



Association agreement between the EU and Ukraine

European
Implementation
Assessment
(update)

STUDY

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In November 2019, the European Parliament's Committee on Foreign Affairs (AFET) requested the drawing up of an own-initiative annual report on the implementation of the EU association agreement with Ukraine ([2019/2202\(INI\)](#)).

[Michael Gahler](#) (EPP, Germany) was appointed rapporteur.

This European implementation assessment (EIA) is an updated version of the EIA on [Association agreements between EU and Moldova, Georgia and Ukraine](#), which was prepared in July 2018 to assist the Committee on Foreign Affairs (AFET) with its scrutiny work. Following the AFET committee's three implementation reports, the European Parliament adopted resolutions on the association agreements between the EU and Georgia ([2017/2282\(INI\)](#)) and between the EU and the Republic of Moldova ([2017/2281\(INI\)](#)) in November 2018, and between the EU and Ukraine ([2017/2283\(INI\)](#)) in December 2018.

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Executive summary

This European implementation assessment (EIA) has been prepared by the Ex-Post Evaluation Unit (EVAL) within the European Parliamentary Research Service (EPRS) in order to assist the AFET committee in their scrutiny work, and has been produced in the form of an own-initiative report on the implementation of the EU association agreement with Ukraine ([2019/2202\(INI\)](#)).

The report (EIA) is an updated version of the report published by the European Parliamentary Research Service (EPRS) in June 2018: [Association agreements between the EU and Moldova, Georgia and Ukraine. European Implementation Assessment](#). The updated EIA discusses the progress made in the implementation of the association agreement with Ukraine from the time covered by the previous report up until the present.

This European implementation assessment consists of two parts:

- › Part I, an in-house opening analysis written by **Dr Anna Zygierewicz** with **Ilaria Giustacchini** from the Ex-Post Evaluation Unit (EVAL) of the European Parliamentary Research Service, and
- › Part II, an externally prepared briefing paper written by **Daniel Szeligowski** (ed.), **Maria Piechowska**, **Melchior Szczepaniak**, **Damian Wnukowski**, and **Maciej Zaniewicz** from the Polish Institute of Foreign Affairs (PISM), Warsaw, Poland.

Part I has been prepared on the basis of desk research and presents the main findings and recommendations deriving from high-level EU meetings and documents on the implementation of the association agreement (AA) between the EU and Ukraine. The analysis also discusses the progress being made in how the EU is perceived in Ukraine, and in Ukraine's participation in selected EU programmes. The analysis is enriched by information on joint actions undertaken with Moldova and Georgia and comparative statistics for the three countries.

Part II has been prepared on the basis of desk research and data collected through a series of online and e-mail interviews with Ukrainian officials, EU diplomats and representatives of local and international organisations. The report starts by explaining the institutional and legal framework for AA implementation in Ukraine, and continues with discussions on the rule of law and good governance; trade; economic and sectoral cooperation; energy and climate; and justice, freedom and security. The analysis also contains an evaluation of the role and impact of the EU institutions regarding AA implementation in Ukraine and specific recommendations as to how to improve the effectiveness of AA implementation in the future.

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The author would also like to thank EPRS colleagues for their help with the administrative work.

List of frequently used abbreviations and acronyms

AA(s)	association agreement(s)
EUAA(s)	EU association agreement(s)
Commission	European Commission
CSP	civil society platform
DCFTA	deep and comprehensive free trade area
DG	directorate-general
EEAS	European External Action Service
EaP	Eastern Partnership
ENP	European Neighbourhood policy
EP	European Parliament
ERC	European Research Council
EU	European Union
EUNIC	European Union National Institutes for Culture
H2020	Horizon 2020 – the framework programme for research and innovation
HE	higher education
HR/VP	High Representative of the Union for Foreign Affairs and Security Policy
IMF	International Monetary Fund
JMD	Jean Monnet Dialogue for Peace and Democracy
MFA	macro-financial assistance
Moldova	Republic of Moldova
MSCA	Marie Skłodowska Curie Actions of the Horizon 2020 programme
PAC	Parliamentary Association Committee
Parliament	European Parliament
Rada	Verkhovna Rada (parliament) of Ukraine
SME	small and medium-sized enterprises
S&T	science and technology
STI	science, technology and innovation

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PART I: IN-HOUSE OPENING ANALYSIS

1. Introduction

Figure 1 – Map of Ukraine



Source: [United Nations Organisation](#).

[Ukraine](#) is in eastern Europe and is the second largest country on the continent after Russia. The capital, Kyiv (Kiev), is located on the Dnieper River in north-central Ukraine (see map above).

Ukraine is one of six countries (together with Armenia, Azerbaijan, Belarus, Georgia and Moldova) with which the EU has special relations within the Eastern Partnership (EaP) policy, and the country is also covered by European Neighbourhood policy. Alongside Georgia and Moldova, Ukraine has signed an association agreement (AA), which incorporates a deep and comprehensive free trade area (DCFTA). This has also helped to establish special relations with the EU.

During the EU-Ukraine summit in July 2019, the then president of the European Commission Jean-Claude Juncker [said](#):

The European Union's partnership with Ukraine is one of mutual solidarity and friendship. It is also one that is flourishing: we have achieved more progress together in the last five years than we did in the two decades before. Ukraine has taken up ambitious reform commitments. The EU, in turn, has provided Ukraine with unprecedented support, from financial and expert support, to autonomous trade measures, and almost 3 million visa-free visits to the EU for Ukrainian citizens to date. This, alongside continued unity on sanctions, shows the EU's commitment to Ukraine – one that remains unwavering.

The 2019 implementation [report](#) prepared by the Commission and the HR/VP praised Ukraine, not least for the successful completion of the current electoral cycle, but also for the commitment on

the part of the new president, parliament and government of Ukraine to continue implementation of the EU association agreement, as well as for the progress achieved so far. However, the report also stressed that more efforts should be made to fully implement the association agreement and particularly highlighted the challenging situation in the east of Ukraine.

The EU pursues a policy of non-recognition of the [illegal annexation](#) of the Autonomous Republic of Crimea and the City of Sevastopol by the Russian Federation in 2014. The EU supports the peaceful resolution of the situation. Therefore, it welcomed a video-conference Normandy Format [meeting](#) of the Foreign Ministers of Germany, France, Russia and Ukraine, which was held on 1 May 2020. The EU also supports the implementation of the [measures](#) agreed at the Paris Summit on 9 December 2019, as well as the full implementation of the [Minsk](#) agreements, including a ceasefire.

On 22 April 2020, the High Representative of the Union for Foreign Affairs and Security Policy (HR/VP), Josep Borrell, [announced](#) that he would visit Ukraine on his first trip after the coronavirus crisis, to pay close attention to the Eastern Partnership ahead of the EU-Eastern Partnership summit. A visit to Ukraine had been scheduled for mid-March, but was cancelled just before the borders were closed. The EU-Eastern Partnership summit was held on 18 June 2020 in Brussels through video-conference. In his [remarks](#) after the video-conference, European Council President Charles Michel highlighted the importance of the EaP in the EU foreign policy priorities as well as the importance of the association agreements 'for accelerating the political association and economic integration with the EU' and for the citizens of associated countries (Ukraine, Georgia and Moldova).

In March 2020, the EU [offered](#) support to the six EaP countries to help them to cope with the consequences of the Covid-19 crisis, with €80 million being re-allocated to meet the most immediate needs (e.g. provision of medical devices and equipment) and up to €883 million (further increased to up to [€900 million](#)) to help mitigate the socio-economic impact of the coronavirus crisis. It means the EU has '...mobilised, together with Member States, close to €1 billion to [support](#) EaP countries'. Furthermore, in April 2020, the Commission adopted a proposal for a €3 billion [macro-financial assistance \(MFA\) package](#) made available to 10 enlargement and neighbourhood partners, including Ukraine, to help them limit the economic fallout of the coronavirus pandemic.

President Zelensky, during a press conference on 20 May 2020, stated that 'the Ukrainian situation is twice harder, the country has to deal with the pandemic on one hand and Russian aggression on the other'.

The public opinion in Ukraine on the progress being made in their country is not universally positive, although trust in the president remains high. According to a [poll](#) carried out on 12-13 May 2020, cited by the [BBC](#), 'one-third of the population think the country is heading in the right direction, a half believes this direction is wrong; 17 % could not answer'. However, trust in the country's president (after 12 months in office) is high: 57 % trust Zelensky, 37 % don't, and 39.3 % would vote for him now.

President Zelensky has also been supported by the EU since his election (as expressed in the [joint letter](#) from Donald Tusk and Jean-Claude Juncker), mainly for the reforms that he has undertaken in the country, however further efforts are expected. As the HR/VP Josep Borrell has [said](#), referring to President Zelensky, 'he has taken bold steps for reform and conflict resolution. Significant progress has been made on reforms, but many obstacles remain, and these efforts must continue.'

2. Ukraine in selected regional comparative statistics

Table 1 – Selected data on Georgia, Moldova and Ukraine

	Georgia	Moldova	Ukraine
Flag			
Capital	Tbilisi	Chisinau	Kyiv
Area (sq. km, rounded)	69 700	33 800	603 000 ³⁾
<u>Population:</u>			
1 January 2018 (millions)	3.7	3.5	42.2
1 January 2008 (millions)	4.4	3.6	46.2
<u>GDP growth, 2018 (%)</u>	4.8	3.4	3.3
GDP in current prices:			
€ billion (2017)	13.4	8.5	99.4*
€/per capita (2017)	3 603	2 391	2 340*
<u>Gini coefficient, 2017 (estimate)</u>	41.7	30.8	23.2
<u>Employment rate, ages 15-64, 2017 (%)</u>	61.2	44.9	60.3*
<u>Tertiary education attainment, 2017 (%)</u>	44.6	37.1	63.0*
<u>Households that have internet at home (%)</u>	71	51	60*
<u>Unemployment rate, 2017 (%):</u>			
general, ages 15-74	13.9	4.1	9.5
youth, ages 15-24	28.9	11.8	18.9
<u>Doing business 2019 (rank out of 190)</u>	6	47	71
<u>Democracy Index 2018 (rank out of 167)</u>	89	79	84
<u>Democracy Index 2019 (rank out of 167)</u>	89	83	78
<u>Democracy level 2018</u> (1 – most democratic and 7 – least democratic)	4.68	4.93	4.64
<u>Corruption perception 2018 (rank out of 180)</u>	41	117	120
<u>Corruption perception 2019 (rank out of 180)</u>	44	120	126
<u>Global Gender Gap Index 2017 (rank out of 144)</u>	94	30	61
<u>Global Gender Gap Index 2020 (rank out of 144)</u>	74	23	59
<u>World Press Freedom Index 2018 (rank out of 180)</u>	61	81	101
<u>World Press Freedom Index 2019 (rank out of 180)</u>	60	91	102

Source: A. Zygierevicz: [Association agreement between the EU and Georgia. European Implementation Assessment \(update\)](#), Study, EPRS, April 2020 and A. Zygierevicz: [Association agreement between the EU and the Republic of Moldova. European Implementation Assessment \(update\)](#), Study, EPRS, May 2020.

* Excluding the territories that are outside the effective control of the Ukrainian government and the illegally annexed Autonomous Republic of Crimea and city of Sevastopol.

3. The association agreement, its monitoring and evaluation

Table 2 – The EU's association agreement with Ukraine

	Ukraine
Title	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
Signing	21 March 2014 and 27 June 2014
Publication in the EU Official Journal	OJL 161 of 29.5.2014
Provisional application since	1 November 2014 and 1 January 2016 (for DCFTA)
Entry into force	1 September 2017

Source: EPRS, based on A. Zygierewicz: [Association agreements between the EU and Moldova, Georgia and Ukraine, European Implementation Assessment](#), Study, EPRS, 2018.

3.1. Introduction to monitoring and evaluation

The EU monitors and evaluates the application and implementation of the association agreement (AA) through structures set up in accordance with the provisions of the AA. The institutional framework chapters of the AA specify the establishment and functioning of four bodies per country: an association council, an association committee, a parliamentary association committee and a civil society platform:¹

- › The association council's main role is to supervise and monitor the application and implementation of the AA and to periodically review the functioning of the AA in the light of its objectives. The association council meets at the ministerial level, regularly, at least once a year. Additionally, the association council examines any major issues arising within the framework of the AA and any other bilateral or international issues of mutual interest.
- › The association committee's role is to assist the association council in the performance of its duties. In principle, it should be composed of senior civil servants from the EU and Ukraine.
- › The parliamentary association committee (PAC) consists of representatives of the European Parliament and the parliament of Ukraine (Verkhovna Rada). The PAC is a forum for the members of parliaments to meet and to exchange views. The PAC has established its own rules of procedure.
- › The civil society platform (CSP) has been established to promote regular meetings of representatives of the civil societies from both sides of the AA. The CSP consists of civil society representatives from the EU, including members of the European Economic and Social Committee and representatives of the civil community of Ukraine. The CSP has established its own rules of procedure.²

Bilateral summits with Ukraine are also organised on the basis of Article 460.1 of its AA.

The findings made by the EU as a result of monitoring and evaluating the application and implementation of the association agreements are also reflected in both the EU Foreign Affairs

¹ Articles 460-470 of the AA with Ukraine.

² What is more, the CSPs are informed of the decisions and recommendations of the association councils and may make recommendations to them. The association committees and PACs organise regular contacts with representatives of the CSPs 'in order to obtain their views on the attainment of the objectives of this AAs'.

Council conclusions on EU cooperation with Ukraine and in association implementation reports jointly prepared by the Commission and the HR/VP.

The latest documents produced by the above-mentioned bodies (with the exception of the association committees) are presented below in chronological order (starting from the most recent).

3.2. Implementation of the EU AA according to the latest EU documents

The 2019 [association implementation report on Ukraine](#) was published by the Commission and the HR/VP in December 2019 (SWD(2019) 433 final), ahead of the EU-Ukraine Association Council on 28 January 2020. The report underlined that the 2019 presidential and parliamentary elections were assessed by international election observers as 'competitive and held with respect for fundamental freedoms'. The report also stressed that 'the new Government and Parliament started their work, rapid legislative activity has resumed, reflecting the high demand from the citizens of Ukraine, in particular on economic reforms and rule of law'. As well as enshrining EU integration as a strategic priority in its constitution, this underlines 'Ukraine's attachment to the democratic principles and values it shares with the EU'.

Other improvements in the areas of democracy, human rights and good governance are represented by: progress in the decentralisation reform; the criminalisation of domestic violence; continuation of active involvement of civil society groups in the monitoring and implementation of the AA; progress with the public administration reform and the digitalisation agenda. On the other hand, the report expresses concerns relating to the protection of minority groups (such as lesbian, gay, bisexual, transgender, questioning (or queer) and intersex (LGBTQI), Roma, etc.) and highlights discussions regarding the language rights of minorities, delays in the implementation of the Mine Action Law, an inadequate social benefits system and lack of protection of rights (including voting rights) for internally displaced persons (IDPs).

The situation in eastern Ukraine remains difficult. Unlawful Russian actions in the region are destabilising and are impeding the full implementation of the AA, as 'more than 3.5 million people on both sides of the line of contact remain in need of humanitarian assistance' and 'human rights and fundamental freedoms continue to be severely curtailed by armed groups in non-government controlled areas (NGCA)'. The decision of Russian President Vladimir Putin to streamline the issuance of Russian passports to citizens living in separatist territories has prompted the EU to publish guidelines preventing their recognition by Member States. Implementation of the Minsk Agreements remains partial, owing to constant ceasefire violations, but since September 2019 it 'seems to have gained a certain momentum'.

'In the area of justice, rule of law and the fight against corruption, Ukraine continued to build an effective institutional framework', for example, establishing the High Anti-Corruption Court (HACC). The conviction rate in corruption cases remains low (31 %), but the report notes that 'progress was made on the verification of electronic asset declarations for public officials'. The reform of the judiciary is also experiencing delays, and the framework to combat organised crime remains incomplete. The EU also emphasises the need to strengthen parliamentary oversight of the executive, which has at the moment been put on hold. Reform efforts in the security service are still ongoing, and the Council has [extended](#) the mandate of the European Union Advisory Mission (EUAM) in Ukraine until May 2021.

With regard to economic and financial aspects, the Ukrainian finance and banking sector continues to grow, partially thanks to the DCFTA which is incorporated into the AA. Trade flows with the EU have increased in volume, but foreign direct investment remains low, highlighting the need to

strengthen the rule of law and the fight against corruption. Overall, reforms have progressed, but a few areas continue to lag behind, including consumer protection, intellectual property rights and telecommunications. The report notes 'significant steps have been taken in the area of e-governance and digital transformation in general'.

Reform in the energy sector also proceeds at a slow pace. The market for renewable sources has been expanding, while implementation of the energy efficiency requirements is not complete.

The new environmental strategy entered into force in January 2019, and 'work on developing climate policies continued, although actual implementation is at a very early stage'.

Overall, Ukraine 'remains committed to its reform path, [and] the EU will continue to support these reforms and the implementation of the AA with its entire political, financial and technical means'. To this end, the EU has in fact mobilised over €15 billion in grants and loans over the past six years.

These positive points and concerns were also at the core of the latest EU-Ukraine Association Council meeting held on 28 January 2020. In a [joint press statement](#), both parties 'reaffirmed the continued commitment of the parties to strengthening the political association and economic integration of Ukraine with the European Union'. Economic integration and regulatory approximation with the EU has been fostered particularly through the DCFTA – which has enabled trade flows to grow by 13 % – and the visa-free regime, through which Ukrainian citizens have been able to visit the EU more than 3 million times over the last two years.

The coming years should see strong commitment to cooperation on digitalisation – including combating cybercrime and disinformation – and on sustainability and environmental protection. Key to these efforts is energy sector reform, in the context of which 'both sides welcomed the agreement on gas transit through Ukraine'.

On democratisation, the rule of law and human rights protection, the sixth Association Council was an opportunity to reaffirm the importance of continuing with the decentralisation reform, the safeguarding of media freedom and minority rights, inclusive civil society participation and reforms in the justice and civilian security sector. The EU welcomed the new electoral code and reiterated the need to strengthen efforts in the fight against corruption.

In May 2019, the European Commission published [the EU Annual Report on Human Rights in the World 2018](#) together with [country updates](#). The report for Ukraine underlined that overall, 'the human rights and fundamental freedoms are generally respected in the area under the control of Ukrainian Government', while in NGCAs grave human rights violations are taking place. Moreover, some concerns remain with regards to the conditions of IDPs, investigative journalists and minority groups – particularly Roma populations – and impunity for crimes perpetrated against these three groups. The country report sees the establishment of the HACC, the work of the EUAM and gender equality efforts as positive signs. The EU continues to foster the promotion of human rights in Ukraine in numerous forums: the EU-Ukraine Summit, the Association Council and the Association Committee, as well as collaboration with the European Ombudsman, the Council of Europe, the Organization for Security and Co-operation in Europe (OSCE) and the United Nations (UN) Human Rights Council. The EU is committed to highlighting human rights issues in the country, and this is done 'both when issues are related to the areas of Ukraine controlled by the government, but more often when severe human rights violations take place in the areas not controlled by the government on the Crimean peninsula and in eastern Ukraine affected by the conflict in the Donbas'.

The European Commission has also launched an [evaluation](#) of the EU macro-financial assistance supplied to Ukraine 2015-2017 (MFA III), which is expected to be released at the beginning of 2021. In the meantime, in July 2018 an additional €2.81 billion in macro-financial assistance was approved

(MFA IV). The [European Commission impact assessment](#) states that this 'should help keep the current reform momentum to the extent that its effective disbursement will be conditional on continued progress with key reforms', with a particular reference to fighting corruption and good governance.

On 22 April 2020, the Commission adopted a proposal for a €3 billion [MFA package](#) that will be made available to 10 enlargement and neighbourhood partners, including Ukraine, to help them mitigate the economic fallout of the Covid-19 pandemic. Of the total amount, Ukraine will receive €1.2 billion. The proposal pointed to the measures that were being undertaken by these countries in order to deal with the situation, for example in Ukraine 'the National Bank of Ukraine had to sell the equivalent of US\$2.2 billion in the second half of March, thereby reducing its official international reserves by more than 8% from the US\$27 billion reported for end-February 2020'. The proposal also showed that the revised 2020 budget of Ukraine, adopted by the parliament on 13 April, provided for a €2.5 billion coronavirus fund for immediate measures to counter the spread of the coronavirus. The decision on the MFA package was adopted by the European Parliament and the Council on 25 May 2020.

One of the bodies set up through the AA is the [EU-Ukraine Civil Society Platform](#) (CSP), which provides a space for civil society organisations to put forward their opinions and concerns regarding the implementation of the AA. The eighth meeting of the CSP took place on 3 December 2019. In a [joint declaration](#), CSP members expressed doubts 'over communication among the various agencies involved in implementing the association agreement, which they consider insufficiently effective'. The main areas of focus for the CSP are digitalisation and transport policy³. With regard to the latter, only 15% of AA provisions have been implemented to date. Nevertheless, both sides welcomed the Ukraine's national transport strategy to 2030, the inclusion of Ukraine in TEN-T maps (besides inland waterways) and the adoption of an indicative TEN-T action plan. They highlight how Ukrainian transport routes and infrastructures are to be developed interconnectedly, rather than as separate systems, as well as the need to establish a comprehensive regulatory framework for transport, particularly regarding inland water and rail transport. One last point of emphasis is dedicated to sustainability and environmental protection.

When it comes to digitalisation, the CSP expresses support for the continuation of bilateral efforts, and for the involvement of civil society and the expert community. They note some shortcomings in the government's current digital agenda, such as unfulfilled requirements for data economy and data protection, non-comprehensive e-communication regulation and infrastructure, and insufficient independence and transparency in public broadcasting.

The CSP also touched upon other areas of the AA such as: political dialogue and foreign policy, focusing on Russian action in eastern Ukraine and cybersecurity; regional development, focusing on the need for synchronised cross-border development efforts and the need for adequate financial tools; employment and social policy, focusing on the need to broaden the scope of collective agreements and strengthen the role of trade unions, and introduce effective labour legislation reforms to protect workers' rights and interests (compliant with international standards); the judicial system and human rights protection, drawing attention to the conditions of IDPs and the issue of transparency of the judiciary; economic development, emphasising the ambitious government targets and the need to include not only the EU in the dialogue but also civil society actors; energy and climate change; and, lastly, science and education.

³ The individual recommendations from the EU and Ukrainian side can be accessed at <https://www.eesc.europa.eu/en/agenda/our-events/events/8th-meeting-eu-ukraine-civil-society-platform/documents>

Deep and comprehensive free trade area (DCFTA)

The EU-Ukraine DCFTA is an integral part of the AA. Provisionally enforced since 2016, it was further complemented by autonomous trade measures (ATMs) in 2017. According to [European Commission data](#), the EU is Ukraine's largest trading partner (accounting for 40 % of trade flows). Dialogue between the parties is ensured through a number of committees and subcommittees that meet regularly. The fourth meeting of the Association Committee in Trade Configuration (ACTC) was held on 18-19 November 2019. In a [joint report](#), preliminary forecasts for 2019 predicted a 13 % increase in bilateral trade compared to 2018. Ukraine has made efforts to approximate its legislation to the EU acquis in customs regulation, public procurement and service sector regulation. In the report, the EU expressed concerns with regard to: intellectual property rights; antitrust, mergers and state aid framework; criminalisation of smuggling to contrast illegal activities; obsolete labour legislation; and value added tax refunds for exporters. Another problematic issue is the temporary export ban on unprocessed wood, instituted in 2015, which the EU considers to be incompatible with the AA. After bilateral consultations proved [unsuccessful in resolving the dispute](#), the EU [requested](#) the creation of an arbitration panel. The panel [was established](#) on 28 January 2020 but has not yet been able to set a date for the hearing on account of the restrictions in place to mitigate the coronavirus pandemic. More information on investment and trade can be found in Part II of this study.

4. Situation in Ukraine according to selected reports

The [Democracy Index 2019](#), prepared by the Economist Intelligence Unit, classified Ukraine, as well as Georgia and Moldova, as a 'hybrid regime',⁴ with the country placed 78th in the world ranking and 14th in the eastern Europe regional ranking (between North Macedonia and Albania in both rankings, both countries are also classified as 'hybrid regimes'). Ukraine's overall score was 5.9 (index score out of 10), highlighting the improvements made. The general score was based on scores for individual categories, which for Ukraine were quite high for 'electoral process and pluralism', with a score of 7.42, 'political participation', where the score was 6.67, 'civil liberties', which was 6.47 and 'political culture' which was 6.25. The country had a very low score for 'functioning of government', where the score was 2.71. From a long-term perspective (2006-2019) there has been a decline in Ukraine's overall score, from a score of 6.94 in 2006 and 2008 to 5.9 in 2019, with the country dropping to its lowest score of 5.42 in 2014.

The report also highlighted that Ukraine (and Armenia) made substantial steps towards democracy in 2019, underlining that elections 'were held that were judged to be free and fair':

In Ukraine, the elections in question were the presidential and parliamentary polls held in April and May, respectively, which were won by Volodymyr Zelensky and his party, Servant of the People. Observers from the Organisation for Security and Co-operation in Europe (OSCE) judged that the polls had been 'competitive and held with respect for fundamental freedoms', albeit not without some instances of malpractice. Servant of the People won an absolute majority of seats in parliament, and there was an orderly transfer of power. Mr Zelensky benefited from public frustration about the continued influence of oligarchs under the presidency of Petro Poroshenko and has pledged to use this moment of political renewal to crack down on corruption.

The [Corruption Perception Index 2019](#) ranked Ukraine in 126th place out of 180 countries worldwide, with an overall score of 30 out of 100. Ukraine dropped from the rank of 120th and from a score of 32 in 2018. In 2019, Ukraine's overall score was below the average score for eastern Europe and central Asia, which was 35, and far below Georgia which scored 56, while also being slightly below Moldova, which scored 32.

The [World Press Freedom Index 2020](#), compiled by Reporters without Borders, ranked Ukraine in 96th place in the world ranking (an increase of six places from 2019) with an overall score of 32.52 (an increase from 32.46 in 2019). The report also pointed out that:

Ukraine has a diversified media landscape and its authorities have adopted a number of long-awaited reforms since the 2014 revolution, including a law on media ownership transparency. However, these gains are fragile, as the new independent public broadcaster's under-financing has shown. Much more is needed to loosen the oligarchs' tight grip on the media, encourage editorial independence and combat impunity for crimes of violence against journalists. 'Information warfare' with Russia has had negative consequences that include bans on Russian media and social media, the blacklisting of foreign journalists and treason trials.

The [Doing Business 2020](#) report, prepared by the World Bank group, placed Ukraine in 64th place out of 190 countries worldwide (between India and Puerto Rico (US)), with an overall score of 70.2 out of 100. By way of comparison, the highest score achieved was 86.6, which was achieved by New

⁴ 'Hybrid regimes' are defined methodologically by the EIU as those where 'Elections have substantial irregularities that often prevent them from being both free and fair. Government pressure on opposition parties and candidates may be common. Serious weaknesses are more prevalent than in flawed democracies—in political culture, functioning of government and political participation. Corruption tends to be widespread and the rule of law is weak. Civil society is weak. Typically, there is harassment of and pressure on journalists, and the judiciary is not independent', [Democracy Index 2019. A year of democratic setbacks and popular protest](#), the Economist Intelligence Unit, 2019.

Zealand, while the lowest scoring country was Somalia, with 20. Ukraine was ranked below a number of other EaP countries, such as: Georgia, which ranked seventh with an overall score of 83.7; Azerbaijan, which ranked 34th with a score of 76.7; Armenia, which ranked 47th with a score of 74.5; Moldova, which ranked 48th with a score of 74.4; and Belarus, which ranked 49th with a score of 74.3.

