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# **ASSESSMENT OF INTERNAL REFORM IMPLEMENTATION AND INSTITUTIONAL CAPACITY BUILDING OF THE VERKHOVNA RADA OF UKRAINE**

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# **ASSESSMENT OF INTERNAL REFORM IMPLEMENTATION AND INSTITUTIONAL CAPACITY BUILDING OF THE VERKHOVNA RADA OF UKRAINE**

The comprehensive reform<sup>1</sup> of the Verkhovna Rada of Ukraine might be said to have launched upon the presentation by the European Parliament's Needs Assessment Mission of the Report and Roadmap on Internal Reform and Institutional Capacity Building for the Verkhovna Rada of Ukraine at the end of February 2016<sup>2</sup>. The first important step towards the implementation of the Roadmap was the adoption on March 17, 2016 of Resolution No. 4219 "On Measures to Implement Recommendations concerning Internal Reform and Institutional Capacity Building of the Verkhovna Rada of Ukraine". Thereby the Parliament demonstrated its political readiness for internal reform, as well as assumed the commitment to implement the 52 recommendations outlined in the Roadmap to a degree.

At the end of November 2016, the Chairman of the Verkhovna Rada of Ukraine set up the VRU Reform Working Group, which consists of representatives of all parliamentary factions and groups. In addition, the format of Jean Monnet Dialogues was proposed with the support of the EU/UNDP Rada for Europe project in order to align the positions of the parliamentary political forces on individual recommendations. It is also worth mentioning that a number of CSOs within the USAID programs (Civil Network OPORA, NGO Agency for Legislative Initiatives, NGO Internews Ukraine, NGO Interns League) have contributed to the implementation of certain recommendations.

<sup>1</sup> More or less successful measures to improve the work of the Ukrainian Parliament have been undertaken on several occasions over the past 20 years. Moreover, in 2010, the White Paper of Ukrainian Parliamentarism (Concept of Amendments to Legislative Acts of Ukraine with regard to Increasing the Efficiency of the VRU) was presented. A significant share of the recommendations contained in this document are also reflected in the Roadmap of the European Parliament's Needs Assessment Mission (e.g., on improving the administrative capacity of the VRU Secretariat or on strengthening the control powers of VRU Committees): <http://parlament.org.ua/en/2010/04/02/the-white-book-of-ukrainian-parliamentarism-concept-of-amendments-to-legislative-acts-of-ukraine-to-improve-the-functioning-of-the-verkhovna-rada-of-ukraine/>

<sup>2</sup> European Parliament's Needs Assessment Mission led by Pat Cox, 2016–2017, Report and Roadmap on Internal Reform and Institutional Capacity Building for the Verkhovna Rada of Ukraine: <http://www.europarl.europa.eu/resources/library/media/20160229RES16408/20160229RES16408.pdf>

When assessing the extent of the implementation of the recommendations contained in the Roadmap, one must bear in mind a key point that Pat Cox constantly emphasized at his working visits to the Verkhovna Rada and which is clearly set forth in the Roadmap itself: "This mission ends as it began with a clear message to the members of the Verkhovna Rada: This is your mandate. This is your national parliament. This is your Constitution. This is your country and your choice. What follows in the body of this report is offered with respect and in friendship wishing that it might assist in building the new Ukraine in which such hope is being and so much sacrifice has been invested". That is, the recommendations contained in the Roadmap are not a guide to action, instead these are "friendly advice", possible solutions of the problems referred to in the Roadmap.

Moreover, the authors of the Report themselves raise the issue that is key to the reform: "Even if every change recommended in this report was adopted, would a new strategy make any difference if parliamentary practice continued to treat its own rules in such a cavalier fashion?". Thus, although the recommendations suggested in the Roadmap contain clear indicators of implementation and planned deadlines, even their full implementation cannot guarantee a breakthrough in the work of the legislative body.

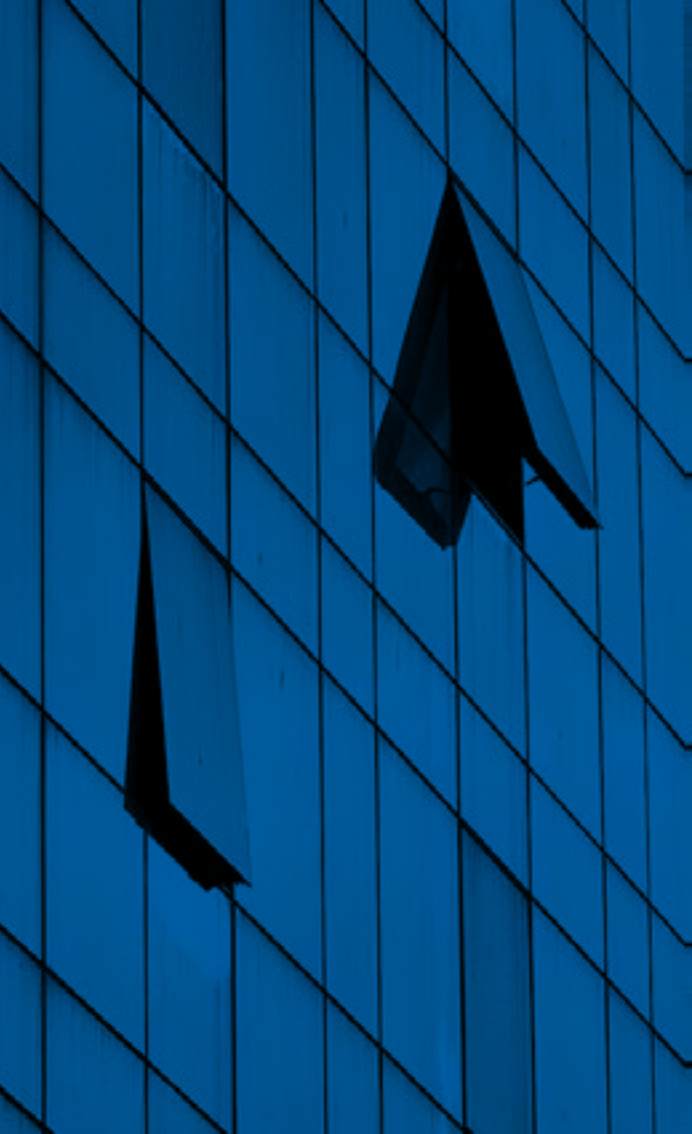
On the other hand, in view of certain features and regulations of the Verkhovna Rada's activities, the implementation of some recommendations seemed rather problematic from the outset. Although the scope of this study did not involve



assessing the appropriateness or relevance of specific recommendations, it should be mentioned that the approach to Roadmap preparation implied the formulation of recommendations based on consultation with stakeholders (first of all, representatives of parliamentary factions and groups). At the same time, some of the proposed recommendations attracted a lot of criticism from parliamentary experts when planning the implementation of Resolution No. 4219. For example, Recommendation No. 37 proposes the formation of a new Research Center of the Verkhovna Rada on the basis of the Institute of Legislation, the Parliamentary Library and the relevant units of the VRU Secretariat. However, it fails to take into account the specificity and nature of the origin of the "parliamentary" status of the library. Some indicators of the implementation of specific recommendations<sup>3</sup> did not make it possible to assess the feasibility or suggest ways to implement the relevant proposal.

In assessing any processes, in particular complex reforms, it is important to bear in mind at all times that even the most clearly specified indicators and the most reasonable methodologies cannot fully convey the complex changes in the organization of the processes, the behavior of key stakeholders (MPs) and attitude towards the institution both from the inside and from the outside. In addition, paradigmatic changes in the work of institutions, as well as in public perception, cannot be effected by any number of regulatory legal acts. Such changes emerge as a result of complex interconnected processes. For example, many reasons that spawn problems in the work of the Ukrainian parliament lie

<sup>3</sup> For instance, the indicator for Recommendation No. 3 is "full compliance with Article 92 of the VRU Rules of Procedure."



outside its walls. The patterns of MPs' work, who often disregard rules directly enshrined in the Constitution and the Rules of Procedure of the Verkhovna Rada, will not change without totally new party and electoral systems. The attitude of citizens to Parliament and MPs will not change without improvement of the professional level and ethical standards of the media, as well as without full-fledged civic education programs.

Thus, taking into account the methodological constraints associated with a weak correlation between the implementation of all 52 recommendations and the dramatic improvement of the quality of Parliament's work, as well as the questionable relevance of individual recommendations, for the purposes of this analysis, in order to hold to the most objective stance, **we have assessed only the implementation of the recommendations accepted for implementation by the Parliament as specified in Resolution No. 4219 on the basis of the indicators proposed by the authors of the Roadmap.**

# METHODOLOGY

The methodology involves assessment of the implementation of each individual recommendation on a scale **from 0 to 4**, where:

**0** – means that there are no developments or a decision has been taken not to support the recommendation;

**1** – implies that a working group has been established/analytical documents created/draft law registered;

**2** – means that a draft strategic document has been published/a draft law has been included in the agenda/there is a consensus and a common vision on how to implement the recommendation;

**3** – involves adoption of the draft law in the first reading/developed strategy or other document/partial implementation of the recommendation;

**4** – implies that the draft law has been adopted as a whole/strategy or relevant document has been approved and is being put into practice/the recommendation has been implemented in full.

Thus, **the maximum possible number of points awarded in case of the full implementation of all 52 recommendations is 208.**

The assessment is based on information from open sources (draft law cards, strategic documents, statements, analytical papers, reports), as well as

consultations with parliamentary stakeholders (MPs, members of the VRU Reform Working Group, representatives of the VRU Secretariat, international experts of technical assistance projects). Information is provided as of January 15, 2019.

Since many of the recommendations were implemented with the support of international technical assistance projects, the assessment took into account the factors of sustainability of the relevant achievements.

The description and assessment of the status of implementation of all 52 recommendations can be found in **Appendix 1**.

Analyzing MPs' legislative initiatives aimed to contribute to the implementation of the Roadmap and the parliamentary reform in general, we have identified a number of relevant draft laws that are pending consideration in the Parliament. However, we did not take into account the draft laws on parliamentary immunity, wages and language, because they, by definition, do not have any significant impact on the legislative process and parliamentary work.

On the other hand, the scope of analysis has covered other draft laws that can significantly affect the parliamentary reform in a broad sense.



## OVERALL ASSESSMENT

**THE STATUS OF IMPLEMENTATION OF ALL 52 ROADMAP RECOMMENDATIONS IS ESTIMATED AT 87 OF 208 POINTS, WHICH IS 41.8%.**

Having examined the initiatives regarding the implementation of the Roadmap recommendations and the parliamentary reform as a whole, one can conclude that **progress in the areas of reform that require amendments to the current legislation (and, hence, support of the parliamentary majority) is too slow.** Reformist draft laws have repeatedly failed to be included in the agenda on the first attempt, and most of the registered draft laws have never made it to the first reading (although some of them were registered back in 2016). As a result, **the blocks of recommendations that imply the involvement of MPs (decision making in the session hall) to changing the established pattern of behavior and attitude to the procedures and the institution as a whole have advanced the least.**

At the same time, analyzing the implementation of the Roadmap recommendations on openness, transparency and accountability to citizens, one can argue that the **proposals that depend for their implementation on the decisions of the leadership of the VRU Secretariat, rather than on MPs' vote, have been implemented more promptly and efficiently.** This can be illustrated by the significant progress in implementing the recommendations contained in the **"Openness, Transparency and Accountability to Citizens" block (implementation level – 68.8 %).**

Moreover, out of the **50 registered draft laws**, which in one way or another are aimed at implementing individual recommendations or relating to the parliamentary reform in a broader sense, **none has been approved as a whole and only two have passed the first reading procedure**. The lack of parliamentary votes necessary for the adoption of draft laws aimed at internal reform may indicate both lack of political will and lack of communication within the Parliament or lack of the general streamlining of the reform.

A definite success is the development and approval of a number of strategies. Nevertheless, the lack of specific indicators in these documents or the lack of financial support for their implementation may call into question the effectiveness of implementation.

100% implementation has been effected for Recommendation No. 40 concerning the introduction of short-term internship in the VRU. In fact, the internship program has functioned with the support of international technical assistance projects since 1995. However, in 2018 and 2019, the VRU by its decision allocated scholarships for interns from the state budget (assigned in the VRU budget).

At the same time, for a number of recommendations no information on any work undertaken to implement them is available, or they have been rejected following results of their consideration. For example, the idea of setting up an institution of parliamentary ushers (Recommendation No. 49) was determined by the VRU Speaker to be inexpedient.

Apart from problems associated with the legislative process, other obstacles to promoting parliamentary reform include the discordant position of stakeholders in relation to most issues and the lack of systematic coordination of the internal reform. This conclusion can be made based on:

- lack of systemic activities of the VRU Reform Working Group;
- lack of communication between representatives of factions and groups involved in the Working Group, on the one hand, and Jean Monnet Dialogue participants, on the other hand;
- lack of communication between representatives of factions and groups in the dialogue platforms, for one part, and other members of the relevant parliamentary forces, for the other part.

It should be noted that the full implementation of the parliamentary reform depends not only on work within the Verkhovna Rada of Ukraine; a lot of responsibility is also assigned to the government. Analyzing the implementation of the recommendations that concern government, falling within the Public Administration Reform, we can conclude that there are problems with coordination, communication and support of the relevant reform measures at the executive level<sup>4</sup>.

<sup>4</sup> See the Shadow Report "Reform of Civil Service and Public Administration in Ukraine in 2017": <http://parlament.org.ua/en/2018/05/16/civil-service-and-public-administration-reform-in-ukraine-in-2017-shadow-report/>

## **LEGISLATIVE CAPACITY AND PROCESS IN THE VERKHOVNA RADA – 22 OUT OF 52 POINTS (42.3%).**

In this area, the following draft laws have been registered: No. 4696 dated May 19, 2016, No. 4696–1 dated May 30, 2016, No. 4696–2 dated May 30, 2016, No. 4696–3 dated June 2, 2016, No. 4696–4 dated June 3, 2016, No. 6281 dated April 3, 2017, No. 6299 dated April 6, 2017, No. 6640 dated June 22, 2017, No. 7095 dated September 8, 2017, No. 6299–1 dated April 20, 2017. They cover a wide range of issues, for example, requirements for draft law registration in accordance with the VRU Rules of Procedure, introduction of a system of voting for ordinary laws by a simple majority provided that there is a quorum, ensuring that VRU committees have enough time to consider draft laws, etc.

While most of these draft laws have been included in the agenda but have never been voted on in two years, draft law No. 6281 dated April 3, 2017 on amendments to Article 19 of the Rules of Procedure of the Verkhovna Rada of Ukraine was not included in the agenda even after five attempts.

