



Bruksela, dnia 8 marca 2016 r.

## KANCELARIA SENATU

Przedstawiciel Kancelarii Senatu  
przy Unii Europejskiej

**Sprawozdanie nr 20/2016**

### **Sprawozdanie z „Konferencji wysokiego szczebla Parlament Europejski-Rada Najwyższa Ukrainy na temat budowania potencjału na rzecz reform” organizowanej w ramach Tygodnia Ukrainy w Parlamencie Europejskim**

**Bruksela, 29 lutego-2 marca 2016 r.**

W dniach 29 lutego - 2 marca w Parlamencie Europejskim w Brukseli odbył się trzydniowy Tydzień ukraiński, który dotyczył dobrych praktyk parlamentarnych, nadzoru i tworzenia prawa. Wzięli w nim udział europosłowie, parlamentarzyści krajowi i 40 posłów Rady Najwyższej Ukrainy, na czele z jej przewodniczącym **Wołodymyrem Hrojsmanem**. Tydzień Ukraiński odbywa się w ślad za porozumieniem, które w lipcu 2015 podpisał PE i ukraińska Rada Najwyższa.

Dwa lata po protestach na Majdanie, bezprawnej aneksji Krymu oraz wybuchu walk na wschodzie kraju przyszłość Ukrainy jest nadal niepewna. Kijów poczynił szereg kroków w kierunku bliższej integracji z Unią Europejską, a 1 stycznia 2016 roku weszła w życie handlowa część umowy stowarzyszeniowej UE-Ukraina. Wśród konkluzji konferencji znalazła się sugestia poprawienia jakości procesu legislacyjnego na Ukrainie oraz skuteczności i przejrzystości spraw europejskich. UE oczekuje stabilizacji sytuacji politycznej w Kijowie, a Ukraina – wsparcia od Brukseli. Przedstawiciele Unii Europejskiej zachęcali ukraińskich polityków do osiągnięcia porozumienia i rezygnacji z przedterminowych wyborów.

#### **1. Prezentacja raportu Pata Coxa na temat głównych konkluzji i rekomendacji przedstawionych w raporcie Misji Oceny Potrzeb w Radzie Najwyższej Ukrainy**

„Potrzeby Ukrainy nie zmalały, ale ze względu na pilność i wagę innych wydarzeń uwaga opinii publicznej już się na nich nie koncentruje” – mówił **Pat Cox**, były przewodniczący Parlamentu Europejskiego. Konferencję otworzyła prezentacja jego raportu.

**Pat Cox** kierował powołaną przez Parlamentu Europejski misją oceny potrzeb, która oceniała zakres programu parlamentarnego wsparcia i zwiększenia zdolności instytucjonalnych w ramach memorandum między ukraińską Radą Najwyższą i PE. Przygotowując raport przeprowadzonych zostało ponad 100 wywiadów z członkami parlamentu, przewodniczącymi komisji parlamentarnych, przedstawicielami administracji, organizacji pozarządowych i szerokim gronem międzynarodowych organizacji. To było zadanie polegające na dogłębnym słuchaniu. Przedstawiciele misji starali się zasugerować, jakie ich zdaniem będą potrzeby zreformowanego ukraińskiego parlamentu. Potrzeby Ukrainy nie zmalowały, ale ze względu na pilność i wagę innych wydarzeń uwaga opinii publicznej już się na nich nie koncentruje.

Były przewodniczący Parlamentu Europejskiego **Pat Cox** przygotował rekomendacje dotyczące zwiększenia przejrzystości działań ukraińskiego parlamentu, które przedstawił podczas posiedzenia. **Pat Cox** powiedział, że fakt, iż umowa stowarzyszeniowa UE-Ukraina była jednocześnie ratyfikowana w Radzie Najwyższej Ukrainy i w PE w dniu 16 września 2014 r., świadczy o wadze relacji z Ukrainą. Zdarzyło się to po raz pierwszy w historii, że dwa parlamenty – Europejski – zasiadający w Strasburgu, oraz ukraiński – w Kijowie, przegłosowały jednocześnie ratyfikację umowy stowarzyszeniowej. Dokument przyjęty został w momencie trwającego konfliktu na Ukrainie i poważnych spieć na linii UE – Rosja. Obie izby połączone zostały na okres głosowania telemostem. Tuż przed decyzją, przewodniczący PE **Martin Schulz** podkreślał, że jest to historyczny moment dla obu stron i dodał, że Parlament Europejski będzie w dalszym ciągu bronił spójności terytorialnej i suwerenności Ukrainy. W swoim wystąpieniu, ukraiński prezydent **Petro Poroszenko** dziękował UE za okazaną pomoc i wezwał rząd w Kijowie do bezzwłocznego, dalszego reformowania kraju. Ten gest solidarności był czymś wyjątkowym, rodzajem sygnału, wskazującym na wyjątkowość relacji między PE a Ukrainą. W następstwie tych wydarzeń Grupa wsparcia demokracji i koordynacji wyborów w PE wybrała Ukrainę jako kraj priorytetowy dla działań polegających na budowaniu zdolności parlamentarnych i wspieraniu dialogu.

3 lipca 2015 r. **Martin Schulz** przebywał w parlamencie Ukrainy. Podpisano wówczas porozumienie o współpracy między Radą Najwyższą (w jej imieniu **Wołodymyr Hrojsman**) i Parlamentem Europejskim. W przemówieniu wygłoszonym w ukraińskim parlamencie **Martin Schulz** powiedział: „To, co dzieje się na Ukrainie, dotyczy wszystkich Europejczyków”.

**Pat Cox** poinformował następnie, że w PE została stworzona grupa, która została wysłana na Ukrainę, by tworzyć możliwości parlamentarnej współpracy. Szefem tej Delegacji do Komisji Parlamentarnej Stowarzyszenia UE-Ukraina został mianowany poseł do PE z Chorwacji, pan **Andrej Plenković** (EPP). Podjęto decyzję o utworzeniu misji, której celem była ocena potrzeb na Ukrainie, którą wspólnie stworzyły Rada Najwyższa i PE, by wzmocnić parlament,

jako instytucję demokratyczną w tym kraju. Pat Cox został przewodniczącym misji w imieniu 2 instytucji.

Okres prac misji to wrzesień 2015 r. - luty 2016 r. We wrześniu 2015 r. misja udała się na Ukrainę, gdzie pan Cox odbył szereg spotkań z marszałkiem, wicemarszałkiem, szefami frakcji politycznych, posłami – by zrozumieć, co jest potrzebne. Od tego czasu odbył 6 wizyt na Ukrainę. Pracował w Brukseli i w Strasburgu. W efekcie tych wizyt, licznych spotkań, kwestionariusza, wysłuchań, wywiadów, rozmów, uczestnictwa w posiedzeniach Rady i komisji parlamentarnych oraz szerokiej literatury nt. Rady Najwyższej Ukrainy, powstało sprawozdanie, w którym zwartych jest szereg propozycji zmian, które przyczynią się do transformacji Ukrainy. Pat Cox przedstawił najważniejsze z nich.

Filozofią, na której bazował Pat Cox, było założenie, że przyszłość Ukrainy zależy od tworzenia jej instytucji, procedur, systemów i jej technicznych i ludzkich zasobów, które będą odpowiednie dla nowej przyszłości i dla nowej Ukrainy. Nie ma lepszego miejsca na rozpoczęcie procesu zmian niż demokratycznie wybrany parlament i posłowie i liderzy partii politycznych. Na Ukrainie nie brakuje silnych osobowości, ale te silne osobowości współistnieją ze słabymi instytucjami. Tworzenie silnych, niezależnych instytucji przeobrazi Ukrainę i pozwoli jej się rozwijać.

Podczas prac zidentyfikowano 7 obszarów zmian:

1. Władza ustawodawcza i procedury w Radzie Najwyższej Ukrainy – parlamenty stanowią prawo.
2. Kontrola władzy wykonawczej - parlamenty kontrolują władze ustawodawczą, choć w systemie prezydenckim jest to trudne.
3. Otwartość, przejrzystość i odpowiedzialność przed obywatelami.
4. Dostosowanie prawa ukraińskiego do prawa UE.
5. Zdolności administracyjne - system polityczny potrzebuje nowoczesnej administracji.
6. Koalicja, opozycja i dialog w Radzie Najwyższej. Wiele partii politycznych się przeobraża, tworzą się nowe partie, 54% jest nowych posłów, jak tworzyć konsensus w tak płynnym systemie.
7. Kodeks postępowania w Radzie Najwyższej.

Pośród najważniejszych rekomendacji zawartych w raporcie podsumowującym misję Pat Cox wymienił następujące kwestie. Po pierwsze, prawo posłów do inicjatywy ustawodawczej dominuje w procesie legislacyjnym na Ukrainie do tego stopnia, że liczba inicjatyw zgłaszanych przez posłów zalewa system. Zaproponowali szereg rozwiązań, w jaki sposób Ukraińcy mogą wykorzystać tę energię. Ponadto, członkowie misji przyjrzeni się także

politycznemu nadzorowi nad władzą wykonawczą i temu, jaką rolę w tym zakresie powinien mieć parlament, a także zagadnieniom otwartości, przejrzystości i wiarygodności w stosunku do obywateli. Zbadali także stopień zbliżenia przepisów ukraińskich do unijnego prawa i zaproponowali szereg rekomendacji. Pat Cox podkreślił również, że w postsowieckich systemach struktury partii politycznych nie są bardzo rozwinięte i mają tendencje do skupiania się wokół silnych osobowości. Dlatego przyjrzeni się takim obszarom jak koalicje, opozycja i dialog. Zarekomendowali również, by parlament pilnie opracował kodeks postępowania. Podsumowując, w sprawozdaniu przygotowano 52 zalecenia, z czego ok. 20 Pat Cox przedstawił podczas prezentacji.

### **1. Władza ustawodawcza i procedury w Radzie Najwyższej Ukrainy**

Podkreślił, że w procedurze ustawodawczej instytucje państwowe, a więc parlament, rząd i administracja prezydencka muszą współpracować ze sobą, by przygotować cały cykl ustawodawczy. Jeśli wspólnie, jako instytucje, nie będą chcieli takiej zmiany wprowadzić, wówczas nic się nie zmieni. Najpierw powinna pojawić się biała księga (cel, środki, koszty, konsekwencje, oczekiwane rezultaty propozycji, itp.), potem powinny się odbyć debaty w komisjach i należy ją przedstawić parlamentowi, oczekując na jego opinię. Nim dana propozycja zostanie przyjęta, powinny odbyć się również konsultacje społeczne, aby Rada Najwyższa była parlamentem społeczeństwa demokratycznego.

Zaznaczył, że jednym z obszarów, który odróżnia parlament od Rady, jest wykorzystanie inicjatywy prywatnych posłów. Wiele aktów legislacyjnych rodzi się w ten sposób. Rocznie prezentowanych jest 2500 propozycji ustawodawczych, z czego 2000 pochodzi od posłów. Administracja parlamentarna nie radzi sobie z tą ilością inicjatyw. Określił to mianem „legislacyjnego spamu” albo „legislacyjnego tsunami”. Przyznał, że grupy polityczne, proporcjonalnie do swojej wielkości, powinny stworzyć listę 20 priorytetów do rozważenia przez parlament. Potem powinna mieć miejsce ocena wpływu, formy prawnej, harmonizacja unijna, itp. Te etapy są ignorowane. Gdyby stosowane były te reguły, wówczas można byłoby przyjąć te 20 propozycji. Po głosowaniu, należałoby rozpocząć prace nad kolejnymi 20 propozycjami. I tak po kolei. Wówczas nie byłoby ponad 2000 propozycji, ale stopniowo po 20 i to umożliwi wprowadzenie priorytetów oraz odciążenie administracji. PE tego nie robi, bo nie ma prawa inicjatywy legislacyjnej.

Kolejną kwestią, którą omówił pan Cox, był kalendarz parlamentarny. Zaobserwował, że praktyka w Radzie Najwyższej jest następująca: gdy przyjeżdżają na plenum, w tym samym tygodniu odbywają się posiedzenia komisji a później jest tydzień komisyjny. Dla mniejszości komisji, które się spotykają, brakuje kworum, więc tydzień komisyjny jest fikcją w praktyce.

Zaproponował wprowadzenie mieszanego tygodnia plenarno-komisyjnego zamiast tygodnia komisyjnego. Jak już posłowie są w Kijowie, można przeprowadzić zarówno posiedzenie plenarne, jak i komisji, w ten sposób pozbywając się fikcji tygodnia komisyjnego.

Następnie zaproponował, by posiedzenia Rady pojednawczej, która ustala program parlamentarnej aktywności, poddane zostały rewizji i odbywały się za zamkniętymi drzwiami. Jak agenda będzie gotowa, to się ją opublikuje. Na etapie ustalania pewnej procedury – programu, mają prawo do nieupubliczniania informacji. Gdy jest mnóstwo kamer, nie robi się tego, co należy.

Ostatnią omawianą sprawą był system głosowania w Radzie Najwyższej, który powinien zostać poddany analizie i zmieniony. Chodzi o stworzenie systemu, w którym do przyjęcia prawa potrzeba zwykłej większości pod warunkiem, że jest kworum a nie połowy posłów plus 1 z 460 posłów (bez posłów z Krymu i Donbasu). Obniżenie poziomu kworum jest niezbędne, zgodnie z międzynarodowymi normami. Wymóg bezwzględnej większości głosów powinien być zachowany dla określonych przepisów o szczególnym znaczeniu, których wykaz należy ustanowić, zgodnie z międzynarodową praktyką. Taki wysoki próg mógłby obowiązywać przy zmianie konstytucji. Potrzebna jest zatem techniczna poprawka do konstytucji Ukrainy, która nie zaważy na całym systemie politycznym. Jest to ważne dla kultury parlamentaryzmu. Jeśli opozycja wygra głosowanie, jest to dobre dla demokracji. Trzeba być obecnym na posiedzeniu, jeśli chce się wygrać głosowanie.

## **2. Kontrola władzy wykonawczej**

Rada Najwyższa i rada ministrów powinny wspólnie ustalić formułę i zawartość rocznych sprawozdań do Rady, które obejmą plan, jaki był przyjęty i stopień realizacji celów oraz ich skutki. Potrzebna jest konsekwentna realizacja wcześniej uzgodnionych planów.

Kolejną kwestią jest nadmierna liczba komisji parlamentarnych (28 plus 1 komisji). Powinno ich być mniej, np. zgodnie z zasadą jedna komisja na tekę ministerialną, czyli ok. 20. Rada powinna uzgodnić taką logikę na następną kadencję. Jest to realne do wdrożenia.

Należy również stosować metodę d'Hondta w celu zapewnienia proporcjonalnej reprezentacji w komisjach i delegacjach rady i powinno to wejść w życie z początkiem następnej kadencji. Jeśli jest 20 komisji i 9 delegacji – 3x29 stanowisk. Większe grupy mają ich więcej. Należy ustalić, ile jest komisji, w jaki sposób się wybiera przewodniczących i jak sprawować nadzór polityczny nad władzą wykonawczą.

Ostatnią sprawą jest wypracowanie systemu sprawozdawczego w komisji budżetowej Rady Najwyższej, z możliwością rozszerzenia go na inne komisje. Chodzi o wypracowanie umiejętności parlamentarnych, by parlamentarzyści lepiej mogli wykonywać swoje prace.

### **3. Otwartość, przejrzystość i odpowiedzialność przed obywatelami**

Pat Cox sugeruje przyjęcie strategii e-parlamentu, włącznie ze średniookresową strategią informacji i technologii komunikacji (3-5 lat), z odpowiednimi pracownikami, w celu zwiększenia przejrzystości i efektywności procesów parlamentarnych.

Rada powinna opracować kompleksową strategię komunikacyjną (w tym identyfikację głównych grup docelowych, kanałów i produktów) oraz strategię marki instytucjonalnej (określanie celów komunikacyjnych długoterminowych, wiadomości i tonu komunikacji).

PE mógłby wspierać Radę w przygotowaniu takiej strategii. Konieczne jest lepsze wykorzystanie zasobów i lepsze kontaktowanie się ze społeczeństwem. Mają świetny personel ds. medialnych i z nimi należałoby rozmawiać, by te osoby realizowały tę strategię.

### **4. Dostosowanie prawa ukraińskiego do prawa UE**

Nowa ustawa o realizacji porozumienia stowarzyszeniowego i wdrożeniu dorobku prawnego UE powinna zostać przyjęta w celu zastąpienia przestarzałego prawa Ukrainy dotyczącego dostosowania ukraińskiego ustawodawstwa do prawa UE.

### **5. Zdolności administracyjne**

Prawo Rady do ustalania swojego własnego budżetu powinno być respektowane. Gdyby mieli odpowiedzialność w tym zakresie mogliby lepiej funkcjonować. Mieliby więcej środków, byłaby zapewniona większa przejrzystość i rozliczaliby się przed społeczeństwem. Budżet powinien być poddany audytowi najwyższej izby kontroli, np. raz na kadencję. To zapewni lepszą rozliczalność, lepsze priorytety i ocenę społeczeństwa. Parlament powinien stanowić wzór dla innych instytucji, które nie chcą by ich najwyższa izba kontroli je kontrolowała. Ustalanie własnego budżetu i rozliczanie się są bardzo ważne.

Konieczne jest wzmocnienie kręgosłupa administracyjnego. Wszystkie jednostki administracyjne Rady - w tym biblioteka parlamentarna oraz instytut legislacyjny, powinny być połączone w jednolity i wzmocniony sekretariat.

Potrzebna też jest kompleksowa polityka rozwoju zasobów ludzkich. Potrzebne są szkolenia, w tym językowe, rozwój zasobów ludzkich, indywidualne plany kariery, na podstawie systemów oceny. Obecnie budżet na człowieka to 2,4 EUR, a to starczy na kawę a nie na właściwy system szkoleń. Potrzebne są inwestycje w jakość personelu oraz wspieranie polityki mobilności personelu, co zwiększa ich umiejętności, stawia im nowe wyzwania i gwarantuje rozwój zawodowy. W PE mobilność pracowników ma miejsce co 5-7 lat.

## **6. Koalicja, opozycja i dialog w Radzie Najwyższej**

Pat Cox podkreślił, że konieczny jest dialog większości rządzącej z opozycją. Trzeba traktować opozycję jako wartość. We właściwie funkcjonującym parlamencie trzeba opozycji zapewnić prawo wypełniania swojej roli. Opozycja została wybrana przez obywateli. Ta kwestia nie została jeszcze właściwie potraktowana. Konieczne jest uregulowanie statusu opozycji. Trzeba pamiętać, że gdy dochodzi do zmiany koalicji i role opozycji i partii rządzącej się wymieniają. Ponadto trzeba utworzyć jednostkę ponadpartyjną, zapewniającą dialog międzyparlamentarny (jednostka mediacyjna), której zadaniem będzie wsparcie i koordynacja ponadpartyjna frakcji, organizowanie spotkań między partiami, w celu wspierania dialogu politycznego i konsensusu.

## **7. Kodeks postępowania i etyki w Radzie Najwyższej**

Marszałek (lub wicemarszałek) powinien być uprawniony do nazywania członków zaangażowanych w destrukcyjne lub agresywne zachowania i zawieszenia ich udziału w sesjach plenarnych Rady na odpowiedni okres czasu, na podstawie wagi naruszenia. Rozpatrzyć należy również wprowadzenie kar finansowych. Trzeba szanować honor tej instytucji i wprowadzić takie rozwiązanie.

Kodeks postępowania powinien zostać opracowany i wdrożony w trybie pilnym. Należy go poprzedzić konsultacjami, powinien być zgodny z najlepszymi praktykami międzynarodowymi i mieć charakter integrujący.

Na podstawie tych rekomendacji, PE ma zamiar kontynuować swoją misję poprzez:

- podpisanie porozumienia o współpracy administracyjnej między SG PE i spełniającym obowiązki SG Rady Najwyższej – im więcej wy będziecie reformować, tym my bardziej skorzy, aby im pomóc. Nigdy w historii tej instytucji nie podpisano umowy o tym charakterze.

- Opracowanie i wdrożenie specjalnego programu PE dotyczącego parlamentarnych działań na rzecz budowania potencjału Rady, pod kierunkiem Andreja Plenkovića, mianowanego Liderem programu PE dla Najwyższej Rady Ukrainy, dotyczącego wsparcia parlamentarnego i budowania potencjału na rzecz reform

Na koniec Pat Cox podkreślił, że zalecenia i ewentualna realizacja działań opisanych w niniejszym raporcie nie są wiążące. To do Rady Najwyższej Ukrainy należy decyzja, czy i w jakim stopniu będzie te zalecenia realizować. Jeśli będą jednak realizowane przez władze Rady, ważne jest, by PE i inni międzynarodowi partnerzy wspierali Radę w tym procesie reform.

## 2. Oficjalne rozpoczęcie Tygodnia Ukraińskiego

**Elmar Brok**, Przewodniczący Komisji Spraw Zagranicznych PE i Współprzewodniczący Grupy Wsparcia Demokracji i Koordynacji Wyborów, przypomniał o równoczesnej ratyfikacji układu stowarzyszeniowego przez PE i Radę Najwyższą Ukrainy. Dodał, że eurodeputowany **Andrej Plenković** otrzymał mandat do kontynuowania swojej pracy a pan **Pat Cox** zajmie się wdrażaniem projektu. Podkreślił, że programy reform na Ukrainie muszą być realizowane. Ważne jest przeprowadzenie reform, tj.: wprowadzenie rządów prawa, zwalczanie oszustw, modyfikacja konstytucji, reforma parlamentarna, itp. Ukraina musi być praworządna, niezależna i solidna, oparta na społecznej gospodarce rynkowej. Na koniec stwierdził, że porozumienie z Mińska musi zostać wdrożone.

**Andrej Plenković**, przewodniczący Delegacji PE do Parlamentarnej Komisji Stowarzyszenia UE-Ukraina i lider programu PE dla Najwyższej Rady Ukrainy, dotyczącego wsparcia parlamentarnego i budowania potencjału na rzecz reform, podkreślił, że to wielki zaszczyt dla niego przemawiać przed tak dużą liczbą członków Rady Najwyższej i PE. Przyznał, że co tydzień zajmuje się Ukrainą. PE, wspólnie z ambasadorem Tombińskim, zrobi, co w jego mocy, by pomóc Ukrainie w procesie pokojowej reintegracji (Ługańsk, Donieck) a także w implementacji umowy stowarzyszeniowej. Wiele stron i instytucji zajmuje się budową zdolności Rady Najwyższej. Po misji obserwacyjnej aktualnie przechodzimy do fazy reformy administracyjnej, stanowiącej część porozumienia między PE i Radą Najwyższą. Podkreślił, że nie będzie szans na zrównoważony rozwój demokratyczny i polityczny Ukrainy bez efektywnego, niezależnego i dobrze funkcjonującego parlamentu.

**Martin Schulz**, przewodniczący Parlamentu Europejskiego, powitał uczestników posiedzenia. Podkreślił, że to wydarzenie pokazuje silną więź i solidarność między PE i Radą Najwyższą Ukrainy. Stwierdził, że Ukraina potrzebuje wsparcia i je dostanie, jednak musi

wdrażać rekomendacje i reformować kraj. Zapisywana jest nowa karta w historii relacji z Ukrainą, bowiem PE i Rada Najwyższa podejmują nową formę współpracy, nie tylko, jeśli chodzi o wspólną ratyfikację umowy stowarzyszeniowej. To będzie miało swoje konsekwencje i budzi zainteresowanie innych krajów. Pokazuje, że ta współpraca w obszarze demokratyzacji jest bardzo ciekawa. Podkreślił, że PE śledzi prace i dyskusje w Radzie Najwyższej. Zauważył jednak, że obecnie w UE ma miejsce wiele kryzysów i dramatycznych wydarzeń w UE. Wspomniał o kryzysie humanitarnym i potrzebie solidarności wewnątrz i na zewnątrz w obszarze polityki migracyjnej. Dziwił się, że UE nie jest w stanie uzgodnić, w jaki sposób rozdzielić milion uchodźców w 500-milionowej UE. Podkreślił, że UE musi wypełniać swoje obietnice. Na koniec stwierdził, że pan Pat Cox powinien uczestniczyć we wdrażaniu przygotowanych zaleceń oraz że Ukraina także walczy o swoją przyszłość.

**Wołodymyr Hrojsman**, przewodniczący Rady Najwyższej podkreślił, że rozpoczynają odważne zmiany na Ukrainie. Nigdy nie mieli tak dużej delegacji w żadnym parlamencie europejskim. Przed Ukrainą stoją duże wyzwania. Musi się zmagać z wydarzeniami zewnętrznymi, potęgującymi kryzys gospodarczy i z wewnętrznym kryzysem rządowym. Przyznał, że agresja rosyjska, ukraińska kultura polityczna i standardy moralne nie są wytłumaczeniem do odkładania reform. Po rewolucji na Ukrainie, PE i Rada Najwyższa podpisali memorandum o współpracy a przewodniczący PE wystąpił w Radzie Najwyższej. Dodał, że spotkanie w PE jest nie tylko symbolicznym poparciem dla Rady Najwyższej, ale idzie za nim podpisanie politycznych porozumień, co jest ważne. Podkreślił, że zależy mu na tym, by parlament ukraiński stał się instytucją silną, przejrzystą i europejską, bo bez odpowiedniej roli i charakteru ukraińskich instytucji nie nastąpi przebudowa demokracji. Chodzi o przeformatowanie administracji i całego aparatu Rady Najwyższej. Trzeba też ograniczyć przeciążenie legislacyjne. Podziękował za wsparcie misji Pata Coxa, za wysokiej jakości bezstronną ocenę funkcjonowanie Rady Najwyższej. Podkreślił, że zależy mu na przygotowaniu mapy drogowej dla demokratyzacji Rady Najwyższej, która powinna wychodzić naprzeciw wszystkim obywatelom Ukrainy i wnieść wkład w stabilizację Ukrainy. Ukraina powinna mieć silne, praworządne instytucje, będące wzorem demokratyzacji i czynnikiem stabilizującym. Dzięki tej stabilizacji i sile, Ukraina będzie łatwiej wychodzić z kryzysu. W konsekwencji może odnowi się parlamentaryzm na Ukrainie, co pozwoli na odrodzenie jej potencjału instytucjonalnego.

**Pat Cox**, przewodniczący PE w latach 2002-2004, podkreślił, że „wspólnie chcą działać na rzecz waszych i naszych interesów”. Podziękował zespołowi osób z PE i ekspertom ukraińskim oraz organizacjom społeczeństwa obywatelskiego i ukraińskiej administracji i parlamentarzystom za współpracę. Przyznał, że polityka i silne osobowości przyciągają się. Na Ukrainie mamy silne osobowości polityczne, które współistnieją ze słabymi instytucjami.

Kluczem do transformacji demokratycznej, ekonomicznej i społecznej, bezpieczeństwa i demokratycznego systemu politycznego jest stworzenie silnych i niezależnych instytucji. Przypomniał, że Jean Monnet, który był inspiracją dla europejskiego systemu, powiedział, że „nic nie jest możliwe bez ludzi, nic nie jest trwałe bez instytucji”. To jest ważne z punktu widzenia postępów. Ukraina przeżyła wielu tragicznych momentów, ale „kiedy zaczynamy współpracować ze sobą, dochodzi do zablźnienia ran, gdy przelewamy pot pracując dla Ukrainy”. Zacytował na koniec prezydenta Kennedy'go, który powiedział: „nie pytajcie, co kraj zrobi dla was, ale co wy dla swojego kraju”. Dodał, że jego wrażenia z Ukrainy są bardzo pozytywne, jest zachęcony podejściem i postawą oraz chęcią współdziałania i optymistycznie nastawiony, co do przyszłości.