The Doing Business 2020 report also analysed the situation in Ukraine, showing the progress that has been made in the country in the following areas:

- › Dealing with construction permits: Ukraine has streamlined the process for issuing construction permits by eliminating the requirement to hire an external supervisor and introducing an online notification system. Ukraine has also made it less expensive to obtain a construction permit by reducing the contribution fee to Kyiv city council.
- › Getting electricity: Ukraine has made it easier to access electricity by streamlining the issuance of technical conditions and implementing a geographic information system. Ukraine has also improved the reliability of the power supply by introducing an outage compensation mechanism.
- › Registering property: Ukraine has made registering property easier by increasing the transparency of the land administration system.
- › Getting credit: Ukraine has improved access to credit information by establishing a new public credit registry in the National Bank of Ukraine.
- › Protecting minority investors: Ukraine has strengthened minority investor protections by requiring greater disclosure of transactions with interested parties.
- › Trading across borders: Ukraine has reduced the time to import by simplifying conformity certification requirements for auto parts.

On 26 March 2020, the managing director of the International Monetary Fund (IMF), Kristalina Georgieva, published a [statement](#) in which she provided updates on progress made in the discussions with the Ukrainian authorities on the new Extended Fund Facility (EFF) arrangement.

As for the situation in Ukraine, the IMF projects a fall in real GDP by 7.7 % and a rise in consumer prices by 4.5 %. This projection was updated in April 2020, which means that it already includes the expected effects of the coronavirus pandemic.

5. Latest parliamentary initiatives

5.1. Resolutions of the European Parliament

In a [press release issued](#) on 3 March 2020, MEPs pledged EU 'support for Ukraine's battle against COVID-19', also in the light of important recent reforms undertaken by the Rada – such as the land reform – which can pave the way for further macro-financial assistance.

On 12 March 2019, in a [resolution](#) on building EU capacity on conflict prevention and mediation (2018/2159(INI)), Parliament welcomed the establishment of the regional interparliamentary assembly with Moldova and Georgia, as well as the continuation of the Jean Monnet Dialogues as a forum for further dialogue with the Verkhovna Rada of Ukraine, in order to foster changes in parliamentary culture and to support the implementation of the association agreement.

On 12 December 2018, Parliament adopted a [resolution](#) on the annual report on the implementation of the common foreign and security policy (2018/2097(INI)), where it further condemned Russia's military action in eastern Ukraine and the illegal annexation of Crimea, also calling for an extension of the EU sanction measures, as Russia's action undermines and destabilises the security and humanitarian situation in the region.

On the same day, a [resolution](#) on the [implementation of the EU-Ukraine association agreement](#) touched upon a number of issues, including: the need for further decentralisation of economic, political and media power, which is hampering reforms; the need for increased efforts in the fight against corruption through the establishment of an efficient legal framework; the importance of strengthening the effectiveness and transparency of the Verkhovna Rada; and the importance of respecting human rights and fundamental freedoms in the country, particularly media freedom. Moreover, Parliament noted the importance of the DCFTA as a complementary instrument to the AA in order to help foster bilateral trade and economic cooperation in line with sustainability and climate change efforts.

On 28 October 2018, Parliament expressed concerns on the [situation in the Sea of Azov](#), condemning Russia's unlawful de facto blockade, which attacks Ukraine's sovereignty and threatens the 'security, integrity and social and economic situation' in the country.

On 18 July 2018, Parliament [reiterated](#) its stance condemning Russian actions in the region, with particular reference to the treatment of Ukrainian prisoners and infringements of international law and fundamental rights perpetuated towards them and different actors of the political opposition, including environmental activists. Previously, on 14 June 2019, Parliament had once again called for the [immediate and unconditional release of Oleg Sentsov](#) and other Ukrainians illegally detained, urging Russia to halt all activities that violate international law.

In a [joint decision](#) on 4 July 2018, Parliament and the Council agreed to the provision of further macro-financial assistance for Ukraine to support the EU's external action policies in the country, as well as to support Ukraine's commitment to and implementation of actions in line with European values. Macro-financial assistance is conditional on the country respecting democratic mechanisms and the rule of law, as well as on the deepening of its efforts in the fight against corruption, to ensure that the EU's financial interests are protected.

5.2. Parliamentary Association Committee

The EU-Ukraine [Parliamentary Association Committee \(PAC\)](#) was established on the basis of the association agreement signed on 27 June 2014. The purpose of the PAC is to oversee its

implementation and to serve as forum for debate on the EU–Ukraine partnership. The PAC meets twice a year and held its 10th and most recent meeting on 18-19 December 2019 in Strasbourg.

The PAC is currently co-chaired by the chair of Parliament's delegation to the EU-Ukraine PAC, Witold Jan Waszczykowski MEP, and by Ukrainian MP Vadym Halaichuk. After its 10th session, held on 18-19 December 2019, they published a [final statement](#) addressing the parliamentary dimension of EU-Ukraine relations, the situation in Crimea and other security concerns, as well as the state of ongoing reforms and the rule of law. In particular, the PAC welcomes the approximation efforts made by Ukraine towards the *acquis communautaire* in these areas, calling for an upgrade to the EaP, including considering the establishment of the trio plus strategy. It condemns Russia's occupation of Ukrainian territories and welcomes the steps taken at EU and UN level to confront the issue. Finally, it emphasises the importance of openness and transparency, with a strong reference to elections, the fight against corruption and the independence of the judicial system.

In an [individual statement](#) issued after the 10th PAC meeting, Waszczykowski highlighted the way the dialogues have involved a number of different stakeholders – such as ministers, civil society representatives and members of the Rada – who have strongly converged on most of the points on the agenda, welcoming the possibility of further cooperation.

5.3. Euronest

The [Euronest](#) Parliamentary Assembly was constituted on 3 May 2011 in Brussels with the aim of serving as a parliamentary forum to promote political association and further economic integration between the EU and the Eastern Partnership countries. Euronest is formed by a delegation from the European Parliament (60 members) and delegations from the EaP countries (10 members per delegation). Belarus is not currently taking part in the Euronest Parliamentary Assembly's activities, for political reasons.

On 8-10 December 2019, the Euronest PA held its eighth ordinary session in Tbilisi and adopted four resolutions, each dedicated to an aspect particularly relevant to the socio-economic development in the eastern neighbourhood: strengthening parliamentary oversights, facilitating digitalisation, improving energy sector regulation and investing in education.

In the [resolution](#) on parliamentary oversight as a tool to strengthen democracy, accountability and effectiveness of state institutions in the Eastern Partner countries, the Parliamentary Assembly called on the Commission to institute a specific programme aimed at improving parliamentary oversight in eastern Neighbourhood countries. Euronest stressed the importance of elections and called on 'the authorities to implement OSCE/ODHIR election observation recommendations well before future elections'. Moreover, it pointed to the significance of diversity in guaranteeing parliaments that work for all citizens, with specific efforts to be made regarding the inclusion of women in policymaking, as well as the role of a free press and academia in supporting evidence-based policy making.

With respect to Ukraine in particular, Euronest reiterated the additional need for oversight, owing to the strains caused by monitoring the implementation of the association agreements, and in this sense welcomed the efforts made within the framework of the eastern partnership as well as the institution of the Inter-Parliamentary Assembly on 5 October 2018.

A [second resolution](#) on facilitating digitalisation to improve efficiency and stimulate economic growth in the EU and Eastern Partnership countries, stressed the importance of digitalisation – coupled with strong legal regulation – in fostering socio-economic progress. Euronest called for improved harmonisation amongst eastern neighbourhood countries and a closer approximation

with EU standards. Particular focus is also to be given to defence and cyber-security measures, to contrast the risks posed by cyber-attacks by Russian actors and other potential abuses.

In the [resolution](#) on solidarity and approximation in energy sector – towards a progressive regulatory framework', Euronest welcomed the commitment of EaP countries to the Paris agreement. Once again, it called for decisive steps to narrow the gap to EU standards, particularly regarding the process of substituting the use of fossil fuels with renewable energies. It also put focus on diversifying sources and routes of energy supply, deepening cooperation between research and policymaking and improving the regulatory framework to create an 'open, competitive and integrated' energy market.

There was specific reference to Ukraine with regard to the need to do more to align its energy law to Energy Community Treaty rules, even in light of the latest changes, although the work of the EU4Energy initiative was welcomed.

Finally, the [resolution](#) on innovation in education and education reforms in the EU and Eastern partners' countries: challenges and opportunities' focused decisively on the need for additional investments – including from the Commission – to be directed towards education, such as an increase in teachers' pay, funds for the building of new schools and the broadening of the curriculum to increasingly include science, technology, engineering, art and mathematics subjects, sexual education and non-formal education (on social and civil matters such as human rights, diversity, gender equality, antisemitism and homophobia). It also called for a guarantee of equal access to education, and better quality education to be provided in rural areas.

Euronest also agreed on a [joint resolution](#) on the trio plus strategy 2030, a new EU flagship initiative proposed by Lithuanian MEPs, emphasising that it would complement the Eastern Partnership, thus providing new stimuli for integration and keeping up the momentum for transformative reforms in its most advanced members – namely Ukraine, Georgia and Moldova.

On 12 June 2020, the Euronest Assembly Bureau, adopted its [recommendations](#) to the Heads of State and Government ahead of the virtual Eastern Partnership summit scheduled for 18 June 2020. The recommendations included a call for 'continuous impetus towards intense dialogue, enhanced cooperation and strategic partnership' with Eastern Partnership countries as well as a gradual movement towards access to the EU's four freedoms, the EU internal market and then to the European economic area, being the 'next overarching benchmark of the Eastern Partnership ...'. The Bureau also noted the idea of a Trio Plus strategy for Georgia, Moldova and Ukraine, while stressing that future EU membership for those partners who – in line with Article 49 of the Treaty on European Union (TEU) – are ready to join, should not not be excluded.

5.4. Jean Monnet Dialogue of the European Parliament

'The [Jean Monnet Dialogue for Peace and Democracy](#) (JMD) is an instrument developed by the European Parliament as a soft power tool in the area of parliamentary mediation and dialogue'. It is organised in the form of 'a cycle of preparatory consultations with political leaders leading to an in camera meeting with concrete outcomes and a follow-up on the commitments made during the dialogues'. The Jean Monnet Dialogue is part of the mediation and dialogue support offered by the European Parliament to address conflict situations.

The cooperation established between the European Parliament and the Verkhovna Rada of Ukraine was the first of its kind – launched in 2017 – and the positive outcomes have spurred the initiation of similar cooperation with the Moldovan Parliament and the Georgian Parliament.

As set out in the [Memorandum of Understanding](#) which underpins the programme, the dialogues have the purpose of increasing the quality of Ukrainian parliamentarianism, in particular by ensuring the efficient implementation of the Rada's constitutional roles, increasing the transparency and openness of its proceedings and implementing the EU-Ukraine association agreement.

Following the 2019 election, the newly formed Rada committed to continuing the dialogues, and the first meeting under the new legislative term was held in November 2019. The outcome was a [conclusion document](#) that includes a commitment to decisively push forward the process of institutional reform. That document was based on the [Report and Roadmap on internal reform and capacity-building for the Verkhovna Rada of Ukraine](#) that was published in 2016 as a result of the European Parliament's needs assessment mission to the Verkhovna Rada of Ukraine, led by Pat Cox, President of the European Parliament from 2002 to 2004. In this sense, a Jean Monnet Dialogue working group has been established within the Rada. It will focus on the key points contained in the roadmap, including: rapprochement of Ukrainian legislation to the EU *acquis communautaire*; promotion of cross-party dialogue and political diversity within the Rada; strengthening legislative capacity and oversight of the executive; and transparency and accountability towards the citizens.

5.5. Georgia, Moldova and Ukraine inter-parliamentary assembly

The inter-parliamentary assembly was established for the purpose of enhancing cooperation and dialogue between Moldova, Georgia and Ukraine on common issues.

During the first plenary session, which took place in Tbilisi (Georgia) on 5-6 October 2018, the main focus was on the opportunity for these countries to not only work jointly towards the perspective of EU membership, but also to reform European integration. The IPA was welcomed by the President of the Baltic Parliamentary Assembly and by MEPs. It is perceived as an important step towards setting the right conditions for economic growth, and also as an important part of bridging the gap that still remains regarding cooperation, especially in comparison to European institutions and Member States, as it will enable an enhanced form of cooperation between the three countries, allowing them to further pool resources. Key topics discussed in the inaugural plenary included security in the Black Sea region and countering anti-Western propaganda and fake news, as well as the occupation of the territories of Ukraine.

In 2018, the European Parliament provided support for the initiative in its [democracy support work programme in the first part of 2019](#), identifying it as 'an important platform for regional dialogue on strategic issues including the implementation of association agreements and for responding to key security challenges including hybrid war and disinformation'. Parliament has been providing concrete support by setting up an informal working group on disinformation with the help of the national democratic institute.

Parliament also officially welcomed the initiative in its [report](#) on building EU capacity on conflict prevention and mediation (2018/2159 (INI)), published in February 2019.

6. Eastern Partnership

6.1. Introduction

The idea of the [Eastern Partnership](#) was raised by Poland, Sweden and other EU Member States in 2008 and was adopted as a joint initiative of the EU and its Member States during the 2009 summit in Prague. The EaP is one of the specific dimensions of European Neighbourhood policy (ENP). It aims to deepen and strengthen relations between six eastern neighbours: [Armenia](#), [Azerbaijan](#), [Belarus](#), [Georgia](#), [Moldova](#) and [Ukraine](#).

The EaP is based on four main priorities ([JOIN\(2017\) 18](#) and [JOIN\(2015\) 50](#)):

- › stronger economy (economic development and market opportunities);
- › stronger governance (strengthening institutions and good governance);
- › stronger connectivity (connectivity, energy efficiency, environment and climate change); and
- › stronger society (mobility and people-to-people contacts).

The Eastern Partnership also supports the aims of the UN 2030 sustainable development goals and the Paris Agreement on climate change.

Cooperation within the Eastern Partnership has both a bilateral (based on the bilateral agreements signed between the EU and each of the EaP countries) and [regional](#) dimension. The dynamism of the cooperation, in particular the bilateral cooperation, and sectoral integration with the EU depends on the partner countries. Bilateral agreements, including association agreements, together with the association agendas, the partnership priorities and the EaP 20 Deliverables for 2020 (see point 6.3.) [align along](#) the four key priority areas of the EaP.

European Neighbourhood policy was reviewed in November 2015. The joint communication ([JOIN\(2015\) 50](#)) prepared by the Commission and the HR/VP reaffirmed that the EU is open to deeper integration based on shared values with willing partner countries. This can be seen in the association agreements signed by Georgia, Moldova and Ukraine, which also include a deep and comprehensive free trade area with the EU (AA/DCFTA), and deeper sectorial integration, such as full energy market integration and the promotion of a common aviation area, as offered to Georgia, Moldova and Ukraine.

6.2. Progress toward the Eastern Partnership post-2020

In 2019, the Commission and the HR/VP identified 10 major EaP policy [achievements](#), which include: new bilateral agreements with EaP countries; more trade and investments; economic development in the EaP countries; more energy resilience and efficiency; support for young people; better transport links and infrastructure under the EU's TEN-T extension; and visa free regimes for Georgia, Moldova and Ukraine. The Commission and the HR/VP also identified five major [challenges](#) faced by the EaP policy:

- › strengthening the environment for civil society and a free and independent media;
- › further protecting the environment and actively tackling climate change;
- › increasing societal resilience by countering hybrid threats and disinformation;
- › maintaining the rule of law, implementing judicial reforms and fighting against corruption; and
- › stepping up EU engagement to help improve the lives of citizens affected by the conflicts in the region.

On 5 December 2019, Georgia, Moldova and Ukraine [signed](#) a joint statement on the future of the EaP and on deeper sectoral integration with the EU. The three countries asked for the more active application of the principle of differentiation within the EaP, 'based on the interests and ambitions of individual partners.' They also asked, not least, for further liberalisation of trade, deeper sectoral integration with the EU and for full access to the EU single market. They also declared that they would consider applying for EU membership in accordance with Article 49 of the Treaty on European Union. The countries called upon the EU 'to play a more visible role and further increase its engagement in peaceful conflict resolution in the EaP area'.

In 2019, the Parliament's Committee on Foreign Affairs (AFET) launched an own initiative report on the recommendations on the Eastern Partnership, in the run-up to its June 2020 summit ([2019/2209\(INI\)](#)). The draft report, prepared in February 2020 by [Petras Auštrevičius](#) (Renew Europe, Lithuania), recommended not least acknowledging that EaP countries that undertake comprehensive reforms and try to meet the criteria of Article 49 TEU 'may be eligible for EU membership, through a process of gradual integration'. The proposed [amendments](#) to the draft report were published on 25 March 2020 and were voted on by the AFET committee on 19 May 2020. The AFET committee tabled the [document](#) to the plenary on 9 June 2020, which was [voted](#) in plenary on 19 June 2020. The document points out the benefits of the EaP for both sides and encourages the acknowledgement 'that the Eastern partnership runs both ways as the experience of the EaP countries can be shared for the mutual benefit of the EU and its Member States and the EaP countries'. It also shows the role of the EaP in a geopolitical context, where 'the EaP countries can play a significant role for direct access to central Asia and contribute to the EU's central Asia strategy as reliable eastern European partners'. The document highlights the role that the European Parliament plays in the Eastern Partnership policy, and recommends the enhancement of 'the role of the European Parliament in the scrutiny and oversight of programmes via delegated acts in the application of the EU external financial instruments' and argues that Parliament should 'enhance parliamentary diplomacy and review the functioning of Euronest in order to enable it to reach its full potential'.

On 18 March 2020, the Commission and the HR/VP published a joint communication on the 'Eastern Partnership policy beyond 2020. Reinforcing Resilience – an Eastern Partnership that delivers for all' ([JOIN\(2020\) 7](#) and [SWD\(2020\)56](#), part [1](#) and [2](#), [summary](#)). This joint communication explains how to address common challenges and encourage future sectoral cooperation between the EU and the EaP countries. It also argues for the application of a differentiated approach towards each individual country based on their interests, ambitions and progress with respect to their EU AA/DCFTAs. The aim of the joint communication was to serve as a basis for discussions ahead of the EaP summit in Brussels on 18 June 2020.

The EU-Eastern Partnership summit was held on 18 June 2020 in Brussels via video-conference. In his [remarks](#) after the video conference, European Council President Charles Michel pointed out that the association agreements with Ukraine, Georgia and Moldova provided the basis 'for accelerating the political association and economic integration with the EU. Millions of these countries' citizens have benefitted from short-term visa-free travel to the EU'. He also underlined that 'the Eastern Partnership is a foreign policy priority for the European Union, and it will continue to be one, along with our European priorities of democracy, human rights, rule of law, gender equality, structural reforms and fighting disinformation'.

On 27 March 2020, the HR/VP, Josep Borrell, and Commissioner for Neighbourhood and Enlargement, Oliver Varhelyi, [stressed](#) the importance of the Eastern Partnership and proposed that, in future, EaP partner countries focus their work on five objectives: 1) working together for resilient, sustainable and integrated economies; 2) working together for accountable institutions, the rule of

law and security; 3) working together for environmental and climate resilience; 4) working together for a resilient digital transformation; and 5) working together for resilient, fair and inclusive societies.

On 11 May 2020, the Council of the EU adopted [conclusions](#) on Eastern Partnership policy beyond 2020. The Council reaffirmed the [strategic importance](#) of the Eastern Partnership 'supporting sustainable reform processes and offering close political association as well as economic integration with the EU and tangible impact on people's lives'.

The Council welcomed the significant achievements of the EaP to date, as well as the strengthening and deepening of bilateral relations between the EU and each of the EaP partner countries, based on the principles of inclusiveness and differentiation. At the same time, the Council pointed out that 'the scope and depth of cooperation is determined by the EU's and Eastern partners' common priorities and needs, as well as the pace, progress and quality of reforms implemented'.

The Council welcomed the progress made and called for full implementation of the AA/DCFTA with Georgia, Moldova and Ukraine. The Council also referred to 'the 2017 Eastern Partnership Summit declaration, which acknowledges the European aspirations and European choice of the Eastern partners concerned, as stated in the association agreements', which provided for the acceleration of political association and economic integration with the EU.

With regard to the three other EaP partner countries, the Council encouraged the implementation and entry into force of the Comprehensive and Enhanced Partnership Agreement with Armenia (provisionally applied since 1 June 2018), welcomed the progress in the ongoing negotiations with Azerbaijan for a new framework agreement and welcomed the fact that '...the EU's critical engagement with Belarus has become more comprehensive, as recently confirmed by the signing and ratification of visa facilitation and readmission agreements'.

The Council also highlighted that with respect to the unprecedented situation currently being experienced due to the coronavirus pandemic, solidarity and cooperation with international partners, including those in the EaP, was essential.

6.3. EaP 20 deliverables for 2020

During the November 2017 EaP summit, a new approach was adopted. It proposed [20 deliverables for 2020](#), which related to a set of 20 tangible outcomes to be achieved by 2020, with each of them focusing on improving people's lives (see Table 3).

In September 2018, [internal monitoring](#) was carried out by the Commission and the EEAS to review the progress achieved under the 20 deliverables for 2020. The best results in six EaP countries were achieved in the deliverables relating to economic issues and societal issues, with the worst results being found in the deliverables relating to governance issues and cross cutting issues. The progress achieved by Ukraine in comparison to all EaP countries can be seen in Table 3.

A 2019 United Nations development programme (UNDP) [report](#) identified links between the 20 deliverables for 2020 and the UN sustainable development goals (SDG). The report also evaluated the progress made by the six EaP countries in achieving those goals. For instance, in relation to the national policy framework of the SDGs, Ukraine has met 88 national targets with a success rate of 94 %, as well as 169 global targets with a success rate of 44 %. The report also further specified that governance (SDG 16) was given more attention than economic development (SDG 8) and partnership issues (SDG 17), whilst gender equality (SDG 5) was ranked as the second most important priority. However, education (SDG 4) was not discussed as much in the document. Among the SDGs ranked low in the report were: clean water and sanitation (SDG 6), responsible consumption and production (SDG 12), climate action (SDG 13) and life on land (SDG 15).

Table 1 – Progress in achieving 20 deliverables for 2020, in 2018 and in 2019*

Deliverables	Six EaP countries in 2018	Ukraine in 2018	Ukraine in 2019
CROSS-CUTTING DELIVERABLES			
Structured engagement with civil society	Moderate progress	On track	On-track
Gender equality and non-discrimination	Moderate progress	On track	On-track
Strategic communication and plurality and independence of media	On track	On track	On-track
ECONOMIC DEVELOPMENT AND MARKET OPPORTUNITIES			
Regulatory environment and SMEs development	On track	On track	On-track
Gaps in access to finance and financial infrastructure	On track	On track	On-track
New job opportunities at local and regional level	On track	On track	On-track
Harmonisation of digital markets	Moderate progress	Moderate progress	On-track
Trade and DCFTA implementation	On track	On track	On-track
STRENGTHENING INSTITUTIONS AND GOOD GOVERNANCE			
Rule of law and anti-corruption mechanisms	Moderate progress	On track	On track
Implementation of key judicial reforms	Moderate progress	Moderate progress	On track
Implementation of public administration reform	Moderate progress	On track	On track
Security	On track	On track	On track
CONNECTIVITY, ENERGY EFFICIENCY, ENVIRONMENT			
Extension of the TEN-T core networks	On track	On track	On track
Energy supply	On track	Moderate progress	Moderate progress
Energy efficiency, renewable energy and reduction of greenhouse gas emissions	Moderate progress	On track	On track
Environment and adaptation to climate change	Moderate progress	On track	On track
MOBILITY AND PEOPLE-TO-PEOPLE CONTACTS			
Visa liberalisation and mobility partnerships	On track	On track	On track
Youth, education, skills development and culture	On track	On track	On track
Eastern Partnership European school	On track	On track	Completed
Research and innovation	On track	On track	On track

Source: EPRS, based on: [Eastern Partnership: 20 Deliverables for 2020: State of play in 2018](#), European Commission, [Ukraine's Implementation of 20 Eastern Partnership Deliverables for 2020](#), [Ukrainian National Platform of the European Partnership, 2018](#) and [Ukraine's Implementation of 20 Eastern Partnership Deliverables for 2020, Monitoring report by the Ukrainian National Platform of the EaP Civil Society Forum, September 2018- September 2019](#).

* From 'Moderate progress' – the lowest, via 'On track', to 'Completed' – the highest

7. Participation of Ukraine in selected EU policies, programmes and initiatives

According to the latest EU opinion survey in [Ukraine](#), 'knowledge of EU-funded programmes in Ukraine continues to increase and currently over half of those who are aware of the EU's financial support know about specific programmes (56 %, up 8 % since 2018 and up 24 % since 2017). The most well-known programmes relate to the field of 'education' (51 %, up 8 %), on account of the positive exchanges in the areas of culture and science. Ukraine participates in/benefits from many EU programmes, such as 'Creative Europe' and 'Horizon 2020'.

The [Protocol](#) to the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one Part, and Ukraine, of the other part signed in April 1997, which entered into force in December 2000 and the following [Protocol](#) to the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and Ukraine, of the other part, on a Framework Agreement between the European Union and Ukraine on the general principles for the participation of Ukraine in Union programmes signed in November 2010 and which entered into force in November 2011, laid the groundwork for Ukraine's participation in EU programmes.

7.1. Science, technology and innovation

The Commission recently [underlined](#) that 'Ukraine has a long tradition of science and technology excellence and despite the difficulties of the last years, the country has still first class science and scientists, and is an important science, technology and innovation (STI) actor in the neighbourhood of the Union'.

According to the 2019 [European innovation scoreboard](#), Ukraine is a 'modest innovator', but its performance has declined in recent years. Nevertheless, Ukraine scores high on 'employment in knowledge-intensive activities', 'new doctorate graduates' and on 'non-R&D innovation expenditures'. In contrast, Ukraine scores low on indicators such as 'SMEs with product or process innovations', 'SMEs with marketing or organisational innovations' and 'R&D expenditure in the public sector'.

Agreement on cooperation in science and technology

On 4 July 2002, the EU and Ukraine signed an [agreement on cooperation in science and technology](#) (S&T agreement), which was concluded with a Council decision on 6 February 2003. The agreement was signed for an initial period ending on 31 December 2002, to be renewed by common agreement for a period of five years. The agreement has been renewed a further two times since, in [2011](#) and [2015](#). The agreement expired on 7 November 2019.

On 30 January 2020, the Commission published a proposal for a Council decision on the renewal of the agreement on cooperation in science and technology between the European Community and Ukraine ([COM\(2020\) 32](#)) for a period of five years, starting from 8 November 2019. It was approved by the European Parliament on 13 May 2020 ([2020/0016\(NLE\)](#)).

The aim of the S&T agreement is to facilitate cooperation between the EU and Ukraine in common S&T priority areas leading to mutual benefits. The desire to renew the agreement was expressed at the meeting of the EU-Ukraine Joint Science and Technology Cooperation Committee, which was established under the agreement, held in Kyiv on 29 January 2019.

The Commission explained that the renewal of the agreement will allow the continuation of bilateral STI cooperation with Ukraine. This cooperation 'has traditionally been very active notably in the fields of advanced/new materials, IT-technology, physics and astronomy, engineering, agricultural technology, nanotechnology, biotechnology and their applications across various sectors'. The Commission also stressed that the renewal of the S&T agreement would 'send an important political signal about the importance... which the EU attaches to cooperation with Ukraine on STI'.

The S&T agreement is complementary to the Horizon 2020 association agreement, which focuses on the terms and conditions of Ukrainian participation in the programme.

European research area

In March 2018, the Ukrainian Ministry of Education and Science prepared a '[Ukrainian ERA roadmap](#)', stressing that Ukraine's integration into the ERA 'opens up additional possibilities for the development of the national research system of Ukraine due to a potential entry into new markets and obtaining new knowledge (in a variety of forms) from EU countries'.