Also, at the beginning of the 9th session, the VRU Chairman announced the initiative to restrict MPs' right of individual legislative initiative, but the Committee submitted a motion to reject draft law No. 6640 dated June 22, 2017 (regarding the letter of support for draft laws). No other alternative ways (draft laws) restricting MPs' right of individual legislative initiative were considered during the entire session.

Implementation of recommendations that do not require legislative enshrinement has not become a regular practice either. Partial implementation has been effected concerning the recommendation to analyze each proposed draft law to avoid overlapping (or contradictions) by way of development by the Computerized Systems Department of the Secretariat of the VRU of a concept of the Electronic Draft Law Platform, which should solve this problem at the technical level. Nevertheless, as of January 2019, this platform is still at the stage of refinement.

In addition, in order to streamline the work of parliamentary lobby correspondents, including permanent representation in the Parliament of political correspondents representing the country's key media, a public council has been set up to form a pool of parliamentary lobby correspondents.

Even after a series of consultations and discussions, the concept of the 'end-to-end' legislative process was not approved<sup>5</sup>. Moreover, the proposed time for consideration of draft laws initiated by MPs has not been included in the schedules of each plenary week and the work schedules of the committees.

Despite the fact that agreement was reached between VRU factions and groups regarding the need for the government to submit White Papers to the VRU prior to the submission of important draft laws, changes to the CMU Rules of Procedure necessary to introduce these analytical papers have not yet been made. Nevertheless, by amendments to the CMU Rules of Procedure of April 18, 2018, aiming to strengthen the role of the expert opinion of the Cabinet of Ministers of Ukraine on the impact of the draft law, the explanatory note format

<sup>5</sup> Proposals for the drawing up of such a concept were made by a number of expert institutions and international technical assistance projects (EU/UNDP Rada for Europe, Institute of Legislation, NGO Agency for Legislative Initiatives). The paper prepared by the Agency for Legislative Initiatives can be found at the link: <http://parlament.org.ua/en/2017/10/27/the-concept-of-the-end-to-end-legislative-process-policy-paper/>



was introduced. The explanatory note specifies the purpose to be achieved by the adoption of the act and the grounds for the development of the draft act, describes the problem that needs to be solved, indicates the mechanism of tackling it, as well as estimates the impact of the implementation of the act on the main indicators in the corresponding field, etc. That is, the content of the explanatory note in many respects reflects the structure of the White Paper.

### **POLITICAL OVERSIGHT OF THE EXECUTIVE – 12 OF 32 POINTS (37.5%).**

In the area of political oversight of the executive branch of power, special attention should be given to draft law No. 6256 dated March 28, 2017 on optimizing the work of the committees of the Verkhovna Rada of Ukraine, which was adopted on April 5, 2018 in the first reading.

Another act adopted in the first reading is draft law No. 7550 dated February 5, 2018 concerning the allocation of posts in the committees of the Verkhovna Rada of Ukraine based on the 'D'Hondt method'<sup>6</sup>.

Draft Laws No. 6302 dated April 6, 2017 on the MP request submission procedure and No. 8279 dated April 17, 2018 on measures to strengthen the oversight functions of the Verkhovna Rada of Ukraine have been provided for perusal.

In order to introduce a system of periodic reporting of ministries in the VRU, amendments to the CMU Rules of Procedure are being prepared, which, inter alia, provide for improvement of the reporting system. Consensus on the im-

<sup>6</sup> Examination of the suggested new laws in the context of international experience can be found at the link: <http://parlament.org.ua/en/2018/10/01/the-status-of-the-d-hondt-method-in-the-allocation-of-senior-positions-in-parliamentary-committees/>

plementation of this recommendation has been reached between factions and groups within the framework of Jean Monnet Dialogues.

Thanks to the MP's Digital Workplace system, the recommendation to develop guidelines for MPs concerning the subject matter and possible topics of MP requests and appeals has been implemented in part. In addition, requests are registered and published on the VRU website, however no legislatively enshrined changes (as suggested by the indicators of the corresponding recommendation) have taken place.

Another problem concerns the elaboration and approval of annual work plans for oversight of the Executive. There is no systematic work in this regard. Individual committees alone are trying to improve the mechanism for overseeing the Executive, including by developing template forms for provision of requested information by specific ministries (or CEBs). In addition, the CMU is currently developing amendments to the Rules of Procedure in order to introduce a comprehensive system for monitoring and evaluating the implementation of certain policies.

In addition, within the framework of expert events, the possibility of introduction of the 'rapporteur system' to the VRU Budget Committee was discussed, with possible extension to the other committees. The chairpersons of the committees were presented a number of reports based on the results of the Accounting Chamber's report in accordance with the analysis and support of the reports submitted to the Parliament by the Accounting Chamber of Ukraine.



## **OPENNESS, TRANSPARENCY, AND ACCOUNTABILITY TO CITIZENS – 22 OUT OF 32 POINTS (68.8%).**

As regards openness and transparency, no draft law has been registered by the Verkhovna Rada of Ukraine, although it is in this area that the greatest progress has been achieved in implementing the provisions of the Roadmap. In part, this is due to the fact that the implementation of these points did not require any amendments to the Rules of Procedure of the Verkhovna Rada and other laws, and the fulfilment of all necessary measures was approved at the level of orders of the VRU leadership and approval of the relevant strategies.

In order to implement the 22nd Roadmap recommendation to provide citizens of Ukraine with the opportunity to comment on draft laws, a platform for Public Discussion of Draft Laws was developed and launched in 2017. As of today, 21 draft laws have been discussed in the test mode. About 1500 original comments have been generated. Nevertheless, the systematic operation of this platform requires legislative regulation and capacity (or interest) of parliamentary committees. The positive aspect is the fact that further development of this resource has been envisaged in the E-Parliament Strategy of Ukraine for 2018–2020.

As of February 15, 2019, no draft law was presented on the Public Discussion of Draft Laws portal, which attests to a lack of MPs' interest in the proper operation of this tool and public access to the legislative process.

For the purpose of transition to e-parliamentarism and introduction of cybersecurity systems, “The E-Parliament Strategy for 2018–2020” has been drafted and approved by the Order of the VRU Chairman.

As regards the development of a strategy on digitalising the legislative workflow within the legislative triangle, the technical requirements for the Electronic Draft Law IT system have been developed, the person in charge has been appointed and relevant work has started. The introduction of the platform is scheduled for September 2019.

In order to ensure the implementation of the strategy of transition to the e-parliament, it is necessary to gradually increase the number of relevant IT specialists. To implement this recommendation, the number of staff positions has increased by 16 at the Computerized Systems Department of the Secretariat of the VRU. In addition, trainings on cybersecurity for VRU personnel have been arranged.

The adoption of the Communication Strategy in 2017 made it possible to partially implement a number of recommendations concerning the creation of a modern Internet and social media service involving a team of experienced experts to increase the popularity of the online platform of the VRU and reform the structure of the VRU unit responsible for implementing communication policy. The next step in this regard is the approval of the Action Plan for the implementation of the Strategy.

## **APPROXIMATION OF THE UKRAINIAN LEGISLATION TO THE EU ACQUIS – 8 OUT OF 20 POINTS (40%).**

Within the process of approximation of Ukrainian legislation to the EU acquis, the Verkhovna Rada registered draft law No. 8610 dated July 13, 2018 on improving the expert examination of draft laws related to the implementation of Ukraine's international commitments in the field of European integration, which was presented for perusal on July 18, 2018.

Apart from that, the draft laws of the Cabinet of Ministers should be accompanied with an explanatory note (informational memo, expert opinion) regarding its compliance with the commitments under the Association Agreement, but there is no established practice as regards provision of such accompanying documents.

One of the main obstacles to the approximation of Ukrainian legislation to the EU acquis is the lack of a law that should have been adopted instead of the obsolete Law of Ukraine "On an All-State Programme of Adaptation of the Ukrainian Legislation to the EU Law". Despite the fact that work on the draft law "On State Policy in the Area of European and Euro-Atlantic Integration" has been under way since 2016, it has not been registered and presented for discussion yet, and MPs have no concerted stance on its final version.





In order to implement the recommendation on better regulation of the legislative process, in February 2018 the Verkhovna Rada of Ukraine and the Cabinet of Ministers of Ukraine agreed on a Roadmap for the implementation of the Association Agreement with the European Union. However, in practice, the document remains purely formal due to the lack of specific mechanisms for its implementation and poor streamlining of the actions of key stakeholders (VR committees and specialized ministries).

In order to implement the recommendations in this area, it is necessary to improve the workforce capacity of the Committee on European Integration and to establish communication between this committee and other VRU committees. Whereas in practice, only a few committees cooperate with the Committee on European Integration on draft laws aimed at implementing the Association Agreement, and the capacity of the committees has not been improved by appointing a person responsible for such work in each committee.

In addition, the Committee on European Integration, together with technical assistance projects, has developed and presented the Guidelines for EU Law Compliance Check of Draft Laws.

## **ADMINISTRATIVE CAPACITIES – 12 OUT OF 36 POINTS (33.3%).**

In order to solve this problem, Draft Law No. 8438 dated June 6, 2018 was registered, which is intended to regulate the procedure for approval of the Regulation on the Secretariat of the Verkhovna Rada of Ukraine, but on July 10, 2018, the Committee submitted a motion to reject it.

The greatest success in terms of the improvement of administrative capacity is the institutionalization of internship in the VRU Secretariat by allocating grants for interns in 2018, although the internship program itself, supported by international technical assistance projects, has existed since 1995.

The necessary but unimplemented recommendations in this area include establishment of the independent parliamentary civil service. However, despite the establishment of a working group to elaborate amendments to the Law on Civil Service at the Committee on Rules of Parliamentary Procedure and Support to Work of the Verkhovna Rada of Ukraine, so far no draft law has been registered with the Verkhovna Rada or presented for public discussion.

No recommendations have been implemented concerning: consolidation of rules governing the Secretariat into a single internal regulation, including on staffing policy; HR strategy has not been approved; the Human Resource Service has not been created; the job description for parliamentary assistant positions has not been approved.

For several years, with the support of donors, the European Information and Research Center had been operating at the Verkhovna Rada of Ukraine, but it had not been institutionalized before the completion of the relevant project.

### **COALITION, OPPOSITION AND DIALOGUE WITHIN THE VERKHOVNA RADA – 5 OF 16 POINTS (31.3%).**

In order to settle the issue of communication and cooperation between different parliamentary factions, draft law No. 8233 dated April 5, 2018 on the principles of formation and activity of political institutions at the Verkhovna Rada of Ukraine was registered, which was presented for perusal on April 10, 2018.

Draft law No. 5284 on the regulation of opposition rights in the VRU was registered on October 18, 2016, however, in two years (September 18, 2018) it was withdrawn. Also, with regard to this issue draft law No. 4696-2 dated May 30, 2016 was registered, which has not been included in the agenda even after three attempts.

In order to enhance the inter-party dialogue and the regularize the coalition activities, the following draft laws were registered: No. 4331 dated March 30, 2016 and No. 4331-1 dated April 15, 2016, which, according to the draft law card have had the status “Presented for perusal” since April 2016.

In addition, the initiative to create an independent VRU Secretariat unit on the inter-party dialogue has not been implemented. Apart from that, an inter-factional VRU Reform Working Group was established under the VRU Chairman, but the lack of systematic work and poor communication within factions and groups take a toll on the efficiency of the work of this platform.

## **ETHICS AND CONDUCT AT THE VERKHOVNA RADA – 6 OUT OF 20 POINTS (30%).**

As regards adherence to ethical norms and standards in accordance with the Roadmap recommendations, draft law No. 5232 dated November 23, 2013 on the deductions from MPs' wages for absenteeism and violation of the Rules of Procedure was registered, which was withdrawn from consideration on March 20, 2018.

In order to integrate more ethical principles into the work of parliamentarians, several rounds of discussion of the draft Code of Conduct have been held. Based on their results the existing norms in the field of parliamentary ethics have been codified<sup>7</sup>, and a Declaration of intent to develop the relevant Code has been signed. Apart from that, the issue of Code development was brought up during the approval of the VRU Communications Strategy. However, despite the intentions, as of the end of 2018, the Code itself has not been developed and approved.

The positive aspects in implementing the recommendations in this area include the information support provided to the VRU Chairman by the experts of the VRU Secretariat during plenary sessions. Also, as regards observance of ethical norms and standards, attention should be given to draft laws No. 7283 dated November 10, 2017 and No. 7284 dated November 10, 2017 on gender equality and combating sexism and discrimination (the Committee on the Rules of Procedure has submitted a motion to consider the draft law).

<sup>7</sup> For the report and results of analysis of the current norms and standards, as well as the consultations held, please see: <http://parlament.org.ua/en/2017/09/05/code-of-conduct-structure-content-subject-codification-realities-and-proposals/>

## OTHER INITIATIVES WITHIN THE FRAMEWORK OF GENERAL PARLIAMENTARY REFORM

Within general assessment of the implementation of the parliamentary reform, it is also important to pay attention to a number of draft laws that, even though do not directly relate to the implementation of the Roadmap recommendations, are intended to strengthen the institutional capacity of the Parliament.

Thus, one year after the registration, the specialized committee gave positive opinion concerning draft law No. 4335 dated March 30, 2016 on amending the Law of Ukraine “On the Status of the People’s Deputy of Ukraine” (as regard submitting requests by e-mail).

Draft Law No. 4244 of March 16, 2016 “On Amendments to Certain Legislative Acts of Ukraine Regarding the Procedure for the Activities of a Temporary Investigative Commission or Temporary Special Commission” has been undergoing elaboration by the Committee on Rules of Parliamentary Procedure for more than 2 years.

As regards Draft Law No. 5522 of December 9, 2016 on amending certain provisions of the Rules of Procedure of the Verkhovna Rada of Ukraine in accordance with the provisions of the Constitution of Ukraine, in fact, one year after its registration, the Committee on Rules of Parliamentary Procedure re-submitted a motion for its consideration (as of January 15, 2019, it is still pending inclusion in the agenda of the VRU).

In order to ensure parliamentary control over the newly created anti-corruption institutions, the following draft laws have been registered: No. 7362 dated De-



ember 6, 2017, No. 7362-1 dated December 7, 2017, No. 7362-2 dated January 19, 2014, and No. 7362-3 dated December 20, 2017. Only the first of them received the opinion of the Committee, the other three draft laws are still at the stage of 'presented for perusal'.

