rules on hazard classification, packaging and labelling for chemicals (for both substances on their own, substances in articles and mixtures) are absent.

**76. Is there a registration/authorisation procedure for pesticides, i.e. plant protection products (agricultural pesticides) and/or biocides (non-agricultural pesticides)?**

State registration of pesticides and agrochemicals is carried out by MEPR, in the manner and amounts established by the Cabinet of Ministers of Ukraine, based on positive test results and research materials. The main legislative and regulatory documents are:

- Law of Ukraine "On Pesticides and Agrochemicals";
- CMU Resolution No. 295 of 04.03.96 "On approval of the Procedure for conducting state tests, state registration and re-registration, publication of lists of pesticides and agrochemicals approved for use in Ukraine";

Orders of MEPR:

- of April 2, 2021 No. 229 On approval of the List of research institutions, enterprises and organizations authorized to conduct state tests of pesticides and agrochemicals (<https://mepr.gov.ua/documents/3361.html>);
- of April 30, 2021 No. 295 On Amendments to the List of Research Institutions, Enterprises and Organizations Authorized to Conduct State Tests of Pesticides and Agrochemicals (<https://mepr.gov.ua/documents/3396.html>);
- of July 22, 2021 No. 499 On Amendments to the List of Research Institutions, Enterprises and Organizations Authorized to Conduct State Tests of Pesticides and Agrochemicals (<https://mepr.gov.ua/documents/3473.html>);
- of November 11, 2018 No. 595 "On approval of the amount of the fee for examination, state registration and re-registration of pesticides and agrochemicals";

State sanitary rules "Transportation, storage and use of pesticides in the national economy" 8.8.1.2.001-98 regulate legal relations related to state registration, circulation and safe use of pesticides and agrochemicals for human health and the environment in Ukraine.

The procedure for conducting state tests, state registration and re-registration, publication of lists of pesticides and agrochemicals approved for use in Ukraine, approved by the Resolution of the Cabinet of Ministers of Ukraine No. 295 of 04.03.1996

Preparative forms of pesticides and agrochemicals of domestic and foreign production, for which application regulations have been developed, including hygienic standards and methods of control over their observance, are subject to state registration. The state registration of drugs manufactured on the territory of Ukraine is carried out after the registration of the active substance in the Committee on Hygienic Regulation of the Ministry of Health.

State testing and registration of pesticides and agrochemicals is carried out to minimize the harmful effects of pesticides and agrochemicals and achieve high biological efficiency requirements for direct use, safety for human health and the environment, subject to regulations and compliance with state standards, sanitary norms and other regulatory documents.

The purpose of the state test is the formation of biological, toxicological, hygienic and environmental assessment and the development of regulations for their use:

- drugs with a new active ingredient undergo state tests during two full growing seasons;
- in the case when the preparation contains an active substance that is part of an already registered preparation for the same purpose and for the same group of crops, the term of state trials is reduced to one full growing season;
- preparations used for closed soil, control of rodents and household insects and fumigation of warehouses and grain stocks are carried out for up to one year.

One of the prerequisites for state registration of drugs is the availability of documentation on their safe use, including a positive conclusion of the state sanitary-epidemiological examination, environmental expert assessment of materials, methods for determining residual pesticides and agrochemicals in air, soil, agricultural products, feed, food products, water.

If the examinations and recommendations of the scientific-expert council of the Ministry of Environment gave a positive result, a decision is made on state registration of the drug, which after payment of the registration fee is entered into the State Register of Pesticides and Agrochemicals, maintained electronically, and the applicant is informed about the state registration of the drug.

**77. Are there any legal provisions to prohibit and control the export and import of certain hazardous and/or banned chemicals, including pesticides? Are they aligned with the Rotterdam Convention and the EU Prior Informed Consent (PIC) Regulation?**

Ukraine is a Party to the Rotterdam Convention. PIC Regulation implementation was scheduled for 2022 through the adoption Law of Ukraine "On Chemical Safety, Security and Management" where needed prior informed consent procedures and devoted authority activities are envisaged.

Law of Ukraine "On Pesticides and Agrochemicals" provides the possibility of manual ban or restriction of pesticides if the authority gets new information about inadequate risk. Currently there



are no clear rules for imposing restrictions of chemicals based on criteria, classification ect. There is no scheme for reporting the export of banned or severely restricted chemicals, including pesticides, in accordance with the requirements of the Rotterdam Convention. All these gaps will be filled after adoption of Law of Ukraine “On Chemical Safety, Security and Management” where procedures for restrictions or severe restrictions or bans are envisaged in harmonization with EU REACH and PIC regulations.

**78. Are there legal provisions in place for the protection of laboratory animals as well as alternative test methods?**

Protection of laboratory animals is regulated by Law of Ukraine “On protection of animals from cruel treatment” in which it stated that the use of animals in scientific experiments, biological testing, educational process is allowed only if there is no possibility to replace them with other alternative methods and objects. No. 249 dated 01.03.2012. The by-law Order of the Ministry of Education and Science, Youth and Sports of Ukraine No. 249 of 01.03.2012 On approval of the Procedure for conducting experiments, experiments on animals by scientific institutions gives some additional requirements but there is no clear restriction for conducting the same testing of chemicals or for vertebral animals. National authority - The Committee on Ethics (Bioethics) is a coordinating and advisory scientific-expert body at the Ministry of Education and Science, Youth and Sports of Ukraine, which was established by the order of the Ministry of Education and Science of Ukraine dated 03.05.2006 No. 34

The use of laboratory animals for research, in particular cosmetic products, is prohibited by technical regulation on cosmetic products fully harmonized with corresponding EU regulation.

**79. Are there legal provisions in place regarding exports and safe storage of mercury and certain mercury compounds and mixtures?**

There is no legislation on the export and safe storage of mercury and certain mercury compounds and mixtures, as Ukraine is not a party to the Minamata Mercury Convention, only the management of mercury-containing waste is regulated. The management of mercury-containing waste is carried out in accordance with the general rules for the management of hazardous waste, the requirements for which are established by the Law of Ukraine "On Waste". Mercury-containing wastes are hazardous and are therefore licensed in accordance with national law. Transportation of mercury-containing waste is carried out in accordance with the requirements of the Law of Ukraine "On Transportation of Dangerous Goods". Transboundary movements of mercury-containing waste are carried out in accordance with the requirements of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal and by CMU Resolution of 13.07.200 No. 1120 and their utilization / disposal and the Yellow and Green lists of wastes.

**80. How is the issue of mercury pollution dealt with and controlled by public authorities?**

Determination of mercury content in production facilities, environment and biological materials is carried out in accordance with the guidelines approved by the order of the Ministry of Health of Ukraine dated 10.06.2005 No. 263.

Guidelines "Determination of mercury content in objects industrial, environmental and biological materials "establish general requirements for the principles of determination, characteristics of methods, measuring instruments, sampling, sample preparation and analysis for total mercury, as well as organic and inorganic forms.

Guidelines instructions contain a systematic presentation methods for measuring the mass concentration of various forms of mercury in production facilities, environment and biological materials (air, work area air, drinking water, soil, food, human and animal biosubstrates, etc.) and compiled based on experience in the use of devices in public institutions sanitary and epidemiological services and scientific institutions. The guidelines are based on the cold steam method using modern highly sensitive devices.

A draft law of Ukraine on Ukraine's accession to the Minamata Convention on Mercury was prepared and sent to the President of Ukraine for consideration.

In addition, the draft Law of Ukraine "On Chemical Safety and Management of Chemical Products" proposes a number of rules of law aimed at ensuring full implementation of the Minamata Convention on Mercury at the national level.

## **H. Noise**

### **81. Do the authorities periodically assess noise over the major road and railway network, in large industrial plans, in airports and in agglomerations?**

No, regular or periodic monitoring of the noise pollution on the areas along highways or other motorways, in agglomerations in the country is not carried out. However, in regard to industrial enterprises measurements of noise levels are carried out while addressing questions on optimizing the size of industrial sanitary protection zones, implementing measures of actual sanitary and epidemiological surveillance by the laboratories accredited by state agency (Ukrderzhstandart), in particular state lab centers of the Ministry of Health of Ukraine and private ones. Maximum permissible thresholds of industrial noise on borders of sanitary protection zones of industrial enterprises are set by law. On the complaints of the public concerning excessive noise exposure from various objects, field measurements of noise level are carried out by lab centers of the Ministry of Health of Ukraine with further hygienic impact assessment of the results and taking of decisions by officials of regional bodies of the State Food and Consumer Service of Ukraine.

### **82. Is there a general noise abatement act or policy? What are the main features of the noise control policy (emission standards, planning standards)?**

Yes, in Ukraine there are a number of regulations to manage and control noise pollution in settlements.

Sanitary legislation sets permissible levels of noise and its certain parameters within residential and public areas and their adjacent territory. The legislation includes: the State Sanitary Rules on the Planning and Development of Settlements since 1996, the State Sanitary Norms of permissible noise levels within residential and public buildings and residential areas approved by the Ministry of Health of Ukraine in 2019; the Sanitary Standards of Industrial Noise, Ultrasound and Infrasound that regulate the permissible noise levels in the workplace of industrial enterprises.

Urban planning legislation sets preconditions for the location of noise sources (of transport, industrial, infrastructural noise) within the settlements and the required measures on noise reduction and noise control to comply with regulatory levels of noise impact on the territory of residential buildings. The legislation includes a number of state building codes (state regulations on construction): regulations on the planning and development of territories; on protection of areas, buildings and other structures against noise; on designating the noise reduction in premises; on calculation and designating the noise reduction in residential areas; on designating noise insulation of enclosing structures of residential and public buildings.

These regulations specify and describe the sources of man-made noise (like industrial, transport equipment, engineering equipment of urban infrastructure, etc.), the hygienic standards of permissible noise impact on the human body, calculations of probable noise levels at certain points of residential or public areas, required efficiency of measures for noise reduction. techniques of noise measurement and appropriate hygienic impact assessment.

## **I. Civil Protection**

### **83. What is the general approach and organisation as regards civil protection?**

The Civil Protection Service is a special state service designed to provide fire protection, protection of the population and territories from the negative impact of emergencies, to prevent, prepare for and respond to emergencies, eliminate their consequences in peacetime and during the martial laws.

Civil protection is a function of the state aimed at protecting the population, territories, environment and property from emergencies by preventing such situations, eliminating their consequences and providing assistance to victims in peacetime and in special periods.

Depending on the nature of the origin of events that may cause emergencies in Ukraine, the following types of emergencies are identified:

- 1) man-made emergencies;
- 2) natural emergencies;
- 3) social emergencies;
- 4) military emergencies.

Depending on the extent of the consequences of the emergency, the amount of technical and material resources required for their elimination, the following levels of emergency are determined:

- 1) national;
- 2) regional;
- 3) local;
- 4) object-specific.

Ensuring the implementation of state policy in the field of civil protection is carried out by a unified state system of civil protection, which consists of functional and territorial subsystems.

The Unified State System of Civil Protection (hereinafter - USSCP) consists of governing bodies, forces and means of central and local executive bodies, the Council of Ministers of the Autonomous Republic of Crimea, executive bodies of councils, enterprises, institutions and organizations, which implement state civil protection policy.

USSCP includes permanent functional and territorial subsystems and their subdivisions.

USSCP functional subsystems (hereinafter - functional subsystems) are created in the relevant spheres of public life by central executive bodies to protect the population and territories from emergencies in peacetime and during martial law, ensuring the readiness of their forces and means to action aimed at preventing, preparing for and responding to emergencies. The direct management of the functional subsystem is carried out by the head of the body or entity that created the subsystem.

USSCP territorial subsystems (hereinafter - territorial subsystems) are created in the Autonomous Republic of Crimea, regions, cities of Kyiv and Sevastopol in order to implement measures to protect the population and territories from emergencies in peacetime and during special periods in the region. Direct management of the territorial subsystem, its units is carried out by an official who heads the body that created such a subsystem, the unit.

The main tasks of the USSCP are:

- 1) ensuring the readiness of ministries and other central and local executive bodies, local self-government bodies, forces and means subordinated to them to take actions aimed at preventing , preparing for and responding to emergencies;
- 2) ensuring the implementation of measures to prevent emergencies;
- 3) training of the population on behavior and actions in case of emergency, training and exercises of the bodies of the unified state system of civil protection;
- 4) implementation of state targeted programs aimed at preventing emergencies, ensuring the sustainable operation of enterprises, institutions and organizations, reducing possible material losses;
- 5) processing of information on emergency situations, publication of information materials on the protection of the population and territories from the consequences of emergencies;
- 6) forecasting and assessment of socio-economic consequences of emergencies, determination on the basis of the forecast of the need for forces, means, material and financial resources;
- 7) creation, rational preservation and use of the reserve of material and financial resources necessary for the prevention and response to emergencies;
- 8) informing the population about the threat and occurrence of emergencies, timely and reliable information about the actual situation and measures taken;
- 9) protection of the population in case of emergencies;
- 10) carrying out rescue and other urgent works on liquidation of consequences of emergency situations, the organization of life support of the affected population;
- 11) mitigation of possible consequences of emergencies in case of their occurrence;
- 12) implementation of measures for social protection of the affected population;

13) realization of the rights defined by the law in the field of protection of the population from consequences of emergency situations, including the persons (or their families) who took a direct part in liquidation of these situations;

14) other tasks specified by law.

Additional tasks of USSCP in the recovery period are:

- conducting targeted mobilization to eliminate the consequences of hostilities and emergencies;
- elimination of the consequences of hostilities in settlements and territories affected by the means of destruction;
- taking measures to restore critical infrastructure in the field of livelihoods;
- identification of settlements and areas in need of humanitarian demining, marking of dangerous areas, cleaning (demining) of territories;
- involvement in the elimination of the consequences of hostilities and emergencies of international assistance.

USSCP is managed by the Cabinet of Ministers of Ukraine. At the same time, the direct management of the activities of the unified state system of civil protection is carried out by SES.

USSCP includes permanent bodies of civil defense management, coordination bodies, civil defense forces of functional and territorial subsystems.

The permanent bodies of civil protection management, whose powers include issues of organization and implementation of civil protection measures, are:

- at the state level - CMU, SES, as well as central executive bodies that create functional subsystems, and units for civil protection in their staff;
- at the regional level - the Council of Ministers of the Autonomous Republic of Crimea, regional, Kyiv and Sevastopol city state administrations, civil protection units formed within them, territorial bodies of SES;
- at the local level - district, district in mm. Kyiv and Sevastopol state administrations, executive bodies of city (cities of the Republican Autonomous Republic of Crimea, cities of regional and district significance) councils, divisions on civil protection issues formed within them, executive bodies of settlement and village councils, subdivisions of territorial bodies of SES;
- at the object level - the governing bodies of enterprises, institutions and organizations, as well as units (officials) on civil protection, which are formed (appointed) by such bodies in accordance with the law.

Civil protection coordinating bodies are:

- at the national level - the State Commission on Technogenic and Ecological Safety and Emergencies;
- at the regional level - commissions on technogenic and ecological safety and emergencies of the Autonomous Republic of Crimea, oblasts, Kyiv and Sevastopol;

- at the local level - commissions on technogenic and ecological safety and emergency situations of districts, cities, districts in cities, settlements;

- at the object level - commissions on emergency situations of enterprises, institutions and organizations.

The civil defense forces of the unified state civil defense system include:

- operational and rescue service of civil protection (operates in the SES system);
- emergency rescue services;
- formation of civil defense;
- specialized civil protection services;
- fire and rescue units;
- voluntary formations of civil defense.

The civil protection forces of functional subsystems include:

- specialized professional emergency services;
- on-site emergency services;
- object of formation of civil defense;
- branch and object specialized civil protection services;
- state fire and rescue units (units) that provide departmental fire protection;
- voluntary formations of civil defense.

The composition of the civil protection forces of territorial subsystems includes:

- subdivisions (parts) of the Civil Protection Rescue Service;
- regional, municipal, on-site emergency rescue services and emergency rescue services of public organizations;
- object and territorial formations of civil defense;
- territorial and object specialized civil protection services;
- voluntary formations of civil defense.

Preparation of a unified state system of civil protection for the implementation of civil protection tasks in a special period is carried out in advance in peacetime.

Transfer of the unified state system of civil protection to the mode of functioning in the conditions of the special period is carried out according to acts of the President of Ukraine, the Cabinet of Ministers of Ukraine, plans of civil protection for the special period.

Execution of civil protection tasks during the functioning of the unified state system of civil protection in the conditions of a special period is carried out in cooperation with the relevant military command.

**84. What legislative and/or regulatory framework is in place for disaster management and how is the national competent authority for civil protection/disaster management organised?**

The Civil Protection Code of Ukraine regulates relations related to the protection of the population, territories, environment and property from emergencies, response to them, the functioning of a single state system of civil protection, and defines the powers of public authorities, the Council of Ministers of the Autonomous Republic of Crimea, local self-government, rights and responsibilities of citizens of Ukraine, foreigners and stateless persons, enterprises, institutions and organizations, regardless of ownership.

Legislative and regulatory framework for disaster management consists of the following normative acts:

**LAWS:**

- Code of Civil Protection of Ukraine adopted on October 2, 2012 No. 5403-VI
- Law of Ukraine "On the legal regime of the state of emergency" adopted on March 16, 2000 No. 1550-III

**SUB-LAWS:**

- Resolutions of the Cabinet of Ministers of Ukraine:

1) CMU Resolution "On Approval of the Procedure for Classification of Emergencies by Their Levels" issued on March 24, 2004 No. 368;

2) CMU Resolution "On the Procedure for Financing Work on Prevention and Elimination of Consequences of Emergencies" issued on February 4, 1999 No. 140;

3) CMU Resolution "On approval of the Procedure for the creation and use of material reserves for the prevention and elimination of the consequences of emergencies" issued on September 30, 2015 No. 775;

4) CMU Resolution "On approval of the Regulations on the organization of notification of the threat of occurrence or occurrence of emergencies and communications in the field of civil protection" issued on September 27, 2017 No. 733;

5) CMU Resolution "On approval of the methodology for assessing losses from the consequences of emergencies of man-made and natural nature" issued on July 15, 2002 No. 175;

6) CMU Resolution "On Approval of the Procedure for Using the Budget Reserve Fund" issued on March 29, 2002 No. 415;

7) CMU Resolution "On Approval of the Procedure for Providing the Population and Employees of Formations and Specialized Civil Protection Services with Personal Protective Equipment, Radiation and Chemical Intelligence Devices, Dosimetry and Chemical Control" issued on August 19, 2002 No. 1200;

8) CMU Resolution "On Approval of the Regulations on the State Register of Potentially Dangerous Objects" issued on August 29, 2002 No. 1288;

9) CMU Resolution "On Approval of the Procedure for Preparation for Actions Appointed by Management Bodies and Civil Defense Forces" issued on June 26, 2013 No. 443

10) CMU Resolution "On approval of the Procedure for training the population to act in emergencies" issued on June 26, 2013 No. 444;

11) CMU Resolution "On approval of the Procedure for compensation of services and the amount of actual (incurred) costs of businesses and citizens whose vehicles are involved in removing the population from the emergency zone, areas of possible hostilities, and amending some resolutions of the Cabinet Of Ministers of Ukraine " issued on August 14, 2013 No. 581;

12) CMU Resolution "Procedure for keeping records of emergencies" issued on October 9, 2013 No. 738;

13) CMU Resolution "On approval of the Regulations on voluntary formations of civil defense" issued on August 21, 2013 No. 616;

14) CMU Resolution "On approval of the Procedure for the formation, tasks and functions of civil defense formations" issued on October 9, 2013 No. 787;

15) CMU Resolution "On approval of the Procedure for training of management and specialists whose activities are related to the organization and implementation of measures for civil protection" issued on October 23, 2013 No. 819;

16) CMU Resolution "On approval of the Procedure for evacuation in case of threat of occurrence or occurrence of emergencies of man-made and natural nature" issued on October 30, 2013 No. 841;

17) CMU Resolution "Procedure for providing and determining the amount of financial assistance to victims of emergencies that remained at the previous place of residence" issued on December 18, 2013 No. 947;

18) CMU Resolution "On approval of the list of facilities belonging to economic entities, the design of which is carried out taking into account the requirements of engineering and technical measures of civil protection" issued on January 9, 2014 No. 6;

19) CMU Resolution "On approval of the Regulations on the Unified State System of Civil Protection" issued on January 9, 2014 No. 11;

20) CMU Resolution "On the State Commission on Technogenic and Environmental Safety and Emergencies" issued on January 26, 2015 No. 18;

21) CMU Resolution "On approval of the List of state property of strategic importance for the economy and security of the state" issued on March 4, 2015 No. 83;

22) CMU Resolution "On approval of standard provisions on the functional and territorial subsystems of the unified state system of civil protection" issued on March 11, 2015 No. 101;

23) CMU Resolution "On approval of the Standard Regulations on the regional and local commission on technogenic and environmental safety and emergencies" issued on June 17, 2015 No. 409;

24) CMU Resolution "On approval of the Regulations on specialized civil protection services" issued on July 8, 2015 No. 469;

25) CMU Resolution "Some issues of use of protective structures of civil defense" issued on March 10, 2017 No. 138;



26) CMU Resolution "On approval of the Procedure for developing plans for the unified civil protection system" issued on August 9, 2017 No. 626;

27) CMU Resolution "On approval of the Procedure for identifying persons with disabilities and other low-mobility groups living in the zone of emergency or possible damage, and the organization of their support" issued on April 18, 2018 No. 282;

28) CMU Order "On the establishment of high alert and emergency regimes" issued on January 26, 2015 No. 47-r;

29) CMU Order "On approval of the Concept of development and technical modernization of the centralized notification system of the threat or occurrence of emergencies" issued on January 31, 2018 No. 43-r.

• Orders of the Ministry of Internal Affairs, the Ministry of Emergencies, the State Emergency Service of Ukraine:

1) Order of the Ministry of Internal Affairs of Ukraine "On approval of the Regulations on the Emergency Response Headquarters and Types of operational and technical and reporting documentation of the Emergency Response Headquarters" issued 26.12.2014 No. 1406;

2) Order of the Ministry of Internal Affairs of Ukraine "On approval of the Requirements to the list and content of documents for providing an expert opinion on the level of emergency" from 04.09.2014 No. 905;

3) Order of the Ministry of Internal Affairs of Ukraine "On approval of the Methodology of planning evacuation measures" issued 10.07.2017 No. 579;

4) Order of the Ministry of Internal Affairs of Ukraine "On approval of Classification features of emergencies" issued 08/06/2018 No. 658;

5) Order of the SES of Ukraine "On the Table of Urgent and Urgent Reports on Civil Protection" issued 10.2014 No. 578;

6) Order of the SES of Ukraine "On the organization of the staff to eliminate the consequences of the emergency situation and ensure its readiness" issued 03.2015 No. 149;

7) Order of the Ministry of Internal Affairs of Ukraine "On approval of the Requirements for the use and accounting of the fund of protective structures of civil defense" issued 09.07.2018 No. 579;

8) Order of the Ministry for Emergencies of Ukraine "On Approval of Methodological Recommendations for the Organization of the Work of the Settlement and Analytical Group and Methodological Recommendations for the Organization of the Work of the Radiation and Chemical Monitoring Post" issued August 11, 2010 No. 649;

9) Order of the Ministry for Emergencies of Ukraine "On Approval of Methodological Recommendations on the Procedure for Establishing, Equipment and Ensuring the Functioning of Consultation Points on Civil Protection at Housing and Maintenance Organizations and Village (Settlement) Councils" issued June 7, 2011 No. 587;

10) Order of the Ministry for Emergencies of Ukraine "On Amendments to the Order of the Ministry for Emergencies of Ukraine" On Approval of Methodological Recommendations for

Planning and Procedure for Evacuation of Population (Employees) in Case of Emergencies of Man-Made, Natural and Military Nature and Special Period ” issued 08.08.2011 No. 809;

11) Order of the Ministry for Emergencies of Ukraine “On Implementation of the Methodology of Observations on the Assessment of Radiation and Chemical Conditions” issued on August 6, 2002 No. 186

12) Order of the Ministry of Internal Affairs of Ukraine "On approval of the Model Regulations on the formation of civil protection" issued 31.01.2015 No. 113;

13) Order of the Ministry of Internal Affairs of Ukraine "Some issues of inspections of compliance with business legislation in the field of civil protection, man-made and fire safety" issued 02.11.2015 No.1337;

14) Order of the Ministry of Internal Affairs of Ukraine "On approval of the Instruction on the organization of inspections of ministries and other central executive bodies, local state administrations and local governments to comply with laws and other regulations on man-made and fire safety, civil protection" issued 06.02.2017 No. 92;

15) Order of the Ministry of Internal Affairs of Ukraine "On approval of the Standard Regulations on units for civil protection of economic entities" issued 20.01. 2017 No. 325;

16) Order of the Ministry for Emergencies of Ukraine “On Approval of Methodological Recommendations for the Organization and Conduct of Demercurization” issued on July 8, 2009 No. 463;

17) Order of the Ministry for Emergencies of Ukraine “On Approval of Methodological Recommendations for the Development of Civil Protection Plans for Enterprises, Institutions and Organizations for a Special Period” issued on July 16, 2009 No. 494;

18) Order of the Ministry for Emergencies of Ukraine “On approval of Methodical recommendations for the development of the section“ Engineering and technical measures of civil defense (civil defense) as part of the project documentation of facilities ” issued on 10.02.2012 No. 485;

19) Order of the SES of Ukraine "Methodological recommendations for the preparation and conduct of command and staff exercises of civil protection authorities" from 29.01.2014 No. 44;

20) Order of the SES of Ukraine "On approval of organizational and methodological guidelines for preparing the population for action in emergencies" issued 02/19/2016 No. 83;

21) Order of the SES of Ukraine "On approval of the Indicative list of documents on civil protection, developed by central and local executive bodies, local governments, business entities" issued 12.07.2016 No. 335;

22) Joint Order of the Ministry for Emergencies, Ministry of Agrarian Policy, Ministry of Economy, and MEPR "On Approval of the Methodology for Forecasting the Consequences of Spills (Emissions) of Dangerous Chemicals in Accidents at Industrial Facilities and Transport" issued on March 27, 2001.

### **Management and general structure of the unified state system of civil protection**

CMU manages the unified state system of civil protection. The SES directly manages the activities of the unified state system of civil protection.

The unified state system of civil protection consists of permanent functional and territorial subsystems and their links.

Functional subsystems of the unified state system of civil protection (hereinafter - functional subsystems) are created in the relevant spheres of public life by central executive bodies to protect the population and territories from emergencies in peacetime and in special periods, ensuring readiness of their subordinates actions aimed at preventing, preparing for and responding to emergencies. The direct management of the functional subsystem is carried out by the head of the body or entity that created the subsystem.

The list of central executive bodies that create functional subsystems civil protection:

<b>Name of the central executive body</b>	<b>The name of the functional subsystem created by the body</b>
MEPR	environmental monitoring subsystem
Ministry of Energy	safety subsystem of electric power and nuclear-industrial complexes
	safety subsystem of the oil and gas complex
	security subsystem of the coal-industrial complex
Ministry of Infrastructure	subsystem for preventing and responding to the threat or occurrence of emergencies in railway transport
Ministry of Culture and Information Policy	subsystem for prevention of emergencies and elimination of their consequences on cultural objects
Ministry of Regional Development	safety subsystem in the field of housing and communal services
Ministry of Economy	subsystem for prevention of emergencies and elimination of their consequences in the organizations and on objects of the industries which are carried to the sphere of management of the Ministry of Economy
Ministry of Strategic Industries	subsystem for prevention of emergencies and elimination of their consequences at the facilities of strategic industries, which are included in the sphere of management of the Ministry of Strategic Industry, as well as at the facilities of the state concern "Ukroboronprom"
Ministry of Defence	subsystem for emergency prevention and elimination of their consequences in subordinate organizations, subordinate facilities and territories of the Ministry of Defence
Ministry of Education and Science	subsystem for teaching preschool children, pupils and students to act in emergencies (on life safety)
Ministry of Health	subsystem of medical protection of the population

Ministry of Justice	subsystem for prevention of emergencies in penitentiary institutions and pre-trial detention centers of the State Penitentiary Service
State Food and Consumer Service	subsystem of protection of agricultural plants and animals
	subsystem for ensuring sanitary and epidemiological well-being of the population
	subsystem for the prevention of emergencies in the field of catering and trade
SES	emergency response subsystem, rescue and other urgent works
State Water Agency	subsystem of flood control measures
State Forest Agency	subsystem of forest protection and defense
State Reserve Agency	subsystem of the state material reserve
Shipping Administration	subsystem for preventing and responding to the threat or occurrence of emergencies in maritime and inland water transport, in the waters of seaports, the organization of emergency rescue operations in the waters of the Black and Azov Seas
State Agency of Highways	subsystem for prevention and response to the threat of occurrence or occurrence of emergencies in the road sector
State Agency of Meloration and Fishery of Ukraine	subsystem for prevention and response to emergencies in the field of fisheries
State Agency of Ukraine for Exclusion Zone Management	subsystem for prevention and liquidation of emergencies in the exclusion zone and the zone of unconditional (compulsory) resettlement
State Inspectorate for Nuclear Regulation	nuclear and radiation safety subsystem
National Police	subsystem for ensuring the protection of public (public) order and the organization of road safety (with the involvement of the National Guard)

Territorial subsystems of the unified state system of civil protection (hereinafter - territorial subsystems) are created in the Autonomous Republic of Crimea, regions, Kyiv and Sevastopol in order to implement measures to protect the population and territories from emergencies in peacetime and during special periods in the region.

Direct management of the territorial subsystem and its units is carried out by an official who heads the body that created such a subsystem.

The unified state system of civil protection includes permanent bodies of civil protection management, coordination bodies, civil protection forces of functional and territorial subsystems.

The permanent bodies of civil protection management, whose powers include issues of organization and implementation of civil protection measures, are:

- at the state level - CMU, SES, as well as central executive bodies that create functional subsystems, and units for civil protection in their staff;

- at the regional level - the Council of Ministers of the Autonomous Republic of Crimea, regional, Kyiv and Sevastopol city state administrations, civil protection units formed within them, territorial bodies of the SES;

- at the local level - district, district in mm. Kyiv and Sevastopol state administrations, executive bodies of city councils, divisions on civil protection issues formed within them, executive bodies of settlement and village councils, subdivisions of territorial bodies of SES;

- at the object level - the governing bodies of enterprises, institutions and organizations, as well as units (officials) on civil protection, which are formed (appointed) by such bodies in accordance with the law.

The coordinating bodies of civil protection are:

- at the national level - the State Commission on Technogenic and Ecological Safety and Emergencies;

- at the regional level - commissions on technogenic and ecological safety and emergencies of the Autonomous Republic of Crimea, oblasts, cities of Kyiv and Sevastopol;

- at the local level - commissions on technogenic and ecological safety and emergency situations of districts, cities, districts in cities, and settlements;

- at the object level - commissions on emergency situations of enterprises, institutions and organizations.

The activities of these commissions are carried out in accordance with their regulations.

To coordinate the work on liquidation of the consequences of a specific emergency at the state, regional, local and object level, if necessary, special commissions on liquidation of the consequences of the emergency are formed, which operate in accordance with the provisions of such commissions.

To ensure the day-to-day management of the governing bodies and civil protection forces, coordinate their actions, carry out round-the-clock duty and ensure the functioning of the system for collecting, processing, summarizing and analyzing information on the situation in emergency areas the following bodies are involved:

1) at the state level:

- operational duty service of the state emergency management center of the SES;

- operational-duty (duty, dispatching) services of central executive bodies (in case of their formation);

2) at the regional level:

- operational and regular services of the control points of the Council of Ministers of the Autonomous Republic of Crimea, regional, Kyiv and Sevastopol city state administrations;

- operational and regular services of emergency management centers of SES territorial bodies;

- operational-duty (duty, dispatching) services of territorial bodies of central executive bodies, enterprises, institutions and organizations (in case of their formation);

3) at the local level:

- regular services of district state administrations and executive bodies of city councils;

- operational-duty (duty, dispatching) services of territorial bodies of central executive bodies, enterprises, institutions and organizations (in case of their formation);

4) at the object level - regular (dispatching) services of enterprises, institutions and organizations (in case of their formation).

In case of emergencies, representatives of interested public authorities are involved in the work of emergency management centers.

The public telecommunication network, the special telecommunication network and the state government communication system are used to manage the unified state system of civil protection.

The civil protection forces of the unified state civil protection system include:

- operational and rescue service of civil protection (operates within SES system);

- emergency rescue services;

- formation of civil protection;

- specialized civil protection services;

- fire and rescue units;

- voluntary formations of civil protection.

The forces of civil protection of functional subsystems include:

- specialized professional emergency services;

- on-site emergency services;

- object of formation of civil protection;

- branch and object specialized civil protection services;

- state fire and rescue units (units) that provide departmental fire protection;

- voluntary formations of civil protection.

The composition of the civil protection forces of territorial subsystems includes:

- subdivisions (parts) of the Civil Protection Rescue Service;

- regional, municipal, emergency rescue services and emergency rescue services of public organizations;

- object and territorial formations of civil protection;

- territorial and object specialized civil protection services;

- voluntary formations of civil protection.

To ensure the availability of services in the field of fire and emergency protection, public safety, emergency medical care, local governments may establish Safety and Security Centers, which may house fire and rescue units, National Police units and emergency (ambulance) teams.

Accounting for civil protection forces at the state level is maintained by the State Emergency Service, and at the regional level - by its territorial bodies.

### **Modes of civil protection operation**

Depending on the scale and features of the projected or emerging emergency, one of the following modes of functioning of the unified state system of civil protection is established in Ukraine or within its specific territory:

- daily operation (in conditions of normal industrial, radiation, chemical, seismic, hydrogeological, hydrometeorological, man-made and fire conditions and in the absence of epidemics, epizootics, epiphytosis, the only state system of civil protection operates in the mode of daily operation);

- increased readiness (When there is a threat of an emergency);

- emergency situation (When there is a threat of an emergency situation. The level of the emergency situation is determined in accordance with the Procedure for Classification of Emergencies by Their Levels, approved by CMU Resolution of 24 March 2004 No. 368);

- state of emergency.

The modes and the emergency situation or within Ukraine's specific territory are introduced:

- by decision of CMU - on the territory of the whole state or its separate regions;

- by the decision of the Council of Ministers of the Autonomous Republic of Crimea, regional, Kyiv and Sevastopol city state administrations - on the territory of the respective region;

- by the decision of district state administrations and local self-government bodies - on the territory of the respective district (city).

During the state of emergency, the unified state system of civil protection operates in accordance with the requirements of the Civil Protection Code of Ukraine and taking into account the features determined by the Law of Ukraine "On Legal Status of State of Emergency" and other regulations.

### **Responding to emergencies and eliminating their consequences**

The management of emergency rescue and other urgent work in the unified state system of civil protection during the elimination of the consequences of an emergency and the management of the civil protection forces involved in such work is carried out by the head of the work to eliminate the consequences of an emergency, who is appointed and acts in accordance with Article 75 of the Code of civil protection of Ukraine.

For the direct organization and coordination of rescue and other urgent work to eliminate the consequences of an emergency, a headquarters for the elimination of its consequences is formed, which is the working body of the head of the work to eliminate the consequences of an emergency.

The decision on the formation and liquidation of such a headquarters, its composition is made by the head of work to eliminate the consequences of an emergency.

**85. Does the civil protection organisation include a component for international cooperation? What are the national competent civil protection/disaster management authority's capacities in coordination of international assistance (both as receiver and sender) in case of large-scale disasters and what coordination mechanisms are in place? To what type of disaster management outside its borders has the country been involved in the last 5 years?**

In the event of a large-scale radiation pollution or nuclear accident, the Center for Forecasting the Consequences of Radiation Accidents of the Ukrainian Hydrometeorological Center of the SES, using the results of continuous radiation monitoring conducted by hydrometeorological organizations of the SES. NPP, builds prognostic models for the development of the radiation situation. When building models, the European decision support system "RODOS" is used.

The results of daily measurements of radiation background, obtained at the points of the state system of hydrometeorological observations, are regularly transferred to the systems of radiological information exchange: European - EURDEP and international-IRMIS (IAEA).

In Ukraine the unified civil protection system includes the component for international cooperation provisions of which are exclusively contained in the Code of Civil Protection of Ukraine which is a core normative act for regulating relations in the field of civil protection.

One of the tasks of the unified civil protection system in the recovery period is to involve international aid in the elimination of the consequences of hostilities and emergencies (para 4 of article 8 of the Code of Civil Protection of Ukraine).

SES as a central body of executive power ensuring the formation and implementation of state policy in the field of civil protection is empowered to carry out international cooperation in the field of civil protection (sub-para 52 of para 2 of article 17 of the Code of Civil Protection of Ukraine).

Furthermore, it should be noted that in the Code of Civil Protection of Ukraine there is a special chapter on international cooperation setting up the framework for international cooperation and giving all answers to aforementioned questions (Chapter 35, Articles 135-137):

**“Chapter 31. International cooperation in the field of civil protection**

**Article 135. Providing assistance to foreign states in dealing with the consequences of emergencies**

1. The provision of assistance to foreign states in the elimination of the consequences of emergencies is carried out on the basis of a request for assistance in the elimination of the consequences of an emergency from the authorized body of a foreign state suffering from an emergency.

2. CMU shall take a decision to provide assistance in dealing with the consequences of emergencies to foreign states from which a request for such assistance has been received, in particular to send emergency rescue units outside the territory of Ukraine.

3. In case of receipt from the administrative-territorial unit of a neighboring foreign state request for assistance in emergency response, the right to decide to send units of the Rescue Service of Civil



Protection and special equipment to provide assistance is given to the head of the central executive body which implements state policy in the field of civil protection (i.e. to the Head of SES of Ukraine).

**Article 136. Receipt by Ukraine of the international assistance for liquidation of consequences of emergency situations**

1. Ukraine shall receive international assistance to deal with the consequences of an emergency situation on the basis of a request for such assistance or proposed assistance from foreign states and international organizations.

2. The decision to send a request for international assistance to eliminate the consequences of an emergency situation to international organizations or individual foreign states shall be made by the CMU.

3. In case of an emergency situation on the territory of the border region of Ukraine, to eliminate the consequences of which it is advisable to involve rescue forces of a neighboring administrative-territorial unit of a foreign state, the right to request a request to the authorized body of the administrative-territorial unit of a neighboring foreign state The consequences of such an emergency are provided to the head of the central executive body, which ensures the formation and implementation of state policy in the field of civil protection (i.e SES).

**Article 137. Representation in the international organizations on questions of civil protection**

1. Representation of Ukraine in international civil protection organizations is carried out by the central executive body, which ensures the formation and implementation of state policy in the field of civil protection (i.e SES), other central executive bodies exercising state supervision in the field of man-made and fire safety, implementation of state policy in the areas of industrial safety, labor protection and state mining supervision, management of the exclusion zone and the zone of unconditional (compulsory) resettlement.”

In addition it should be noted that in the organizational structure of the SES there is the Office of European Integration and International Cooperation, which is responsible for coordinating international assistance in accordance with international law (including bilateral treaties) as well as participation in international humanitarian missions under the auspices of the UN as part of the UN Advisory Group on Search and Rescue Operations.

SES of Ukraine takes an active part in providing assistance to countries affected by emergencies under the auspices of the United Nations, international organizations and on a bilateral basis. For example the Search and rescue units of the SES of Ukraine took an active part in such international operations to eliminate the consequences of emergencies as:

- in the period from 19 to 26 July 2017, in accordance with the instructions of the Prime Minister of Ukraine, SES aircraft performed tasks to assist Montenegro in extinguishing large-scale forest fires under the Agreement between the Government of Ukraine and the Government of Montenegro on cooperation in natural protection and other disasters;

- on August 30-31, 2017, in pursuance of the Decree of the President of Ukraine, in accordance with the request of the Government of Georgia, the crew of the An-32P firefighting aircraft of the SES of Ukraine provided assistance in extinguishing fires in Georgia.

- in November 2016, in accordance with the Decree of the President of Ukraine, two crews of the SES of Ukraine took part in extinguishing forest fires in mountainous areas of the State of Israel;
- assistance in flood relief in Hungary in 1999 and 2010, Poland in 2010, Moldova in 2010;
- elimination of the consequences of the earthquake in Turkey in 1999 and 2011, Iran in 2003, Pakistan in 2005, Kyrgyzstan in 2008;
- in 2005 the SES purchased the necessary products and transferred the cargo of humanitarian aid to Iran in connection with the earthquake of 22 February 2005;
- in 2001 to eliminate the consequences of the earthquake that occurred in the Republic of India, a consolidated search and rescue team of the SES of Ukraine was sent to India.

**86. What are the main natural and human-induced disasters that the country has faced in the last 10 years? How do the competent authorities manage emergency response? Are there emergency response plans on national and sub-national levels in place? Does the country have an early warning system?**

Over the last 10 years, there has been a general downward trend in the number of emergencies and their components by type, level and regional distribution, except in 2017, when there was a slight increase in the number of emergencies and their individual components, but did not exceed annual averages.

Human-induced emergencies were marked by a high death toll of more than 76% of the total number of deaths in emergencies, as well as a much lower number of casualties from such emergencies and the amount of damage they caused, accounting for 17% and about 3% of the total indicators. During the reporting period, the number of some types of emergencies of a man-made nature decreased, namely transport emergencies, fire and explosion emergencies, and emergencies due to the sudden destruction of buildings and structures. With regard to other types of human-induced emergencies, it should be noted the tendency to small annual fluctuations and stabilization of their number.

The main natural disasters are floods, very strong winds, tornadoes, fires, torrential rains. One of the factors of early prevention of natural disasters is the preparation of forecasts and warnings by hydrometeorological organizations of the SES on expected natural hydrometeorological phenomena in the relevant area within a certain period of time and bringing them to the appropriate consumers for decision making.

Until 2019, there was a tendency to maintain or slightly reduce the level of indicators that characterize the consequences of emergencies, especially the number of victims of emergencies of human-induced and natural. To some extent, this trend persists in the regional distribution of indicators. The relatively stable weather conditions of 2011-2018 and implemented prevention measures led to a significant reduction and stabilization of the number of meteorological emergencies during this period, as well as to the reduction of emergencies related to fires in natural ecosystems. However, in 2019-2020, against the background of a decrease in the total number of emergencies, there is an increase in the amount of material damage caused, largely due to emergencies of large-scale hydrometeorological emergencies and emergencies due to fires and floods in natural ecosystems, which in 2020 reached record levels.

Natural emergencies were also characterized by a high number of victims (the vast majority - due to medical and biological emergencies), which account for about 72% of the total number of victims, as well as a low death toll in emergencies (the vast majority due to medical and biological emergencies) - up to 13% of the total number of deaths in emergencies. During the reporting period, the number of some types of natural emergencies gradually decreased, with the exception of emergencies related to infectious diseases and human poisoning, the number of which remained at a fairly high level for almost the entire period (average of 40 emergencies per year).

### **How do the competent authorities manage emergency response?**

The management of emergency rescue and other urgent works in the unified state system of civil protection during emergency response and management of civil protection forces involved in such work is carried out by the head of emergency response.

For the direct organization and coordination of emergency rescue and other urgent work to eliminate the consequences of an emergency, a headquarters for the elimination of its consequences is formed, which is the working body of the head of work on the elimination of the consequences of an emergency.

The decision on the formation and liquidation of such a staff, its composition is made by the head of emergency response.

The main part of the work related to responding to an emergency situation or eliminating the threat of its occurrence is performed by the civil protection forces of the enterprise, institution or organization where such a situation arose, providing them with the necessary assistance by civil protection forces of the administrative-territorial unit, which is located such an enterprise, institution or organization, as well as the relevant departments of the SES, Ministry of Defence, Ministry of Health, etc.

The civil protection forces of the central executive body, which manages the facility where the accident occurred, the civil protection forces of the territorial subsystem or territorial subsystem in the relevant territory should be involved in the implementation of these works as well.

Involvement of civil protection forces in the elimination of the consequences of emergencies is carried out by the governing bodies to which such forces are subordinated in accordance with the emergency response plans.

If necessary, additional civil protection forces are involved in the elimination of the consequences of emergencies by the decision of the head of works on the elimination of the consequences of the emergency situation.

Aviation search and rescue of people are carried out by the subjects of civil protection in accordance with their competence. The organization of air search and rescue is carried out by the SES.

Search and rescue of people in the Black and Azov Seas within the responsibility of Ukraine are carried out by National Search and Rescue System at Sea in accordance with international agreements of Ukraine, the (Regulation on National Search and Rescue System at Sea approved by the Cabinet of Ministers of Ukraine from March 6, 2022 No. 227.

Involvement of civil protection forces in civil protection measures in a special period is carried out in accordance with civil protection plans for a special period.

Rescue and other urgent work shall be carried out in accordance with the procedure determined by instructions, rules, statutes, other normative legal acts and normative documents on emergency actions, which shall be approved by the relevant central executive bodies.

The Armed Forces of Ukraine, other military formations and law enforcement agencies of special purpose in accordance with the Constitution and laws of Ukraine may be involved in the elimination of the consequences of emergencies carried out in the unified state system of civil protection.

Public associations may be involved in work to prevent emergencies and eliminate their consequences on a voluntary or contractual basis, provided that the participants involved in such work have the appropriate level of training in the manner prescribed by the management of such association or supervisor. to eliminate the consequences of an emergency situation.

The involvement of civil protection forces to provide assistance to foreign states is carried out in accordance with the Code of Civil Protection of Ukraine and international law.

Civil protection forces, in addition to voluntary civil protection formations, shall be staffed with personnel and provided with civil protection equipment, taking into account the need to carry out work autonomously for at least three days.

#### **Are there emergency response plans on national and sub-national levels in place?**

To organize the activities of the unified state system of civil protection in to rcluding emergency response actions, CMU is developing a plan of basic measures of civil protection of Ukraine for the relevant year. For example, in 2018, CMU adopted the resolution of the “State-level emergency response plan” (dated 14/03/2018 No. 223).

To organize the activities of functional and territorial subsystems, their links the central and local executive bodies, local governments develop appropriate plans for basic civil protection measures for the year and emergency response plans which include provisions of interaction and coordination among civil protection forces involved as well. Private companies with more than 50 employees also develop emergency response plans.

The functioning of the unified state system of civil protection and civil protection measures in the special period are carried out in accordance with the plans of civil protection for the special period.

In order to organize measures to eliminate the consequences of emergencies at high-risk facilities, the relevant plans are developed as well.

Organizational and methodological guidance for planning the activities of an unified civil protection system is provided by the SES.

The above-mentioned plans are periodically reviewed and tested during the exercises.

#### **Does the country have an early warning system?**

Ukraine has an early warning system that functions in the order set up in the CMU Regulation “On the Organization of Warning of the Threat of Occurrence or Occurrence of Emergencies and Communication in the Field of Civil Protection” of 26.12.2014 No. 1406.

According to the Strategy for Reforming the System of the State Emergency Service of Ukraine adopted by CMU Order of 25.01.2017 No. 61-r), the modernization of the centralized notification system at the central and regional levels was one of the priority tasks for the period of up to 2020.

**87. What are the main risks identified at national and sub-national levels? What is the country's methodology for developing risk assessments? Has the country a disaster risk reduction strategy in place?**

Analysis of the state of natural and man-made security in Ukraine shows the following hazards and threats, challenges and problems.

Technogenic hazards and security threats include:

- fires (explosions) in buildings and structures for various purposes and in natural ecosystems, which tend to increase;

- unsatisfactory technical condition of housing and livelihood facilities, in particular: buildings, structures, equipment and engineering networks of heat and water supply and sewerage; elevators in residential buildings; as well as water treatment systems, on which the quality of drinking water depends;

- the state of storage, processing and utilization of solid household waste does not correspond to modern technologies and poses a threat to life and health of the population in the regions where they are located;

- the risk of destruction of engineering and technical systems that ensure the preservation of large reserves of various harmful substances and materials stored in hazardous facilities of industrial, energy and other economic complexes;

- unsatisfactory storage condition in one third of warehouses of unusable chemical plant protection products;

- risk of exceeding the maximum permissible concentration of harmful substances in air, water, etc.

A significant threat factor is the danger of mines, namely the presence of mines, unexploded ordnance and other explosive devices that have remained in the country since World War II, and especially in the regions due to military aggression against Ukraine.

In addition, ammonia pipelines, chemical companies and the nuclear industry pose a potential threat to the population and the environment.

Natural hazards and security threats include:

- global climate change will continue in both the short and long term. Such changes will significantly affect the livelihoods of the population, the environment, the economy, can be a source of increasing dangers and threats of natural nature and deepen man-made, social, environmental risks and threats;

- hazards of exogenous-geological nature, namely: landslides, flooding, mudslides, abrasion, transformation of reservoir shores, karst and erosion;

- infectious diseases, which in recent years have reached epidemic levels and even pandemics, which, in addition to threatening the health and lives of the population, also pose serious socio-economic risks and pose a threat to national security.

Determining the risks of emergencies in relevant areas of public life is one of the main tasks of functional and territorial subsystems of the USSCP, in accordance with the Civil Protection Code and the Standard Regulations on the functional subsystem of the unified state civil protection system. In

Ukraine, an annual analytical review of the state of technogenic and natural security is conducted, in 2019-2020, as part of the preparation of the strategy of public safety and civil protection, a review of civil protection was conducted. Responsible central and local executive bodies, NASU, etc. are involved in conducting the reviews. The conclusions and recommendations of the reviews are offered to the executive authorities for consideration in the development of prevention, preparedness and response measures in the field of civil protection.

Ukraine has developed a Draft Strategy for Public Safety and Civil Protection, the implementation of which will build an effective civil protection system by improving its structure and management system (coordination), improving response to threats related to emergencies, and preventing the negative consequences of emergencies natural and man-made nature and elimination of their consequences. The Draft Strategy was approved by CMU. Also, in September 2021, the Concept of Ensuring National Sustainability was approved, the implementation of which will increase the capacity of the unified state civil protection system to respond to threats or emergencies by improving crisis management procedures, including the introduction of universal algorithms for coordinated action to respond to threats, emergencies and crisis situations at different stages of their development, as well as will allow the introduction of practices of the annual assessment of current and projected risks, preparation of reports on the results of such assessment, etc.

**88. Are there specific measures aiming at protecting the environment in the case of a disaster?**

**Environmental safety is guaranteed to the citizens of Ukraine by implementing a wide range of interrelated political, economic, technical, organizational, public, legal and other measures.**

The complex of ecologically oriented means of environmental protection includes measures aimed at the protection and rational use of natural resources, and measures that ensure regulatory sanitary and hygienic parameters of the environment of urban and rural settlements. Socially necessary protective measures are divided into organizational, economic and urban.

Organizational measures ensure at the legislative level the use of territories, forms of ownership, legal protection of territories, the creation of a system of administrative and economic management of territories and a special environmental service for their protection.

Economic measures ensure the introduction of resource-saving technologies, the introduction of penalties for violations of environmental regulations, the determination of payments and taxes for the use of territories, the provision of soft loans to producers of environmentally friendly products and more.

Economic measures to ensure environmental protection include:

- a) the cooperation of all management, scientific, technical and economic activities of enterprises, institutions and organizations with the rational use of natural resources and the effectiveness of measures to protect the environment on the basis of economic levers;
- b) identification of sources for funding of environmental protection measures;
- c) setting limits on the use of natural resources, discharges of pollutants into the environment;
- d) providing enterprises, institutions and organizations, as well as citizens with tax, credit and other benefits when implementing low-waste, energy and resource-saving technologies and non-traditional types of energy, implementing other effective measures to protect the environment;

e) compensation of damages caused by violations of environmental legislation.

Urban planning measures ensure the protection of the natural environment through rational functional zoning of the territory, the creation of sanitary protection zones, establishing the areas of nature reserves, ensuring the ecological balance of natural landscape and urban areas.

**89. Are there specific strategies or measures aimed at preventing and combating forest fires and floods?**

In accordance with Article 86 of the Forest Code of Ukraine, the organization of forest protection includes a set of measures aimed at protecting forests from fires and is entrusted to the central executive body implementing state policy in forestry and local governments, forest owners and permanent forest users.

Also, this article stipulates that fire protection and other forest measures, the requirements for drawing up plans for these measures are determined by the central executive body, which ensures the formation of state policy in forestry and local governments in accordance with their powers.

Article 89 of the Forest Code of Ukraine stipulates that protection of forests on the territory of Ukraine is carried out by: the State Forest Resources Agency, which is part of the central executive body on forestry; the executive body on forestry of the Autonomous Republic of Crimea, territorial bodies of the central executive body authorities on forestry and enterprises, institutions and organizations belonging to the sphere of its management and forest protection of other permanent forest users and forest owners.

In accordance with paragraphs 1.7 and 1.8 of the Rules of fire safety in the forests of Ukraine, the direct implementation of measures to protect forests from fires, their extinguishing and accounting is entrusted to permanent forest users.

MEPR has also developed the State Forest Management Strategy of Ukraine until 2035, which was approved by CMU Regulation of 29 December 2021 No. 1777. The Strategy provides measures for fire protection of forests.

SES, on behalf of the Ministry of Internal Affairs of Ukraine, within its powers has examined this Strategy and, pursuant to paragraph 2 of the above-mentioned CMU Regulation, proposed to the Ministry of Internal Affairs and MEPR to include the relevant measures in the draft plan for implementation of the Strategy and to establish the responsible executors.

The rules of fire safety requirements which are established to ensure the protection of forests from fires approved by Order of the State committee of forestry of Ukraine “About the statement of rules of fire safety in the forests of Ukraine”, dated 27.12.2004 No. 278 - <https://zakon.rada.gov.ua/laws/show/z0328-05No.Text>

According to Article 46 (7) of the Forest Code of Ukraine, forest management involves determination of the scope of works to protect forests from fires, as well as the procedure and methods of their implementation.

The forest management plan of each state forest enterprise contains a project of forest fire prevention measures as well as the location of the forest fire station responsible for firefighting in the corresponding forest enterprise.

## J. Climate Change

**90. Is there a national climate strategy or policy, addressing both mitigation and adaptation? Define the scope in terms of setting emissions reduction targets, integration of climate action into other policies and consistency with the EU 2030 framework for climate and energy policies and with the EU Climate Law (legally binding climate neutrality target of 2050).**

Over the last years, Ukraine made steady progress on climate change development and implementation and was also one of the first countries to ratify the Paris Agreement.

The Concept for the Implementation of State Policy in the Field of Climate Change up to 2030 was adopted on 7 December 2016 and in 2017, by CMU Resolution No. 878, the Action Plan on its implementation was adopted. It was the first holistic policy document on climate action, focusing on strengthening institutional capacity, climate change mitigation, and transition to low emission development as well as adaptation and reduction of climate-related risks. It establishes the main principles of state policy in the field of climate change, including 25 measures that include the development of a Low Emission Development Strategy and a National Adaptation Strategy.

The main objectives of the Climate Concept are:

- strengthening the institutional capacity to formulate and ensure the implementation of climate change policy,
- preventing climate change by reducing anthropogenic emissions and increasing the absorption of greenhouse gasses and ensuring a gradual transition to low-carbon development of the state and,
- adapting to climate change, increasing resilience, and reducing the risks associated with climate change.

Among the tasks of the Climate Concept is ensuring the implementation of the provisions of the Association Agreement between Ukraine and the European Union, improving national GHG inventory, adopting a national system for monitoring, reporting and verification of GHG emissions, also including the future (or potential) emission trading system, adopting the sector-specific national strategy for adaptation, and developing regional adaptation action plans.

According to the Low Emission Development Strategy (hereinafter - LEDS), signed by Prime Minister and submitted to UNFCCC in July 2018, the indicative greenhouse gas (hereinafter - GHG) emissions reduction target is 31-34% by 2050 compared to 1990 levels. LEDS focuses on the following sectors: energy, fossil fuel production, agriculture, forestry and waste. LEDS development has become Ukraine's first experience in synergic approach taking into account key sectors of economy, national priorities and sectoral targets.

In July 2021, in order to increase its climate ambitions, Ukraine adopted NDC setting an ambitious economy-wide target of a 65 % reduction in GHG emissions by 2030 compared to 1990. The modelling results confirm that the target is consistent with a trajectory to achieve the net zero GHG emissions not later than 2060.

This is compatible with the target to achieve the net zero GHG emissions not later than 2060 enshrined in the National Economic Strategy of Ukraine until 2030, adopted in 2021, which aims to decouple future economic and social growth from the rise of GHG emissions.



Both above-mentioned documents: 1) the NDC and 2) the National Economic Strategy of Ukraine until 2030, were based on a comprehensive scientific modelling for all economic sectors with the development of various long-term scenarios of GHG emission reductions for all sectors of the Ukrainian economy.

In order to achieve the target set in the NDC, Ukraine is currently working on a comprehensive Action Plan that will integrate all sectors of the economy and necessary transformations that will allow GHG emission reduction and mitigation of climate change. This Action Plan will integrate existing and planned policy measures, as well as suggest additional instruments to be integrated in the sectoral policies.

Regarding climate change adaptation, on October 20, 2021, Ukraine adopted Climate Change Adaptation Strategy, complemented by the short-term Operational Action Plan which focuses on essential steps to assess climate-related impacts on society, economy and environment in Ukraine, integrating adaptation in sectoral and local policies, and ensuring the better use of climate data. The Strategy defines ten vulnerable sectors and natural components – biodiversity; water resources; energy; public health; fisheries; agriculture and soils; forestry; cities and territorial communities; transport and infrastructure; coastal areas, and tourism. By 2024, these sectors are to undergo an analysis of their climate vulnerability and the risks they face. Based on this research, vital adaptation measures will be developed and prioritized in sectoral and regional adaptation plans. Ukraine has already started implementing the Operational Plan developing general methodological recommendations for sectoral climate risk and vulnerability assessments (CRVA), recommendations for undertaking CRVA for biodiversity and coastal zones, and guidelines for integrating climate adaptation into local policy planning. These will serve as the basis for preparing sectoral and regional adaptation strategies. Ukraine has also started work on development of regional pilot strategies for adaptation to climate change and action plans for their implementation for three regions of Ukraine.

Ukraine is an Annex I Party and has to report to the UNFCCC annually on its GHG emissions and regularly on its climate change policies, measures and progress towards meeting its national targets (“biennial reports” and “national communications”).

In order to frame all existing climate change mitigation and adaptation policies in Ukraine, align Ukrainian policies with EU legislation, specifically with Regulation (EU) 2018/1999 on the Governance of the Energy Union and Climate Action, Ukraine is currently developing a draft law “On Principles of Low Carbon Development of Ukraine until 2050” (hereinafter - Climate Law). This Climate Law will set a legally binding target of a net domestic reduction in GHG emissions set out in the NDC (until 2030) and pursue the goals set out in the Article 2 of the Paris Agreement. The Climate Law will also define key principles of the state policy in the field of climate change, approach to setting climate targets, set up climate mitigation and adaptation planning at the national, regional and local levels, ensure access to the data for the purposes of reporting on GHG emissions and removals, stipulate provisions on reporting in accordance with the requirements of the UNFCCC and the EU *acquis*. Climate Law is expected to improve inter-sectoral coordination, become a legal basis to increase financial resources for climate change mitigation and ensure implementation of the Paris Agreement.