The ERA-UA roadmap is built on six priorities:

- › Priority 1: Increasing the efficiency of the national research system
- › Priority 2a: Joint solving of problems resulting from global challenges
- › Priority 2b: Optimal utilisation of government investments into research infrastructures
- › Priority 3: Free job market for researchers
- › Priority 4: Gender equality and a comprehensive gender-oriented approach in the area of science and research
- › Priority 5: Optimal exchange and transfer of scientific knowledge
 - › Priority 5a: Transfer of knowledge. Open Innovations.
 - › Priority 5b: Open science and digital innovations
- › Priority 6: International cooperation

Horizon 2020 programme

Ukraine is one of 16 countries associated to the Horizon 2020 (H2020) programme.⁵ Ukraine signed the association agreement to the H2020 programme on 17 August 2015, however the agreement includes a restriction: 'Given that the EU does not recognise the illegal annexation of Autonomous Republic of Crimea and the City of Sevastopol, under the terms of the Horizon 2020 Association Agreement with Ukraine, legal persons established in the Autonomous Republic of Crimea or the city of Sevastopol are not eligible to participate. Should the illegal annexation of the Autonomous Republic of Crimea and the City of Sevastopol end, the agreement will be revised accordingly'.

According to the Commission's [data](#), Ukraine actively participates in the H2020, and was ranked seventh out of the 16 association countries for its participation in H2020 and funding received from the programme. Further selected details on the participation of Ukraine in the H2020, as of the end of April 2020, were as follows (in comparison to all associated countries):

- › 2 256 Ukrainian organisations applied for grants (3.5 % of all association countries);
- › 257 Ukrainian organisations got involved in the H2020 projects (2.37 % of association countries) of which 56 SMEs (22.36 % of country total);

⁵ The list of 16 countries associated to the Horizon 2020 programme (in order of accession): Iceland, Norway, Albania, Bosnia and Herzegovina, North Macedonia, Montenegro, Serbia, Turkey, Israel, Moldova, Switzerland, Faroe Islands, Ukraine, Tunisia, Georgia and Armenia.

- › €30.63 million of the net EU contribution was received by Ukrainian beneficiaries (0.69 % of association countries), of which €8.63 million was received by SMEs (28.18 % of country total);
- › 71 MSCA grants were received by Ukrainian applicants (3.84 % of all associated countries);
- › Ukrainian organisations achieved a 9.48 % success rate (ratio of retained proposals to the number of eligible proposals submitted) (15.01 % of all association countries);
- › Ukrainian applicants have not received ERC grants.

The biggest Ukrainian [grant holders](#) of the H2020 programme, those who received EU grants amounting to at least €1 million (up until the end of April 2020), were:

- › National Aerospace University, Kharkiv Aviation Institute (€1.84 million)
- › National Science Center Kharkov Institute of Physics and Technology (€1.41 million)
- › Polyteda Cloud LLC (€1.22 million)
- › Nanotechcenter LLC (€1.07 million)
- › Solargaps LLC (€1.05 million)
- › Siklum LLC (€1 million)

Euratom research and training programme

The Euratom research and training programme (2014-2018) (hereinafter: [Euratom R&T](#) programme) is being implemented in the following areas: a) indirect actions for the fusion research and development programme; b) indirect actions for nuclear fission, safety and radiation protection; and c) direct actions and activities of the Joint European Centre.

Ukraine is [associated](#) to the Euratom R&T programme complementing the Horizon 2020 programme. The agreement entered into force on 2 December 2016. Based on the agreement, Ukrainian research entities can participate in indirect actions of nuclear fission and radiation protection under the same conditions as legal entities from the EU Member States. Ukraine is also a full partner (with the same rights and benefits as national laboratories from EU Member States) in the EUROfusion consortium, implementing a comprehensive joint programme in line with the agreed [European roadmap to fusion electricity](#).

However, this restriction clause applies to the participation of Ukraine in Euratom: 'Given that the EU does not recognise the illegal annexation of Autonomous Republic of Crimea and the City of Sevastopol, legal persons established in the Autonomous Republic of Crimea or the City of Sevastopol are not eligible to participate. Should the illegal annexation of the Autonomous Republic of Crimea and the City of Sevastopol end, this clause shall be revised'.

The first Ukraine-Euratom Research and Innovation Committee (the [Joint Committee](#)) was held on 4 July 2018 in Brussels, during which the Joint Committee expressed its satisfaction with the pace of the association. Ukraine also welcomed the European Commission National Contact Point's coordination and support action under the Euratom work programme 2018, which facilitates participation of Ukrainian scientists in Euratom programmes. The Joint Committee underlined that Ukrainian research institutions were increasingly collaborating with the Joint Research Centre under the Euratom Programme, often jointly with other European partners. Ukraine also established informal networks, which may further increase cooperation opportunities. The EU side also stressed the importance of international cooperation in nuclear safety research and encouraged Ukrainian research entities to participate in the [Euratom work programme](#) 2018.

Copernicus Earth observation programme

Copernicus is an Earth observation programme that collects data from Earth observation satellites and ground stations, as well as both airborne and seaborne sensors. It helps to 'save lives at sea and during the response to natural disasters such as earthquakes, forest fires or floods. It allows farmers to better manage their crops, and decision makers to better understand and mitigate climate change'.

On 25 May 2018, the EU and Ukraine's State Space Agency signed a cooperation agreement, which established Ukraine's partnership with regards to the Earth observation initiative (data access and use of the Sentinel satellite data of the [Copernicus](#) programme). The agreement [allows](#) Ukraine (the State Space Agency of Ukraine) to strengthen and stimulate cooperation on Earth observation data, applications and services to foster an active downstream sector.

Under the agreement, both sides provide free, full and open access to data from their Earth observation satellites; the State Space Agency of Ukraine provides the programme with data from its Earth observation satellites, while Ukrainian citizens, academics and researchers, as well as the Ukrainian private sector, are provided with data from the family of Copernicus Sentinel satellites using high bandwidth connections between data hubs. Each side fund their own activities.

Next year the programme will change. As part of the MMF 2021-2027 package, in June 2018 the Commission submitted a [proposal](#) to establish the space programme of the Union and the European Union Agency for the Space Programme (COM(2018) 447), part of which will become the Copernicus programme. The proposal was [adopted](#) (with amendments) by the Parliament on 17 April 2019.

7.2. Culture

[EU cultural diplomacy](#) is part of the EU's foreign policy, as 'culture is a powerful tool to build bridges between people, notably the young, and reinforce mutual understanding. It can also be an engine for economic and social development in and outside the EU. Europe's cultural richness reinforces its foreign policy'.

The EU's strategy on international cultural relations was presented in 2016 ([JOIN\(2016\) 29](#)) and is based on three main objectives:

- 1 supporting culture as an engine for sustainable social and economic development;
- 2 promoting culture and intercultural dialogue for peaceful inter community relations; and
- 3 reinforcing cooperation on cultural heritage.
- 4 Cultural cooperation between the EU and Ukraine has many long and short-term dimensions, and new forms of cooperation have been recently added to the package. The presentation of selected forms of cooperation, starting with the Creative Europe programme and followed by both the house of Europe programme and the cultural bridges programme can be found below.

Creative Europe programme

The [Creative Europe programme](#) supports the cultural, creative and audiovisual sectors in both EU and partner countries. Since 2014, it has provided funding of almost €1.5 billion for cultural projects. The programme is also a tool that helps to achieve the objectives of EU cultural diplomacy, while the EU's strategy on international cultural relations has encouraged EaP countries to participate in the Creative Europe programme.

Ukraine signed the [agreement](#) to join the Creative Europe programme on 19 November 2015, following Georgia and Moldova, who joined the programme in early 2015. The annex to the

agreement provided preferential conditions for the [participation](#) of Ukraine in the programme, such as the payment of a symbolic €1 entrance fee for the first two years of participation in the programme. In 2019, Ukraine paid its first membership fee which amounted to €0.5 million, a fee that is revised annually.

Ukraine participates actively in the Creative Europe programme, with recent achievements such as [Haska Shyyan](#), who was born in Lviv and is currently living in Kyiv, winning the 2019 European Union Prize for Literature (financed from the Creative Europe programme) for her book *ЗА СПИНОЮ* (Behind the Back), becoming the first winner to come from Ukraine. At the same time, [Oleg Drozdov](#), from Drozdov & Partners and co-founder of the Kharkiv School of Architecture, has been invited to join a five-member jury that has been established to analyse and choose the best projects for the Young Talent Architecture Award 2020, while Ukraine has also received seven nominations (out of 383 nominees overall) for the EU Prize for Contemporary Architecture, with both competitions being part of the [EU Mies van der Rohe Award](#). Also in 2019, [GogolFEST](#) from Ukraine was one of the five winners of the EFFE Award 2019-2020 organised by the [European Festivals Association](#).

In June 2020, five Ukrainian organisations [received](#) €1 million from the Creative Europe programme to help them implement their cultural projects. Five Ukrainian projects were amongst the 113 projects chosen for financing, with the winning projects being selected from almost 400 applications in total, including 19 from Ukraine.

[Examples](#) of earlier projects financed from the Creative Europe programme include:

- › In 2018, the publishing house [Astrolabe](#) from Lviv became the first publisher from Ukraine to win a grant from the programme for the translation and printing of eight outstanding works of classical and modern European literature. Translations included works from Ancient Greece and the Middle Ages, as well as 'books by well-known, modern European authors who have won prestigious literary awards'. The total [cost](#) of the project amounted to €58 278.65, 50 % of which was covered by the Creative Europe programme. The project was co-funded by the Polish Book Institute (Krakow), the Lviv Region Administration and the Lviv Region Council.
- In 2019, three [publishing houses](#) from Ukraine also received grants for translations within the open call for proposals on the 'Literary translation 2019'.
- › In 2017, under the project [Polyphony](#), researchers created a web archive of traditional Ukrainian songs. They travelled around Ukrainian villages recording around 1 500 songs (mostly non-ritual songs – folk ballads and lyrical songs) from 500 performers. The voice of each performer was recorded separately and then digitalised so that it was possible to listen to each voice separately. The total budget of the project amounted to €350 396.59, with 57 % being covered by the Creative Europe programme. The project was implemented by the National Centre of Folk Culture's 'Ivan Honchar Museum' in Ukraine, the Ördögkatlan Fesztivál from Hungary and Di Mini Teatro from France. The implementation of the project was related to the 2018 European Year of Cultural Heritage.

Ukraine also successfully participated in the short-term pilot project [i-Portunus](#), which was funded by the Creative Europe programme and implemented between April and September 2019. The project focused on supporting the short-term (15-85 days) mobility of artists and culture professionals from one country to another, with the aim of establishing or improving collaborations, creating new work, developing audiences and so on. The project was managed by a consortium headed by the Goethe Institut with Institut français, Izolyatsia and the Nida Art Colony of Vilnius Academy of Arts. Ukraine was the only non-EU country among the top 10 most actively participating countries, which were Germany (71 participants), France (68), the UK (50), Italy (46), Spain (37), Greece (33), Ukraine (24), the Netherlands (21), Poland (18) and Hungary (17), with Serbia (16) following in 11th place. The plan is for the scheme to be continued as a permanent project under the Creative Europe programme for 2021-2027.

European houses of culture/houses of Europe

[House of Europe in Ukraine](#) is an EU-funded programme launched at the end of 2019, with a budget of €12.2 million for the next three years.

The programme is part of the EU's cultural diplomacy and in particular contributes to achieving its second objective, which is 'promoting culture and intercultural dialogue for peaceful inter-community relations'. The EU strategy for international cultural relations ([JOIN\(2016\) 29 final](#)) proposed the establishment of the European culture houses, which '...would be based on a partnership between the EU and the partner country in question and would enable cultural institutes and other stakeholders to come together and provide services to the local population, engage in joint projects and offer scholarships, cultural and educational exchanges'. The strategy also highlighted the role of the culture institutes in the international culture cooperation.

House of Europe is implemented under the umbrella of the European Spaces of Culture as one of the innovative, culture-related collaboration programmes with non-EU partners. The preparatory actions for this were initiated by the European Parliament, and were attributed to the European Union National Institutes for Culture ([EUNIC](#)) at the end of 2018 by the European Commission. Currently EUNIC implements programmes together with EU Delegations in eight countries worldwide, one of them being Ukraine. Ukraine is the only country in which two innovative collaboration programmes are implemented (see also the *Culture Bridges* programme below).

The house of Europe in Ukraine programme is led by Goethe-Institut Ukraine in cooperation with the British Council Ukraine, Institut français d'Ukraine, with Czech Centres as consortium partners and members of the ([EUNIC](#)) network. The Ukrainian cluster of EUNIC consists of 18 cultural organisations, which form the steering committee of the house of Europe.

The aim of the house of Europe in Ukraine programme is to foster professional and creative exchanges between Ukrainians and their colleagues in EU countries in the cultural and creative industries, as well as in the sectors of education, health, social entrepreneurship and youth work. The programme funds cultural coproduction and cooperation between organisations from Ukraine and the EU, as well as the development of cultural infrastructure and artistic concepts for young people in Ukraine.

The house of Europe in Ukraine is composed of more than 20 separate [programme lines](#), including three types of grants: mobility grants, cooperation grants and translation grants, as well as university exchanges, youth camps and cultural residencies (open for curators, art-managers, and researchers). The programme also offers study visits for the cultural and creative industries, for educators, for social entrepreneurs and for health professionals. Recently, with respect to the impact of the Covid-19 crisis, four new programmes were launched in order to respond to the most urgent problems faced by the cultural and creative industries.

Culture bridges

[Culture bridges](#) is an EU-funded programme, lasting for three years, which is being implemented by the EUNIC under the umbrella of the European Space of Culture. The programme was [launched](#) in November 2017 and will run until October 2020. The programme works to support 'the development of the cultural sector in Ukraine and enables it to engage more effectively with cultural organisations and operators in the EU'. The programme is funded by the EU as part of its support for the implementation of the EU AA with Ukraine and is managed by the British Council in partnership with the EUNIC network in Ukraine.

The programme supports different forms of activities, including international mobility, national and international cultural cooperation projects, as well as training sessions and study visits to EU

member states. There are several sectors that can apply for grants from the programme, including architecture, the audiovisual sector, libraries and museums, literature, media, fashion, music, performing arts, publishing and festivals. Over 100 grants should be awarded over the total three-year period, according to the plans.

7.3. Erasmus+ programme for higher education

Participation in the EU Erasmus+ programme is one of the EaP 20 deliverables for 2020, namely 'youth, education, skills development and culture'. Ukraine joined the Erasmus+ programme as a partner country in 2014. Since then, the participation of Ukrainians in the programme has progressed well. According to the Commission's [data](#), Ukraine is one of the largest beneficiaries of the Erasmus+ programme in the EaP region. As for higher education, up until March 2020, more than 9 000 Ukrainians and almost 4 000 European students and academic staff have benefited from Erasmus academic exchange opportunities. Selected statistics relating to the participation of Ukraine in the Erasmus+ programme for higher education, for the period up to the end of 2018, is presented in Table 4.

According to [EEAS](#) information, 'the EU has dedicated €5 million as a specific bilateral window for Ukraine under Erasmus+ to increase the existing opportunities for student and academic mobility and traineeships, to provide support to reform processes at higher education institutions and to encourage the greater involvement of Ukraine in Jean Monnet activities in the years 2019 and 2020'.

Table 4 – Erasmus+ for higher education in Ukraine

	Ukraine
International credit mobility (ICM), 2015-2018	There were: <ul style="list-style-type: none"> – 1 422 proposals involving Ukraine were submitted – 915 projects involving Ukraine were selected – 7 259 students and staff from Ukraine moved to the EU – 2 992 students and staff from the EU moved to Ukraine
Erasmus Mundus Joint Master degrees (EMJMDs), 2014-2018	<ul style="list-style-type: none"> – 18 proposals involving Ukraine were submitted – 4 EMJMDs involving Ukraine were selected – 1 full partner from Ukraine in EMJMDs – 9 associates from Ukraine in EMJMDs
Capacity building in higher education, 2015-2018	<ul style="list-style-type: none"> – 464 proposals involving Ukraine were submitted – 30 projects involving Ukraine were selected – 1 project was coordinated by Ukraine
Jean Monnet projects, 2015-2018	<ul style="list-style-type: none"> – 575 applications were from Ukraine – 55 selected projects were from Ukraine – 2 networks involved partners from Ukraine

Source: [Erasmus+ for higher education in Ukraine](#) and [EU-Eastern Partnership cooperation through Erasmus+](#), European Commission, 2019.

7.4. EaP transport panel and TEN-T indicative action plan

In September 2011, the [Eastern Partnership Transport Panel](#) was established as a framework for the exchange of information and best practices between the EU and EaP partner countries, as well as between EaP partner countries themselves. The panel 'addresses reforms underpinning regulatory

convergence across transport modes'. During the 12th meeting of the panel, which took place in 2017, [projects](#) connecting Georgia, Moldova and Ukraine to the trans-European transport network (TEN-T) were presented. One such example was a route project that would lead to reduced transit time between seaports in Gdańsk/Gdynia (Poland) and Odesa (Ukraine), from 23 hours to 15 hours.

Based on the Commission Delegated Regulation (EU) [2019/254](#) of 9 November 2018, Annex III to Regulation (EU) No [1315/2013](#) on guidelines for the development of the trans-European transport network was amended to add Eastern Partnership projects to the programme. Two projects in Moldova ([maps](#)) and two projects in Ukraine ([maps](#)) have been added to the TEN-T. In both cases, one project concerned railways and one concerned roads.

The regulation was accompanied by a [TEN-T indicative investment action plan](#) for the EaP, co-authored by the Commission and the World Bank. The €12.8 billion plan should enable [investment](#) in a total of 4 800 kilometres of road and rail, six ports, and 11 logistics centres up until 2030 ([maps](#)).⁶

Figure 2 – TEN-T priority in Ukraine, 2018



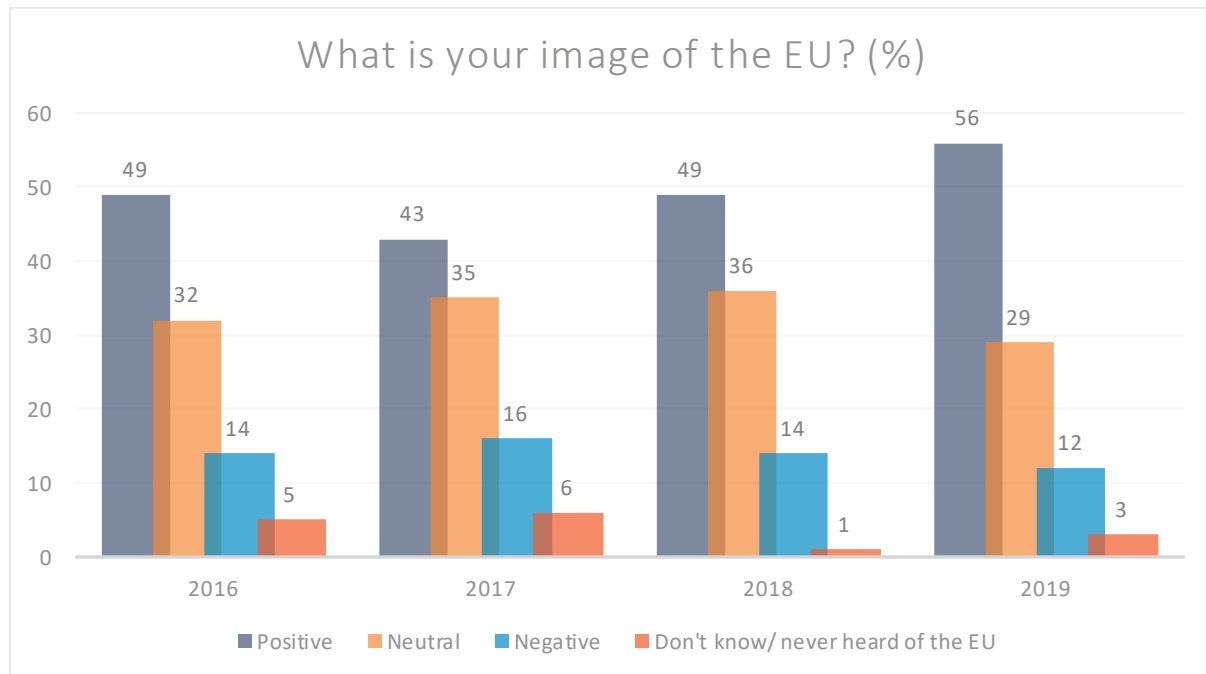
Source: TEN-T, European Neighbourhood policy and enlargement negotiations, European Commission [website](#).

⁶ See also A. Zygierewicz: [Association agreement between the EU and Georgia. European Implementation Assessment \(update\)](#), Study, EPRS, April 2020 and A. Zygierewicz: [Association agreement between the EU and the Republic of Moldova. European Implementation Assessment \(update\)](#), Study, EPRS, May 2020.

8. Progress in the way the EU is perceived in Ukraine

According to the latest EU regional [survey](#), 56% of Ukrainian citizens have a positive image of the European Union, 29% have a neutral image, while 12% have a negative image. This positive attitude is the highest it has been in the last four years, whilst the level of neutral and negative attitudes is decreasing (see Figure 2).

Figure 3 – Evolution of Ukrainians' attitude toward the EU, 2016-2019

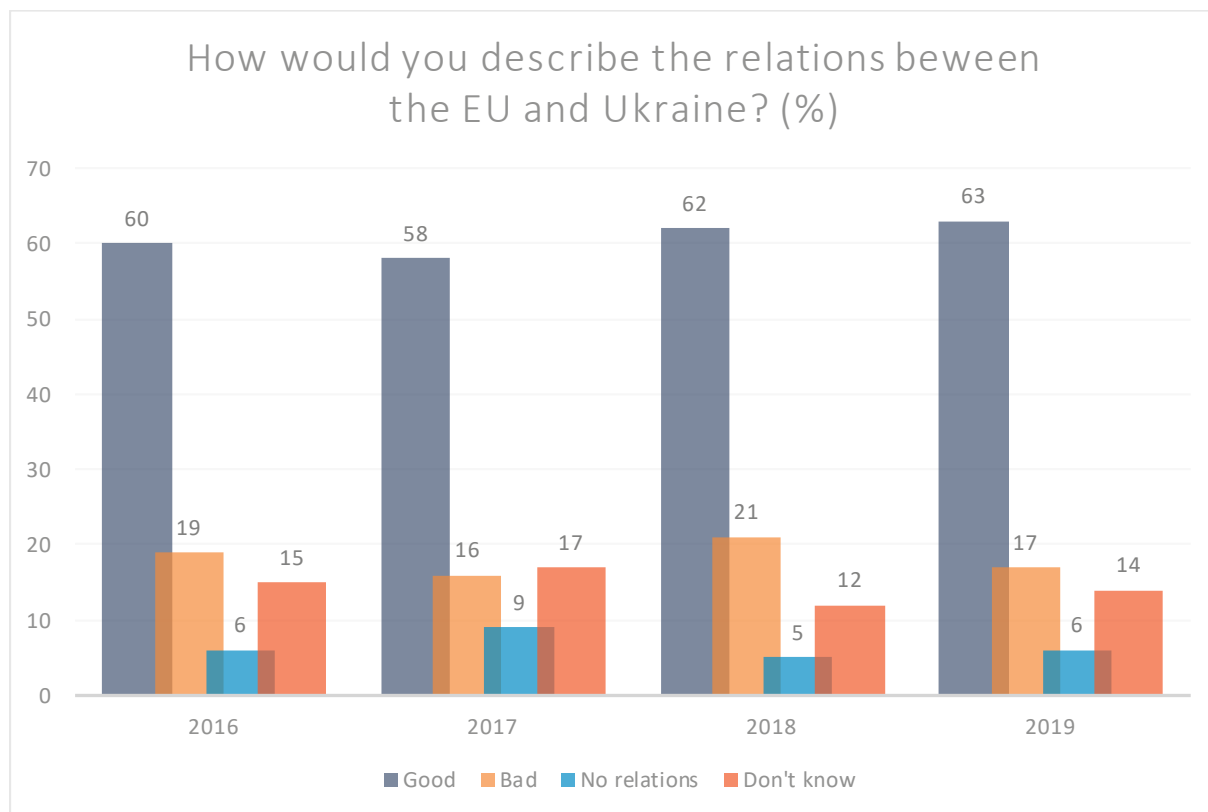


Source: [Opinion Survey 2019: Regional Overview. 4th Wave \(Spring 2019\)](#), [Opinion Survey 2018: Regional Overview \(July 2018\)](#), [Annual Survey Report: Regional Overview. 2nd Wave \(Spring 2017\)](#) and [Annual Survey Report: Regional Overview. 1st Wave \(Spring 2016\)](#), EU Neighbours East.

The latest EU regional survey further showed that the majority (65%) of Ukrainians described the relations between their country and the EU as 'good', which again was a four-year high. Nevertheless, 17% respondents saw the relations as 'bad', and 14% did not know how to describe the relations (see Figure 3).

According to the latest EU opinion survey on [Ukraine](#), around 60% of Ukrainians were aware of the financial support being provided by the EU to Ukraine. Around one in two Ukrainians who were aware of the EU support considered it 'effective', in particular young people (60% expressed a positive opinion), residents of larger settlements (59%), those living in the east of the country (53%), and employed/self-employed citizens (53%). Less positive opinions were expressed by native Russian speakers (62% found the EU assistance 'ineffective'), residents from the centre of the country (53%), while around half of middle-aged citizens (50%) and elderly citizens (51%) also found the assistance 'ineffective'. The best known EU programmes were those in the field of 'education' (51%), followed by programmes in the fields of 'health and medicine' (39%), 'energy efficiency/global warming' (32%), 'justice and reforms' (28%), 'culture' (27%), 'economic reform/business promotion' (25%) and 'infrastructure development' (22%). The survey also showed that Ukrainians were largely confident that 'the EU provides tangible benefits to citizens in everyday life', with 31% of respondents 'strongly agreeing' with the opinion and 42% 'somewhat agreeing'.

Figure 4 – Evolution of Ukrainians’ opinions on their relations with the EU, 2016-2019



Source: [Opinion Survey 2019: Regional Overview, 4th Wave \(Spring 2019\)](#), [Opinion Survey 2018: Regional Overview \(July 2018\)](#), [Annual Survey Report: Regional Overview, 2nd Wave \(Spring 2017\)](#) and [Annual Survey Report: Regional Overview, 1st Wave \(Spring 2016\)](#), EU Neighbours East.

9. Conclusions

The situation in Ukraine is difficult according to both the EU and reports from international organisations, and it is a situation that has worsened still further as a result of the coronavirus pandemic. In particular, Ukraine has to deal with its internal reforms and the challenging situation in the east of the country. As for the latter, the EU has condemned Russia's military action in eastern Ukraine and the illegal annexation of Crimea, while supporting action leading to a peaceful resolution of the situation.

The EU recognises the progress made in implementing the association agreement in Ukraine, but still points to the efforts that should be made in order to achieve the expected results. According to the latest EU association implementation report, Ukraine successfully completed the presidential and parliamentary electoral cycles and continued to implement several important reforms, with significant involvement of civil society in the process. In June 2019, Ukraine celebrated two years of visa-free travel to the EU, with almost 3 million visits made by Ukrainian citizens to the Schengen area without a visa. However, challenges such as energy sector reforms still remain. The humanitarian situation in eastern Ukraine as well as the human rights situation at the Crimean peninsula also remain serious concerns.

According to the Democracy Index, democracy standards have risen in Ukraine. Ukraine was ranked 78th out of 167 countries worldwide in 2019, a rise from 84th place in 2018. By way of comparison, in 2019, Georgia occupied 89th place and Moldova 83rd. However, one of the challenges that Ukraine still faces is the level of corruption. According to the Corruption Perception Index, Ukraine was ranked 126th out of 180 countries worldwide in 2019 (120th in 2018), with an overall score of 30 out of 100 (32 in 2018). In 2019, the overall score of Ukraine was below average for eastern Europe and central Asia, which was 35, and considerably below the score of Georgia (56), while also being slightly below Moldova (32).

