



**ANNEX 3**

of the Commission Implementing Decision on the financing of the Annual Action Programme, part 1, in favour of Ukraine for 2020 to be financed under the general budget of the Union

**Action Document for Technical Cooperation Facility 2020**

**ANNUAL PROGRAMME**

This document constitutes the annual work programme in the sense of Article 110(2) of the Financial Regulation and action programme/measure in the sense of Articles 2 and 3 of Regulation N° 236/2014.

<b>1. Title/basic act/ CRIS number</b>	<b>Technical Cooperation Facility 2020</b> CRIS number: ENI/2020/042-381 financed under the European Neighbourhood Instrument	
<b>2. Zone benefiting from the action/location</b>	Ukraine The action shall be carried out at the following location: country wide	
<b>3. Programming document</b>	Single Support Framework 2018-2020 for Ukraine	
<b>4. Sustainable Development Goals (SDGs)</b>	Main SDG Goal 16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels Other significant SDG Goals: Goal 3. Ensure healthy lives and promote well-being for all at all ages Goal 12. Ensure sustainable consumption and production patterns	
<b>5. Sector of intervention/ thematic area</b>	Complementary support for capacity development	DEV. Assistance: YES
<b>6. Amounts concerned</b>	Total estimated cost: EUR 60 000 000 Total amount of European Union (EU) contribution EUR 60 000 000	
<b>7. Aid modality(ies) and implementation</b>	Project Modality <b>Direct management</b> through: - Grants	

<b>modality(ies)</b>	- Procurement <b>Indirect management</b> with the entrusted entities to be selected in accordance with the criteria set out in sections 5.3.1.4 and 5.3.2.5			
<b>8 a) DAC code(s)</b>	15110 - Public Sector Policy and Administrative Management – 67 % 15150 - Democratic participation and civil society – 21% 15153 - Media and free flow of information – 12%			
<b>b) Main Delivery Channel</b>	Private sector institutions – 60000 Indirect management: to be determined later			
<b>9. Markers (from CRIS DAC form)</b>	<b>General policy objective</b>	<b>Not targeted</b>	<b>Significant objective</b>	<b>Principal objective</b>
	Participation development/good governance	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Aid to environment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Gender equality and Women's and Girl's Empowerment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Trade Development	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Reproductive, Maternal, New born and child health	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<b>RIO Convention markers</b>	<b>Not targeted</b>	<b>Significant objective</b>	<b>Principal objective</b>
	Biological diversity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Combat desertification	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change mitigation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Climate change adaptation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>10. Global Public Goods and Challenges (GPGC) thematic flagships</b>	n/a			

## SUMMARY

This Action aims at supporting Ukraine in implementing comprehensive reforms and the EU-Ukraine Association Agreement, including its Deep and Comprehensive Free Trade Area. The action will provide policy advice, advice on legal approximation process with the EU, and capacity building in priority reform areas. In particular, the assistance will be provided in health, social policy, technical regulations and market surveillance, non-banking financial sector, competition, transport and aviation, circular economy.

The Action will also enhance Ukraine's capacities to establish effective mechanisms for consolidating democracy, independence of media and protection of human rights and fundamental freedoms, with specific focus on support to human rights monitoring, civil society support and parliamentary development.

# 1 CONTEXT ANALYSIS

## 1.1 Context Description

The EU-Ukraine Association Agreement (AA), which includes a Deep and Comprehensive Free Trade Area (DCFTA), entered into force as of 1 September 2017. AA provisions regarding the respect for human rights, fundamental freedoms and rule of law, political dialogue and reform, economic and financial cooperation have been provisionally applied as of 1 November 2014 and the DCFTA as of 1 January 2016. In February 2019, Ukraine's Constitution was amended to include European integration as a strategic priority.

2019 was an election year for Ukraine, when both a new President and a new Verkhovna Rada (the Parliament) were elected. Nationwide local elections are due in October 2020. A significant international election observation presence in the country assessed these elections as competitive and held with respect for fundamental freedoms.

The new President, Parliament and Government of Ukraine have reaffirmed their commitment to continued implementation of the AA/DCFTA upon the assumption of duties. Since the new government has taken office at the end of August 2019, there has been a renewed momentum to accelerate reforms with quick pace of legislative activity, including economic reforms, judiciary, prosecution and anti-corruption.

The Ukrainian economy maintained growth since 2016 in the range from 2.5% in 2017 to 3.6% in the first six months of 2019 and its finances and banking sector have stabilised despite a turbulent international context. Thanks in part to the positive effect of the DCFTA, trade with the EU continued to increase. The EU maintains its position as Ukraine's first export market (42.4% of total exports in the first seven months of 2019). However, foreign direct investment remains low, highlighting a need to improve the business climate and encourage investment, in particular by enforcing the rule of law and supporting the fight against corruption. Ukraine continues to avail of international financial assistance, notably from the International Monetary Fund and EU Macro-Financial Assistance programmes to help preserve its macroeconomic stability.

A further challenge to Ukraine carrying out reforms and implementing the AA came from new destabilising actions by the Russian Federation in the east of Ukraine, following the illegal annexation of Crimea and Sevastopol. In eastern Ukraine 3.5 million people on both sides of the line of contact remain in need of humanitarian assistance. Arrests of Crimean Tatars and persecution of those opposed to the de facto regime have intensified. The April 2019 Russian Federation decree offering Russian citizenship - in a simplified manner - to Ukrainians residing in the non-government controlled areas of the Donetsk and Luhansk regions is considered a new attack on Ukraine's sovereignty and violates the objectives and provisions of the Minsk agreements. This is also the case for the physical attack on Ukrainian Navy vessels seeking to pass through the Kerch Strait into the Azov Sea in November 2018 and the illegal capture of 24 Ukrainian sailors, who were released from their detention in Russia on 7 September 2019. The continued illegal inspection regime of the Russian Federation in the Kerch Strait, causing important delays for vessels passing the Strait, remains in place. The abovementioned developments have further limited the attractiveness of the Ukrainian Azov Sea ports for economic operators and, as regards security, de facto closed the only waterway between the Black Sea and the Azov Sea for Ukraine's Navy.

## 1.2 Policy Framework (Global, EU)

This Action contributes to the implementation of the Single Support Framework (SSF) for Ukraine 2018-2020 pursuing the aims of the European Neighbourhood Review of November 2015, the EU Global Strategy and the EU Gender Action Plan 2016-2020 through support to the strengthening of a stable, secure, resilient, democratic and prosperous society and Ukrainian state that contributes positively to national and regional security and economic growth. To achieve this goal it is crucial to implement a long-term and comprehensive reform programme rooted in the AA/DCFTA, prioritising democracy and the rule of law, strengthening institutions, economic growth, social cohesion and respect for human rights.