The following draft laws have been made available for perusal too: No. 8410 dated May 25, 2018 regarding changes in the second reading procedure; No. 8252 dated April 6, 2018 on MPs informing voters about their activity; No. 5083 dated September 6, 2016, proposing to specify that expert examination of registered draft laws aimed to prepare them for the first reading shall be conducted in the order of their registration; No. 5082 of September 6, 2016 on extending the preparation and consideration of draft laws; No. 4474 dated April 19, 2016 concerning the prohibition of the use of borrowed text (plagiarism) in alternative draft laws; No. 6528 dated May 31, 2017 on strengthening the role of the Committees of the Verkhovna Rada of Ukraine; and No. 5440 dated November 23, 2013 regarding organizational issues.

The Committee submitted the motion to reject the following draft laws: No. 6115 dated February 22, 2017 on taking into account written registration data, No. 4667 dated May 13, 2016, concerning the participation of MPs of Ukraine in plenary sessions, No. 5196 dated September 29, 2016, on amendments to the Rules of Procedure of the Verkhovna Rada Ukraine on public legislative initiative, No. 6352 dated April 12, 2017, on improving the efficiency of the plenaries of the Verkhovna Rada of Ukraine.

Draft laws No. 7367 of 06.12.2017 and No. 5163 dated September 29, 2016, which are designed to bring the Rules of Procedure in line with the Constitution as regards the list of persons entitled to legislative initiative has not been upheld by the VRU Secretariat either. The former was sent back to the initiator on December 29, 2017, and concerning the latter the Committee submitted the motion for rejection on July 10, 2018.

Draft laws No. 4633 dated May 10, 2016, regulating the procedure for calling and holding meetings of committees and No. 6342 dated April 11, 2017 concerning clarification of the procedure for discussing draft laws during their consideration in the second reading have been withdrawn from consideration.

Draft Law No. 4419 of April 13, 2016 on amending Article 60 of the Rules of Procedure of the Verkhovna Rada of Ukraine has not been included in the agenda even after three attempts.

Neither was draft law No. 6440 dated May 12, 2017 on increasing the efficiency of the plenaries of the Verkhovna Rada of Ukraine included in the agenda.

# RECOMMENDATIONS CONCERNING FURTHER STEPS

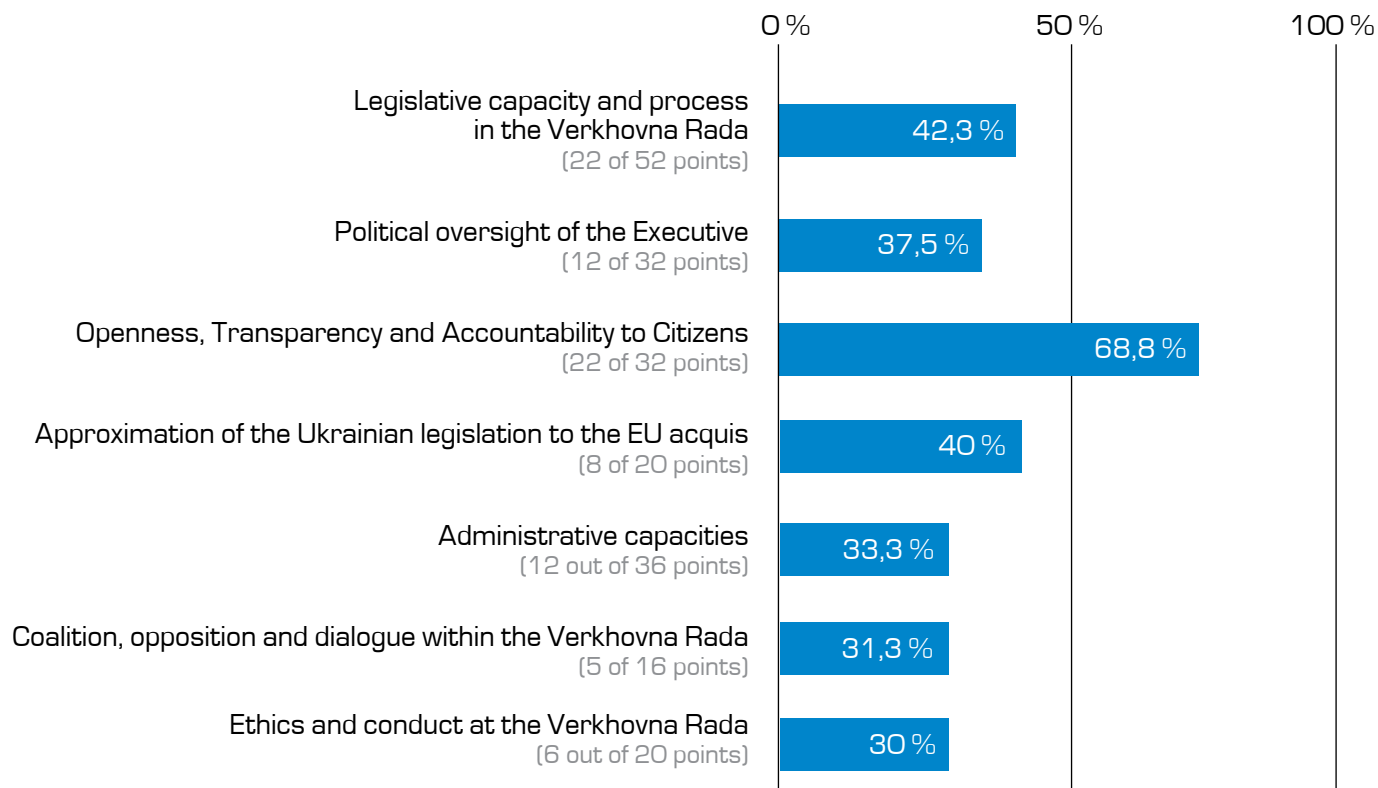
Coming up with recommendations is not the main objective of this document. Nevertheless, the results of the analysis make it apparent that it is necessary to focus on:

- establishment of a single parliamentary reform coordination center;
- systematic work on the implementation of the recommendations – current tasks should not interfere with the work on the reform;
- approval of the ‘end-to-end’ legislative process concept (endorsed by all persons entitled to legislative initiative), which would reflect the target system of decision making and decision taking, outline the key stages of the implementation of the reform and set forth the effective ways of the implementation of certain components of the reform in order to ensure the coherence of efforts of all persons entitled to legislative initiative;
- ensuring effective communication on parliamentary reform both within parliamentary factions and groups and between dialogue platforms;
- establishing communication with the Cabinet of Ministers of Ukraine in order to improve coordination of the reform processes in the parliament and government.

## STATUS OF IMPLEMENTATION OF THE RECOMMENDATIONS OF THE NAM

|   | Points scored | Points not scored | Level of implementation by blocks according to the points scored | Maximum possible points |
|---|---------------|-------------------|--|-------------------------|
| Legislative capacity and process in the Verkhovna Rada (22 of 52 points)      | 22            | 30                | 42.3%  | 52                      |
| Political oversight of the Executive (12 of 32 points)                        | 12            | 20                | 37.5%  | 32                      |
| Openness, Transparency and Accountability to Citizens (22 of 32 points)       | 22            | 10                | 68.8%  | 32                      |
| Approximation of the Ukrainian legislation to the EU acquis (8 of 20 points)  | 8             | 12                | 40.0%  | 20                      |
| Administrative capacities (12 out of 36 points)                               | 12            | 24                | 33.3%  | 36                      |
| Coalition, opposition and dialogue within the Verkhovna Rada (5 of 16 points) | 5             | 11                | 31.3%  | 16                      |
| Ethics and conduct at the Verkhovna Rada (6 out of 20 points)                 | 6             | 14                | 30.0%  | 20                      |

## STATUS OF IMPLEMENTATION OF THE RECOMMENDATIONS OF THE NAM





# ANNEX 1

## IMPLEMENTATION OF THE ROADMAP ON INTERNAL REFORM AND CAPACITY BUILDING FOR THE VERKHOVNA RADA

### Methodology of assessment:

- No developments or decision taken not to support the recommendation – **0**
- Working group has been established / analytical documents created / draft law registered – **1**
- Draft strategic document published / draft law included in the agenda / a consensus and a common vision reached on how to implement the recommendation – **2**
- Draft law adopted in the first reading / strategy or other document developed / recommendation implemented in part – **3**
- Draft law adopted as a whole / strategy or relevant document approved and is being put into practice / recommendation implemented in full – **4**

The maximum number of points for the implementation of all recommendations is **208 points**. The scope of recommendations implemented amounts to **87 points**.

# Legislative capacity and process in the Verkhovna Rada

A total of **13** recommendations

The maximum possible score is **52** points

Accomplished – **22** points

NAM  
RECOMMENDATIONS

The concept of an 'end-to-end' legislative process should be adopted, based on greatly enhanced coordination between the originators of legislative proposals in the Cabinet of Ministers, the Presidential Administration and the VRU.

## TIMEFRAME

2016

## INDICATORS

Compromise between the Cabinet of Ministers, the Presidential Administration and the VRU have been reached, possibly as a tripartite Memorandum of Understanding

DRAFT LAWS  
TO IMPLEMENT  
REFORM

N/A

## ASSESSMENT

Several concepts (developed both by technical assistance projects and the Institute of Legislation) have been drafted, presented and discussed with key stakeholders in the VRU<sup>8</sup>. None of them has been approved. A Memorandum of Understanding has not been signed.

Implementation assessment – 1

<sup>8</sup> Analysis of existing practices, review of international experience, as well as proposals for a concept of 'end-to-end' legislative process reform focusing on the strengthening of coordination between the persons entitled to legislative initiative is contained in the Policy Paper "Concept of 'End-to-End' Legislative Process" prepared by the NGO Agency for Legislative Initiatives: <http://parlament.org.ua/en/2017/10/27/the-concept-of-the-end-to-end-legislative-process-policy-paper/>

NAM  
RECOMMENDATIONS

Prior to the deposition by the government of substantial pieces of legislation, a discussion 'White Paper' (explaining the policy objectives of the proposed legislation and the broad measures to be introduced) should be submitted to the relevant committee for discussion and be the subject of an Opinion of the Verkhovna Rada.

## TIMEFRAME

Permanently

## INDICATORS

'White Papers' are submitted on a regular basis.  
The overall quality of the draft legislation is increased

DRAFT LAWS  
TO IMPLEMENT  
REFORM

N/A

## ASSESSMENT

Understanding between the VRU factions has been reached (according to the results of the two rounds of the Monnet Dialogues). Although, in fact, the CMU regulations do not envisage introduction of the 'White Paper' format, amendments to the CMU Rules of Procedure of April 18, 2018 introduced the format of the explanatory note, which specifies the purpose to be achieved with the adoption of the act and the grounds for its development, describes the problem that needs to be addressed and the mechanism for its solution, as well as estimates the impact of the implementation of the act on the main indicators in the corresponding field, etc. Despite the changes introduced, currently White Papers are not submitted either on regular or on irregular basis.

Implementation assessment – 2

NAM  
RECOMMENDATIONS

Only legislation which complies with Article 93 of the VRU Rules of Procedure and is confirmed by a credible explanatory note and financial and economic assessment should be registered (thus respecting the rules on compliance of legislation with the principle of fiscal neutrality, constitutionality, and the EU *acquis*)<sup>9, 10</sup>.

## TIMEFRAME

Permanently

## INDICATORS

Article 92 of the Rules of Procedure of the VRU is fully respected

DRAFT LAWS  
TO IMPLEMENT  
REFORM

**(7095)** Draft Law on Amendments to Article 93 of the Rules of Procedure of the Verkhovna Rada of Ukraine (as regards the obligatory assessment of the compliance of draft laws and other draft acts of the Verkhovna Rada of Ukraine with the Constitution of Ukraine)

|  |          |
|--|----------|
| Proposals submitted on December                      | 5, 2017  |
| Sent to the Committee for consideration on September | 11, 2017 |

**Purpose of the draft law:** each draft law or another draft act, within five days after its registration, is sent to the committee responsible for the assessment of the compliance of draft laws and other draft acts of the Verkhovna Rada of Ukraine with the Constitution of Ukraine in order to prepare an expert opinion.

**(4696-4)** Draft Law "On Amendments to the Rules of Procedure of the Verkhovna Rada of Ukraine regarding the implementation of certain provisions of paragraphs 3, 4, 5, 8, and 11 and also paragraph 10 of the Recommendations of the European Parliament's Needs Assessment Mission designed to improve the quality of Ukrainian parliamentarism and set out

<sup>9</sup> More details about the mechanisms of implementation of supplementary documents are in Policy Paper "Proposals for the Policy Concerning Supporting Documents in the Legislative Process" prepared by the Agency for Legislative Initiatives: <http://parlament.org.ua/en/2017/07/11/proposals-for-the-policy-concerning-supporting-documents-in-the-legislative-process-policy-paper/>

<sup>10</sup> Regarding rule of law principle adherence during preparation draft laws, please read "Case Study "Ethical and Professional Standards of Civil Servants of Apparatus of the Verkhovna Rada of Ukraine" prepared by the Agency for Legislative Initiatives with the support of Konrad-Adenauer-Stiftung Ukraine Office: <http://parlament.org.ua/en/2018/11/07/case-study-ethical-and-professional-standards-of-civil-servants-of-apparatus-of-the-verkhovna-rada-of-ukraine/>

in the Report and Roadmap on Internal Reform and Institutional Capacity Building of the Verkhovna Rada of Ukraine”

01.11.2016      Included in the agenda

**Purpose of the d/l:** it proposes to amend the Rules of Procedure of the Verkhovna Rada of Ukraine to provide for issues such as the authority of the Verkhovna Rada, arranging of the schedule of the session of the Verkhovna Rada, the time for the meetings of the Conciliation Board, the purpose, objectives and time for holding the Government Day, participation of the Cabinet of Ministers in the Government Day, the procedure of holding the Government Day and the order of initiating questions within this event.

It is proposed to establish a ban on introduction of alternative draft laws, proposals and amendments to draft laws, except for cases of prolongation or reduction of terms. It is proposed to eliminate from the Rules of Procedure of the Verkhovna Rada the provision that final adoption of the draft law shall be allowed by the decision of the Verkhovna Rada (except for draft laws and codes that contain over 100 articles or paragraphs) immediately after the first or second reading if the draft law was found to require no finalization and if no remarks on its contents were received from MPs, other holders of the right of legislative initiative, or the legal or expert divisions of the Secretariat of the Verkhovna Rada. Besides, it is subsequently proposed to eliminate the provision according to which the Parliament after adoption of a draft law as a basis may decide on the adoption of the draft law as a whole, subject to compliance with the requirements of the Rules of Procedure (Part 4, Article 102).