On the whole, Ukrainians have a positive image of the EU, with 56 % of those questioned in 2019 expressing a positive opinion of the EU, in contrast to 29 % expressing a neutral opinion and 12 % expressing a negative opinion. The level of this positive attitude towards the EU was the highest it has been in four years, with the negative attitudes reaching their lowest level over the same timeframe. The majority (around 60 %) of Ukrainians were also aware of the financial support being given to the country by the EU, with around half of them considering it to be 'effective'. Positive opinions were more likely to be expressed by young people, residents of larger settlements and by those living in the east of the country. The EU programmes in the country that were the most well-known were those in the field of 'education', followed by programmes in the fields of 'health and medicine', 'energy efficiency/global warming' and others.

Ukraine is increasingly involved in EU policies, initiatives and programmes, such as the EU policies in the area of research and innovation, as well as in programmes such as Erasmus+ and Creative Europe. EU-Ukraine cooperation also has a parliamentary dimension, as seen with Ukraine's participation in the Jean Monnet Dialogue of the European Parliament. Ukraine, together with Georgia and Moldova, has established an inter-parliamentary assembly, with the aim of developing dialogue and cooperation between the three countries, for instance on strategic issues such as the implementation of the EU association agreements.

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Report on the implementation of the association agreement between the EU and Ukraine

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Executive summary

Ukraine underwent sweeping political changes in 2019 after the presidential and parliamentary elections resulted in a full change of power and unprecedented turnover of the political elite. New President Volodymyr Zelensky, a political newcomer, quickly asserted his authority and pushed for long-neglected political reforms, although the results have so far been varied. While the implementation of the Association Agreement (AA) has inevitably slipped down the political agenda given the electoral cycle, eventually falling far behind schedule, Ukraine still has managed to achieve noticeable progress in this respect, especially when it comes to further building an institutional framework. Obviously, the new institutions have yet to prove their capacity to operate effectively and independently of political interference.

Firmly establishing the rule of law remains a challenge in Ukraine. Despite the ongoing judicial reform, justice has often been selective and used to suppress political opponents. No high-level politician or state official has been sentenced on corruption charges although the anti-corruption institutional architecture is complete and in operation. Most law enforcement agencies have yet to be properly reformed or have greater autonomy from political control. Vested interests and informal politics remain deeply entrenched.

Ukraine further stabilised its public finances and witnessed moderate economic growth in 2018-2019, but will have to face rapid recession in 2020 due to the COVID-19 pandemic. Energy and land reforms, which hold strong potential for economic rebound in future, finally saw a breakthrough in 2019-2020 with the long-awaited unbundling of the gas transmission system operator and end of the moratorium on farmland sales. Several other important sectoral reforms have continued, including stabilising the banking sector and introducing corporate governance in state-owned enterprises, but they have yet to be concluded.

EU-Ukraine trade has intensified by almost 50% since the Deep and Comprehensive Free Trade Area (DCFTA) entered into force in 2016, with the biggest beneficiaries being Germany and Poland. Ukraine has continued the adoption of EU technical and safety standards and has made considerable progress in aligning its customs and border procedures with EU legislation. However, the Ukrainian authorities have not lifted the moratorium on unprocessed wood exports, which prompted the EU to initiate an arbitration procedure, the first one under the EU-Ukraine Association Agreement. On the other hand, the European Commission has prolonged its anti-dumping duties on import of steel pipes and tubing from Ukraine.

The AA implementation in Ukraine suffers from several weaknesses, among which the most important are the lack of sufficient institutional capacity and resources of the Ukrainian state. While EU technical and financial assistance, advice, and training have been instrumental in, at least partially, filling these gaps, they cannot permanently compensate for the weaknesses of the Ukrainian administration and the absence of strong political oversight. As the COVID-19 pandemic will inevitably move the AA implementation further down the political agenda in Ukraine, political efforts and scarce finances should be concentrated in the coming months on a limited number of priorities. The EU should continue its assistance to Ukraine with a view to building its institutional capacity but on the basis of conditionality.

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List of acronyms and abbreviations

AA	Association Agreement
ATCs	Amalgamated territorial communities
CCU	Constitutional Court of Ukraine
CSOs	Civil society organisations
CUIEU	Committee on Ukraine's integration with the European Union
DCFTA	Deep and Comprehensive Free Trade Area
DPMEEI	Deputy Prime Minister for European and Euroatlantic Integration
EEAS	European External Action Service
EU	European Union
EUROSTAT	European Statistical Office
FRONTEX	European Border and Coast Guard Agency
GDP	Gross Domestic Product
GOCEEI	Governmental Office for Coordination of European and Euroatlantic Integration
GTSO	Gas transmission system operator
HACC	High Anti-Corruption Court
HQCJ	Higher Qualification Commission of Judges
ICC	International Criminal Court
IMF	International Monetary Fund
NABU	National Anti-Corruption Bureau of Ukraine
NAPC	National Agency for Prevention of Corruption
NBU	National Bank of Ukraine
NCSREPU	National Commission for State Regulation of Energy and Public Utilities
OPG	Office of the Prosecutor General
PGO	Prosecutor General's Office
SAP	Specialised Anti-Corruption Prosecutor's Office
SBI	State Bureau of Investigations
SC	Supreme Court
SGUA	Support Group for Ukraine
SOEs	State-owned enterprises
SSU	Security Service of Ukraine

1. Methodology

The following study combines qualitative and quantitative empirical research of both primary and secondary data on the progress of the implementation of the EU-Ukraine Association Agreement⁷ in the period between June 2018 and April 2020 with a particular focus on the effectiveness and outcomes of the process. Primary data include information obtained from normative acts (i.a., laws, draft laws, court decisions, decrees) and official documents, as well as statistical data, supplemented with data collected through a series of online and e-mail interviews with Ukrainian officials, EU diplomats, and representatives of local and international organisations. Secondary data include information gathered from existing reports and studies prepared by think-tanks and non-governmental organisations, media articles, as well as implementation reports prepared by the Government Office for Coordination on European and Euro-Atlantic Integration of Ukraine and the European Commission.

The preparation of the report was hampered by the COVID-19 pandemic, which made it impossible to organise a study trip to Kyiv to conduct face-to-face interviews.

The report starts with explaining the institutional and legal framework of the AA implementation in Ukraine. Five chapters follow, dedicated to, respectively, rule of law and good governance; trade; economic and sectoral cooperation; energy and climate; and, justice, freedom and security. Each one consists of a general assessment of the current situation in the respective field, and successes as well as shortcomings, underpinned by relevant case studies. This is followed by an evaluation of the role and impact of the EU institutions on AA implementation in Ukraine. The concluding chapter entails specific recommendations as to how to improve the effectiveness of AA implementation in the future.

In the references, this report uses the Ukrainian national transliteration system adopted by Ukraine's government in January 2010.⁸

⁷ Association Agreement between the European Union and its Member States, of the one part, and Ukraine, of the other part, Official Journal of the European Union, L 161/3, 29.05.2014.

⁸ Kabinet Ministriv Ukrainy, 'Pro vporiadkuvannia transliteratsii ukrainskoho alfavitu latynytseiu', Postanova No. 55, 27.01.2010, <https://zakon2.rada.gov.ua/laws/show/55-2010-n>.

2. Institutional and legal framework of AA implementation in Ukraine

In line with the constitutional changes adopted by the Ukrainian parliament in February 2019,⁹ Ukraine took a strategic course towards acquiring full membership in the EU. The government has been obliged by the Basic Law to ensure the execution of this course, and the president acts as a guarantor of its irreversibility. In the government's action plan to 2024, adopted in September 2019 by the Cabinet of Ministers with the former Prime Minister Oleksii Honcharuk in charge,¹⁰ legal approximation according to the AA provisions was listed as one of the priorities towards meeting the criteria for EU membership.

The institutional architecture of European integration in Ukraine is headed by the deputy prime minister for European and Euroatlantic Integration (DPMEEI, a position established in 2016), responsible for the coordination of activities in the sphere of European integration between different branches of the government. The DPMEEI chairs the governmental Committee for European and Euroatlantic integration, international cooperation, security, defence and regional development,¹¹ which consists of the minister of foreign affairs, minister of defence, minister of communities and territories, and deputy ministers for European integration from other line ministries (see below). The committee serves as the main intra-governmental platform for harmonisation of the work of the Cabinet of Ministers in the sphere of European integration. The committee has broad competences, among which are reviewing draft governmental laws and draft governmental and presidential decrees on issues concerning European integration.¹² In September 2019, the DPMEEI was granted a right to autonomously submit draft laws for consideration by the Cabinet of Ministers,¹³ which was a major improvement because prior to that the DPMEEI had to submit draft laws through line ministries, which often resulted in delays or even the draft laws being blocked due to vested interests. Overall, though, the DPMEEI has rather weak political standing within the government, with line ministers, in particular the powerful minister of internal affairs, retaining a great deal of autonomy in terms of AA implementation.¹⁴ This requires stronger political leadership from the head of state, which, however, has been absent, both during the Poroshenko and Zelensky administration.

The DPMEEI has no portfolio (its own ministry) and on the administrative level is supported by the Governmental Office for Coordination of European and Euroatlantic Integration (GOCEEI), located within the Secretariat of the Cabinet of Ministers. The GOCEEI (established in 2014) constitutes an expert coordination centre designed to oversee the whole process of AA implementation, including translation of the EU *acquis* into Ukrainian, providing advice to the line ministries engaged in sectoral implementation of the AA, and conducting compliance assessments of governmental draft

⁹ Zakon Ukrainy 'Pro vnesennia zmin do Konstytutsii Ukrainy (shchodo stratehichnoho kursu derzhavy na nabuttia povnopravnogo chlenstva Ukrainy v Yevropeiskomu Soiuzi ta v Orhanizatsii Pivnichnoatlantynchoho dohovoru)', <https://zakon.rada.gov.ua/laws/show/2680-VIII>.

¹⁰ Kabinet Ministriv Ukrainy, Prohrama diialnosti Kabinetu Ministriv Ukrainy, 2019, <https://program.kmu.gov.ua>.

¹¹ Idem, 'Deiaki pytannia diialnosti uriadovykh komitetiv', Postanova No. 1152, 11.12.2019, <https://zakon.rada.gov.ua/laws/show/1152-2019-n>.

¹² Idem, Rehlament Kabinetu Ministriv Ukrainy, 2011, <https://zakon.rada.gov.ua/laws/show/950-2007-n/page>.

¹³ Zakon Ukrainy 'Pro vnesennia zmin do deiakykh zakoniv Ukrainy shchodo Perezavantazhennia vlady', <https://zakon.rada.gov.ua/laws/show/117-20>.

¹⁴ K. Wolczuk, The Development of an Institutional Framework for the Implementation of the Association Agreements in Georgia, Moldova and Ukraine: a comparative perspective, Directorate-General for External Policies, European Parliament, 2018.

laws with EU legislation.¹⁵ However, the GOCEEI has been permanently understaffed (at the time of writing it had an acting director only), and lacks sufficient expertise, which has severely undermined its capacity to fulfil the extensive range of tasks.¹⁶

Responsibility for European integration activities within line ministries has been put on deputy ministers for European integration (posts introduced in each ministry in 2014). Since 2018, special Directorates for Strategic Planning and European Integration have also been systematically introduced in line ministries, whose competences include administrative coordination of the sectoral AA implementation.¹⁷

Since the AA implementation entails far-reaching legislative changes in Ukraine, an important role has been played by parliament, the Verkhovna Rada, with its Committee on Ukraine's integration with the EU (CUIEU). The CUIEU has broad responsibilities, which include overseeing the adaptation of Ukrainian legislation to the EU *acquis* and conducting compliance assessments of draft laws with Ukraine's obligations stemming from the AA.¹⁸ Like the GOCEEI, however, the CUIEU has been permanently understaffed, being one of the smallest committees in both the previous (2014-2019) and the current (2019-present) convocation of the Rada. The parliamentary regulations oblige the CUIEU to prepare compliance assessments of all draft laws registered in the Rada,¹⁹ including those unrelated to AA implementation, which, given their vast number, far exceeds the CUIEU's capacity, although compensated for by legal assistance given by the EU and non-governmental organisations. Interestingly, CUIEU does not have the right to obtain a compliance assessment from the GOCEEI, as legal approximation is still pursued according to an outdated legal basis adopted in 2004,²⁰ which at that time provided for the Ministry of Justice to perform the function of a specialised body responsible for conducting compliance assessments.²¹ While this function was moved from the Ministry of Justice to the GOCEEI in 2014, the legislation has not been updated since then.

Despite the CUIEU's broad competences, its actual role is structurally undermined by the provisions of the parliamentary legislative procedure. The CUIEU provides its opinions on draft laws' compliance with the EU *acquis* only before their first reading and has, therefore, little influence on the final shape of a particular legislative act. On top of that, CUIEU opinions are non-binding, meaning that parliament can eventually adopt legislation that contradicts obligations stemming from the AA, and it often does so, not least because of effective lobbying from the biggest business groups. For this reason, parliament's mode of operation has long been recognised as one of the

¹⁵ Kabinet Ministriv Ukrainy, 'Pro Uriadovi ofis koordynatsii yevropeiskoi ta yevroatlantychnoi intehratsii', Postanova No. 759, 04.10.2017, <https://zakon.rada.gov.ua/laws/show/759-2017-n>.

¹⁶ K. Wolczuk et al., *EU-Ukraine. Making Association Work*, 2019.

¹⁷ Kabinet Ministriv Ukrainy, 'Deiaki pytannia reformuvannia derzhavnogo upravlinnia', Postanova No. 1034, 11.12.2019, <https://zakon.rada.gov.ua/laws/show/1034-2019-n#n136>.

¹⁸ Verkhovna Rada Ukrainy, 'Postanova Verkhovnoi Rady Ukrainy pro perelik, kilkisnyi sklad i predmety vidannia komitetiv Verkhovnoi Rady Ukrainy deviatoho sklykannia', 29.08.2019, <https://zakon.rada.gov.ua/laws/show/19-IX>.

¹⁹ Zakon Ukrainy 'Pro Rehlament Verhovnoi Rady Ukrainy', <https://zakon.rada.gov.ua/laws/show/1861-17>.

²⁰ Zakon Ukrainy 'Pro Zahalnoderzhavnu prohramu adaptatsii zakonodavstva Ukrainy do zakonodavstva Yevropeiskoho Soiuzu', <https://zakon.rada.gov.ua/rada/show/1629-15>.

²¹ Prezydent Ukrainy, 'Pytannia orhanizatsii vykonannia Zakonu Ukrainy «Pro Zahalnoderzhavnu prohramu adaptatsii zakonodavstva Ukrainy do zakonodavstva Yevropeiskoho Soiuzu»', Ukaz No. 965/2004, 21.08.2004, <https://zakon.rada.gov.ua/laws/show/965/2004>.

main obstacles to AA implementation in Ukraine, apart from resistance from “the old system” and the often unrealistic deadlines specified in the AA.²²

With a view to streamlining the adoption of legislation necessary for AA implementation, the government and parliament announced the creation of a joint platform for European integration in November 2019,²³ which is intended to enable the two bodies to jointly work out AA-implementation-related draft laws. Before that, there was no formal mechanism of coordination between the two, although some cooperation nevertheless took place. For instance, in February 2018, the government and parliament worked out a legislative roadmap for AA implementation²⁴ that included 57 pieces of legislation to be adopted by parliament in 2018-2019; in the end, however, fewer than 10 of them were approved. It remains to be seen if the new platform will improve the effectiveness of parliament's work.

The AA implementation is subject to an annual review, performed by the GOCEI, with line ministries and other state agencies obliged to prepare both quarterly and annual reports as input to the evaluation.²⁵ The review mechanism, called Pulse of the Agreement (see: Annex 1), was introduced in 2017 in cooperation with the EU and combines both quantitative and qualitative assessments. Since November 2019, the Pulse has been publicly available through a specially dedicated website.²⁶ According to GOCEI estimates, 37% of the AA implementation-related tasks were completed in 2019,²⁷ down from 52% in 2018.²⁸ The Cabinet of Ministers fulfilled 53% of its tasks, while the parliament managed only 12%. The overall progress in AA implementation as of January 2020 was estimated at 43%.

²² Kabinet Ministriv Ukrainy, 'Ivanna Klympush-Tsyntsadze zustrilasja z deputatamy Komitetu u zakordonnykh spravakh Yevropeiskoho Parlamentu', 05.04.2018, <https://www.kmu.gov.ua/news/ivanna-klympush-cincadze-zustrilasja-z-deputatami-komitetu-v-zakordonnih-spravah-yevropejskogo-parlamentu>.

²³ Idem, 'Uriad i Verkhovna Rada domovylysja pro tishu vzajemodiiu u sferi yevropeiskoi intehratsii Ukrainy', 19.11.2019, <https://www.kmu.gov.ua/news/verhovna-rada-i-uryad-domovilysja-pro-tishu-vzajemodiyu-u-sferi-yevropejskoyi-integraciyi-ukrayini>.

²⁴ Dorozhnia karta zakonodavchoho zabezpechennia vykonannia Uhody pro asotsiatsiu mizh Ukrainoiu, z odniiei storony, ta Yevropeiskym Soiuzom, Yevropeiskym spivtovarystvom z atomnoi enerhii i yikhnyimi derzhavamy-chlenamy, z inshoi storony na 2018-2019 roky, <https://www.kmu.gov.ua/storage/app/media/uploaded-files/karta-prioritetnikh-zakonoproektiv-u-sferi-evropeyskoi-integratsii.pdf>.

²⁵ Kabinet Ministriv Ukrainy, 'Pro vykonannia Uhody pro asotsiatsiiu mizh Ukrainoiu, z odniiei storony, ta Yevropeiskym Soiuzom, Yevropeiskym spivtovarystvom z atomnoi enerhii i yihnimi derzhavamy-chlenamy, z inszoi storony', Postanova No. 1106, 25.10.2017, <https://zakon.rada.gov.ua/laws/show/1106-2017-p>.

²⁶ See: <http://pulse.eu-ua.org>.

²⁷ Uriadovi Ofis Koordynatsii Yevropeiskoi ta Yevroatlantychnoi Intehratsii, Zvit pro vykonannia Uhody pro asotsiatsiiu mizh Ukrainoiu ta Yevropeiskym Soiuzom za 2019 rik, <https://www.kmu.gov.ua/storage/app/sites/1/55-GOEEI/ar-aa-implementation-2019-4.pdf>.

²⁸ Idem, Zvit pro vykonannia Uhody pro asotsiatsiiu mizh Ukrainoiu ta Yevropeiskym Soiuzom 2018, https://www.kmu.gov.ua/storage/app/sites/1/55-GOEEI/AA_report-UA.pdf.

3. Rule of law and good governance

There is no specific chapter in the AA dedicated to rule of law and good governance. Nevertheless, the AA provisions set some basic guidelines in this regard. Art. 2. states that respect for democratic principles, human rights, and fundamental freedoms, as well as rule of law, shall form the basis of the domestic and external policies of both the EU and Ukraine. Art. 14. mentions strengthening the judiciary, improving its efficiency, safeguarding its independence and impartiality, as well as fighting corruption among other rule-of-law priorities.

3.1. System of governance

The constitutional changes enacted during the last days of the 2013-2014 Revolution of Dignity brought Ukraine back from a president-parliamentary system to a premier-presidential form of government, with dual executive power shared between a president and a Cabinet of Ministers, and with a relatively strong legislative branch, responsible for the appointment and dismissal of the government. In practice, however, the lack of a clear division of authority between the president and prime minister, the president's firm control over law enforcement agencies and regional state administrations, his broad competences in terms of foreign and security policy, in combination with the fragmented party system provide fertile ground for power to be centralised around the head of state instead of the head of government. Despite *de iure* constitutional constraints, therefore, the president *de facto* heads a system of informal politics based on an extensive and complex network of patrimonial relations.²⁹

In these systemic circumstances, Volodymyr Zelensky's victory in the presidential elections in April 2019 and the subsequent triumph of his newly created Servant of the People party, which won an absolute majority in the pre-term parliamentary elections in July the same year and set up a one-party government, resulted in introducing in Ukraine a *de facto* fully-fledged presidential system, with Zelensky on top of the highly centralised power vertical. While being the head of state, informally Zelensky monopolised power as leader of the ruling camp, with his own, albeit sometimes unstable, parliamentary majority, and a mostly ceremonial prime minister devoid of any political base (which was the case with Oleksii Honcharuk in August 2019 to March 2020, and with Denys Shmyhal since March 2020). The case of Honcharuk, the former head of government, who in January 2020, after a political crisis, made himself available to the president instead of submitting his resignation to parliament as enshrined in the Constitution,³⁰ was the most telling example of this informal politics.

While Zelensky received a popular mandate from the elections to reform the country's entrenched political-business system of governance, the first year of his presidency has been characterised by political expediency taking precedence over the rule of law. Acting in "turbo-mode", in which deputies under pressure from the president hastily vote for a series of laws on reforms, has indeed led to the adoption of many long-awaited decisions, like abolishing deputies' immunity from

²⁹ S. Choudhry et al., *Semi-presidentialism and Inclusive Governance in Ukraine. Reflections for Constitutional Reform*, International Institute for Democracy and Electoral Assistance, 2018; M. Emerson et. al., *The Struggle for Good Governance in Eastern Europe*, Centre for European Policy Studies, 2018.

³⁰ Prezydent Ukrainy, 'Spravedlyvi zarplaty, kadrovi zminy ta spivpratsia z parlamentom: Prezydent Ukrainy postavyv pered uriadom Oleksiia Honcharuka nyzku nevidkladnykh zavdan', 17.01.2020, <https://www.president.gov.ua/news/spravedlyvi-zarplati-kadrovi-zmini-ta-spivpracya-z-parlament-59317>.

prosecution³¹ or approving a new electoral code,³² but was nevertheless based on widespread procedural violations³³ and infringed on a fundamental aspect of democratic law-making, which is parliamentary debate. Zelensky also has not shied away from interfering in the work of independent state bodies and agencies, as well as local government, further undermining their institutional autonomy, thus largely resembling his predecessors.

3.2. Judiciary and law enforcement

Since the Revolution of Dignity, Ukraine has seen continuous efforts to reform its judiciary. After a revamped institutional framework of the justice system was finally put in place in 2016-2017, with a three-tier court system and a renewed Supreme Court (SC), the focus for 2018-2019 became renewal of judicial personnel, which had been long and widely considered corrupt and ineffective, and therefore utterly distrusted by the public. For instance, in an opinion poll conducted by the Razumkov Centre in June 2018, the judiciary was the second least-trusted social institution in Ukraine, right behind the state apparatus, with as much as 84% of the respondents declaring their lack of trust in the justice system.³⁴ The judicial clean-up, however, turned out to have had dubious results—the obligatory re-assessment of judges quickly fell behind schedule, not least given the internal infighting within the judicial system as courts repeatedly tried to interfere in the work of the Higher Qualification Commission of Judges (HQCJ) to block or delay the procedure. Consequently, as of October 2019, less than 60% of working judges had had their re-evaluation completed, of whom over 80% were found to meet the necessary criteria.³⁵ Many corrupt judges were assessed positively despite evidence of their lack of integrity, presented by representatives of civil society (see: Box 1).

Box 1. Re-evaluation of judges

The key element of the justice reform is the obligatory re-evaluation of judges, which is a re-assessment of their professional qualifications and integrity. To this end, an independent expert advisory body, the Public Integrity Council, was established to provide HQCJ with an impartial assessment of each judge. In practice, however, HQCJ have largely ignored the council's opinions. The council has regularly criticised HQCJ for a lack of transparency and even falsifying the results of the re-evaluation.

Some efforts were also made in reforming the law enforcement system with a key step being the long-awaited Law on National Security adopted by the parliament in June 2018,³⁶ which finally delineated the competences between security sector agencies and opened the way for introducing civil and parliamentary oversight in future. As a framework law, however, it still needs to be complemented by additional legislation, especially in terms of limiting the competences of

³¹ Zakon Ukrainy 'Pro vnesennia zmin do statii 80 Konstytutsii Ukrainy (shchodo nedotorkannosti narodnykh deputativ Ukrainy)', <https://zakon.rada.gov.ua/laws/show/27-20>.

³² Vyborychi kodeks Ukrainy, <https://zakon.rada.gov.ua/laws/show/396-20>.

³³ 'Bez porushen rehlamentu Rada ne ukhvalyla b i chverti zakoniv – Razumkov', *Fakty ICTV*, 20.01.2020, <https://fakty.com.ua/ua/ukraine/20200120-bez-porushen-reglamentu-rada-ne-uhvalyla-b-i-chverti-zakoniv-razumkov>.

³⁴ Tsentrazumkov, 'Dovira hromadian Ukrainy do suspilnykh instytutiv', 06.07.2018, <http://razumkov.org.ua/napriamky/sotsiologichni-doslidzhennia/dovira-hromadian-ukrainy-do-suspilnykh-instytutiv>.

³⁵ Own calculations based on data from the High Qualification Commission of Judges of Ukraine. The high percentage does not include almost one-third of the judicial corps, who had resigned prior to their re-evaluation, largely so as not to become subject to the obligatory asset declaration.

³⁶ Zakon Ukrainy 'Pro natsionalnu bezpeku Ukrainy', <https://zakon.rada.gov.ua/laws/show/2469-19>.

the Security Service of Ukraine (SSU). No less important, in November 2018, the State Bureau of Investigations (SBI) started operation, taking over from the Prosecutor General's Office (PGO) the investigations into crimes committed by public officials, judges, members of the military, and law enforcement officers.

The alternation of power in mid-2019 was followed by President Zelensky's attempt to reboot the law enforcement system. As soon as in August, Ivan Bakanov, a long-time associate of President Zelensky, was appointed the new SSU head while Ruslan Riaboshapka, a respected jurist and deputy head of Zelensky's presidential administration at that time, took over as the new prosecutor general. Purges in management of both the SSU and PGO came thereafter. The parliament enacted reform of the prosecutor's office in September,³⁷ providing for, among others, reorganisation of the PGO into the Office of the Prosecutor General (OPG), disbanding the military prosecutor's office, and initiated re-evaluation of prosecutors, who, unlike judges, had avoided obligatory re-assessment after the Revolution of Dignity. In December, the law on SBI was also amended, changing the agency's management structure by significantly strengthening the position of its director.³⁸ The same month, President Zelensky appointed Iryna Venediktova, a lawyer and the president's close associate, as SBI acting director. In the end, Zelensky's reform brought about rather limited progress

Box 2. SBI charges against Poroshenko

As of January 2020, the SBI was conducting more than a dozen investigations of Petro Poroshenko. Among the allegations against Poroshenko are that he committed state treason while negotiating the Minsk Agreements in 2015 and attempted to usurp power by introducing martial law in 2018. Most of the investigations were opened at the request of Andrii Portnov, the former deputy head of Viktor Yanukovich's presidential administration who fled to Russia in 2014 and returned to Ukraine in 2019. OPG recognised the investigations as lacking evidence and, despite SBI pressure, refused to bring charges against Poroshenko in court, which was among the reasons for Riaboshapka's dismissal from the post of prosecutor general.

in terms of strengthening the law enforcement bodies' independence and impartiality—while Riaboshapka managed to sustain a relatively independent position as a prosecutor general, SBI under Venediktova's leadership pursued with a series of questionable investigations against former President Petro Poroshenko (see: Box 2). In a move intended to further tighten Zelensky's control over the law enforcement system, Riaboshapka was sacked in March 2020 and replaced with Venediktova. A new SBI head has yet to be selected through a competitive procedure.

Simultaneously, the Ukrainian parliament in October 2019 enacted a new judicial reform put forward by President Zelensky,³⁹ which was intended to speed up the ongoing

renewal of the judicial corp. It's most important provisions concerned disbanding and re-constituting the HQCJ while at the same time changing its structure and the rules of formation. Paradoxically, instead of improving it, the reform put the entire renewal and recruitment process of judges on hold as the new composition of the HQCJ was never approved and the previous one disbanded without any transition period.⁴⁰ This led to a situation in which, as of April 2020, more than 2,000 judgeships, comprising almost one-third of the entire judicial corps, were unfilled

³⁷ Zakon Ukrainy 'Pro vnesennia zmin do deiakykh zakonodavchykh aktiv Ukrainy shchodo pershocherhovykh zakhodiv iz reformy orhaniv prokuratury', <https://zakon.rada.gov.ua/laws/show/113-20>.