This Action contributes to a number of Eastern Partnership priorities set in the "20 Deliverables for 2020"<sup>1</sup>, notably Deliverable 1 *More engagement with civil society organisations*, Deliverable 3 on *independence of media*, Deliverable 11 *Implementation of public administration reform*, Deliverable 16 related to *Support the environment and adaptation to climate*.

## 1.3 Public Policy Analysis of the partner country/region

The AA/DCFTA sets out the foundation for political association and enhanced economic cooperation between EU and Ukraine since 2014. The new Government has committed in the government programme set out in October 2019 to implement the necessary reforms in all sectors covered by the AA/DCFTA and step-up communication efforts relating to the AA and its benefits for citizens throughout the country, with a focus on the south and east.

The Ukrainian government published the national AA implementation annual report in spring 2019 and continued to work with the Parliament on prioritization and implementation, by pursuing the reforms outlined in the joint government-Parliament Roadmap adopted in 2018.

Civil society is also playing an active role in the monitoring of AA/DCFTA implementation. Ukrainian civil society organisations continued to take active part in the Eastern Partnership Civil Society Forum and the EU-Ukraine Civil Society Platform provided for in the AA.

The early parliamentary elections have resulted in a profound change of political landscape in Ukraine when a single-party absolute majority has been formed in the Parliament. In September 2019, the Parliament has considered a number of constitutional amendments on first reading and sent them to the Constitutional Court for review. Three of these amendments are directly linked to the future **parliamentary reforms**, namely, decrease of number of members of Parliament (MPs) from 450 to 300, adding to the scope of competences of the Parliament the power of establish consultative, advisory and other auxiliary bodies, as well as to nominate the Parliament's Commissioners for ensuring parliamentary control over Constitution and laws in specific areas. If adopted, the practical implementation of the above constitutional amendments will require comprehensive review of the parliamentary procedures taking into account potential increase of workload of MPs, as well as re-designing of organisational and management framework of the Parliamentary Secretariat in case new consultative and auxiliaries bodies are to be established, including secretariat support to the new Parliament's Commissioners. This will also necessitate a detailed budget impact analysis, a new approach to human resources management and performance management frameworks.

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<sup>1</sup> European Commission/HRVP - Joint Staff Working Document of 15 December 2016 "Eastern partnership – Focusing on key priorities and deliverables" – SWD(2016) 467 final

One of the amendments introduces proportional electoral system for the election of the Parliament.

The **Election Code** adopted on July 11 that awaits the President's signature may be the legal basis for future electoral cycles; however, there is still room for improvement. In particular, further review of the legal framework for the planned October 2020 local elections is needed to bring it in line with international standards and best practices. This concerns election administration, candidate registration, voter registration and voter list, election campaigns and campaign finance, role of media in ensuring fairness of election campaign, quality of election observation.

Gradual implementation of the 2015-2020 national strategy and action plan on **human rights** is ongoing. **Freedom of the media** is broadly respected in Ukraine, although physical attacks and acts of intimidation of journalists and media professionals still occur and there is a lack of accountability for these attacks. However, there is a general lack of impartial and objective news reporting by the main TV and radio in the country. The national legal framework needs to be brought in line with the EU Audio Visual Media Service Directive including the strengthening of the independent media regulator. The Public Broadcasting Service was set up in 2017 and has become the only channel that adheres to journalistic standards. Despite underfinancing in 2017-2019 with only 50% of the budget stipulated by Ukrainian law being allocated to it, the Public Broadcaster has implemented essential reforms to date such as staff optimization, improved the program content.

The human rights situation in the illegally annexed Crimean peninsula continued to deteriorate<sup>2</sup> in 2019. As in 2018, systematic repression of individuals seen to oppose *de facto* "authorities" continued unabated. Restrictions on fundamental freedoms including education rights have been noted. The UN Office of the High Commissioner for Human Rights (OHCHR) continued to receive credible reports of inhumane conditions in places of detention in Crimea. Human rights and fundamental freedoms continue to be severely curtailed by armed groups in non-government controlled areas (NGCA) of eastern Ukraine, including through targeted killings, arbitrary and incommunicado detention, sexual and gender-based violence, torture and arbitrary violation of property rights. Freedom of media as well as freedom of religion or belief are also severely affected in these areas, while civic space is highly restricted.

The **Public Administration Reform** accelerated in the 2<sup>nd</sup> quarter of 2019 after the formation of new government: in September 2019, amendments to the "Law on civil service" were adopted, allowing more flexibility in renewal of staff through flexibility in hiring and firing senior civil servants and introducing short-term contracts for 7% of civil servants working on government priorities. The recruitment of new civil servants (Reform Staff Positions) has continued and had already reached close to 700 positions. Close to 30% of the recruited people came from outside of the civil service. Work on the draft law on administrative procedures, which is considered as one of the priority legislation for the Government's digital agenda and it is central to the creation of a service-oriented, transparent and accountable administration, continues. The Government started number of initiatives related to reorganisation of ministries, optimisation of internal processes and services provided to citizens.

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<sup>2</sup> <https://www.consilium.europa.eu/en/press/press-releases/2019/03/17/declaration-by-the-high-representative-federica-mogherini-on-behalf-of-the-eu-on-the-autonomous-republic-of-crimea-and-the-city-of-sevastopol/>

In 2019, EU experts have produced the first-ever comparative analysis of Ukrainian **competition law** with EU law, providing a sound basis for further approximation. In the future attention should be paid to enforcing competition rules in individual cases and the overall quality of the decisions. The current legal framework for State Aid control is not fully in line with EU state aid rules but has allowed beginning state aid control in the country. In 2019, the Anti-Monopoly Committee of Ukraine has been adopting an average of 20 decisions per month but most cases entail no aid or very small aid amounts. Large schemes continue to bypass State Aid control.

In the area of removing **technical barriers to trade**, the Parliament adopted a number of amendments to the law "On Technical Regulations and Conformity Assessment", including on accreditation of conformity assessment bodies and on metrology. The Parliament has registered a draft law on "Market Surveillance and Consumer Protection", which is another outstanding requirement. This law will help eliminate overlapping regulatory regimes, a necessary step for further alignment with EU practices, in view of a possible future launch of negotiations on an Agreement on Conformity Assessment and Acceptance for industrial products (ACAA).

Ukraine continues to reform the **health care system**, firstly through the successful roll-out of healthcare financing reform at primary care level carried out in 2018-2019. The system's digital modernisation ("eHealth<sup>3</sup>") has also reached some significant deliverables (e.g. the introduction of electronic receipt). A national medicines procurement agency was created and has already shown itself to be effective in small scale operations by delivering resource savings results. One significant achievement in 2019 was the adoption of a national blood strategy strategic framework for blood safety and availability, but it still needs a clear implementation plan. The implementation of this strategy needs however to be accelerated and a new tobacco control legislation adopted in line with the commitments under the AA.

