

Legislative Process in the Defence Sector



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List of abbreviations

ACE	anti-corruption examination
RIA	regulatory impact analysis
VRU, Parliament	Verkhovna Rada of Ukraine
MSED	Main Scientific and Expert Department of the Verkhovna Rada of Ukraine
MLD	Main Legal Department of the Verkhovna Rada of Ukraine
MoD	Ministry of Defence of Ukraine
EU	European Union
AFU	Armed Forces of Ukraine
CMU	Cabinet of Ministers of Ukraine
CCU	Constitutional Court of Ukraine
NATO	North Atlantic Treaty Organization
LA	legal act
OPU	Office of the President of Ukraine
ARS	agenda of the regular session of the Verkhovna Rada of Ukraine
LWP	legislative work plan of the Verkhovna Rada for the relevant year
RA	regulatory act
VRU Rules of Procedure	<u>VRU Rules of Procedure</u> , approved by the Law of Ukraine No. 1861-VI of 10 February 2010
CMU Rules of Procedure	<u>Rules of Procedure of the Cabinet of Ministers of Ukraine</u> , approved by the resolution of the Cabinet of Ministers of Ukraine No. 950 of 18 July 2007 (as amended)
NSDC	National Security and Defense Council of Ukraine
SCMU	Secretariat of the Cabinet of Ministers of Ukraine
Association Agreement	<u>The Association Agreement between Ukraine, on the one hand, and the European Union, the European Atomic Energy Community and their Member States, on the other hand</u>
Charter on a Distinctive Partnership	<u>Charter on a Distinctive Partnership between the North Atlantic Treaty Organization and Ukraine</u>

Summary

Legislative support for the defence sector is critical for national security, strengthening the state's defence capability and the effective functioning of military structures. In the context of the challenges posed by russia's armed aggression against Ukraine, on the one hand, and Ukraine's Euro-Atlantic aspirations, on the other, the need to clearly establish lawmaking in the defence sector is becoming even more urgent.

As a general rule, the legislative process in the defence sector is planned and based on strategic and defence planning documents that are developed after the newly elected President takes office—the National Security and Defence Strategy of Ukraine and documents developed in pursuance of this Strategy and based on it.

russia's full-scale armed aggression against Ukraine has destroyed the plans. The National Security Strategy of Ukraine and the Military Security Strategy of Ukraine were adopted before the full-scale invasion. And although they identified countering russian aggression as a top priority, the political course enshrined in them is no longer relevant in the current environment. No changes have been made to these strategies, and the adoption of new strategies will generally take place after the presidential election in Ukraine.

Currently, the war and the measures taken by the Ministry of Defence (MoD) and the AFU to counter armed aggression affect the content of legislative proposals, which now concern not only the planned changes aimed at reforming the defence sector but also emergency response to security challenges.

Several key stakeholders are involved in the defence legislative process, each of which plays a different role: the President, the Parliament, the Government, the NSDC, the Ministry of Defence and the General Staff. The practice of preparing and making decisions and the interaction between all these actors varies. If there is coherence between all these actors, politically driven and/or time-sensitive decisions are prepared, adopted and enacted fairly quickly. In the absence of agreement, the adoption of even the most urgent decisions can be delayed at any stage.

This is quite clearly demonstrated by government draft laws that have been developed and passed through Parliament (*one is still pending at the Parliament*) under different scenarios, and have different results when sent to the President of Ukraine for signature. All of these draft laws are aimed at solving specific problems and tasks related to the effective functioning of military structures and strengthening Ukraine's defence capabilities (see Table 1).

4210	8187	9281	11507
VRU's legislative work plan			
LWP for 2020 (para. 480) LWP for 2022 (para. 480)	LWP for 2020 (para. 481) LWP for 2023 (para. 235)	N/A	N/A
Date of registration with the VRU			
12 October 2020	7 November 2022	9 May 2023	21 August 2024
Preliminary review (conclusion of the main committee)			
10 March 2021 Conclusion on revision	6 February 2023 Conclusion on consideration	18 May 2023 Conclusion on consideration (to determine the draft law as urgent)	3 September 2024 Conclusion on consideration (to determine the draft law as urgent)
—	—	—	Determined by the Parliament as urgent.
First reading			
—	20 March 2023 Adopted as a basis	30 May 2023 The Law was adopted in its entirety (No. 3127-IX)	3 September 2024 The Law was adopted in its entirety (No. 3943-IX)
Repeated first reading			
16 February 2022 Adopted as a basis	—	—	—
Changing the content and title of the draft law prepared for the repeated first reading: <i>'On Amending Certain Legislative Acts of Ukraine on National Security and Defence to Strengthen Democratic Civilian Control over the Armed Forces of Ukraine, Improve Joint Command of the State Defence Forces and Planning in the Fields of National Security and Defence'</i> .	—	—	—

4210	8187	9281	11507
Second reading			
—	29 June 2023 The Law was adopted in its entirety (No. 3194-IX)	—	—
Signing by the Chair of the VRU and sending to the President of Ukraine for signature			
—	4 July 2023	5 June 2023	10 September 2024
Signing by the President			
—	Not signed and not returned	2 April 2024	16 September 2024

Source: [official web portal of the Parliament of Ukraine](#).

The example of draft law 4210 demonstrates the complexity of the legislative process. However, a successful vote in the VRU does not guarantee that the President will sign the law. Of the four draft laws developed by the MoD:

- › 1 has been under consideration in Parliament for 4 years;
- › 1 has been adopted by the Parliament but has been waiting for the President's signature for almost 2 years;
- › 1 was adopted by the Parliament and signed by the President almost a year after it was submitted for signature;
- › 1 was adopted by the Parliament and signed by the President within a few days, as the President actually initiated the preparation of this law.

The procedures for drafting laws by different holders of the right of legislative initiative differ significantly: the maximum requirements are for the Government, the minimum—for MPs.

The CMU Rules of Procedure set out clear requirements for the rules of drafting and multi-stage quality control of the content of the draft act and compliance with all procedures, up to the approval at a meeting of the Government. The Government submits to the Parliament a draft act that has been agreed upon with all interested bodies and parties to the maximum extent possible. During its consideration by the Parliament, the government draft law undergoes another round of expert examinations, while for a parliamentary draft law, all examinations begin after its registration in the Parliament.

At the same time, despite the rather strict regulatory requirements for the preparation of government draft laws, some of them still appear to be insufficiently substantiated, as the supporting documents to these draft laws contain very little information necessary to assess whether the decision should be made in the version proposed by the Government.

The legislative process in the defence sector reflects both **gaps in the regulatory framework** and **systemic problems in the legislative practice in general**:

- ① lack of a clear systemic approach to work planning and adherence to plans. *Ad hoc* formation and adjustment of the agenda, as well as legislative spam, lead to inefficient use of the Parliament's resources, delaying the consideration of draft laws, which sometimes leads to their loss of relevance;

- ② uncertainty and, accordingly, limited efficiency of the pre-drafting stage, which complicates the development of high-quality legislative initiatives;
- ③ insufficient transparency and openness of the public consultation process, which prevents from receiving feedback from stakeholders;
- ④ difficulties with the passage of draft laws in the Parliament, which can cause their long-term delay or amendments that change the original purpose of legislative initiatives;
- ⑤ fragmentation of analytics and application of preliminary impact assessment tools:
 - › deprives the legislative process of evidence and clear indicators to track the effectiveness of the decision made;
 - › does not provide the entities which have to adopt and/or sign the law with sufficient information about the need for regulation to achieve the goals of state policy, as well as about the consequences of adopting or not adopting a particular decision;
 - › reduces the quality of communication between participants in the legislative process;
- ⑥ some provisions of the VRU Rules of Procedure are 'dead' or simply do not work properly (e.g., *third reading, most of the deadlines, mandatory preparation of supporting documents for certain types of laws,¹ etc.*). Instead, living parliamentary practice creates hybrid procedures and mechanisms that are not provided for in the VRU Rules of Procedure;
- ⑦ President's violation of the constitutional deadline for signing a law adopted by the Parliament or the use of the veto power, which causes a delay in promulgation and enactment of the law. Some laws do not receive the President's signature at all and are actually left in a legislative vacuum without any possibility of implementation;
- ⑧ lack of effective mechanisms for monitoring the implementation of adopted laws and retrospective *impact assessment*, which complicates their implementation and evaluation of effectiveness.

This list should also contain a cross-cutting problem, which is the lack of quality communication and coordination between participants in the legislative process, and the lack or absence of political will can hinder the adoption of urgent decisions.

For example, the process of adopting the Law of Ukraine No. 3127-IX of 30 May 2023 'On Amending the Law of Ukraine "On General Military Duty and Military Service"' (draft law 9281), which concerns the replenishment of the mobilisation of human reserve, and the almost year-long delay in its signature by the President. Instead, the clear political will of the state leaders and the coordination of actions of all participants in the legislative process are a powerful driver for the rapid adoption and promulgation of decisions, as demonstrated by the process of adopting the Law of Ukraine No. 3943-IX of 3 September 2024 'On Amending Article 3 of the Law of Ukraine "On the Armed Forces of Ukraine"' (draft law No. 11507) on the establishment of a new separate branch of the AFU, namely the Unmanned Systems Forces.

Taken together, all of this negatively affects **the content and timeliness of** decisions that are of great importance for the state's defence capability, especially during armed aggression.

¹ For example, for the Law on approval of a Presidential Decree.

Recommendations

In general, the entire legislative process should be rethought, and the concept of an 'end-to-end legislative process' should be introduced through amendments to the Constitution and laws of Ukraine. Amending the Constitution is an issue with an uncertain outlook, especially given the martial law in Ukraine. However, it is crucial for Ukraine to introduce fundamental rules, principles, and algorithms to be followed in the planning, development, and adoption of legislation and to modernise the legislative process with due regard to actual practice.

This requires:

- ① Adapt legislation on legislative activities to the policy cycle. This will allow for informed, consistent and effective decision-making, in particular, ensure:
 - › coherence of legislative activities with the real needs of society;
 - › link between analysis, planning, implementation and evaluation of legislation;
 - › improving the quality of legislation;
 - › flexibility and adaptability to changes;
 - › enhanced accountability and transparency of the decision-making process.

Adapting the legislative process to the policy cycle is a key step towards building an effective, stable and strategically oriented public administration system.

- ② Introduce unified requirements for all holders of legislative initiative to prepare draft legal acts and, in particular, draft laws. This will help:
 - › improve the quality of draft laws;
 - › ensure legal consistency, predictability and stability of the legislative process;
 - › improve the decision-making mechanism;
 - › increase the liability of holders of legislative initiative, reduce legislative spam that overloads the Parliament and slows down its work;
 - › make the legislative process more efficient, transparent and predictable.
- ③ Strengthen the role of the Government in the legislative process. This is an important step to ensure consistency, efficiency and evidence-based state policy. The Government, as a key policy-making centre, is responsible for the development, coordination and implementation of state policy in all areas and has the necessary resources to justify policy based on evidence. A stronger role of the Government in the legislative process will contribute to:
 - › increased coordination and coherence of legislative initiatives;
 - › proper financial and economic assessment of the implementation of draft laws;
 - › justified and strategically coordinated adoption of laws;

- › prevention of legislation fragmentation;
- › ensuring the consistency of state policy.

In the context of the defence legislative process, in addition to the above, changes are needed in communication and coordination between key participants in this process at all of its stages.

Implementation of these measures will help achieve an optimal balance between the quantity and quality of legislative initiatives and ensure timely and informed decision-making. This is especially important not only under martial law but also during Ukraine's post-war recovery.

Introduction

The legislative process is a legally regulated procedure for adopting a law, which consists of certain logically completed stages. The VRU Rules of Procedure are the main legislative act that sets out parliamentary procedures. However, it does not fully reflect the end-to-end legislative process. A broader understanding of the process is provided by the Constitution of Ukraine, the Laws of Ukraine 'On Lawmaking', 'On Committees of the Verkhovna Rada of Ukraine' and the CMU Rules of Procedure.

The legislative process has a number of problems both at the level of legal regulation and at the level of practice of implementing regulatory provisions.

There is currently no systemic approach to updating and harmonising the legal framework. Unequal requirements for all holders of the right of legislative initiative to prepare draft laws cause the Parliament to be overloaded with a large number of unspecific, contradictory or technically flawed draft laws that divert attention from consideration and adoption of truly urgent decisions. Problems with the adoption of a law also arise at the stage of its signing (certification). As for the laws that have been duly enacted and/or put into effect, there are no clear mechanisms for implementing the norms and tracking their effectiveness. The lack of quality analytics and impact forecasts has a negative impact on quality and timely decision-making.

The purpose of this study is to track the peculiarities, challenges and problems of the legislative process in the defence sector. For this purpose, the legislative work in this area is considered within the framework of the general procedures defined by legislative acts, such as the Constitution of Ukraine, the VRU Rules of Procedure and the CMU Rules of Procedure, which regulate the current processes of drafting laws. The study also analyses the Law of Ukraine 'On Lawmaking', the enactment of which will affect the legislative process.

The study is based on desk research of public information (legislation, decisions of the Constitutional Court of Ukraine, academic articles, analytical studies, media publications, etc.) and in-depth semi-structured interviews with representatives of the MoD and the VRU Secretariat.

The peculiarities of lawmaking in the defence sector and the problems faced by the Government's legislative initiatives are studied on the example of four government draft laws.

Section I defines the participants in the defence legislative process and the distribution of their competence, as well as the main stages of the legislative process.

Section II analyses the processes of planning legislative activity and preparing draft laws, identifies differences in the preparation of draft laws by different holders of the right of legislative initiative, as well as the specifics of drafting draft laws in the MoD.

Section III describes the peculiarities of the legislative activities of the 9th Parliament and the procedures for passing draft laws in the Parliament. In the context of the general regulatory framework and practice of parliamentary procedures, it identifies the problems of consideration of government draft laws in the defence sector.

Section IV focuses on the rules and problems of the procedure of signing laws adopted by the Parliament, including government draft laws in the defence sector, and also covers the procedure of promulgation of laws.

Section V analyses the procedures for control, monitoring and evaluation of the adopted laws, as well as for reviewing laws.

Section I

General provisions

1. Distribution of competence of political actors in legislative activity in the military, defence and military construction sectors

The Constitution of Ukraine outlines the main provisions of legislative activity in Ukraine.

According to the Basic Law of Ukraine, the sole body of legislative power in Ukraine is the Parliament—the Verkhovna Rada of Ukraine.²

To draft laws, prepare and preliminarily consider issues, and perform oversight functions, the VRU establishes committees³ from among the MPs and may also establish temporary special commissions within its powers to prepare and preliminarily consider issues.

The committees work exclusively in certain areas of state policy, which are assigned to them by the VRU decision,⁴ and perform **three main functions**:

- › **drafting**—drafting laws, preliminary review and preparation of opinions on draft laws, revision of certain draft laws as instructed by the VRU following their consideration in the first reading, etc.
- › **organisational**—planning work, collecting and analysing information on issues within the committees' competence, organising parliamentary and committee hearings on these issues, participating in the formation of the agenda of the Verkhovna Rada's plenary sessions, preparing issues for consideration by the Verkhovna Rada in accordance with the mandates, participating in preliminary discussion of candidates for officials elected, appointed and approved by the Verkhovna Rada, and preparing opinions on these candidates, etc.
- › **oversight**—analysing the practice of application of legislative acts in the activities of public authorities and their officials, preparing and submitting relevant recommendations to the Verkhovna Rada, state budget execution oversight, interaction with specialised supervisory bodies (Accounting Chamber, the Ukrainian Parliament Commissioner for Human Rights), etc.

The Parliament as an institution, on the one hand, establishes committees to organise the preparation, preliminary study, and analysis of draft laws, as well as to prepare conclusions on them. On the other hand, it considers and adopts draft laws. MPs adopt laws, resolutions, and other acts by a majority of

² [Article 75](#) of the Constitution of Ukraine.

³ The 9th Verkhovna Rada has 23 committees.

⁴ VRU Resolution No. 19-IX of 29 August 2019 'On the List, Quantitative Composition and Mandates of the Committees of the Verkhovna Rada of Ukraine of the Ninth Convocation'.

the VRU's constitutional composition. Instead, committees play an expert role and contribute to the improvement of legislative initiatives.

According to the Constitution of Ukraine and the VRU Rules of Procedure, the President of Ukraine, Members of Parliament and the Cabinet of Ministers of Ukraine are **the holders of the right of legislative initiative**.

The **President of Ukraine** is the Head of State, the guarantor of state sovereignty and territorial indivisibility of Ukraine, the observance of the Constitution of Ukraine and implementation of the state's strategic course for Ukraine's full membership in the EU and NATO.⁵

The President ensures state independence, national security and the legal succession of the state, is the Supreme Commander-in-Chief of the Armed Forces, appoints and dismisses the high command of the AFU and other military formations, and exercises leadership in the areas of national security and defence.

The President also chairs the National Security and Defense Council of Ukraine and submits proposals for the appointment of the Prime Minister of Ukraine (on the proposal of a coalition of parliamentary factions in the VRU) and the Minister of Defence of Ukraine to the Parliament.⁶

At the meetings of the Parliament and in the work of its bodies, **MPs** exercise the rights granted to them by the Constitution and laws of Ukraine. In particular, MPs have the right to take legislative initiatives in the Parliament, which are implemented in the form of submitting draft laws, draft resolutions, and other legislative proposals to the VRU in accordance with the procedure established by the VRU Rules of Procedure.⁷

The **Cabinet of Ministers of Ukraine** is the supreme body in the system of executive authorities.

The Government exercises executive power directly and through ministries, other central executive authorities, the Council of Ministers of the Autonomous Republic of Crimea and local state administrations, and directs, coordinates and controls the activities of these bodies.

The CMU is responsible to the President and the Parliament and is controlled and accountable to the Parliament within the limits provided by the Constitution of Ukraine.⁸

The CMU activities are aimed at ensuring the interests of the Ukrainian people through the implementation of the Constitution and laws of Ukraine, acts of the President, as well as the Government Action Programme approved by the VRU, and addressing public administration issues in a number of state policy areas, including national security and defence capability.⁹

The Cabinet of Ministers of Ukraine submits draft laws to the Parliament under the VRU Rules of Procedure. In turn, the CMU Rules of Procedure set out the requirements for the preparation of draft laws and their execution for submission to the Government and, after the Government's approval, to the Parliament.

Government draft laws are prepared by ministries and the Secretariat of the Cabinet of Ministers of Ukraine.

⁵ [Article 102](#) of the Constitution of Ukraine.

⁶ [Article 106](#) of the Constitution of Ukraine.

⁷ [Articles 11–12](#) of the Law of Ukraine 'On Status of People's Deputy of Ukraine'.

⁸ [Article 1](#) of the Law of Ukraine 'On the Cabinet of Ministers of Ukraine'.

⁹ [Article 19](#) of the Law of Ukraine 'On the Cabinet of Ministers of Ukraine'.

Draft laws in the defence sector are prepared by the **Ministry of Defence of Ukraine**, the main body in the system of central executive authorities that ensures the formulation and implements state policy on national security in the military, defence and military construction sectors in peacetime and in a special period,¹⁰ in particular with regard to:

- › organising defence planning activities in the defence forces;
- › defining the principles of military, military personnel and military-technical policy.

The Minister of Defence exercises military and political leadership of the Armed Forces of Ukraine directly and through their subordinate deputies and the Commander-in-Chief of the Armed Forces.

The **National Security and Defense Council of Ukraine** is also involved in defence policy-making as a coordinating body for national security and defence under the President of Ukraine.¹¹ In particular, the NSDC develops and makes decisions on:

- › defining Ukraine's strategic national interests, conceptual approaches and areas of national security and defence;
- › draft state programmes, doctrines, laws of Ukraine, other regulations and documents on national security and defence.

Each of these entities contributes to policy formulation, development of tools for its introduction, implementation, evaluation of its effectiveness and tools for its implementation, and initiation of revision of policy and tools for its implementation.

There are differences in the processes of drafting laws for the holders of the right of legislative initiative at the level of legal regulation, which will be discussed below.

2. Main stages of the legislative process

The legislative process is a legally regulated procedure for adopting a law, which consists of certain logically completed stages. The Verkhovna Rada's Rules of Procedure are the main legislative act that sets out parliamentary procedures. The Verkhovna Rada's Rules of Procedure do not fully reflect the end-to-end legislative process. A broader understanding of the process is provided by the Constitution of Ukraine, the Laws of Ukraine 'On Lawmaking', 'On Committees of the Verkhovna Rada of Ukraine' and the Rules of Procedure of the Cabinet of Ministers of Ukraine. *The legislative process can be divided into several stages (see Table 2). The current regulation of the legislative procedure does not include a pre-drafting stage and a post-legislative scrutiny stage. The Law of Ukraine 'On Lawmaking' will be enacted 12 months after the termination or cancellation of martial law. However, it does not clearly distinguish between the pre-drafting stage and post-legislative oversight, which is presented as legal monitoring, the regulation of which still needs to be clarified.*

¹⁰ Regulation on the Ministry of Defence of Ukraine, approved by the Resolution of the Cabinet of Ministers of Ukraine No. 671 of 26 November 2014 (as amended).

¹¹ Article 1 of the Law of Ukraine 'On Council of National Security and Defense of Ukraine'.

Table 2

Stages of the legislative process

Stage	Description of the stage
Planning of legislative work	The legislative activity is planned on the basis of policy analysis, tasks defined by laws, programmatic documents, strategic and defence planning documents and Ukraine's international commitments.
Pre-drafting stage (legislative proposal)	Pre-drafting studies (green paper, impact assessment, white paper, concept) are carried out. A legislative proposal in the form of a concept of a draft code or primary law that justifies the expediency or need to adopt or amend a law is presented by the holder of a legislative initiative at a meeting of a Verkhovna Rada committee, which, in accordance with the committee's competence, is responsible for the preparation and preliminary consideration of the draft law.
Drafting stage (preparation of the draft law)	The text of the draft law and supporting documents are being prepared. Approval and examination procedures are carried out to verify the legal force and feasibility of the draft law (for government draft laws).
Submission of a draft law to the Verkhovna Rada (legislative initiative)	The draft law is registered with the VRU Secretariat, entered into the unified automated system and posted on the VRU website. The main committee and other committees that will review the draft law are appointed, and expert examinations are conducted. Following the preliminary review of the draft law, the main committee decides whether it should be included in the agenda or returned to the drafter. The draft law is included in the agenda.
Consideration and adoption of the law	The draft law is considered in three readings. The draft law prepared for the second reading is processed by the legal and editorial departments of the VRU. The law is adopted exclusively at the plenary session after discussion of issues by a majority vote of the MPs from the constitutional composition of the VRU (except as provided by the Constitution and the VRU Rules of Procedure). The final text of the adopted law is prepared for signature by the Chair of the VRU (in particular, a reference electronic text of the original is prepared), and inaccuracies and inconsistencies in the adopted law are eliminated, if necessary.
Signing	The Chair of the VRU signs the adopted law. The law is immediately sent to the President for signature. On the President's instructions, the Government examines the adopted law and submits its proposals on the expediency of signing or vetoing it. The President signs or vetoes the law and returns it to the Parliament with comments and proposals. The law adopted after reconsideration is submitted for signature to the Chair of the VRU and immediately sent to the President.

Stage	Description of the stage
Making the adopted law known to the public	<p>The President officially promulgates the law of Ukraine after signing it by posting the text of the law on the President's official website.</p> <p>Official promulgation of a law means publication in the <i>Holos Ukrainy</i> newspaper and in the <i>Bulletin of the Verkhovna Rada of Ukraine</i>, as well as posting on the VRU official website.</p> <p>The law is included in the Unified State Register of Legal Acts,¹² where the registration code assigned to it is indicated.</p>
Entry into force of the law	<p>The law enters into force 10 days after its official publication, unless otherwise provided by the law itself, but no earlier than the day of its publication.</p> <p>The moment the law comes into force is 00:00 of the day following the day of its publication.</p>
Post-legislative scrutiny	<p>The status of preparation of draft bylaws, the adoption of which is necessary to ensure the implementation of the law, is scrutinised.</p> <p>The assessment encompasses:</p> <ul style="list-style-type: none"> › effectiveness of laws, their application and impact on society; › achievement of expected goals; › unintended consequences (if any); › relevance; › economic efficiency. <p>New problems are identified.</p> <p>The need to revise the law is determined.</p>

Sources: Constitution of Ukraine;
VRU Rules of Procedure;
Law of Ukraine 'On Lawmaking'.

Poor execution or omission of any stage in the policy or legislative cycle has the following risks:

- › undesirable and unexpected results or even failure either at the legislative or policy implementation stage;
- › constant introduction of unsystematic amendments to laws, which makes it difficult for citizens and business entities to perceive the level of certainty and stability of the legal framework and its accessibility.

In turn, the legislative process only conditionally ends with the adoption of a law and its entry into force. The next step is to ensure the implementation of the law, as well as to monitor and evaluate its effectiveness. Following the assessment of the effectiveness of the adopted law, a decision may be made to revise it, and the legislative process starts in a new circle.

The need to amend legislation may also arise as a result of other, sometimes unforeseen, circumstances. Such circumstances included the COVID-19 pandemic, russia's full-scale aggression against Ukraine, Ukraine's candidate status for EU membership, the European Commission's adoption of the

¹² The Unified State Register of Legal Acts is introduced in accordance with the Law of Ukraine 'On Lawmaking', which comes into force on the day following the day of its publication and is put into effect one year after the date of termination or cancellation of martial law in Ukraine.

enlargement package and detailed assessment of Ukraine's progress towards EU membership and the status of a NATO Enhanced Opportunities Partner.

Thus, the legislative process is, to some extent, cyclical, and its schematic view is illustrated in Figure 1.

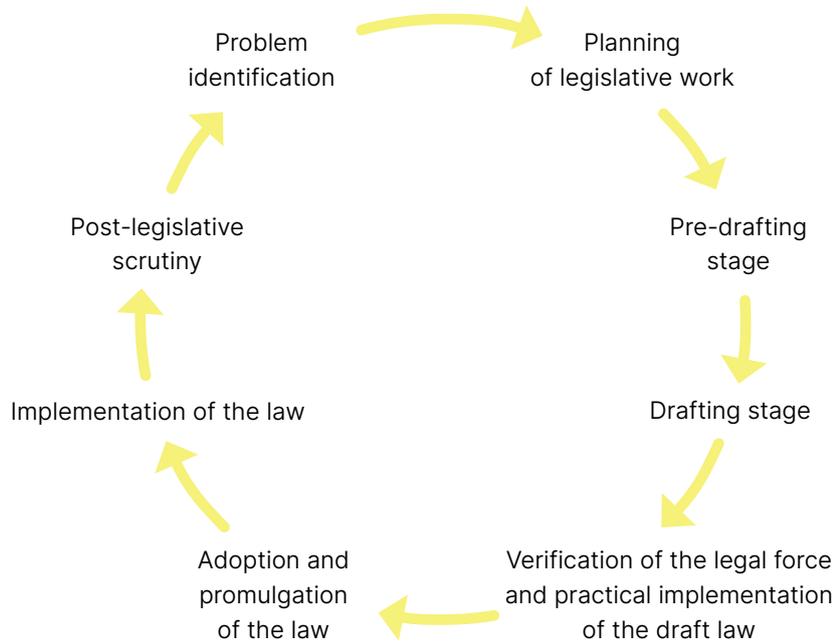


Figure 1. Legislative cycle

Thus, the legislative process is **cyclical**, as it goes through **repeated stages** that ensure that legislation is adapted to changes related to new realities and challenges, as well as corrects mistakes made in the previous cycle.

Section II

Draft law preparation

1. Planning of legislative work

1.1. State of regulatory framework

Planning is the first stage of legislative work. Ukrainian legislation defines only certain elements of legislative planning. However, the law does not define the concept of ‘planning of legislative work’, which would provide a comprehensive understanding of the content of planning, what it is based on, by who and how it is implemented, and what its expected results are.

Since 2019, Article 19¹ of the VRU Rules of Procedure has provided for the preparation and approval of the VRU Legislative Work Plan (hereinafter—the LWP) for the relevant year, which consists of proposals from the VRU committees, summarised by the VRU Secretariat and agreed by the Conciliation Board. The LWP contains:

- › a list of issues requiring legislative regulation;
- › justification of the need to develop draft laws;
- › tentative titles of draft laws and deadlines for their submission;
- › persons responsible for drafting laws;
- › information on the priority of submission and consideration of draft laws.¹³

There is no limit to the number of legislative initiatives in the LWP and the VRU Rules of Procedure. The Rules of Procedure are not a priority when formulating the agenda of the VRU’s regular session.¹⁴ This means that the draft laws included in the LWP compete with unplanned legislative initiatives of MPs, the Government and the President on the agenda. Consequently, the Parliament does not have time to process and decide on the planned draft laws, and the next year’s LWP includes draft laws that were not developed or submitted to the VRU or were not considered during the previous sessions of the VRU.

The VRU Rules of Procedure stipulate that the committees submit to the Parliament a report on the implementation of the previous year’s LWP every January at the end of the VRU’s regular session. However, such reports are not available in the public domain.

¹³ Law of Ukraine No. 162-IX of 3 October 2019 ‘On Amending the Rules of Procedure of the Verkhovna Rada of Ukraine on Planning and Systematic Nature of Legislative Activity of the Verkhovna Rada of Ukraine’.

¹⁴ [Articles 20 and 21](#) of VRU Rules of Procedure.

It is impossible to plan legislative work without the participation of the Government, since it is the Government that is responsible for implementing state policy in the areas that fall within its competence under the Constitution and the Law of Ukraine 'On the Cabinet of Ministers of Ukraine'.¹⁵

The basis for the activities of the CMU is the Action Programme of the Cabinet of Ministers of Ukraine (Government Action Programme, GAP) approved by the Parliament, which is based on the agreed political positions and programme objectives of the coalition of parliamentary factions in the VRU. The GAP shall contain programme goals, criteria and deadlines for achieving the programme goals and tasks that are necessary to accomplish the goals, deadlines for completing such tasks and other information provided by the Government.¹⁶

The GAP shall be approved by a majority of the constitutional composition of the Parliament.¹⁷ However, the 21st composition of the Government of Denys Shmyhal, formed on 4 March 2020, until 17 July 2025, worked on the basis of the GAP, which has not been approved by the Parliament.¹⁸

The Government plans its work not only on the basis of the GAP but also on the basis of and in pursuance of the laws of Ukraine, presidential decrees and resolutions of the VRU adopted in accordance with the Constitution and laws of Ukraine. In particular, the Government develops and approves:

- ▶ Medium-Term Government Action Plan (for a 3-year period)—comprehensively defines the ways to achieve the programme goals of the GAP with due regard to the principles of domestic and foreign policy established by the Parliament;
- ▶ Government Priority Action Plan (for a period of up to 1 year)—reflects tasks and measures (steps), including rulemaking, for the preparation of regulatory and other legal acts, determines the deadlines for the implementation and executors of such tasks and measures, and the expected results of the implementation of measures.¹⁹

The SCMU prepares such plans based on the proposals from ministries and other central executive authorities (CEAs).

With the introduction of legislative work planning in the VRU Rules of Procedure in 2019, the CMU Rules of Procedure eliminated the regulatory mechanism for planning the Government's legislative work and the instrument for formulating government legislative initiatives. On 9 October 2019, even before the Law introducing the LWP came into force,²⁰ all provisions related to the Government's legislative work planning, including those on the development of long-term (5-year) and current (*indicative*) plans (1-year) of the Government's legislative work, the procedure for drawing up and submitting reports on the status of implementation of these plans, **were excluded from the CMU Rules of Procedure**.²¹ This indicates that at the beginning of the reform of the Parliament's legislative activity,

¹⁵ [Article 2](#) of the Law of Ukraine 'On the Cabinet of Ministers of Ukraine'.

¹⁶ [Article 11](#) of the Law of Ukraine 'On the Cabinet of Ministers of Ukraine'.

¹⁷ *Ibid.*

¹⁸ The Government Action Programme, approved by the CMU Resolution No. 471 of 12 June 2020, was not approved by the VRU (draft Resolution No. 3330).

¹⁹ [§4, §5](#) of Section 2 of CMU Rules of Procedure.

²⁰ [The Law of Ukraine No. 162-IX of 3 October. 2019 'On Amending the Rules of Procedure of the Verkhovna Rada of Ukraine on Planning and Systematic Nature of Legislative Activity of the Verkhovna Rada of Ukraine'](#) entered into force on 23 October 2019.

²¹ According to [CMU Resolution No. 874 of 9 October 2019 'On Amending the Resolutions of the Cabinet of Ministers of Ukraine No. 950 of 18 July 2007 and No. 512 of 31 May 2017'](#), §§66–69 of Chapter 1 'Planning of legislative work' of Section 6 'Legislative work' were excluded from the CMU Rules of Procedure.

there was no quality communication between the Parliament and the Government and no agreed position on the format of cooperation.

In practice, consultations between ministers and VRU committees are held to formulate proposals for the LWP, during which issues requiring legislative regulation over the next year are identified and tasks for drafting laws are distributed among ministries and committees. Consultations are held within a fairly short timeframe. All proposals of the ministries and VRU committees are agreed upon at a meeting of the relevant committees.²²

Planning the preparation of draft regulatory acts

The planning of legislative activities should be coordinated with the planning of the preparation of laws regulating economic and administrative relations between regulatory authorities²³ or other public authorities and business entities.

The preparation of draft regulatory acts²⁴ (RAs) based on plans is regulated by the Law of Ukraine 'On the Principles of Regulatory Policy in Economic Activity'. This Law defines the requirements for:

- › development of CEAs' action plans based on the approved CMU action plan for the preparation of draft RAs;
- › deadlines for approving regulatory authorities' action plans for drafting RAs for the next calendar year (no later than 15 December of the current year);
- › the content of the action plan for drafting RAs (types and titles of drafts, objectives of their adoption and deadlines for their preparation, names of bodies and units responsible for the development of draft RAs);
- › publication of approved action plans for the preparation of draft RAs and amendments to such plans (no later than 10 days after their approval);
- › updating plans for drafting RAs.

According to the Law of Ukraine 'On the Principles of Regulatory Policy in Economic Activity', the Verkhovna Rada is a regulatory body,²⁵ and the VRU Rules of Procedure shall regulate the procedure for the implementation of state regulatory policy by the Parliament. In particular, the VRU Rules of Procedure shall define:²⁶

- › the procedure for planning the VRU's activities in drafting regulatory laws;

²² Interview with a representative of the VRU Secretariat.

²³ Regulatory authority means the VRU, the President, the CMU, the National Bank of Ukraine, the National Television and Radio Broadcasting Council of Ukraine, other public authorities, the central executive authority, the Verkhovna Rada of the Autonomous Republic of Crimea, the Council of Ministers of the Autonomous Republic of Crimea, local executive authority, local government, as well as an official of any of the above bodies if this person is authorised to adopt regulatory acts alone under the law. Regulatory authorities also include territorial bodies of central executive authorities, state specialised institutions and organisations, and non-profit self-governing organisations that manage and administer certain types of compulsory state social insurance if these bodies, institutions and organisations adopt regulatory acts in accordance with their powers.

²⁴ A regulatory act is a legal act adopted by an authorised regulatory body which or whose certain provisions are aimed at the legal regulation of business relations and administrative relations between regulatory authorities or other governmental authorities and business entities.

²⁵ Article 1 of the Law of Ukraine 'On the Principles of Regulatory Policy in Economic Activity'.

²⁶ Article 15 of the Law of Ukraine 'On the Principles of Regulatory Policy in Economic Activity'.

- › the procedure for consideration of regulatory draft laws by the VRU;
- › the procedure for ensuring the principle of transparency and taking into account public opinion in the implementation of the state regulatory policy by the Parliament;
- › the procedure for monitoring the effectiveness and review of regulatory laws.

The VRU Rules of Procedure do not contain such provisions, which is inconsistent with the principles of the state regulatory policy to establish a unified approach to the preparation of regulatory acts.