Climate-related transformations in the energy and industrial sector, as well as climate policy, also derive from Ukraine’s commitments as a party to the Energy Community Treaty. The Regulation (EU) 2018/1999 of the European Parliament and of the Council of 11 December 2018 on the

Governance of the Energy Union and Climate Action is now also fully binding for Ukraine by the decision of the 19th Ministerial Council of the Energy Community (EnC) as of November 30, 2021, which sets out the necessary legislative foundation for a reliable, inclusive, cost-efficient, transparent and predictable governance mechanism supporting the Community Parties' path towards 2030 energy and climate targets and mid-century climate neutrality for the EnC.

Climate action is also integrated in sectoral policy documents, including the Energy Strategy of Ukraine until 2035, Transport Strategy of Ukraine until 2030, Waste Management Strategy of Ukraine until 2030, Strategy of Economy Development by 2030 of Ukraine. All mentioned strategies are described in Part I question 9 of the questionnaire. Gradual approximation of Ukrainian legislation to EU environmental *acquis* is outlined in the Action Plan for EU-Ukraine Association Agreement Implementation, approved by the Resolution of the Cabinet of Ministers of Ukraine dated October 25, 2017 No.1106 that provides a detailed list of actions and measures to be taken for transposing of the EU climate *acquis* acts, as per the Association Agreement and the relevant annexes. Climate action and relevant national requirements is reflected in the process of formulating financial instruments and attracting additional financial resources for green development.

National Transport Strategy of Ukraine until 2030 adopted in 2018 aims to create an efficient transport complex in Ukraine, develop electric transport and its infrastructure as well as set a target for GHG emission reduction from mobile sources to 60 % of 1990 levels, in particular due to an increase in the share of public transport and electric transport, electric buses and bicycles.

Energy Strategy of Ukraine until 2035 "Security, Energy Efficiency, Competitiveness" adopted in 2017 sets a target to reduce GHG emissions to 60 % of 1990 level that will be achieved with increase of renewable energy share in Ukraine, setting emissions benchmarks for the largest sources of emissions, implementation of ETS and other economic instruments.

Environmental Strategy-2030 sets out to achieve a healthy environment by following an ecosystems approach in all development objectives, in coherence with the basic right of every Ukrainian citizen to a clean and safe environment. Specifically, main principles are to preserve the climatic system, balance environmental and social development, integrating environmental requirements in development and approval of planning at all governance levels and responsibility of executive authorities for accessibility/timeliness/accuracy of environmental information amongst others.

Presidential Decree No. 722/2019 validating Sustainable Development Goals of Ukraine until 2030, adopted in 2019, serves as a guideline for drafting all national programmes, documents, normative legal acts, etc. until 2030 and encompasses all 17 SDGs.

In 2021 Ukraine adopted a National energy efficiency action plan until 2030 that include 34 measures including the use of energy efficient equipment and measures in all sectors, promoting green mobility, etc. and a Law "On Energy Efficiency" aimed at reducing energy poverty, strengthening energy security, sustainable economic development, conserving primary energy resources and reducing greenhouse gas emissions.

Following the EU Climate and Energy policy by 2030, the European Green Deal, all the Ministries have strengthened their readiness to work on the issues of climate change mitigation, green and just transition, renewable energy sources, promoting electric vehicles and charging infrastructure, organic farming, land recovery, enabling mainstreaming of climate action into other sectors. In order to reach EU climate targets and ensure green transition, permanent working groups were established

by the Government of Ukraine under the Inter-ministerial working group on climate change impacts issues in the framework of the European Commission's European Green Deal: energy independence and energy transformation, energy efficiency and thermal modernisation, new competitive economy, climate finance for green transition.

**91. How is it ensured that climate change legislation and policies are aligned with EU climate change *acquis* currently in force? What is the state of play as regards mid-century binding low emissions development strategy and integrated National Energy and Climate Plans (NECP)?**

Ukraine as a part of the EU-Ukraine Association Agreement performs its commitments for gradual approximation of Ukrainian legislation to EU environment *acquis* in accordance with Annex XXX and XXXI. Inter alia, Ukraine took obligations to transpose Directive 2003/87/EC establishing a scheme for GHG emission allowance trading, Regulation (EC) 842/2006 on certain fluorinated greenhouse gases (F-gases), Regulation (EC) 2037/2000 on substances that deplete the ozone layer (ODS). A detailed list of actions and measures to transpose the above-mentioned three EU climate *acquis* for Ukraine is outlined in the Action Plan for EU-Ukraine Association Agreement Implementation, approved by the Resolution of the Cabinet of Ministers of Ukraine dated October 25, 2017 No.1106. Ukraine has an overall monitoring system of the implementation of the EU-Ukraine Association Agreement: the Pulse. The Pulse offers comprehensive information about tasks for implementation of the Association Agreement, implementation measures taken, and progress achieved. The progress on transposition of the EU *acquis* is also monitored and assessed by the Energy Community Secretariat.

The current status of alignment to these EU climate *acquis* elements is described below.

In 2019 Ukraine adopted the Law No. 377-IX “On the Principles of Monitoring, Reporting and Verification of Greenhouse Gas Emissions” (hereinafter - MRV Law) implementing the European standards for monitoring of GHG emissions. The Law established an installation level MRV system for energy and industry sectors (GHGs covered – CO<sub>2</sub> and additionally N<sub>2</sub>O for nitric acid production) starting from January 1, 2021 which lays the groundwork for a national Emission Trading Scheme (hereinafter ETS). Legislation adopted was developed based on requirements of EU Directive 2003/87/EC and relevant EU regulations on MRV. Fully-fledged ETS will be implemented based on the data received from the installation-level MRV, after the first three years of MRV system operation.

The Law No. 376-IX “On Regulation of Ozone-Depleting and Fluorinated Greenhouse Gases” adopted in 2019 sets a ban on the production of fluorinated greenhouse gases (F-gases). It defines obligations of business entities carrying out operations with F-gases are obliged to register in the Unified State Register of operators of controlled substances, take measures to reduce consumption and prevent emissions of F-gases, provide training and confirm the qualifications of personnel, ensure that equipment is checked for leaks and report on operations with F-gases, etc. Since 2021, licensing of import/export of F-gases and goods containing them has been introduced. The legislation of Ukraine also requires establishing quotas for the import of F-gases from the annex F to the Montreal Protocol, which comes into force after Ukraine ratifies the Kigali Amendment to the Montreal Protocol. Within the framework of the international technical assistance CASE project, the Ministry has started the work aimed on conducting surveys and preparing a package of documents for

ratification of the Kigali Amendment. The legislation that has been adopted was based on Regulation (EC) 517/2014 on certain fluorinated greenhouse gases and Regulation (EC) No. 1005/2009 on substances that deplete the ozone layer.

“The Concept on implementation the state policy on climate change until 2030”, approved by the CMU Resolution on December 7, 2016 No.932, and Action Plan to implement the state policy on climate change until 2030 in 2017 adopted in accordance with Annex XXXI of Agreement. The first document that determines the main directions and tasks of Ukraine's climate policy, legal and institutional measures for both mitigation and adaptation with a timeline for their implementation. It includes measures for preparing the Low Emission Development Strategy of Ukraine until 2050, reporting under UNFCCC, improving of National inventory of GHG emissions, adopting national system for monitoring, reporting and verification of GHG emissions and emission trading system as well as, adopting National Strategy for adaptation by 2030, action plans for adaptation to climate change for agriculture, forestry, public health, integration adaptation to river basin management plans, accounting climate change in construction activities, developing pilot adaptation plans for regions and cities.

Ukraine developed and submitted the Low Emission Development Strategy of Ukraine until 2050 in 2018. According to the Strategy, Ukraine should achieve a GHG emissions reduction target of 31-34% compared to the 1990 level by 2050. However, a more recent Economic Strategy of Ukraine until 2030 sets a more ambitious target to achieve net zero GHG emissions not later than 2060.

NDC set an ambitious national target of 65 % reduction in GHG emissions by 2030 compared to 1990.

Climate Change Adaptation Strategy defines the goals, objectives of state policy on environmental safety and adaptation to climate change, stages of implementation and expected results and include short term Operational Action Plan.

It was planned to update LEDS based on newly adopted national and sectoral legislation as well as on the modelling results performed for the NDC, the National Economic Strategy of Ukraine until 2030, National Energy and Climate Plan and 2030 energy and climate targets performed by Energy Community. However, due to the Russian aggression in Ukraine and significant changes in energy consumption, infrastructure, industries the new assumptions should be developed and modelling will have to be revised.

Additionally, in 2017 VRU adopted the Law of Ukraine “On Environmental Impact Assessment”, providing that information on climate factors, including climate change and GHG emissions, falls under the scope of environmental impact assessment reports, submitted by economic entities. The Law implements Directive 2011/92/EU.

The Law of Ukraine “On Strategic Environmental Assessment” was adopted in 2018 to transpose Directive 2001/42/EU. The Law sets an obligation to include climate impact assessment as part of planning documents (strategies, programs and development plans) for activities that are subject to an environmental impact assessment.

Ministry of Energy of Ukraine is finalising a draft National energy and climate plan (NECP). In parallel the Ministry is developing a new Energy Strategy until 2050. Due to the interlinkage between these documents, the NECP preparation requires additional work. Ministry of Energy of

Ukraine is also finalising a draft National renewable energy action plan until 2030 in accordance with the requirements of the Directive 2012/27/EC and Directive 2010/28/EC accordingly with the target of renewable energy consumption in 2030. However, it should be mentioned that in 2021 Ukraine adopted a National energy efficiency action plan until 2030 and a Law “On Energy Efficiency” aimed at implementing the EU acquis in the field of energy efficiency, namely: Directives 2012/27/EC on energy efficiency, Directive 2009/125/EC on establishing a framework for the setting of ecodesign requirements for energy-related products, Regulation (EU) 2017/1369 on setting a framework for energy labelling.

## **92. What are the country's plans to implement its updated Nationally Determined Contribution?**

In order to meet the requirements of the Paris Agreement in July 2021 Ukraine has updated its Nationally Determined Contribution to the Paris Agreement setting an ambitious target of 65 % reduction in GHG emissions by 2030 compared to 1990.

NDC target covers all GHGs not controlled by the Montreal Protocol such as: carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), sulphur hexafluoride (SF<sub>6</sub>), nitrogen trifluoride (NF<sub>3</sub>) and covers all economic sectors defined by the IPCC including energy; industrial processes and product use; agriculture, land use, land-use change and forestry; waste.

The NDC review process started in 2018 in cooperation with a team of national and international experts, provided through the technical support of the European Bank's for Reconstruction and Development project “Support to the Government of Ukraine on Updating its Nationally Determined Contribution (NDC)”, which was funded by the Government of Sweden.

The NDC has been prepared using economic and mathematical modelling. A special TIMES-Ukraine model was used by the Institute of Economics and Forecasting of the National Academy of Sciences of Ukraine relevant for the Energy and Industrial Processes sectors (according to the IPCC categories), mass balance model for Waste sector and specific simulation tools for the Agriculture and LULUCF have been used. A dynamic model of the overall balance of the Ukrainian economy was applied to assess the social-economic consequences for each scenario. Modelling the level of GHG emissions in Ukraine included three main scenarios of economic development that vary depending on the level of climate ambition and has taken into consideration already adopted legislation.

Public participation and transparency of the process was assured through setting up a large Working Group under the MEPR, which included representatives from all relevant Ministries, Parliament Committees, scientific institutions, business associations and non-governmental organizations. In order to analyse modelled scenarios and discuss possibilities to achieve GHG emission reduction targets and attract necessary investments, more than 20 additional meetings were organized with the main sectoral stakeholders.

For the purpose of wide communication with all stakeholders based on the modelling results and sectoral stakeholder engagement, the Analytical Review of the NDC was prepared, which includes information on the modelling process, sectoral goals on GHG emission reduction, adaptation to climate change, gender issues, as well as the necessary amount of investment for the implementation of the climate goals and achieving the long-term goal on climate neutrality, which is

available through the link:  
[https://mepr.gov.ua/files/images/2021/29042021/Analytical%20Report\\_%20Project\\_EN.PDF](https://mepr.gov.ua/files/images/2021/29042021/Analytical%20Report_%20Project_EN.PDF).

To achieve the GHG emission reduction target, modelling and wide discussions established a great potential of the energy sector by phasing out of coal, increasing the amount of renewable energy, modernizing energy infrastructure and energy efficiency of buildings. Industry sector has also a great potential to decrease GHG emissions by introducing modern and energy efficient technologies. Agricultural activities have a considerable potential for GHG emission reduction and carbon sequestration owing to the introduction of sustainable agricultural practices, use of fertilizers, converting degraded lands to natural habitats and promoting organic farming.

In order to achieve the target set in NDC, Ukraine is currently working on a comprehensive Action Plan. The Plan will integrate all sectors of economy and necessary transformations in each sector, which would allow reducing GHG emissions and mitigate climate change. This Action Plan considered already existing and planned actions related to climate change. Analysis of the gaps, possible increase in ambition and additional policies and measures to be implemented by authorities in order to achieve the GHG emission reduction target will be conducted as a part of developing the Action Plan.

In order to involve all sectors of economy, several meetings were conducted with relevant Ministries and the key transformations have already been highlighted and agreed with the Governmental bodies in electricity and heating, energy supply, industry, transport, buildings, agriculture, waste and cross-sectoral measures. More information on the measures can be found in the updated NDC (<https://www4.unfccc.int/sites/NDCStaging/pages/Party.aspx?party=UKR>).

#### Electricity and Heating:

- RES development in power generation
- RES development in the heat supply system
- Integration of the integrated Power System of Ukraine into the energy system of continental Europe (ENTSO-E)
- Ensuring the proper functioning of the electricity market
- Construction of new balancing facilities in the power industry
- Implementation of the National Emission Reduction Plan for large combustion plants
- Introduction of innovation approaches to regulation of the demand in the power industry
- Phasing out coal mining and use, fair transformation of coal-mining areas
- Development of hydrogen energy
- Energy efficiency at the stage of energy generation

#### Energy Supply:

- Reduction of energy transportation losses
- Introduction of technologies to prevent and reduce leaks in extraction, processing and transportation of natural gas and oil
- Modernisation of heat supply systems

#### Industry:

- Reduction of specific energy consumption and greenhouse gas emissions per unit of output
- Reduction of consumption and phasing out ozone-depleting substances and fluorinated greenhouse gases

#### Transport:

- Increasing the share of private and public electric transport
- Increasing the share of rail and water transport
- Development of sustainable urban and interurban transport infrastructure

#### Buildings:

- Thermal modernisation of residential buildings
- Thermal modernisation of budget-financed and municipal buildings
- Tightening the regulations for new buildings in the context of energy consumption and RES
- Introduction of accounting for the use of thermal energy, hot water and gas

#### Agriculture:

- Development of organic production
- Development of biogas production
- Promotion of resource-saving land cultivation technologies
- Withdrawal and revitalization of degraded arable lands

#### Waste:

- Development of infrastructure for the implementation of the waste management hierarchy
- Development of energy production from landfill gas
- Development of energy production from wastewater treatment systems

#### Land Use, Land Use Change and Forestry:

- Increasing the area of the forest reserves
- Transition to sustainable forest management

#### Cross-sectoral Matters:

- Development of financial and economic instruments to stimulate the implementation of decarbonisation measures:
  - Development of a system to monitor and report on greenhouse gas emissions, climate policy and finance
  - Development of science, research and technologies in the area of low carbon development

Achieving GHG emission reduction target requires financial resources. Thus, the Financial Strategy and Investment Plan by 2030 for the NDC implementation is under development with the technical support of the EU/UNDP EU4Climate project. The document will include research and analytical information on the allocation of funds from local budgets for energy efficiency programs

and measures to reduce GHG emissions as well as defining financing options for international climate funds and potential investment opportunities for private sector. It will enable the government and other stakeholders to operationalize priority actions identified in the NDC and effectively plan the distribution of state and local budgets together with international funds.

Due to the ongoing armed aggression of the Russian Federation against Ukraine and the serious damage to all sectors of the economy, the country's infrastructure and the environment, there is a need to update the draft Action Plan of NDC Implementation.

In addition, the importance of the efficient functioning of the energy sector, which is the highest priority in terms of reducing greenhouse gas emissions, as well as the need to rebuild housing for citizens taking into account climate goals, priority measures and deadlines should be reviewed and agreed with Ukraine's postwar development Action Plan.

The MEPR planned to launch the Strategic environmental assessment procedure for the NDC Action Plan by 2030 by the end February 2022; draft statement about the start of the SEA procedure was already developed with the EU/UNDP EU4Climate Project but since the draft Action Plan needs an update, the SEA procedure is delayed too.

### **93. Describe the state of implementation of the Vienna Convention and the Montreal Protocol for the protection of the ozone layer.**

The Vienna Convention for the Protection of the Ozone Layer was signed on March 22, 1985 and adopted by Ukraine on June 18, 1986. Ukraine ratified the Montreal Protocol on Substances that Deplete the Ozone Layer (resolution of the Council of Ministers of the Ukrainian SSR of 13.09.1988 No. 269), the London Amendment (law of Ukraine dated 22.11.1996 No. 545/96-VR), the Copenhagen Amendment (law of Ukraine dated 02.11.2000 No. 2083-III), The Montreal and Beijing amendments (law of Ukraine dated 18.10.2006 No. 255-V) to it.

In accordance with article 4B of the Montreal Protocol, Ukraine has established a licensing system for the import/export of ozone-depleting substances (hereinafter - ODS) and goods containing them. The annual resolution of the Cabinet of Ministers of Ukraine on approval of the lists of goods, the export and import of which is subject to licensing, and quotas for the corresponding year (the last dated 29.12.2021 No. 1424) defines that licenses for the export and import of goods are issued by the Ministry of economy of Ukraine, as well as by separate annexes that lists the controlled substances and goods containing them. Licenses for the export and import of ODS or goods containing them are issued on the basis of approval for the import/export of controlled substances, goods and equipment provided by the MEPR to the Ministry of Economy of Ukraine in the order of interministerial exchange. The procedure for approval for the import/export of controlled substances, goods and equipment was approved by Order of the MEPR dated December 2, 2015 No. 459, registered in the Ministry of Justice of Ukraine on February 8, 2016 for No.197/28327. Resolution of the Cabinet of Ministers of Ukraine dated May 16, 2002 No. 624 "On strengthening state regulation regarding the import into Ukraine and export from Ukraine of ozone-depleting substances" establishes prohibitions on the import and export from Ukraine substances from Annexes A, B and E to the Montreal Protocol, except in cases stipulated by the Montreal Protocol.

According to Article 7 of the Montreal Protocol an annual report on ODS consumption is submitted to the Ozone Secretariat (<https://ozone.unep.org/countries/profile/ukr>).



In Ukraine, there is no production of ODS, so the annual consumption is import+export. Decision XXIV/18: Ukraine's non – compliance with the Montreal Protocol set limits for Ukraine's consumption of ODS: in 2013 – 86.90 tonnes of ODP, in 2014 - 51.30 tonnes of ODP, in 2015, 2016, 2017, 2018, 2019-16.42 tonnes of ODP annually. Annual consumption of ODS is provided at the following levels: in 2013 – 59.40 tonnes of ODP, in 2014 – 49.06 tonnes of ODP, in 2015 – 5.10 tonnes of ODP, in 2016 – 16.11 tonnes of ODP, in 2017 – 13.30 tonnes of ODP, in 2018 – 15.83 tonnes of ODP, in 2019 – 11.49 tonnes of ODP, in 2020 – 0 tonnes of ODP.

On December 12, 2019, the law of Ukraine “On Regulation of Ozone-Depleting and Fluorinated Greenhouse Gases” (hereinafter - the Ozone Law) was adopted, which, among other things, introduces obligations under Decision XXIV/18, namely, a ban on the import of goods and equipment containing or operating using ODS.

According to the Ozone Law, the following documents were adopted:

- Resolution of the Cabinet of Ministers of Ukraine dated September 23, 2020 No. 992 “Some issues on regulation of activities in the field of ozone layer protection”, which approved the Procedure for distributing shares of the annual national quota for the import of Controlled Substances and the form of the report on operations with controlled substances;

- Resolution of the Cabinet of Ministers of Ukraine dated September 23, 2020 No. 1086 “Some issues of issuing a qualification document (certificate) for performing works defined by paragraph one of Article 10 of the law of Ukraine “On regulation of economic activity with ozone-depleting substances and fluorinated greenhouse gases”;

- Order of the MEPR dated June 8, 2021 No. 369 “On approval of the procedure for creating and maintaining the Unified State Register of operators of controlled substances”, registered with the Ministry of justice dated August 13, 2021 for No. 1077/36699.

Currently with a technical assistance of the EU/UNDP EU4Climate project the following draft documents to implement the Ozone Law are under development (but not approved yet):

- List of measures to reduce the consumption of controlled substances under the legislation;
- List of destruction technologies for controlled substances under the legislation;
- Procedure of the destruction technologies utilization for controlled substances.

#### **94. Has Ukraine undertaken measures to align with the EU acquis covering GHG emission reductions, especially the Emission Trading System (EU ETS)?**

In accordance with commitments taken under the Ukraine-EU Association Agreement, Ukraine has taken measures towards implementation of a domestic ETS in Ukraine according to Directive 2003/87/EC.

As a first step Ukraine established an installation level monitoring, reporting and verification (hereinafter - MRV) system for energy and industry sectors that will provide a solid basis for the upcoming ETS. The MRV Law was adopted by the Parliament of Ukraine in December 2019, which was followed by corresponding acts of secondary and tertiary legislation approved during 2020 - 2021. From 2021 onwards, the MRV procedures as adopted in the framework law on MRV have to

be applied by regulated installations. In 2022, covered installations must submit the first emissions reports for 2021.

To establish its ETS, Ukraine plans to develop separate legislation based on three years of data from the MRV system. With the installation level MRV system already operational starting from January 1, 2021, Ukraine has set a target of the development and launch of the Ukrainian ETS by 2025-2027 which shall be similar to EU ETS and based on Directive 2003/87/EC. Proposed timeline is primarily justified by absence of reliable and verified installation level data on GHG emissions. Given that an ETS is a completely new instrument for Ukraine, its implementation would require significant changes and establishment of a number of legal, institutional and organizational prerequisites. Among key tasks to be accomplished in coming 3 years are development and adoptions of ETS legislation package (basic ETS law and secondary legislation), development of national allocation plan (establishment of procedures for determining benchmarks, mechanisms and procedures for allocation), establishment of procedures for issuance of allowances and emission permits, (development of technical regulations on operation of allowance register and establishment of ETS register, development of auctioning rules), adjustment of MRV legislation and delivering capacity building to support competent authority (including designation/establishment of such competent authority), government bodies and other stakeholders. Adjustment of planned scope and timeline is highly required due to considerable consequences that resulted from RF invasion which caused different levels of damage and economic losses to installations to be potentially covered by future ETS.

Adjustment of planned timeline and scope is highly required due to considerable consequences that resulted from Russian invasion which caused different levels of damage and economic losses to installations to be potentially covered by the future ETS-like system.

In the meantime, work on preparation for the ETS establishment has been ongoing:

- completed: study on benchmarking emissions in key sectors, where ten benchmark values were defined and preliminarily estimated proceeding from available data supplied on voluntary basis by installation operators;

- completed: study on economic analysis of an ETS and a carbon tax options analyzed theoretical considerations and international experience on climate policy alignment and institutional arrangements and undertook modelling ETS impacts and interactions between the carbon tax and the ETS;

- ongoing: study aimed at cap setting and allowance allocation methodology for the Ukrainian ETS (development of options for cap setting; elaboration of methods and rules for a national allocation plan; selection/development of a model; modelling exercise (impact assessment of proposed options); development of policy recommendations, preparation of an impact assessment report). Completion of the work is expected in August 2022;

- ongoing: capacity building and raising awareness on the ETS development and implementation for different stakeholders, including government and potential installations, (first 2 events of the series of 10 planned events have been completed).

Work on MRV and ETS development has been carried out with strong support from international technical assistance projects, namely by the Partnership for Market Readiness project (World Bank) and the “Support to the establishment of an ETS in Ukraine” project (GIZ). In 2021,

Ukraine has also submitted an Expression of Interest to the new World Bank initiative Partnership for Market Implementation (PMI) which has been successfully endorsed. Currently, MEPR, as the national focal point for the PMI, with support of the World Bank task team is finalizing work on development of the Implementation Support Plan in order to receive funding for establishment of an ETS in Ukraine. Decision on allocation of financial support to Ukraine will be taken after submission of the ISP and its independent expert review.

**95. Which measures has Ukraine undertaken to limit emissions from non-ETS sectors: in particular transport, agriculture, built in environment, land use and land use change sectors?**

Since ETS is not yet introduced in Ukraine each sector has specific measures to limit emissions.

Carbon pricing was introduced in Ukraine already in 2011 through an environmental tax on air pollution from stationary sources. Collected based on the use of fossil fuels and paid on a quarterly basis, it is covering 70% of the nation's GHG emissions, mainly in the industrial sector (including metal and coke production, chemical and petrochemical, cement and food industries), the power sector and the buildings sector. Facilities and users emitting less than 500 tCO<sub>2</sub>e annually are not subject to the carbon tax. The carbon tax rate was increased from UAH 10/tCO<sub>2</sub>e to UAH 30/tCO<sub>2</sub>e starting from January 1, 2022, up to 70% of the collected revenues shall be directed to decarbonisation measures.

Pursuant to adopted amendments the Cabinet of Ministers of Ukraine shall develop and submit to the parliament a draft law on further use of such budget revenues. It is planned that with introduction of a domestic ETS respective changes will be introduced to the Ukrainian Tax Code in order to exempt ETS covered sectors from carbon tax, the rest will remain covered by tax.

National Economic Strategy of Ukraine until 2030 adopted in 2021 aims at decoupling future economic and social growth from further GHG emissions and sets a target to achieve net zero GHG emissions not later than 2060. The Strategy takes into account the need to pursue sustainable development of various economic sectors, and includes, inter alia, the following measures:

- promotion sustainable agricultural production;
- development of “climate-friendly” agriculture and forestry with reduced GHG emissions;
- decarbonisation of transport sector by 2060;
- implementation of sectoral climate policies for energy, industry, transport, housing and communal services, agricultural sector and other sectors.

**Agriculture:**

The national legislation in organic production, circulation and labelling of organic products was developed in line with the provisions of Council Regulation (EC) No. 834/2007, as well as Commission Regulations (EC) No. 889/2008 of September 5, 2008 and No. 1235/2008 of December 8, 2008. Thus, the provisions of the organic legislation of Ukraine are harmonized with the requirements of the mentioned EU regulations.

The main principles and requirements for organic production, circulation and labelling of organic products, as well as certification and control, are established by the Law of Ukraine “On the

Main principles and Requirements for Organic Production, Circulation and Labelling of Organic Products” (hereinafter – the Organic Law) and by-laws.

The Ministry of Agrarian Policy and Food of Ukraine and State Service of Ukraine on Food Safety and Consumer Protection are responsible for the implementation of legislation on organic farming and produce. The said legislation is still being developed.

In February 2022 the National Accreditation Agency of Ukraine launched the procedure of accreditation of 3 potential certification bodies.

The new EU organic legislation (Regulation EU No. 2018/848 and relevant by-laws), which has been applicable for the EU Member States countries as of January 1, 2022, has been transposed into the Ukrainian, and joint efforts for harmonization of the Ukrainian organic legislation with the new EU organic legislation have been planned in the frame of the Working Group for Organic Production Development (not yet started).

In accordance with the requirements of the Directive of the European Parliament (EC)2018/2001 on the promotion of the use of energy from renewable sources (RED II), the Ministry of Agrarian Policy together with the International Finance Corporation of the World Bank Group (IFC) and the international consulting company “Meo Carbon Solutions” prepared in 2021 National Report on “Greenhouse Gas Emissions from the cultivation of rapeseed and corn in Ukraine” submitted to the Directorate-General for Energy of the European Commission (DG ENER).

Issues related to economic activity in the field of pesticides and agrochemicals are regulated by the laws “On pesticides and agrochemicals”, “On plant protection”, “On ensuring sanitary and epidemiological well-being of the population”. In 2022 Order No. 960 “On approval of maximum permissible levels (MRLs) of chlorpyrifos and chlorpyrifos-methyl in agricultural products and food products and Amendments to the Hygienic Standards and Regulations for the Safe Use of Pesticides and Agrochemicals” came into force. The Order set thresholds for chlorpyrifos and chlorpyrifos - methyl in agricultural products and food products at the level of 0.01 mg/kg (mg/l).

In the field of animal stock, in order to reduce GHG emissions, reconstruction of existing and construction of new cattle farms using energy efficient technologies are encouraged by partial reimbursement from the State in the livestock sector (up to 50%).

Buildings sector:

In 2017 Ukraine adopted the Law “On energy efficiency of buildings” and “On Energy Efficiency Fund”. These laws are aimed at implementation of Directive 2010/31/EU and creating financial support for buildings’ renovation. A set of secondary legislation creates the necessary legal infrastructure for the renovations by regulating the methodology for calculation and defining the minimum energy performance requirements, procedure for certification of buildings, qualification requirements to buildings assessors.

The second wave of the energy efficiency reform took place in 2021 with the adoption of the Law No.1818-IX “On energy efficiency” which transposes Directive 2012/27/EU, and National Energy Efficiency Action Plan until 2030 adopted by the Order of the Cabinet of Ministers of Ukraine dated 29.12.2021 No. 1803-r that are in line with the mentioned Directive.

The National Energy Efficiency Action Plan for the period up to 2030 aimed at achieving the national energy efficiency target (primary and final energy consumption in Ukraine in 2030 should not exceed 91468 thousand and 50446 thousand tons of oil equivalent, respectively) and identifies a number of sectoral and horizontal measures and tools to achieve national energy efficiency goals.

Since 2014, in Ukraine there has been introduced a “green” tariff for solar and wind stations of private households with a capacity of up to 30 kW. For solar stations built by households in 2020-2021, this tariff is 16.26 eurocents per 1 kWh (excluding VAT). From 2025, the tariff will be reduced to 14.49 eurocents per 1 kWh (excluding VAT).

As of January 1, 2022, almost 45,000 households in Ukraine have installed solar stations with a total capacity of 1,205 MW, which accounted for 16% of the total capacity of all solar power plants and 13% of the total capacity of renewable energy power plants in Ukraine.

#### Transport:

Ukraine has adopted two policy documents that aim to guide the transport sector towards a low-carbon future: 2050 LEDS and the National Transport Strategy of Ukraine until 2030 adopted in 2018. The latter Strategy aims to create an efficient transport complex in Ukraine, develop electric transport and its infrastructure, and sets a target for GHG emission reduction in the sector. The Transport Strategy includes the use of alternative fuels, green vehicles, partial refocusing of carriage service from road to inland waterway and rail transport to prioritize environmental protection. The necessary policies and measures to achieve the above mentioned targets are described in the Action Plan to the National Transport Strategy of Ukraine until 2030.

The major CO<sub>2</sub> emissions of the transport sector are produced by road transport, which is responsible for over 70% of all transport emissions, making it the most important issue to tackle for future transport policies. It is followed by off-road transport (17%) and gas transporting (12%).

In 2021 Parliament adopted Laws “On amendments of section XX “Transitional provisions” of the Tax code of Ukraine concerning stimulation of development of branch of ecological transport in Ukraine” and “On amendments of point 4 of section XXI “Final and transitional provisions” of the Customs code of Ukraine concerning stimulation of development of branch of ecological transport in Ukraine”, which set a number of tax preferences for the electric vehicle manufacturers and components to such vehicles. These laws exempt the import of vehicles equipped with electric motors or which run exclusively on compressed or liquefied methane or biogas from value added tax. The exemption is provided for the electric vehicles, tram and metro carriages, as well as vehicles with internal combustion engines running exclusively on compressed or liquefied methane or biogas.

Activities related to the installation and operation of the Electrical Vehicle (EV) Chargers are regulated by the provisions of the Law on electricity market, rules of the retail electricity market and Distribution systems code. The National Regulator classifies EV Chargers as current collectors, therefore they do not require a separate legal regulation.

The National Energy Efficiency Action Plan for the period up to 2030 includes among others measures improvement of energy efficiency of final energy consumption in the transport sector. The key measures identified by the National Plan in this sector are: optimizing the structure of passenger and freight transport in cities, upgrading urban transport with a predominant transition to electric transport, encouraging the upgrade of private fleet to develop electric mobility and implementing the provisions of Directive 2014/45/EU on periodic roadworthiness tests for motor vehicles and their

trailers and repealing Directive 2009/40/EC. The above-mentioned energy efficiency measures in transport will achieve the following indicators of reducing GHG emissions (thousand tons of CO<sub>2</sub> - eq. per year): in 2025 - 865, in 2030 - 2339.

In order to increase the production and use of biofuels in transport, the draft law No. 7233 of 30.03.2022 was developed and adopted by the Verkhovna Rada in the first reading on April 1, 2022. This draft law in particular provides for:

- establishing a zero rate for excise tax and reduction of the VAT rate up to 7% for alternative motor fuel during the war and the state of emergency;
- establishing normatively determined obligatory share of liquid biofuels, at the level of not less than 10% by amount, in the total annual volume of the released gasolines from May 1, 2022;
- accounting and control of the liquid biofuels share in the total volume of gasoline;
- establishing liability (fines) for non-compliance with the requirements for the share of liquid biofuels in the total annual volume of gasoline sold by economic entities engaged in retail trade in fuel, fuel production and / or wholesale trade in fuel;
- establishing liability (fines) for late submission or non-submission of information on the liquid biofuels share in the total annual volume of sold gasoline by business entities engaged in fuel production and / or wholesale of fuels;
- introduction of requirements for compliance with sustainability criteria for biofuels from January 1, 2023.

The draft law's adoption will promote sustainable biofuels usage in the transport sector and the decarbonisation of the industry.

In the field of civil aviation, active work is done under the CORSIA program, which provides for the establishment of limits on carbon emissions for airlines and the Implementation of a system of financial compensation for exceeding these limits.

The Ukrainian natural gas pipeline transmission network is operated by a state-owned enterprise "Gas transmission system operator" (TSO). In 2020 this company reduced CO<sub>2</sub> emissions by 58% and emissions of pollutants (NO<sub>x</sub> and CO) by 4%. The TSO also aims at reducing methane emissions through implementing leak detection and repair practices. The mobile laboratories inspected more than 176,000 units of equipment and found about 3,300 methane leaks.

In 2021 Ukraine adopted the Law "On amendments to some laws of Ukraine on the development of biomethane production". The use of biomethane as a motor fuel would enable farmers to obtain energy from waste and by-products of their own production. Moreover, biomethane could be used not only by road transport, but also by water and rail transport, in compressed (CBG) or liquefied (LBG) states.

Forestry:

The Government adopted two documents emphasizing the importance of increasing the resilience of forest ecosystems to climate change: National Strategy on Environmental Security and Adaptation to Climate Change through 2030 and State Strategy of Forest Management of Ukraine until 2035.

In 2021, in accordance with the Presidential Decree “On Some Measures for the Preservation and Reconstruction of Forests”, a large-scale afforestation program of Ukraine “Green Country” was launched. It was planned that 1 billion new trees would be planted in 3 years, and the area of forests would increase by 1 million hectares in 10 years.

In 2021 the National forest inventory started by the Order of Cabinet of Ministers of Ukraine “On approval of the procedure for conducting the national forest inventory and amending the appendix to the regulation on data sets to be published in the form of open data”, dated April 21, 2021 No. 392. Inventory will provide information on the area of forests, growing stocks, the amount of increment, sanitary conditions, the amount of dead wood that are important to make the management decisions in particular in the face of climate change.

#### **96. Has Ukraine taken steps to curb greenhouse gas emissions from aviation activities?**

In an effort to reduce the negative impact of aviation on air, namely the GHG emissions from aviation activities, Ukraine has joined the System Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA) in accordance with decision by the 39th Assembly Resolutions of the International Civil Aviation Organization (ICAO). Ukraine is a member of the International Civil Aviation Organization (ICAO) from 09 September 1992, European Civil Aviation Conference (ECAC) from 15 December 1999 and European Organization for the Safety of Air Navigation (EUROCONTROL) from 1 January 2004.

Paragraph 5 of Assembly Resolution A39-3 ordered the introduction of a Global Market Action Scheme in the form of the Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA) to address the annual increase in total CO<sub>2</sub> emissions from international civil aviation.

To ensure the implementation of the next stages of CORSIA, active work is underway to develop the Law of Ukraine “About the introduction of a system of compensation and reduction of carbon dioxide emissions for international civil aviation”.

Ukraine takes voluntary part in Pilot (2021-2023) and First (2024-2026) phases of CORSIA. Pursuant to CORSIA rules and procedures, in 2019 Ukraine has adopted technical requirements and administrative procedures on monitoring of emissions by operators of civil aircrafts and starting 2019 such operators of all international flights started monitoring and submitting monitoring plans, according to adopted templates in order to enable setting basic level of emissions (2019-2020).

According to the order of the State Aviation Administration of Ukraine on August 2, 2019 No. 1001 of the on approval of the “Aviation Rules of Ukraine Technical requirements and administrative procedures for monitoring emissions by operators of civil aircraft” (<https://zakon.rada.gov.ua/laws/show/z0962-19No.Text>) pilot phase of the CORSIA, namely the implementation of monitoring, reporting and verification (MRV) was introduced.

In accordance with the requirements of the Aviation Rules No.1001, aircraft operators of Ukraine submit a verified CORSIA Emissions Report in accordance with ISO 14064-3:2006 and the corresponding Verification Report.

Based on the CORSIA Emissions Report, the State Aviation Administration of Ukraine calculates the total CO<sub>2</sub> emissions for the reporting period and submits to the ICAO a summary Country Report on emissions.

**97. Does Ukraine have a system for monitoring, reporting and verification (MRV) of greenhouse gases, in particular the installation level one, and how it is organised?**

An installation level MRV system for energy and industry sectors started functioning from January 1, 2021, with the aim to provide a solid basis for upcoming ETS. Parliament of Ukraine adopted the MRV Law No.377-IX dated 12 December 2019, which was followed by corresponding acts of secondary and tertiary legislation approved during 2020 - 2021. From 2021 onwards the MRV procedures as adopted in the framework of MRV Law have to be applied by regulated installations. In 2022, covered installations must submit the first emissions reports for 2021.

Reporting is required annually for CO<sub>2</sub> emissions from the following activities: fuel combustion in installations over 20 MW; oil refining; the production of: coke, metal ores, pig iron, steel, ferrous alloys (if the total nominal thermal capacity of combustion units exceeds 20 MW), cement clinker, lime or calcination of dolomite and magnesite (with a production capacity exceeding 50 tonnes per day), nitric acid, and ammonia. Additionally, for nitric acid production reporting is also required for N<sub>2</sub>O emissions. Emissions reports require third-party verification by an accredited verifier.

Institutional structure supporting the MRV system is already in place as per relevant provisions of the MRV Law, and comprises: Ministry of Environmental Protection and Natural Resources defined as a national competent authority (NCA); "National Center for GHG Emission Inventory" (NCI) authorized by the NCA to perform technical MRV-related functions, including reviewing monitoring plans, emission reports and verification reports, and providing recommendations for decision-making by the NCA; State Environmental Inspectorate (SEI) which carries out the state control over compliance with the MRV requirements and rules; National Accreditation Agency of Ukraine (NAAU), which conducts the accreditation of verifiers according to approved procedures and supervises verifiers' activities.

MRV Law and secondary legislation were developed on the basis of EU regulations and comply with key requirements and procedures of MRV system in the EU. Further adjustment of MRV legislation will be made with introduction of national ETS.

**98. In addition to the measures referred to under the heading "Industrial Pollution Control and Risk Management", is there legislation controlling emissions from mobile sources (cars, trucks, buses, etc.)? What arrangements are in place to monitor the quality and life-cycle of petrol, diesel, gas and heavy fuel oil?**

Ukraine has legislation regulating emissions of pollutants from mobile sources. Article 9 of the Law of Ukraine "On Atmospheric Air Protection" stipulates that for each type of mobile sources operated in Ukraine, standards are set for the content of pollutants in exhaust gases and the impact of physical factors of these sources, which are developed taking into account modern technical solutions to reduce pollutants, reducing the levels of exposure to physical factors, purification of exhaust gases and economic feasibility.

Emission standards for mobile sources (vehicles) has been set:



- DSTU (National Standard of Ukraine) 4276-2004 "Standards and methods of measuring the smoke of exhaust gases of cars with diesels or gas-diesels";

- DSTU (National Standard of Ukraine) 4277-2004 "Standards and methods of measuring the content of carbon monoxide and hydrocarbons in the exhaust gases of cars with engines running on gasoline or gas fuel."

In addition, in accordance with the provision of the State Environmental Inspectorate of Ukraine, approved by the resolution the Cabinet of Ministers of Ukraine dated 19.04.2017 No. 275, the Inspectorate measures the composition and emission properties of mobile sources of air pollution.

As defined in the Tax Code of Ukraine, fuel taxes (excise) vary based on different types of fuels. Cleaner fuels e.g. CNG and biodiesel have lower excise tax per 1000 liters than diesel or petrol (Article 215.3.4).

The Tax Code of Ukraine also establishes differentiated taxes (excise) for purchase of cars, buses, trucks, motorcycles. Excise varies based on the size of the engine and on the age of the vehicle (Article 215.3.5). Based on this Code, electric vehicles pay a relatively lower tax rate, fixed at 109.13 euro per vehicle (Article 215.3.5(1)).

Environmental standards have been set for both new vehicles and used vehicles, which enter into the customs territory of Ukraine for the first time. The Law of Ukraine "On Some Issues of Importing into the Customs Territory of Ukraine and Carrying Out the First State Registration of Vehicles" and the Procedure for Approving the Construction of Vehicles, their Parts and Equipment approved by the Ministry of Infrastructure of Ukraine set environmental standards for pollutant emissions, including for cars, trucks and buses. According to this law new cars of standard Euro-5 and higher are currently allowed to enter the territory of Ukraine. After 2025, only cars of standard Euro-6 will be allowed. This law does not apply to the used cars - only to the new cars.

The vast majority of road vehicles in operation today "de facto" do not undergo periodic technical inspection in terms of compliance with environmental requirements.

**99. What steps has Ukraine taken to set emission performance standards for new vehicles and to promote monitoring and availability of consumer information on fuel economy and CO<sub>2</sub> emissions in respect of the marketing of new cars?**

Ukraine provides a comprehensive solution to set standards for new vehicles, information on fuel economy and CO<sub>2</sub> emissions. In 2021 the State Motor Transport Research and Design Institute developed a "Concept of state policy in the field of labelling and regulation of essential environmental properties of wheeled vehicles" that has already been discussed with the representatives of the civil society and scientific community.

The aim of the document is to determine the principles of creating a regulatory framework, tools and consistent measures to implement effective public policy in the field of regulating the essential environmental properties of vehicles to ensure emissions reduction and improve air quality reduction of energy consumption by transport.

Some methodological aspects of this concept were discussed in the presentation "Aggregated toxicity of road vehicles as a basis for future regulation in the field of environmental protection" at

the EU Green Week 2021 conference on “Zero Pollution for Healthier People and Planet” and presented in several scientific publications.

Preparatory work is ongoing to implement state regulation in this area, including the implementing stronger environmental standards in Ukraine with their approximation to EU standards, the introduction of a comprehensive system of road vehicle labelling for fuel economy, CO<sub>2</sub> emissions and local pollution, the introduction of a unified system of low emissions zone (LEZ) in cities, etc. At present, the intensity of work in this direction has been reduced due to the full-scale armed aggression of the Russian Federation in Ukraine.

**100. What steps has Ukraine taken to promote carbon capture and storage and is there any legislation in place to make it safe and secure?**

Ukraine does not have any legislation in place on the regulation of carbon capture and storage technologies.

**101. Are measures for the reduction of emissions of fluorinated gases in place or planned, in particular as regards import and placing on the market of equipment charged with those gases?**

On December 12, 2019, the Law of Ukraine “On Regulation of Ozone-Depleting and Fluorinated Greenhouse Gases” was adopted. The Law provides a ban on the production of fluorinated greenhouse gases (F-gases obligations of business entities that carry out operations with F-gases to register in the Unified State Register of operators of controlled substances, take measures to reduce consumption and prevent emissions of F-GHGs, provide training and confirm the qualifications of personnel, ensure that equipment is checked for leaks and report on operations with F-gases, etc.

According to the abovementioned Law, the following documents were adopted:

- CMU Resolution of 23.09.2020 No. 992 "Some issues on regulation of activities in the field of ozone layer protection", which approved the Procedure for distributing shares of the annual national quota for the import of Controlled Substances and the form of the report on operations with controlled substances;

- CMU Resolution of 23.09.2020 No. 1086 " Some issues of issuing a qualification document (certificate) for performing works defined by paragraph one of Article 10 of the law of Ukraine "On regulation of economic activity with ozone-depleting substances and fluorinated greenhouse gases";

- order of MEPR of 08.06.2021 No. 369 "On approval of the procedure for creating and maintaining the Unified State Register of operators of controlled substances", registered with the Ministry of Justice dated 13.08.2021 for No. 1077/36699.

Since 2021, licensing of import/export of F-GHGs and goods containing them has been introduced. The legislation of Ukraine also provides for a provision on quotas for the import of F-GHGs from annex F to the Montreal Protocol, which comes into force after Ukraine ratifies the Kigali Amendment to the Montreal Protocol (the procedure for allocating quotas is determined by CMU Resolution of 23.09.2020 No. 992).

The current legislation does not provide regulation of import/export and placing on the market of equipment containing F-GHGs. However, according to the Law, the Concept of Reduction of Hydrofluorocarbon Consumption and Transition to Ozone and Climate-Safe Technologies should be developed, which is planned to be approved by a Government resolution.

Within the framework of the international technical assistance CASE project, MEPR has started the work aimed at estimating the consumption of fluorinated greenhouse gases in the country, including by economic sectors. Circumstances caused by the war of the Russian Federation in Ukraine today make it impossible to continue such work. Therefore, the terms of implementation of these tasks, as well as the development of the draft concept paper will be extended.

**102. What is the level of preparedness of administrative capacities at all levels needed to implement climate targets and acquis?**

The main body responsible for the development and implementation of climate change policies MEPR. Currently, it is responsible for the development of state policy in the field of monitoring, reporting and verification of greenhouse gas emissions from installations located in Ukraine, as well as regulation of ozone-depleting substances and fluorinated greenhouse gases, protection of the ozone layer and prevention of global warming, climate change and compliance with the UNFCCC, the Kyoto Protocol to it and the Paris Agreement.

In MEPR, the Department of Climate Policy and Ozone Layer Protection, which consists of 21 people, is responsible for the development and implementation of the climate policy, climate change mitigation and adaptation and ozone layer protection.

In terms of a large amount of planned work related to climate policy development and its further effective implementation, development of financial mechanisms to implement all necessary changes as climate change influence all economic sectors and areas of life, human resources would need to be significantly increased. These should also include various sectors to coordinate the actions of other national authorities in their related fields.

On MRV, with the estimated amount of 1000-1200 installations, four people are engaged to the issue in the Ministry of Environmental Protection and Natural Resources of Ukraine, and 10 people from the Budgetary Institution “National Center for GHG Emission Inventory” perform technical MRV-related functions, including reviewing monitoring plans, emission reports and verification reports, and providing recommendations for decision-making by the NCA. For high-quality processing of documents more human resources are required taking into account the necessity for further development of the legal framework for Ukrainian ETS and ensuring its further functioning. This also includes the need for delivering the capacity building on ETS for competent authority.

In addition, SEI, which is responsible for controlling the implementation of the MRV law, also lacks human resources to check the installations properly.

Further work is planned collecting and analysing the GHG emission reduction potential of state projects as well as all state legal acts before their approval by the Government and align Ukrainian policies with EU legislation, specifically with Regulation (EU) 2018/1999 on the Governance of the Energy Union and Climate Action. This work will require more experts in the Ministry.

Taking into account the work on financial strategy on NDC implementation currently under development by the MEPR and assisted by EU/UNDP EU4Climate project, further large-scale work is needed together with the Ministry of Finance of Ukraine that will require larger institutional capacity.

One of the first steps on climate finance tagging was currently completed to improve the procedure of preparation, implementation, conduct monitoring and completion of economic and social projects development of Ukraine, supported by financial resources of international financial organizations in terms of obtaining information on the project's impact on global climate change and its GHG reduction potential, Ministry of Environmental Protection and Natural Resources of Ukraine has submitted amendments to the Resolution of the Cabinet of Ministers of Ukraine dated 27.01.2016 No. 70 "Procedure for preparation, implementation, monitoring and completion of implementation supported economic and social development projects of Ukraine international financial organizations". According to these changes, the Ministry of Environmental Protection and Natural Resources of Ukraine will collect and analyse information on the IFI funded projects and their GHG impact.

## Annex 1

### HYGIENIC REGULATIONS

#### Maximum permissible concentrations of chemical and biological substances in the air of populated areas

No.	Name of the substance	CAS N	Maximum allowable concentration, mg/m <sup>-3</sup>		Hazard class
			Maximum single	24 h average	
1	2	3	4	5	6
1.	Nitrogen dioxide	10102-44-0	0,2	0,04	3
2.	Nitric oxide	11104-93-1	0,4	0,06	3
3.	Nitrogen trifluoride	7783-54-2	0,4	0,2	3
4.	Acrylonitrile	107-13-1	-	0,03	2
5.	Acrolein	107-02-8	0,03	0,03	2
6.	Allyl chloride	107-05-1	0,07	0,01	2
7.	Allyl ester of acetic acid (allylacetate)	591-87-7	0,4	-	3
8.	Alkyldimethylamine C <sub>17</sub> - C <sub>20</sub>		0,01	-	3
9.	Sodium alkyl sulfate	68955-19-1	0,01	-	4

10.	Aldehyde benzoic (benzaldehyde)	100-52-7	0,04	-	3
11.	Valerian aldehyde	110-62-3	0,03	-	4
12.	Enanthide aldehyde	111-71-7	0,01	-	3
13.	Isobutyric aldehyde (2-methylpropanal)	78-84-2	0,01	-	4
14.	Caprylic aldehyde	124-13-0	0,02	-	2
15.	Capric acid aldehyde	112-31-2	0,02	-	2
16.	Nylon aldehyde	66-25-1	0,02	-	2
17.	Crotonic aldehyde ( $\beta$ -methylacrolein, 2-butenal, methylpropenal)	123-73-9	0,005	0,001	1
18.	Aldehyde oil	123-72-8	0,015	0,015	3
19.	Pelargonium aldehyde	124-19-6	0,02	-	2
20.	Propionic aldehyde (propanal)	123-38-6	0,01	-	3
21.	Alpha-3 (active substance - dichloroacetic calcium)		3	0,3	4
22.	Aluminum nitrate	13473-90-0	-	0,006	4
23.	Aluminum oxide (in terms of aluminum)	1344-28-1	-	0,01	2

24.	Aluminum sulfate	10043-01-3	-	0,006	4
25.	Aluminum chloride	7446-70-0	-	0,006	4
26.	Ambush (3-phenoxybenzene / $\pm$ / cis, trans-3 / 2,2-dimethyl-3 / 2,2- dichlorovinyl / cyclopropanecarboxylate)	52645-53-1	0,05	0,02	3
27.	Ammonia	7664-41-7	0,2	0,04	4
28.	Amyl bromide (1-bromopentane)	110-53-2	0,03	0,01	2
29.	n-Amylacetate	628-63-7	0,1	0,1	4
30.	Amylenes (mixture of isomers)	109-67-1	1,5	1,5	4
31.	Aliphatic amines C <sub>15</sub> - C <sub>20</sub>		0,003	0,003	2
32.	5.6 Amino- (2-paraaminophenyl) benzimidazole	7621-86-5	-	0,01	3
33.	2-Amino-1,3,5-trimethylbenzene (mesidine)	88-05-1	0,003	0,003	2
34.	Aminotriacetoneamine	36768-62-4	0,05	0,02	3
35.	Ammonium nitrate (ammonium nitrate)	6484-52-2	-	0,3	4
36.	Ammonium persulfate	7727-54-0	0,06	0,03	3
37.	Ammonium sulfate	7783-20-2	0,2	0,1	3

38.	Ammophos (mixture of mono- and diammonium phosphate with an admixture of ammonium sulfate)	12735-97-6	2	0,2	4
39.	Tungsten anhydride	1314-35-8	-	0,15	3
40.	Maleic anhydride (steam, aerosol)	108-31-6	0,2	0,05	2
41.	Acetic anhydride	108-24-7	0,1	0,03	3
42.	Sulfur dioxide	7446-09-5	0,5	0,05	3
43.	Phosphoric anhydride	1314-56-3	0,15	0,05	2
44.	Phthalic anhydride (steam, aerosol)	85-44-9	0,1	0,1	2
45.	Angiolin (aerosol)	1191093-84-1	0,5	-	4
46.	Aniline	62-53-3	0,05	0,03	2
47.	Arilox-100	24938-67-8	0,5	0,15	4
48.	Arilox-200	24938-67-8	0,5	0,15	4
49.	Acetaldehyde	75-07-0	0,01	0,01	3
50.	p-Acetaminophenol (paracetamol)	103-90-2	-	0,04	4
51.	Acetone	67-64-1	0,35	0,35	4



52.	Acetophenone	98-86-2	0,003	0,003	3
53.	Bacterial insecticide (BIP) (active basis - spore-crystalline complex of <i>Bacillus turengiensis</i> , caucasicus variant)	513-77-9	-	$1,5 \times 10^{-5}$ microbial bodies/m <sup>-3</sup> (0,005 mg / m <sup>3</sup> )	2
54.	Barium carbon dioxide (in terms of barium)	513-77-9	-	0,004	1
55.	Benz (a) pyrene	50-32-8	-	0,1 µg/ 100 m <sup>-3</sup>	1
56.	Benzyl acetate	140-11-4	0,01	-	4
57.	Gasoline (petroleum, low sulfur - in terms of carbon)	8032-32-4	5	1,5	4
58.	Shale gasoline (in terms of carbon)		0,05	0,05	4
59.	Gasoline fraction of light resin of high-speed pyrolysis of brown coal (in terms of total organic carbon)		0,25	-	2
60.	Benzene	71-43-2	1,5	0,1	2
61.	Benzenesulfonic acid methyl ether	80-18-2	0,01	-	4
62.	Benzene chlorosulfamide sodium salt (chloramine B)	127-52-6	0,03	-	3
63.	2-Benzothiazolylsulfenmorpholide (sulfenamide M)	102-77-2	0,1	0,02	3
64.	Benzotrifluoride	98-08-8	0,3	-	4

65.	Protein-protein concentrate (BVC) dust protein		-	0,001	2
66.	Bioresmethrin	28434-01-7	0,09	0,04	3
67.	Bitoxybacillin (active base - spore-crystalline complex Bacillus turengiensis, caucasicus variant)	68038-71-1	-	$4,5 \times 10^4$ microbial bodies /m <sup>-3</sup> (0,0015 mg/m <sup>3</sup> )	2
68.	Calcium borate	13701-61-6	-	0,02	3
69.	Bromine	7726-45-6	-	0,04	2
70.	o-Bromanisol	578-57-4	1	-	4
71.	Bromobenzene	108-86-1	-	0,03	2
72.	1-Bromophthalene	90-11-9	-	0,004	2
73.	m-Bromophenol	591-20-8	0,08	0,03	3
74.	o-Bromophenol	95-56-7	0,13	0,03	2
75.	p-Bromophenol	106-41-2	0,13	0,03	2
76.	1,3-Butadiene (Divinyl)	106-99-0	3	1	4
77.	Butane	106-97-8	200	-	4

78.	Butyl bromide (1-bromobutane)	109-65-9	0,03	0,01	2
79.	Butyl chloride	109-69-3	0,07	-	1
80.	Butyl acetate	123-86-4	0,1	0,1	4
81.	Butylene	106-98-9	3	3	4
82.	Butyl methacrylate	97-88-1	0,04	0,01	2
83.	Acrylic acid butyl ester (butyl acrylate)	141-32-2	0,0075	-	2
84.	2-Butylthiobenzothiazole (butylcaptax)	2314-17-2	0,015	-	3
85.	Vanadium pentoxide	1314-62-1	-	0,002	1
86.	Vinyl acetate	108-05-4	0,15	0,15	3
87.	Bismuth oxide	7440-69-9	-	0,05	3
88.	Hydrogen bromide	10035-10-6	1	0,1	3
89.	Hydrogen is arsenic	7784-42-1	-	0,002	2
90.	Hydrogen phosphorous	3803-51-2	0,01	0,001	2
91.	Hydrogen chloride (hydrochloric acid) per molecule of HCl	7647-01-0	0,2	0,2	2
92.	Hydrogen cyanide (hydrocyanic acid)	74-90-8	-	0,01	2

93.	Sodium tungstate (in terms of tungsten)	10213-10-2	-	0,1	3
94.	Coal ash of thermal power plants (with calcium oxide content of 35-40%, dispersion up to 3 µm not less than 97%)		0,05	0,02	2
95.	Saturated hydrocarbons C12 - C19 (solvent RPK-26511, etc.) in terms of total organic carbon		1	-	4
96.	Carbon tetrachloride	56-23-5	4	0,7	2
97.	Carbon monoxide	630-08-0	5	3	4
98.	Gaprin (by specific protein)		-	0,0002	2
99.	Hexamethylenediamine	124-09-4	0,001	0,001	2
100.	Hexamethylenediamine adipine (salt of hypertension)	94289-34-6	0,07	0,07	3
101.	Hexamethyleneimine	111-49-9	0,1	0,02	2
102.	Hexamethyleneimine m-nitrobenzoate (corrosion inhibitor G-2)	7270-73-7	0,02	-	3
103.	Hexane	110-54-3	60	-	4
104.	Hexathiuram (50% thiuram, 30% hexachlorobenzene, 20% filler)	61512-80-9	0,05	0,01	3
105.	Hexafluorobenzene	392-56-3	0,8	0,1	2

106.	1,2,3,4,7,7-Hexachlorobicyclo (2,2,1) -hepten-2,5,6-bis (oxymethyl) sulfite (thiodane)	115-29-7	0,017	0,0017	2
107.	Hexachloroethane	67-72-1	-	0,05	3
108.	Hexachlorocyclohexane (hexachlorane)	608-73-1	0,03	0,03	1
109.	Hexene	592-41-6	0,4	0,085	3
110.	Hexyl bromide (1-bromohexane)	11-25-1	0,03	0,01	2
111.	Hexyl ester of acetic acid (hexyl acetate)	142-92-7	0,1	-	4
112.	Hepten	592-76-7	0,35	0,065	3
113.	Heptyl bromide (1-bromoheptane)	629-04-9	0,03	0,01	2
114.	German dioxide (in terms of germanium)	1310-53-8	-	0,04	3
115.	2- (2'-Hydroxy-5'-methylphenyl) benztriazole (benazole P, tinuvin)	2440-22-4	-	0,2	4
116.	Isopropylbenzene hydroperoxide (cumene hydroperoxide)	80-15-9	0,007	0,007	2
117.	Hypertril (aerosol)		0,1	-	3
118.	Danitol	39515-41-8	0,01	0,005	2
119.	Dendrobacillin		-	$3 \times 10^4$ microbial bodies /m <sup>-3</sup>	2