AA includes Ukraine's commitment to align the quality and safety standards in the use of human tissues and cells with applicable EU standards. The use of tissue and cell-based medical treatments is rising worldwide, however in Ukraine, due to the absence of regulatory framework and proper system in place, this area is stagnating. While 5,000 patients are waiting for a life-saving transplantation procedure, only about three hundred each year manage to secure the state support for the treatment abroad. In May 2018 the Parliament adopted the law on "Amendments to relevant legislative acts regarding health care and organ and other anatomical materials transplantation to humans" and created a legislative basis for the national organ, tissue and cell transplantation system. However, to make it operational at least 20 by-laws have to be passed, transplant doctors and coordinators trained, modern equipment purchased, donor and recipient registers created. The mandatory use of Unified State Transplantation Information System will start 1 January 2020.

In **aviation**, the EU-Ukraine Common Aviation Area Agreement (CAA) foresees consecutive recognition of Ukrainian certificates, licences and approvals in Air crew certificates (by the end of the first transitional period) and ATM/ Air navigation certificates (by the end of the second transitional period). No recognition of certificates in the field of initial and continuous airworthiness or flight operations is foreseen. The EU and Ukraine keep their own certification methods and are working towards convergence of certification systems, based on the Arrangement on Convergence of Certification Systems. Because of the pending

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<sup>3</sup> <https://ehealth.gov.ua/>

conclusion of CAA since November 2013, the new Working Arrangements on Convergence of Certification Systems between the State Aviation Administration of Ukraine (SAAU) and the European Commission was signed in January 2017.

There is a large-scale problem of waste due to the prevalence of resource-intensive high-waste technologies in the national economy and due to the lack of adequate response to its challenges for a long time. The government has recognized hazardous waste management as the most urgent and critical issue that needs to be addressed in waste management in general. On November 8, 2017, the Government approved the National Waste Management Strategy by 2030. Ukraine's main priority is to prevent generation of waste through re-use, material processing or energy utilization and introduce **circular economy**.

#### 1.4 Stakeholder analysis

This action will primarily impact on the public authorities responsible for the implementation of the AA/DCFTA, including those responsible for ensuring respect for human rights and fundamental freedoms.

In relation to the **implementation of the AA/DCFTA**, the following institutions will be involved in the implementation of activities as direct beneficiaries of the action:

- Cabinet of Ministers of Ukraine, Presidential Administration, Verkhovna Rada and selected ministries will benefit from the **reform support architecture** and **capacity-building activities**. Targeted capacity building activities are foreseen for the Ministry of Health, Ministry of Social Policy, Ministry of Infrastructure, Ministry of Economic Development, Trade and Agriculture, National Securities and Stock Market Commission.
- Antimonopoly Committee of Ukraine in the area of **competition policy**;
- Ministry of Health, National Health Service, Public Health Centre in the area of **health**;
- State Aviation Administration of Ukraine in the area of **aviation**;
- Ministry of Defense in the area of **de-mining activities**;
- Ministry for Communities and Territories Development and Ministry of Energy and Environment in the area of **circular economy**.

The civil society and other non-state actors will be consulted systematically during the further definition of the actions and involved in policy dialogue processes. The coordination with the Verkhovna Rada of Ukraine has to be ensured for the adoption of the legislation developed by the Government for the AA/DCFTA implementation. Consultation on the scope of activities and implementation will involve the selected implementing partners, such as European Bank for Reconstruction and Development (EBRD), College of Europe, World Health Organization (WHO), Organisation for Economic Co-operation and Development (OECD), European Aviation Safety Agency (EASA), NATO Support Agency (NSPA).

In relation to the **respect of human rights and fundamental freedoms**, the following institutions will be involved:

- Verhovna Rada of Ukraine for **parliamentary support**;
- Central Election Commission for **elections**;
- National Council of Television and Radio Broadcasting, UA: Public Broadcaster in the area of **media**;

- Parliament Commissioner for Human Rights, Ministry of Veterans, temporarily occupied territories and IDPs, Ministry of Justice, Ministry of Internal Affairs, Ministry of Education and Science, Ministry of Social Policy, Ministry of Defense, Ministry of Health, Security Service, Presidential Administration, selected universities for activities related to Human Rights Monitoring Mission (**HRMMU**) and **support to displaced universities**;
- Civil society organizations and activists will benefit from activities related to the **civil society support**.

Consultation on the scope of activities and implementation will involve the selected implementing partners, such as United Nations Development Programme (UNDP), Office of the United Nations High Commissioner for Human Rights (OHCHR), European Endowment for Democracy (EED), Czech Development Agency (CzDA).

Citizens of Ukraine are expected to benefit from the implementation of the programme through the support to the implementation of AA/DCFTA overarching objectives, including fundamental rights for democracy, pluralism, respect for human rights and access to education as well as promotion of sustainable development, good governance, and free market economy.

## **1.5 Problem analysis/priority areas for support**

### **1.5.1 Capacity building for Ukrainian public authorities to implement reforms and AA/DCFTA**

The new Government has committed in its programme to implement the necessary reforms in all sectors covered by the AA and transpose at least 80% of EU acquis envisaged by the AA. However, in view of the lack of internal capacities to sufficiently address the reform implementation, the **reform support architecture** for Ukraine will continue being a useful and visible tool to support the Government in delivering on a number of target reforms. The main element of it is the Stabilisation and Sustainable Growth Multi-Donor Account established in July 2014 and managed by EBRD, which is expected to continue support provided through reform support teams in selected priority ministries and agencies which help transforming management within these institutions in line with the 2016-2020 PAR Strategy and will continue building-up the future cadre of the civil service. Additional support can also be provided through ad-hoc short-term support to reform initiatives or conducting specialised studies or desk research.

The implementation of reforms and further legal approximation require continued support to **institution building and capacity development** for Ukrainian public authorities. The Government of Ukraine has not established comprehensive programme to develop talents and introduce young people into careers in the public service. Dedicated internship or young professional programmes can have a significant impact in improving the quality of human resources in the public sector, which could be complementary to other forms of attracting talent and building future cadre of the civil service.

Continued support and specialised expertise are required for legal approximation and implementation in **technical regulations, market surveillance, non-bank financial services, social policy, and transport** sectors in order to transpose the legislation in line with the AA/DCFTA. Improving institutional capacities of the relevant public authorities and

professional development of those involved in developing, implementing and enforcing relevant controls also have to be foreseen.

In **competition policy**, Ukraine continues to approximate the national competition and state aid law to that of the EU as foreseen by the AA/DCFTA. The enforcement and procedural practices of the AMCU need to be enhanced to follow EU standards, focusing on large-scale competition infringements in the fields of antitrust and state aid, improved integrity and transparency of the operations.

In **health** sector, tackling specific public health challenges foreseen by the AA, such as tobacco use and its health consequences and combatting development of antimicrobial resistance and irrational use of antimicrobials have been identified as priority areas for EU support. The implementation of the EU tissue and cell transplantation directives provisions through national regulations has to be accelerated, with emphasis on the creation of competent authorities responsible for quality and safety standards assurance, their capacity development and promotion of donation and supply side.