Future regulation

The principles of lawmaking planning are set out in the Law of Ukraine ‘On Lawmaking’ adopted in 2023. The purpose of lawmaking planning is to ensure the predictable development of public policy, unity and continuity of the process of preparing and adopting (publishing) legal acts and coordinated lawmaking. To this end, lawmakers are expected to adopt current and long-term planning, taking into account Ukraine’s international legal obligations, areas, priorities and goals set out in programmatic documents, as well as public policy documents defined by this Law:

- ① **analytical documents of public policy**—green paper, impact assessment, white paper, concept;
- ② **public policy forecasting documents (legal planning documents)** developed to determine the long-term legal regulation of social relations, increase the efficiency of lawmaking planning, unify and systematise legislation;
- ③ **public policy programmatic documents**—programme-targeted documents reflecting the priority areas of public policy development, defining and justifying the strategic goals of public policy.

Table 3

Current and long-term planning of legislative work

Type of planning	Term of planning	Planning mechanism ²⁷
Current planning	up to 1 year	Approval of the VRU's legislative work plan for the current year, i.e., the next two regular sessions, in January at the end of the regular session. The LWP is prepared in accordance with the procedure established by the VRU Rules of Procedure.
Long-term planning	over 1 year	Approval of the GAP, development and approval of other plans and programmes for the long-term development of Ukrainian legislation. An integral element of the GAP is an indicative list of draft laws to be developed by the government to implement it.

Source: Article 24 of the Law of Ukraine ‘On Lawmaking’.

Thus, according to the Law on Lawmaking, the legislative planning process has two integral elements: an indicative list of draft laws to be developed to implement the GAP and the LWP for the relevant year.

²⁷ Means by which planned decisions are adopted and their implementation is ensured.

According to the final provisions of the Law of Ukraine ‘On Lawmaking’, the following amendments were made to the VRU Rules of Procedure:

- › Article 19¹ is set out in a new version,²⁸ which changes the algorithm for LWP development (based on the Government’s submission of a list of government legislative initiatives), provides for the possibility of its adjustment and reporting on its implementation (interim—quarterly and final—annually);
- › the amendments to Article 20 give priority to the draft laws included in the LWP when setting the agenda for the regular session of the Parliament.

However, this algorithm also does not take into account the actual capacity of the Parliament to process and adopt draft laws, as **it does not provide for limits on the volume (number) of items that can be included in the LWP,**²⁹ nor does it exclude the possibility of submitting draft laws not provided for in this plan to the Parliament.

The Law of Ukraine ‘On Lawmaking’ mentions the Law of Ukraine ‘On the Principles of Regulatory Policy in Economic Activity’ only in the context of the need to prepare regulatory impact analyses for draft regulatory acts, but does not provide for the coordination of current and long-term planning of legislative activities with plans for the preparation of draft regulatory acts.

The amendments to the VRU Rules of Procedure, which will be enacted simultaneously with the Law of Ukraine ‘On Lawmaking’, regulate in more detail the organisation of planning of legislative activities and control over the implementation of such plans, strengthen the Government’s positions in shaping the Parliament’s agenda and allow for adjustments to the LWP if necessary. In other words, the lessons have been learned, but the outcome is intended for the future.

The scheme for planning the legislative work is given in Chart 1.

²⁸ Article 19¹ of VRU Rules of Procedure.

²⁹ In its opinion on the draft law No. 5178 of 1 March 2021, the MSED notes that under Article 19 of the Rules of Procedure, under normal circumstances, the total amount of plenary time is approximately 400 hours per year, with a significant part of this time spent on ‘non-legislative’ issues. Therefore, if the LWP is not a formality but a document that is actually adopted for its further implementation, the number of items in it should be such **that the Parliament has a real opportunity to consider the draft laws included in the LWP during the year.**

Planning of legislative work

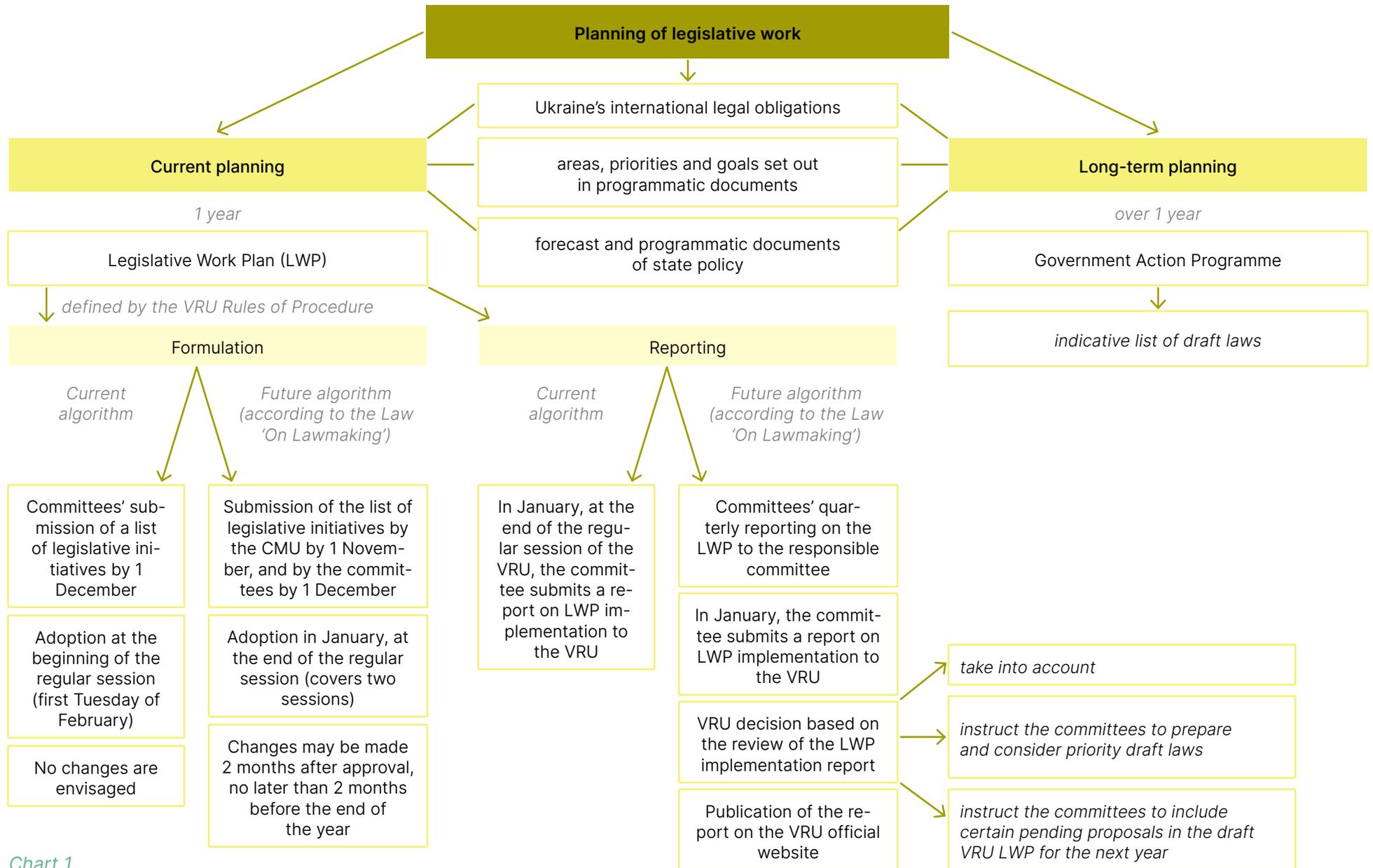


Chart 1

1.2. Planning of legislative activity in the defence sector

Planning of legislative activity in the defence sector generally begins with strategic and defence planning after the newly elected President of Ukraine takes office. It is this event that triggers the development of the main long-term planning document that defines the main areas of state policy in the field of national security and defence—the National Security and Defence Strategy of Ukraine, which defines:

- › priorities of Ukraine’s national interests and national security, goals, and main areas of the state policy in the field of national security;
- › current and forecast threats to the national security and national interests of Ukraine, taking into account foreign and domestic conditions;
- › main areas of the state’s foreign policy activity to ensure its national interests and security;
- › areas and tasks of reforming and developing the security and defence sector;
- › resources required for its implementation.

The Strategy is the basis for the preparation of all other national security and defence planning documents (see Table 4).

Table 4

Strategic planning in the field of national security and defence

Planning stage	Content of the stage
National security and defence strategy	<ul style="list-style-type: none"> › developed on the instructions of the President of Ukraine within 6 months after taking office; › agreed by the NSDC decision and approved by the President of Ukraine; › if necessary, the President of Ukraine may amend the Strategy in the prescribed manner.
Comprehensive Security and Defence Sector Review (CSDR)	<ul style="list-style-type: none"> › conducted by the NSDC decision, which is enacted by a decree of the President of Ukraine; › includes the defence review, reviews of public security and civil protection, the military-industrial complex, intelligence agencies of Ukraine, the national system of combating terrorism, the state of cyber defence of state information resources and critical information infrastructure and integrated management of the state border of Ukraine; › scientific and methodical support for the CSDR is provided by the National Institute for Strategic Studies; › the results of the reviews are used to develop a long-term model of the security and defence sector; › reports on the results of the comprehensive security and defence sector review and individual reviews are submitted to the NSDC for approval.

Planning stage	Content of the stage
Military Security Strategy (MSS)	<ul style="list-style-type: none"> › developed by the MoD under the NSDC decision, enacted by a decree of the President of Ukraine based on the results of the defence review and submitted to the Government for consideration in the prescribed manner; › the Government submits the MSS to the NSDC for approval and further enactment by a decree of the President of Ukraine following the consideration; › the MSS defines the ways to achieve the goals and priorities of state policy in the military, defence, and military construction sectors. It is also the basis for the preparation of the Strategic Defence Bulletin and programmatic documents in these sectors.
Strategic Defence Bulletin (SDB)	<ul style="list-style-type: none"> › developed by the MoD and submitted to the Government for consideration in the prescribed manner; › the Government submits the SDB to the NSDC for approval and further enactment by a decree of the President of Ukraine following the consideration; › the SDB is the basis for the development of state-targeted programmes aimed at developing elements of the defence forces and solving problems of ensuring the defence of the state, other programmatic, planning documents and projects on the development of the defence forces' capabilities.
SDB Implementation Plan	<ul style="list-style-type: none"> › defines the areas that will require legal regulation (including legislative work), tasks, measures, deadlines and implementers of the SDB.
Planning of legislative work	<ul style="list-style-type: none"> › an indicative plan for the preparation of draft laws and other legal acts by the MoD for the relevant year; › the MoD action plan for the preparation of draft regulatory acts for the relevant year; › preparation of proposals for the VRU's LWP for the relevant year; › approval of the VRU's LWP for the relevant year by the VRU's resolution.

Sources: Articles 26–28 of the Law of Ukraine 'On National Security'; Decree of the President of Ukraine No. 473 of 17 September 2021 'On the Decision of the National Security and Defense Council of Ukraine of 20 August 2021 "On the Strategic Defence Bulletin of Ukraine"'.

Another factor that influences the legislative process in the defence sector is the Government Action Programme and the priority action plans of the Cabinet of Ministers of Ukraine for the relevant years. As is known, the Action Programme of the current (as of the beginning of 2025) Government is not approved by the Parliament in accordance with the established procedure. However, the Government Priority Action Plan (GPAP) is approved annually. Currently, the GPAP for 2025 is in force,³⁰ which, *inter alia*, defines the tasks of the MoD in drafting laws.

In addition, the Government annually submits proposals to the VRU for the LWP, and the Ministry of Defence submits such plans to the CMU beforehand.

Thus, the MoD plans for legislative work are determined, on the one hand, by strategic and defence planning documents and, on the other hand, by the GPAP for the relevant year (see Figure 2).

³⁰ CMU Order No. 131 of 18 February 2025 'On Approval of the Government Priority Action Plan for 2025'.

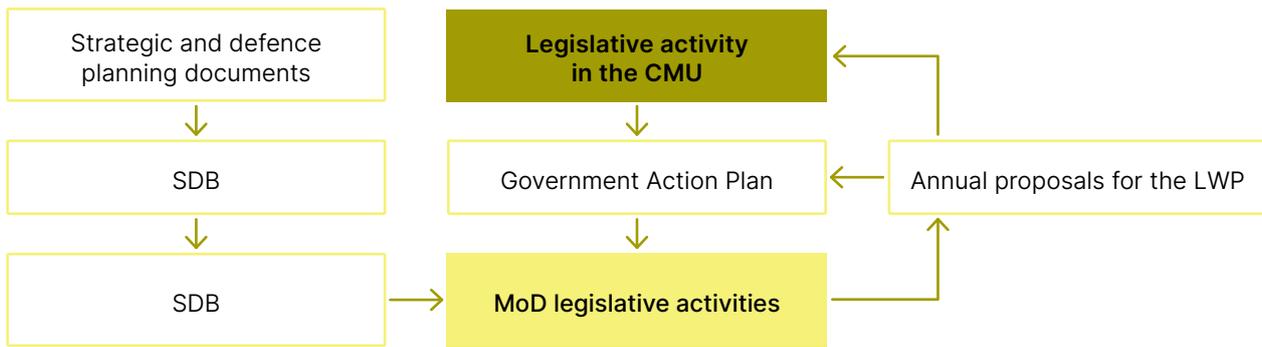


Figure 2. Scheme of the legislative procedure in the defence sector

Internal procedures for planning legislative work in the MoD³¹

The issues of documenting management activities are regulated by standard instructions approved by the CMU, which should be complied with by the instructions on record keeping approved by ministries and other CEAs.³² The internal procedures for planning legislative work in the MoD are set out in the Instruction on Record Keeping and Documentation of Management Information in the Ministry of Defence of Ukraine, approved by Order of the Ministry of Defence of Ukraine No. 638 of 27 October 2023 (hereinafter—the Instruction on Record Keeping in the MoD).³³

The indicative plan for the preparation of draft legislative and other legal acts in the MoD for the year and the MoD Action Plan for the preparation of draft regulatory acts for the relevant year (hereinafter—the MoD plans) are developed on the basis of proposals from structural units, taking into account the tasks defined by the laws of Ukraine, acts and instructions of the President of Ukraine, acts of the Cabinet of Ministers of Ukraine and instructions of the Prime Minister of Ukraine, orders of the MoD and instructions of the MoD leadership.

Structural units of the MoD:

- › formulate proposals for the MoD plans in accordance with the tasks set by the leadership, as well as proactively on issues within their competence;
- › submit proposals for the MoD plans for the next year to the legal service of the MoD Staff (annually by 1 November).

The legal service of the MoD Staff:

- › analyses the submitted proposals and drafts the MoD plans for the next year;
- › coordinates the draft work plan of the MoD with structural units;
- › submits the draft plans agreed with the structural units to the Minister of Defence for approval on an annual basis:
 - › *by 1 December*—the Action Plan of the Ministry of Defence of Ukraine for the preparation of draft regulatory acts for the next year;

³¹ Interviews with MoD representatives.

³² CMU Resolution No. 55 of 17 January 2018 ‘Certain Issues of Documentation of Management Activities’.

³³ The Instruction is not available in the public domain; there are only amendments to this Instruction approved by MoD Order No. 184/nm of 19 March 2024 ‘On Approval of Amendments to the Instruction on Record Keeping and Documentation of Management Information in the Ministry of Defence of Ukraine’.

- › *by 15 December*—Indicative plan for the preparation of draft legislative and other legal acts in the Ministry of Defence of Ukraine for the next year.

The organisation of internal planning procedures is generally in line with the deadlines for the development of the LWP for the relevant year, as set out in the VRU Rules of Procedure.³⁴

The MoD plans for the current year may be supplemented (refined) to take into account new tasks that involve the preparation of draft acts.

Proposals of structural units to supplement the MoD plans are submitted to the legal service of the MoD Staff on a monthly basis by the 20th day of the month.

Based on the analysis and summary of proposals from structural units, the legal service of the MoD prepares draft amendments to the MoD plans, which are submitted for approval to the State Secretary of the Ministry of Defence of Ukraine.

Based on the MoD plans, the structural units prepare plans for the preparation of draft legislative and other legal acts and orders of the MoD for the relevant year, which are approved by the heads of the structural units. These plans of structural units may also be adjusted if necessary.

Thus, **there are two scenarios in the MoD's legislative activity—planned and unplanned**—as a response to challenges and problems that require urgent solutions at the level of law.

Under the first (planned) scenario, draft laws No. 4210 of 12 October 2020 and No. 8187 of 7 November 2022 were prepared in pursuance of Presidential Decree No. 837 of 08 November 2019 'On Urgent Measures to Reform and Strengthen the State'. This Decree defines the measures to be taken in the area of defence capability, in particular:

- › by 30 June 2020: development of the SDB and the Defence Plan of Ukraine;
- › by 31 December 2020:
 - › development and submission to the VRU of draft laws on improving the procedures for defence planning, defence resource management, organisation and conduct of territorial defence, as well as the peculiarities of the state's functioning in case of a declaration of war, taking into account the experience of NATO and EU member states;
 - › codification of defence legislation.³⁵

Also, in September 2021, the SDB was approved,³⁶ which defined:

- ① the main areas for the implementation of Ukraine's military policy, which should focus on both repelling and deterring Russia's armed aggression against Ukraine and reforming the defence sector, in particular:
 - › acquisition by the central executive authorities and other public authorities of the necessary institutional capacities to conduct mobilisation in a timely and organised manner, meet

³⁴ Pursuant to Article 19¹, the VRU committees submit proposals on issues requiring legislative regulation, taking into account the Action Programme and the indicative plan of legislative work of the Cabinet of Ministers of Ukraine by 31 December of the year preceding the current one.

³⁵ Article 1(11)(c),(e) of the Decree of the President of Ukraine No. 837 of 8 November 2019 'On Urgent Measures for Reforms and Strengthening the State'.

³⁶ Decree of the President of Ukraine No. 473 of 17 September 2021 'On the Decision of the National Security and Defense Council of Ukraine of 20 August 2021 "On the Strategic Defence Bulletin"'.

the needs of the state's defence and protection of its territory from possible aggression and effectively manage defence resources;

- › developing the capabilities of the defence forces in the context of preparing for the comprehensive defence of Ukraine;
 - › implementation of best practices, principles, and standards of NATO member states in the defence forces, as well as participation in joint operations and exercises to achieve NATO membership criteria with further integration into Euro-Atlantic security structures.
- ② a long-term model of the AFU and other components of the defence forces, requirements for its construction, mission and vision of the defence forces of 2030, key capabilities and strategic development goals;
 - ③ the main capabilities of the defence forces to be achieved;
 - ④ strategic goals for the development of the defence forces until 2025, main tasks and expected results of their achievement;
 - ⑤ political areas of reforming the MoD and the AFU, covering measures until 2030:
 - › introduction of democratic civilian control (DCC) and the principle of subordination: the head (commander) of a military formation is accountable to the minister (head of CEA, other public authority) who manages or directs and coordinates the activities of this military formation;
 - › separation of the function of generating troops (forces) from the function of their employment;
 - › joint nature of operations;
 - › decentralisation of authority to perform the task;
 - › unity of command in management: the command of certain forces and means is carried out by a single commander who has the appropriate authority and responsibility;
 - › a clear chain of command.

These documents became the basis for planning the legislative work of the MoD and preparing draft laws No. 4210 of 12 October 2020 and No. 8187 of 7 November 2022.

The **LWP for 2020** envisages the development and submission to the Parliament in the fourth quarter of 2020 of a government draft law on amending certain laws of Ukraine to improve defence planning procedures (paragraph 480). The development of this draft law is justified by the need *to implement NATO management principles in the system of unified command and control of the defence forces and military management of the Armed Forces of Ukraine*.

The government draft law 'On Amending Certain Laws of Ukraine to Improve Defence Planning Procedures' (No. 4210 of 12 October 2020) was submitted to the VRU. According to the explanatory note, the draft law was developed to improve defence planning procedures, taking into account the experience of NATO and EU member states, and to ensure the implementation of the Government action priorities 16.1 'Reform of the National Security and Defence Sector (together with other components of the sector)' and 16.2 'Effective Armed Forces', as defined in the Government Action Programme, approved by the Resolution of the Cabinet of Ministers of Ukraine No. 471 of 12 June 2020.

The **LWP for 2021** also envisaged the development of another draft law *on strengthening democratic civilian control over the security and defence sector* (paragraph 306), the expected results and indicators of which, if adopted, are as follows: *strengthening democratic civilian control over the security*

and defence sector of Ukraine, increasing the responsibility of officials and officers of the security and defence sector of Ukraine.

The VRU's LWP for 2022 again includes draft law 4210 *on amending certain laws of Ukraine to improve defence planning procedures* (paragraph 4) with an updated justification for the need to adopt the draft law:

- › *strengthening democratic civilian control over Ukraine's security and defence sector, increasing the accountability of officials and officers of Ukraine's security and defence sector;*
- › *introduction of a new unified command and control system for the defence forces.*

That is, the plans changed in the Parliament by 2022, and the subject matter of the draft law was expanded.

In order to introduce the most transparent and improved processes of defence resource management to provide the defence forces, the LWP for 2020 envisaged the development of a government draft law *on amending certain laws of Ukraine to improve defence resource management procedures* (paragraph 481).

In 2022, the government draft law *on amending the Law of Ukraine 'On Defence of Ukraine' to improve defence resource management procedures* (No. 8187 of 7 November 2022) was submitted to the VRU with the aim to improve defence resource management procedures, taking into account the experience of NATO and EU member states.

According to the explanatory note, the main provisions of the draft law relate to:

- › defining key terms;
- › supplementing the powers of defence resource management entities to ensure an adequate level of defence capability of the state, creation, development and maintenance of the necessary capabilities of the defence force components, taking into account the experience of NATO and EU member states;
- › supplementing the Law with a new section, 'Defence Resource Management', which specifies the purpose of management, issues related to the defence resource management system and defines the basic principles of planning measures for defence resource management.

This draft law was next included in the LWP for 2023 under a different title '*On Amending the Law of Ukraine "On Defence of Ukraine" to Improve Defence Planning Procedures*' (paragraph 235), with the following justification for the need for adoption and expected results (if adopted): improvement of the defence resource management procedure, taking into account the experience of NATO and EU member states, in particular:

- › defining key terms, supplementing the powers of defence resource management entities to ensure an adequate level of defence capability of the state, creating, developing and maintaining the necessary capabilities of the defence force components;
- › applying the principles of programme and project management as a basis for effective defence resource management based on the experience of NATO and EU member states.

At the same time, according to the VRU website, the titles of draft law 8187 and the Law of Ukraine No. 3194-IX of 29 June 2023 adopted by the Parliament do not differ from the title of the draft law submitted to the VRU.

Thus, the planning of the VRU's legislative work is rather conditional, as the plans may undergo significant changes in the Parliament. Previously planned separate legislative proposals may be merged into a single draft law, and the deadlines for drafting laws may be pushed back to the following years.

Under the second (unplanned) scenario, draft laws No. 9281 of 9 May 2023 and No. 11507 of 21 August 2024 were developed. These draft laws were not envisaged in the LWP for 2023 and 2024.

Draft law ***No. 9281 of 9 May 2023 on amending Article 3 of the Law of Ukraine 'On the Armed Forces of Ukraine'*** was developed at the initiative of the AFU Commander-in-Chief to reduce the age limit for citizens to be registered with the military service from 27 to 25 years to ensure the replenishment of the mobilisation human reserve. The urgency of the problem that the draft law was intended to solve is underlined by the speed of its processing in Parliament—the draft law was submitted to Parliament on 9 May 2023 and adopted already on 30 May 2023.

Draft law No. 11507 of 21 August 2024 on amending Article 3 of the Law of Ukraine 'On the Armed Forces of Ukraine' was actually developed on the President's instructions.

By the Decree of the President of Ukraine No. 51 of 6 February 2024 'On Building Up the Capabilities of the Defence Forces', the Government, with the involvement of the General Staff of the AFU, was instructed to work on the issue of creating the Unmanned Systems Forces as a separate branch within the AFU and submit relevant proposals to the NSDC.

On 7 May 2024, the MoD announced that the Government had approved a draft presidential decree on the implementation of the NSDC decision to create a separate branch of the AFU—the Unmanned Systems Forces—as one of the main carriers of the combat potential and technological advantage of the AFU, which will be used to strike the enemy at all levels, namely strategic, operational and tactical, using unmanned systems in the air, on land and at sea. The document was developed by the MoD jointly with the General Staff to enhance defence capabilities to repel growing Russian aggression. The creation of the Unmanned Systems Forces is an important step towards enhancing Ukraine's defence capabilities and ensuring the country's security in the current geopolitical environment.³⁷

The official basis for the development of the draft law was the NSDC decision of 25 June 2024 'On the Creation of Unmanned Systems Forces as Part of the Armed Forces of Ukraine', enacted by the Decree of the President of Ukraine No. 382 of 25 June 2024, with the aim of increasing the capabilities of the Armed Forces of Ukraine to use unmanned and robotic air, sea and ground systems, and ensuring their readiness for use.

It took just over 7 months from the President's instruction in February 2024 to the President's signing of the Law of Ukraine No. 3943-IX of 3 September 2024 'On Amending Article 3 of the Law of Ukraine "On the Armed Forces of Ukraine"', and the Parliament considered the draft law for only two weeks.

Thus, as a general rule, the MoD's legislative work is planned and focused on the implementation of measures set out in strategic defence planning documents, i.e., policies. However, the strategic and defence planning documents approved in the pre-war period have lost some of their relevance. The President has not exercised their right to amend the National Security and Defence Strategy to take into account new challenges. Accordingly, other documents for which this Strategy is the basis have not been adjusted either.

In its turn, the MoD's legislative work was focused on solving more urgent tasks related to martial law issues that were not planned in strategic and defence planning documents.

³⁷ The Government supported the initiative to create the Unmanned Systems Forces as a separate branch: *website of the Ministry of Defence of Ukraine*.

2. Pre-drafting stage (legislative proposal)

The pre-drafting stage of lawmaking is not clearly defined in Ukrainian legislation. At the same time, elements of the pre-drafting stage can be traced in the legislation.

The **CMU Rules of Procedure** also contain requirements for the preparation of draft acts that include elements of the pre-drafting stage. In particular, the developer of the draft act:

- › **analyses and calculates:**
 - › examines the state of affairs in the relevant area, identifies the problem that needs to be solved;
 - › analyses the reasons for its occurrence, defines goals and chooses ways to achieve them;
 - › identifies the list of stakeholders and forecasts the potential impact of the act on their interests;
 - › defines the subject of legal regulation and the mechanism for addressing the issue (including the use of information and communication technologies);
 - › provides for rules and procedures that, inter alia, would prevent the corruption offences;
 - › forecasts the outcomes of act implementation and define the criteria (indicators) by which its effectiveness will be evaluated;
 - › carries out the necessary financial and economic calculations under the methods developed and approved by the Ministry of Finance (if the implementation of the act requires funding from the state or local budgets);³⁸
- › **reviews the draft act for compliance with Ukraine's obligations in the field of European integration, including international legal obligations, and with due regard to EU *acquis*;**
- › **reviews the draft act for compliance with European human rights standards:** ensures that the Convention for the Protection of Human Rights and Fundamental Freedoms and the case law of the European Court of Human Rights are taken into account, and indicates this in the explanatory note to the draft act.

Such an analysis should be carried out before the preparation of the text of the draft act because when formulating the intentions for developing a draft act, the task of drafting should, first of all, answer the following questions:

- › is regulation needed at all?
- › how will the draft legal act be consistent with the national legal system and international norms?

It is this analysis that is required by the CMU Rules of Procedure at the stage of drafting an act that should answer these questions, and if it is not advisable to develop a draft legal act, it should allow for more rational use of human resources and direct their efforts to other tasks.

No such requirements are imposed on draft laws initiated by MPs.

The VRU Rules of Procedure do not provide for such stages as pre-drafting, legislative proposal or preparation of analytical documents outlining the main political vision and main provisions of the future draft law.

³⁸ §34, Chapter 1, Section 4 of CMU Rules of Procedure.

According to the Law of Ukraine ‘**On Committees of the Verkhovna Rada of Ukraine**’, the committees’ responsibilities include analysing the practice of applying legislative acts and preparing proposals for their systematisation and codification.³⁹

The Parliament has the resources to analyse policy and choose the best options for solving problems in society and in a particular area. In particular, the VRU Research Service^{40, 41} provides research, information, and analytical support to the VRU, its bodies, and MPs. It can also be involved in the pre-drafting stage of MPs’ draft laws. Specialists of this Service develop scientific concepts for the development of legislative regulation of public relations, conduct scientific research on legislative regulation of public relations, study current state policy issues and participate in the process of drafting laws of Ukraine on the most important issues of society and state development.⁴²

In general, the information, analytical and research support provided to the Parliament by the VRU Research Service is an absolute positive, as it provides material for forecasting the impact of future legal acts.

Regulatory impact analysis

The Law of Ukraine ‘**On the Principles of Regulatory Policy in Economic Activity**’ establishes **the need for the regulatory authority to prove the expediency of adopting and implementing each individual RA to address an existing problem.**

One of the tools of the pre-drafting stage is the **regulatory impact analysis (RIA)**, a document that contains a justification for the need for state regulation through the adoption of the RA, an analysis of the impact that the RA will have on the market environment, ensuring the rights and interests of business entities, citizens and the state, as well as a justification for the compliance of the draft RA with the principles of state regulatory policy. According to the Law of Ukraine ‘On the Principles of Regulatory Policy in Economic Activity’, an RIA is prepared for each RA before it is made public by the developer. The CMU Resolution No. 308 of 11 March 2004 (as amended) approved the Regulatory Act Impact Analysis Methods and the Regulatory Act Effectiveness Tracking Methods.

Each draft RA, together with the RIA, is made public in the manner prescribed by this Law in order to receive comments and proposals from individuals, legal entities and their associations.⁴³ The period for accepting comments and proposals *may not be less than 1 month and more than 3 months* from the day on which the draft regulatory act and the relevant RIA are made public. All comments and proposals on the draft RA and the relevant RIA shall be considered by the developer and, based on the results of consideration, taken into account or reasonably rejected.

Moreover, the fact that the draft RA is made public cannot be an obstacle to public hearings and any other forms of open discussion of this draft RA.

However, the Government and the Parliament are in different conditions when preparing regulatory draft laws, as the requirements of the Law of Ukraine ‘**On the Principles of Regulatory Policy in Economic Activity**’ are backed by a scrutiny mechanism only for government draft laws. In particular,

³⁹ Article 16 of the Law of Ukraine ‘On Committees of the Verkhovna Rada of Ukraine’.

⁴⁰ Article 7(6) of VRU Rules of Procedure.

⁴¹ Regulation on the Research Service of the Verkhovna Rada of Ukraine, approved by the Order of the Chair of the VRU No. 438 of 11 August 2022 (as amended by the Order of the Chair of the VRU of 3 May 2024).

⁴² Ibid.

⁴³ Article 9 of the Law of Ukraine ‘On the Principles of Regulatory Policy in Economic Activity’.

this applies to the mandatory approval of a draft RA by the State Regulatory Service (SRS). The SRS makes a decision to approve or refuse to approve draft RAs, taking into account both the draft act itself and its supporting documents, primarily the RIA.⁴⁴

The Law of Ukraine 'On the Principles of Regulatory Policy in Economic Activity' **is not adapted to the preparation of MPs' draft laws**. The VRU's Rules of Procedure do not contain any mention of the procedure for the implementation of regulatory policy by the Parliament, and the list of supporting documents to draft laws⁴⁵ does not contain a requirement to accompany the draft law with an RIA that has been discussed in the business community in the manner prescribed by law. This not only leads to the registration in the VRU of MPs' draft laws prepared in contravention of the principles of state regulatory policy but also encourages parliamentarians to adopt amendments to draft laws in the second reading that affect business relations or state regulatory policy in general without proper justification.

An example is the draft law on materials and items intended to come into contact with food (No. 4568 of 4 January 2021), to which amendments were adopted in the second reading on the proposals of MPs to exclude from the scope of the Law of Ukraine 'On the Principles of Regulatory Policy in Economic Activity' regulatory activities related to the preparation of draft legal acts aimed at implementing the Association Agreement, the Charter on a Distinctive Partnership, the Declaration to Complement the Charter, other international treaties of Ukraine with NATO and/or NATO authorised bodies.⁴⁶ Therefore, the RIA tool will no longer be applied to draft acts of this kind, effective November 2022.

Future regulation

The Law of Ukraine 'On Lawmaking' introduces the preparation of analytical documents of public policy: **a green paper, an impact assessment, a white paper and a concept of a legal act** in order to identify problems in public relations, the best ways to solve them and to forecast the long-term development of legal regulation.⁴⁷

According to this Law, a green paper, impact assessment, and white paper **can** only be developed for the preparation of draft codes and primary laws. There is no such requirement or even possibility for laws amending other laws and codes.

According to the wording of the regulatory requirements of this Law, all analytical documents are developed sequentially, and each document following the green paper is based on information from previous analytical documents. However, the preparation of the concept of the draft code and the primary law is recognised by law as mandatory, while all other analytical documents of state policy are not. Thus, the concept is positioned as an independent analytical document for the preparation of which research is conducted similar to the research for the preparation of the green paper, impact assessment and white paper.

A legislative proposal in the form of a draft concept of a draft code or primary law that justifies the expediency or need to adopt or amend a law is presented by the holder of a legislative initiative at a meeting of a VRU committee, which, in accordance with the committee's competence, is responsible for the preparation and preliminary consideration of the draft law.⁴⁸

⁴⁴ [Article 21](#) of the Law of Ukraine 'On the Principles of Regulatory Policy in Economic Activity'.

⁴⁵ [Article 91](#) of VRU Rules of Procedure.

⁴⁶ [Article 3](#) of the Law of Ukraine 'On the Principles of Regulatory Policy in Economic Activity'.

⁴⁷ [Article 21](#) of the Law of Ukraine 'On Lawmaking'.

⁴⁸ [Article 27](#) of the Law of Ukraine 'On Lawmaking'.

In fact, these documents are elements of the pre-drafting stage, but the Law of Ukraine 'On Lawmaking' does not draw a distinction between the pre-drafting stage and the stage of drafting a legal act. For example, impact assessment and the concept of a draft legal act are mentioned in this Law as part of the planning of lawmaking activities and as part of preparing a draft legal act.

It is currently unclear how the concept should be executed for presentation to the main committee. The procedure for presenting a draft law concept and options for decisions of the main committee based on the results of the concept review shall be regulated in the VRU Rules of Procedure.

As for the green and white papers, there is no understanding of where and how they should be presented, by whom they should be prepared and in what form, which, given the fact that their preparation is optional, calls into question the implementation of these provisions of the Law.

Questions regarding impact assessment remain unanswered. The Law contains two provisions, one of which gives the lawmaker the right to decide on the need to prepare an impact assessment,⁴⁹ and the other provision is mandatory, which provides that the impact assessment of a draft legal act and, in particular, a draft RA, is carried out by the lawmaker, and its results are set out in an explanatory note to the draft law.⁵⁰ The impact assessment structure partially coincides with the structure of the concept of the draft legal act.

The Law of Ukraine 'On Lawmaking' comes into force 1 year after the termination or cancellation of martial law in Ukraine, and the provisions on the preparation of analytical documents of state policy—given the effect of martial law, but at least 5 years after the entry into force of this Law. The section on the concept of a legislative act—no earlier than the day the Law of Ukraine 'On Public Consultations' comes into force.⁵¹

Prior to the enactment of the Law of Ukraine 'On Lawmaking', it is necessary to clarify the sequence of actions in the lawmaking process, specify the role of analytical documents of public policy and regulate procedures to ensure the application of regulatory requirements.

3. Drafting stage (preparation of the draft law)

At this stage, the text of the draft law is formulated, and supporting documents for the draft law are prepared. The main task of the draft law developer is to translate the draft law concept (if any) into a unified system of regulatory rules.

The Constitution of Ukraine, the Budget Code of Ukraine, the CMU Rules of Procedure, the VRU Rules of Procedure, the Laws of Ukraine 'On Committees of the Verkhovna Rada of Ukraine', 'On the Principles of Regulatory Policy in Economic Activity' and the Regulation on the Procedure for Preparing and Introducing Acts of the President of Ukraine provide a basic understanding of the process of drafting a legal act. The Law of Ukraine 'On Lawmaking' also regulates the process of drafting an act, but it has not yet been enacted.