**(4696–2)** Draft Law “On Amendments to Certain Legislative Acts of Ukraine regarding the implementation of certain provisions of paragraphs 3, 4, 5, 8, and 11 and also paragraphs 10 and 44 of the Recommendations of the European Parliament’s Needs Assessment Mission designed to im-



prove the quality of Ukrainian parliamentarism and set out in the Report and Roadmap on Internal Reform and Institutional Capacity Building of the Verkhovna Rada of Ukraine”

01.11.2016      Included in the agenda  
14.06.2016      Not included in the agenda  
31.05.2016      Not included in the agenda

**Purpose of the d/I:** to establish a new timeframe for holding the plenaries of the Verkhovna Rada of Ukraine, working in committees, temporary special commissions and temporary investigative commissions, parliamentary factions (groups), and MPs’ work with voters. It also envisages the creation of a new parliamentary body – the Board of Committees designed to introduce the professional approach to the agenda of the session, the schedule of plenaries, and the weekly agenda of the plenaries of the Verkhovna Rada of Ukraine. Therewith, the Committee of the Verkhovna Rada of Ukraine responsible for issues associated with the constitutional law shall acquire the status of an independent entity that can initiate the return of a draft law to its initiator according to the procedure specified in article 94 of the Rules of Procedure of the Verkhovna Rada of Ukraine.

Also, the provisions of the draft law are aimed at effective regulation of the procedure of holding the Government Day.

The draft law also proposes to change the parliamentary practice of the passage of deputy requests.

In addition, a number of provisions of the draft law are aimed at regulating legal relations in the field of conducting opposition activity in the Verkhovna Rada of Ukraine and ensuring legislative guarantees for the activity of the parliamentary opposition.

**(4696–1)** Draft Law “On Amendments to the Rules of Procedure of the Verkhovna Rada of Ukraine regarding the implementation of certain provisions of the Recommendations of the Eu-

European Parliament's Needs Assessment Mission designed to improve the quality of Ukrainian parliamentarism and set out in the Report and Roadmap on Internal Reform and Institutional Capacity Building of the Verkhovna Rada of Ukraine”

01.11.2016      Included in the agenda

14.06.2016      Not included in the agenda

31.05.2016      Not included in the agenda

**Purpose of the d/I:** The Draft Law of Ukraine proposes to amend the Rules of Procedure of the Verkhovna Rada to provide for the issues of the authority of the Verkhovna Rada and ensure the abolition of the restriction on the participation of non-affiliated MPs in the work of the Verkhovna Rada and its bodies.

The draft law proposes to appoint the Secretariat of the Verkhovna Rada administrator of the public information obtained or created in the course of the exercise of powers by the Verkhovna Rada or its agencies, or received or created in the process of providing support to the work of the Verkhovna Rada and its agencies.

The draft law proposes to establish that in the ordinary circumstances the schedule of work of the session is compiled taking into account the three-week cycle of the work of the Verkhovna Rada, where two weeks in a row are allocated for the plenaries of the Verkhovna Rada, work in committees, temporary special commissions and temporary investigative commissions, and parliamentary factions (groups), while the following week is used by MPs to conduct work with voters. In addition, it is proposed to establish that the draft schedule of the plenaries of the session of the Verkhovna Rada approved by the Conciliation Board shall be sent to the committees, interim special commissions and temporary investigative commissions, and deputy factions (deputy groups) on the same day. After the Conciliation Board, 18 hours before the start of the

morning plenary, a draft schedule of the plenaries of the session of the Verkhovna Rada shall be distributed to all MPs.

The draft law stipulates that a written notice of the establishment of an inter-factional deputy association shall be submitted to the Secretariat of the Verkhovna Rada signed by the Head or Deputy Head of the inter-factional deputy association, which shall be announced by the Chairperson at the plenary. In the same manner, it is announced that the inter-factional deputy association has discontinued its work. In addition to the above, the account of inter-factional deputy association is to be kept by the Secretariat of the Verkhovna Rada and information about the creation, reorganization, termination and composition of an inter-factional deputy association is to be published on the website of the Verkhovna Rada.

The draft law proposes to regulate the procedure for the establishment, operation and termination of the coalition of parliamentary factions in the Verkhovna Rada, parliamentary opposition, as well as the disclosure of information about their members.

Apart from that, the draft law proposes to regulate the issue of the official promulgation of the adopted law by the Speaker of the Verkhovna Rada of Ukraine in case it is not signed by the President of Ukraine within the term established by the Constitution of Ukraine. In particular, it proposes to specify that in the event that the President of Ukraine should fail to sign a law adopted by the Verkhovna Rada within fifteen days after the receipt of the law, fail to officially promulgate it or send the law back with his/her reasonable and clearly expressed proposals to the Verkhovna Rada of Ukraine for re-consideration, the Chairperson of the Verkhovna Rada of Ukraine shall promptly officially promulgate this law and publish it with his/her signature.

In addition, the draft law establishes criminal liability for the use of the cards of other MPs (including duplicates) when registering and voting using the electronic system, which shall be punish-

able by imprisonment for a term from five to seven years, involving revocation of the right to hold certain posts or engage in certain activities for up to five years.

**(4696)** Draft Law “On Amendments to the Rules of Procedure of the Verkhovna Rada of Ukraine regarding the implementation of certain provisions of paragraphs 3, 4, 5, 8, and 11 and paragraph 10 of the Recommendations of the European Parliament’s Needs Assessment Mission designed to improve the quality of Ukrainian parliamentarism and set out in the Report and Roadmap on Internal Reform and Institutional Capacity Building of the Verkhovna Rada of Ukraine”

01.11.2016      Included in the agenda

14.06.2016      Not included in the agenda

31.05.2016      Not included in the agenda

**Purpose of the d/I:** The draft law stipulates that under ordinary circumstances, during the session, alternate two weeks in succession are allocated for plenaries of the Verkhovna Rada of Ukraine, work in committees, temporary special commissions and temporary investigative commissions, or parliamentary factions (deputy groups), followed by a week allocated for the work of MPs with voters.

In addition, during the week allocated to the plenaries of the Verkhovna Rada, work in the committees, temporary special commissions and temporary investigative commissions, parliamentary factions (groups), the following meetings are held:

1. on Monday from 11 a.m. to 1 p.m – meeting of the Conciliation Board, from 2 to 5:30 p.m. – evening plenary;
2. on Tuesday two meetings: the morning meeting from 10 a.m. to 2 p.m. with a break from 12 to 12:30 p.m. and the evening meeting from 4 to 6 p.m.;

3. on Wednesday from 10 a.m. to 4 p.m. – work in committees, temporary special commissions and temporary investigative commissions, parliamentary factions (groups), after 4 p.m. – meeting of the Board of Committees;
4. on Thursday two meetings: the morning meeting from 10 a.m. to 2 p.m. and evening meeting from 4 to 6 p.m.;
5. on Friday – parliamentary hearings, as well as time for MPs' independent work associated with the exercise of parliamentary powers

A new parliamentary body is established – the Board of Committees aimed to introduce the professional approach to the agenda of the session, the schedule of plenaries, and weekly agenda of plenaries of the Verkhovna Rada of Ukraine.

The updated procedure for submitting draft laws for consideration by the Verkhovna Rada of Ukraine, in turn, will make it possible:

1. to conduct a preliminary effective examination of the compliance of the provisions of draft laws with the requirements of anti-corruption legislation and international commitments of Ukraine;
2. to assess the conformity of the financial and economic assessment;
3. to verify compliance of the draft law with the provisions of the Constitution of Ukraine, as well as compliance with the Rules of Procedure of the Verkhovna Rada of Ukraine when initiating the draft law.

Therewith, the Committee of the Verkhovna Rada of Ukraine responsible for issues associated with the constitutional law shall acquire the status of an independent entity that can initiate the return of a draft law to its initiator according to the procedure specified in Article 94 of the Rules of Procedure of the Verkhovna Rada of Ukraine.

Also, the provisions of the draft law are aimed at effective regulation of the procedure of holding the Government Day.

In addition, this draft law proposes to change the parliamentary practice of the passage of deputy requests.

#### ASSESSMENT

Legislative amendments have been developed, but they have not been supported by the majority of MPs.

Amendments to the CMU Rules of Procedure of April 18, 2018 introduced the explanatory note format for draft laws submitted by the CMU.

Implementation assessment – **2**



## NAM

## RECOMMENDATIONS

The VRU Secretariat should conduct a thorough analysis of each piece of proposed legislation to ensure that it is not a duplication of (or in contradiction with) the body of national legislation, and registration should be refused for any legislation not in compliance with the form and content requirements for legislation outlined in Articles 90 and 91 of the VRU Rules of Procedure.

## TIMEFRAME

Permanently

## INDICATORS

Articles 90 and 91 of the Rules of Procedure of the VRU are fully respected.  
Amendments to the Rules of Procedure of the VRU are introduced

DRAFT LAWS  
TO IMPLEMENT  
REFORM

**(4696–4)** Draft Law “On Amendments to the Rules of Procedure of the Verkhovna Rada of Ukraine regarding the implementation of certain provisions of paragraphs 3, 4, 5, 8, and 11 and also paragraph 10 of the Recommendations of the European Parliament’s Needs Assessment Mission designed to improve the quality of Ukrainian parliamentarism and set out in the Report and Roadmap on Internal Reform and Institutional Capacity Building of the Verkhovna Rada of Ukraine”

01.11.2016 Included in the agenda

*(for explanation of the d / l: see Recommendation 3)*

**(4696–2)** Draft Law “On Amendments to Certain Legislative Acts of Ukraine regarding the implementation of certain provisions of paragraphs 3, 4, 5, 8, and 11 and also paragraphs 10 and 44 of the Recommendations of the European Parliament’s Needs Assessment Mission designed to improve the quality of Ukrainian parliamentarism and set out in the Report and Roadmap on Internal Reform and Institutional Capacity Building of the Verkhovna Rada of Ukraine”

01.11.2016      Included in the agenda

14.06.2016      Not included in the agenda

31.05.2016      Not included in the agenda

*(for explanation of the d / l: see Recommendation 3)*

**(4696–1)** Draft Law “On Amendments to the Rules of Procedure of the Verkhovna Rada of Ukraine regarding the implementation of certain provisions of the Recommendations of the European Parliament’s Needs Assessment Mission designed to improve the quality of Ukrainian parliamentarism and set out in the Report and Roadmap on Internal Reform and Institutional Capacity Building of the Verkhovna Rada of Ukraine”

01.11.2016      Included in the agenda

14.06.2016      Not included in the agenda

31.05.2016      Not included in the agenda

*(for explanation of the d / l: see Recommendation 3)*

**(4696)** Draft Law “On Amendments to the Rules of Procedure of the Verkhovna Rada of Ukraine regarding the implementation of certain provisions of paragraphs 3, 4, 5, 8, and 11 and paragraph 10 of the Recommendations of the European Parliament’s Needs Assessment Mission designed to improve the quality of Ukrainian parliamentarism and set out in the Report and Roadmap on Internal Reform and Institutional Capacity Building of the Verkhovna Rada of Ukraine”

01.11.2016      Included in the agenda

14.06.2016      Not included in the agenda

31.05.2016      Not included in the agenda

*(for explanation of the d / l: see Recommendation 3)*

## ASSESSMENT

Improvement of the registration procedure was not supported by representatives of parliamentary factions and groups (discussed within the framework of the Working Group under the Chairman of the VRU).

Legislative changes have been worked out but not supported by the majority of MPs.

On the other hand, the Computerized Systems Department of the Secretariat of the VRU has developed a concept the Electronic Draft Law platform, which solves the above problem at the technical level.

Implementation assessment – **2**

NAM  
RECOMMENDATIONS

A special unit within the VRU Secretariat should be established to deal with Rules of Procedure and admissibility of draft legislation prior to its registration

## TIMEFRAME

2016

## INDICATORS

Internal acts of the VRU (institutional structure, budget) are revised and a new unit is established.

DRAFT LAWS  
TO IMPLEMENT  
REFORM

**(4696-4)** Draft Law “On Amendments to the Rules of Procedure of the Verkhovna Rada of Ukraine regarding the implementation of certain provisions of paragraphs 3, 4, 5, 8, and 11 and also paragraph 10 of the Recommendations of the European Parliament’s Needs Assessment Mission designed to improve the quality of Ukrainian parliamentarism and set out in the Report and Roadmap on Internal Reform and Institutional Capacity Building of the Verkhovna Rada of Ukraine”

01.11.2016      Included in the agenda

*(for explanation of the d / l: see Recommendation 3)*

**(4696-2)** Draft Law “On Amendments to Certain Legislative Acts of Ukraine regarding the implementation of certain provisions of paragraphs 3, 4, 5, 8, and 11 and also paragraphs 10 and 44 of the Recommendations of the European Parliament’s Needs Assessment Mission designed to improve the quality of Ukrainian parliamentarism and set out in the Report and Roadmap on Internal Reform and Institutional Capacity Building of the Verkhovna Rada of Ukraine”

01.11.2016      Included in the agenda

14.06.2016      Not included in the agenda

31.05.2016      Not included in the agenda

*(for explanation of the d / l: see Recommendation 3)*

**(4696–1)** Draft Law “On Amendments to the Rules of Procedure of the Verkhovna Rada of Ukraine regarding the implementation of certain provisions of the Recommendations of the European Parliament’s Needs Assessment Mission designed to improve the quality of Ukrainian parliamentarism and set out in the Report and Roadmap on Internal Reform and Institutional Capacity Building of the Verkhovna Rada of Ukraine”

01.11.2016      Included in the agenda

14.06.2016      Not included in the agenda

31.05.2016      Not included in the agenda

*(for explanation of the d / l: see Recommendation 3)*

**(4696)** Draft Law “On Amendments to the Rules of Procedure of the Verkhovna Rada of Ukraine regarding the implementation of certain provisions of paragraphs 3, 4, 5, 8, and 11 and paragraph 10 of the Recommendations of the European Parliament’s Needs Assessment Mission designed to improve the quality of Ukrainian parliamentarism and set out in the Report and Roadmap on Internal Reform and Institutional Capacity Building of the Verkhovna Rada of Ukraine”

01.11.2016      Included in the agenda

14.06.2016      Not included in the agenda

31.05.2016      Not included in the agenda

*(for explanation of the d / l: see Recommendation 3)*

## ASSESSMENT

Improvement of the registration procedure was not supported by representatives of parliamentary factions and groups (discussed within the framework of the Working Group under the Chairman of the VRU). Legislative amendments have been developed but they have not been supported by the majority of MPs.

Implementation assessment – **2**

NAM  
RECOMMENDATIONS

A ballot should be held during each session of the Verkhovna Rada in order to select a list of the top 20 individual members' legislative initiatives (reflecting the relative size of the parliamentary groups) for consideration by the VRU.