In **aviation**, the work on implementation of Arrangement on the Convergence of Certification Systems should continue aiming making progress on harmonisation of regulatory requirements and standards of Ukraine the EU in the airworthiness domain.

In order to meet the obligations under the “Ottawa Treaty”, Ukraine requires further support in **destroying the remaining stockpile of land mines** in order to destroy the remaining stock of 2.7 million mines out a stockpile of 5,7 million mines under the ongoing NSPA joint action.

Ukraine also requires support for introduction of **circular economy** where the value of products, materials and resources is maintained and the generation of waste is minimised, by providing support to development of legislation, capacity building and awareness raising programmes, as well as regulatory convergence with the EU in waste management.

### **1.5.2 Strengthening capacities of Ukrainian public authorities, civil society and media to protect human rights and fundamental freedoms**

The early parliamentary elections have resulted in a profound change of political landscape in Ukraine. The new majority politically led by the President has an extensive reform agenda and is strongly committed to improving functioning and performance of the parliament in order to deliver necessary legislation and political decisions in line with the electoral promises and citizens' expectations. In view of the possible **parliamentary reform**, a particular focus has to be paid to the management and organisational changes in the institutions ensuring functioning of the Parliament as a single legislative body through provision of targeted management advice.

The nationwide local elections, which are due in October 2020, are expected to incite a strong political competition between political parties. In this context, an international **election observation** by civil society organisations may provide additional added value through facilitating technical dialogue between domestic and international observers around the issues of methodological quality of election observation, as well as through promoting constructive cooperation with the political actors and civil society organisations on key pre-conditions for fair and transparent local elections.

After the recent election campaigns the civil society is divided and lacks consensus on setting agendas and cooperation with the political stakeholders. While there has always been

pluralism of opinions, the current discourses are highly polarised, which increases the risk for civil society to lose influence. At the same time, the political mobilisation during the election period also offers new opportunities for growth and consolidation, notably for grassroots and local activists. While carrying the risks outlined above, the currently prevailing optimism can also be a fertile ground for social cohesion. Civil society and independent media are best placed to tap into this potential. Therefore, the support to **strengthening capacities** of existing and emerging **civil society actors** is very important in order to enable them to carry out measures aimed at civic education, local empowerment, reform implementation support, involvement in the civil and political processes, dialogue and consensus building, activities which contribute towards more inclusive and pluralistic civil and political processes.

In view of the general lack of impartial and objective news reporting by the main TV and radio in the country, the legal framework and institutional capacity of the **National Broadcaster** should be improved in order to grow the audience share, recognition and understanding of the Public Broadcasting as a key element of freedom of speech. The capacities of the National TV and Radio Council (the media regulator) should be enhanced in order to address the impact of disproportionate influence by the domestic business community on media and strengthen the media independence in Ukraine.

In view of the access and control restrictions of the Ukrainian government representatives to the non-government controlled areas of the Donetsk and Luhansk regions, as well as in the Autonomous Republic of Crimea and the city of Sevastopol, the international monitoring and reporting on the violations of human rights and international humanitarian law has been carried out by the Office of the High Commissioner for Human Rights, represented by the **Human Rights Monitoring Mission** in Ukraine (HRMMU). It has a unique mandate to monitor and report on the human rights situation throughout Ukraine including non-government controlled areas and to make recommendations to the Government and other actors to address human rights concerns. The activities by the HRMMU are particularly important for its analysis of the situation provided to all humanitarian and development actors for shaping policies and assistance programmes. HRMMU will increase its technical cooperation with various stakeholders, including the Government authorities and civil society, in order to ensure greater national capacity in addressing human rights violations throughout Ukraine.

Complementary to the ongoing *EU Support to the East of Ukraine* programme focusing on reinforcing the quality of the higher education system and providing grant support to the universities relocated from the non-government controlled areas, additional **support to displaced universities** has to be provided to ensure their capacity building, improving management capabilities, better coordination and cooperation between all stakeholders.

**2 RISKS AND ASSUMPTIONS**

<b>Risks</b>	<b>Risk level (H/M/L)</b>	<b>Mitigating measures</b>
Change of government may cause staff turnovers in ministries and loss of trained professionals	M	Ongoing PAR reform aiming to enhance stability of senior and middle level civil servants and reduce staff turnover, particularly with regards to political nominations

Limited capacity of the Government to effectively perform functions of policy coordination, policy analysis (regulatory, fiscal, etc.) impact assessments, inter-ministerial coordination and public consultations.	M	Policy dialogue and EU support on Public Administration and Public Finance Management reforms to ensure strengthening of policy coordination function and improve evidence-based policy and legislative development and organisation of public consultations.
Priorities of the Government are not supported by sufficient budget resources leading to inability of competent state bodies to implement relevant reforms.	H	Monitoring of key focal sectors by the EU and its partners. Intensive policy dialogue EU support on public finance management reform.
Non-adoption or inconsistent legislation, as well as deviation from the declared policy objectives during actual implementation.	H	Intensive policy dialogue, especially, in the area of democratic governance and economic policy.
Public policy making is undermined by conflicts of interest. Quality of the civil service and the degree of its independence from political pressures, the quality of policy formulation and implementation are weak and undermined by political influence. Capacity in the sector is undermined by unclear and overlapping policy responsibilities among institutions (especially ministries and agencies)	M	Policy dialogue and at all levels with Ukrainian counterparts, and indirectly through support to civil society and the media enabling them to act as watchdogs and raise these issues. EU support on Public Administration and Public Finance Management reforms to contribute to a rational structure of state administration. Support to concerned institutions to improve supervision and reporting obligations.
<b>Assumptions</b>		
<ul style="list-style-type: none"> <li>• Ukraine remains committed to fundamental values of democracy, rule of law and human rights</li> <li>• Ukraine pursues its objective of effective implementation of the EU-Ukraine AA/DCFTA</li> <li>• Ukraine continues the reforms in the key sectors such as rule of law, public administration, public finance management in line with the best international and EU practices</li> <li>• Ukraine is committed in the legal approximation process to inclusive and evidence-based legislative process, in line with the commitments made under public administration reform</li> <li>• Government enhances its donor coordination effort and supports improvement of decision-making processes in line with European principles</li> <li>• There is sufficient institutional and absorption capacity in beneficiary institutions to receive and benefit from the proposed actions</li> </ul>		

### **3 LESSONS LEARNT AND COMPLEMENTARITY**

#### **3.1 Lessons learnt**

The programme is designed based on the lessons learnt from the implementation of the Technical Cooperation Facilities 2015-2019. One of the main lessons learnt from previous EU support is the need for the high-level political support to the reform agenda and AA/DCFTA in the Government and the Parliament.