**Johannes Hahn**, komisarz UE odpowiedzialny za politykę sąsiedztwa i negocjacje w sprawie rozszerzenia, podkreślił, że przy wszelkich trudnościach Ukrainy, na przestrzeni ostatnich lat poczyniła ona duże postępy, co zawdzięcza swojej konstruktywnej postawie. Wdrożenie porozumienia, stabilność, wdrożenie ustaw, zreformowanie wymiaru sprawiedliwości, zwalczanie korupcji, itp. są bardzo istotne. Odnosząc się do inwestycji na Ukrainie podkreślił, że sytuacja rozwija się w sposób pozytywny, choć wielu przedsiębiorców z UE rezygnuje z inwestycji na Ukrainie z uwagi na korupcję, np. chcąc uzyskać zezwolenie na budowę. Odnośnie liberalizacji wiz, KE jest zdecydowana „pchnąć sprawy w odpowiednim kierunku”, ale wiele zależy od parlamentu ukraińskiego. Nadal trzeba popracować nad elektronicznymi deklaracjami majątkowymi posłów, zapewnić jasność i przejrzystość – teraz i w przeszłości. [W ustawach wprowadzających reformy często w ostatnim momencie wprowadzane są zmiany pozwalające na ich późniejsze wejście w życie bądź też ominięcie rozwiązań, których celem jest walka z korupcją. Przykładem są losy ustawy o deklaracjach majątkowych urzędników, której uchwalenia domaga się Unia Europejska. Jej wejście w życie zostało odłożone, a sam tekst zmieniony tak, aby ograniczyć krąg osób, które muszą składać tego typu deklaracje. Paraliżuje to rozpoczęcie działania Narodowej Agencji do spraw Zapobiegania Korupcji - MS]. Ukraina musi być również oparta na rządach prawa, na czym opiera się UE. Zależy mu, by Ukraina przybliżyła się do Europy. W najbliższych latach nie będzie wyborów w UE, instytucje: KE i Rada są gotowe wspierać Ukrainę, dlatego warto skorzystać z tego pozytywnego nastawienia obecnych instytucji do Ukrainy. Jednak konieczne jest wdrażanie reform, czego oczekują również obywatele Ukrainy. Na koniec stwierdził, że Ukraina może być historią sukcesu i że wszystkim na tym zależy. UE nie wspiera partii ani polityków, ale zasady państwa prawa i demokracji, podkreślił.

### 3. Dyskusje wysokiego szczebla<sup>1</sup>

---

<sup>1</sup> Podsumowanie dyskusji w panelach znajduje się w osobnym sprawozdaniu nr 21.

**Następnie miały miejsce dyskusje wysokiego szczebla, poświęcone sześciu poniższym zagadnieniom:**

1. Relacje między władzą ustawodawczą i wykonawczą
2. Rola parlamentu w cyklu budżetowym
3. Otwartość, przejrzystość i odpowiedzialność: rola reprezentacji parlamentu
4. Reforma administracyjna Rady Najwyższej: rola silnego i niezależnego sekretariatu
5. Rola parlamentu i grup politycznych: w kierunku kultury dialogu, budowania kompromisu i konsensusu
6. Najlepsze praktyki w zakresie harmonizacji prawa krajowego z *acquis* UE

**Odbyły się również dwie debaty:**

1. Debata na temat „Etyczne standardy dla parlamentarzystów dla większego zaufania publicznego i odpowiedzialności” organizowana przez Kają Kallas (1 Wiceprzewodniczącą Delegacji PE do Parlamentarnej Komisji Stowarzyszenia UE-Ukraina), we współpracy z Biurem Instytucji Demokratycznych i Praw Człowieka (ODHIR) OBWE oraz Programem USAID
2. Debata nt. „Rada Najwyższa a społeczeństwo obywatelskie: współpraca na rzecz reform w 2016 r.” organizowana przez Parlamentarną Komisję Stowarzyszenia UE-Ukraina we współpracy z Biurem Łącznikowym ukraińskich Think Tanków w Brukseli oraz Europejskim Funduszem na Rzecz Demokracji

#### **4. Oficjalne zakończenie Tygodnia Ukraińskiego**

Oficjalnemu zakończeniu konferencji współprzewodniczyli **Pat Cox**, Przewodniczący PE w latach 2002-2004 i **Wołodmyr Hrojsman**, Przewodniczący Rady Najwyższej Ukrainy.

**Pat Cox** powiedział, że z debat w ramach Tygodnia Ukraińskiego wiele można się nauczyć. Przyznał, że za nami już proces refleksji, słuchania, uczenia się i nadeszła chwila na przedstawienie wytycznych. Jednak zaznaczył, że odgórnie narzucone wytyczne nie spełnią swojej roli. Ukraińcy muszą wziąć sprawy w swoje ręce i utożsamić się z nimi. Z drugiej strony instytucje UE muszą od nowa zastanowić się, w jaki sposób można pomóc Ukrainie. Poza współpracą polityczną zwrócił uwagę na konieczność współpracy administracyjnej, czemu służyć będzie m.in. umowa nt. budowania zdolności administracyjnych, zawarta między sekretarzami generalnymi PE i Rady Najwyższej. Tego typu porozumienie nigdy nie zostało podpisane z żadnym innym parlamentem. Zwrócił się również do partnerów międzynarodowych z apelem o stworzenie wspólnoty ludzi, zaangażowanej w realizację reform i wytycznych na Ukrainie w skoordynowany sposób, bez dublowania się i bezsensownego powielania wysiłków.

Podsumowania Tygodnia dokonali: **Helga Schmid**, Zastępca Sekretarza Generalnego Europejskiej Służby Działań Zewnętrznych, **Andrej Plenković**, Przewodniczący Delegacji PE do Parlamentarnej Komisji Stowarzyszenia UE-Ukraina i Lider programu PE dla Najwyższej Rady Ukrainy, dotyczącego wsparcia parlamentarnego i budowania potencjału na rzecz reform oraz **Ostap Semerak**, Przewodniczący delegacji Rady Najwyższej Ukrainy do Parlamentarnej Komisji Stowarzyszenia UE-Ukraina.

**Helga Schmid** powiedziała, że Tydzień Ukraiński w PE wzmocnił parlamentarny wymiar współpracy UE-Ukraina. Miał miejsce szereg dyskusji plenarnych ze znamienitą obsadą gości i równie ważne dyskusje w kuluarach. Utworzyły się nowe platformy współpracy, w ramach których UE i Ukraina będą mogły zacieśniać więzi, co nada dynamiki procesowi reform w tym kraju. Podczas tej konferencji były omawiane kwestie związane z reformą wymiaru sprawiedliwości, zwalczaniem korupcji, reformą administracji publicznej, decentralizacją i wiele innych. Teraz kolej na Ukrainę, by mądrze wdrożyć wszystkie zalecenia. Ma to zasadnicze znaczenie dla możliwości przeprowadzenia skutecznych i podtrzymywanych w czasie reform. Przeprowadzenie reform będzie bardzo złożonym procesem, co potwierdza przygotowana mapa drogowa. UE będzie wspierać reformy w Radzie i na Ukrainie.

Pani Schmid powiedziała, że UE dokonała rewizji polityki sąsiedztwa w ubiegłym roku. Głównym elementem zmiany jest zwiększone upodmiotowienie państw w niej uczestniczących i poszerzony wymiar bezpieczeństwa i polityki zagranicznej. Cieszy ją wkład Ukrainy w proces konsultacji. W ramach Partnerstwa Wschodniego ważna jest współpraca nakierowana na konkretne cele i budowanie odporności. Trzeba zadbać o taki wymiar Partnerstwa Wschodniego, który nikogo nie wyklucza i zawiera wymiar współpracy wielostronnej, które obejmuje wszystkich 6 partnerów. Potrzeba stanowczości i zaangażowania po obu stronach. Decydenci polityczni powinni pracować ramię w ramię. Wyraziła nadzieję, że spory na Ukrainie zostaną zażegnane. Gry polityczne i ochrona partykularnych interesów nie mogą mieć pierwszeństwa nad dobrem wspólnym. Nie do przecenienia w tym względzie jest rola Rady Najwyższej, bo parlamenty rozliczają rządy i przyjmują reformy.

Pani Schmid podkreśliła, że UE jest silnie zaangażowana, by wspierać Ukrainę w jej podróży do Europy. Ukraina korzysta z instrumentu w ramach polityki sąsiedztwa, podpisana została umowa stowarzyszeniowa i wzmocniona umowa o partnerstwie. Ukraina, by wypełnić wszystkie wymogi porozumienia, musi zakończyć reformy. Podkreśliła, że na ostatnim etapie są już dyskusje nt. liberalizacji wizowej. Zobowiązania przywódców Ukrainy pozwalają KE na przedłożenie pozytywnego raportu w tej sprawie w grudniu br. i przygotowanie inicjatywy

legislacyjnej. UE będzie w dalszym ciągu wspierać Ukrainę w budowaniu bezpieczeństwa. Na miejscu jest misja doradcza UE zapewniająca wsparcie i doradztwo strategiczne w dziedzinie bezpieczeństwa. Nie są jednak w stanie zastąpić woli politycznej, by te zmiany się dokonały. Mogą jedynie służyć wsparciem w formie funduszy i doradztwa. Partnerstwo Wschodnie i unijna polityka sąsiedztwa oferują Ukrainie możliwość stania się państwem europejskim z demokratycznymi instytucjami, gospodarką rynkową i rządami prawa. W ramach programu liberalizacji wizowej Ukraińcy będą mogli swobodnie przyjeżdżać do UE. „Będzie to sprzyjać poczuciu, że jesteśmy razem” - zaznaczyła.

Przyznała jednak, że na stosunki UE z Ukrainą cieniem kładą się trudne stosunki Ukraina - Rosja, tj. aneksja Krymu i konflikt na Ukrainie. Tak długo, jak nie rozwiąże się tego kryzysu, UE nie może wrócić do poprzednich relacji z Rosją - takich, jak gdyby nic się nie stało. Restrykcyjne środki wobec Rosji i wspieranie Ukrainy pokazują, jak UE jest zdeterminowana. Porozumienia mińskie muszą być w pełni wdrożone, co oznacza wycofanie obcych wojsk i objęcie przez Ukrainę pełnej kontroli nad swoim terytorium. Trzeba dążyć do przywrócenia suwerenności w regionie Ługańska i Doniecka. Znane są przyczyny konfliktu, co do tego jest jasność, jak i ogromne trudności, przed którymi stoi Ukraina. Nawet, jeśli w pełni zostaną wdrożone porozumienia z Mińska, pozostaje kwestia Krymu i problem pogarszającej się tam sytuacji praw człowieka. UE nigdy nie uzna nielegalnej aneksji Krymu.

Przypomniała, że niedługo znowu się spotka międzyparlamentarne zgromadzenie w ramach partnerstwa wschodniego i będzie to dobra okazja, by omówić rolę wymiany międzyparlamentarnej i współpracy. PE skupia się na Ukrainie i chce zacieśniać więzi z tym krajem. Na koniec stwierdziła, że silny, dobrze funkcjonujący parlament jest kluczem do demokracji.

**Andrzej Plenković** podkreślił, że przed Ukrainą stoi nadal wiele wyzwań politycznych, o czym politycy dyskutowali podczas Tygodnia Ukraińskiego, również w ramach nieformalnego komitetu stowarzyszeniowego. Wspomniał o ogromnym zaangażowaniu posłów Kowala i Siwca w temat Ukrainy. Podziękował za udział w dyskusjach ekspertom krajowym, parlamentarzystom krajowym, przedstawicielom społeczeństwa obywatelskiego, europosłom, itp. Przyznał, że dobre praktyki z PE lub z parlamentów narodowych mogą być pomocne dla Ukraińców. Wspomniał o sprawozdaniu pana Pata Coxa, zawierającym 52 zalecenia, które pozwolą na upodmiotowienie parlamentu ukraińskiego i przekształcenie go w nowoczesny parlament w stylu zachodnim. Podkreślił, że nie chodzi o pouczanie strony ukraińskiej a o analizę, przegląd i postęp. Te wszystkie zalecenia muszą się przełożyć na gotowość służb parlamentu do działania, za czym muszą iść środki finansowe z dyrekcji ds.

grup demokratycznych. Kluczowa odpowiedzialność spoczywa na przewodniczącym Hrojsmanie, przewodniczących frakcji i komitetów w Radzie Najwyższej.

Odnosząc się do dyskusji w panelach zwrócił uwagę na interesującą wymianę poglądów w panelu dotyczącym związków między władzą wykonawczą i ustawodawczą, któremu przewodniczył poseł **Jerzy Buzek**, wielki przyjaciel Ukrainy. Jerzy Buzek nawiązywał m.in. do reformatorskich doświadczeń swojego rządu. „Dla mnie i moich kolegów z Parlamentu Europejskiego to zaszczyt, że ukraińscy posłowie chcą korzystać z naszych doświadczeń. Nie chcemy pouczać Ukrainy, ale zawsze jesteśmy gotowi dzielić się przykładami z naszej własnej demokratyzacji”, podkreślał Jerzy Buzek. Podczas tego panelu zastanawiano się, jak zacieśnić współpracę między władzą wykonawczą a ustawodawczą. Sugerowano, że może warto byłoby podpisać porozumienie międzyinstytucjonalne ws. współpracy Rady Najwyższej z rządem, na wzór porozumienia między PE i KE. Podzielenie się z partnerami ukraińskimi najlepszymi praktykami parlamentarnymi ma na celu podnoszenie świadomości. Wspomniał o zielonych i białych księgach oraz o komunikatach nt. projektów legislacyjnych i ocenie wpływu, by wszyscy interesariusze byli poinformowani. PE może przyczynić się do zwiększenia roli komisji parlamentarnych w Radzie Najwyższej, zarówno w procesie legislacyjnym, jak i w sprawowaniu nadzoru nad rządem. Stosunki dwustronne między komisjami i instytucjami (Radą i PE) mogą być ciekawym pomysłem. Wspomniał również o liczbie komisji, którą można zmniejszyć, choć w jego parlamencie tych komisji jest również 28. Jeśli chodzi o rolę parlamentu w cyklu budżetowym, podczas tego panelu dyskusyjnego wysłuchano opinii kluczowych europosłów w tym obszarze. PE ma za zadanie zatwierdzanie budżetu, co jest bardzo ważną prerogatywą. W Radzie należałoby wprowadzić konkretne procedury z konkretnymi terminami, co pozwoli uregulować w pewnej perspektywie współpracę z PE w ramach np. semestru europejskiego. Dyskutowano również o wprowadzeniu systemu sprawozdawców, co mogłoby być pomocne. Oprócz tego ważna jest otwartość, rozliczalność i przejrzystość. W panelu nt. komunikacji wypowiedzieli się dyrektorzy generalni PE. Komunikacja także z obywatelami jest ważna. Obecnie blisko połowa deputowanych ukraińskich to nowi posłowie wybrani oddolnie i trzeba myśleć o demokracji uczestniczącej. W tym kontekście być może warto byłoby powołać komisję ds. petycji, która zajmowałaby się pytaniami od obywateli. Kolejną omawianą podczas panelu kwestią były najlepsze praktyki, jeśli chodzi o harmonizację przepisów krajowych z unijnymi *acquis*. Prawo UE zawiera prawo pierwotne i wspólne oraz praktyki sądowe rozwinięte w ostatnich latach w Europie. Wiele krajów już przez taki proces przechodziło a doświadczenia polskie są najbardziej przydatne dla Ukrainy, bo nasza bliskość i podobieństwo tych państw mogą być punktem odniesienia, o czym mówili poseł **Jacek Saryusz-Wolski** i ambasador **Jan Tombiński**. „Wdrażanie w życie postanowień umowy stowarzyszeniowej nie powinno być postrzegane jedynie w kategoriach pewnego technicznego, administracyjnego czy

technokratycznego procesu harmonizacji prawa. To rewolucyjna zmiana społeczeństwa, która wykorzenia stare nawyki i ustanawia nowe instytucje w sferze publicznej” - mówił **Jacek Saryusz-Wolski**, który podzielił się z uczestnikami konferencji swoimi doświadczeniami z czasów, gdy wdrażał unijny dorobek legislacyjny do polskiego porządku prawnego. Mówił o relacjach pomiędzy rządem, parlamentem i społeczeństwem w procesie harmonizacji prawa krajowego z prawem UE, właśnie na podstawie lekcji wyciągniętych z polskiego doświadczenia. Poseł **Plenković** wspominał również o świeżych doświadczeniach swojego kraju - Chorwacji i o tym, ile ciężkiej pracy kosztowało to dostosowanie prawa. Przetłumaczenie 120 tys. stron prawnych wymaga uważnych wytycznych ze strony instytucji unijnych i ogromnej pracy administracji krajowej. Podkreślił również, że w przypadku harmonizacji prawa parlament musi uważać na dwie kwestie: by nie zostać zredukowanym do roli stempla, który tylko zatwierdza przepisy oraz by zatrudnić wykwalifikowanych prawników i innych specjalistów, którzy będą oceniać, czy proponowane przepisy są zgodne z konstytucją, z europejskim prawem, jakie są ich skutki polityczne, gospodarcze, społeczne, itp.

Poseł **Plenković** podziękował również Patowi Coxowi za jego dotychczasową pracę i gotowość do kontynuowania działań i udzielania pomocy Ukrainie. Podkreślił, że PE stworzy odpowiednie ramy dla dalszych działań na linii PE-Rada Najwyższa. Podkreślił, że ważne jest zacieśnianie dialogu międzypartyjnego, budowanie zaufania, wdrażanie reform. Przywódcy frakcji politycznych na Ukrainie spotkali się z przywódcami politycznymi w PE, co było bezprecedensowym wydarzeniem. Ucieszył się z dojrzałości politycznej partnerów ukraińskich i chęci pozostawania na kursie reform. Podkreślił, jak ważna jest perspektywa zniesienia wiz dla obywateli Ukrainy. „To bardzo ważne, bo daje poczucie, że bariery administracyjne upadają” - przyznał. Drugą sprawą jest współpraca z Niemcami i Francuzami w ramach formatu normandzkiego. W tym formacie trzeba zrobić więcej, jeśli chodzi o porozumienia z Mińska, ale także trzeba się zająć terytoriami okupowanymi: budowaniem pokoju, pojednania narodowego, amnestią, transferami społecznymi, odbudową, kontrolą granic, itp. Ponadto konieczne jest zwiększenie widoczności ESDZ na Ukrainie. Ważna jest ogólnonarodowa integracja, także na Krymie. Ważne jest zbliżenie Ukrainy do Europy, co jest priorytetem PE.

Poseł **Ostap Semerak** podziękował za zorganizowanie tak ważnego wydarzenia w PE. Podkreślił również, że prace misji Pata Coxa były ważne dla budowy parlamentaryzmu na Ukrainie i dla społeczeństwa. W jego sprawozdaniu nie ma instrukcji, ale nakreślony jest obraz sytuacji w parlamencie, co daje Ukraińcom możliwość szukania odpowiednich dla nich rozwiązań. Ukraina jest gotowa na pracę nad reformami. Podkreślił, że cieszy się, że wśród priorytetów sprawozdania jest dostosowanie ustawodawstwa ukraińskiego. Wyraził nadzieję,

ze to będzie główny priorytet, choć przyznał, że na razie tak nie jest. Podkreślił, że postępy w kierunku integracji z UE są wyrazem woli narodu. Ukraina ma szansę na budowanie nowego kraju. Konieczne jest przyspieszenie prac. Zgodził się, że misja PE powinna być kontynuowana. Mandat tej misji powinien być przedłużony. Na koniec stwierdził, że Układ o stowarzyszeniu powinien być poważnym instrumentem monitorowania wdrażania zaleceń i zmian w parlamencie ukraińskim.

Zamykając konferencję, **Andrej Plenković** (EPP, Chorwacja), szef Delegacji do Komisji Parlamentarnej Stowarzyszenia UE-Ukraina, powiedział, że Tydzień Ukraiński był „bezprecedensowym przykładem bliskiej współpracy i pogłębionej wspólnej refleksji między parlamentami”, również z punktu widzenia bezpieczeństwa globalnego i solidarności europejskiej. Przedstawił wnioski z Tygodnia Ukraińskiego, wymieniając najważniejsze propozycje, mające na celu poprawę jakości procesu legislacyjnego w parlamencie Ukrainy, jego skuteczności i przejrzystości w zarządzaniu sprawami europejskimi. „Jest oczywiste, że to koledzy z Rady Najwyższej podjęli się zaangażowania w proces budowania zdolności, a my czekamy na zdefiniowanie planu konkretnych działań”, dodał. „Zgodziliśmy się ponadto z naszymi ukraińskimi partnerami, aby wspólnie realizować zalecenia zawarte w raporcie misji oceny potrzeb i przeznaczyć odpowiednie fundusze na realizację tych działań”, dodał.

„Otworzyliśmy nie tylko drzwi do Europy, ale także nasze serca. Mamy nadzieję na pracę zespołową i na przeprowadzenie koniecznych zmian w celu uczynienia instytucji ukraińskich silnymi, profesjonalnymi i zdolnymi do podejmowania niezbędnych decyzji”, podkreślił przewodniczący Rady Najwyższej Ukrainy **Wołodmyr Hrojsman**. „Nasz parlament powinien być stać się główną instytucją demokracji i prawodawstwa na Ukrainie”, dodał.

Reformy „będą wdrażane tylko wtedy, gdy ich realizacją zajmą się ludzie na miejscu”, powiedział były przewodniczący Parlamentu Europejskiego **Pat Cox**, deklarując gotowość do dalszego wspierania Ukrainy w fazie realizacji.

Tydzień Ukraiński zakończył się podpisaniem porozumienia o współpracy administracyjnej między Parlamentem Europejskim a Radą Najwyższą (a konkretnie pomiędzy Sekretariatem Generalnym Parlamentu Europejskiego i Sekretariatem Rady Najwyższej Ukrainy przez: **Klausa Welle**, Sekretarza Generalnego Parlamentu Europejskiego i **Volodymyra Slyshynskiy'a**, pierwszego zastępcę Szefa Sekretariatu Rady Najwyższej).

**Opracowała:**  
**dr Magdalena Skulimowska**

Załączniki:

- Sprawozdanie z misji Pata Coxa
- Oświadczenie prezydium Parlamentarnej Komisji Stowarzyszenia UE-Ukraina

## **Joint Communiqué of the Bureau of the EU-Ukraine Parliamentary Association Committee**

**On 2 March 2016, the Bureau of the EU-Ukraine Parliamentary Association Committee (PAC) met in Brussels under the co-chairmanship of Mr. Andrej Plenković (EPP, HR) on behalf of the European Parliament and of Mr. Ostap Semerak on behalf of the Verkhovna Rada of Ukraine with participation of Vice-Chairs Ms. Kaja Kallas (ALDE, EE), Mr. Tibor Szanyi (S&D, HU), Ms. Iryna Gerashchenko, and Mr. Victor Galasiuk, as well as other Members of the Parliamentary Association Committee.**

Following the meeting, the Bureau issued the following statement:

*“Our meeting is taking place in the context of the "Ukraine Week" in the European Parliament (EP), an unprecedented event illustrating the EP's strong commitment to supporting the Ukrainian Verkhovna Rada in its ambitious modernisation efforts, but also against the background of the second anniversary of the Revolution of Dignity. Remembering those who died on Maidan Square for a better future and a European Ukraine, and all those who died as a result of aggression against Ukraine, places upon the Ukrainian authorities a historic task of implementing in-depth reforms in the country to respond to the citizens' high expectations. First and foremost, this encompasses the eradication of corruption, the de-oligarchisation of society, and the reform of the judiciary.*

*We welcome the ongoing reform process in Ukraine and the implementation of the Association Agreement, despite the challenging security environment caused by Russian aggression. In order to keep on carrying out systemic reforms, Ukraine needs a solid government relying on a stable majority. We therefore appeal to all reform-minded forces in Ukraine to find a common ground and put all efforts towards finding a sustainable way out of the current political disturbances.*

*We reiterate our unequivocal support for the sovereignty and the territorial integrity of Ukraine within its internationally recognised borders and call on the Russian Federation to end its occupation of Crimea as well as its ongoing aggression on Eastern Ukraine. We believe that the Minsk agreements open the way to the peaceful reintegration of the temporarily occupied territories, and therefore call on the Russian Federation to implement without further delay provisions of the Minsk agreements. We emphasize that restrictive measures introduced by the European Union towards Russia should remain in force the Minsk agreements are effectively and fully implemented. We deplore the worsening of the security and humanitarian situation caused by the Russian aggression in the Donbas, and reiterate our deep concern about the human rights violations in Russian-occupied Crimea, especially targeting the Crimean Tatars, as well as our willingness to keep shedding light on these situations.*

*We look forward to the completion of the ratification process of the Association Agreement by the EU Member States and are ready to contribute as deemed appropriate to the current discussions taking place in the Netherlands in preparation for the referendum of 6 April. We welcome the entry into force of the EU-Ukraine DCFTA as of 1 January 2016 and underline the opportunities it offers for the development of Ukraine economy. But we strongly condemn the unilateral suspension by the Russian Federation of its free trade agreement with Ukraine*

*and the introduction of heavy trade restrictions on Ukrainian exports, as well as the hampering of transit of Ukrainian goods to third countries.*

*On the establishment of a visa-free regime, we expect the European Commission to forward the related proposal to Council and European Parliament as soon as possible.*

*We welcome the finalisation of the Needs Assessment Mission in the Ukrainian parliament and look forward to the immediate start of the implementation phase of the capacity-building programme. We express hope that the main conclusions and recommendations from the Report would serve as a landmark for reforming the Verkhovna Rada of Ukraine. Concerning our interparliamentary work, we reiterate our joint determination to continue our intensive cooperation and to keep Ukraine at the top of the EU agenda. We are firmly committed to closely monitoring the implementation of the Association Agreement and other areas of EU-Ukraine relations, and therefore established at our meeting today tandems for sectorial cooperation."*

REF. : 20160302IPR16608

European Parliament



## REPORT AND ROADMAP

# ON INTERNAL REFORM AND CAPACITY-BUILDING FOR THE VERKHOVNA RADA OF UKRAINE

European Parliament's Needs Assessment Mission to the Verkhovna Rada of Ukraine **led by Pat Cox, President of the European Parliament 2002-2004**

September 2015 – February 2016

This Report was requested by the European Parliament's Democracy Support and Election Coordination Group.

### **CONSULTANT:**

Tymur TASHTANOV, independent expert, Ukraine

### **SENIOR ADVISOR:**

Jonathan MURPHY, consultant in parliamentary development, United Nations Development Programme

### **CONTRIBUTORS (IN ALPHABETICAL ORDER):**

Pierre-Antoine BARTHELEMY

Directorate-General for Personnel, European Parliament

Dora BOITHA

Legislative Planning and Coordination Unit, European Parliament

Doichin CHOLAKOV

Directorate-General for Communication, European Parliament

Julien CRAMPES

Directorate-General for External Policies of the Union, European Parliament

Karl MINAIRE

Directorate-General for External Policies of the Union, European Parliament

Walter PETRUCCI

Directorate-General for Innovation and Technological Support, European Parliament

Gerrard QUILLE

Directorate-General for External Policies of the Union, European Parliament

Nikolina VASSILEVA

Directorate-General for External Policies of the Union, European Parliament  
and

Gerd EHLERS

Gesellschaft für Internationale Zusammenarbeit ('GIZ')

### **LINGUISTIC VERSIONS**

Original: EN

Electronic copies can be requested by e-mail at this address: [deac-secretariat@europarl.europa.eu](mailto:deac-secretariat@europarl.europa.eu)

### **DISCLAIMER**

Any opinions expressed in this Report do not necessarily represent the official position of the European Parliament. Reproduction and translation, except for commercial purposes, are authorised, provided the source is acknowledged and provided the publisher is given prior notice and supplied with a copy of the publication.