³⁸ Zakon Ukrainy 'Pro vnesennia zmin do deiakykh zakoniv Ukrainy shchodo udoskonalennia diialnosti Derzhavnogo biuro rozsliduvan', <https://zakon.rada.gov.ua/laws/show/305-20#n6>.

³⁹ Zakon Ukrainy 'Pro vnesennia zmin do Zakonu Ukrainy «Pro sudoustrii i status suddiv» ta deiakykh zakoniv Ukrainy shchodo diialnosti orhaniv suddivskoho vriaduvannia', <https://zakon.rada.gov.ua/laws/show/193-IX>.

⁴⁰ Vyscha Rada Pravosuddia, 'Rishennia No. 793/0/15-20 Shchodo konkursu na zainiattia posady chlena Vyschoi kvalifikatsiinoi komisii suddiv Ukrainy', 17.03.2020, <https://hci.gov.ua/doc/doc/2296>.

without the possibility to select new candidates.⁴¹ Due to staff shortages, several courts even completely stopped organising hearings and issuing rulings. Zelensky's judicial reform also entailed halving the maximum number of SC judges from 200 to 100, a decision that was soon condemned by the Venice Commission as violating the principle of the non-removability of judges and posing a risk of overloading the court,⁴² but the provision was appealed by the SC to the Constitutional Court (CCU), which in March 2020 ruled it to be unconstitutional.⁴³

The initial attempts to begin the SSU reform in autumn 2019 had to be postponed because the draft law, prepared by the SSU itself and submitted to the president for consideration, provided mostly for cosmetic changes and was criticised by, among others, the European Commission.⁴⁴ The concept envisaged that the SSU would retain its competences in fighting corruption and economic crimes, as well as organised crime, which had been widely considered as too excessive and creating rent-seeking opportunities. While the EU insisted on the SSU being deprived of those powers and transformed into a pure counter-intelligence and counter-terrorism agency, with fighting corruption left to the existing specialised anti-corruption bodies and economic crimes taken over by the Bureau for Financial Investigations (yet to be established). After reconsideration, in March 2020 President Zelensky registered in the parliament an amended draft law on SSU reform that mostly meets the expectations of Ukraine's international partners.⁴⁵ In the meantime, however, a draft law on the Bureau for Financial Investigations was withdrawn from the parliament in January 2020 with a view to fine-tuning its provisions⁴⁶ even though it had already been adopted on first reading, reportedly due to President Zelensky's desire to subordinate the new agency directly to the presidential administration instead of the Ministry of Finance.⁴⁷

Overall, the GOCEEI estimates that 66% of the tasks were completed in 2018 in the sphere of judicial reform (no tasks were planned for 2019 except for an obligation to ratify the Rome Statute of the International Criminal Court, which is described in Chapter 7.2).

3.3. Fight against corruption

The fight against corruption in Ukraine entered a new phase in the second half of 2019 when the long-awaited High Anti-Corruption Court (HACC) became operational in September and assumed responsibility for hearing high-profile corruption cases. HACC completes the anti-corruption institutional trio, with the National Anti-Corruption Bureau of Ukraine (NABU) having pre-trial investigative powers and the Specialised Anti-Corruption Prosecutor's Office (SAP) holding

⁴¹ M. Zhernakov, 'Vyshcha rada pravosuddia provalyla sudovu reformu Zelenskoho', Fundatsiia DEJURE, 07.02.2020, <https://dejure.foundation/news/vrp-provalyla-sudovoi-reformy-zelenskoho>.

⁴² Venice Commission, Opinion No. 969/2019 on amendments to the legal framework governing the Supreme Court and judicial governance bodies, 09.12.2019, [https://venice.coe.int/webforms/documents/?pdf=CDL-AD\(2019\)027-e](https://venice.coe.int/webforms/documents/?pdf=CDL-AD(2019)027-e).

⁴³ Konstytutsiyni Sud Ukrainy, 'Ukhvaleno Rishennia u spravi za konstytutsiinym podanniam Verkhovnoho Sudu shchodo sudoustroiu ta statusu suddiv', 11.03.2020, <http://www.ccu.gov.ua/novyna/uhvaleno-rishennya-u-spravi-za-konstytuciynym-podanniam-verhovnogo-sudu-shchodo-sudoustroiu>.

⁴⁴ European Commission, High Representative of the Union for Foreign Affairs and Security Policy, Joint Staff Working Document: Association Implementation Report on Ukraine, SWD(2019) 433 final, 12.12.2019, https://eeas.europa.eu/sites/eeas/files/swd_2019_433_f1_joint_staff_working_paper_en_v4_p1_1056243.pdf.

⁴⁵ Proekt Zakonu pro vnesennia zmin do Zakonu Ukrainy 'Pro Sluzhbu bezpeky Ukrainy' shchodo udoskonalennia orhanizatsiino-pravovykh zasad diialnosti Sluzhby bezpeky Ukrainy, http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=68347.

⁴⁶ Proekt Zakonu pro Biuro finansovykh rozsliduvan, https://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=66887.

⁴⁷ P. Shevchenko, 'Ze-biuro. Chomu Ukraina spovilnyla vykonannia uhod z MVF i ne pryimaie zakon pro vidomstvo finansovykh rozsliduvan', NV, 14.01.2020, <https://nv.ua/ukr/biz/finance/prezident-volodimir-zelenskiy-virishiv-vzvat-i-pid-kontrol-byuro-finansovih-rozsliduvan-novini-ukrajini-50063983.html>.

procedural control over NABU investigations and sending indictments to HACC. Prior to that, all anti-corruption cases had to be brought before courts of general jurisdiction and—largely due to the shortage of judges, but also their lack of integrity—were often blocked or delayed. As of 30 June 2019, out of 208 cases sent to the courts by NABU-SAP, only 40 trials were completed, with 31 people being sentenced.⁴⁸ A preliminary analysis indicates that, in comparison with the general courts, HACC proceeds with hearings in corruption cases at a much quicker pace.⁴⁹ Nevertheless, the court's judges—who were selected through an open and competitive procedure with the involvement of international experts—have yet to demonstrate their resolve in bringing high-ranking Ukrainian officials to justice; within the first six months of its work, HACC had approved only three sentences, all of them against low-level defendants.

President Zelensky sought to further strengthen anti-corruption institutional architecture. In October 2019, NABU was granted the power to independently use wiretapping (before that, it had to cooperate with the SSU, which often led to information leaks),⁵⁰ and two months later it obtained full access to the register of Ukrainian officials' electronic asset declarations,⁵¹ both of which should allow for streamlining and raising the quality of pre-trial investigations. A new law on whistleblowers came into effect in January 2020⁵² and provides for an extensive list of protective measures for whistleblowers and even a financial reward in case of reporting large-scale corruption. A more systematic and coordinated approach to the fight against corruption is needed, though. Ukraine has not had a comprehensive anti-corruption strategy in place since the previous one expired in 2017.

The second half of 2019 also saw relations between NABU Director Artem Sytnyk and SAP head Nazar Kholodnytsky eventually improve, after both had earlier been engaged in a public confrontation for over a year (see: Box 3). The infighting between the management of both institutions did not affect their practical day-to-day cooperation, but it nonetheless cast doubt on their professional integrity and independence. According to an opinion

Box 3. NABU-SAP infighting

In February-March 2018, NABU, in cooperation with PGO (of which SAP was an independent unit), carried out a secret investigation of SAP head Nazar Kholodnytsky that resulted in him being accused of criminal and disciplinary violations. While the disciplinary proceedings proved Kholodnytsky's serious wrongdoings, he was given only a reprimand. Insisting on Kholodnytsky's dismissal, NABU appealed the decision to the SC, which eventually refused to open the proceeding on procedural grounds.

In September 2018, SAP announced the discovery of illegal NABU wiretaps in Kholodnytsky's office. SAP and NABU officers clashed on this occasion.

In April 2019, SAP accused NABU of intentionally prolonging the investigations of embezzlement in the defence sector. Kholodnytsky sent the complaint to NABU's Civil Oversight Council, which decided to hold a special meeting with NABU and SAP representatives in July 2019 to discuss the corruption investigations in the defence industry.

⁴⁸ National Anti-Corruption Bureau of Ukraine, Report January-June 2019, 2019, https://nabu.gov.ua/sites/default/files/reports/zvit_-_2019_eng_sayt.pdf.

⁴⁹ V. Valko, 'Promizhni rezultaty roboty Antykorupciinoho sudu: reitnyh suddiv i tempy rozhlidu sprav', *Ukrayinska Pravda*, 27.12.2019, <https://www.pravda.com.ua/columns/2019/12/27/7235988>.

⁵⁰ Zakon Ukrainy 'Pro vnesennia zmin do deiakykh zakonodavchykh aktiv Ukrainy shchodo vdoskonalennia okremykh polozhen kryminalnoho protsesualnoho zakonodavstva', <https://zakon.rada.gov.ua/laws/show/187-IX>.

⁵¹ Natsionalne Ahentstvo z Pytan Zapobihannia Koruptsii, 'NAZK vidkrylo detektyvam NABU dostup do reiestru deklaratsii', 28.12.2019, <https://nazk.gov.ua/uk/novyny/nazk-vidkrylo-detektyvam-nabu-dostup-do-revestru-deklaratsij>.

⁵² Zakon Ukrainy 'Pro vnesennia zmin do Zakonu Ukrainy «Pro zapobihannia koruptsii» shchodo vykryvachiv koruptsii', <https://zakon.rada.gov.ua/laws/show/198-20>.

poll, conducted by the Razumkov Centre in February 2020, only 15-16% of the respondents declared trust in NABU and SAP, with as much as 65-66% declaring distrust in both agencies.⁵³ An independent audit of NABU activities has not yet been conducted, although it should be done annually.

While the National Agency for Prevention of Corruption (NAPC), which manages the register of Ukrainian officials' electronic asset declarations, launched its long-awaited automatic verification system of e-declarations in September 2018, the pace of their review remained far below expectations. Therefore, in October 2019, the parliament adopted a law that allowed for a re-constitution of NAPC, changing its management structure and granting access to more than a dozen state registers to cross-check information submitted within the e-declarations.⁵⁴ Appointed only in January 2020, the new NAPC management has yet to prove their effectiveness. Meanwhile, the CCU in June 2019 declared unconstitutional the requirement for anti-corruption activists to submit their

Box 4. The case of the NABU chief's dismissal

In February 2020, more than 200 Ukrainian deputies from across the political spectrum co-signed a draft resolution calling for the dismissal of Artem Sytnyk from his post as NABU's director. The formal reason was that Sytnyk had failed to disclose that his stay at an elite hunting base had been paid for by a third person and, as a result, the court determined he had administrative responsibility. The resolution was eventually never voted on in parliament. Yet, even if it had been adopted, it would not have had any legal consequences because, while existing law already provides for an exhaustive list of legal grounds on which the NABU director may be dismissed, it does not include administrative responsibility.

In March 2020, two deputies from the ruling Servant of the People party registered a draft law expanding the list of legal grounds for a NABU director to be dismissed to include administrative responsibility. As of the end of April 2020, the draft law had not made it to plenary voting. If adopted, however, it still would not provide a legal basis for Sytnyk's dismissal since the Constitution of Ukraine stipulates that the law cannot

electronic asset declarations along with public officials.⁵⁵ Introduced by the parliament in spring 2017, the measure was clearly designed to intimidate and punish civil society members engaged in fighting corruption.

Despite its limited progress so far, the fight against corruption has met with resistance from a large majority of the Ukrainian political and business class, afraid of revealing their illegal activities and reducing future profits. It was largely along this line that in February 2019 that the CCU recognised the Criminal Code article on illicit enrichment of public officials unconstitutional,⁵⁶ which resulted in several dozen corruption cases against high-level officials being automatically closed. Although in October 2019 the Ukrainian parliament, in its new composition after the July parliamentary elections, adopted a law reinstating criminal liability for illicit

⁵³ Tsentrazumkova, 'Otsinka hromadianamy diialnosti vlady, riven doviry do sotsialnykh instytutiv ta politykiv, elektoralni oriientsii hromadian (lutyi 2020r.)', 24.02.2020, <http://razumkov.org.ua/napriamky/sotsiologichni-doslidzhennia/otsinka-gromadianamy-diialnosti-vlady-riven-doviry-do-sotsialnykh-instytutiv-ta-politykiv-elektoralni-oriientsii-gromadian-liutyi-2020r>.

⁵⁴ Zakon Ukrainy 'Pro vnesennia zmin do deiakykh zakonodavchykh aktiv Ukrainy shchodo zabezpechennia efektyvnosti instytutsiinoho mekhanizmu zapobihannia koruptsii', <https://zakon.rada.gov.ua/laws/show/140-20>.

⁵⁵ Konstytutsiyni Sud Ukrainy, 'KSU vyznav e-deklaruvannia antykoruptsiinykh hromadskykh aktyvistiv takym, shcho superechyt Konstytutsii Ukrainy', 06.06.2019, <http://ccu.gov.ua/novyna/ksu-vyznav-e-deklaruvannya-antykorupciynykh-gromadskykh-aktyvistiv-takym-shcho-superechyt>.

⁵⁶ Idem, '«Protydiia koruptsii maie zdiisniuvatsia vykluchno pravovymy zasobamy z dotrymanniam konstytutsiinykh pryntsyypiv», – Rishennia KSU', 27.02.2019, <http://www.ccu.gov.ua/novyna/protydiya-korupciyi-maie-zdiisnyuvatsya-vykluchno-pravovymy-zasobamy-z-dotrymanniam>.

enrichment,⁵⁷ it did not provide a legal basis for re-opening the cases closed after the CCU's earlier ruling, thus allowing the officials in question to escape possible court proceedings. For the very same reason of defending vested interests, NABU's Director Artem Sytnyk became subject to pressure from some in the ruling elite, who pushed for his dismissal (see: Box 4). While formally related to a corruption-related offence, these attempts stemmed from the fact that NABU under his leadership has been too independent and has shown increased activity in proceeding with investigations against the most powerful business groups.

The GOCEEI estimates that all tasks in the sphere of fighting corruption were completed in 2018 (no tasks were planned for 2019).

3.4. Decentralisation

The reform of self-government, which envisages the creation of a three-tier administrative system of communities (local), *rayons* (district), and oblasts (regional level)—has continued steadily with 364 new amalgamated territorial communities (ATCs) being created throughout 2018-2019. As of 10 January 2020, there were 1,029 ATCs in total across Ukraine, which covered 44% of the country's territory, and 33% of the population.⁵⁸ In comparison with the old territorial units, ATCs have enjoyed broadened competences in terms of planning local development and delivering public services, and they have gained considerable tax-raising powers, as well as direct access to the subsidies from the state budget, which significantly improved their financial position and, first and foremost, allowed for long-neglected investment in public infrastructure (see: Box 5). For this reason, decentralisation has been assessed by the public as the most successful reform initiated since the Revolution of Dignity. According to an opinion poll conducted by the Gorshenin Institute in November-December 2019, as much as 45% of the respondents declared that decentralisation had positive results for their settlements, with 68% wanting the authorities to continue with the reform.⁵⁹

Box 5. Fiscal decentralisation

The decentralisation reform has substantially strengthened the financial sustainability of the local government. Owing to the expanded fiscal base (for instance, 60% of the personal income tax revenues now remain in ATC budgets), total local budget revenues increased from UAH 147 bn (~€4,9bn) in 2016 to around UAH 267bn (~€8,9bn) in 2019. This has decreased local authorities' dependence on subsidies from the central budget and allowed for more flexibility in budget spending.

Although the merging of territorial entities was further simplified in May 2018 after the parliament allowed villages and towns to voluntarily join the territorial communities of cities of regional importance,⁶⁰ around half of the territorial units have yet to go through the amalgamation process. To a large extent, this has been due to the local elites' opposition to the merger of their communities with other ones, as they would likely lose their offices and access to financial resources as a result.

⁵⁷ Zakon Ukrainy 'Pro vnesennia zmin do deiakykh zakonodavchykh aktiv Ukrainy shchodo konfiskacii nezakonnykh aktyviv osib, upovnovazhenykh na vykonannia funkcii derzhavy abo mistsevoho samovriaduvannia, i pokarannia za nabuttia takykh aktyviv', <https://zakon.rada.gov.ua/laws/show/263-20>.

⁵⁸ Ministerstvo Rozvytku Hromad ta Terytorii Ukrainy, 'Monitorynh protsesu detsentralizacii vlady ta reformuvannia mistsevoho samovriaduvannia stanom na 10 sichnia 2020', 2020, <https://decentralization.gov.ua/uploads/library/file/526/10.01.2020.pdf>.

⁵⁹ 'Bilshist ukraintsiv vystupaiut za prodovzhennia reformy detsentralizacii, - opytuvannia', *LB.ua*, 30.01.2020, https://ukr.lb.ua/news/2020/01/30/448537_bilshist_ukraintsiv_vistupayut.html.

⁶⁰ Zakon Ukrainy 'Pro vnesennia zmin do Zakonu Ukrainy «Pro dobrovilne obiednannia terytorialnykh hromad» shchodo dobrovilnoho pryiednannia terytorialnykh hromad sil, selyshch do terytorialnykh hromad mist respublikanskoho Avtonomnoi Respubliki Krym, oblasnoho znachennia', <https://zakon.rada.gov.ua/laws/show/2379-VIII>.

Responding to that, in December 2019, the then Minister for Development of Communities and Territories Alona Babak suggested that the government would end voluntary mergers of communities around February 2020 and then enforce amalgamation by law.⁶¹ In April 2020, the necessary legislative changes to grant the power to the Cabinet of Ministers to decide the boundaries of newly created ATCs were adopted by the parliament.⁶²

During the second half of 2019, the discussion on the amalgamation of rayons intensified. Rayons, like communities, are set to be merged into bigger territorial units. They will not be subject to voluntary amalgamation but instead, their new boundaries are to be set by the parliament. For this to happen, however, an amalgamation of the communities should be completed first since the boundaries of rayons (mid-level) must correspond to those of the ATCs (lower level). The new territorial division is expected to be finally put in place around mid-2020 to allow the new ATCs and rayons to participate in the October 2020 local elections.

In parallel, the territorial adjustments of the administrative units are to be supplemented by the constitutional changes providing for a new division of power between the central and the local government, which is expected to shift the balance towards the regions. In December 2019, draft constitutional amendments were registered in the parliament on behalf of President Zelensky⁶³ but they met with widespread criticism for limiting, instead of expanding, the rights of self-government.⁶⁴ Among other provisions, the draft law envisaged the introduction of the institution of prefects, who, as presidential representatives in the region, would replace the regional and oblasts state administrations, but apart from their current role mainly as overseers of the local government, would also obtain new controlling competences. For instance, in case of suspicion that a decree adopted by the local authorities is unconstitutional and may create a threat of violating state sovereignty or territorial integrity, or a threat to national security, the prefect could submit a motion to the president to suspend the decree, as well as temporarily suspend the local authorities who had adopted it. Upon approval, the president would appeal to the CCU to decide the decree's constitutionality and simultaneously appoint a state commissioner in place of the suspended local authorities, even before the CCU issues its ruling. Then, if the CCU declares the decree unconstitutional, the president would submit a motion to the parliament to terminate the powers of the local authorities who had adopted the decree. Consequently, the reform would result in the position of the president being even further strengthened at the expense of the local self-government entity. The proposed amendments were eventually withdrawn from the parliament in January 2020, and wider consultations have started since then, involving representatives of local governments and civil society.

While no tasks in the sphere of decentralisation were scheduled for 2018-2019, according to the Pulse of the Agreement, activity in this area largely stemmed from the fact that several of the planned tasks had not been concluded on time in previous years.

⁶¹ 'Termin dobrovilnogo obiednannia hromad ochikuietsia do lutoho 2020 roku – Alona Babak', *Radio Svoboda*, 30.11.2019, <https://www.radiosvoboda.org/a/news-tergromady-babak-obyednannia/30300731.html>.

⁶² Proekt Zakonu pro vnesennia zmin do Zakonu Ukrainy 'Pro mistseve samovriaduvannia v Ukraini', http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=67740.

⁶³ Proekt Zakonu pro vnesennia zmin do Konstytutsii Ukrainy (shchodo detsentralizatsii vlady), https://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=67644.

⁶⁴ 'Druha spilna zaiava miskykh, selyshchnykh, silskykh holiv, holiv obiednanykh terytorialnykh hromad ta ekspertiv z pytan detsentralizatsii vlady i mistsevoho samovriaduvannia', *Ukrainskyi kryzovyi media-tsentr*, 13.01.2020, <http://uacr.org/ua/74519-druha-spilna-zayava-miskih-selishnih-silskih-goliv-goliv-ob-yednanih-teritorialnih-gromad-ta-ekspertiv-z-pitan-detsentralizatsiyi-vlady-mistsevogo-samovriaduvannya>.

3.5. Human rights and fundamental freedoms

While human rights are generally observed in Ukraine, there continues to be problems in some areas, especially with regards to the ongoing Russia-Ukraine war in Donbas. First and foremost, this concerns law-enforcement bodies, which have maintained the practices of arbitrary detention, torture, and ill-treatment of conflict-related persons, as well as the judiciary, which in some instances violated such persons' right to a fair trial.⁶⁵ Despite the country's legislation setting a legal basis for anti-discrimination, attacks on minorities have also continued by radical, right-wing groups primarily against Roma and LGBT communities.⁶⁶ The police have largely failed to successfully investigate these attacks. Parliament, after the pre-term elections in 2019, resumed its work of tightening penalties for violating anti-discrimination legislation.⁶⁷

A major improvement in the sphere of human rights took place in January 2019 when domestic violence was criminalised⁶⁸ (prior to that, it had been an administrative offence only). This was followed by the creation of a special police unit for combating domestic violence (the pilot project started already in 2017)⁶⁹ and the launch of a national hotline for reporting cases of domestic violence.⁷⁰ According to estimates, every year around 1 mln such cases occur in Ukraine.⁷¹ Although the Ukrainian authorities signed the Council of Europe Convention on preventing and combating violence against women and domestic violence in 2011, it has not yet been ratified because some deputies in parliament and the Orthodox Church object to wording in the document that includes "gender" and "sexual orientation".⁷²

⁶⁵ Office of the United Nations High Commissioner for Human Rights, Report on the human rights situation in Ukraine from 16 November 2019 to 15 February 2020, 2020, https://www.ohchr.org/Documents/Countries/UA/29thReportUkraine_EN.pdf.

⁶⁶ H. Bocheva, *Romy v Ukraini – Chas dlia dii: Priorityty ta szliakhy efektyvnoi polityky intehratsii*, 2019, https://minorityrights.org/wp-content/uploads/2019/05/MRG_Rep_Ukraine_UKR_Apr19.pdf; A. Kravchuk et al., *Stari problemy, novi perspektyvy. Stanovyshche LHBT v Ukraini u 2019 rotsi*, 2020, <https://gay.org.ua/publications/Situati-on-of-LGBT-in-Ukraine-2019-UKR.pdf>.

⁶⁷ Proekt Zakonu pro vnesennia zmin do deiaknykh zakonodavchykh aktiv Ukrainy (shchodo harmonizatsii zakonodavstva u sferi zapobihannia ta protydii dyskryminatsii iz pravom Yevropeiskoho Soiuzu), http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=66561.

⁶⁸ Zakon Ukrainy 'Pro vnesennia zmin do Kryminalnoho ta Kryminalnoho protsesualnoho kodeksiv Ukrainy z metoiu realizatsii polozhen Konventsii Rady Yevropy pro zapobihannia nasyilstvu stosovno zhinok i domashnomu nasyilstvu ta borotby z tsymy yavyschamy', <https://zakon.rada.gov.ua/laws/show/2227-19>.

⁶⁹ 'Politsiia poshyriue proiekt protydii domashnomu nasyilstvu «Polina» na vsiu Ukrainu – Klymenko', *Radio Svoboda*, 07.10.2019, <https://www.radiosvoboda.org/a/news-policija-poshyriye-proekt-protydii-domashniomu-nasyilstvu-na-vsiu-ukrainu-klymenko/30204166.html>.

⁷⁰ Kabinet Ministriv Ukrainy, 'Pro poshyrennia eksperymentalnoho proektu iz stvorennia «yedynoho vkhodu» opratsiuвання zvernennia na publichnu informatsiiu na opratsiuвання zvernennia ta povidomlen pro/abo vid osib, yaki postrazhdaly vid torhivli liudmy, domashnoho nasyilstva, nasyilstva za oznakoiu stati, nasyilstva stosovno ditei, abo pro zahrozu vchynennia takoho nasyilstva', Postanova No. 1145, 27.12.2019, <https://www.kmu.gov.ua/npas/pro-poshyrennya-eksperymentalnoq-a1145>.

⁷¹ O. Horchynska, 'Bilshе miliona ukraintsiv shchoroku staiut zhertvamy domashnoho nasyilstva', *NV*, 20.07.2019, <https://nv.ua/ukr/ukraine/events/yak-rozpiznati-domashnye-nasyilstvo-video-50033003.html>.

⁷² 'Korniienko: perspektyvy ratyfikatsii Stambul'skoi konventsii duzhe nyzki', *LB.ua*, 21.01.2020, https://ukr.lb.ua/news/2020/01/21/447769_korniienko_perspektivi_ratifikatsii.html.

A positive step was the adoption of the new electoral code in December 2019 with provisions that finally allow internally displaced persons from the Russia-controlled parts of Donetsk and Luhansk oblasts and occupied Crimea—around 1.4 mln people⁷³—to participate in local elections in their

Box 6. New regulations for the local elections

In line with the 2019 changes to the electoral code, one can vote in the local elections in a place of their actual residence. Before that, one could vote in the local elections only in a place of their registration, which *de facto* deprived internally displaced persons of the voting right, as their place of registration was usually on the territories remaining beyond the government's control, where the elections could not be held.

new settlements in Ukraine (see: Box 6). Still, the Ukrainian pensioners registered and living in the Russia-controlled parts of Donetsk and Luhansk oblasts are not allowed to receive their pensions from the state budget if not registered as internally displaced persons on government-controlled territory. Since registration is subject to periodic verification by the state, these people, mostly elderly, are forced to regularly cross the frontline.

The dire human-rights situation has continued in the Russian-controlled parts of Donetsk and Luhansk oblasts and in occupied Crimea, with regular arbitrary detentions, torture, and ill-treatment of detainees, threats of violence or death, and threats of harm to family.⁷⁴ In Crimea, Russia has also pursued forced conscription and mass deportations, and has continued to discriminate against Ukrainians and Crimean Tatars on ethnic grounds.⁷⁵ The UN mission has not been allowed to visit occupied Crimea and has had its work regularly restricted in the Russian-controlled parts of Donetsk and Luhansk oblasts.

Overall, the GOCEEI estimates that 50% of the tasks in the sphere of human rights were completed in 2019, down from 56% in 2018. At the same time, no single task was concluded in the sphere of anti-discrimination and gender equality (of the tasks scheduled for 2018).

3.6. Civil society and media

Civil society organisations (CSOs) have been a major driver of reform in Ukraine, actively participating in public life and putting pressure on the authorities to carry on with the state modernisation. Civil activists have been engaged in a wide range of issues, starting from European integration, to fighting corruption, from decentralisation, to energy and healthcare reform. After the early parliamentary elections in 2019, several well-known civil activists became parliamentary deputies, both within the ruling Servant of the People faction and the opposition, which provided them with additional instruments necessary to promote political change and keep the government accountable to society. However, CSOs have been rather ambiguously assessed by the public (they are often subject to discreditation), with 47% of respondents declaring they trust CSOs and 40% declaring distrust in them.⁷⁶ As many as around 5% of Ukrainian citizens participate in CSO activities regularly.⁷⁷ There have been cases of intimidation of civil activists by local authorities. There were

⁷³ Data from the Ministry of Social Policy of Ukraine.