The implementation of capacity building activities with government institutions depends on successful implementation of public administration reform in terms of ensuring strategic management, stability of senior and middle level civil servants, clear division of tasks and sufficient budget allocations.

In the area of support of democracy and human rights, past projects have shown that it is important to have a comprehensive approach and address in parallel issues linked to the legal and regulatory framework, provide direct support to civil society actors and to engage in intensive policy dialogue and public diplomacy activities. It is also important to closely link with other specialized actors such as the CoE and EED, that have a specific mandate and expertise and are well connected to the stakeholders among the civic activist/media and public authorities.

Policy and legislative development needs to be evidence-based, costed and subject to appropriate internal and external stakeholder consultations at the right time of the legislative and policy-making process. This is a key in ensuring implementation and enforcement of adopted policies and legislation.

This action will therefore promote a strategic approach to providing assistance, meaning that each assistance project shall be directly linked to clearly identified reform strategy and well-designed and budgeted implementation plan. In the areas involving several of institutions, it is essential to establish mechanisms of enhanced coordination.

One of the lessons learnt from the European Neighbourhood Policy review is a need of greater flexibility, to enable the EU and its partners to respond to changing needs and circumstances. For this reason, under this action, the specific amounts for specific activities can be adjusted if necessary in view of the latest developments and updated needs assessment.

#### **3.2 Complementarity, synergy and donor co-ordination**

The action will complement the Special Measures adopted in 2015-2017 and programmes designed under the focal sectors of the current SSF in 2018-2019. It continues the support to the implementation of EU-Ukraine Agreements provided through *Technical Cooperation Facilities 2015-2019*.

It also complements and will comply with commitments made under the ongoing comprehensive support programmes in the area of good governance, such as *Support to Comprehensive Reform of Public Administration*, *Support to Public Finance Management Reform*, *EU Anti-Corruption Initiative*, and *Support to Rule of Law Reforms*. Particularly, support to reform architecture is fully aligned and contributes to public administration reform implementation in the short- and mid-term. Through the process of functional and salary reviews launched by PAR, budget funding is gradually expected to be released to convert

temporary support teams into civil service posts, thus transitioning from a donor-funded structure to an appropriately budget-funded public administration in due course.

This action is also complementary to the EU macro-financial assistance (MFA) programme, which incentivises reforms in Ukraine through disbursements linked to reform implementation. Under the current EU MFA IV programme, up to EUR 1 billion is available for the Ukrainian budget in low-interest loans if the relevant conditions are fulfilled. These conditions cover the areas of fight against corruption, public finance management, governance of state-owned companies, financial sector, energy and social policies.

Under the *European Instrument for Democracy and Human Rights* and *Non-state Actors and Local Authorities* a number of projects are ongoing and are about to start, which contribute to the strengthening of human rights advocacy groups, protection of human right defenders, improving legislative protection and education on human right issues. *Support to civil society and culture* Action aims to increase the capacity of Ukrainian CSOs to perform as independent actors and foster the development of the creative and cultural operators. The proposed activities related to civil society support will complement the ongoing and planned activities by addressing the grassroots civil society actors.

The action, particularly in the area of human rights monitoring and support to displaced universities from the East of Ukraine, complements to the ongoing support through a special measure *EU Support to the East of Ukraine*.

The government-donor coordination mechanism is currently under review but the new set-up will be used for the overall coordination of this action. Donor coordination in specific thematic areas is led by public authorities in relevant sectors.

## **4 DESCRIPTION OF THE ACTION**

### **4.1 Overall objective, specific objective(s), expected outputs and indicative activities**

The **overall objective** of the Action is to support Ukraine in the implementation of the key reforms and AA/DCFTA and strengthening the respect for democratic principles, human rights and fundamental freedoms.

The **specific objectives** of the Action are:

***The Specific objectives of this programme are:***

1. To enhance the capacity of Ukrainian public authorities in selected priority areas to implement key reforms, carry out legal approximation with the EU and implement the AA/DCFTA;
2. To strengthen the capacities of Ukrainian public authorities, civil society and media to establish effective mechanisms for consolidating democracy, protection of human rights and fundamental freedoms, including freedom of expression.

The expected outputs of the Action are:

- **Output 1:** strengthened institutional and administrative capacities of the Ukrainian public authorities in selected priority areas to implement reforms, transpose EU acquis in Ukrainian legislation and implement the provisions of the AA/DCFTA and international agreements;

- **Output 2:** strengthened institutional and administrative capacities of the Ukrainian public authorities and non-governmental stakeholders to effectively exercise democratic principles, ensure the respect of human rights and fundamental freedoms;

The main activities corresponding to **Output 1** are as follows:

- Under **reform support architecture**, provide expert advice, analytical support and desk research in development, coordination and monitoring of the implementation of Government reforms plans at the level of the Cabinet of Ministers, as well as targeted temporary expert support to ministries in the design and implementation of priority sector reforms, as well as the transformation of the ministries in the context of public administration reform. .
- **Capacity-building for AA/DCFTA implementation:** launch a training and capacity building programme on European integration for the government and parliament officials, enhanced cooperation and knowledge sharing with EU Member States in EU acquis transposition and implementation in selected areas through Twinning facility: indicatively in health, social policy, transport and market surveillance. Continued support will be provided in the areas of technical regulations and non-banking financial sector, by strengthening institutional capacities in preparing and implementing ACAA agreements, building a sound regulatory environment and protecting consumers.
- **Competition policy:** support further alignment of the Ukrainian competition legislation with the EU antitrust, state aid and merger control rules, improvement of institutional capacities of AMCU to enforce competition law and state aid, as well as enhance competition advocacy and public outreach.
- **Health:** support institutional capacity building to implement health sector reforms, optimize operational processes, support revision of the regulatory framework on tobacco in line with EU directives and conducting public anti-smoking campaigns and awareness-raising activities about antimicrobials. In the area of human tissues and cells system, analyse the regulatory framework to align it with EU requirements, assist in establishing competent authorities to implement regulatory activities and provide for capacity building activities.
- In **aviation**, continue implementation of joint arrangement on convergence of certification systems for joint recognition of certificates, licences and approvals in air crew certificates and air navigation certificates, in order to achieve convergence of the Ukrainian initial and continuing airworthiness certification system with the applicable EU requirements.
- Continued support in **mine destruction activities** by destructing the stockpile of landmines.
- **Circular economy:** conduct legislative review and support elaboration of new legislation on circular economy, hazardous waste, pesticides aligned with the EU legislation, support development of comprehensive institutional capacity development plan for implementation and enforcement of this legislation.

All above activities will ensure an inclusive and evidence-based legal approximation process and administrative capacity development in line with the public administration reform commitments of Ukraine.