## TABLE OF CONTENT

Preface .....	i
Origins and Objectives of the Report.....	iv
List of abbreviations.....	vi
Executive Summary.....	1
Introduction.....	4
PART ONE: Key Findings .....	7
CHAPTER 1: Legislative capacity and process in the Verkhovna Rada.....	7
1.1. Introduction.....	7
1.2. Specific issues in the VRU's legislative functions .....	7
1.3. Recommendations.....	11
CHAPTER 2: Political oversight of the Executive.....	13
2.1. Introduction.....	13
2.2. Specific issues in the VRU's parliamentary oversight .....	14
2.3. Recommendations.....	17
CHAPTER 3: Openness, transparency and accountability to citizens.....	18
3.1. Introduction.....	18
3.2. Specific issues in VRU's transparency and accountability to citizens .....	18
3.3. Recommendations.....	22
CHAPTER 4: Approximation of Ukrainian legislation to the EU <i>acquis</i> .....	23
4.1. Introduction.....	23
4.2. Specific issues in approximation.....	23
4.3. Recommendations.....	25
CHAPTER 5: Administrative capacities.....	26
5.1. Introduction.....	26
5.2. Specific issues relating to the administrative capacities of the VRU.....	26
5.3. Recommendations.....	29
CHAPTER 6: Coalition, opposition and dialogue within the Verkhovna Rada .....	31
6.1. Introduction.....	31
6.2. Specific issues in strengthening political party dialogue within the VRU.....	31
6.3. Recommendations.....	33
CHAPTER 7: Ethics and conduct at the Verkhovna Rada .....	34

7.1. Introduction.....	34
7.2. Specific issues in conduct and ethics at the VRU .....	34
7.3. Recommendations.....	37
References .....	39
PART TWO: Roadmap on internal reform and capacity-building for the Verkhovna Rada .....	41
PART THREE: Annexes.....	51
Annex 1: Memorandum of Understanding.....	51
Annex 2: Composition of the NAM Board of Reforms .....	53
Annex 3: Meetings held by the Needs Assessment Mission (September 2015 – February 2016) .....	55
Annex 4: Committees of the Verkhovna Rada of Ukraine .....	61
Annex 5: Organigram of the Secretariat of the Verkhovna Rada .....	62
Annex 6: Distribution of seats using the d'Hondt method .....	63
Annex 7: Role of the VRU in the budget process in Ukraine.....	64
Annex 8: List of caucuses and inter-factions groupings in the VRU .....	68

## Preface

After the Maidan 'Revolution of Dignity' Ukraine has faced a combination of simultaneous and profound challenges:

- The national trauma of Russian revanchism in the annexation of Crimea and the additional threat to territorial integrity posed by the separatist war in Donbas;
- Coping with the war's dead, injured and displaced;
- Addressing the sensitive consequences of the tense Minsk Protocol process;
- Ramping up the nation's security and defence capacity;
- Dealing with the accompanying macroeconomic deep shock and its associated microeconomic spillovers - and as if all of this was not enough;
- Beginning a process of fundamental reform to address the high societal and political aspirations and expectations of a citizenship and public opinion thoroughly fed up with the rent seeking and profiteering hidden hands and vested interests that corrupted and diminished the public interest and the common good for too long.

The capacity of any political system to cope with the intensity and scale of such a torrential and unrelenting flow of demands would be stretched to the limits. This is so for Ukraine today. While it is correct to focus on what remains to be done, in the two years since Maidan, like any balance sheet, there are assets and liabilities to report. In terms of reforms, the assets deserve just as much credit as the liabilities, as regards remaining deficiencies, merit criticism. Those advocating and working for reform inside and outside politics are worthy of encouragement and support to fuel their hope and confidence for the many battles that are still to be fought and won.

Ukraine's systemic transformation from a post-Soviet deep state dominated by self-serving elites to an open, modern society and democracy is the work of a generation. That this will take time is not to counsel complacency. There needs to be a real sense of urgency in reforming Ukraine because the gap between aspiration and delivery in respect of citizens' high hopes risks to become a credibility gap for those entrusted with political power. Conversely, an irreversible commitment to transformation can release Ukraine's unrealised potential and offer the surest positive response to its neighbour's aggression. That work requires good people, honest politics and politicians, a sturdy and vigilant civil society, free and fair media and a dedication to creating strong, capable, independent and accountable institutions.

It is universally the case that strong personalities and politics are no strangers. In much of the post-Soviet era and space strong personalities have combined with weak institutions. This combination has resulted in an underdeveloped political culture characterised by weak political parties, opaque systems of justice and prosecution, too much impunity, too little transparency and accountability, poor checks and balances and a totally inadequate separation of powers. This cultural dimension runs deep. It is sustained not only by interests but also by embedded attitudes and practices, learned and transmitted over time.

A determination to build strong institutions can play a vital role in the root and branch transformation of Ukraine. To quote one of European integration's founding fathers, Jean Monnet: 'Nothing is possible without men; nothing is lasting without institutions.' More than half the People's Deputies of the Verkhovna Rada are newly elected. Significant leadership and personnel changes are taking place in its Secretariat. Its Speaker and many of its leading members are more open to transformative change than

at any time in its past. This is a cause for hope. It is a moment not to be missed. It is to the credit of the leadership of both the European Parliament and the Verkhovna Rada that respectively they have recognised these facts and wish to seize the moment.

It has been the challenge and the privilege of this 'Needs Assessment Mission' through an intensive period of research, listening and meetings, more than one hundred, to seek to identify where change may be appropriate and to recommend reform and capacity building whose level of ambition would be genuinely transformative. This is not change as a box ticking exercise for its own sake but is based rather on a strong conviction that Ukraine's future depends critically on building its institutions, its procedures, its systems and its technical and human resources fit for a new future, fit for a new Ukraine. Where better to start such a process than in a democratically elected parliament? Who better to lead such a process than the People's Deputies and their faction leaders?

Politics everywhere is contested. Ukraine is no exception. Our appeal to all who exercise influence on and leadership in Ukrainian politics, notwithstanding their differences, is to come together as 'Team Ukraine' for the purpose of owning, adopting and implementing the essence of this report. A strong parliament, respectful of its prerogatives, of its rules and procedures and a membership respectful of each other and the dignity of the institution in which they serve could make a decisive shift in the journey towards a new parliamentary and political culture in Ukraine.

Modernising and reforming the Secretariat of the Verkhovna Rada are no less vital to this act of transformation. Organisational and personnel restructuring is identified as a necessary ingredient of any reform. Professional career and skills development both as regards planning and delivery for parliamentary civil servants is essential and can be assisted by on-going European Parliament administrative assistance and by all those actors at state and institutional level already committed to partnering with the Verkhovna Rada. An unintended consequence of improving the capacities and skills of civil servants could be to enhance their attractiveness to other employers whose ability to pay exceeds that of the modest salaries associated with public service pay. Low pay has frequently been remarked upon, including as a risk factor in opening the public service to inappropriate outside influences and inducements. Indeed, the same point has been made in respect of members of parliament, whose 'official' pay rates, since Maidan, are inferior even to those low rates paid to civil servants. This state of affairs and its downside systemic risks should be reflected on.

The Verkhovna Rada has more rules and it selectively uses or ignores them more frequently than any other parliament in Europe, in the authors' experience. Some of this may be explained, even justified, by necessary emergency measures but the scale of such behaviour points to deeper cultural, institutional and procedural problems that the report seeks to address. The proper functioning and dignity of the parliament needs to be respected by itself and by the other legislative institutions of the state. Law, which is made in haste, too often, later, is repented and necessarily amended at leisure. In the matter of good law making it would be advisable to regard less as more. Today the Verkhovna Rada, its secretariat, its committees and its members are overwhelmed by what many have described to us as legislative spam but which perhaps more accurately could be described as a legislative tsunami, so great is the inundation which overwhelms the institution and its capacity to manage.

Some have suggested that the scale of legislative initiatives in part may be driven by what is counted and reported by civil society organizations as constituting the activity of members of parliament. To quote Albert Einstein: 'Not everything that counts can be counted, and not everything that can be counted counts'. That said, the motivation for the extent of members legislative initiatives is complex and the measurement preferences of civil society alone cannot explain this phenomenon.

These problems speak as much or more to the nature of the prevailing political culture, including some element of corruption, as they may do to any given constitutional balance of powers between the state's legislative institutions. To quote the management guru, Peter Drucker: 'Culture eats strategy for breakfast'. This pithy quote, suggesting that prevailing culture can cannibalise any strategy for organisational change, begs the question, even if every change recommended in this report was adopted would a new strategy make any difference if parliamentary practice continued to treat its own rules in such a cavalier fashion? In truth any reform worthy of that name rests not only on changing rules but also on changing attitudes and practices.

The Verkhovna Rada can and should work to the best of its ability on inculcating a culture of responsible parliamentarianism in all that it does. A mutually respectful culture of consensus building within the majority coalition and between it and the opposition could help. This mission ends as it began with a clear message to the members of the Verkhovna Rada: This is your mandate. This is your national parliament. This is your Constitution. This is your country and your choice. What follows in the body of this report is offered with respect and in friendship wishing that it might assist in building the new Ukraine in which such hope is being and so much sacrifice has been invested.

This 'Needs Assessment Mission' is proof of the deep engagement and mutual respect between the European Parliament and the Verkhovna Rada. It is a milestone on a longer journey whose destination can be reached only through implementation and a real and deep commitment to change. As it began in partnership, so ideally it should continue, together with the many international players and institutions whose goodwill towards Ukraine, its parliament and people was manifested in their close engagement with our work, for which we are deeply grateful.

Many have assisted us. We have been privileged to serve. Our opinions and recommendations purport to represent no institution and both where they are accepted and disputed they remain solely the responsibility of the authors. To those authors - our consultants and the team of officials from the European Parliament who animated and organised our work - to all who met with us - and to those politicians whose wisdom conceived this exercise and whose guidance will lead it forward - we are deeply grateful.

On behalf of the Needs Assessment Mission team



## Origins and Objectives of the Report

### **In support of reform: cooperation between the Verkhovna Rada and the European Parliament**

The European Parliament (EP) and the Verkhovna Rada of Ukraine (VRU) have developed a longstanding and fruitful relationship over many years. The main channel of cooperation and political dialogue between the two institutions has been the Ukraine-EU Parliamentary Cooperation Committee (transformed into a Parliamentary Association Committee (PAC), in line with Article 467 of the Association Agreement (AA'), which serves as a forum for members of the Ukrainian and the European Parliaments to regularly meet and exchange views. The PAC is currently co-chaired by Ostap Semerak, Member of the Verkhovna Rada, and Andrej Plenković, Member of the European Parliament. Multilateral parliamentary dialogue between the European Parliament and the parliaments of the Eastern Partnership countries (Ukraine, Azerbaijan, Belarus, Armenia, Georgia, and Moldova) also takes place in the Euronest Parliamentary Assembly (PA Euronest).

The simultaneous ratification of the Association Agreement between Ukraine and the European Union (EU) by the Verkhovna Rada and the European Parliament on 16 September 2014 was an outstanding sign of solidarity and the importance of Ukraine to the EU. Following this, and the successful parliamentary elections in Ukraine in October 2014, parliamentary cooperation took on a higher order of importance.

As such, the European Parliament's Democracy Support and Election Coordination Group selected Ukraine as a priority country for parliamentary capacity-building and dialogue-facilitation activities. A *Memorandum of Understanding (MoU) between the European Parliament and the Verkhovna Rada on a joint framework for parliamentary support and capacity building* was signed by Volodymyr Groysman, Speaker of the Verkhovna Rada, and Martin Schulz, President of the European Parliament, on 3 July 2015 (Annex 1). To implement the capacity-building partnership, the MoU outlines the following priority areas:

- strengthening the constitutional roles of law-making, oversight and representation of the Verkhovna Rada,
- improving the quality of legislation and of the legislative process in Ukraine,
- increasing the transparency, predictability, efficiency and openness of the proceedings of the Verkhovna Rada,
- contributing to the effective implementation of the EU-Ukraine Association Agreement.

In order to support the implementation of the Memorandum, a Needs Assessment Mission (NAM) was established by the EP – led by Mr Pat Cox, former President of the European Parliament – to work with its counterparts in the VRU on defining the areas in which to strengthen the parliament as an effective democratic institution. On the VRU side, a 'Board of Reform' was established, in which all the major political groups are represented and which has the task of promoting internal reforms of the VRU (Annex 2). This *Report and the Road Map on the internal reform and capacity-building for the Verkhovna Rada of Ukraine (Report)* is the main output of the Needs Assessment Mission.

In order to avoid simply drawing up 'shopping lists' or randomly 'cherry-picking' specific reforms, the focus of the NAM and this *Report* is to identify fundamental areas which can leverage overall change in institutional effectiveness and accountability. Therefore, the NAM recommendations focus on seven key areas (addressed in the chapters of this *Report*) which can unlock overall improvements in legislative production and institutional effectiveness.

The recommendations and possible follow-up activities outlined in this *Report* are not binding – it is up to the VRU to decide whether and to what extent it will implement them. Should they be followed up by the leadership of the VRU, however, it would be important for the European Parliament and other international partners to support the Verkhovna Rada in undertaking this transformational reform process.

## **Methodology**

The NAM took place between September 2015 and February 2016, carrying out six expert fact-finding missions to the VRU and holding more than 100 meetings. The seven key areas were intensively discussed with the VRU leadership, the political faction leaders, Committee Chairs, individual MPs and the VRU Secretariat, as well as with the Government of Ukraine, Ukrainian and international civil society organisations and other representatives of the international community (Annex 3). In addition, the NAM visited Brussels and Strasbourg in order to hold meetings with the President of the European Parliament and high-level officials.

In addition to interviews and meetings, the following steps were taken to collect data for the purposes of the *Report*: (1) desk review of relevant documents of the VRU, including for example Rules of Procedure; (2) attending proceedings of the VRU and its committees, as well as analysing the activity of its Secretariat; and (3) a structured questionnaire for officials and Members of the VRU.

## **Acknowledgements**

This *Report and Road Map on Internal Reform and Capacity-Building for the Verkhovna Rada* has only been possible thanks to the kind cooperation of many individuals who have made themselves available for interviews and meetings. Representatives of the international community were also consulted during the writing of this *Report*, from, *inter alia*, the United Nation Development Programme (UNDP), Gesellschaft für Internationale Zusammenarbeit (GIZ), the USAID and its 'Responsible, Accountable and Democratic Assembly' programme (RADA), the Westminster Foundation for Democracy, the National Democratic Institute, the EU Delegation in Kyiv, the Commission Support Group for Ukraine, the EU Advisory Mission and the Deutsche Bundestag.

Special appreciation must be expressed to the Speaker of the Verkhovna Rada, Volodymyr Groysman, and to the staff of the Verkhovna Rada.

## List of abbreviations

AA	Association Agreement between Ukraine and the European Union
ACU	Accounting Chamber of Ukraine
BPP	Political Party 'Petro Poroshenko Block'
CB	Conciliation Board of the Verkhovna Rada of Ukraine
CMU	Cabinet of Ministers of Ukraine
COD	Central Organisation Department of the Secretariat of the Verkhovna Rada of Ukraine
CSD	Computerised Systems Department of the Secretariat of the Verkhovna Rada of Ukraine
EI Com	Committee of the Verkhovna Rada of Ukraine on European Integration
EP	European Parliament
EU	European Union
GIZ	Gesellschaft für Internationale Zusammenarbeit
IT	Information Technology
MP	Member of Parliament, Peoples' Deputy of Ukraine
MoU	Memorandum of Understanding between the European Parliament and the Verkhovna Rada on a joint framework for parliamentary support and capacity building
NAM	Needs Assessment Mission
NGO	Non-Governmental Organisation
PAC	Parliamentary Association Committee
PMO	Parliamentary Monitoring Organisation
Report	Report and the Road Map on the internal reform and capacity-building for the Verkhovna Rada of Ukraine
Secretariat	The Secretariat of the Verkhovna Rada of Ukraine
UAH	Hryvna, Ukrainian national currency
VRU	Verkhovna Rada of Ukraine

## Executive Summary

The current ambitious reforms in the Verkhovna Rada are taking place against a backdrop of 25 years of transition from authoritarian rule, with a highly centralised and largely unaccountable power structure, towards a system based on the rule of law and parliamentary democracy. In addition, the illegal annexation of Crimea and the ongoing conflict in the east make the process of reform in Ukraine and in the VRU even more challenging. This said, the Ukrainian people and political leadership, with the support of the international community, deem this reform process to be imperative for the consolidation of democratic transition in the country in line with its European aspirations and the EU-Ukraine Association Agreement. In this context, this Report and Roadmap are offered as a contribution to supporting the reform process of the Verkhovna Rada.

The simultaneous ratification of the Association Agreement between Ukraine and the European Union by the Verkhovna Rada and the European Parliament on 16 September 2014 was an outstanding sign of solidarity and the importance of Ukraine to the EU. Following this, the European Parliament's Democracy Support and Election Coordination Group selected Ukraine as a priority country for parliamentary capacity-building and dialogue-facilitation activities. *A Memorandum of Understanding between the European Parliament and the Verkhovna Rada on a joint framework for parliamentary support and capacity building* was signed by Volodymyr Groysman, Speaker of the Verkhovna Rada, and Martin Schulz, President of the European Parliament, on 3 July 2015.

In order to support the implementation of the MoU, a Needs Assessment Mission was established by the EP – led by Mr Pat Cox, former President of the European Parliament – to work with its counterparts in the VRU on defining the areas in which to strengthen the parliament as an effective democratic institution.

It should be noted that institutional reform in the context of democratic transition is clearly a complex undertaking. The focus of the NAM and this *Report* is to identify fundamental areas, which can leverage overall change in institutional effectiveness and accountability. Therefore, the NAM recommendations focus on seven key areas (addressed in the chapters of this *Report*) to improve legislative output and institutional effectiveness.

The following are the 20 illustrative recommendations (from a total of 52), set out under the Chapter headings as they appear in the main Report.

### **Legislative capacity and process in the Verkhovna Rada**

- The concept of an 'end-to-end' legislative process should be adopted, based on greatly enhanced coordination between the originators of legislative proposals in the Cabinet of Ministers, the Presidential Administration and the VRU; (Recommendation number 1)
- Prior to the deposition by the government of substantial pieces of legislation, a discussion 'white paper' (explaining the policy objectives of the proposed legislation and the broad measures to be introduced) should be submitted to the relevant committee for discussion and be the subject of an Opinion of the Verkhovna Rada; (Recommendation number 2)
- A ballot should be held during each session of the Verkhovna Rada in order to select a list of the top 20 individual members' legislative initiatives (reflecting the relative size of the parliamentary groups) for consideration by the VRU; (Recommendation number 6)

- The monthly calendar of parliamentary business should be revised so as to introduce a ‘mixed’ committee/plenary week during the week currently allocated solely to committee work; (Recommendation number 10)
- The functioning of the Conciliation Board in establishing the agenda of parliamentary business should be revised and its meetings should be held *in camera*; (Recommendation number 11)
- The procedures for the adoption of legislation in the Verkhovna Rada should be reviewed in order to institute a system where ordinary laws can be adopted by a simple majority, providing that a quorum of members is present. A minimum quorum for voting laws should be set in accordance with international norms. The requirement of an absolute majority of votes should be retained for the passage of specified laws of particular importance, a list of which should be established, again in accordance with international practice; (Recommendation number 13)

### **Political oversight of the Executive**

- The VRU and the CMU should jointly establish a standard format and content for annual ministry reports to the VRU, which would include programme outcome measures and form the basis for programme oversight; (Recommendation number 14)
- A reduced number of parliamentary committees (approximately 20), closely paralleling ministerial portfolios, should be considered to take effect from the beginning of the next convocation; (Recommendation number 17)
- The application of the ‘d’Hondt method’ should be considered in order to ensure proportional representation in the VRU committees and delegations and should take effect from the beginning of the next convocation; (Recommendation number 18)
- Consideration should be given to the introduction of the ‘rapporteur system’ to the VRU Budget Committee, with possible extension to the other committees; (Recommendation number 19)

### **Openness, transparency and accountability to citizens**

- An e-parliament strategy, including a medium-term Information and Communication Technologies strategy (covering 3-5 years), should be established and adequately resourced in order to increase the transparency and efficiency of parliamentary processes; (Recommendation number 23)
- The VRU should elaborate a comprehensive communication strategy (including identifying key target audiences, channels and products) and an institutional branding strategy (framing long-term communication objectives, messages and communication tone); (Recommendation number 28)

### **Approximation of Ukrainian legislation to the EU *acquis***

- A new law on the implementation of the AA and EU *acquis* should be adopted to replace the outdated Law of Ukraine ‘On an All-State Programme of Adaptation of the Ukrainian Legislation to the EU Law’; (Recommendation number 30)

### **Administrative capacities**

- The VRU’s authority to establish its own operating budget should be respected *de jure* and *de facto* and be accompanied in terms of accountability by a commitment to a full audit of VRU accounts by the Accounting Chamber, for example once per convocation); (Recommendation number 35)

- All administrative units of the VRU - including the Parliamentary Library and the Institute of Legislation - should be consolidated into a unified and strengthened secretariat; (Recommendation number 37)
- A comprehensive human resource development strategy should be elaborated, led by properly resourced strategic training opportunities, including languages, and individualised career development plans identified through the regular performance appraisal system. A policy on staff mobility should be developed and encouraged; (Recommendation number 39)

### **Coalition, opposition and dialogue**

- An early decision should be made and implemented to regulate the status of the parliamentary opposition; (Recommendation number 44)
- An inter-party dialogue unit (mediation unit) should be established within the VRU to provide a structure to support and coordinate cross-party groupings and caucuses, convene meetings between the political parties to assist in overcoming obstacles in the legislative process and to act as a facilitator in supporting political dialogue and consensus building; (Recommendation number 45)

### **Ethics and conduct at the Verkhovna Rada**

- The Speaker (or Deputy Speaker as presiding officer) should be empowered to 'name' members involved in disruptive or violent behaviour and suspend them from participation in plenary sessions of the VRU for an appropriate period of time based on the seriousness of the offence. Consideration also could be given to the introduction of financial penalties; (Recommendation number 48)
- A Code of Conduct should be elaborated and implemented as a matter of priority through an inclusive and transparent consultative manner and in line with the international best practices; (Recommendation number 52)

These recommendations must also be accompanied by longer term, incremental reform in procedures and institutional capacity, underpinned by sustainable dialogue within the institution and between the political parties. Needless to say and considering the strategic importance of the relationship between the EP and the VRU, the European Parliament intends to continue this capacity-building partnership through *inter alia*:

- The signing of an EP-VRU administrative cooperation agreement by the respective Secretaries-general of the two parliaments;
- The development and implementation, on the basis of this Report, of a specific EP programme for parliamentary capacity-building activities for the VRU, under the guidance of Andrej Plenković (Chairman of the EP Delegation to the EU-Ukraine Parliamentary Association Committee), appointed European Parliament lead member on the capacity-building programme for the VRU.

The EP also calls on all international partners to support the Verkhovna Rada in undertaking the ambitious reform process.

## Introduction

The current ambitious reforms in the Verkhovna Rada are taking place against a backdrop of 25 years of transition from authoritarian rule, with a highly centralised and largely unaccountable power structure, towards a system based on the rule of law and parliamentary democracy. In addition, the illegal annexation of Crimea and the ongoing conflict in the east make the process of reform in Ukraine and in the VRU even more challenging. This said, the Ukrainian people and political leadership, with the support of the international community, deem this reform process to be imperative for the consolidation of democratic transition in the country in line with its European aspirations and the EU-Ukraine Association Agreement.

### *The Constitutional role and powers of the VRU*

The Verkhovna Rada of Ukraine – the Ukrainian Parliament – is the sole body with legislative power in Ukraine. The VRU replaced the Supreme Soviet of the Ukrainian SSR after Ukrainian independence in 1991. From 1991 to 2014, there were seven convocations of the VRU. The VRU is a unicameral legislature with 450 people's deputies (Members of Parliament) elected on the basis of equal and direct universal suffrage through a secret ballot. VRU members are elected for 5 years, with half of the members elected according to a model of proportional representation with closed party lists based on a 5% threshold. The other half is elected in 225 single-seat districts according to a relative majority.

The powers of the VRU are defined in the Constitution of Ukraine. Chapter IV of the Constitution (Articles 75 to 101) lay down in detail the composition, competences and organisational set-up of the VRU. The other key legal sources framing the functioning and the institutional relations of the VRU are the Law 'On the Status of the People's Deputy of Ukraine', the Law 'On Rules of Procedure of the Verkhovna Rada of Ukraine', the Law 'On the Committees of the Verkhovna Rada of Ukraine', and the Law 'On Citizens' Appeals', as well as the VRU Resolution 'On the Structure of the VRU Secretariat' and the Decree of the VRU Speaker 'On approval of the Statute of the VRU Secretariat'.

According to the Constitution of Ukraine, the VRU determines the principles of domestic and foreign policy, introduces amendments to the Constitution of Ukraine, adopts laws, approves the State budget, fixes elections for the President of Ukraine, impeaches the President, declares war and peace, appoints the Prime Minister of Ukraine, appoints or approves certain officials, appoints one third of the Constitutional Court of Ukraine, elects judges to permanent office, ratifies and denounces international treaties, and exercises certain control functions.

### *The eighth Convocation 2014-2019*

Following the 'Revolution of Dignity' (Maidan – popular uprising in winter of 2013-14), extraordinary parliamentary elections were held on 26 October 2014. The elections took place in the aftermath of the illegal annexation of the Autonomous Republic of Crimea by the Russian Federation in March 2014 and whilst the ongoing conflict continued in certain areas of Ukraine's eastern Luhansk and Donetsk regions. The extraordinary parliamentary elections were preceded by presidential elections in May 2014, in which Petro Poroshenko was elected President of Ukraine.

Although under the Constitution the VRU has 450 seats, the current Parliament numbers only 422 Members of Parliament (MPs) <sup>(1)</sup>, as the elections were impossible to hold in the constituencies of Crimea and Sevastopol, as well as in certain areas of Donetsk and Luhansk regions.

---

<sup>1</sup> Official website of the Verkhovna Rada, [http://w1.c1.rada.gov.ua/pls/site2/p\\_deputat\\_list](http://w1.c1.rada.gov.ua/pls/site2/p_deputat_list).

As of December 2015 the Petro Poroshenko Bloc (BPP) is the largest faction, having 139 seats. The People's Front, the party of the current Prime Minister Arseniy Yatseniuk, follows with 81 seats. Lviv<sup>(2)</sup> Mayor Andriy Sadovyi's Self-Reliance Union (Samopomich), the Radical Party of Oleh Liashko and the Batkivshchyna (Fatherland) Party of Yuliia Tymoshenko control 26, 21 and 19 seats respectively. The Opposition Bloc has 43 seats. The number of non-affiliated 'independent' MPs is particularly high – 93 in total – in this convocation of the VRU. Among the original independent MPs two political groups have subsequently been created, known as 'Party Revival' and 'People's Will', comprising 23 and 20 MPs respectively.

Political composition of the Verkhovna Rada of Ukraine <sup>(3)</sup>	
Faction, group	MPs
Faction of the party 'Petro Poroshenko Block'	139
Faction of the political party 'People's Front'	81
Faction of the political party 'Opposition Bloc'	43
Faction of the political party 'Samopomich' Union'	26
Group party 'Revival'	23
Faction of Oleh Liashko Radical Party	21
Faction of the political party the All-Ukrainian Union 'Batkivshchyna'	19
Group 'People's Will'	20
Independent MPs	50

The Eighth convocation (2014 to 2019) of the VRU included 56 percent of new MPs<sup>(4)</sup>, and is more gender-inclusive than any of its previous convocations, with 51 (12%) female MPs. However, this only places the VRU 108th in the ranking of 190 of the world's parliaments<sup>(5)</sup>, and is less than half of the average proportion of female MPs in European parliaments (with an average of 25%)<sup>(6)</sup>.

#### *The leadership and structure of the VRU*

The VRU elects from among its members a Chairman (i.e. Speaker), as well as a First Deputy Chairman and a Deputy Chairman. The VRU can also recall them. The Speaker has a number of functions, which are essential for the internal functioning of the Parliament and its relations with other State institutions. The Speaker presides over the VRU sessions; organises the preparation of issues for consideration at the plenaries; signs the acts adopted by the VRU; represents the Parliament in relations with other State institutions of Ukraine and internationally; and organises the work of the VRU staff. Following the 2014 elections, Volodymyr Groysman (BPP) was elected VRU Chairman, with Andrii Parubiy (Popular Front) and Oksana Syroid (Samopomich) serving as First Deputy and Deputy Chair respectively. The Speaker also maintains an executive office that comprises 18 members of staff tasked with assisting the Speaker in carrying out his constitutional duties.

<sup>2</sup>Lviv, the largest city in western Ukraine and the seventh-largest city in the country overall, is one of the main cultural centres.

<sup>3</sup> Official website of the Verkhovna Rada, [http://w1.c1.rada.gov.ua/pls/site2/p\\_fractions](http://w1.c1.rada.gov.ua/pls/site2/p_fractions).

<sup>4</sup> Data by the "Chesno Movement", [http://www.chesno.org/media/gallery/2014/10/30/parl\\_results.jpg](http://www.chesno.org/media/gallery/2014/10/30/parl_results.jpg).

<sup>5</sup> Data by the Inter-Parliamentary Union, <http://www.ipu.org/wmn-e/classif.htm>.

<sup>6</sup> Data by the Inter-Parliamentary Union, <http://www.ipu.org/wmn-e/world.htm>.