Draft laws can be developed by MPs, ministries, and other central executive authorities, as well as the Office of the President of Ukraine and specialists engaged on a contractual basis. Working groups and

⁴⁹ Article 22(2) of the Law of Ukraine 'On Lawmaking'.

⁵⁰ Article 29(3)(3) and Article 30 of the Law of Ukraine 'On Lawmaking'.

⁵¹ The Law of Ukraine 'On Public Consultations' comes into force 12 months after the termination or cancellation of martial law in Ukraine.

special commissions established to develop draft laws may include MPs, representatives of executive and judicial authorities, local governments, NGOs, independent experts, academics and others.⁵²

In comparison with other holders of the right of legislative initiative, the process of drafting an act is defined in the CMU Rules of Procedure, according to which draft laws are prepared in compliance with the requirements for drafting resolutions of the Cabinet of Ministers with some peculiarities.

The **CMU Rules of Procedure** stipulate that the development of a draft act begins **immediately upon receipt of the relevant task**. The duration of preparation is determined by the need to take into account the requirements set out in these Rules of Procedure regarding the time sufficient for the approval of the draft act by the interested bodies and the time sufficient for the legal examination by the Ministry of Justice and the expert examination by the SCMU.

Draft laws are developed by the Ministry of Justice and other CEAs within their competence. **The main developer of a draft act** is the body whose competence in the relevant area of legal regulation is dominant and which submits the draft act to the CMU. Other executive authorities, in accordance with their competence, are interested bodies that participate in the development of the draft act or its approval.

MPs of Ukraine, academics and other professionals, as well as representatives of citizens' associations, may be involved in the development of the draft act upon consent.⁵³

When drafting an act, the developer:

- › analyses and calculates;⁵⁴
- › reviews the draft act for compliance with Ukraine's obligations in the field of European integration, including international legal obligations, and with due regard to EU *acquis*;
- › reviews the draft act for compliance with European human rights standards;
- › prepares supporting documents to the draft act, namely an explanatory note, an RIA (if necessary), a certificate of compliance with Ukraine's obligations in the field of European integration and EU *acquis* and a comparative table (in case of amendments to other acts).

The act is drafted in compliance with the requirements of the rulemaking technique. The peculiarities of legal regulation of rulemaking in Ukraine are that there is an extensive and insufficiently streamlined system of legal acts of different legal force (see [Annex 1](#) for more details). After the Law of Ukraine 'On Lawmaking' is enacted, the requirements of the rulemaking technique will be regulated by this Law.

The **VRU Rules of Procedure**⁵⁵ contain minimum requirements for executing a draft law and supporting documents (explanatory notes and financial and economic justification).⁵⁶

The Law of Ukraine 'On Committees of the Verkhovna Rada of Ukraine' defines the rights of the committees in exercising the legislative function, in particular:

- › develop draft laws on its own initiative on issues within its competence;

⁵² The Laws of Ukraine 'On Committees of the Verkhovna Rada of Ukraine', 'On Lawmaking' and the CMU Rules of Procedure are generalised based on the analysis of legislation.

⁵³ § 33, Chapter 1, Section 4 of CMU Rules of Procedure.

⁵⁴ § 34, Chapter 1, Section 4 of CMU Rules of Procedure.

⁵⁵ Article 89 of VRU Rules of Procedure.

⁵⁶ Article 90 of VRU Rules of Procedure.

- › create working groups for the preparation of draft acts of the VRU, include other MPs, and representatives of other bodies and institutions in them and engage other professionals (also on a contractual basis);
- › initiate contracts with research institutions, educational institutions, and professionals for scientific and information search, development, revision, and expert examination of draft laws, etc.⁵⁷

The rules for working with draft laws submitted by the President of Ukraine as a legislative initiative to the VRU are regulated by Presidential Decree No. 270 of 30 March 1995,⁵⁸ which has not been revised since 2006. This Decree did not even change the name of the permanent auxiliary body established by the President of Ukraine to ensure the exercise of their powers under the Constitution of Ukraine.⁵⁹

Draft laws and other documents of legislative initiative of the President of Ukraine are prepared by advisers and scientific consultants of the President, as well as by relevant structural units of the Office of the President of Ukraine (OPU) on behalf of its Head or on their own initiative.

Drafts of the most important laws reviewed by the SCMU, ministries, other CEAs, and scientific institutions can be submitted to the VRU as a legislative initiative of the President of Ukraine.

Draft laws and legislative proposals, the implementation of which requires financial and other expenditures from the state or local budgets (or a decrease in budget revenues), shall be accompanied by their financial and economic justification and proposals for covering these costs.

This procedure pays maximum attention to the verification of all participants in the drafting process (visaing, lists of persons who have signed the draft law), and in terms of execution, this procedure refers to the VRU Rules of Procedure, which expired on 15 April 2006.

Future regulation

The Law of Ukraine 'On Lawmaking' also sets out the requirements for drafting legal acts. According to this Law, a draft act may be prepared by a lawmaker, a holder of a lawmaking initiative, other participants in lawmaking or several lawmakers jointly.

A draft legal act is developed on the basis of a concept in cases stipulated by this Law (draft primary laws and codes). When developing a draft legal act, analytical documents of public policy on the basis of which the concept of the legal act was developed may be taken into account.

A draft legal act is developed in the following stages:

- › preparing the text of the draft legal act, explanatory note and other supporting documents to it;
- › assessing the impact of the draft legal act on public relations and presenting its results in an explanatory note;
- › assessing the compliance of the draft legal act with Ukraine's obligations in the field of European integration and EU *acquis*;

⁵⁷ Article 15 of the Law of Ukraine 'On Committees of the Verkhovna Rada of Ukraine'.

⁵⁸ Regulation on the Procedure for Working with Draft Laws and Other Documents Submitted by the President of Ukraine to the Verkhovna Rada of Ukraine, approved by the Decree of the President of Ukraine No. 270 of 30 March 1995 (as amended).

⁵⁹ Decree of the President of Ukraine No. 436 of 25 June 2019 approved the Regulation on the Office of the President of Ukraine.

- › organisational and technical support for the preparation of the draft legal act;
- › public consultations (except as otherwise provided by law);
- › approving the draft legal act with the relevant governmental authorities and local governments in cases prescribed by law.

This Law does not explain what organisational and technical support is needed for the preparation of a draft legal act.

The Law has a violation of the chronological sequence of the regulatory material on the development of processes in lawmaking, which makes the regulation unclear. For example, the impact assessment of a draft legal act should precede the preparation of an explanatory note, which should actually reflect the relevant assessment.

As for the supporting documents to a draft legal act, various articles of this Law specify requirements for the content of the explanatory note, which should set out the results of assessing the potential impact of the draft legal act, as well as the results of public consultations (if any).⁶⁰ In addition to these elements, the Law does not set any other requirements for the explanatory note, which further preserves the practice of varying the structure and content of this document by different holders of legislative initiative.

The Law provides that in the course of preparing a draft law (draft primary law or code), at least a concept and an explanatory note setting out the results of the potential impact assessment shall be prepared, while three supporting documents shall be prepared for a regulatory draft law: a concept, an explanatory note containing the results of the potential impact assessment and an RIA.⁶¹

Each of these documents defines the problem, justifies the need to regulate relations at the level of law, determines the costs required to implement the law, assesses the feasibility of implementation and risks, etc.

It is logical to question the expediency of preparing so many documents that overlap in content. This was also pointed out by SIGMA experts, who noted that the legal acts define the requirements for analysing draft acts and policies and their impact using various means and tools that fragment the system:

- › The RIA is mandatory, but its scope is narrow and covers only legal acts that affect business activity;
- › a parallel system of broad impact forecasting is provided for all acts (in the process of drafting a regulatory act, the RIA and explanatory notes that overlap in content are prepared);
- › insufficient information is provided in the supporting documents, which hinders evidence-based decision-making;
- › the issues of implementation, fiscal impact and alternatives remain insufficiently considered in the policy-making process;
- › quality control, while carried out, is insufficient and does not eliminate deficiencies.

⁶⁰ Articles 30 and 43 of the Law of Ukraine 'On Lawmaking'.

⁶¹ Ibid.

Taken together, all of this hinders final decision-making to be based on the overall analysis of all impacts and risks through one single instrument/report.⁶²

Perhaps it is worth developing one optimal and mandatory tool for all holders of the right of legislative initiative to assess the potential impact of a draft law, which would take into account all impacts and risks (including for business activities). In turn, this would reduce the number and improve the quality of supporting documents to draft laws.

4. Public consultations

Consultations are a key part of the modern political decision-making and lawmaking process at every stage. Well-organised consultations build democracy and contribute to an open, responsible and effective legislative process. Consultations are needed:

- › to improve decision-making processes that are based on accurate data, take into account the views of those affected, consider innovative and creative ways of solving problems and are feasible;
- › to increase openness and accountability of the authorities;
- › for everyone affected by decisions to feel that they have a voice;
- › for the opportunity for groups of people who have no other means of expressing their opinions to participate in the decision-making process.

Consultations are needed because the people affected by decisions can best know which decisions are good and which ones will cause problems. However, sometimes public consultations can be problematic. In particular, they can delay the preparation of a draft act and increase the administrative burden on the developer, provide incorrect information about public opinion, and even cause resistance in society. See [Annex 2](#) for more information on the advantages and disadvantages of public consultations and when they are required.

Ukrainian legislation takes into account the **minimum requirements** for public participation in the process of making important decisions for society.

In accordance with the CMU Rules of Procedure, the developer ensures that public consultations are held with representatives of stakeholders on draft acts in accordance with the [Procedure for Public Consultations on the Formulation and Implementation of State Policy](#).

Public consultations are held in the form of a public discussion, electronic consultations with the public (direct forms) and public opinion surveys (indirect form) and may be held simultaneously on the same issues. In the cases specified in this Procedure, public consultations are mandatory in the form of public discussion and/or electronic consultations. The term is at least 15 calendar days.

Based on the results of public consultations, executive authorities prepare a report that contains:

- › information on the consideration of public proposals and comments;
- › justification of the decision and reasons for disregarding the proposals and comments;
- › information on the decisions made based on the results of the discussion.

⁶² [SIGMA/OCED Monitoring Report 'Public Administration in Ukraine. Assessment against the Principles of Public Administration. December 2023'](#). P. 39.

The report is published on the website of the body that conducted the consultations, the government website ‘Civil Society and Government’ (if consultations were held on this website) and in another acceptable way no later than two weeks after the decisions based on the results of the discussion are made.

The results of the public consultations are taken into account by the executive authority when making the final decision or in its further work.

The **Law of Ukraine ‘On Committees of the Verkhovna Rada of Ukraine’**⁶³ obliges committees to study public opinion and any proposals that indicate the need to adopt new or amend legislative acts. Under this Law, the committee **has the right to:**

- › publish draft laws in the media at its discretion before they are submitted to the VRU;
- › address public authorities, local governments, scientific institutions, organisations, and citizens’ associations with a request to submit proposals on draft laws.

The committee is responsible for summarising the comments and proposals received during the public discussion of draft laws. However, such cases are rare.⁶⁴

The legislative obligation to hold comprehensive public consultations on draft laws and other draft legal acts is set out in the **Law of Ukraine ‘On Public Consultations’**, which defines:

- › rules for public consultations on the development, formulation and implementation of state policy in the relevant area, addressing local issues through the preparation of draft programmatic documents and legal acts to reconcile public and private interests;
- › establishes the obligation to hold public consultations by all public authorities, except for MPs of Ukraine and VRU committees: they retain the **right** to hold public consultations on a draft law before it is submitted to the Verkhovna Rada of Ukraine. VRU committees also have the right to hold public consultations.⁶⁵ This means that no fundamental change is foreseen for MPs.

It is important to remedy the situation and extend its requirements in full to the legislative proposals of MPs before this Law comes into force.

5. Approvals and consultations

At this stage, there is also a difference in the procedures for preparing draft laws by different holders of the right of legislative initiative.

The **CMU Rules of Procedure** define in detail the procedure for approving a draft legal act:

- ① **requirements for submitting a draft act for approval**—the draft act shall be visaed by the developer’s head, together with an explanatory note and a comparative table (if necessary). If the developer is a CEA coordinated by a minister, the draft act shall be approved and visaed by the relevant minister; if the minister disagrees, the draft act is returned to the developer for revision, taking into account the comments made;

⁶³ [Article 15](#) of the Law of Ukraine ‘On Committees of the Verkhovna Rada of Ukraine’.

⁶⁴ Currently, there is only one draft law open for public discussion—according to the Resolution of the Verkhovna Rada of Ukraine No. 4233-IX of 11 February 2025, the Verkhovna Rada of Ukraine resolved to publish the draft Law of Ukraine on Credit History (reg. No. 12260), submitted by MP O.M. Vasylevska-Smahliuk and others, in the *Holos Ukrainy* newspaper for public discussion.

⁶⁵ [Article 8](#) of the Law of Ukraine ‘On Public Consultations’.

- ② **requirements for interested bodies**—to provide a clear position on the draft act (approved without or with comments, or not supported) within the time limit set by the developer; comments are provided exclusively within the competence and relate to the essence of the draft act, in particular, identified circumstances (risks, restrictions) that, if adopted, will create obstacles to the implementation of state policy in the area of competence of the interested body; the position shall be clearly justified and, if necessary, contain proposals; proposals and comments on the impact forecast made by the developer may be submitted; the CEA's position coordinated by the minister shall be approved by the relevant minister;
- ③ **requirements for reconciliation of positions**—during the development of a draft act, exhaustive measures shall be taken to resolve differences (reconciliation procedures, consultations, meetings, working meetings, etc.); if differences cannot be resolved at the level of professionals, the developer shall conduct reconciliation procedures with the interested body;
- ④ **mandatory approval entities**—the Ministry of Finance, the Ministry of Economy, the Ministry of Digital Transformation, and the SRS for draft regulatory acts:
 - › The Ministry of Finance reviews the financial and economic calculations of the impact of the implementation of an act on the expenditures and revenues of the state and/or local budgets prepared by the developer;
 - › The Ministry of Economy examines the draft act for the impact of its implementation on economic and social development indicators, as well as compliance with Ukraine's obligations under the Agreement Establishing the WTO;
 - › The Ministry of Digital Transformation conducts a digital examination of the draft act to identify provisions in it that are inconsistent with the principles of the state digital development policy, impede the creation of modern electronic forms of interaction and access to the benefits and opportunities of digital technologies for citizens and business entities;
 - › The SRS analyses draft RAs and relevant RIA for compliance with the Law of Ukraine 'On the Principles of Regulatory Policy in Economic Activity' and makes a decision to approve or refuse to approve these drafts. If the draft RA submitted for approval has not been made public by the developer of this draft, the authorised body leaves this draft without consideration and notifies the draft developer in writing;
- ⑤ **other approval entities:**
 - › ministries and other CEAs within their competence;
 - › The Government Office for Coordination of European and Euro-Atlantic Integration of the SCMU—on the compliance of European integration draft acts with Ukraine's obligations in the field of European integration, including international legal obligations and EU *acquis*;⁶⁶
 - › local state administrations—on the development of administrative and territorial units;
 - › local governments—on the functioning of local self-government or the interests of territorial communities;
- ⑥ **consultations with stakeholders** (if necessary);

⁶⁶ Paragraph 5¹ of § 33 of CMU Rules of Procedure.

- ⑦ **approval period**—determined by the developer and should be sufficient for proper processing by the interested authorities: at least 10 days and no more than 1 month upon receipt of the draft act for approval;
- ⑧ **approval by default**—if the interested body, including the mandatory approval entity, does not express its position within the time limit set by the developer, the draft is considered approved by such body without comments;
- ⑨ **re-approval**—if, as a result of the developer’s consideration of the comments of the interested bodies, the draft act or its individual provisions approved by other interested bodies have undergone changes that significantly alter the draft act, the draft act shall be re-approved by such bodies in the relevant part;
 - › the change of the head of the interested body or the head of the main developer (except in cases of resignation of the CMU) does not require re-approval. The newly appointed head of the interested body or the person replacing them has the right to express their position on the draft act at a meeting of the governmental committee or at a CMU meeting;
- ⑩ **promptness of information exchange**—the developer and the interested bodies use e-mail and other means of communication;
- ⑪ **requirements for the preparation of a draft act in electronic form**—the draft act is processed and approved using the relevant module of the system of electronic interaction of executive authorities.

In order to coordinate the work on the preparation of draft acts, including draft laws, and improve their quality, the State Secretary of the CMU holds meetings of state secretaries of ministries, which, among other things, address the following issues:

- ① Information from the state secretaries of the ministries is heard regarding:
 - › the start of work on draft laws and other legal acts;
 - › draft acts prepared for submission to the interested bodies for approval, the list of CEAs to which the relevant draft acts will be sent and the deadlines for their approval;
 - › unresolved differences in the positions of the main developers and stakeholders on the draft acts;
- ② the Ministry of Justice’s comments on the results of the legal review of the draft acts are considered.⁶⁷

The VRU Rules of Procedure and the Law ‘On Committees of the Verkhovna Rada of Ukraine’ do not contain requirements and procedures for approval or consultations with the interested bodies and parties to draft laws developed by MPs at the stage of their preparation for submission to the VRU.

Presidential draft laws may be developed by the Government or the Presidential Office.⁶⁸

Draft laws processed by the SCMU, ministries, and other CEAs may be submitted to the Parliament as a legislative initiative of the President of Ukraine.

Draft laws from the CMU undergo a preliminary approval procedure in accordance with the CMU Rules of Procedure and are submitted to the President as visaed by the Prime Minister (or, in their

⁶⁷ §12¹ of CMU Rules of Procedure.

⁶⁸ Procedure for handling draft laws and other documents submitted to the VRU by the President.

absence, the relevant Deputy Prime Minister), heads of ministries and other CEAs whose competence includes these draft laws. A draft law shall be accompanied by a list of officials who have visaed it, to be signed by the Minister of the CMU or their deputy.

The submission of draft laws on the development and implementation of state policy in a particular area of activity is **not** allowed without the approval of the relevant minister or head of another CEA.

Draft laws and legislative proposals, the implementation of which requires financial and other expenditure, in addition to the financial and economic justification, shall also be accompanied by the CMU conclusion.

Draft laws developed by the OPU are visaed (approved) by the heads of structural units whose employees participated in their preparation.

All draft laws received by the OPU or prepared directly in the OPU are registered in the Documentation Department and reported to the Head of the OPU, who then, on their instructions, passes them on to the relevant structural units for review, preparation of conclusions, proposals and comments.

If, in the course of processing the submitted draft law, the OPU has fundamental disagreements with the drafters, the Head of the OPU reports them to the President of Ukraine.

Draft laws that have been substantially amended in the course of processing are returned by the Head of the OPU to the drafters for re-visaing by the relevant officials.

Thus, external examination is envisaged at the stage when the Government prepares a draft law for submission to the President as the holder of legislative initiative. As for the draft laws prepared directly in the OPU, only internal approval of the relevant structural units is indicated (with some exceptions).⁶⁹

The **Law of Ukraine 'On Lawmaking'** refers to the procedure for approving a draft legal act⁷⁰ as the drafting stage but does not disclose the content of this process. This makes sense, as consideration of the draft act by interested bodies and parties, coordination of positions and finalisation of the draft act is also a lawmaking process that does not stop until the final adoption of the act.

The scheme of the drafting process is given in Chart 2.

⁶⁹ According to Article 19 of the Law of Ukraine 'On the Judiciary and the Status of Judges', consultations with the High Council of Justice are required before the President submits a draft law on the establishment, reorganisation or liquidation of a court to the VRU.

⁷⁰ Article 29 of the Law of Ukraine 'On Lawmaking'.

Drafting the law

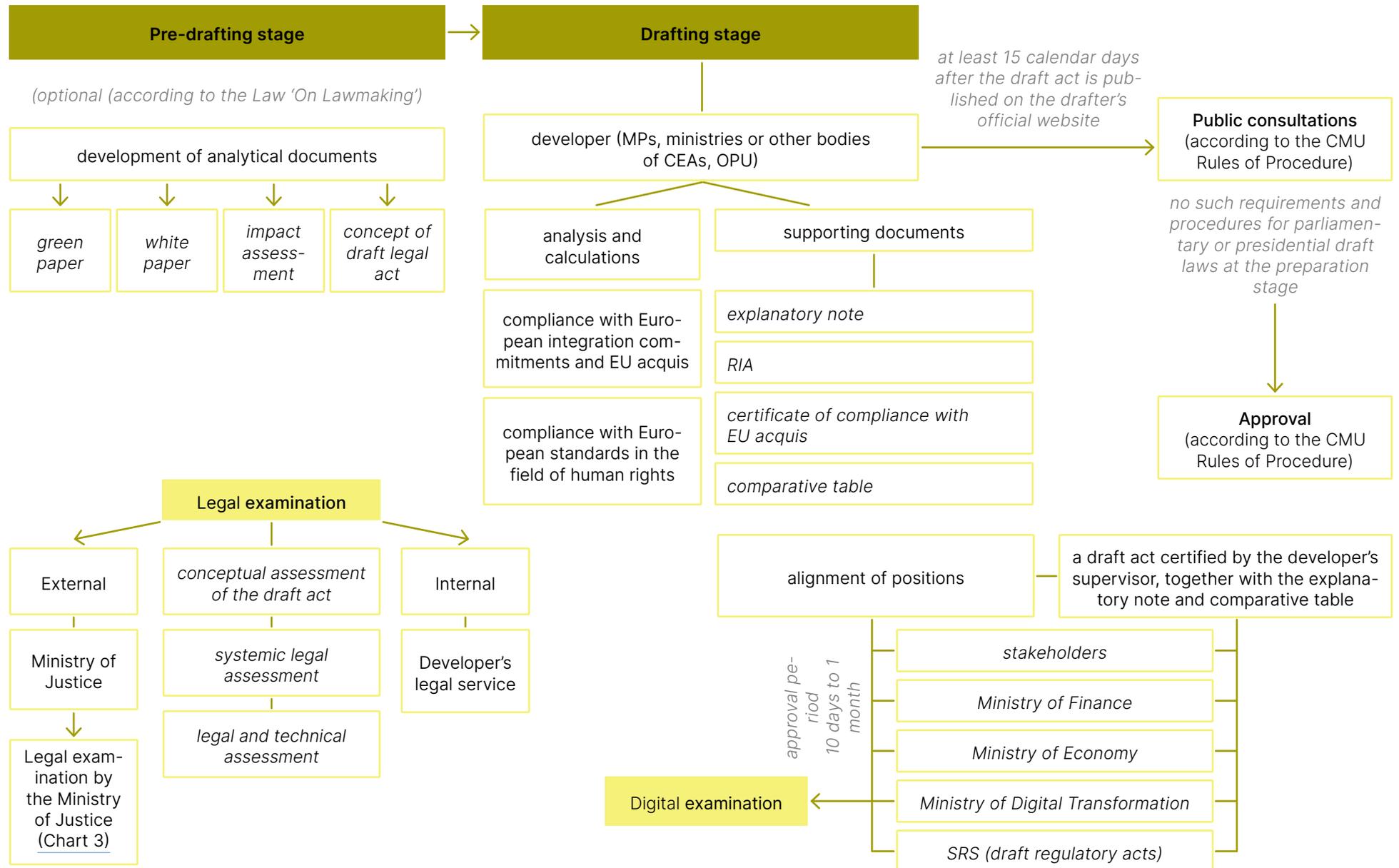


Chart 2

6. Expert examinations before submitting a draft law to the VRU

The preparation of a draft law involves a number of expert examinations, which serve as an effective mechanism for expert filtering and preventing imperfect, legally weak or irrelevant draft laws from being submitted to Parliament.

6.1. Legal and anti-corruption examination

The procedure for legal examination of draft legal acts is described in the guidelines approved by the resolution of the Board of the Ministry of Justice back in 2000.⁷¹ These guidelines are intended for legal examinations of all types of draft legal acts—from draft laws to regulatory orders of ministries and other CEAs.

The legal examination of a draft legal act includes the following stages:

- › determining the subject matter, method of regulation of a legal act and the degree of its compliance with the principles of the legal system;
- › determining the degree of consideration of the practice of public relations regulation;
- › establishing all substantive links between the provisions of the draft and the norms contained in other regulatory acts;
- › determining the degree of compliance of the draft legal act as a whole and its individual elements with the requirements of legal technique; summarising individual assessments, and formulating a general conclusion on the further passage of the draft legal act.⁷²

During the legal examination, the following shall be conducted:

- › conceptual assessment of the draft act (determination of the sphere of public relations that it should regulate, the branch of law to which it belongs, the subject and method of regulating a specific fragment of these relations and the means of influencing the behaviour of their participants);
- › systemic legal assessment (determination of the degree of compliance of regulatory provisions with the provisions of current international treaties relating to the subject matter of regulation of the draft act, determination of the place of the draft legal act in a particular area of law, establishment of all substantive links between the draft and its individual provisions and existing legal acts of all levels);
- › legal and technical assessment (determination of the degree of compliance of the draft act with the established rules of construction and editorial and lexical design of the legal act, assessment of the structure of the draft, legal norms, structures and terms, external design and details of the draft and the style of the draft).

Based on the results, an expert opinion is drawn up, which provides an overall assessment of the draft act based on the assessments for each unit of legal examination issues.⁷³

⁷¹ [Guidelines for Legal Examination of Draft Legal Acts](#), approved by the Resolution of the Board of the Ministry of Justice of Ukraine No. 41 of 21 November 2000.

⁷² Ibid.

⁷³ Ibid.

Internal legal examination of draft legal acts is carried out by the legal services of the bodies that develop the draft acts (hereinafter—the legal service).

It is not allowed to issue a legal act, as well as to submit a draft of such an act to an authority for its adoption or approval without prior review and approval by the legal service. Proposals of the legal service are mandatory for consideration by the head of the relevant body.

The legal service conducts a legal examination of draft legal acts prepared by the structural units of the relevant body, based on which it prepares opinions in a form approved by the Ministry of Justice, and approves (visas) them if the heads of the interested structural units have visas.⁷⁴

The Ministry of Justice conducts an **external legal examination** in accordance with the CMU Rules of Procedure after the approval procedure with the interested bodies is completed. The package of documents that the developer sends to the Ministry of Justice contains the approval materials (letters with comments, suggestions and conclusions provided for by the CMU Rules of Procedure). The draft act shall be approved by the head of the relevant body's legal service. If the developer is a CEA whose activities are directed and coordinated through the relevant minister, the draft act shall also be approved by the head of the legal service of the relevant ministry.

The period for an expert examination is no more than 10 business days.

The Ministry of Justice during the legal examination:

- › **checks the draft act for compliance with the Constitution of Ukraine**, legislative acts and current international treaties of Ukraine, CoE standards in the field of democracy, rule of law and human rights, in particular the provisions of the Convention for the Protection of Human Rights and Fundamental Freedoms, taking into account the ECHR case law, the principles of non-discrimination (anti-discrimination examination) and ensuring equal rights and opportunities for women and men (gender legal examination);
- › conducts an anti-corruption examination.

Based on the results of the examination, the Ministry of Justice draws up a conclusion in the prescribed form, which integral part is an opinion on the compliance of the draft act with the provisions of the Convention for the Protection of Human Rights and Fundamental Freedoms, taking into account the ECHR case law.

The anti-corruption examination (ACE) of draft legal laws submitted to the Government may be conducted in parallel by two bodies independently of each other.

The Ministry of Justice conducts such an examination on a mandatory basis in accordance with the procedure and methodology approved by it.^{75, 76}

The ACE is not mandatory for the National Agency on Corruption Prevention (NACP). However, it is mandatory for the developer of draft acts submitted to the Government to send a draft act to the NACP.

⁷⁴ General Regulation on the Legal Service of a Ministry, Other Executive Authority, approved by CMU Resolution No. 1040 of 26 November 2008.

⁷⁵ The Procedure for Anti-Corruption Examination, approved by the Order of the Ministry of Justice of Ukraine No. 383/5 of 18 March 2015, registered with the Ministry of Justice of Ukraine on 19 March 2015 under No. 303/26748.

⁷⁶ Anti-Corruption Examination Methodology, approved by the Order of the Ministry of Justice of Ukraine No. 1395/5 of 24 April 2017.

Simultaneously with the submission of the draft act to the Ministry of Justice for legal examination, the developer sends such a draft act (similar to the package for approval) to the NACP to determine the need for an anti-corruption examination (ACE). If the NACP decides to conduct the ACE, it informs the developer and the CMU within three days of receiving the draft act and conducts the ACE within 10 days of the day following the date of such notification.

The NACP sends the conclusion on the ACE results to the developer, and its results shall be considered. If the NACP does not provide its conclusion within the specified period, it is considered that there are no comments on the draft.

According to the Law of Ukraine 'On Prevention of Corruption', the NACP may, at its own initiative and under the procedure established by it,⁷⁷ conduct ACE of legal acts using its own methodology, which defines standard criteria and methods of evaluation, as well as ways to identify and eliminate corruption factors in such draft legal acts.⁷⁸ The NACP informs the CMU of the anti-corruption examination of the relevant legal act, which is the basis for suspending the procedure for its consideration or adoption for a period of no more than ten days.

The scheme of expert examinations of the draft act before its submission to the Government is given in Chart 3.

In the OPU, the Legal Policy Directorate conducts legal examination of draft laws submitted by the President of Ukraine as a holder of legislative initiative.⁷⁹

⁷⁷ The Procedure for Anti-Corruption Examination of Draft Legal Acts by the National Agency on Corruption Prevention, approved by NACP Decision No. 1 of 28 July 2016, registered with the Ministry of Justice of Ukraine on 25 August 2016 under No. 1184/29314.

⁷⁸ Methodology for Anti-Corruption Examination by the National Agency on Corruption Prevention, approved by NACP Order No. 109/23 of 18 May 2023.

⁷⁹ Source—letter from the OPU Department of Citizens' Appeals No. 22/1-08/3443/ of 25 July 2024.

Expert examinations before submitting a draft law to the VRU

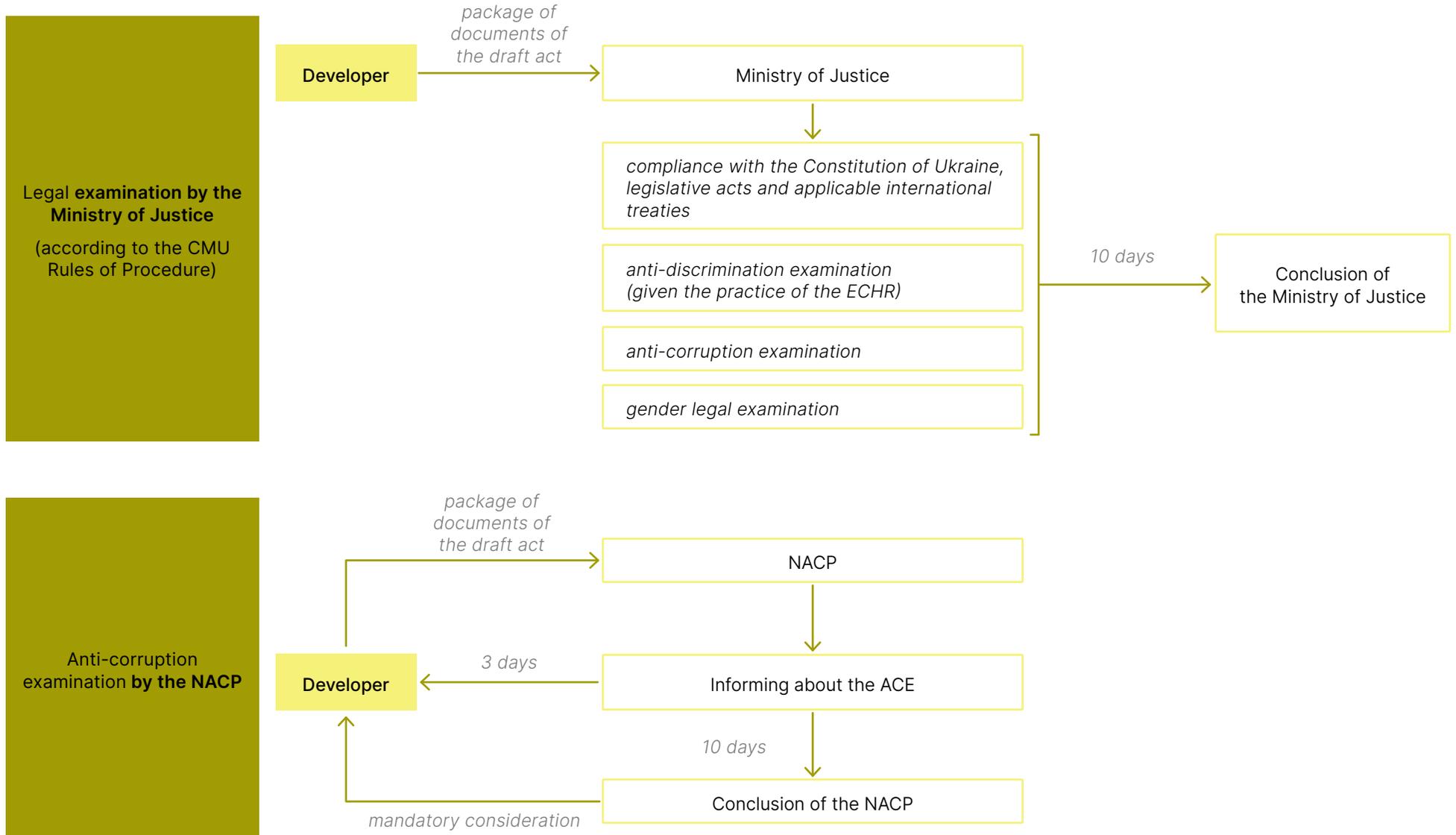


Chart 3

6.2. Government examination

After a draft act is submitted to the Government for consideration, the SCMU conducts an expert examination of the submitted draft act and processes it (makes amendments related to bringing it in line with the rules of rulemaking technique, edits it, and, if necessary, agrees on amendments with the main developer). The procedure for the expert examination of draft acts is established by the State Secretary of the CMU.

During the examination, the SCMU, *inter alia*:

- ① checks the draft act for compliance with:
 - 1) the Constitution and laws of Ukraine;
 - 2) CMU programmatic documents, in particular, evaluate compliance with the programme goals and objectives of the GAP, the absence of mutually contradictory tasks and measures defined by the current programmatic documents;
 - 3) Ukraine's obligations in the field of European integration, including international legal obligations and EU *acquis*;
- ② checks the completeness of consideration of interested bodies' comments;
- ③ evaluates the feasibility of achieving the set goal by the chosen method of solving the problem, the feasibility of forecasting the expected results of the act, the sufficiency of the criteria (indicators) for evaluating its effectiveness and possible risks of act implementation;
- ④ analyses the regulatory impact of the draft RA.

When processing the draft act, amendments that change its essence are not allowed.

At the stage of preparation for the Government's consideration, the meeting of state secretaries considers the SCMU's comments on the draft acts and develops proposals to improve the quality of the draft acts prepared for the Government's consideration and to revise them based on the results of the discussion.⁸⁰

Governmental committees also play a role in developing a coordinated position on draft legal acts submitted to the Government. In particular, the Government Committee:

- ① settles differences on draft laws in respect of which:
 - 1) the interested bodies have commented on the essence of the draft act, in particular on the risks and restrictions that create significant obstacles to the implementation of state policy in the areas of their competence;
 - 2) the SCMU commented on the essence of the draft law;
 - 3) The Ministry of Justice commented on the draft act based on the results of its legal examination, and/or the SCMU concluded on the inconsistency of the draft act with the law, the CMU's programmatic documents, Ukraine's obligations in the field of European integration, including international legal obligations, and EU *acquis*, if such comments remained unaddressed after consideration at the meeting of state secretaries;

⁸⁰ §12¹ of CMU Rules of Procedure.