The main activities corresponding to **Output 2** are as follows:

- **Parliamentary support:** conduct impact analysis of parliamentary reform on parliamentary functioning and performance, review parliamentary procedures aiming at improving the quality of legislative processes, organization and accountability frameworks; support establishment of effective and efficient legislative process, support the implementation of the E-Parliament concept.
- **Elections:** conduct professional and impartial international election observation mission of 2020 local elections, develop and advocate policy recommendations based on election observation mission.
- **Civil Society Support:** coaching, capacity development, networking support to civil society organisations and non-state actors, promotion of new forms of civic activism that engage the wider population, support actors experimenting with new, innovative ways of reaching out to citizens and new forms of engagement.
- **Media:** support organizational development and institutional capacities of **TV and Radio Broadcasting Council and Public Broadcaster UA:PBC**, improvement of UA:PBC legal basis and financing model, promotion of public broadcasting, implementation of the legislation in line with the EU Audio-Visual Media Services Directive, development of Public Media Academy, development of UA:PBC digital capacity, including content development and distribution, **HRMMU:** monitoring and reporting on human rights situation in Ukraine, with particular attention to conflict affected areas and Crimea, provision of advisory services to foster compliance with international human rights commitments, supporting national counterparts' capacities in monitoring, reporting, advocacy and assisting victims to obtain legal redress; advocating with international partners for a coherent and prompt response to emerging human rights violations.
- **Support to displaced universities:** provide technical advice and capacity building on strategy development, networking, and maintaining quality of academic services; monitor implementation of grants to ensure smooth implementation and timely achievement of planned outputs.

## 4.2 Intervention Logic

The action aims at creating necessary conditions for the effective implementation of reforms and EU-Ukraine AA/DCFTA through different modalities of technical assistance and policy advice by contributing to the legal approximation process in the selected priority areas and capacity development and institution building in relevant institutions. *Acquis* alignment and policy development is ensured in line with the inclusive and evidence-based approach to public governance: draft legal and policy proposals should be based on evidence, the cost of their implementation should be calculated and budgeted and they should be consulted at the right time of the process with internal and external stakeholders.

## 4.3 Mainstreaming

All activities under this programme will be designed and implemented in accordance with principles of good governance, human rights based approach, gender equality and environmental sustainability. Socially or economically deprived groups, including minorities, should be of consideration wherever these issues are of particular relevance to the institutions

to be assisted. Support to mainstreaming gender issues into the legislative processes under the activities for the implementation of AA will also be provided when applicable. Particular attention will be given to mainstreaming environmental aspects into other areas (such as energy and transport) and to compliance with EU environmental standards.

All activities will ensure the respect to key Principles of Public Administration and will support the Government in implementing key recommendations of SIGMA Baseline Measurement Report of June 2018 aimed at improving the quality of policy planning, Government capability for aligning national legislation with the EU acquis and ensuring consistent use of inclusive and evidence-based policy and legislative development and impact assessment across ministries.

This action will be implemented following a rights-based approach, particularly through ensuring in all activities participation and access to the decision-making process; non-discrimination and equal access; accountability and access to the rule of law; transparency and access to information.

#### **4.4 Contribution to Sustainable Development Goals (SDGs)**

This intervention is relevant for the United Nations 2030 Agenda for Sustainable Development. It contributes primarily to the progressive achievement of SDG(s) Goal 16: *Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels* through all foreseen activities supporting Government capacity building, increasing efficiency and transparency of public administration. Activities aimed at implementation of public health sector reforms will contribute to Goal 3. *Ensure healthy lives and promote well-being for all at all ages*, while activities in the area of circular economy will support Goal 12. *Ensure sustainable consumption and production patterns*.

## **5 IMPLEMENTATION**

### **5.1 Financing agreement**

In order to implement this action, it is foreseen to conclude a financing agreement with the partner country.

### **5.2 Indicative implementation period**

The indicative operational implementation period of this action, during which the activities described in section 4 will be carried out and the corresponding contracts and agreements implemented, is 60 months from the date of entry into force of the financing agreement.

Extensions of the implementation period may be agreed by the Commission's responsible authorising officer by amending this Decision and the relevant contracts and agreements.

### **5.3 Implementation modalities**

The Commission will ensure that the EU appropriate rules and procedures for providing financing to third parties are respected, including review procedures, where appropriate, and compliance of the action with EU restrictive measures<sup>4</sup>.

#### **5.3.1 *Capacity building for Ukrainian public authorities to implement reforms and AA/DCFTA***

##### **5.3.1.1 Grants: indicatively 4 calls for proposals for Twinning projects (direct management)**

###### (a) Purpose of the grant(s)

Indicatively 4 Calls for proposals for Twinning projects will be launched for capacity building activities, indicatively in health, social policy, transport and market surveillance in line with the specific objective and results described in section 4.1. Calls for Proposals for Twinning Light may also be launched in key reform areas.

###### (b) Type of applicants targeted

In line with Article 4(10)(b) of Regulation (EU) No 236/2014, participation in Twinning calls for proposals is limited to public administrations of the EU Member States, being understood as central or regional authorities of a Member State as well as their bodies and administrative structures and private law bodies entrusted with a public service mission under their control provided they act for the account and under the responsibility of that Member State.

##### **5.3.1.2 Grants: training programme on European integration (direct management)**

###### (a) Purpose of the grant

The objective of the grant is to conduct comprehensive training and capacity building programme for civil servants from Ukraine.

###### (b) Justification of a direct grant

Under the responsibility of the Commission's authorising officer responsible, the grant may be awarded without a call for proposals to an educational institution to be selected using the following criteria: technical competence, specialisation and prior experience, in the development of the training programmes – an e-learning project that taught Neighbourhood-based civil servants, activists, journalists, and others about the EU's structure and policymaking.

##### **5.3.1.3 Procurement (direct management)**

Procurement will contribute to achieving the specific objective and results described in section 4.1 in selected areas such as circular economy, technical regulations, non-banking financial sector, competition and state aid policy, health.

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<sup>4</sup> [www.sanctionsmap.eu](http://www.sanctionsmap.eu) Please note that the sanctions map is an IT tool for identifying the sanctions regimes. The source of the sanctions stems from legal acts published in the Official Journal (OJ). In case of discrepancy between the published legal acts and the updates on the website it is the OJ version that prevails.

#### **5.3.1.4 Indirect management with entrusted entities**

A part of this action related to capacity building for Ukrainian public authorities to implement reforms and AA/DCFTA may be implemented in indirect management with entities, which will be selected by the Commission's services using the following criteria:

- specific sector expertise in the areas of public administration reform, international standards assessments, public health; convergence of certification systems in aviation; dismantling and disposal of military assets as per activities described in section 4.1;
- strong management and operational capacity;
- transparency in operation;
- absence of conflict of interest.

The implementation by selected entities entail:

- support to reform support architecture in priority sectors through provision of expert and analytical advise;
- analytical support and desk research in the areas of competition (including state aid) and decentralisation;
- ;
- support to improvement of the regulatory framework in the area of human tissues and cells system,
- support to implementation of joint arrangement on convergence of certification systems in aviation,
- destruction of the remaining stockpile of land mines.