The VRU has 27 committees and one special commission (Annex 4). The largest committee consists of 33 members, while the smallest has seven members. Committees are tasked with developing and reviewing legislation in their area of competence and with preparing legislation for the plenary sessions. Committees also lead the main oversight work of the VRU and have wide oversight powers in accordance with Chapter 3 of the Law 'On Committees of the Verkhovna Rada of Ukraine'. These powers include the role of reviewing the actions of national and local government and State agencies, assessing the implementation of national programmes, making recommendations for the State budget in the committee's area of competence, and interacting with the Accounting Chamber and the Parliamentary Commissioner on Human Rights (Ombudsman).

#### *The Secretariat*

The work of MPs and committees in the VRU is supported by a Secretariat of the VRU (Secretariat). It currently has 1 115 members of staff. The main tasks of the Secretariat include providing legal, scientific, organisational, informational, financial and material support to the Parliament's work. The Secretariat has 15 departments and units. In addition, each committee is supported by its own secretariat, which is not considered to be part of the Secretariat.

The Head of the Secretariat and its structure are approved by the VRU by, at a minimum, one third of its elected deputies, requiring 150 votes. The Head of the VRU Secretariat recently retired, having held the position since 2002, and has been replaced *ad interim*. The last resolution, which established the structure of the Secretariat, was adopted in 2000 (Annex 5).

The Secretariat, still often referred to as the 'apparatus' in line with the tradition of its Soviet-era predecessor, plays a vital role in the process of review and preparation of legislation. According to the *Parliamentary Rules of Procedure*, the Scientific and Expert Department of the Secretariat should provide a conclusion for every registered draft law, in terms of its conformity with Ukrainian legislation and the internal coherence of the proposed document. In addition, the Legal Department of the Secretariat provides a review of each draft law that passes the first reading, in order to draw MPs' attention to possible contradictions and irregularities in the text. In addition to the Secretariat, the VRU has a Parliamentary Library (institutionally falling under the Ministry of Culture), an official newspaper published on weekdays, a magazine, a parliamentary TV channel, an Institute of Legislation and a publishing house, and maintains a web portal.

#### *Conclusion: towards the reform of the VRU*

A new reform-oriented leadership under Speaker Groyzman has been in place since late 2014. The new leadership has made some important advances in identifying weak points in the functioning of the institution as a legislative, representative and oversight body. During the eighth convocation the VRU adopted more than 800 key pieces of the legislative reform agenda, including the launch of the decentralisation, judicial and law enforcement reforms. The VRU adopted the necessary legislation for the visa free regime with the EU, a set of laws on the fight against corruption, and all the necessary legislation for ensuring the financial stability and defensive capacity of Ukraine (7). In addition, the first steps have been taken on structural reform of the administration of the VRU, including steps towards the introduction of new electronic procedures (e-Parliament).

---

<sup>7</sup> <http://rada.gov.ua/news/Povidomlennya/120407.html>

## PART ONE: Key Findings

### CHAPTER 1: Legislative capacity and process in the Verkhovna Rada

#### 1.1. Introduction

The VRU's legislative powers are broadly in line with international democratic norms. The right of legislative initiative belongs to elected members, to the Cabinet of Ministers (CMU), and to the President of Ukraine, as outlined in the Ukrainian Constitution.

Although most parliaments in democratic countries are the supreme source of legislation, the impetus for legislation originates primarily with the government. This is not the case in Ukraine, where many key pieces of legislation are drafted by MPs and by parliamentary committees. Private members of the VRU generate a large number of legislative initiatives, including many major proposals for reform, the great majority of which do not become law. Thus, a relatively disproportionate amount of both staff and legislative time (in both plenary and committee) is taken up dealing with MPs' legislative proposals.

A general assessment of the VRU's legislative process could be summarised as follows:

- a) it is central to the VRU as an institution, to a greater extent than in many European parliaments, in both technical and political terms;
- b) it is highly politicised and is an arena for the negotiation of political compromise, even among members of the governing coalition;
- c) despite the overwhelming amount of legislative work, much of it results in relatively limited outcomes (a low proportion of legislative initiatives become law);
- d) legislative initiatives are sometimes used for purposes separate from the objective of legislation being adopted (for example as a lobbying tool, to demonstrate activism to constituents, to satisfy mentors within and beyond the political system, etc.)
- e) there is inadequate coordination of legislation and a consequent continual contestation of the validity and application of particular pieces of legislation.

#### 1.2. Specific issues in the VRU's legislative functions

##### *Coordination between the Verkhovna Rada and the Cabinet of Ministers*

There were a number of observations that the quality of legislation presented by the CMU is inadequate and leads to the relatively low adoption rate of government-proposed legislation. The NAM could not verify the extent to which these observations were valid, but it is clear that improved collaboration between the VRU and the CMU could enable more efficient consideration of government legislation.

The Verkhovna Rada has adopted a Plan of Legislative Support to Reforms in Ukraine (the Plan) which consolidates the legislative commitments of the current government<sup>8</sup>). This Plan, which includes timelines for the preparation and adoption of each draft law, provides a good starting point for

---

<sup>8</sup> Including commitments contained in the Association Agreement between Ukraine and the European Union, the Strategy for Sustainable Development 'Ukraine – 2020', the Extraordinary Address by the President of Ukraine, P. Poroshenko, to the Verkhovna Rada of Ukraine 'On the Internal and External Situation of Ukraine', the Action Programme of the Cabinet of Ministers of Ukraine, and the government Coalition Agreement. The Plan is available at <http://zakon4.rada.gov.ua/rada/show/509-19>.

legislative planning. However, it is important that the Plan should be coordinated with CMU legislative planning.

Finally, in many democratic countries significant legislation is preceded by a discussion of the 'concepts' underpinning the legislation. In some systems, this takes the form of the preparation of a 'Green Paper' by the government, which is presented to the relevant parliamentary committee for discussion. A more detailed concept paper known as a 'White Paper' then follows. Once these documents have been discussed within parliament, mainly in committees, the government makes the necessary adjustments to its concept, and develops and submits draft legislation. The advantage of this approach of interinstitutional collaboration is to ensure an 'end-to-end' legislative process, which provides for the beginning of discussions early in the legislative development stages, thus increasing the likelihood of a general consensus on proposals.

#### *Quality of proposed legislation*

A number of MPs and members of the Secretariat made observations about the quality of legislation that passes through the legislative process. In the case of private members' initiatives, legislative proposals frequently fail to comply with the requirement of constitutional compatibility, budget neutrality and consistency with the obligations under the EU-Ukraine Association Agreement, which should preclude their registration by the Secretariat.

In the view of the NAM, a special unit within the VRU Secretariat should be established to deal with Rules of Procedure and admissibility of draft legislation prior to its registration. The newly established unit should become an expert office on the Rules of Procedure, which acts without fear or favour, is independent in the exercise of its powers, advises the Speaker on issues of its competences, and appeals to the VRU Committee on Rules of Procedure. The new unit should act conservatively in upholding the rules, not politically.

There is also an incentive in the internal regulations to propose new legislation, which avoids time limitations on the submission of amendments to proposed legislation. This adds to an already over-legislated situation in Ukraine, with much legislation not fully implemented and contradictions between different pieces of legislation commonplace.

#### *Number of individual members' legislative initiatives*

In common with most democratic parliaments, the VRU members have the right of legislative initiative, which is enshrined in the Ukrainian Constitution of 2004. The right of legislative initiative is used very extensively. In the twelve months from the legislative election of October 2014 to October 2015, MPs proposed 1 999 pieces of legislation, of which 626 were debated, and 140 adopted, a success rate of 7%. This compares with 45 Presidential legislative initiatives with a success rate of 84%, and 215 legislative initiatives of the CMU with a success rate of 40%.

In other parliaments it is not unusual for a large number of private members' initiatives to be launched. However, the number of private members' initiatives that move forward to debate is usually limited, as is the committee and plenary time allocated to private members' legislation. In the VRU, considerable Secretariat and parliamentary calendar time is taken up with studying and discussing private members' initiatives. The pressure from the amount of proposed legislation creates a backlog of legislation to be considered and leads to abbreviated legislative debate, even for important pieces of legislation.

In the view of the NAM, a complete list of private members' initiatives should be compiled. From this complete list, MPs would select 20 initiatives by vote. Following this, the 20 initiatives would be submitted via the normal legislative cycle and undergo a quality control check (including compatibility with the Constitution, budget neutrality, and consistency with obligations under the EU-Ukraine

Association Agreement). Only when one of the initiatives from the list (of 20) has passed the legislative cycle and either been adopted as law or rejected by the plenary, will another from the complete list of proposals be voted on and added to the list of 20 initiatives passing through the legislative cycle.

This would ensure a constant but manageable flow of proposals that fully respected MPs' right of legislative initiative. At the same time, this right of initiative would be subject to democratic control, by MPs themselves, in setting priorities for the VRU. It would also channel MPs' legislative energy into quality-controlled and manageable proportion.

#### *Role of committees in the legislative process*

In most established democratic parliaments, committees have a major role in considering and amending legislative proposals. This committee role normally transcends political differences as parliamentarians from different parties work together to substantively improve legislation, despite philosophical differences. For various reasons, committees in the VRU often do not play a very large role in considering legislation. Committees only have 30 days to consider legislation and recommend it to the plenary, and so often do not have time for in-depth consideration. Further, some committees do not have sufficient specialised Secretariat support to assist MPs in detailed legislative scrutiny. Finally, committee recommendations are quite frequently rejected in plenary, even where a committee assesses a proposal as unconstitutional.

#### *Legislative calendar*

The legislative calendar is overburdened, in large part owing to the overwhelming number of pieces of private members' legislation. However, there may also be room to streamline the legislative calendar itself. Currently there is a committee week and a constituency week every month during the parliamentary session. Few committees meet during the committee week and, if they do, attendance tends to be poor. Most committee meetings are squeezed into plenary weeks, reducing the amount of time and attention that committees can devote to studying legislation. Given the current practice of plenary weeks being combined with committee weeks into 'hybrid' weeks, the current committee week could also be turned into another 'hybrid plenary/committee week', which would increase participation in committee meetings and enhance the overall productivity of the Verkhovna Rada.

#### *Legislative planning and Conciliation Board*

The legislative agenda is established through a process that begins with the Central Organisation Department (COD), headed by the Deputy Head of the Secretariat. The COD submits a draft agenda for the week to the governing coalition and, in turn, other party groups are consulted before submission to the Conciliation Board (CB). The CB is formally responsible for adopting the proposal for the weekly legislative agenda<sup>9</sup> at its regular Monday meetings. In practice, the CB is a highly politicised event in which the leading political figures of different factions make speeches about topical issues. Discussion of the parliamentary agenda tends to be secondary.

To ensure that the Conciliation Board concentrates solely on organisational and agenda-setting matters the NAM suggests the establishment of a parliamentary lobby correspondent system, consisting of full-time political correspondents representing key media organisations, allocated their own workspace and briefed on/off the record by the leadership of the VRU and faction heads directly, or by their appointed press officers immediately after the CB meeting. This would allow the regular CB Monday meetings to be held without a media presence.

---

<sup>9</sup> The Conciliation Board is chaired by the VRU Speaker and includes in its membership the two Deputy Speakers, the leaders of all the parliamentary factions, and ex-officio representation of committee chairs. However, any deputy may attend and participate in the discussion (VRU Rules of Procedure, Article 73).

### *Attendance at plenary sessions and voting threshold*

The Constitution of Ukraine states that the VRU 'adopts laws, resolutions and other acts by the majority of its constitutional composition, except in cases envisaged by this Constitution' (Article 91). This means that any draft law requires at least 226 votes to be adopted. The current governmental coalition within the VRU numbers 264 MPs. Although in principle this would be sufficient to adopt legislation, several important pieces of legislation that were part of the coalition agreement and proposed by the government failed to obtain the 226 votes required for adoption during the current VRU convocation. Different factors appeared to be at play, including poor attendance at plenary sessions and lack of cohesion in the governmental majority.

The VRU made several attempts to improve MPs' presence at plenary sessions, including publishing official data on attendance, without significant results.

Apart from issues with overall plenary attendance and voting, the high threshold for passage of ordinary legislation in the Verkhovna Rada presents a barrier to efficient legislative work. The norm in most parliaments internationally is that ordinary legislation may be adopted by simple majority vote (more votes in favour than against) as long as the parliament has a quorum of members present. Quorum varies widely, including as few as forty members in the British House of Commons, but often ranges between one third of members (such as in the European Parliament<sup>(10)</sup>, the Austrian and Australian lower houses) and one half (such as in the Portuguese Assembly of the Republic<sup>(11)</sup>). Many parliaments establish a higher threshold for important pieces of legislation. In systems influenced by the Napoleonic tradition, including for example in France, Spain, and Portugal, certain types of systemic legislation are classified in the Constitution as Organic Law. Changes to Organic Law typically require the vote of an absolute majority (50% plus one) of the total number of parliamentarians<sup>(12)</sup>. Constitutional amendments, if permitted by parliamentary vote, typically require a super majority, such as in Ukraine where the affirmative vote of two-thirds of deputies is required.

The NAM believes that the Ukrainian legislative process would be facilitated 1) if ordinary legislation could be passed by simple majority vote of a quorate plenary session; 2) a category of important legislation was established, similar to 'organic laws' in other countries, which would require the vote of an absolute majority of the total number of deputies, and 3) through maintenance of the current requirement for a two-thirds super majority, voted twice, for adoption of constitutional amendments.

---

<sup>10</sup> European Parliament, Internal Rules, Rule 168.

<sup>11</sup> Internal Rules of the Portuguese Assembly of the Republic, Article 58

<sup>12</sup> See Portuguese Constitution, 1976, Article 168 s5, Constitution of Spain, article 81. In France, an organic law may be passed by the National Assembly only with an absolute majority, and there are other requirements in terms of time provided for consideration, and referral to the Constitutional Court (Article 46, French Constitution).

### 1.3. Recommendations

#### *Coordination between the Verkhovna Rada and the Cabinet of Ministers*

1. **The concept of an ‘end-to-end’ legislative process should be adopted, based on greatly enhanced coordination between the originators of legislative proposals in the Cabinet of Ministers, the Presidential Administration and the VRU;**
2. **Prior to the deposition by the government of substantial pieces of legislation, a discussion ‘white paper’ (explaining the policy objectives of the proposed legislation and the broad measures to be introduced) should be submitted to the relevant committee for discussion and be the subject of an Opinion of the Verkhovna Rada;**

#### *Quality of proposed legislation*

3. Only legislation which complies with Article 92 of the VRU Rules of Procedure and is confirmed by a credible explanatory note and financial and economic assessment should be registered (thus respecting the rules on compliance of legislation with the principle of fiscal neutrality, constitutionality and the EU *acquis*);
4. The VRU Secretariat should conduct a thorough analysis of each piece of proposed legislation to ensure that it is not a duplication of (or in contradiction with) the body of national legislation, and registration should be refused for any legislation not in compliance with the form and content requirements for legislation outlined in Articles 90 and 91 of the VRU Rules of Procedure;
5. A special unit within the VRU Secretariat should be established to deal with Rules of Procedure and admissibility of draft legislation prior to its registration;

#### *Number of individual members’ legislative initiatives*

6. **A ballot should be held during each session of the Verkhovna Rada in order to select a list of the top 20 individual members’ legislative initiatives (reflecting the relative size of the parliamentary groups) for consideration by the VRU;**
7. A specific time-slot for the consideration of individual members’ legislative initiatives should be allocated during each plenary week and in committee calendars;

#### *Role of committees in the legislative process*

8. The Rules of Procedure of the VRU should be reviewed in order to determine whether the time granted to committees to study proposed legislation is adequate;
9. The committees’ staff needs and expertise should be the subject of a regular review, with resources adjusted accordingly;

#### *Legislative calendar*

10. **The monthly calendar of parliamentary business should be revised so as to introduce a ‘mixed’ committee/plenary week during the week currently allocated solely to committee work;**

*Legislative planning and Conciliation Board*

11. **The functioning of the Conciliation Board in establishing the agenda of parliamentary business should be revised and its meetings should be held *in camera*;**
12. The establishment of a parliamentary lobby correspondent system, consisting of full-time political correspondents representing key media organisations, should be considered;

*Attendance at plenary sessions and voting threshold*

13. **The procedures for the adoption of legislation in the Verkhovna Rada should be reviewed in order to institute a system where ordinary laws can be adopted by a simple majority, providing that a quorum of members is present. A minimum quorum for voting laws should be set in accordance with international norms. The requirement of an absolute majority of votes should be retained for the passage of specified laws of particular importance, a list of which should be established, again in accordance with international practice.**

## CHAPTER 2: Political oversight of the Executive

### 2.1. Introduction

Although the legislative role is often viewed as the primary function of a parliament, in practice effective parliaments are those that carry out effective oversight. Parliamentary oversight is designed to ensure that government is accountable for its policies and that government programming meets citizens' needs and expectations, to identify mistakes in government policy implementation, and to ensure that government takes remedial action when things go wrong.

In order for oversight to be effective, it needs to be vigorous. At the same time it is important for parliamentarians, particularly opposition parliamentarians, to respect the fact that, in a democracy, the government has been elected. Oversight should not therefore be used to block the ability of government to carry out the programme for which it was elected, nor be misused to make populist demands that no government can fulfil. Oversight should be geared to ensuring government transparency, identifying ways in which government actions could be carried out more efficiently and effectively, and proposing alternative policy approaches.

There are no scientific rules to determine what are constructive and what are unhelpful oversight actions. Each country and parliament has its own oversight practices and traditions. However, parliamentarians need to be self-reflective in considering whether their oversight activities are really intended to make governance better. It is important that Ukraine's parliamentarians break out of a self-perpetuating cycle in which oversight is often instrumentalised for narrowly political objectives. Correspondingly, the concept of a loyal opposition, loyal to the state and its institutions, when it exists, should be entrusted with a fair share in the distribution of oversight leadership roles.

#### *Oversight tools*

Oversight requires both the availability of tools (often defined partly in the constitution and partly in the institution's rules of procedure), as well as the capacity (including adequate human and financial resources) to use those tools effectively.

Broadly speaking, these tools can be divided into three different categories: oversight in plenary, in committee work, and in specialised bodies established to support parliament in carrying out oversight.

In plenary, oversight mechanisms include question-time periods (in the VRU – 'Government hour'), interpellation of ministers, opposition debating time during which the subjects of debate are chosen by the opposition and, ultimately, votes of confidence in the government. The plenary can hold hearings on particular issues at which experts, NGOs and citizens can give testimony about a policy issue. The plenary can also vote to establish a temporary special commission to examine an issue of particular concern. All of these tools are available in various forms in the VRU.

Typically, in parliaments, committees carry out much of the in-depth oversight work. Committees have the subject-mandate and knowledge needed to carefully explore how government policies are working, including by calling government ministers to answer questions about their ministries, establishing special enquiries into particular programmes and carrying out missions outside the parliament to examine the situation in particular government programmes on the ground. Often, in well-functioning parliaments, MPs from different parties, including the government side, work together to study government programmes and jointly develop reports with recommendations for policy changes. In addition, in some parliaments the opposition is even given a prominent role in oversight, for example in the United Kingdom and Canada, where the leadership of the 'public accounts

committee' (responsible for monitoring the quality of government expenditure) is given to the opposition.

The third type of parliamentary oversight takes place through specialised institutions established to support parliament in carrying out detailed, professional oversight in specific areas. The number and powers of these types of institution vary widely among national parliaments. Some powerful and well-developed national parliaments such as the Canadian and Scandinavian parliaments have a number of specialised ombudsmen and commissioners reporting in areas ranging from environmental protection to government financial accountability to human rights. Because of the importance of parliament's budgetary role, the most common specialised oversight institutions are supreme audit bodies, such as the Accounting Chamber in Ukraine (ACU).

Finally, executive oversight is also carried out by other actors, including the media and civil society. It is key for parliament and civil society actors to understand that they have complementary roles and that these should not be antagonistic.

### *Constitutional and institutional context for parliamentary oversight in Ukraine*

The constitutional framework for parliamentary oversight of executive action in Ukraine is robust by international standards, reflected particularly in Articles 85, 86, 87 and 89 of the Constitution. The VRU is specifically mandated to oversee and monitor the execution of the State budget, has the power to pass a vote of no confidence removing the Prime Minister and other government ministers from office, the power to establish commissions of inquiry, and the power to appoint and remove the members of the ACU and the Human Rights Ombudsman.

The legislated VRU Rules of Procedure and the law 'On Committees of the Verkhovna Rada of Ukraine' (Law 116/95-BP) <sup>(13)</sup> further specify parliament's oversight responsibilities. The Rules of Procedure detail the processes for the establishment of commissions of inquiry and the holding of hearings, the audit of the budget, the nomination and dismissal of various state officials, including the Prosecutor General, and the process for questioning the government. The role, and particularly the processes, of parliamentary committee oversight are described in considerable detail in the Law on Committees, including areas such as budget oversight, oversight of the work of the Ombudsman, interpellation of ministers, the holding of committee hearings.

The Law 'On the Status of the People's Deputies of Ukraine' (Law 2790-XII) <sup>(14)</sup> details the specific rights of MPs, including in the area of oversight. Of particular note are Articles 15 and 16, which address the provisions for MPs to submit 'requests' and 'appeals' for information to State bodies. 'Requests' are requests for information that have been submitted through the Speaker of the VRU and have received the support of at least one fifth of deputies. Appeals for information may be submitted directly to State bodies. There are specific timelines within which State authorities are obliged to provide the information requested.

## **2.2. Specific issues in the VRU's parliamentary oversight**

### *Provision of necessary information*

For parliamentary oversight to be carried out effectively, it is necessary for government to provide MPs with sufficient information on its activities. In contemporary democratic governance, programme information includes not only financial accounting but also reporting on programme outcomes. MPs informed the NAM that most ministries do not provide regular written reports on their activities,

---

<sup>13</sup> <http://zakon3.rada.gov.ua/rada/show/116/95-%D0%B2%D1%80>.

<sup>14</sup> <http://zakon3.rada.gov.ua/laws/show/2790-12>.

except in response to specific requests or where reporting is required by law. It would be helpful for the VRU to work with the government and ministries to agree on a standard annual reporting format that would provide useful information on ministerial activities and impacts, to be submitted to the VRU and made publicly available. This could provide the basis for informed and productive oversight dialogue between committees and ministers and ministries.

#### *Parliamentary requests and appeals*

A number of MPs complained that they did not receive responses to their requests and appeals within the prescribed deadlines, or at all, and/or that the information they received was not useful. Conversely, a number of informants felt that many requests and appeals were motivated by factors extraneous to the interests of Ukraine, including issues related to business interests and those of competitors, issues of individual constituents and so on. Further, some MPs generated very large numbers of requests and appeals, placing a significant burden on the State administration. In order to address some of these concerns and to increase transparency in the oversight process, the VRU website has recently begun publishing the requests issued by MPs. However, in the case of 'appeals' which are submitted directly by the MP to the governmental authority concerned, this would require the creation of a tracking system.

It would also be helpful to establish clearer guidelines on what constitutes a legitimate parliamentary request/appeal. In most developed democratic parliaments MPs' questions are expected to relate to policy matters rather than specific individual or business matters. Although parliamentarians in confirmed democratic parliaments do follow up individual constituents' concerns, this is normally done through casework by MPs' offices rather than through submission of parliamentary questions.

#### *Committees*

The NAM was provided with conflicting opinions regarding the presence of ministers and other top officials at committee meetings. A number of MPs complained that ministers often did not appear before committees when called. On the other hand, government representatives stated that if they were to attend meetings each time they were requested to do so by VRU committees, they would not be able to carry out their work. In the view of the NAM, while the principle of ministerial accountability to parliament is an important one, this can only be feasible if interpellation of ministers occurs only when essential. It can also be appropriate for ministries to be represented by senior officials rather than ministers, with the agreement of committees, if the information required is of a technical nature with which an official is likely to be most familiar. Furthermore, it would be useful for the VRU committees to structure their agendas so that there is an annual work plan for oversight activities, which could then be carried out on a planned basis rather than mainly in response to specific emergencies, as is often the case at present.

In addition, the oversight role of committees is further complicated by the fact that the remits of committees do not always correspond closely to the mandates of specific ministries. The number of committees of the VRU is established at the beginning of each convocation. The VRU currently has 27 permanent committees and one ad hoc commission on privatisation. This is a relatively large number of permanent committees by international standards. Furthermore, the number of members of committees varies very widely from only seven members to 33 members. The NAM discussed with various VRU interlocutors, including faction/group leaders, the possibility of establishing a smaller, fixed number of about 20 committees, with mandates corresponding as far as possible to ministerial portfolios.

This recommendation is based also on the fact of the steadily growing number of VRU committees from convocation to convocation, which can be explained by the political need to satisfy the competing demands of political factions.

Often the position of the committee chairperson is a bargaining chip in the coalition-building process. The Needs Assessment Mission discussed this problem and potential solutions with the VRU leadership, heads of political factions and groups, and numerous MPs. In the view of the NAM, the method of distribution of posts used by the European Parliament (the d'Hondt method) could be applied in order to ensure unprejudiced allocation of committee posts, based on strict proportionality between seats and positions held, and thus on a purely statistical approach rather than on political gaming (Annex 6).

#### *Oversight of implementation of the State budget*

This section of the Report is based on an in-depth analysis by GIZ (Annex 7). The main recommendation on oversight and monitoring of the State budget implementation emphasises the need to introduce a 'rapporteur' system whereby the Budget Committee appoints an MP (member of the committee) as a rapporteur for each ministry or other spending unit. The appointed rapporteur will be responsible for the preparation of the discussions on the draft budget of a ministry/spending unit in the Budget Committee and will exercise throughout the year oversight of implementation of the State budget by the spending unit in question.

The 'rapporteur system' provides the VRU with an additional oversight tool and creates parliamentary ownership not only of consideration of the draft budget, but of its implementation during the financial year. In a longer-term perspective the 'rapporteur system' concept could be extended to the other VRU committees.

#### *Relationship with specialised oversight bodies*

The Accounting Chamber and the Parliamentary Ombudsman for Human Rights are two parliamentary institutions that have an important role in supporting parliament in fostering good governance and democratic state accountability. In the case of the ACU, a more consistent follow-up on Chamber reports by the relevant VRU committees would help increase governmental accountability. In the case of the Parliamentary Ombudsman, the institution's purpose is to facilitate 'parliamentary oversight over the observance of constitutional human and citizens' rights and freedoms' <sup>(15)</sup>. It is therefore crucial that the Ombudsman should present annual (and where necessary, special) reports to the VRU, and that these are debated and followed up in line with the provisions of the Law on the Parliamentary Commissioner for Human Rights.

---

<sup>15</sup> [http://www1.ombudsman.gov.ua/index.php?option=com\\_content&view=article&id=12:2010-12-08-13-51-24&catid=38:2010-12-15-09-15-51&Itemid=25](http://www1.ombudsman.gov.ua/index.php?option=com_content&view=article&id=12:2010-12-08-13-51-24&catid=38:2010-12-15-09-15-51&Itemid=25).

## 2.3. Recommendations

### *Provision of necessary information*

14. **The VRU and the CMU should jointly establish a standard format and content for annual ministry reports to the VRU, which would include programme outcome measures and form the basis for programme oversight;**

### *Parliamentary requests and appeals*

15. Clear guidance for deputies should be established on the subjects appropriate for MP requests and appeals, as well as a registration system for both requests and appeals (permitting the publication of all deputy appeals and requests and responses received);

### *Committees*

16. An annual work plan for oversight activities should be established by each Committee, providing a clear pathway for carrying out oversight activities rather than working on an ad hoc basis;
17. **A reduced number of parliamentary committees (approximately 20), closely paralleling ministerial portfolios, should be considered to take effect from the beginning of the next convocation;**
18. **The application of the 'd'Hondt method' should be considered in order to ensure proportional representation in the VRU committees and delegations and should take effect from the beginning of the next convocation;**

### *Oversight of implementation of the State budget*

19. **Consideration should be given to the introduction of the 'rapporteur system' to the VRU Budget Committee, with possible extension to the other committees;**

### *Relationship with specialised oversight bodies*

20. A more consistent follow-up to Accounting Chamber reports should be undertaken by the relevant VRU committees;
21. The Parliamentary Ombudsman should present annual (and where necessary, special) reports to the VRU for consideration and follow up having regard to the provisions of the Law on the Parliamentary Commissioner for Human Rights.