120.	Decyl bromide (1-bromodecane)	112-29-8	0,03	0,01	2
121.	Dibenz (a, h) anthracene	53-70-3	-	5 ng/m <sup>3</sup>	1
122.	2,2-Dibenzothiazolyl disulfide (altax)	120-78-5	0,08	0,03	3
123.	n-Dibromobenzene	106-37-6	0,2	-	2
124.	1,2-Dibromopropane	78-75-1	0,04	0,01	3
125.	1,2-Dibromopropanol	96-13-9	0,003	0,001	2
126.	2,4-Dibromotoluene	31543-75-6	0,4	0,1	2
127.	Divinylbenzene technical (mixture of divinylbenzene with ethylstyrene) by ethylstyrene	1321-74-0	0,01	-	4
128.	β-Dihydroheptachlor (dilor)	4168-01-05	0,01	0,005	2
129.	1,1-Dihydroperfluoroheptyl ester of acrylic acid	559-11-5	0,5	-	3
130.	Dicket	674-82-8	0,007	-	2
131.	Di-p-xylene	1633-22-3	0,6	0,3	3
132.	1,3-Di- (2,4-xylimino) -2-methyl-2-azopropane (label)	33089-61-1	0,1	0,01	3
133.	Dimethyladipinate	627-93-0	0,1	-	4

134.	Dimethylamine	124-40-3	0,005	0,005	2
135.	Dimethylaminobenzenes (dimethylanilines, xylidines - a mixture of meta-, ortho- and para- isomers)	1330-73-8	0,04	0,02	2
136.	Dimethylaniline	121-69-7	0,0055	0,0055	2
137.	N, N-Dimethylacetamide	127-19-5	0,2	0,006	2
138.	3,3-Dimethylbutan-2-one (pinacoline)	75-97-8	0,02	-	4
139.	2- (2,2-Dimethylvinyl) -3,3- dimethylcyclopropanecarboxylic acid methyl ester (chrysanthemum acid methyl ester)	5460-63-9	0,07	-	3
140.	Dimethylvinylcarbinol	115-18-4	1	-	3
141.	Dimethylglutarate	1119-40-0	0,1	-	4
142.	Dimethyl disulfide	624-92-0	0,7	-	4
143.	O, O-Dimethyl-O- (2- diethylamino-6-methylpyrimidyl- 4) thiophosphate (actelic)	29232-96-7	0,03	0,01	2
144.	4,4-Dimethyldioxane-1,3	766-15-4	0,01	0,004	2
145.	Dimethylethanolamine	108-01-0	0,25	0,06	4
146.	0,0-Dimethyl-S-ethyl mercaptoethyl dithiophosphate (N-81, ecatine)	640-15-3	0,001	0,001	1

147.	Dimethylisophthalate	1459-93-4	-	0,01	2
148.	0,0-Dimethyl-S- (1,2-bis-carbetoxyethyl)dithiophosphate) (carbophos)	121-75-5	0,015	-	2
149.	0,0-Dimethyl-S- (N-methylcarbamidomethyl) dithiophosphate (phosphamide, rogor)	60-51-5	0,003	0,003	2
150.	0,0-Dimethyl-S-2 (1-N-methylcarbomylethylthioethyl phosphate)	2275-23-2	0,01	0,01	2
151.	0,0-Dimethyl-S (N-methyl-N-formyl carbomoylmethyl) dithiophosphate (antio)	2540-82-1	0,01	0,01	3
152.	0,0-Dimethyl-O- (4-nitrophenyl) thiophosphate (metaphos)	298-00-0	0,008	-	1
153.	Dimethyl ester of terephthalic acid (dimethyl terephthalate)	120-61-6	0,05	0,01	2
154.	0,0-Dimethyl- (1-oxy-2,2,2-trichloroethyl) phosphonate (chlorophos)	52-68-6	0,04	0,02	2
155.	Dimethylorthophthalate	131-11-3	0,03	0,007	2
156.	Dimethyl succinate	106-65-0	0,1	-	4
157.	Dimethyl sulfide	75-18-3	0,08	-	4
158.	3,3-Dimethyl-1- (1,2,4-triazolyl-1-) -1- (4-chlorophenoxy) butanol-2 (triadimenol)	55219-65-3	0,07	0,01	3
159.	2,6-Dimethylphenol (2,6-xilenol)	576-26-1	0,02	0,01	3



160.	Dimethylformal (methylal)	109-87-5	0,05	-	4
161.	Dimethylformamide	68-12-2	0,03	0,03	2
162.	Dimorpholine disulfide (N, N'-dithiodimorpholine, sulfazan P)	103-34-4	0,04	-	2
163.	Dipropylamine	142-84-7	0,35	0,2	3
164.	Ditholylmethane	1335-47-3	0,05	0,03	2
165.	2,4-Ditretamylphenoxyacetic acid chloride		0,035	-	3
166.	Difluorochloromethane (Freon-22)	75-45-6	100	10	4
167.	3,4-Dichloroaniline	95-76-1	0,01	0,01	2
168.	4,4-Dichlorodiphenylsulfone	80-07-9	-	0,1	3
169.	4,4-Dichlorodiphenyltrichloromethylcarbinol (keltan)	115-32-2	0,2	0,02	2
170.	Dichlorodifluoromethane (Freon-12)	75-71-8	100	10	4
171.	Dichloroethane	107-06-2	3	1	2
172.	1,1-Dichloro-4-methylpentadiene-1,3 (diene-1,3)	55667-43-1	0,05	0,03	2
173.	2,3-Dichloro-1,4-naphthoquinone (dichlon)	117-80-6	0,05	0,05	2

174.	1,2-Dichloropropane	78-87-5	-	0,18	3
175.	2,3-Dichloropropene	78-88-6	0,2	0,06	3
176.	1,3-Dichloropropylene	542-75-6	0,1	0,01	2
177.	Dichlorofluoromethane (Freon-21)	75-43-4	100	10	4
178.	Dicyclohexylamine sparingly soluble salt (MSDA corrosion inhibitor)	12795-24-3	0,008	-	2
179.	Dicyclohexylamine nitrite (NDA corrosion inhibitor)	3129-91-7	0,02	-	2
180.	Dialkylaminopropionitrile (IFHANGAS)		0,03	0,01	2
181.	Carbonic acid diamide (urea)	57-13-6	-	0,2	4
182.	4,4-Diaminodiphenylsulfone	129-65-1	-	0,05	3
183.	Pyromelitic acid dianhydride	89-32-7	0,02	0,01	2
184.	Diethylamine	109-89-7	0,05	0,05	4
185.	$\beta$ -Diethylaminoethyl mercaptan	100-38-9	0,6	0,6	2
186.	N, N-Diethylaniline	91-66-7	0,01	-	4
187.	Diethylenetriamine	111-40-0	0,01	-	3

188.	0,0-Diethyl-O- (2-isopropyl-4-methyl-6-pyrimidyl) thiophosphate (basudine)	333-41-5	0,01	0,01	2
189.	Diethyl ketone	96-22-0	0,5	0,3	3
190.	Diethyl ether	60-29-7	1	0,6	4
191.	Diethylmercury (in terms of mercury)	627-44-1	-	0,0003	1
192.	N, N-Diethyl-m-toluidine	91-67-8	0,01	-	2
193.	0,0-Diethyl-S- (6-chlorobenzoxazonilin-3-methyl) dithiophosphate (phosalone)	2310-17-0	0,01	0,01	2
194.	Diethyl chlorothiophosphate	2524-04-1	0,025	0,01	2
195.	Dinyl (mixture of 25% diphenyl and 75% diphenyl oxide)	8004-13-5	0,01	0,01	3
196.	2,4,6,10-Dodecathetrane	24330-32-3	0,002	-	4
197.	Dodecylbenzene (dodecylbenzene, phenyldodecane)	123-01-3	3,5	1,5	4
198.	Epichlorohydrin	106-89-8	0,2	0,2	2
199.	Ethyl chloride	75-00-3	-	0,2	4
200.	N-Ethylaniline	103-69-5	0,01	-	4
201.	Ethyl acetate	141-78-6	0,1	0,1	4

202.	Ethylbenzene	100-41-4	0,02	0,02	3
203.	2-Ethylhexyl acrylate	103-11-7	0,01	-	3
204.	Ethylene	74-85-1	3	3	3
205.	Ethyleneimine	151-56-4	0,001	0,001	1
206.	Ethylene sulfide	420-12-2	0,5	-	1
207.	Ethylene oxide	75-21-8	0,3	0,03	3
208.	o-Ethyl-O-4- (methylthio) phenyl propyldithiophosphate (bolstar)	35400-43-2	0,01	-	3
209.	Acrylic acid ethyl ester (ethyl acrylate)	140-88-5	0,0007	-	3
210.	Ethyl ester of valeric acid (ethyl valerate)	539-82-2	0,03	-	3
211.	N-Ethyl-m-toluidine	91-67-8	0,01	-	2
212.	Ethyl o-toluidine	94-68-8	0,01	-	3
213.	Ethoxystylacrylate	106-74-1	0,002	-	3
214.	Iron oxide (in terms of iron) *	1309-37-1	-	0,04	3
215.	Iron sulphate (in terms of iron) *	13463-40-6	-	0,007	3
216.	Iron chloride (in terms of iron) *	7705-08-0	-	0,004	2

217.	Shale ash		0,3	0,1	1
218.	Isoamyl bromide (1-bromo-3-methylbutane)	107-82-4	0,03	0,01	2
219.	Isobutenylcarbinol	123-51-3	0,075	-	4
220.	Isobutyl bromide (1-bromo-2-methylpropane)	78-77-3	0,03	0,01	2
221.	Acetic acid isobutyl ester (isobutyl acetate)	110-19-0	0,1	-	4
222.	Isobutyronitrile	78-82-0	0,02	0,01	2
223.	Isonicotinic acid hydrazide (isoniazid)	54-85-3	0,05	0,02	3
224.	Isoprene oligomers (dimers)	9003-31-0	0,003	-	2
225.	Isopropyl bromide (2-bromopropane)	75-26-3	0,03	0,01	2
226.	Isopropylbenzene (cumene)	98-82-8	0,014	0,014	4
227.	Isopropyl 2- (1-methyl-n-propyl) - 4,6-dinitrophenyl carbonate (acrex)	373-21-7	0,02	0,002	2
228.	Tree-resin straight race inhibitor (PID) - - control of phenol		0,006	0,006	3
229.	India nitrate (in terms of indium)	13465-14-0	-	0,005	2
230.	Iodine	7553-56-2	-	0,03	2

231.	Cadmium nitrate (in terms of cadmium)	10022-68-1	-	0,0003	1
232.	Cadmium iodide (in terms of cadmium)	7790-80-9	-	0,0003	1
233.	Cadmium oxide (in terms of cadmium)	1306-19-0	-	0,0003	1
234.	Cadmium sulfate (in terms of cadmium)	7790-84-3	-	0,0003	1
235.	Cadmium chloride (in terms of cadmium)	10108-64-2	-	0,0003	1
236.	Potassium carbonate (potash)	584-08-7	0,1	0,05	4
237.	Potassium xanthate butyl	871-58-9	0,1	0,05	3
238.	Potassium ethyl xanthate	140-89-6	0,05	0,01	2
239.	Potassium xanthate isobutyl	13001-46-2	0,1	0,05	3
240.	Potassium xanthate isopropyl	140-92-1	0,1	0,05	3
241.	Calcium acetate	62-54-4	-	0,05	3
242.	Calcium hydroxide	1305-62-0	-	0,05	3
243.	Calcium carbonate	471-34-1	-	0,05	3
244.	Calcium oxide	1305-78-8	-	0,05	3

245.	Calcium chloride	10043-52-4	-	0,05	3
246.	Caprolactam (vapor, aerosol)	105-62-2	0,06	0,06	3
247.	Cyclohexylamine carbonate (CCA)	20227-92-3	0,07	-	3
248.	Nitric acid by HNO <sub>3</sub> molecule	7697-37-2	0,4	0,15	2
249.	Acrylic acid	79-10-7	0,1	0,04	3
250.	Acetylsalicylic acid (aspirin)	50-78-2	-	0,04	4
251.	Boric acid	10043-35-3	-	0,02	3
252.	A-bromobutyric acid	80-58-0	0,01	0,003	2
253.	Valerian acid	109-52-4	0,03	0,01	3
254.	Caproic acid	142-62-1	0,01	0,005	3
255.	Butyric acid	107-92-6	0,015	0,01	3
256.	Methacrylic acid	79-41-4	0,03	0,01	3
257.	Methylene butanedioic acid (methylene succinic, itaconic)	97-65-4	1	0,3	4
258.	Formic acid	64-18-6	0,2	0,05	2

259.	Perfluorovaleric acid	2706-90-3	0,1	-	3
260.	Propionic acid	79-09-4	0,015	-	3
261.	Sebacic acid	111-20-6	0,15	0,08	3
262.	Sulfuric acid by the molecule H <sub>2</sub> SO <sub>4</sub>	7664-93-9	0,3	0,1	2
263.	Acetic acid	64-19-7	0,2	0,06	3
264.	Terephthalic acid	100-21-0	0,01	0,001	1
265.	Cyanuric acid	108-80-5	0,02	0,01	2
266.	Cobalt acetate (in terms of cobalt)	71-48-7	-	0,001	2
267.	Cobalt metal	7440-48-4	-	0,001	1
268.	Cobalt oxide	1307-96-6	-	0,001	2
269.	Cobalt sulfate (in terms of cobalt)	10026-24-1	0,001	0,0004	2
270.	Composition "Don-52" (in terms of isopropanol)		0,6	-	3
271.	Xylene	1330-20-7	0,2	0,2	3
272.	Lepidocide	91932-29-5	-	3 x 10 <sup>-5</sup> microbial bodies / m <sup>3</sup> (0,003 mg/m <sup>-3</sup> )	2



273.	Magnesium oxide	1309-48-4	0,4	0,05	3
274.	Magnesium chlorate	10326-21-3	-	0,3	4
275.	Fuel oil from thermal power plants (in terms of vanadium)		-	0,002	2
276.	Manganese and its compounds (in terms of manganese dioxide)	1313-13-9	0,01	0,001	2
277.	Copper oxide (in terms of copper)	1317-38-0	-	0,002	2
278.	Copper trichlorophenolate	25267-55-4	0,006	0,003	2
279.	Copper sulfate (in terms of copper)	18939-64-2	0,003	0,001	2
280.	Sulfur copper (in terms of copper)	14013-02-6	0,003	0,001	2
281.	Copper chloride (in terms of copper)	7758-89-6	-	0,002	2
282.	Copper chlorine (in terms of copper)	7447-39-4	0,003	0,001	2
283.	Meliorant		0,5	0,05	4
284.	Meprin is bacterial		0,01	-	2
285.	2-Mercaptobenzothiazole (captax)	149-30-4	0,12	-	3
286.	2-Mercaptoethanol (monothioethylene glycol)	60-24-2	0,07	0,07	3

287.	Metaldehyde (acetaldehyde tetramer)	108-62-3	0,003	0,003	2
288.	Methyl acetate	79-20-9	0,07	0,07	4
289.	Methylene bromide	74-95-3	0,1	0,04	4
290.	2-Methylbutadiene-1,3 (isoprene)	78-79-5	0,5	-	3
291.	Methyl 1- (butyl carbamoyl) -2-benzimidazole carbamate (uzgen)	17804-35-2	0,35	0,05	3
292.	4-Methyl-5,6-dihdropyran	27156-32-7	1,2	-	2
293.	Methylene iodide	75-11-6	0,4	-	4
294.	4-Methylenetetrahydropyran	36838-71-8	1,5	-	3
295.	Methylene chloride	74-09-2	8,8	-	4
296.	Methyl isobutylcarbinol	530-36-3	0,07	-	4
297.	Methyl isobutyl ketone	108-10-1	0,1	-	4
298.	Methyl mercaptan (methantiol)	74-93-1	0,0001	-	4
299.	Methylnitrophos	122-14-5	0,005	-	3
300.	Acrylic acid methyl ester (methyl acrylate)	96-33-3	0,01	0,01	4

301.	Methyl ester of valeric acid (methylvalerate)	624-24-8	0,03	-	3
302.	Methyl acrylic methyl ester (methyl methacrylate)	80-62-6	0,1	0,01	3
303.	2-Methylpentenal	623-36-9	0,007	-	1
304.	$\alpha$ -Methylstyrene	98-83-9	0,04	0,04	3
305.	Methionine	7005-18-7	0,6	-	3
306.	2-Methoxy-2-methylpropane (methyl tertiary butyl ether)	1634-04-4	0,5	-	4
307.	N- $\beta$ -Methoxyethyl chloroacetate-o-toluidine (toluene)	50563-41-2	0,03	-	3
308.	Microorganisms - producers of Streptomyces avermitilis VNIISHM-54 (IMBAc-50003)		$5 \times 10^{-2}$ KYO***/ $M^{-3}$	-	4
309.	Milbex (mixture: 1,1-bis-4-chloro-phenylethanol and p-chlorophenyl-2,4,5-trichlorophenylazosulfide)	8072-20-6	0,2	0,1	3
310.	Molybdenum and its inorganic compounds (molybdenum trioxide, ammonium paramolybdate, etc.) (by molybdenum)	7439-98-7	-	0,02	3
311.	Monobenzyltoluene	620-47-3	0,02	-	2
312.	Monoethanolamine	141-43-5	-	0,02	2
313.	Monoethylamine	75-04-7	0,01	0,01	3

314.	Ethylene glycol monoisobutyl ether (butylcellosolve)	4439-24-1	1	0,3	3
315.	Ethylene glycol monoisopropyl ether (propylcellosolve)	109-59-1	1,5	0,5	3
316.	Monomethylamine	74-89-5	0,004	0,001	2
317.	Monomethylaniline	100-61-8	0,04	0,04	3
318.	Monopropylamine	107-10-8	0,3	0,15	3
319.	Monochloropentafluorobenzene	344-07-0	0,6	0,1	3
320.	Arsenic, inorganic compounds (in arsenic)	7440-38-2	-	0,003	2
321.	Sodium salt of monochloroacetic acid (sodium monochloroacetate)	3926-62-3	0,03	0,015	2
322.	Sodium sulfate	7757-82-6	0,3	0,1	3
323.	Sodium sulfite	7757-83-7	0,3	0,1	3
324.	Sodium sulfite-sulfate salts		0,3	0,1	3
325.	Naphthalene	91-20-3	0,007	0,003	4
326.	1-Naphthyl-N-methylcarbamate (sevin)	63-25-2	-	0,002	2
327.	$\beta$ -Naphthol	135-19-3	0,006	0,003	2
328.	$\alpha$ -Naphthoquinone	130-15-4	0,005	0,005	1

329.	Nickel is metal	7440-02-0	-	0,001	2
330.	Nickel, soluble salts (in terms of nickel)	7440-02-0	0,002	0,0002	1
331.	Nickel sulfate (in terms of nickel)	7786-81-4	0,002	0,001	1
332.	Nickel oxide (in terms of nickel)	1313-99-1	-	0,001	2
333.	Nitriles of carboxylic acids C17 - C20		0,04	-	3
334.	Nitriles of synthetic fatty acids of fractions C10 - C16		0,005	-	4
335.	Nitrobenzene	98-95-3	0,008	0,008	2
336.	m-Nitrobromobenzene	585-79-5	0,12	0,01	2
337.	N-Nitrosodimethylamine (dimethylnitrosamine)	62-75-9	-	50 ng/m <sup>3</sup>	1
338.	m-Nitrochlorobenzene	121-73-3	0,004	0,004	2
339.	o-Nitrochlorobenzene	88-73-3	0,004	0,004	2
340.	n-Nitrochlorobenzene	100-00-5	0,004	0,004	2
341.	3-Nitro-4-chlorobenzotrifluoride	121-17-5	0,005	-	3
342.	Ozone	10028-15-6	0,16	0,03	1
343.	2,2-Oxydiethanol (diethylene glycol)	111-46-6	-	0,2	4

344.	Oxytetracycline	2058-46-0	0,01	-	2
345.	Oxytetracycline hydrochloride	2058-46-0	0,01	-	2
346.	Octafluorotoluene	434-64-0	1,3	-	4
347.	Tin dioxide (in terms of tin)	18282-10-5	-	0,02	3
348.	Tin oxide (in terms of tin)	21651-19-4	-	0,02	3
349.	Tin sulphate (in terms of tin)	7488-55-3	-	0,02	3
350.	Tin chloride (in terms of tin)	7772-99-8	0,5	0,05	3
351.	Sodium tin acid hydrate (in terms of tin)	12058-66-1	-	0,02	3
352.	Ammonium paramolybdate (in terms of molybdenum)	12027-67-7	-	0,1	3
353.	Parachlorophenol	106-48-9	0,003	0,0015	2
354.	Penicillin	61-33-6	0,05	0,0025	3
355.	Pentadiene-1,3 (piperylene)	504-60-9	0,5	-	3
356.	Pentane	109-66-0	100	25	4
357.	Pentafluorobenzene	363-72-4	1,2	0,1	3

358.	Pentafluorophenol	771-61-9	0,8	-	4
359.	Permethrin	52645-53-1	0,07	0,02	3
360.	Permethrinic acid methyl ester	61898-95-1	0,08	-	4
361.	Perfluoroheptane	335-57-9	90	-	4
362.	Perfluorooctane	307-34-6	90	-	4
363.	Pilovoiotstovy ether	42957-17-5	0,2	-	3
364.	Pivaloylpyruvic acid methyl ester	55107-14-7	0,1	-	3
365.	Asbestos-containing dust (with chrysotile asbestos content up to 10%) for asbestos		-	0,06 fibers in 1 ml of air	1
366.	Cotton dust		0,2	0,05	3
367.	Grain dust		0,2	0,03	3
368.	Cainite dust		0,5	0,1	3
369.	Dust of kalimagnesia (kalimag-40)		0,5	0,15	3
370.	Inorganic dust containing silicon dioxide in%:		0,15	0,05	3
371.	- more than 70 (dinas, etc.)		0,3	0,1	3

372.	- 70 - 20 (fireclay, cement, etc.)		0,5	0,15	3
373.	- below 20 (dolomite, etc.)		-	0,0001	1
374.	Polymetallic dust of lead-zinc production (with lead content up to 1%)		-	0,02	3
375.	Cement production dust (with calcium oxide content more than 60% and silicon dioxide content more than 20%)	110-86-1	0,08	0,08	2
376.	Pyridine	24938-67-8	0,5	0,15	4
377.	Poly-2,5-dimethyl-1,4-phenylene oxide (polyphenylene oxide)	8001-50-1	0,005	0,005	2
378.	Polychloropine (mixture of chlorinated bicyclic compounds)		-	$5 \times 10^{-3}$ colony-forming units /m <sup>3</sup>	4
379.	Preparation "Baikal EM-1" (mixture of strains of microorganisms)	106-94-5	0,03	0,01	2
380.	Propyl bromide (1,1-bromopropane)	115-07-1	3	3	3
381.	Propylene oxide	75-56-9	0,08	-	1
382.	Propyl ester of valeric acid (propyl valerate)	141-06-0	0,03	-	3
383.	Propyl ester of acetic acid (propyl acetate)	109-60-4	0,1	-	4
384.	Solvent acetate-leather (ACR) (ethanol)		0,5	-	3



385.	Solvent butyl formate (BEF) (sum of acetates)		0,3	-	3
386.	Solvent wood-alcohol solvent grade A (acetone-ether) - control of acetone		0,12	0,12	4
387.	Solvent wood-alcohol grade E (ether-acetone) - control of acetone		0,07	0,07	4
388.	Furniture solvent (AMP-3) - toluene control		0,09	0,09	3
389.	Mercury oxide yellow (in terms of mercury)	21908-53-2	-	0,0003	1
390.	Mercury oxide red (in terms of mercury)	21908-53-2	-	0,0003	1
391.	Mercuric nitrate nitrous oxide (in terms of mercury)	14836-60-3	-	0,0003	1
392.	Mercury nitric oxide aqueous (in terms of mercury)	7783-34-8	-	0,0003	1
393.	Mercuric amidochlorine (in terms of mercury)	10124-48-8	-	0,0003	1
394.	Mercury dioxide (in terms of mercury)	7774-29-0	-	0,0003	1
395.	Metallic mercury	7439-97-6	-	0,0003	1
396.	Mercury acetic acid (in terms of mercury)	1600-27-7	-	0,0003	1
397.	Mercury chloride (in terms of mercury) (calomel)	10112-91-1	-	0,0003	1

398.	Mercury chlorine (in terms of mercury, sulema)	7487-94-7	-	0,0003	1
399.	Soot	1333-86-4	0,15	0,05	3
400.	Lead and its inorganic compounds (in terms of lead)	7439-92-1	0,001	0,0003	1
401.	Sulfuric lead (in terms of lead)	7446-10-8	-	0,0017	1
402.	Selenium dioxide (in terms of selenium)	7446-08-4	0,1 мг/м <sup>3</sup>	0,05 µg /m <sup>3</sup>	1
403.	Synthetic detergents such as "Crystal" based on sodium alkyl sulfate (control of sodium alkyl sulfate)		0,04	0,01	2
404.	Hydrogen sulfide	7783-06-4	0,008	-	2
405.	Carbon disulfide	7783-06-4	0,03	0,005	2
406.	Turpentine	8006-64-2	2	1	4
407.	Light resin of high-speed pyrolysis of brown coal:		0,2	-	2
408.	for total organic carbon		0,004	-	2
409.	Amyl alcohol	71-41-0	0,01	0,01	3
410.	Benzyl alcohol	100-51-6	0,16	-	4
411.	Butyl alcohol	71-36-3	0,1	0,1	3

412.	Hexyl alcohol	111-27-3	0,8	0,2	3
413.	1,1-dihydroperfluoroamyl alcohol	355-28-2	0,3	-	3
414.	1,1-dihydroperfluoroheptyl alcohol	375-82-6	0,1	-	3
415.	Ethyl alcohol	64-17-5	5	5	4
416.	Isobutyl alcohol	70-83-1	0,1	0,1	4
417.	Isooctyl alcohol (2-ethylhexanol)	1645-40-3	0,15	0,15	4
418.	Isopropyl alcohol	67-63-0	0,6	0,6	3
419.	Methyl alcohol	67-56-1	1	0,5	3
420.	Octyl alcohol	111-87-5	0,6	0,2	3
421.	Propyl alcohol	73-21-8	0,3	0,3	3
422.	Furfuryl alcohol	98-00-0	0,1	0,05	3
423.	Styrene	100-45-5	0,04	0,002	2
424.	Ammonium-aluminum sulfate	7784-25-0	-	0,006	4
425.	Potassium-aluminum sulfate	10043-67-1	-	0,006	4

426.	Mixture of constant composition based on dibutylphenyl phosphate 93% (NGK-4)		0,01	0,005	2
427.	A mixture of trans-trans-trans-cyclodo-decatetraene-1,5,9 and trans-trans-cis-cyclododecatetraene-1,5,9		0,0035	-	4
428.	Five-sulfur antimony (in terms of antimony)	7440-36-0	-	0,02	3
429.	Antimony trioxide (in terms of antimony)	7440-36-0	-	0,02	3
430.	Waist carbonate (in terms of waist)	29809-42-5	-	0,0004	1
431.	Tellurium dioxide (in terms of tellurium)	7446-07-3	-	0,5 µg/m <sup>3</sup>	1
432.	Heat-resistant spinning emulsion (teprem) - control over the amount of aldehydes, ethylene oxide		0,002	-	3
433.	Tetrahydrofuran	109-99-9	0,2	0,2	4
434.	Tetraethylthiuram disulfide (thiuram E)	97-77-8	-	0,03	3
435.	2,2,6,6-Tetramethyl-4-oxopiperidine (triacetoneamine)	826-36-8	0,06	0,03	3
436.	2,2,6,6-Tetramethylpiperidinamide 2', 2', 6', 6'-tetramethylpiperidic acid (diacetate 5)	76505-58-3	0,15	0,05	3
437.	Tetramethylthiuram disulfide (TMTD, thiuram D)	137-26-8	0,05	0,02	3
438.	Tetrafluoroethylene	116-14-3	6	0,5	4

439.	3-Tetrafluoroethoxyphenylurea (tomilon, tetrafluron)	27954-37-6	0,6	0,06	3
440.	1,1,2,2-Tetrachloroethane	25322-20-7	0,06	-	4
441.	Tetrachlorethylene (perchlorethylene)	127-18-4	0,5	0,06	2
442.	Tetrachloropropene	60320-18-5	0,07	0,04	2
443.	Tetracycline	60-54-8	0,01	0,006	2
444.	1,2,3-Thiadiazonil-5-N'- phenylurea (drop)	51707-55-2	0,5	0,2	4
445.	Thiophene (thiofuran)	110-02-1	0,6	-	4
446.	Toluene diisocyanate	584-84-9	0,05	0,02	1
447.	p-Toluylic acid methyl ester	99-75-2	0,007	-	3
448.	Toluene	108-88-3	0,6	0,6	3
449.	1,2,4-Triazole	288-88-0	0,1	0,05	3
450.	2,4,6, -Triamino-simitriazine (melamine, cyanurthriamide)	108-78-1	0,02	0,01	2
451.	Tribromomethane (bromoform)	75-25-2	-	0,05	3
452.	1,1,3-Tribromopropane (propylene tribromide)	25511-78-6	0,015	0,005	2

453.	2,4,6-Tribromophenol	118-79-6	0,04	-	2
454.	S, S, S- Tributyl trithiophosphate (butiphos)	78-48-8	0,01	0,01	2
455.	1,1,5-Trihydrooctafluoropentanol (TC - n = 2)	355-80-6	1	0,05	4
456.	1,1,3-Trihydrooctafluoropropanol (TC - n = 1)		1	0,05	4
457.	Triethylamine	121-44-8	0,14	0,14	3
458.	Tricresol (mixture of isomers: ortho, - target, - para-)	1319-77-3	0,005	0,005	2
459.	Trimethylamine	75-50-3	0,15	-	4
460.	1,2,4-Trimethylbenzene (pseudocumol)	95-63-6	0,04	0,015	2
461.	Tripropylamine	102-69-2	0,4	0,25	3
462.	N- (3-Trifluoromethylphenyl) -N', N-dimethylurea (cotrane)	2164-17-2	-	0,05	3
463.	Trichloroacetaldehyde	75-87-6	0,03	-	3
464.	1,1,1-Trichloroethane (methyl chloroform)	71-55-6	2	0,2	4
465.	Trichlorethylene	79-01-6	4	1	3
466.	Trichloromethane (chloroform)	67-66-3	0,1	0,03	2
467.	1,2,3-Trichloropropane	96-18-4	-	0,05	3

468.	Trichlorofluoromethane (Freon-11)	75-69-4	100	10	4
469.	m-Phenoxytoluene	3586-14-9	0,01	-	4
470.	3-Phenoxy- $\alpha$ -cyanobenzyl $\alpha$ -isopropyl-4-chlorophenylacetic acid ester (sumicidin, fenvalerate)	51630-58-1	0,02	0,01	3
471.	Phenol	108-95-2	0,01	0,003	2
472.	Slate phenols		0,007	-	3
473.	Phenolic fraction of light resin of high-speed pyrolysis of brown coal		0,008	-	2
474.	Barium ferrite (in terms of barium)	12047-11-9	-	0,004	3
475.	Ferrite magnesium-manganese (in terms of manganese)	37187-66-9	-	0,002	2
476.	Ferrite manganese-zinc (in terms of manganese)	12645-49-7	-	0,002	2
477.	Ferrite nickel-copper (in terms of nickel)		-	0,004	2
478.	Nickel-zinc ferrite (in terms of zinc)	12645-50-0	-	0,003	2
479.	Potassium ferricyanide (red blood salt)	13746-66-2	-	0,04	4
480.	Potassium ferrocyanide (yellow blood salt)	13943-58-3	-	0,04	4

481.	Flotation reagent "Lilaflot D 817 M" (mixture: 1,3-diaminopropane, N- (3-tridecyloxy) propyl-, branched C 19H 42N 2O - 60%; 1,3-diaminopropane, N- (3-tridecyloxy) propyl- , branched and linear, diacetate [C 19H 44N 2O] (C 2H 3O 2) 2 - 35%; alcohols C11 - C14 branched - 2%)		0,012	0,005	3
482.	Flotoreagent FLOKR-3 (for chlorine)		0,1	0,03	2
483.	Activated rosin flux (FCT) - rosin control		0,3	0,3	4
484.	Formaldehyde	50-00-0	0,035	0,003	2
485.	Formamide	75-12-7	-	0,03	3
486.	Fluorine gaseous compounds (hydrogen fluoride, silicon tetrafluoride) in terms of fluorine	7664-39-3 7783-61-1	0,02	0,005	2
487.	Fluorine compounds are well soluble inorganic (sodium fluoride, sodium hexafluorosilicate) in terms of fluorine	7681-49-4	0,03	0,01	2
488.	Fluorine compounds poorly soluble inorganic (aluminum fluoride, sodium hexafluoroaluminate) in terms of fluorine		0,2	0,03	2
489.	Furfural	98-01-1	0,05	0,05	3
490.	Chlorine	7782-50-5	0,1	0,03	2



491.	m-Chloraniline	108-42-9	0,01	0,01	1
492.	n-Chloraniline	106-47-8	0,04	0,01	2
493.	$\alpha$ -Chloroacetophenone	532-27-4	0,01	-	3
494.	Chlorobenzene	108-90-7	0,1	0,1	3
495.	p-Chlorobenzotrifluoride	98-56-6	0,1	-	3
496.	2-Chloromethylphosphonic acid hexamethylene-tetraammonium salt (gemetrel)	134576-33-3	0,1	0,05	3
497.	Chloroprene	126-99-8	0,02	0,002	2
498.	Chlortetracycline (feed)	57-62-5	0,05	0,05	2
499.	m-Chlorophenyl isocyanate	2909-38-8	0,005	0,005	2
500.	p-Chlorophenyl isocyanate	104-12-1	0,0015	0,0015	2
501.	1- (4-Chlorophenoxy) -3,3-dimethyl-butan-2-one (1- (4-chlorophenoxy) -pinacolone)	24473-06-1	0,03	-	4
502.	1- (4-Chlorophenoxy) -1- (1,2,4, -triazol-1-yl-3,3-dimethylbutan-2-one (azocene)	43121-43-3	0,05	0,02	3
503.	2-Chlorocyclohexylthio-N-phthalamide (chlorine CTF)	59939-44-5	3,5	0,35	4
504.	Hexavalent chromium (in terms of chromium trioxide)	7440-47-3	0,0015	0,0015	1

505.	Cyclohexane	110-82-7	1,4	1,4	4
506.	Cyclohexanol	108-93-0	0,06	0,06	3
507.	Cyclohexanone	108-94-1	0,04	-	3
508.	Cyclohexanone oxime	100-64-1	0,1	-	3
509.	N-Cyclohexylbenzthiazole-sulfenamide-2 (sulfenamide C)	95-33-0	0,07	0,03	1
510.	N-Cyclohexylthiophthalamide (CTP)	17796-82-6	0,3	-	4
511.	Zinc oxide (in terms of zinc)	1314-13-2	-	0,05	3
512.	Zinc sulfate	7733-02-1	-	0,008	2
513.	Zirconium and its inorganic compounds (in terms of zirconium)	7440-67-7	0,02	0,01	3
514.	$\beta$ -Cyano-3-phenoxybenzyl-3-(2,2-dichlorovinyl)-2,2-dimethylcyclopropanecarboxylate (ripcord)	52315-07-8	0,04	0,01	3
515.	Strain-producer of feed protein Candida utilis L-35		-	35 colony-forming units /m <sup>3</sup>	2
516.	Strain producer of feed protein Torulopsis pinis L-30		-	50 colony-forming units /m <sup>3</sup>	3

\* In the combined presence of atmospheric air, control should be carried out on the maximum permissible concentration of ferric chloride.



# CHAPTER 28. CONSUMER AND HEALTH PROTECTION

## I. CONSUMER PROTECTION

### A. Horizontal issues

**1. Please describe the scope of the consumer protection policy. Is consumer protection recognised as a specific policy in Ukraine? Are there specific rules on consumer protection in other policy areas?**

**The scope of the consumer protection policy** is defined by the following legal acts:

1) Constitution of Ukraine, wherein Article 42 establishes the role of the state in consumer protection and provides that the state:

- protects the consumer rights,
- monitors the quality and safety of products and all types of services and works,
- promotes the activities of public consumer organisations.

2) Law of Ukraine “On Consumer Rights Protection”, which regulates relations between consumers of goods (except food, unless otherwise expressly provided by this Law), works and services and producers and sellers of goods, contractors and service providers, as well as determines the mechanism for their protection and the foundation for the implementation of state policy in this area, and

3) other acts of legislation that regulate the peculiarities of legal relations in various fields of consumer protection.

The **priority of consumer protection policy** in Ukraine is evidenced by the provisions of Article 3 of the Constitution of Ukraine, which stipulates that a human being, his or her life and health, honour and dignity, inviolability and security are recognised in Ukraine as the highest social value. Human rights and freedoms and their guarantees determine the essence and orientation of the activity of the State. To affirm and ensure human rights and freedoms is the main duty of the State.

Therefore, consumer protection is one of the most important responsibilities of the state.

The principles enshrined in the Constitution are specified in Article 4 of the Law of Ukraine “On Consumer Rights Protection”. In accordance to this Article consumers have the right to:

- protection of their rights by the State;
- appropriate quality of the products and services;
- safety of the products;
- necessary, available, reliable and timely information in the official language about the products, their quantity, quality, variety and producer (performer, seller);
- receive service in the state language;
- compensation for property and moral damage caused by product defects in accordance with the law;
- go to court and other competent public authorities to ensure protection of their rights which may be infringed;

- create public consumer organisations (consumer associations) and other rights established by the legislation on consumer protection.

The Law of Ukraine "On Consumer Rights Protection" also provides for the consumer's right:

- to exchange non-food goods in good quality for a similar ones from the seller where they were purchased, if the goods did not satisfy the consumer in shape, dimensions, style, colour, size or for other reasons cannot be used for its intended purpose (Article 9);

- to obtain necessary, available, reliable and timely information about the products, which provides an opportunity of the informed choice of a product. Information must be provided to the consumer before buying goods or ordering work (service) (Article 15);

- to inspect the quality, safety, completeness, measure, weight and price of purchased (ordered) products, see the demonstration of their safe and correct use (Article 17);

- to freely choose goods and services at a time convenient to the consumer and freely use electronic means of payment (Article 17);

- to fair terms of the contract, including the contract price. Vague or ambiguous provisions of contracts with consumers are interpreted in favor of the consumer (Article 18);

- to other rights.

The state ensures the protection of consumers' rights, provides free choice of products, knowledge and skills necessary to make independent decisions when purchasing and using products according to their needs, and guarantees the purchase or receipt of products by other lawful means within a scope that ensures a level of consumption sufficient to maintain health and vitality. The state creates conditions for consumers to acquire the necessary knowledge on the implementation of their rights, including through the development and implementation of appropriate educational programs (Article 5 of the Law of Ukraine "On Consumer Rights Protection").

### ***Specific rules on consumer protection in other policy areas***

The Law of Ukraine "On Protection of Consumer Rights" is the basic Law in this area.

Peculiarities of consumer protection in various spheres, in particular in the field of financial services, are determined by the relevant special laws (Article 2 (2) of the Law of Ukraine "On Consumer Protection").

For example, in the field of financial services at the end of September 2019, the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on the Protection of Consumers of Financial Services" was adopted.

The adoption of new requirements by financial sector regulators enabled to strengthen public confidence in the financial sector, create effective mechanisms to protect their rights and interests, ensure better consumer awareness of financial services offered and provided to them.

In particular, according to this Law, starting from January 19, 2019, the functions of the National Bank of Ukraine include protection of the rights of consumers of financial services provided by banks and other financial institutions and persons who are not financial institutions but have the right to provide certain financial services, government regulation and supervision of which is carried

out by the National Bank of Ukraine. As of today, the NBU protects the rights of all consumers of financial services, except for consumers of financial services in relation to capital markets and organized commodity markets.

The National Bank of Ukraine protects the rights of consumers of financial services on the basis of international principles of protection of the rights of consumers of financial services, which are reflected in the Law of Ukraine "On Financial Services and State Regulation of Financial Services Markets". First of all, the National Bank of Ukraine has introduced regulations to ensure:

- proper pre-contractual and contractual disclosure of information on the conditions of financial services,
- proper relations arising in connection with the settlement of overdue loans.
- At the same time, the National Bank of Ukraine supervises the compliance of institutions with the requirements of all adopted regulations.

In the field of electronic communications, the Law of Ukraine "On Electronic Communications" defines the characteristics of:

- review of appeals (complaints) of consumers of electronic communications services. Article 123 of this Law provides for the consumer's right to appeal to the regulatory authority to resolve a dispute with electronic communications services provider concerning ordering, receipt or termination of receipt of electronic communications services.

- liability, in particular liability for failure to provide paid electronic communications services or providing them in the scope less than was paid for, for unjustified disconnection of terminal equipment and for unjustified reductions or changes in the list of services. In the event of non-elimination of damage to the electronic communications network within one day of the documented submission of subscriber report of such damage that disabled end user access to the services or decreased quality of the electronic communications services to unacceptable levels, subscription fee for the whole period of damage shall not be charged, and the electronic communications services provider, in case of non-elimination of the damage within five days of the documented submission of the subscriber report, shall pay a fine to the consumer in the amount of 25% of the daily subscription fee for each day above that period, however no more than for three months.

The peculiarities of regulations on consumer protection also are provided by the laws of Ukraine "On information for consumers regarding food products", "On consumer lending", "On insurance", "On advertising", "On housing and communal services", "On tourism", etc.

### ***Draft Law of Ukraine "On Protection of Consumer Rights"***

It should also be noted that in order to bring the legislation of Ukraine in full compliance with the EU acquis, the draft Law of Ukraine "On Protection of Consumer Rights" (new version) No. 6134 of 05.10.2021 (hereinafter referred to as the draft Law No. 6134) was developed.

This draft Law defines a list of principles for consumer protection, including:

- priority of consumer rights and interests over any other interests and goals of economic operators;
- openness, transparency and systematic development and implementation of state policy in the field of consumer protection;

- independence and impartiality of public authorities, local self-government bodies that protect consumer rights;
- taking into account the interests of consumers when developing public policy in other areas;
- decision-making in favor of the consumer if the provision of the law or other legal and normative act adopted based on the law, or if the provisions of different laws or different legal and normative acts permit ambiguous (multiple) interpretation of the rights and obligations of a consumer or economic operator and if the contract between the economic operator and the consumer provides for vague or ambiguous provisions;
- availability of simple and effective ways for the consumers to restore their violated rights;
- protection of the economic interests of consumers from dishonest and misleading or aggressive commercial practices and enhancing the role of public consumer associations in preventing such activities;
- promotion of measures for the development, modernization and support of technological tools (databases, information and telecommunications systems) in the field of consumer protection;
- availability of useful and understandable information about the offered goods, works (services) for the consumer, including information that ensures the possibility of product identification and traceability of its origin;
- taking into account the needs of vulnerable categories of consumers;
- ensuring the protection of consumer personal data.

Also, the draft Law No. 6134 details and expands consumer rights, in particular in cases when an agreement is concluded online, as well as strengthens the role of public organisations in consumer protection, in particular creates conditions for their involvement in pre-trial settlement of consumer disputes. In addition, the draft Law proposes to exempt public consumer associations from paying court fees in all courts in cases related to consumer protection, including for an indefinite number of consumers.

## **2. Please describe the institutional set-up for consumer affairs in Ukraine.**

In accordance with the Law of Ukraine "On Protection of Consumer Rights", consumer protection in Ukraine is carried out by the central executive authority that develops and implements state policy in the field of consumer protection, a central executive authority that oversees enforcement of consumer protection legislation, by local state administrations, other executive bodies, local self-government bodies in accordance with the law, as well as courts.

Protection of consumer rights in the field of food safety and quality, informing about their properties, including labeling, is carried out by the central executive authority implementing the state policy in the field of food safety and quality.

Other public authorities carry out state protection of consumer rights within their competence defined by law.

In accordance with paragraph 1 of the Regulations on the Ministry of Economy of Ukraine, approved by the Resolution of the Cabinet of Ministers of Ukraine dated 20.08.2014 № 459 (as amended), the Ministry of Economy is the main authority in the system of central executive bodies responsible for state policy in the field of consumer protection.

According to the Regulation on the State Service of Ukraine for Food Safety and Consumer Protection, approved by the Resolution of the Cabinet of Ministers of Ukraine dated 02.09.2015 № 667, the State Food and Consumer Service is the central executive body whose activities are directed and coordinated by the Cabinet of Ministers of Ukraine and which implements the state policy in particular in the field of safety and certain indicators of food quality, market surveillance within the scope of its responsibility, state control over compliance with the legislation on consumer protection and advertising in this area.

The National Bank of Ukraine and the National Commission on Securities and Stock Market protect the rights of consumers of financial services in Ukraine, including by regulating and supervising the activities of financial service providers within the established powers (article 21 of the Law of Ukraine "On Financial Services and State Regulation of Financial Services Markets").

In the National Bank of Ukraine, the consumer protection function is performed by the Consumer Protection Department. This unit works in the following areas: implementation of regulations, supervision, consideration of written appeals of consumers and the contact center for receiving oral appeals of consumers.

In addition, the consumer has the right to go to court at any stage. There are currently no special bodies for out-of-court settlement of consumer disputes, but will be established.

In order to approximate Ukrainian legislation to EU law (EU *acquis*), a draft Law of Ukraine "On Consumer Rights Protection" had been elaborated (recast) that was registered with the Verkhovna Rada of Ukraine on 05.10.2021 under No. 6134.

The draft Law provides for the introduction in the future of the out-of-court dispute resolution system similar to the approach laid down by Directive No. 2013/11/EU of the European Parliament and the Council of 21.05.2013 regarding alternative consumer dispute resolution and amendment of Regulation (EU) No. 2006/2004 and Directive No. 2009/22/EC" . "Moreover, the Law of Ukraine "On Mediation" came into force on 15.12.2021; it defines the legal basis and procedure for conducting mediation as an out-of-court procedure for dispute (conflict) resolution, the principles of mediation, the status of a mediator, the requirements for their preparation, and other issues related to this procedure".

The Antimonopoly Committee of Ukraine exercises state control over compliance with the legislation on the protection of economic competition on the basis of equality of business entities before the law and the priority of consumer rights, prevention, detection and termination of violations of the legislation on the protection of economic competition.

An important area of activity among the main tasks of the National Energy and Utilities Regulatory Commission (NEURC) as defined in the Laws of Ukraine "On the National Energy and Utilities Regulatory Commission", "On Electricity Market", "On Natural Gas Market", "On National Commission for State Regulation in the Utilities", and "On Natural Monopolies" is to protect the rights and legitimate interests of customers of goods (services) produced (provided) by economic entities engaged in energy and utilities by considering customer appeals and resolving disputes, establishing minimum standards and requirements for quality of customer service and supply of natural gas, electricity, and heat, monitoring of their compliance; providing customers with access to information on electricity, natural gas, heat supply, centralized water supply and sewerage prices/tariffs.



According to the Law of Ukraine "On the National Commission for State Regulation of Electronic Communications, Radio Frequency Spectrum and Provision of Postal Services" the National Commission for State Regulation of Electronic Communications, Radio Frequency Spectrum and Postal Services carries out state regulation, state supervision (control) in order to achieve a balance of interests of users, the state, business entities operating in the fields of electronic communications, radio spectrum and the provision of postal services, ensuring the security of electronic communications, developing competition, integration. markets of Ukraine in these areas to the markets of the European Union.

According to the Law of Ukraine "On Consumer Protection" local self-government bodies, in order to protect the rights of consumers, have the right to create structural subdivisions on consumer protection under their executive bodies, which are entitled to:

- 1) consider consumer appeals, advise them on consumer protection;
- 2) analyze contracts concluded by sellers (executors, manufacturers) with consumers in order to identify conditions that limit the rights of consumers;
- 3) in case of detection of products of inadequate quality, falsified, dangerous to life, health, property of consumers and the environment, immediately notify the central executive body implementing state policy in the field of state control over compliance with the legislation on consumer protection, other bodies exercising control and supervision over the quality and safety of products;
- 4) in case of detection of facts of sale of products that are not accompanied by the necessary, accessible, reliable, timely information and relevant documents, or products with an expired shelf life - to temporarily stop the sale of products until the presentation of information, accompanying documents or stop its implementation;
- 5) prepare a submission to the body that issued the permit for the relevant type of activity to resolve the issue of temporary suspension of its validity or early cancellation in case of systematic violation of consumer rights;
- 6) file lawsuits for consumer protection.

Also according to the Law of Ukraine "On Consumer Protection" public associations of consumers have the right to represent and protect the interests of consumers in executive authorities and local self-government bodies in accordance with the legislation; make proposals to executive authorities and business entities on measures to improve the quality of products, on the temporary suspension of the release and sale of products that do not meet the established quality requirements, on the cessation of production, withdrawal from sale of products that pose a danger to life, health and property of citizens or harm the environment, falsified and defective products, as well as price adjustments, established in violation of the law; file a lawsuit in court to recognize the actions of the seller, manufacturer (the enterprise performing their functions), the executor illegal against an indefinite circle of consumers and the termination of these actions, etc.

**3. General co-ordination of consumer affairs: is general competence on consumer policy allocated to one designated authority, which is responsible for taking initiatives and for coordinating actions in the consumer area?**

According to Article 20 of the Law of Ukraine "On the Cabinet of Ministers of Ukraine", one of the main powers of the Cabinet of Ministers of Ukraine is to ensure the protection of consumer rights and improve the quality of their lives.

The main body in the system of central executive bodies, which ensures the formation of state policy in the field of consumer protection in accordance with paragraph 1 of the Regulations on the Ministry of Economy of Ukraine, approved by the Resolution of the Cabinet of Ministers of Ukraine dated 20.08.2014 № 459 (as amended), is the Ministry of Economy.

Other public authorities officially protect the consumer rights exclusively within their competence defined by law, in particular:

National Energy and Utilities Regulatory Commission;

National Regulatory Commission for Electronic Communications, Radio Spectrum and Postal Services;

National Bank of Ukraine;

National Securities and Stock Market Commission.

For example, since July 1, 2020 the National Bank of Ukraine has been responsible for the regulation and supervision of the financial market includes banking, non-banking, and insurance (except for securities market, pensions and other investments which are supervised by the National Securities and Stock Market Commission), and since July 14, 2021 – for the regulation and supervision of the collection companies and their activities during their settlement of overdue debt, and has got an explicit Financial Consumer Protection mandate.

#### **4. How is enforcement of consumer rights organised? Is there any specific consumer protection authority and what is the remit of competence of this authority?**

Consumer protection in Ukraine is organized according to the functional principle:

the formation of state policy in the field of consumer protection is ensured by the Ministry of Economy (in accordance with paragraph 1 of the Regulations on the Ministry of Economy of Ukraine, approved by the Resolution of the Cabinet of Ministers of Ukraine dated 20.08.2014 № 459 (as amended)), which is the main body in the system of central executive bodies;

implementation of the state policy in the field of consumer protection is ensured by the State Food and Consumer Service (in accordance with the Regulations on the State Service of Ukraine for Food Safety and Consumer Protection, approved by the Resolution of the Cabinet of Ministers of Ukraine dated 02.09.2015 № 667).

The State Food and Consumer Service is the central executive body whose activities are directed and coordinated by the Cabinet of Ministers of Ukraine and which implements state policy in particular in the field of safety and certain indicators of food quality, market surveillance within the scope of their responsibility, state control over compliance with the legislation on consumer protection and advertising in this area.

In accordance with the Law of Ukraine "On Protection of Consumer Rights", the State Food and Consumer Service exercises state control over compliance with the legislation on consumer protection, ensures the implementation of state policy on consumer protection and has the right to:

-give business entities mandatory orders to stop violations of consumer rights;

-check compliance by business entities operating in the field of trade and services, the requirements of regulatory acts on product safety, as well as the rules of trade and provision of services through unhindered visits and inspections in accordance with the legislation of any production, commercial and warehouse premises of such entities;

-select from business entities in the field of trade and services samples of goods, raw materials, materials, semi-finished products, components for checking their quality on the spot or conducting an independent examination in the relevant laboratories and other institutions accredited for the right to carry out such works in accordance with the law, with payment for the cost of samples and research (examination) at the expense of the state budget. In case of establishment by the results of the conducted research (examination) of the fact of sale of products of inadequate quality and/or falsified business entity, the audited entity shall reimburse the costs incurred for this. Reimbursement of expenses is credited to the state budget;

-conduct control checks on the correctness of payments with consumers for products sold, including food products, in accordance with the law;

-receive free of charge from the checked business entities copies of the necessary documents that characterize the quality of products, raw materials, materials, components used for the production of these products;

-prohibit business entities from selling products to consumers:

- prohibit business entities from selling improperly labeled food or unsuitable food products;
- which is falsified;

-make a decision on the termination by business entities of the sphere of trade and services of sale and production of products that do not meet the requirements of regulatory legal acts on safety for life, health, and property of consumers and the environment - until the identified shortcomings are eliminated;

-seal, in accordance with the procedure provided for by law, production, warehouse, commercial and other premises of business entities in the field of trade and services, including the restaurant industry, as well as faulty, with incorrect indications, with or without damaged guide brand, or with or with such an expired period, measuring instruments by which consumers are serviced, followed by notification of this to the central executive body. authorities implementing state policy in the field of metrological supervision;

-file lawsuits for consumer protection in court;

-transfer the materials of inspections to the actions of persons containing signs of a criminal offense to the pre-trial investigation bodies;

-impose administrative penalties on guilty persons in cases stipulated by law;

-impose on business entities in the field of trade and services, including the restaurant industry, the penalties provided for by Article 23 of the Law of Ukraine "On Protection of Consumer Rights".

Under the Regulation on the State Service of Ukraine for Food Safety and Consumer Protection State Food and Consumer Service in accordance with the tasks assigned to it:

*-in the field of state supervision (control) for compliance with the legislation on consumer protection (including consumers of precious metals and precious stones):*

- checks compliance of business entities operating in the field of trade and services, with the requirements of consumer protection legislation, as well as the rules of trade and provision of services;

- conducts control checks on the correctness of payments with consumers for products sold in accordance with the law;

- imposes on business entities in the field of trade and services, including the restaurant industry, penalties for violation of the legislation on consumer protection;

- transmits the materials of inspections for the actions of persons containing signs of a criminal offense to the pre-trial investigation bodies;

*-in the field of state market surveillance:*

- organizes the development of projects of sectoral plans of market surveillance, approves sectoral plans of market surveillance, monitors the implementation and revision of such plans;

- monitors in accordance with the legislation the reasons and number of appeals of consumers (users) to protect their right to safety of products, causes and number of accidents and cases of harm to human health as a result of consumption of products (use of it);

- conducts inspections of product characteristics, including selecting samples of products and ensures their examination (testing);

- checks compliance with the requirements for the presentation of products at the venue of the fair, exhibition, display or demonstration in another way of products that do not meet the established requirements, and in cases specified by law issues orders for the immediate elimination of violations of the requirements for the presentation of such products and decides on the immediate termination of the presentation of these products at the place of the relevant fair, exhibition, display or demonstration in another way of production, conducts inspections of the implementation by business entities of the relevant regulations and decisions;

- takes, in the cases and procedure determined by law, the decision to take restrictive (corrective) measures, monitors the state of execution of these decisions by business entities;

- monitors the actions of business entities to withdraw from circulation and / or recall products for which a decision was made to withdraw from circulation and / or recall;

- takes appropriate measures to timely warn consumers (users) about the identified danger posed by the products;

- takes measures to establish cooperation with business entities to prevent or reduce the risks posed by products provided by these entities on the market;

- takes, in accordance with the procedure established by law, measures to bring to justice those guilty of violating the established requirements;

- sends materials of inspections to law enforcement agencies to resolve issues of bringing to criminal responsibility persons whose actions contain signs of a criminal offense;

-summarizes the results of market surveillance, analyzes the causes of the violations identified, develops and makes proposals in accordance with the established procedure for revising the established requirements, if they do not provide an adequate level of protection of the public interest;

-provides training, retraining and advanced training of officials who carry out market surveillance;

-develops and implements measures aimed at improving the efficiency of its market surveillance activities;

-informs state bodies, local self-government bodies and the public about the results of market surveillance;

*-in the field of compliance with the requirements of the legislation on advertising in terms of protection of consumer rights of advertising:*

-monitors compliance with the legislation on advertising (in terms of protecting the rights of advertising consumers) and decides on the recognition of advertising as unfair, hidden, on the recognition of comparison in advertising as illegal with the simultaneous suspension of its distribution.

Moreover, other public authorities officially protect the consumer rights within their competence defined by law.

For example, as it was already mentioned before, since July 1, 2020 National Bank of Ukraine has been assumed supervision and regulation responsibilities for banks and other non-banking financial institutions (such as credit unions, leasing companies, pawnshops, insurers, and financial companies), and since July 14, 2021 – supervision and regulation responsibilities for of the collection companies and their activities during their settlement of overdue debt, including regulation responsibilities on financial consumer protection issues. In turn, the National Securities and Stock Market Commission (NSSMC) has assumed greater oversight responsibilities of Ukraine's capital markets.

The National Bank of Ukraine is responsible for:

1) protecting the financial consumer rights, including developing regulations and prudential standards on protection of consumer rights (consumer lending, unfair terms of financial consumer contracts and certain criteria for determining the unfairness of contract terms, financial service advertising and disclosure requirements, regulation on creditworthiness assessment and payment services etc.);

2) supervising banks', other financial institutions', entities' other than financial institutions that are licensed to provide certain financial services, and debt collectors' compliance with laws and regulations on the financial consumer protection, including requirements for interaction with consumers during settlement of overdue debt (ethical conduct requirements);

3) considering and responding to consumer written appeals, proving claimed financial consumer rights violation and taking actions according to legislation and the credentials of the National Bank of Ukraine, as well considering appeals/claims of the lawyers in the interests of private persons and legal entities;

4) providing the National Bank of Ukraine with "hotline" (contact center), chatbots in messengers and the reception center of citizens for consulting assistance;

5) organizing process of raising and taking actions for improving the financial literacy of the population.