- 4) the *NACP*, based on the *ACE* results, provides recommendations on possible ways to eliminate corruption factors identified in the draft act if such recommendations are not taken into account by the main developer;
- ② prepares proposals to the CMU for making decisions on the draft acts considered (documented in the minutes of the meeting).⁸¹

The scheme of government examination is given in Chart 4.

⁸¹ [§28¹ of CMU Rules of Procedure.](#)

Government examination

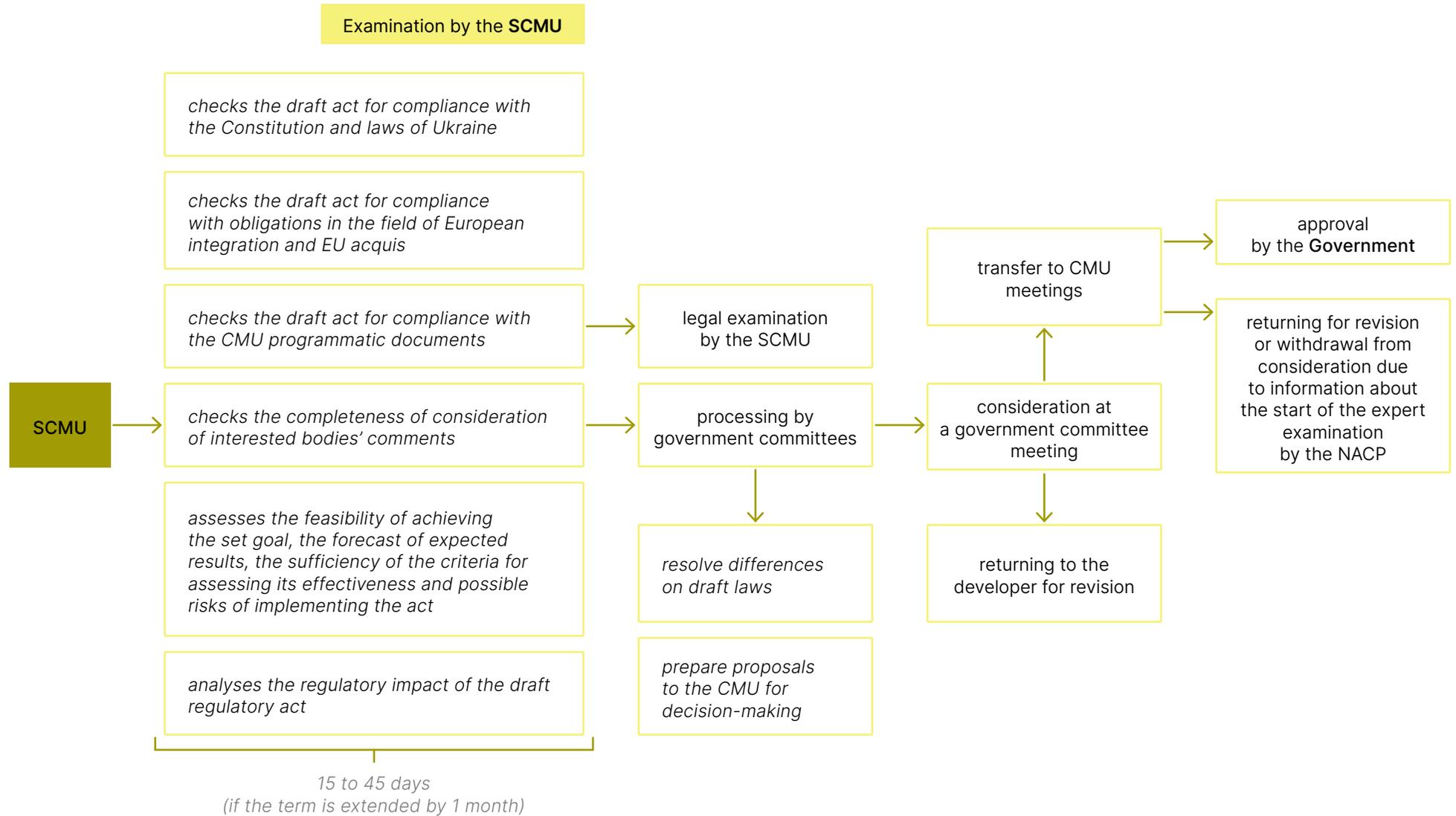


Chart 4

7. Consideration of a draft act at a Government meeting

Following the review by the SCMU and government committees (if necessary), the draft act is included in the agenda of the CMU meeting.

The CMU Rules of Procedure provide for the following scenarios for making decisions following the consideration of a draft act:

- ① adoption if, following consideration at the meeting, the draft act is supported by a majority of the CMU officials or voted for by half of the Government officials, including the Prime Minister;
- ② adoption with revision if the draft act contains comments that, if taken into account, will not lead to significant changes in the main provisions of the act. In this case, when making a decision, the minutes of the meeting shall contain the specific results of the discussion and ways to revise it. The revised draft act is submitted to the Prime Minister for signature within the time limit set by the CMU (no more than a week) after it has been approved by the SCMU. In this case, the draft act is not subject to examination by the SCMU;
- ③ return to the developer. If, based on the discussion results, the members of the Government conclude that the draft act needs to be substantially revised, the draft act, together with all materials, is returned to the developer for revision and resubmission to the Government (no later than 10 days after the meeting);
- ④ withdrawal of the draft act from consideration if the NACP receives information about the start of an anti-corruption examination of the draft act.⁸²

The CMU Rules of Procedure take into account the need to make decisions in urgent cases that require immediate decision-making. In particular, during martial law in Ukraine, a draft act may be submitted to the Government without complying with the regulatory requirements by the Prime Minister or a member of the Government. Such a draft act is put to a vote, and upon its adoption, the SCMU processes it without changing its essence (amendments related to bringing it in line with the rulemaking technique are made, and it is also edited).⁸³

The draft law approved by the Cabinet of Ministers is visaed by the Prime Minister. A package of documents is prepared for submission to Parliament.⁸⁴

Thus, the procedure for preparing a government draft law, as well as draft laws prepared by the Government for submission to Parliament by the President, involves a multi-stage quality control process before submission to Parliament. Even after consideration at a Government meeting, a draft law may be returned to the developer for revision.

No such requirements are imposed on draft laws developed by MPs. The Constitution of Ukraine grants every MP the right of legislative initiative. However, the minimum requirements for drafting MPs' draft laws provoke so-called legislative spam.

In turn, government draft laws, despite the rather strict requirements of the CMU Rules of Procedure on the preparation of supporting documents to a draft act, also often do not contain sufficient justification for the policy to be implemented through the adoption of the relevant law.

⁸² [§ 55¹ of CMU Rules of Procedure.](#)

⁸³ [§ 55² of CMU Rules of Procedure.](#)

⁸⁴ [§ 71 of CMU Rules of Procedure.](#)

8. Preparation of draft laws, whose main developer is the MoD

The procedure for drafting a law in the MoD is in line with the procedures set out in the CMU Rules of Procedure, and the internal procedures for drafting legal acts are set out in the MoD's Record Keeping Instruction.^{85, 86}

In the MoD, draft acts are prepared by:⁸⁷

- › MoD's structural units;
- › the Staff of the Commander-in-Chief of the Armed Forces of Ukraine;
- › military command and control bodies of the Armed Forces of Ukraine;
- › State Special Transport Service;
- › National Defence University of Ukraine;
- › scientific, research, and other institutions (organisations) directly subordinated to the MoD.

The MoD prepares draft acts on the basis of:

- › tasks defined by the laws of Ukraine, acts and instructions of the President of Ukraine, acts of the Cabinet of Ministers of Ukraine and instructions of the Prime Minister of Ukraine, orders of the MoD and instructions of the MoD leadership;
- › an indicative plan for the preparation of draft legislative and other legal acts in the Ministry of Defence of Ukraine for the year;
- › an annual action plan of the Ministry of Defence of Ukraine for the preparation of draft regulatory acts;
- › an indicative plan for the preparation of draft orders of the Ministry of Defence of Ukraine for the year.

In order to draft a law, the MoD needs to have the need for a particular law identified at the highest level and stated in strategic documents and policies.

At the same time, the defence sector is very dynamic, as was clearly seen in 2014 and 2016 and after Russia's full-scale invasion of Ukraine. Therefore, the need to regulate certain social relations arises from other factors not envisaged in strategic documents, and this need requires quick and effective decisions, including the adoption of unscheduled draft laws.

The MoD prepares draft laws in accordance with the CMU Rules of Procedure and the requirements of the rulemaking technique.

In addition to the package of supporting documents required by the CMU Rules of Procedure, a report is also prepared for the MoD leadership in case additional justifications (explanations) are needed regarding the essence of the prepared draft act.

⁸⁵ Only the amendments to this Instruction approved by MoD Order No. 184/nm of 19 March 2024 'On Approval of Amendments to the Instruction on Record Keeping and Documentation of Management Information in the Ministry of Defence of Ukraine' are available in the public domain.

⁸⁶ The issues of documenting management activities are regulated by standard instructions approved by CMU Resolution No. 55 of 17 January 2018 'Certain Issues of Documentation of Management Activities'. These are standard instructions that should be followed by the record-keeping instruction approved by ministries and other CEAs.

⁸⁷ Interviews with MoD representatives.

The developed draft law is subject to **internal approval** by the structural units whose competence covers the draft act. Approval consists in visaing an electronic document (draft law and supporting documents) or a paper package of documents (hereinafter—the draft law) created by the draft law developer (author) by their immediate supervisor and the head of an independent structural unit, responsible persons of other structural units and their supervisors. Based on the results of the legal examination, the document is visaed by the authorised representative and the head of the legal service (subject to the approval of all structural units involved). The draft law is then submitted to the relevant deputy minister for approval. The minister signs the supporting documents to the draft law and visas the text of the draft law. If necessary, the draft law is revised with due regard to the comments made by the structural units involved and the legal service and resubmitted for approval.

A duly approved draft law is not submitted to the Minister for signature.

External approval and expert examination of the draft law is carried out in accordance with the CMU Rules of Procedure.

Following the approval procedure, legal examination at the Ministry of Justice, and, if necessary, anti-corruption examination, the draft law is revised to take into account the comments made. When preparing a draft act for submission to the Government, all possible measures are taken to resolve differences (if any), including reconciliation meetings, consultations, working meetings, etc.

The draft law prepared for submission to the Government undergoes the same internal approval procedure, legal examination by the legal service, and visaing by the relevant deputy minister, and it is submitted to the minister.

In order for the Minister of Defence to present the draft law at a Government meeting, the developer ensures that the relevant materials for the presentation (theses, information and reference materials) are prepared.

The draft act is submitted to the CMU electronically using the module of the system of electronic interaction of executive authorities in accordance with the CMU Rules of Procedure.

Stages of the legislative procedure in the MoD:

- › establishing the need to develop a draft law;
- › preparing proposals for inclusion in the plan for drafting legislative, other legal acts and orders of the Ministry of Defence of Ukraine for the relevant year by the Legal Support Department or the MoD/AFU unit responsible for the designated area of activity;
- › the relevant submission to the Plan for Drafting Legislative, Other Legal Acts and Orders of the Ministry of Defence of Ukraine is the basis for the development of legal acts in the relevant year;
- › developing a draft law and its approval by the relevant structural units concerned;
- › submission of the draft legal act by the developer to the Legal Support Department for legal examination (after obtaining approval from all structural units involved);
- › submitting the draft law by the developer for approval to the concerned governmental authorities, other public authorities, public associations or organisations if such approval is required by law or affects the interests of such bodies;
- › approving the draft law by the Ministry of Finance, the Ministry of Economy and the Ministry of Digital Transformation (conclusions);
- › revising the draft law by the developer after receiving information, comments or proposals from governmental authorities, other public authorities, public associations or organisations;

- › submitting the draft law to the Ministry of Justice for legal examination together with copies of letters/conclusions of the interested bodies expressing their position on the draft law, as well as to the NACP to determine the need for anti-corruption examination;
- › preparing the relevant package of documents by the developer for submission of the draft law to the Government, internal approval of the draft law by the relevant structural units;
- › sending the draft law prepared for submission to the Government to the Legal Support Department;
- › visaing the package of documents by the relevant deputy minister;
- › signing the package of documents and visaing the draft law by the minister;
- › submission of the draft act to the Government for consideration.⁸⁸

Public consultations on draft laws are a ‘grey area’ in the MoD’s legislative process.

The tentative plans for public consultations in the Ministry of Defence of Ukraine for 2024 and 2025 published on the MoD website give an idea of the range of stakeholders in the defence sector: military personnel, AFU employees, civil servants, members of the MoD Public Council, representatives of NGOs that are engaged in activities aimed at maintaining the state’s defence capability on a voluntary basis.

These plans provide for consultations on issues related to the development and effective implementation of state policy in the defence sector. However, the MoD website does not contain any other information on public consultations, except for information notices on public discussions of draft MoD orders, CMU resolutions and presidential decrees.

Plans for the preparation of regulatory acts are presented on the website in a fragmented manner, and notifications of the publication of draft regulatory acts mainly concern draft orders of the MoD.

The website contains reports on the results of public discussions of certain draft acts and issues, but no reports on the discussion of draft laws in recent years have been found.⁸⁹ Thus, there is no way to evaluate the effectiveness of public consultations on government draft laws.

In turn, the explanatory notes to government draft laws 4210, 8187, 9281 and 11507 explicitly state that the draft laws **do not require public consultations**.

Although, for example, draft law No. 9281, which reduces the age limit for citizens to be registered with the military service, obviously has an impact on persons who, upon reaching the age of 25, may be called up for military service during mobilisation, for a special period, and on their family members, their employers or employees, etc. This draft law also has an impact on military personnel currently serving, as it provides for recruitment to the AFU. However, in this case, a public discussion of a draft law of this content could have caused resistance in society, which in the context of martial law can be considered one of the drawbacks of public consultations.

Draft laws No. 4210, 8187 and 11507, aimed at changing the military administration and the quality of military service, also have a clear impact, at least on military personnel, but they were also not consulted.

⁸⁸ Interviews with MoD representatives.

⁸⁹ [MoD website](#).

Section III

Parliamentary procedures

1. Peculiarities of the work of the 9th Parliament

The Parliament of Ukraine of each convocation has its own peculiarities. The Parliament of the 9th convocation also has its own peculiarities:

- ① **presence of a mono-majority**—in contrast to the 8th convocation, MPs did not need to spend time aligning their positions and forming a coalition, and, accordingly, the ramp-up period took much less time;⁹⁰
- ② **working in extreme conditions**—the COVID-19 pandemic and martial law which forced MPs to focus on addressing urgent issues of overcoming challenges and threats.

The Verkhovna Rada of the IX convocation has been working under martial law for more time than under normal conditions. In 2022, almost all draft laws developed before the introduction of martial law were put on hold. Parliament focused on adapting legislation to the conditions of martial law and the realities of a full-scale war.

At the beginning of the full-scale invasion (7th session of the VRU), draft laws were adopted quickly, consensually and efficiently, with 90% of draft laws being considered in the first reading in less than two minutes.

Later, in the second half of 2022 and in 2023, the VRU partially returned to the draft laws registered before 24 February 2022. However, there were fewer and fewer such draft laws over time, and now the Parliament is increasingly focused on the new agenda. In particular, only five of the 108 laws adopted during the 12th session were registered before 24 February 2022.

During the six sessions of the martial law Parliament, so many draft laws on the martial law agenda accumulated that the speed of their consideration slowed down, and now the Parliament is considering them [on average] for the longest time of the entire 9th convocation: an average of 335 days pass from registration to adoption of the draft law in the second reading and in general. In other words, the speed of adopting draft laws, which was very high in the first months of the full-scale war, has now returned to the standard level.

A similar situation has developed with the time spent on consideration of draft laws in the session hall. The format of considering draft laws in the session hall in the 10th, 11th, and 12th sessions is increasingly reminiscent of the times before the full-scale invasion: there are more discussions, and they are longer. Probable reasons for this are:

- › a reduced number of draft laws that have consensus support;

⁹⁰ [Monitoring Report of the Lawmaking Activity of the Verkhovna Rada: First Two Sessions of the 9th Convocation.](#)

- › gradual easing of existing information restrictions on the coverage of the Parliament's work, which encourages MPs to speak more;
- › gradual increase in the perception of security in the Parliament building.^{91, 92}

Thus, the Parliament has returned to the peaceful pace of lawmaking that existed before the full-scale invasion. The average timeframe for adopting draft laws and the time spent on debate in the session hall have increased significantly. Some indicators for the past year and a half have already demonstrated even higher values in terms of time spent than before the invasion. Sometimes, MPs discuss a single draft law for three or more hours in the session hall. If this trend continues, we will soon be able to talk about new records for the 9th convocation.⁹³

Violations of the VRU Rules of Procedure occurred during each session of the 9th convocation. These violations can be divided into two types: lack of necessary documents for consideration and failure to meet the deadlines for reviewing them (see Table 5).

Table 5

Violation of the VRU Rules of Procedure during consideration of draft laws by session

Session	Share of the Rules of Procedure violations
9th session	56%
10th session	54%
11th session	53%
12th session	66%

Sources: [Monitoring Report of the Activity of the Verkhovna Rada. 9th session, 9th convocation](#);
[Monitoring Report of the Activity of the Verkhovna Rada. 10th session, 9th convocation](#);
[Monitoring Report of the Activity of the Verkhovna Rada. 11th session, 9th convocation](#);
[Violations of the Rules of Procedure in the work of the Verkhovna Rada of the IX convocation for the 12th session.](#)

A total of 197 laws were adopted during the **9th session**. This is less than what was adopted during the 7th session (during the first six months of martial law), but still a very high figure, the second highest after the 7th session. This demonstrates the high workload of the Verkhovna Rada of Ukraine and its desire to provide a legislative response to the changing circumstances caused by the full-scale war, martial law and the process of European integration.

The 9th session resembles the situation during the first six months after the unleashed full-scale invasion in terms of the share of violations. There were no violations of the deadlines for submitting amendments to the comparative table for the second reading. The number of cases of adopting draft laws on the same day as a particular opinion (which makes it almost impossible to properly learn this document) increased compared to the previous session. During the 9th session, the number of violations of the Rules of Procedure began to decrease compared to the previous two sessions (7th

⁹¹ [Monitoring Report of the Activity of the 12th Session of the 9th Verkhovna Rada.](#)

⁹² [Parliament of War: Verkhovna Rada works longer in wartime than in peace.](#)

⁹³ Ibid.

and 8th). That is, a year after the start of the full-scale invasion, the Parliament is gradually stabilising the legislative process, reducing the volume of violations.⁹⁴

During the **10th session** (*unlike the 9th*), the practice of adopting draft laws ‘on the fly’, when draft laws are adopted in the first reading and in their entirety on the day of their registration, was not used.⁹⁵

The **11th session** showed a slight decrease in the share of violations in all categories. The only type of violation⁹⁶ that was not recorded during the 11th session was the provision of sufficient time (at least 7 or 14 days) for submitting amendments to the comparative table for the second reading.⁹⁷

During the **10th session**, the smallest number of laws was adopted for the entire 9th convocation, three times less than in the previous 9th session. This means that the range of issues on which the MPs (or at least the majority of them) have a consensus has shrunk, as has the VRU’s ability to adopt decisions. Amid the trend of increasing number of registered draft laws, the decline in the number of adopted laws is a sign of growing legislative spam—the registration of many low-quality draft laws that have no real prospect of being adopted increases pressure on the expert and analytical units of the VRU Secretariat and unbalances the agenda.^{98, 99}

A total of 137 laws were adopted during the **11th session**. This is a relatively good performance compared to the 10th session, which set an anti-record in terms of the number of laws adopted. Thus, during the 10th session, only the most recent, often small, technical draft laws were adopted, which did not cause significant objections or discussions. Instead, both the number of laws passed and the time period for their registration increased during the 11th session, thereby enabling the adoption of draft laws that had been processed for a longer time and contained more significant changes. Both the higher number of laws adopted and the period of their registration show that the problems with finding consensus inherent in the 10th session were overcome during the 11th session.¹⁰⁰

A total of 108 laws were adopted during the **12th session**. This is a relatively low figure for the 9th convocation. At the same time, it is a relatively good indicator compared to the previous autumn session (10) since the number of adopted draft laws increased by 44. The ratio of adopted to registered draft laws in the 12th session is the same as in the 11th, so we can say that there are no new difficulties with adopting laws similar to those in the 10th session.¹⁰¹ The level of violations of the legislative procedure increased during the 12th session. Two-thirds (66%) of the laws had violations of the procedures established by the Rules of Procedure during the 12th session. An increase in violations occurred in the second reading, which has not been observed since the 8th session.¹⁰²

In general, the work of the 9th Parliament has shown that some provisions of the VRU Rules of Procedure are ‘dead’ or simply do not work properly. This applies, *inter alia*, to the third reading, registration of alternative draft laws, setting the agenda for the next session, the inclusion of draft laws in the

⁹⁴ [Monitoring Report of the Activity of the Verkhovna Rada. 9th session, 9th convocation.](#)

⁹⁵ [Monitoring Report of the Activity of the Verkhovna Rada. 10th session, 9th convocation.](#)

⁹⁶ If considering only the laws that were not vetoed.

⁹⁷ [Monitoring Report of the Activity of the Verkhovna Rada. 11th session, 9th convocation.](#)

⁹⁸ [Monitoring Report of the Activity of the Verkhovna Rada. 9th session, 9th convocation.](#)

⁹⁹ [Monitoring Report of the Activity of the Verkhovna Rada. 10th session, 9th convocation.](#)

¹⁰⁰ [Monitoring Report of the Activity of the Verkhovna Rada. 11th session, 9th convocation.](#)

¹⁰¹ [Passage of Draft Laws in the Work of the Verkhovna Rada of the 9th Convocation in the 12th Session.](#)

¹⁰² [Violations of the Rules of Procedure in the work of the Verkhovna Rada of the 9th convocation for the 12th session.](#)

agenda and most of the deadlines. Instead, living parliamentary practice creates hybrid procedures and mechanisms that are not provided for in the VRU Rules of Procedure.

2. Submission of a draft law to the Verkhovna Rada of Ukraine (legislative initiative)

The VRU Rules of Procedure stipulate that a draft law shall be submitted to the VRU and signed by a person who has the right of legislative initiative or represents a body vested with such a right.

Thus, presidential draft laws are submitted with the signature of the President of Ukraine, government draft laws are submitted with a cover letter from the Prime Minister after approval at a CMU meeting and parliamentary draft laws are submitted with the signature of the initiating MP.¹⁰³

According to the **VRU Rules of Procedure**, the draft law shall be accompanied by:

- › a draft resolution that the VRU proposes to adopt based on the results of its consideration;
- › a list of authors of the draft law;
- › a proposal for a speaker at the plenary session;
- › an explanatory note (shall include a justification of the need to adopt the draft law, its goals, objectives and main provisions, justification of the expected socio-economic, legal and other consequences of the law after its adoption, and other information necessary for consideration of the draft law);
- › financial and economic justification if the adoption of the draft law will lead to changes in budget indicators, together with proposals for amendments to legislative acts on additional budget revenues to achieve its balance. If the implementation of the draft law does not affect the budget indicators, this shall be stated in the explanatory note;
- › a comparative table (if the draft law concerns amendments to laws);
- › materials of approval (if any);
- › documents shall be submitted electronically. The documents that are submitted on paper in accordance with these Rules of Procedure shall be accompanied by their electronic files.¹⁰⁴

The **CMU Rules of Procedure** provide for a slightly wider list of supporting documents to a draft law. Thus, the following documents are attached to a government draft law:

- › a list of new laws and laws that need to be set out in a new version;
- › a list of regulatory acts of the CMU and CEAs that need to be adopted or revised to implement the provisions of the law;
- › a separate draft law amending other laws if such amendments are necessary for the implementation of the law and are not set out in its transitional provisions;
- › a draft law and materials to it in electronic form;

¹⁰³ If a draft law or other act is initiated by several MPs, the MP whose name (signature) is indicated first on it is considered its initiator. If this MP withdraws their signature, the initiator is the one whose name is next.

¹⁰⁴ [Articles 90 and 91 of VRU Rules of Procedure.](#)

- › a conclusion on compliance with such obligations, prepared by the Government Office for the Coordination of European and Euro-Atlantic Integration of the SCMU in the established form and signed by the Deputy Prime Minister, whose competence includes matters of European integration, shall be attached to the draft law concerning Ukraine's obligations in the field of European integration, including international legal obligations and EU *acquis*.¹⁰⁵

Currently, there is no single unified approach to the preparation of supporting documents for all holders of legislative initiative. This can be demonstrated by the requirements for an explanatory note, which is an integral part of a draft law.

The **VRU Rules of Procedure** stipulate that the explanatory note shall contain:¹⁰⁶

- › a justification of the necessity of adopting the draft law, its goals, objectives, main provisions and its place in the legislation system;
- › a justification of the expected social, economic, legal and other consequences of the law after its adoption;
- › other information necessary for consideration of the draft law.

The VRU Rules of Procedure do not clearly explain the number and names of the structural elements of the explanatory memorandum and their informative content.

The **CMU Rules of Procedure** contain a list of structural elements with a description of their content:

- › **goal** (one sentence formulation of the result to be achieved);
- › **justification of the need to adopt the act** (indicates the basis for the development of the draft act and briefly describes the essence of the problem to be solved);
- › **main provisions of the draft act** (the essence of the main provisions is briefly described, and the mechanism for implementing the act is disclosed);
- › **legal aspects** (indicates the legislative acts that contain the legal basis for the development of the draft act, provides a list of other legal acts in force in the relevant area of public relations);
- › **financial and economic justification** (indicates the result of financial and economic calculations of the impact of act implementation on the revenues and expenditures of the state and/or local budgets. Financial and economic calculations are attached to the explanatory note. If the implementation of the act does not require funding from the state or local budgets, information on this should be indicated separately);
- › **stakeholder position** (indicates the results of public consultations, as well as the position of the stakeholders if the draft act affects their interests);
- › **conformity assessment** (information on the presence or absence of provisions in the draft act that relate to Ukraine's European integration commitments, human rights and freedoms and fundamental freedoms, ensuring equal rights of women and men, contain risks of corruption offences or create grounds for discrimination, information on public anti-corruption, anti-discrimination and gender legal examination and the results of sending the draft act to the NACP);

¹⁰⁵ §70 of CMU Rules of Procedure.

¹⁰⁶ Article 91 of VRU Rules of Procedure.

- › **forecast of results** (provides a forecast of the expected results of act implementation, indicates the criteria (indicators) by which the effectiveness of its implementation will be assessed, possible risks and ways to minimise them, the impact on the market environment, regional development, labour market, etc., as well as information on the impact on the interests of stakeholders in the prescribed form attached to the explanatory note).

The Procedure for Working with Draft Laws Submitted by the President to the VRU sets out requirements only for the procedure of visaing, submission of draft laws and materials to them prepared for submission to the Parliament for the President's signature and their registration in the OPU Documentation Department.¹⁰⁷

The OPU prepares proposals for the President of Ukraine to identify draft laws as urgent for extraordinary consideration by the Verkhovna Rada of Ukraine.¹⁰⁸

The requirements of different holders of the right of legislative initiative coincide with respect to some structural elements of the explanatory note relating to the justification of the problem, a general description of the essence of the draft act and a financial and economic justification.

However, the requirements for the preparation of a draft act, explanatory note, and other supporting documents to a draft act are most clearly defined in the CMU Rules of Procedure. Compliance with these requirements is ensured by the entire system of preparing and making Government decisions and quality control at all stages of drafting.

The explanatory notes prepared by different holders of the right of legislative initiative differ in structure, content, volume and quality of the information provided in them. The absence of **unified requirements for the structure and content of explanatory notes to draft laws** allows the holders of the right of legislative initiative to determine the structure and content of such documents on their own. The practical consequence of this is that explanatory notes are drafted in an arbitrary form with vague or irrelevant content, which makes it difficult to identify both the expediency of adopting a particular draft law and the problem it aims to solve.

Despite the strict requirements of the CMU Rules of Procedure, the explanatory notes to draft laws 4210, 8187, 9281 and 11507 contain little information necessary to justify the legislative initiative and forecast the expected results of act implementation, possible risks and ways to minimise them and the impact on the interests of stakeholders.

The need for the adoption of draft law No. 9281 is explained in the most comprehensive way. In particular, the explanatory note provides brief information that during the legal regime of martial law in the country, there is no need for citizens (under the age of 27) to be registered with the military service for a long time since a significant number of citizens who are fit for military service and do not have the status of persons liable for military service cannot be called up for military service during mobilisation or for a special period.

The need to adopt the other three draft laws is justified by the relevant presidential acts approving the NSDC decisions.

¹⁰⁷ Paragraph 14–16 of the Regulation on the Procedure for Working with Draft Laws and Other Documents Submitted by the President of Ukraine to the Verkhovna Rada of Ukraine, approved by the Decree of the President of Ukraine No. 270 of 30 March 1995.

¹⁰⁸ Subparagraph 6 of paragraph 4 of the Regulation on the Office of the President of Ukraine, approved by the Decree of the President of Ukraine No. 436 of 25 June 2019.

It is also worth noting that the VRU Rules of Procedure are designed for standard draft laws. It does not provide for any exceptions to the procedures for consideration and adoption of draft laws that urgently address issues that are not standard in everyday peaceful life.

The Rules of Procedure apply the same requirements to draft laws on approval of presidential decrees on the introduction of martial law or a state of emergency in Ukraine or in certain areas of Ukraine, on general or partial mobilisation, on the declaration of certain areas as zones of environmental emergency as to all laws (stages and deadlines for their passage in Parliament, supporting documents).

Draft law No. [7111 of 24 February 2022](#) on the approval of the Decree of the President of Ukraine 'On the introduction of martial law in Ukraine' is a vivid example of the fact that for this category of acts, the regulatory requirements shall be reviewed in terms of their appropriateness.

It is impossible to prepare a financial and economic justification for a draft law on the approval of the Presidential Decree on the introduction of martial law in Ukraine in a few hours. Therefore, the explanatory note to draft law No. [7111 of 24 February 2022](#) states that the implementation of the draft law does not require additional state budget expenditures. However, the expected results of draft law implementation, in addition to empowering the relevant governmental authorities, military command, military administrations and local governments, include 'taking adequate measures in the event of armed aggression or threat of attack, threat to Ukraine's state independence and territorial integrity [...]'. This a priori implies additional and very significant state budget expenditures. The content of the explanatory note is not true.

Opinions of the main and additional committees, which are mandatory for all draft laws, were not prepared on this draft law. Failure to comply with the regulatory requirements did not prevent the adoption of the relevant law. This is entirely understandable, as in the extreme conditions in which Ukraine found itself on 24 February 2022, a decision had to be made immediately.

For this type of draft law, the preparation of such documents seems unnecessary, as such draft laws are adopted in the first reading and in their entirety.

The Law of Ukraine 'On Lawmaking' defines the main requirements for the content of an explanatory note, including the results of an assessment of the potential impact of a draft act on public relations, expert opinions (*if any*) and the results of public consultations (*if any*).

A positive aspect is the imperative to present the results of the impact assessment in the explanatory note. However, expert opinions and the results of public consultations are not mandatory.

3. Registration and preliminary consideration of draft laws

From the moment a draft law is submitted to the VRU, all draft laws (regardless of the holder of the right of legislative initiative) go through a single process in the Parliament.

A draft law submitted to the VRU is registered with its Secretariat, and its further route at the stage of preliminary consideration before the decision on its inclusion in the agenda of the regular session of the Parliament (ARS) is briefly described in Table 6.

Table 6

The route of a draft law before a decision is made on its inclusion in the ARS

Process participant	Description of actions	Deadline
Main Organisational Department of the VRU Secretariat	<ul style="list-style-type: none"> › Checks the correctness of the draft law in accordance with the VRU Rules of Procedure; › prepares a draft resolution of the VRU leadership, which, together with the draft law materials, is submitted to the Chair of the VRU or their deputy in accordance with the distribution of responsibilities. 	On the day of submission or no later than the next business day
The Chair of the VRU or their deputy as per the distribution of responsibilities	<ul style="list-style-type: none"> › Reviews the submitted documents and designates the committee responsible for the preparation and preliminary review of the draft law within its competence; › returns the draft law with a resolution to the Main Organisational Department. 	No later than 5 days upon receipt of the draft law
Main Organisational Department of the VRU Secretariat	<ul style="list-style-type: none"> › Submits the draft law to the main committee, Budget, Anti-Corruption, European Integration and other committees as per the resolution of the Chair of the VRU or their deputy, as well as to the MSED; › enters the draft law and supporting documents into the unified automated system and posts it on the VRU website. 	No later than 5 days upon receipt of the draft law
Budget Committee	<ul style="list-style-type: none"> › Submits the draft law to the CMU for an expert examination of its impact on budget indicators and compliance with the laws governing budgetary relations. 	No later than 3 days upon receipt of the draft law
Budget, Anti-Corruption, European Integration Committees, other committees as per the resolution of the Chair of the VRU or their deputy, other committees (on their own initiative or on instructions)	<ul style="list-style-type: none"> › They consider the draft law and send their opinions to the main committee, in particular on: › impact on budget indicators and compliance with the laws regulating budgetary relations; › compliance with the anti-corruption legislation; › compliance with Ukraine's international legal obligations in the field of European integration; › compliance of execution of the draft law and its registration with the requirements of the law, the VRU Rules of Procedure, and the legal acts adopted according to them. 	Within 21 days upon receipt of the draft law
Main committee	<ul style="list-style-type: none"> › Prior to the preliminary consideration of the draft law, it may invite the CMU, ministries, other public authorities and citizens' associations to express their opinions on the feasibility of its adoption; 	Within 30 days upon receipt of the draft law

Process participant	Description of actions	Deadline
	<ul style="list-style-type: none"> following the preliminary consideration of the draft law, decides whether it should be included in the ARS or returned to the drafter. If the opinions are not submitted to the main committee within the established timeframe, it preliminarily considers the draft law without their opinions. 	
VRU	<ul style="list-style-type: none"> Considers including the draft law in the ARS. 	Within 30 days after the approval of the opinion of the main committee, but at least 2 days after the submission of the opinion of the main committee and opinions of other committees to the MPs

Sources: VRU Rules of Procedure, Law of Ukraine 'On Committees of the Verkhovna Rada', presentation of the USAID RADA Training Centre [Legislative Process in the Verkhovna Rada of Ukraine](#).

The aforementioned deadlines are stipulated by the VRU Rules of Procedure. However, the actual time required to prepare and submit opinions of the main committees on draft laws for the first reading depends on the following important indicators:

- by committee—on their workload and efficiency;
- by initiator—on the quality of the draft law and its prospects.¹⁰⁹

The time required to obtain the first opinion of the main committee, together with the data on the overall passage of draft laws, allows a better understanding of the overall dynamics of the passage of draft laws over the last four sessions of the 9th VRU (see Table 7).

Table 7

Timeframe for providing opinions of the main committees for the first reading

Session	Average time for providing opinions	Differences in the speed of providing opinions between committees
9th session	199 days, half of the opinions were provided within 28 days	50 times
10th session	97 days, half of the opinions were provided within 30 days	100 times
11th session	138 days, half of the opinions were provided within 39 days	80 times
12th session	114 days, half of the opinions were provided within 36 days	60 times

Sources: Monitoring Report of the Activity of the Verkhovna Rada. 9th session, 9th convocation; Monitoring Report of the Activity of the Verkhovna Rada. 10th session, 9th convocation; Monitoring Report of the Activity of the Verkhovna Rada. 11th session, 9th convocation; [Passage of Draft Laws in the Work of the Verkhovna Rada of the 9th Convocation in the 12th Session](#).

¹⁰⁹ Interview with an employee of the committee's secretariat.

The speed of providing opinions varies greatly across committees and does not always depend on the committee's workload (see Table 8).