## CHAPTER 3: Openness, transparency and accountability to citizens

### 3.1. Introduction

Representation of, and accountability to, citizens are essential roles of any parliamentarian, along with the responsibilities for voting on laws, participating in the budgetary process and carrying out oversight of government actions. The importance of these roles is underlined in Ukraine by the designation of MPs as ‘people’s deputies’. Furthermore, the Ukrainian Constitution underlines that deputies are solely accountable to the citizens of Ukraine. Ultimately, accountability to citizens occurs through regular elections where citizens decide whether or not to re-elect MPs. The Ukrainian electoral system provides for some MPs to be elected directly from constituencies and others to be elected from their party’s national list, which means that there are differing levels of direct accountability of individual MPs to voters in particular regions of the country.

In order to carry out their representation responsibilities effectively, parliamentarians need to find ways to interact on a continuous basis with their citizens. This should be a two-way process in which the VRU (both the institution and the MPs) communicates on its activities with citizens both directly and through the media, and in which citizens can communicate their concerns and opinions to MPs, both directly and through civil society organisations, who then follow up and represent these views transparently in the VRU.

### 3.2. Specific issues in VRU's transparency and accountability to citizens

#### *Interaction with citizens, civil society and expert groups*

The Ukrainian Constitution states that plenary sessions are to be held in public. Committee meetings can also be open, or closed, to members of the public according to the decision of the committee. When space is limited, committees provide access to media and/or civil society representatives, but not to the wider public. In addition, committees in the VRU can hold hearings to seek the views of Ukrainian citizens, experts and civil society on proposed legislation, and can carry out missions to different regions of Ukraine, gathering input related to the committee mandate from citizens, local government representatives, experts and civil society.

The NAM met with a number of civil society organisations both individually and collectively. The VRU already consults civil society organisations, and many civil society organisations have developed close relationships with MPs and channel their legislative observations and proposals through them. One strategically important collaborative VRU–civil society initiative, supported by the United Nations Development Programme, is the Open Parliament Action Plan that is being developed by a working group consisting of MPs and Civil Society Organisations. The Action Plan builds upon Ukraine’s accession to the Open Government Partnership<sup>(16)</sup>, of which Open Parliaments are an important component<sup>(17)</sup>. A draft Action Plan for Open Parliament in Ukraine was developed, presented and discussed with stakeholders in October 2015. The Open Parliament initiative provides a strategic framework and action plan to ensure openness of the VRU, transparency of its performance and active citizens’ engagement in the legislative processes.

At the same time, Ukraine has no legislation that would make the legislative process more participatory for citizens, but attempts have been made to introduce citizens to a set of working tools for

---

<sup>16</sup> <http://www.opengovpartnership.org/country/ukraine>.

<sup>17</sup> <http://www.opengovpartnership.org/blog/daniel-swislow/2013/01/24/integrating-partnerships-open-parliaments-ogp%E2%80%99s-meeting-santiago>.

commenting on draft legislation. The website of the VRU Committee on European Integration includes a section called "Draft laws submitted for discussion" (<sup>18</sup>), where citizens can, after identifying themselves, comment on the draft.

Indeed, the VRU website provides complex information and supporting data on the registered draft laws (registration number and date, session of registration, inclusion on the agenda, authors of the draft, leading and other committees that are considering the draft, expertise of various kinds, comparative table, etc.). Citizens cannot, however, participate in the legislative process using the VRU official website for commenting on draft laws. Such an option aimed at providing the public with additional instruments for participation in the legislative process could significantly increase the level of civic engagement in parliamentary business (<sup>19</sup>).

### *E-Parliament*

It is clear that representation and communication roles can be enhanced by using new technologies and by adopting a strategic approach to engaging with citizens. The VRU, with the support of various donors and particularly of the USAID-funded RADA programme (<sup>20</sup>) and its predecessors, has invested substantially in new communication technologies that give greater public access to the institution.

The opportunities available at the interface between technology, representation and communication are encapsulated in the decision of many parliaments, including the VRU, to define themselves as 'e-parliaments', a 'commitment by national parliaments to use e-technology to become more open, transparent and accountable to their citizens' (<sup>21</sup>). E-parliament offers the potential for improved internal coordination and greater parliamentary transparency, including webstreaming of plenary and committee meetings, real-time posting of legislative initiatives and other parliamentary business, and opportunities for citizen input to legislation.

Even though the website of the VRU (<sup>22</sup>) already contains substantial amounts of information on the legislative process (including a database of legislation that has been adopted by the VRU since independence), in the post-soviet history of the VRU the legislative processes have still continued to operate on a largely paper-based model. In contrast, modern technologies allow for the digitisation of the legislative process from receipt of the government proposal or private member's initiative through to the adoption and transmission to the President of the final legislation for signature.

Within the VRU Secretariat there is a specialised department in charge of information technologies and e-parliament, called the *Computerized Systems Department* (CSD). The department consists of 60 staffers who provide technological support to a total of around 2 300 users (1 050 staff members of the VRU Secretariat, 450 MPs and 800 parliamentary assistants), as well as support and maintenance to the:

- draft law making database system;
- parliamentary internet website providing necessary information on: MPs, plenary and committee meeting agendas, texts adopted, videos of MPs' interventions, streaming of the sittings, results of votes and the presence of MPs;

---

<sup>18</sup>[http://comeuroint.rada.gov.ua/news/legislative/legislative\\_discussion/72522.html](http://comeuroint.rada.gov.ua/news/legislative/legislative_discussion/72522.html).

<sup>19</sup>At least eight countries around the world have provided citizens with the tools for participation in the legislative process, <http://blog.openingparliament.org/post/78098143764/online-tools-for-engaging-citizens-in-the>.

<sup>20</sup>The USAID-funded "Responsible, Accountable and Democratic Assembly" (RADA) legislative-strengthening programme focus on improved representation in the legislative process; an expanded role of citizens in monitoring the work of the VRU; a strengthened role for legislature in providing independent oversight of the executive branch, <http://radaprogram.org/en/>.

<sup>21</sup>Inter-Parliamentary Union press release on the global e-Parliament conference, Korea, 12 May 2014, "Investment in e-Parliaments essential for development of democracy", <http://www.ipu.org/press-e/pressnote201405121.htm>.

<sup>22</sup><http://www.rada.gov.ua/en>.

- Microsoft office automation tools;
- Wi-Fi coverage which includes the Plenary Hall;
- committee meeting rooms equipped with webstreaming facilities.

The NAM identifies a need for the VRU to move ahead with the modernisation of the Information and Communication Technologies by preparing to implement a cutting-edge e-Parliament tool. To this end, the main priorities are foreseen as being:

- improvement of IT equipment, which is largely outdated (10 years old), upgrade of all computers to modern operating e-mail and active directory systems, and digitalisation of the MPs' workplace;
- increase of data storage capacity (to store large quantities of documents, pictures and video files);
- implementation of a modern draft law-making system in order to move towards digitalisation of the legislative workflow;
- providing web broadcasting of all open events and committee meetings on the internet;
- provision of a small web portal page for each committee to upload documents and have paperless meetings – to offer secured remote access to MPs from outside the VRU;
- implementation of shared document repositories and collaborative workspaces using the relevant software;
- implementation of an e-petition system in order to interact better with citizens and civil society;
- replacement of the outdated incoming mail management system (the VRU Secretariat receives a daily average of 2 300 letters for the VRU and 1 500 letters for MPs);
- exploration and investments in necessary cyber security systems.

To implement these actions, the VRU recently secured a budget of UAH 90 million for a major modernisation of the equipment for the institution. Separately from hardware (equipment) and software (computer programs, libraries and related non-executable data) needs, the attention of the VRU Secretariat should be focused on the planning and implementation of the management of an annual IT budget. The IT budget would distinguish clearly between maintenance and the evolution of existing systems, and necessary investment in the implementation of new services, applications and systems. The normal ratio between maintenance and investment is approximately 66% / to 33%. Implementing new systems and applications requires careful preparation in terms of training, expertise and resources, and the subsequent budget to cover the continued functioning of the systems in the future. As a rule, +/- 10% of the total cost of a new system/application should be added to the future annual maintenance budgets.

#### *Communication capacities of the Verkhovna Rada*

The biggest opportunity and driver for the development of a communication campaign is the high level of interest in politics in Ukraine. The need for reform after years of stagnation, the dynamics of current political life, and the crisis in the east have focused the imagination of the public. There is already documented evidence of the large potential for re-broadcasting of sittings of the VRU by major Ukrainian TV channels.

Communication within the VRU is implemented by the Communication Department, which belongs to the VRU Secretariat and consists of two services under the management of the Deputy Head of the Secretariat in charge of communications:

- a Press Service, with six employees – accreditation of journalists, press materials and organisation of press briefings;
- an Information Department, with 22 employees – coverage of VRU activity, access to public information, media monitoring, library and guided tours.

The VRU Communication Department has tended to evolve around the products and services provided. The system is generally well settled and is capable of addressing daily operational tasks and providing a level of service and communication infrastructure for MPs, journalists and other key stakeholders.

Besides these two departments attached to the Secretariat, there is an ecosystem of largely independent media outlets and a publishing house. They account for the bulk of the budget and human resources of the communication function and enjoy an exceptional level of independence, having independent legal status and being situated in various locations outside the main premises of the VRU. These include:

- 'Holos Ukrainy' <sup>(23)</sup> (The Voice of Ukraine) daily, 120 employees, circulation 60 000 copies (40 000 in Ukrainian and 20 000 in Russian);
- 'Rada' TV channel <sup>(24)</sup>, 78 employees;
- 'Viche' monthly magazine <sup>(25)</sup>, 31 employees, circulation 2 000 copies;
- Parliamentary publishing house, 22 employees, publishes legal periodicals and books, both subsidised and on a commercial basis.

Overall, the media profiles of the current staff are similar to the profiles needed for a modern communication department – audiovisual professionals, journalists, designers, correctors and editors. The early stage in the development of web and social media communication strategies at the VRU could also provide opportunities. Nevertheless, the system is currently inefficient, suffers from extensive decentralisation and hence a lack of overall coherence, and has limited added value for the communication needs of a modern, democratic parliament and for the implementation of strategic communication programmes.

Reform of the communications functions of the VRU should therefore be integrated into a wide and comprehensive reform strategy/plan, to ensure that renewal of the technical infrastructure, training and development of personnel in the existing media channels does not entrench inefficient structures and practices. An adequate budget should also be secured to ensure that the reform does not fail to deliver on daily tasks during restructuring and result in disruption of semi-formal channels (that currently work) because of uncharted interdependencies.

---

<sup>23</sup> [www.golos.com.ua](http://www.golos.com.ua).

<sup>24</sup> [www.tv.rada.gov.ua](http://www.tv.rada.gov.ua).

<sup>25</sup> [www.viche.info](http://www.viche.info).

### 3.3. Recommendations

#### *Interaction with citizens, civil society and expert groups*

22. The right of citizens to comment on draft laws that are registered and subject to public discussion should be provided in conformity with the Action Plan for Open Parliament in Ukraine, using *inter alia* a web interface and modern IT tools;

#### *E-Parliament*

23. **An e-parliament strategy, including a medium-term Information and Communication Technologies strategy (covering 3-5 years), should be established and adequately resourced in order to increase the transparency and efficiency of parliamentary processes;**
24. In cooperation with the Presidential Administration and the Cabinet of Ministers, a strategy on digitalising the legislative workflow within the legislative triangle should be developed;
25. To ensure that the e-parliament modernisation strategy and plans are implemented, the number of VRU IT staff should be enhanced incrementally; in addition, the VRU staff should be exposed to international best practice and exchanges of know-how on e-Parliament;

#### *Communication capacities of the Verkhovna Rada*

26. The VRU should develop a digital strategy to set up a modern web and social media service with a core team of experienced experts in building popularity of the on-line platform of the VRU;
27. In the light of such undertakings, it would be appropriate to explore and invest in necessary cyber security systems;
28. **The VRU should elaborate a comprehensive communication strategy (including identifying key target audiences, channels and products) and an institutional branding strategy (framing long-term communication objectives, messages and communication tone);**
29. The communications department in the VRU should review its communication structure and make proposals for reform (including on how to integrate the independent media channels into the structure of the Secretariat) based on international parliamentary best practices. The VRU staff should be exposed to international best practice and exchanges of know-how on effective parliamentary communication.

## CHAPTER 4: Approximation of Ukrainian legislation to the EU *acquis*

### 4.1. Introduction

Following the ratification of the EU-Ukraine Association Agreement, including Deep and Comprehensive Free Trade Area chapters <sup>(26)</sup> on 16 September 2014, the VRU and the CMU have been focused on the implementation of the AA, which includes ambitious reforms in key areas <sup>(27)</sup> and the development of a system of institutions to underpin the process.

Improving the legislative system on approximation of Ukrainian legislation to EU law and strengthening the capacities of the key actors in the approximation process, including the VRU and its European Integration Committee, will be essential for the implementation of the necessary reforms and for putting in place mechanisms to monitor and assess progress achieved.

### 4.2. Specific issues in approximation

#### *Required update of the basic law*

A Ukrainian law 'On an All-State Programme of Adaptation of the Ukrainian Legislation to the EU Law' (Law 1629-IV) <sup>(28)</sup> provides the legal basis for the process of approximation. However, this law needs to be updated, as certain of its provisions are currently outdated, namely:

- the list of priority areas for approximation/adaptation <sup>(29)</sup> was based on Article 51 of the EU-Ukraine Partnership and Cooperation Agreement <sup>(30)</sup>; however, the Ukrainian strategic policy documents listed in the law are not relevant to today;
- the set of actions comprising the approximation process (such as selection of the EU acts, their translation, impact analysis, legal drafting and implementation) all lack methodology at the secondary legislation level;
- the law lays down that parliamentary scrutiny of the EU *acquis* and conformity checks should be fully dependent on the Ministry of Justice. However, those provisions are not realistic given the diminished capacity of the Ministry (following the dissolution of the specialised State Department in 2011), the increased number of draft laws and the increased role of the European Integration Committee in the AA implementation process;
- the Coordination Council on approximation, headed by the Prime Minister, has not met since 2012.

To address this issue, the VRU Committee for European Integration and the Ukrainian side of the EU-Ukraine Parliamentary Association Committee are drafting a new law on the implementation of the AA. The new law should clarify the functions and responsibilities of the VRU and the CMU, as well as establishing tools for parliamentary oversight in the European Integration sphere.

---

<sup>26</sup> The text of the EU-UA Association Agreement is available at:

[http://eeas.europa.eu/ukraine/docs/association\\_agreement\\_ukraine\\_2014\\_en.pdf](http://eeas.europa.eu/ukraine/docs/association_agreement_ukraine_2014_en.pdf).

<sup>27</sup> Key reforms include economic recovery and growth, governance and sectorial cooperation on technical regulations and standards, sanitary and phyto-sanitary measures, energy efficiency, transport, environmental protection, industrial cooperation, social development and protection, equal rights, consumer protection, youth and cultural cooperation, etc.

<sup>28</sup> <http://zakon0.rada.gov.ua/rada/show/1629-15>.

<sup>29</sup> The term "adaptation" was used in the Law "On an All-State Programme of Adaptation of the Ukrainian Legislation to the EU Law". Nowadays, the term "approximation" is used more frequently.

<sup>30</sup> The EU-Ukraine Partnership and Cooperation Agreement (replaced by the Association Agreement) is available at: <http://ec.europa.eu/world/agreements/prepareCreateTreatiesWorkspace/treatiesGeneralData.do?step=0&redirect=true&treatyId=217>.

### *Key actors in the approximation process*

AA obligations call for more than 350 EU legal acts to be implemented by Ukraine (<sup>31</sup>). By the end of 2017 at least 160 draft laws (75-80 annually) are to be drafted by the ministries and considered for adoption by the VRU. This amount of planned legislative work requires clear planning and a division of responsibilities between the main actors.

The functions and responsibilities on approximation are distributed among three main institutions:

1. The Government Office for European Integration in the Cabinet of Ministers is responsible for:
  - coordination of work and preparation of reports on the implementation of the AA to be submitted to the VRU and the CMU, sent to EU headquarters and published for public consideration;
  - conformity, ensured by means of expert opinions, of legislation submitted by the ministries to the CMU with the EU *acquis* and AA obligations .
2. The Ministry of Justice is responsible for legal checking of all legislative drafts initiated by the ministries. This includes a conformity check with the Constitution and laws, as well as with international obligations and the EU *acquis*.
3. The Committee on European Integration is a standing Committee of the VRU and includes 12 members (supported by 10 staffers) and three subcommittees on:
  - Approximation of Ukrainian legislation to the EU law;
  - Economic and sectoral cooperation and the EU-Ukraine DCFTA;
  - Regional and cross-border cooperation between Ukraine and EU Members States.

According to the VRU Rules of Procedure, the European Integration Committee is responsible for checking the conformity of, and providing a legal opinion on, all draft laws in the VRU. However, it is not mandatory for the European Integration Committee's opinion to be taken into account. As of January 2016 there were more than 2180 drafts formally submitted for the Committee's opinion (<sup>32</sup>). More than one thousand draft laws address sectoral and economic development issues. Such a quantity of draft legislation hampers consideration and adoption of the laws aimed at the implementation of the AA.

Serious improvements are needed to strengthen the capacity of the VRU Secretariat and coordination between the European Integration Committee and the standing VRU Committees. In order to overcome the current institutional weaknesses, initiatives have been created such as the Parliamentary Expert Group on European Integration established in June 2015 and financed by the Renaissance Foundation. This Group includes 20 experts (representing academia, the legal community, think tanks), hired by competitive selection, and provides opinions on draft bills under consideration by the Committee. Draft bills are analysed for their compliance with AA obligations and relevant EU law norms. As of November 2015, two hundred expert opinions had been produced and submitted to the Committee.

---

<sup>31</sup> [http://www.kmu.gov.ua/control/publish/article?art\\_id=248081506](http://www.kmu.gov.ua/control/publish/article?art_id=248081506)

<sup>32</sup> The data provided by the VRU European Integration Committee.

### 4.3. Recommendations

#### *Required update of the basic law*

30. **A new law on the implementation of the AA and EU *acquis* should be adopted to replace the outdated Law of Ukraine 'On an All-State Programme of Adaptation of the Ukrainian Legislation to the EU Law';**

#### *Key actors in the approximation process*

31. To better structure its law-making process, the VRU together with its European Integration Committee should develop and adopt annual plans in respect of legislative work on approximation (in close cooperation with the CMU and having regard to MPs contributions);
32. The VRU should expect that all governmental draft laws would be submitted to the Verkhovna Rada with an explanatory note on the conformity with the AA obligations and the EU *acquis* and by its own actions during the plenary process to respect the same principal;
33. Standing committees of the VRU should enhance their capacities to deal with European approximation issues by appointing a focal point on approximation in each committee with a view to improving liaison with the European Integration Committee;
34. Consistent with the increased capacities of the CMU Secretariat, staff capacities of the VRU Secretariat, as well as of the European Integration Committee, also should be strengthened in order to provide qualified expertise in the VRU on the AA obligations and the EU *acquis*, including by exposure to EU best practice and exchanges of know-how on legal approximation (drafting, implementation and monitoring of approximated legislation, assessing gaps in the legislation).

## CHAPTER 5: Administrative capacities

### 5.1. Introduction

The administration of a parliament plays a crucial role in ensuring that the institution fulfils its constitutional and legal roles. The task of a parliamentary administration bears some similarities with the role of a state civil service, but with important differences and additional responsibilities, given the nature of the parliamentary institution. In particular, the multi-party character of a parliament requires the administration at the same time to respect the leadership of the institution by the Speaker and to provide services and support to all deputies and their political groupings equitably and with discretion.

During the course of the NAM, several important changes were made to the parliamentary civil service. The longstanding Head the VRU Secretariat retired and was replaced *ad interim*. A number of other senior parliamentary officials were also replaced, and the VRU Speaker indicated a strong commitment to the restructuring and modernisation of the administration. In the view of the NAM, successful modernisation of the administration will enable the many capable and committed members of the parliamentary administration to use their skills to the fullest extent and enhance the overall functioning of the institution.

In the VRU, as in most other democratic parliaments, the parliament staff includes the non-partisan general administration accountable to the institution through the Speaker, and staff who work for political groups and for individual MPs. Most of the staff of the VRU are members of the Ukrainian civil service, and their conditions and rights of employment are governed by the national civil service law. A new national law 'On Civil Service' was adopted by the VRU on 10 December 2015 (entering into force on 1 May 2016).

### 5.2. Specific issues relating to the administrative capacities of the VRU

#### *The VRU's budget*

The budget is divided into two main components: one covering MPs' expenses and largely based on the provisions and entitlements contained within the national law 'On the Status of People's Deputy of Ukraine', and the other covering the institutional and administrative costs of the VRU. The latter component of the budget is organised in an approximately similar manner to that of other state administrations, including ministries. In addition, the general organisation of the budget corresponds largely to international norms. Discretionary budgeting is for the most part avoided, and expenditure is generally determined on the basis of law and regulation.

One important issue within the parliamentary budget, however, is the fixing of MPs' remuneration. MPs' salaries have been subject to major fluctuations over recent years as a result of populist decisions to cut salaries 'in solidarity' with Ukrainian citizens suffering from the economic crisis. By April 2015, the salary of a VRU MP was UAH 6 109, equating to less than EUR 250 per month. Very low MP salaries may well foster a culture of corruption. There is a growing international practice whereby MPs' salaries are either pegged to the salary of a commensurate rank of senior state official or determined by an independent, non-political salary review board <sup>(33)</sup>.

---

<sup>33</sup> See for example the practice adopted in Estonia, where salaries are established commensurate to senior state officials (<http://www.riigikogu.ee/en/parliament-of-estonia/composition/salaries-of-mps/>), similarly in the European Parliament (<http://goo.gl/ym2ghO>). In the UK an independent parliamentary standards authority established MPs salary level, which would then be linked to changes in average national wages (<http://parliamentarystandards.org.uk/payandpensions/pages/default.aspx>).

Finally, in international best practice for democratic parliaments, the budget of the parliament should essentially be determined by the parliament. However, the Ministry of Finance appeared not always to accept the decisions of the VRU budget committee regarding the VRU institutional budget. While it is important for parliamentary budgetary operations to be transparent and for decisions to be taken with reference to the overall financial situation of the country, the principles of parliamentary autonomy and the separation and balance of the powers of state institutions mean that the parliament should ultimately determine its own budget<sup>(34)</sup>. Conversely, there should be robust budgetary controls and audit of parliamentary expenditure to avoid the risk of corruption and to assure transparency. In most countries this is carried out by an external institution, normally the country's supreme audit institution<sup>(35)</sup>. In Ukraine, the practice in the past was that the Accounting Chamber could only audit the VRU's accounts at the request of the VRU. A new law governing the operation of the Accounting Chamber passed in 2015 provides the Accounting Chamber with the right to audit the VRU's accounts without invitation of the VRU, which if implemented will move Ukraine towards international norms in this area.

#### *Achieving an integrated VRU Secretariat including all support structures*

The VRU has a system of parliamentary committees, with dedicated committee staff. Unusually, however, there is a specific piece of legislation 'On Committees of the Verkhovna Rada of Ukraine', which is separate from the VRU Rules of Procedure and which governs the operation of the VRU committees, and thus the staff of the VRU committees. This creates a somewhat ambiguous accountability situation for the VRU committee staff, who are responsible to both the Speaker, as the ultimate head of the institution, and to the Chairperson and members of the committee, who have a role in the selection and replacement of committee staff as well as in the direction of their work. The existence of a separate legal status for committees and their staff creates an unhelpful complexity in the administration and functioning of the VRU, and consideration should be given to unifying the regulations governing the VRU into a single piece of legislation or VRU regulation.

There are at least two other administrative units at the VRU that do not report to the Head of the Secretariat. The Institute of Legislation was established shortly after Ukrainian independence and reports to the VRU Speaker but is not integrated into the administration<sup>(36)</sup>. The Institute of Legislation's programmes did not appear to be closely integrated into the core functioning of the parliament and the Secretariat, operating more as an autonomous think tank than supporting the regular legislative work of the VRU. Given the limited resources available to the VRU and the legislative workload of the institution, there is a need to consolidate and integrate the different strands of legislative expertise in order to focus their skills on the regular legislative process rather than research or academic orientations.

In addition, the VRU library is located away from the main site of the VRU, and is legally part of the Ministry of Culture, again an arrangement that is unusual given that library services – including access to research information through new technologies – are an important resource for an effective

---

<sup>34</sup> See for example Commonwealth Parliamentary Association (2009), Administration and Financing of Parliament, available at: [http://www.cpahq.org/cpahq/Main/Document\\_Library/Administration\\_and\\_Finance/Administration\\_and\\_Financing\\_of\\_Parliament\\_Study\\_Group\\_Report.aspx](http://www.cpahq.org/cpahq/Main/Document_Library/Administration_and_Finance/Administration_and_Financing_of_Parliament_Study_Group_Report.aspx).

<sup>35</sup> 'The great majority of parliaments depend on external bodies for inspection', Couderc (1998), 12.

<sup>36</sup> The Institute has 60 experts on staff and a broad mandate of different activities including the preparation of research papers on legislative issues, support to legislative drafting, monitoring of effectiveness of legislative implementation, the delivery of seminars on legislative and constitutional issues, etc., as well as operating academic programmes including a Masters' programme in European Parliamentary Law, and scholarly journals.

parliament. In other parliaments a parliamentarian can ask a researcher at the parliamentary library to draw up a research note on a particular issue (for example to identify different legislative approaches used to deal with an issue in different countries). This is useful both in providing neutral and professional policy advice to deputies, and in improving the quality of the subsequent legislation and amendments proposed by the member.

It should be noted that the absence of a unified administration and clear line of accountability inherently weakens the parliament as an autonomous and self-governing state institution. Given the importance of a strong parliament to the institutionalisation of democratic, accountable decision-making in Ukraine, modernisation of the administration and rationalisation of its structures, with clear accountability, is an important priority for the VRU.

#### *Opportunities for strengthening the human resource development approach*

Key points for consideration include the need for a comprehensive annual and multi-annual human resource development strategy based on proactive resource planning. Individual staff development based on the annual appraisal cycle should be integrated into this broader organisational development, and could be tied to merit pay based on long-term performance. There is a need for a professionalisation and depoliticisation of hiring processes in the VRU and for more open and well-publicised recruitment processes, as well as for increased staff mobility. It would also be helpful to find ways to foster a strategic development orientation among managers, especially middle management.

With regard to the training programmes in the VRU, they are currently provided by the Academy of State Management. The Academy offers general orientation for all civil servants, as well as further skill development and academic study for a small proportion of highly rated civil servants. Within the VRU itself, the Personnel Department assesses training requirements based on input from each department. There is, however, a serious lack in the VRU of both the financial and the physical resources needed to implement training, and on average staff only receive a training opportunity once every five years. The Secretariat informed NAM that the VRU budget for 2016 provides for UAH 70 000 as training expenditure for 1 085 employees. This amounts to approximately EUR 2.5 per employee per annum. In the view of NAM, there is a need to invest additional resources in training in the VRU, including through the establishment of a dedicated learning space and the development of a more diversified catalogue of courses offered regularly, including, as appropriate, languages, IT and management development opportunities.

#### *Rationalisation of the VRU internship programmes*

The Verkhovna Rada provides short-term internships for both current civil servants interested in progressing within the organisation and external candidates. Usually interns are paid a salary commensurate with the position in which they are interning. For some external candidates a successful internship results in the opening of a competition and their potential engagement as civil servants within the VRU. There is a need to separate the development opportunities for current civil servants from internships provided to external candidates. These latter opportunities should correspond with the usual norms for internships; they should be accompanied by a training allowance rather than a civil servant salary, and should not be connected to an implicit commitment to subsequent employment.

#### *Absence of a parliamentary civil service separate from the national civil service*

Although it is not unusual for the staff of democratic parliaments to be members of a state civil service, it is increasingly common for parliamentary civil servants instead to be members of a separate parliamentary civil service. There are advantages and disadvantages to each system. For example, membership of a national civil service permits civil servants to rotate to different

ministries and other units of the national civil service. On the other hand, a dedicated parliamentary civil service provides greater protection for the institutional independence of the parliament, and allows appropriate specific terms and conditions for parliamentary civil servants to be established. In the longer term, it would be appropriate for Ukraine to move towards the establishment of an independent parliamentary civil service such as this.