## TIMEFRAME

2016; starting from the VI session of the 8th convocation

## INDICATORS

Number of individual members' initiatives included in the plenary session's agenda is significantly reduced

DRAFT LAWS  
TO IMPLEMENT  
REFORM

**(6640)** Draft Law on Amendments to the Rules of Procedure of the Verkhovna Rada of Ukraine (regarding the letter of support for draft laws)

10.07.2018      Committee motion to reject submitted

**Purpose of the d/l:** The draft law proposes to establish that draft laws registered by MPs shall be submitted for further consideration to the Verkhovna Rada committees only if supported by a certain number of MPs (according to the proposal, not less than the number required to make up a faction) or by the government.

## ASSESSMENT

Alternative ways of reducing the number of MP-initiated draft laws have been discussed. No consensus has been reached on any of them. Legislative initiatives have been registered but have not been considered (in particular, Law No. 6640 on Amendments to the Rules of Procedure of the Verkhovna Rada of Ukraine (in respect of the letter of support for draft laws) dated June 22, 2017).

At the beginning of the 9th session, the Chairman of the VRU announced the initiation of restrictions of the right of individual legislative initiative of MPs.

Implementation assessment – 1



NAM  
RECOMMENDATIONS

A specific time-slot for the consideration of individual members' legislative initiatives should be allocated during each plenary week and in committee calendars.

## TIMEFRAME

2016

## INDICATORS

Amendments to the Rules of Procedure.

DRAFT LAWS  
TO IMPLEMENT  
REFORM

N/A

## ASSESSMENT

The issue was discussed in the framework of a number of expert events. However, no common denominator was found.

Implementation assessment – 1

NAM  
RECOMMENDATIONS

The Rules of Procedure of the VRU should be reviewed in order to determine whether the time granted to committees to study proposed legislation is adequate.

## TIMEFRAME

2016

## INDICATORS

Amendments to the Rules of Procedure

DRAFT LAWS  
TO IMPLEMENT  
REFORM

**(4696–4)** Draft Law “On Amendments to the Rules of Procedure of the Verkhovna Rada of Ukraine regarding the implementation of certain provisions of paragraphs 3, 4, 5, 8, and 11 and also paragraph 10 of the Recommendations of the European Parliament’s Needs Assessment Mission designed to improve the quality of Ukrainian parliamentarism and set out in the Report and Roadmap on Internal Reform and Institutional Capacity Building of the Verkhovna Rada of Ukraine”

01.11.2016      Included in the agenda

*(for explanation of the d / l: see Recommendation 3)*

**(4696–2)** Draft Law “On Amendments to Certain Legislative Acts of Ukraine regarding the implementation of certain provisions of paragraphs 3, 4, 5, 8, and 11 and also paragraphs 10 and 44 of the Recommendations of the European Parliament’s Needs Assessment Mission designed to improve the quality of Ukrainian parliamentarism and set out in the Report and Roadmap on Internal Reform and Institutional Capacity Building of the Verkhovna Rada of Ukraine”

01.11.2016      Included in the agenda

14.06.2016      Not included in the agenda

31.05.2016      Not included in the agenda

*(for explanation of the d / l: see Recommendation 3)*

**(4696-1)** Draft Law “On Amendments to the Rules of Procedure of the Verkhovna Rada of Ukraine regarding the implementation of certain provisions of the Recommendations of the European Parliament’s Needs Assessment Mission designed to improve the quality of Ukrainian parliamentarism and set out in the Report and Roadmap on Internal Reform and Institutional Capacity Building of the Verkhovna Rada of Ukraine”

01.11.2016      Included in the agenda

14.06.2016      Not included in the agenda

31.05.2016      Not included in the agenda

*(for explanation of the d / l: see Recommendation 3)*

**(4696)** Draft Law “On Amendments to the Rules of Procedure of the Verkhovna Rada of Ukraine regarding the implementation of certain provisions of paragraphs 3, 4, 5, 8, and 11 and paragraph 10 of the Recommendations of the European Parliament’s Needs Assessment Mission designed to improve the quality of Ukrainian parliamentarism and set out in the Report and Roadmap on Internal Reform and Institutional Capacity Building of the Verkhovna Rada of Ukraine”

01.11.2016      Included in the agenda

14.06.2016      Not included in the agenda

31.05.2016      Not included in the agenda

*(for explanation of the d / l: see Recommendation 3)*

#### ASSESSMENT

The issue was discussed in the framework of a number of expert events.

Legislative amendments have been developed but they have not been supported by the majority of MPs.

NAM  
RECOMMENDATIONS

The committees' staff needs and expertise should be the subject of a regular review, with resources adjusted accordingly.

## TIMEFRAME

Permanently

## INDICATORS

N/A

DRAFT LAWS  
TO IMPLEMENT  
REFORM

Absent

## ASSESSMENT

The HR strategy of the VRU Secretariat is being developed.

Implementation assessment – **2**

NAM  
RECOMMENDATIONS

The monthly calendar of parliamentary business should be revised so as to introduce a 'mixed' committee/plenary week during the week currently allocated solely for committee work.

## TIMEFRAME

2016

## INDICATORS

Amendments to the Rules of Procedure.  
'Committee weeks' are abolished

DRAFT LAWS  
TO IMPLEMENT  
REFORM

**(6281)** Draft Law amending Article 19 of the Rules of Procedure of the Verkhovna Rada of Ukraine

22.06.2017 Not included in the agenda

06.06.2017 Not included in the agenda

25.05.2017 Not included in the agenda

18.05.2017 Not included in the agenda

06.04.2017 Not included in the agenda

**Purpose of the d/l:** Establishing a new timeline for the weekly agenda of the plenaries of the Verkhovna Rada of Ukraine

**(4696-4)** Draft Law "On Amendments to the Rules of Procedure of the Verkhovna Rada of Ukraine regarding the implementation of certain provisions of paragraphs 3, 4, 5, 8, and 11 and also paragraph 10 of the Recommendations of the European Parliament's Needs Assessment Mission designed to improve the quality of Ukrainian parliamentarism and set out in the Report

and Roadmap on Internal Reform and Institutional Capacity Building of the Verkhovna Rada of Ukraine”

01.11.2016      Included in the agenda

*(for explanation of the d / l: see Recommendation 3)*

**(4696–2)** Draft Law “On Amendments to Certain Legislative Acts of Ukraine regarding the implementation of certain provisions of paragraphs 3, 4, 5, 8, and 11 and also paragraphs 10 and 44 of the Recommendations of the European Parliament’s Needs Assessment Mission designed to improve the quality of Ukrainian parliamentarism and set out in the Report and Roadmap on Internal Reform and Institutional Capacity Building of the Verkhovna Rada of Ukraine”

01.11.2016      Included in the agenda

14.06.2016      Not included in the agenda

31.05.2016      Not included in the agenda

*(for explanation of the d / l: see Recommendation 3)*

**(4696–1)** Draft Law “On Amendments to the Rules of Procedure of the Verkhovna Rada of Ukraine regarding the implementation of certain provisions of the Recommendations of the European Parliament’s Needs Assessment Mission designed to improve the quality of Ukrainian parliamentarism and set out in the Report and Roadmap on Internal Reform and Institutional Capacity Building of the Verkhovna Rada of Ukraine”

01.11.2016      Included in the agenda

14.06.2016      Not included in the agenda

31.05.2016      Not included in the agenda

*(for explanation of the d / l: see Recommendation 3)*



**(4696)** Draft Law “On Amendments to the Rules of Procedure of the Verkhovna Rada of Ukraine regarding the implementation of certain provisions of paragraphs 3, 4, 5, 8, and 11 and paragraph 10 of the Recommendations of the European Parliament’s Needs Assessment Mission designed to improve the quality of Ukrainian parliamentarism and set out in the Report and Roadmap on Internal Reform and Institutional Capacity Building of the Verkhovna Rada of Ukraine

01.11.2016      Included in the agenda

14.06.2016      Not included in the agenda

31.05.2016      Not included in the agenda

*(for explanation of the d / l: see Recommendation 3)*

ASSESSMENT

This recommendation was not supported by representatives of parliamentary factions and groups (discussed within the framework of the Working Group under the Chairman of the Verkhovna Rada).

Legislative amendments have been developed but they have not been supported by the majority of MPs.

Implementation assessment – 2

NAM  
RECOMMENDATIONS

The functioning of the Conciliation Board in establishing the agenda of parliamentary business should be revised and its meetings should be held *in camera*.

## TIMEFRAME

2016

## INDICATORS

Agenda-setting part of Conciliation Board meetings is held *in camera*

DRAFT LAWS  
TO IMPLEMENT  
REFORM

**(4696–4)** Draft Law “On Amendments to the Rules of Procedure of the Verkhovna Rada of Ukraine regarding the implementation of certain provisions of paragraphs 3, 4, 5, 8, and 11 and also paragraph 10 of the Recommendations of the European Parliament’s Needs Assessment Mission designed to improve the quality of Ukrainian parliamentarism and set out in the Report and Roadmap on Internal Reform and Institutional Capacity Building of the Verkhovna Rada of Ukraine”

01.11.2016      Included in the agenda

*(for explanation of the d / l: see Recommendation 3)*

**(4696–2)** Draft Law “On Amendments to Certain Legislative Acts of Ukraine regarding the implementation of certain provisions of paragraphs 3, 4, 5, 8, and 11 and also paragraphs 10 and 44 of the Recommendations of the European Parliament’s Needs Assessment Mission designed to improve the quality of Ukrainian parliamentarism and set out in the Report and Roadmap on Internal Reform and Institutional Capacity Building of the Verkhovna Rada of Ukraine”

01.11.2016      Included in the agenda

14.06.2016      Not included in the agenda

31.05.2016      Not included in the agenda

*(for explanation of the d / l: see Recommendation 3)*

**(4696–1)** Draft Law “On Amendments to the Rules of Procedure of the Verkhovna Rada of Ukraine regarding the implementation of certain provisions of the Recommendations of the European Parliament’s Needs Assessment Mission designed to improve the quality of Ukrainian parliamentarism and set out in the Report and Roadmap on Internal Reform and Institutional Capacity Building of the Verkhovna Rada of Ukraine”

01.11.2016      Included in the agenda

14.06.2016      Not included in the agenda

31.05.2016      Not included in the agenda

*(for explanation of the d / l: see Recommendation 3)*

**(4696)** Draft Law “On Amendments to the Rules of Procedure of the Verkhovna Rada of Ukraine regarding the implementation of certain provisions of paragraphs 3, 4, 5, 8, and 11 and paragraph 10 of the Recommendations of the European Parliament’s Needs Assessment Mission designed to improve the quality of Ukrainian parliamentarism and set out in the Report and Roadmap on Internal Reform and Institutional Capacity Building of the Verkhovna Rada of Ukraine”

01.11.2016      Included in the agenda

14.06.2016      Not included in the agenda

31.05.2016      Not included in the agenda

*(for explanation of the d / l: see Recommendation 3)*

#### ASSESSMENT

Legislative amendments have been developed, but they have not been supported by the majority of MPs. This recommendation was not supported by representatives of parliamentary factions and groups (discussed in the framework of the Jean Monnet Dialogues). A decision was made to adhere to the existing ‘open’ format of the Conciliation Board.

Implementation assessment – 2

NAM  
RECOMMENDATIONS

The establishment of a parliamentary lobby correspondent system, consisting of full-time political correspondents representing key media organisations, should be considered

## TIMEFRAME

2016

## INDICATORS

Parliamentary lobby correspondent system is established.

DRAFT LAWS  
TO IMPLEMENT  
REFORM

N/A

## ASSESSMENT

A public council has been established at the Verkhovna Rada to create a pool of parliamentary lobby correspondents.

Implementation assessment – 1

NAM  
RECOMMENDATIONS

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

## TIMEFRAME

2016–2017

## INDICATORS

Necessary amendments to the legislation are introduced. A system of a simple majority voting procedure instituted. Classification of laws is introduced

DRAFT LAWS  
TO IMPLEMENT  
REFORM

**(6299–1)** Draft Law “On Amendments to the Rules of Procedure of the Verkhovna Rada of Ukraine (regarding the improvement of decision-making procedures)”  
24.04.2017      Provided for perusal

**Purpose of the d/I:** The draft law stipulates that the decisions made by the Verkhovna Rada in the process of adoption of acts of the Verkhovna Rada, other than decisions concerning the adoption of draft laws and other acts of the Verkhovna Rada, on the whole shall be adopted and abolished by a majority of MPs taking part in the vote. It is proposed to adopt and abolish procedural decisions by one third of the number of MPs taking part in the vote.

**(6299)** Draft Law “On Amendments to the Rules of Procedure of the Verkhovna Rada of Ukraine (regarding the improvement of decision-making procedures)”

07.04.2017 Sent to the Committee for consideration

**Purpose of the d/l:** The draft law specifies that decisions, other than acts (i.e. not binding for third parties), are internal decisions of the Parliament. It is proposed that such decisions be adopted by a majority of MPs taking part in the vote.

**(4696–3)** Draft Law “On Amendments to the Rules of Procedure of the Verkhovna Rada of Ukraine on the implementation of certain Recommendations of the European Parliament’s Needs Assessment Mission set out in the Report and Roadmap on Internal Reform and Institutional Capacity Building of the Verkhovna Rada of Ukraine”

01.11.2016 Included in the agenda

**Purpose of the draft law:** The draft law stipulates that under ordinary circumstances, during the session, alternate two weeks in succession are allocated for plenaries of the Verkhovna Rada of Ukraine, work in committees, temporary special commissions and temporary investigative commissions, parliamentary factions (groups), followed by a week allocated for the work of MPs with voters.

It is proposed to abandon the plenaries on Wednesday and Friday and instead to continue meetings on Tuesday and Thursday in order to consider all the issues included in the agenda of this meeting (but not later than by 9 p.m.). The above change will help increase the number of draft laws considered and the speed of passage of these draft laws.

Another important change is the transition to the common European practice of the adoption of decisions by a simple majority of votes. It is proposed that the majority of the constitutional composition of the Verkhovna Rada (226 votes) be necessary only for the adoption of decisions on the approval of the acts of the Verkhovna Rada of Ukraine as a whole (including on their adoption in second reading and as a whole). The requirement that this category of decisions should be

adopted by a majority of the constitutional composition of the VRU is expressly specified in Article 91 of the Constitution of Ukraine.

It is proposed to adopt all other decisions (with regard to which the Constitution does not put forward any special requirements concerning the number of votes) by a simple majority of votes of the present MPs (the number of votes in favor of the decision should exceed the number of votes against and those who abstained). Deputies who are absent or do not vote, i.e. do not exercise their right to expression of will, will not be able to influence decision making.