⁷⁴ Office of the United Nations High Commissioner for Human Rights, Report on the human rights situation..., op.cit.

⁷⁵ UN General Assembly, Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, A/74/276, 2019, <https://undocs.org/en/A/74/276>.

⁷⁶ Tsentrazumkova, 'Otsinka hromadianamy diialnosti vlady, riven doviry do sotsialnykh instytutiv ta politykiv, elektoralni oriientatsii hromadian (lutyi 2020r.)', op.cit.

⁷⁷ Data from: Pact, 'Hromadska aktyvnist ta poinformovanist pro hromadski initsiatyvy', https://www.dropbox.com/s/j9ms7pxq3t8rcbq/USAID_ENGAGE_CEP_Winter2020_UKR.pdf?dl=0.

about 20 cases of physical attacks on activists between June and August 2018 alone, some of them deadly (see: Box 7).⁷⁸ In most cases, the person(s) who ordered the attacks have not been identified and the police often sabotage the investigations.

While the state does not interfere with the freedom of association and the right to peaceful assembly is generally observed, assemblies are not regulated by the law, which opens the way for local authorities to put limits on rallies.⁷⁹ There have also been cases in which rallies, LGBT ones in particular, were attacked by far-right groups and law enforcement officers deliberately did not provide security to the participants.

Some CSOs—labelled as patriotic organisations—are *de facto* paramilitary groups whose activities threaten the public order, but they enjoy unofficial support from the state authorities, especially the Ministry of Internal Affairs.⁸⁰

The media environment in Ukraine has been dominated by private outlets owned by oligarchs, which allows them to effectively shape public opinion and thus influence the national politics. For instance, four major owners (Viktor Pinchuk, Dmytro Firtash and Serhii Lovochkin, Ihor Kolomoisky, Rinat Akhmetov) of the TV channels that are still the most important sources of information for Ukrainian citizens⁸¹ control around three-fourths of the total TV airtime.⁸² Online media, which are the second-most important source of information, are characterised by the most media plurality and dispersion of ownership, and their importance has been steadily growing over time. The third-most important source of information, social networks, have recently begun to play a major role in politics after a series of information leaks published by anonymous Telegram channels, which disclosed information about the situation within the ruling party and the presidential administration.⁸³ At the same time, the public TV and radio broadcaster, established in 2017, has not been able to effectively perform its function due to permanent underfunding, which has resulted, among others, in its analogue transmission being cut off in September 2018.⁸⁴

Box 7. The murder of Kateryna Handziuk

Kateryna Handziuk, an official with the Kherson City Council and a civil activist who exposed corruption in the local government, died in November 2018 after she had been attacked with acid three months earlier. While the men who carried out the attack were detained and sentenced by a court, the investigation into who ordered the attack has yet to be concluded. PGO/OPG investigated Vladyslav Manher, the then head of the Kherson Oblast Council, and his associates, suspected of organising the attack, but charges were submitted to court only in April 2020. Meanwhile, Manher appealed to the European Court of Human Rights, claiming a protracted proceeding.

⁷⁸ M. Sinitsyn, M. Khromyk, '«Movchannia vlyady nas ubyvaje». 55 nezrokrytykh zlochyniv proty aktyvistiv', *Ukrainska Pravda*, https://www.pravda.com.ua/cdn/graphics/2018/09/movchannia_vlady_nas_ubyvaje.

⁷⁹ M. Latsyba et al., *CSO Meter. Assessing the civil society environment in the Eastern Partnership countries. Ukraine, 2019*, <https://csometer.info/wp-content/uploads/2019/12/CSO-Meter-Ukraine-report-ENG-UKR.pdf>.

⁸⁰ V. Yehoshyna, 'Sylovyky dlia kandydativ: yak naperedodni vyboriv Poroshenko ta Tymoshenko zaruchyly pidtrymkoiu SBU, HPU ta MVS', *Radio Svoboda*, 21.03.2019, <https://www.radiosvoboda.org/a/schemes/29834770.html>.

⁸¹ A. Hrushetsky et al., *Sources of information media literacy, and Russian propaganda: the results of the all-Ukrainian public opinion poll, 2019*, https://detector.media/doc/images/news/archive/2016/164308/DM-KMIS_Report_05_2019_ENGL_WEB.pdf.

⁸² Data from: V. Andrusiv et al., *The Future of the Ukrainian Oligarchs, 2018*, <https://www.uifuture.org/en/publications/reports/maibutne/ukrainskyh/oligarhiv>.

⁸³ For example, see: „Dzhoker” (Joker) Telegram channel.

⁸⁴ 'Kanal «UA:Pershyi» vidkliuchyly analohove movlennia za borhy – NSTU', *Radio Svoboda*, 25.09.2018, <https://www.radiosvoboda.org/a/29508304.html>.

Notwithstanding the ban on Russian media and social networks, media freedom has been generally respected in Ukraine.⁸⁵ However, journalists have been subject to regular intimidation and physical attacks. In 2017-2019, there were around 250 cases of attacks on journalists, some of them deadly.⁸⁶ Like with civil activists, many of those who ordered the attacks have not been identified, and the police often sabotage the investigations, and in some cases the law enforcement officers themselves were the attackers. There were also several attempts to force the disclosure of journalists' sources, with the most high-profile case one in which GPO tried to use information from a journalist's mobile phone against NABU head Artem Sytnyk, but in May 2019 GPO was blocked by a court.⁸⁷ Given the recent information leaks, a draft law providing for new media regulations was registered in parliament in December 2019.⁸⁸ If adopted, it would grant the authorities broad competences to strip online users of anonymity, impose criminal liability for disseminating "false" information, and close media outlets. This would pose a risk of abuse for political purposes by means of intimidating independent journalists and media providers or outlets critical of the authorities.

According to the Pulse of the Agreement, no single task was concluded in 2018-2019 in the sphere of civil society and media.

⁸⁵ Reporters Without Borders, 2020 World Press Freedom Index, <https://rsf.org/en/ukraine>.

⁸⁶ Data from: 'Za try roky na zhurnalistiv v Ukraini zdiisnyly 250 napadiv – NSZhU', *Ukrinform*, 23.01.2020, <https://www.ukrinform.ua/rubric-society/2861420-za-tri-roki-na-zurnalistiv-v-ukraini-zdiisnili-250-napadiv-nszu.html>.

⁸⁷ 'Berdynskykh peremohla v sudi u spravi shchodo dostupu HPU do danykh z yii telefonu', *Radio Svoboda*, 30.05.2019, <https://www.radiosvoboda.org/a/news-schemes-berdynskykh-peremogla/29971746.html>.

⁸⁸ Proekt Zakonu pro media, https://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=67812.

4. DCFTA and trade liberalisation

Trade and trade-related issues are regulated by Chapter IV of the EU-Ukraine Association Agreement, which sets a legal basis for the DCFTA between the two parties. Operational since 2016, the DCFTA provides for mutual liberalisation of trade by means of the gradual abolishment of tariffs over 10 years. The EU and Ukraine are to eliminate, respectively, 98.1% and 99.1% of their duties in trade volume, allowing for total savings of around €900 million annually. The trade liberalisation has been asymmetrical in that the EU obliged itself to abolish its tariffs at a quicker pace than Ukraine to allow Ukrainian enterprises to prepare for increased competition with EU businesses.⁸⁹ As of April 2020, the EU has already abolished most of its import duties on Ukrainian goods.

While some non-tariff barriers are still in place, they have also been systematically reduced due to Ukraine steadily adopting EU norms and regulations. For instance, in November 2019, the EU and Ukraine approved a Sanitary and Phytosanitary Strategy, which includes more than 200 EU normative acts to be implemented into the Ukrainian legislation,⁹⁰ with a view to creating a national system of food safety and quality monitoring according to EU standards. Ukraine has also started aligning its technical regulations with the EU ones, which the Ukrainian authorities consider a step towards future negotiations on signing the Agreement on Conformity Assessment and Acceptance for industrial products. The capacity of the Ukrainian standardisation and monitoring bodies, however, needs to be further strengthened to allow for their effective operation. The GOCEEI estimates that 63% of the tasks were completed in 2019 in the sphere of technical barriers to trade, down from 78% in 2018. In terms of sanitary and phytosanitary standards, 43% of the tasks were completed in 2019, down from 75% in 2018.

There has been further progress in terms of aligning Ukrainian customs and border procedures with EU regulations. The Ukrainian parliament adopted a law on the regime of common transit in September 2019,⁹¹ which, among others, provides for introducing a national electronic transit system allowing for simplified exchange of customs information with third countries. In October 2019, parliament adopted the Law on Protection of Intellectual Property Rights, applied during the movement of goods across the customs border of Ukraine,⁹² which determined new procedures for customs in the case of goods suspected of violating intellectual property rights. In November 2019, the law on Authorised Economic Operators was adopted,⁹³ which will further simplify customs clearance procedures. However, the GOCEEI estimates that only 32% of the tasks were completed in 2018 in the sphere of customs (no tasks scheduled for 2019).

Despite ongoing consultations, Ukraine has still not withdrawn from the unprocessed wood export ban, introduced in 2015 as a measure toward protecting forests from uncontrolled logging. Since the moratorium violates the AA provisions and the Ukrainian authorities have not addressed the

⁸⁹ M. Emerson, V. Movchan (eds.), *Deepening EU-Ukrainian relations. What, why and how?*, 2016, <https://www.ceps.eu/download/publication/?id=9579&pdf=Ukraine%20e-version%20with%20covers.pdf>.

⁹⁰ European Commission, Joint Report of the Fourth Ukraine-EU Association Committee in Trade Configuration, Brussels, 18-19.11.2019, https://trade.ec.europa.eu/doclib/docs/2020/january/tradoc_158572.pdf.

⁹¹ Zakon Ukrainy 'Pro rezhym spilnoho tranzytu ta zaprovadzhenia natsionalnoi elektronnoi tranzytnoi systemy', <https://zakon.rada.gov.ua/laws/show/78-IX>.

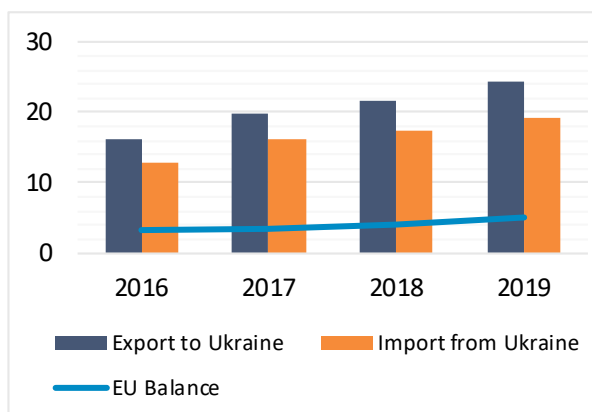
⁹² Zakon Ukrainy 'Pro vnesennia zmin do Mytnoho kodeksu Ukrainy shchodo zakhystu prav intelektualnoi vlasnosti pid chas peremishchennia tovariv cherez mytnyi kordon Ukrainy', <https://zakon.rada.gov.ua/laws/show/202-20>.

⁹³ Zakon Ukrainy 'Pro vnesennia zmin do Mytnoho kodeksu Ukrainy shchodo deiakykh pytan funktsionuvannia avtoryzovanykh ekonomichnykh operatoriv', <https://zakon.rada.gov.ua/laws/show/141-20>.

problem, in June 2019 the EU initiated an arbitration procedure.⁹⁴ The arbitration panel was established in January 2020 and has yet to issue a ruling. In October 2018, the European Commission extended for another five years the EU import duties on steel pipes and tubing from Ukraine,⁹⁵ introduced in 2017 as an anti-dumping measure.

Since DCFTA entered into force, bilateral trade between the EU and Ukraine has risen by 49% from €29 bn in 2016 to €43.3 bn in 2019. Export to Ukraine has increased by 49% from €16.2 bn to €24.2 bn while import from Ukraine increased by 48% from €12.9 bn to €19.1 bn. The EU has sustained a steadily growing trade surplus, which rose by 55% from €3.3 bn in 2016 to €5.1 bn in 2019 (see: Fig. 1). In 2019, the EU was the biggest trading partner for Ukraine, accounting for 40% of the country's total trade. Ukraine was the EU's 18th-biggest trading partner, accounting for 1.1% of its total trade.⁹⁶

Figure 1: EU-Ukraine trade in 2016–2019 [€ bn]*



Source: The European Commission.
*Data for 2019 is for EU27.

Among the EU27, the biggest growth in trade volume with Ukraine since 2016 was noted in:

- Poland: from €5.2 bn to €7.6 bn (+€2.4 bn);
- Germany: from €5 bn to €7.2 bn (+€2.2 bn);
- Netherlands: from €1.6 bn to €3.3 bn (+€1.7 bn);
- Hungary: from €2.5 bn to €4.1 bn (+€1.6 bn);
- Italy: from €3 bn to €4.2 bn (+€1.2 bn).

The biggest growth in exports to Ukraine since 2016 was recorded by:

- Poland: from €3.4 bn to €4.9 bn (+€1.5 bn);
- Germany: from €3.6 bn to €4.9 bn (+€1.3 bn);
- Hungary: from €1.4 bn to €2.5 bn (+€1.1 bn);
- Italy: from €1 bn to €1.7 bn (+€0.7 bn);
- Czechia: from €0.8 bn to €1.2 bn (+€0.4 bn).

Whereas the biggest growth in imports from Ukraine since 2016 were noted in:

- The Netherlands: from €0.9 bn to €2.1 bn (+€1.2 bn);
- Poland: from €1.8 bn to €2.6 bn (+€0.8 bn);
- Germany: from €1.4 bn to €2.2 bn (+€0.8 bn);

⁹⁴ European Union Delegation to Ukraine, Note Verbale, Ref. Ares(2019)3929269, 20.06.2019, https://trade.ec.europa.eu/doclib/docs/2019/june/tradoc_157943.pdf.

⁹⁵ European Commission, Commission implementing regulation 2018/1469 of 1 October 2018 imposing a definitive anti-dumping duty on imports of certain pipes and tubes, of iron or steel, originating in Russia and Ukraine, following an expiry review pursuant to Article 11(2) of Regulation 2016/1036 of the European Parliament and of the Council, Official Journal of the European Union, L 246/10, 02.10.2018.

⁹⁶ If not indicated otherwise, data in this chapter comes from the European Commission.

Italy: from €1.9 bn to €2.5 bn (+€0.6 bn);

Spain: from €1 bn to €1.5 bn (+€0.5 bn).

Overall, the biggest beneficiaries of the DCFTA with Ukraine have been, first and foremost, Germany and Poland, whose cumulative trade surplus with Ukraine in 2016-2019 reached, respectively, €10.1 bn and €8 bn. Far behind them are Hungary, Lithuania, and France, whose cumulative trade surplus with Ukraine reached, respectively, €2.8 bn, €2.2 bn, and €1.5 bn.

In terms of trade, the biggest growth in bilateral volume between the EU and Ukraine since 2016 was observed in:

machinery and appliances: from €5.7 bn to €8.4 bn (+€2.7 bn);

vegetable products: from €2.5 bn to €5.1 bn (+€2.6 bn);

mineral products: from €2.8 bn to €5.1 bn (+€2.3 bn).

The biggest growth in EU exports to Ukraine since 2016 was observed in:

machinery and appliances: from €4.2 bn to €6.3 bn (+€2.1 bn);

products of the chemical or allied industries: from €2.6 bn to €3.8 bn (+€1.2 bn);

mineral products: from €1.1 bn to €2.2 bn (+€1.1 bn).

Whereas the biggest growth in EU imports from Ukraine since 2016 was observed in:

vegetable products: from €2 bn to €4.4 bn (+€2.4 bn);

mineral products: from €1.7 bn to €2.9 bn (+€1.2 bn);

machinery and appliances: from €1.4 bn to €2.1 bn (+€0.7 bn).

Meanwhile, the growing exports of Ukrainian agricultural goods to the EU market has increased tensions between the sides, with Ukrainian billionaire Yuriy Kosiuk and his agrobusiness empire, Myronivsky Hliboproduct, accused of exploiting legal loopholes in the DCFTA to increase poultry exports (see: Box 8). This has resulted in the adoption of new trade regulations for imports of Ukrainian poultry meat in 2019, which eliminated the loophole but compensated for it with increased import quotas for Ukrainian poultry meat.⁹⁷

Box 8. DCFTA's poultry loophole

The DCFTA set high tariffs for the import of chicken breast meat from Ukraine. Kosiuk's enterprises exported to the EU market chicken breasts with bones still inside (removed later), which allowed them to bypass the tariffs because, in this case, the product was no longer classified as chicken breast.

The AA allows broadening the scope of tariff liberalisation after five years since entry into force of the DCFTA, which opens up a possibility to negotiate new comprehensive arrangements in 2021. The EU Commissioner for Neighbourhood and Enlargement Oliver Varhelyi confirmed in February 2020 that the preparations for the DCFTA review are ongoing.⁹⁸

⁹⁷ European Council, Council Decision 2019/2145 of 5 December 2019 on the conclusion, on behalf of the Union, of the Agreement in the form of an Exchange of Letters between the European Union and Ukraine amending the trade preferences for poultry meat and poultry meat preparations provided for by 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, Official Journal of the European Union, L 325/41, 16.12.2019.

⁹⁸ 'EU, Ukraine to step up work on updating FTA – European Commissioner Varhelyi', *Interfax-Ukraina*, 12.02.2020, <https://en.interfax.com.ua/news/economic/640751.html>.

5. Economic and sectoral cooperation

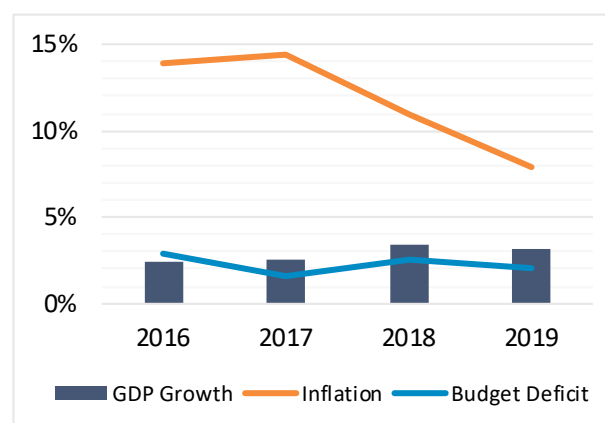
Economic and sectoral cooperation is covered by Title V of the EU-Ukraine Association Agreement. Included in it are a broad range of issues, from macro-economic cooperation to public finances management, from statistics to tourism, which provides a legal basis for Ukraine to significantly deepen its integration with the EU internal market even without having to join the EU.

5.1. Macroeconomic stabilisation and public finances

Ukraine continued its economic recovery in 2018 and 2019 with solid GDP growth of 3.4% and 3.2% respectively (see: Fig. 2), largely determined by the larger harvest and stronger domestic demand.⁹⁹ The country harvested a record 75 million tonnes of grain in 2019,¹⁰⁰ up from 70 million in 2018, which helped boost export revenues. At the same time, the rise in minimum wage and pensions in 2018-2019,¹⁰¹ in combination with growing remittances from Ukrainians working abroad of about \$12 bn (~7.5% of GDP) in 2019 alone,¹⁰² contributed to increasing the purchasing power of Ukrainians and stimulated consumption. The pace of economic growth was, nevertheless, far below its potential, with the International Monetary Fund (IMF) expecting annual GDP growth of as much as 6% in its best-case scenario involving accelerated reforms.¹⁰³ Consequently, Ukrainians remain the second-poorest nation in Europe, second only to Moldova, in terms of purchasing power parity.¹⁰⁴

Despite bigger expenditures on social security benefits, which had been linked to the minimum wage increase, the continuation of strict monetary policy led to a further decline in inflation into the single-digit range (7.9% in 2019). Although loosened fiscal policy inevitably translated into a higher budget deficit, it was still kept under the 3% threshold as agreed with the IMF. A stable budget deficit, combined with

Figure 2: Main macroeconomic indicators for Ukraine 2016–2019



Source: Own calculations based on data from the Ministry of Finance of Ukraine and the State Statistics Service of Ukraine.

⁹⁹ The World Bank in Ukraine, Ukraine Country Snapshot: October 2019, 2019, <http://pubdocs.worldbank.org/en/536201571374500919/Ukraine-Snapshot-Oct2019.pdf>.

¹⁰⁰ Ministerstvo Rozvytku Ekonomiki, Torhivli ta Silskoho Hospodarstva Ukrainy, 'Z lypnia 2019 roku Ukraina eksportovala ponad 32 mln tonn zerna', 13.01.2020, <https://www.me.gov.ua/News/Detail?lang=uk-UA&id=4823521a-8edc-42bf-b829-f8ae80cf986e&title=ZLipnia2019-RokuUkrainaEksportovalaPonad32-MlnTonnZerna>.

¹⁰¹ I. Burdyha, 'Na koho vplyne pidvyshchennia minimalnoi zarplaty v Ukraini', *Deutsche Welle*, 04.01.2019, <https://www.dw.com/uk/на-кого-вплине-підвищення-мінімальної-зарплати-в-україні/a-46957931>.

¹⁰² 'Polshcha – persha, RF – tilky tretia. NBU rozpoviv pro perekazy ukraintziv z-za kordonu', *NV*, 11.02.2020, <https://nv.ua/ukr/biz/finance/zarobitchni-naybilshhe-groshovih-perekaziv-z-za-kordonu-nadiyshlo-do-ukrajini-z-polshchi-novini-ukrajini-50069497.html>.

¹⁰³ 'Ukraini neobhidno rosty 20 rokov po 6% na rik, shchob dosiahty nynishnoho rivnia Polshchi, - predstavnyk MVF', *Interfax-Ukraina*, 19.02.2020, <https://ua.interfax.com.ua/news/economic/642238.html>.

¹⁰⁴ International Monetary Fund, IMF Data Mapper, GDP per capita in current prices, <https://www.imf.org/external/datamapper/PPP@WE0/OEMDC/ADVEC/WE0WORLD/EE0>.

the continuous economic growth, allowed for the state and state-guaranteed debt to decrease from 71.8% of GDP in December 2017 to around 50% of GDP in December 2019, but in nominal terms, the debt grew further, from \$76.3 bn to \$84.4 bn.¹⁰⁵ To a large extent, however, this was a result of Ukraine's cooperation with the IMF and the EU, which provided Ukraine with the macro-financial assistance necessary to ease its foreign debt burden, offset the balance of payments deficit, and cover immediate budgetary needs. In December 2018, the EU disbursed another tranche of the assistance, worth €500 mln, bringing its total support for Ukraine in 2014-2019 to a record-high €4.3 bn.¹⁰⁶ The same month, the IMF launched a new assistance programme for Ukraine worth \$3.9 bn.¹⁰⁷ This allowed the country's international reserves to grow steadily from \$18 bn in June 2018 to \$27 bn in February 2020, which was the highest level since 2012.¹⁰⁸ In June 2019, the government adopted a mid-term state debt management strategy for the period 2019-2022,¹⁰⁹ which assumed, among others, a systematic reduction in the state and state-guaranteed debt in relation to the country's GDP (around 42% in 2022), as well as a change in the debt structure towards a larger share of the debt denominated in the national currency.

With a view to optimising public spending and allowing for more effective reform planning, the parliament amended the budget code in December 2018, introducing a medium-term, three-year budget framework.¹¹⁰ The amendments put additional limits on state expenditures, setting the maximum budget deficit at 3% of GDP and the maximum state and state-guaranteed debt at 60% of GDP. Starting from 2019, the government has been obliged to prepare annually a three-year budget declaration, outlining, among others, projected macroeconomic indicators and the upper spending limits for the period concerned. However, the Cabinet of Ministers eventually failed to adopt the respective declaration for the period 2020-2022, and, therefore, the first mid-term framework is to be approved in mid-2020 for just the period 2021-2023. More successful have been efforts to initiate an annual spending review of ministries and state agencies. In 2019, this review was conducted within five ministries¹¹¹ while the one for 2020, still in progress, involves eight ministries and three agencies.¹¹²

Simultaneously, a series of institutional reforms were launched in the public finance sector to improve the transparency and effectiveness of public finance management. In December 2018, the government adopted the reform of the State Fiscal Service of Ukraine, which resulted in the agency being separated into two parts, one the newly established State Tax Service (operational since August 2019) and the other the State Customs Service (operational since December 2019).¹¹³ In February 2020, the Office of Financial Control was formally established and it will replace the State

¹⁰⁵ Data from the Ministry of Finance of Ukraine.

¹⁰⁶ Own calculations based on data from the European Commission.

¹⁰⁷ International Monetary Fund, 'IMF Executive Board Approves 14-month US\$3.9 Billion Stand-By Arrangement for Ukraine, US\$1.4 Billion for Immediate Disbursement', Press Release No. 18/483, 2018, <https://www.imf.org/en/News/Articles/2018/12/18/pr18483-ukraine-imf-executive-board-approves-14-month-stand-by-arrangement>.

¹⁰⁸ Data from the National Bank of Ukraine.

¹⁰⁹ Ministerstvo Finansiv Ukrainy, Serednostrokovka stratehii upravlinnia derzhavnym borhom na 2019-2022 roky, 2019, https://mof.gov.ua/storage/files/MTDS_2019-2022_UKR_v11062019_Final.pdf.

¹¹⁰ Zakon Ukrainy 'Pro vnesennia zmin do Biudzhethnoho kodeksu Ukrainy shchodo zaprovadzhennia serednostrokovoho biudzhethnoho planuvannia', <https://zakon.rada.gov.ua/laws/show/2646-VIII>.

¹¹¹ Kabinet Ministriv Ukrainy, 'Pro provedennia u 2019 rotsi ohliadiv vytrat derzhavnogo biudzhetu v okremykh sferakh', Rozporiadzhennia No. 211-r, 27.03.2019, <https://zakon.rada.gov.ua/laws/show/211-2019-p>.

¹¹² Idem, 'Pro provedennia y 2020 rotsi ohliadiv vytrat derzhavnogo biudzhetu v okremykh sferakh', Rozporiadzhennia No. 212-r, 03.03.2020, <https://zakon.rada.gov.ua/laws/show/212-2020-p>.

¹¹³ Idem, 'Pro utvorennia Derzhavnoi podatkovoi sluzhby Ukrainy ta Derzhavnoi mytnoi sluzhby Ukrainy', Postanova No. 1200, 18.12.2018, <https://zakon.rada.gov.ua/laws/show/1200-2018-n>.

Audit Service of Ukraine.¹¹⁴ While the three institutions have yet to prove their independence, especially in terms of reducing corruption and stopping the practice of pressuring businesses, the government in April 2020 dismissed the heads of the State Tax Service and the State Customs Service, who had been appointed through a competitive procedure. The reform of the Accounting Chamber, which had its composition renewed in 2018, is still pending. Overall, the GOCEEI estimates that 56% of the tasks were completed in 2019 in the sphere of taxation, while no single task was concluded in the sphere of public finance management (no tasks were planned for 2018).

In February 2020, the Ministry for Development of Economy, Trade, and Agriculture of Ukraine unveiled its medium-term economic development strategy through 2024.¹¹⁵ The strategy set forth ambitious goals of a 40% rise in GDP and attracting \$50 bn in foreign direct investment. As of April 2020, though, these assumptions had already become outdated given the expected negative impact of the COVID-19 pandemic on the Ukrainian economy. However, the potential losses to the Ukrainian economy from the pandemic were impossible to estimate at the time of writing this report.

5.2. Sectoral cooperation

Title V of the EU-Ukraine Association Agreement covers more than a dozen policy areas, analysis of which exceeds the scope of this report. For this reason, below we briefly elaborate on three specific issues of key importance to the Ukrainian economic modernisation: the banking sector, state-owned enterprises, and agriculture. Since they constitute part of wider sectoral reforms, the implementation progress as per the Pulse of the Agreement has not been provided. The overall implementation results for sectoral cooperation are available in Annex 1.