*Lack of clarity regarding MPs' assistants who are not paid from the VRU's budget*

A specific characteristic of the VRU is the relatively large number of staff who work for individual MPs but who are not employees of the Verkhovna Rada. The Law 'On the Status of People's Deputy of Ukraine' permits each MP to engage up to 31 assistants, including volunteers. While this practice does exist in some other parliaments, it can lead (in Ukraine and elsewhere) to influence by external interests that could divert parliamentarians from their duty to serve the country and its citizens above any special interests. There were suggestions that some MPs' assistants external to the civil service are responsible for generating large quantities of draft legislation and parliamentary 'requests' and 'appeals' (oversight tools). This distorts the proportion of legislative time taken up by some deputies, and some NAM respondents suggested that this can be linked to the influence of outside lobbies and vested interests in promoting a particular legislative agenda. Consideration should be given to careful specification of the conditions of access and permissible duties for MPs' assistants external to the administration.

### 5.3. Recommendations

*VRU's budget*

35. **The VRU's authority to establish its own operating budget should be respected de jure and de facto and be accompanied in terms of accountability by a commitment to a full audit of VRU accounts by the Accounting Chamber, for example once per convocation);**

*Achieving an integrated VRU secretariat including all support structures*

36. The regulatory framework governing the Secretariat should be consolidated into a single internal regulation on staffing;
37. **All administrative units of the VRU - including the Parliamentary Library and the Institute of Legislation - should be consolidated into a unified and strengthened Secretariat;**

*Opportunities for strengthening human resource development approach*

38. The VRU Secretariat's structure should establish a new and modern Human Resource Service and policy;
39. **A comprehensive human resource development strategy should be elaborated, led by properly resourced strategic training opportunities, including languages, and individualised career development plans identified through the regular performance appraisal system. A policy on staff mobility should be developed and encouraged;**

*Rationalisation of the VRU internship programmes*

40. Short term internships as regards terms and conditions of employment should be distinguished from those of the permanent civil servants and in line with international practice internships should carry no implicit commitment to full time employment;

*Absence of a parliamentary civil service separate from the national civil service*

41. In the longer-term perspective the VRU could consider moving towards the establishment of an independent parliamentary civil service;

*Lack of clarity regarding MP assistants who are not paid by the VRU's budget*

42. All parliamentary assistant positions, paid or voluntary, as a matter of transparency should be registered by the personnel department of the VRU, as a requirement for issuance of access privileges to the VRU, on condition that the job description of such persons be made available explaining the role and functions;
43. Consideration should be given to setting a realistic but low number of parliamentary assistants to a single MP that would be entitled to accreditation by the VRU.

## CHAPTER 6: Coalition, opposition and dialogue within the Verkhovna Rada

### 6.1. Introduction

The atmosphere in the VRU parliament in the current challenging geopolitical and domestic climate is characterised by mistrust and a lack of political confidence that is pervasive in the VRU and among the political parties (including within the governing coalition). While the VRU is not short of rules and procedures, there is a political culture of circumventing rules to pass legislation under extreme conditions and at the last minute.

In addition, obstacles to inter-political-party and intra-coalition dialogue are also exacerbated by the lack of party capacities (i.e. weaknesses in structure, organisation and procedures, and in terms of qualified personnel). Individual political personalities and external influence tend to dominate party politics and party discipline. Indeed, if dialogue and consensus building within a party are weak, this further complicates inter-party and intra-coalition dialogue and consensus building.

It is therefore imperative that these obstacles are addressed if the VRU is to achieve its reform objectives and to develop a democratic parliamentary culture of dialogue, compromise and consensus building. Inter-party dialogue can help parties move beyond short-term electoral or personal interests and build consensus on areas of national importance <sup>(37)</sup>.

The MoU refers to *'improving and facilitating interaction between the majority and the opposition, between the political factions as well as between the committees of the Verkhovna Rada'* as a focus of work for the two parties. Indeed, strengthening inter-party dialogue is a long-term agenda that should accompany the process of implementation of the comprehensive reform agenda of the Verkhovna Rada <sup>(38)</sup>.

### 6.2. Specific issues in strengthening political party dialogue within the VRU

#### *Coalition*

After the parliamentary elections of October 2014, five political parties (BPP, People's Front, Samopomich, the Radical Party and Batkivshchyna) formed the parliamentary majority (coalition of political parties) in the Verkhovna Rada of Ukraine. On 27 November 2015 the Coalition Agreement <sup>(39)</sup> was signed.

Within a year divisions could be seen within the coalition, for example in voting patterns and public speeches. Consequently, the faction of the Radical Party pulled out of the coalition following the vote at first reading of the draft law on amendments to the Constitution concerning decentralisation reform (31 August 2015). While many of the NAM's interlocutors described the current coalition as fragile and vulnerable, it nevertheless remains capable of functioning and has adopted techniques for overcoming tensions and divisions. One such technique successfully adopted by the Speaker is the practice of so-called 'test' voting to check that there is enough support among MPs for a particular law. If a 'test' vote is successful, the Chairperson immediately announces the 'real' vote. However, should the test vote not show a positive result, the Chairperson announces a break in the plenary and invites the faction leaders

---

<sup>37</sup>Brechtje Kemp "Political Party Dialogue: A Facilitator's Guide", International IDEA / NIMD / The Oslo Center, available at: [http://www.idea.int/publications/political-party-dialogue/index.cfm?utm\\_source=Paloma&utm\\_medium=Newsletter&utm\\_campaign=International+IDEA+Newsletter+April-June+2013](http://www.idea.int/publications/political-party-dialogue/index.cfm?utm_source=Paloma&utm_medium=Newsletter&utm_campaign=International+IDEA+Newsletter+April-June+2013)

<sup>38</sup> The European Parliament could play a supporting role by offering to host regular dialogues at its Jean Monnet House.

<sup>39</sup> Coalition agreement, available at <http://zakon3.rada.gov.ua/laws/show/n0001001-15>

to a special meeting where a political compromise is reached. An example of the successful use of this technique was the vote on the law 'On the State budget of Ukraine for 2016' (December 25).

In addition to the above technique used by the Speaker, the parliamentary procedures make the Conciliation Board and the Coalition Council the key vehicles for achieving compromise and building consensus among the political parties on the VRU's priorities. However, the fact that Conciliation Board meetings are open to the public media weakens this role and turns the CB meeting into a media event.

Similarly, the Coalition Council (comprising three representatives of each coalition party and meeting on a weekly basis) often becomes embroiled in political debates without achieving consensus on key issues.

It is clear that while the Speaker's initiative shows that even in this difficult climate effective informal techniques for dialogue and consensus building can indeed work, there is clearly a need to develop institutional mechanisms and more regular political-party (and intra-coalition) dialogue to facilitate the legislative process.

### *Opposition*

Of the eight factions/groups in the VRU, four do not participate in the governing coalition – the Opposition Block, the Radical Party, Revival and People's Will.

The common understanding of a parliamentary opposition is one or more factions/groups in the parliament which have a similar political platform (political views, ideology, programme of actions and policies) opposite to the one represented by the governing political party or coalition of political forces, and which do not, therefore, take part in the formation of the government and other executive bodies<sup>(40)</sup>. More generally, the opposition participates fully in all aspects of parliamentary life, including the submission of political statements and inquiries, participation in the work of committees and other parliamentary bodies, initiation of bringing the government to accountability, and disclosure of information about the activities of the government administration in the media.

In the case of Ukraine there is no legislation regulating the status of the opposition, while the coalition is mentioned in the provisions of the Constitution of Ukraine, including the principles of its formation, organisation and termination (the latter being determined by the VRU). In order to guarantee the basic legal rights of the opposition and peaceful coexistence of the majority and minority, regulation of the status of the parliamentary opposition should be envisaged either by the introduction of amendments to the current legislative basis (the Constitution of Ukraine, the Law 'On the Rules of Procedures of the VRU', the Law 'On Committees of the VRU', etc.) or by the adoption of a specific new regulation.

### *Caucuses and informal platforms for dialogue*

In the above environment cross-party initiatives in the form of caucuses or inter-groups are emerging, especially among the new Members of the VRU. Informal cross-party platforms for dialogue are usually established on specific policy issues (such as European integration, reforms, regional policy, decentralisation and gender).

As of January 2015 there were 75 cross-party initiatives (Annex 8). The largest ones are the 'Ukraine – European Union' Caucus, the Equal Opportunities Caucus, the inter-faction grouping 'For spirituality, morality and health', the EuroOptimists Caucus and the informal cross-party NAM Advisory Board. There is a large number of groups that seek to represent the interests of particular regions or to promote specific reforms.

---

<sup>40</sup> V.E. Telipko, "Constitutional law and law on constitutional procedures of Ukraine" (2010) available at <http://mego.info>.

The importance of caucuses is that such cross-party values-based cooperation may assist MPs from different parties in building effective political dialogue and achieving their shared political objectives.

Besides the cooperation and dialogue taking place within the VRU, in some contexts there is a need for the creation of mechanisms outside the parliament. Dialogue mechanisms of that kind offer a complementary, and often confidential, space in which MPs from different political parties can meet as colleagues with alternative perspectives rather than adversaries with competing goals. Away from the public eye, political parties can more easily overcome conflicts or concerns and create the preconditions for inter-party cooperation.

It is important to create in the VRU, or outside it, informal political dialogue platforms that may constitute crucial mechanisms whereby parties can build consensus, seek the common good and take the lead in the reform agenda. Such a platform could also make it easier for parties to engage with other stakeholders and representative groups, to enrich and implement their views and to ensure that any agreements made can be kept under constant review.

### 6.3. Recommendations

44. **An early decision should be made and implemented to regulate the status of the parliamentary opposition;**
45. **An inter-party dialogue unit (mediation unit) should be established within the VRU to provide a structure to support and coordinate cross-party groupings and caucuses, convene meetings between the political parties to assist in overcoming obstacles in the legislative process and to act as a facilitator in supporting political dialogue and consensus building;**
46. The political parties in the VRU should strengthen their internal capacities, enhance inter-party dialogue and seek together to build a culture of consensus and trust;
47. Informal political dialogue platforms, drawing on the experience of trusted third parties, should be established on strengthening inter-party and intra-coalition dialogue with the leaders of the political parties or other factions' representatives.

## CHAPTER 7: Ethics and conduct at the Verkhovna Rada

### 7.1. Introduction

For much of the period since independence, Ukraine's political system has been highly contested, with deep differences about the future directions of the country, questioning of government legitimacy, and claims and counter-claims regarding the ethical conduct of different political actors. This often heightened level of political debate has frequently boiled over into unruly scenes in the Verkhovna Rada.

During the period of the NAM, there were two such incidents in which physical confrontations took place in the VRU and were publicised in the national and international press. These incidents reinforce widespread lack of trust by citizens of state institutions in Ukraine, including the VRU. That has been documented in numerous public opinion surveys both before and after the Maidan.

Unruly conduct in parliaments is not particularly unusual. In the course of 2015 global media reported several incidents in the parliaments of countries as diverse as Japan and Kenya <sup>(41)</sup>. Conflicts tend to occur in parliaments where the 'rules of the game' have not been institutionalised and where the level of trust between the different actors is lower than in countries where there have been numerous peaceful democratic transfers of power and a track record of all actors abiding by democratic rules.

In the context of the EU-Ukraine Association Agreement, European allies and partners, as well as potential investors and visitors, expect the country to act according to the norms of an advanced democracy. However, the number and nature of incidents that continue to occur in the VRU has attracted considerable attention – not of a positive nature – to the Ukrainian political system. Furthermore, although not necessarily directly linked to any particular MP, violence has occurred in political demonstrations outside the VRU, including during the period of the NAM, leading to the deaths of several security officers. It is not an exaggeration to say that political violence has the potential to undermine democracy in Ukraine. It is important that efforts be made, across the political spectrum, to conduct political debate in a peaceable and respectful way in order to set standards for the conduct of democratic politics.

Speaker Groyzman has on numerous occasions drawn the attention of MPs to the need for improvements in the behaviour of parliamentarians both inside and outside the VRU. For example, on 20 November 2015 the Speaker told the press that 'Fights where participants are people's deputies are completely disgraceful, and this is an inadmissible practice, no matter against whom physical force was used' <sup>(42)</sup>.

### 7.2. Specific issues in conduct and ethics at the VRU

#### *Political Culture*

There have been a number of studies and reports concerning the ethics of Ukrainian parliamentarians throughout the period since independence, <sup>(43)</sup> as well as countless Ukrainian media reports and exposés. Apart from the issue of conduct within the session hall, there have been repeated suggestions of various types of improper or corrupt behaviour, including voting in the place of another MP, selling of votes, use of oversight mechanisms to hamper the activities of business rivals, and so on. Often these suggestions have been made without direct proof, although the consistency with which certain

---

<sup>41</sup> <https://parliamentfights.wordpress.com/>.

<sup>42</sup> <http://rada.gov.ua/en/news/News%202/119686.html>.

<sup>43</sup> Tyshchenko and Kazdobina, 2015; Whitmore, 2004; Birch, 2000; Bach, 1996.

allegations have been made, and some evidence that has been provided of different types of misconduct, suggest that not all allegations are without foundation.

Undoubtedly, the great majority of Ukrainian MPs work hard to represent the Ukrainian people, in often very difficult circumstances. It is probable that some of the attacks against the probity of Ukrainian parliamentarians are driven by ulterior motives. Nevertheless, it is clear that the VRU needs to improve its public image in order to attain the level of legitimacy that a parliament requires if it is to play its proper constitutional role within an accountable democracy. Addressing shortcomings in behaviour and in ethics is therefore a priority not only for the VRU, but also more widely for Ukrainian democracy.

In the autumn of 2015 the OSCE Office for Democratic Institutions and Human Rights (ODIHR) supported a Ukrainian civil society organisation, the Ukrainian Centre for Independent Political Research ('UCIPR'), in organising focus groups among parliamentary experts and interlocutors in five cities in Ukraine. The findings of this research provide a comprehensive diagnosis of issues of parliamentary ethics that corresponds to a significant extent with the information gathered by the Needs Assessment Mission<sup>(44)</sup>.

Concerns raised can be grouped into a number of categories:

- the lack of discipline during sessions, including lack of respect for the authority of the chair (the Speaker or Deputy Speaker, depending who is presiding);
- the failure to understand or follow procedures in terms of legislative process, including failure to conform with legal and procedural requirements on the drafting of legislation, and lack of clarity on the role and authority of committees;
- voting in the place of another deputy ('piano-voting');
- the suspicion that some MPs have been induced by outside interests to propose, support, or oppose specific pieces of legislation for reasons other than the best interests of the Ukrainian people;
- the suspicion that some MPs have used their right of oversight (for example, requests and appeals) to further or to hamper the interests of specific private interests;
- the lack of transparency regarding the financial situation and business interests of MPs;
- claims that some MPs have entered parliament largely or entirely in order to benefit from parliamentary immunity.

These and similar concerns are not unique to the VRU. However, the ubiquity and volume of these concerns in Ukraine is troubling, especially given the fragility of the country's democratic transition. The Needs Assessment Mission concurs with the Speaker in concluding that urgent steps should be taken to restore the image of the VRU and to enable the institution to attain a high level of credibility.

#### *Parliamentary immunity*

One option is to remove or limit parliamentary immunity. In fact, legislation that would remove parliamentary immunity as well as the immunity of the judiciary has been under consideration by the VRU since early 2015.

---

<sup>44</sup> Tyshchenko and Kazdobina, 2015; UCIPR, 2015.

The purpose of parliamentary immunity is to protect parliamentarians from being subject to legal action as a result of carrying out their duties as elected members<sup>(45)</sup>. There is general acceptance that parliamentarians should enjoy immunity from legal harassment linked to their official duties. This is also important in Ukraine, where the justice system remains underdeveloped and there are examples in recent history of the legal system being politically manipulated. MPs should have protection against politically motivated legal attacks. At the same time, in a transitional country where major economic restructuring is taking place and where transparency and an effective public voice have not yet been established, parliamentary immunity can also be abused.

In practice, no parliamentary immunity is absolute. Many countries only protect parliamentarians for speeches taking place within the parliament, and/or do not provide immunity when a parliamentarian is apprehended while committing a crime. Most parliaments, including the VRU, retain the right to lift the immunity of members. Indeed, this occurred recently in Ukraine, during the mandate of the Needs Assessment Mission, in response to a case of alleged corruption<sup>(46)</sup>.

The Venice Commission of the Council of Europe, of which Ukraine is a member, recently adopted a report providing guidelines and principles for the exercise of parliamentary immunity<sup>(47)</sup>. Essentially, the Venice Commission argues that protection of freedom of speech for parliamentarians should be broad and largely absolute, but that protection of MPs against prosecution for criminal acts should be limited. That limitation should be dependent on the specific situation in each country, including the maturity and independence of the justice system.

In the view of the NAM, the complete removal of a system of parliamentary immunity would run counter to international parliamentary best practice, as well as to the recommendations of the Venice Commission. It would also expose parliamentarians to the risk of politically motivated legal action in retaliation for carrying out their legitimate role. At the same time, there is clearly a case for limitations of immunity in the case of criminal acts and for parliament to be empowered to lift immunity of members in specifically defined circumstances.

#### *Code of conduct and ethics*

There are numerous models of codes of conduct and ethics in parliaments across the world. In Europe a number of major parliaments have instituted more elaborate and prescriptive ethics and conduct codes in response to specific incidents or exposés of unethical conduct by parliamentarians. Ethical codes can be instituted through the internal regulations of a parliament (typical in common law tradition countries) or through formal legislation (typical in civil code countries). An ethics code will normally begin by enunciating the principles which parliamentarians and parliamentary staff are expected to uphold. It will establish a detailed set of rules of conduct, and enumerate clear mechanisms for enforcing the rules and applying sanctions.

Whilst codes of conduct are useful in defining what is acceptable and unacceptable, they do not and cannot create the 'propriety, correctness, transparency, and honesty of parliamentarians' behaviour'.

---

<sup>45</sup> The origins of parliamentary immunity date back to Britain in the fourteenth century, when the king had a parliamentarian arrested, convicted and sentenced to death for criticising the conduct of the monarch. Parliament successfully prevented the execution, and by 1689 established the legal basis for protecting parliamentarians from conviction for speech and acts within parliament. After the French revolution similar, and indeed broader, immunity for members of the National Assembly was instituted, which became a model for many other European countries.

<sup>46</sup> <http://uatoday.tv/politics/lawbreaker-lawmaker-ukrainian-mp-arrested-in-bribes-for-favors-scandal-496024.html>.

<sup>47</sup> (Venice Commission, 2014)

Codes of conduct are only supporting mechanisms for established behavioural norms that reflect the *culture of the institution* <sup>(48)</sup>.

The GOPAC/WFD handbook on parliamentary ethics and conduct proposes that codes of conduct should cover seven main areas, prescribing that parliamentarians must:

1. Act always in the *public interest*;
2. Never place themselves under financial or other *obligation to outside interests*;
3. Make decisions on *objective criteria and merit*;
4. Be *accountable* for their actions;
5. Be *open and transparent* in their decision-making and in explaining decision-making;
6. Act honestly and *avoid all conflict of interest*;
7. *Promote ethical conduct throughout government and society* through their example <sup>(49)</sup>.

The NAM recommends that the VRU develop and institutionalise a code of conduct, but that in order to be effective the *process* for establishing the code needs to be inclusive, consultative and transparent. The GOPAC/WFD guide provides a useful roadmap for carrying out an inclusive process of this kind that should result in a code of conduct that is understood and appropriated not only by MPs, but by parliamentary monitoring organisations and wider society. Such a code could become part of a new culture of accountable and responsible conduct at the VRU.

### 7.3. Recommendations

The Needs Assessment Mission is concerned over the relatively large numbers of unseemly incidents at the VRU and believes that it is necessary for the institution to quickly establish some minimum common ground that will enable the parliament to do its important work of assuring the democratic transition and economic recovery in Ukraine. In these circumstances it is proposed that interim steps be taken to restore order and a safe environment at the VRU, while a comprehensive process is carried out to develop a durable and effective code of conduct that underpins a democratic and accountable parliamentary culture.

48. **The Speaker (or Deputy Speaker as presiding officer) should be empowered to ‘name’ members involved in disruptive or violent behaviour and suspend them from participation in plenary sessions of the VRU for an appropriate period of time based on the seriousness of the offence. Consideration also could be given to the introduction of financial penalties;**
49. To assist with the orderly conduct of affairs during plenary sessions parliamentary ushers should be appointed;
50. Members who wish to appeal against such penalties would have the right to present their case at the next meeting of the Committee on Rules of Procedure and Support to Work of the Verkhovna Rada of Ukraine;

---

<sup>48</sup> Staphurston and Pelizzo (2004).

<sup>49</sup> (Power, 2009).

51. The Speaker and deputy Speakers should be advised and assisted at all plenary sessions by a procedural expert staff from the Secretariat to ensure that the business of the house respects and is conducted in line with the Rules of Procedure;
52. **A Code of Conduct should be elaborated and implemented as a matter of priority through an inclusive and transparent consultative manner and in line with the international best practices.**

## References

- Association Parlementaire de la Francophonie (2009), *La réalité démocratique des Parlements: Quels critères d'évaluation?* Paris, APF, available at: [http://apf.francophonie.org/IMG/pdf/la\\_realite\\_democratique\\_des\\_parlements\\_-\\_quels\\_criteres\\_devaluation\\_-\\_geneve.pdf](http://apf.francophonie.org/IMG/pdf/la_realite_democratique_des_parlements_-_quels_criteres_devaluation_-_geneve.pdf).
- Bach, S. (1996). 'From Soviet to parliament in Ukraine: The Verkhovna Rada during 1992–94'. *The Journal of Legislative Studies*, 2, pp.213-230.
- Birch, S. (2000). *Descriptive, Ideological, and Performative Representation in the Ukrainian Verkhovna Rada*. In *Annual Conference of the Political Studies Association* (April 10-13), available at: [http://shron.chtyvo.org.ua/Sarah\\_Birch/Descriptive\\_Ideological\\_and\\_Performative\\_Representation\\_in\\_the\\_Ukrainian\\_Verkhovna\\_Rada\\_en.pdf](http://shron.chtyvo.org.ua/Sarah_Birch/Descriptive_Ideological_and_Performative_Representation_in_the_Ukrainian_Verkhovna_Rada_en.pdf).
- Coghill, K., Lewis, C., and Steinack, K. (2012). 'How should elected members learn parliamentary skills: An overview.' *Parliamentary Affairs*, No 65, pp.505-519.
- Commonwealth Parliamentary Association (2005), *Administration and Financing of Parliament: A Study Group Report*, London, CPAHQ, available at: [http://dev.cpahq.org/uploadedFiles/Information\\_Services/Publications/CPA\\_Electronic\\_Publications/AdministrationandFinancingofParliamentStudyGroupReport.pdf](http://dev.cpahq.org/uploadedFiles/Information_Services/Publications/CPA_Electronic_Publications/AdministrationandFinancingofParliamentStudyGroupReport.pdf).
- Commonwealth Parliamentary Association (2006) *Recommended Benchmarks for Democratic Legislatures A Study Group Report* Published by the Commonwealth Parliamentary Association, London, CPAHQ, available at: [http://www.cpahq.org/cpahq/Main/Document\\_Library/Benchmarks\\_for\\_Democratic\\_Legislatures/Recommended\\_Benchmarks\\_for\\_Democratic\\_Legislatures.aspx](http://www.cpahq.org/cpahq/Main/Document_Library/Benchmarks_for_Democratic_Legislatures/Recommended_Benchmarks_for_Democratic_Legislatures.aspx).
- Commonwealth Parliamentary Association and National Democratic Institute (2013), *Benchmarking 2.0: Improving Parliamentary Performance in a Tech-Enabled World*, available at: [http://www.cpahq.org/cpahq/Main/Annual\\_Conference/Cameroon/Benchmarking\\_2.0.aspx](http://www.cpahq.org/cpahq/Main/Annual_Conference/Cameroon/Benchmarking_2.0.aspx).
- Couderc, Michel (1998), *The administrative and financial autonomy of parliamentary assemblies*, Geneva, InterParliamentary Union, available at: [www.ipu.org/ASGP-e/Couderc.pdf](http://www.ipu.org/ASGP-e/Couderc.pdf).
- Crespo, Allen, Marilia (1993), *Parliamentary immunity in the Member States of the European Community and in the European Parliament*, Luxemburg, European Parliament, available at: <http://aei.pitt.edu/42677/1/A6718.pdf>.
- Dodd, L. (2015). *Coalitions in parliamentary government*. Princeton, Princeton University Press.
- Griffith, Gareth (2006). 'Parliament and accountability: the role of parliamentary oversight committees'. *Australasian Parliamentary Review*, No 21, pp. 7-46.
- Hix, Simon (2000), 'Parliamentary oversight of executive power: what role for the European parliament in comitology?' Christiansen, Thomas and Kirchner, Emil, (eds.) *Committee Governance in the European Union. Europe in change*. Manchester, Manchester University Press, pp. 62-78.
- Hix, S., & Høyland, B. (2013). 'Empowerment of the European Parliament'. *Annual Review of Political Science*, No 16, pp. 171-189.
- Kemp, Brechtje (2013), *Political Party Dialogue: A Facilitator's Guide*, International Institute for Democracy and Electoral Assistance (International IDEA), The Netherlands Institute for Multiparty Democracy, available at: [http://www.idea.int/publications/political-party-dialogue/index.cfm?utm\\_source=Paloma&utm\\_medium=Newsletter&utm\\_campaign=International+IDEA+Newsletter+April-June+2013](http://www.idea.int/publications/political-party-dialogue/index.cfm?utm_source=Paloma&utm_medium=Newsletter&utm_campaign=International+IDEA+Newsletter+April-June+2013)
- Kuzio, Taras (2015), *Ukraine: Democratization, Corruption and the New Russian Imperialism*, Praeger, Santa Barbara.

- McGee, D. (2002). *The overseers: public accounts committees and public spending*. London, Pluto Press.
- Michaud, N., & Tremblay, S. (2006). 'Les livres blancs en matière de politique étrangère *Épistémologie et perspectives analytiques*'. *Études internationales*, No 37(1), pp. 7-33.
- Murphy, Jonathan (2010), *Engaging and Supporting Parliaments Worldwide: Strategies and methodologies for EC action in support to parliaments*, Brussels, European Commission
- Myttenaere, Robert (1998), *The Immunities of Members of Parliament*, Geneva, Association of Secretaries General of Parliament, available at: <http://www.ipu.org/ASGP-e/Myttenaere.pdf>
- National Democratic Institute (2015), *Ukraine's Second Front: an Assessment of the Political and Civic Landscape Following the October 2014 Parliamentary Elections*, available at: <https://www.ndi.org/ukraine-assessment-report-2015>
- Pelizzo, Riccardo, and Frederick, Stapenhurst (2013). *Parliamentary oversight tools: A comparative analysis*. London, Routledge.
- Power, Greg (2009), *Handbook on Parliamentary Ethics and Conduct: A guide for parliamentarians*, London, Westminster Foundation for Democracy and GOPAC, available at: [http://gopacnetwork.org/Docs/PEC\\_Guide\\_EN.pdf](http://gopacnetwork.org/Docs/PEC_Guide_EN.pdf).
- Richardson, J., & Mazey, S. (Eds.). (2015). *European Union: power and policy-making*. London, Routledge.
- Stapenhurst, Rick, Riccardo, Pelizzo, David, M. Olson, and Lisa, von Trapp (2008), *Legislative Oversight and Budgeting. A World Perspective*, Washington, World Bank, available at: <http://goo.gl/kmfuVI>.
- Stapenhurst, Rick and Riccardo, Pelizzo (2004), *Legislative Ethics and Codes of Conduct*, Washington, World Bank Institute, available at: [http://siteresources.worldbank.org/EXTPARLIAMENTARIANS/Resources/Legislative\\_Ethics\\_and\\_Codes\\_of\\_Conduct.pdf](http://siteresources.worldbank.org/EXTPARLIAMENTARIANS/Resources/Legislative_Ethics_and_Codes_of_Conduct.pdf).
- Теліпко В. Е. (2010), *Конституційне та конституційно-процесуальне право України* (V.E. Telipko (2010), *Constitutional law and procedure in Ukraine*), available at: <http://mego.info>.
- Tyshchenko, Yulia and Yulia, Kazdobina (2015), *Problems of Parliamentary Ethics in Public Opinion Polling*, Kiev, UCIPR, available at: [http://www.ucipr.kiev.ua/userfiles/ENG%20report%20ethics%20OSCE%20\(1\).pdf](http://www.ucipr.kiev.ua/userfiles/ENG%20report%20ethics%20OSCE%20(1).pdf).
- UCIPR (2015), *Key Problems of Parliamentary Ethics, Parliamentary Reform as Assessed by Experts*, Kiev.
- Van der Hulst, Marc (2000), *The Parliamentary Mandate: A Global Comparative Study*, Geneva, Inter-Parliamentary Union, available at: [http://www.ipu.org/PDF/publications/mandate\\_e.pdf](http://www.ipu.org/PDF/publications/mandate_e.pdf).
- Venice Commission (2014), *Report on the Scope and Lifting of Parliamentary Immunities*, Adopted by the Venice Commission at its 98<sup>th</sup> plenary session (21-22 March 2014), Study No. 714 / 2013, Strasbourg, available at: [http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2014\)011-e](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2014)011-e).
- Whitmore, S. (2004). *State Building in Ukraine: The Ukrainian Parliament, 1990-2003*. London, Routledge.
- Winzen, T. (2013). 'European integration and national parliamentary oversight institutions', *European Union Politics*, No 14, pp. 297-323.
- Yamamoto, Hironori (2007), *Tools for parliamentary oversight: A comparative study of 88 national parliaments*, Geneva, Inter-Parliamentary Union, available at: [www.ipu.org/PDF/publications/oversight08-e.pdf](http://www.ipu.org/PDF/publications/oversight08-e.pdf).
- Zander, Michael (2015), *The law-making process*, London, Bloomsbury Publishing.