Besides, it is proposed to clearly delimit the time of discussion of draft laws and time for voting. Voting on draft decisions of the Verkhovna Rada concerning earlier discussed issues is proposed to be held on Tuesday and Thursday from 12:30 to 2 p.m. Voting for the introduction, support or rejection of amendments during the consideration of draft acts of the Verkhovna Rada in the second reading may also be held at other times during plenaries on Tuesday and Thursday between 10 a.m. and 6 p. m.

Also, the provisions of the draft law are aimed at effective regulation of the procedure of holding the Government Day.

#### ASSESSMENT

The issue was discussed in the framework of a number of expert events.

Legislative amendments have been developed but they have not been supported by the majority of MPs.

Implementation assessment – 2

# Political oversight of the executive

A total of **8** recommendations

The maximum possible score is **32** points

Accomplished – **12** points



NAM  
RECOMMENDATIONS

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

## TIMEFRAME

2016

## INDICATORS

Necessary amendments to the legislation are introduced.  
The government and ministries submit written reports to the VRU annually

DRAFT LAWS  
TO IMPLEMENT  
REFORM

N/A

## ASSESSMENT

Consensus on the implementation of this recommendation has been reached between factions and groups within the framework of the Jean Monnet Dialogues. The government is developing amendments to the Rules of Procedure, which, inter alia, include improving the reporting system.

Implementation assessment – 1

NAM  
RECOMMENDATIONS

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

## TIMEFRAME

2016

## INDICATORS

The Law “On the Status of the People’s Deputy of Ukraine”, the Rules of Procedure of the VRU and other relevant legal acts are amended

DRAFT LAWS  
TO IMPLEMENT  
REFORM

**(6302)** Draft Law on Amendments to Certain Legislative Acts of Ukraine (regarding the procedure for submitting deputy requests)

07.04.2017 Sent to the Committee for consideration

**Purpose of the d/I:** Besides, in order to prevent abuse of the right to deputy request, it is proposed to preserve the norm that no more than two deputy requests can be submitted by one MP during one plenary week.

The changes will entail the following: the Chairperson presiding at the nearest plenary after the day when the deputy request was submitted shall announce the total number of requests submitted during the plenary week and inform Parliament on the number of parliamentary requests to the bodies of the Verkhovna Rada, the Cabinet of Ministers, the heads of the other state agencies and bodies of local self-government, as well as to the heads of enterprises, institutions and organizations situated on the territory of Ukraine regardless of their subordination and form of ownership.

The full text of deputy requests to the President of Ukraine or to relevant authorities or officials shall be posted on the website of the Verkhovna Rada of Ukraine not later than on the day follow-

ing the one when they were announced and decision was made to refer them to the relevant body. It is also proposed to remove from Article 226 of the Rules of Procedure the requirements for announcing responses to deputy requests at the insistence of an MP (part 1) and the opportunity for MPs to voice a comment and their opinion of the response (part 2). These norms seem to be an excessive privilege for MPs; they are not very popular in parliamentary practice. Discussion of responses to a deputy request must be a manifestation of the will of the legislature, for which purpose it is proposed to preserve the current version of parts 3 to 6 of Article 226 of the Rules of Procedure of the Verkhovna Rada of Ukraine.

The draft law proposes to amend article 15 of the law of Ukraine “On the status of the People’s Deputy of Ukraine” as regards bringing it in line with the Constitution of Ukraine (concerning the procedure of referral of deputy requests to the President of Ukraine).

ASSESSMENT

Partly implemented within the system of “Automatic workplace of the MP”. Requests are registered and published on the VRU website. However, no legislative changes have been made.

Implementation assessment – 2

NAM  
RECOMMENDATIONS

An annual work plan for oversight activities should be established by each Committee, providing a clear pathway for carrying out oversight activities rather than working on an ad hoc basis.

## TIMEFRAME

2017

## INDICATORS

Amendments to the Law “On Committees of the VRU”, the Rules of Procedure of the VRU and other relevant legal acts are introduced

DRAFT LAWS  
TO IMPLEMENT  
REFORM

**(8279)** Draft Law on Amendments to Certain Legislative Acts of Ukraine on measures to strengthen the oversight functions of the Verkhovna Rada of Ukraine (“Laws must be abided”) 18.04.2018 Sent to the Committee for consideration

**Purpose of the d/l:** By introducing the relevant amendments to the Laws of Ukraine “On the Verkhovna Rada of Ukraine” and “On committees of the Verkhovna Rada of Ukraine”, it is proposed to establish an appropriate mechanism for the implementation and oversight over the enforcement of laws adopted by the Verkhovna Rada of Ukraine due to the introduction of monitoring over the enforcement of the adopted law by the appropriate Committee of the Verkhovna Rada that was the main body in charge of the development of the relevant draft law. Based on the results of consideration by this VRU Committee of the issue regarding the enforcement of the adopted laws, recommendation can be submitted to the Verkhovna Rada of Ukraine regarding the dismissal of a member of the government responsible for the appropriate area concerning the scope of the law, which should be certainly included in the agenda of the nearest plenary of the Verkhovna Rada. The draft law also introduces the mandatory participation of representatives of the relevant committee of the Verkhovna Rada in the Government Hours on issues concerning the implementation of laws adopted by the Verkhovna Rada.

## ASSESSMENT

Certain committees try to improve the mechanism of oversight over the executive on their own<sup>11</sup>. Including by developing template forms for providing the requested information for specific ministries (or CEBs). In addition, the CMU is currently developing amendments to the Rules of Procedure, which are also intended to improve the reporting system. Nevertheless, no systemic work is carried out in this area.

## Implementation assessment – 1

<sup>11</sup> At the request of the VRU committees, the NGO Agency for Legislative Initiatives prepared a number of Shadow Reports available at:  
<http://parlament.org.ua/en/category/shadow-reports-en/>

NAM  
RECOMMENDATIONS

A reduced number of parliamentary committees (approximately 20), closely paralleling ministerial portfolios<sup>12</sup>, should be considered and take effect from the beginning of the next convocation.

## TIMEFRAME

9th convocation

## INDICATORS

Amendments to the Law "On Committees of the VRU", the Rules of Procedure of the VRU and other relevant legal acts are introduced

DRAFT LAWS  
TO IMPLEMENT  
REFORM

**(6256)** Draft Law "On amendments to the Laws of Ukraine "On committees of the Verkhovna Rada of Ukraine" and "On the central executive bodies" as regards optimization of the work of the committees of the Verkhovna Rada of Ukraine and the correspondence of the matters within their purview and those within the competence of ministries"

05.04.2018 Adopted in first reading

**Purpose of the d/I:** It is proposed to create no more than 20 committees in the Verkhovna Rada of Ukraine of the ninth convocation, which will be formed in the election held under the proportional system. And the matters within the purview of the committees should be related to those within the competence of ministries.

**(6256-1)** Draft Law "On amendments to the Laws of Ukraine "On committees of the Verkhovna Rada of Ukraine" and "On the central executive bodies" as regards optimization of the work of the committees of the Verkhovna Rada of Ukraine and the correspondence of the matters within their purview and those within the competence of ministries"

08.06.2017 The issue has been heard

**Purpose of the d/I:** To achieve the specified purpose, it is proposed to create committees with

<sup>12</sup>The study of international experience in relation to the number of committees and ministries, as well as an overview of the forms of interaction between them, is part of the publication of the "Parliament" magazine No. 3/2017, which was prepared by the Agency for Legislative Initiatives  
<http://parliament.org.ua/en/2017/11/07/parliament-journal-3-2017/>

the matters within their purview corresponding to the areas within the competence of ministries in the Verkhovna Rada of Ukraine the ninth convocation, which will be formed in the election held on a proportional basis. An exception is the committees responsible for the issues that are cross-cutting for all the ministries or having competence over matters within the jurisdiction of other state bodies having no ministry status but important for the country.

Accordingly, it is expected that this law will come into force on the day the Verkhovna Rada of Ukraine of the ninth convocation acquires its powers.

#### ASSESSMENT

The relevant draft law No. 6256 “On amendments to the Laws of Ukraine “On committees of the Verkhovna Rada of Ukraine” and “On the central executive bodies” as regards optimization of the work of the committees of the Verkhovna Rada of Ukraine and the correspondence of the matters within their purview and those within the competence of ministries” was adopted in first reading on 05.04.2018.

Implementation assessment – 3

NAM  
RECOMMENDATIONS

The application of the 'D'Hondt method'<sup>13</sup> should be considered in order to ensure proportional representation in the VRU committees and delegations and should take effect from the beginning of the next convocation.

## TIMEFRAME

9th convocation

## INDICATORS

The posts within the VRU are allocated in a more transparent way

DRAFT LAWS  
TO IMPLEMENT  
REFORM

**(7550)** On amendments to certain laws of Ukraine concerning the allocation of positions in the committees of the Verkhovna Rada of Ukraine based on the 'D'Hondt method'

05.04.2018 Adopted in first reading

**Purpose d/I:** To achieve the specified purpose, it is proposed to allocate the posts of the heads of committees, first deputy heads, deputy chairpersons, secretaries and members of the committees in the Verkhovna Rada of Ukraine of the ninth convocation based on proposals of parliamentary factions depending on their number following the 'D'Hondt method'.

Accordingly, it is expected that this law will come into force on the day the Verkhovna Rada of Ukraine of the ninth convocation acquires its powers.

## ASSESSMENT

The relevant draft law No. 7550 "On amendments to certain laws of Ukraine concerning the allocation of posts in the committees of the Verkhovna Rada of Ukraine based on the 'D'Hondt method'" was adopted in the first reading on 05.04.2018.

Implementation assessment – 3

<sup>13</sup> About the application of the 'D'Hondt method', its advantages and disadvantages please read the analytical material of the Agency for Legislative Initiatives: <http://parliament.org.ua/en/2018/10/01/the-status-of-the-d-hondt-method-in-the-allocation-of-senior-positions-in-parliamentary-committees/>



NAM  
RECOMMENDATIONS

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

## TIMEFRAME

2017

## INDICATORS

Amendments to the Rules of Procedure and other legislative acts

DRAFT LAWS  
TO IMPLEMENT  
REFORM

N/A

## ASSESSMENT

The issue was discussed in the framework of a number of expert events.

Implementation assessment – 1

NAM  
RECOMMENDATIONS

A more consistent follow-up of Accounting Chamber reports should be undertaken by the relevant VRU committees.

## TIMEFRAME

Permanently

## INDICATORS

Accounting Chamber reports are considered at committee meetings and plenaries.

DRAFT LAWS  
TO IMPLEMENT  
REFORM

N/A

## ASSESSMENT

The heads of committees have been presented a number of reports based on the results of the Accounting Chamber Report.

Implementation assessment – 1

NAM  
RECOMMENDATIONS

The Parliamentary Ombudsman should present annual (and where necessary, special) reports to the VRU for consideration and follow-up having regard to the provisions of the Law on the Parliamentary Commissioner for Human Rights.

## TIMEFRAME

Permanently

## INDICATORS

Ombudsman's reports are considered at committee meetings and plenaries.

DRAFT LAWS  
TO IMPLEMENT  
REFORM

N/A

## ASSESSMENT

There is no information on any activity in this area.

Implementation assessment – 0

# Openness, transparency and accountability to citizens

A total of **8** recommendations

The maximum possible score is **32** points

Accomplished – **22** points

NAM  
RECOMMENDATIONS

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

## TIMEFRAME

2016–2017

## INDICATORS

Necessary amendments to the legislation are introduced.  
New IT tools, enabling citizens to comment on draft laws are available

DRAFT LAWS  
TO IMPLEMENT  
REFORM

N/A

## ASSESSMENT

The online platform “Public Discussion of Draft Laws” has been in operation since 2017<sup>14</sup>. Currently, 21 draft laws have been discussed in the test mode. About 1500 original comments have been received. Nevertheless, systematic operation of this platform requires legislative regulation and/or enhanced capacity of the committees.  
Positive aspects include the fact that further development of this resource is set forth in the Strategy of the Electronic Parliament of Ukraine for 2018–2020.

Implementation assessment – 3

<sup>14</sup> On the official website of the VRU include a portal for public discussion of draft laws  
<https://itd.rada.gov.ua/services/pubd/>

NAM  
RECOMMENDATIONS

An e-parliament strategy, including a medium-term Information and Communication Technologies Strategy (covering 3–5 years), should be established and adequately resourced in order to increase the transparency and efficiency of parliamentary processes.

## TIMEFRAME

2016

## INDICATORS

Information and Communication Technologies strategy is adopted by the VRU

DRAFT LAWS  
TO IMPLEMENT  
REFORM

N/A

## ASSESSMENT

The e-parliament strategy for 2018–2020 was developed and approved by the order of the VRU Chairman dated July 5, 2018.

Implementation assessment – **3**

NAM  
RECOMMENDATIONS

In cooperation with the Presidential Administration and the Cabinet of Ministers, a strategy on digitising the legislative workflow within the legislative triangle should be developed.

## TIMEFRAME

2016

## INDICATORS

Trilateral strategy on digitalising the legislative workflow is adopted.

DRAFT LAWS  
TO IMPLEMENT  
REFORM

N/A

## ASSESSMENT

The technical requirements for the IT system Electronic Draft Law have been developed, the system unites all holders of the right of legislative initiative. Consultations with the secretariats of the VRU committees have been held. But the system has not been developed and introduced at the practical level yet.

Implementation assessment – 1

NAM  
RECOMMENDATIONS

To ensure that the e-parliament modernisation strategy and plans are implemented, the number of VRU IT staff should be enhanced incrementally; in addition, the VRU staff should be exposed to international best practice and exchanges of know-how on e-Parliament.

## TIMEFRAME

2016–2017

## INDICATORS

Internal acts of the VRU (institutional structure, budget) are revised and additional staff are employed.

DRAFT LAWS  
TO IMPLEMENT  
REFORM

N/A

## ASSESSMENT

The possibility of attracting additional IT professionals has been considered. Negotiations for co-operation with the European Parliament, parliaments of the EU member states, the USA, Canada, Israel, and South Korea are under way. The number of staff involved in the management of computerized systems has increased by 16.

Implementation assessment — 3



NAM  
RECOMMENDATIONS

The VRU should develop a digital strategy to set up a modern web and social media service with a core team of experienced experts in building popularity of the on-line platform of the VRU.

## TIMEFRAME

2016

## INDICATORS

The VRU's presence in social media is increased.  
The new staff are trained.

DRAFT LAWS  
TO IMPLEMENT  
REFORM

N/A

## ASSESSMENT

The communication strategy of the parliament was approved in November 2017.  
The working group is developing an action plan for the implementation of the Strategy.  
In July 2018, the E-Parliament Strategy was adopted for 2018–2020.

