

ADAPTATION OF UKRAINIAN SELF-GOVERNMENT AND PUBLIC ADMINISTRATION TO EUROPEAN UNION STANDARDS

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In 2014, the European Commission defined the scope of public administration reform, covering six main areas, such as management reform strategy; development policy and coordination; civil service and human resources management; accountability; service delivery; public finance management¹ In the same year, the SIGMA program for support to improve governance and management developed the principles of public administration, which were updated in 2017. The main principles set out in this document include the following: appropriate legislation; participation; openness; transparency of decision-making; proper organization; appropriate personnel; adequate financial and budgetary management; efficiency; compliance; responsibility; oversight. It is obvious that a significant part of these principles are new to Ukrainian practice and, introduced at the legislative level, should be understood by scholars and practitioners. In particular, these are principles such as participation, conformity, etc².

One of the EU's guiding principles is transparency. It obliges the EU to disclose information on policy-making and spending, and to ensure compliance with the principle of freedom of information. These principles are reflected in the EU's founding treaties. Article 10 of the Treaty on European Union stipulates that transparent decision-making shall be ensured "as closely as possible to the citizen". Article 11 stipulates that both individuals and representative associations shall be guaranteed the opportunity to "express and publicly exchange their views in all areas of Union activity". The Treaty on the Functioning of the European Union expands on these provisions. It states that the EU institutions shall act openly and shall grant access to documents to individuals and to any natural or legal person residing or having a registered office in an EU country (Article 15). This principle is also extrapolated (in a non-binding form) to the local and regional levels in the EU.

¹ OECD (2017), SIGMA, Principles of Public Administration, Paris. http://www.sigmaweb.org/publications/Principles-of-Public-Administration_Edition-2017_ENG.pdf.

² Preparing Public Administrations for the European Administrative Space. SIGMA Papers No. 23. OECD iLibrary. [oecdilibrary.org](https://www.oecd-ilibrary.org/docserver). Retrieved from <https://www.oecd-ilibrary.org/docserver>

Since 2015, SIGMA has been conducting reviews of compliance with the principles of public administration in EU candidate countries and potential candidates. Systematic monitoring reports were prepared in 2015 and 2017, while more targeted reviews were carried out in 2016 and 2019.

These reviews analysed each country's performance in public administration reform, outlined values for indicators and made proposals for reform. Checks of compliance with the principles of public administration were also carried out in individual partner countries, based on the interests and initiatives of each individual country. In particular, in 2015, a report was prepared on Moldova, in 2018 – on Georgia and Ukraine, in 2019 – on Armenia³

Among the main priorities of public administration reform in 2022, the following are highlighted: the introduction of the Law "On Administrative Procedure" (currently this Law of Ukraine has been adopted and entered into force) and the provision of appropriate training for civil servants, judges and lawyers; further implementation of an electronic human resources management system, an updated system that will reduce paperwork, promote transparency and efficiency; reform of civil service remuneration (from January 1, 2024, a new civil servant remuneration system has been introduced in Ukraine, based on the classification of positions); the introduction of effective selection criteria for civil service; improving access to public services, etc⁴. When analyzing the prospects for the implementation of European principles of public administration as principles of public administration in Ukraine, it is necessary to take into account the following. Firstly, the need to update the principles of public administration in Ukraine stems from the commitments undertaken by Ukraine as a prerequisite for its accession to the EU. Thus, by signing 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, in accordance with Article 3 of this Agreement, Ukraine undertook to ensure good public administration as an important component of cooperation with the EU.

In July 2021, the Government of Ukraine approved the Strategy for Public Administration Reform until 2025. The goal of this Strategy is to increase the efficiency of the domestic administration by implementing the European Principles of Public Administration in Ukraine. The expected results of public administration reform until 2025 are: ensuring the provision of high-quality services and the formation of a convenient administrative procedure for citizens and businesses; forming a system of professional and politically neutral public service focused on protecting the interests of citizens; building effective and accountable public institutions that form public policy and successfully implement it for the sustainable development of the state. Given that in the conditions of war and the post-war period, public authorities face a

³ Monitoring Reports. SIGMA : OECD. [sigmaweb.org. http://www.sigmaweb.org/publications/monitoring-reports.htm](http://www.sigmaweb.org/publications/monitoring-reports.htm).