## PART TWO: Roadmap on internal reform and capacity-building for the Verkhovna Rada

№	NAM recommendations	Timeframe	Indicators	Possible assistance
<b>Legislative capacity and process in the Verkhovna Rada</b>				
1.	The concept of an 'end-to-end' legislative process should be adopted, based on greatly enhanced coordination between the originators of legislative proposals in the Cabinet of Ministers, the Presidential Administration and the VRU.	2016	Compromise between the Cabinet of Ministers, the Presidential Administration and the VRU is reached, possibly as a trilateral Memorandum of Understanding.	External expert assistance on inter-institutional relations and agreements.  Seminars for MPs on relations between executive and legislature.
2.	Prior to the deposition by the government of substantial pieces of legislation, a discussion 'white paper' (explaining the policy objectives of the proposed legislation and the broad measures to be introduced) should be submitted to the relevant committee for discussion and be the subject of an Opinion of the Verkhovna Rada.	permanently	'White papers' are submitted on a regular basis.  The overall quality of the draft legislation is increased.	External expert assistance/training for staff on preparation and analysis of 'white papers'.
3.	Only legislation which complies with Article 93 of the VRU Rules of Procedure and is confirmed by a credible explanatory note and financial and economic assessment should be registered (thus respecting the rules on compliance of legislation with the principle of fiscal neutrality, constitutionality, and the EU <i>acquis</i> ).	permanently	Article 93 of the Rules of Procedure of the VRU is fully respected.	External expertise/training for staff on best practice for financial and economic assessment of legislation.
4.	The VRU Secretariat should conduct a thorough analysis of each piece of proposed legislation to ensure that it is not a duplication of (or in contradiction with) the body of national legislation, and registration should be refused for any legislation not in compliance with the form and content requirements for legislation outlined in Articles 90 and 91 of the VRU Rules of Procedure.	permanently	Articles 90 and 91 of the Rules of Procedure of the VRU are fully respected.  Amendments to the Rules of Procedure of the VRU are introduced.	External assistance/training for staff on preparation of legal opinions to draft legislation.
5.	A special unit within the VRU Secretariat should be established to deal with Rules of Procedure and admissibility of draft legislation prior to its registration.	2016	Internal acts of the VRU (institutional structure, budget) are revised and a new unit is established.	

№	NAM recommendations	Timeframe	Indicators	Possible assistance
6.	A ballot should be held during each session of the Verkhovna Rada in order to select a list of the top 20 individual members' legislative initiatives (reflecting the relative size of the parliamentary groups) for consideration by the VRU.	2016 starting from VI session of the current convocation	Number of individual members' initiatives included in the plenary session's agenda is significantly reduced.	
7.	A specific time-slot for the consideration of individual members' legislative initiatives should be allocated during each plenary week and in committee calendars.	2016	Amendments to the Rules of Procedure of the VRU are introduced.	External expertise on plenary agenda setting.
8.	The Rules of Procedure of the VRU should be reviewed in order to determine whether the time granted to committees to study proposed legislation is adequate.	2016	Amendments to the Rules of Procedure of the VRU are introduced.	
9.	The committees' staff needs and expertise should be the subject of a regular review, with resources adjusted accordingly.	permanently	Amendments to the relevant legal acts are introduced.	Training courses/exchange of committee staff/study visits to third country parliaments.
10.	The monthly calendar of parliamentary business should be revised so as to introduce a 'mixed' committee/plenary week during the week currently allocated solely for committee work.	2016	Amendments to the Rules of Procedure of the VRU are introduced. 'Committee weeks' are abolished.	External expertise on parliamentary agenda setting.
11.	The functioning of the Conciliation Board in establishing the agenda of parliamentary business should be revised and its meetings should be held <i>in camera</i> .	2016	Agenda-setting part of Conciliation Board meetings is held <i>in camera</i> .	
12.	The establishment of a parliamentary lobby correspondent system, consisting of full-time political correspondents representing key media organisations, should be considered.	2016	Parliamentary lobby correspondent system is established.	

№	NAM recommendations	Timeframe	Indicators	Possible assistance
13.	The procedures for the adoption of legislation in the Verkhovna Rada should be reviewed in order to institute a system where ordinary laws can be adopted by a simple majority, providing that a quorum of members is present. A minimum quorum for voting laws should be set in accordance with international norms. The requirement of an absolute majority of votes should be retained for the passage of specified laws of particular importance, a list of which should be established, again in accordance with international practice.	2016-2017	Necessary amendments to the legislation are introduced.  A system of a simple majority voting procedure instituted.  Classification of laws is introduced.	External expert assistance on international best practices on voting systems.
<b>Political oversight of the Executive</b>				
14.	The VRU and the CMU should jointly establish a standard format and content for annual ministry reports to the VRU, which would include programme outcome measures and form the basis for programme oversight.	2016	Necessary amendments to the legislation are introduced.  The government and ministries submit written reports to the VRU annually.	External expert assistance to the government and ministries on producing annual written reports for the parliament.
15.	Clear guidance for deputies should be established on the subjects appropriate for MP requests and appeals, as well as a registration system for both requests and appeals (permitting the publication of all deputy appeals and requests and responses received).	2016	The Law 'On the Status of the People's Deputy of Ukraine', the Rules of Procedure of the VRU and other relevant legal acts are amended.	External expert assistance on parliamentary inquiries.  Seminars for MPs on relations with citizens and citizen enquiries.
16.	An annual work plan for oversight activities should be established by each Committee, providing a clear pathway for carrying out oversight activities rather than working on an ad hoc basis.	2017	Amendments to the Law "On Committees of the VRU", the Rules of Procedure of the VRU and other relevant legal acts are introduced.	Seminars for MPs, especially Committee chairs, on best practice on oversight.  Training courses for committee staff on oversight.

№	NAM recommendations	Timeframe	Indicators	Possible assistance
17.	A reduced number of parliamentary committees (approximately 20), closely paralleling ministerial portfolios, should be considered and take effect from the beginning of the next convocation.	9 <sup>th</sup> convocation	Amendments to the Law “On Committees of the VRU”, the Rules of Procedure of the VRU and other relevant legal acts are introduced.	
18.	The application of the ‘d’Hondt method’ should be considered in order to ensure proportional representation in the VRU committees and delegations and should take effect from the beginning of the next convocation.	9 <sup>th</sup> convocation	The posts within the VRU are allocated in a more transparent way.	External expert assistance on d’Hondt method exercise.
19.	Consideration should be given to the introduction of the ‘rapporteur system’ to the VRU Budget Committee, with possible extension to the other committees.	2017	Amendments to the Rules of Procedure of the VRU and other relevant legal acts are introduced.	External expert assistance on committee rapporteurship.  Training for Committee staff on support to rapporteurs.  Seminars for MPs on role of rapporteurs.
20.	A more consistent follow-up of Accounting Chamber reports should be undertaken by the relevant VRU committees.	permanently	Accounting Chamber reports are considered at committee meetings and plenaries.	
21.	The Parliamentary Ombudsman should present annual (and where necessary, special) reports to the VRU for consideration and follow up having regard to the provisions of the Law on the Parliamentary Commissioner for Human Rights.	permanently	Ombudsman’s reports are considered at committee meetings and plenaries.	
<b>Openness, transparency and accountability to citizens</b>				
22.	The right of citizens to comment on draft laws that are registered and subject to public discussion should be provided in conformity with the Action Plan for Open Parliament in Ukraine, using <i>inter alia</i> a web interface and modern IT tools.	2016-2017	Necessary amendments to the legislation are introduced.  New IT tools, enabling citizens to comment on draft laws are available.	External expert assistance on modern IT tools.

№	NAM recommendations	Timeframe	Indicators	Possible assistance
23.	An e-parliament strategy, including a medium-term Information and Communication Technologies Strategy (covering 3-5 years), should be established and adequately resourced in order to increase the transparency and efficiency of parliamentary processes.	2016	Information and Communication Technologies strategy is adopted by the VRU.	External expert assistance on development of an e-parliament and Information and Communication Technologies strategy.
24.	In cooperation with the Presidential Administration and the Cabinet of Ministers, a strategy on digitising the legislative workflow within the legislative triangle should be developed.	2016	Trilateral strategy on digitalising the legislative workflow is adopted.	
25.	To ensure that the e-parliament modernisation strategy and plans are implemented, the number of VRU IT staff should be enhanced incrementally; in addition, the VRU staff should be exposed to international best practice and exchanges of know-how on e-Parliament.	2016-2017	Internal acts of the VRU (institutional structure, budget) are revised and additional staff are employed.	External technical assistance. Study visits of the VRU staff to third country national parliaments or EP. Training for VRU staff.
26.	The VRU should develop a digital strategy to set up a modern web and social media service with a core team of experienced experts in building popularity of the on-line platform of the VRU.	2016	The VRU's presence in social media is increased. The new staff are trained.	External expert and technical assistance/trainings on social media presence
27.	In the light of such undertakings, it would be appropriate to explore and invest in necessary cyber security systems.	2016	The cyber security systems are upgraded.	External expert and technical assistance/trainings on cyber security
28.	The VRU should elaborate a comprehensive communication strategy (including identifying key target audiences, channels, products, etc.) and an institutional branding strategy (framing long-term communication objectives, messages and communication tone).	2016	Branding strategy is adopted as a part of wider Information and Communication Technologies strategy.	External technical and expert assistance on communication strategy and branding.

№	NAM recommendations	Timeframe	Indicators	Possible assistance
29.	The communications department in the VRU should review its communication structure and make proposals for reform (including on how to integrate the independent media channels into the structure of the Secretariat) based on international parliamentary best practices. The VRU staff should be exposed to international best practice and exchanges of know-how on effective parliamentary communication.	2016	Internal acts of the VRU (institutional structure, budget) are revised.	Study visits of the VRU staff to third-country national parliaments or EP. Training for VRU staff.
<b>Approximation of the Ukrainian legislation to the EU acquis</b>				
30.	A new law on the implementation of the AA and EU <i>acquis</i> should be adopted to replace the outdated Law of Ukraine 'On an All-State Programme of Adaptation of the Ukrainian Legislation to the EU Law'.	2016	New law replacing the outdated Law of Ukraine 'On an All-State Programme of Adaptation of the Ukrainian Legislation to the EU Law' is adopted.	External legal expert assistance on best practice in approximation.
31.	To better structure its law-making process, the VRU together with its European Integration Committee should develop and adopt annual plans in respect of legislative work on approximation (in close cooperation with the CMU and having regard to MPs contributions).	2016	Annual plans are adopted. The VRU and the CMU Internal Regulations are amended.	
32.	The VRU should expect that all governmental draft laws would be submitted to the Verkhovna Rada with an explanatory note on the conformity with the AA obligations and the EU <i>acquis</i> and by its own actions during the plenary process to respect the same principal.	2016	The VRU and the CMU Internal Regulations are amended.	External expert assistance to government structures on best practice in approximation.
33.	Standing committees of the VRU should enhance their capacities to deal with European approximation issues by appointing a focal point on approximation in each committee with a view to improving liaison with the European Integration Committee.	2016-2017	Internal acts of the VRU (institutional structure, budget) are revised, and additional staff are employed.	

№	NAM recommendations	Timeframe	Indicators	Possible assistance
34.	Consistent with the increased capacities of the CMU Secretariat, staff capacities of the VRU Secretariat, as well as of the European Integration Committee, also should be strengthened in order to provide qualified expertise in the VRU on the AA obligations and the EU <i>acquis</i> , including by exposure to EU best practices and exchanges of know-how on legal approximation (drafting, implementation and monitoring of approximated legislation, assessing gaps in the legislation).	2016-2017	Internal acts of the VRU (institutional structure, budget) are revised and additional staff are employed.	<p>External expert assistance on best practice in approximation.</p> <p>Study visits by VRU staff to third-country national parliaments or EP.</p> <p>Training for VRU staff.</p>
<b>Administrative capacities</b>				
35.	The VRU's authority to establish its own operating budget should be respected de jure and de facto and be accompanied in terms of accountability by a commitment to a full audit of VRU accounts by the Accounting Chamber, for example once per convocation.	9 <sup>th</sup> convocation	The audit of the VRU accounts is carried out by the Account Chamber once per convocation (starting from the 9 <sup>th</sup> convocation).	External expert assistance/training for staff involved in the VRU budget preparation.
36.	The regulatory framework governing the Secretariat should be consolidated into a single internal regulation on staffing.	2016-2017	<p>Internal acts of the VRU (institutional structure, budget) are revised.</p> <p>Amendments to the Rules of Procedure of the VRU are introduced.</p>	
37.	All administrative units of the VRU - including the Parliamentary Library and the Institute of Legislation - should be consolidated into a unified and strengthened secretariat.	2016	The new 'Research Centre' of the VRU on the basis of the Institute of Legislation, Parliamentary Library and relevant Secretariat departments is established within the structure of the VRU Secretariat.	<p>External expert assistance on parliamentary restructuring.</p> <p>Training for staff in new positions, especially on library, research and analysis expertise to provide quality services for MPs.</p>

Nº	NAM recommendations	Timeframe	Indicators	Possible assistance
38.	The VRU Secretariat's structure should establish a new and modern Human Resource Service and policy.	2016	Internal acts of the VRU (institutional structure, budget) are revised.	External expert assistance on human resource development and functioning of the Personnel Services in EU parliaments.
39.	A comprehensive human resource development strategy should be elaborated, led by properly resourced strategic training opportunities, including languages, and individualised career development plans identified through the regular performance appraisal system. A policy on staff mobility should be developed and encouraged.	2016-2017	Human resource development strategy is adopted by the VRU.	External expert assistance on human resource development.  Building expertise to establish a professional in-house training service.
40.	Short term internships as regards terms and conditions of employment should be distinguished from those of the permanent civil servants and in line with international practice internships should carry no implicit commitment to full time employment.	permanently	Internal acts of the VRU (institutional structure, budget) are revised.  Clear rules on internship are introduced.	External expert assistance on internship.
41.	In the longer-term perspective, the VRU could consider moving towards the establishment of an independent parliamentary civil service.		Necessary amendments to the relevant legal acts are introduced.	External expert assistance on parliamentary civil service.
42.	All parliamentary assistant positions, paid or voluntary, as a matter of transparency should be registered by the personnel department of the VRU, as a requirement for issuance of access privileges to the VRU, on condition that the job description of such persons be made available explaining the role and functions;	2016	Internal acts of the VRU are revised.	Seminars/trainings for parliamentary assistants.

№	NAM recommendations	Timeframe	Indicators	Possible assistance
43.	Consideration should be given to setting a realistic but low number of parliamentary assistants to a single MP that would be entitled to accreditation by the VRU.	2017	Internal acts of the VRU (institutional structure, budget) are revised.  Any given MP has no more than 10 assistants.	
<b><i>Coalition, opposition and dialogue within the Verkhovna Rada</i></b>				
44.	An early decision should be made and implemented to regulate the status of the parliamentary opposition.	2016	New regulation on opposition in the VRU is adopted or amendments to the current legislation are introduced.	
45.	An inter-party dialogue unit (mediation unit) should be established within the VRU to provide a structure to support and coordinate cross-party groupings and caucuses, convene meetings between the political parties to assist in overcoming obstacles in the legislative process and to act as a facilitator in supporting political dialogue and consensus building	2016	Mediation unit is established within the VRU Secretariat.  Internal acts of the VRU (institutional structure, budget) are revised. Amendments to the Rules of Procedure of the VRU are introduced.  A work programme and strategy for inter-party dialogue is established.	External expert and technical assistance/trainings for staff on consensus building and political dialogue.
46.	The political parties in the VRU should strengthen their internal capacities, enhance inter-party dialogue and seek together to build a culture of consensus and trust.	2016-2017	Internal party capacities and structures strengthened.	External expert assistance/study visits/training courses for party staff on political party structures and functions .
47.	Informal political dialogue platforms, drawing on the experience of trusted third parties, should be established on strengthening inter-party and intra-coalition dialogue with the leaders of the political parties or other factions' representatives.	2016-2017	Leaders of political factions/groups participate in informal political dialogue events outside the VRU.	External assistance in providing expertise and good offices for informal political dialogue outside the VRU.

№	NAM recommendations	Timeframe	Indicators	Possible assistance
<b><i>Ethics and conduct at the Verkhovna Rada</i></b>				
48.	The Speaker (or Deputy Speaker as presiding officer) should be empowered to 'name' members involved in disruptive or violent behaviour and suspend them from participation in plenary sessions of the VRU for an appropriate period of time based on the seriousness of the offence. Consideration also could be given to the introduction of financial penalties.	2016	Amendments to the Rules of Procedure of the VRU are introduced.	
49.	To assist with the orderly conduct of affairs during plenary sessions parliamentary ushers should be appointed.	2016	Amendments to the Rules of Procedure of the VRU are introduced. The institute of ushers is established.	External assistance on European best practices of the functioning of ushers.
50.	Members who wish to appeal against such penalties would have the right to present their case at the next meeting of the Committee on Rules of Procedure and Support to Work of the Verkhovna Rada of Ukraine.	2016	Amendments to the Rules of Procedure of the VRU are introduced.	
51.	The Speaker and deputy Speakers should be advised and assisted at all plenary sessions by a procedural expert staff from the Secretariat to ensure that the business of the house respects and is conducted in line with the Rules of Procedure.	2016	Amendments to the Rules of Procedure of the VRU are introduced. Internal acts of the VRU (institutional structure, budget) are revised.	
52.	A Code of Conduct should be elaborated and implemented as a matter of priority through an inclusive and transparent consultative manner and in line with the international best practices.	2016	Code of Conduct and Behaviour is adopted by the VRU.	International expert assistance on ethics and Code of Conducts.

## PART THREE: Annexes

### Annex 1: Memorandum of Understanding



**MEMORANDUM OF UNDERSTANDING  
BETWEEN  
THE EUROPEAN PARLIAMENT AND THE VERKHOVNA RADA OF UKRAINE  
ON A JOINT FRAMEWORK  
FOR PARLIAMENTARY SUPPORT AND CAPACITY BUILDING**

Whereas:

- the historical simultaneous ratification of the EU-Ukraine Association Agreement by the European Parliament and the Verkhovna Rada of Ukraine on 16 September 2014 clearly demonstrated the European perspective for Ukraine and the engagement and commitment of both parties to develop a strong inter-parliamentary relationship;
- the EU-Ukraine Parliamentary Association Committee, meeting for the first time in Brussels on 24-25 February 2015, re-confirmed the mutual intention to support Ukraine's swift and full implementation of its comprehensive EU-oriented reforms;
- President of the European Parliament Martin Schulz and Chairman of the Verkhovna Rada of Ukraine Volodymyr Groysman at their meeting in Brussels on 24 February 2015 agreed to launch a comprehensive parliamentary support programme for Ukraine;
- the European Parliament's Democracy Support and Election Coordination Group decision – based on the proposal of the European Parliament election observation delegation to the October 2014 parliamentary elections – to consider Ukraine as a priority country for parliamentary capacity-building and dialogue-facilitation activities further demonstrated the commitment to establish long-term and fruitful partnership with the Verkhovna Rada of Ukraine.

The parties agree as follows:

#### I. PURPOSE

The purpose of this Memorandum of Understanding ("MOU") is to establish a joint framework for parliamentary support and capacity-building of the Verkhovna Rada of Ukraine. Parliamentary support activities will be in line with Ukraine's national reform agenda and development programmes, with the priorities of the Association Agreement between the European Union and the European Atomic Energy Community and their member states, of the one part, and Ukraine, of the other part, will be coherent and complementary to the overall EU efforts, as coordinated by the European Commission's Support Group for Ukraine, to consolidate democracy and the rule of law in Ukraine.

#### II. GOALS AND OBJECTIVES

The parties to this MOU have agreed to work towards:

- ensuring efficient implementation of the constitutional roles of law-making, oversight and representation by the Verkhovna Rada of Ukraine,
- increasing the quality of Ukrainian parliamentarism;
- increasing the transparency, predictability, efficiency and openness of the proceedings of the Verkhovna Rada of Ukraine,
- implementation of the EU-Ukraine Association Agreement.

In pursuing these goals, the parties will focus on:

- improving the quality of legislation and of the legislative process in Ukraine,

- strengthening the capacities of parliamentary committees, including through the best European practices of their work planning and organization, as well as policy analysis support in view of achieving legal harmonization with EU acquis,
- reviewing the Rules of Procedure and other instruments guiding the internal organisation of the Verkhovna Rada of Ukraine, as well as assisting in the elaboration of the Code of Conduct for parliamentarians;
- improving the efficiency of interaction between the majority and the opposition, between the political factions as well as between the committees of the Verkhovna Rada of Ukraine,
- enhancing the staff potential and transforming the Verkhovna Rada Secretariat into a modern service-oriented body,
- enhancing communication and facilitating co-operation of the Verkhovna Rada of Ukraine with the public, civil society, media and other stakeholders.

### III. SCOPE AND ACTIVITIES

The scope of the parliamentary support and capacity building programme will be set out during a 3-month *Needs Assessment Mission*, led by a senior political figure with long-standing parliamentary experience, concluding with a "*Report and Roadmap on Internal Reform and Capacity-Building for the Verkhovna Rada of Ukraine*". The *Needs Assessment Mission* will enjoy the support of both institutions and full access to activities and documents of the Verkhovna Rada of Ukraine, to the extent necessary for proper implementation of this Memorandum.

The "*Report*" will be presented at a joint high-level event in the European Parliament (the "Ukraine week"), bringing together the European Parliament, the Verkhovna Rada of Ukraine, the national parliaments of EU Member States, as well as representatives from the other EU Institutions, international organisations and civil society.

The recommendations of the "*Report*" will be implemented under the political guidance of the President of the European Parliament and the Chairman of the Verkhovna Rada of Ukraine and responsibility of the Co-Chairs of the EU-Ukraine Parliamentary Association Committee, who were also mandated to oversee and coordinate the parliamentary support and capacity-building activities. The activities will be carried out in cooperation with all other relevant EU institutions and the national parliaments of the EU Member States.

Support activities could include *inter alia*:

- study visits of the Ukrainian MPs to the European Parliament;
- training for the staff of the Verkhovna Rada Secretariat;
- exchanges of best practices between members of parliaments and staff;
- parliamentary conferences, seminars and roundtables in Kyiv or in Brussels/Strasbourg;
- necessary technical assistance, parliamentary support and other types of capacity-building measures;
- enhancing cooperation at the level of the relevant Committees of the Verkhovna Rada of Ukraine and the European Parliament.

### IV. DURATION

The duration of this MOU will be 18 months from the date of signature by both parties, and may be renewed upon mutual consent.

*Done in Kyiv on 3 July 2015 in two copies in English and Ukrainian, both texts are equally authentic. In the event of a discrepancy the English version shall prevail.*

  
Martin SCHULZ  
President of the European Parliament

Volodymyr GROYSMAN  
Chairman of the Verkhovna Rada of Ukraine



## Annex 2: Composition of the NAM Board of Reforms

### LIST of Expert Working Group on International Assistance Coordination and Increasing of Institutional Capacity of Verkhovna Rada

#### *Deputy Heads of Expert Working Group*

Iryna GERASHCHENKO	-	Head of Committee on European Integration
Ostap SEMERAK	-	First Deputy Head of Committee on European Integration
Hanna HOPKO	-	Head of Committee on Foreign Affairs

#### *Members of Expert Working Group*

##### Faction of the Party “Petro Poroshenko Bloc”

Ivanna TSYNTSADZE	KLYMPUSH--	First Deputy Head of Committee on Foreign Affairs
Vadym DENYSENKO	-	Member of the Committee on Legislative Support of Law Enforcement

##### Faction of the Political party “People’s Front”

Pavlo PYNZENYK	-	First Deputy Head of Committee on Rules of Parliamentary Procedure and Support to Work of The Verkhovna Rada of Ukraine
----------------	---	---

##### Faction of the Political party “Samopomich” Union”

Anna ROMANOVA	-	Secretary to the Committee on Family Matters, Youth Policy, Sports and Tourism, Head of the Sub-Committee on Tourism and Recreation
Olena SOTNIK	-	Secretary to the Committee on European Integration

##### Faction of Oleh Liashko Radical Party

Viktor HALASIUK	-	Head of the Committee on Industrial Policy and Entrepreneurship
-----------------	---	---

Faction of the Political party the All-Ukrainian Union “Batkivshchyna”

Yuliya TYMOSHENKO - Head of Faction

Ivan KRULKO - Head of the Sub-Committee on State Financial Control of Accounting Chamber

Faction of the Political party “Opposition Bloc”

Mykhailo PAPIEV - Head of Sub-Committee on MP’s ethics at the Committee on Rules of Parliamentary Procedure and Support to Work of The Verkhovna Rada of Ukraine

Independent MPs

Victoria PTASHNYK - Member of the Committee on Economic Policy

Expert Society

Serhii HOLOVATYI - Founder of the Ukrainian legal foundation , member of the National academy of legal sciences of Ukraine, doctor of legal sciences, professor

Myroslav KOSHELIUK - Advisor to the Chairman

Secretariat of the Verkhovna Rada of Ukraine

Volodymyr SLYSHYNSKII - First Deputy Secretary General of the Secretariat

Oleksandr MARTYNENKO - Deputy Secretary General of the Secretariat

Volodymyr BONDARENKO - Deputy Secretary General of the Secretariat – Head of Central Organization Office

### Annex 3: Meetings held by the Needs Assessment Mission (September 2015 – February 2016)

NAME	PARTY	POSITION
<b>Meetings with Presidency of the Verkhovna Rada of Ukraine</b>		
GROYSMAN Volodymyr	Independent	Speaker of the VRU
SYROID Oksana	Independent	Deputy Speaker of the VRU
<b>Meetings with Faction/Groups Leaders and Factions' Representatives</b>		
ARIEV Volodymyr	BPP	Member of Faction
BANDUROV Volodymyr	MPs' Group "Peoples Will"	Member of Group
BEREZIUK Oleh	Samopomych	Head of Faction
BOYKO Yurii	Opposition Bloc	Head of Faction
BURBAK Maksym	Popular Front	Head of Faction
LIASHKO Oleh	Radical party	Head of Faction
LIOVOCHKINA Yuliia	Opposition Bloc	Member of Faction
LUTSENKO Yurii	BPP	Head of Faction
MOSKALENKO Yaroslav	MPs' Group "Peoples Will"	Head of Group
PYSARENKO Valerii	MPs' Group "Party Revival"	Co-Head of Group
SOBOLEV Serhii	Batkivschchyna	Members of Faction
TYMOSHENKO Yuliia	Batkivschchyna	Head of Faction
VOITSEKHOVSKA Svitlana	Popular Front	Member of Faction
VOITSITSKA Viktoriia	Samopomych	Member of Faction
VOVK Viktor	Radical party	Deputy Head of Faction