Table 8

Comparison of the speed of providing opinions by the VRU committees

	Committee on National Security, Defence and Intelligence		Committee on Youth and Sports		Committee on Digital Transformation		Committee on Transport and Infrastructure	
	Draft laws under consideration in committees (all sessions of the 9th convocation)							
	Main developer	Co-developer	Main developer	Co-developer	Main developer	Co-developer	Main developer	Co-developer
	280	825	20	236	26	512	44	331
	Average number of days from the registration of draft laws to the provision of an opinion for the first reading (days)							
9th session	29		34		62		162	
10th session	22		133		36		269	
11th session	101		27		33		1,002	
12th session	44		95		55		937	

Sources: Draft laws under consideration by the committees of the Verkhovna Rada of Ukraine. Data as of 4 April 2025; Monitoring Report of the Activity of the Verkhovna Rada. 9th session, 9th convocation; Monitoring Report of the Activity of the Verkhovna Rada. 10th session, 9th convocation; Monitoring Report of the Activity of the Verkhovna Rada. 11th session, 9th convocation; Passage of Draft Laws in the Work of the Verkhovna Rada of the 9th Convocation in the 12th Session.

The grounds for returning a draft law without including it in the agenda and considering it at the plenary session are:

- › inconsistency with the provisions of the Constitution of Ukraine;
- › drafting without compliance with the law and the VRU Rules of Procedure;
- › lack of financial and economic justification for the draft law;
- › existence of a draft law adopted in the first reading, to which the submitted draft law is an alternative;
- › rejection at the current VRU session of a draft law whose provisions duplicate the submitted draft law per se.

In this case, upon the proposal of the main committee or temporary special commission, or the Conciliation Board, the Chair of the VRU (or their deputy according to the distribution of responsibilities) returns the draft law to the holder of legislative initiative without including it in the agenda within 15 days. The returned draft law may be resubmitted to the VRU, provided that the deficiencies that caused the return are eliminated.

The VRU Secretariat and the main committee keep a file on each draft law included in the ARS in electronic and paper forms. The file of a draft law contains documents submitted as a legislative initiative, documents prepared in the course of drafting, consideration, revision and adoption of the relevant draft law by the Parliament, as well as documents prepared by the VRU bodies, public authorities, institutions and organisations upon request of the VRU.

An analysis of the practice of including draft laws in the agenda and returning them for revision by the VRU of the 9th convocation shows that:

- › the initial ARS consists of draft laws that have accumulated in the committees since the 1st session and, for various reasons, were not considered by the committees or the Parliament in the first or second reading during the previous regular sessions;
- › the ARS includes draft laws not included in the ARS for the relevant year;
- › the ARS is constantly changing: it includes new draft laws registered after the approval of the initial agenda for the relevant session and excludes draft laws that have lost their relevance;

Since its approval on 6 February 2024, the ARS of the 11th session of the 9th VRU has been amended 27 times, starting from the day following its approval (7 February 2024), with 112 additional draft laws (including 4 draft VRU resolutions) included in it and 3 draft laws withdrawn from consideration due to their loss of relevance at the time of inclusion in the agenda).¹¹⁰

Since its approval on 3 September 2024, the ARS of the 12th session of the 9th VRU has been amended 20 times, starting from the day following its approval (4 September 2024), with 71 additional draft laws (including 5 draft VRU resolutions) included in it.¹¹¹

- › the ARS includes all registered draft laws processed by the main committees;
- › the decision on the additional draft laws is made on the day they are included in the agenda;
- › the main committee's opinion contains recommendations to simultaneously include the draft law in the ARS and to reject it or return it for revision based on the results of the first reading.¹¹²

The scheme of the preliminary consideration of a draft law in the VRU is shown in Chart 5.

¹¹⁰ [Agenda of the Eleventh Session of the Verkhovna Rada of Ukraine of the Ninth Convocation](#), approved by VRU Resolution No. 3562-IX of 6 February 2024, information as of 21 August 2024.

¹¹¹ [Agenda of the Twelfth Session of the Verkhovna Rada of Ukraine of the Ninth Convocation](#), approved by the VRU Resolution No. 3939-IX of 3 September 2024.

¹¹² For example, the opinion of the VRU Committee on Human Rights, Deoccupation and Reintegration of Temporarily Occupied Territories of Ukraine, National Minorities and Interethnic Relations on the reg. [No. 10235 of 9 November 2023](#).

Preliminary consideration of draft laws in the VRU¹¹³

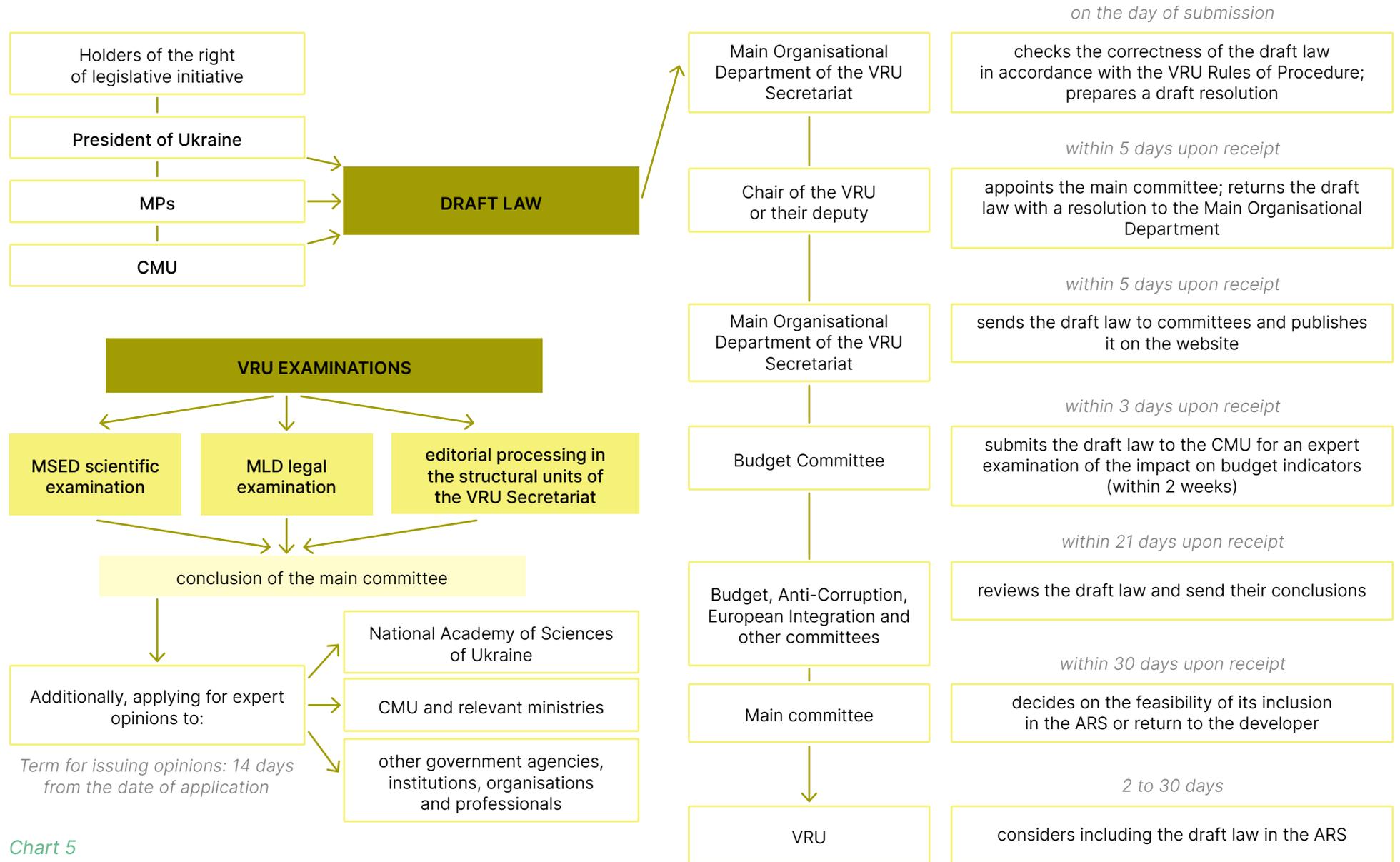


Chart 5

¹¹³ The procedures are the same for all draft laws, regardless of the holder of legislative initiative.

Thus, despite the introduction of legislative work planning, there were no changes in the priority of the LWP during the preparation of the ARS. Both now and in accordance with the future version of the VRU Rules of Procedure,¹¹⁴ **it is possible to submit draft laws not provided for in the LWP for the relevant year to the VRU and include them in the ARS. This is justified for draft laws that are needed suddenly and are urgent (e.g., on approval of the Presidential Decree on the introduction of martial law, other draft laws related to the introduction of martial law) or adopted laws returned with the President's proposals. In other cases, it is due to shortcomings in planning the work on drafting laws.**

In times of the full-scale armed aggression of the Russian Federation against Ukraine, it was possible to include draft laws on the termination of cooperation agreements in various sectors with the aggressor state and the Republic of Belarus in the LWP (government draft laws No. 0212, 0210, 0201 and 0192). These draft laws were submitted to and adopted by the Parliament in 2023, which proves their relevance.¹¹⁵

According to the above, we can assume that the Parliament does not yet have a vision of a clear systemic approach to work planning and adherence to the approved plan. The preparation and adjustment of the ARS is *ad hoc*, which obviously results in unproductive use of the VRU's resources, delaying the consideration of draft laws, up to the point where some of them are no longer relevant.

One of the factors that negatively affects the speed of preliminary consideration of draft laws is their large number. An incredible number of draft laws, most of which are initiated by MPs, have been accumulated in the Ukrainian Parliament for years, consuming the VRU's resources. After all, the committees and expert analytical subdivisions of the Parliament shall consider, work on and provide conclusions on each draft law.

However, due to such a large number of registered draft laws, MPs suffer, too. After all, they find themselves in a paradoxical situation: on the one hand, they are required to make a decision, and on the other hand, the number of documents required for a balanced and reasoned judgement exceeds human capabilities. In general, **excessive workload reduces the effectiveness of the whole legislative process.**¹¹⁶

Not all European countries have a legislative initiative of individual MPs. Not all countries have a legislative initiative of MPs at all. The European Parliament, the body that the Ukrainian Parliament is trying to emulate, does not have a legislative initiative of its members.

In addition, very often, the right of individual legislative initiative is used either for communication and advertising purposes or to block reforms because amendments are also an individual legislative initiative.¹¹⁷

The preliminary consideration of government draft laws in the defence sector was based on different scenarios (see Table 9).

¹¹⁴ The final provisions of the Law of Ukraine 'On Lawmaking' change the algorithm for the formation of the LWP and ARS in the VRU Rules of Procedure (Articles 19¹ and 20 of the VRU Rules of Procedure).

¹¹⁵ Source: CMU official website, subsection '[Consideration of Government Draft Laws](#)', section 'Interaction with the Verkhovna Rada of Ukraine'.

¹¹⁶ [The right to spam: Should the ability to register draft laws be restricted?](#)

¹¹⁷ [Oleksandr Korniienko: Not All European Countries Have a Legislative Initiative of Individual MPs.](#)

Table 9

Preliminary consideration of government draft laws VRU Committee on Security, Defence and Intelligence

No. of Draft Law	Date of registration	Date of provision of the opinion	Time from the registration of the draft law to the provision of the opinion	Essence of the opinion
4210	12 October 2020	10 March 2021	150 days	Based on the results of the first reading, send to the main committee for preparation for a repeated first reading.
8187	7 November 2022	6 February 2023	91 days	Adopt as a basis in the first reading.
9281	9 May 2023	18 May 2023	9 days	Determine the draft law as urgent and cut the timeframe for submitting alternative draft laws by half, and, based on the results of the first reading, adopt it as a basis and in its entirety.
11507	21 August 2024	3 September 2024	13 days	Determine the draft law as urgent and cut the timeframe for submitting alternative draft laws by half, and, based on the results of the first reading, adopt it as a basis and in its entirety.

Source: VRU website.

The information in the table shows that the speed of preliminary consideration of draft laws depends on the urgency of the issue to be regulated by law, the quality of drafting and/or the MPs' agreement or disagreement with the Government's legislative proposals.

4. Expert examination of draft laws in the Parliament: allocation of roles among subjects of analysis

When preparing for the first reading, a draft law registered and included in the ARS *shall be* sent for scientific examination as instructed by the Chair of the VRU or their deputy in accordance with the distribution of duties, or by decision of the main committee, and when preparing for all subsequent readings—for legal examination and editorial processing (linguistic examination) to the relevant structural units of the VRU Secretariat.

Registered draft laws that are systemic for certain branches of legislation, and for which the relevant committee has identified the need for scientific analysis in preparation for the first reading, are sent to the National Academy of Sciences of Ukraine for expert opinions. Certain draft laws may also be submitted to the CMU, relevant ministries, other public authorities, institutions and organisations, or individual professionals for expert opinions.

Expert opinions shall be submitted to the VRU no later than 14 days upon receipt of the request from the officials and bodies of the VRU. If the opinions are not received within this timeframe, it is considered that there are no comments.

The opinions prepared based on the results of the expert examination are sent to the main committee to be taken into account when considering the draft law and making a decision on further work on it.

After registration and inclusion in the ARS, the draft law shall be sent for scientific examination to the MSED during preparation for the first reading, and for legal examination to the MLD and editorial review to the relevant structural units of the VRU Secretariat during preparation for all subsequent readings.¹¹⁸

The VRU Research Service is also involved in the analysis of draft laws registered in the Parliament, in particular, it conducts rapid risk analysis of draft laws.¹¹⁹ In 2023, among other documents, the Service prepared 255 information notes on the analysis of 150 draft laws registered in the VRU.¹²⁰ In 2024, it prepared 228 information notes on the analysis of 189 draft laws registered in the Verkhovna Rada of Ukraine.¹²¹

The VRU Committee on Anti-Corruption Policy conducts the ACE of draft laws submitted to the VRU. The NACP may also conduct the ACE of draft laws submitted to the VRU, including MPs' draft laws, on its own initiative. In such cases, the NACP informs the relevant VRU committee of the draft law's ACE, which is the basis for suspending the procedure for its consideration or adoption for a period of no more than ten days.¹²²

The main committee also submits its expert recommendations in the form of conclusions on the draft law. The committee's conclusion shall contain a proposal to adopt the relevant draft law (either main or alternative) with its justification. If necessary, the committee may propose to postpone consideration of the draft law. The main committee's conclusion shall be accompanied by the financial and economic justification and impact on the budget indicators developed by the Budget Committee. The main committee may also attach conclusions of the Government and other entities that consider budget issues.

The forms of the VRU committees' conclusions and expert opinions are not defined. All conclusions and opinions are drawn up in an arbitrary form and often do not contain a clear position on the expediency of adopting the draft law in the first reading, revising it or rejecting it. Consequently, MPs do not have enough guidance to make further decisions on the draft law: how to perceive the draft law as one that has the support of experts or as one that requires significant revision, which is difficult and inexpedient to carry out when preparing the draft law for the second reading. If the experts do not express a clear position, this may **devalue the role of the expert examination itself** as a tool for sound analysis and recommendations. In addition, the absence of a clear position leaves **room for manipulation** when the expert examination can be interpreted as beneficial to political forces, and its essence can be distorted.

¹¹⁸ [Article 103 of VRU Rules of Procedure.](#)

¹¹⁹ [Regulation on the Research Service of the Verkhovna Rada of Ukraine, approved by the Order of the Chair of the VRU No. 438 of 11 August 2022 \(as amended by the Order of the Chair of the VRU No. 420 of 3 May 2024\).](#)

¹²⁰ [Report on the Activity of the Research Service of the Verkhovna Rada of Ukraine for 2023.](#)

¹²¹ [Report on the Activity of the Research Service of the Verkhovna Rada of Ukraine for 2024.](#)

¹²² [Article 55 of the Law of Ukraine 'On Prevention of Corruption'.](#)

According to the Budget Code, each draft law submitted to the VRU shall be sent to the CMU within 5 days for an expert examination of its impact on budget indicators and compliance with the laws governing budgetary relations. In turn, the VRU Rules of Procedure specify that the draft law shall be sent to the CMU by the Budget Committee no later than 3 days upon receipt of the draft law. There is an inconsistency in the timing here (see the route of the draft law after its registration in the VRU). If a committee receives a draft law on the 5th day after registration and sends it to the CMU on the third day after receipt, this is already 8 days from the date of registration. The Budget Code and the VRU Rules of Procedure do not provide for any exceptions for submitting to the CMU for such an expert examination of government draft laws that have already passed the approval and examination procedure in accordance with the CMU Rules of Procedure and, *inter alia*, have received the opinion of the Ministry of Finance on the impact of the act on the revenues and expenditures of the state and/or local budgets.¹²³

Within two weeks upon receipt of the draft law, the CMU submits an expert opinion prepared by the Ministry of Finance with the participation of other interested CEAs to the VRU Budget Committee. The expert opinion on a draft law shall contain information on the completeness and reliability of the data set out in the financial and economic justification, the impact of the draft law on budget indicators (with the mandatory determination of the value of such impact), the possibilities of financial support in the relevant budget period, compliance with the laws governing budgetary relations and proposals for its consideration.¹²⁴

Such a procedure is required for drafting laws initiated by MPs, as it provides an evaluation of the capacity of the state and/or local budgets to implement the legislative proposals of MPs. At the same time, sending a government draft law for an expert examination of its impact on budget indicators unbalances the unity of the Government's position, calls into question its collective decisions and undermines the authority of the Government as a separate branch of power.

Re-examination of the impact on budget indicators is advisable for a government draft law prepared for the second reading, as the consideration of MPs' proposals and the time that has passed since its submission to the Parliament may significantly change the expected impact of the draft law on the budget.

The Government, in pursuance of the VRU decision, at the request of the relevant VRU committee or on its own initiative, submits to the Parliament conclusions on the completeness of the economic justification and financial support for legislative proposals and draft laws, the implementation of which requires financial and other costs at the expense of the state or local budgets.¹²⁵

The CMU ensures the expert examination of draft laws submitted to the VRU by other holders of the right of legislative initiative, which are sent by the Parliament or individual committees.

Members of the Government have the right to submit opinions on draft laws on matters that fall within their competence. Such opinions are sent to the VRU committee designated as the main committee for the relevant draft law.¹²⁶

The CMU Rules of Procedure provide for the functioning of the module of interaction with the VRU, in which the CEAs monitor the draft laws registered in the VRU and prepare expert opinions on draft

¹²³ Paragraph 5 of §33 of CMU Rules of Procedure.

¹²⁴ Article 27 of the Budget Code of Ukraine.

¹²⁵ Article 28 of the Law of Ukraine 'On the Cabinet of Ministers of Ukraine'.

¹²⁶ Ibid.

laws initiated by MPs.¹²⁷ Access to such information is granted by the SCMU to the responsible officials of the ministries. The SCMU grants access to the interaction module for entering information on interaction with the VRU and posting it on the official website of the CMU.¹²⁸

In order to present the Government's position during the consideration of draft laws submitted to the VRU by MPs, the CEAs:¹²⁹

- › monitor draft laws on matters falling within their competence and analyse such drafts for compliance with the principles of state policy;
- › formulate proposals to define the Government's position for the first reading of draft laws and enter them into the interaction module no later than ten days after the text of such draft laws is posted on the official website of the VRU;
- › formulate and enter into the interaction module proposals for the draft laws prepared for the second and subsequent readings no later than eight days after the relevant information is posted on the official website of the VRU, taking into account amendments and proposals to such draft laws;
- › enter proposals for the draft laws included in the draft schedule of plenary sessions of the VRU for the relevant week, taking into account the decisions of the VRU committees, into the interaction module no later than 12:00 on the Friday preceding the week of the VRU plenary sessions. These proposals are entered into the interaction module regardless of the day the text of the draft laws is posted on the VRU official website.

According to the CMU Rules of Procedure, CEAs' proposals for draft laws submitted to the VRU by MPs are prepared in the prescribed form and shall contain a clear position of the relevant executive body on the draft law and its justification. Not all CEAs adhere to the established form of opinion, but the content of their proposals usually defines a clear position of the relevant body on the draft law and its justification.

CEAs' proposals on draft laws submitted to the VRU by MPs are published on the Government Portal.¹³⁰ However, the VRU committees do not often take into account the proposals of the CEAs published on the Government Portal, preferring instead to request in writing the position of individual CEAs and the Government as a whole.

If there is a need to reconcile differences in positions on draft laws included in the draft schedule of plenary sessions and there is no expert opinion of the CMU on such draft laws, the SCMU organises a meeting with the deputy heads of CEAs responsible for interaction with the Parliament on the Friday preceding the week of plenary sessions.¹³¹

¹²⁷ § 113 of CMU Rules of Procedure.

¹²⁸ As of 31 March 2025, the section 'Interaction with the Verkhovna Rada of Ukraine' is in test mode.

¹²⁹ § 113 of CMU Rules of Procedure.

¹³⁰ [Conclusions and proposals on draft laws // Interaction with the Verkhovna Rada of Ukraine.](#)

¹³¹ Ibid.

Table 10

Information on CEAs' opinions on government draft laws registered in the VRU

No. of Draft law	First reading	Repeated first reading	Second reading
4210	State Border Guard Service—opinion of 31 November 2020, upheld. Ministry of Finance—opinion of 23 October 2020, no comments.	Ministry of Finance—opinion of 6 June 2022, the draft law needs to be revised: the draft law affects state budget expenditures, requires additional expenditures that have not been calculated, and there is no financial and economic justification.	—
8187	State Border Guard Service—opinion of 15 November 2022, upheld. Ministry of Finance—opinion of 18 November 2022, no comments. Ministry of Education—opinion of 1 December 2022, supported with comments on the definition of the term 'intellectual property'.	—	Ministry of Finance—opinion of 11 June 2023, upheld. Ministry of Defence—opinion of 9 May 2023, upheld.
9281	State Border Guard Service—opinion of 15 November 2023, upheld. Ministry of Finance—opinion of 22 May 2023, upheld, will not affect the budget figures.	—	—
11507	No opinion. The law has been signed.	—	—

Source: [Interaction with the Verkhovna Rada of Ukraine: Government portal](#).

At the stage of evaluation and expert examination, **cooperation between the public, scientific institutions and the Parliament** is important. Firstly, an in-depth analysis of a draft law by experts in specific fields helps improve its provisions, structure, etc. Secondly, preliminary evaluation by professionals minimises legislative spam in the VRU.

One of the tools of cooperation between the government and civil society is the creation of working groups that are involved in improving the relevant draft law. Working groups are usually set up to work on complex draft laws that require the involvement of various professionals.¹³² To prepare draft decisions, recommendations, and committee opinions, VRU committees may also create working groups and include employees of research institutes and educational institutions, as well as representatives of local governments, NGOs, and international organisations.¹³³ In this case, the conclusion of the main committee contains information on the results of the working group's consideration of the draft law.

¹³² Interview with a representative of the committee's secretariat.

¹³³ [Article 15](#) of the Law of Ukraine 'On Committees of the Verkhovna Rada of Ukraine'.

Of course, the effectiveness of this mechanism depends on the efficiency of the exchange of views, the expertise and professional potential of the group, as well as the willingness of MPs, the public and the secretariat of the main committee to cooperate. However, the implementation of such practices has an impact both on improving the legislative initiative and on spreading the experience of cooperation between the state and public sectors in decision-making.

Another tool for engaging citizens in the legislative process is the **posting of draft laws on the VRU portal for public discussion**, which allows not only to read the draft laws but also to comment on them and submit comments and proposals for them online. For the public, this portal is an opportunity to influence state policy and decision-making, while for the Parliament, it is an opportunity to receive professional comments from people working in the relevant field. However, an analysis of the information posted on this portal suggests that **this tool is currently underestimated by both the public and the Parliament**.¹³⁴ At present, only one draft law developed by MPs of the 9th VRU has been submitted for discussion, which was supported by 7 people and not supported by 1 person.¹³⁵ At the same time, several dozen draft laws are registered in the VRU in just one week,¹³⁶ while thousands of draft laws are being considered by committees.¹³⁷

It is important to emphasise that a government draft law, which has already undergone all the procedures of discussion, approval, expert examination, including legal examination, before being approved by the Government and submitted to the Parliament, is subject to the same procedures in the Parliament as MPs' draft laws. Thus, for government draft laws, the law provides for more filters that prevent the adoption of questionable and low-quality laws.

A presidential draft law is also subject to expert examination before it is submitted to the Parliament:

- › *submitted by the Government—in accordance with the CMU Rules of Procedure and then—by the relevant structural units of the OPU;*
- › *drafted by the OPU—by the relevant structural units of the OPU.*

In turn, a parliamentary draft law undergoes all the examinations after it is submitted to the VRU.

The analysis of the passage of draft laws in the Parliament leads to the conclusion that quite often, the conclusions of the VRU Secretariat units (MSED, MLD) are partially or not taken into account by MPs, especially when considering an urgent or politically motivated and relevant draft law. Instead, when the main committee disagrees with the Government's legislative proposals, the main committee relies on the MSED's comments in its conclusion to justify its position. This happened, in particular, following the preliminary consideration of draft laws No. 4210 and 8187. The conclusions of the Committee on National Security, Defence and Intelligence state that the MSED expressed its comments on them.^{138, 139}

In its conclusions on draft laws No. 9281 and 11507, the main committee also mentioned that the MSED had commented on these draft laws and even proposed to instruct the Committee to carry out

¹³⁴ [Statistics on the discussion of draft laws](#), accessed on 4 March 2025.

¹³⁵ [Discussion of draft law 12260](#).

¹³⁶ 39 draft laws were [registered](#) from 25 February 2025 to 4 March 2025. Accessed on 4 March 2025. 15:30.

¹³⁷ [3,905 draft laws are being processed in the VRU committees](#) Accessed on 4 March 2025. 15:32.

¹³⁸ [Opinion of the VRU Committee on National Security, Defence and Intelligence No. 04-22/3-2021/82547 of 9 March 2021 to reg. No. 4210 of 12 October 2020, Cabinet of Ministers of Ukraine.](#)

¹³⁹ [Opinion of the VRU Committee on National Security, Defence and Intelligence No. 04-22/3-2023/23001 of 3 February 2023 to reg. No. 8187 \(first reading\).](#)

technical and legal revision of the draft laws together with the MLD before the Chair of the VRU signs them in case these draft laws are adopted in the first reading and in their entirety.^{140, 141} However, the texts of the laws signed by the Chair of the VRU do not differ in principle from the texts submitted by the Government for consideration by the Parliament.

5. Consideration of draft laws in three readings

The VRU Rules of Procedure stipulate that all draft laws are usually considered in three readings.

5.1. First reading

At the first reading stage, ***the main principles, provisions, and structure of the draft law are discussed, and it is adopted as a basis.*** After the draft law is included in the VRU's ARS, the main committee prepares it for the first reading. The main committee's conclusion for the first reading of the draft law and its supporting documents (including the conclusions of other committees) are provided to MPs no later than 7 days before the day of consideration of the draft law at the plenary session of the VRU.

As a rule, consideration of draft laws in the first reading is based on the ***full discussion procedure.***

Procedure for full plenary discussion:¹⁴²

- ① report of the MP initiating the proposal or other holder of the right of legislative initiative or their representative, questions to the speaker and answers to them;
- ② co-report of a co-speaker designated by the main committee or temporary special commission, questions to the co-speaker and answers to them;
- ③ speeches by MPs members of the main committee or temporary special commission announcing and justifying their dissenting opinion, if it was not provided to the MPs together with the conclusion of the relevant committee or temporary special commission;
- ④ speeches by one representative from each committee or temporary special commission (except for the main committee) to which the draft law was sent if the conclusions of such committees or commissions were not provided to the MPs;
- ⑤ speeches by representatives of parliamentary factions (parliamentary groups) of MPs;
- ⑥ announcement of termination of discussion and the number of speakers who have spoken and signed up to speak by the chair of the plenary session;
- ⑦ closing remarks by the speaker and co-speaker(s);
- ⑧ clarification and announcement of the proposals received on the issue under discussion and to be put to the vote by the chair of the plenary session.

¹⁴⁰ Opinion of the VRU Committee on National Security, Defence and Intelligence No. 04-22/3-2023/105002 of 17 May 2023 to reg. No. 9281 of 9 May 2023, Cabinet of Ministers of Ukraine.

¹⁴¹ Opinion of the VRU Committee on National Security, Defence and Intelligence No. 04-22/3-2024/190714 of 2 September 2024 to reg. No. 11507 (first reading).

¹⁴² Article 30 of VRU Rules of Procedure.

The VRU may adopt a procedural decision on **the discussion in a fast-track procedure (abbreviated procedure)**.

Consideration in a fast-track procedure:¹⁴³

- ① a speech by the MP initiating the proposal or other holder of the right of legislative initiative or their representative with the substantiation of the proposals;
- ② a speech by the head of the committee or a representative of the main committee in case of consideration of the issue prepared by the committee;
- ③ speeches by representatives of 2 parliamentary factions (parliamentary groups) in support and 2 parliamentary factions (parliamentary groups) not in support of the proposal;
- ④ clarification and announcement of the proposals that have been received and will be put to the vote by the chair of the plenary session;
- ⑤ speeches on the reasons for voting by 1 representative of the parliamentary factions (parliamentary groups) that did not participate in the discussion.

Such a discussion procedure is not allowed if the draft law contains more than 100 articles.

See Chart 11 for more information on the procedure for discussing the draft law under the VRU Rules of Procedure.

Chart 11

Procedure for discussing the draft law under the VRU Rules of Procedure

Procedure for full discussion of the draft law (This procedure is almost never used. It is mandatory only if the draft law contains 100 or more articles)	
Report of the initiator or their representative.	At least 10 min.
Co-report.	5 min.
Speeches by MPs members of the main committee or temporary special commission announcing and justifying their dissenting opinion, if it was not provided to the MPs together with the conclusion of the relevant committee or temporary special commission.	1 min.
Speeches by one representative from each committee or temporary special commission to which, in addition to the main committee, the draft law or other act of the Verkhovna Rada was sent if the conclusions of these committees or temporary special commissions were not provided to MPs.	3 min.
Speeches by representatives of parliamentary factions and groups and MPs.	3 min. (24 min.—all factions and groups).
Closing remarks by the speaker and co-speaker(s).	3 min. + 3 min.
Clarification and announcement of the proposals received on the issue under discussion and to be put to the vote by the chair of the plenary session.	
Estimated minimum review time—45 minutes	

¹⁴³ Article 31 of VRU Rules of Procedure.

Shortened procedure for consideration of the draft law in the first reading	
In accordance with Article 32(2) of the Rules of Procedure, speeches under the procedure of shortened discussion, speeches on article-by-article voting on draft laws and other acts of the Verkhovna Rada, speeches on candidates for office, submission of proposals and answers to questions by members of the Cabinet of Ministers of Ukraine are limited to two minutes.	
A speech by the MP initiating the proposal or other holder of the right of legislative initiative or their representative with the substantiation of the proposal.	2 min.
A speech by the head of the committee or a representative of the main committee in case of consideration of the issue prepared by this committee.	2 min.
Speeches by representatives of two parliamentary factions (parliamentary groups) in support of each proposal and representatives of two parliamentary factions (parliamentary groups) not in support of the proposal.	2 min. + 2 min. + 2 min. + 2 min.
Clarification and announcement of the proposals that have been received and will be put to the vote by the chair of the plenary session.	2 min.
Speeches on the reasons for voting by one representative of the parliamentary factions (parliamentary groups) whose representatives did not participate in the discussion.	1 min. + 1 min. + 1 min. + 1 min.
Estimated minimum time for consideration of a draft law under the shortened discussion procedure: 16–18 minutes	
Second reading under a special procedure	
Pursuant to Article 119-1(1) of the VRU Rules of Procedure, a special procedure is applied in case of submission of proposals and amendments to a draft law being prepared for the second reading (except for the draft code, a draft law considered by the Verkhovna Rada under a special procedure) in quantity five times or more the number of articles of the draft primary legislative act or the number of paragraphs of the draft law amending primary legislative acts, but at least 500 proposals and amendments.	
Speech by the head of the committee or a representative of the main committee.	2 min.
Discussion of proposals and amendments included in the revised comparative table:	
] initiator of a rejected proposal;	2 min.
] an MP who demands to put to the vote (for confirmation) an amendment or proposal taken into account by the main committee;	1 min.
] the head or representative of the main committee to justify the committee's decision on each proposal discussed.	1 min.

Voting comes after discussing the draft law and its main provisions.

There are **5 scenarios for the final decision** on the draft law in the first reading:

- ① adopting the draft law as a basis with an instruction to the main committee to prepare it for the second reading;
- ② returning the draft law to the holder of a legislative initiative for revision or sending it to the main committee for preparation for a repeated first reading. At the same time, the main provisions, principles and criteria that the revised draft law and its structural parts must meet are determined;
- ③ publication of the draft law in the print media designated by the Parliament for public discussion, revision by the main committee with due regard to the results of the discussion and resubmission for the first reading;
- ④ rejection of the draft law;
- ⑤ adoption of the draft law as a basis and in its entirety. An analysis of the VRU's practice of reviewing draft laws shows that this scenario applies to almost a third of the draft laws.

Alternative draft laws and peculiarities of their consideration

Alternative draft laws contain provisions that regulate the same range of issues and problems as the main draft law. In essence, they duplicate the provisions of the main draft law but may have different methods of solving the problem. An alternative draft law shall be submitted no later than 14 days after the date of submission of the first (main) draft law on the relevant issue by MPs. Several alternative draft laws may be submitted to one main draft law from different holders of a legislative initiative.

The alternative draft laws are considered and discussed at the plenary session of the VRU, along with the main draft law. The main committee may recommend that the VRU adopt one of them as a basis. Alternative draft laws are considered in the order of priority of their submission. Alternative draft laws may be submitted for the repeated first reading within 10 days upon submission of the draft law to which they are alternative. After a draft law has been adopted in the first reading, alternative draft laws may not be submitted to it.

Alternative draft laws are a common legislative tool that provides an opportunity to obtain different solutions to the same problem and, ideally, to choose the best or compromise solution. An excessive number of alternatives often arises when it comes to a controversial issue. Representatives of the interests of different groups promote their initiatives.

Four legislative initiatives received the most alternative draft laws in the 9th Parliament. The draft law on land reform (No. 2178) and amendments to the law on the National Anti-Corruption Bureau of Ukraine (No. 3180) each have 10 alternatives. The draft law on corruption in certain law enforcement organisations (No. 3133) has 13 more alternatives.¹⁴⁴

The registration of an excessive number of draft laws causes unproductive time consumption of the VRU Secretariat and MPs. At the same time, other draft laws remain pending, and the time for discussion of important legislative initiatives is reduced.¹⁴⁵

¹⁴⁴ [Making Ten Versions: Why MPs Generate So Many Alternative Draft Laws.](#)

¹⁴⁵ [From Bill to Law: the Process Needs Improvement.](#)

The peculiarities of the repeated first reading procedure are that the draft law is submitted no later than 30 days after the day of its previous consideration in a new version prepared by the main committee and/or the holder of the right of legislative initiative.

The main committee and/or the holder of a legislative initiative that prepared the draft law for repeated first reading in accordance with the VRU decision have the right to make a report. Three decision scenarios were applied to government draft laws in the first reading (see Table 12).

Table 12

Scenarios for consideration of government draft laws in the first reading

Scenario	No. of Draft law	Scenario description of the draft law
1	<u>8187</u>	On 20 March 2023, the draft law was adopted as a basis with the instruction to the Committee on National Security, Defence and Intelligence to finalise the draft law with due regard to the proposals and comments of the holders of the right of legislative initiative and submit it to the Parliament for consideration in the second reading.
2	<u>4210</u>	<p>On 13 April 2021, the draft law was submitted for repeated first reading after almost four months of preliminary consideration by the Committee on National Security, Defence and Intelligence.</p> <p>The draft law was being revised by a working group set up in the Committee for almost a year.¹⁴⁶</p> <p>At the time of its submission to the VRU, Draft Law <u>4210</u> envisaged amendments to only two laws ('On National Security of Ukraine' and 'On Defence of Ukraine') and concerned the improvement of defence planning procedures.</p> <p>As a result of the revision, the draft law proposed amendments to 19 laws, and the regulation extended to reform of the MoD and the AFU. The draft law currently provides for:</p> <ul style="list-style-type: none"> › creating a legal framework for the transformation of Ukraine's institutional defence model in line with the principles and norms of NATO member states; › defining the legal grounds for democratic civilian control over the Armed Forces of Ukraine, military leadership and defence planning procedures; › introducing an integrated approach and optimising planning processes in the areas of national security and defence. <p>The expansion of the range of issues proposed to be regulated in the law has led to a change in the title of the draft law — '<i>On Amending Certain Legislative Acts of Ukraine on National Security and Defence to Strengthen Democratic Civilian Control over the Armed Forces of Ukraine, Improve Joint Command of the State Defence Forces and Planning in the Fields of National Security and Defence</i>'.^{147, 148}</p>

¹⁴⁶ The draft law revised by the working group was received by the Parliament (9 February 2022).