**5. Are bodies competent for consumer rights allowed to receive and act upon complaints by consumers and consumer associations? What investigation powers do those authorities have (e.g. compel testimony, compel information from business and third parties, enter premises, block web sites, etc.)? What enforcement powers do those authorities have (e.g. possibility to impose civil or administrative penalties, possibility to initiate proceedings, etc.)? Is there any framework for enforcement cooperation between authorities and/or with other consumer protection stakeholders (e.g. consumer organizations and ADR entities) at national level and/or others established in EUMS?**

The basic Ukrainian legislation on consumer protection, referred to in previous sections of this Questionnaire, establishes the duty of public authorities to accept and consider complaints of consumers and consumer societies.

In accordance with the Law of Ukraine "On Citizens' Appeals", citizens of Ukraine have the right to lodge complaints to state authorities, local self-government, associations of citizens, enterprises, institutions, organizations regardless of ownership, mass media, officials in accordance with their functional duties with comments, complaints and proposals relating to their statutory activities, a statement or petition for the realization of their socio-economic, political and personal rights and legitimate interests and a complaint about their violation.

Consideration of consumer appeals and dispute resolution is based on the principles of legality, competence, fairness, prevention of discrimination, openness and transparency, impartiality and objectivity, responsibility for decisions taken.

In accordance with the Law of Ukraine "On Protection of Consumer Rights", consumer protection in Ukraine is carried out by the central designated executive authority responsible for policy making and implementation in the field of consumer protection (the Ministry of Economy in accordance with Resolution of the Cabinet of Ministers of Ukraine dated 20.08.2014 № 459 (as amended), the central executive body implementing state policy in the field of state control over compliance with the legislation on protection consumer rights (State Food and Consumer Service in accordance with the Regulations on the State Food and Consumer Service, approved by the Resolution of the Cabinet of Ministers of Ukraine dated 02.09.2015 № 667), local state administrations, other executive authorities, local self-government bodies in accordance with the law, as well as courts.

In case of violation of consumer rights by a business entity, the consumer may apply to the State Food and Consumer Service to protect their rights.

The appeal of an individual (natural persons) about a violation that caused damage to his (their) rights, legitimate interests, life or health, the environment or the security of the state, with the addition of documents or copies thereof confirming such violations (if any) is the basis for the implementation of unscheduled measures of state supervision (control) against business entities.

In accordance with the Law of Ukraine "On Protection of Consumer Rights", the State Food and Consumer Service exercises state control over compliance with the legislation on consumer protection, ensures the implementation of state policy on consumer protection and has the right to:

-give business entities mandatory orders to stop violations of consumer rights;

-check compliance by business entities operating in the field of trade and services, the requirements of regulatory acts on product safety, as well as the rules of trade and provision of services through unhindered visits and inspections in accordance with the legislation of any production, commercial and warehouse premises of such entities;

- select from business entities in the field of trade and services samples of goods, raw materials, materials, semi-finished products, components for checking their quality on the spot or conducting an independent examination in the relevant laboratories and other institutions accredited for the right to carry out such works in accordance with the law, with payment for the cost of samples and research (examination) at the expense of the state budget. In case of establishment by the results of the conducted research (examination) of the fact of sale of products of inadequate quality and/or falsified business entity, the audited entity shall reimburse the costs incurred for this. Reimbursement of expenses are credited to the state budget;

-conduct control checks on the correctness of payments with consumers for products sold, including food products, in accordance with the law;

-receive free of charge from the checked business entities copies of the necessary documents that characterize the quality of products, raw materials, materials, components used for the production of these products;

-prohibit business entities from selling products to consumers:

- prohibit business entities from selling improperly labeled food or unsuitable food products;
- which is falsified;

-to make a decision on the termination by business entities of the sphere of trade and services of sale and production of products that do not meet the requirements of regulatory legal acts on safety for life, health and property of consumers and the environment - until the identified shortcomings are eliminated;

-seal, in accordance with the procedure provided for by law, production, warehouse, commercial and other premises of business entities in the sphere of trade and services, including the restaurant industry, as well as faulty, with incorrect indications, with or without damaged guide stigma, or with or with such expired measuring instruments by which consumers are serviced, followed by notification of this to the central executive authority, implementing state policy in the field of metrological supervision;

-file lawsuits for consumer protection in court;

-transfer the materials of inspections to the actions of persons containing signs of a criminal offense to the pre-trial investigation bodies;

-impose administrative penalties on guilty persons in cases stipulated by law;

-impose on business entities in the field of trade and services, including the restaurant industry, the penalties provided for by Article 23 of the Law of Ukraine "On Protection of Consumer Rights".

If consumers are not satisfied with decisions of the State Food and Consumer Service on the merits of their complaints, they may appeal the Service's decisions to courts.

In accordance with Article 22 of the Law of Ukraine "On Protection of Consumer Rights" when considering the appeals of the consumer, the court may also decide on the issue of compensation for moral (non-material) damage.

Consumers are exempt from paying court fees for claims related to the violation of their rights.

The Law of Ukraine "On Protection of Consumer Rights" also regulates the powers of public associations of consumers and their interaction with authorized state bodies.

Public associations of consumers have the right to make proposals to executive authorities and business entities on measures to improve the quality of products, on the temporary suspension of the production and sale of products that do not meet the established quality requirements, on the cessation of production, withdrawal from sale of products that pose a danger to life, health and property of citizens or harm the environment, falsified and defective products, as well as on adjusting prices established in violation of the law (Paragraph 8 of Part 1 of Article 25 of the Law of Ukraine "On Protection of Consumer Rights").

In order to approximate Ukrainian legislation with that of the European Union (EU acquis), a draft Law of Ukraine "On Protection of Consumer Rights" was developed in a new version, which was registered in the Verkhovna Rada of Ukraine on 05.10.2021 under № 6134.

The draft Law provides for the implementation, in particular, of Directive № 2013/11/EC of the European Parliament and of the Council of 21.05.2013 on alternative settlement of consumer disputes and on amendments to Regulation (EC) № 2006/2004 and Directive № 2009/22/EC; Regulation (EU) № 2017/2394 of the European Parliament and of the Council of 12.12.2017 on cooperation between national authorities responsible for the implementation of consumer protection laws and repealing Regulation (EC) № 2006/2004, as well as granting the State Food and Consumer Service the right to restrict access to websites of sellers who use unfair business practices and violate consumer protection legislation.

The draft law was considered on 17.11.2021 at a meeting of the Verkhovna Rada Committee on Economic Development which recommended to bring the legislative draft for vote at the plenary session of the Verkhovna Rada of Ukraine and, based on the results of consideration in the first reading, to be adopted as a basis. The draft law 30.11.2021 is included in the parliamentary agenda, pending consideration.

At the same time, on 15.12.2021, the Law of Ukraine "On Mediation" came into force, which defines the legal basis and procedure for mediation as an out-of-court procedure for resolving a conflict (dispute), the principles of mediation, the status of a mediator, requirements for its preparation and other issues related to this procedure.

The National Bank of Ukraine belongs to state bodies that deal with financial consumer protection. The Ukrainian legislation, including on the National Bank of Ukraine, banks and bank activities, on financial services and state regulation of the financial services markets as well as on financial consumer protection, entitles the National Bank of Ukraine to receive consumer appeals, to compel consumer's proofs for claimed rights violation and to compel accordant testimony/information from financial institution.

According to investigation powers the National Bank of Ukraine can take next actions:



(i) compel information and testimony from consumer, financial institution and its financial intermediaries, third party;

(ii) carry out audits and inspections, including compliance with the Financial Consumer Protection legislation;

(iii) enter premises of oversight objects while they are under inspection;

(iv) demand to correct/change or eliminate information on website of oversight objects if does not meet compliance.

According to enforcement powers the National Bank of Ukraine can apply to financial institutions, financial intermediaries, the collection companies, other legal institutions, which are licensed to provide certain financial services, next measures of influence:

(i) obligation to take measures to eliminate the violation and its cause;

(ii) restriction, suspension or prohibition of certain activities;

(iii) impose penalties;

(iv) impose administrative penalties for violation of consumer rights on officials of the legal entities and private persons-entrepreneurs who provide financial services.

(v) removal of an official from the office;

(vi) revocation of the license to conduct financial services and exclusion from the state registers of persons with the right to provide financial services.

Enforcement cooperation between the National Bank of Ukraine and bodies of the judiciary in Ukraine is regulated by the law. Cooperation between the National Bank of Ukraine and Ukrainian Parliament Commissioner for Human Rights relies on the Memorandum of cooperation.

**6. Does the government ensure education, information and awareness-raising on consumers' rights and how to exercise them? Does the government support independent consumer associations that pursue the objective of consumer advocacy and defending consumer rights?**

The Government is responsible for education and awareness of citizens about consumer rights and mechanisms for their protection both at the state level and at the regional, district and local levels:

- on the official websites of state bodies and regional state administrations, sections on consumer protection have been created and constantly updated;

- issues of consumer protection are included in local programs of socio-economic and cultural development of cities and districts of regions;

- created consulting and information services "hotline" on consumer protection in local executive authorities, where consumers can seek advice;

- through mass media and Internet resources (own websites, Facebook network) regional state administrations and local self-government bodies carry out informational and educational activities among the population.

Consumer protection issues are included in the State Standards of Primary, Basic and Complete *General Secondary Education*. In particular, they are considered in detail during the study of subjects: "I explore the world" in primary school; "Health, Security and Welfare" "Entrepreneurship and Financial Literacy" - in primary school and subjects "Civic Education", "Economics" and "Financial Literacy" in high school.

Thanks to a joint EU-UNDP project "Consumer Community and Public Associations", which was implemented in Ukraine in 2010, began to promote the trend of consumer protection in the education system, which involved the introduction of consumer knowledge to the content of secondary and higher education in Ukraine.

Awareness of consumer rights, and understanding of the European standards of consumer policy in Ukraine have become factors that have significantly improved the socio-economic component of education, and have become an integral part of modern civic education of young people in Ukraine. The ability to navigate the market of goods and services, to find consumer information, competence in the field of realization of their consumer rights - should be the result of the introduction of consumer education. The optional course "Fundamentals of Consumer Knowledge" was introduced in general secondary education institutions of Ukraine.

The content of educational programs for *vocational education and training* is aimed at providing VET learners with an understanding of the rights of consumers to receive services or products of appropriate quality. The system of quality assurance of education and evaluation of learning outcomes is focused on ensuring the proper quality of products and services that will be provided to consumers by current VET learners after acquisition of VET by young people or (re-)training, up-/reskilling of adult learning.

Ukraine ensures education on consumers' rights through the implementation of general competency for all educational programs in *higher education* institutions on the Bachelor' degree level "Ability to exercise one's rights and responsibilities as a member of society, to realize the values of civil (free democratic) society and the need for its sustainable development, the rule of law, human and civil rights and freedoms in Ukraine". On the Master's degree level awareness-raising on consumers' rights is realized on the basis of general competence "Ability to act on the basis of ethical considerations (motives)", that stimulates every professional not to act unethically in relation to consumers of relevant goods and services. Moreover, the discipline "Consumer rights protection" on the bachelor's educational programs forms the professional competencies majoring in "Entrepreneurship, Trade and Exchange", "Management", "Food Technologies", "Law", "Computer Science", "Journalism", "Marketing", "International Economic Relations". The issues of consumer rights protection could be taught within the individual learning trajectory of students (free of choice disciplines).

Protection of the consumers' rights on financial services is a relevant and popular subject of study for all students on the bachelor's degree programs, which belong to the free of choice "Financial literacy" discipline.

The National Bank of Ukraine regularly carries out information and educational activities, which aim at raising the level of financial inclusion and awareness of the consumer rights. These activities are carried out for diverse target audiences both in online/distance and onsite (in various regions of Ukraine) formats.

The National Bank of Ukraine regularly conducts Days of financial awareness, Ukraine-wide information campaigns on next topics: financial consumer protection (“Know Your Rights”), promotion of non-cash payments, anti-payment fraud, safety of cash payments, financial defense and conduct during martial law in Ukraine. Besides the National Bank of Ukraine is always a co-organizer of forums on financial inclusion along with experts of other government agencies, banks, payment systems, business and educators, including from other countries. The purpose of these campaigns is to raise awareness of the Ukrainians about the benefits and possibilities of payments, about the variety of paying means and the security rules during payments, to clarify cases of contracts with financial institutions, to inform consumers about their rights that are guaranteed by Law, about the bodies that defend consumer rights.

The National Bank of Ukraine ensures educational content of sources “Financial Consumer Protection” and column “The issue of the day” on official website of the National Bank of Ukraine.

In second half 2021 the National Bank of Ukraine according to its credentials took part in composing of the training course “Financial Literacy” in block “Business and Enterprise”, which is lectured in range of educational institutions, including for the elderly.

This obligation is enshrined in Article 24 of the Law of Ukraine "On Protection of Consumer Rights", while it is established that consumer associations are public organizations that carry out their activities in accordance with the Law of Ukraine "On Citizens' Associations".

Support for the activities of public associations of consumers is carried out in the following areas:

- legislative consolidation of rights;
- involvement in the regulatory and legal regulation of the sphere of consumer protection;
- influence on the adoption of state decisions by including representatives of public associations of consumers in the collegial advisory bodies under the authorities in accordance with the law.

Resolution of the Cabinet of Ministers of Ukraine of 03.11.2021 № 996 "About ensuring public participation in formation and implementation of state policy" approved the Procedure for conducting consultations with the public on the formation and implementation of state policy, which defines the main requirements for the organization and conduct of public consultations with the public on the formation and implementation of state policy.

Consultations with the public are held in order to attract citizens to participate in the management of public affairs, to provide an opportunity for their free access to information on the activities of executive authorities, as well as to ensure publicity, openness and transparency of the activities of these bodies.

Public associations of consumers have the right to make proposals to executive authorities and business entities on measures to improve the quality of products, on the temporary suspension of the production and sale of products that do not meet the established quality requirements, on the cessation of production, withdrawal from sale of products that pose a danger to life, health and property of citizens or harm the environment, falsified and defective products, as well as on adjusting prices established in violation of the law (Paragraph 8 of Part 1 of Article 25 of the Law of Ukraine "On Protection of Consumer Rights").

Thus, representatives of public associations of consumers are part of the Public Councils of the Ministry of Economy, the State Food and Consumer Service and other state bodies.

The National Bank of Ukraine actively interacts and cooperates with public associations for the financial consumer protection, with other state bodies whose powers are related to the consumer rights. During these interactions (online/distance and onsite) the consumer rights projects are discussed and agreed as well as amendments to existing consumer protection laws/bylaws are considered to prevent consumer rights violation and to defend consumers in each financial market in Ukraine.

**7. Do measures facilitate consumers' access to justice for redress? Who/what can stop illegal commercial practices and remove their effects? Do out-of-court bodies provide effective and efficient alternative dispute resolution systems?**

1) According to Article 4 of the Law of Ukraine “On Consumer Rights Protection”, consumers may go to court and other competent public authorities to ensure protection of their rights which may be infringed.

Article 22 of the Law of Ukraine “On Consumer Rights Protection” provides that when any claims of a consumer are allowed, the court at the same time decides on the compensation of moral (non-pecuniary) damage.

In order to ensure easy access of consumers to justice to protect their rights that may be infringed, the laws of Ukraine provide, in particular, for the following:

1) exemption of consumers from paying court fees in lawsuits brought to protect their rights as infringed (Article 22 of the Law of Ukraine “On Consumer Rights Protection”);

2) cases regarding consumer rights protection with claim value being less than two hundred and fifty subsistence minimums for able-bodied persons are handled in the course of summary proceedings (Article 19 of the Civil Procedure Code of Ukraine);

3) claims for consumer rights protection may, at the option of the consumer, be filed at the seat (location) of the defendant, at the consumer’s registered place of residence or stay or at the place of harm or performance of the agreement (Article 28 of the Civil Procedure Code of Ukraine);

4) granting the right to file claims for consumer rights protection to

- consumer associations seeking to qualify actions of the seller, manufacturer or contractor as illegal with respect to an indefinite number of consumers and seeking to stop any such actions. When allowing any such claim, the court compels the infringer to communicate the judgement of the court to consumers through the media or otherwise within the dates fixed by the court. Consumer associations may judicially protect the rights of consumers that are not members of public consumer organisations (consumer associations) (Article 25 of the Law of Ukraine “On Consumer Rights Protection”);

- the central executive authority implementing the national policy in the area of state control over compliance with the consumer protection legislation, exercising the state control over compliance with the consumer protection legislation and ensuring the implementation of the national policy in the area of consumer protection (Article 26 of the Law of Ukraine “On Consumer Rights Protection”);

- consumer protection structural subdivisions at the executive level of the local self-governing bodies (Article 28 of the Law of Ukraine “On Consumer Rights Protection”).

2) Article 19 of the Law of Ukraine “On Consumer Rights Protection” prohibits any unfair business practice. Any deeds executed in the course of unfair business practice are invalid. Economic operators and their employees are liable for unfair business practice under the law.

Article 26 of the Law provides that the central executive authority implementing the national policy in the area of state control over compliance with the consumer protection legislation (State Service of Ukraine on Food Safety and Consumer Protection) exercises the state control over compliance with the consumer protection legislation, ensures the implementation of the national policy in the area of consumer protection and may, in particular:

- give binding instructions to economic operators to cease consumer rights infringement;
- control compliance by economic operators engaged in trade and providing services with legal and normative acts relating to product safety and trade/servicing regulations by having unimpeded access to and inspecting any production/trading premises and warehouses of any such operators;
- compel the economic operators engaged in trade and servicing to stop distributing and manufacturing any products failing to comply with the legal and normative acts relating to consumers’ life, health, property and environment safety until any such defects are cured, and file consumer protection claims with the court;
- impose administrative penalties on infringers where provided by law.

Please note that according to Article 1 of the Law of Ukraine “On Protection against Unfair Competition”, any competitive actions inconsistent with trade and other fair business practices qualify as unfair competition.

Any persons whose rights have been infringed by the actions qualified as unfair competition may, within six months after they become aware or should have become aware of the infringement of their rights, appeal to the Antimonopoly Committee of Ukraine or its regional offices and seek the protection of their rights (Article 28 of the Law of Ukraine “On Protection against Unfair Competition”).

Pursuant to Article 30 of this Law, bodies of the Antimonopoly Committee of Ukraine responsible for counteracting unfair competition adopt binding decisions to:

- confirm the fact of unfair competition;
- stop unfair competition;
- officially refute, at the expense of the infringer, any false, inaccurate or incomplete information disseminated by it;
- impose penalties.

3) Now there are no bodies in Ukraine dedicated specifically to out of court consumer dispute resolution.

Furthermore, in order to approximate Ukrainian legislation to EU law (EU *acquis*), a draft Law of Ukraine “On Consumer Rights Protection” had been elaborated (recast) that was registered with the Verkhovna Rada of Ukraine on 05.10.2021 under No. 6134.

The draft Law provides for the introduction in the future of the out-of-court dispute resolution system similar to the approach laid down by Directive No. 2013/11/EU of the European Parliament and the Council of 21.05.2013 regarding alternative consumer dispute resolution and amendment of Regulation (EU) No. 2006/2004 and Directive No. 2009/22/EC.

It should be noted, that the Office for Financial Services Consumer Rights Protection of the National Bank of Ukraine partially performs the functions of the body responsible for the out-of-court dispute resolution in the area of financial services. The effectiveness of alternative consumer dispute resolution by the division of the National Bank of Ukraine is proved by the success in the resolution of disputes in favour of the consumer without the judicial system involved.

Moreover, the Law of Ukraine “On Mediation” came into force on 15.12.2021; it defines the legal basis and procedure for conducting mediation as an out-of-court procedure for dispute (conflict) resolution, the principles of mediation, the status of a mediator, the requirements for their preparation, and other issues related to this procedure.

## **B. Safety-related issues**

### **8. To what extent is national legislation aligned with the EU *acquis* in this area?**

#### **General Product Safety Directive (2001/95/EC)**

In Ukraine there is the Law of Ukraine “On General Non-Food Product Safety”, which has transposed EU Directive 2001/95/EC. It came into force on 5 July 2011. The Law on general product safety sets up the legal and organisational foundations for placing on the market and ensuring the safety of non-food products for which there are no special safety requirements, set out by technical regulations.

The Law on general product safety mandates that manufacturers shall place on the market only safe products. Safe products are the products that comply with the safety requirements of legislation or, in the absence of such, the product is deemed safe until a market surveillance authority proves that the product concerned is unsafe. The Law on general product safety contains a list of criteria for assessing the safety of products.

The Law also provides for the system of rapid alert about the products posing serious risk, which is functioning on the same principles as the EU RAPEX system.

#### **Commission Implementing Decision laying down guidelines for the management of the European Union Rapid Information System ‘RAPEX’ ((EU) 2019/417)**

Public authorities of Ukraine are not integrated as users of European systems of RAPEX and ICSMS. However, Ukraine has similar systems, namely:

- the national informational system of market surveillance – analogous to ICSMS;

- the system of rapid alert about the products posing serious risk – analogous to PAPEX.

These systems are administered by the Ministry of Economy of Ukraine.

Two legal acts regulate the issues of functioning of the systems and entering data thereto, namely:

- CMU Resolution of 26 December 2011 № 1398 “On Approving the Procedure for the Operation of Rapid Alert System for Products Presenting Serious Risk and Submission of Notifications about Entering Thereto”;
- CMU Resolution of 26 December 2011 № 1407 “On Approving the Methodology for Taking Restrictive (Corrective) Measures”.

These documents have been developed, taking into account RAPEX Guidelines laid down by Commission Decision 2010/15/EU, which was replaced by Commission Implementing Decision (EU) 2019/417.

In addition, the Ministry of Economy of Ukraine maintains the site of the Ukrainian data base of dangerous non-food products “Uvaga” (“Attention”) (<https://uvaga.gov.ua>) (the site is temporarily inaccessible for the period of martial law), which contains constantly updated information on dangerous products based on notifications from the Ukrainian rapid alert system on products posing serious risk (similar to the EU web-resource <https://ec.europa.eu/safety-gate-alerts/screen/webReport>). The “Uvaga” website also offers updated information from the EU RAPEX system.

#### **Commission Implementing Decision on European standards for products drafted in support of Directive 2001/95/EC ((EU) 2019/1698)**

Article 5(3) of the Law of Ukraine “On General Non-Food Product Safety” provides for a list of national standards, aligned with relevant European standards, that serve as a proof of product safety. Pursuant to this provision of the Law, the Ministry of Economy issued the following orders:

Order of the Ministry of Economy of Ukraine of 22 February 2018 № 241 “The List of National Standards, Aligned with Relevant European Standards, That Are a Proof of Safety of Non-Food Products”;

Order of the Ministry of Economy of Ukraine of 22 January 2021 № 119 “On approval of the List of national standards that are harmonized with the relevant European standards and are proof of safety of non-food products, formed on the basis of Commission Implementing Decision (EU) 2019/1698 of 09.10.2019”.

#### **Liability for defective products (Directive 85/374/EEC)**

Law of Ukraine “On Liability for the Damage, Rendered as a Result of a Defect in the Product», in force since 16 September 2011 regulates the issues of manufacturer’s liability without fault for the damage, which was rendered due to a defect in the product, put into circulation in Ukraine, and fully transposes EU Directive 85/374/EEC.

### **Food-imitating Products Directive (Directive 87/357/EEC)**

In Ukraine there has been adopted CMU Resolution of 10 March 2017 № 136 “On Amending the Procedure for Carrying Out Trade Activities and the Rules for Trade Servicing on the Market of Consumer Goods”, which takes into account provisions of EU Directive 87/357/EEC.

This amendment concerns the prohibition of sale of goods that imitate food and present a hazard for health and safety of consumers, in particular, children.

#### **9. Do market surveillance/enforcement authorities use a defined methodology, have sufficient powers and resources to monitor product safety, to react to complaints, and take appropriate measures?**

The competences and operational procedures for market surveillance authorities, the rights and obligations of their officials, carrying out market surveillance, are laid down in the Law of Ukraine “On State Market Surveillance and Control of Non-Food Products” and the Law of Ukraine “On General Non-Food Product Safety”.

As of 1 January 2022, nine market surveillance authorities have been designated in Ukraine:

- State Service of Ukraine for the Safety of Foodstuffs and Consumer Rights Protection;
- State Service of Ukraine for Labour Issues;
- State Service of Ukraine for Medicinal Products and Drugs Control;
- State Ecological Inspectorate of Ukraine;
- State Service of Ukraine for Emergencies;
- State Service of Ukraine for the Safety on Transport;
- State Inspectorate for Architecture and Town Planning;
- State Service for Marine and Internal Water Transport and Shipping of Ukraine;
- State Service of Special Communications and Information Protection of Ukraine.

Each market surveillance authority has its own area of competence, listing product categories and technical regulations for which it performs market surveillance, approved by CMU Resolution of 28 December 2016 № 1069. 67 product categories are included into that list.

The staffing positions for market surveillance officials (including regional branches) who actually perform market surveillance are 559 persons. Yet, only 425 persons are actually employed. Therefore, only 76% of staffing positions are filled. Market surveillance is carried out both by central and regional branches, depending on the organisational structure of market surveillance authorities.

The activities of market surveillance authorities are funded from the state budget of Ukraine. If there is a need for an examination (testing) of a product, funds for product samples and testing are allocated from the state budget, but may be recovered from the guilty party, if non-compliance is confirmed.

Control of non-food products on the border is performed by the State Customs Service of Ukraine.



Public policy in the area of market surveillance is formulated by the Ministry of Economy. It is also responsible for coordination and methodological support to market surveillance authorities as well as the operation of informational systems of market surveillance. Within the Ministry there are special structural units, which deal with these issues: the unit of improvement of market surveillance (4 employees) and the unit of development of informational resources (6 employees).

Pursuant to the Law of Ukraine “On State Market Surveillance and Control of Non-Food Products”, within their areas of competence market surveillance authorities shall:

- 1) participate in the implementation of public policy in the area of market surveillance;
- 2) organise the development of sectoral programmes of market surveillance, approve such programmes, monitor and revise such programmes;
- 3) monitor the reasons and number of complaints from consumers (users) about product safety, reasons and number of industrial accidents and cases of damage to the health of persons as a result of consumption (use) of the products;
- 4) carry out checks of the characteristics of products, including taking product samples and subjecting them to examination (testing);
- 5) check compliance with the requirements for presentation of products at fairs, exhibitions, displays and other places of demonstration of products, which are not in conformity with the established requirements, and issue relevant orders to eliminate detected non-compliances;
- 6) make decisions on the taking of restrictive (corrective) measures, control how these decisions are implemented by economic operators;
- 7) monitor activities of economic operators aimed at withdrawal and/or recall of the product, for which such a decision has been made;
- 8) make decisions on the destruction of products or otherwise rendering them inoperable, as envisioned by the Law;
- 9) take relevant measures to inform consumers (users) in a timely manner about the hazards, posed by the products, identified by them;
- 10) take measures aimed at ensuring cooperation with economic operators in preventing and reducing risks, posed by the product that they made available on the market;
- 11) take other measures aimed at making the persons who do not comply with the Law and the established requirements liable;
- 12) transfer inspection materials to law enforcement authorities to decide on criminal liability of persons, where there are indications of a criminal offence;
- 13) analyse the practice of application of legislation in the area of market surveillance, develop proposals regarding its improvement and submit them to consideration by the Cabinet of Ministers of Ukraine;
- 14) generalise the results of market surveillance, analyse the reasons of detected non-compliances, develop and submit for consideration the proposals regarding the revision of established requirements, if they do not provide for the proper level of protection of public interests;
- 15) ensure training and enhancement of proficiency of market surveillance officials;

16) develop and implement measures aimed at enhancing the efficiency of their market surveillance activities;

17) inform public authorities, local self-government bodies and the public at large about the results of market surveillance;

18) take measures aimed at adaptation of national legal acts in the area of market surveillance with the relevant acts of EU acquis;

19) exercise other powers as prescribed by legislation.

The Law “On State Market Surveillance and Control of Non-Food Products” envisions the procedure for reacting to complaints through the out-of-plan checks of characteristics of a product in question. The complaint should contain the description of damage to public interests or a defect that can cause such a damage. Checks are conducted at the manufacturer’s place, if the manufacturer of such product has been identified. If it is impossible to identify the manufacturer, checks are carried out at the place of a distributor from whom the product was purchased.

Therefore, market surveillance (MS) authorities have sufficient powers and resources for monitoring product safety, reacting to complaints and taking relevant measures.

**10. Do Ukraine surveillance/enforcement authorities use a risk assessment system/guidelines? Are systems in place to ensure co-operation/information with producers, distributors & consumer associations, and rapid information to consumers & businesses?**

In selecting restrictive (corrective) measures market surveillance authorities make use of the Methodology for Taking Restrictive (Corrective) Measures, approved by CMU Resolution of 26 December 2011 № 1407 (hereinafter – the Methodology). This document has been developed on the basis of PAPEX Guidelines, laid down in Commission Decision 2010/15/EU.

According to the Methodology, the criteria for risk assessment, conditions and circumstances, by which MS authorities select relevant restrictive (corrective) measures to be taken are set out.

Risk assessment is carried out by an MS official through an analysis which should result in the determination of the level of hazard.

The analysis is performed on the basis of criteria of risk assessment with usual and reasonably foreseeable conditions for product use taken into account.

Risk assessment criteria are as follows:

1) hazardous factors affecting or likely to affect the health and life of persons during the consumption (use) of a product;

2) categories of consumers, likely to consume (use) a product;

3) types of injuries, likely to be incurred on consumers during the consumption (use) of a product;

4) nature and severity of injuries, likely to result from a trauma received by certain categories of consumers during the consumption (use) of a product;

5) consequences, related to traumas received.

On the basis of the analysis a scenario plan for a probability of risk a product could pose is developed.

When, as a result of risk assessment, it has been determined that a product presents a low level of hazard and technical regulations do not lay down specific safety requirements for such a product, MS authorities do not take restrictive (corrective) measures with regard to this product.

However, MS authorities without delay require that a manufacturer and/or a distributor warn consumers (users) about the risk posed by the product in question and, if necessary, take measures to bring the product concerned into conformity with safety requirements for such a product.

When, as a result of risk assessment, it has been determined that a product presents a medium level of hazard, MS authorities take restrictive (corrective) measures by restricting the making of the product in question available on the market pursuant to Article 30 of the Law of Ukraine “On State Market Surveillance and Control of Non-Food Products”.

When, as a result of risk assessment, it has been determined that a product presents a high level of hazard, MS authorities take restrictive (corrective) measures pursuant to Articles 30 and 31 of the Law of Ukraine “On State Market Surveillance and Control of Non-Food Products”.

Recall of a product is applied only as a exceptional measure, if measures taken by the manufacturer and/or distributor are not sufficient for elimination of non-compliance of the product in question with established requirements.

When, as a result of risk assessment, it has been determined that a product presents a serious level of hazard, MS authorities without delay take restrictive (corrective) measures pursuant to Article 32 of the Law of Ukraine “On State Market Surveillance and Control of Non-Food Products”.

When it has been determined that a product presents a serious level of hazard, MS authorities shall submit a notification on such a product to the system of rapid alert about the products posing serious risk.

When restrictive (corrective) measures are taken, MS authorities, pursuant to Article 35 of the Law of Ukraine “On State Market Surveillance and Control of Non-Food Products”, shall on timely manner warn consumers (users) about the hazards, posed by the product in question and identified by them.

Article 10 of the Law of Ukraine “On State Market Surveillance and Control of Non-Food Products” mandates that MS authorities shall interact and exchange information among themselves as well as with customs authorities, public authorities performing other types of surveillance and control, law enforcement authorities and consumer associations (unions) and business associations.

Pursuant to Article 7 of the same Law, during market surveillance and control of non-food products economic operators shall, in particular, be entitled:

- to receive from MS and customs authorities the necessary, accessible and reliable information on the results of market surveillance and control of products;
- to demand from MS and customs officials that they keep confidential any information, received during market surveillance and control of products, with the exceptions provided for in this and other laws of Ukraine;

- to obtain free-of-charge advisory support from an MS authority to prevent infringements during market surveillance. The procedure for rendering such a support was approved by CMU Resolution of 12 February 2020 № 75.

The latter Procedure sets out principal requirements for organisation and provision by MS authorities in their area of competence of advisory support (consultations) to economic operators on the issues of market surveillance.

Public consultations are conducted in the form, of particular, conferences, workshops, and meetings with economic operators. Representatives of business associations and other MS authorities may also be involved in public consultations.

The purposes the Procedure are as follows:

- enhancement of the level of legal awareness and information of economic operators with regard to requirements of MS authorities during market surveillance activities;
- enhancement of the level of responsibility of MS authorities during the rendering of advisory support to economic operators;
- strengthening of cooperation between MS authorities and economic operators.

In carrying out market surveillance, MS authorities also take measures to timely warn consumers (users) about hazards, posed by the products, that they identified (article 11 of the Law of Ukraine “On State Market Surveillance and Control of Non-Food Products”).

In addition, Article 13 of the Law of Ukraine “On General Non-Food Product Safety” mandates that, in order to inform the public at large and to exchange information on products posing serious risk, the system of rapid alert about the products posing serious risk (hereinafter – SRA) shall be set up and operative.

The SRA is analogous to the EU RAPEX system and is formed of the notifications submitted by MS authorities, when they identified products posing serious risk. It may also contain details about dangerous products, received from international, regional and foreign notification systems.

Technically, the SRA consists of two parts:

Internal part – intended to be used by MS authorities in the form of a module, integrated into the National Informational System of Market Surveillance;

External part – open to public at large, available at the website of the Ukrainian data base of dangerous non-food products “Uvaga” (“Attention”) (<https://uvaga.gov.ua>). Information on the site is automatically updated from the module of the National Informational System of Market Surveillance and EU RAPEX system.

The SRA ensures the protection of personal data and confidential information, received from MS authorities.

This site is the only informational resource of MS system, which is intended for both the public and MS authorities. It contains the external part of the SRA, legal basis for market surveillance, informational articles for businesses and consumers, useful links, contact details of MS authorities, etc.

On the “Uvaga” website the public at large has access to the following details from the SRA:

- details enabling the identification of products in question as well as their producers, importers, distributors;
- details about the safety of products, including the nature of risk, related to their consumption (use) and measures to be taken by consumers (users) to avoid the risk;
- details on the measures taken to prevent the risk (if any), including those taken by manufacturers and/or distributors on their initiative, their nature and duration.

### **Non-safety related issues**

#### **11. To what extent is Ukraine legislation aligned with current EU acquis in this area? Are public authorities equipped to protect the economic interests of consumers?**

The provisions of EU Directives 93/13/EEC, 2005/29/EC, 1999/44/EC, 97/7/EC are partially implemented in the current Law of Ukraine "On Protection of Consumer Rights".

The EU acquis on consumer protection has been also implemented in Ukraine as Laws and bylaws of authorities, in particular Ukraine has already implemented legal norms on:

- (a) unfair terms in consumer contracts (Directive 93/13/EEC);
- (b) distance marketing of consumer financial services (Directive 2002/65/EC);
- (c) unfair commercial practices (Directive 2005/29/EC);
- (d) credit agreements for consumers (Directive 2008/48/EEC);
- (e) consumer rights (Directive 2011/83/EU).

Ukrainian legislation on financial consumer protection has already settled the issues of:

- (a) pre-contractual information requirements;
- (b) ensure that unfair terms are not included in contract;
- (c) consumer's right of withdrawal for financial service contract as well as exercise of the right of withdrawal;
- (d) formal and content requirements for paper and electronic (off-premises, distance) contracts;
- (e) compulsory providing consumer with a warning regarding the consequences of his missing proper performance of obligations under the contract (pre-contract and contract stage);
- (f) consumer's right of discharge fully or partially his obligations under a credit agreement at any time;
- (g) developing complaints and redress procedures for the settlement of consumer disputes concerning financial services;
- (h) encouraging initiatives that tackle the proper process for dealing with any payments that are in dispute;
- (i) financial consumer protection against commercial practices, which are regarded as aggressive or use harassment, coercion, including the use of physical force, or undue influence.

The Law of Ukraine “On Amendments to Certain Legislative Acts of Ukraine on the Harmonization of Ukraine’s Comparative Advertising Legislation with the Law of the European Union” and the Regulation of the National Bank of Ukraine regarding the provision of details of the consumer credit to consumers by non-bank financial institutions (Resolution of the National Bank of Ukraine No. 100 of 05.10.2021) implemented the provisions of EU Directive No. 2006/114/EEC on advertising requirements, including any misleading advertising and its prevention.

We have already implemented in the current Law of Ukraine «On Tourism» (as amended) such key points in accordance with Directive (EU) 2015/2302 as:

- Travelers will receive all essential information about the package before concluding the package travel contract.
- Travelers are given an emergency telephone number or details of a contact point where they can get in touch with the organizer or the travel agent.
- Travelers may terminate the contract without paying any termination fee and get a full refund of any payments if any of the essential elements of the package, other than the price, are changed significantly.
- Travelers may terminate the contract without paying any termination fee before the start of the package in the event of exceptional circumstances, for instance if there are serious security problems at the destination which are likely to affect the package.
- Additionally, travelers may at any time before the start of the package terminate the contract in return for an appropriate and justifiable termination fee.
- Travelers may terminate the contract without paying any termination fee, where services are not performed in accordance with the contract and this substantially affects the performance of the package and the organiser fails to remedy the problem.
- Travelers are also entitled to a price reduction and/or compensation for damages where the travel services are not performed or are improperly performed.
- To provide assistance by tour operators if the traveler is in difficulty.

During the past 2 years the Ukrainian Government has been working on the Draft Law of Ukraine «On amendments to the Law of Ukraine «On Tourism» and some other legislative acts on the basic principles of tourism» (registered in the Verkhovna Rada of Ukraine on September, 29, 2020 № 4162). On April 29, 2021 Verkhovna Rada of Ukraine adopted proposals for amendments to the Law of Ukraine on Tourism in the first reading.

The new Draft Law of Ukraine (№ 4162) took into account the improving of currently available key points from directive (EU) 2015/2302 of the European Parliament and of the Council such as: improving the mechanism of the recovery of liability for the improper performance of all the travel services; settlement of the issue of raising prices for tourist services and improving definitions; improving the mechanism of the damage compensation in the case of the retailer becomes insolvent.

Moreover, on 31.01.2022, the Verkhovna Rada of Ukraine registered the draft Law of Ukraine “On Digital Content and Digital Services” (Reg. No. 6576) implementing EU Directive No. 2019/770.

At the same time, in order to bring Ukrainian legislation closer to the law of the European Union (acquis EU), a draft Law of Ukraine "On Protection of Consumer Rights" was developed in a new version, registered in the Verkhovna Rada of Ukraine on 05.10.2021 under № 6134.

The draft law provides for the implementation of the following EU legislative acts:

Directive 98/6/EC of the European Parliament and of the Council of 16.02.1998 on the protection of consumers in the indication of prices for goods offered to consumers;

Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) 2006/2004 of the European Parliament and of the Council;

Directive 2019/771 of the European Parliament and of the Council of 20.05.2019 on certain aspects relating to contracts for the sale of goods amending Regulation (EU) 2017/2394 and Directive 2009/22/EU and repealing Directive №1999/44/EU;

Directive 93/13/EEC of the European Parliament and of the Council of 05.04.1993 on unfair conditions in consumer contracts;

Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council;

Directive №2013/11/EU of the European Parliament and of the Council of 21.05.2013 on alternative settlement of consumer disputes and amending Regulation (EU) № 2006/2004 and Directive №2009/22/EU;

Directive №2009/22/EU of the European Parliament and of the Council of 23.04.2009 on prohibitions established by the competent authorities to stop violations in the field of consumer protection;

Regulation (EU) №2017/2394 of the European Parliament and of the Council of 12.12.2017 on cooperation between national authorities responsible for the implementation of consumer protection laws and repealing Regulation (EU) № 2006/2004.

Meanwhile, please note that there are no legal relations in Ukraine similar to those governed by Directive No. 2008/122/EC, as evidenced, in particular, by the lack of appeals to the competent consumer protection body and the court to file complaints resulting from such legal relations.

The implementation of Directives Nos. 2019/2161 and 2020/1828, Regulation No. 524/2013 and Commission Recommendation No. 2001/193/EC is not provided for in Annex XXXIX to Chapter 20 "Consumer Protection" of the Association Agreement.

At the same time, the Ministry of Economy constantly monitors new EU legislation in the field of consumer protection, including the exchange of information at the meetings of Cluster 2 of the Subcommittee on Economics and Other Sectoral Cooperation of the Association Committee between Ukraine and the EU, in order to further harmonize national legislation with the European one.

Therefore, in view of the development of legal relations in this area, further efforts will be made to implement the above EU legislative acts.

The further measures of the National Bank of Ukraine for the EU acquis on implementing of protection of consumer economic interests will be related to these legal norms:

- (a) alternative dispute resolution for consumer disputes (ADR);
- (b) misleading and comparative advertising in financial service sphere;
- (c) digital content and digital services on financial service markets;
- (d) further enforcement of national authorities cooperation for consumer protection.

## **II. HEALTH PROTECTION**

### ***List of abbreviations***

*MoH - Ministry of Health of Ukraine;*

*LEP - Law “Essential Principles of the health legislation of Ukraine” of 19.11.1992 No 2801.*

### **12. Does Ukraine have a health strategy (what are its main priorities)?**

The Concept of the Public Health System Development was approved by the Ordinance of the Cabinet of Ministers of Ukraine No. 1002-p of 30.11.2016. That Concept defines the public health system as a set of instruments, procedures and measures to be implemented by governmental and non-governmental institutions to improve the health of the population, prevent diseases, increase active and able-bodied age, and encourage healthy lifestyle by joining efforts of the whole society.

The Concept of the Health Care Funding Reform was approved by the Ordinance of the Cabinet of Ministers of Ukraine No. 1013-p of 30.11.2016. For the purpose of the implementation of that Concept, the Law of Ukraine “On State Financial Guarantees of Medical Services for the Population” and the Resolution of the Cabinet of Ministers of Ukraine No. 410 of 25.04.2018 “On medical services agreements under the medical guarantees programme” were adopted.

In addition, the top priorities in the areas of health care development in Ukraine were laid down in the Decree of the President of Ukraine No. 369/2021 of 18.08.2021 “On the Resolution of the National Security and Defence Council of Ukraine of 30 July 2021 “On the state of play in the national health care system and immediate measures to ensure medical aid to citizens of Ukraine” and the Ordinance of the Cabinet of Ministers of Ukraine No. 276-p of 24.03.2021 “On approval of the Government Action Programme for 2021”.

Also, it should be mentioned that the strategic areas for ensuring long-term development of the health care system have been specified in a series of sectoral legal and normative acts regulating various fields, such as:

State strategy for the development of the system of antitubercular medical care for the population, (Ordinance of the Cabinet of Ministers of Ukraine of 27.11.2019 No. 1414-p);

State Strategy in the field of combating HIV/AIDS, tuberculosis and viral hepatitis for the period up to 2030 (Resolution of the Cabinet of Ministers of 27.11.2019 № 1415);

Strategy for the development of immunoprophylaxis and protection of the population from infectious diseases that can be prevented by immunoprophylaxis for the period up to 2022 and



approval of the action plan for its implementation (Resolution of the Cabinet of Ministers of 27.11.2019 №1402);

Strategy for the development of the national blood system for the period up to 2022 and approval of the action plan for its implementation (Resolution of the Cabinet of Ministers of 20.02.2019 № 120);

Strategy for the development of medical education (Resolution of the Cabinet of Ministers of 27.02.2019 № 95);

Strategy for ensuring biological safety and biological protection on the principle of «single health» for the period up to 2025 (Resolution of the Cabinet of Ministers of 27.11.2019 №1416);

the Concept of eHealth development (Resolution of the Cabinet of Ministers of 28.12.2020 №1671);

the Concept of development of mental health care in Ukraine for the period up to 2030 (Resolution of the Cabinet of Ministers of 27.12.2017 № 1018)-p.

At the end of 2021, a draft “Strategy for the Development of the HealthCare System until 2030” was prepared in Ukraine.

The draft Strategy contains five key areas, each of which contains respective strategic priorities, in particular such as (1) Healthcare Governance, (2) Universal health coverage, (3) Public health, preparedness and emergency response, (4) Involvement of people and communities, (5) Human Resources of the Health Care System (CPD).

In general, the draft Strategy is now undergoing the consultation phase and provides for the following expected outputs by 2030:

- increasing life expectancy for both men and women by 3 years (up to 70 and 80 years respectively);
- reducing maternal and new-born mortality up to the EU average levels;
- reducing premature mortality from non-communicable diseases by one third;
- reducing disability from preventable diseases;
- reducing morbidity and disability from tuberculosis, HIV and hepatitis C;
- reducing mortality from road traffic injuries by one third;
- reducing consumption of tobacco, alcohol and salt.

**13. Does Ukraine keep and regularly update data on life expectancy at birth, self-perceived health, self-reported unmet need for medical examination and care, death rate due to chronic diseases, suicide death rate, obesity rate (where breakdowns are possible by gender, age group, regions, educational level, and income)**

Ukraine, at the level of the State Statistics Service<sup>1</sup>, keeps and regularly updates data, available online, on:

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<sup>1</sup> Sources of statistics:

1) [http://database.ukrcensus.gov.ua/Mult/Database/Population/databasetree\\_uk.asp](http://database.ukrcensus.gov.ua/Mult/Database/Population/databasetree_uk.asp)

- life expectancy (average life expectancy in Ukraine, average life expectancy by regions);
- number of deaths (by gender, age groups and causes of death, with the breakdown by regions (including chronic diseases, suicides);
- obesity rates.

Statistics are collected and kept with the breakdown by gender, age, region. Education and income correlations are partially monitored through respondents' self-assessment in the course of annual surveys of the Sociology Institute of the National Academy of Sciences of Ukraine.

The State Statistics Service of Ukraine uses the data collected through random household surveys to monitor self-assessment of unmet needs in medical services and self-assessment of own health condition. These data are annually published in the analytics of the Sociology Institute of the National Academy of Sciences of Ukraine.

The State Statistics Service of Ukraine<sup>2</sup> and the Medical Statistics Centre of the MoH of Ukraine<sup>3</sup> are the responsible bodies for statistics collection and analysis of the received information.

Area of legal relations is regulated by the following legal and normative acts:

MoH Order No. 207 of 20.07.1998 “On the sectoral medical statistics reform and creation of information statistical databases in the system of the common information space in the health care”;

MoH Order No. 172 of 21.07.2000 “On the regulation of statistical reporting and liquidation of illegal reporting at the MoH institutions”;

MoH Order No. 378 of 10.07.2007 “On approval of the reporting forms on health care matters and instructions for their completion”. Most health care reporting forms are annual. The Medical Statistics Centre of the MoH of Ukraine, a state institution, has been designated as the main establishment for collection and processing of statistical reports relating to the health care system.

#### **14. What was the health expenditure in Ukraine in the last financial year (% of GDP & total in million euro), and how was it structured? Are there any constraints?**

In 2021 the Program of Medical Guarantees (the PMG) budget amounted to UAH 126 billion (apr. EUR 3,9 billion) which was 73% of the overall government health spending. Out of the PMG budget spending for 2021, 16% was amounted to primary care services, 10% to pre-hospital emergency health services, 73% to specialized care, and 1% to the medicine reimbursement. Subnational governments were still responsible for covering the most operational costs, including utilities and capital investments.

Total “health care” expenditures amounted to 4.2% of GDP in 2020, or approximately EUR 5.17 billion (including state and local budgets, excluding household expenditures), including:

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2) [http://database.ukrcensus.gov.ua/Mult/Dialog/varval.asp?ma=000\\_0308&path=../Database/Population/03/02/&lang=1&muilitlang=uk](http://database.ukrcensus.gov.ua/Mult/Dialog/varval.asp?ma=000_0308&path=../Database/Population/03/02/&lang=1&muilitlang=uk)

<sup>2</sup> <http://csrv2.ukrstat.gov.ua/>

<sup>3</sup> <http://medstat.gov.ua/>

procurement of epidemiological surveillance services for infectious diseases, immunoprophylaxis services, health promotion services and communication campaigns, as well as social and hygienic monitoring services — UAH 189.5 million;

prevention of non-communicable diseases — UAH 37.619 million;

the development of educational programs and the introduction of trainings on healthy lifestyle, prevention of non-communicable diseases and risk factors for doctors and junior specialists with medical education working at the level of primary health care — UAH 20.5 million.

#### **Structure of healthcare expenditures in 2021 in accordance with the State Budget of Ukraine**

Cost direction	Amount, thousand UAH
HealthCare Management and Management	92 845,0
Scientific and scientific-technical activities in the field of health care	178 195,4
Public health and measures to combat epidemics	2 644 712,7
Training and advanced training of personnel in the field of health care, training of scientific and scientific-pedagogical personnel by institutions of professional pre-higher and higher education	7 063 632,9
Training, retraining and advanced training of personnel in the field of health care, training of scientific and scientific-pedagogical personnel by postgraduate institutions	546 466,6
National institutions and activities in the field of medical education	362 114,3
Creation of a modern clinical base for the treatment of oncological diseases at the National Cancer Institute	1 505 000,0
Specialized and highly specialized medical care provided by national healthcare institutions	1 736 783,4
Production of design and estimate documentation for the creation of multidisciplinary hospitals of national importance	100 000,0
Implementation of the state investment project «Improvement of molecular genetic diagnostics of oncological diseases in Ukraine»	104 724,6
Diagnosis and treatment of diseases with the introduction of experimental and new medical technologies in healthcare institutions of research institutions and higher educational medical institutions of the Ministry of Health of Ukraine	1 682 961,6
Sanatorium treatment of patients with tuberculosis and children and adolescents with somatic diseases	596 219,0

Specialized consultative outpatient and dental care provided by higher educational institutions, research institutions and national healthcare institutions	203 487,8
Development of the emergency medical care system and modernization and updating of the material and technical base of healthcare institutions	3 280 031,7
Vaccination of the population against acute respiratory disease COVID-19 caused by coronavirus SARS-CoV-2	2 600 000,0
Centralized purchases of oxygen stations for healthcare hubs	650 000,0
Creation of biocluster «Biological safety and development of biotechnological technologies»	100 000,0
Organization and regulation of the activities of institutions and individual measures in the health care system	145 715,0
Treatment of Ukrainian citizens abroad	700 000,0
Provision of medical measures of individual state programs and comprehensive programmatic measures	10 475 322,8
Functioning of the National Scientific Medical Library, preservation and popularization of the history of medicine	57 003,5
Implementation of a pilot project to change the mechanism of financial support for surgical treatment of organ transplantation and other anatomical materials	501 964,2
Improving health care in the service of people	2 450 211,5
Implementation of the state investment project «Construction of a modern medical and diagnostic complex of the National Children's Specialized Hospital «Okhmatdyt»	1 240 000,0
Implementation of the state investment project «Reconstruction of premises of 1,3,4 floors of cardiology and façade of cardiology and economic buildings of the State Institution «Heart Institute of the Ministry of Health of Ukraine» at the address: Kyiv, vul. Bratislava, 5a»	332 198,0
Medicines and Drug Control Management and Management	116 203,1
Management and management in the field of state financial guarantees of medical care of the population	337 959,3
Implementation of the program of state guarantees of medical care for the population	128 744 210,1
Subvention from the state budget to local budgets for the support of certain institutions and measures in the health care system	2 942 887,3

Subvention from the state budget to local budgets for reforming regional healthcare systems for the implementation of measures to implement the joint project «Improving health care in the service of people» with the International Bank for Reconstruction and Development	555 027,9
Subvention from the state budget to local budgets for the purchase of services for the design and installation of oxygen stations by healthcare hubs	150 000,0

In 2021, 73% of total government health spending which is 2,3% of the GDP was consolidated within the health the Program of Medical Guarantees which is a separate Budget Program (the budget amounted to UAH 126 billion (Apr. EUR 3,9 billion)). Subnational governments (SBN) play a complementary role in financing being responsible for financing the utility and capital costs of the communal health facilities that they own.

The 2017–2020 health financing reform launched programme-based approach to health spending. The National Health Service of Ukraine (NHSU) administers the basic package of services as the single national purchaser of health service contracts from 2020 onwards. The legal status of many health care providers is being changed to public non-profit enterprises, and one overarching budget programme is now under operating, i.e. Ukraine's Medical Guarantees Programme (PMG), which covers primary, specialized, and emergency care. However, effective operation of the PMG is constrained by the quality of data available for costing its strategic purchasing. The reform assumes that the NHSU will gradually switch to using a new e-health data system to compile most of the necessary statistics to support its PMG operations, moving away from its current reliance on historical data collected through highly unreliable paper based systems that lead to inefficiencies. This should make it possible to avoid miscalculations of expected levels of provided services, which impact contracting decisions, including pricing mechanisms of payments to service providers.

**15. Is universal health coverage provided in Ukraine? What measures are in place to allow the poorest people, those in rural and remote areas, people with disabilities, people living with HIV, children, elderly and adults who use drugs, prisoners, women in prostitution, LGBTI, internally displaced persons, and Roma access to healthcare?**

In general, legally there are no groups that are excluded from the public health system (coverage) and access to medical services is universal. In accordance with articles 24 and 53 of the Constitution of Ukraine citizens have equal constitutional rights and freedoms and are equal before the law. There can be no privileges or restrictions on the grounds of race, colour, political, religious and other beliefs, gender, ethnic and social origin, property status, place of residence, linguistic or other grounds.

Nevertheless, it should be mentioned that the last census took place over 20 years ago, so the country has limited data on the situation for particular population groups. Moreover, all these groups will be taken into account in the planning of the new census, and Ukraine will keep improving the national statistics to that effect. The system of monitoring access to medical services for certain population groups and assessment of their needs in the services and planning of provision of such services require additional review taking into account the data obtained as a result of the census.

### ***General medical care***

According to article 31 of the Law of Ukraine «On the state financial guarantees of public health services» all residents irrespectively of their social status, sex, age, and religion have equal access to healthcare services that are stipulated in the health benefits package - Program of Medical Guarantees (the PMG). Foreigners legally residing in Ukraine are entitled to receive medical assistance as well. To access Centre for Public Health (PHC) services within the PMG all are supposed to choose a physician regardless of their place of residence and are required to confirm their choice by formal registration and signing of the “Declaration on the choice of a physician who provides primary health care” (as of April 2022, more than 78% of Ukraine's population have freely chosen a general practitioner). Not registered patients who are in an urgent situation are entitled to receive a needed healthcare service at no cost. To receive a healthcare service at the specialized level, patients need to receive a referral from their general practitioner.

### ***Access to medical care for the poorest strata of population***

Universal health coverage principles are gradually being implemented in Ukraine via transformative health financing reforms which aim to follow global approach that all individuals and communities receive the health services they need without suffering financial hardship.

In accordance with the Law of Ukraine «On the state financial guarantees of public health services», the program of state guarantees of medical care for the population (program of medical guarantees) determines the list and scope of medical services fully shall be covered from the State Budget of Ukraine in accordance with the tariff for prevention, diagnosis, treatment and rehabilitation in connection with diseases, injuries, poisoning and pathological conditions, and taken in connection with pregnancy and childbirth.

Moreover, according to the reimbursement programme provided for by the Resolution of the Cabinet of Ministers of Ukraine of 28.07.2021 No. 854 “Some issues of reimbursement of medicinal products under the programme of state guarantees in public health services”, patients with cardiovascular and other chronic diseases receive necessary medicines free of charge or paying a small surcharge.

### ***Access to medical care for the residents of rural and remote areas***

Special measures aiming at ensuring access to medical care for this category of persons are determined by the Law of Ukraine “On Improving Accessibility and Quality of Medical Care in Rural Areas” and by the Resolution of the Cabinet of Ministers of Ukraine of 27.11.2019 No. 1074 “Some issues of hospital districts”, and by the Order of the Ministry of Health of 19.10.2015 No. 681 “On approval of regulations on the use of telemedicine in healthcare”, etc.

To improve access to PHC services for people living in remote mountain areas, a higher ratio is applied to a per capita rate under a Programme of Medical Guarantees. The above ratio was introduced in 2022. It enables providing equal and full access to medical services for the residents of rural and remote areas.

As of the beginning of 2021, 1,696 healthcare institutions providing primary healthcare have contracts with the National Health Service. Almost 800 of them are institutions with more than 7,000 locations where patients can receive the health services they need in rural areas. Over 5,000 healthcare professionals (general practitioners, family doctors, paediatricians) provide primary healthcare services

to rural patients. Most healthcare professionals (over 400) work in villages of Lviv and Zakarpattia oblasts. Over 300 work in the villages of Ivano-Frankivsk, Kyiv and Vinnytsia oblasts.

In addition, it should be noted that regardless of the location of an institution and its form of ownership (urban or rural, private or public), the patient receives all services provided by the Programme of Medical Guarantees free of charge, including consultations for prevention and control of major diseases, basic research and analyses, rapid tests, vaccination of children and adults according to the immunisation schedule. Any PHC doctor, that is registered in eHealth system, has a right to issue electronic prescriptions at “Affordable Medicines” and electronic referrals to other specialists.

### ***Access to medical care for persons with disabilities***

The Law of Ukraine “On Social Protection of Persons with Disabilities” establishes a list of benefits depending on the disability group, which include:

- free of charge purchase of medicinal products and medical care services;
- free sanatorium and resort vouchers, dental services etc.

The Law of Ukraine “On Status of War Veterans, Guarantees of Their Social Protection” guarantees to war veterans, disabled war veterans and family members of those killed in war:

- free supply of certain types of drugs and medicinal products;
- free prosthetic dentistry and other medical care benefits.

Moreover, a number of measures aimed at ensuring access of persons with disabilities to medical services during quarantine, are provided for in the Action Plan on provision of support to persons with disabilities during the quarantine imposed by the Cabinet of Ministers of Ukraine and enhanced anti-epidemic measures in connection with the acute respiratory disease COVID–19 caused by the coronavirus SARS-CoV-2 aiming at mitigation of its consequences (Ordinance of the Cabinet of Ministers of Ukraine of 14.04.2021 No. 338), and particularly:

- ensuring introduction of non-voice requests for emergency medical care for persons with disabilities, and in particular, for those with visual, hearing and speech impairments;
- development of recommendations for providing an opportunity for independent online bookings of appointments with a general practitioner–family doctor;
- providing free testing for acute respiratory disease COVID-19 caused by coronavirus SARS-CoV-2;
- making arrangements for provision of social services to the persons with disabilities and children with disabilities;
- provision of the persons with disabilities with medicinal products.

The National Strategy for Barrier-Free Environment in Ukraine until 2030 as approved by the Ordinance of the Cabinet of Ministers of Ukraine of 14.04.2021 also provides for an integration of the concepts and mechanisms of barrier-free environment into the national healthcare system and training of healthcare professionals.

In particular, in order to regulate the accessibility to information, provision is made of fixing the requirements for the accessibility to information during provision of public services in the field of education and healthcare.