Implementation assessment – **3**

NAM  
RECOMMENDATIONS

In the light of such undertakings, it would be appropriate to explore and invest in necessary cybersecurity systems.

## TIMEFRAME

2016

## INDICATORS

The cyber security systems are upgraded

DRAFT LAWS  
TO IMPLEMENT  
REFORM

N/A

## ASSESSMENT

A training on cybersecurity for VRU staff was organized. Terms of reference for the creation of a system of information security for the Verkhovna Rada have been prepared and approved by the State Service of Special Communications and Information Protection. The introduction of cybersecurity systems is envisaged by the E-Parliament Strategy for 2018–2020.

Implementation assessment – 3

NAM  
RECOMMENDATIONS

The VRU should elaborate a comprehensive communication strategy (including identifying key target audiences, channels, products, etc.) and an institutional branding strategy (framing long-term communication objectives, messages and communication tone).

## TIMEFRAME

2016

## INDICATORS

Branding strategy is adopted as a part of wider Information and Communication Technologies strategy.

DRAFT LAWS  
TO IMPLEMENT  
REFORM

N/A

## ASSESSMENT

The communication strategy of the parliament was approved in November 2017. The working group is developing an action plan for the implementation of the Strategy.

Implementation assessment – 3

NAM  
RECOMMENDATIONS

The communications department in the VRU should review its communication structure and make proposals for reform (including on how to integrate the independent media channels into the structure of the Secretariat) based on international parliamentary best practices. The VRU staff should be exposed to international best practice and exchanges of know-how on effective parliamentary communication.

## TIMEFRAME

2016

## INDICATORS

Internal acts of the VRU (institutional structure, budget) are revised.

DRAFT LAWS  
TO IMPLEMENT  
REFORM

N/A

## ASSESSMENT

The communication strategy of the parliament was approved in November 2017. The working group is developing an action plan for the implementation of the Strategy.

The communication strategy envisages reform of the respective units in the VRU Secretariat.

Implementation assessment – 3

# Approximation of the Ukrainian legislation to the EU acquis

A total of **5** recommendations

The maximum possible score is **20** points

Accomplished – **8** points

NAM  
RECOMMENDATIONS

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

## TIMEFRAME

2016

## INDICATORS

New law replacing the outdated Law of Ukraine “On an All-State Programme of Adaptation of the Ukrainian Legislation to the EU Law” is adopted

DRAFT LAWS  
TO IMPLEMENT  
REFORM

N/A

## ASSESSMENT

Despite the fact that work on a new draft law “On State Policy with regard to European and Euro-Atlantic Integration” has been under way for a long time, MPs have not reached consensus concerning it yet. Neither has it been presented for public discussion and registered with the VRU.

Implementation assessment – 1

NAM  
RECOMMENDATIONS

To better structure its law-making process, the VRU together with its European Integration Committee should develop and adopt annual plans in respect of legislative work on approximation (in close cooperation with the CMU and having regard to MPs contributions).

## TIMEFRAME

2016

## INDICATORS

Annual plans are adopted.  
The VRU and the CMU Internal Regulations are amended.

DRAFT LAWS  
TO IMPLEMENT  
REFORM

N/A

## ASSESSMENT

In February 2018, the Verkhovna Rada and the Cabinet of Ministers agreed on a roadmap for the implementation of the Association Agreement with the European Union. But in practice, the document is quite formal in nature, because it contains no specific mechanisms of its implementation in terms of stakeholder coordination.

Implementation assessment – 2

NAM  
RECOMMENDATIONS

The VRU should expect that all governmental draft laws would be submitted to the Verkhovna Rada with an explanatory note on the conformity with the AA obligations and the EU acquis and by its own actions during the plenary process to respect the same principal.

## TIMEFRAME

2016

## INDICATORS

The VRU and the CMU Internal Regulations are amended

DRAFT LAWS  
TO IMPLEMENT  
REFORM

**(8610)** Draft Law “On amendments to the Rules of Procedure of the Verkhovna Rada of Ukraine (with regard to improving the examination of draft laws related to the implementation of international commitments of Ukraine in the field of European integration)”.

**Purpose of the d/I:** To this end, it is proposed to stipulate the following in the VRU Rules of Procedure:

1. inclusion in the explanatory note to draft laws submitted by holders of the right of legislative initiative of provisions concerning Ukraine’s international commitments in the field of European integration with regard to the subject of legal regulation of the draft law, including implementation of the acquis of the European Union;
2. referral of the draft law to the Cabinet of Ministers of Ukraine to be examined for compliance with the international commitments of Ukraine in the field of European integration.



3. stipulating that grounds for return of a draft law or another draft act, without its inclusion in the agenda and consideration at the plenary, should include, inter alia, the availability of an expert opinion of the Committee responsible for the assessment of compliance with Ukraine's international commitments in the field of European integration specifying that the draft law or another draft act does not comply with these commitments (except for cases when the explanatory note provides sufficient justification) or in case the explanatory note fails to provide the information required by paragraph 2 of article 91 of the Rules of Procedure.

#### ASSESSMENT

Draft Law No. 8610 with regard to improving the examination of draft laws related to the implementation of international commitments of Ukraine in the field of European integration was submitted to the Committee for consideration (17.07.2018). The CMU Rules of Procedure amended on April 18, 2018. However, there is no established practice of filing supporting documents<sup>15</sup>.

#### Implementation assessment – 2

<sup>15</sup> The NGO Agency for Legislative Initiatives prepared a Policy Paper on ensuring the proper European integration expertise in the domestic legislative process <http://parlament.org.ua/en/2015/12/04/how-to-ensure-the-proper-european-integration-expertise-in-the-domestic-legislative-process-policy-paper/>

NAM  
RECOMMENDATIONS

Standing committees of the VRU should enhance their capacities to deal with European approximation issues by appointing a focal point on approximation in each committee with a view to improving liaison with the European Integration Committee.

## TIMEFRAME

2016–2017

## INDICATORS

Internal acts of the VRU (institutional structure, budget) are revised and additional staff are employed

DRAFT LAWS  
TO IMPLEMENT  
REFORM

N/A

## ASSESSMENT

Only a few committees have employees responsible for dealing with the European Integration Committee as regards draft laws aimed at implementing the Association Agreement. Committees do not have the capacity necessary to implement this recommendation.

Implementation assessment – 1

NAM  
RECOMMENDATIONS

Consistent with the increased capacities of CMU Secretariat staff capacities of the VRU Secretariat, as well as of the European Integration Committee, also should be strengthened in order to provide qualified expertise in the VRU on the AA obligations and the EU acquis, including by exposure to EU best practices and exchanges of know-how on legal approximation (drafting, implementation and monitoring of approximated legislation, assessing gaps in the legislation).

## TIMEFRAME

2016–2017

## INDICATORS

Internal acts of the VRU (institutional structure, budget) are revised and additional staff are employed.

DRAFT LAWS  
TO IMPLEMENT  
REFORM

N/A

## ASSESSMENT

The European Integration Committee together with technical assistance projects have developed and presented Guidelines for EU law compliance check of draft laws.

Implementation assessment – **2**

# Administrative capacities

A total of **9** recommendations

The maximum possible score is **36** points

Accomplished – **12** points

## NAM RECOMMENDATIONS

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

## TIMEFRAME

9<sup>th</sup> convocation

## INDICATORS

The audit of the VRU accounts is carried out by the Account Chamber once per convocation (starting from the 9<sup>th</sup> convocation)

## DRAFT LAWS TO IMPLEMENT REFORM

N/A

## ASSESSMENT

The VRU adopted its budget at the plenary in December 2017.  
The Accounting Chamber has the right to check the expenses of the VRU.

Assessment of implementation – (no information on the implementation of this recommendation)

NAM  
RECOMMENDATIONS

The regulatory framework governing the Secretariat should be consolidated into a single internal regulation on staffing.

## TIMEFRAME

2016–2017

## INDICATORS

Internal acts of the VRU (institutional structure, budget) are revised.  
Amendments to the Rules of Procedure

DRAFT LAWS  
TO IMPLEMENT  
REFORM

**(8438)** Draft Law “On Amendments to article 7 of the Rules of Procedure on regularizing of the procedure for approval of the Regulation on the Secretariat of the Verkhovna Rada of Ukraine”  
18.09.2018      Withdrawn

**Purpose of the d/l:** The draft law proposes to amend Article 7.3 of the Law of Ukraine “On the Rules of Procedure of the Verkhovna Rada of Ukraine” by redrafting it to specify that the Regulation of the Secretariat of the Verkhovna Rada and the subdivisions of the Secretariat of the Verkhovna Rada shall be approved by the Chairperson of Verkhovna Rada of Ukraine.

## ASSESSMENT

Approaches to the formation of such framework have been discussed.  
No decision has been taken.

Implementation assessment – 1

NAM  
RECOMMENDATIONS

All administrative units of the VRU – including the Parliamentary Library and the Institute of Legislation – should be consolidated into a unified and strengthened secretariat.

## TIMEFRAME

2016

## INDICATORS

The new Research Centre of the VRU on the basis of the Institute of Legislation, Parliamentary Library and relevant Secretariat departments is established within the structure of the VRU Secretariat.

DRAFT LAWS  
TO IMPLEMENT  
REFORM

N/A

## ASSESSMENT

A number of discussions have been held in various formats regarding the prospect of the establishment of a new Research Center. Analytical materials have been prepared. No final decision has been adopted. With the support of USAID and the NGO Agency for Legislative Initiatives, the Information and Research Center was operating in Parliament for some time but it has never been institutionalized.

Implementation assessment – **2**

NAM  
RECOMMENDATIONS

The VRU Secretariat's structure should establish a new and modern Human Resource Service and policy.

## TIMEFRAME

2016

## INDICATORS

Internal acts of the VRU (institutional structure, budget) are revised

DRAFT LAWS  
TO IMPLEMENT  
REFORM

N/A

## ASSESSMENT

The VRU Secretariat is elaborating the HR strategy of the VRU. Analytical materials and studies have been prepared. A number of meetings have been held. Currently, no service has not been established, and regulations have not been revised.

Implementation assessment – 1



NAM  
RECOMMENDATIONS

A comprehensive human resource development strategy should be elaborated, led by properly re-sourced strategic training opportunities, including languages, and individualised career development plans identified through the regular performance appraisal system. A policy on staff mobility should be developed and encouraged.

## TIMEFRAME

2016–2017

## INDICATORS

Human resource development strategy is adopted by the VRU

DRAFT LAWS  
TO IMPLEMENT  
REFORM

N/A

## ASSESSMENT

The VRU Secretariat is elaborating the HR strategy of the VRU. Analytical materials and studies have been prepared. A number of meetings have been held.

Implementation assessment – 1

NAM  
RECOMMENDATIONS

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

## TIMEFRAME

Permanently

## INDICATORS

Internal acts of the VRU (institutional structure, budget) are revised.  
Clear rules on internship are introduced

DRAFT LAWS  
TO IMPLEMENT  
REFORM

N/A

## ASSESSMENT

The internship program has been operating with the support from international technical assistance projects since 1995. In 2018, the VRU awarded scholarships for interns.

Implementation assessment – 4

NAM  
RECOMMENDATIONS

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

## TIMEFRAME

In the long run

## INDICATORS

Necessary amendments to the relevant legal acts are introduced.

DRAFT LAWS  
TO IMPLEMENT  
REFORM

N/A

## ASSESSMENT

The draft law on an independent parliamentary service has been prepared and submitted to the VRU leadership. So far, a working group has been established at the Committee on Rules of Procedure and Support to Work of the VRU to prepare amendments to the law “On the civil service” for the purpose of taking into account the specificity of parliamentary work.

Implementation assessment – 1

NAM  
RECOMMENDATIONS

All parliamentary assistant positions, paid or voluntary, as a matter of transparency should be registered by the personnel department of the VRU, as a requirement for issuance of access privileges to the VRU, on condition that the job description of such persons be made available explaining the role and functions.

## TIMEFRAME

2016

## INDICATORS

Internal acts of the VRU are revised.

DRAFT LAWS  
TO IMPLEMENT  
REFORM

N/A

## ASSESSMENT

Analytical materials have been prepared and draft job descriptions for parliamentary assistant positions have been elaborated. Not approved yet.

Implementation assessment – 1

NAM  
RECOMMENDATIONS

Consideration should be given to setting a realistic but low number of parliamentary assistants to a single MP that would be entitled to accreditation by the VRU.

## TIMEFRAME

2017

## INDICATORS

Internal acts of the VRU (institutional structure, budget) are revised

DRAFT LAWS  
TO IMPLEMENT  
REFORM

N/A

## ASSESSMENT

Analytical materials on international practices for resolving this issue have been prepared. No consensus is reached yet.

Implementation assessment – 1

# Coalition, opposition and dialogue within the Verkhovna Rada

A total of **4** recommendations

The maximum possible score is **16** points

Accomplished – **5** points

NAM  
RECOMMENDATIONS

An early decision should be made and implemented to regulate the status of the parliamentary opposition.

## TIMEFRAME

2016

## INDICATORS

New regulation on opposition in the VRU is adopted or amendments to the current legislation is introduced.

DRAFT LAWS  
TO IMPLEMENT  
REFORM

**(8233)** Draft Law “On the Principles of the Formation and Activity of Political Institutions in the Verkhovna Rada of Ukraine”

06.04.2018 Sent to the Committee for consideration

**Purpose of the d/l:** The draft law proposes to regularize the specificity of the formation, termination, and changes in the parliamentary majority and parliamentary opposition. It also determines the powers of the parliamentary majority, in particular, establishes the right of the parliamentary majority to elect Chairperson of the Verkhovna Rada.

The draft specifies the conditions for designating a parliamentary faction (group) as the opposition, provides for the possibility of forming an association of opposition factions and (or) groups. It is proposed to provide the parliamentary opposition with a guaranteed right to appoint First Deputy Chairman of the Verkhovna Rada of Ukraine, heads of Committees on Freedom of Speech and Information Policy; Rules of Parliamentary Procedure and Support to Work of the Verkhovna

Rada of Ukraine; Human Rights, National Minorities and Interethnic Relations; Corruption Prevention and Counteraction; Social Policy, Employment and Pension Provision; Culture and Spirituality; as well as first deputy heads of Committees on Legal Policy and Justice; Legislative Support of Law Enforcement; Foreign Affairs; Science and Education; National Security and Defense; and on Public Health.

The draft law stipulates the conditions under which the head of a faction (group, association) may receive the status of the opposition leader, and specifies additional rights granted to such leader.

In addition, the draft law contains rules for the formation of the opposition government, its rights and guarantees of activity.