¹⁴⁷ Opinion of the VRU Committee on National Security, Defence and Intelligence on reg. No. 2729 revised (repeated second reading).

¹⁴⁸ The LWP for 2021 envisaged the development and submission to the Parliament in November 2021 of a government draft law on strengthening democratic civilian control over the security and defence sector (paragraph 306), aimed at strengthening democratic civilian control over the security and defence sector of Ukraine, increasing the liability of officials and employees of the security and defence sector of Ukraine. It can be assumed that the developments for this draft law were taken into account by the working group in the process of finalising draft law 4210.

Scenario	No. of Draft law	Scenario description of the draft law
		On 16 February 2022, the Verkhovna Rada voted in the first reading, albeit with a lot of criticism, to adopt the draft law as a basis. On 24 February 2022, a full-scale invasion took place, making it impossible to carry out reforms in a systematic manner, and draft law 4210 has not yet been submitted for a second reading.
5	9281 11507	Identified by the Parliament as urgent and, despite the MSED comments, they were adopted in the first reading and in their entirety shortly after their submission to the Parliament (30 May 2023 and 3 September 2024, respectively).

The scheme for consideration of the draft laws in the first reading is given in Chart 6.

Consideration of a draft law in the first reading

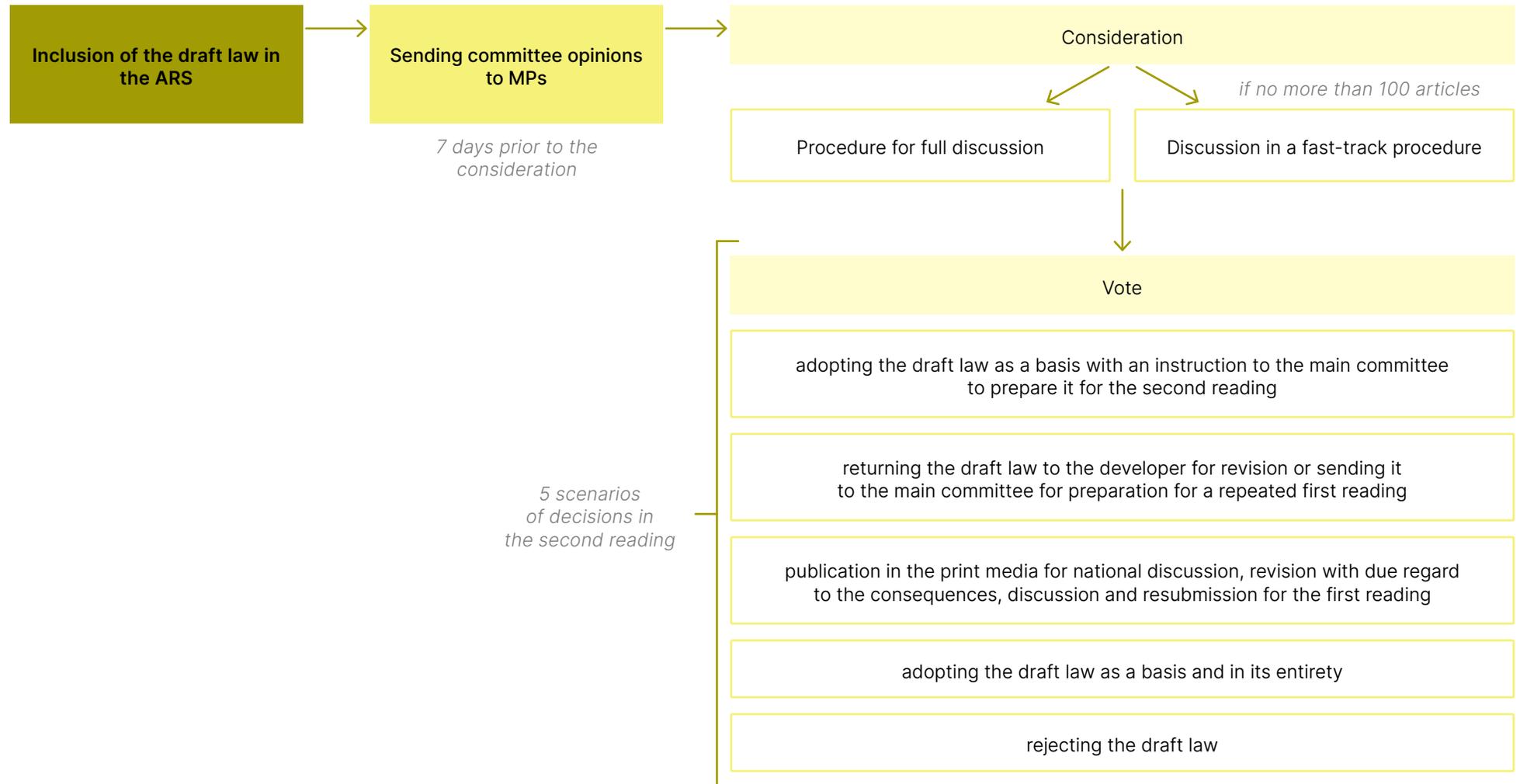


Chart 6

5.2. Second reading

At the second reading stage, the draft law is discussed on an article-by-article basis and adopted in the second reading.¹⁴⁹ Proposals for the draft law being prepared for the second reading are made to the text of the draft law and its individual paragraphs and provisions. Proposals and amendments are submitted within 14 days upon adoption of the draft law as a basis.

The draft law is submitted for the second or repeated second reading, and the committee's opinion and other supporting documents are provided to MPs no later than 10 days before the day of consideration of the draft law at the plenary session of the VRU. The text of the draft law is subject to legal examination by the Main Legal Department. The Department's expert opinions are submitted together with other supporting documents. These opinions may be taken into account by the main committee when preparing the draft law for the second reading.

MPs, as holders of the right of legislative initiative, have the right to submit proposals and amendments to the draft law. During the processing of draft laws, amendments, proposals and comments submitted by an MP are considered and decisions are made to take them into account or reject them.¹⁵⁰

The draft law prepared for the second reading, if there are any comments and proposals on it, is presented in the form of a comparative table, which shall contain:

- › the text of the draft law adopted as a basis;
- › all submitted and unwithdrawn proposals (possibly with a brief justification) and amendments, which are numbered continuously and placed on the same level as the relevant articles of the draft law, indicating the initiators of their submission, namely holders of the right of legislative initiative;
- › opinion of the main committee on the submitted proposals and amendments;
- › the final version of the draft law articles proposed by the main committee for adoption in the second reading.

When considering a draft law in the second reading, the VRU holds an article-by-article discussion and vote. Each article of the draft law is discussed in the order of its numbering in the wording proposed by the main committee. If necessary, individual parts and paragraphs of the draft law, amendments and proposals rejected by the main committee and all alternative proposals on which the main committee has not made a decision may be discussed and put to a vote.

After completing the article-by-article consideration of the draft law, the VRU votes on the adoption of the draft law in the second reading. If there are no MPs' comments on the draft law, the chair may put it to a vote in its entirety. Voting on the draft law in its entirety is not held if, following the main committee's review and consideration at the plenary session, there are contradictions or gaps in its text that preclude the possibility of applying the provisions of the draft law after its final adoption and entry into force.

¹⁴⁹ [Article 116](#) of VRU Rules of Procedure.

¹⁵⁰ [Article 10](#) of the Law of Ukraine 'On Status of People's Deputy of Ukraine'.

Draft laws may be considered in the second reading under a **special procedure** that applies:¹⁵¹

- › if the number of proposals and amendments to the draft law being prepared for the second reading **exceeds 5 or more times** the number of articles/paragraphs of the original draft law and is **at least 500 proposals and amendments**;
- › **upon a proposal** signed by at least one-third of the MPs from the constitutional composition of the VRU, **supported by a decision of the VRU** (adopted by a majority of the MPs).

This procedure was introduced in 2020 to counter amendment spam¹⁵² after MPs submitted a record 16,500 amendments to the law on banks (the so-called anti-Kolomoisky draft law No. 2571-d).

According to the special procedure, each parliamentary faction (parliamentary group) has the right to identify **no more than 5 proposals and amendments** not taken into account by the main committee, on which it insists, and each non-factional MP—**no more than one**, while a relevant letter shall be sent to the main committee within two days for generalisation.

During the consideration of a draft law in the second reading under a special procedure, **the right to speak to discuss the proposals and amendments included in the comparative table** is granted to:

- › the initiator of the rejected proposal or amendment—up to 2 minutes;
- › an MP who demands to put to the vote (for its confirmation) a proposal or amendment taken into account by the main committee—up to 1 minute;
- › the head or representative of the main committee to justify the committee's decision on each proposal or amendment discussed—up to 1 minute.

In the conclusions adopted during the ninth Jean Monnet Dialogue¹⁵³ (Turia Pasika, Zakarpattia Oblast, Ukraine, 10–12 November 2023), the heads and delegated representatives of parliamentary factions and groups of the VRU expressed their desire to achieve constructive results in terms of improving the efficiency of the adoption of draft laws in the second reading by optimising and reducing the number of amendments and proposals submitted before and during the consideration of draft laws, as well as using tools that block the adoption of draft laws.^{154, 155}

¹⁵¹ Article 119¹ of VRU Rules of Procedure.

¹⁵² Law of Ukraine No. 561-IX of 16 April 2020 'On Amending the Rules of Procedure of the Verkhovna Rada of Ukraine on Counteracting Abuse of the Rights of People's Deputies of Ukraine in the Course of Legislative Procedure'.

¹⁵³ The Jean Monnet Dialogue for Peace and Democracy is an instrument developed by the European Parliament as a soft tool in the area of parliamentary mediation and dialogue. With the Jean Monnet Dialogue, the European Parliament strengthens the ability of political leaders to develop true inter-party dialogue and to build the consensus necessary for generating a democratic parliamentary culture and trust. The Dialogue complements traditional capacity-building programmes and contributes to institutional reform processes. It also provides a platform for political group leaders to seek consensus on national priority policies.

¹⁵⁴ The ninth meeting in the Jean Monnet Dialogue format was held with the participation of the leadership of the Verkhovna Rada of Ukraine. Press Service of the Secretariat of the Verkhovna Rada of Ukraine. Published on 13 November 2023 at 18:50.

¹⁵⁵ Conclusions adopted during the ninth Jean Monnet Dialogue, Turia Pasika, Zakarpattia Oblast, Ukraine, 10–12 November 2023.

However, the limit on amendments introduced in the VRU Rules of Procedure has so far had little impact on reducing amendment spam.

The draft law on amending certain legislative acts of Ukraine on certain issues of military service, mobilisation and military registration No. [10449](#) had 4,195 amendments, with most of them being identical.¹⁵⁶

More than 7,000 amendments were made to the land market legislation.¹⁵⁷

Attention should also be drawn to the violation of regulatory requirements by MPs at the stage of the second reading of the draft law, in particular, regarding amendments that can be made only to the text of the draft law (sections, chapters, articles, their paragraphs, subparagraphs, points, indents and sentences) that was adopted by the Parliament as a basis.¹⁵⁸

The amendments to the Law of Ukraine ‘On the Principles of Regulatory Policy in Economic Activity’ to remove from the scope of this Law the legal acts provided for in the Association Agreement, the Charter on a Distinctive Partnership, the Declaration to Complement the Charter, other international treaties between Ukraine and NATO and/or NATO authorised bodies are illustrative.

These amendments, as proposed by MPs, were introduced by the Law of Ukraine ‘On Materials and Items Intended to Come into Contact with Food’,¹⁵⁹ **which is not directly related to regulatory policy management** and is due to enter into force only three years after the date of publication (i.e., at the end of 2025), except for the amendments on RIA and the review by the SRS, which entered into force immediately.

The amendments were introduced to the law only in the second reading, i.e., the Government did not consider the MPs’ proposal, and the reason was given as the acceleration of the acquis transposition procedures.¹⁶⁰

There are **five scenarios of decisions** on a draft law in the second reading:

- ① adopting the draft law in the second reading and instructing the main committee to prepare it for the third reading;
- ② rejection of the draft law;
- ③ adopting the draft law in the second reading and in its entirety;

¹⁵⁶ [Iryna Friz on ‘Amendment Spam’: It Was the ‘Servants’ Who Made the Lion’s Share of Amendments to the Draft Law on Mobilisation.](#)

¹⁵⁷ [Oleksandr Korniienko: Not All European Countries Have a Legislative Initiative of Individual MPs.](#)

¹⁵⁸ [Article 116 of VRU Rules of Procedure.](#)

¹⁵⁹ [Point 2 of subparagraph 4 of Section VII ‘Final and Transitional Provisions’ of the Law of Ukraine ‘On Materials and Items Intended to Come into Contact with Food’.](#)

¹⁶⁰ [SIGMA/OECD Monitoring Report ‘Public Administration in Ukraine. Assessment against the Principles of Public Administration. December 2023’. P. 65.](#)

- ④ adopting the draft law in the second reading, with the exception of certain sections, chapters, articles, and parts of articles, and sending them to the main committee for revision with subsequent submission of the draft law for a repeated second reading;
- ⑤ returning the draft law to the main committee for revision with subsequent submission for a repeated second reading.

Prior to the repeated second reading of the draft law, proposals and amendments are submitted within 10 days after the day of the previous second reading and only to those articles and paragraphs that were not adopted in the second reading.

The draft law is submitted for the repeated second reading by the main committee in the form of a comparative table, which contains only proposals and amendments made after the second reading to articles or parts thereof that were not adopted in the second reading. If only certain structural parts of the draft law are submitted for the repeated second reading, the comparative table is prepared only for these structural parts. The repeated second reading follows the second reading procedure.

Draft law 8187 was adopted in the second reading according to the **second scenario**.

In preparation for the second reading, 79 amendments were submitted to the draft law, of which approximately 40 were rejected. The comparative table for the second reading does not provide arguments for and against the submitted amendments. It only indicates the result of their processing by the main committee.

Draft law No. 8187 was adopted by the VRU in the second reading on 29 June 2023 (Law No. [3194-IX](#)). It took 9 months from the date of the Government's submission of the draft law to the VRU (7 November 2022) to the adoption of the law by the Parliament.

The scheme for consideration of the draft laws in the second reading is given in Chart 7.

Consideration of a draft law in the second reading

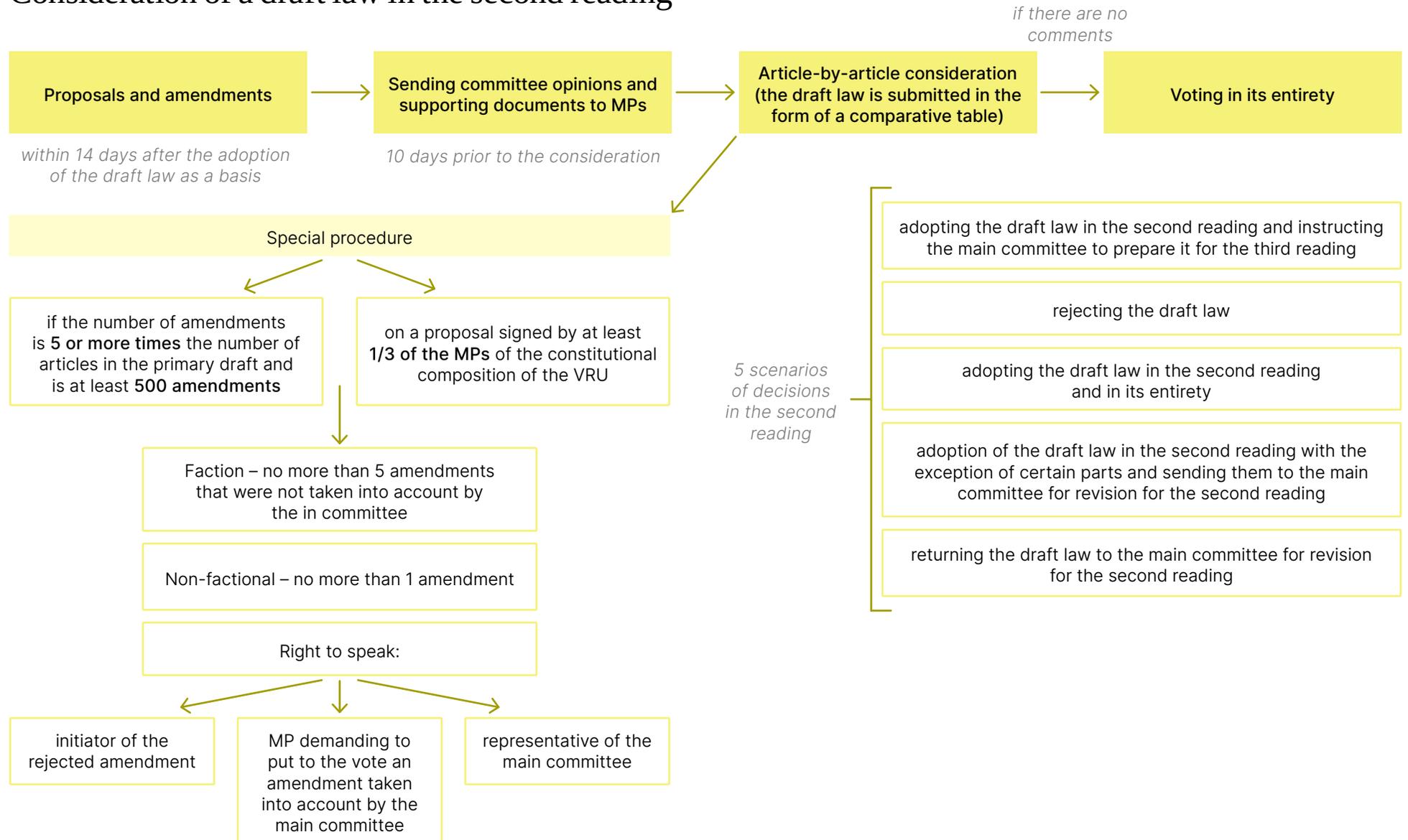


Chart 7

5.3. Third reading

At the third reading stage, the draft law, which requires revision and approval by all parties, *is adopted in its entirety*.¹⁶¹ Draft laws prepared for the third reading are amended within 5 days after their preliminary review and adoption in the second reading. In the third reading, amendments (corrections, clarifications, elimination of contradictions in the text of the draft law) submitted after the adoption of the draft law in the second reading, but without changing its content, are considered and decided upon. A draft law prepared for the 3rd reading, together with the conclusions of the main committee and other supporting documents, is submitted to MPs no later than 5 days before the day of its consideration. The comparative table submitted by the main committee contains the final version of the draft law.

Consideration of the draft law in the third reading involves voting:

- › on the articles of the draft law that have been amended since its adoption in the second reading;
- › on the draft resolution submitted by the MPs members of the main committee on the approval of the action plan prepared by the Government to enact the law after the adoption of the draft law;
- › for the draft law in its entirety.

There are **four scenarios of decisions** on a draft law in the third reading:

- ① adopting the law in its entirety and sending it to the President for signature;
- ② approving the text of the draft law in its entirety and submitting it to an all-Ukrainian referendum;
- ③ postponing the voting on the draft law in its entirety in connection with a decision to postpone consideration of the draft law or until the Cabinet of Ministers submits draft acts whose adoption is provided for in this draft law;
- ④ rejecting the draft law.

If none of these decisions is made, the draft law is considered rejected.

By VRU decision, the final adoption of a draft law after the first or second reading is allowed, provided that the draft law contains no more than 100 articles or paragraphs, is finalised and there are no comments on its content from MPs or other entities or experts.

An analysis of the 9th VRU's practice of adopting laws shows that most laws are still adopted in the second reading.

¹⁶¹ [Article 125](#) of VRU Rules of Procedure.

Table 13

Number of laws by reading adopted by the 9th VRU

Adopted in the entirety	session 9	session 10	session 11	session 12
In the first reading	82 (42%)	23 (36%)	50 (35%)	33 (31%)
In the second reading	115 (58%)	41 (64%)	87 (65%)	75 (69%)
In the third reading	0	0	0	0%
Total	197	64	137	108

Sources: [Monitoring Report of the Activity of the Verkhovna Rada. 9th session, 9th convocation;](#)
[Monitoring Report of the Activity of the Verkhovna Rada. 10th session, 9th convocation;](#)
[Monitoring Report of the Activity of the Verkhovna Rada. 11th session, 9th convocation;](#)
[Passage of Draft Laws in the Work of the Verkhovna Rada of the 9th Convocation in the 12th Session.](#)

This information shows that most laws are adopted in the second reading. The trend of not using the third reading has not changed during the work of the 9th Parliament—no draft law has passed three readings.

The scheme for consideration of the draft laws in the third reading is given in Chart 8.

Consideration of a draft law in the third reading

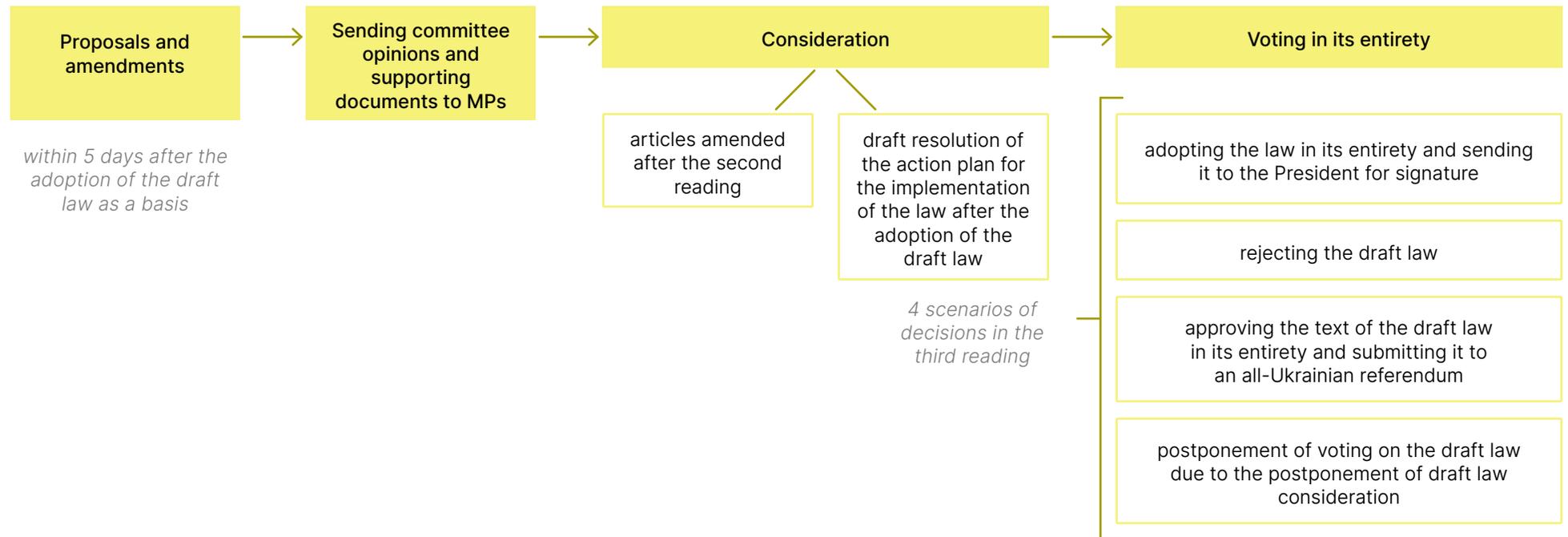


Chart 8

Section IV

Signing the law and bringing it to the attention of the population (promulgation)

1. Signing the law

1.1. Parliamentary procedure for signing the law

The original of the law adopted by the VRU is electronically signed by the head of the main committee within 10 days and processed by the MLD. The conclusion of the final legal examination is entered into the automated system. The original of the law is prepared on paper and submitted for signature to the Chair of the VRU, together with a copy of the conclusion of the final legal examination.

The original text of the law prepared for signature may contain editorial inaccuracies or obvious inconsistencies between its provisions. In this case, the Chair of the VRU may submit proposals to the Parliament to eliminate such inaccuracies or inconsistencies.

The VRU considers the adopted law without prior inclusion in the agenda of the plenary session on the day it is submitted by the Chair of the VRU, provided that MPs have previously received the documents necessary for consideration and decision-making—proposals of the Chair of the VRU, which reflect editorial inaccuracies and inconsistencies and formulate clarifications to be made to the law.

When considering proposals to eliminate inconsistencies or inaccuracies, the chair of the plenary session reports on the essence of the issue. Each of the proposals submitted by the Chair of the VRU is discussed and voted in the manner of voting on proposals and amendments.¹⁶² The general discussion of the issue is not held.

After the consideration of the Chair of the VRU's proposals is completed, a new vote on the adoption of the law in its entirety is not held. Accordingly, there are **2 scenarios**:

- ① VRU's adoption of at least one of the proposals—then the main committee, with the participation of the Legal and Editorial Departments of the VRU Secretariat, prepares and submits an amended text of the law for signature within three days;
- ② rejection of all proposals of the Chair of the VRU—in this case, they shall sign the text of the law previously submitted to them for signature on the same day.

¹⁶² The procedure for voting on proposals and amendments is set out in [Article 45](#) of the VRU Rules of Procedure.

Ideally, the Chair of the VRU signs the original law *no earlier than two and no later than five days after its submission*. Within this timeframe, the Chair of the VRU signed laws No. 3127-IX (draft law No. 9281), 3194-IX (draft law No. 8187) and 3943-IX (draft law No. 11507).

They immediately send the signed law to the President of Ukraine.

Some acts of the President require Parliament's approval. This, *inter alia*, concerns decrees on the introduction of martial law or a state of emergency in Ukraine or in certain areas of the country, on general or partial mobilisation and on the declaration of certain areas as zones of environmental emergency. The Parliament shall approve such acts within two days of the President's request.¹⁶³

The Law of Ukraine No. 2102-IX of 24 February 2022 on the approval of the Decree of the President of Ukraine No. 64 of 24 February 2022 'On the introduction of martial law in Ukraine' was approved by the Parliament on the same day,¹⁶⁴ which is quite logical.

However, as with the preparation of supporting documents and review procedures for this type of draft law, the VRU Rules of Procedure do not make exceptions to the requirement that such laws be signed by the Chair of the VRU no earlier than two and no later than five days after their submission.

The Constitution of Ukraine does not make exceptions for the President of Ukraine to sign such laws. Therefore, the President shall sign a law approving their own decree.

1.2. Presidential signing of laws and veto power

Article 94 of the Constitution of Ukraine gives the President **15 days** to sign a law, during which the President shall **either sign it** and officially promulgate it **or return it** to the Parliament with their reasoned and formulated proposals. If the President does not return the law for reconsideration within the prescribed period, the law is deemed approved by the President and shall be signed and officially promulgated.¹⁶⁵ The terms for signing and official promulgation of the laws of Ukraine by the President *begin on the day following the day after the laws are received by the President, and if the expiry of the terms falls on a weekend or holiday, the day of expiry of these terms is the next business day.*¹⁶⁶

The veto power (a prohibition to introduce a law with which the President does not agree) is a constitutional and legal form of the President's participation in the legislative process, one of the most important means of influencing the results of the VRU's legislative activity and serves as a means of control in the system of checks and balances that ensures the implementation of democratic principles of the rule of law and respect for human and civil rights and freedoms in the legislative activity of the Parliament.¹⁶⁷

¹⁶³ [Article 85\(1\)\(31\)](#) of the Constitution of Ukraine.

¹⁶⁴ [Draft Law of Ukraine No. 7111](#) of 24 February 2022.

¹⁶⁵ [Article 94](#) of the Constitution of Ukraine.

¹⁶⁶ [Indent two of paragraph 3](#) of the reasoning part of the Decision of the Constitutional Court of Ukraine No. 11-rp/98 of 7 July 1998.

¹⁶⁷ [Indent two of paragraph 4](#) of CCU Decision No. 6-rp/2003 of 11 March 2003.

At the same time, the current state of constitutional and legal regulation of the presidential veto is characterised by certain shortcomings and gaps, which entails a decrease in the effectiveness of the President's veto power and, as a result, the adoption of laws that are not always of high quality and constitutional nature or the abuse of this right by the President, and unjustified slowdown of the legislative process.¹⁶⁸ Read more about the problems of the veto power in [Annex 3](#).

The procedural consequences of the President's veto power are the cancellation of the results of voting for the law in its entirety and the opening of the procedure for its reconsideration by the VRU.

Such a law, after being prepared by the main committee, is considered out of turn at the plenary session of the VRU no later than 30 days after its return with the President's proposals, unless the Parliament decides otherwise.

Preparation for the consideration of the **President's proposals** involves the processing of the President's proposals for the law returned by the main and other committees:

- › the main committee examines the validity of each individual proposal and makes a conclusion on the expediency of its adoption or rejection;
- › other committees may also consider the President's proposals at their meetings on their own initiative or at the request of the main committee and send their conclusions to the main committee no later than 10 days upon receipt of the request.

The President's proposals may be sent by the Chair of the VRU to the relevant structural units of the VRU Secretariat for their conclusions. The conclusions prepared on the basis of such expert examination are sent to the Chair of the VRU and the main committee and provided to the MPs.

The President's proposals, together with the conclusions of the main committee, comparative table and other supporting documents, are submitted to the MPs no later than 3 days before the issue is considered at the plenary session of the VRU. If the President's proposals are limited to a demand to reject the adopted law, the comparative table is not submitted.

Reconsideration of a law by the VRU has three decision scenarios:

- ① acceptance of all the President's proposals and voting for the law by the majority of MPs—in this case, the law is considered *adopted in its entirety* or, if the President's proposal is to reject the law in its entirety, *rejected*;
- ② *complete rejection of the President's proposals and adoption of the law in its entirety* by at least two-thirds of MPs' votes (*override of the veto*);
- ③ *partial adoption of the President's proposals* during the consideration and voting for the law by at least two-thirds of the votes of the MPs—the law is considered *adopted with the override of the veto*.

By VRU decision, a law that is not adopted after the repeated consideration may be sent for revision to the main committee. The main committee shall resubmit the law to the plenary session of the VRU no later than 30 days after the day of its consideration. After being revised by the main committee at the plenary session of the Parliament, during the next repeated consideration, the law may not receive the required number of votes of MPs to support it, and it is considered rejected.

¹⁶⁸ A.S. Bahriak *Constitutional Principles of the President's Veto Power*. Abstract of a dissertation for the degree of Candidate of Legal Sciences. P. 1.

The President shall sign and officially promulgate a law adopted during the repeated consideration by the VRU by at least two-thirds of its constitutional composition within 10 days. If the President fails to sign such a law, it is immediately officially promulgated by the Chair of the VRU and published with their signature.¹⁶⁹

If the President's proposals for the law in the wording proposed by them are fully taken into account, the law does not require re-adoption by at least two-thirds of the constitutional composition of the VRU.¹⁷⁰

1.3. Problems arising during the signing of laws

One of the problems with the signing of laws is that the President violates the deadlines for signing laws passed by the Parliament or returns the law to the Parliament for reconsideration.

The President exercised the veto power and submitted proposals in a timely manner (without violating the 15-day deadline):

During the 9th session—for two laws, one of which was withdrawn from consideration by the VRU, while no decision was taken on the second one. Both draft laws were initiated by MPs from the Servant of the People faction, so it appears that in these two cases, the positions of the presidential faction MPs and the President were not agreed upon, or the draft laws were technically flawed.¹⁷¹

During the 10th session—for two laws, one of which was re-adopted with the President's proposals.

During the 11th session—for three laws. The VRU re-adopted all three of them with the President's proposals. Two draft laws were considered within the prescribed 30-day period, and one was considered in violation of this period. One of these draft laws was vetoed again with proposals.

¹⁶⁹ [Article 94](#) of the Constitution of Ukraine.

¹⁷⁰ Paragraph 4 of the operative part of CCU Decision No. 11-rp/98 of 7 July 1998.

¹⁷¹ [Monitoring Report of the Activity of the Verkhovna Rada. 9th session, 9th convocation.](#)

Table 14

Violation of the signing of laws during 9–12 sessions of the 9th VRU

Type of violation as a percentage of the total number of laws passed	session 9	session 10	session 11	session 12
Laws passed, total	197 (100%)	64 (100%)	137 (100%)	108 (100%)
Not signed by the President within the period specified by the Constitution of Ukraine	61 (31%)	22 (34%)	54 (39%)	38 (35%)
Not signed by the President, not vetoed, no proposals	9 (5%)	5 (8%)	7 (5%)	9 (8%)
Not signed by the Chair of the VRU	1 (1%)	—	1 (1%)	—
Violations, total	71 (36%)	27 (42%)	62 (45%)	47 (43%)

Sources: Monitoring Report of the Activity of the Verkhovna Rada. 9th session, 9th convocation;
Monitoring Report of the Activity of the Verkhovna Rada. 10th session, 9th convocation;
Monitoring Report of the Activity of the Verkhovna Rada. 11th session, 9th convocation;
Violations of the Rules of Procedure in the work of the Verkhovna Rada of the 9th convocation for the 12th session.

The above information demonstrates sad statistics.

One of the factors that can delay the signing of laws is the President's decision to conduct a governmental examination of the adopted law that has been submitted to them for signature. In such a case, the Government organises an expert examination of the law and submits its proposals to the President within **7 days**.

Despite its obvious benefits, the governmental examination of a law submitted to the President for signature is currently regulated only at the level of the CMU Rules of Procedure and is not provided for by the Constitution and laws of Ukraine. Therefore, the governmental examination shall be completed within the timeframe allocated to the President to decide whether to sign the law or veto it so that the OPU has enough time for its own expert examination, taking into account the Government's proposals and formulating its position on the law.

The CMU Rules of Procedure set a **strict timing** for the examination of the law:

- › no more than **3 hours** after receipt, the SCMU sends copies of the law to the ministries with the designation of the responsible body for summarising the proposals;
- › **no later than 48 hours** upon receipt (unless another term is specified in the SCMU's cover letter) of the copies of the law, the ministries prepare proposals for signing the law or justified and substantiated proposals for the President's veto power and send them together with a visaed copy of the law to the responsible body;
- › **no later than 48 hours** before the expiration of the seven-day period (unless another term is specified in the SCMU's cover letter), the responsible body submits generalised comments and proposals to the Government with a clearly formulated position on whether the President should sign the law or whether it is advisable to exercise the veto power;
- › the comments and proposals submitted by the responsible body to the law are **immediately** processed by the SCMU, the Minister of the Cabinet of Ministers reports to the Prime Minister

and the CMU's position is communicated to the Presidential Office following the Prime Minister's consideration. If necessary, the SCMU submits additional materials and explanations to the Presidential Office regarding the Government's comments and proposals to the law of Ukraine submitted by the Government.

The very wording of the deadlines for ministries involved in the expert examination of the law before the President's signature suggests that the deadlines may be significantly reduced, for example, taking into account the day of the week and the time when a copy of the law is received by the SCMU and CEAs (for example, on Friday at the end of the working day).

The ability of the responsible body to submit summary proposals to the Government within the established timeframe is additionally affected by:

- › the scope and complexity of the law;
- › the number of ministries involved in the expert examination and their position on the adopted law;
- › delays in bureaucratic procedures for internal approval and signing of documents;
- › the need to coordinate positions and prepare a reasoned rejection of another ministry's veto proposal;
- › justification of own comments and proposals on the law, etc.

Any combination of the above factors leads to a violation of the deadline for submitting a generalised opinion to the Government and, accordingly, violates the deadline for the President to sign the law or return it to the Parliament.

Thus, the President's decision to send the law to the Government for expert examination before it is signed by the Head of State, as well as the further processing of the Government's position by the Presidential Office, may delay the time for signing the law or returning it with the President's proposals to the Parliament.