Also, in order to improve the policy measures aimed at improving health and physical activities of the population, the following objectives have been identified:

- introduction of a system for assessing the loss of functionality based on the principles of the International Classification of Functioning, Disability and Health and the International Classification of Functioning, Disability and Health for Children and Youth;
- introduction of comprehensive rehabilitation and habilitation services aimed at improving the quality of life, activity, working capacity and involvement in all forms of public life (reassessment of existing rehabilitation systems and standards, implementation of comprehensive Western approaches to cooperation with the Ministry of Health);
- integration of the concepts and mechanisms of barrier-free environment into the national healthcare system and training of healthcare professionals;
- integration of public policy of healthcare in terms of public health, education, humanisation and promotion of a healthy lifestyle, into public policy of barrier-free environment (the principle of “health — not treatment”);
- introduction of a state action programme for managing risks of the nation's aging, in particular in support of active longevity, neurocognitive disorders, aspects of independent and supported living.

In addition, it should be noted that in April 2022, the Ministry of Economy of Ukraine approved the National Classifier NC 030:2022 Classifier of Functioning, Disability and Health. From now on, the process of identification of disability will be based on the principles of the International Classification of Functioning, Disability and Health, according to which the National Classification has been developed. In order to implement a new disability identification system, it is also planned to develop an electronic module for assessment of the level of functioning, disability and health of a person. The combination of such solutions will create an integral rehabilitation system in Ukraine.

### ***Access to medical care for persons who live with HIV***

The issue of access to medical care for persons living with HIV is covered by the Law of Ukraine “On Prevention of Acquired Immune Deficiency Syndrome (AIDS) and Social Protection of Population” and the relevant Order of the Ministry of Health of 12.09.2019 No. 1607 “On approval of the Procedure for providing services for the care and support of people living with HIV”. The above legal and normative acts in accordance with international law determine the procedure for legal regulation of prevention, treatment, care and support necessary for ensuring effective combat the spread of a disease caused by human immunodeficiency virus, and appropriate measures for legal and social protection of people living with HIV.

The organisation and provision of services for the care and support of people living with HIV are based on the following principles:

- “Peer-to-peer” — the provision of services by a person who has direct personal experience in overcoming difficult life circumstances related to belonging to high-risk HIV groups, and/or is/was in the same situation as the recipient of services;
- targeted and human-oriented approach — providing care and support services in a way that takes into account the individual needs of service recipients;
- voluntary character — ability to choose whether to obtain or refuse the services;



- non-discrimination — inadmissibility of restricting provision of services to recipients on the grounds of sex, gender identity, race, nationality, sexual orientation, place of residence, property status, social status, health status, political, religious or other beliefs, language or other characteristics;

- confidentiality — ensuring non-disclosure of personal data of the recipient of services on the state of his health, the facts of requests for, and/or receipt of, services, personal family and intimate information obtained during the provision of services, except as provided by law;

- basing on evidence — substantiation of services and approaches to their provision based on the available scientific data and principles of evidence-based medicine.

The Cabinet of Ministers of Ukraine, by its Ordinance of 27.11.2019 No. 1415-p “On approval of the State Strategy for combating HIV/AIDS, tuberculosis and viral hepatitis until 2030”, approved a strategy that provides a set of measures to combat HIV/AIDS epidemics, tuberculosis, viral hepatitis as global threats to public health and well-being, improving quality and life expectancy, reducing morbidity, disability and mortality through the creation and operation of effective, innovative, flexible systems for quality and affordable prevention, diagnosing, treatment, care and support based on the rights and needs of an individual and a patient.

Under the above strategy, operational objectives have been identified, including:

- prevention of new cases of HIV infection;
- improvement of the system of effective detection of HIV infections;
- ensuring comprehensive access to HIV treatment.

There are regional public health programmes, which provide funding for:

- “Providing Directly Observed Therapy (DOT) and psychosocial support for clients with tuberculosis and HIV/TB at the outpatient phase of treatment”;
- “Providing social support for vulnerable groups at the phase of treatment of viral hepatitis”;
- “Providing social support to patients of the Substitution Maintenance Therapy (SMT) Programme”;
- “Providing social support for people living with HIV/TB/ hepatitis/drug addicts who are released from prisons for reasons of medical care”.

During 2021–2023, Ukraine is implementing the programme of the Global Fund to Fight AIDS, Tuberculosis and Malaria “Accelerating progress in reducing the burden of tuberculosis and HIV infection in Ukraine” in the amount of over USD 135,778 millions.

Development and implementation of the medical information system “HIV infection in Ukraine” (hereinafter — MIS HIV) is part of the project “Access of Communities to HIV Care and Treatment through Strengthening the Healthcare System” (ACCESS) in pursuance of paragraph 5(3) of Annex 2 to the Law of Ukraine “On Approval of the National Targeted Social Programme for Combating HIV/AIDS for the period of 2014–2018”.

Implementation of MIS HIV in Ukraine is regulated by the following orders of the Ministry of Health of Ukraine:

“On pilot operation of the Unified Electronic System of Epidemiological and Clinical Monitoring of HIV Prevalence” No. 799 of 27.11.2015, according to which MIS HIV was put into operation as from 1 December 2015 in the territories of Vinnytsia, Odesa oblasts;

“On Amendments to the Order of the Ministry of Health of Ukraine of 27 November 2015 No. 799” No. 691 of 12.07.2016, according to which the pilot operation of the MIS HIV was introduced in Dnipropetrovsk, Zaporizhia, Kirovohrad, Kyiv, Mykolaiv, Poltava, Kherson, Cherkasy and Chernihiv oblasts;

“On pilot operation of the Unified Electronic System of Epidemiological and Clinical Monitoring of HIV Prevalence” No. 1251 of 04.07.2018.

MIS HIV is designed to create a single repository of data on epidemiological surveillance of HIV/AIDS and data on medical surveillance of HIV-infected people, as well as information support for monitoring and evaluation, procurement planning, accounting and control of movement of medicines and medical devices.

### ***Children’s access to medical care***

The state guarantees to children the right to healthcare, free qualified medical aid in state and municipal healthcare institutions; and promotes the creation of safe conditions for living and healthy development of a child, sensible nutrition, development of healthy lifestyle skills.

To that end, the state takes measures with a view to:

reduction of infant mortality and children’s mortality;

ensuring the provision of necessary medical care to all children;

combating disease and malnutrition, including by providing children with access to sufficient high-quality food and clean drinking water;

creation of safe and healthy labour conditions;

providing mothers with appropriate healthcare services during the prenatal and postpartum periods;

providing all segments of society, including parents and children, with information on healthcare and children’s healthy nutrition, the benefits of breastfeeding, hygiene, sanitary conditions for children’s lives and prevention of accidents;

development of educational work and services in the field of family planning and reproductive health;

preferential provision of children with medicines and food in the manner prescribed by law.

The concept of ensuring the “best interests of the child” is enshrined in a number of international treaties, and especially, in the Convention on the Rights of the Child, adopted by the UN General Assembly on 20.11.1989 and ratified by Ukraine on 27.02.1991, which declares ensuring best interests of children as a mandatory criterion for “all actions concerning children” (Article 3).

Thus, in accordance with the objectives and activities for the implementation of the State Social Programme “National Action Plan for the Implementation of the UN Convention on the Rights of the Child until 2021”, the Ministry of Health’s Order of 01.10.2021 No. 2142 “On ensuring expansion of neonatal screening programmes for new-borns with a view to creation of a new system of neonatal mass screening in Ukraine”.

The above order defines the mechanism of screening new-borns in order to develop organisational and methodological measures and optimal threshold levels of screening indicators to

ensure pre-clinical diagnosis and follow-up observation/treatment of children and with a view to early diagnosis and timely prescription of appropriate treatment, reducing disability in children in the country.

Legal and normative acts of Ukraine, which cover a matter of protection of children's rights in healthcare:

Family Code of Ukraine;

Law of Ukraine "On Childhood Protection";

Law of Ukraine "On Pre-School Education";

Joint Order of the Ministry of Health and the Ministry of Education and Science of 30.09.2005 No. 432/496 "On improving the organisation of medical care for children in pre-school education" etc.

### ***Access to medical care for aged people***

Medical services under the Programme of Medical Guarantees (PMG) are purchased according to the needs of patients. More specifically, as part of PMG-2022, special services for people over 50 years are provided for. They can prevent health problems that arise with age, including through annual comprehensive diagnostics, check-ups, early detection of serious diseases and timely treatment, as well as monitoring of the course of chronic diseases.

Presently, over 12 million people aged 50+ have chosen a primary health care doctor and signed a declaration with him/her, the above number represented by about 7.5 million women and over 4.7 men.

The Programme of Medical Guarantees clearly defines the list of services provided to patients at a specialised level free of charge. The only condition for receiving them free of charge is a doctor's referral.

The National Health Service of Ukraine focuses on the priority services of the Programme of Medical Guarantees, and particularly, on the treatment of stroke and heart attack, and on examinations for early diagnosis of cancer.

The Programme of Medical Guarantees provides for the full range of medical services that people aged 50+ need to properly maintain their health.

### ***Access to medical care for adult people using narcotic drugs***

With a view to taking into account of the provisions of the Council Recommendation 2003/488/EC, a draft Ordinance of the Cabinet of Ministers of Ukraine "On adoption of the Strategy of the State Policy on Drugs for the Period until 2030" was drawn up (to substitute Ordinance of the Cabinet of Ministers of Ukraine No. 735-p of 28.08.2013 "On approval of the Strategy of the State Policy on Drugs for the Period until 2020" earlier in force). The strategy provides for a system of measures aimed at reducing the demand for psychoactive substances, combating their illicit trafficking, improving respect of human rights and social, medical, psychological and economic well-being of the country's population through the promotion of healthy lifestyles and creation of opportunities to that effect, including for children, adolescents and young people, and also, for improving the availability of narcotic substances, providing high-quality medical care and social support for those in need; and harm reduction programmes.

Funding of psychiatric care for people with drug addiction is provided under the “Inpatient Psychiatric Care” and “Treatment of Persons with Mental and Behavioural Disorders due to Opioid Use with Substitution Maintenance Drugs” packages.

The Substitution Maintenance Programme (SMT) and Harm Reduction Programme (HRP) aim to prevent the spread of HIV and reduce the harm associated with the use of psychoactive substances, especially, the injecting drugs.

The programmes are financed from the state budget and are implemented with the support of international donors.

SMT is a programme of medical treatment of people with mental and behavioural disorders due to opioid use. Methadone and buprenorphine are used during treatment.

The issue of medical care for drug addicts is also regulated by the Order of the Ministry of Health of 09.11.2020 No. 2555 “On approval of standards of medical care” “Mental and behavioural disorders due to opioid use”.

### ***Access to medical care for imprisoned people***

Emergency medical aid to persons taken into custody or sentenced to imprisonment is provided by medical staff of the relevant healthcare institution of the State Penitentiary Service, and in case of impossibility to provide such assistance in full — by the emergency (ambulance) team of the Centre of Emergency Medical Care and Disaster Medicine of an administrative-territorial unit where the penitentiary institution or the pre-trial detention centre is located, in the manner prescribed by the Law of Ukraine “On Emergency Medical Care”.

Medical care, as well as general health maintenance and anti-epidemic work in a pre-trial detention centre are organised and carried out in accordance with legislation on healthcare. For that purpose, a medical unit is created in a pre-trial detention centre as its structural subdivision.

Referral of convicts in need of hospitalisation to healthcare institutions of the State Penitentiary Service is carried out based on the conclusion of the medical unit’s healthcare professional, with an account taken of the list of indications and contraindications for referral of patients to specialised and multidisciplinary hospitals (wards), or based on the order of the Interregional Department of the Criminal Sentence Enforcement and Probation of the Ministry of Justice of Ukraine as regards referral to treatment.

The above issue is regulated by the following legal and normative acts:

Procedure for cooperation between healthcare institutions, territorial bodies of internal affairs, penitentiary institutions and pre-trial detention centres as part of ensuring the sequence of dispensary surveillance of HIV-positive persons, clinical and laboratory monitoring of the disease, and antiretroviral therapy (Order of the Ministry of Health, Ministry of Internal Affairs and the Ministry of Justice of 05 September 2012 No. 692/775/1311/5);

The procedure for organisation of the provision of medical care to convicts (Order of the Ministry of Justice, Ministry of Health of 15 August 2014 No. 1348/5/572).

### ***Access to medical care for the women engaged in prostitution***

Access to medical services for women engaged in prostitution is provided on a general basis and has no separate legal regulation.

### ***Access to medical care for LGBTI***

Access to medical services for members of the LGBTI community is provided on a general basis and has no separate legal regulation.

Current legislation does not provide additional requirements for the establishment of relevant characteristics of persons seeking medical care.

### ***Access to medical care for internally displaced people***

The state creates conditions for effective and accessible medical care for all citizens. Medical care is provided free of charge in state and municipal healthcare institutions (the second paragraph of Article 49 of the Constitution of Ukraine).

An internally displaced person has the right to be provided with medicines in cases and in the manner prescribed by law, and to provide necessary medical care in state and municipal healthcare institutions (Article 9 of the Law of Ukraine “On Ensuring the Rights and Freedoms of Internally Displaced Persons”).

Every patient has the right, where his condition requires so, to be admitted to any healthcare institution of his/her choice, if the above institution has the opportunity to provide appropriate treatment (the second paragraph of Article 38 of the Law of Ukraine “Fundamentals of Ukrainian Healthcare Legislation”).

### ***Romani people’s access to medical care***

Roma communities have equal access to public healthcare services on the terms of national solidarity insurance. The purchase of medical services for the population of Ukraine, including Roma living on the territory of Ukraine, is carried out by the only national strategic purchaser National Health Service of Ukraine (NHSU).

All representatives of the Roma community can receive the necessary medical care in full on a general basis. In particular, vaccination for children, including Roma children, is free of charge, the vaccination service in accordance with the vaccination calendar is paid by the NHSU within the framework of the package of medical services «Primary Medical Care». In order to receive such a service free of charge, parents must conclude a declaration on behalf of the child on the choice of a doctor who provides primary medical care.

Roma have access to all medical services at the level of Ukrainian citizens. At the same time, to receive guaranteed medical care, a person needs registration at the place of residence and an internal passport (or ID document) for registration with a doctor.

It should be noted that in order to improve Romani people’s access to health services in Ukraine, the measures provided for by the Action Plan for the Implementation of the Strategy for the Protection and Integration of the Roma National Minority into Ukrainian Society until 2020 were successfully implemented, aimed at:

- dissemination of information on the health care system among the Romani people;
- ensuring that healthcare institution’s personnel are informed about Roma traditions, culture, living conditions and customs;
- paying special attention to the Romani children’s health;
- conducting work to promote a healthy lifestyle among Romani people.

The Cabinet of Ministers of Ukraine, by its Ordinance of 28 July 2021 No. 866-p “The Strategy for Fostering the Exercise of Rights and Opportunities by Persons Belonging to the Roma National Minority in the Ukrainian Society until 2030”, one of whose goals is to increase the access of persons belonging to the Roma national minority to healthcare services, including increasing the number of members of the Roma national minority who have received preventive vaccinations.

In pursuance of the Ordinance of the Cabinet of Ministers of Ukraine of 27.11.2019 No. 1402-p “On approval of the Strategy for the development of immunoprophylaxis and protection of the population from immunoprophylaxis-preventable communicable diseases for the period until 2022 and approval of the Action Plan for the implementation thereof”, a number of measures were taken with a view to increasing the coverage of children with preventive vaccinations, including Roma population in the places of their concentrations, and particularly, with the support of Roma leaders, the visiting healthcare teams carried out outreach work among the Romani people as regards health lifestyle, the necessity of preventive examinations, immunisation according to the immunisation schedule in places of their compact residence.

**16. Is there a national law on health in Ukraine? Is data collected on all diseases and how? Do you have a Health Information System in place? Is it based on European Core Health Indicators (ECHI) or on indicators included in the State of Health in the EU?**

The main (special) law in Ukraine in the field of health care is the LEP.

1) In Ukraine, an electronic healthcare system (EHS) is operating, and ensures automated record-keeping of medical services and management of health information. EHS in Ukraine operates on the principle of public-private partnership and has a two-component architecture consisting of:

- central database (owned by the state);
- medical information systems (private companies that provide interfaces to users, including medical and pharmacy institutions).

There are three main user groups in EHS:

- patients (more than 34 million people registered);
- medical workers (doctors, average medical staff, pharmacists) (more than 225 thousand active users);
- health care institutions (more than 5,000 communal and private institutions: 2,212 primary healthcare institutions, 2,571 specialized medical care facilities, 1,573 pharmacy establishments).

Among other things, at present the EHS is a universal source of data to provide funding for healthcare institutions, as well as an effective tool in shaping policies for prevention, treatment and rehabilitation.

Within the EHS, an electronic medical card of the patient (EMC) is formed and maintained, which contains patient’s personal information, an electronic declaration with a family doctor (if any), electronic referrals and prescriptions that were issued to the patient, electronic medical records (consultations, diagnostic results, procedures, hospitalizations, etc.).

Accordingly, all information about the state of health of patients, diagnoses, treatment is recorded in the EMC of the patient.

EHS has a certificate of compliance with the requirements of a comprehensive information protection system. The protection system is based on international principles and safety standards. Access to information is protected by a multi-level verification system, and each action is confirmed by a qualified electronic signature of the user.

Storage and exchange of medical information in the EHS takes place according to the international standard HL7 FHIR.

When collecting medical data, the EHS uses both international and national (harmonized with international) industry classifiers and reference books (ICPC-2, ICD-10-AM, ACHI and others).

Also, the EHS introduced a distinction between the processing of personal and medical data and implemented the delimitation of accesses in the system (in particular, only treating doctors have access to medical information).

Thus, today the EHS in Ukraine covers all areas of functioning of the healthcare system and contains all the key registers that provide a single universal source of patient data, medical personnel and healthcare institutions. Currently, preparations are being completed for the complete transition to electronic medical document management accompanying the patient at the stage of outpatient and hospital medical care. This will make it possible to automate the full processes of reporting and medical statistics in healthcare institutions. In particular, the EHS will allow to determine the analytical and integral indicators of the EU health.

In particular, the information collected through the EHS is already subject to analysis and published in the form of open data sets and analytical panels.

In addition, as part of the emergency medical care system (EMCD), there is an information and analytical system for optimizing the work of the operational dispatching services of EMCD centers and disaster medicine «Central 103», which ensures quality control and speed of EMCD provision and collection of reliable analytical and operational information on the operation of the EMCD system. Each year, the system processes information about 10 million EMCD calls, including the processing of medical data collected by EMCD teams during brigade calls.

Thus, the EHS, together with other state systems and registers of Ukraine, makes it possible to accumulate and process the list of data according to The European Core Health Indicators (ECHI) shortlist of 88 health indicators identified by policy area. Some of the requested indicators are formed in specialized statistical and analytical information systems.

Indicators of the infectious state are formed on the database of the electronic health care system, which contains primary information about the incidence, course and consequences of the disease. Information on infectious diseases is supplemented from external sources of information on the epidemiological situation according to the data received by the state institution «Centre for Public Health of the MoH».

## *2) Other state systems and registries used to collect data on diseases*

The main organization in the country that produces and disseminates data on infectious diseases is the state institution «Centre for Public Health of the Ministry of Health of Ukraine» (hereinafter referred to as the Centre). The Centre is responsible for the organization of epidemiological surveillance of infectious diseases, part of which is the collection, processing and dissemination of data on morbidity and prevalence levels. In addition, the Centre is responsible for reporting these

diseases to global networks and organizations (WHO, UNAIDS, CDC, ECDC, etc.). Respective website<sup>4</sup> contains information on HIV infection, tuberculosis, vaccine-controlled infections, influenza and SARS, outbreaks of infectious diseases, etc. Also, the Centre has developed and launched a portal of strategic information in the field of public health – the National Portal for Strategic Information in the Field of Public Health<sup>5</sup>, which contains about 100 main determinants from the socio-economic sphere, demography, health and diseases, ecology and the external environment, which will be supplemented in the future. This Atlas allows to form national and regional public health profiles to analyse regional features and create specific public health programs for each region of the country. The list is based on 100 WHO health indicators.

Data on infections for which case-based surveillance is conducted are collected using the information system of socially significant diseases (hereinafter referred to as IS SSD) and the electronic integrated disease monitoring system (hereinafter referred to as EIDMS), which allows you to have all the necessary information about the patient and conduct an in-depth analysis of the indicators taken in the world and compare the situation in Ukraine with other countries in Europe and the world. In 2022, the introduction of a new module «Substitution supportive therapy» is being prepared, and the development of the module «Treatment of viral hepatitis» is also planned. Thus, it is planned to create a «Unified Electronic System of Epidemic and Clinical Monitoring of the Spread of Socially Significant Diseases».

In April 2020, EIDMS was introduced as the main tool for collecting and analysing COVID-19 data at the regional level in all 25 regions of Ukraine. After 6 months of successful operation of the system at the regional level, access to EIDMS was opened to specialists of public health institutions of the district level. The EIDMS and EHS systems were integrated in terms of data exchange on infection or confirmed diagnosis of coronavirus disease (COVID-19). Work is underway to implement the target model for the full integration of these systems.

In order to ensure clear accounting, reporting and exchange of information on infectious diseases, subject to epidemiological surveillance (observation) in the country, the MoH approved the order of 30.07.2020 № 1726 «On approval of the Procedure for record keeping, reporting and epidemiological surveillance (observation) of infectious diseases and the List of infectious diseases to be registered».

## **17. What share of mental health services are provided by institutions in Ukraine (vs. community-based care), what are their admission/release criteria, and what are the rights of mental health patients?**

### ***Share of mental health services provided by institutions in Ukraine (vs. community-based care)***

The provision of psychiatric care in Ukraine is provided mainly by institutions. However, since 2021, Ukraine has begun to expand opportunities for receiving such assistance in local communities. In particular, a package of medical services «Psychiatric care provided by mobile multidisciplinary teams» was introduced. Such teams are focused on helping individuals with mental and behavioural

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<sup>4</sup> <https://www.phc.org.ua/monitoring-i-statistika>

<sup>5</sup> <https://npsi.phc.org.ua/>



disorders after they have undergone inpatient treatment. Team help takes place in communities and helps individuals return to normal life and prevent hospitalizations. Teams work with patients with mental and behavioural disorders and their main function is to rehabilitate such patients and prevent hospitalizations.

Features of the organization of the mobile multidisciplinary team are determined by the Procedure for implementing the program of state guarantees of medical care in 2022, approved by the Cabinet of Ministers of Ukraine dated December 29, 2021 № 1440. Technical support and training for these teams is provided by the Bureau of the World Health Organization in Ukraine.

The specifics of organising the work of a mobile multidisciplinary team are enshrined by the Procedure for the implementation of the 2022 State Programme of Medical Guarantees, as approved by the Resolution of the Cabinet of Ministers of Ukraine No. 1440 of 29.12.2021 “On certain issues of the state programme of medical guarantees to the population in 2022”. The World Health Organisation Country Office in Ukraine provides technical support for and training of these teams.

Furthermore, measures are being taken to develop the provision of mental health services in communities, promote mental health and prevent stigmatization, decentralise and deinstitutionalise the provision of mental health services. As of late 2021, more than 500 GPs/FPs have been trained under the mhGAP (mental health Gap Action Program) to help people with mental disorders at the primary health care level. A series of trainings have also been held for PCPs on teaching patients stress management skills in adverse conditions.

### ***Admission and discharge criteria***

A person who has reached the age of 14 is hospitalized in a psychiatric care institution voluntarily - at his or her request and with informed written consent. A person under the age of 14 is hospitalized in a psychiatric care facility upon request or with the written consent of his parents or other legal representative. Hospitalization is carried out if there are grounds and by the decision of a psychiatrist. A person suffering from a mental disorder may be hospitalized without informed written consent if his or her examination or treatment is possible only in full-time department, and when a person has a serious mental disorder, as a result of which he or she commits or shows real intentions to commit actions that pose an immediate danger to him/her or others, or are unable to satisfy their basic life needs at the level, necessary to maintain life. The treatment plan is developed by the patient's doctor.

A person is discharged from a mental health facility in case of completion of examination of a person, or examination of a person's mental state, or recovery of a person, or a change in his/her mental health that requires no further inpatient treatment. A person who has been involuntarily hospitalized to a mental health facility is discharged upon a decision of a commission of psychiatrists or by a court decision on refusal to continue such hospitalization (Article 18 of the Law of Ukraine “On Psychiatric Care”).

Persons provided with psychiatric care have the rights and freedoms of citizens provided for by the Constitution of Ukraine and the laws of Ukraine. Restriction of their rights and freedoms is allowed only in cases provided for by the Constitution of Ukraine, in accordance with the laws of Ukraine.

Persons receiving psychiatric care have the right to: respectful and humane treatment, which excludes the humiliation of the honour and dignity of a person; obtaining information about their rights related to the provision of psychiatric care; receiving psychiatric and social assistance, social services in conditions that meet the requirements of sanitary legislation, receiving assistance from charitable and public organizations; refusal to provide psychiatric care, except in cases of its provision in the compulsory manner prescribed by law; receiving psychiatric care in the least limited, in accordance with their mental state, conditions, if possible, at the place of residence of these persons, members of their family, other relatives or legal representatives; stay in a psychiatric care facility only for the period necessary for examination and treatment; prior written consent or written refusal at any time from the use of new methods of diagnosis and treatment and medicines or from participation in the educational process; safety of psychiatric care; free medical care and others.

#### **18. What reforms (if any) have taken place on mental health in the national health system of Ukraine?**

In order to have an integral and effective mental health system in place, the Concept of Mental Health Development in Ukraine until 2030 (the Ordinance of the Cabinet of Ministers of Ukraine of 27 December 2017, No 1018-p) was approved, which provides for the following tasks: to raise awareness in society of mental health and overcome stigma, to reduce discrimination and violations of the rights of people with mental health problems, to ensure regulation of mental health activities, to improve the system of development and maintenance of professional competencies, and other tasks for improving the mental health of the population and the quality of life.

In pursuance of the Concept, the relevant Action Plan for 2021–2023 was approved (the Ordinance of the Cabinet of Ministers of Ukraine No. 1215-p of 6.10.2021), which proposes ways to achieve the goals set by the Concept.

Following the implementation of the Action Plan, an integrated and effective system of mental health care is expected to be set up to increase the level of mental health and improve the quality of life. Specifically, the following is planned to be achieved:

- cut direct and indirect losses of the national economy due to a full or partial incapacity for work of persons with mental health problems;

- bring the mental health education standards into line with international requirements;

- introduce systems for monitoring and evaluation of the quality of mental health services;

- ensure the accessibility of mental health care at the community level;

- develop and implement mental health prevention programs;

- decrease institutionalisation and, as a result, segregation of people with mental health problems;

- set up a structured, institutionally organised forensic psychiatry service;

- introduce, in a phased manner, state guarantees for supported living, assisted employment of persons with mental and intellectual disabilities;

- ensure access to education for children who are not subject to referral to educational institutions due to mental and intellectual disabilities;

remove barriers to access to rehabilitation and social services for people with mental and intellectual disabilities;

reduce the death rate due to suicides and accidents;

ensure effective monitoring of human rights in the field of mental health;

strengthen the role of the public sector in the mental health protection.

As part of the mental health system reform, the transition from inpatient mental health services to community-based mental health services is under way. To this end, the “Mental health care provided by mobile multidisciplinary teams” package was introduced in 2021 to increase the accessibility of mental health care through decentralisation and development of out-of-hospital forms of specialised assistance, and the creation of a crisis counselling system; improve the provision of services at the primary health care level; reorganise the process of providing care in secondary and tertiary health care facilities; establish a clear referral mechanism between the existing services, develop multidisciplinary teams and cross-sectoral cooperation.

Furthermore, mental health care is provided under the “Inpatient mental health care” and “Outpatient health care for adults and children (prevention, observation, diagnostics, treatment and medical rehabilitation)” packages which include outpatient psychiatric care.

The Rules for the application of coercive medical measures in a specialised psychiatric facility (the Order of MoH No. 992 of 31.08.2017) and the Rules for the use of physical restrictions and (or) isolation in the provision of psychiatric care to persons suffering from mental disorders (the Order of MoH No. 240 of 24.03.2016) were approved to bring the rules for the inpatient stay and treatment of persons in conflict with the law into line with international law.

The Affordable Medicines Reimbursement Programme has also been expanded with drugs for the treatment of epilepsy, mental and behavioural disorders (the Order of MoH No. 2077 of 27.09.2021 “On approval of the Register of medicines subject to reimbursement under the programme of medical guarantees as of 1 October 2021”).

Since the beginning of the programme in 2021, 23,863 prescriptions have been written out, of which 18,948 have been reimbursed (Ukraine’s average is 79.4%), in particular:

in October — 5,615 prescriptions, of which 3,418 have been reimbursed (60.9%);

in November — 8,993 prescriptions, of which 7,432 have been reimbursed (82.6%);

in December — 9,255 prescriptions, of which 8,098 have been reimbursed (87.5%).

The network of specialised mental health care facilities consists of 53 psychiatric and psychoneurological hospitals with the total number of beds of 23,325 as of 01.01.2021, whereas as of 01.01.2020 the network consisted of 60 mental health care facilities with the total number of beds of 26,858.

Ukraine is also one of the WHO Special Initiative for Mental Health countries and strongly supports and implements the changes proposed by WHO.

## **A. Tobacco control, Alcohol abuse prevention & Drug abuse prevention, Electromagnetic fields**

### **19. To what extent is national legislation in Ukraine aligned with the EU acquis in these areas?**

#### ***Tobacco control***

The state policy on tobacco control in Ukraine is defined by the WHO Framework Convention on Tobacco Control, Laws of Ukraine “On Measures to Prevent and Reduce the Use of Tobacco Products and their Harmful Effects on Public Health”, “On advertising” and other legislative acts.

Article 427 of the Association Agreement provides that cooperation between Ukraine and the EU, in particular on the prevention and control of non-communicable diseases, is carried out through the implementation of the WHO Framework Convention on Tobacco Control.

The Law of Ukraine of 16.12.2021 No.1978-IX “On Amendments to Certain Laws of Ukraine on Public Health Protection from the Harmful Effects of Tobacco” was adopted in pursuance of the Association Agreement with a view to implement Directive 2014/40/EU. This Law fully complies with the WHO Framework Convention on Tobacco Control and Directive 2014/40/EU.

Ukraine has a basic tobacco control law – the Law of Ukraine “On Measures to Prevent and Reduce the Use of Tobacco Products and their Harmful Effects on Public Health”, which has been amended by the abovementioned Law.

This Law defines the main principles and directions of the state policy on prevention of tobacco smoking, reduction of its use among the population, restriction of access to children, protection of public health from the harm to health due to disease, disability and mortality caused by smoking or otherwise consuming tobacco products.

Ukrainian tobacco control legislation currently meets the requirements of the legislative acts provided for in the Association Agreement.

As the provisions of the new anti-tobacco legislation (the Law of Ukraine “On Amending Certain Laws of Ukraine on Public Health Protection from the Harmful Effects of Tobacco”) come into force next year, work continues on the development and adjustment of related legislation.

Council Recommendation 2003/54/EC has been partially implemented by the Law of Ukraine No. 1978-IX “On Amendments to Certain Laws of Ukraine on Public Health Protection from the Harmful Effects of Tobacco”.

#### ***Alcohol abuse prevention***

Legislation on the basic principles of the state policy in the field of alcoholic beverages is based on the Constitution of Ukraine, several laws and, as well as regulations adopted in accordance with them.

The main law that regulates alcoholic beverages circulation in this area is the Law of Ukraine “On State Regulation of Production and Circulation of Ethyl Alcohol, Cognac and Fruit, Alcoholic Beverages, Tobacco Products and Fuel.”

Also, in Ukraine there are a number of regulations aimed at protecting the health of citizens from the harmful effects of alcohol through certain prohibitions. The list of these prohibitions is determined by the Law of Ukraine «On Advertising». The relevant legislation of Ukraine fully

complies with the requirements of the European Convention on Transfrontier Television , which has been ratified by the Verkhovna Rada of Ukraine.

A draft National Strategy for Reducing the Harmful Impact of Alcohol on Public Health until 2030 and the Operational Action Plan for the Strategy have been already developed. These draft documents are based on the principles established by relevant WHO documents and EU legislation.

In accordance with the National Action Plan on Non-Communicable Diseases to Achieve the Global Sustainable Development Goals, adopted in 2018 (Resolution of the Cabinet of Ministers of Ukraine No. 530-r of 26.07.2018), it is envisaged to develop, taking into account international experience and WHO recommendations, a plan of fiscal measures (increasing excise taxes on alcoholic beverages) to promote a healthy lifestyle, as well as disseminate information materials related to alcohol harm. It is also planned to improve the legislation on restrictions on the retail trade in alcohol.

These approaches are gradually introduced into the legislation. In particular, the prohibition of the sale of alcoholic beverages to persons under the age of 18 is constantly monitored to restrict access to alcohol and eliminate the illegal trade in it.

The main approaches to the production and circulation of alcohol are regulated by the Law of Ukraine “On State Regulation of Production and Circulation of Ethyl, Cognac and Fruit Alcohol, Alcoholic Beverages, Tobacco Products, Liquids Used in Electronic Cigarettes, and Fuel”. The law regulates the basic principles of limiting the harmful effects of alcohol consumption. Such limitation is carried out through the implementation of legal, economic, medical and administrative measures, namely: promotion of a healthy lifestyle free from the consumption of alcoholic beverages and tobacco products; inclusion of awareness-raising on the harmful effects of consumption of alcoholic beverages and tobacco products on the human body, as well as on the benefits of a healthy lifestyle into general education programs and professional educational programs of all educational institutions of Ukraine, regardless of their forms of ownership ; creation of economic and legal conditions that contribute to reducing the consumption of alcoholic beverages; informing about the dangers of excessive consumption of alcoholic beverages; treatment of alcohol dependence; and counteraction to illegal importation and circulation of alcoholic beverages.

Also, age restrictions on the consumption of beer (except non-alcoholic varieties), alcoholic, low-alcohol beverages, and table wines, the place of their consumption, and requirements for their sale are regulated.

Hence, Ukraine’s legislation implements in general the provisions of Recommendation 2001/485/EC regarding measures to limit the consumption of alcoholic beverages by persons under the age of 18. At the same time, it is necessary to take further action to early detect and prevent alcohol consumption by young people to ensure full compliance with the above Recommendation.

### ***Drug abuse prevention***

The Law of Ukraine on Ukraine’s Accession to the Partial Agreement on the Establishment of a Co-operation Group to Combat Drug Abuse and Illicit Trafficking (the Pompidou Group) corresponds to provisions of Council Recommendation 2003/488/EC.

Provisions of Recommendation 2003/488/EC are also taken into account in the Order of the Cabinet of Ministers of Ukraine of 26.07.2018 No. 530-r “On Approval of the National Action Plan with Regard to Non-Communicable Diseases to Achieve Sustainable Development Goals”.

To take into account provisions of Recommendation 2003/488/EC, the Order of the Cabinet of Ministers of Ukraine “On Approval of the Strategy of State Drug Policy until 2030” has been drafted. The draft Strategy provides for a system of activities aiming at reduction of the demand for psychoactive substances, combating their illicit trafficking, improving human rights and social, medical, psychological and economic well-being of the country through the promotion of healthy lifestyles and creating appropriate opportunities for this, including for children, adolescents and youth, as well as improving the availability of narcotic drugs, providing quality medical care and social support to those in need, and implementing harm reduction programs.

According to the Resolution of the Cabinet of Ministers of Ukraine No. 689 of 10 July 2019 "Issues of Monitoring the Drug and Alcohol Situation in Ukraine", measures are taken to identify negative trends in the circulation of drugs, psychotropic substances and precursors, alcohol, new potentially dangerous psychoactive substances associated with the formation of drug and alcohol dependence in people; identifying new threats to national security arising from the illicit trafficking of psychoactive substances and identifying the factors that cause them; and preparation of proposals to prevent the spread of illicit trafficking in psychoactive substances. The approach laid down in the Resolution follows the principles of Recommendation 2003/488/EC.

*In addition, Annex to this Chapter entails the list of the legal acts of Ukraine regulating the same issues as covered by the EU acquis, presented in the Annex to the Chapter 28 of the Questionnaire.*

**20. Has Ukraine ratified the WHO Framework Convention on Tobacco Control (FCTC) and the Protocol to Eliminate Illicit Trade in Tobacco Products (and are they being implemented)? What are country data on smoking prevalence?**

***WHO Framework Convention on Tobacco Control (FCTC) ratification***

The state policy on tobacco control in Ukraine is defined by the WHO Framework Convention on Tobacco Control, ratified by the Law of Ukraine “On the Ratification of the WHO Framework Convention on Tobacco Control 15.03.2006 No 3534-IV.

Article 427 of the Association Agreement provides that cooperation between Ukraine and the EU, in particular on the prevention and control of non-communicable diseases, is carried out through the implementation of the WHO Framework Convention on Tobacco Control.

On 16.12.2021, the Law of Ukraine No. 1978-IX “On Amendments to Certain Laws of Ukraine on Public Health Protection from the Harmful Effects of Tobacco” was adopted. The Law amends the Laws of Ukraine “On Measures to Prevent and Reduce the Use of Tobacco Products and their Harmful Effects on Public Health”, “On State Regulation of Production and Circulation of Ethyl, Cognac and Fruit Alcohol, Alcoholic Beverages, Tobacco Products and Fuel” and “On Advertising”. The document corresponds to the WHO Framework Convention on Tobacco Control. It strengthens the protection of the population of Ukraine from the harmful effects of tobacco products and brings Ukrainian anti-smoking legislation in line with Directive 2014/40/EU, in particular as regards the production and use of novel tobacco products.

The Law aims at reducing the attractiveness of tobacco products and protecting the public from the effects of second-hand smoke, emissions from e-cigarettes and the aerosol of heating tobacco products in public areas. It introduces a number of new terms, in particular, “smokeless tobacco

product“, “e-cigarette”, “novel tobacco product”, “liquids used in e-cigarettes”, etc. The Law establishes requirements regarding the content of harmful substances for the production and sale of tobacco products, novel tobacco products, e-cigarettes, and smokeless tobacco products; bans the use of all tobacco products in all enclosed public areas; bans all forms of advertising, promotion and sponsorship, including for heated tobacco products, devices, e-cigarettes, containers and liquids; increases the size of pictorial health warnings to 65% of the front and back of tobacco packages, and requires 30% pictorial health warnings for novel products; bans the use of flavours, including in conventional and novel tobacco products; bans the sales of novel tobacco products to minors; and increases fines for the violation of measures under this Law.

In pursuance of Ukraine's international obligations and in accordance with the recommendations provided by WHO experts, a draft Strategy for strengthening the implementation of the WHO Framework Convention on Tobacco Control in Ukraine for the period up to 2030 and the National Action Plan for the implementation of the Strategy have been developed.

In 2020, the Analytical Note “Mechanisms for Sustainable Financing of Tobacco Control Programs in Ukraine” was prepared, providing a brief overview of the issues of tobacco control in Ukraine and proposing optimal mechanisms and opportunities for the introduction of one of the forms of targeted tobacco tax (“tobacco earmarking”) to ensure sustainable financing of tobacco control programs, in accordance with the WHO Framework Convention on Tobacco Control, and the changes to the national legislation. Based on its recommendations, the draft amendments to the budget code were made, providing for the introduction of a targeted excise tax on tobacco for the prevention of the prevalence of tobacco smoking among the population. Work on the development of the relevant draft Law on Amendments to the Budget Code continues.

Accession to the Protocol to Eliminate Illicit Trade in Tobacco Products is under consideration.

### ***Data on Smoking Prevalence in Ukraine***

In 2021, the State Statistics Service of Ukraine published its annual report “Self-Assessment of the Population's State of Health and the Level of Access to Certain Types of Healthcare in 2020” prepared based on a survey of households in October 2020. According to the report, there were 5.53 million smokers among the Ukrainian population in 2020. Smoking prevalence among the population aged 12 and older in 2020 was 16.5%, declining by 2% compared to the 2019 level. However, trends in smoking varied significantly in different population groups. Smoking prevalence decreased among the people living in rural areas (from 16.2% to 14.6%), while increasing among those living in urban areas from 17.1% to 17.5%. In general, over the last twelve years (from 2008 to 2020), smoking prevalence in Ukraine decreased from 25.6% to 16.5%, which is equal to a 36% drop.

## **21. How are healthy lifestyles and disease prevention promoted in Ukraine?**

The 2018 National Action Plan on Non-Communicable Diseases to Achieve the Global Sustainable Development Goals approved by the order of the Cabinet of Ministers of Ukraine №530-r dated July 26, 2018 sets a number of actions to promote healthy lifestyles and prevent diseases, including informational policy, fiscal measures, promotion of healthy eating, etc.

In accordance with the Procedure for the Provision of Primary Healthcare, approved by the Order of the MoH of 19 March 2018 No. 504, primary healthcare physicians provide advisory assistance aimed at eliminating or reducing habits and behaviours posing risks to health (smoking,

consumption of alcohol and other psychoactive substances, unhealthy diet, lack of physical activity, etc.) and the formation of healthy lifestyle skills.

Information campaigns are conducted to promote healthy lifestyle. In particular, campaigns activities can be devoted to certain thematic days, such as Heart Day, World Day against Tobacco Smoking, Health Day, etc.

In order to prevent obesity and to encourage children to adopt the principles of healthy eating, the “School Nutrition Reform” was launched in 2021, covering children aged 0 to 18 years. A component of this reform is a large-scale communication campaign on the principles of healthy eating, targeting children, parents and employees of educational institutions.

To implement Regulation (EU) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods, the MoH adopted its Order No. 1145 of 15.05.2020 “On approval of the Requirements for Food Nutrition and Food Health Claims”.

Healthy lifestyles and disease prevention are also in the focus of the Human Development Strategy approved by the Decree of the President of Ukraine No. 225/2021 of 02.06.2021.

## **22. What is the state of play regarding prevention, rehabilitation and social reintegration programmes for drug addicts, if any?**

Psychiatric care for people with drug addiction is funded under the package "Inpatient psychiatric care" and "Treatment of people with mental and behavioural disorders due to opioid use with the substitution maintenance therapy", approved by the resolution of the Cabinet of Ministers of Ukraine of December 29, 2021 № 1440 "Some issues of implementation of the state program of medical guarantees in 2022".

On 8 January 2010, the MoH and the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) signed a Memorandum of Understanding. To fulfil the Memorandum provisions, every year, the Centre for Mental Health and Monitoring of Drugs and Alcohol of the MoH prepares a report on the drug situation in Ukraine according to the methodological recommendations of the EMCDDA and sends it to the EU. The Centre also identifies those responsible for collecting, summarizing and analysing data on indicators of the drug situation.

To take into account provisions of Council Recommendation 2003/488/EC, the Order of the Cabinet of Ministers of Ukraine “On Approval of the Strategy of State Drug Policy for the Period up to 2030” has been drafted to follow on the Order of the Cabinet of Ministers of Ukraine of 28.08.2013 No. 735-r "On Approval of the Strategy of State Drug Policy for the Period up to 2020". The Strategy contains a system of measures aimed at reducing the demand for psychoactive substances, combating their illicit trafficking, improving human rights and social, medical, psychological and economic well-being of the population through the promotion of healthy lifestyles and opportunities for this, including for children, adolescents and young people, as well as improving the availability of narcotic medicines, providing quality medical care and social support for those in need, and implementing harm reduction programs.

Adoption of the Law of Ukraine on Ukraine’s Accession to the Partial Agreement on the Establishment of a Co-operation Group to Combat Drug Abuse and Illicit Trafficking (the Pompidou Group) also corresponds to provisions of Council Recommendation 2003/488/EC. Provisions of this



Recommendation are also taken into consideration while adopting the Order of the Cabinet of Ministers of Ukraine No. 530-r of 26.07.2018 “On Approval of the National Action Plan on Non-Communicable Diseases to Achieve Global Sustainable Development Goals”.

Drug addiction **rehabilitation** is regulated by the resolution of the Cabinet of Ministers of Ukraine of October 4, 2017 No. 741 "On Approval of Standard Regulations on Institutions of Social Support for Families, Children and Youth", which includes standard regulations on a centre of socio-psychological rehabilitation. According to the standard regulations, a centre for socio-psychological rehabilitation is a specialized social protection institution that temporarily hosts people who have undergone treatment for addiction to drugs or psychotropic substances in healthcare facilities and need to receive social services taking into account their needs and following the principle of ensuring equal rights and opportunities for men and women. It may be established by a local state administration, a local self-government body, a charitable organization and a public association if they have the necessary material and technical base (in particular, premises that meet sanitary and hygienic requirements, fire safety requirements, etc.) and is not for profit.

On 1 January 2020, the new Law of Ukraine “On Social Services” was adopted. According to the Law, social services are actions aimed at **preventing** difficult life circumstances, overcoming them or minimizing their negative consequences for individuals/families experiencing them. The Law also defines factors that can cause difficult life circumstances, which include mental and behavioural disorders, in particular, due to the use of psychoactive substances.

**Socialization** of drug addicts is also regulated by the order of the Ministry of Social Policy of Ukraine No. 677 of 01.10.2020 "On Approval of the State Standard of Social Service of Social and Psychological Rehabilitation of Persons with Dependence on Narcotic Drugs or Psychotropic Substances". This State Standard defines the content, scope, conditions and procedures for providing social services of social and psychological rehabilitation to persons addicted to drugs or psychotropic substances, as well as quality indicators of such services for entities of all forms of ownership and management providing this service.

Following the Resolution of the Cabinet of Ministers of Ukraine No. 689 of 10 July 2019 "Issues of Monitoring the Drug and Alcohol Situation in Ukraine", measures are taken to identify negative trends in the circulation of drugs, psychotropic substances and precursors, alcohol, new potentially dangerous psychoactive substances associated with the formation of drug and alcohol dependence in people; identifying new threats to national security arising from the illicit trafficking in psychoactive substances and identifying the factors that cause them; and preparation of proposals to prevent the spread of illicit trafficking in psychoactive substances.

### **23. Has the country legislation on the limitation of exposure of the general public to electromagnetic fields (0 Hz to 300 GHz)?**

Permissible levels of intensity of the electric field in the frequency range of 30 kHz - 300 GHz are established by the State Sanitary Norms and Rules for protecting the population from the effects of electromagnetic radiation, approved by the Order of the MoH of 1 August 1996 No. 239 “On Approval of State Sanitary Rules and Norms”.

This legal act complies with the Council Recommendation 1999/519/EC.

## **B. Communicable diseases, non-communicable diseases, & cancer screening**

### **24. To what extent is national legislation in Ukraine aligned with the EU acquis in these areas?**

#### ***Communicable diseases***

The Procedure for accounting, reporting and epidemiological surveillance of communicable diseases, as well as the List of Communicable Diseases Subject to Registration were approved by the Order of the MoH No. 1726 of 30 July 2020. This Order complies with Decision 2119/98/EC, Decision 1082/2013/EU; Commission Decision 2000/96 /EC, and Commission Decision 2002/253/EC.

To implement the provisions of Commission Decision 2008/426/EC, Decision of the European Parliament and Council 1082/2013/EU, Commission Recommendation (EU) 2017/1140, only depersonalized data are transferred between public health facilities, except for data that can be exchanged through the system of early warning and response. Also there is the Order of the Ministry of Health No. 406 of 09.03.2021 "On Approval of the Procedure for Epidemiological Surveillance of Tuberculosis and Amendments to the Criteria for Determining Cases of Communicable and Parasitic Diseases to be Registered" has been adopted.

The term "epidemiological surveillance" in the context of the above EU acts is provided by the draft Law of Ukraine "On Public Health in Ukraine" No. 4142 of 22.09.2020, adopted in the first reading.

#### ***Non-communicable diseases***

To achieve the global Sustainable Development Goals and to promote the formation and development of the public health system, the National Action Plan on Noncommunicable Diseases (hereinafter referred to as the National Action Plan) was approved by the order of the Cabinet of Ministers of Ukraine of 26 July 2018 No. 530. The document ensures that the issue of combating noncommunicable diseases is brought to the state level.

In accordance with subparagraph 3 of paragraph 6 and paragraph 8 of the Regulation on the MoH, approved by the Resolution of the Cabinet of Ministers of Ukraine No. 267 of 25 March 2015 (as amended by the Resolution of the Cabinet of Ministers of Ukraine No. 90 of 24 January 2020) and to ensure effective intersectoral cooperation and coordination in the implementation of the National Action Plan, the Order of the MoH No. 139 of 27 January 2021 provided for the establishment of the Coordinating interagency working group on the implementation of the National Action Plan and approved its composition.

One of the tasks of the National Action Plan is "prevention, early detection and treatment of malignant neoplasms", for which a number of measures are provided.

On 1 July 2018, the Order of the Ministry of Health "On approval of the Procedure for Providing Primary Care" came into force, providing for mandatory medical interventions for patients with existing risk factors for certain diseases, including cancer.

The National Cancer Strategy until 2030 is currently under development. Its expected to be approved by CMU by October 2022.

#### ***Cancer screening***

Currently, the compliance of Ukraine's national legislation on cancer screening with the relevant EU acquis is analysed in the Demographic and Health Surveys, and in the future it is planned to gradually amend the relevant legislation in accordance with European norms.

Council Recommendation 03/878/EC is taken into account in the Order of the Ministry of Health of 01.07.2018 No. 504 "On Approval of the Procedure for Primary Care", which provides for mandatory medical interventions for patients with existing risk factors for certain diseases.

In addition, Annex to this Chapter entails the list of the legal acts of Ukraine regulating the same issues as covered by the EU acquis, presented in the Annex to the Chapter 28 of the Questionnaire.

**25. Is there a national surveillance, risk assessment and early warning and response system for communicable diseases? Is there an adopted national epidemic preparedness plan? Is it in line with the implementation of International Health Regulations?**

Epidemiological surveillance of communicable diseases in Ukraine is carried out in accordance with current regulations. The main ones are the Laws of Ukraine on "On Protection of the Population from Communicable Diseases" dated 06.04.2000 № 1645-III and "On Ensuring the Sanitary and Epidemic Welfare of the Population" dated 24.02.1994 № 4004-XII.

The list of communicable diseases that are subject to epidemiological surveillance is determined by the order of the Ministry of Health of 30.07.2020 No. 1726 "On Approval of the Procedure for Keeping Records, Reporting and Epidemiological Surveillance of Communicable Diseases and the List of Communicable Diseases Subject to Registration".

All medical workers of healthcare institutions, regardless of their ownership and subordination, including individual entrepreneurs engaged in medical practice, should report suspected communicable diseases under surveillance within 18 hours using paper form 058/o "Emergency notification of communicable diseases, food and acute occupational poisoning, and unusual reactions to vaccination", approved by the order of the MoH of January 10, 2006 No. 1 "On Approval of the Forms of Primary Regional Documentation on Infectious, Dermato-Venereological, and Oncological Diseases and Instructions for Their Completion". There is also a separate system for providing emergency notifications of outbreaks of infectious diseases, with the procedure for providing such notifications being approved by the Order of the Ministry of Health No. 190 of 23.05.2002 "On Providing Extraordinary Notifications to the Ministry of Health of Ukraine". This order contains forms of notification and the procedure for their submission, as well as all diseases that are subject to reporting in case of their detection in accordance with the requirements of the International Health Regulations (hereinafter - IHR).

On 15 June 2007, the IHR came into force for Ukraine. According to the order of the MoH of 9 April 2020 No. 822 "On the appointment of the National Coordinator for International Health Regulations", the state institution "Public Health Centre of the Ministry of Health of Ukraine" performs the functions of the National Coordinator for IHR.

In accordance with IHR requirements, the Centre has:

1) developed draft amendments to the Resolution of the Cabinet of Ministers of Ukraine No. 893 of 22 August 2011 on the Rules on Sanitary Protection in accordance with the requirements of the IHR, which are under consideration of the Cabinet of Ministers;

2) developed a new version of the Standard Regulations on Sanitary and Quarantine Units, which will be approved after the amendments to the Resolution of the Cabinet of Ministers of Ukraine No. 893 of 22 August 2011 are agreed;

3) contributed to the development of the draft Law "On the Public Health System" (Registration No. 4142 of 22.09.2020), which is in the process of agreement;

4) developed and sent the Procedure for Responding to Emergencies in accordance with the requirements of the IHR to the Ministry of Health for approval. As of today, the responding to emergencies takes place within the framework of the functioning of the functional subsystems of the unified civil protection system;

5) completes annually a questionnaire – a tool for the annual assessment of state party self-assessment annual report (SPAR) (in accordance with Article 54 of the IHR);

6) in 2021, a Joint External Evaluation (JEE) was conducted in Ukraine to assess the country's potential in 13 oblasts according to the IHR.

2021 Action Plan for of Measures Aimed at Preventing the Occurrence and Spread, Localization and Elimination of Outbreaks of Acute Respiratory Disease COVID-19 Caused by Coronavirus SARS-CoV-2, has been approved by the order of the Cabinet of Ministers of Ukraine of 14 April 2021 No. 311-r Plan.

From the point of view of the healthcare system, the process of interaction between the national and regional levels was agreed by the Order of the MoH dated 30.07.2020 No. 1726 "On Approval of the Procedure for Accounting, Reporting and Epidemiological Surveillance (Monitoring) of Infectious Diseases and the List of Infectious Diseases Subject to Registration".

In order to implement the provisions of Decision 1082/2013/EU of the European Parliament and of the Council of 22 October 2013 on serious cross-border threats to health and repealing Decision No 2119/98/EC, Ukraine carried out the following measures:

1) Only depersonalized data are transferred between public health facilities, except for data that can be shared through the early warning and response system. This approach has been implemented in accordance with Decision 1082/2013/EU of the European Parliament and the Council in order to coordinate measures to monitor contacts in relation to serious cross-border threats to health. This is in line with the EU Commission Recommendation 2017/1140 and the data necessary to meet the needs of epidemiological surveillance in accordance with the order of the Ministry of Health of 09.03 No. 406 "On Approval of the Procedure for Epidemiological Surveillance of Tuberculosis and Amendments to the Criteria for Determining Cases of Infectious and Parasitic Diseases to be Registered". The term "epidemiological surveillance" in the context of this decision is provided by the draft law "On the Public Health System in Ukraine" (Reg. No. 4142 of 22.09.2020), adopted in the first reading.

2) In accordance with paragraph 7 of Article 16 of the Draft Law "On Public Health in Ukraine" for rapid notification of serious cross-border threats to health, the central executive body that ensures the development and implementation of the state policy in the field of health, provides integration of

epidemiological surveillance systems into the early warning and response system in force in the European Union.

3) To implement provisions of the Commission Decision (EU) 2018/945 of 22 June 2018 on the communicable diseases and related special health issues to be covered by epidemiological surveillance as well as relevant case definitions, the order of the Ministry of Health of 30.07.2020 No. 1726 "On Approval of the Procedure for Keeping Records, Reporting and Epidemiological Surveillance of Infectious Diseases and the List of Infectious Diseases Subject to Registration" has been approved.

4) To implement provisions of Commission Decision 2000/96/EC of 22 December 1999 on communicable diseases to be progressively covered by the Community network under Decision No 2119/98/EC of the European Parliament and of the Council and of the Council and Commission Decision 2003/534/EC of 17 July 2003 amending Decision 2119/98/EC of the European Parliament and of the Council and Decision 2000/96/EC as regards communicable diseases listed in those decisions and amending Decision 2002/253/EC as regards the case definitions for communicable diseases, the order of the Ministry of Health of 28.12.2015 No.905 "On Approval of Criteria for Determining Cases of Infectious and Parasitic Diseases to be Registered" has been approved.

5) To implement provisions of Commission Decision 2018/945/EU of 22 June 2018 on communicable diseases and related special health issues to be covered by epidemiological surveillance as well as relevant case definitions, the order of the Ministry of Health from 30.07.2020 No.1726 "On Approval of the Procedure for Keeping Records, Reporting and Epidemiological Surveillance of Infectious Diseases and the List of Infectious Diseases Subject to Registration" has been approved.

## **26. Is there a legal basis for monitoring anti-microbial resistance and how is this system organised?**

The approval of the National Action Plan to Combat Resistance to Antimicrobial Drugs by the Order of the Cabinet of Ministers of Ukraine No. 116-r of 06.03.2019 (National Plan) laid the groundwork for positive changes in the national response to the spread of antimicrobial resistance.

In the Centre for Public Health of the MoH there is a department of antimicrobial resistance and infection control (DARIC), which is entrusted with the implementation of the National Plan. While implementing the measures provided in the National plan, in particular, regarding the approval of normative legal acts, DARIC closely cooperates with experts of the Directorate of Public Health and Disease Prevention of the MoH. The implementation of the National Plan is supported by international organizations on the expert, organizational and methodical level, in particular the WHO Bureau in Ukraine.

### ***Epidemiological surveillance of antimicrobial resistance (AMR)***

In 2018, the Order of the MoH No. 1752 of 26.09.2018 "On Amendments to Annex 4 to the Methodology for the Development and Implementation of Standards of Medical Care on the Basis of Evidence-Based Medicine" was approved. The document endorses the use of a methodology for determining and assessing the sensitivity of microorganisms to antimicrobial drugs based on the recommendations of the European Committee for Testing Sensitivity to Antimicrobial Drugs (EUCAST).

Since 2019, Ukraine has been included in the list of CAESAR countries cooperating in the field of monitoring the spread of AMR in the Central Asian and European regions of the WHO.

Epidemiological surveillance of AMR is carried out in accordance with the Procedure for conducting epidemiological surveillance of antimicrobial resistance, approved by the Order of the MoH No. 1766 of 19.08.2021. The surveillance system consists of the planned collection of laboratory data on the release of priority invasive pathogens (*Streptococcus pneumoniae*, *Staphylococcus aureus*, *Salmonella* spp., *Enterococcus faecalis*, *Enterococcus faecium*, *Escherichia coli*, *Klebsiella pneumoniae*, *Pseudomonas aeruginosa*, *Acinetobacter* spp.) and the results of their sensitivity to a certain spectrum of antimicrobial drugs. Blood and cerebrospinal fluid samples from patients with meningitis and sepsis are subject to investigation. Determination and evaluation of the sensitivity of pathogens to antimicrobial drugs are carried out in accordance with the recommendations of the EUCAST. The research is carried out in certain laboratories and transferred to the National Reference Laboratory of the Ministry of Health.