<b>Meetings with VRU Board on Reform members</b>		
HALASIUK Viktor	Radical Party	Head of the Committee on Industrial Policy and Entrepreneurship
HERASHCHENKO Iryna	BPP	Head of the Committee on European Integration
HOLOVATIIY Serhii	-	Founder of the Ukrainian legal foundation, member of the National academy of legal sciences of Ukraine, doctor of legal sciences, professor
HOPKO Hanna	Independent	Head of the Committee on Foreign Affairs
IONOVA Mariia	BPP	Member of the Committee on European Integration Co-Chair
IVCHENKO Vadym	Batkivschchyna	Deputy Head of the Committee on Agriculture
KLYMPUSH-TSYNTSADZE Ivanna	BPP	First Deputy Head of the Committee on Foreign Affairs
KRULKO Ivan	Batkivshchyna	Head of the Sub-Committee on State Financial Control of Accounting Chamber, Committee on Budget
PAPIEV Mykhailo	Opposition Bloc	Head of Sub-Committee on MP's ethics at the Committee on Rules of Parliamentary Procedure and Support to Work of the Verkhovna Rada of Ukraine
PTASHNYK Victoria	Independent	Member of the Committee on Economic Policy
PYNZENYK Pavlo	Popular Front	First Deputy Head of the Committee on Rules of Parliamentary Procedure and Support to Work of the Verkhovna Rada of Ukraine
SEMERAK Ostap	Popular Front	First Deputy Head of the Committee on European Integration
ROMANOVA Anna	Samopomich	Secretary to the Committee on Family Matters, Youth Policy, Sports and Tourism, Head of the Sub-Committee on Tourism and Recreation
SOTNIK Olena	Samopomich	Secretary to the Committee on European Integration
ZALISHCHUK Svitlana	BPP	Head of Subcommittee, Committee on Foreign Affairs

<b>Meetings with Committees' Chairs</b>		
KNIAZEVYCH Ruslan	BPP	Head of the Committee on Legal Policy and Justice
KOZHEMIAKIN Andrii	Batkivshchyna	Head of the Committee on Legislative Support of Law Enforcement
MELNYK Serhii	BPP	Deputy Head of the Committee on Budget
SOBOLEV Yegor	Samopomich	Head of the Committee on Corruption Prevention and Counteraction
VLASENKO Serhii	Batkivschchyna	Head of the Committee on State Building, Regional Policy and Local Self-Government
YUZHANINA Nina	BPP	Head of Committee on Taxation
<b>Meetings with the VRU Secretariat Officials</b>		
BONDARENKO Volodymyr	-	Deputy Secretary General, Head of Central Organization Department
KISTION Volodymyr	-	First Deputy Secretary General – Head of Administration
KOPYLENKO Oleksandr	-	Head of Legislation Institute of the Verkhovna Rada
MARTYNENKO Oleksandr	-	Deputy Secretary General
SAYENKO Oleksandr	-	Head of Speaker's Office
SHEVCHUK Mykola	-	Deputy Secretary General
SLYSHYNSKIY Volodymyr	-	First Deputy Secretary General (acting Secretary General)
TEPLIUK Mykhailo	-	Deputy Secretary General, Head of Central legal Department
ZAICHUK Mykhailo	-	Former Secretary General of the Verkhovna Rada
<b>Meetings with Members of the Government and other Central Executive Bodies</b>		
JARESKO Natalie	-	Minister of Finance of Ukraine
LUTKOVSKA Valeria	-	Ombudsman
MAHUTA Roman	-	Head of Accounting Chamber of Ukraine
YATSENYUK Arseniy	Popular Front	Prime-Minister of Ukraine

<b>Meetings with Committees' Secretariats staff</b>		
BLYSTIV Tetiana	-	Head of the Secretariat of the Committee on National Security and Defence
DRAPIATIIY Bogdan	-	Head of the Secretariat of the Committee on Legislative Support of Law Enforcement
NEKHOTSA Maria	-	Head of the Secretariat of the Committee on Rules of Parliamentary Procedure and Support to Work of the Verkhovna Rada
VATULIOV Andriy	-	Head of the Secretariat of the Committee on Budget
VENGER Volodymyr	-	Head of the Secretariat of the Committee on Legal Policy and Justice
<b>Meetings with International Community Representatives</b>		
ANDERSSON-CHAREST Petra	Canadian Parliamentary Centre	Director of programs
AUSTERMANN Philipp	Bundestag	Senior expert
BALINOV Ivo	Canadian Parliamentary Centre	Director, Partnership & Program Development
BARTON Jed	USAID	Mission Director
BRAND Marcus	UNDP	Democratic Governance Advisor
BROK Elmar	European Parliament	Chairman of the Committee on Foreign Affairs
DE GROOT Berend	EU Delegation to Ukraine	Head of Operations
DUBEL Tim	USAID	E-government expert
DUFLOT Remi	European Commission	Member of European Commission's Support Group for Ukraine
EHLERS Gerd	GIZ	Expert on budgetary process
FANTOU Hugues	EU Advisory Mission to Ukraine	Acting Head of Mission
FRELLESEN Thomas	EU Delegation to Ukraine	Chargé d'Affaires
HIEMSTRA Jan Thomas	UNDP	Resident Representative of UNDP

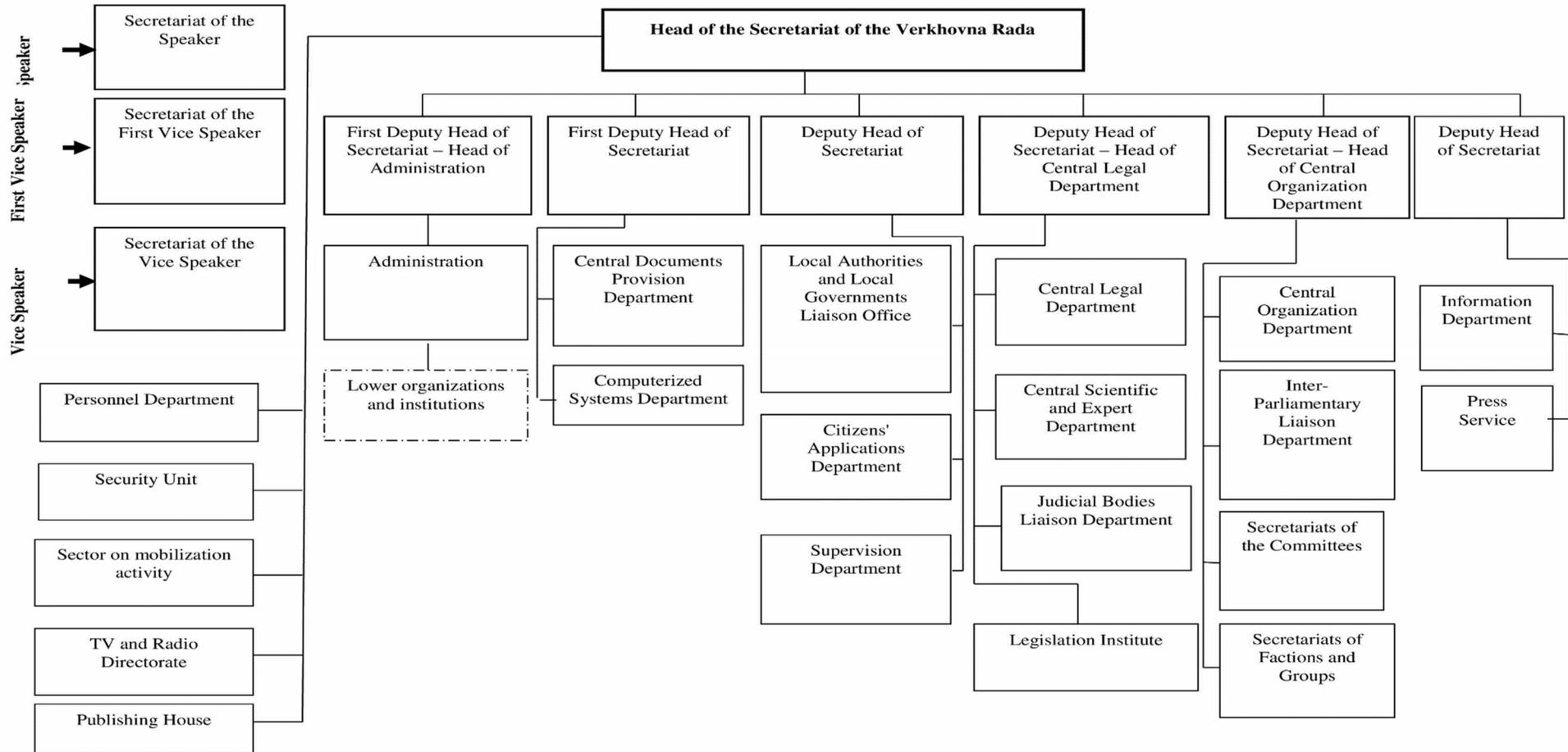
KOHUT Ihor	USAID	Director of the USAID RADA Program
KUNNATH George	Westminster Foundation for Democracy	Regional Director Africa and Europe
LEVICK Christopher	Westminster Foundation for Democracy	Senior Program Manager
LIAKH Viktor	East Europe Foundation	President
MULLER Sabine	GIZ	Regional Director
O'HAGAN Mary	National Democratic Institute	Senior Resident Director in Ukraine
PISKUN Oleksandr	USAID	Democracy Project Management Specialist
PLENKOVIC Andrej	European Parliament	MEP, Chair of the EP Delegation to the EU-Ukraine PAC
PRANCKEVICIUS Arnoldas	European Parliament	Advisor to EP President Schulz
PYATT Geoffrey	US Embassy to Ukraine	Ambassador
QUILLE Gerrard	European Parliament	Head of EP Mediation Service
RAKHIMKULOV Eduard	USAID	Deputy Director the USAID RADA Program
RATTI Francesca	European Parliament	EP Deputy Secretary-General
ROZHKO Nadiia	GIZ	Project Public Finance Expert
SHULZ Evelina	EU Delegation to Ukraine	First Secretary, Political section
SCHULZ Martin	European Parliament	President of the European Parliament
SHEVCHENKO Andriy	USAID	Director of Rada Program
SHCHERBININA Julia	UNDP	Senior Program Manager
SKURBATY Alan	EU Advisory Mission to Ukraine	Adviser
SPIVAK Andriy	EU Delegation to Ukraine	Sector Manager
TOMBINSKI Jan	EU Delegation to Ukraine	Head of Delegation

WALKER Neal	UN	Resident Coordinator of the United Nations
WELLE Klaus	European Parliament	EP Secretary-General
<b>Meetings with NGOs and CSOs</b>		
Meeting with NGOs	“Reanimation Package of Reforms” “CHESNO Movement” “Vidkryto” “OPORA”	
<b>Participation in Events</b>		
Participation in the meeting of the EP Delegation to the EU-Ukraine Parliamentary Association Committee		
launching ceremony of the Humanitarian Aid Initiative for the internally displaced persons in Ukraine in the European Parliament		
Participation at Conciliation Board Meeting of the Verkhovna Rada		
Participation and exchange of views with the EU-Ukraine Parliamentary Association Committee		
Presentation of the Needs Assessment Mission in the EP's Democracy Support and Election Coordination Group		

## **Annex 4: Committees of the Verkhovna Rada of Ukraine**

1. Committee on Agrarian Policy and Land Relations.
2. Committee on Construction, Urban Development, Housing and Communal Services.
3. Committee on Budget.
4. Committee on State Building, Regional Policy and Local Self-Government.
5. Committee on Environmental Policy, Nature Resources Utilization and Elimination of the Consequences of Chornobyl Catastrophe.
6. Committee on Economic Policy.
7. Committee on European Integration.
8. Committee on Legislative Support of Law Enforcement.
9. Committee on Corruption Prevention and Counteraction.
10. Committee on Foreign Affairs.
11. Committee for Informatization and Communications.
12. Committee on Culture and Spirituality.
13. Committee on Science and Education.
14. Committee on National Security and Defense.
15. Committee on Public Health.
16. Committee on Fuel and Energy Complex, Nuclear Policy and Nuclear Safety.
17. Committee on Taxation and Customs Policy.
18. Committee on Human Rights, National Minorities and Interethnic Relations.
19. Committee on Legal Policy and Justice.
20. Committee on Industrial Policy and Entrepreneurship.
21. Committee on Rules of Parliamentary Procedure and Support to Work of the Verkhovna Rada of Ukraine.
22. Committee on Freedom of Speech and Information Policy.
23. Committee on Family Matters, Youth Policy, Sports and Tourism.
24. Committee on Social Policy, Employment and Pension Provision.
25. Committee on Affairs of Veterans, Combatants, ATO Participants and Disabled People.
26. Committee on Transport.
27. Committee on Financial Policy and Banking.
28. Ad Hoc Supervisory Panel of the Verkhovna Rada of Ukraine on Privatization.

## Annex 5: Organigram of the Secretariat of the Verkhovna Rada of Ukraine



## Annex 6: Distribution of seats using the d'Hondt method

D'Hondt method', named after professor Viktor d'Hondt, of the University of Ghent, who in the late nineteenth century devised a method based on a system of divisors is used to distribute seats in parliaments of 17 EU member states (<sup>50</sup>).

Within the European Parliament, the d'Hondt method is used as a formula for distributing a fixed number of posts among political groups.

The d'Hondt system uses a 'highest average' method of calculation: it requires the total number votes received by each party (or number of elected members in each party) to be divided first by one, then by two, then by three, and so forth until the number of maximum numbers calculated corresponds to the number of seats to be distributed. The resulting quotients are then ranked by size, with the order determining entitlement to the seats available. Usually, the calculation is used to establish not only the number of seats to which each party is entitled, but also the order in which they are assigned.

A system of this kind gives a possibility to produce a proportional arrangement when all the seats to be allocated are distributed and every group (regardless of the coalition or opposition) gets its number of positions depending on its size. In the EP, the system applies to all committees, delegations and joint parliamentary committees. It covers the Chairman, the first, second and third Vice Chairmen and other positions of high responsibility. All those posts enter into the calculation and therefore into the political calculus of striking a balance.

For example (<sup>51</sup>), Party A took 10 000 votes on elections, Party B – 6 000 votes and Party C - 2 500. In total that is 18 500 votes.

Allocation of 8 seats						
Number of votes obtained	Party A		Party B		Party C	
	10,000		6,000		2,500	
Divisor	maximum number	sequence of assigned seats	maximum number	sequence of assigned seats	maximum number	sequence of assigned seats
: 1	10,000	(1)	6,000	(2)	2,500	(7)
: 2	5,000	(3)	3,000	(5)	1,250	
: 3	3,333	(4)	2,000		833	
: 4	2,500	(6)	1,500			
: 5	2,000	(8)	1,200			
: 6	1,667					
<b>Total number of seats to be allocated:</b>		<b>5</b>		<b>2</b>		<b>1</b>

<sup>50</sup> [http://penguincompaniontoeu.com/additional\\_entries/dhondt-system/](http://penguincompaniontoeu.com/additional_entries/dhondt-system/)

<sup>51</sup> [https://www.bundeswahlleiter.de/en/glossar/texte/d\\_Hondtsche\\_Sitzverteilung.html](https://www.bundeswahlleiter.de/en/glossar/texte/d_Hondtsche_Sitzverteilung.html)

## Annex 7: Role of the VRU in the budget process in Ukraine

### 1. Introductory remarks

The legal framework for the debate in the Verkhovna Rada of Ukraine on the budget corresponds to European standards: After a general discussion about basic strategies of fiscal policy (“Budget Resolution”) earlier in the year, the draft budget should be forwarded to the VRU by 15 September of each year; then the VRU has time for consultations until December.

The unfortunate reality is, however, that this time window is not used in a reasonable way. The government often withdraws the budgetary bill; later a new draft budget is sent, sometimes based on a completely different macroeconomic framework. The actual consultation time for the VRU thus shrinks to a few days. A statistical analysis has shown that in recent years there was a consultation period of less than ten days in seven of fifteen draft budgets. This practice is not just a result of the current very difficult economic situation, but was not unusual in previous relatively more stable times.

Generally, the VRU Budget Committee deals insufficiently with the budget draft law and discusses the reports of the Accounting Chamber of Ukraine (‘ACU’) in an inadequate manner.

The second major problem is that some of the important regulations in the VRU Rules of Procedures and the Budget Code are not complied with or are misinterpreted.

### 2. Parliamentary budget proceedings

In ‘normal’ years the government draft budget is processed in three stages, which makes it difficult for the Budget Committee to study and discuss it in detail:

- Stage one:  
The period between the submission of the draft budget and the first reading is used first of all to collect applications and amendments to the government draft proposal. All MPs, starting with the members of the Budget Committee, submit their amendment proposals. At the same time, line committees discuss the relevant chapters of the draft budget and collect amendments from the respective line ministries; deputies can also receive remarks and proposals personally from ministries, in order to present them in the VRU. The Budget Committee prepares all these proposals and applications for the first reading by 1 October. The first reading takes place in plenary sessions in the VRU by 15 October. In the course of these sessions a major part of the draft proposals and amendments are adopted –beginning with those submitted by the governing coalition.  
*Conclusion:* the main output of the first reading is a so-called ‘presentation draft’, since the entire VRU and each MP want to show the public, their electoral districts or certain lobbying groups that they are making efforts to implement this or that project. However, all those involved are well aware that the consolidated wish list as adopted cannot be implemented in full within the available resources. That is why the Ministry of Finance is granted some time (according to the internal procedure: 14 days, and no later than 3 November) to evaluate the financial consequences of the proposals received.
- Stage two:  
Having processed the proposals, the Ministry of Finance submits the draft budget for the second reading: a list incorporating proposals of the Budget Committee, so called Budget Conclusions

(approved by the VRU), plus a comparative table of which proposals were accepted and which were rejected, with justifications provided. The Budget Committee then prepares its opinion on these documents and presents it at the plenary session with the Minister of Finance, and MPs, who deliberate and vote on the draft budget, taking into account the extent to which the Budget Conclusions were incorporated.

*Conclusion:* the purpose of the period between the checking of the MPs' proposals by the Government and the second reading – which must be completed by 20 November – is to negotiate final budget figures between the Government (the Ministry of Finance) and the VRU (the Budget Committee).

- Stage three:

After the budget compromise has been reached between the Government and the VRU at second reading and formalised as a Parliamentary resolution, there is time until 25 November (as per the internal procedure) to find and remedy obvious mistakes in the draft budget; after that, the budget is finally adopted by the VRU at third reading.

*Conclusion:* this check of the budget figures does actually make sense. Due to lack of time this stage was skipped in most cases in previous years.

### **3. Further problem areas**

#### Withdrawal of the draft budget

Over many previous years the government in practice withdrew the draft state budget after its first submission to the VRU. In the fall of 2015 it was only registered in the VRU in order to stick to the deadline (15 September). In such cases the revised draft budget is presented so late that there is no time left for proper discussions.

*Conclusion:* such a procedure contradicts the international standards for processing of the state budget in Parliament.

#### Adjustments to the state budget in the course of the year

A further major problem connected with budgetary matters is that there are too many amendments to the budget after it has been finally adopted by the VRU. The Ministry of Finance is currently drafting amendments to the Budget Code aimed at significantly reducing the number of such adjustments.

*Conclusion:* the result remains to be seen. The primary objective should be to exempt the VRU from tiresome technical adjustments, so that it has more time in the course of the year to plan the state budget, as well as to monitor its execution and reporting. MPs should not have the right to submit proposals for amendments to the state budget. The initiative for amending the state budget should – in line with international standards – come from the government only.

### **4. Recommendations**

The following measures could improve the parliamentary debate in the budget field:

- To deepen the role and quality of Budget Committee parliamentary input to budgetary policy, a rapporteur system is recommended: for each ministry or other spending unit, an MP should be appointed as rapporteur (optionally, co-rapporteurs from the other parties could be added). The rapporteur would be responsible not only for preparing discussion of the draft budget of a ministry/spending unit in the Budget Committee, but would also deal throughout the year with other budgetary matters related to the spending unit concerned.

After submission of the government draft state budget, the rapporteur would present his/her part of the budget in detail at a joint meeting with the ministry in charge, plus the Ministry of Finance and the ACU. On the basis of such consultations, the rapporteur would make proposals for further discussion in the Budget Committee. These proposals should only incorporate amendments from the ministries concerned which are based on new facts and developments. Since they are subject to approval by the Ministry of Finance, they would be taken into account automatically in the further course of the proceedings after the first reading. This would be the primary procedure linking budget adjustment to parliamentary procedure and would replace alternative routes for amending the budget such as proposals by a ministry to the sectoral committees or by individual MPs.

The system of rapporteurs would improve the standards of discussion in the Budget Committee and establish a sense of responsibility as regards the overall national interest for particular policy areas, and not only for constituency matters.

The implementation of the rapporteur system should be linked to a deeper consultation on the draft budget in the Budget Committee. This consultation should be completed as follows: Budget Conclusions consisting of the main part (rapporteur proposals + proposals from other MPs supported by rapporteurs); together with an annex with all other proposals (which in many cases are only submitted to burnish the profile of the applicant himself), and especially proposals for which funding sources have not been identified.

Thus, the first reading could be postponed from 1 October to 20 November. On the basis of the rapporteur's proposals, which are supported by the Budget Committee and the plenary and are approved by the Ministry of Finance, it can be expected that the processing and coordination work will be reduced substantially.

Additionally, more time can be gained if the third reading (which is in any case often skipped) is discarded in the internal procedure and replaced by a regulation stating that obvious mistakes in the adopted budget can be corrected in a procedure negotiated between the government (Minister of Finance) and the VRU (Budget Committee).

- **The withdrawal of the draft budget should be avoided in future. The current legal situation is questionable: Article 104 of the Rules of Procedure allows withdrawal of draft laws; but under international general parliamentary principles it is considered that when the Government has passed the budget to the Parliament, it is solely in the hands of the Parliament; the Government can no longer take decisions regarding it. If the VRU and the Government of Ukraine are not prepared to make this interpretation on their own, the corresponding provisions should be amended.**

New regulations are needed to bring more clarity – regulations in the budget procedure that are mandatory for the government and regulations in the internal procedure that are mandatory for the VRU: the government must present a discussable draft by 15 September which can no longer be withdrawn.

Amendments to the draft budget already submitted which might be necessary, for example, because of changes in the key economic data must be presented by the government to the VRU as a discussable draft prior to the completion of the parliamentary consultations. In this case the VRU would decide whether or not to take these amendment proposals into account. The VRU would take them into account, but it is important that this decision is really up to the VRU.

It would also be reasonable to document budget adjustment due to changed general economic data as a decision-making process that can be considered separately from the other amendments voted on by the VRU.

In addition, it may be agreed that the Ministry of Finance can send a list of other amendments which it is suggesting because of developments that have happened in the meantime, just before the end of the parliamentary consultations.

- **An increase such as this in the responsibility of the VRU may lead to the risk of some MPs making irresponsible proposals to increase expenditure. To prevent this, a strict rule must be created (not only in the Rules of Procedure but in the minds of all peoples' deputies) that increasing expenditure or lowering taxes may only be suggested if appropriate compensation is also proposed ('budget neutrality' principle).**

This basic rule may correspond to the general understanding: when the VRU agrees in the spring to the budget resolution, the government has to follow these guidelines in the autumn. The understanding of the step-by-step elaboration of the budget figures would be much improved, if the government, in its budget resolution at the beginning of the year, also set key figures regarding the assignment of funds for the ministries' respective policy areas. The budget procedure does not prohibit this additional decision, but given to the current praxis it should be adjusted further.

- **All reports of the ACU must be debated intensively in the Budget Committee (or the subcommittee of the Budget Committee for accounting). Again, the rapporteurs are responsible for preparing these discussions, so that after some time each of them gains considerable experience with the financial consequences of a given policy sector.** The debate in the Budget Committee should take place in addition to the ongoing debates in other parliamentary committees and may even replace the other debates. It could also be checked whether the Budget Committee should hold joint meetings with the relevant parliamentary committee (the Audit Committee, for example) when hearing reports of the Chamber of Audit devoted to branch-specific issues. **In any case, the MPs who handle budget issues, especially as members of the Budget Committee, should also pay attention to the execution of the budget and possible discrepancies in the budget field.**

**The objective of all consultations on the ACU's reports should be to arrive at a coordinated and clear stance on the part of the Parliament, so that the ministries concerned know how they should proceed and know the way the ACU will be assessing their performance in the future, as well as potential implications of the results of these assessments.**

## Annex 8: List of caucuses and inter-factions groupings in the VRU

as of 25.12.2015.

№	Date of establishment	Title of caucus
№	1	2
<b>First session of the eighth convocation (34)</b>		
1	02.12.2014	For Kharkiv! For Slobozhanshchyna!
2	04.12.2014	The Crimea
3	04.12.2014	All-Ukrainian Union «Svoboda»
4	04.12.2014	The Transcarpathia
5	04.12.2014	Native Chernigivshchina
6	04.12.2014	For the Zhytomyrshchina
7	09.12.2014	The Bukovina
8	09.12.2014	Veterans of the Afghanistan war and other combatants – for future
9	09.12.2014	For digital future of Ukraine
10	09.12.2014	Attracting and protecting investments
11	09.12.2014	For further construction of the National Children's Specialised Hospital "Okhmatdyt"
12	09.12.2014	Equal Opportunities
13	11.12.2014	Inter-faction agricultural grouping
14	11.12.2014	Deputy's Control
15	12.12.2014	The Zaporozhian Sich
16	12.12.2014	Inter-faction grouping of friendship with the European Union
17	12.12.2014	The Prykarpattia
18	12.12.2014 30.06.2015	For Sycheslavshchyna For Dnypropetrovshchina
19	12.12.2014	Maidan's Self-defense
20	25.12.2014	KOLO
21	25.12.2014	For European Sumshchyna
22	25.12.2014	The European Cherkasshchyna
23	25.12.2014	Solidarity of 'right' forces
24	25.12.2014	The European Donbass
25	25.12.2014	For the future of Ukraine
26	25.12.2014	For Rynenshchyna
27	13.01.2015	Children rights protection
28	13.01.2015	For national patriotic education
29	14.01.2015	The Majoritarians of Ukraine
30	15.01.2015	For the respect to the VRU Rules of procedure and for preservation of the parliamentarism in Ukraine
31	15.01.2015	The Revival of Khersonshchyna
32	16.01.2015	For Kyiv
33	27.01.2015	The Lvivshchyna
34	27.01.2015	The European Kharkivshchyna
<b>Second session of the eighth convocation (34)</b>		
35	03.02.2015	The Vinnychyna
36	04.02.2015	EuroOptimists
37	04.02.2015	The Right Force

№	1	2
38	04.02.2015	The Ukrop
39	05.02.2015	The Mykolayivshchyna
40	05.02.2015	Ukraine – NATO Member
41	06.02.2015	For fair taxes
42	11.02.2015	Odessa
43	11.02.2015	Either really helping people or dissolving of the Parliament!
44	11.02.2015	Protect the coal industry
45	13.02.2015	For spirituality, morality and health
46	03.03.2015	The Poltavshchyna
47	03.03.2015	'Ukraine – European Union'
48	03.03.2015	Ukraine – maritime state
49	05.03.2015	Remembrance and sympathy
50	05.03.2015	Deputy's grouping of friendship 'Ukraine – Israel'
51	18.03.2015	The Atlantic movement
52	18.03.2015	For the development of aviation
53	20.03.2015	Protection of children –priority of State
54	07.04.2015	Prevention and control of non-communicable diseases
55	09.04.2015	The Ternopilshchyna
56	10.04.2015	For Trade Unions
57	10.04.2015	For energy independence of Ukraine
58	21.04.2015	For United Ukrainian Orthodox Church
59	24.04.2015	Touristic Ukraine
60	15.05.2015	For local self-governance
61	21.05.2015	Ukrainians worldwide
62	21.05.2015	Rural areas protection
63	21.05.2015	Healthy Nation
64	17.06.2015	Deputies' grouping on tax, customs and land legislative reform
65	17.06.2015	For the sober future
66	14.07.2015	For industrial and technological parks
67	17.07.2015	Contraband – STOP
68	17.07.2015	South of Ukraine
<b><i>Third session of the eights convocation (7)</i></b>		
69	02.09.2015	Athletic Ukraine
70	09.10.2015	Peoples' Control
71	09.10.2015	The Carpathians
72	09.10.2015	Advocacy of Ukraine
73	13.11.2015	For protection of constitutional rights and against political repressions 'Prohibited to prohibit'
74	26.11.2015	Voice of Community
75	27.11.2015	For liber Caucasus