This indicates that the 15-calendar-day period set out in the Constitution of Ukraine is critically insufficient for the governmental examination. It is not designed for large and complex laws, time to study them and prepare a position (and, if necessary, comments and proposals) and a bureaucratic machine that requires a document to pass through several management levels before the direct executor is identified, and then to reverse the order of approval of the prepared position on the law before the official position is signed.

The factors that delay the preparation of the Government's proposals for the use of the President's veto are as follows:

- › lack of quality communication between the Parliament and the Government at the stage of drafting and consideration of parliamentary draft laws and introduction of amendments at the stage of preparation for the second reading, in particular in the context of assessing the Government's ability to ensure the implementation of the adopted law;
- › inconsistency of positions between ministries on government draft laws at the stage of approval before submission to the Government. At the stage of expert examination before the President's signature, unaccounted-for comments from a particular ministry (ministries) may delay the preparation of a position on the exercise of the veto power, which the responsible body shall either take into account or justify the inappropriateness of the veto.

In addition, high-quality coordination between the Presidential Office and the Government is critical for the implementation of procedures within the established timeframe.

Out of the 4 government draft laws reviewed in this study, the Parliament adopted 3 laws, which, in accordance with the Constitution of Ukraine and the VRU Rules of Procedure, were sent to the President of Ukraine for signature. However, the results of their consideration by the President have **3 scenarios**:

- ① **signing with violation of the deadline set by the Constitution of Ukraine**—Law of Ukraine No. 3127-IX of 30 May 2023 ‘On Amending the Law of Ukraine “On General Military Duty and Military Service”’ (draft law No. 9281) was sent to the President for signature on 5 June 2023, and signed by the President 10 months later on 2 April 2024, despite the fact that, according to the President’s representative in the Parliament, MP Fedir Venislavskyi, everything was thought out;

‘[...] we have thought it all out and concluded that this is an outdated Soviet model; on the other hand, new reserve brigades are being formed, so it is necessary to be able to involve in military service under mobilisation those people who are able to serve, who already have some life experience and can be trained more effectively in military affairs and serve in the Armed Forces or other formations of the security and defence sector.’¹⁷²

Thus, the reasons for signing this law with such a delay remained behind the scenes.

- ② **‘hidden’ veto**—Law of Ukraine No. 3194-IX of 29 June 2023. ‘On Amending the Law of Ukraine “On Defence of Ukraine” on the Management of Resources in the Defence Sector’ (draft law No. 8187) was among those that the President did not sign and did not return. This law was sent to the President for signature on 4 July 2023, and almost two years have passed since then;
- ③ **signing within the timeframe stipulated by the Constitution of Ukraine**—Law of Ukraine No. 3943-IX of 3 September 2024 ‘On Amending Article 3 of the Law of Ukraine “On the Armed Forces of Ukraine”’ (draft law No. 11507) was signed by the President almost immediately: on 10 September 2024, the law was sent for signature and returned with the President’s signature on 16 September 2024.

The example of these laws shows that the adoption of laws by the Parliament does not guarantee their signature by the President. In addition to their constitutional veto power, the President can use another covert method of blocking laws, which is the postponement of the decision for an indefinite period. This practice is not new, and some academics propose to establish forms of liability of the President for improper performance of their duties. At the same time, the mechanisms of constitutional and legal liability of the President are ineffective, and they are not available in Ukraine.¹⁷³ Meanwhile, due to disagreement with the law or other motives, decisions important for the state’s defence capability are blocked at the stage of signing the law by the President.

¹⁷² Volodymyr Zelenskyy Signs Law to Reduce Conscription Age from 27 to 25. *Sudovo-yurydychna hazeta*. 2 April 2024.

¹⁷³ Anastasiia Ivanova. Research of the Veto Framework. *Human Rights in Ukraine*: Information Portal of the Kharkiv Human Rights Group.

2. Promulgation of the law

The validity of a law is a legal prerequisite for the effect of a law, which means that the law has legal force. The validity of a law gives it a normative binding force in the system of legislation, the legal property of subordinating the effect of relevant lower-level legal acts and individual legal acts.

The validity of a law does not directly entail the emergence, change or termination of rights and obligations of the holders of legal relations provided for by the law. The rights and obligations are directly linked to the effect of the law, which may coincide with the moment the law enters into force or may be delayed in time. For example, a law may come into force from the date of its official publication and be put into effect from a precisely defined calendar date, while its individual provisions may come into effect much later than that date.

In legal literature, the term 'enactment of a law' is defined as 'the final stage of the legislative process that determines the procedure and conditions for the entry into force of a law, the procedure and conditions for its implementation in the legislative system, as well as the procedure and conditions for the application of the law in its entirety or its individual provisions'.

The enactment of a law involves organisational, personnel, information, financial, logistical, legal and technical measures, without which it cannot operate properly. Such measures are the conditions for enacting a law, which in a broad sense also includes the practical implementation of these measures. The conditions for the enactment of a law are set out in the law itself at the same time as its adoption.

Enactment of a law requires, first of all, an accurate and clear definition of the moment when the law enters into force, i.e., when it becomes binding in the system of legislation, which is a necessary legal prerequisite for the law to be effective. However, if the entry into force of a law is a one-time act, i.e., the law becomes effective simultaneously in general, it may be enacted in full or in parts.¹⁷⁴

For laws and other legal acts, the official publication (promulgation) is established as a circumstance (condition, ground) that is associated with the general procedure for their entry into force.

The Constitution of Ukraine guarantees everyone the right to know their rights and obligations. Laws and other regulatory legal acts that define the rights and obligations of citizens shall be brought to the attention of the population in accordance with the procedure established by law. Laws and other legal acts defining the rights and obligations of citizens that have not been brought to the attention of the population in the manner prescribed by law are null and void.¹⁷⁵

The President officially promulgates the law of Ukraine after signing it by posting the text of the law on the President's official website. The laws signed by the President are published in the *Holos Ukrainy* newspaper and in the *Bulletin of the Verkhovna Rada of Ukraine*, as well as posted on the VRU official website. The publication of laws and other acts of the VRU in these official print media is an **official promulgation**.

The law is included in the Unified State Register¹⁷⁶ of Legal Acts, where the registration code assigned to it is indicated.

¹⁷⁴ [Enactment of the Law of Ukraine: the Problem of Legal Regulation](#). *Viche*. February 2009. No. 4.

¹⁷⁵ [Article 57 of the Constitution of Ukraine](#).

¹⁷⁶ The Unified State Register of Legal Acts is introduced in accordance with the Law of Ukraine 'On Lawmaking', which comes into force on the day following the day of its publication and is put into effect one year after the date of termination or cancellation of martial law in Ukraine.

The original of the law signed by the President is kept by the VRU Secretariat, which maintains the Legislation of Ukraine database of legal acts, which also contains reference electronic texts¹⁷⁷ of the original acts adopted by the VRU. Access to such a database on the VRU official website is open and free of charge.

Veto-related issues of promulgation of laws are partially addressed in the CCU decisions, which clarify the following. If, following consideration of the returned law with the President's proposals, *the VRU re-adopts the law, it shall be officially promulgated and published*. Therefore, *such law should specify the date of its re-adoption*.^{178, 179}

The conditions for the entry into force of laws are enshrined in the Constitution of Ukraine—the law enters into force 10 days **after its official publication** unless otherwise provided by the law itself, but no earlier than the day of its publication.¹⁸⁰ The main purpose of this constitutional provision is to prevent a law from entering into force before its official promulgation, thus ensuring the implementation of constitutional provisions according to which laws do not have retroactive effect, except in cases where they mitigate or cancel the liability of persons; no one may be held liable for acts that were not recognised by law as offences at the time of their commission (Article 58 of the Constitution of Ukraine).¹⁸¹

According to the Law of Ukraine 'On Lawmaking', a legal act begins to be effective from the moment it comes into force unless otherwise provided by law and ends when it is terminated.

The moment of entry into force of a legal act is **00:00 of the day following the day of its publication** in the manner prescribed by law, unless:

- ① otherwise provided by the Constitution of Ukraine and (or) the law;
- ② a later deadline is established by the legal act itself.

If the moment of entry into force of a legal act is determined by a specific deadline, such a legal act is considered to be in force from 00:00 of the relevant day or event specified in it.¹⁸²

The Law of Ukraine 'On Lawmaking' defines the time effect of a legal act as its implementation in terms of social relations that arose after or before it came into force and continued as of the date of its entry into force. The effect of a legal act applies to social relations that arose (continue) after its entry into force unless otherwise provided by the Constitution of Ukraine or a law.

The effect of a legal act begins with its entry into force, unless otherwise provided by law, and ends when it is terminated.¹⁸³

In this regard, it should be understood that validity, as a legal precondition for the operation of a law, merely obliges the relevant public authorities and other entities to perform the measures necessary to ensure the proper operation of the law from the moment specified therein. These measures include

¹⁷⁷ The reference electronic text is the text of an act adopted by the VRU, which is stored in the form of a computer file, the integrity of which is ensured by special means of information protection.

¹⁷⁸ Indent four of paragraph 3 of the reasoning part of CCU Decision No. 18-rp/2009 of 14 July 2009.

¹⁷⁹ CCU Decision No. 11-rp/98 of 7 July 1998 in the case of the procedure for voting and reconsideration of laws of the VRU.

¹⁸⁰ 94(5) of the Constitution of Ukraine.

¹⁸¹ Indent four of subparagraph 3.1 of paragraph 3 of the reasoning part of CCU Decision No. 21-rp/2010 of 6 October 2010.

¹⁸² Article 49 of the Law of Ukraine 'On Lawmaking'.

¹⁸³ Article 57 of the Law of Ukraine 'On Lawmaking'.

aligning other laws and bylaws with the law that has entered into force, communicating the content of the law to its implementers, adopting certain bylaws and conducting training on its application by executive authorities, courts, etc. Such actions would have no legal basis without the law in force.¹⁸⁴

The scheme of signing and promulgating the adopted law is shown in Chart 9.

¹⁸⁴ Enactment of the Law of Ukraine: the Problem of Legal Regulation. *Viche*. February 2009. No. 4.

Signing and promulgation of the adopted law

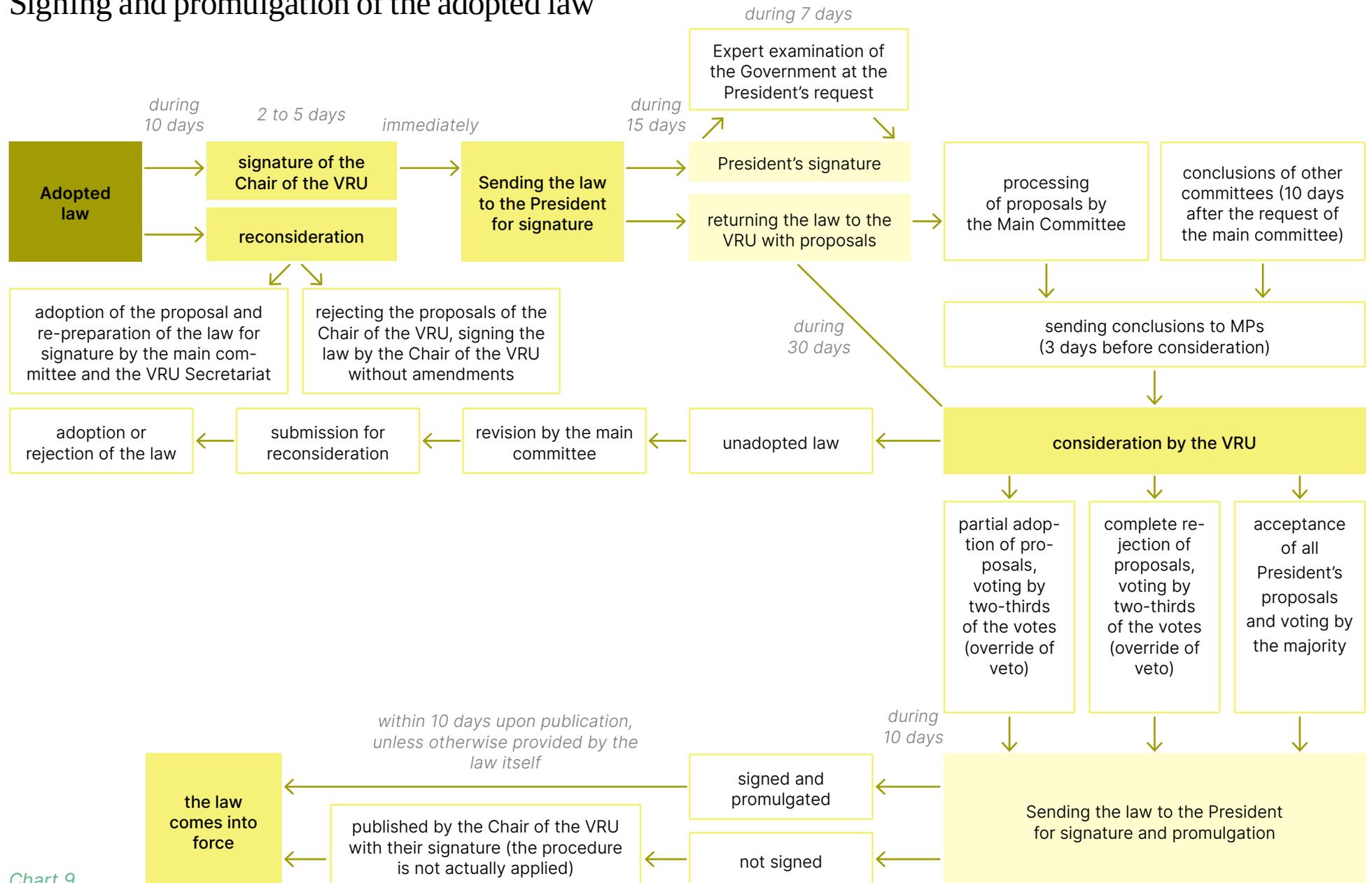


Chart 9

Section V

Control, monitoring and evaluation of adopted laws

1. General concept of control, monitoring and evaluation

The implementation of laws in Ukraine is evaluated mainly by whether the necessary legal act is adopted on time. In turn, the reasons for the success of some laws or programmes and the failure of others are not sufficiently analysed. Therefore, it can be difficult to evaluate the correctness of the state policy goals, what has changed in the life of society or a part of it as a result of the government's actions and whether the expected result has been achieved.

In most European countries, evaluation and monitoring tools are used to find answers to these questions, and in some countries, audits are used. In Ukraine, control, designed to ensure the achievement of state policy goals through administrative influence dominates. Evaluation and monitoring are carried out when tracking the effectiveness of regulatory acts, preparation and implementation of political proposals, forecasts of economic and social development of Ukraine, state targeted programmes and the state budget.

There is a widespread view in the literature that control is the culmination of the management cycle. However, the control function is present at any stage of the public administration organisation (for example, during the preparation of a management decision, ongoing verification of its implementation, etc.) The British even coined the term '*controlling*', which is a systematic scrutiny, tracking the progress of tasks with simultaneous correction of work.

Control can be defined as one of the forms of organisational and management relations—a set of actions to monitor the functioning of the relevant object of control.¹⁸⁵

The Glossary of Terms 'Public Administration' defines control in the field of public administration as an important function of state power and administration, which allows not only to identify but also to prevent errors and shortcomings in the actions of public administration entities, and to look for new reserves and opportunities. Such control involves comprehensive and ongoing monitoring and adjustment of various public administration activities, including the development and implementation of state policy, the implementation of state-targeted programmes and the implementation of legal acts. These measures include control over both decision-making and implementation.¹⁸⁶

¹⁸⁵ V.M. Harashchuk *The Doctrine of Control and Supervision in Management*. P. 206–207.

¹⁸⁶ *Encyclopaedic Dictionary of Public Administration*. P. 339–340.

In the control procedure, it is customary to distinguish three main stages: setting standards (measurable goals), comparing actual results with them and taking the necessary corrective measures to prevent or reduce deviations from the set goals.

According to the modern concept, control in public administration should be exercised from planning to achievement of the set goals. This enables the prevention of a significant deviation from the expected results in a timely manner.

There are three types of control:

- › preliminary (at the stage of formulating plans, programmes and legal acts);
- › current (in the process of implementing plans, programmes and legal acts);
- › final (based on the results of the implementation of plans, programmes and legal acts).

Control in public administration is based on the principle of feedback, which allows the analysis of the situation before and after the implementation of a particular plan, programme or regulatory act to adjust the latter in order to achieve certain goals. Another modification of such control is the principle of control over critical points, i.e., over facts that are critical for evaluating the degree of implementation of plans.

Control in public administration is generally justified only when the process of public administration in a particular area is clearly planned, and deviations from the plan can be corrected.¹⁸⁷

Monitoring is the constant monitoring of any process to determine whether it is in line with the expected result. The main characteristics of monitoring are its systematic nature, dynamic approach and focus on forecasting.¹⁸⁸

Monitoring, which is carried out throughout the entire process of implementing a state policy, programme or project, accumulates the necessary information for evaluation and control.¹⁸⁹

Evaluation is a systematic process of comparing the activities and/or results of a programme or policy against goals, objectives and a set of explicit or implicit standards in order to make necessary administrative or policy changes. In the system of public authorities, evaluation is an analytical activity aimed at collecting, analysing, interpreting and communicating information on the cost-effectiveness, efficiency, and effectiveness of policies, programmes and projects implemented to improve social conditions. The evaluation shall be systematic and objective, as it focuses on planned, ongoing or completed management impacts and refers to the process of determining the value or significance of an activity, policy or programme.¹⁹⁰

¹⁸⁷ [Encyclopaedic Dictionary of Public Administration](#), p. 339–340.

¹⁸⁸ *Ibid.*, p. 454.

¹⁸⁹ *Ibid.*, p. 454.

¹⁹⁰ *Ibid.*, p. 504.

Table 15

Key characteristics of control, monitoring and evaluation processes

Indicators	Control	Monitoring	Evaluation
Object	Progress in implementing the law.	Measures, actions, means, operations, current activities within the framework of the implementation of the law; outputs.	Results, consequences, impact, effectiveness and efficiency of the law.
Task	Comparison of the actual state with the required state; identification of shortcomings in the actions of public administration entities.	Mapping the state of implementation of the law, identifying discrepancies with the planned results.	Determining whether the law has the expected impact.
Process content	Periodic analysis of critical points (facts that are critical for the implementation of the law).	Continuous collection of information on a predetermined list of indicators.	Episodic analysis of achievements.

Source: compiled on the basis of: I. Kravchuk. Comparison Concepts: 'control', 'evaluation', 'monitoring' and 'administrative audit'. Bulletin of the National Academy for Public Administration at the President of Ukraine. 2009. No. 2. P. 19–25.

All of these tools can and should be used in parallel and complement each other functionally.

2. Government oversight and monitoring

The activities of the CMU are aimed at ensuring the interests of the Ukrainian people through the implementation of the Constitution and laws of Ukraine, acts of the President of Ukraine, as well as the Government Action Programme approved by the VRU. The CMU exercises constant control over the implementation of the Constitution of Ukraine and other legislative acts by the executive authorities and takes measures to eliminate shortcomings in the work of these bodies.¹⁹¹

The CMU Rules of procedure provide for a system of control and monitoring, as well as informing the Government. In particular, the SCMU is responsible for:

- › control over the timely submission by executive authorities of draft laws, other acts and documents to prepare them for consideration by the CMU and government committees;
- › monitoring the executive authorities' implementation of CMU acts and Prime Minister's instructions in terms of meeting the deadlines set for their implementation;
- › monitoring the executive authorities' compliance with the requirements set forth in these Rules of Procedure.

The executive authorities inform the CMU in writing about the implementation of CMU acts and the tasks set by them, as well as the Prime Minister's instructions, if such a requirement is provided for in these documents.

¹⁹¹ Article 19 of the Law of Ukraine 'On the Cabinet of Ministers of Ukraine'.

In order to prepare the summary information to be submitted to the CMU, at the request of the body responsible for the implementation of an act of the Cabinet of Ministers or an instruction of the Prime Minister, other interested executive authorities shall submit information on issues within their competence to such body.

Thus, a general regulatory framework exists. However, there is no comprehensive tool for monitoring, evaluating and reviewing laws (except for regulatory acts).

The ministry's main tasks include summarising the practice of applying legislation, developing proposals for its improvement and submitting draft legal acts in accordance with the established procedure.¹⁹²

According to the Law of Ukraine 'On the Principles of Regulatory Policy in Economic Activity', each RA is subject to a sequence of performance monitoring: baseline (*before the regulatory act comes into force or most of its provisions come into force*), repeated (*one year after the RA comes into force or most of its provisions come into force*) and periodic monitoring (*once every three years, starting from the day of completion of the repeated monitoring activities*). The methods for tracking the effectiveness of regulatory acts adopted by regulatory authorities, approved by the CMU and binding on regulators effectively repeat the provisions of the law.¹⁹³

Based on the results of RA performance monitoring, relevant reports are prepared and published, which include:

- › Quantitative and qualitative values of performance indicators, which are the results of performance monitoring;
- › the data and assumptions on the basis of which the performance monitoring was carried out, as well as the methods of their obtaining;
- › methods used to obtain the results of performance tracking.

If there are grounds to do so, following the analysis of the RA performance monitoring report, it may be revised, suspended, cancelled or left unchanged.

3. Parliamentary oversight¹⁹⁴

According to the Constitution of Ukraine, parliamentary oversight provides for: control over the execution of the State Budget of Ukraine, control over the activities of the CMU, control over the use of loans received by Ukraine from foreign states, banks and international financial organisations that are not provided for in the State Budget of Ukraine, the Parliament's consent to the appointment and dismissal of persons in cases provided for by the Constitution of Ukraine,¹⁹⁵ etc. The Accounting Chamber, acting on behalf of the Parliament, is responsible for parliamentary oversight of using the State Budget of Ukraine, and the Ukrainian Parliament Commissioner for Human Rights is responsible for the observance of constitutional human and civil rights and freedoms.¹⁹⁶

¹⁹² Article 7 of the Law of Ukraine 'On Central Bodies of Executive Power'.

¹⁹³ Article 10 of the Law of Ukraine 'On the Principles of Regulatory Policy in Economic Activity'.

¹⁹⁴ According to the subject matter of the study, the issue is considered in the context of the legislative process.

¹⁹⁵ Article 85(1) of the Constitution of Ukraine.

¹⁹⁶ Articles 98 and 101 of the Constitution of Ukraine.

Direct oversight includes controlling actions performed by MPs, while indirect oversight is performed by the Accounting Chamber of Ukraine and the Ukrainian Parliament Commissioner for Human Rights.

3.1. Direct oversight

In a broad sense, parliamentary oversight is part of any activity of the VRU. The adoption of laws also carries a share of control (in order to adopt a quality law, one should have information on problems in the implementation of existing laws). In this context, parliamentary oversight can be regulated by law.

Ukrainian legislation defines the forms of parliamentary oversight:

- › parliamentary inquiry;^{197, 198}
- › parliamentary appeal;¹⁹⁹
- › considering the approval of the Government Action Programme;²⁰⁰
- › consideration of reports and statements of the CMU;²⁰¹
- › an ‘hour of questions to the Government’;²⁰²
- › consideration of the issue of CMU’s responsibility;²⁰³
- › consideration of reports and statements of public authorities and officials (except for the CMU);
- › consideration of the annual report on the activities of the Accounting Chamber;
- › consideration of annual and special reports of the Ukrainian Parliament Commissioner for Human Rights;
- › informing the VRU about the activities of other public authorities and officials;
- › holding parliamentary hearings;²⁰⁴
- › committees’ analysis of the practice of application of legislative acts in the activities of public authorities, local governments, and their officials and making recommendations to them on harmonisation of the bylaw with the law;²⁰⁵
- › preparation of conclusions and recommendations by the committees within the framework of their oversight powers;
- › committees’ control of the GAP implementation progress;

¹⁹⁷ [Article 15](#) of the Law of Ukraine ‘On Status of People’s Deputy of Ukraine’.

¹⁹⁸ [Articles 224–226](#) of VRU Rules of Procedure.

¹⁹⁹ [Article 16](#) of the Law of Ukraine ‘On Status of People’s Deputy of Ukraine’.

²⁰⁰ [Article 227](#) of VRU Rules of Procedure.

²⁰¹ [Article 228](#) of VRU Rules of Procedure.

²⁰² [Article 229](#) of VRU Rules of Procedure.

²⁰³ [Articles 231–232](#) of VRU Rules of Procedure.

²⁰⁴ [Chapter 39](#) of VRU Rules of Procedure.

²⁰⁵ [Article 24](#) of the Law of Ukraine ‘On Committees of the Verkhovna Rada of Ukraine’.

- › holding hearings in the committees;
- › committees' response to violations of the law;
- › committees' approvals and consultations on the appointment and dismissal of heads of relevant public authorities.²⁰⁶

All of these forms of oversight in the context of the legislative process have one common function—informing the Parliament, which helps the Parliament understand current problems, the state of implementation of laws and develop decisions on improving the legal regulation of social relations, as well as make personnel decisions to achieve political goals.

The effectiveness of such measures largely depends on the organisation of work (especially the design of the reporting system) **within the CMU.**²⁰⁷

The Government is responsible to the President and the Parliament, and is controlled and accountable to the VRU within the limits provided by the Constitution of Ukraine. The Government Action Programme approved by the Parliament is the basis for the CMU activities. The Action Programme of the current (as of early 2025) Government²⁰⁸ has not been approved by the Parliament. However, the informative content of the publicly available reports on the implementation of the Government's annual action programme allows for imagining what is happening in the areas of state policy within its competence.^{209, 210}

At the level of the Parliament, the practice of analysing the application of legislation has been introduced as one of the functions of the VRU committees. For the most part, it is limited to finding answers to the following questions:

- › did the bodies responsible for implementing a particular law comply with the clauses of the final provisions on the need to develop the required amount of bylaws?
- › did they do so within the timeframe defined by law?²¹¹

The legislative practice of the Parliament of the 9th convocation included in the final provisions of laws the task of the Government to inform the VRU on the status of implementation of the law one year after its entry into force.

If the final provisions of the law include such a task, it includes a chain of control by the relevant VRU committee, the CMU (SCMU) and ministries, which collect and summarise information on the state of implementation of the law within the timeframe established by the task and bring this information to the attention of the SCMU (the Government's controller) and the VRU (the VRU Secretariat, the relevant committee).

However, there is no systemic monitoring of the implementation and effectiveness of the laws adopted by the Parliament.

²⁰⁶ Article 24 of the Law of Ukraine 'On Committees of the Verkhovna Rada of Ukraine'.

²⁰⁷ [Should the control function of the parliament be strengthened by the draft law No. 4131?](#)

²⁰⁸ Government Action Programme, approved by CMU Resolution No. 471 of 12 June 2020.

²⁰⁹ [REPORT on the Progress and Results of the Implementation of the Government Action Programme in 2019.](#)

²¹⁰ [REPORT on the Progress and Results of the Implementation of the Government Action Programme in 2020.](#)

²¹¹ [Concept note on improvement of the legislative process in Ukraine. EU-UNDP Parliamentary Reform Office. P. 102.](#)

3.2. Indirect oversight

The Ukrainian Parliament Commissioner for Human Rights has the right to apply to the CCU with a submission on the compliance of the laws of Ukraine and other legal acts of the VRU concerning human and civil rights and freedoms with the Constitution of Ukraine.²¹² The legal consequences of the CCU decisions are defined in [Article 152](#) of the Constitution of Ukraine.

The Accounting Chamber,²¹³ in the course of exercising the state external financial control (audit) over the efficiency of the state budget spending on behalf of the VRU, investigates and evaluates the legal grounds for such spending, gaps in legislation and non-compliance with laws that lead to the misuse or inefficient use of state budget funds. The Accounting Chamber monitors and analyses the implementation of its recommendations and proposals by the audited entities. Many of the Accounting Chamber's recommendations are systemic and relate to amendments to legislative and other legal acts, which take time. According to the Accounting Chamber Report 2023, the proposals of the Accounting Chamber following the state external financial control (audit) were taken into account in 4 laws, 3 draft laws, 1 VRU resolution, 26 resolutions and 5 orders of the Government.²¹⁴

Due to the lack of information on the practical activities of the Government and the Parliament in controlling the state of execution, monitoring the state of implementation, assessing the effectiveness, efficiency and impact of the adopted laws in the defence sector, it is impossible to assess such activities.

The scheme of control and monitoring processes is given in Chart 10.

²¹² [Article 13](#) of the Law of Ukraine 'On the Ukrainian Parliament Commissioner for Human Rights'.

²¹³ Law of Ukraine 'On the Accounting Chamber'.

²¹⁴ [Accounting Chamber Report 2023](#). P. 13.

Oversight and monitoring

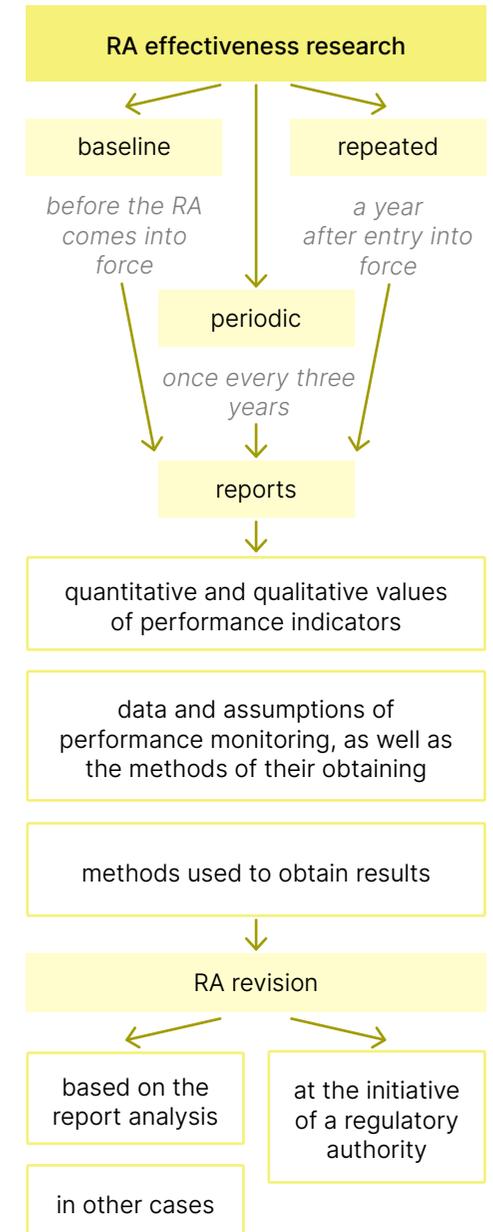
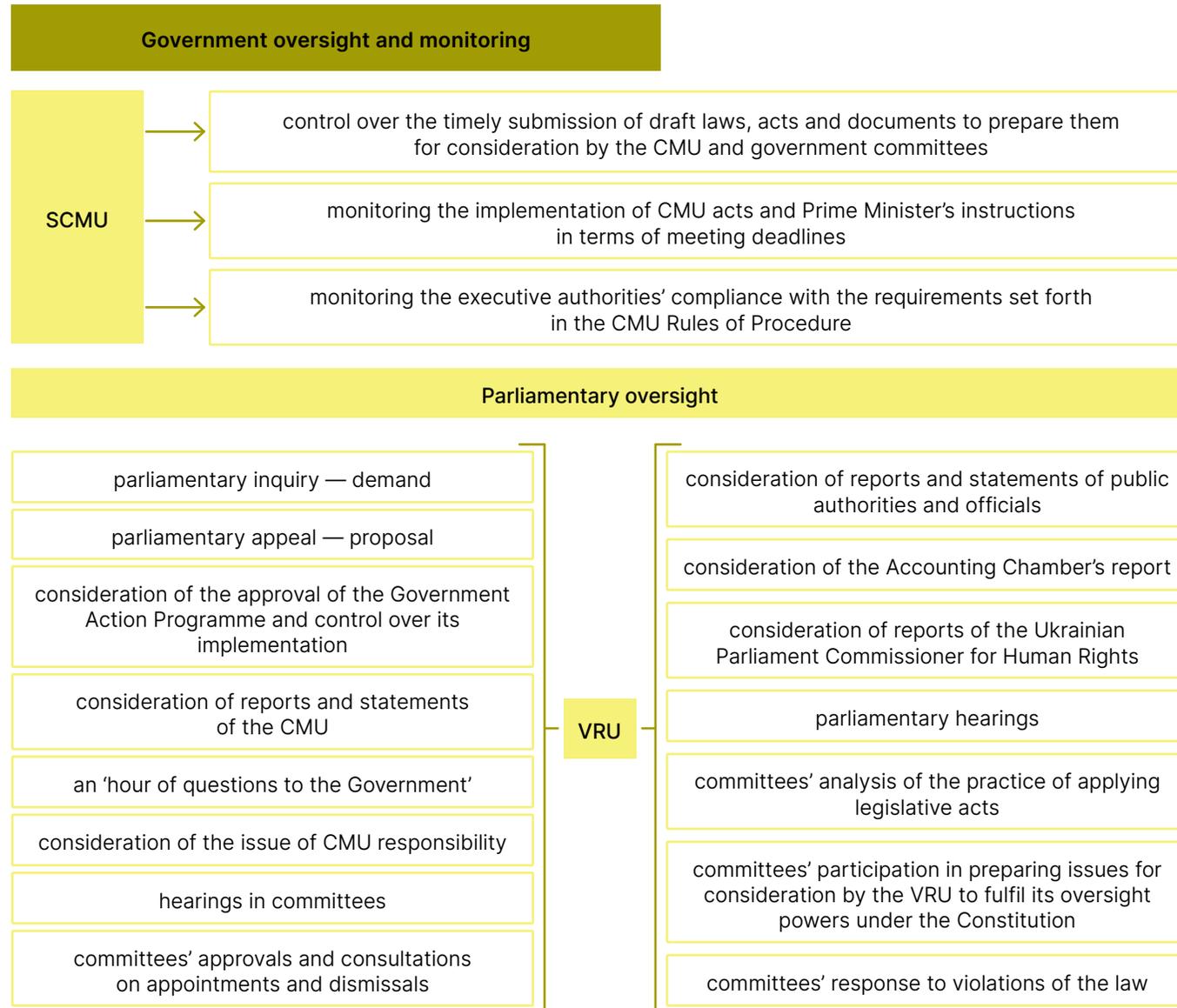


Chart 10

4. Legal monitoring

A section of the Law of Ukraine 'On Lawmaking' is dedicated to legal monitoring.²¹⁵ According to this Law, legal monitoring is a systematic, comprehensive oversight aimed at tracking, analysing and evaluating the implementation of adopted legal acts with regard to:

- › their full implementation (entry into force of the legal acts, implementation of the legal provisions set out in their transitional provisions, adoption (publication) of bylaws aimed at implementing the legal acts under legal monitoring);
- › achievement of the planned goals of legal regulation, their impact on society and/or on certain social groups, sectors or industries, as well as identification of social, legal, political, economic, environmental, administrative and/or other possible planned consequences or detection of unplanned consequences.

The legal monitoring entities are lawmakers:

- › with respect to laws—the VRU (and its bodies) which monitors the laws it adopts in accordance with the Law of Ukraine 'On Lawmaking', the VRU Rules of Procedure and the Law of Ukraine 'On Committees of the Verkhovna Rada of Ukraine';
- › with respect to bylaws—other participants in lawmaking in cases and in accordance with the procedure established by law (currently, this procedure is unclear).

Simultaneously with the entry into force of the Law of Ukraine 'On Lawmaking', amendments to the Law of Ukraine 'On Committees of the Verkhovna Rada of Ukraine' will come into force, according to which legal monitoring of legislative acts is an oversight function of the committees.

The committees will be responsible for legal monitoring of the issues within their competence, preparation and submission of reports on the results of such monitoring to the VRU (instead of analysing the practice of application of legislation and analysing the compliance of adopted bylaws with the law and the timeliness of their adoption). When reviewing the CMU report and preparing recommendations to the Government, the committees shall use the information they receive in the course of their oversight function from the Ukrainian Parliament Commissioner for Human Rights, the Accounting Chamber, other public authorities, local governments, their officials, civil society organisations and citizens. The committees will have to take into account the results of the legal monitoring carried out in accordance with the law in their drafting work.²¹⁶

The law defines the stages of legal monitoring, the parameters for selecting acts for monitoring, the sources of information and data for assessing legal acts and the consequences of legal monitoring.