**27. Is there a list of communicable diseases and related special health issues to be covered by epidemiological surveillance as well as relevant case definitions? If yes, which communicable diseases are included in the list? Are there a National Cancer Control Plan/Registry/ regional cancer site registries in Ukraine? Are there national programme(s) on early detection and treatment of cancer(s), which ones?**

#### **Epidemiological surveillance of communicable diseases**

To ensure the accounting, reporting and exchange of information on communicable diseases that are subject to epidemiological surveillance in the country, the MoH approved Order No. 1726 of 30.07.2020 “On Approval of the Procedure for Record Keeping, Reporting and Epidemiological Surveillance of Infectious Diseases and the List of Infectious Diseases To Be Registered”. According to the Order, the following infectious diseases are subject to surveillance:

- Antimicrobial resistance
- Botulism
- Brucellosis
- Chikungunya virus disease
- Viral haemorrhagic fevers of undetermined etiology
- Smallpox (natural)
- Infectious diseases associated with the provision of medical care
- Congenital syphilis
- Congenital infections: the disease caused by Zika virus
- Dengue fever
- West Nile Fever
- Gonococcal infection
- Acute hepatitis A
- Acute and chronic hepatitis B
- Acute polio
- Acute and chronic hepatitis C, E, D
- Human granulocyte anaplasmosis

- Flu caused by the identified flu virus, including flu A (H1N1) and A (H5N1)
- Dirofilariasis
- Diphtheria
- Enteritis caused by *Yersinia enterocolitica*
- Enterohemorrhagic *Escherichia coli* infection
- Mumps epidemic
- Echinococcosis
- Yellow fever
- Infection caused by *Haemophilus influenzae*
- *Campylobacter* enteritis
- Pertussis
- Measles
- Tick-borne encephalitis
- Coronavirus disease (COVID-19)
- Rubella
- Crimean-Congo haemorrhagic fever
- Cryptosporidiosis
- Ku-fever
- Leishmaniasis
- Leptospirosis
- Listeriosis
- Giardiasis
- Malaria
- Meningococcal infection
- Human monocytic ehrlichiosis
- Pneumococcal infections (including Streptococcal pneumonia, group B)
- Tetanus
- Natural toxoplasmosis
- Salmonellosis
- Anthrax
- Congenital rubella syndrome
- Syphilis
- Rabies
- Outbreaks of infectious diseases
- Toxoplasmosis
- Trichinellosis
- Tuberculosis
- Tularemia
- Severe acute respiratory syndrome (SARS)
- Hantavirus infection
- Creutzfeldt-Jakob disease
- Lyme disease

- Legionnaires' disease
- Disease caused by human immunodeficiency virus (HIV)
- Disease caused by the Zika virus, except for congenital
- Chlamydia infection, including chlamydia lymphogranuloma (venereal)
- Cholera
- Typhoid fever and paratyphoid fever
- Plague
- Shigellosis.

If a suspicion/case of an infectious disease from the list is detected, a medical worker of the epidemiological surveillance network should inform about it using a special paper form endorsed by the Order of the MoH No. 1 of 10 January 2006 “On approval of forms for primary registration of infectious, dermato-venereological, and oncological diseases and instructions for their filling”. or enter data into the electronic healthcare system within the period specified by relevant orders on infectious diseases but not later than within 18 hours.

Under the Resolution of the Cabinet of Ministers of 17 February 2021 No. 1121, Centres for Disease Control and Prevention (CDCPs) operate in all regions of Ukraine and the city of Kyiv.

Ukraine does not have a separate document (national plan) on cancer control. However, a comprehensive strategic document "National Strategy for Cancer Control until 2030" has been prepared but not yet adopted. Currently, prevention, early detection and treatment of malignant neoplasms are covered by the National Action Plan on Noncommunicable Diseases to Achieve Global Sustainable Development Goals, approved by the order of the Cabinet of Ministers of Ukraine dated 26.07.2018 No. 530-r.

The Order of the MoH No. 504 "On Approval of the Procedure for Primary Healthcare" of 19 March 2018 endorsed indications for appointing screening for certain types of cancer and other actions family doctors should take to prevent cancer in specified age groups and in the presence of cancer risk factors. In particular, this relates to detection of colorectal cancer, prostate cancer, breast cancer, HIV, devirculosis and cardiovascular diseases.

To improve the accounting of cancer patients and create a single information environment and automated system for processing statistical data in oncology, the National Cancer Registry of Ukraine (NCRU) was established following the Order of the MoH No.103 of 22.01.1996. The NCRU was built on the organizational basis of the oncology service system existing in Ukraine since the 1950s, which included specialized medical and diagnostic institutions in each region and the state cancer registration system with well-established ways to report information on each detected/treated case of malignancy<sup>6</sup>, and obtaining data about deaths of cancer patients in local bodies of state registration of civil status.

The NCRU database contains information on all patients with malignant neoplasms who are citizens of Ukraine. It is distributed on a regional basis. Since 2000, the unified information technology for cancer registration has been covering all regions of Ukraine. However, full data on cancer mortality throughout Ukraine have been registered with the NCRU since 2002. The general database of the NCRU consists of databases of regional cancer registers operating in regional

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<sup>6</sup> Currently regulated by Orders of the MoH No. 845 of 01.10.2013 "On the system of oncological care for the population of Ukraine", No.1 of 10.01.2006 "On approval of the forms of primary accounting documentation" and No. 629 of 10.10.2007 "On approval of forms of primary accounting documentation for oncological diseases".



oncological diagnostic and medical institutions, which aggregate information on all patients permanently residing in the region of service. The information technology of the NCRU allows regional cancer registries to generate operational data for state statistical reports at the beginning of the year following the reporting one (forms No. 7 and No. 35-healthy), and to satisfy numerous information requests from local governments and other users.

Once a year, the central unit of the NCRU, located in the relevant branch of the National Cancer Institute of the MoH, forms a uniform general database of Ukraine, on the basis of which it monitors the onco-epidemiological process in the country and regions by calculating relevant indicators and creating informational and analytical materials to be presented in the annual publication – the NCRU Bulletin "Cancer in Ukraine: Morbidity, Mortality, Indicators of the Oncology Service Performance". It also conducts research on the epidemiology of cancer and publishes its results in scientific journals; generates sample databases to participate in international research; serves information requests and so on.

The Ministry of Health operates a Licensed Register of Medical Practice of the Ministry of Health, which contains information about medical services provided by healthcare institutions, including those related to oncology.

The program of medical guarantees for 2021 secured more than 5 billion UAH for early detection and treatment of cancer. Also, a new package of treatment and support of patients with haematological and oncohaematological diseases has been introduced. In addition, chemotherapy and radiology packages are also provided for the treatment in cancer diseases.

### **C. Blood, tissues, cells and organs**

#### **28. To what extent is national legislation aligned with the EU *acquis* in this area?**

##### ***Blood***

To implement Directive 2002/98/EC, Directive 2004/33/EC, Directive 2005/61/EC, and Directive 2005/62/EC, the Order of the Cabinet of Ministers of Ukraine of 20.02.2019 No. 120-r "On the Approval of the Strategy of Development of the National Blood Systems until 2022 and Approval of the Plan of Measures of its Implementation" (provisions of the above EU legal acts were implemented partially).

On 30 September 2020 the Law of Ukraine "On Security and Quality of Donors of Blood and Blood Components" was adopted to implement four EU Directives, namely: Directive 2002/98/EC, Directive 2004/33/EC, Directive 2005/61/EC, and Directive 2005/62/EC (provisions of the above EU legal acts were implemented partially).

Pursuant to Directive 2002/98/EC, the Resolution of the Cabinet of Ministers of 23.12.2021 No. 1378 "On Determination of the Authorized Body in the Sphere of Blood and Blood Components Donation, Functioning of the Blood System and Amendments to Some Resolutions of the Cabinet of Ministers of Ukraine" endorsed the State Service of Ukraine on Medicines and Drugs Control as the authorized body in blood and blood components donation and functioning of the blood system (provisions of above Directive were implemented partially) .

To implement Directive 2002/98/EC and Directive 2004/33/EC, the Ministry of Health Order of 08.02.2021 No. 207 "On Amendments to the Procedure for Quarantine of Donor Plasma and to the Procedure for Medical Examination of Blood Donors and (or) Its Components" was approved (registered with the Ministry of Justice of Ukraine under No. 404/36026 of March 26, 2021). Provisions of the above Directives were implemented partially.

### ***Tissues, cells and organs***

The normative legal basis in the sphere of transplantology has been developed taken into account relevant EU law.

To implement articles 427 and 428 of Chapter 22 "Public health" of the Association Agreement the following acts have been approved:

- the Resolution of the Cabinet of Ministers of Ukraine of 24 February 2021 No. 158 "Some Issues of Implementation of the Law of Ukraine "On the Use of Transplantation of Anatomical Materials to Humans" with regard to bioimplants, xenoimplants, medical and biological requirements for animals, their conditions, the procedure for removing anatomical materials from animals for making xenoimplants";

- and the order of the MoH of 14 September 2021 No. 1934 "Some Issues of Production, Quality Control and Circulation of Bioimplants", registered with the Ministry of Justice of Ukraine under No. 1256/36878 of 24.09.2021.

These regulations fully implement the following acts of EU law:

- Directive 2004/23/EC;
- Directive 2006/17/EC;
- Directive 2004/23/EC;
- Directive 2006/17/EC; and
- Directive 2006/86/EC.

The Resolution of the Cabinet of Ministers of Ukraine of 25 March 2020 No. 257 "On Approval of the Procedure for Obtaining and Providing Hematopoietic Stem Cells and Exchanging Information on Available Human Anatomical Materials for Transplantation" was also adopted. The Resolution has introduced a mechanism for finding and obtaining hematopoietic stem cells from the registers of potential hematopoietic stem cell donors (World Marrow Donor Association). Another document adopted is the Resolution of the Cabinet of Ministers of Ukraine of 5 August 2020 No. 720 "On Approval of the Procedure for Transportation of Human Anatomical Materials within Ukraine, Import of Such Materials into the Customs Territory of Ukraine and their Export Beyond the Customs Territory of Ukraine". These regulations partially implement Directive 2004/23/EU in terms of regulating the import/export of tissues and cells.

The Order of the Cabinet of Ministers of Ukraine of 23 September 2020 No. 1154-r "On the Establishment of a Specialized State Institution "The Ukrainian Transplant Coordination Centre" and the Order of the MoH of 28 October 2020 No. 2459 "On the Establishment of a Specialized State Institution "The Ukrainian Transplant Coordination Centre" partially implement Directive 2004/23/EC as regards establishing an authorized state body responsible for the quality and safety of transplantation of human tissues and cells.

*In addition, Annex to this Chapter entails the list of the legal acts of Ukraine regulating the same issues as covered by the EU acquis, presented in the Annex to the Chapter 28 of the Questionnaire.*

**29. How many blood establishments, plasma collection centres and fractionation plants, tissue establishments and transplant programmes are there? Is their vigilance and traceability organised on tissue transplantation assured and is staffing adequate?**

There has been 26 blood establishments created in Ukraine: 24 on the regional level, a Kyiv city establishment and a Mariupol city establishment. Additionally, a blood establishment was founded in the Main Military Clinical Hospital of the Ministry of Defence of Ukraine and another one in the 1<sup>st</sup> Territorial Medical Association of the City of Lviv. Plasma centres in Ukraine are located in the following cities and towns: Dnipro, Cherkasy, Kamianske, Kharkiv, Konotop, Kyiv, Shostka and Sumy.

A specialized state institution Ukrainian Transplant Coordination Centre was established by the order of the Cabinet of Ministers of Ukraine No. 1154-r of 23 September 2020. The Centre's purpose is to carry out organizational and methodological management of healthcare institutions providing medical care with the use of transplantation and/or carry out activities related to transplantation, transplant coordination, coordination of activities of the subjects of the organization and provision of medical care with the use of transplantation and carrying out activities related to the transplantation to save and improve the lives of patients with diseases requiring transplantation of anatomical materials.

On 1 January 2021, the Unified State Information System for Transplantation of Organs and Tissues began to function and perform the tasks defined by the Law of Ukraine "On the Use of Transplantation of Anatomical Materials to Humans" and the Regulations on the Unified State Information System for the Transplantation of Organs and Tissues, approved by the Resolution of the Cabinet of Ministers of Ukraine No. 1366 of the 23 December 2020 (hereinafter - the Regulations).

In accordance with paragraphs 5 and 6 of the Regulations, a specialized state institution Ukrainian Transplant Coordination Centre administers and holds the Unified State Information System for Transplantation of Organs and Tissues (hereinafter – the Information System). As of 17 May 2021, 729 recipients were included in the waiting list of the Information System.

The Information System carries out the initial comparison of donor-recipient pairs and ensures the impartiality and fairness of such a comparison. Its use makes it possible to access data in real time and ensure the necessary analytical work.

The Ukrainian Transplant Coordination Centre has the necessary human resources and institutional capacity to perform its functions. Under the Budget Program No. 2301550 "Implementation of the pilot project on changing the mechanism of the financial support of the operational treatment of the transplantation of organs and other anatomical materials", 939.5 million UAH were provided for 2022, including 26.4 million UAH to ensure the functioning of the Ukrainian Transplant Coordination Centre. The Centre has 165 employees.

**D. Patients' rights in cross-border healthcare & eHealth**

### **30. Does Ukraine have any legislation in place regarding the reimbursement of costs of healthcare received abroad by your citizens?**

Ukrainian legislation does not envisage reimbursement to citizens of Ukraine of costs of healthcare received abroad on the own initiative.

At the same time, the legislation of Ukraine envisage a possibility to cover respective costs of treating Ukrainian citizens abroad if it is necessary to provide one or another type of medical service to the patient in case of impossibility to receive such services from a healthcare institutions in Ukraine.

Funds from the state budget for the treatment of Ukrainian citizens abroad have been allocating since 1995, and the financing of the relevant budget program 2301360 «Treatment of Ukrainian citizens abroad» can be tracked in treasury reports on the implementation of the state budget since 2002 when respective classification of expenditures was introduced. The aim of the program remains to increase the level of health, quality and life expectancy of the population and reduce the incidence rate.

According to the legislation, citizens of Ukraine who have a need to receive some type of medical care, but who cannot be assisted by domestic medicine institutions, can use the program. In practice, these are citizens with the following diagnoses: oncology, birth defects, the need for certain neurosurgical interventions and conditions that require organ transplantation.

Legal acts regulating the above issues in Ukraine are as follows:

- The LEP;
- Order of the Cabinet of Ministers of Ukraine of 27.12.2017 No 1079 “On ensuring of the organization of treatment of citizens of Ukraine abroad”;
- Order of the MoH of 13.11.2001 No 455 "On approval of the Instruction on the procedure for issuing documents certifying temporary disability of citizens".

### **31. Does Ukraine have any legislation in place regarding healthcare provided to nationals from EU Member States?**

Foreigners who legally reside in Ukraine have the right to medical care in Ukraine, as provided by:

- Article 11 of the LEP;
- Procedure for providing medical care to foreigners and stateless persons permanently residing or temporarily staying in Ukraine, who have applied for recognition as a refugee or a person in need of additional protection, in respect of whom a decision has been made to draw up documents to resolve the issue of recognition as a refugee or a person in need of additional protection, and who have been recognized as refugees or persons in need of additional protection and compensation for the cost of medical services and medicines provided to foreigners and stateless persons temporarily residing or staying in Ukraine (Resolution of the Cabinet of Ministers of Ukraine of 19.03.2014 No 121).

Depending on the status of the foreigner, such assistance will be provided on a free or paid basis. In any case, foreigners are free to apply to state and municipal hospitals or commercial medical clinics. Foreigners permanently residing in Ukraine have the same healthcare rights as Ukrainians.

They can receive medical care free of charge, including emergency, unless otherwise established by international treaties or laws of Ukraine. Respective costs are covered by a state budget.

The state covers the basic package of primary care services and medical examinations. For free provision of primary health care, a foreigner must choose a family doctor and sign the patient's declaration. A foreigner must provide a permanent residence permit and a certificate of registration of the address of residence in Ukraine in order to register with a certain family doctor.

Foreigners permanently residing in Ukraine can also sign an insurance contract or apply directly to commercial medical clinics. But in this case, the foreigner will have to cover the costs of all medical services and medicines by themselves, or the insurance company is to cover the cost of all medical services in accordance with the concluded insurance contract.

### **32. Does Ukraine have a legal framework for health data protection? Who can have access to health data?**

Protection of health data in Ukraine is carried out according to the requirements of the LEP and laws of Ukraine «On information», «On protection of personal data», «On protection of information in information and communication systems», other regulatory legal acts. Health information is confidential.

Article 11(2) of the Law of Ukraine «On information» establishes prohibition of collection, storing, use and dissemination of confidential information about a person without his/her consent, except in cases specified by law, and only in the interests of national security, economic well-being and protection of human rights.

The legislation on the protection of personal data provides that the processing of personal data should be carried out for specific and legitimate purposes determined with the consent of the personal data subject, or in cases provided for by the laws of Ukraine, in the manner prescribed by law.

Thus, paragraph 6 of part two of Article 7 of the Law of Ukraine «On protection of personal data» allows the processing of personal data, which is necessary for the purpose of health care for the establishment of a medical diagnosis, to ensure the care or treatment or provision of medical services, the functioning of the electronic healthcare system, provided that such data are processed by a medical worker, rehabilitation specialist or other person of a health care institution, rehabilitation institution or an individual entrepreneur who has received a license to conduct economic activities in medical practice, and its employees, who are subject to the legislation on medical secrecy, employees of the central executive body implementing the state policy in the field of state financial guarantees of medical care of the population, employees of the institution carrying out state sanitary and epidemiological supervision and activities in the field of public health, which received a license to conduct economic activities in medical practice.

At the same time, in accordance with paragraph 23 of the Procedure for the functioning of the electronic healthcare system, approved by the Resolution of the Cabinet of Ministers of Ukraine dated 25.04.2018 No 411, personal data in the registers can be processed for health care, medical diagnosis, functioning of the electronic healthcare system.

Operators of electronic medical information systems process personal data if there are legal grounds in accordance with the requirements of the Law. Personal data of patients are processed in

the electronic healthcare system, in particular to ensure the rights and guarantees of the patient to choose a doctor, receive medical services and medicines under the program of medical guarantees.

In accordance with Article 242 of the LEP, access to information about the patient contained in the electronic healthcare system is possible only if such patient (his legal representative) receives consent in writing or in a form that makes it possible to conclude consent.

Without consent, access to information about the patient is possible only:

- if there are signs of a direct threat to the patient's life;
- if it is impossible to obtain the consent of such a patient or his legal representative (until the time when obtaining consent becomes possible);
- by court order.

At the same time, in accordance with Article 40 «Medical secrecy» of the LEP, medical workers and other persons who, in connection with the performance of professional or official duties, became aware of the illness, medical examination, examination results, the intimate and family side of a citizen's life, have no right to disclose this information, except for the cases provided for by legislative acts. When using information construing a medical secret, in the educational process, research work, including in cases of its publication in the special literature, the anonymity of the patient must be ensured.

### **33. Does Ukraine have a national authority responsible for eHealth?**

According to the Regulations on the MoH, approved by the Resolution of the Cabinet of Ministers of Ukraine No 267 dated 25.03.2015, the MoH is responsible for the development of eHealth including:

strategic planning of eHealth development;

monitoring, analysis and evaluation of the quality of electronic services in the field of healthcare, the functioning of the electronic health care system and related information systems, electronic registers and databases in the field of health care;

coordination of the National Health Service of Ukraine and other institutions implementing the electronic healthcare system and related information systems, electronic registers and databases in the field of health care;

development of an appropriate regulatory framework, etc.

In accordance with the Regulations on the National Health Service of Ukraine, approved by the Resolution of the Cabinet of Ministers of Ukraine No 1101 dated 27.12.2017, the National Health Service of Ukraine is the owner of the electronic healthcare system and ensures the functioning of this system.

In addition, close cooperation is carried out with the Ministry of Digital Transformation of Ukraine, which at the state level is the main body in the system of central executive bodies, which ensures the formation and implementation of state policy on digital development, digital transformation and digitalization.

### **34. Does Ukraine have a legal framework on electronic health records?**

In Ukraine, within the framework of the electronic healthcare system (EHS), an electronic medical card of the patient (EMC) is formed and maintained, containing information about the patient himself, an electronic declaration with a family doctor (if any), electronic referrals and prescriptions that were issued to the patient, electronic medical records (consultations, diagnostic results, procedures, hospitalization, etc.).

EHS brings together more than 34 million patients, hundreds of thousands of medical workers, hundreds of services and dozens of operators of medical information systems that provide services for doctors and patients.

The maintenance of an electronic medical card in particular is regulated by the Resolution of the Cabinet of Ministers of Ukraine dated 25.04.2018 No 411 «Some issues of the electronic healthcare system» and the order of the MoH of 28.02.2020 No 587, which approved the Procedure for maintaining the Register of medical records, referral records and prescriptions in the Electronic Health Care System.

In the central database of EHS, the following registers are maintained:

1. Register of patients containing information about individuals who are entitled to state financial guarantees of medical care of the population.

2. Register of declarations on the choice of a doctor who provides primary health care containing information about declarations.

3. Register of business entities in the field of healthcare, containing information about health care institutions, individual entrepreneurs who have a license to conduct business activities in medical practice, and laboratories that have concluded or intend to apply for an agreement under the medical guarantee program or involved in the provision of medical services.

4. Register of medical specialists containing information about persons who have received education in the field of healthcare.

5. Register of medical workers containing information about professionally trained persons who, in accordance with the law, have the right to carry out medical care.

6. The register of contracts on medical care of the population, containing information about contracts on medical care of the population under the program of medical guarantees, concluded with the National Health Service of Ukraine.

7. Register of reimbursement agreements containing information on reimbursement agreements under the medical guarantee program concluded with the National Health Service of Ukraine.

8. Register of medical records, referral records and prescriptions.

9. Register of medical reports.

10. Other registers, the data set in which is determined by the National Health Service of Ukraine.

*Thus*, electronic medical records are entered into the Register in accordance with their type:

- 1) medical records of medical examination, consultation or treatment, including the results of primary health care;

- 2) medical records of vaccination (vaccination, immunization);
- 3) medical records on the results of laboratory, functional, radiological and other special studies in outpatient conditions;
- 4) medical records of hospitalization of the patient;
- 5) medical records when discharging a patient from the hospital (including in case of death or unauthorized leaving the place of hospitalization).

All mentioned patient records in the Register together consist an electronic medical card of a patient.

### **35. Does Ukraine have a legal framework on digital health? Does Ukraine have a strategy in place to provide rare disease specific health services?**

#### ***The legal framework on digital health***

There are several laws and a number of by-laws in the sphere of digital health, in particular:

##### **1. Laws of Ukraine:**

the LEP (Article 24-2 «Electronic HealthCare System» and Article 35-6 «Provision of Medical Care with Telemedicine»);

«On state financial guarantees of medical care of the population» (regarding the functioning of the electronic healthcare system);

«On rehabilitation in the field of health care» (regarding the rehabilitation component in the electronic healthcare system);

«On the safety and quality of donated blood and blood components» (regarding the information system of donated blood and blood components).

##### **2. Acts of the Government of Ukraine:**

Order of the Cabinet of Ministers of Ukraine of 30.11.2016 No 1013 «About approval of the Concept of reform of financing of the health care system»;

Order of the Cabinet of Ministers of Ukraine of 28.12.2020 No 1671 «About approval of the Concept of development of ehealth»;

Order of the Cabinet of Ministers of Ukraine of 29.09.2021 No 1175 «About approval of the action plan on implementation of the Concept of development of ehealth»;

Resolution of the Cabinet of Ministers of Ukraine of 25.04.2018 No 411 «Some questions of functioning of the electronic health care system»;

Resolution of the Cabinet of Ministers of Ukraine of 19.01.2022 No 36 «Some questions of functioning of information and analytical system «MedData»;

Resolution of the Cabinet of Ministers of Ukraine of 29.06.2021 No 677 «Some issues of formation and use of a certificate confirming vaccination against acute respiratory disease COVID-19 caused by coronavirus SARS-CoV-2, negative result of testing or recovery of a person from this disease» (in accordance with Regulation (EU) 2021/954 of the European Parliament and of the



Council of 14.06.2021 and the Executive Decision of the Commission (EU) 2021/1073 of 28.06.2021).

### 3. Normative legal acts of the MoH:

Order of the MoH of 30.11.2020 No 2755 «About approval of the Procedure for keeping the Register of patients in the electronic health care system»;

Order of the MoH of 19.03.2018 No 503 «About approval of the Procedure for choice of a doctor who provides primary health care and form of declaration on choice of a doctor who provides primary health care»;

Order of the MoH of 18.10.2021 No 2243 «About approval of the Procedure for keeping the Register of business entities in the field of health care in the electronic health care system»;

Order of the MoH of 28.02.2020 No 586 «About approval of the Procedure for sending patients to health care institutions and individual entrepreneurs, who, in accordance with the procedure established by law, received a license to conduct economic activities in medical practice and provide medical care of the appropriate type»;

Order of the MoH of 28.02.2020 No 587 «Some questions of keeping the Register of medical records, records of referrals and prescriptions in the electronic health care system»;

Order of the MoH of 18.09.2020 No 2136 «Some questions of keeping the Register of medical conclusions in the electronic health care system»;

Order of the MoH of 01.06.2021 No 1066 «Some questions of formation of medical conclusions on temporary disability and conduct of their inspection».

### ***The strategy to provide rare disease specific health services***

The Concept for the development of the system of providing medical care to citizens suffering from rare (orphan) diseases for 2021-2026 was approved by the Order of the Cabinet of Ministers of Ukraine of 28.04.2021, No 377-r. The purpose of the Concept is to introduce a new system of medical care for patients suffering from rare (orphan) diseases and improve the quality of medical care for patients suffering from rare (orphan) diseases, as well as to increase access to life-saving medical services and medicines, medical devices and products of special medical nutrition, which are necessary to improve the quality of life of this category of patients in Ukraine.

Also the Action Plan for the implementation of the Concept for the development of the system of medical care for patients suffering from rare (orphan) diseases for 2021-2026 was approved (Order of the Cabinet of Ministers of Ukraine of 11 October 2021 No 1235-r).

The main problematic issues in the system of providing medical care to patients suffering from rare disease (RD) will be solved through the implementation of the action plan, i.e. the following main objectives are envisaged:

1. transparent and impartial approach to the decision-making procedure for state support for patients with RD;

2. conducting an epidemiological study in order to obtain data on RD in Ukraine, namely the creation and maintenance of the state register of patients suffering from RD;

3. ensuring equal and timely access of patients with RD to methods of early detection of RD;

4. ensuring fair access of patients with RD to medicines, medical devices and special medical nutrition products;
5. providing high-quality medical care to patients with RD;
6. providing psychosocial support to patients with RD and their families;
7. professional development of specialists in early diagnosis, prevention and treatment of RD
8. organization of multi- and intersectoral interaction of public associations of patients with RD in the implementation of the Concept;
9. raising public awareness of the problems of RD and their prevention;
10. development of international and scientific cooperation in the field of medical care for patients with RD;
11. development of international and scientific cooperation in the field of medical care for patients suffering from RD;
12. monitoring the implementation of the Concept through indicators of the implementation of individual goals and measures.

It should be noted that the legislation of Ukraine on medical care for patients suffering from rare (orphan) diseases was developed taking into account Council Recommendation COM(2009) 151/02 and Commission Communication COMM(2008) 679.

**E. Medicinal products for human use [& questions with \* also should also be answered for medicinal products for veterinary use]**

**36. To what extent is national legislation in Ukraine aligned with the EU acquis in these areas?**

***Medicinal products for human use***

The legislation of Ukraine on medicinal products for human use implements most of the provisions of Directives 2001/83/EC, 2003/94/EC, 2001/20/EC and takes into account Community Collection of Procedures for Inspections and Exchange of Information (EMA/572454/2014, 17 revisions).

So, all stages of the circulation of medicines are carried out taking into account international and European norms and standards.

To further approximate Ukraine's legislation to the EU acquis on production and circulation of medicinal products, the Law of Ukraine "On Medicinal Products" was drafted (No. 5547 of 21.05.2021, adopted in the first reading). Specifically, the above draft Law implements Directive 2001/83/EC and partly implements Directives 2004/23/EC, 2001/20/EC, 2003/94/EC and Regulations (EC) Nos. 1394/2007, 141/2000, 1901/2006, 726/2004.

***Medicinal products for veterinary use***

The Law of Ukraine "On Veterinary Medicine" implements a number of EU acts in the field of veterinary medicine as defined in Annex V to Chapter IV "Comprehensive strategy for the

implementation of Chapter IV (Sanitary and Phytosanitary Measures)” of the Association Agreement. Specifically, the above Law has been developed for the implementation of Regulations 2016/429, 2019/6, 2019/4 and others.

*In addition, Annex to this Chapter entails the list of the legal acts of Ukraine regulating the same issues as covered by the EU acquis, presented in the Annex to the Chapter 28 of the Questionnaire.*

### **37. How are medicines authorised in Ukraine and on what basis?**

State registration of a medicinal product is carried out by the Ministry of Health on the basis of an application and results of examination of registration materials, conducted by the State Expert Centre of the Ministry of Health under the Procedure determined by the Ministry of Health.

Where a medicinal product is registered by the European Medicines Agency, the state registration of the original medicinal product is carried out without this examination on the basis of an application and registration materials, including the assessment report of the Agency’s marketing authorization dossier, and the Centre’s opinion on compliance of a medicinal product label and methods of quality control of a medicinal product with registration materials. Compliance is verified in a manner prescribed by MoH.

State registration of a medicinal product, originally registered by the competent authority of the United States of America, the Swiss Confederation, Japan, Australia, Canada, under the centralised procedure by the competent authority of the European Union and applied in these countries or in the EU Member States is carried out on the basis of an application and the Centre’s opinion based on the results of examination of materials attached to an application in the manner prescribed by MoH.

The fact of state registration of a medicinal product and medical immunobiological drug are certified by a registration certificate for a medicinal product (medical immunobiological drug).

The Law of Ukraine «On medicines» regulates legal relations related to the registration of medicines.

In accordance with Article 9 of the Law, medicines are allowed for use in Ukraine after their state registration. The applicant is issued a certificate for the registered medicinal product, which indicates the validity period during which the medicinal product is allowed for use in Ukraine.

The amount of the fee for state registration (re-registration) was approved by the Resolution of the Cabinet of Ministers of Ukraine dated on the 26<sup>th</sup> of May 2005 No 376 «On approval of the procedure for state registration (Re-Registration) of medicines and the amount of fee for their state registration (Re-Registration)».

Liability for violation of the established procedure for state registration of medicines is provided for by the Article 321-2 of the Criminal Code.

Administrative liability for ensuring the quality of medicinal products is governed by Articles 44-2, 45-1, 42-4, 167, 168-1, 188-10 of the Code of Ukraine on Administrative Offences.

Examination of registration materials and the materials of the registration dossier on bioavailability and bioequivalence are carried out in accordance with the Procedure for examination of registration materials for medicinal products submitted for state registration (re-registration), as

well as examination of materials on amendments to registration materials during the validity of the registration certificate, approved by the Order of the MoH of 26.08.2005 No 426.

The examination of the materials of the registration dossier on bioavailability and bioequivalence is determined by the requirements of the order No 426, the guidance «Medicines. Bioequivalence Research», prepared in accordance with CPMP/EWP/QWP/1401/98 Rev. 1/Corr\*\* and EMA/CHMP/600958/2010/Corr.\*.

The examination of the materials of the registration dossier on bioavailability and bioequivalence regarding the conduct and evaluation of the bioanalytical part of these studies is determined by the requirements of the order No 426, the guidance «On approval of the standard. Manual. Medicines. Bioanalytical part of the study», prepared in accordance with the guidance of EMEA/CHMP/EWP/192217/2009 Rev. 1 Corr. 2\*\*.

### **38. Is there any system in Ukraine to take appropriate action, if emerging safety issues for authorised medicinal products are discovered?**

The Ministry of Health may take a decision on a complete or temporary prohibition of use of the medicinal product by terminating the registration certificate without returning the fee for state registration of this product in case of detection of previously unknown dangerous properties, especially if:

- the drug is harmful to human health and / or therapeutic effectiveness of the drug is absent using it in accordance with the instructions;
- the composition of the medicinal product does not correspond to the one specified in the registration documents;
- registration documents or information on amendments to them provided by the applicant are unreliable;
- the applicant does not ensure the implementation of all types of quality control of the medicinal product and / or its ingredients given in the registration documents, as well as control carried out at the intermediate stages of production in accordance with the registration materials.

The State Service for Medicines and Drug Control, competent regulatory authorities of foreign countries in the field of registration and quality control of medicinal products, enterprises and institutions managed by the Ministry of Health of Ukraine submit to the Ministry of Health of Ukraine a reasoned proposal to completely or temporarily ban the use of the medicinal product through terminating the registration certificate, bearing in mind the legal requirements and referring to the revealed facts and violations.

The Ministry of Health of Ukraine considers the received proposals at meetings of the Ministry's Commission for termination of the registration certificate to provide recommendations for the termination of the registration certificate for a medicinal product and issues a decision in the form of an order.

The above is envisaged by the Order of the Ministry of Health of 05.08.2020 No 1801 "On approval of the Procedure for termination of the registration certificate for a medicinal product and the Regulation on the Commission of the MoH for termination of the registration certificate for a medicinal product".

Pursuant to the Procedure for imposing a ban (temporary ban) and resuming the circulation of medicinal products on the territory of Ukraine, as approved by the Order of MoH No. 809 of 22.11.2011, where the fact of circulation of substandard, counterfeit, unregistered medicinal products is established (except in cases specified by the Law of Ukraine “On Medicinal Products”), the State Service for Medicines and Drug Control:

- imposes a ban (temporary ban) on the circulation of a medicinal product;
- submits to MoH proposals for making a decision on termination of the registration certificate for the medicinal product concerned.

### **39. Describe the pharmaceutical sector upon which the implementation of the EU acquis will have an impact?**

As of the beginning of 2021, the medicinal products market size amounted to USD 4 billion, while the medicines consumption rate reached USD 96 per person annually.

The pharmacy segment of the pharmaceutical sector of Ukraine is by 85% consumer-funded and just by 15% government-funded. The pharmacy market had been growing in average by 12.6% annually. Impacted by the COVID-19 pandemic in 2020, this growth slowed to 7.9%.

Over the last 5 years, the hospital market has been growing in average by 10.9% annually, reaching the USD 0.6 billion-mark last year. The increase of sales is related to the increase of public procurement of medicinal products for combatting COVID-19 and to the decentralisation of this procurement by the new entity — Medical Procurement of Ukraine State-owned Enterprise acting in the interest of the MoH of Ukraine.

In 2020, all the TOP-20 companies (controlling 50% of the market) have shown an increase in sales, while 13 of them have managed to expand their market share.

Ukrainian manufacturers have been increasing their presence in the retail segment gradually. The share of made-in-Ukraine medicines has increased in money equivalent from 28% in 2010 to 37% in 2020. Meanwhile, the share of medicines sales in kind has not shrunk significantly — just to 69%, indicating higher rates of prices growth for foreign-made medicines.

In the structure of external trade of medicinal products, import is pre-dominant, reflecting the general situation in the economy. Since 2015, it has increased by 79% up to almost USD 2 billion, while Ukraine has been importing medicines mostly from European countries and India. Export grows with similar rates: it has increased by 68% up to USD 235 million for the last 6 years. The key export regions are the CIS countries, however, shipments to the Middle East, North Africa and the EU have also been increasing.

Ukraine already has guidelines of relevant international standards implemented within the EU integration process, including: GMP, GLP, GCP, GSP and GDP, which have been promoting quality, efficiency and safety of medicinal products and processes of their production and packing; improving technical and economic parameters at the R&D stages; introduction of state-of-the-art technologies, production upgrades, labour productivity increase; development of international cooperation and mitigation of technical obstacles in trade.

The implementation of the European legislation and the integration of Ukraine with the EU will create pre-conditions for investment into pharmaceutical production.

The conclusion with the EU of an Agreement on Conformity and Assessment and Acceptance of Industrial Products (ACCA) will ensure mutual with the EU recognition of certificates of conformity of medicinal products and compliance of medicinal products production conditions with the Good Manufacturing Practice.

Gaining access to pan-European systems and databases of aggregated information on quality, safety and efficiency of medicinal products, especially innovative and orphan ones, will enable making informed decisions on admission of such medicinal products to the market in Ukraine or public procurement.

Ukraine already has simplified procedures in place for registration of medicinal products that passed EMA evaluation and are registered in the EU. Ukraine takes steps to solve the issue of mutual recognition of medicinal products registration by concluding a Mutual Recognition Agreement.

The results of implementation of the EU acts for the pharmaceutical sector will include solution of the issue of establishing of a new line Agency in the form of a central executive authority with a special status; introduction of a more transparent, efficient and professional system for registration and monitoring of circulation of medicinal products and medical devices in Ukraine, conforming with best European practices; launching of a process of sustainable development of the registration system, as well as bolstering the export potential of national pharmaceutical market entities and improvement of the industry's overall investment attractiveness level.

#### **40. How many nationally authorised medicinal products (human and veterinary) are currently authorised to be placed on the market in Ukraine?**

The State Register of Medicines of Ukraine contains 13,640 medicines (domestic - 4,246, foreign - 9,394). Among them, there are 10,709 finished medicines, 2,146 substances (APIs), 596 in bulk products, and 189 in bulk packaging products.

According to the State Service of Ukraine on Food Safety and Consumer Protection register data, there are 2,081 veterinary products registered in Ukraine, including 1,476 veterinary medicinal products (among them 796 are of domestic origin and 680 are foreign) and 605 veterinary immunological products (among them 154 are of domestic origin and 451 are foreign).

#### **41. Does Ukraine have any legislation on the clinical trials on human subjects?**

The procedure for conducting clinical trials in Ukraine is harmonized with European legislation and is carried out in accordance with international requirements. Clinical trials in Ukraine are conducted in accordance with the requirements of the Law of Ukraine «On medicines» and the Procedure for Conducting Clinical Trials of Medicinal Products and Expert Evaluation of Materials Pertinent to Clinical Trials and Model Regulations of the Ethics Committees, approved by the order of the MoH of 23.09.2009 No 690 (Procedure) and the order of the MoH of 16.02.2009 No 95 «Medicines. Good clinical practice. Manual 42-7.0:2008».

Those acts also aimed at implementation of the Directive 2001/20/EC, Directive 2001/83/EC, Regulations 1901/2006 and 1902/2006 as well as ICH GCP, international ethical principles for biomedical research involving human subjects and Ethical Code of Doctor.

Research activities in Ukraine are carried out at the proper professional level what has been repeatedly confirmed during inspections by the U.S. Food and Drug Administration and the European Medicines Agency.

The Procedure specifies main requirements to clinical trials of medicinal products, which may be conducted on patients (volunteers) along full or shortened program, including the bioavailability/bioequivalence studies, as well as the multicentre clinical trials as well as covers all types of clinical trials of medicinal products except for non-interventional studies and clinical trials of medicinal products which are conducted without participation of pharmaceutical companies within research activity.

Also the Procedure does not cover all types of clinical trials of tissue and cell transplants, including stem cells of cord blood.

The State Expert Centre of the MoH is entitled for an expert evaluation of materials of clinical trials as well as for clinical audit of the clinical trial of medicinal products.

In addition mentioned Order of the MoH of 23.09.2009 No 690 adopts Model Regulations of the Ethics Committees at health care settings which conduct clinical trials.

#### **42. Does Ukraine have any legislation to address the risk of falsified medicine in the legal supply chain?**

Since 2011 Ukraine has introduced criminal liability for falsification of medicines and since 2012 Ukraine has become the first country to ratify the Council of Europe Convention on combating falsification of medicines and similar crimes of threat to public health – the Medicrime Convention.

Also, the Verkhovna Rada adopted the Law of Ukraine «On amendments to Article 321-1 of the Criminal code of Ukraine on strengthening liability for falsification of medicines or trafficking in falsified medicines», which established an increased punishment for falsification and trafficking of counterfeit medicines, which is currently an urgent problem not only in Ukraine, but also throughout the world. Due to the adoption of this Law, a higher level of legal liability for violation of the legislation on the circulation of medicines will be ensured.

While the administrative liability for ensuring the quality of medicinal products is governed by Articles 44-2, 45-1, 42-4, 167, 168-1, 188-10 of the Code of Ukraine on Administrative Offences.

The control of detection of falsified medicinal products is vested into the State Service of Ukraine for Medicines and Drug Control.

#### *Establishment of a system for marking medicinal products packages with a special 2D code*

The recast draft Law of Ukraine “On Medicinal Products” envisages establishment in Ukraine and functioning of a system for marking medicinal products packages with a special 2D code based on existing EU approaches that will be purposed for bolstering combatting falsified products and tracing the complete chain of circulation and dispensing of products in the territory of Ukraine from the producer to the final consumer.

#### **43. What is the level of expertise available in in Ukraine on paediatric medicinal products, medicinal products for the diagnosis, prevention or treatment of rare conditions (covered in the**

**EU by the definition of orphan medicinal products covered in the EU legislation on medicines for rare diseases), medical products based on genes (gene therapy), cells (cell therapy) and tissues (tissue engineering)?**

The Procedure for conducting an examination of registration materials for medicines submitted for state registration (re-registration), as well as examination of materials on amendments to registration materials during the validity of the registration certificate of health care of Ukraine, was approved by the order of the MoH of 26.08.2005 No 426 (hereinafter – Procedure). It provides for the volume of necessary research and requirements for registration materials for state registration of paediatric medicinal products, orphan medicinal products and high-tech (biotechnological) medicines, which include drugs containing active substances obtained using biotechnology methods, such as: genetic engineering technology, cell engineering, hybrid technologies, engineering enzymology and engineering immunology, etc. The requirements for registration of these medicinal products are harmonised with the directives of the European Union, specifically with the Commission Directive 93/42/EEC, Commission Directive 90/385/EEC, Commission Directive 90/385/EEC.

The state registration of a medicinal product is performed by the Ministry of Health of Ukraine (hereinafter referred to as the MoH) based on positive opinions regarding the quality, safety and efficiency of medicinal products provided by the State Expert Centre of the Ministry of Health of Ukraine State-owned Enterprise (hereinafter referred to as the SEC) based on the results of an expert evaluation of the registration materials (registration dossier).

Nowadays, the SEC tasks are performed by 506 experts. These include 8 academics, 8 corresponding members, 51 professors, 54 doctors of medicine and pharmacy, 68 candidates, and 21 advisory expert groups. The SEC representatives for pharmacovigilance work in 24 regions and in Kyiv.

The SEC structure also includes three laboratories. These are the Pharmaceutical Analysis Laboratory (Kyiv) providing pre-registration control of medicinal products; it is pre-qualified by the WHO. The Laboratory for immunobiological products quality control is also situated in Kyiv. It is the only and unique laboratory in Ukraine conducting the quality control of biological and biotechnological products, including vaccines. Another one, the Pharmacokinetics Laboratory, is situated in Kharkiv and conducts evaluation of bioequivalence of generic medicinal products and studies of bioavailability of original products.

In accordance with the Resolution of the Cabinet of Ministers of Ukraine of 23 December 2020 No. 1300 “On approval of the Procedure of state evaluation of medical technologies”, the SEC is recognised as an authorised body for conducting state evaluations of medical technologies.

The specific requirements for gene therapy medicinal products include a provision that basic information shall be provided regarding donation, obtaining and testing of human tissues and cells used as a starting material. Such requirement corresponds to the Directive 2004/23/EU of the European Parliament and of the Council. If non-healthy cells or tissues (e.g. cancer tissues) are used as starting materials, their use shall be justified.

**44. Describe the structure and the size of the competent institution(s) responsible for authorisation of human and veterinary medicines in Ukraine, and their administrative capacity. Which ministry is supervising the veterinary and human medicinal products?**



The State Expert Centre of the Ministry of Health of Ukraine State-owned Enterprise (hereinafter referred to as the SEC) is a MoH-authorised specialised expert organisation in the sphere of pre-clinical studies, clinical trials and state registration of medicinal products (including medical immunobiological products).

The SEC is also a lead organisation in the sphere of pharmacovigilance, medical care standardisation and medical, including pharmaceutical, services, as well as in development of relevant medical technological documents and draft legislative acts, that is based on the state property and belongs to the management sphere of the Ministry of Health of Ukraine. Nowadays, the SEC's organisational structure includes 506 employees. Expert evaluation of registration materials is performed by the Registration Materials Department that includes 10 units with 67 employees.

The state control of compliance with the legislation for ensuring quality and safety of medicinal products and medical devices on all stages of circulation, as well as with the rules of good practices (production, distribution, storage, pharmacy), is ensured by the State Service of Ukraine for Medicines and Drug Control which is a central executive authority whose activity is guided and coordinated by the Cabinet of Ministers of Ukraine via the Minister of Health of Ukraine. The State Service for Medicines and Drug Control exercises its authority directly and through its territorial bodies — there are 25 of them. The Head of the Service is the Chief State Inspector of Ukraine for quality control of medicinal products.

The state supervision (control) of veterinary products is performed by the State Service for Food Safety and Consumer Protection which is a central executive authority whose activity is guided and coordinated by the Cabinet of Ministers of Ukraine via the First Vice Prime Minister of Ukraine — the Minister of Economy. The actual number of employees, including territorial bodies, is 6,800 persons.

#### **45. How many inspections of pharmaceutical companies have there been in the previous three years in Ukraine?**

In accordance with Articles 10, 19 of the Law of Ukraine «On medicines» the State Service of Ukraine for Medicines and Drug Control and its territorial bodies provide inspection measures before receiving business entities a license for economic activities for the production of medicines, wholesale, retail trade-in medicines and imports.

The State Service of Ukraine on Medicines and Drug Control has the EIAS Information System. It is the database with regularly updated information on all organizations that may be subject to inspection, the results of the inspections, including relevant regulatory decisions and enforcement measures, inspection reports or summary reports relating to inspection activities. From 2019 to 2021 there were carried out 111 inspections on licensing the production of medicines and 72 inspections on licensing of imports of medicines, 58 inspections of pharmacy warehouses on the quality of medicines, 149 inspections on licensing of wholesale trade in medicines.

## **F. Cosmetics**

### **46. Is there any national legislation in Ukraine relating to cosmetics, and if so, is it aligned with Regulation (EU) No 1223/2009?**

Resolution of the Cabinet of Ministers of Ukraine of the 20<sup>th</sup> of January 2021 No 65 approved the Technical Regulation on cosmetic products. It was developed for implementation of Regulation (EU) 1223/2009. The Technical Regulation on cosmetic products establishes requirements for cosmetic products provided on the market in order to ensure a high level of protection of human health.

In accordance with the resolution of the Cabinet of Ministers, the Technical Regulation on cosmetic products will come into force in August 2022.

**List of legal and normative acts of Ukraine regulating legal relations similar to those regulated by the EU acquis, as provided for in the annex (EU acquis) to Chapter 28**

**c) Public Health**

- The Constitution of Ukraine
- Civil Code of Ukraine
- Law of Ukraine “On the Fundamentals of the Health Care Legislation of Ukraine”
- Law of Ukraine “On State Financial Guarantees of Medical Services for the Population”
- Law of Ukraine “On Protection of the Population from Communicable Diseases”
- Law of Ukraine “On Ensuring Sanitary and Epidemic Welfare of the Population”
- Resolution of the Cabinet of Ministers of Ukraine No. 1101 of 27.12.2017 “On establishing the National Health Service of Ukraine”
- Resolution of the Cabinet of Ministers of Ukraine No. 854 of 28.07.2021 “Some matters relating to reimbursement of medicinal products under the programme of state guarantees of medical services for the population”
- Ordinance of the Cabinet of Ministers of Ukraine No. 1402-p of 27.11.2019 “On approval of the Strategy for the development of immunoprophylaxis and protection of the population from immunoprophylaxis-preventable communicable diseases for the period until 2020 and approval of the Action Plan for the implementation thereof”
- Order of the Ministry of Health of Ukraine No. 239 of 01.08.1996 “On approval of state sanitary rules and norms”

**d) Tobacco**

- Law of Ukraine “On Ratification of the WHO Framework Convention on Tobacco Control”
- Law of Ukraine “On Amending Some Laws of Ukraine as Regards Protection of the Health of the Population from the Harmful Effects of Tobacco”
- Law of Ukraine “On State Regulation of Production and Marketing of Ethanol, Cognac and Fruit Spirits, Alcoholic Beverages, Tobacco Products, Liquids Used in Electronic Cigarettes, and Fuels”
- Law of Ukraine “On the Measures to Prevent and Reduce Consumption of Tobacco Products and Their Harmful Effect on the Health of the Population”

**e) Serious cross-border health threats including communicable diseases**

- Law of Ukraine “On Protection of the Population from Communicable Diseases”
- Law of Ukraine “On Ensuring Sanitary and Epidemic Welfare of the Population”
- Ordinance of the Cabinet of Ministers of Ukraine No. 311-p of 14.04.2021 “On approval of the 2021 action plan aimed at preventing the emergence and spread, localisation and liquidation of outbreaks of the COVID-19 acute respiratory disease caused by the SARS-CoV-2 coronavirus”
- Order of the Ministry of Health of Ukraine No. 190 of 23.05.2002 “On Providing Extraordinary Notices to the Ministry of Health of Ukraine”

- Order of the Ministry of Health of Ukraine No. 1 of 10.01.2006 “On approval of the Forms of source records on communicable disease, dermatovenerological, cancer morbidity and instructions for the completion thereof”

- Order of the Ministry of Health of Ukraine No. 1726 of 30.07.2020 “On approval of the Procedure for recording, reporting and epidemiological surveillance (observation) of communicable diseases and the List of communicable diseases subject to registration”

- Order of the Ministry of Health No. 406 of 09.03.2021 “On approval of the Procedure for tuberculosis surveillance and Amendments to the criteria for identifying cases of communicable and parasitic diseases subject to registration”

#### **g) Early Warning and Response System**

- Law of Ukraine “On Protection of the Population from Communicable Diseases”

- Law of Ukraine “On Ensuring Sanitary and Epidemic Welfare of the Population”

- Ordinance of the Cabinet of Ministers of Ukraine No. 311-p of 14.04.2021 “On approval of the 2021 action plan aimed at preventing the emergence and spread, localisation and liquidation of outbreaks of the COVID-19 acute respiratory disease caused by the SARS-CoV-2 coronavirus”

- Order of the Ministry of Health of Ukraine No. 190 of 23.05.2002 “On Providing Extraordinary Notices to the Ministry of Health of Ukraine”

- Order of the Ministry of Health of Ukraine No. 1 of 10.01.2006 “On approval of the Forms of source records on communicable disease, dermatovenerological, cancer morbidity and instructions for the completion thereof”

- Order of the Ministry of Health of Ukraine No. 1726 of 30.07.2020 “On approval of the Procedure for recording, reporting and epidemiological surveillance (observation) of communicable diseases and the List of communicable diseases subject to registration”

- Order of the Ministry of Health No. 406 of 09.03.2021 “On approval of the Procedure for tuberculosis surveillance and Amendments to the criteria for identifying cases of communicable and parasitic diseases subject to registration”

#### **h) List of communicable diseases**

- Law of Ukraine “On Protection of the Population from Communicable Diseases”

- Law of Ukraine “On Ensuring Sanitary and Epidemic Welfare of the Population”

- Ordinance of the Cabinet of Ministers of Ukraine No. 116-p of 06.03.2019 “On approval of the National Action Plan for Overcoming Antimicrobial Resistance”

- Ordinance of the Cabinet of Ministers of Ukraine No. 1402-p of 27.11.2019 “On approval of the Strategy for the development of immunoprophylaxis and protection of the population from immunoprophylaxis-preventable communicable diseases for the period until 2020 and approval of the Action Plan for the implementation thereof”

- Order of the Ministry of Health of Ukraine No. 1 of 10.01.2006 “On approval of the Forms of source records on communicable disease, dermatovenerological, cancer morbidity and instructions for the completion thereof”

- Order of the Ministry of Health No. 905 of 18.12.2015 “On approval of the criteria for identifying cases of communicable and parasitic diseases subject to registration”

- Order of the Ministry of Health of Ukraine No. 1726 of 30.07.2020 “On approval of the Procedure for recording, reporting and epidemiological surveillance (observation) of communicable diseases and the List of communicable diseases subject to registration”

- Order of the Ministry of Health of Ukraine No. 1777 of 03.08.2020 “On approval of the measures and means to avoid getting infected when taking care of patients”

- Order of the Ministry of Health No. 406 of 09.03.2021 “On approval of the Procedure for tuberculosis surveillance and Amendments to the criteria for identifying cases of communicable and parasitic diseases”

- Order of the Ministry of Health of Ukraine No. 1614 of 03.08.2021 “On organising prevention of infections and infection control at health care establishments and institutions and establishment providing social services / social protection”

#### **i) Case definitions for reporting communicable diseases**

- Law of Ukraine “On Protection of the Population from Communicable Diseases”

- Law of Ukraine “On Ensuring Sanitary and Epidemic Welfare of the Population”

- Resolution of the Cabinet of Ministers of Activities No. 1121 of 27.11.2019 “On approval of the Procedure for spending funds allocated from the State Budget for the implementation of the Public Health and Anti-epidemic Measures programme”

- Ordinance of the Cabinet of Ministers of Ukraine No. 311-p of 14.04.2021 “On approval of the 2021 action plan aimed at preventing the emergence and spread, localisation and liquidation of outbreaks of the COVID-19 acute respiratory disease caused by the SARS-CoV-2 coronavirus”

- Order of the Ministry of Health of Ukraine No. 190 of 23.05.2002 “On Providing Extraordinary Notices to the Ministry of Health of Ukraine”

- Order of the Ministry of Health of Ukraine No. 1726 of 30.07.2020 “On approval of the Procedure for recording, reporting and epidemiological surveillance (observation) of communicable diseases and the List of communicable diseases subject to registration”

- Order of the Ministry of Health No. 406 of 09.03.2021 “On approval of the Procedure for tuberculosis surveillance and Amendments to the criteria for identifying cases of communicable and parasitic diseases subject to registration”

#### **j) Basic Act**

- Law of Ukraine “On Medicinal Products”

- Resolution of the Cabinet of Ministers of Ukraine No. 376 of 26.05.2005 “On approval of the Procedure for state registration (re-registration) of medicinal products and amounts of fees for the state registration (re-registration) thereof”

- Resolution of the Cabinet of Ministers of Ukraine No. 647 of 12.09.2015 “On approval of the Regulation on the State Service of Ukraine for Medicines and Drugs Control”

- Resolution of the Cabinet of Ministers of Ukraine No. 65 of 20.01.2021 “On approval of the Technical Regulation on Cosmetic Products”

- Order of the Ministry of Health of Ukraine No. 426 of 26.08.2005 “On approval of the Procedure for expert examination of the authorisation submission for medicinal products undergoing state registration (re-registration), as well as expert examination of the materials on introducing changes in the authorisation submission during the period of validity of the marketing authorisation”

- Order of the Ministry of Health of Ukraine No. 95 of 16.02.2009 “On approval of documents on ensuring the quality of medicinal products”

- Order of the Ministry of Health of Ukraine No. 690 of 23.09.2009 “On approval of the Procedure for carrying out clinical trials of medicinal products and expert examination of materials for clinical trials and the Standard Regulation on an ethics commission”

- Order of the Ministry of Health of Ukraine No. 1801 of 05.08.2020 “On approval of the Procedure for withdrawal of marketing authorisation for medicinal products and the Regulation on the Ministry of Health of Ukraine’s Commission for Withdrawal of Marketing Authorisation for Medicinal Products”

#### **k) Basic Act**

- Law of Ukraine “On Information”

- Law of Ukraine “On Personal Data Protection”

- Law of Ukraine “On Information Security in Information and Telecommunication Systems”

- Resolution of the Cabinet of Ministers of No. 411 of 25.04.2018 “Some matters relating to the electronic health care system”

- Ordinance of the Cabinet of Ministers of Ukraine No. 1671-p of 28.12.2020 “On approval of the Concept of the e-Healthcare Development”

- Order of the Ministry of Health of Ukraine No. 2136 of 18.09.2020 “Some matters relating to keeping the register of medical opinions in the electronic health care system”

- Order of the Ministry of Health of Ukraine No. 2755 of 30.11.2020 “On approval of the Procedure for keeping the register of patients in the electronic health care system”

#### **l) Implementing Measures**

- Law of Ukraine “On Protection of the Population from Communicable Diseases”

- Law of Ukraine “On Ensuring Sanitary and Epidemic Welfare of the Population”

- Ordinance of the Cabinet of Ministers of Ukraine No. 311-p of 14.04.2021 “On approval of the 2021 action plan aimed at preventing the emergence and spread, localisation and liquidation of outbreaks of the COVID-19 acute respiratory disease caused by the SARS-CoV-2 coronavirus”

- Order of the Ministry of Health of Ukraine No. 190 of 23.05.2002 “On Providing Extraordinary Notices to the Ministry of Health of Ukraine”

- Order of the Ministry of Health of Ukraine No. 1 of 10.01.2006 “On approval of the Forms of source records on communicable disease, dermatovenerological, cancer morbidity and instructions for the completion thereof”

- Order of the Ministry of Health of Ukraine No. 1726 of 30.07.2020 “On approval of the Procedure for recording, reporting and epidemiological surveillance (observation) of communicable diseases and the List of communicable diseases subject to registration”

- Order of the Ministry of Health No. 406 of 09.03.2021 “On approval of the Procedure for tuberculosis surveillance and Amendments to the criteria for identifying cases of communicable and parasitic diseases subject to registration”

#### **m) Basic Act**

- Law of Ukraine “On Veterinary Medicine”

- Order of the Ministry of Agrarian Policy and Food of Ukraine No. 310 of 19.09.2016 “On approval of the Instructions for prevention and treatment of salmonellosis in birds”

#### **Blood, tissues, cells and organs**

- Law of Ukraine “On Safety and Quality of Donor Blood and Blood Components”
- Resolution of the Cabinet of Ministers of Ukraine No. 257 of 25.03.2020 “On approval of the Procedure for obtaining and providing of haematopoietic stem cells and exchange of information on the available human anatomical material meant for transplantation”
- Resolution of the Cabinet of Ministers of Ukraine No. 720 of 05.08.2020 “On approval of the Procedure for transportation of human anatomical material within Ukraine, import of such material into the customs territory of Ukraine and export of such material outside the customs territory of Ukraine”
- Resolution of the Cabinet of Ministers of No. 158 of 24.02.2021 “Some matters relating to the implementation of the Law of Ukraine ‘On the Application of Transplantation of Human Anatomical Material’”
- Resolution of the Cabinet of Ministers of Ukraine No. 1378 of 23.12.2021 “On designating the competent authority in the area of donation of blood and blood components, functioning of the blood system and amending some resolutions of the Cabinet of Ministers of Ukraine”
- Ordinance of the Cabinet of Ministers of system No. 120-p of 20.02.2019 “On approval of the Concept of the national blood system development until 2022”
- Ordinance of the Cabinet of Ministers of Ukraine No. 1154-p of 23.09.2020 “On establishing a specialised state institution Ukrainian Transplant Coordination Centre”
- Order of the Ministry of Health of Ukraine No. 2459 of 28.10.2020 “On establishing a specialised state institution Ukrainian Transplant Coordination Centre”
- Order of the Ministry of Health of Ukraine No. 207 of 08.02.2021 “On amending the Procedure for quarantisation of donor plasma and the Procedure for medical examination of donor blood and (or) components thereof”
- Order of the Ministry of Health of Ukraine No. 1934 of 14.09.2021 “Some matters relating to the manufacture, quality control and marketing of bioimplants”