It separately establishes the guarantees for the activities of the parliamentary minority, specifying the prerogative of the parliamentary minority to nominate candidates for the post of the Parliamentary Commissioner on Human Rights.

The transitional provisions envisage amendments to the VRU Rules of Procedure, Laws of Ukraine “On the Parliamentary Commissioner on Human Rights”, “On committees of the Verkhovna Rada of Ukraine”, and “On the Cabinet of Ministers of Ukraine” with regard to bringing them in line with the main provisions of the draft law. In particular, amendments are made to the procedure of nomination and election of the Parliamentary Commissioner on Human Rights, the Chairperson and the First Vice-Chairperson of the Verkhovna Rada. Other amendments relate to changes in the procedure of appointment of heads and first deputies of some committees.

**(5284)** Draft Law “On Amendments to the Law of Ukraine “On Committees of the Verkhovna Rada of Ukraine” (regarding the rights of the opposition)”

18.09.2018      Withdrawn

**Purpose of the d/l:** The purpose of the draft law is to establish guarantees for the opposition’s



activity by granting opposition factions (groups) exclusive right to nominate heads of committees responsible for the following issues: prevention and combating corruption, human rights, national minorities and interethnic relations, rules of procedure, and freedom of speech; as well as the post of the head of the Ad Hoc Supervisory Panel on Privatization.

The purpose of the draft law is to establish a mechanism whereby the respective rights of the opposition factions (groups) will be exercised.

**(4696–2)** Draft Law “On Amendments to Certain Legislative Acts of Ukraine regarding the implementation of certain provisions of paragraphs 3, 4, 5, 8, and 11 and also paragraphs 10 and 44 of the Recommendations of the European Parliament’s Needs Assessment Mission designed to improve the quality of Ukrainian parliamentarism and set out in the Report and Roadmap on Internal Reform and Institutional Capacity Building of the Verkhovna Rada of Ukraine”

01.11.2016      Included in the agenda

14.06.2016      Not included in the agenda

31.05.2016      Not included in the agenda

*(for explanation of the d / l: see Recommendation 3)*

#### ASSESSMENT

A number of draft laws aimed at regularizing the status of the opposition have been prepared. Some of them have been submitted to the Verkhovna Rada and included in the agenda of the session.

During one of the rounds of the Monnet Dialogues, this recommendation was discussed by the leaders of the factions and groups of the VRU. No final decision has been adopted.

Implementation assessment – 2

NAM  
RECOMMENDATIONS

An inter-party dialogue unit (mediation unit) should be established within the VRU to provide a structure to support and coordinate cross-party groupings and caucuses, convene meetings between the political parties to assist in overcoming obstacles in the legislative process and to act as a facilitator in supporting political dialogue and consensus building.

## TIMEFRAME

2016

## INDICATORS

Mediation unit is established within the VRU Secretariat. Internal acts of the VRU (institutional structure, budget) are revised. Amendments to the Rules of Procedure of the VRU are introduced. A work programme and strategy for inter-party dialogue is established

DRAFT LAWS  
TO IMPLEMENT  
REFORM

N/A

## ASSESSMENT

A number of meetings have been organized between the Secretariat of the Chairman of the VRU and the staff of the Secretariats of the Committees. No decision has been adopted.

Implementation assessment – 1

NAM  
RECOMMENDATIONS

The political parties in the VRU should strengthen their internal capacities, enhance inter-party dialogue and seek together to build a culture of consensus and trust

## TIMEFRAME

2016–2017

## INDICATORS

Internal party capacities and structures strengthened

DRAFT LAWS  
TO IMPLEMENT  
REFORM

**(4331–1)** Draft Law “On Amendments to the Law of Ukraine “On the Rules of Procedure of the Verkhovna Rada of Ukraine” (regarding the coalition of parliamentary factions)

20.04.2016      Submitted for perusal

**Purpose of the d/l:** This draft Law proposes to amend a number of articles of the Law of Ukraine “On the Rules of Procedure of the Verkhovna Rada of Ukraine” providing for certain parliamentary procedures to bring their provisions in line with the current Constitution of Ukraine.

**(4331)** Draft Law “On Amendments to the Rules of Procedure of the Verkhovna Rada of Ukraine (on ensuring the activities of the coalition and bringing the Rules of Procedure of the Verkhovna Rada of Ukraine in line with the Constitution of Ukraine)”

01.04.2016 Provided for perusal

**Purpose of the d/l:** The draft Law of Ukraine proposes to amend the Rules of Procedure of the Verkhovna Rada of Ukraine aimed to provide for the issues of the authority of the Verkhovna Rada, as well as to stipulate that by entering a parliamentary faction that makes up part of the Coalition the MP enters the Coalition, and by defecting from the party that makes up part of the Coalition the MP defects from the Coalition.

In addition, the draft Law proposes to supplement Section III of the Rules of Procedure with new chapter 11–1, setting forth the procedure for the formation of a coalition of parliamentary factions in the Verkhovna Rada, organization of the activities of the Coalition, the Coalition's main tasks in the area of legislative activity, participation of the coalition in the formation of the Cabinet of Ministers of Ukraine, the effects of changes in the composition of the Coalition, and the termination of the Coalition.

In particular, the draft law stipulates that the Coalition is a body of the Verkhovna Rada Ukraine formed by way of uniting parliamentary factions based on the results of elections on the foundation of consolidated political positions and the principles established by the Constitution of Ukraine and the Rules of Procedure, including a constitutional majority of the MPs of the Verkhovna Rada. Based on the results of consultations held, the coalition agreement between parliamentary factions in the Verkhovna Rada of Ukraine (hereinafter – the Coalition Agreement) will be concluded and signed by the heads of the respective factions or, following the decision of the parliamentary faction, by one of the deputy heads of the parliamentary faction.

According to the draft law, the Coalition Agreement will document the consolidated political positions, in particular regarding the principles of domestic and foreign policies, political orientation and

principles of work of the Coalition underlying the formation of the Coalition, as well as the procedure for resolving internal organizational issues concerning the activity of the Coalition. The Coalition Agreement shall attach a list of MPs who have formed the Coalition, with the MPs' personal signatures. This list shall make up an integral part of the Coalition Agreement.

According to the draft Law, the information on the current personal composition of the Coalition will be permanently posted on the official web-site of the Verkhovna Rada of Ukraine.

The draft law also envisages that the Coalition will make decisions at its open general meeting by a majority of the votes of MPs who are members of the Coalition. Decisions of the general meeting of the Coalition shall be considered adopted if at least two-thirds of the Coalition MPs and the majority of the MPs of each faction making up the Coalition vote in its favor. Whereas the general meeting of the Coalition will be recognized as duly constituted if attended by at least two-thirds of the Coalition MPs and the majority of the MPs of each faction making up the Coalition.

According to the draft law, with the aim of harmonizing the positions of the factions that make up the Coalition, the Coalition Board shall be established consisting of three representatives of the factions that have formed the Coalition. One of the representatives of the parliamentary faction in the Coalition Board is the head of this faction.

According to the draft law, the heads of parliamentary factions making up the coalition shall alternately carry out the duties of the Coalition Coordinator, and the order of execution of the powers of the Coalition Coordinator shall be established by the Coalition Board. The draft law also specifies the powers of the Coalition Coordinator.

According to the draft law, the responsibility for the organizational and technical, informational and analytical support for the activities of the Coalition shall be placed on the Secretariat of the Coalition, operating in the manner established for the secretariats of parliamentary factions.

The draft law determines the procedure for nomination of the Prime Minister of Ukraine and other members of the Cabinet of Ministers of Ukraine by the Coalition in accordance with the Constitution of Ukraine. That said, the provisions of the Coalition Agreement should make up the basis for the Programme of Activities of the Cabinet of Ministers of Ukraine.

Apart from that, the draft law proposes to specify that in the event that the President of Ukraine should fail to sign a law adopted by the Verkhovna Rada within fifteen days after the receipt of the law, fail to officially promulgate it or send the law back with his/her reasonable and clearly expressed proposals to the Verkhovna Rada of Ukraine for re-consideration, the Chairman of the Verkhovna Rada of Ukraine shall promptly officially promulgate this law and publish it with his signature.

ASSESSMENT

A number of meetings of the leaders of parliamentary factions and groups in the Monnet Dialogue format have been held.

Implementation assessment – 1

NAM  
RECOMMENDATIONS

Informal political dialogue platforms, drawing on the experience of trusted third parties, should be established on strengthening inter-party and intra-coalition dialogue with the leaders of the political parties or other factions' representatives.

## TIMEFRAME

2016–2017

## INDICATORS

Leaders of political factions/groups participate in informal political dialogue events outside the VRU

DRAFT LAWS  
TO IMPLEMENT  
REFORM

**(4331–1)** Draft Law “On Amendments to the Law of Ukraine “On the Rules of Procedure of the Verkhovna Rada of Ukraine” (regarding the coalition of parliamentary factions)”

20.04.2016 Submitted for perusal

*(for explanation of the d / l: see Recommendation 46)*

**(4331)** Draft Law “On Amendments to the Rules of Procedure of the Verkhovna Rada of Ukraine (on ensuring the activities of the coalition and bringing the Rules of Procedure of the Verkhovna Rada of Ukraine in line with the Constitution of Ukraine)”

01.04.2016 Provided for perusal

*(for explanation of the d / l: see Recommendation 46)*

## ASSESSMENT

A number of meetings of the leaders of parliamentary factions and groups in the Monnet Dialogue format have been held. The Inter-factional VRU Reform Working Group under the Chairman of the Verkhovna Rada has been formed. But the need for such meetings has not been enshrined in any document. The meetings were held on the initiative of international technical assistance projects.

Implementation assessment – 1

# Ethics and conduct at the Verkhovna Rada

A total of **5** recommendations

The maximum possible score is **20** points

Accomplished – **6** points



NAM  
RECOMMENDATIONS

The Speaker (or Deputy Speaker as presiding officer) should be empowered to 'name' members involved in disruptive or violent behaviour and suspend them from participation in plenary sessions of the VRU for an appropriate period of time based on the seriousness of the offence. Consideration also could be given to the introduction of financial penalties.

## TIMEFRAME

2016

## INDICATORS

Amendments to the Rules of Procedure.

DRAFT LAWS  
TO IMPLEMENT  
REFORM

**(5328)** Draft Law "On Amendments to Certain Laws of Ukraine (as regards deductions from MPs' wages for absenteeism and violations of the Rules of Procedure)"

20.03.2018      Withdrawn

**Purpose of the d/I:** The draft Law proposes to make the payment of wages dependent on the number of days when the MP attends committee and parliamentary meetings and to establish automatic financial penalties (non-payment of wages) in case of absenteeism.

## ASSESSMENT

The relevant draft law, which introduces administrative responsibility for violating the rules of ethical conduct by MPs, was filed but later withdrawn by the author.

Implementation assessment – 1

NAM  
RECOMMENDATIONS

To assist with the orderly conduct of affairs during plenary sessions parliamentary ushers should be appointed.

## TIMEFRAME

2016

## INDICATORS

Amendments to the Rules of Procedure. The institute of ushers is established.

DRAFT LAWS  
TO IMPLEMENT  
REFORM

N/A

## ASSESSMENT

The VRU Chairman found the idea to establish the institution of parliamentary ushers inexpedient<sup>16</sup>.

Implementation assessment – 0

<sup>16</sup> Statement of the Chairman of the Verkhovna Rada:  
[https://ukr.lb.ua/news/2016/06/17/338051\\_parubiy\\_vidkinuv\\_ideyu\\_vvedennya.html](https://ukr.lb.ua/news/2016/06/17/338051_parubiy_vidkinuv_ideyu_vvedennya.html)

NAM  
RECOMMENDATIONS

Members who wish to appeal against such penalties would have the right to present their case at the next meeting of the Committee on Rules of Procedure and Support to Work of the Verkhovna Rada of Ukraine

## TIMEFRAME

2016

## INDICATORS

Amendments to the Rules of Procedure

DRAFT LAWS  
TO IMPLEMENT  
REFORM

N/A

## ASSESSMENT

This recommendation directly relates to the implementation of recommendation No. 48. Since the previous Recommendation has not been fulfilled, this one cannot be fulfilled either.

Implementation assessment – 0

NAM  
RECOMMENDATIONS

The Speaker and deputy Speakers should be advised and assisted at all plenaries by a procedural expert staff from the Secretariat to ensure that the business of the house respects and is conducted in line with the Rules of Procedure.

## TIMEFRAME

2016

## INDICATORS

Amendments to the Rules of Procedure. Internal acts of the VRU (institutional structure, budget) are revised

DRAFT LAWS  
TO IMPLEMENT  
REFORM

N/A

## ASSESSMENT

An expert of the VRU Secretariat provides the necessary support to the VRU Speaker during plenaries.

Implementation assessment – **3**

NAM  
RECOMMENDATIONS

A Code of Conduct should be elaborated and implemented as a matter of priority through an inclusive and transparent consultative manner and in line with the international best practices.

## TIMEFRAME

2016

## INDICATORS

Code of Conduct and Behavior is adopted by the VRU

DRAFT LAWS  
TO IMPLEMENT  
REFORM

**(7284)** Draft Law on Amendments to the Law of Ukraine "On the Rules of Procedure of the Verkhovna Rada of Ukraine" (with regard to ensuring equal rights and opportunities for women and men)<sup>17</sup>

03.04.2018      Committee motion for consideration submitted

## ASSESSMENT

Several rounds of discussion of the code of parliamentary ethics were held with the participation of the Head of the Mission and the VRU leadership. A group of MPs from different factions signed a declaration of intention to develop a Code of Conduct for MPs<sup>18</sup>. The VRU Communication Strategy has been adopted envisaging elaboration of a Code of Conduct. A draft law has been registered aiming to improve the mechanisms for combating sexism and discrimination.

Implementation assessment – 2

<sup>17</sup> The Agency for Legislative Initiatives prepared the Policy Paper "Proposals concerning policies to ensure gender equality in the Verkhovna Rada of Ukraine", which, inter alia, proposed a mechanism for combating sexism and discrimination to comply with ethical norms and standards. <http://parlament.org.ua/en/2017/10/15/proposals-to-ensure-gender-equality-in-the-ukrainian-parliament-policy-paper/>

<sup>18</sup> The analytical report "Code of Conduct for Parliamentarians: Structure, Content, Subject Matter. Realities and Suggestions for Ukraine" was prepared by the Agency for Legislative Initiatives [http://parlament.org.ua/wp-content/uploads/2018/01/Code-of-Conduct\\_Codification.pdf](http://parlament.org.ua/wp-content/uploads/2018/01/Code-of-Conduct_Codification.pdf)



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