The analysis of the collected information and data shall be based on the causal relationship between the entry into force of a legal act and the results of its implementation, as well as assess the degree of impact of the legal act on public relations in terms of quantitative and qualitative indicators specified in the impact assessment prepared in accordance with this Law.²¹⁷

²¹⁵ Section XII 'Legal Monitoring' of the Law of Ukraine 'On Lawmaking'.

²¹⁶ Point 4 of subparagraph 2 of Section XIV 'Final Provisions' of the Law of Ukraine 'On Lawmaking'.

²¹⁷ Article 67 of the Law of Ukraine 'On Lawmaking'.

For each legal act selected for legal monitoring, a report shall be drawn up containing:

- › information on how to analyse the information and data obtained;
- › information on the degree of impact of the legal act on public relations in quantitative and qualitative terms;
- › conclusions on the legal assessment and/or evaluation of the effectiveness of legal act implementation;
- › recommendations for improving the efficiency of implementing a legal act or justifying the need to amend it, invalidate it or adopt a new legal act to regulate the relevant social relations;
- › proposals for lawmaking planning documents.

The report on the results of the legal monitoring of a legal act is published on the official website of the lawmaking body. The report on the results of legal monitoring of a law is approved by the Parliament and sent to the CMU for implementation of its recommendations.²¹⁸

The Law of Ukraine 'On Lawmaking' defines the peculiarities of legal monitoring of the legal acts included in the Unified State Register of Legal Acts (the Register), which means that such monitoring is carried out by the Ministry of Justice and identifies legal acts that do not comply with the Constitution and/or laws of Ukraine, as well as conflicts of legal acts. The Register also includes laws after their publication/promulgation in the manner prescribed by law.²¹⁹

The procedure for legal monitoring of the legal acts included in the Unified State Register of Legal Acts is determined by the CMU, taking into account the requirements established by this Law.²²⁰ This procedure approved by the Government will come into force simultaneously with the entry into force of the Law of Ukraine 'On Lawmaking'.²²¹ However, neither the Law nor this procedure explains how the roles of the VRU committees and the Ministry of Justice will be distributed in the legal monitoring of laws.

The introduction of legal monitoring to assess the effectiveness of the application of legislation is a step towards full-fledged post-legislative oversight by public authorities, as the results of impact assessment should be used to evaluate the effectiveness of the application of laws. However, it is worth reviewing the procedures introduced to determine their potential effectiveness and usefulness for further improvement of legislation.

The scheme of legal monitoring is given in Chart 11.

²¹⁸ [Article 69](#) of the Law of Ukraine 'On Lawmaking'.

²¹⁹ [Article 56](#) of the Law of Ukraine 'On Lawmaking'.

²²⁰ [Article 70](#) of the Law of Ukraine 'On Lawmaking'.

²²¹ [CMU Resolution No. 976 of 23 August 2024 'On Approval of the Procedure for Legal Monitoring of Legal Acts Included in the Unified State Register of Legal Acts'](#).

Legal monitoring

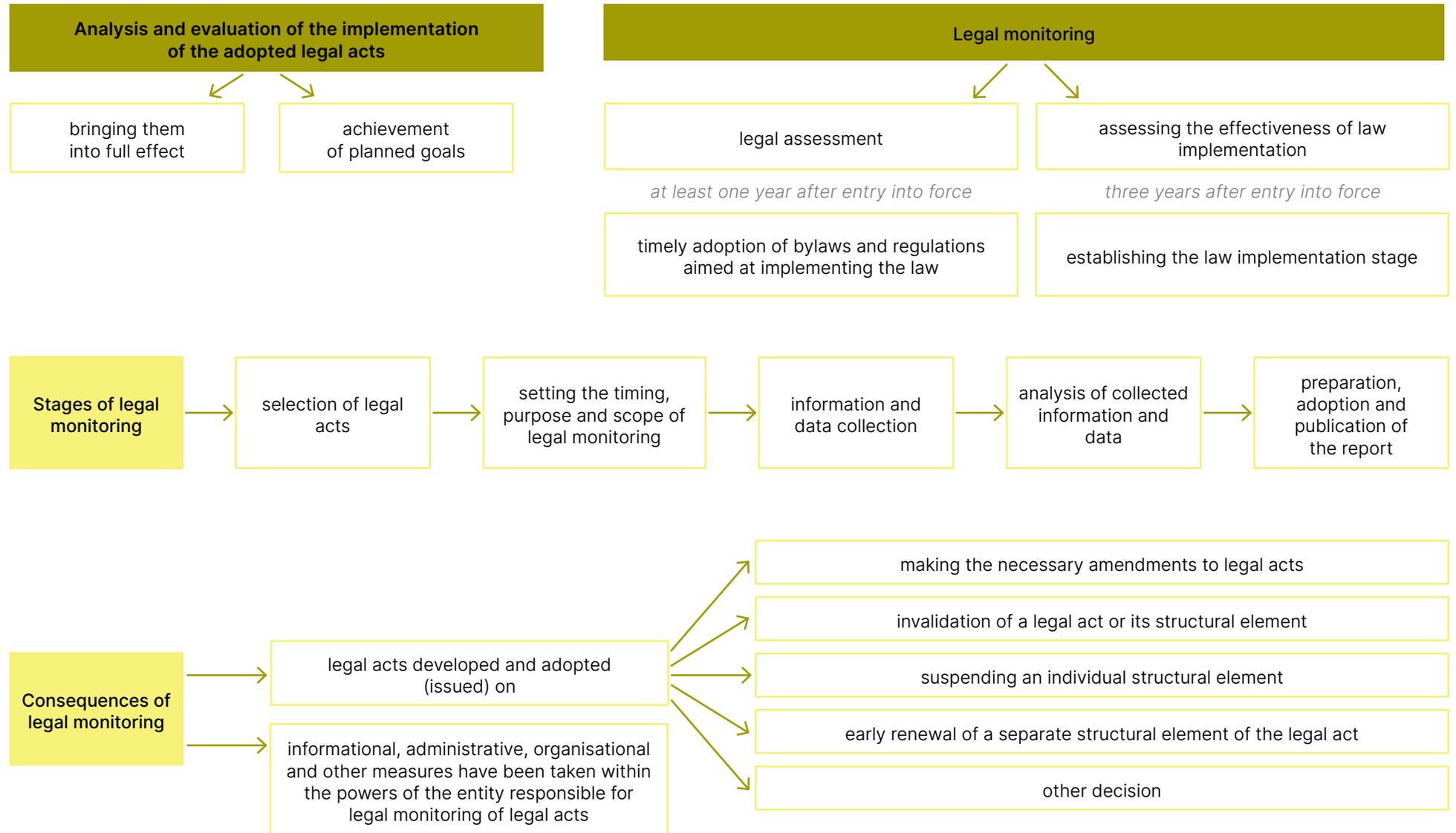


Chart 11

5. Initiating a review of decisions based on the results of the monitoring and evaluation stage

Law review is an integral part of the lawmaking process, ensuring the flexibility, relevance and efficiency of the legal system.

After a law is adopted and enters into force, the next step is to ensure its implementation, and monitoring and evaluation of its effectiveness allows the conclusion that the law is effective and efficient and has achieved its intended impact. When it turns out that its implementation has negative consequences or does not achieve its goals, a decision shall be made to revise it, which involves amending, suspending or invalidating the law or its individual structural elements.

The review of laws can also be:

- ① **planned and politically motivated** and aimed at:
 - › implementing reforms in accordance with the areas set out in strategic documents and concepts for reforming a particular area of state policy;
 - › responding to certain external circumstances and challenges that require systematic changes in legislation (e.g., Ukraine's European and Euro-Atlantic integration);
- ② **urgent**, due to social challenges or emergencies, when the law becomes outdated and/or does not correspond to new realities, hindering the country's development and strengthening of defence capability, for example, in emergency situations. In Ukraine, russia's full-scale invasion of Ukraine became an emergency.

The available information on the process of preparing draft laws 4210, 8187, 9281 and 11507, as well as their supporting documents, do not allow us to state that these draft laws were the result of monitoring and evaluation of previously adopted legislation. And while the process of preparing draft laws 4210 and 8187 was at least planned, based on strategic policy documents, the process of preparing draft laws 9281 and 11507 was urgent, which even theoretically does not allow us to say that they were developed based on the results of monitoring and evaluation of legislation. At the same time, these two draft laws (9281 and 11507) were eventually able to go from registration to entry into force, unlike the two planned draft laws (4210 and 8187).

The current mechanism for reviewing legal acts is currently provided for only by the Law of Ukraine 'On the Principles of Regulatory Policy in Economic Activity'. Such review covers only RAs, in particular, regulatory laws:²²²

- › based on the analysis of the RA performance monitoring report;
- › on the initiative of the regulatory authority that adopted the RA;
- › in other cases provided for by the [Constitution](#) and other legislative acts of Ukraine.

²²² Revision of the RA is a measure aimed at bringing the regulatory authority's adopted regulatory act into compliance with the principles of the state regulatory policy.

Proposals on the need to review the RA may be submitted by:

- › citizens, business entities, their associations and scientific institutions, as well as advisory bodies established at public authorities and local governments and representing the interests of citizens and business entities;²²³
- › the SRS as an authorised body for the implementation of the state regulatory policy, which may address regulatory authorities with requests and proposals to amend or invalidate regulatory acts adopted by these authorities that contradict the principles of the state regulatory policy.²²⁴

Ministries and other executive authorities that are rule-makers shall ensure constant review of their issued (non-regulatory) legal acts in order to bring them in line with the Constitution and laws of Ukraine, other legislative acts, the Convention for the Protection of Human Rights and Fundamental Freedoms of 1950 and its protocols, the Convention on the Rights of Persons with Disabilities, international treaties of Ukraine ratified by the Verkhovna Rada of Ukraine, and Ukraine's obligations in the field of European integration and EU *acquis*, and with due regard to the practice of the European Court of Human Rights. However, this requirement applies only to the government agencies' own legal acts (orders).²²⁵

The responsibilities of the legal service of an executive authority include reviewing (together with structural units of the body) the legal acts to bring them in line with the law. Based on the results of the review, the legal service informs the head of the body about the need to take measures to amend the legal acts, invalidate or cancel them.²²⁶

According to the Law of Ukraine 'On Lawmaking', legal monitoring may result in the revision of legal acts. This Law and the Government-approved Procedure for Legal Monitoring of Legal Acts Included in the Register stipulate that, based on the results of legal monitoring of laws, the Ministry of Justice, in case of detection of such laws that do not comply with the Constitution of Ukraine and/or the law, as well as conflicts in such laws, shall address the CMU with a proposal to initiate the issue of the need to amend, suspend or early renew a structural element of the relevant law or to invalidate it or its separate structural element. However, these acts do not specify the form in which the Government should initiate the need to revise laws.

Given that the report on the results of legal monitoring of a law approved by the Parliament is sent to the Government for implementation of its recommendations, the Government's initiation of revision of laws means that the Government, as the holder of legislative initiative, shall submit a relevant draft law to the VRU.

Thus, with the enactment of the Law of Ukraine 'On Lawmaking', only the Government will be vested with the right and obligation to submit draft laws prepared based on the results of legal monitoring to the Parliament in the prescribed manner.

This is logical from the point of view that the Government:

- › is the supreme body in the system of executive authorities, whose main tasks include the implementation of domestic and foreign policy;

²²³ Article 6 of the Law of Ukraine 'On the Principles of Regulatory Policy in Economic Activity'.

²²⁴ Article 30 of the Law of Ukraine 'On the Principles of Regulatory Policy in Economic Activity'.

²²⁵ CMU Resolution No. 731 of 28 December 1992 'On Approval of the Regulation on State Registration of Legal Acts of Ministries and Other Executive Authorities'.

²²⁶ General Regulation on the Legal Service of a Ministry, Other Executive Authority, State Enterprise, Institution and Organisation.

- › exercises executive power directly and through ministries and other executive authorities;
- › is responsible to the President and the Verkhovna Rada of Ukraine, and is controlled and accountable to the Parliament within the limits provided for by the Constitution of Ukraine.²²⁷

In turn, the main tasks of ministries as bodies that ensure the formulation and implement state policy in one or more areas include, in particular:

- › ensuring legal regulation;
- › determination of priority areas of development;
- › generalisation of the practice of application of legislation, and development of proposals for its improvement.²²⁸

Designating the Government as the only entity that can initiate amendments to the law based on the results of legal monitoring will help streamline legislative activities, prepare legislative proposals based on an evaluation of current policies and legal regulations, identify the real need for change and ensure that the only or best way to solve a problem is through legislation.

²²⁷ [Articles 1 and 19](#) of the Law of Ukraine ‘On the Cabinet of Ministers of Ukraine’.

²²⁸ [Article 7](#) of the Law of Ukraine ‘On Central Bodies of Executive Power’.

Annex 1

Rulemaking technique

The peculiarities of the legal regulation of rulemaking in Ukraine are that there is an extensive and insufficiently streamlined system of legal acts of different legal force.

The laws of Ukraine and the CMU Rules of Procedure contain specific requirements for rulemaking.

The **VRU Rules of Procedure** contain requirements for the execution of a draft law, its supporting materials and some requirements for the preparation of certain acts:

- › a draft law proposing to amend a law (laws) cannot be combined with amendments to the Constitution of Ukraine. A draft law may provide for amendments only to the text of the primary legislative act (law, code, legislative framework, etc.) and not to the law amending this legislative act;
- › each draft law shall contain provisions on the procedure for its entry into force;
- › if amendments to other laws are required to implement the provisions of the submitted draft law after its adoption, such amendments shall be set out in the 'Transitional Provisions' section of this draft law or in a separate draft law simultaneously submitted by its initiator. The draft law shall be accompanied by a list of laws and other regulatory acts that need to be adopted or revised to implement the provisions of the draft law if it is adopted.²²⁹

The **Budget Code of Ukraine** emphasises the procedure for the entry into force of laws whose provisions affect budget indicators (reduce budget revenues and/or increase budget expenditures). Thus, laws adopted:

- › no later than 15 July of the year preceding the planned year, shall come into force no earlier than the beginning of the planned budget period;
- › after 15 July of the year preceding the planned one shall come into force no earlier than the beginning of the budget period following the planned one.²³⁰

There are currently several codes in the Ukrainian legal framework that require that the provisions of these codes be amended exclusively by laws amending them (subparagraph 9 of Section XXI of the Customs Code of Ukraine, Article 2 of the Tax Code of Ukraine, Article 4 of the Budget Code of Ukraine and Article 3 of the Criminal Code of Ukraine).²³¹

The CCU also drew attention to certain requirements of rulemaking: '*[...] the principle of the rule of law provides for legislative changes with a **certain transition period (a reasonable time interval***

²²⁹ Article 90 of VRU Rules of Procedure.

²³⁰ Article 27 of the Budget Code of Ukraine.

²³¹ Guidelines of the VRU Secretariat.

between the official promulgation of the law and its entry into force),²³² which will give people time to adapt to new circumstances. The duration of the transitional period when changing the legal regulation of social relations shall be determined by the legislator in each specific situation, taking into account the following criteria: the purpose of the law within the legal system and the nature of the social relations regulated by it; the range of persons to whom the law will apply and their ability to prepare for the entry into force this law (its new provisions); other important circumstances, in particular those that determine the time required for such a law to enter into force.²³³

There are specific rules for preparing acts of the Government and acts of the President.

Presidential acts are prepared in accordance with *the Regulation on the Procedure for Preparing and Submitting Draft Acts of the President of Ukraine*, which contains requirements for the preparation and submission of draft acts of the President of Ukraine—decrees and orders—for consideration by the President of Ukraine, but does not contain requirements (except for formal ones) for the use of rulemaking tools and rules (*as do a number of other decrees, including the Decree on Improving the Organisation of Drafting of 26 November 2003; the Decree on Approval of the Regulation on the Procedure for Working with Draft Laws and Other Documents Submitted by the President of Ukraine to the Verkhovna Rada of Ukraine of 30 March 1995; the Decree on Measures to Improve the Rulemaking Activities of Executive Authorities of 9 February 1999*).

At the Government level, rulemaking requirements are regulated by the *Rules for Drafting Acts of the Cabinet of Ministers of Ukraine*, which define general approaches to the preparation of draft acts, requirements for their form, structure, numbering of structural units of a draft act and technical and legal features of their development: logical sequence; proper clarity of presentation, accuracy of description; no contradictions; conciseness; correct layout of the draft act; normative language of official business style with an emphasis on terminology (words and terms shall be used in the meanings assigned to them by the dictionary); inadmissibility of duplication of provisions. When amending acts of the CMU, preference is given to rewording sentences, points, subparagraphs, and sections (subsections) rather than numerous substitutions of words, sentences and indents.

The main point of reference for drafters have been and still are the *Guidelines for Drafting Laws and Compliance with the Requirements of Legislative Drafting Technique*, approved by the resolution of the Board of the Ministry of Justice of Ukraine on 21 November 2000, as well as the *Rules for Drafting Laws and Basic Requirements of Legislative Technique* (Guidelines, Fourth Edition, Amended and Restated), issued in 2014).

According to the guidelines of the VRU Secretariat, the legislative technique is a system of well-established theoretical and applied rules developed on the basis of many years of legislative practice, which outline the means and methods of drafting and writing laws that ensure accurate and complete compliance of the provisions set out with their content and purpose, the exhaustive scope of legal regulation, clarity and accessibility of legal material, etc. The main interrelated elements of legislative technique are:

- › law drafting methodology;
- › determination of the structure of the law adequate to its content;
- › rules and means of presenting the regulatory provisions of the draft law;

²³² *Vacatio legis* is a technical term in law that refers to the period between the pronouncement of a law and its entry into force.

²³³ Indents four and five of point 4.1 of subparagraph 4 of the reasoning part of CCU Decision No. 5-r/2018 of 22 May 2018.

- › language and terminology of the draft law;
- › rules for amending the law.

The guidelines of the Ministry of Justice and the VRU Secretariat draw attention to the criteria that make it possible to distinguish a law as a special category of legal acts, as well as the need to coordinate the draft with existing laws and avoid contradictions in legislation. In particular, it is noted with varying degrees of detail that:

- › the issues to be addressed by the law are those determined exclusively by the laws of Ukraine in accordance with Article 92 of the Constitution of Ukraine;
- › in the process of working on a draft law, the legislation related to the subject of the draft law, the practice of applying the relevant regulations, scientific literature, international treaties, and the main provisions of EU legislation should be studied.

In other words, the future law should take its place in the system of Ukrainian legislation without creating problems in law enforcement.

The guidelines of the VRU Secretariat also pay considerable attention to the preparation of draft resolutions of the VRU, which are not actually draft laws but are treated as such in the VRU Rules of Procedure. So, the VRU Rules of Procedure define a draft law not only as a draft of the law but also as a VRU resolution containing regulatory provisions.²³⁴ However, laws and resolutions of the VRU have different legal forces, scopes and natures of effect, external forms of expression and procedure for entry into force. It is assumed that the unification of draft laws and draft regulatory resolutions of the VRU in one concept of 'draft law' in the VRU Rules of Procedure was done to facilitate the description of the procedures for consideration and adoption of these acts. However, this leads to an identification of the concepts of 'draft law' and 'draft VRU resolution'.

The guidelines of the Ministry of Justice and the VRU Secretariat were developed to unify the drafting of laws and to comply with the requirements of legislative technique. They focus on the need for a preliminary study of current legislation and international treaties related to the subject of the draft law, determining that the issue should be resolved only at the level of a law, a logical presentation of regulatory material, the inadmissibility of including provisions in a sectoral law that are not its subject matter, duplication of provisions of other laws and codes, etc.

These documents are indeed useful in terms of defining general approaches to drafting laws. However, the guidelines have not been updated for a long time while the practice of rulemaking continued to develop. They pay little attention to the details that are useful in terms of rulemaking practice, such as the structuring of the draft law and the language used.

The guidelines set the right accents, but their ***mere recommendatory nature cannot put them on the level of rulemaking requirements***, and in practice, draft laws of varying quality are submitted to the VRU.

In general, all the requirements of the rulemaking technique do not constitute a single, ordered system (the terms used, their content and list differ, and the focus is on formal requirements).

Trends in rulemaking are usually monitored by the main drafters through analysis of recently adopted laws and other legal acts, opinions of the Ministry of Justice following legal examination and opinions of the MSED and the Main Legal Department of the VRU.

²³⁴ Article 89 of VRU Rules of Procedure.

The Law of Ukraine 'On Lawmaking' has provided some clarity on the general rulemaking technique. The following is now enshrined in law:

- › the concept of 'rulemaking technique' as a set of technical and legal means, techniques and methods by which a draft legal act is created;
- › the concepts of 'law', 'code', 'primary law', 'law on amendments', 'law on international treaty', 'law on approval' and 'law on approval';
- › rules of rulemaking technique are established, in particular, regarding: the structure of the legal act, designation of structural elements of the legal act, requirements for the content of the legal act, language and style of the legal act, details of the legal act, title of the legal act, preamble, transitional provisions, final provisions and amendments to the legal act;
- › the drafting of laws is structured separately for primary laws, codes and laws on amendments;
- › it is determined that a **law** is a **legal act** adopted by the VRU and (or) at an all-Ukrainian referendum in the manner established by the Constitution of Ukraine and the law, **which regulates the most important social relations** and is adopted in the form of:²³⁵
 - › **code**—a law that is created by systematising the norms of law, contains general principles on the basis of which it comprehensively regulates a homogeneous sphere of social relations, ensuring the stability of legal regulation;
 - › **primary law**—a law that systemically regulates a particular area of social relations;
 - › **law on amendments**—a law that changes a separate structural element of the code or primary law;
 - › **law on an international treaty**—a law on giving the VRU consent to be bound by or denounce an international treaty of Ukraine, the development, consideration and adoption of which is carried out in the manner prescribed by law (the Law of Ukraine 'On International Agreements of Ukraine');
 - › **law on approval of:** *the VRU Rules of Procedure; the State Budget of Ukraine; the general structure, number, and definition of the Security Service of Ukraine, the AFU, other military formations established in accordance with the laws of Ukraine, as well as the Ministry of Internal Affairs; state symbols of Ukraine; other legal acts of the VRU or legal norms in cases determined by the Constitution of Ukraine and/or the law;*
 - › **law on approval**—*approval or adoption of legal acts of other bodies in cases specified by the Constitution of Ukraine: decrees of the President of Ukraine, the Constitution of the Autonomous Republic of Crimea, amendments thereto; other legal acts specified by the Constitution of Ukraine.*
- › recommendations on the application of general rules of rulemaking are developed by the Ministry of Justice.

The same Law **classifies VRU resolutions containing legal norms as bylaws**.

In its decisions, the CCU has repeatedly emphasised the need to comply with the principle of legal certainty, which, as an element of the constitutional principle of the rule of law, is a set of requirements for the organisation and functioning of the legal system, lawmaking and law enforcement processes in a manner that would ensure the stability of the legal position of an individual. This can only

²³⁵ Article 10 of the Law of Ukraine 'On Lawmaking'.

be achieved through the legislative consolidation of high-quality and clear rules.²³⁶ Thus, the VRU Rules of Procedure shall clarify the legal force of VRU decisions.

This can be achieved with minimal effort in terms of rulemaking and a little more effort in terms of political will.

The exclusion of draft regulatory resolutions from the concept of 'draft law' will not affect the procedure for their adoption but will clarify the conceptual framework of the VRU Rules of Procedure.

Section XIV 'Final Provisions' of the Law of Ukraine 'On Lawmaking' provides for partial amendments to the VRU Rules of Procedure, but Article 89, which defines the concept of draft acts of the VRU without taking into account their hierarchy in the legislative system, is not amended, which once again shows that the issues of lawmaking are regulated in a fragmented manner by this Law.

²³⁶ Indent three of point 3.3 of subparagraph 3 of the reasoning part of the Decision of the Constitutional Court of Ukraine (Grand Chamber) [No. 3-r/2019](#) of 6 June 2019.

Annex 2

Public consultations

At the international level, a system of international and European standards for public participation in political decision-making and participation in the management of public affairs has been created and is successfully operating.

The International Covenant on Civil and Political Rights provides guarantees for the participation of every citizen in decision-making processes at various levels of governmental authorities.

Moreover, one of the most important documents adopted at the international level is the [Aarhus Convention](#), which defines the minimum requirements for public participation in environmental decision-making, namely through granting access to information and submitting comments on environmental documents.

The importance of public participation has been recognised in many CoE documents. For instance, the Conference of International Non-Governmental Organisations of the Council of Europe adopted the [Code of Good Practice for Civil Participation in the Decision-Making Process](#) on 1 October 2009. Among the objectives of the Code of Good Practice is to be a relevant and effective tool for NGOs from local to international level in their dialogue with the Parliament, Government and authorities.

The Parliamentary Assembly of the Council of Europe (PACE) regularly notes the importance of public participation for democracy.

In Resolution [1746](#) (2010) on Democracy in Europe: crisis and prospects, PACE calls on CoE member states to establish participatory and deliberative processes and structures open to all those living in a country. This encourages governments to provide opportunities for constructive participation of the public in the consultation process during policy and decision-making.

Public consultations have both advantages and disadvantages (see Table 16).

Table 16

Advantages and disadvantages of public consultations

Advantages	Disadvantages
Consultations may:	
<p>Improve the quality and effectiveness of policy-making by providing information that is difficult to obtain in other ways (views of representatives of different cultures, hidden costs and risk factors, who will benefit or lose from proposed solutions)</p>	<p>Cause delays and administrative burden (identifying and informing interested groups, gathering information about their opinions, analysing the results of this work and establishing feedback requires considerable time and costs, and the sheer volume of information can make decision-making difficult)</p>

Advantages	Disadvantages
Increase the legitimacy of decisions made	Cause resistance in society, making it difficult to convince the population of the correctness of the proposed solutions, especially if the problem is more difficult or comes from a different direction than expected
Increase citizen engagement and confidence of different communities or groups in addressing specific issues	Provide incorrect information about public opinion (the consultation process may be dominated by well-organised lobbyists and groups representing narrow sectoral interests)

Source: Claire Archbold. The process of consultation before making political decisions. Department of Equality, Human Rights and Social Policy of the Chancellery. Rulemaking Handbook. Edited by Dr Constantin Stefanu and Dr Helen Xanthaki. Published in the UK by University Press, Cambridge. 2005. P. 189–190.

Public consultations are required at almost every stage of the legislative process (see Table 17).

Table 17

Stages of the legislative process when public consultations are required

Stage of the legislative process	Content of consultations
At the research stage	Find out how the system works now, what problems people are concerned about, where people see the need for reform, whether people have opinions on what reforms the country needs, and whether there will be resistance to reform. Part of the consultation process may be to collect baseline data on the system before the reform (this will be needed for later review).
After identifying public opinion, move to other levels of consultation	Check public support for the proposed solutions. Determine which option best meets the objectives of the proposed solutions. Ensure that the interests of minorities are taken into account. Ensure that all relevant factors are taken into account. Assess the future consequences of the proposed solutions. Determine which option should be chosen.
During or after the preparation of the draft law	An opportunity to test the validity of other options or amendments. As part of the process of assessing the future impacts of proposed solutions. Opportunity for technical advice on the details of the draft.
At the revision stage	Find out how the new system works and what people think about the reform. Check whether the new system has caused any new problems. Determine whether further refinement of solutions is needed.

Source: Claire Archbold. The process of consultation before making political decisions. Department of Equality, Human Rights and Social Policy of the Chancellery. Rulemaking Handbook. Edited by Dr Constantin Stefanu and Dr Helen Xanthaki. Published in the UK by University Press, Cambridge. 2005. P. 191.

Annex 3

Veto problems

Although only the Parliament has the right to pass laws in Ukraine, the President can also influence the legislative process. One of the most important is the presidential veto power, which prohibits the introduction of a law with which the head of state does not agree.

The President of Ukraine can use the veto power and return the law without signature with their own formulated proposals to the VRU for reconsideration.

The President exercises the right to veto a law passed by the VRU after receiving it for signature at the appropriate stage of the legislative process. This is a constitutional and legal form of the President's participation in the legislative process.²³⁷

The right to veto laws adopted by the Parliament is one of the effective instruments of the President's influence on the results of the legislative activity of the VRU and serves as a means of control in the system of checks and balances that ensures the implementation of democratic principles of the rule of law and observance of human and civil rights and freedoms in the legislative activity of the Parliament.

At the same time, the current state of constitutional and legal regulation of the veto of the President of Ukraine is characterised by certain shortcomings and gaps, which entails a decrease in the effectiveness of the President's veto power and, as a result, the adoption of laws that are not always of high quality and constitutional nature or the abuse of this right by the President, and unjustified slow-down of the legislative process.²³⁸

In particular, publications on this issue highlight the following problems:

a) uncertainty of the grounds for the President's veto

The CCU concluded that **the Constitution of Ukraine does not establish the grounds and motives on which the President may return the law for reconsideration by the VRU, as well as the requirements for the content of the President's proposals for the law.**²³⁹

The dissenting opinion of CCU Judge M.D. Savenko on CCU Decision No. 6-rp/2003 of 11 March 2003 states that 'the Basic Law of Ukraine established mandatory preliminary judicial constitutional oversight of draft laws amending the Constitution of Ukraine, entrusting its implementation to a single body of constitutional jurisdiction. With regard to ordinary laws adopted by the VRU through the

²³⁷ Indent two of paragraph 4 of CCU Decision No. 6-rp/2003 of 11 March 2003.

²³⁸ A.S. Bahriak Constitutional Principles of the President's Veto Power. Abstract of a dissertation for the degree of Candidate of Legal Sciences. P. 1.

²³⁹ Indent three of subparagraph 4 of the reasoning part of CCU Decision No. 6-rp/2003 of 11 March 2003.

legislative procedure, the following optional oversight implemented by the CCU is established.²⁴⁰ Thus, the return of laws for reconsideration by the VRU on the grounds of their non-compliance with the Constitution of Ukraine does not contradict the Basic Law.

In Ukraine, the practice of returning laws on the grounds of their non-compliance with the Constitution of Ukraine is quite common. If we agree with the opinion of academics that the use of the veto power by presidents most often occurs for political reasons, this issue takes on a different instrumentalist sound. It requires a separate discussion and should be considered in close connection with the issue of preliminary constitutional oversight of laws.²⁴¹

b) the possibility of repeated use of the President's veto power

The CCU clarified that the President may return the law to the Parliament again if, during the consideration of the President's proposals, amendments are made to the law that are not provided for in these proposals.²⁴²

At the same time, partial consideration of the President's proposals may be interpreted as making amendments not envisaged by the proposals, as it may cause different legal consequences than the proposals were intended to have. Likewise, any attempts at compromise, any amendments to the law proposed by the Parliament when the main proposal of the President was to repeal the law as a whole, may be interpreted as not being envisaged by the President's proposals.

A related issue is whether the President's proposals are sufficiently worded. If the wording of the proposals is unclear and unambiguous, any textual wording of them by the VRU Secretariat looks like making amendments not envisaged by the proposals and, accordingly, creates grounds for a repeated veto.²⁴³

Thus, the Constitution of Ukraine does not set quantitative restrictions on the repeated veto.

Foreign and domestic experience offers mechanisms to limit the use of the repeated veto. One of them is to limit the number of times the veto can be overridden by the Parliament. For example, if the Storting in Norway passes a law three times without amendments in the same wording, such a law comes into force even without the royal assent.²⁴⁴

c) quantitative threshold for overriding a veto by the Parliament

The quantitative threshold required to override a presidential veto gives grounds to classify vetoes into weak and strong ones. A weak veto is one that requires an absolute majority, i.e., 50% plus one vote of the total number of parliamentarians. Accordingly, a higher threshold to override a veto—2/3 or 3/5—indicates a strong veto by the head of state.

The Constitution of Ukraine enshrines a strong veto, which can be overridden by at least two-thirds of the constitutional composition of the VRU (Article 94(4) of the Constitution). The Venice Commission assessed the requirement to override the veto of 2/3 of the Parliament as a '**very high threshold**'.²⁴⁵

²⁴⁰ Dissenting opinion of CCU Judge M.D. Savenko on CCU Decision No. 6-rp/2003 of 11 March 2003.

²⁴¹ Anastasiia Ivanova. Research of the Veto Framework.

²⁴² Indent eight of subparagraph 4 of the reasoning part of CCU Decision No. 11-rp/98 of 7 July 1998.

²⁴³ Anastasiia Ivanova. Research of the Veto Framework.

²⁴⁴ Ibid.

²⁴⁵ European Commission for Democracy through Law (Venice Commission). Opinion on the Draft Law of Ukraine Amending the Constitution (CDL-AD(2009)024), Art. 108.

In 2010, the National Institute for Strategic Studies cited the following arguments against a strong veto:

*'[...] The President may not have a majority in the Parliament to be sure of their ability to veto any draft laws. In addition, the President of Ukraine has the right to veto any law, even laws amending the Constitution, and thus having quite strong legislative powers. Moreover, such a balance of power between the President and the Parliament, if they belong to different political forces, stimulates the conflict behaviour of both players in the context of the weakness of the Verkhovna Rada's leverage (namely, the need for 2/3 of votes to override the presidential veto), which causes weakness of the legislative branch. The President may apply to the Constitutional Court to confirm the constitutionality of the draft law, but the term for consideration of the draft law by the Constitutional Court is not fixed, so this measure represents a possibility of delaying the process of law adoption and is a model of using a pocket veto.'*²⁴⁶

Academics are currently proposing many ways to improve the veto power, which are worthy of attention and discussion, in particular:

- › regulating the consequences of the withdrawal of proposals submitted by the President;
- › ensuring systemic work of the President's representatives in the VRU and the CMU at all stages of drafting laws of Ukraine;
- › timely and detailed coverage in the media of the justifications for the President's veto power, especially on draft laws on socially important issues, in a form understandable to non-professionals, etc.²⁴⁷

d) the obligation to sign the law on which the Parliament overrode the President's veto

One of the constitutional powers of the President in the legislative process is to sign and officially promulgate laws, which by its legal nature is a procedure aimed at giving them effect, as well as taking the law for implementation by the President as a guarantor of compliance with the Constitution of Ukraine, human and civil rights and freedoms.

However, the **Constitution of Ukraine does not make the completion of the procedure for enacting a law dependent on the President's will**. If the President has not signed and officially promulgated it after repeated consideration and adoption by the Parliament by at least 2/3 of its constitutional composition, such a law is immediately officially promulgated by the Chair of the VRU and published with their signature. In other words, the Constitution of Ukraine²⁴⁸ provides for the official promulgation and publication of the law in a different way, namely by urgent actions of another state official—the Chair of the VRU and with their signature.²⁴⁹

There have been numerous cases in Ukraine when the President, after overriding a veto, returned a law to the Parliament without signature. Experts believe that the question of whether it is expedient to oblige the President of Ukraine to sign and officially promulgate a law that has been adopted

²⁴⁶ Presidential Veto in Modern Democratic Systems. Policy Brief.

²⁴⁷ Anastasiia Ivanova. Research of the Veto Framework.

²⁴⁸ Article 94(4) of the Constitution of Ukraine.

²⁴⁹ Point 3.1 of subparagraph 3 of the reasoning part of CCU Decision No. 20-rp/2009 of 10 September 2009.

by a qualified majority of 2/3 of the votes of the MPs during the reconsideration remains relevant. The provisions that establish the obligation of the head of state to sign a legislative act with the provisions of which they disagree are illogical. At the same time, the speakers of the Parliament are in no hurry to fulfil the President's powers, which gives rise to numerous conflicts over the adopted but not enacted law.

Some academics propose to establish forms of liability of the President for improper performance of their duties. At the same time, the mechanisms of constitutional and legal liability of the President are ineffective, and they are not currently available in Ukraine.²⁵⁰

²⁵⁰ [Anastasiia Ivanova. Research of the Veto Framework.](#)