#### **n) Patients’ rights in cross-border health care**

- Law of Ukraine “On the Fundamentals of the Health Care Legislation of Ukraine”
- Resolution of the Cabinet of Ministers of Ukraine No. 121 of 19.03.2014 “On approval of the Procedure of providing medical aid to foreigners and stateless persons who permanently reside or temporarily stay in the territory of Ukraine, applied for recognition as a refugee or as a person in need of subsidiary protection, regarding whom a decision was taken on the preparation of documents for settling the issue of their recognition as refugee or person in need of subsidiary protection, and persons recognised as refugees or persons in need of subsidiary protection, and compensation of the cost of medical services and medicinal products provided to foreigners and stateless persons who temporarily reside or stay in the territory of Ukraine”

- Resolution of the Cabinet of Ministers of Ukraine No. 1079 of 27.12.2017 “On ensuring organisation of referring citizens of Ukraine for treatment abroad”

- Resolution of the Cabinet of Ministers of Ukraine No. 677 of 29.06.2021 “Some matters relating to generation and use of certificates proving vaccination from the COVID-19 acute respiratory disease caused by the SARS-CoV-2 coronavirus, negative test result or recovery from the disease”

- Order of the Ministry of Health of Ukraine No. 455 of 13.11.2001 “On approval of the Instruction on the procedure for issuing documents certifying temporary disability of citizens”

**o) Medicinal products (human and veterinary), cosmetics and medical devices**

- Law of Ukraine “On Veterinary Medicine”
- Law of Ukraine “On Medicinal Products”
- Law of Ukraine “On the Fundamentals of the Health Care Legislation of Ukraine”
- Resolution of the Cabinet of Ministers of Ukraine No. 376 of 26.05.2005 “On approval of the Procedure for state registration (re-registration) of medicinal products and amounts of fees for the state registration (re-registration) thereof”

- Resolution of the Cabinet of Ministers of Ukraine No. 647 of 12.09.2015 “On approval of the Regulation on the State Service of Ukraine for Medicines and Drugs Control”

- Resolution of the Cabinet of Ministers of Ukraine No. 65 of 20.01.2021 “On approval of the Technical Regulation on Cosmetic Products”

- Order of the Ministry of Health of Ukraine No. 426 of 26.08.2005 “On approval of the Procedure for expert examination of the authorisation submission for medicinal products undergoing state registration (re-registration), as well as expert examination of the materials on introducing changes in the authorisation submission during the period of validity of the marketing authorisation”

- Order of the Ministry of Health of Ukraine No. 95 of 16.02.2009 “On approval of documents on ensuring the quality of medicinal products”

- Order of the Ministry of Health of Ukraine No. 690 of 23.09.2009 “On approval of the Procedure for carrying out clinical trials of medicinal products and expert examination of materials for clinical trials and the Standard Regulation on an ethics commission”

- Order of the Ministry of Health of Ukraine No. 778 of 27.10.2014 “On approval of the list of rare (orphan) diseases”

- Order of the Ministry of Health of Ukraine No. 1801 of 05.08.2020 “On approval of the Procedure for withdrawal of marketing authorisation for medicinal products and the Regulation on the Ministry of Health of Ukraine’s Commission for Withdrawal of Marketing Authorisation for Medicinal Products”

**q) Mental health**

- Law of Ukraine “On Psychiatric Care”
- Ordinance of the Cabinet of Ministers of Ukraine No. 1018-p of 27.12.2017 “On approval of the Concept of the Mental Health Development in Ukraine until 2030”



- Ordinance of the Cabinet of Ministers of Ukraine No. 1215-p of 06.10.2021 “On approval of the 2021–2023 Action Plan for the implementation of the Concept of the Mental Health Development in Ukraine until 2030”

- Order of the Ministry of Health of Ukraine No. 500 of 29.08.2008 “On the measures to improve provision of emergency medical services to the population of Ukraine”

- Order of the Ministry of Health of Ukraine No. 240 of 24.03.2016 “On approval of the Rules of physical restraint and (or) isolation in providing psychiatric care to persons suffering from mental disorders”

- Order of the Ministry of Health of Ukraine No. 992 of 31.08.2017 “On approval of the Rules of providing coercive care at a special psychiatric institution”

- Order of the Ministry of Health of Ukraine No. 2077 of 27.09.2021 “On approval of the Register of medicinal products subject to reimbursement under the programme of state guarantees of medical services for the population, as of 1 October 2021”

#### **r) Health inequalities**

- Family Code of Ukraine

- Law of Ukraine “On the Fundamentals of the Health Care Legislation of Ukraine”

- Law of Ukraine “On State Financial Guarantees of Medical Services for the Population”

- Law of Ukraine “On Increasing Accessibility and Quality of Medical Service in Rural Areas”

- Law of Ukraine “On Social Protection of Persons with Disabilities”

- Law of Ukraine “On the Status of War Veterans, Guarantees of Their Social Protection”

- Law of Ukraine “On Childhood Protection”

- Law of Ukraine “On Pre-School Education”

- Law of Ukraine “On Ensuring of the Rights and Freedoms of Internally Displaced Persons”

- Resolution of the Cabinet of Ministers of No. 1074 of 27.11.2019 “Some matters relating to the creation of hospital districts”

- Resolution of the Cabinet of Ministers of Ukraine No. 854 of 28.07.2021 “Some matters relating to reimbursement of medicinal products under the programme of state guarantees of medical services for the population”

- Ordinance of the Cabinet of Ministers of Ukraine No. 735-p of 28.08.2013 “On approval of the Strategy of the State Policy on Drugs for the Period until 2020”

- Ordinance of the Cabinet of Ministers of Ukraine No. 1415-p of 27.11.2019 “On approval of the State Strategy in the Area of Countering HIV/AIDS, Tuberculosis and Viral Hepatitis until 2030”

- Ordinance of the Cabinet of Ministers of Ukraine No. 1402-p of 27.11.2019 “On approval of the Strategy for the development of immunoprophylaxis and protection of the population from immunoprophylaxis-preventable communicable diseases for the period until 2020 and approval of the Action Plan for the implementation thereof”

- Ordinance of the Cabinet of Ministers of Ukraine No. 366-p of 14.04.2021 “On approval of the National Strategy for Barrier-Free Environment in Ukraine until 2030”

- Ordinance of the Cabinet of Ministers of Ukraine No. 866-p “The Strategy for Fostering the Exercise of Rights and Opportunities of Persons Belonging to the Roma National Minority in the Ukrainian Society until 2030”

- Order of the Ministry of Health and the Ministry of Education and Science of Ukraine No. 432/496 of 30.09.2005 “On improving the organisation of medical care for children at pre-school educational establishments”

- Order of the Ministry of Health and the Ministry of Internal Affairs of Ukraine No. 692/775/1311/5 of 05.09.2012 “On approval of the Procedure for cooperation between health care establishments, territorial bodies of internal affairs, penitentiary institutions and pre-trial detention centres as part of ensuring the sequence of the follow-up check-ups of HIV-positive persons, clinical and laboratory monitoring of the disease, and antiretroviral therapy”

- Order of the Ministry of Health of Ukraine No. 681 of 19.10.2015 “On approval of normative documents on the application of telemedicine in the area of health care”

- Order of the Ministry of Health of Ukraine No. 799 of 27.11.2015 “On pilot operation of the Unified Electronic System of Epidemiological and Clinical Monitoring of HIV Prevalence”

- Order of the Ministry of Health of Ukraine No. 240 of 24.03.2016 “On approval of the Rules of physical restraint and (or) isolation in providing psychiatric care to persons suffering from mental disorders”

- Order of the Ministry of Health of Ukraine No. 992 of 31.08.2017 “On approval of the Rules of providing coercive care at a special psychiatric institution”

- Order of the Ministry of Health of Ukraine No. 1251 of 04.07.2018 “On pilot operation of the Unified Electronic System of Epidemiological and Clinical Monitoring of HIV Prevalence”

- Order of the Ministry of Health of Ukraine No. 1726 of 30.07.2020 “On approval of the Procedure for recording, reporting and epidemiological surveillance (observation) of communicable diseases and the List of communicable diseases subject to registration”

- Order of the Ministry of Health of Ukraine No. 2555 of 09.11.2020 “On approval of standards of medical care ‘Mental and behavioural disorders due to opioid use’”

#### **s) Drug abuse prevention and harm reduction**

- The Law of Ukraine “On Social Services”

- Law of Ukraine “On Ukraine’s Accession to the Partial Agreement on the Establishment of a Co-operation Group to Combat Drug Abuse and Illicit Trafficking in Drugs (Pompidou Group)”

- Resolution of the Cabinet of Ministers of Ukraine No. 741 of 04.10.2017 “On approval of standard regulations on family, children and youth social support establishments”

- Resolution of the Cabinet of Ministers of Ukraine No. 689 of 10.07.2019 “Matters relating to monitoring of the drug and alcohol situation Ukraine”

- Ordinance of the Cabinet of Ministers of Ukraine No. 735-p of 28.08.2013 “On approval of the Strategy of the State Policy on Drugs for the Period until 2020”

- Ordinance of the Cabinet of Ministers of Ukraine No. 530-p of 26.07.2018 “On approval of the National Action Plan on non-communicable diseases to ensure the achievement of the Global Sustainable Development Goals”

- Order of the Ministry of Social Policy of Ukraine No. 677 of 01.10.2020 “On approval of the State Standard of the Social Service of Socio-psychological Rehabilitation of Persons Addicted to Drugs or Psychotropic Substances”

- Order of the Ministry of Health of Ukraine No. 2555 of 09.11.2020 “On approval of standards of medical care ‘Mental and behavioural disorders due to opioid use’”

#### **t) Nutrition and physical activity**

- Decree of the President of Ukraine No. 225/2021 of 02.06.2021 “On the Decision of the National Security and Defence Council of Ukraine of 14 May 2021 ‘On the Human Development Strategy’”

- Resolution of the Cabinet of Ministers of Ukraine No. 305 of 24.03.2021 “On approval of the norms and the Procedure for organisation of meals at educational establishments and children’s wellness and recreation establishments”

- Ordinance of the Cabinet of Ministers of Ukraine No. 530-p of 26.07.2018 “On approval of the National Action Plan on non-communicable diseases to ensure the achievement of the Global Sustainable Development Goals”

- Order of the Ministry of Health of Ukraine No. 1145 of 15.05.2020 “On approval of the Requirements to nutrition information about food products and information about healthiness of food products”

#### **u) eHealth**

- Law of Ukraine “On the Fundamentals of the Health Care Legislation of Ukraine”

- Law of Ukraine “On State Financial Guarantees of Medical Services for the Population”

- Law of Ukraine “On Information”

- Law of Ukraine “On Personal Data Protection”

- Law of Ukraine “On Information Security in Information and Telecommunication Systems”

- Law of Ukraine “On Rehabilitation in the Area of Health Care”

- Law of Ukraine “On Safety and Quality of Donor Blood and Blood Components”

- Resolution of the Cabinet of Ministers of Ukraine No. 297 of 25.03.2015 “On approval of the Regulation on the Ministry of Health of Ukraine”

- Resolution of the Cabinet of Ministers of Ukraine No. 1101 of 27.12.2017 “On establishing the National Health Service of Ukraine”

- Resolution of the Cabinet of Ministers of No. 411 of 25.04.2018 “Some matters relating to the electronic health care system”

- Resolution of the Cabinet of Ministers of Ukraine No. 677 of 29.06.2021 “Some matters relating to generation and use of certificates proving vaccination from the COVID-19 acute respiratory disease caused by the SARS-CoV-2 coronavirus, negative test result or recovery from the disease”

- Ordinance of the Cabinet of Ministers of Ukraine No. 1013-p of 30.11.2016 “On approval of the Concept of the Health Care Funding Reform”

- Ordinance of the Cabinet of Ministers of Ukraine No. 1671-p of 28.12.2020 “On approval of the Concept of the e-Healthcare Development”

- Ordinance of the Cabinet of Ministers of Ukraine No. 377-p of 28.04.2021 “On approval of the Concept of the Development of the System of Provision of Medical Aid to Patients Suffering from Rare (Orphan) Diseases for the Period of 2021–2026”

- Ordinance of the Cabinet of Ministers of Ukraine No. 1235-p of 11.10.2021 “On approval of the Action Plan for the implementation of the Concept of the Development of the System of Provision of Medical Aid to Patients Suffering from Rare (Orphan) Diseases for the Period of 2021–2026”

- Order of the Ministry of Health of Ukraine No. 503 of 19.03.2018 “On approval of the Procedure for choosing a primary care physician and the forms of the primary care physician declaration”

- Order of the Ministry of Health of Ukraine No. 587 of 28.02.2020 “Some matters relating to keeping the register of medical cards, referrals and prescriptions in the electronic health care system”

- Order of the Ministry of Health of Ukraine No. 2136 of 18.09.2020 “Some matters relating to keeping the register of medical opinions in the electronic health care system”

- Order of the Ministry of Health of Ukraine No. 2755 of 30.11.2020 “On approval of the Procedure for keeping the register of patients in the electronic health care system”

- Order of the Ministry of Health of Ukraine No. 1066 of 01.06.2021 “Some matters relating to preparation of medical opinions on temporary disability and revision thereof”

- Order of the Ministry of Health of Ukraine No. 2243 of 18.10.2021 “Some matters relating to keeping the register of economic operators in the area of health care in the electronic health care system”

#### **v) Alcohol abuse prevention**

- Law of Ukraine “On State Regulation of Production and Marketing of Ethanol, Cognac and Fruit Spirits, Alcoholic Beverages, Tobacco Products, Liquids Used in Electronic Cigarettes, and Fuels”

- Law of Ukraine “On Advertising”

- Resolution of the Cabinet of Ministers of Ukraine No. 689 of 10.07.2019 “Matters relating to monitoring of the drug and alcohol situation Ukraine”

- Ordinance of the Cabinet of Ministers of Ukraine No. 530-p of 26.07.2018 “On approval of the National Action Plan on non-communicable diseases to ensure the achievement of the Global Sustainable Development Goals”

#### **w) Cancer screening**

- Ordinance of the Cabinet of Ministers of Ukraine No. 530-p of 26.07.2018 “On approval of the National Action Plan on non-communicable diseases to ensure the achievement of the Global Sustainable Development Goals”

- Order of the Ministry of Health of Ukraine No. 1 of 10.01.2006 “On approval of the Forms of source records on communicable disease, dermatovenerological, cancer morbidity and instructions for the completion thereof”

- Order of the Ministry of Health of Ukraine No. 845 of 01.10.2013 “On the system of oncological care in Ukraine”

- Order of the Ministry of Health of Ukraine No. 139 of 27.01.2021 “On the establishment of the coordination interdepartmental working group responsible for the implementation of the National Action Plan on non-communicable diseases to ensure the achievement of the Global Sustainable Development Goals”

**x) Prevention against electromagnetic fields, injury and promotion of safety"**

- Ordinance of the Cabinet of Ministers of Ukraine No. 1360-p of 21.10.2020 “On approval of the Strategy of Increasing the Safety of Road Traffic in Ukraine until 2024”

- Order of the Ministry of Health of Ukraine No. 239 of 01.08.1996 “On approval of state sanitary rules and norms”

**y) Patient safety**

- Law of Ukraine “On the Fundamentals of the Health Care Legislation of Ukraine”

- Ordinance of the Cabinet of Ministers of Ukraine No. 116-p of 06.03.2019 “On approval of the National Action Plan for Overcoming Antimicrobial Resistance”

- Order of the Ministry of Health of Ukraine No. 360 of 19.07.2005 “On approval of the Rules of issuance of prescriptions for medicinal products and medical devices, the Procedure for dispensing medicinal products and medical devices from pharmacies and their structural subdivisions, the Instruction on the procedure for storage, accounting and destruction of prescription blank forms”

- Order of the Ministry of Health of No. 142 of 14.03.2011 “On improving the procedure for accreditation of health care establishments”

- Order of the Ministry of Health of Ukraine No. 1752 of 26.09.2018 “On amending Annex 4 to the Methodology of development and introduction of medical standards for medical care based on the principles of evidence-based medicine”

- Order of the Ministry of Health No. 1447 of 17.07.2021 “On approval of the Amendments to the criteria for identifying cases of communicable and parasitic diseases subject to registration”

- Order of the Ministry of Health of Ukraine No. 1766 of 19.08.2021 “On approval of the Procedure for sentinel epidemiological surveillance of antimicrobial resistance”

**z) European Action in the field of Rare Diseases**

- Law of Ukraine “On amending the fundamentals of the health care legislation of Ukraine as regards ensuring prevention and treatment of rare (orphan) diseases”

- Ordinance of the Cabinet of Ministers of Ukraine No. 377-p of 28.04.2021 “On approval of the Concept of the Development of the System of Provision of Medical Aid to Patients Suffering from Rare (Orphan) Diseases for the Period of 2021–2026”

- Ordinance of the Cabinet of Ministers of Ukraine No. 1235-p of 11.10.2021 “On approval of the Action Plan for the implementation of the Concept of the Development of the System of Provision of Medical Aid to Patients Suffering from Rare (Orphan) Diseases for the Period of 2021–2026”

- Order of the Ministry of Health of Ukraine No. 778 of 27.10.2014 “On approval of the list of rare (orphan) diseases”



## CHAPTER 29: CUSTOMS UNION

**1. Please describe how the customs legal framework is organised, including the competent authorities. Which parts of legislation are in the consolidated customs law or code and its implementing provisions, and which are in separate legal acts on different subjects, if any?**

The scope of Ukraine's customs law includes the Constitution of Ukraine, Customs Code of Ukraine, other Laws of Ukraine governing the procedure for movement of goods across the customs border of Ukraine, their customs control and customs clearance, mechanisms of tariff and non-tariff regulations of cross-border trade, customs taxes administration, maintenance of customs statistics and exchange in customs-related data, administration of Ukrainian customs tariff nomenclature, conducting according to the Law State control of non-food products imported into Ukraine, prevention and tackling of smuggling and violations of customs rules, organisation and support of the activities of customs authorities and conducting other activities aimed at implementation of the state customs policy.

Ukraine's customs legal framework also includes international customs-related agreements, to which Ukraine is a party, as well as bylaws delegated regulations (e.g., regulations of the Cabinet of Ministers of Ukraine, orders of the Ministry of Finance of Ukraine, etc).

Issues related to administration of customs taxes (customs duties, excise tax and import VAT) are regulated by Customs code of Ukraine, Tax code of Ukraine and other tax laws.

International agreements ratified by Verkhovna Rada of Ukraine (Ukrainian Parliament) have higher legal force and override the provisions of the domestic law.

Among other laws of Ukraine governing regulating customs relations several others are worth mentioning, namely should be mentioned: the Law of Ukraine "On Customs Tariff of Ukraine" dated 4 June 2020 № 674-IX, the Law of Ukraine "On Foreign Economic Activity" dated 16 April, 1991 № 959-XII

The State Customs Service of Ukraine is the central executive authority, which implements the state customs policy and the state policy in the field of combating customs offenses committed while enforcing customs legislation when applying legislation on state customs affairs. The activities and the service are directed and coordinated by the Cabinet of Ministers of Ukraine through the Ministry of Finance of Ukraine.

**2. Please describe the principles that determine the duty rate structure and level (see also Chapter 30 External Relations).**

Goods imported into Ukraine are subject to import customs duties at rates specified by the Customs tariff of Ukraine (Law of Ukraine "On Customs Tariff of Ukraine" dated 4.07.2020 No. 674-IX).

Types of customs duty rates are as follows:

- 1) ad valorem – as a percentage of goods' value
- 2) specific – the fixed monetary amount levied on the certain goods' quantity (in relevant units of measurement)

3) combined – when both ad valorem and specific rates are imposed.

According to part 5 of Article 280 of the Customs Code of Ukraine, import duty is differentiated for goods having different countries of origin (including goods originating from countries being in customs union with Ukraine, or having relevant free trade arrangements). Rates of duties may be as follows:

1) preferential rates – for goods originating from countries Ukraine has free trade agreements with;

2) relieved (MFN) rates of import duty – for goods originating from WTO countries, or from other countries Ukraine has concluded “most favored nation” trade agreements with;

3) full rates of import duty – for other goods.

The level of relieved IMFN) rates does not exceed the level of WTO rates (Law of Ukraine dated 10.04.2008 No. 250-VI). Total quantity of relieved rates in the Customs Tariff of Ukraine is 10731 items.

Arithmetic average of MFN rates is 4,8%.

### **3. Please provide a description of Ukraine's tariff system for tariff suspensions, tariff quotas and tariff ceilings.**

**Tariff suspensions (tariff preferences) and/or tariff quotas can be set up by either international trade agreements (free trade agreements) or special laws of Ukraine.**

Currently Ukraine has free trade agreements with a number of countries (refer to Q5 for more details).

These agreements provide a preferential regime in a form of duty exemption, or gradual reduction of duties for goods originating from the relevant countries.

For trade with the EU and the UK, there are tariff quotas for import of pork and poultry, sugar, in trade with Canada – quotas for pork. Tariff quotas are distributed on the principle “first come - first served”. Import licenses for use of tariff quotas are not required under these agreements, except for free trade with North Macedonia (the FTA with the Republic of Macedonia provides for tariff quotas for a number of food products of HS headings 1-24).

There is also an annual tariff quota for cane sugar (HS heading 1701 11) in the amount of 260 thousand tons (regular duty rate is 50%), which is introduced according to the special Law of Ukraine “On Application of the Tariff Quota for Import to Ukraine of Raw Sugar from Cane” dated 30.11.2006 No. 404-V. Application of this tariff quota requires license from the Ministry of Economy of Ukraine for its application.

Current allocation of tariff quotas is published at the official website of the State Customs Service of Ukraine.

Relevant tariff information on exact product HS subheading, including necessity to obtain licenses for tariff quotas, can be usually received at websites of providers of special customs brokerage software (QDPro, MDOffice).



**4. Please describe the system in force in Ukraine for ensuring a correct classification of goods in the tariff. Does Ukraine publish explanatory notes or tribunal rulings? Please also describe the country's systems for Binding Tariff Information and Binding Origin Information.**

Customs authorities ensure correct classification of goods in accordance with Ukraine's tariff nomenclature (UKTZED). UKTZED is based on the WCO Harmonized Commodity Description and Coding System (Law of Ukraine "On Customs Tariff of Ukraine" dated 4.06.2020 No. 674-IX).

The Explanatory Notes to the UKTZED are based on WCO Explanatory notes to the HS Sixth Edition (2017), as well as on the Explanatory Notes to the EU Combined Nomenclature 2017 (including changes to the EU CN Explanatory Notes introduced in 2020).

Customs Service of Ukraine develops and adopts correlation tables for UKTZED in accordance with the HS/CN correlation tables.

UKTZED Explanatory Notes, correlation tables, as well as classification decisions of the customs authorities are made public at the web page of the State Customs Service of Ukraine: [customs.gov.ua](http://customs.gov.ua).

Customs Service of Ukraine develops and adopts Methodological recommendations for the classification of certain goods, which are also made public on [customs.gov.ua](http://customs.gov.ua). Methodological recommendations are guidelines that help customs and businesses to classify goods using unified approaches.

During customs clearance of goods, if requested by customs, the declarant or his authorized person is obliged to provide all available information necessary to confirm the goods' tariff codes, as well as samples of such goods and/or technical and technological documentation.

In case of violation of the classification rules by the declarant, the customs authority is entitled to reclassify such goods (either upon or after customs clearance). Classification decisions of customs authorities are legally binding.

Upon request of declarants or their authorized persons, the customs authorities may issue advanced rulings on the classification or country of origin of goods. These decisions are binding for all customs offices.

The Ministry of Finance of Ukraine with Customs Service of Ukraine is working now on the development of a draft law for the implementation of Union Customs Code rules for advanced rulings (BTI, BOI).

Court rulings on classification of goods are not published by the Customs Service of Ukraine. Court decisions are published in the Unified State Register of Court Decisions (<https://reyestr.court.gov.ua/>).

**5. Please describe the rules of preferential origin applied by Ukraine under bilateral or multilateral agreements or in the framework of autonomous arrangements. Please also mention any other conditions of granting preferential tariff treatment.**

In case of bilateral or multilateral free trade agreements, the rules of origin from these agreements should be applied. The rules of such bilateral and multilateral agreements are in line with WTO rules, specifically on the definition of countries, where goods were wholly obtained or

substantially processed. Special provisions on origin treatment of consumables, electricity, etc. are available in national legislation as well.

Preferential origin of goods based on the free trade agreements, concluded between Ukraine and EFTA, the EU, the UK, Canada, Turkey, Israel, North Macedonia, Montenegro, CIS countries (excluding Russian Federation) and Georgia, is determined according to such agreements.

In free trade between Ukraine and the EU, Israel, Turkey and Georgia, determination of goods' country of origin should be made in accordance with Annex I and Annex II of Regional Convention on pan-Euro-Mediterranean preferential rules of origin (PEM Convention).

In free trade between Ukraine and UK / EFTA countries the rules of origin are identical to the PEM convention.

Thus, specific conditions, in particular the criteria for substantially processing of goods and other rules for determining the country of origin for the granting of preferences to imported goods, are defined in the relevant international agreements and protocols thereto.

**6. Please describe the rules of non-preferential origin applied, in particular for the purposes of implementing trade defense instruments, restrictions (quantitative or other), origin labeling requirements, etc.**

**The country of origin is determined for taxation, application of non-tariff measures, import/export prohibitions and/or restrictions, as well as foreign trade statistics purposes.**

Customs Code of Ukraine sets up the rules for non-preferential origin of goods (articles 36-48 of the Chapters 6-7 of the Section 2 of the Code). These articles establish criteria for goods, for which the most-favored-nation (MFN) treatment is granted.

The rules of origin in the Customs Code of Ukraine are set on the base of Annex K to the International Convention on the Simplification and Harmonization of Customs Procedures (Kyoto Convention) and WTO Agreement on Rules of Origin.

Rules on non-preferential origin of goods contain the following elements:

- 1) list of goods deemed wholly obtained in the country;
- 2) criteria for sufficient processing of the goods:
  - change of the tariff code of the goods at the level of HS heading,
  - the rule of added value,
  - performing certain production and/or technological operations;
- 3) simple technological operations not affecting the origin of goods.

If goods do not fall under the rules of preferential origin according to the relevant agreements on preferential origin (refer to Q5 above), then the following rules of the Customs Code of Ukraine should be applied:

- 1) country of origin is the country where the goods were fully manufactured or sufficiently processed in accordance with the criteria established by the Customs Code of Ukraine;

2) the term “country of origin” of goods may include a group of countries, customs unions of countries, region or part of a country (if it is necessary to separate them in order to determine the origin of goods);

3) for the purpose of determining the country of origin of goods, origin of energy, machinery and tools used for its production or processing shall be disregarded;

4) accessories, spare parts and tools used in machines, devices, units or vehicles are considered to originate in the same country as these machines, devices, units or vehicles, if they are imported and sold together with those machines, devices, units or vehicles and the conformity of their configuration and quantity to commonly used accessories, spare parts and tools;

5) provisions of the Customs Code of Ukraine are used to determine the origin of goods, for which the MFN treatment can be used (non-preferential origin), in order to apply measures of tariff and non-tariff regulation to such goods.

Goods wholly obtained in a certain country are:

1) minerals extracted from the soil or from the seabed;

2) vegetable products harvested there;

3) live animals born and raised in this country;

4) products from live animals raised in this country;

5) products from hunting or fishing conducted in that country;

6) marine fishery products and other marine products obtained by a vessel of that country, or a vessel leased (chartered) by that country;

7) products obtained on board a processing vessel of that country exclusively from the products referred to in paragraph 6 above;

8) products obtained from the seabed or from the subsoil outside the territorial waters of that country, provided that that country has the exclusive right to develop that seabed or subsoil;

9) scrap and waste from manufacturing or other processing operations in that country, as well as second-hand products collected in that country and suitable only for processing into raw materials (disposal);

10) electricity generated in this country;

11) goods produced in this country exclusively from the products specified in paragraphs 1-10 above.

If two or more countries are involved in the production of the goods, the country of origin of the goods shall be the country in which the last processing operations were carried out, sufficient to obtain the basic characteristics of a fully manufactured product following next provisions:

1) fulfillment of production or technological operations, as a result of which tariff code of the goods has been changed at the level of any of the first four digits;

2) change in the value of the product as a result of its processing, when the percentage of the value of materials used or value added reaches a fixed share in the value of the final product (ad valorem share rule);

3) fulfillment of production and / or technological operations, which as a result of processing of goods do not lead to change of its classification code according to UKTZED or value according to ad valorem share rule, but subject to certain conditions are considered sufficient for recognition of goods originating from the country where such operations took place.

There is a list of goods falling under the criteria of sufficient procession for the paragraphs 2 and 3 above. This list is set by the Regulation of Cabinet Ministers of Ukraine dated 20.12.2006 No. 1765. This Regulation implements Annex 22-01 Delegated Regulation (EU) 2015/2446 dated 28.07.2015.

If for a particular goods the criteria of ad valorem share rule and fulfillment of production and technological operations are not applied, thus the provision on changing the classification code on the level of any of the first four digits should be applied.

If the ad valorem share rule is used, the value of the finished products is determined based on the ex-works price of the goods. The value of materials used upon manufacture is determined by their customs value. The value of components with unknown origin is determined by the price of their first sale in this country.

The following operation do not meet the criterion of sufficient processing and hence do not render origin:

- 1) operations on preservation of goods during storage or transportation;
- 2) operations on preparation of goods for sale and transportation (batch fragmentation, shipment formation, sorting, repackaging);
- 3) simple assembly operations - assembly of products by means of simple fastening material (screws, nuts, bolts, etc.) or riveting, gluing or assembly of finished assemblies by welding (except for the manufacture of complex products by welding), as well as other operations (regulation, control, refueling, etc.), necessary in the process of assembly and not related to the processing of goods, regardless of the number and complexity of such operations;
- 4) mixing of goods originating in different countries, if the characteristics of the final product do not differ significantly from the characteristics of the goods being mixed;
- 5) slaughter of animals;
- 6) combination of two or more above mentioned operations.

**7. Please describe the system of customs valuation; what kind of customs valuation methods are used (e.g. with reference to the provisions of the WTO Agreement). Does Ukraine use minimum or reference values to determine the customs value? If so, for which products? Please give an overall assessment of the country's capacity to implement the EU rules on customs valuation.**

Ukrainian legislation on customs valuation is based on the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade of 1994.

Customs Code of Ukraine establishes the methods of determining the customs value and the procedure for application thereof.

Customs value of goods moved across the customs border of Ukraine is the value of goods used for customs purposes and is based on the price actually paid or payable for these goods.

According to art. 57 of the Customs Code of Ukraine, customs value of goods placed under the customs procedure of import is determined by either of the following methods:

- 1) primary method – based on contractual price of the goods (transaction value);
- 2) secondary methods:
  - a) transaction value of identical goods;
  - b) transaction value of similar goods;
  - c) deducted value;
  - d) computed value;
  - e) fall-back (reserve) method.

The primary method for determining the customs value of the goods placed under the customs procedure of import, is the first method – i.e., transaction value.

Each subsequent valuation method is used in the sequential order only if the previous method can not be applicable.

Deductive and computed value methods may be applied in any order upon the declarant's request.

Procedure of consultations between the customs authorities and the declarant aimed in determining the basis of value according to the art. 59 and 60 of the Customs Code of Ukraine should precede to the application of secondary methods (i.e. transaction value of identical/similar goods). During such consultations, the customs authorities and the declarant may exchange the information available to each other provided that the requirements of its confidentiality are met.

If none of these methods can be applied, the customs value of the goods being valued is determined using methods that do not contradict the laws of Ukraine and are compatible with the relevant principles and provisions of the General Agreement on Tariffs and Trade (GATT) – i.e. reserve (fall-back) method.

According to this method, customs value cannot be determined on the basis of the following:

- 1) prices of goods of Ukrainian origin on the domestic market;
- 2) a system that provides acceptance the higher value among two alternative values for the customs purposes;
- 3) domestic market's prices of goods of the exporting country;
- 4) the cost of production, other than the computed value determined for identical or similar goods,
- 5) prices of goods supplied to third countries from the exporting country;
- 6) minimum customs value and arbitrary or fictitious value.

Currently, the minimum or reference values for determining the customs value are not used and are not provided by the customs legislation of Ukraine.

Overall, we believe that the main principles of EU customs valuation rules are implemented into Ukrainian legislation. The State Customs Service of Ukraine has adequate human resources, physical infrastructure, staff training system and effective information dissemination to the trade community (consultation) system allowing to ensure proper implementation of the EU rules on customs valuation. At the same time, Ukrainian side is ready for further dialogue and the necessary amendments where required.

#### **8. Please describe the system of incurrence of customs debt and the repayment procedure.**

Currently, Ukrainian customs legislation operates a definition of "obligation to pay customs taxes" instead of "customs debt". Occurrence of an obligation to pay customs taxes is regulated by art. 289 of the Customs Code of Ukraine.

Likewise, instead of "extinguishment of the customs debt" the "fulfillment of the obligation to pay customs taxes" is used in Ukraine's customs legislation, which, *inter alia*, regulated by the art. 290 of the Customs Code of Ukraine.

Timeframes for payment (fulfillment of the obligation to pay) of customs taxes are regulated by art. 297 of the Customs Code of Ukraine. After the settled timeframes for the payment are expired the penalty should be charged on the amount of unpaid customs debt. The penalty is to be paid simultaneously with the payment of the customs taxes on the same accounts according to the art. 302 of the Customs Code of Ukraine.

In case of non-payment or incomplete payment of customs taxes within the prescribed timeframe, such payments shall be collected from the persons responsible for their payment, in the manner and within the time limits specified by the Tax Code of Ukraine.

According to the point 57.3 of the art. 57 of the Tax Code of Ukraine, where the customs authorities assess the amount of customs taxes based on conducted customs audits or obtained information after the customs clearance of goods the taxpayer must discharge the amount of the customs taxes within 10 working days following the day of receipt of the tax notice-decision. Where the taxpayer appeals the customs authorities' tax notice-decision, the amount of customs taxes (along with penalties and late payment interest) must be paid within 10 working days after finishing such appeal and aligning the amount due.

According to the Tax Code Ukraine, the tax authorities are the only authorities responsible to enforce collection of the unpaid customs debt from the taxpayers (based on point 41.4 of the art. 41 of the Tax Code of Ukraine).

In accordance with the requirements of Chapter 9 of the Tax Code of Ukraine, the collection (tax) authority should lodge a claim to the court on recovery of the amount of taxpayer's unpaid customs debt. Given that, where a debt for customs taxes arises due to the non-compliance, and the taxpayer fails to timely discharge this debt, the customs authorities shall apply to the tax authorities, which in turn enforces collection of the tax debt. If necessary, the State Enforcement Service assists in tax collection under the court decision, in the manner prescribed by the Law of Ukraine "On Enforcement Proceedings" dated 2.06.2016 No. 1404-VIII.

At the same time, the concepts of arising of customs debt, and its repayment (in the manner and terminology harmonized with the EU legislation) were introduced in Ukraine within the framework

of application of the common transit procedure and NCTS at the national level (Chapter V of the Law of Ukraine "On Common Transit and Introduction of the National Electronic Transit System" dated 12.09.2019 No. 78-IX).

The Ministry of Finance of Ukraine and the State Customs Service of Ukraine are currently working on a draft law to amend the Customs Code of Ukraine. This draft law will enable full-fledged implementation the Union Customs Code's provisions on customs debt.

#### **9. Please describe the system of customs guarantees.**

During application of the common transit procedure (NCTS), guarantee of compliance with customs obligations and the delivery of goods to the customs office of destination is performed according to the provisions of the Convention on a Common Transit Procedure, using the instruments and approaches provided by this Convention.

For NCTS purposes, the guarantors may be banks, insurance companies or independent financial intermediaries.

In other cases, the issues related to guarantee of compliance with customs obligations by the economic operators before the customs authorities are regulated by the Title X of the Customs Code of Ukraine.

Granting the customs authorities with security for payment of customs taxes is mandatory upon importation and transit of certain types of goods (according to the list approved by the Cabinet of Ministers of Ukraine).

The amount of security for payment of customs taxes is determined by the customs authority, based on the amount of customs duties payable when releasing goods for free circulation in the customs territory of Ukraine (customs procedure of import) or when exporting goods under the customs procedure of export. If it is not possible to determine the amount of customs taxes to be paid when determining the amount of the financial guarantee, the amount of the financial guarantee is determined on the basis of the highest tax rates, value and / or quantity of goods that can be determined from available information.

The instruments to secure payment of customs taxes are as follows:

- 1) financial guarantees;
- 2) guarantee under the terms of the Customs Convention on the International Carriage of Goods under the TIR Carnet (TIR Convention) of 1975;
- 3) guarantee under the terms of the Convention on Temporary Admission (Istanbul, 1990) with the use of a book (carnet) A.T.A.

Financial guarantees may be provided as follows:

- 1) in the form of a document issued by the guarantor;
- 2) by depositing funds in the appropriate account or at the cash desk of the customs authority (cash deposit).

Financial guarantees in the form of a document can be in one of the following types:

1) individual guarantee (single use - one guaranty for one customs declaration within one operation);

2) multiple guarantee (one guaranty for several customs declarations for one owner within single foreign trade agreement);

3) comprehensives guarantee (the simplification - similar to EU customs legislation).

Guarantors are approved by the State Customs Service of Ukraine by entering them in a special register.

Guarantors may be banks or independent financial intermediaries that meet the criteria and conditions established by art. 314 of the Customs Code of Ukraine.

Interaction between the customs authorities and guarantors is governed by the relevant agreements.

In the event of non-performance of the customs obligations by the person to whom the holder of the financial guarantee, the customs authority (with the involvement of representatives of the guarantor who issued a guarantee) shall investigate the circumstances of such non-performance. After clarifying the circumstances of the person's failure to fulfill the obligation, the customs authority sends a request to the guarantor to settle the appropriate amount of customs taxes.

The guarantor must pay the requested amount to the customs authorities within 3 banking days upon receipt of their claim. Failure to pay the requested customs taxes by the guarantor would result in the following:

1) late payment interest is charged to the guarantor;

2) acceptance of any further financial guarantees from this guarantor is suspended;

3) the customs authorities would consider termination of the cooperation agreement with the guarantor.

In case of non-fulfillment of the customs obligation secured by cash deposit, the amount of customs taxes to be paid shall be transferred to the state budget from the amounts of cash deposit.

Currently, Ukrainian authorities are working on draft amendments to the customs legislation aimed in implementing the Union Customs Code's provisions on issuance, registration and application of guarantees, their accounting, revocation and cancellation of registration.

#### **10. Please explain the procedures and formalities for clearing goods into free circulation and for goods taken out of the customs territory.**

Prior to the goods being brought into Ukraine, the entry summary declaration should be lodged to the customs authorities for risk and security analysis. Before or at the moment when the goods are at the customs border of Ukraine the preliminary or transit customs declaration should be lodged to the customs authorities to enable goods' delivery to the customs office of destination.

For certain goods (under the list determined by the Ukrainian Government), a guarantee in the form of a document or cash deposit is required. If the common transit procedure (NCTS) is applied, guarantee is to be applied according to the Convention on a common transit procedure.



The customs declaration for the relevant customs regime procedure should be lodged to the customs authorities after delivery of the goods to the customs office of destination. The customs office verifies the customs declaration and completes customs clearance. Customs clearance is normally carried out within four working hours.

Goods brought into the customs territory of Ukraine (including transit purposes) may be subject to official control measures (veterinary and sanitary control, phytosanitary control, control over compliance with legislation on food, feed, animal by-products, health and animal welfare). Measures of official control at checkpoints at the state border of Ukraine are carried out by the customs authorities through prior documentary control.

The Customs Code of Ukraine has established 14 customs regimes, implying different treatment regarding handling and taxation of goods (analog of EU customs procedures and special procedures). Customs formalities and procedures comply with the International Convention on the Simplification and Harmonization of Customs Procedures (with all Annexes) and the WTO Agreement on Trade Facilitation.

The customs regime of import (release for free circulation) may be applied to the goods brought into the customs territory of Ukraine and goods stored under customs control or placed under another customs regime, as well as to the products of goods processing placed under the customs regime of processing in the customs territory.

In order to place goods under the customs regime of import, a person in charge of compliance with the customs regime requirements shall:

- 1) present the documents related to such goods to the customs authority realising the goods;
- 2) pay customs payments in accordance with the laws of Ukraine, legally imposed on the importation of goods into the customs territory of Ukraine in the import regime;
- 3) satisfy legally established requirements for non-tariff regulation of foreign economic activity.

Goods placed under the customs regime of import shall acquire the status of Ukrainian goods.

The customs status of Ukrainian goods shall be confirmed by a customs declaration under which they were released into free circulation.

In order to place goods under the customs regime of re-import, a person in charge of compliance with the customs regime requirements shall:

- 1) import goods into the customs territory of Ukraine not later than within the period established by the law upon their export outside the customs territory of Ukraine;
- 2) present the documents related to such goods to the customs authority releasing the goods under the customs regime of re-import;
- 3) provide the customs authorities with documents and particulars required for identification of re-imported goods.

The customs regime of re-import shall be applied where the customs authority can identify goods declared under such customs regime as being previously exported outside the customs territory of Ukraine.

Ukrainian goods placed under the customs regime of re-import shall retain the status of Ukrainian goods.

Foreign goods re-imported shall be conferred the status of Ukrainian goods after their placement under the customs regime of re-import.

The Ukrainian status of the goods specified in part 2 of this Article shall be confirmed by a customs declaration, under which they were released for free circulation.

The main provisions on the import and reimport regimes are given in the Customs Code of Ukraine (Chapters 13, 14).

An automated customs clearance system and a single automated information system for the customs authorities are used to complete customs formalities by the customs office at the border, as well as the customs office inside Ukraine's territory. Control of the availability of permits of other state authorities is carried out electronically using the "single window" system.

Payment of customs duties is carried out by means of the centralized electronic system of the Single treasury account.

Upon goods taken out of the customs territory, only submission of an export customs declaration is required according to the declared customs regime. All processes are straightforward and basically are in line with practices of the foreign customs authorities in many aspects corresponding to the world's best practices.

For goods taken out of Ukraine, Ukrainian customs law currently does not envisage a concept of presenting advance information on the cargo (similar to the EU "exit summary declaration") before goods are dispatched for export.

The Ministry of Finance of Ukraine and the State Customs Service of Ukraine are now considering implementation of a general declaration of exit into domestic customs legislation.

The customs regime of export may be applied to goods intended for export outside the customs territory of Ukraine, as well as to goods already exported outside that territory and staying under customs control except for those, prohibited to be placed under such customs regime in accordance with the law.

2. In order to place goods under the customs regime of export, a person in charge of compliance with the customs regime requirements shall:

1) present the documents related to such goods to the customs authority releasing the goods under the customs regime of export;

2) pay customs payments imposed by the laws of Ukraine on goods exported outside the customs territory of Ukraine under the customs regime of export;

3) comply the requirements to apply legally established tariff and non-tariff regulation of foreign economic activity;

4) present a permission to conduct a foreign economic transaction of export of goods to the third country (re-export) to the customs authority where provided by the law.

Goods placed under the customs regime of export lose the status of Ukrainian goods at the time of their actual brought out outside the customs territory of Ukraine.

Goods located outside the customs territory of Ukraine lost the status of Ukrainian goods at the time of placement under the customs regime of export.

In order to place goods under the customs regime of re-export, a person in charge of compliance with the customs regime requirements shall:

- 1) present the documents related to such goods to the customs authority realising the goods;
- 2) provide the customs authority with documents and particulars required for identification of re-exported goods;
- 3) present a permission to conduct a foreign trade transaction of re-export of these goods to the customs authority where provided by the law.

The customs regime of re-export shall be applied where the customs authorities can identify goods declared under such customs regime as being previously imported into the customs territory of Ukraine.

Foreign goods placed under the customs regime of re-export shall retain the status of foreign goods.

Goods that are conferred the status of Ukrainian resulting from import and are re-exported lose the status of Ukrainian goods at the time of their actual export outside the customs territory of Ukraine.

The main provisions on the export and re-export regimes are given in the Customs Code of Ukraine (Chapters 15, 16).

**11. What are the general provisions for placing goods under a customs procedure? What types of declarations exist? Is there a possibility to amend or invalidate a declaration? Are there simplifications of customs formalities?**

- 1) general provisions for placing goods under a customs procedure:

Placing goods under the customs procedure is carried out by declaring them and completing customs formalities.

Declaring is made in a set form (written, verbal, by taking an action). The written declaration the method of submitting a customs declaration is not limited. Ukrainian customs law allows lodging customs declaration either in the form of an electronic document, or in paper based form supported with its electronic copy. Currently, 98% of customs declarations are lodged electronically using a qualified electronic signature.

Oral declaration and declaration by taking actions (choice of green or red corridors) is used by individuals (travelers) to declare things imported in escorted luggage to the customs territory of Ukraine.

Persons entitled to act as declarants (Article 265 of Customs Code of Ukraine) are the following:

- 1) Resident on whose behalf this contract is made – when moving goods, commercial vehicles across Ukrainian borders or when customs regime of goods is changed based on the import-export contract made by the resident;

2) Person entitled to take legal actions towards goods, commercial vehicles under the existing law of Ukraine on own behalf – in other cases.

Entities can be declarants provided they are registered by customs authorities of Ukraine.

The person authorised to declare goods, commercial vehicles on the declarant's behalf (representative or authorized person) has the same rights and responsibilities as the declarant.

The customs declaration or the document that replaces it is submitted by the declarant or his authorized person. Forms of customs declaration used in Ukraine were approved by the Resolution of the Cabinet of Ministers of Ukraine of May 21, 2012 № 450 "Issues related to the use of customs declarations." Since 2008, the form of the Single Administrative Document (corresponding to SAD) has been used for the declaration of commercial goods. The procedure for filling out customs declarations on the form of a single administrative document was approved by the Order of the Ministry of Finance of Ukraine dated 30.05.2012 № 651.\

Ukraine is a full-right member of the Universal Postal Union, and therefore postal declarations of forms CN22 and CN23 are recognized and used by Ukraine.

## 2) types of declarations

The following types of customs declarations with references to the legislation (cases and conditions of their application) are defined:

- standard customs declaration - Article 258 of the Customs Code of Ukraine;
- preliminary customs declaration - Article 259 of the Customs Code of Ukraine;
- temporary and periodic customs declaration - Article 260 of the Customs Code of Ukraine;
- simplified customs declaration - Article 2601 of the Customs Code of Ukraine;
- supplementary customs declaration - Article 261 of the Customs Code of Ukraine;

- customs declaration of a special type (T1UA) - for national application of a common transit regime (Law of Ukraine of September 12, 2019 № 78-IX "On the common transit regime and the introduction of the national electronic transit system", CMU Resolution of August 23, 2020 № 681 "Some issues related to the use of customs declarations of special types", the Order of the Ministry of Finance of December 22, 2020 № 795 "On approval of the Procedure of filling in of customs declarations of special types").

The forms of these types of customs declarations correspond to the form of the Single Administrative Document (SAD).

## 3) amendment or invalidation of a customs declaration

Following the provisions of Article 269 of the Customs Code of Ukraine, at the written request of the declarant or his authorized person and with the permission of the customs authority, the information specified in the customs declaration may be amended (before and after customs clearance), or the customs declaration may be invalidated).

The conditions and procedure for amending and invalidating a customs declaration are set out in Article 269 of the Customs Code of Ukraine and detailed in the Regulation on Customs Declarations (CMU Resolution of 21 May 2012 № 450 "Issues related to the use of customs declarations") and in the Regulation on customs declarations of special types (Resolution of the

Cabinet of Ministers of 05 August 2020 № 681 "Some issues related to the use of customs declarations of special types").

It can be noted that the conditions and cases of amendment and invalidation of a customs declarations, in general, comply with the provisions of EU customs legislation (Articles 173 and 174 of the Union Customs Code).

#### 4) simplification of customs formalities and control

Simplification of customs formalities and controls is implemented through the concept of authorized economic operators (AEO). In addition, domestic law regarding implementation of the provisions of the Convention on a common transit procedure provides for the application of transit simplifications under the terms of this Convention. Both simplification programs require the prior authorization (permission) of the customs authority according to the procedure harmonized with EU customs legislation, and submission of an appropriate self-assessment questionnaire.

Other trade facilitation measure (which do not require an authorization from customs) include use of a temporary and periodic customs declaration; release of goods under the preliminary customs declaration - without delivery to the customs office of destination; possibility of release of exported goods without their presentation to customs; automated (without human involvement) customs clearance of exported goods.

In addition, national legislation covering the implementation of the provisions of the Convention on a common transit procedure provides for the application of transit simplifications to traders under the similar provision of said Convention (see the answer to question 14).

### **12. Please explain the legislative provisions in relation to the examination of goods.**

In order to ensure compliance with the Customs Code of Ukraine, laws and other customs-related regulations, as well as international treaties of Ukraine, the customs authorities during their activities carry out a set of measures, namely:

1) verification of documents and information provided to the customs authorities during the movement of goods, means of transport for commercial use across the customs border of Ukraine;

2) customs inspection (inspection and re-inspection of goods, means of transport for commercial use, inspection and re-inspection of hand luggage and baggage, personal inspection of individuals);

3) oral interview of individuals and employees of economic operators;

4) inspection of territories and premises of temporary storage warehouses, customs warehouses, free customs zones, duty-free shops and other places where goods, commercial vehicles subject to customs control are located;

5) verification of accounting for goods moving across the customs border of Ukraine and / or under customs control;

6) in order to establish the characteristics determining the classification of goods according to HS Code, verification of the declared customs value of goods, establishing the country of origin of goods, checks on whether the goods qualify as drugs, psychotropic substances, their analogues,

precursors, potent or toxic substances, whether the goods contain any protected IP rights, the customs authorities may carry out sampling (samples) of goods. Please additionally see answer to question 33 below;

7) conduct documentary audits of compliance with the requirements of the legislation of Ukraine on customs matters;

8) send inquiries to other state authorities, institutions and organizations, foreign authorities, in order to establish the authenticity of documents submitted to the customs authority;

9) post-customs control.

The customs authorities apply a risk management system, in order to select the goods, vehicles, documents and persons subject to customs control as well as forms and scope of customs control.

### **13. Please describe the legislation on duty relief at importation and exportation.**

According to art. 270 of the Customs Code of Ukraine, the rules of taxation of goods moving across the customs border of Ukraine, duties, except for special duties, are established by this Code and international agreements approved by the Verhovna Rada of Ukraine.

Rules of taxation for special types of duties are established by the Laws of Ukraine "On Protection of National Producers from Dumped Imports", "On Protection of National Producers from Subsidized Imports", "On Application of Special Measures for Import to Ukraine", as well as separate Law on additional import duty.

The list of exemptions from customs duties (tax reliefs) for imports / exports is established by art. 282, 287, paragraph 4 of Section XXI "Final and Transitional Provisions" of the Customs Code of Ukraine.

Also, specific provisions related to duty exemptions are provided in article 234 of the Customs Code of Ukraine – for international postal and express deliveries and articles 374, 376 of the Customs Code of Ukraine – for goods, imported by individuals.

At the same time, in order to implement the Council Regulation (EC) No. 1186/2009 dated 16.11.2009 (Council Regulation (EC) No. 1186/2009 dated 16.11.2009) on the establishment of a system of duty exemptions to the customs legislation of Ukraine, the Ministry of Finance of Ukraine together with The State Customs Service of Ukraine has developed a draft Law of Ukraine amending the Customs Code of Ukraine on the implementation of the Association Agreement between Ukraine, on the one hand, and the European Union, the European Atomic Energy Community and their Member States, on the other hand, from the payment of import duty No. 5810 dated 20.07.2021, which as of 24.02.2022 is under consideration in the Parliament.

### **14. Please describe what types of transit procedures (national or international) are used. Provide a detailed description of those types of the transit procedures.**

Ukrainian customs legislation envisages application of both national and international procedures of transit of goods.

1) International transit

Ukraine is a party of the Customs Convention on the International Carriage of Goods under Cover of the TIR Carnet (TIR Convention) of 1975 and applies its provisions.

Since October 11, 1994, Ukraine has been participating in the TIR Convention through succession (The Government of Ukraine informed the Secretary-General that although, being a part of the USSR, Ukraine as one of the States Members of the United Nations since its inception, a number of provisions set forth in the Convention pertained solely to the competence of the Government of the Soviet Union. Furthermore, the Government of Ukraine specified that, from the time of the Soviet Union's participation in the TIR Convention, its provisions were extended also to the territory of Ukraine because Ukraine was an inalienable part of the USSR and also Ukraine, as a former Soviet Republic, shared borders with other States, and the relevant customs agencies of the Soviet Union were located in its territory. In accordance with the Act proclaiming the succession of Ukraine of 12 September 1991 and the Act of 15 July 1994 proclaiming the participation of Ukraine in the Convention, Ukraine reaffirmed its participation in the TIR Convention as from 12 September 1991.)

The in-force Procedure for implementing the provisions of the Customs Convention on the International Carriage of Goods under Cover of the TIR Carnet (TIR Convention) of 1975 and the relevant customs formalities approved by the order of the Ministry of Finance of Ukraine on October 20, 2017 № 953.

TIR Carnets in Ukraine are issued by the Association of International Road Carriers of Ukraine (asmap.org.ua).

The in-force procedure for issuing a certificate of approving means of transport for international transport of goods under customs seal approved by the order of the Ministry of Finance of Ukraine dated October 9, 2012 № 1064.

The TIR procedure could be started and ended in all customs offices of Ukraine (in customs units for road transport only).

Ukraine has acceded to the Convention on Temporary Admission (Istanbul Convention) and Annexes A, B.1-B.9, C, D and E to it, adopted on 26 June 1990 in Istanbul. Ukraine's accession to the Convention has been in force since September 22, 2004 and Ukraine uses ATA carnets on its territory.

Ukraine is a full member of the Universal Postal Union, and therefore the transit of postal items by the state postal operator Ukrposhta is carried out in accordance with the acts of the Universal Postal Union.

## 2) National transit and the common transit procedure

The Customs Code of Ukraine (Article 91) provides two types of transit of goods:

1) internal transit (in cases when goods that do not have the customs status of Ukrainian goods are moved within the customs territory of Ukraine), and

2) pass- through transit (in cases when goods that do not have the customs status of Ukrainian goods are moved between checkpoints at the border).

Prior to the arrival of goods at the border crossing point for being brought into the customs territory of Ukraine (including for transit), the carrier must submit the entry summary declaration and

prior crossing the border - the transit customs declaration, which is a document of control for the delivery of goods.

Brought into the customs territory of Ukraine and/or movement of some goods through the customs territory of Ukraine involves providing the customs authorities with security for payment of customs taxes (guarantee, see the answer to question 9 above).

Conditions for the application of the national transit regime are defined in Chapter 17 of the Customs Code of Ukraine.

Ukraine has also implemented the provisions of the Convention on a common transit procedure at the national level, in March 2021 launched the full-scaled national application of NCTS, and in November 2021 successfully passed the Pre-monitoring mission.

One of the types of transit used in Ukraine is the common transit procedure based on the provisions of the Convention on a common transit procedure. In order to fulfill international obligations under the Association Agreement with the EU to accede to the Convention on a common transit procedure, the Law of Ukraine No. 78-IX dated 12.09.2019 "On the Common Transit Regime and the Introduction of a National Electronic Transit System" was adopted. In addition to this law, a number of by-laws were issued, including (the list is not exhaustive):

- The Resolution of CMU № 681 dated 05 August 2020 "On some issues related to the use of customs declarations of special types";

- The Resolution of CMU № 705 dated 12 August 2020 "On some issues of granting permission for the use of special transit simplification";

- The Order of the Ministry of Finance № 86 dated 12.02.2021 "On approval of the Procedure for customs formalities in a common transit regime using the electronic transit system and the Procedure for admission of vehicles and containers for carriage of goods under customs seals in a common transit regime"

- The Order of the Ministry of Finance № 795 dated 22.12.2020 "On approval of the Procedure of filling in of customs declarations of special types";

- The Order of the Ministry of Finance № 69 dated 09.02.2021 "On approval of the Procedure of the information exchange regarding registration of a financial guarantor, its suspension, renewal and cancellation, other information necessary for supervision and control over the financial guarantor's compliance with the conditions necessary for granting financial guarantor status";

- The Order of the Ministry of Finance № 200 dated 06.04.2021 "On some issues of ensuring payment of customs debt under a common transit regime";

- The Order of the Ministry of Finance № 568 dated 29.10.2021 "On approval of the Requirements for the characteristics of seals of a special type, their accounting and storage".

Starting from March 17, 2021, Ukraine started full-scaled national application of the common transit procedure, which implies use of the T1UA customs declaration (similar to the T1 transit declaration), guarantees and guarantee management system (GMS), national electronic transit system operating similarly to NCTS, and relevant business processes. The common transit procedure can be applied during import, export and transit of goods. Until Ukraine's accession to the Convention on a common transit procedure, the application of the common transit procedure is limited exclusively to



the customs territory of Ukraine. In case of use of the common transit procedure by economic operators, provisions and business processes provided for the common transit procedure should be applied (similar to those defined in the Convention on a common transit procedure).

The sealing, guarantee system, debt enquiry and recovery procedures, transit simplifications (the status of authorized consignor, authorized consignee, use of a comprehensive guarantee or guarantee waiver, the use of seals of a special type, etc.) are provided in the context of the common transit regime. In addition, the use of the business continuity procedure (a procedure based on the use of documents on paper) and the operation of the support service (HelpDesk) is provided.

Transit of goods by fixed transport installation is carried out without the application of the common transit regime.

On November 23-25, 2021, the Pre-monitoring mission of EU experts took place in Ukraine. Its main task was to assess Ukraine's readiness to accede to the Convention on a common transit procedure and the Convention on the Facilitation of Formalities in Trade in Goods, and to make recommendations for preparation for the main Monitoring mission. Information on the results of the previous evaluation mission was presented at the 34th meeting of the Joint Committee of the Convention on a common transit procedure and the Convention on the Facilitation of Formalities in Trade in Goods, held on December 10, 2021, and at the 185th meeting of the Working Group January 27, 2022.

The Monitoring mission and official procedure of acceding to the Conventions was expected to be completed in 2022.

**15. Please describe the other customs procedures on: a) storage (customs warehousing and free zones); b) specific use (temporary admission and end use); c) processing (inward and outward processing). Is there any particular formality linked with a provision of duty drawback in case of preferential agreement?**

The Customs Code of Ukraine (Section V of the Code, translation of which will be additionally provided) envisages 14 customs procedures, namely: import (release for free circulation), re-import, export (final export), re-export, transit, temporary import, temporary export, customs warehouse, free customs zone, duty-free trade, inward processing, outward processing, destruction or demolition, abandonment of goods to the state.

The provisions of the Customs Code of Ukraine on customs procedures are generally similar to the provisions of the Union Customs Code on special procedures. There are no major differences for foreign economic entities wishing to store, process, temporarily import, import tax-exempt goods for certain purposes, etc. Some differences between the national legislation and EU *acquis* are related to the fact that Ukraine does not have a concept of "special procedure" – i.e., all types of relevant sets of customs formalities are treated equally as a single name "customs procedure".