Selected entities would carry out the following tasks: procurement and grant award procedures and management of corresponding contracts and payments.

#### **5.3.1.5 Changes from indirect to direct management mode due to exceptional circumstances**

If due to exceptional circumstances outside of the Commission's control negotiations with the above entrusted entities fail, that part of this action may be implemented in direct management through procurement as described in 5.3.1.3.

### ***5.3.2 Strengthening capacities of Ukrainian public authorities, civil society and media to protect human rights and fundamental freedoms***

#### **5.3.2.1 Grants: indicatively 2 calls for proposals for Twinning projects (direct management)**

(a) Purpose of the grant(s)

Indicatively 2 Calls for proposals for Twinning projects will be launched for capacity building activities, indicatively in media in line with the specific objective and results described in section 4.1. Calls for Proposals for Twinning Light may also be launched in key reform areas.

(b) Type of applicants targeted

In line with Article 4(10)(b) of Regulation (EU) No 236/2014, participation in Twinning calls for proposals is limited to public administrations of the EU Member States, being understood as central or regional authorities of a Member State as well as their bodies and administrative structures and private law bodies entrusted with a public service mission under their control provided they act for the account and under the responsibility of that Member State.

#### **5.3.2.2 Grants: civil society support (direct management)**

##### **(a) Purpose of the grant**

The objective of the grant is to support new forms of civic activism, strengthening local and regional engagement, and consolidating pro-democratic youth.

##### **(b) Justification of a direct grant**

Under the responsibility of the Commission's authorising officer responsible, the grant may be awarded without a call for proposals to a non-governmental organisation or non-for-profit organisation to be selected using the following criteria: technical competence, specialisation and administrative power, in accordance with Art 195(1)(f) of the RAP, in providing financial support to CSOs and non-political civic groups, working in adverse environment in which CSOs have to operate, diverging in size and nature of the targeted CSOs or legal status (e.g. non-registered entities or individuals).

#### **5.3.2.3 Grants: election observation (direct management)**

##### **(a) Purpose of the grant**

The objective of the grant is to conduct an international election observation of Ukraine's local elections under the umbrella of a specialized civil society organization and carry out appropriate policy advocacy efforts by civil society experts.

##### **(b) Justification of a direct grant**

Under the responsibility of the Commission's authorising officer responsible, the grant may be awarded without a call for proposals to a civil society organisation to be selected using the following criteria: technical competence, specialisation and administrative power, in accordance with Art 195(1)(f) of the RAP, in conducting international election observation missions with a proven track record in the Eastern Partnership countries.

##### **(c) Exception to the non-retroactivity of costs**

The Commission authorises that the costs incurred may be recognised as eligible as of 1 February 2020 because due to the current political context in Ukraine and public statements of political leadership snap local elections might be announced and held in spring 2020.

#### **5.3.2.4 Procurement (direct management)**

Procurement will contribute to achieving the specific objective and results described in section 4.1 in activities related to media.

#### **5.3.2.5 Indirect management with entrusted entities**

A part of this action related to strengthening capacities of Ukrainian public authorities, civil society and media to protect human rights and fundamental freedoms may be implemented in

indirect management entities, which will be selected by the Commission's services using the following criteria:

- specific sector expertise in the areas of parliamentary reform; human rights; education reform in Ukraine as per activities described in section 4.1;
- strong management and operational capacity;
- transparency in operation;
- absence of conflict of interest.

The implementation by selected entities entail:

- capacity building measures, management and organisational support for the parliamentary reform implementation;
- monitoring, reporting and advocating on the human rights situation, including across the contact line;
- capacity building and technical advice to displaced universities as well as monitoring of their projects.

Selected entities would carry out the following budget-implementation tasks: procurement and grant award procedures and management of corresponding contracts and payments.

The Commission authorises that the costs incurred may be recognised as eligible as of 1 February 2020 if they relate to activities in support to displaced universities to enable support to the implementation and monitoring of grant projects with displaced universities in eastern Ukraine, funded the EU Support for the East of Ukraine programme, from the start of their implementation in January-February 2020.

#### **5.3.2.6 Changes from indirect to direct management mode due to exceptional circumstances**

If due to exceptional circumstances outside of the Commission's control negotiations with the above entrusted entities fail, that part of this action may be implemented in direct management through procurement, as described in paragraph 5.3.2.4.

### **5.4 Scope of geographical eligibility for procurement and grants**

The geographical eligibility in terms of place of establishment for participating in procurement and grant award procedures and in terms of origin of supplies purchased as established in the basic act and set out in the relevant contractual documents shall apply.

The Commission's authorising officer responsible may extend the geographical eligibility on the basis of urgency or of unavailability of products and services in the markets of the countries concerned, or in other duly substantiated cases where the eligibility rules would make the realisation of this action impossible or exceedingly difficult.

## 5.5 Indicative budget

	<b>EU contribution (amount in EUR)</b>	<b>Indicative third party contribution</b>
<b>Objective 1 Capacity building for Ukrainian public authorities to implement reforms and AA/DCFTA composed of:</b>	<b>16 600 000</b>	
- Grants (direct management) – cf section 5.3.1.1 and 5.3.1.2	N.A.	
- Procurement (direct management) – cf. section 5.3.1.3	N.A.	
- Indirect management with entrusted entities – cf. section 5.3.1.4	16 600 000	
<b>Objective 2 Strengthening capacities of Ukrainian public authorities, civil society and media to protect human rights and fundamental freedoms composed of:</b>	<b>8 000 000</b>	
- Grants (direct management) – cf section 5.3.2.1-5.3.2.3	N.A.	
- Procurement (direct management) – cf. section 5.3.2.4	N.A.	
- Indirect management with entrusted entities – cf. section 5.3.2.5	8 000 000	
<b>Grants – total envelope</b> under section 5.3.1.1-5.3.1.2 and 5.3.2.1-5.3.2.3	<b>15 500 000</b>	
<b>Procurement – total envelope</b> under section 5.3.1.3 and 5.3.2.4	<b>18 000 000</b>	
<b>Evaluation</b> (cf. section 5.8)	<b>400 000</b>	
<b>Audit/ Expenditure verification</b> (cf. section 5.9)		
<b>Communication and visibility</b> (cf. section 5.10)	<b>1 500 000</b>	
<b>Total</b>	<b>60 000 000</b>	

## 5.6 Organisational set-up and responsibilities

The EU Delegation will be responsible for the management of the programme and will monitor its overall implementation.

On the Ukrainian side, this action will be coordinated by the Cabinet of Ministers of Ukraine acting as a coordinator for the EU assistance. The Government office for European Integration will ensure overall coherence and monitoring of activities in the areas related to the implementation of the AA/DCFTA. Detailed terms of reference/description of the action

will be developed for each individual activity, including the management structure, the experts' team, composition of the Steering Committee in charge of the supervision of the project. Organisational set-up for Stabilisation and Sustainable Growth Multi-Donor Account will follow the established format.