⁴ The EU supports the development of a state in Ukraine that works in the interests of citizens. [eeas.europa.eu. Retrieved from: https://www.eeas.europa.eu/delegations/ukraine/ес-підтримує-розбудову-в-україні-держави-яка-працює-в-інтересах-громадян_uk?s=232](https://www.eeas.europa.eu/delegations/ukraine/ес-підтримує-розбудову-в-україні-держави-яка-працює-в-інтересах-громадян_uk?s=232)

number of new challenges, and therefore it is necessary to form a strategic vision of the functioning and development of public administration in the medium and long term and to make changes to the Strategy for Reforming Public Administration in Ukraine for 2022-2025. In terms of improving the legal regulation of public administration and regional policy, it is also important for Ukraine to analyze the Communication of the European Commission on Enhancing the European Administrative Space (ComPAct) 2023, which covers three vectors: 1. Public Administration Skills Program (in particular, to expand the exchange of cooperation in public administration, to create a network of centers of best practice). Labor markets are undergoing structural transformations, in particular due to demographic changes⁵. Against this backdrop, public administration faces strong competition, especially in areas that require a new set of skills, knowledge and competences. Digital transformation also requires a significant increase in the participation of civil servants in training, as well as a rethinking of work processes to exploit the potential of automation, etc. The Public Administration Skills Agenda will support Member States in their efforts to create sustainable, attractive, transparent and highly efficient administrations by equipping them with a wide range of tools for upskilling and reskilling the workforce⁶.

2. Capacity for Europe's Digital Decade (supporting digital and data-related legislation and artificial intelligence technologies; promoting the sustainable and effective use of new technologies). The Digital Decade sets the target of 100% public provision of services accessible to individuals and legal entities online by 2030, giving all people access to their health records online and to secure electronic identification. Public administrations must embrace digital technologies. They are expected to deliver services in a seamless and user-friendly way for people, businesses and their own staff. By applying EU digital legislation, public administrations can collaborate more effectively by aligning their efforts with those across the EU. EU legislation provides the basis for efficient and secure data exchange and interoperability between public administrations. In 2023, EUR 30 million has been allocated to the Digital Europe Programme to support the implementation of EU cybersecurity legislation and national cybersecurity strategies. In order to achieve these objectives, the European Commission proposes to support the provision of fully accessible online administrative services through the Single Digital Gateway, an e-Government initiative for the digitisation of public administration and the automated exchange of evidence managed by the Single Technical System and the verification of evidence authenticity through the Internal Market Information System⁷. It will continue to facilitate the

⁵ Communication “Demographic change in Europe: a toolbox for action. commission. europa.eu. https://commission.europa.eu/publications/communication-demographic-change-europe-toolbox-action_en.

⁶ Commission welcomes Member States' targets for a more social Europe by 2030. ec.europa.eu <https://ec.europa.eu/social/main.jsp?langId=en&catId=89&furtherNews=yes&newsId=10299>

⁷ Internal Market Information System (IMI). europa.eu. https://https://single-market-scoreboard.ec.europa.eu/enforcement-tools/imi_en.

interoperability of the Pan-European Data Spaces and ensure the electronic exchange of information between public administrations across borders, as implemented by the Internal Market Information System and the Electronic Exchange of Social Security Information. In order to increase interoperability and provide uninterrupted services, it is proposed to develop tools, in particular, an Interoperable Europe Support Center can be created, which will support public administrations in creating interoperability assessments and promote the European Interoperability Framework, as well as its specialization, such as for smart cities and communities. Also, an overview of financing opportunities for the digital transformation of public administrations and synergies between them has been published. The need to support the pooling of cloud capabilities between public administrations to develop their technological base and improve the provision of public services has been emphasized.

3. Capacity to lead the green transition (including supporting the update of national climate change strategies and adaptation plans; promoting climate protection and providing other environmental guidance) [18]. The EU has committed to becoming climate neutral by 2050 and to increasing resource efficiency, while ensuring social fairness and inclusiveness. Rapid decarbonisation of electricity generation and energy use is an important first milestone, which needs to be complemented by deeper changes in sectors such as buildings, transport, trade, agriculture, waste management and water management. Cities are crucial for achieving climate goals, as they account for 70-80% of EU greenhouse gas emissions and 80% of the EU population. Climate change requires increased infrastructure resilience and the ability to cope with challenges such as extreme weather, frequent natural disasters, water scarcity, etc. This is expected to negatively affect biodiversity, have a significant impact on the environment and, in turn, on food production. Public authorities play a key role in shaping the conditions for economies and societies to achieve ambitious climate and energy targets by 2030 and must lead by example. They need to mainstream the green transition into all policy areas and levels of governance, based on integrated planning, robust assessments and impact assessments, and broad consultation to ensure that no one is left behind. They need to adapt public finances to support the green transition and social justice through appropriate tax policies, green public procurement, sustainable financing and investments that adhere to the “do no significant harm” principle.

Thus, Ukraine's Euro-Atlantic integration into the EU necessitates the reform of a number of spheres of public and state life. In order to effectively interact in the European community, Ukraine must renew and improve public administration and establish a system of both state and local government.