For instance, Ukrainian customs procedures “customs warehouse” and “free customs zone” are similar to the concepts of special procedures of “customs warehouse” and “free zone” provided by the Union Customs Code.

Under the customs procedure of the customs warehouse, goods are stored for up to three years (for excisable goods - up to a year). Storage of goods placed under the other customs procedures (e.g. export) at customs warehouses is allowed for up to 90 days.

Detailed information on the relationship between customs procedures and special customs procedures is presented in the attached diagram.

In addition to differences in structure of the system of customs procedures, there are also slight differences in the basic provisions of some customs procedures between the EU and Ukraine's customs legislation. These differences include procedures and operations that can be carried out at the customs warehouse, the person who declares the goods, the person responsible for accounting, setting the maximum term for storage goods, etc.

Placement of goods under the customs procedure of inward processing implies full exemption from the customs taxes. Guarantee measures to ensure compliance with the customs procedure of inward processing are to be applied to the list of goods approved by the Cabinet of Ministers of Ukraine. If inward processing of goods implies use of materials originating from third countries, the declarant would need to pay customs duty for these materials, in order finished goods could receive preferential treatment under the relevant free trade agreement (no duty drawback rule). A special type of customs declaration (IM51DM) is used for this purpose.

For outward processing (except for repairs), partial exemption from import taxes is applied upon importation of processed goods. In this case, the taxes are effectively levied on the cost of processing.

The Customs Code of Ukraine does not foresee retroactive issuance of the permit for processing.

The end-use procedure (envisaged by the Union Customs Code) roughly corresponds to the Ukrainian customs procedure of import, where import tax exemption granted upon import depends on the further fate of goods. At the same time, the Ministry of Finance of Ukraine is currently finalizing a draft Law on Amendments to the Customs Code of Ukraine, which plans to introduce provisions on end-use procedures in line with the Union Customs Code.

**16. Please describe any existing simplified procedures, statement on origin issued by approved exporter (origin) or other simplified authorizations procedures, if any. If existing, please describe the procedure for obtaining the status of 'approved exporter'.**

Certain Ukraine's free trade agreements, e.g. Free Trade Agreement between Ukraine and EFTA countries, as well as EU-UA Association agreement envisage a simplified procedure for obtaining proofs of origin by the Ukrainian exporters, i.e. completion of an invoice declaration by the exporter (instead of receiving a movement certificate at the customs office). An invoice declaration is a document equal to the movement certificate (or other type of proof of origin) that certifies goods' origin. An invoice declaration is completed by the exporter by means of making a statement (under the wording stipulated by the relevant free trade agreement) on the invoice or any other commercial document.

To enjoy this incentive, before completion of the invoice declaration (where goods' value exceeds the threshold envisaged by the relevant FTA), Ukrainian exporters must obtain an "approved exporter" status from the customs authorities.

To do this, the exporter must submit a relevant application and relevant supplier's (manufacturer's) declaration for preferential origin goods. This declaration would cover the goods, for which an invoice declaration can be issued.

An approved exporter has the following obligations:

1) issue an invoice declaration solely for the goods complying with preferential origin rules under the relevant FTA, as well as to adhere to the requirements stipulated by the relevant FTA (e.g. regarding duty drawback rule for the non-originating materials);

2) retain copies of the invoice declarations within at least three years from the date of completion thereof, along with documents confirming preferential origin of the goods;

3) if requested by customs, produce the copies of the invoice declaration, along with the documents supporting preferential origin of the goods (exported under the relevant customs declaration) as soon as possible, but no later than within 14 calendar days. An approved exporter must also ensure that the customs authorities are able to perform the documentary audit related to manufacture of goods, for which an invoice declaration is made upon exportation from Ukraine.

According to the Free Trade Agreement between Ukraine and the EFTA countries, ratified by the Law of Ukraine «On Ratification of the Free Trade Agreement between Ukraine and the EFTA countries, Agreement on Agriculture between Ukraine and the Kingdom of Norway, Agreement on Agriculture between Ukraine and Iceland, as well as the Agreement on Agriculture between Ukraine and Swiss Confederation» dated 07.12.2011 No. 4091-VI, Free Trade Agreement between the Government of Ukraine and the Government of Montenegro, approved by the Law of Ukraine «On Ratification of the Free Trade Agreement between the Government of Ukraine and the Government of Montenegro» dated 16.10.2012 No. 5445-VI, as well as other Ukraine's international treaties, concluded under the procedure set up by the law, that envisage the procedure of granting and revocation of the "approved exporter" status, the Ministry of Finance has approved the Procedure for granting and revocation of the "approved exporter" status.

The term "approved exporter" means the business entity-exporter, a private individual, individual entrepreneur (excluding customs brokers) who regularly exports preferential origin goods, is entitled to complete a declaration of origin for the goods, regardless of the goods' value, and complies with the preferential origin rules envisaged by the relevant free trade agreement.

The customs authorities assign an authorization ID (confirming the status of an approved exporter) to the exporter and include it into the relevant Register.

As of 24.02.2022, there were 283 approved exporters registered in Ukraine.

**17. Please describe the system of risk selection for the execution of the customs controls. (e.g. is the system automated, are risk selection criteria established at national, regional or local level?). Is there in place any kind of monitoring system of the controls carried out on the basis**

**of risk analysis/risk profiles, including the evaluation of the results? Is there any system for management of the random controls?**

The customs authorities use the risk management system (RMS) for defining goods, vehicles, and documents subject to customs control, its forms to be carried out in respect of the relevant items, as well as the scope of such control.

Forms and scope of customs controls are defined by the customs authorities with the use of RMS (non-automated, and/or combined control); or by the automated risk management system – ARMS (automated control).

Upon design of the measures related to risk management, automated control, as well as combined control using RMS are the preferred options.

Risk management process (including with the use of IT) implies selection of the relevant criteria that are processed automatically and enable selection of objects for customs control.

ARMS, which is functioning within the existing automatized customs clearance system “Inspector”, is being constantly upgraded and improved, considering the new challenges and external circumstances impacting the activities of the customs authorities.

Currently, ARMS has the following capacities:

1) consists of 4 modules, supporting automated risk management processes:

- upon crossing the border in the road and railway checkpoints;
- upon verification of the customs declarations;
- upon check of the entry summary declarations (ENS);
- upon verification of the T1UA declaration (NCTS);

2) enables the following daily volumes of information processed for the purpose of risk assessment, analysis and management: 8-10k customs declarations; 8-11k movements of vehicles moving the goods;

3) supports operation of over 100 valid automated risk profiles, algorithms of which imply automated checks with the use of over 100k combinations of risk indicators. Risk profiles are filled with the parameters of risk indicators (criteria with pre-determined parameters, which enable to choose the object of customs controls), which may consider regional and local specific factors;

4) use data received from the State Tax Service of Ukraine, State Border Guard System of Ukraine, as well from the foreign customs authorities;

5) enables the possibility of fast response of the State Customs Service of Ukraine to the risks of violation of customs rules, by means of the use of relevant IT modules.

Algorithms of automated risk assessment are constantly improving, world’s best practices, methods and tools are being implemented.

Monitoring of controls.

To ensure that information on the forms and scope of customs controls is properly recorded and logged, the designated customs official must register in Automated System of Customs Clearance (or in the other customs IT system) all customs formalities which have been appointed by the means of

RMS, as well as record information about the results of completion of these customs formalities (RMS feedback).

IT is used for storage of RMS feedback in central database of the State Customs Service of Ukraine.

Customs authorities (their respective units) use RMS feedback to assess efficiency of risk management tools, remove failures in organization of customs control with the use of RMS, as well in order to assess feasibility of customs formalities which may be performed after release of goods.

Central unit of RMS coordination, as well as local customs offices perform analysis and control over completeness of customs formalities appointed with the use of RMS. Other customs authorities also analyse these issues, within their competence.

To assess overall efficiency of use of RMS and ARMS, the State Customs Service of Ukraine has implemented a monthly update of KPIs by the customs authorities.

Random selection management.

Amongst others, RMS envisages random selection.

Currently, automated risk management system uses the elements of random selection/checks (with the use of relevant probabilities). In addition to that, there are certain risk profiles triggering customs inspections randomly.

**18. Please describe the procedures for authorised economic operators (AEO), in particular the application (including eventually self-assessment) and authorisation process to obtain the status of AEO. Also, explain how the authorisation is managed (monitoring, suspension, revocation, etc.). What are the criteria, conditions and benefits for an AEO?**

From the legislative standpoint, AEO concept has been implemented in Ukraine in 2019. During 2020-2021, the AEO program further developed, and in March 2021 first Ukrainian company received the AEO certification. Procedure for obtaining the AEO status, as well as monitoring, suspension, renewal and withdrawal thereof is in line with the Union Customs Code.

Businesses may receive the following types of authorisations (holding both types of authorisations is possible):

- 1) for special customs simplifications (AEO-C);
- 2) on safety and security (AEO-S).

AEO authorisation is free of charge and does not have any limitations regarding period of validity.

To obtain the AEO certification, the company must lodge a relevant application to the customs authorities. Along with the application for AEO status, the company would need to submit a self-assessment questionnaire.

The customs authorities would make a preliminary check of the application and self-assessment questionnaire (up to 30 days). If there are no grounds to reject an application at this stage, the customs authorities would start assessment of the company's compliance with AEO criteria (may take up to 120 days).

During this assessment, the customs authorities would check whether the company is compliant with the following criteria:

- 1) compliance with customs legislation and taxation rules, as well as absence of facts of criminal offenses related to economic activity;
- 2) proper system of accounting, commercial and transport documentation;
- 3) financial solvency;
- 4) proven practical standards of competence or professional qualifications of the designated company's official (for AEO-C only);
- 5) compliance with appropriate security and safety standards (for AEO-S only).

Economic operators with the AEO certification may enjoy the following benefits and simplifications (depending on AEO authorization type):

- 1) comprehensive financial guarantee;
- 2) use of special type customs seals;
- 3) simplified declaration;
- 4) local customs clearance procedure;
- 5) priority treatment upon customs formalities for goods and vehicles;
- 6) reduced risk level defined by customs automated risk management system;
- 7) use of a specially designated line (where available) in the road border crossing points;
- 8) use of the national AEO logo;
- 9) prior notification from the customs authorities regarding that relevant goods and vehicle declared under the relevant ENS have been selected for customs inspection in the border crossing point in the result of risk management system application.

After the company is authorized for AEO, its compliance with the AEO criteria, as well as eligibility for relevant customs simplification is periodically monitored. Such monitoring is carried out based on the relevant monitoring plans, on the basis of a risk analysis system.

AEO authorization may be suspended, or such authorization can be revoked, if the company is no longer compliant with the AEO criteria, as well as in other cases stipulated by Customs Code of Ukraine.

An IT tool to deal with AEO issues (for conducting assessment, monitoring procedures, centralised storing their results etc.) is at the development stage. Currently the module for submission of electronic application and documents for receiving AEO status is developed.

**19. Please provide a description of the customs control system for counterfeit and pirated goods and specify the kind of industrial or intellectual property covered by the control system (copyright, patents, designs, etc.)**

Customs enforcement of the intellectual property rights are based on international principles and guidelines, including the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), implemented into the Customs Code of Ukraine.

The Customs Code of Ukraine contains a special chapter XIV (art. 397-403) regarding facilitation of IPR protection, This Chapter has been amended, in order to implement the Regulation (EC) No. 608/2013 dated 12.06.2013, as well as Implementing Regulation of the Commission (EC) No. 1352/2013 dated 04.12.2013.

Amongst others, Ukrainian national system of customs enforcement of the IPR envisages:

- 1) maintenance of IPR customs register, processing of electronic applications;
- 2) forms of applications are identical to those used in the EU;
- 3) suspension of customs clearance of goods is possible either on the basis of the customs register, as well as ex officio;
- 4) pre-court destruction of goods, where customs clearance is suspended due to suspicions in infringement of IPR;
- 5) special procedure for suspension of clearance and destruction of small consignments of goods moved in international parcels;
- 6) non-application of enforcement measures to original goods, personal belongings of individuals, etc.

Customs enforcement of IPR upon movement of goods across the customs border covers copyrights, inventions, industrial design, trademarks, geographical names, plant varieties, as well as components of semiconductor items.

## **20. Please provide a description of the customs control system for cultural goods.**

Procedure for control of movement of cultural valuables across the customs border of Ukraine is envisaged by the Law of Ukraine «On Export, Import, and Recovery of Cultural Valuables» of 21.09.1999 No.1068-XIV.

The customs authorities perform control over movement of cultural goods in cooperation with the Ministry of Culture and Informational Policy of Ukraine (Ministry of Culture) and the State Service of Archives of Ukraine.

Upon application of the owner of the goods (person authorized by the owner), the Ministry of culture assesses a state expert conclusion and decides on the possibility of export of cultural goods.

If the Ministry of Culture approved export (temporary export) of the cultural goods, the owner is provided with a certificate for the right to export of cultural goods (under the form approved by the Government).

The above certificate would be the basis for movement of goods described therein. Exportation of cultural valuables without these certificates is restricted.

Upon issuing a certificate, the Ministry of Culture would upload it as an electronic document (certified with an electronic signature) to the state portal “Single Window for International Trade”.

Upon exportation (temporary exportation of cultural goods, the customs authorities perform relevant customs formalities, required for release of goods under the relevant customs procedure, based on the Ministry’s certificate, by means of a “single window” mechanism.

Cultural values imported into Ukraine are subject to registration according to the legislation.

Import of cultural valuables being on a wanted list is restricted. Such cultural goods should be seized by the customs authorities to return them to the legitimate owner.

Cultural valuables falling under the tariff codes 9701 10 00 00, 9701 90 00 00, 9702 00 00 00, 9703 00 00 00, 9704 00 00 00, 9705 00 00 00, 9706 00 00 00, that were made over 50 years ago (regardless of their value and means of transportation) must be declared to customs in writing.

## **21. Please provide a description of the customs control system for dual use goods.**

Pursuant to the art. 544 of the Customs Code of Ukraine, main tasks of the customs authorities, amongst others, include state export control (within the area of competence of customs).

According to the art. 21 of the Law of Ukraine «On State Control over International Transfers of Military and Dual Use goods» No. 549-IV dated 20.02.2003, the customs authorities perform customs formalities required for moving military/dual use goods across the border, as well as placement these goods under the relevant customs procedure, based on the relevant permit. This permit is to be issued by the State Export Control Service of Ukraine with the use of the “single window” mechanism envisaged by the Customs Code of Ukraine.

The procedure of state control over international transfers of dual use goods (including cases where the permit from the State Export Control Service is required) is approved by the Regulation of the Cabinet of Ministers of Ukraine No. 86 dated 28.01.2004.

The declarant must present an original of the permit (or conclusion) from the State Service of Export Control to the customs authorities (along with other documents required for customs control and customs clearance of the goods).

Permits of the State Export Control Service inter alia refer to the HS codes of the goods (under Ukraine’s customs tariff nomenclature). At the same time, these codes are outlined for informational purposes only. Actual physical characteristics of the goods need to be analysed, in order to conclude on whether the goods fall under the scope of controlled items. The customs authorities do this by checking characteristics of the goods presented for clearance against the name and description of goods in the Single list of dual use goods.

Lists of controlled military goods are approved by the annex to the Procedure of State Control of International Transfers of Military Goods (Regulation of the Cabinet of Ministers of Ukraine dated 20.11.2003 No. 1807).

## **22. Please provide a description of the customs control system for drug precursors, dangerous chemical products and 'controlled substances' under the Montreal Protocol (ODS and HFCs).**

The Law of Ukraine “On Narcotic Substances, Psychotropic Substances and Precursors” dated 15.02.1995 No. 60/95-BP approves a procedure for control of movement of these items across Ukraine’s customs border.

Import, export and transit of narcotic substances require a permit from the State Service of Medicine and Drugs Control.



Where such permit is absent, the customs authorities must seize narcotic substances, psychotropic substances and precursors which are illegally moved.

Criminal Code of Ukraine establishes criminal liability for smuggling, namely:

- 1) narcotic substances, psychotropic substances, their analogs or precursors (art. 305);
- 2) poisonous substances, potent drugs, explosives, radioactive substances (art. 201).

The procedure of control of movement of ozone-ruining chemicals across the customs border is envisaged by the Law of Ukraine «On Regulation of Business Activities using Ozone-ruining Substances and Fluorinated Greenhouse Gases» dated 12.12.2019 No. 376-IX.

It is restricted to import and export ozone-ruining substances and fluorinated greenhouse gases (controlled substances), goods and equipment to/from the countries which are not parties to the Montreal Protocol on Substances Ruining the Ozone Layer.

Import of ozone-ruining substances, as well as fluorinated greenhouse gases (enlisted in the clause 1 annex 2 to the Law «On Regulation of Business Activities using Ozone-ruining Substances and Fluorinated Greenhouse Gases», is performed, subject to obtaining a share within the annual national quota for import of controlled substances.

According to art. 2 of the above law, goods and equipment containing ozone-depleting substances, as well as fluorinated greenhouse gases, may be placed on the market, imported and exported only where these items bear relevant labeling. The customs authorities check this labeling upon customs clearance.

According to art. 16 of the Law of Ukraine «On Cross-order Activities», where goods are subject to import/export licensing, customs clearance of such goods is made on the basis of the relevant license.

This license is issued by the Ministry of Economy of Ukraine with the use of the “single window” mechanism under the Customs Code of Ukraine. For issuing a license, an approval from the Ministry of Environmental Protection and Natural Resources is needed. Both Ministries cooperate regarding this approval through the inter-agency information sharing mechanism (without involvement of the economic operator – applicant).

Where imported goods do not contain ozone-ruining substances and fluorinated gases, customs clearance is performed without a license.

The procedure for control over movement of pesticides and agro-chemicals is envisaged by the Law of Ukraine «On Pesticides and agrochemicals» No. 86/95-BP dated 2.03.1995.

According to the art. 4 of the above Law, the Ministry of Environmental Protection and Natural Resources issues import permits / registrations for these substances. This information is recorded in electronic form through the state informational web-portal “Single window for international trade” the same day when a permit/registration has been granted.

The customs authorities perform customs formalities required for release of pesticides and agrochemicals into free circulation on the basis of the following information:

- 1) List of agrochemicals approved for importation into Ukraine, manufacture, trade, use and advertising without their state registration;

2) Permits for importation of unregistered pesticides and agrochemicals (for state trials and for scientific purposes)

3) Information on state registration of pesticides and agrochemicals

This information is received from the Ministry of Environmental Protection and Natural Resources through the “single window” mechanism under the Customs Code of Ukraine.

**23. Please provide a description of how Ukraine implements Article 12 of the 1988 UN Convention against Illicit Traffic in Narcotic Drugs and Psychoactive Substances in external trade?**

Ukraine has ratified the UN Convention against Illicit Traffic in Narcotic Drugs and Psychoactive Substances (refer to the Regulation of Verhovna Rada of Ukraine dated 25.04.1991 No. 1000-XII).

To implement the above Convention into Ukraine’s domestic law, Ukrainian parliament has further adopted the following laws:

1) Law of Ukraine "On Narcotic Drugs, Psychotropic Substances and Precursors" dated 15.02.1995 No. 60/95-VR. This Law envisages the core principles of the state policy regarding turnover of drugs, psychotropic substances and precursors in Ukraine. The Law also establishes relevant state procedures of state control, powers of the authorities, as well as rights and responsibilities of businesses and private individuals in this area;

2) Law of Ukraine dated 15.02.1995 No. 62/95-BP "On Measures to Combat Illicit Trafficking of Narcotic Drugs, Psychotropic Substances and Precursors and their Abuse". This law establishes a number of enforcement actions (both criminal and administrative) to combat illegal turnover of drugs, e.g., controlled deliveries, inspections, medical examinations etc.

The list of narcotic drugs, psychotropic substances and precursors is approved by the Regulation of the Cabinet of Ministers of Ukraine dated 6.05.2000 No. 770 (hereinafter - the List).

Table IV of the List includes Schedule № 1 “Precursors, which circulation is limited and subject to control measures” and List № 2 “Precursors subject to control measures”. The substances defined in Tables 1 and 2 of the Convention are included in the List.

According to the Note in Table IV of the List, any substances containing a certain percentage (as stipulated by the List) of precursors are subject to the same control measures as precursors.

In case the authorities detect new dangerous psychoactive substances, or relevant information is received from the International Narcotics Control Board, the List is amended accordingly. The latest changes to the List were introduced by the regulation of the Cabinet of Ministers of Ukraine dated 11.03.2022 No. 255.

According to art. 24 of the Law of Ukraine "On Narcotic Drugs, Psychotropic Substances and Precursors", import, export and transit of narcotic drugs, psychotropic substances or precursors requires a permit from the authorities.

A permit must be presented to the customs authorities upon customs clearance of goods containing narcotic drugs, psychotropic substances and precursors.

Criminal liability for illegal movement of narcotic drugs, psychotropic substances, their analogues or precursors across the customs border is established by the art. 305 "Smuggling of narcotic drugs, psychotropic substances, their analogues or precursors or falsified drugs" of the Criminal Code of Ukraine.

**24. Please provide a description of the customs control system for the enforcement of CITES.**

The main legislative acts envisaging the procedure of customs control and customs clearance of goods, as regards CITES enforcement, are:

- 1) Law of Ukraine «On the Plant Community» dated 9.04. 1999 No. 591-XIV
- 2) Law of Ukraine «On Wild Animals» dated 13.12.2001 No. 2894-III.

Imports and exports of specimens of wild fauna and flora (including transit and re-export) are carried out under permits and certificates issued by the Ukrainian authorities responsible for execution of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

These authorities upload relevant electronic documents (permits or certificates) at the unified state information web portal "Single Window for International Trade" on the same day when the relevant document has been issued.

Upon completion of customs formalities and release into free circulation of flora and fauna objects falling under the CITES scope, the customs authorities use electronic documents (permits or certificates) received from the other Ukrainian competent authorities through the "single window" mechanism.

The customs authorities affix the marks on movement of goods regulated by the CITES convention in the import/export permits for specimens of wild fauna and flora, as well in the certificates for traveling exhibitions, re-export and introduction from the sea of the flora/fauna samples, which are subject to the above Convention.

**25. Please provide information concerning rules and procedures for cash controls at the borders.**

The National Bank of Ukraine established the procedure for cross-border movement of currency valuables by the entities engaged into currency transactions. The core regulations on this issue are as follows:

- 1) the Customs Code of Ukraine;
- 2) the Law of Ukraine "On Currency and Currency Transactions" dated 21.06.2018 No. 2473-VIII;
- 3) the Decree of the Management of the National Bank of Ukraine «On Approval of the Regulation for Cross-border Movement of Currency Valuables» dated 02.01.2019 No. 3;
- 4) the Decree of the Management of the National Bank of Ukraine «On Approval of the Regulation on Protective Measures and Definition of the Procedure for Completion of Certain Transactions in Foreign Currency» dated 02.01.2019 No. 5.

Private individuals can import and export currency in cash without making a written declaration to customs, provided that the total amount of this cash does not exceed the equivalent of EUR 10k.

Where the above threshold is exceeded, a person must present a written declaration to customs.

Where the amount of cash taken out of Ukraine by private individuals – Ukrainian residents exceeds the equivalent of EUR 10k, such individuals must present documents regarding withdrawal of these funds from his/her own bank account, as well as a currency exchange transaction receipt (where applicable). The above documents are valid within 90 days after withdrawal of cash in the bank and need to cover that part of the exported cash which exceeds EUR 10k.

Conversion of amounts of cash currency to EUR is performed according to official UAH/EUR exchange rate stipulated by the National Bank of Ukraine, or according to the cross rates of UA hryvnia to relevant foreign currencies, as stipulated by the National Bank of Ukraine, at the date of crossing the customs border.

An individual (or person authorized by the individual) who lodges a customs declaration for cash moved across the border, must also present an ID card, as well as documents certifying the country where the relevant individual (or person authorized by the individual) permanently resides.

**26. Please describe the administrative and customs fees, if any, which apply in the framework of customs related activities.**

Upon exercising their powers, customs authorities administer the following types of taxes:

1) a single fee payable for vehicles crossing the state border of Ukraine. This fee is charged for travel on Ukrainian roads, for travel of motor vehicles exceeding the thresholds of total weight, axle load and (or) dimensional parameters, as well as for carrying out official controls at checkpoints (control points) across the state border of Ukraine;

2) fee for completion of customs formalities by the customs authorities outside the location of the customs office or outside normal working hours established for customs.

**27. What legislation related to an electronic customs initiative is in place, in force and in use?**

Currently there are the following laws and regulations governing the functioning of the electronic customs initiative in Ukraine:

1) the Resolution of the Cabinet of Ministers of Ukraine "On Approval of the Concept of Creation of the Multifunctional Complex system" Electronic Customs" dated 17.09.2008 No. 1236-p;

2) the Customs Code of Ukraine;

3) the Law of Ukraine "On Electronic Documents and Electronic Document Circulation" dated 22.05.2003 No. 851-IV;

4) the Law of Ukraine "On Protection of Information in Information and Telecommunication Systems" dated 05.07.1994 No. 80/94-VR;

5) the Law of Ukraine "On Electronic Trust Services" dated 5.10.2017 No. 2155-VIII;

6) the Order of the State Customs Service of Ukraine "On Approval of the Regulation on the Unified Automated Information System of the State Customs Service of Ukraine" dated 04.11.2010 No. 1341;

7) the Order of the State Customs Service of Ukraine "On the Commissioning and Permanent Operation of the IT Complex "Inspector-2006 "dated 25.01.2007 No. 48;

8) the Resolution of the Cabinet of Ministers of Ukraine "On Approval of the Procedure for Interaction between Declarants, Their Representatives, Other Interested Persons and Customs Authorities, Other State Authorities, Institutions and Organizations Authorized to Perform Licensing or Control Functions regarding Goods, Means of Transport for Commercial Use, through the "Single window" Mechanism, as well as on Repealing Certain Regulations of the Cabinet of Ministers of Ukraine" dated 21.10.2020 No. 971;

9) furthermore, in the context of preparation for accession to the Convention on the Common Transit Procedure, and in accordance with the Law of Ukraine "On the procedure of common transit and introduction of national electronic transit system" dated 12.09.2019 No. 78-IX, Ukraine has introduced software, that is compliant with NCTS (phase 4) and prepares for the further transition to NCTS (phase 5).

**28. What are the customs related security initiatives? Is there any legal obligation for traders to provide to Customs pre-arrival/pre-departure information (prior to import/export)?**

Art. 194-1 of the Customs Code of Ukraine obliges businesses to present a general declaration of arrival. This declaration represents a notification to the customs office regarding goods intended for import into the customs territory of Ukraine (including for transit) and contains information necessary for risk analysis for security and reliability. Such a declaration is the Ukrainian analogue of the EU "entry summary declaration".

The deadlines for lodging the general declaration of arrival are set by art. 194-2 of the Customs Code of Ukraine. Data elements of the general declaration of arrival are harmonised with the EU customs legislation. The general declaration of arrival can be completed in Ukrainian or English.

Ukrainian customs legislation defines certain types of goods for which the general declaration of arrival is not required:

1) goods moved by sea, river and air means of transport, which during their stay in the customs territory of Ukraine do not make stops at ports or airports located in this territory;

2) goods transported by pipelines and power supply lines;

3) letters, post cards and secograms;

4) goods transported in accordance with the requirements of the acts of the Universal Postal Union;

5) military equipment and other goods specified in Article 252 of the Customs Code;

6) goods imported into the customs territory of Ukraine by persons to whom customs preferences stipulated by Articles 383-386, 388, 389, 391 and 392 of the Customs Code were granted and goods imported into the customs territory of Ukraine in connection with the provision of such preferences;

7) goods transported with the use of an A.T.A. book (carnet);

8) goods transported by citizens for personal, family and other needs not related to entrepreneurial activity, in hand luggage or accompanied baggage

9) goods imported for sports purposes by participants in official sports competitions;

10) supplies on board of means of transport arriving on the customs territory of Ukraine;

11) private means of transport;

12) goods necessary to overcome the consequences of natural disasters, accidents, catastrophes, epidemics;

13) organs and other anatomical human materials for transplantation purposes.

The general declaration of arrival is submitted by the carrier (or by the person acting on behalf of the carrier), in electronic form only. The declaration is uploaded to the customs IT system. There is a possibility to fill in and lodge a general declaration of arrival through the interface available on the official website of the State Customs Service of Ukraine.

Commercial port/transport IT systems can also be used to submit a general declaration of arrival.

The general declaration of arrival must be submitted before the arrival of the goods at the border.

The customs authorities carry out risk analysis on the general declaration of arrival within one hour of its receipt. The customs authorities perform customs formalities (determined by the results of the above analysis) after arrival of goods at the first checkpoint across the state border of Ukraine.

The passage of goods across the customs border is carried out after completing the necessary customs formalities, determined by the results of risk analysis on the general declaration of arrival.

For goods taken out of Ukraine, Ukrainian customs law currently does not envisage a concept of presenting advance information on the cargo (similar to the EU "exit summary declaration") before goods are dispatched for export.

The Ministry of Finance of Ukraine and the State Customs Service of Ukraine are now considering implementation of a general declaration of exit into domestic customs legislation.

## **29. Please provide information on Ukraine's customs mission statement and customs strategy document(s), if any.**

The following are the priorities of the Ministry of Finance upon designing Ukraine's customs policy:

1) introduction of the world best practices to work of Ukrainian customs;

- 2) simplification and improvement of customs procedures according to EU Customs Blueprints and WMO standards;
- 3) implementation of EU customs legislation to Ukrainian law,
- 4) facilitation of institutional renewal and development of functional capacity of the State Customs Service of Ukraine.

Priority directions in the implementation of state customs policy are the following:

- 1) international trade and security facilitation, including simplification and harmonization of customs procedures;
- 2) efficient collection of customs payments;
- 3) development of infrastructure, electronic technologies and services for international trade;
- 4) protection of society, public health and environmental safety, as well as combating the illicit movement of drugs and weapons;
- 5) improvement of international customs cooperation.

To this end, the following strategies/action plans have been adopted and are being implemented:

1) Resolution of the Cabinet of Ministers of Ukraine No. 1106 dated 25.10.2017, which approved the Action Plan for implementation of the Association Agreement between Ukraine, on the one hand, and the European Union, the European Atomic Energy Community and their Member States, on the other hand;

2) Resolution of the Cabinet of Ministers of Ukraine "On Approval of Conceptual Areas for Reforming the System of Authorities in Charge for State Tax and Customs Policy" dated 27.12.2018 No. 1101-p;

3) Resolution of the Cabinet of Ministers of Ukraine "Some Issues of Implementation of Conceptual Areas of reforming the System of Authorities in Charge for State Customs Policy" dated 13.05.2020 No. 569-p, which approved the Action plan for reforming and development of the system of authorities implementing customs policy;

4) Resolution of the Cabinet of Ministers of Ukraine dated 29.12.2021 No. 1805-r, which approved the Strategy for reforming the public financial management system for 2022-2025;

5) Resolution of the Cabinet of Ministers of Ukraine dated 17.11.2021 No. 1467-r "On Approval of the Strategy for Digital Development, Digital Transformations and Digitalization of Public Finance Management for the Period up to 2025 and Approval of the Action Plan for its Implementation."

**30. Please describe the system and measures taken to prevent and suppress corruption and misconduct within the administration, if any.**

Issues of prevention and detection of corruption in Ukraine are regulated by the Law of Ukraine "On Prevention of Corruption" dated 14.10.2014 № 1700-VII.

The system of anti-corruption measures includes the following:

- 1) implementation of actions aimed at detection and preventing corruption, as well as control over observation of anti-corruption legislation in the State Customs Service and its territorial authorities;
- 2) receipt and investigation of reports on the possible facts of corruption or corruption-related offenses;
- 3) ensuring protection of employees who reported violations of anti-corruption laws from adverse measures in accordance with the legislation on the protection of whistle-blowers;
- 4) publication of work results of the designated customs units on prevention and tackling corruption at the official web portal of the State Customs Service;
- 5) informing employees of the State Customs Service about the facts of committing corruption or corruption-related offenses, as well as results of their consideration (investigation) and sanctions to the offenders;
- 6) organisation of surveys among economic operators, regarding their perception of the level of corruption in the State Customs Service;
- 7) conducting and participating in international seminars, trainings on prevention and detection of corruption;
- 8) Identification and assessment of corruption risks in the work of the State Customs Service, developing anti-corruption programs and getting them approved by the National Agency for Prevention of Corruption;
- 9) monitoring and evaluation on how anti-corruption program is implemented;
- 10) Checks on whether customs officials timely submit the “declarations of persons authorized to perform state functions” to the Ukrainian authorities;
- 11) Prevention, identification and elimination of conflicts of interest, monitoring compliance with the requirements of the legislation regarding settlement of conflicts of interest;
- 12) interaction with units on prevention and detection of corruption of other state authorities, local authorities, enterprises, institutions and organizations, as well as with designated anti-corruption law enforcement agencies;
- 13) use the “crisis hotline” upon detecting corruption offenses.

The Cabinet of Ministers of Ukraine by Order of 13.05.2020 No. 569-r approved the Action Plan for reforming and developing the system of bodies that implement customs policy.

In particular, Section IV of this Action Plan provides the following:

- 1) implementation of an evaluation programme of staff qualifications and integrity, development and implementation of a comprehensive system of measures to motivate and encourage the proper performance of duties, reviewing the evaluation of effectiveness in combating corruption and preventing it;
- 2) introduction of automated analytical platforms;



3) regular update and publications on the work results of corruption prevention and detection units, establishment of effective communication in the field of combating corruption among employees and civil society;

4) training of the corruption prevention and detection unit employees on the best international practices, development of a comprehensive action plan to ensure integrity.

This Action Plan *inter alia* is implemented through the institution of anti-corruption programs, which reflect measures to prevent and combat corruption. The anti-corruption program of the State Customs Service of Ukraine for 2021-2022 is currently in force (<https://cutt.ly/uF3yF0M>).

All measures envisaged in the anti-corruption program were carefully studied by the National Agency of Preventing Corruption (NAPC) during its approval, in particular, the existing anti-corruption safeguards, mechanisms and opportunities for their improvement were analysed.

To conduct the measures preventing corruption the State Customs Service of Ukraine has developed a number of internal regulations and guidelines aimed at ensuring compliance anti-corruption legislation (customs-specific), including development of the following:

1) Code and Rules of conduct for employees of the State Customs Service;

2) the procedure for organizing activities aimed at tackling corruption in the State Customs Service of Ukraine and its territorial bodies;

3) Methodology of systematic detection and analysis of corruption offenses and corruption-related offenses committed by officials of the State Customs Service of Ukraine and its territorial authorities;

4) Regulations on the mechanism to encourage whistle-blowers in the State Customs Service of Ukraine;

5) The procedure for organizing work with reports of corruption in the State Customs Service and its territorial authorities.

In addition to the above, designated officials of the customs anti-corruption unit conduct inspections and internal investigations to detect and combat corruption. Where corruption or corruption-related offense is confirmed, relevant employees are held liable according to the applicable legislation. If signs of criminal or administrative offense are revealed, relevant notification is made to the competent authorities.

Cooperation with whistle-blowers is another important aspect of work. The Division for the Prevention and Combating Corruption of the State Customs Service of Ukraine, in cooperation with international partners, facilitated sharing of information and available methods for reporting corruption in the customs authorities, both by customs employees and businesses/private individuals.

Currently, there are multiple channels for reporting corruption, which are available for whistle-blowers, so they can report corruption in the way convenient to them. This includes a direct call to the designated customs officials in charge for anti-corruption measures, possibility to leave a voice message, online completion of the web forms, e-mails, use of QR codes etc.

Leaflets with these communication channels are available in most customs offices, checkpoints, customs clearance departments.

It is of the paramount importance to ensure that customs management promotes reporting corruption and misconduct, and duly considers all complaints related to corruption, that is one of the most important mechanisms in the field of preventing and detecting corruption.

**31. Please describe the rights of defence allowing the economic operator to make his view known before an unfavourable customs decision is adopted.**

As of now current Ukrainian customs legislation contains mechanisms and regulations providing for an entity to express its opinion prior unfavourable decision is taken in the case of granting the AEO status (art. 15 of the Customs Code of Ukraine) or granting special transit simplification (art. 34 of the Law of 12 September # 78-IX “On common transit and implementation of the national transit system”), as well as adopted decision on correction of the customs value (changes to art. 55 of the Customs Code of Ukraine).

The foregoing mechanisms enable economic operator to submit both additional written explanations to the customs authority, as well as the necessary evidence or documents before an unfavourable customs decision is adopted. Such written explanations and documents must be reviewed by the customs authority and taken into account while rendering an unfavorable decision. The legislation also contain deadlines for considering such explanations and obligation to provide a response to an economic operator.

If the unfavorable decision is taken, the economic operator may appeal/argue that decision in administrative or judicial manner.

It shall be noted, that currently the Ministry of Finance of Ukraine is developing the draft Law on amending the Customs Code of Ukraine, which contemplates bringing the Customs Code of Ukraine in conformity with similar provisions set forth in the EU legislation. In particular, this document is aimed at introducing in Ukraine the “right to be heard” principle in relation to decisions rendered by customs authorities at the request of a business entity.

**32. Please describe the appeal procedure allowing economic operators to contest customs decisions.**

The appeal procedure against decisions of the customs authorities is divided into the procedure for administrative appeal and the procedure for judicial appeal.

In order to appeal the customs decision, activity or inactivity an entity shall submit a complaint to the customs office, which took the decision or the local law court.

The administrative appeal procedure, as well as requirements to the form of appeal, terms of submission and the procedure and terms of consideration of complaints are stipulated by the art. 24 - 30 of the Customs Code of Ukraine and the Law of Ukraine “On appeal of citizens”.

The procedure of judicial appeal, requirements to the form and content of complaints submitted to the court, the terms of their submission, the procedure and terms of their consideration are determined by the Code of Administrative Procedure of Ukraine.

Execution of the contested tax notice-decision is carried out due to the art. 56 of the Tax Code of Ukraine. A person also has the right to appeal against decisions, activity or inactivity of the customs authorities or their officials in court.

If the decision, activity or inactivity of the customs authority or its official is appealed administratively, the complaint is not submitted to the court until the administrative appeal is completed or terminated (in the case of its simultaneous submission).

As a result of the consideration of the complaint, the customs authority or the court may decide to satisfy the complaint in full or in part, or to refuse to satisfy the complaint.

The Ministry of Finance of Ukraine is currently working on a new draft law amendments the Customs Code of Ukraine regarding improving the procedure for appealing decisions, activity or inactivity of the customs authority.

### **33. Does Ukraine have a customs laboratory and what kind of goods can it examine?**

In Ukraine there is a customs laboratory and a system of customs research (analysis, examination). The system of customs research (analysis, examination) is built on the territorial principle. The customs laboratory is presented in the form of a Specialized Laboratory for Expertise and Research of the State Customs Service (SLER of the SCS).

The SLER of the SCS is located in Kyiv (head office), and its separate divisions are in the cities of Dnipro, Odesa, Kharkiv, Lviv, Uzhhorod and Severodonetsk. Relevant territorial bodies of the SLER of the SCS are assigned to each expert unit of the State Customs Service.

All expert units of the SLER of the SCS are provided with infrastructure (measuring equipment), methods of goods research and personnel according to the requirements of the WCO. Expert units of the SLER of the SCS provide testing of food and feed products, alcohol, beverages and components for their manufacture, tobacco and tobacco products, biologically active substances, drugs, veterinary drugs, plant protection products, inorganic substances, organic and inorganic chemicals products, metals and metal products, mineral fuels, oil and oil products, paints and varnishes, perfumes and cosmetics, paper and textile products, polymeric materials, carry out criminalistics, engineering and technical, commodity examination of goods.

The legal framework for customs research (analysis, examination) consists of the provisions of the Customs Code of Ukraine (Chapter 50), orders of the Ministry of Finance of Ukraine and the State Customs Service of Ukraine. Expert units of the SLER of the SCS use current international and national standards to conduct researches.

All expert subdivisions of the SLER of the SCS are currently accredited by the National Accreditation Agency of Ukraine for compliance with the requirements of the international standard ISO/IEC 17025 (accreditation certificate dated 30.06.2021 №20761).

The results of the expertises conducted by the SLER of the SCS are used for:

- 1) classification purposes;
- 2) customs valuation checks;

- 3) country of origin checks;
- 4) checks on containments of narcotic substances and precursors, hazardous or poison substances;
- 5) analysis whether goods belong to cultural values;  
checks on potential IP rights violations.

#### **34. How are the controls on baggage of travellers organised?**

The procedure and conditions for moving goods and vehicles across the customs border of Ukraine, their customs control and customs clearance are established by the Customs Code of Ukraine, according to which citizens subject to conditions for compliance with the requirements of the Code and the other acts of legislation of Ukraine may move across the customs border of Ukraine any goods except those that are prohibited for import into Ukraine (including for transit) and export from Ukraine.

Peculiarities of admission and taxation of goods and vehicles moving across the customs border of Ukraine by citizens are regulated by Section XII of the Customs Code of Ukraine, which, in particular:

1) sets, that personal belongings moved by citizens across the customs border of Ukraine in hand luggage, accompanied and unaccompanied luggage, are subject to declaration by committing an action, orally or, at the request of the owner or at the request of the customs authority, in writing, are not subject to customs payments. exempt from official control measures, as well as from the submission of documents and/or information confirming compliance with the established prohibitions and/or restrictions on the movement of goods across the customs border of Ukraine. The list of personal belongings, defined by art. 370 of the Customs Code of Ukraine, corresponds to the list given in the International Convention on the Simplification and Harmonization of Customs Procedures (Kyoto Convention);

2) sets the volume of import of goods into the customs territory of Ukraine in hand luggage and/or accompanied luggage of goods (except excisable) without taxation of customs payments: total invoice value up to 1000 euros - for goods imported through checkpoints across the state border of Ukraine opened for air connection; as well as goods (except excisable), the total invoice value of which does not exceed the equivalent of 500 euros and the total weight of which does not exceed 50 kg - when imported by citizens through checkpoints across the state border of Ukraine other than opened for air connection (art. 374 Code of Ukraine);

3) sets the restrictions on the movement of alcoholic beverages and tobacco products across the customs border of Ukraine, in particular, citizens who have reached 18 years age may import alcoholic beverages and tobacco products into the customs territory of Ukraine in hand luggage or accompanied luggage without paying customs payments, without written declaring in quantities per person:

a) 200 cigarettes or 50 cigars or 250 grams of tobacco, or these products in a set with a total weight not exceeding 250 grams;

b) 5 liters of beer, 2 liters of wine, 1 liter of strong (with an alcohol content of more than 22%) alcoholic beverages.

Alcoholic beverages and tobacco products may not be moved across the customs border of Ukraine by citizens under the age of 18 (art. 373 and 376 of the Customs Code of Ukraine).

For the purposes of taxation of goods moved by citizens across the customs border of Ukraine, applies the invoice value of these goods, indicated in cash or commodity checks, labels, other retail documents that contain information on the value of such goods. If there is evidence of unreliability of the declared invoice value of goods, the customs authorities determine their value independently, based on the price of identical or similar (analogical) goods according to the Code (art. 368 of the Customs Code of Ukraine).

Forms and scope of customs control are selected by customs officials on the basis of the results of the risk management system and/or automated risk management system (art. 320 of the Customs Code of Ukraine).

The two-channel system provided for in art. 366 of the Customs Code of Ukraine is used to control goods moved by citizens across the customs border of Ukraine. The two-channel system is a simplified system of customs control, which allows citizens to make declarations by choosing one of two channels of passage (passage by personal vehicles) across the customs border of Ukraine. The channel marked with green symbols ("green corridor") is intended for declaration by citizens who move goods across the customs border of Ukraine in amounts that are not subject to customs payments and are not subject to statutory prohibitions or restrictions on import into the customs territory of Ukraine or export outside this territory and are not subject to written declaration. The channel marked with red symbols ("red corridor") is intended for all other citizens. The citizen independently chooses the appropriate channel ("green corridor" or "red corridor") for customs control of the two-channel system. Implementation of customs control of goods of citizens is carried out in compliance with generally accepted principles in the world:

1) in respect of transit passengers who do not leave the transit zone, customs control is not carried out, but the customs authorities have the right to take measures provided by the Customs Code of Ukraine in case of suspicion of such passengers violating customs rules or smuggling;

2) customs clearance of goods imported into the customs territory of Ukraine by citizens (except for goods moving in unaccompanied baggage and cargo shipments, as well as goods under commodity headings 8701-8707, 8711, 8716 according to UKT ZED, which are subject to state registration), is carried out at checkpoints across the state border of Ukraine;

3) customs clearance of goods exported outside the customs territory of Ukraine by citizens may be carried out at the any customs authority throughout the customs territory of Ukraine.

**35. Which kind of infrastructure and equipment is used by customs to control goods at the border? Does Ukraine make use of electronic seals or container security devices to ensure the integrity/position (track and trace) of the containers during its voyage?**

Scanning systems of stationary and mobile type, as well as systems for scanning luggage are used to control goods and commercial vehicles moving across the customs border of Ukraine.

In addition, when crossing the border, weight control of goods and vehicles is carried out.

When inspecting goods and commercial vehicles, special sets of tools, accessories for disassembling wheels and dismantling other parts of vehicles are used in the in-depth inspection boxes.

Regarding the use of electronic seals or container security devices, we inform you that art. 35 of the Customs Code of Ukraine provides for the possibility of using information, telecommunication and information-telecommunication systems and means of their provision for customs. The relevant provision of the legislation determines the possibility of using electronic locks to ensure the identification of goods with information and telecommunication function GPS - GSM navigation during their movement through the customs territory of Ukraine.

Decisions on the use of electronic locks are made by the customs authority of departure on the basis of the results of the risk management system. An electronic lock is applied to a vehicle or part of a vehicle (container, tank, other device) in which goods are moved.

A single automated information system of the customs authorities is used to control the movement of goods and identify the facts of their non-delivery to the customs office of destination.

**36. Please describe Ukraine's cooperation with other authorities (other than customs). Does Ukraine customs coordinate its controls with other border agencies? Does Ukraine customs exchange information with other national agencies? If yes, with which institutions and what kind of data are being exchanged?**

According to the first part of art. 33-1 of the Customs Code of Ukraine, interaction, in particular, between the customs authorities and other state bodies, institutions and organizations authorized to perform permitting or control functions for moving goods, commercial vehicles across the customs border of Ukraine, is carried out using the "single window" mechanism.

The single state information web portal "Single Window for International Trade" provides, in particular, the exchange of documents and information on the movement of goods, commercial vehicles across the customs border of Ukraine between the authorities mentioned in paragraph above.

According to art. 319 of the Customs Code of Ukraine, goods imported into the customs territory of Ukraine (including for transit) may be subject to official control measures - phytosanitary control, veterinary and sanitary control, state control over compliance with the legislation on food, feed, products of animal origin, animal health and welfare.

The customs authorities coordinate the work of relevant authorities to conduct official controls at checkpoints (control points) across the state border of Ukraine and customs control zones in the customs territory of Ukraine in the manner prescribed by this Customs Code of Ukraine and the other legislation of Ukraine.

The work schedule of authorized bodies that carry out official control measures at checkpoints (control points) across the state border of Ukraine and in customs control zones in the customs territory of Ukraine must be agreed with the regime of the relevant unit of the customs authority.

An official of the relevant authority that conducts official control of goods at their destination in Ukraine, within two working hours from the date of submission by the declarant (his authorized

person) to the single state information web portal "Single Window for International Trade" documents and information on such goods for official control measures must:

1) make one or more decisions on:

a) granting a permit for the release of goods under the declared customs regime according to the purpose of their import into Ukraine;

b) banning the release of goods under the declared customs regime according to the purpose of their import into Ukraine;

c) the need to verify the original documents for such goods;

d) the need for review (inspection) of goods;

e) the need to take samples (samples) of goods for their research (analysis, examination);

e) the need for additional processing of goods (fumigation, disinfection, marking, etc.);

2) enter into the single state information web portal "Single Window for International Trade" the information about the decision, the official who made such a decision, and the official who will directly perform the procedures.

Release into the relevant customs regime (except for the customs regime of transit) of goods, which in case of import into the customs territory of Ukraine are subject to official control measures, is carried out if the information on the issuance of a permit for the release of these goods under the declared customs regime according to the purpose of their importation into Ukraine as a result of such measures by the relevant authorized bodies is available in the unified automated information system of the customs authorities of Ukraine.

Currently, the State Customs Service of Ukraine carries out interagency cooperation using automated information exchange with:

1) 24 public authorities (including the National Bank of Ukraine), of which 10 bodies provide information through a single state information web portal "Single Window for International Trade". Another 4 central executive bodies do not provide information due to the technical unpreparedness of their own IT systems;

2) 5 customs administrations (Georgia, Moldova, Azerbaijan, Hungary, Poland) on customs clearance of goods and vehicles moving them.

The Polish customs administration provides limited information on movement through one checkpoint "Rava-Ruska-Khrebenne". The exchange of preliminary information with the customs administrations of Russia and Belarus has been suspended.

Currently also:

- consultations are underway to establish the exchange of preliminary information with 5 customs administrations (Slovakia, Turkey, Kazakhstan, Uzbekistan, Armenia);

- consultations and preparations are underway for the launch of a pilot project on the exchange of preliminary customs information by the customs administrations of the EU Member States;

3) subjects of international activity (29 in total), in particular with the Chamber of Commerce and Industry of Ukraine, the International Road Transport Union, the Joint-Stock Company

"Ukrainian Railways" and carriers of other modes of transport, financial guarantors. It is planned to introduce an exchange with Joint-Stock Company "Ukrposhta" and Joint-Stock Company "Ukrtransgaz", etc.

The customs authorities shall cooperate with law enforcement agencies in the performance of their tasks, including through the exchange of information.

In particular, in the event of detection of signs of violations during customs control and other measures carried out by the customs authorities, the investigation of which does not fall within the competence of customs authorities, the customs authorities are obliged to notify the relevant law enforcement agencies. In its turn, law enforcement agencies are obliged to notify the customs authorities in writing of any violations of customs rules or smuggling.

**37. Does Ukraine have a Customs website? If yes, what information is available and how often is this information updated?**

The State Customs Service of Ukraine has an official web portal [customs.gov.ua](http://customs.gov.ua) on which can be found up-to-date information on the work of the Service, legal acts and regulations, etc. The official web portal operates in accordance with the Order of the State Customs Service of Ukraine dated 18.08.2021 № 640 and complies with the regulations governing the placement of such information.

The Order approves the Procedure for disclosure of information on the work of the Service on the Internet, the List of information required for publication on the official web portal and the List of information for disclosure in accordance with the Protocol Amending the Marrakesh Agreement Establishing the WTO.

In particular, it is envisaged to place customs statistics and register data, information on administrative services, information on customs clearance procedures, work of the customs authorities, trade facilitation, basic functions of structural units, information on financial resources, information on international cooperation, public relations, sample documents, reporting, latest news and contacts.

The registers are also regularly published on the Unified web portal of open data [data.gov.ua](http://data.gov.ua). It is envisaged to place information regularly and in accordance with the needs of structural units.

**38. With reference to interconnectivity and interoperability of IT systems, please describe the current state of computerisation of Ukraine 's administration in the following areas:**

**a) Exchange of data for the accomplishment of customs formalities and applications (for example BTI) between customs and economic operators**

In order to ensure interaction between the Unified Automated Information System of the State Customs Service of Ukraine and information systems of economic operators, declarants, customs brokers and other stakeholders in the process of customs formalities, the State Customs Service of Ukraine provides the opportunity to use relevant web services and other electronic services available via the Internet.



Applications, appeals, inquiries, complaints, other documents which are prescribed in the Customs Code of Ukraine may be submitted to the customs authorities in electronic form through the Declarant's Personal Cabinet on the single state informational web portal "Single Window for International Trade" (<https://cabinet.customs.gov.ua>).

Formats and structure of customs documents, data exchange protocols and other technical specifications are determined by orders of the State Customs Service of Ukraine, which are published on the official website

**b) Submission and processing of customs declarations for import/transit/export/warehousing procedures and the performance of customs controls based on risk analysis, including the means by which customs authorities target such controls**

The automated customs clearance system has an automated risk management system (ARMS), which, in particular, allows to automatically process risk indicators, identify objects of control, determine the list of customs formalities to be performed, and ensure the preservation of feedback on the results of risk management.(Please see answer to Q17 for more details).

Given that the Union Customs Code is aimed at reducing the human factor, particularly in customs formalities, customs officials are implementing measures to maintain an electronic register of profiles (replacing difficult to use paper), digitization of profile history (which includes history of all actions taken with this profile), automating the process of creating, editing, deleting profiles, creating tools for monitoring and analyzing the effectiveness of risks, as well as analyzing declarations to create new risks.

In the area of "Customs control and clearance" the stage of introduction of automated selection of subjects and operations within the customs audit, digitalization of customs procedures in ports, as well as customs clearance of postal items, transit, export and import operations is still underway

**c) Collection of import/transit/export data**

The collection of import/export data is carried out using the automated customs clearance system "Inspector". The State Customs Service plans to develop the new system of customs clearance.

**d) Electronic tariff available to traders and customs officials**

The integrated customs tariff used by customs authorities during customs clearance and control of goods is placed on the official information resources of the State Customs Service of Ukraine, in particular, on the single state informational web portal "Single Window for International Trade" and is available for use in real time by all economic operators.

**e) Accounting system for the collection of customs duties and other charges, and the management of guarantees**

To supplement the existing information systems technical requirements have been developed to create a module for maintaining and accounting for accrued amounts of monetary liabilities determined by the results of documentary audits of compliance with the requirements of the legislation of Ukraine on customs matters, which provides for information exchange with tax authorities on the occurrence of tax debt, taking further measures to recover it. The IT department of the State Customs Service is working to create an appropriate addition.

Information exchange with the State Customs Service in the context of documents on the provision of guarantees in electronic form is implemented through the use of public service. Appropriate software of the Guarantee Management System (GMS) for work with guarantees is installed at the workplaces of the State Customs Service. A total of 2,858 officials are registered in the system

#### **f) Management/allocation of tariff quotas**

EU tariff quotas are administered on two principles:

- 1) "first come - first served";
- 2) through the system of import licenses.

The Procedure for control over the distribution of the tariff quota was approved by the Order of the Ministry of Finance of Ukraine dated 11.12.2014 № 1202 "On approval of the Procedure for control over the distribution of the tariff quota".

Information on the current balances of Ukraine's tariff quotas is available on the website of the State Customs Service - on the single state informational web portal "Single Window for International Trade".

#### **g) Others**

Units of the State Customs Service headquarters and its territorial authorities use in particular the following additional program components, tools and software for daily information, analytical and technical support:

- 1) corporate e-mail information system;
- 2) a comprehensive solution for maintaining the general electronic document management of a state institution, in particular the accounting of personnel, financial, legal and economic documents;
- 3) systems of remote access to automated workstations and information components, vpn-clients (work-oriented during the Covid pandemic, as well as during the martial law and emergency, etc.);
- 4) auxiliary software tools, components, plug-ins, extensions (web browsers, plug-ins for working with QES, text editors);
- 5) software and equipment for anti-virus protection and monitoring, aimed at preventing cyberattacks and interfering with malicious programs.

**39. Please provide information on Ukraine's customs administration IT strategy and on its plans for further computerisation in the above-mentioned areas. In the reply, please note links to developments contained in Commission Implementing Decision 2019/2151 establishing the Work Programme relating to the development and deployment of the electronic systems provided for in the Union Customs Code.**

The main principles of the IT strategy of the State Customs Service of Ukraine are defined in the Plan of implementation of the State Customs Service of Ukraine items of the National Economic Strategy for 2030, approved by the Order of the State Customs Service of Ukraine dated 16.12.2021 № 1047, and Priorities of the State Customs Service of Ukraine for 2022 year approved by the Ministry of Finance of Ukraine.

According to these documents, the priority areas for the development of the Digital Transformation of information and telecommunication technologies in the State Customs Service of Ukraine are:

1) creation and phased implementation of the updated Unified automated information system of the customs authorities, which includes the updated automated customs clearance system, automated risk management system, tools to ensure the work of authorized economic operators, tools for working with the customs register of legally protected intellectual property rights, tools for working with financial guarantors and guarantees, as well as the information system of customs audit and the mechanism for obtaining administrative services of the customs authorities through the Unified state web portal of electronic services "Portal" Diia";

2) introduction of NCTS (phase 4) and transition to NCTS (phase 5);

3) refusal of paperwork and translation of all customs clearance processes into electronic format;

4) upgrade and development of telecommunications and telecommunications services, including replacement of obsolete network equipment, development of unified communications system by modernization and integration into a single system of video conferencing, implementation of centralized management, monitoring and logging of network equipment and related services, updating network infrastructure, organization of uninterrupted operation of electronic services on the Internet by building its own autonomous system;

5) implementation of institutional, organizational and technical changes in the customs authorities in the functioning of information technology systems, including the creation of a round-the-clock service to support users of information and telecommunications systems, implementation of automation of applications for technical maintenance telecommunication equipment for early detection of failures;

6) creation of conditions for counteracting cyber threats and formation of a unified security policy in the information and telecommunication environment of the customs authorities, including creation and implementation of a single domain of the State Customs Service for user identification, introduction of information leakage prevention system, implementation of cryptographic information protection system, introduction of information security management system, creation of cybersecurity operational center and network management center (SOC / NOC), conducting initial state examinations of complex information security systems.

NCTS Phase 5, being one the system of the Multi-annual Strategic Plan (MASP-C), is planned to be implemented till the end of 2023.

**40. Please describe Ukraine's national system for registration and identification of economic operators.**

The State Customs Service of Ukraine keeps a centralized record of persons (residents and non-residents): declarants, carriers, guarantors, AEOs, other enterprises, the activities of which are controlled by the customs authorities.

Registration of persons who during their activities are participants in relations governed by the legislation of Ukraine on customs matters is carried out once:

1) upon applications of such persons, including by means of electronic communication, to the relevant customs authorities;

2) at the first time such persons carry out operations with goods, the control over which in accordance with the Customs Code of Ukraine and the other acts of Ukraine's legislation is entrusted to the customs authorities.

Registration of persons who during their activities are participants in relations governed by the legislation of Ukraine on customs matters is carried out by the customs authorities by assigning such persons a registration number.

The person's registration number is valid throughout the customs territory of Ukraine. The same account number cannot be assigned to another person. Double registration of persons in different the customs authorities is prohibited.

The Procedure for registration of persons who during their activities are participants in relations governed by the legislation of Ukraine on customs matters is determined by the Order of the Ministry of Finance of Ukraine "On approval of the Procedure for registration of persons who during their activities are participants in relations governed by the legislation of Ukraine on customs matters" dated 15.06.2015 № 552

You can find annexes to this chapter under the link: <https://bit.ly/3PexNDF>