Banking sector. The situation in the banking sector has further stabilised, largely due to successful efforts of the National Bank of Ukraine (NBU). In June 2018, the NBU adopted new regulations for Ukrainian banks in terms of risk management,¹¹⁶ which, among others, obliges banks to establish compliance units and approve risk-management strategies. Since 2018, banks also have been subject to regular sustainability assessments conducted by the NBU. In July 2018, parliament adopted a law providing for the obligatory establishment of supervisory boards in state-owned banks (with two-thirds of the board members being independent) to further improve their governance.¹¹⁷ Members of the supervisory boards were to be approved by the NBU, which, however, triggered a conflict between the NBU and Oshchadbank, the second-biggest bank in Ukraine, in autumn 2019 after the NBU did not approve several members of the bank's supervisory board.¹¹⁸ The major problem for the banking sector remains the relatively high level (almost 50%)¹¹⁹

¹¹⁴ Idem, 'Pro zatverdzhennia Polozhennia pro Ofis finansovoho kontroliu', Postanova No. 184, 19.02.2020, <https://zakon.rada.gov.ua/laws/show/184-2020-n>.

¹¹⁵ Ministerstvo Rozvytku Ekonomiki, Torhivli ta Silskoho Hospodarstva Ukrainy, *Ekonomiczna stratehiia: zrostantia cherez investytsii*, 2020, <https://drive.google.com/file/d/1DmerrNg53rk4PixQRv-CTqatC08YqFMW/view>.

¹¹⁶ Pravlinnia Natsionalnogo Banku Ukrainy, 'Pro zatverdzhennia Polozhennia pro orhanizatsiiu systemy upravlinnia ryzykamy v bankakh Ukrainy ta bankivskykh hrupakh', Postanova No. 64, 11.06.2018, <https://zakon.rada.gov.ua/laws/show/v0064500-18>.

¹¹⁷ Zakon Ukrainy 'Pro vnesennia zmin do deiakykh zakonodavchykh aktiv Ukrainy shchodo udoskonalennia funktsionuvannia finansovoho sektoru v Ukraini', <https://zakon.rada.gov.ua/laws/show/2491-19>.

¹¹⁸ H. Kalachova, R. Chorny, 'NBU ta Oshchadbank v klinchi. Chomu Natsbank zabrakuvav nahliadovu radu banku', *Ekonomichna Pravda*, 03.09.2019, <https://www.epravda.com.ua/publications/2019/09/3/651153>.

¹¹⁹ Data from the National Bank of Ukraine.

of non-performing loans, but their share has steadily declined in 2018-2019, owing to banks' debt restructuring.

Box 9. The fight over Pryvatbank

In April 2019, based on a lawsuit by Kolomoysky, the Kyiv District Administrative Court ruled the 2016 nationalisation of Pryvatbank illegal, stating that, among other reasons, the NBU had declared Pryvatbank insolvent in violation of the law. The NBU appealed the decision and then asked the court of appeal to suspend the hearing until the Supreme Court issued a ruling in a related case (in progress as of April 2020). The NBU announced its intention to withdraw the funds spent on Pryvatbank recapitalisation and to declare the bank insolvent again if the court of appeal rules the nationalisation illegal.

The key for the stability of the banking sector has been the case of Pryvatbank, the biggest Ukrainian bank, nationalised in 2016 due to the risk of its bankruptcy. Pryvatbank has since then pursued claims against its former owners, primarily Ihor Kolomoysky, to recover \$5.5bn of allegedly embezzled funds,¹²⁰ which, to avoid the bank defaulting, had to come from the state budget. Dozens of court cases have been filed both in Ukraine and abroad (e.g., Cyprus, the UK), where Kolomoysky and other former Pryvatbank shareholders' assets have been located. However, the bank's former owners have in the meantime

sought to regain control over Pryvatbank through cases filed in Ukrainian courts (see: Box 9). While the fate of Pryvatbank is still unknown, parliament in March 2020 adopted on first reading a law that would effectively prevent the bank from being returned to its former owners¹²¹ even if a court eventually rules the nationalisation illegal. In such a situation, the state would be obliged to pay compensation but the bank itself would remain state-owned.

State-owned enterprises. Starting in 2018, the biggest state-owned enterprises (SOEs), one of the key sources of rent-seeking in Ukraine, have successively had new supervisory boards established (with a majority of them composed of independent members) with a view to improving governance and limit political interference. Among the SOEs with a new supervisory board are Ukrainian Railways, the Ukrainian Postal Service, Boryspil International Airport, as well as energy companies Naftohaz (since December 2017) and Ukrenerho. In October 2018, the government approved new guidelines on state ownership policy,¹²² which laid the ground for setting specific targets and priorities for the biggest SOEs. Despite these changes, however, the authorities have continued interfering in the work of key SOEs, the clear example of which was the long-lasting conflict between former Prime Minister Volodymyr Hroisman (2016-2019) and the head of Naftohaz Andrii Koboliev.¹²³

As of April 2020, there were still more than 3,500 SOEs in Ukraine, of which less than 60% were active and operating, and less than 20% were profitable.¹²⁴ This has put an enormous burden on Ukraine's

¹²⁰ Natsionalnyi Bank Ukrainy, 'Kroll pidtverdyl: do natsionalizatsii PAT «Pryvatbank» bulo obiektoom masshtabnykh ta skoordynovanykh shakhrayskykh dii, shcho pryzvelo do zbytkiv minimum u 5,5 mlrd dol', 16.01.2018, <https://bank.gov.ua/news/all/kroll-pidtverdili-do-natsionalizatsiyi-pat-privatbank-bulo-obyeptom-masshtabnih-ta-skoordinovanih-shakhrayski-diy-scho-pryzvelo-do-zbitkiv>.

¹²¹ Proekt Zakonu pro vnesennia zmin do deiakykh zakonodavchykh aktiv Ukrainy shchodo udoskonalennia deiakykh mekhanizmiv rehuliuвання bankivskoi diialnosti, http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=68492.

¹²² Ministerstvo Ekonomichnoho Rozvytku i Torhivli Ukrainy, Osnovni zasady vprovadzhennia polityky vlasnosti shchodo subiektiv hospodariuvannia derzhavnogo sektoru ekonomiky, 2018, <https://issuu.com/mineconomdev/docs/b936284d45eb14>.

¹²³ N. Prudka, 'Hroisman proty Kobolieva. Chy zdykhaietsia premier holovnoho «hazovoho reformatora»?', *Glavcom*, 18.03.2019, <https://glavcom.ua/publications/grovsman-proti-kobolieva-chi-zdihajetsya-premier-golovno-go-gazovogo-reformatora-577907.html>.

¹²⁴ Data from the Portal of State-owned enterprises of Ukraine. See: <https://prozvit.com.ua>.

state budget, which is impossible to precisely estimate given that many of the SOEs have in practice been beyond government control. The Ukrainian authorities has regularly attempted to launch large-scale privatisation of SOEs, but the results were usually minimal to none; a privatisation plan in 2018 achieved a mere 1%, and in 2019, 3%.¹²⁵ This was the case even though the rules of privatisation were significantly simplified by means of introducing online auctions for “small privatisation”, i.e., small and medium SOEs worth less than UAH 250 million (around €8 million).¹²⁶ In 2020, the next phase of privatisation is expected, with more than 300 SOEs planned for sale.¹²⁷ The parliament has yet to adopt the list of SOEs excluded from privatisation as the previous one was cancelled in October 2019 without any transitional period.¹²⁸

Agriculture. The year 2020 finally saw a breakthrough when it comes to the opening of the land market in Ukraine—in March, parliament adopted a law that, as of 1 July 2021, will lift the land sales moratorium,¹²⁹ introduced in 2001 and regularly prolonged since then. Given that 60% of the country is covered by fertile black soil, a free market for land is of major importance to the Ukrainian economy—the World Bank expects it to boost Ukrainian economic growth by 0.5-1.5% of GDP a year in the next five years.¹³⁰ However, some restrictions will remain in place. For the first two years, only individuals with Ukrainian citizenship will be allowed to buy agricultural land, but no more than 100 ha. Legal persons, excluding banks and foreign entities, will be allowed to acquire land only from January 2024, but no more than 10,000 ha. The prospects for access of foreign investors to the land market in Ukraine are uncertain. As of now, the law does not provide a legal basis for the purchase of land by a foreign person or entity. The authorities plan to have it approved through referendum but public opinion polls indicate that the result of the vote would likely be negative—in October 2019, as many as 69% of respondents were against allowing foreigners to buy land.¹³¹

The reform of the agricultural sector has also continued in line with the AA obligations. In July 2018, parliament adopted a law on organic production that set requirements for production, labelling, and sale of organic products and introduced a certification mechanism.¹³² In September 2019, a framework law on geographic indications was adopted,¹³³ laying out principles of legal protection of geographic indications. Sectoral laws on specific geographic indications have yet to be adopted.

¹²⁵ K. Shapoval, ‘Vse na prodazh. Chy vdstsia Ukraini vpershe uspishno provesty velyku pryvatyzatsiiu’, *NV Biznes*, 18.01.2020, <https://nv.ua/ukr/biz/economics/velika-privatizaciya-shcho-zavazhaye-derzhavi-vdalo-prodati-veli-ki-pidpriemstva-novini-ukrajini-50064716.html>.

¹²⁶ Zakon Ukrainy ‘Pro pryvatyzatsiiu derzhavnogo i komunalnogo maina’, <https://zakon.rada.gov.ua/laws/show/2269-19>.

¹²⁷ Kabinet Ministriv Ukrainy, ‘Oleksii Honcharuk doruchyv u 2020 rotsi provesty prozoru pryvatyzatsiiu ponad 300 obektiv’, 20.01.2020, <https://www.kmu.gov.ua/news/oleksij-goncharuk-doruchiv-u-2020-roci-provesti-prozoru-privatizaciyu-ponad-300-obyektiv>.

¹²⁸ Zakon Ukrainy ‘Pro vyznannia takym, shcho vtratyv chynnist, Zakonu Ukrainy «Pro perelik obektiv prava derzhavnoi vlasnosti, shcho ne pidliahaiut pryvatyzatsii»’, <https://zakon.rada.gov.ua/laws/show/145-20>.

¹²⁹ Zakon Ukrainy ‘Pro vnesennia zmin do deiakykh zakonodavchykh aktiv Ukrainy shchodo obihu zemel silskohospodarskoho pryznachennia’, <https://zakon.rada.gov.ua/laws/show/552-IX>.

¹³⁰ ‘Opening of land market to allow Ukraine to accelerate economic growth by 0.5-1.5% of GDP a year in next five years – World Bank’, *Interfax Ukraina*, 19.11.2019, <https://en.interfax.com.ua/news/economic/625562.html>.

¹³¹ Sotsiolohichna Hrupa Rejtynh, ‘Okremi aspekty stavlennia naselennia do zemelnogo pytannia’, 30.10.2019, http://ratinggroup.ua/files/ratinggroup/req_files/rq_land_102019_press.pdf.

¹³² Zakon Ukrainy ‘Pro osnovni pryntsypy ta vymohy do orhanichnogo vyrobnytstva, obihu, ta markuvannia orhanichnoi produktsii’, <https://zakon.rada.gov.ua/laws/show/2496-19>.

¹³³ Zakon Ukrainy ‘Pro vnesennia zmin do deiakykh zakonodavchykh aktiv Ukrainy shchodo vdoskonalennia pravovoi okhorony heohrafichnykh zaznachen’, <https://zakon.rada.gov.ua/laws/show/123-20#n12>.

Meanwhile, Ukrainian products have already started to be registered according to the new regulations.

6. Energy and climate

Within the EU-Ukraine Association Agreement, energy is part of both Title IV, dedicated to trade and trade-related issues, and Title V, dedicated to economic and sectoral cooperation. Given the importance of energy issues for bilateral EU-Ukraine relations, however, especially in the context of Ukraine as a gas transit country to the EU, in the following report we consider energy issues in a separate chapter, together with environment and climate.

6.1. Energy reform and energy efficiency

The second half of 2019 eventually witnessed the Naftohaz unbundling procedure concluded (see: Box 10),¹³⁴ with the creation of the independent gas transmission system operator (GTSO) in line with the Third Energy Package provisions.¹³⁵ This paved the way to signing a new, five-year gas transit agreement between Ukraine and Russia at the end of December 2019,¹³⁶ which is crucial for the security of gas supplies to the EU. However, the model of unbundling adopted by the Ukrainian authorities, which combines features of Ownership Unbundling (the most popular in the EU) and Independent System Operator, creates a structural weakness in the GTSO. As a gas transmission operator, the GTSO remains dependent on technical cooperation with Naftohaz, which controls the gas storage facilities, and, instead of GTSO, is formally a party to the transit agreement with Russia. The GTSO Supervisory Board, which is composed of people with extensive energy industry experience, should ensure the independence of the new body from the political interference of the authorities, yet it remains to be proven in practice.

Box 10. Naftohaz unbundling

In line with the AA provisions, Ukraine was obliged to fully separate gas transportation from production and supply. The Cabinet of Ministers adopted the Naftohaz restructuring plan already in 2016 but its implementation was long in question, largely because of infighting between Naftohaz management and the government of Volodymyr Hroisman, with both sides having divergent visions of unbundling. The conflict subsided after the change of power in Ukraine in 2019, with parliament finally adopting the necessary legislation in late October 2019. Responsibility for gas transportation was moved from Naftohaz to a newly-created company, Main Gas Pipelines of Ukraine, owned by the Ministry of Finance.

Since March 2019, Ukraine has moved from monthly to the daily balancing of the gas market in accordance with EU standards,¹³⁷ subsequently launching an online platform for the exchange of information on gas nominations,¹³⁸ which has increased market liquidity and transparency. A draft law allowing the GTSO to make purchases on the Ukrainian Energy Exchange was registered in the parliament in March 2020 but has yet to be

¹³⁴ Zakon Ukrainy 'Pro vnesennia zmin do deiakykh zakonodavchykh aktiv Ukrainy u zviazku z vidokremlenniam diialnosti z transportuvannia pryrodnoho hazu', <https://zakon.rada.gov.ua/laws/show/264-20>.

¹³⁵ Energy Community, 'The Secretariat supports certification of the gas transmission system operator of Ukraine', 17.12.2019, <https://www.energy-community.org/news/Energy-Community-News/2019/12/17.html>.

¹³⁶ Naftogaz Group, 'Naftogaz, GTSOU and Gazprom signed a set of agreements to ensure Russian gas transit over the next five years', 31.12.2019, <http://www.naftogaz.com/www/3/nakweben.nsf/0/24DE3C1B1D52B136C22584E00079DA9E?OpenDocument&year=2019&month=12&nt=News&>.

¹³⁷ Ukrtransgaz, 'Rynok hazu Ukrainy pereishov na dobove balansuvannia', 01.03.2019, <http://utg.ua/utg/media/news/2019/03/ukraine-gas-market-switched-to-daily-balancing.html>.

¹³⁸ Idem, 'Ukrtransgaz povidomliaie uchasnykiv hazovoho rynku pro perekhid na Informatsiinu platformu TOV «OHTSU»', 29.11.2019, <http://utg.ua/utg/media/news/2019/11/ukrtransgaz-povidomliaie-uchasnykiv-gazovogo-ryнку-pro-perekhid-na-informaciinu-platfomu-tov-ohtsu.html>.

adopted.¹³⁹ A fully free gas market is set to be initiated in May 2020 with the marketisation of gas prices for private customers and the introduction of competition in the distribution market. This still requires legislative changes, though, which would provide for a procedure of the free choice of gas supplier by end consumers.

A new wholesale electricity market started operating in Ukraine in July 2019,¹⁴⁰ replacing a single-buyer model with a market model in which the participants should be able to freely trade electricity between themselves. In practice, however, the market remains a hybrid one with obligations for the state-owned producers of electricity to sell the energy below the market price to maintain lower energy tariffs for households,¹⁴¹ which, besides being against EU requirements, distorts free competition and leads to *de facto* subsidisation of individual customers at the expense of industry (cross-subsidisation). Ukrenerho, the country's electricity system operator, despite its corporate governance reform, failed to meet the Third Energy Package requirements and was not certified as an independent operator by the Energy Community Secretariat,¹⁴² which further postpones Ukraine's plans for integration with the European Network of Transmission System Operators for Electricity.

In June 2019, CCU ruled unconstitutional some provisions of the Law on the National Commission for State Regulation of Energy and Public Utilities (NCSREPU),¹⁴³ which was established in 2014 as an independent national energy regulatory authority. According to CCU, NCSREPU's status as an independent body was against provisions of the Constitution,¹⁴⁴ and, therefore, it should be subordinated to the government. While the Energy Community assessed that this would constitute a breach of Ukraine's obligations stemming from the Third Energy Package,¹⁴⁵ in December 2019 the parliament adopted amendments to the aforementioned law, providing for NCSREPU to become subjugated to the Cabinet of Ministers,¹⁴⁶ which provided an increased opportunity for the authorities to interfere with the work of the regulator.

In terms of energy efficiency, subsidies for thermal upgrading apartment blocks, financed through the Energy Efficiency Fund with EU financial support, began to be distributed in September 2019. During the first six months, however, only 32 applications were submitted,¹⁴⁷ which sparked a discussion about the need to simplify the application procedures. The "warm loans" programme has

¹³⁹ Proekt Zakonu pro vnesennia zmin do Zakonu Ukrainy «Pro publichni zakupivli» shchodo zakupivli pryrodnoho hazu, http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?id=&pf3511=68316.

¹⁴⁰ Zakon Ukrainy 'Pro rynek elektrychnoi enerhii', <https://zakon.rada.gov.ua/laws/show/2019-19>.

¹⁴¹ Kabinet Ministriv Ukrainy, 'Pro zatverdzhennia Polozhennia pro pokladennia spetsialnykh obov'iazkiv na uchashnyky v rynku elektrychnoi enerhii dlia zabezpechennia zahalnosuspilnykh interesiv u protsesi funktsionuvannia rynku elektrychnoi enerhii', Postanova No. 483, 05.06.2019, <https://zakon.rada.gov.ua/laws/show/483-2019-p>.

¹⁴² Energy Community, 'Secretariat rejects certification of Ukrenergo under the Third Energy Package', 13.02.2020, <https://energy-community.org/news/Energy-Community-News/2020/02/13a.html>.

¹⁴³ Zakon Ukrainy 'Pro Natsionalnu komisiyu, shcho zdiisniuie derzhavne rehuliuвання u sferakh enerhetyky ta komunalnykh posluh', <https://zakon.rada.gov.ua/laws/show/1540-19>.

¹⁴⁴ Konstytutsiyni Sud Ukrainy, 'KSU vyznav nekonstytutsiynomy okremi polozhennia Zakonu Ukrainy «Pro Natsionalnu komisiyu, shcho zdiisniuie derzhavne rehuliuвання u sferakh enerhetyky ta komunalnykh posluh»', 13.06.2019, <http://www.ccu.gov.ua/novyna/ksu-vyznav-nekonstytutsiynomy-okremi-polozhennia-zakonu-ukrainy-pro-natsionalnu-komisiyu-shcho>.

¹⁴⁵ Energy Community, 'Independence of the regulatory authority of Ukraine at risk', 25.06.2019, <https://energy-community.org/news/Energy-Community-News/2019/06/25.html>.

¹⁴⁶ Zakon Ukrainy 'Pro vnesennia zmin do deiaknykh zakonodavchykh aktiv Ukrainy shchodo zabezpechennia konstytutsiynykh pryntsyviv u sferakh enerhetyky ta komunalnykh posluh', <https://zakon.rada.gov.ua/laws/show/394-20#n19>.

¹⁴⁷ Data from the Energy Efficiency Fund.

also continued, but its effectiveness was limited due to underfunding. A new multiannual National Energy Efficiency Action Plan up to 2030 is yet to be adopted.

Overall, the GOCEEI estimates that only 34% of the tasks were completed in 2019 in the energy sector, down from 56% in 2018. In terms of energy efficiency, 67% of the tasks were completed in 2019, down from 88% in 2018.

6.2. Environment and climate

Ukraine has approved several strategic documents concerning the environment and climate in 2018-2019, with the most important one being the “Strategy for the state environmental policy up to 2030”, adopted by the parliament in February 2019,¹⁴⁸ which assumed the gradual introduction of international environmental standards. Following that, the government adopted the “Concept for the implementation of state policy on industrial pollution” in May,¹⁴⁹ and introduced a new procedure for monitoring air pollution in August.¹⁵⁰ Also in February, the government adopted a “National Waste Management Plan” up to 2030.¹⁵¹ In practice, however, implementation of the provisions contained in all these documents pose a significant challenge due to the lack of proper funding and relatively low institutional capacity.

Like in the energy sector, the progress in AA implementation in the area of environment and climate was seriously affected by the 2019 electoral cycle. The GOCEEI estimates that only 28% of the tasks were completed in 2019 in the sphere of environment and climate, down from 50% in 2018. Among the most important changes introduced in 2019 were water monitoring standards in line with EU legislation and a programme of water-quality monitoring of rivers.¹⁵² In December 2019, however, the Ministry of Health Protection postponed the introduction of new drinking-water standards from January 2020 to January 2022.¹⁵³

¹⁴⁸ Zakon Ukrainy ‘Pro Osnovni zasady (strategiiu) derzhavnoi ekolohichnoi polityky Ukrainy na period do 2030 roku’, <https://zakon.rada.gov.ua/laws/show/2697-19>.

¹⁴⁹ Kabinet Ministriv Ukrainy, ‘Pro skhvalennia Kontseptsii realizatsii derzhavnoi polityky u sferi promysloвого zabrudnennia’, Rozporiadzhennia No. 402-r, 22.05.2019, <https://zakon.rada.gov.ua/laws/show/402-2019-p>.

¹⁵⁰ Idem, ‘Deiaki pytannia zdiisnennia derzhavnoho monitorynhu v haluzi okhorony atmosferneho povitria’, Postanova No. 827, 14.08.2019, <https://zakon.rada.gov.ua/laws/show/827-2019-n>.

¹⁵¹ Idem, ‘Pro zatverdzhennia Natsionalnogo planu upravlinnia vidkhodamy do 2030 roku’, Rozporiadzhennia No. 117-r, 20.02.2019, <https://zakon.rada.gov.ua/laws/show/117-2019-p>.

¹⁵² Idem, ‘Pro zatverdzhennia Poriadku zdiisnennia derzhavnoho monitorynhu vod’, Postanova No. 758, 19.09.2018, <https://zakon.rada.gov.ua/laws/show/758-2018-n>.

¹⁵³ Ministerstvo Okhorony Zdorovia Ukrainy, ‘Pro vnesennia zmin do nakazu Ministerstva okhorony zdorovia Ukrainy vid 12 travnia 2010 roku No. 400’, Nakaz No. 2675, 24.12.2019, <https://zakon.rada.gov.ua/laws/show/z1304-19>.

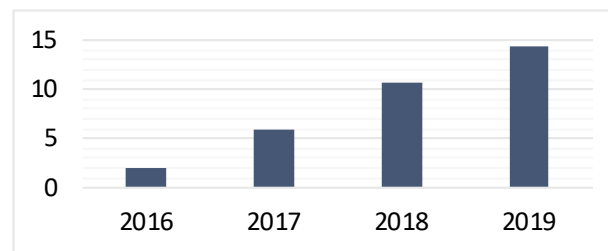
7. Justice, freedom, and security

Justice, freedom, and security issues are covered by Title III of the EU-Ukraine Association Agreement and provide for deepened cooperation in several policy areas, including the rule of law, migration and asylum, border management, and the fight against crime and terrorism. In this report, issues related to the judiciary and law enforcement, and fight against corruption are analysed in Chapter 1, dedicated specifically to the rule of law and good governance.

7.1. Migration, asylum, and border management

Since the entry into force of the visa-free regime between the EU and Ukraine in June 2017, Ukrainian citizens have made over 40 million trips to the EU countries. Nine million Ukrainians have used a biometric passport while crossing the EU border, with almost 3 mln of them entering the EU territory without visas.¹⁵⁴ As of the beginning of 2020, about 14.3 million Ukrainians held biometric passports (see: Fig. 3), which allowed them to travel freely to the Schengen zone for up to 90 days in any 180-day period.¹⁵⁵

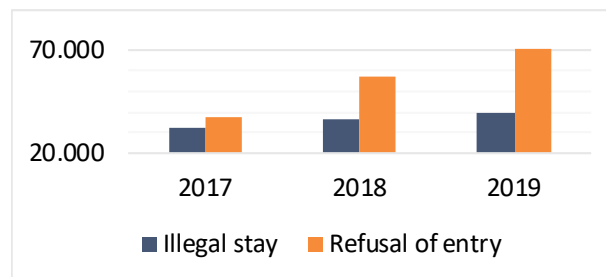
Figure 3: Number of biometric passports in Ukraine [millions]



Source: State Migration Service of Ukraine.

An increase in the number of Ukrainian citizens travelling to the EU brought a rise in the number of refusals of entry, especially throughout 2018 (see: Fig. 4). There were around 70,000 cases in which Ukrainian citizens were denied permission to cross the EU border in 2019, up from around 37,000 in 2017, comprising 33% of the total cases of refusals of entry in 2019.¹⁵⁶ The main reason for the refusals of Ukrainians was, in more

Figure 4: Number of illegal stays and refusals of entry for citizens of Ukraine



Source: FRONTEX.

than 50% of cases, the lack of appropriate documentation justifying the purpose and conditions of stay on EU territory, which points to the still insufficient knowledge among Ukrainian citizens of the rights and obligations of the visa-free regime, despite the information campaigns conducted by the EU Delegation in Kyiv and Ukrainian CSOs.

The number of illegal stays on EU territory involving Ukrainian citizens increased as well (see: Fig. 4). Around 40,000 cases of Ukrainians illegally staying in the EU were

¹⁵⁴ Derzhavna Prykordonna Sluzhba Ukrainy, 'Dva roky tomu, z 11 chervnia 2017 roku, oficiino vstupyv u sylu bezvizovyi rezhym mizh Ukrainoiu ta Yevropeiskym Soiuzom', 11.06.2019, <https://dpsu.gov.ua/ua/news/Mayzhe-3-milyoni-gromadyan-Ukraini-skoristalisya-bezvizom-z-S-protvago-m-dvoh-rokiv->.

¹⁵⁵ Derzhavna Mihratsiina Sluzhba Ukrainy, 'Publichnyi zvit Holovy Derzhavnoi mihratsiinoi sluzhby Ukrainy za rezultatamy diialnosti u 2019 rotsi', 17.02.2020, <https://dmsu.gov.ua/news/dms/6778.html>.

¹⁵⁶ European Border and Coast Guard Agency, Risk Analysis for 2020, 2020, https://frontex.europa.eu/assets/Publications/Risk_Analysis/Risk_Analysis/Annual_Risk_Analysis_2020.pdf.

detected by the Member States in 2019, up from around 33,000 in 2017, comprising 10% of the total cases of illegal stay in 2019.¹⁵⁷ Cooperation on readmission and return was functioning well, however, with a stable effective return rate of around 80% in 2017-2019.¹⁵⁸ The number of EU asylum applications submitted by Ukrainian citizens slightly decreased from around 8,700 in 2018 to around 8,300 in 2019.¹⁵⁹

The second half of 2018 finally saw Ukraine implementing its “State Migration Strategy up to 2025”, adopted in 2017. In August 2018, the government approved the 2018-2021 Action Plan for the implementation of the Strategy,¹⁶⁰ which assumed, among others, improving the regulatory framework and coordination between different state institutions in the migration sphere. The institutional capacity of the State Migration Service of Ukraine has been further strengthened through ongoing digitalisation of its activities. Despite its obligation stemming from the EU-Ukraine Visa Liberalisation Action Plan, the State Migration Service did not publish its annual Migration Profile for 2019, and therefore the comprehensive migration and asylum statistics for the period described in this report were not available at the time of writing. Ukraine still lacks sufficient infrastructure to accommodate refugees and illegal migrants while remaining a transit country for irregular migration to the EU.