## **5.7 Performance and Results monitoring and reporting**

The day-to-day technical and financial monitoring of the implementation of this action will be a continuous process, and part of the implementing partner's responsibilities. To this aim, the implementing partner shall establish a permanent internal, technical and financial monitoring system for the action and elaborate regular progress reports (not less than annual) and final reports. Every report shall provide an accurate account of implementation of the action, difficulties encountered, changes introduced, as well as the degree of achievement of its results (outputs and direct outcomes) as measured by corresponding indicators, using as reference the Logframe matrix (for project modality) or the partner's strategy, policy or reform action plan list (for budget support).

SDGs indicators and, if applicable, any jointly agreed indicators as for instance per Joint Programming document should be taken into account.

Reports shall be laid out in such a way as to allow monitoring of the means envisaged and employed and of the budget details for the action. The final report, narrative and financial, will cover the entire period of the action implementation.

The Commission may undertake additional project monitoring visits both through its own staff and through independent consultants recruited directly by the Commission for independent monitoring reviews (or recruited by the responsible agent contracted by the Commission for implementing such reviews).

## **5.8 Evaluation**

Having regard to the nature of the action, a final evaluation will be carried out for this action or its components via independent consultants. It will be carried out for accountability and learning purposes at various levels (including for policy revision), taking into account in particular the fact that this action is a set of sub-actions under the over-arching objective to support the implementation of the AA/DCFTA.

The Commission shall inform the implementing partner at least one month in advance of the dates foreseen for the evaluation missions. The implementing partner shall collaborate efficiently and effectively with the evaluation experts, and inter alia provide them with all necessary information and documentation, as well as access to the project premises and activities.

The evaluation reports shall be shared with the partner country and other key stakeholders. The implementing partner and the Commission shall analyse the conclusions and recommendations of the evaluations and, where appropriate, in agreement with the partner country, jointly decide on the follow-up actions to be taken and any adjustments necessary, including, if indicated, the reorientation of the project.

Evaluation services may be contracted under a framework contract.

## **5.9 Audit**

Without prejudice to the obligations applicable to contracts concluded for the implementation of this action, the Commission may, on the basis of a risk assessment, contract independent audits or expenditure verification assignments for one or several contracts or agreements.

It is foreseen that audit services may be contracted under a framework contract.

## **5.10 Communication and visibility**

Communication and visibility of the EU is a legal obligation for all external actions funded by the EU.

This action shall contain communication and visibility measures which shall be based on a specific Communication and Visibility Plan of the Action, to be elaborated at the start of implementation.

In terms of legal obligations on communication and visibility, the measures shall be implemented by the Commission, the partner country (for instance, concerning the reforms supported through budget support), contractors, grant beneficiaries and/or entrusted entities. Appropriate contractual obligations shall be included in, respectively, the financing agreement, procurement and grant contracts, and delegation agreements.

The Communication and Visibility Requirements for European Union External Action (or any succeeding document) shall be used to establish the Communication and Visibility Plan of the Action and the appropriate contractual obligations.

Communication and visibility measures will be implemented through procurement or under a framework contract.

**[APPENDIX - INDICATIVE LOGFRAME MATRIX (FOR PROJECT MODALITY) <sup>5</sup>]**

	<b>Results chain: Main expected results (maximum 10)</b>	<b>Indicators (at least one indicator per expected result)</b>	<b>Baselines (incl. reference year)</b>	<b>Targets (incl. reference year)</b>	<b>Sources of data</b>	<b>Assumptions</b>
<b>Impact (Overall Objective)</b>	To support Ukraine in the implementation of the key reforms and AA/DCFTA and strengthening the respect for democratic principles, human rights and fundamental freedoms.	Progress in reform process and implementation of AA/DCFTA in the selected areas targeted by this Action  Extent to which democratic principles, human rights and fundamental freedoms approaches have been integrated in the areas covered by this Action	2019 - assessment of reform and AA/DCFTA implementation  2019 – assessment of the state of play with fundamental rights and freedoms	2025 – progress on reform and AA/DCFTA implementation  2025 - progress on adherence to fundamental rights and freedoms	AA implementation reports by the Government and the EU (including monitoring tool 'Pulse of the Agreement')  Association Council, Association Committee and relevant Sub-committees operational conclusions  EU and OHCHR reports on human rights situation	<i>Not applicable</i>
<b>Outcome(s) (Specific Objective(s))</b>	1. To enhance the capacity of Ukrainian public authorities in selected priority areas to implement key reforms, carry out legal approximation with the EU and implement the AA/DCFTA;	1.1 Number of EU acquis transposed in the Ukrainian legislation and implemented in the selected areas covered by this Action  1.2 Number of reform measures implemented in the selected areas covered by this Action	1 2019 - current state of play of reform implementation and legal approximation of Ukraine's legislation to that of the EU	1 2025 – progress on reform implementation and legal approximation of Ukraine's legislation to that of the EU	AA Implementation reports by the Government and the EU  'Pulse of the Agreement'	Ukraine pursues its objective of effective implementation of the EU-Ukraine AA/DCFTA  Ukraine remains

<sup>5</sup> Mark indicators aligned with the relevant programming document mark with '\*' and indicators aligned to the EU Results Framework with '\*\*'.

	2. To strengthen the capacities of Ukrainian public authorities, civil society and media to establish effective mechanisms for consolidating democracy, protection of human rights and fundamental freedoms, including freedom of expression	2. Number of human rights violations and recommendations in response to human rights violations, followed by the Government	2. 2019 - current state of play	2. 2025 - decrease of number of human rights violations  Increase of recommendations followed by the Government	Reports and statements of the Ombudsperson, OHCHR and human rights NGOs  Public documents and statements of international and national stakeholders	committed to fundamental values of democracy, rule of law and human rights  Ukraine continues the reforms in the key sectors such as rule of law, public administration, public finance management in line with the best international and EU practices
<b>Outputs</b>	1. strengthened institutional and administrative capacities of the Ukrainian public authorities in selected priority areas to implement reforms, transpose EU <i>acquis</i> in Ukrainian legislation and implement the provisions of the AA/DCFTA and international agreements – for each activity  2. strengthened institutional and administrative capacities of the Ukrainian public authorities and non-governmental stakeholders to effectively exercise democratic principles, ensure the respect of human rights and fundamental freedoms – for each activity	To be completed at later stage for individual contracts financed under this decision	1. Degree of EU ' <i>acquis</i> ' approximation/ implementation by Ukrainian beneficiary institutions  2. To be defined at a later stage for each individual action	1. Increased number of EU ' <i>acquis</i> ' approximation/ implementation by Ukrainian beneficiary institutions  2. To be defined at a later stage for each individual action	Sub-Committees and project Steering Committees Reports	