The new Ukrainian authorities in the second half of 2019 stepped up efforts to introduce integrated border-management standards on the country's external border. The government adopted the “Strategy for Integrated Border Management up to 2025” in July 2019,¹⁶¹ and subsequently the 2020-2022 Action Plan for the implementation of the Strategy in December 2019.¹⁶² The most important provisions concerned optimisation of border-control procedures, establishing a mechanism of coordination between the institutions with border-management functions, and improving the effectiveness of combating cross-border crime and illegal migration. One of the most acute problems on the EU-Ukraine border, especially on the Polish-Ukrainian section, has been long waiting times to cross the border. Monitoring conducted by Ukrainian CSOs points to the unused potential of existing border infrastructure,¹⁶³ not least because Ukraine is unable to make use of EU funds allocated to the modernisation and extension of the border points (see: Box 11).

Box 11. EU funds for modernisation of Ukrainian border infrastructure

In 2014, the EU launched a project worth almost €30 million, dedicated to modernisation of six Ukrainian border points on the border with EU countries. As of the end of 2017, none of the six checkpoint projects was completed, largely because of excessive bureaucracy, which led the EU to withhold the financing and order the unspent money to be reimbursed.

¹⁵⁷ Ibidem.

¹⁵⁸ Own calculations based on data from FRONTEX.

¹⁵⁹ Data from the Eurostat database.

¹⁶⁰ Kabinet Ministriv Ukrainy, ‘Pro zatverdzhennia planu zakhodiv na 2018-2021 roky shchodo realizatsii Stratehii derzhavnoi mihratsiinoi polityky Ukrainy na period do 2025 roku’, Rozporiadzhennia No. 602-r, 29.08.2018, <https://zakon.rada.gov.ua/laws/show/602-2018-p>.

¹⁶¹ Idem, ‘Pro skhvalennia Stratehii intehrovanoho upravlinnia kordonamy na period do 2025 roku’, Rozporiadzhennia No. 687-r, 24.07.2019, <https://zakon.rada.gov.ua/laws/show/687-2019-p#n13>.

¹⁶² Idem, ‘Pro zatverdzhennia planu zakhodiv na 2020-2022 roky shchodo realizatsii Stratehii intehrovanoho upravlinnia kordonamy na period do 2025 roku’, Rozporiadzhennia No. 1409-r, 27.12.2019, <https://zakon.rada.gov.ua/laws/show/1409-2019-p>.

¹⁶³ R. Minich, Lviv Region (Ukraine)-Poland: Mobile Border in Between, 2020, <https://europewb.org.ua/wp-content/uploads/2020/01/Mobile-border-in-between.pdf>.

Overall, the GOCEEI estimates that 50% of the tasks were completed in 2018 in the sphere of migration, asylum, and border management (no tasks were planned for 2019).

7.2. Fight against crime, money laundering, and terrorism financing

While reform of the police has been ongoing since 2015, its crime division has been subject to changes only to a minimal extent. The real start of crime police reform was marked in mid-2019 with the selection of police anti-drug units in four out of 24 Ukrainian regions, which were to become modernised.¹⁶⁴ Re-evaluation of the police corps turned out to be a failure, with only 7% of the staff being dismissed as a result of the re-assessment, out of which half was subsequently reinstated following court orders.¹⁶⁵ The EU Serious and Organised Crime Threat Assessment methodology was not introduced to the police force as of April 2020. According to the government's action plan to 2024,¹⁶⁶ adopted in September 2019, the methodology is to be incorporated into the activities of the law enforcement agencies by May 2021.

The year 2019 saw the start of a comprehensive review of counter-terrorism activities in Ukraine. In March 2019, the then president Petro Poroshenko approved the new "Concept of fighting terrorism",¹⁶⁷ which updated the country's counter-terrorism framework to reflect the situation of the ongoing Russian aggression against Ukraine. Two months later, Poroshenko enacted a decision by the National Security and Defence Council of Ukraine to conduct a review of the state's counter-terrorism system.¹⁶⁸ The review procedure was approved by the new president, Zelensky, in July¹⁶⁹ and should eventually pave the way to the development of a sectoral strategy on fighting terrorism.

In December 2019, the parliament adopted a new version of the law on the prevention of, and counteraction of the legalisation (laundering) of proceeds from crime, financing of terrorist activities, and proliferation of weapons of mass destruction,¹⁷⁰ which entered into force in April 2020. The new law incorporated into national legislation the provisions of the EU *acquis* in terms of countering money laundering and financing terrorism, and tightened regulations concerning the disclosure of information regarding the beneficiaries of different types of legal entities. The "Strategy for the development of the system of, prevention of, and counteraction of the legalisation (laundering) of proceeds from crime, financing of terrorist activities, and proliferation of weapons of

¹⁶⁴ 'Reforma kryminalnoi politsii pochnetsia u chotyrokh oblastiakh', *Glavcom*, 01.08.2019, <https://glavcom.ua/country/criminal/reforma-kriminalnoji-policii-pochnetsya-u-chotiroh-oblastyah-614712.html>.

¹⁶⁵ D. Kuryshko, 'Striliaiut chy zakhyschaiut: shcho z reformoiu politsii?', *BBC Ukraina*, 05.06.2019, <https://www.bbc.com/ukrainian/features-48525559>.

¹⁶⁶ Kabinet Ministriv Ukrainy, Prohrama diialnosti..., op.cit.

¹⁶⁷ Prezydent Ukrainy, 'Pro Kontseptsiiu borotby z teroryzmom v Ukraini', Ukaz No. 53/2019, 05.03.2019, <https://zakon.rada.gov.ua/laws/show/53/2019#n12>.

¹⁶⁸ Rada Natsionalnoi Bezpeky i Oborony Ukrainy, 'Pro orhanizatsiiu planuvannia v sektori bezpeky i oborony Ukrainy', 16.05.2019, <https://zakon.rada.gov.ua/laws/show/n0005525-19#n2>.

¹⁶⁹ Prezydent Ukrainy, 'Pro Poriadok provedennia ohliadu zahalnodержavnoi systemy borotby z teroryzmom', Ukaz No. 506/2019, 09.07.2019, <https://zakon.rada.gov.ua/laws/show/506/2019#n9>.

¹⁷⁰ Zakon Ukrainy 'Pro zapobihannia ta protydiuu lehalizatsii (vidmyvanniu) dokhodiv, oderzhanykh zlochynnym shliakhom, finansuvanniu teroryzmu ta finansuvanniu rozpovsiudzhennia zbroi masovoho znyshchennia', <https://zakon.rada.gov.ua/laws/show/361-20>.

mass destruction”, adopted by the government in 2015,¹⁷¹ has largely remained unimplemented and is due to expire in 2020.

Despite an obligation to ratify the Rome Statute of the International Criminal Court (ICC), stemming from the provisions of the AA, Ukraine still had not done so as of April 2020. The legal obstacles to ratification were removed in June 2019 after the constitutional amendments entered into force (see: Box 12).¹⁷² However, the Ukrainian parliament has already twice recognised ICC jurisdiction—in February 2014, regarding alleged crimes committed during the Revolution of Dignity between 21 November 2013 and 22 February 2014,¹⁷³ and in February 2015, regarding alleged crimes committed by Russia and the so-called People's Republics on the territory of Ukraine from 20 February 2014 onwards.¹⁷⁴ In both cases, the ICC prosecutor announced the preliminary examination of the situation.

Box 12. Ratification of the Rome Statute of the ICC

According to Art. 124 of the Ukrainian constitution, justice in Ukraine is exercised exclusively by the courts, and delegation of the courts' functions is forbidden. In June 2016, parliament adopted legislative amendments to this article, which stipulated that Ukraine may recognise ICC jurisdiction, but with a clause providing for entry into force of the amendment only three years after its adoption. While the legal basis for ratification of the Rome Statute has therefore been established, there is still no consensus among the political elite and expert community as to the necessity to ratify it.

Overall, the GOCEEI estimates that 30% of the tasks were completed in 2018 in the sphere of fighting crime and terrorism (no tasks were planned for 2019). In terms of fighting financial crime, all tasks were completed in 2019 (no tasks were scheduled for 2018).

¹⁷¹ Kabinet Ministriv Ukrainy, 'Pro skhvalennia Stratehii rozvytku systemy zapobihannia ta protydii lehalizatsii (vidmyvanniu) dokhodiv, oderzhanykh zlochynnym shliakhom, finansuvanniu teroryzmu ta finansuvanniu rozpovsiudzhennia zbroi masovoho znyshchennia na period do 2020 roku', Rozporiadzhennia No. 1407-r, 30.12.2015, <https://zakon.rada.gov.ua/laws/show/1407-2015-p#n9>.

¹⁷² Zakon Ukrainy 'Pro vnesennia zmin do Konstytutsii Ukrainy (shchodo pravosuddia)', <https://zakon.rada.gov.ua/laws/show/1401-19>.

¹⁷³ Verkhovna Rada Ukrainy, 'Zaiava Verkhovnoi Rady Ukrainy do Mizhnarodnoho kryminalnoho sudu pro vyznannia Ukrainoiu yurysdyksii mizhnarodnoho kryminalnoho sudu shchodo skoiennia zlochiniv proty liudianosti vshchymy posadovymy osobamy derzhavy, yaki pryzvely do osoblyvo tiazhkykh naslidkiv ta masovoho vbyvstva ukrainskykh hromadian pid chas myrnykh aktsii protestiv u period z 21 lystopada 2013 roku po 22 liutoho 2014 roku', <https://zakon.rada.gov.ua/laws/show/790-18>.

¹⁷⁴ Idem, 'Zaiava Verkhovnoi Rady Ukrainy pro vyznannia Ukrainoiu yurysdyksii mizhnarodnoho kryminalnoho sudu shchodo skoiennia zlochiniv proty liudianosti ta voiennykh zlochiniv vshchymy posadovymy osobamy Rosiiskoi Federatsii ta kerivnykamy terorystychnykh orhanizatsii «DNR» ta «LNR», yaki pryzvely do osoblyvo tiazhkykh naslidkiv ta masovoho vbyvstva ukrainskykh hromadian', <https://zakon.rada.gov.ua/laws/show/145-19>.

8. The role and impact of EU institutions on AA implementation in Ukraine

Following the signing of the Association Agreement in 2014, the EU quickly developed a robust institutional setup to support the Ukrainian authorities in implementing the AA provisions and monitoring the progress of the reform. Its centrepiece has been the Support Group for Ukraine (SGUA),¹⁷⁵ established in 2014, which consists of 30+ experts in a variety of fields whose task it is to liaise with the Ukrainian ministries and provide advice on key reforms. SGUA has had a specific status, as it is supposed to cooperate and coordinate its actions with both the European External Action Service (EEAS) and the Commissioner for Enlargement and Neighbourhood Policy (DG NEAR), which should ensure coherence of different EU activities and projects. Both the SGUA and the EEAS cooperate with experts from the European Commission's Directorates General to gain specialist support for particular issues. The SGUA has also attempted to regularly exchange information with the Member States, mostly through coordination meetings held twice a year.

Within the EU Delegation in Kyiv, an AA special task force has been the main contact point for the Ukrainian administration while also closely following the AA implementation. The group has provided expertise on draft laws' compliance with EU legislation and streamlined the trilateral dialogue between the government, parliament, and the EU Delegation on specific reform measures¹⁷⁶; however, it has been much too little for the local needs, and therefore, unable to make up for the limited capacity of the European Commission's officials to engage with Ukraine on specific AA implementation issues.

On top of that, an EU Advisory Mission in Ukraine was established in 2014, with 300+ staff members on the ground, to provide advice, support, and training in implementing civilian security-sector reform. In May 2019, the Council extended the mission mandate to May 2021.¹⁷⁷

While the abovementioned EU institutional machinery includes a large number of experts who are needed to assess competently the variety of legal measures related to AA implementation, this relatively intricate setup is prone to coordination problems, as well as a certain degree of duplication and competition between the institutions and individuals. Sometimes, tensions occur between the overall political strategy and more immediate goals in concrete matters. EU experts, who closely follow events in their (often narrow) area of competence, are sometimes oblivious to the wider political context in Ukraine. Also, advice on, expectations and potential benefits from reforms are not always clearly spelled out by the EU representatives, which sometimes makes it difficult to gain public approval for change. A critical assessment of the Ukrainian actions in a particular matter can sour the general political climate necessary for key reforms and thus undermine their prospects.

The European Parliament has consistently performed the role of an actor that both mobilises the Ukrainian side to speed up the reform process and urges the EU institutions and Member States to keep enriching the offer addressed to Ukraine (in the spirit of the more-for-more principle). By regularly stressing that EU membership for Ukraine remains a realistic, if distant, prospect, the European Parliament gives a boost to the Ukrainian reformist movement. The Jean Monnet

¹⁷⁵ European Commission, Support Group for Ukraine: Activity Report: The first 18 months, 2016, <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/neighbourhood/pdf/key-documents/ukraine/20161028-report-squa.pdf>.

¹⁷⁶ K. Wolczuk, *The Development...*, op.cit.

¹⁷⁷ Council of the European Union, 'EUAM Ukraine: Council extends mission and approves budget increase', 13.05.2019, <https://www.consilium.europa.eu/en/press/press-releases/2019/05/13/euam-ukraine-council-extends-mission-and-approves-budget-increase>.

Dialogues, held under the aegis of the European Parliament, have provided an opportunity for the factions present in the Ukrainian parliament to cooperate in a much calmer setting. The dialogues were welcomed by the new composition of the Rada, which announced that a special task force would be created and charged with overseeing implementation of the Dialogues' outcomes.¹⁷⁸ In 2015, the European Parliament launched a special needs-assessment mission, led by its former president, Pat Cox, with a view to working out proposals for reform of the Ukrainian parliament,¹⁷⁹ but the recommendations have remained on paper only and the reform has not been launched.

Apart from the EU institutions, several EU Member States have been heavily involved in the implementation of EU programmes supporting reforms in Ukraine, with Germany, Poland, and the Nordic and Baltic States showing particular interest in the country. For instance, the U-LEAD programme supporting Ukrainian decentralisation reform—to be concluded in June 2020—have been co-financed by Denmark, Estonia, Germany, Poland, and Sweden.¹⁸⁰ The overall assessment of progress in AA implementation, however, has largely been left to the EU bodies, although it is acknowledged that greater interest from the Member States in Ukraine could contribute to mobilising their Ukrainian partners to continue with reform.

Given the weak institutional capacity of the Ukrainian state, the EU has embarked on an innovative process of subsidisation of administrative posts in the government to raise the quality of the civil service. Within the EU programme dedicated to public administration reform in Ukraine,¹⁸¹ some of the funds have been spent on paying higher salaries for a limited number of Ukrainian officials (so-called reform experts), thus allowing for the selection of highly qualified specialists. The EU support has also been indispensable in filling the AA expertise capacity gap in line ministries and the GOCEEI in terms of conducting compliance checks of draft laws with EU legislation and translating the EU *acquis* into Ukrainian—the second phase of the specially dedicated support programme “Association4U”¹⁸² started in November 2019. Several assistance programmes were started within the Eastern Partnership initiative, for instance dedicated to supporting small and medium enterprises in aligning production to EU technical standards. Still, the bulk of the EU support to Ukraine in terms of AA implementation has been given through short-term technical assistance projects, which have long been criticised for their one-size-fits-all approach and lack of sustainability.¹⁸³

The Association bodies (Association Council, Association Committee) have thus far largely constituted a forum for informal bilateral consultations, and have therefore had limited influence on AA implementation in Ukraine. The political decisions taken within both bodies have rarely been followed with concrete steps, but one would expect the Ukrainian side—first and foremost, the GOCEEI—to take the lead in this respect.

¹⁷⁸ Statement of Intent for the 9th Convocation of the Verkhovna Rada of Ukraine, Conclusions of the 7th Jean Monnet Dialogue, Bazoches (France), 28-29.11.2019, http://www.epgencms.euoparl.europa.eu/cmsdata/upload/ee784757-7550-4850-98ad-071502f47545/7th_JMD_Verkhovna_Rada_Conclusions_EN_UKR.pdf.

¹⁷⁹ European Parliament, Report and roadmap on internal reform and capacity-building for the Verkhovna Rada of Ukraine, <https://www.euoparl.europa.eu/resources/library/media/20160229RES16408/20160229RES16408.pdf>.

¹⁸⁰ ‘Empowering citizens and municipalities in Ukraine. Contributions by U-LEAD with Europe to the establishment of multi-level governance that is transparent, accountable and responsive to the needs of citizens of Ukraine (as of January 2020)’, https://decentralization.gov.ua/uploads/library/file/364/4pager_eng_jan_preview_1_.pdf.

¹⁸¹ See: <http://www.eu4par.eu>.

¹⁸² See: <https://association4u.com.ua>.

¹⁸³ K. Wolczuk, D. Zeruolis, *Fit for Purpose? Evaluating the EU's Assistance to Ukraine*, EU-STRAT Policy Brief, No. 5, 2019, <http://eu-strat.eu/wp-content/uploads/2019/04/EU-STRAT-Policy-Brief-No.-5.pdf>.

9. Recommendations

Greater prioritisation. AA implementation has turned out to be an overly ambitious task for the Ukrainian state given its insufficient institutional capacity and scarce resources. In the short-to-medium term, the latter is going to be in even shorter supply following the expected economic decline in Ukraine as a result of the COVID-19 pandemic, which will push AA implementation further down the political agenda. In this situation, there is a need to concentrate political efforts and limited budget funds on a few key priorities with relatively low-cost added-value potential (including strengthening the rule of law, fighting corruption, improving the business environment, proceeding with decentralisation and public administration reform), at the expense of those areas covered by the AA in which pursuing changes would require significantly more investment at the moment and which would bring results in the distant future only (for instance, environment and climate). The priority areas should be selected through trilateral consultations between the Ukrainian government, parliament, and the EU Delegation in Kyiv, preferably on the basis of the newly created joint governmental-parliamentary platform for European integration so that they could be reflected in the new legislative roadmap for AA implementation.

Focus on outcomes. The Ukrainian authorities have thus far considered AA implementation primarily through the prism of legislative approximation. The implementation review, conducted regularly by the Ukrainian side, although combining both quantitative and qualitative assessments, have therefore focused on outputs rather than outcomes. This has also often been the case with the European Commission's annual implementation reports—the reason is that there are no clear benchmarks against which the qualitative progress in AA implementation could be objectively measured. Such an approach, however, puts too much emphasis on the technical instead of political dimension of AA implementation and does not allow a grasp of the complexity of this process. More attention should be diverted toward the practical results of the AA implementation, especially in terms of observing the rule of law, which has long been recognised as an essential, but largely lacking, precondition for rapid economic growth in Ukraine. While a comprehensive framework for assessing the rule of law, which could serve as a point of reference, is absent within the EU, there are still some instruments available—for instance, the EU justice scoreboard or EU anticorruption report—that could be applied to Ukraine. To this end, the EU could embrace the Ukrainian government's recent proposal to enhance bilateral cooperation in the sphere of justice, freedom, and security (possibly by adding an annex to Title III of the AA).

Strengthening capacity of the Governmental Office for Coordination of European and Euroatlantic Integration (GOCEEI). Currently, the GOCEEI is unable to effectively perform the multitude of tasks with which it has been assigned—it lacks both expertise and manpower, which cannot be fully compensated for by the ongoing EU technical assistance—and suffers from frequent staff turnover, not least the result of subsequent changes in the government. Therefore, to make the GOCEEI a fully-fledged coordination centre of AA implementation, its staff should be significantly increased. Attracting highly qualified and dedicated experts would obviously require additional funds to be allocated for it from the state budget, a move which is rather unlikely at the moment given the COVID-19 pandemic. However, the EU could temporarily co-finance the increased expenditures in a manner similar to the reform experts in the ministries, although on the condition that the GOCEEI staff is safeguarded from future political changes—for instance, the experts are hired on long-term contracts under which early termination results in reimbursement of the respective portion of the EU assistance.

Empowering the Verkhovna Rada's Committee on Ukraine's integration with the European Union (CUIEU). Given the existing rules of procedure in the Ukrainian parliament, the CUIEU's role in overseeing the adaptation of the Ukrainian legislation to the EU *acquis* has largely been illusory.

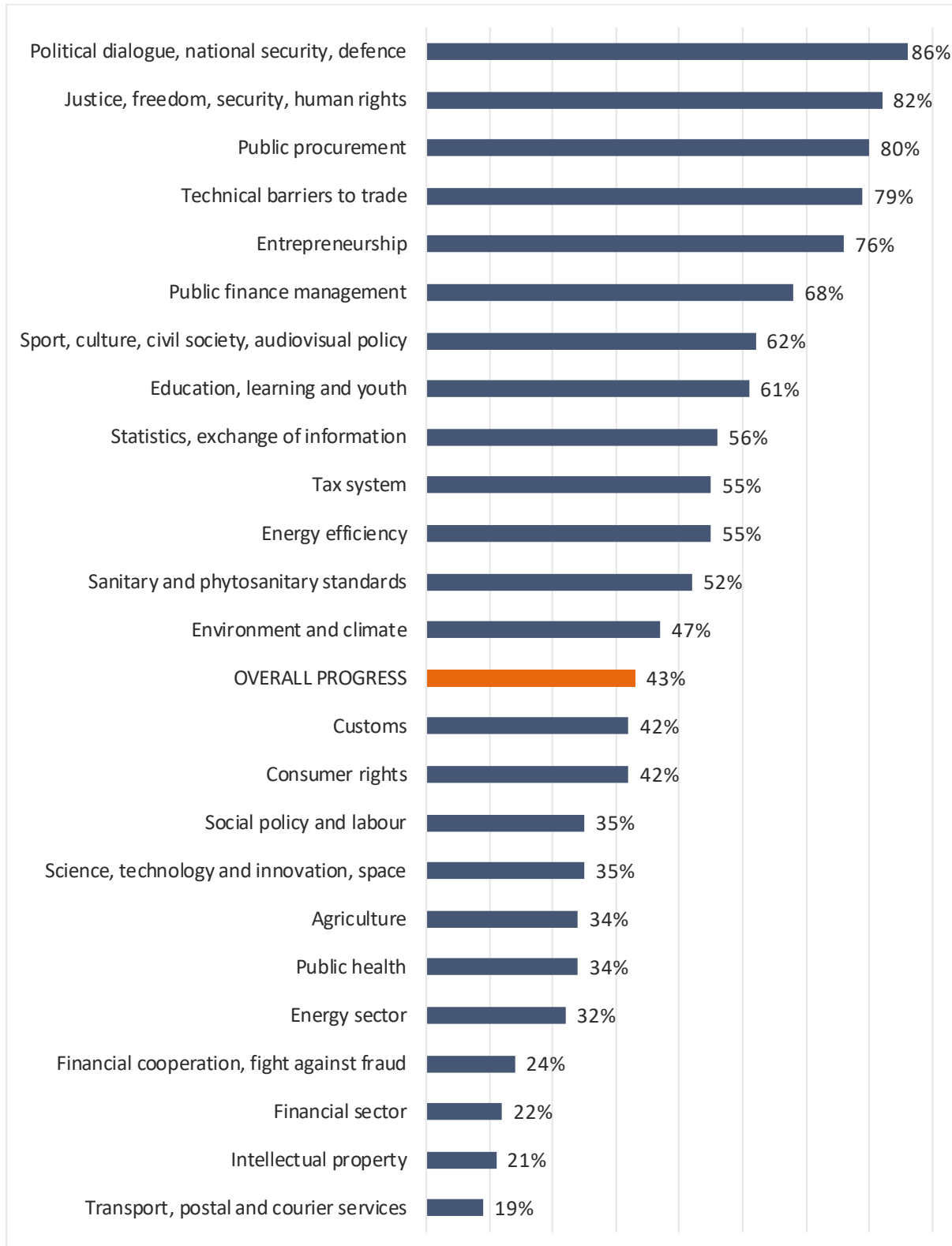
Actual influence is held by parliamentary factions and sectoral committees, which rarely coordinate their activities with the CUIEU, the result of which has been that the adopted legislative acts often contradict Ukraine's obligations stemming from the AA provisions. For this reason, it is imperative that the CUIEU obtain real power to impact the decision-making in the Rada and be able to effectively limit the scope of legislation adopted without its approval, for instance, by making its opinions regarding EU law compliance checks binding on other committees, except for the well-defined derogations in the event of some emergency situations (threat to national security, etc). This should be accompanied by legislative changes providing for establishing a direct link between the CUIEU and the GOCEEI with a view to formally allowing the former to obtain an EU law-compliance assessment from the latter, which would, at least partially, make up for the limited CUIEU capacity in this respect.

Launching comprehensive reform of the Ukrainian parliament. The Verkhovna Rada has long been considered a major bottleneck in AA implementation, as indeed proved by the implementation assessment prepared by the GOCEEI. While the concept of parliamentary reform was already worked out through the Pat Cox mission, what has been lacking nevertheless is the political will of the Ukrainian political elite to change the existing rules of the game in the Rada. With a view to further streamlining AA implementation, comprehensive reform of parliament should eventually be started, which would allow it to optimise the legislative procedure.

Launching long-term training for legal professionals in EU law. Since the EU legislation is constantly being updated and Ukraine is obliged to follow suit, AA implementation is intended to be a permanent venture, which will require a broad cadre of highly qualified professionals in EU law. A sufficient number of them is still lacking in Ukraine, however. Up until now, this capacity gap has been offset to some extent by the EU technical assistance, but this approach is unsustainable in the longer term and entails two major disadvantages. First, the necessary expertise has often been provided by foreign (i.e., non-Ukrainian) professionals who lack the proper knowledge and understanding of the local context, especially of how informal politics work in Ukraine. Second, it has resulted in "brain drain" from the state administration, as many Ukrainian officials with relevant experience have been offered a better-paid job in the EU projects. A sustainable long-term solution is therefore needed in the form of launching intensive postgraduate training in EU law for domestic (i.e., Ukrainian) legal professionals, which would allow them to gradually fill the cadre gap in 2-3 years. While several options exist in this respect, starting an additional course on the basis of the National Academy of Public Administration under the president of Ukraine may be especially worth considering. Both the EU and its Member States would be in position to offer crucial expertise by delegating its officials as lecturers in the course.

Deepening cooperation between the three associated countries (Georgia, Moldova, Ukraine). All three countries of the Eastern Partnership initiative that have signed an AA with the EU, face similar problems with AA implementation—they lack high-level political leadership, sufficient institutional capacity and resources, suffer from poor coordination and overlaps between different state institutions. For this reason, it would be advisable for them to intensify mutual contacts with a view to exchanging information and good practices, both on the governmental and parliamentary levels. While the authorities in these countries often lack the necessary political will to do so, focusing instead primarily on developing bilateral relations with the EU (this has particularly been the case in Ukraine), the EU may enhance cooperation between the associated countries by making some of the funds envisaged within the Eastern Partnership initiative available only for the purpose of trilateral projects dedicated to AA implementation.

ANNEX: Progress in the EU-Ukraine Association Agreement implementation according to the “Pulse of the Agreement” (as of 01.04.2020)



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In November 2019, the European Parliament's Committee on Foreign Affairs (AFET) requested to draw up an own-initiative annual report on the implementation of the EU association agreement with Ukraine (2019/2202(INI)).

Michael Gahler (EPP, Germany) was appointed rapporteur.

This European implementation assessment (EIA) has been prepared to accompany the Committee on Foreign Affairs (AFET) in its scrutiny work.

This EIA updates the EIA on the Association agreements between the EU and Moldova, Georgia and Ukraine, prepared in July 2018 to accompany the AFET committee in its work. Based on the committee's three implementation reports, the European Parliament adopted resolutions on the association agreements between the EU and, Georgia (2017/2282(INI)), and Moldova (2017/2281(INI)) in November 2018, and Ukraine (2017/2283(INI)) in December 2018.

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