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On Comparison of Actions Plans of Association Agreement Implementation

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Brief Resume
On comparison of the Action Plans on the Implementation of the Association Agreement between Ukraine, of the one part, and the European Union, the European Atomic Energy Community and their Member States, of the other part (hereinafter – the Association Agreement/the AA)

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EU funded Project "Support to the implementation of the EU-Ukraine Association Agreement"

BRIEF RESUME

On comparison of the Action Plans on the Implementation of the Association Agreement between Ukraine, of the one part, and the European Union, the European Atomic Energy Community and their Member States, of the other part (hereinafter – the Association Agreement/the AA)

NEW	OLD
<p>Action Plan on implementation of the Association Agreement between Ukraine, of the one part, and the European Union, the European Atomic Energy Community and their Member States, of the other part,</p> <p>as amended and approved by the Cabinet of Ministers of Ukraine</p>	<p>Action Plan on implementation of the Association Agreement between Ukraine and the European Union, as for the years 2014-2017,</p> <p>as approved by resolution of the Cabinet of Ministers of Ukraine as of 17 September 2014 № 847–r</p> <p>Action Plan on implementation of the Title IV “Trade and Trade related Issues” of the Association Agreement between Ukraine and the European Union, as for the years 2016-2019</p> <p>as approved by resolution of the Cabinet of Ministers of Ukraine as of 18 February 2016 № 217–r</p>

Is	Are
<ul style="list-style-type: none"> - the sole unified document - integrated and coherent Action Plan - for the duration of the Agreement 	<ul style="list-style-type: none"> - two separate Action Plans - on implementation of different Titles - for different validity period
<p>Include objectives, deadlines, authority(s) in charge, indicators, the status of implementation (although indicators and the status of implementation are not included in the approved text wording of the CMU's Resolution, they are available in the scorecards, the Action Plan has been developed on the basis of and further reporting should be fulfilled pursuant to).</p> <p>The scorecard system mentioned, including the format and content of the scorecards, has been agreed upon by the relevant public authorities. This line of work has been grounded on principles for good governance and therefore develop and implement a new unified and integrated information and analytical system of monitoring of the implementation of the Agreement - "Pulse of the Agreement."</p>	<p>Include objectives, deadlines, authority(s) in charge.</p>
<p>Specification of of the assignments is carried out pursuant to commitments, as stipulated</p> <ul style="list-style-type: none"> - in the AA body - Annexes to the AA <p>And/or</p> <ul style="list-style-type: none"> - decisions of bilateral bodies established in compliance with the provisions of the Agreement 	<p>Specification of the assignments is carried out pursuant to commitments, as stipulated</p> <ul style="list-style-type: none"> - in the AA body - and mostly in the Annexes to the AA
<p>Performance indicators (i.e. subassignments) are:</p> <ul style="list-style-type: none"> - constituent elements of the assignments; - only complete implementation thereof ensures fulfillment of the commitments, as stipulated by the AA 	

Outstanding developments:

- Planning is based on commitments rather than on the legislative approach;
- Deeper specification of assignments (subassignments) than in the preceding action plan;
- Mandatory availability of clear performance indicators for assignment and indicator;
- Availability of legislative as well as implementing actions;
- More pragmatic and realistic deadlines;
- Coherence between all elements of the plan structure;
- Need and grounds for resources (financial, human, technical etc.) forecasting
- Further reporting up to unified standards

Bottle-necks:

- Too wide and vague wording of assignments;
- The discrepancy between assignments and subassignments;
- The lack of clear performance indicators or their inconsistency with assignments and subassignments;
- Replacement of assignments by mechanisms

Suggestion:

- to take the Action Plan (Up-to-Date) as strict Guidance for A4U Fellows' Terms of Reference in respective field.

E.g. Postal Services area

Action Plan Up-to-Date (excerpt)

#	Provision of the AA /	Act of the EU law	Area	Assignments	Subassignments	Deadline	Authority in charge
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	Decision of the Association Body						
1800	IV, 6, 5, 4, 114, Annex XVII	Directive 97/67 / EC, 2002/39 / EC, 2008/6 / EC	Postal services	Ensuring the gradual achievement of interoperability of existing laws and future legislation with the EU acquis	<p>Develop a draft Strategy for the implementation of the provisions of the European Union directives in the field of postal and courier services (road map).</p> <p>Develop a draft Strategy with EU experts</p> <p>Submit the draft Strategy for approval by the Cabinet of Ministers</p> <p>To approve the Strategy by an order of the Cabinet of Ministers</p>	December 31, 2017	Mininfrastructure
1801.	IV, 6, 5, 4, 109-114, Annex XVII	Directive 97/67 / EC, 2002/39 / EC, 2008/6 / EC	Postal services	Harmonization of national legislation with EU legislation on the provision of postal services, in particular the implementation of the provisions of Directive 97/67 / EC of 15 December 1997, amended by Directive 2002/39 / EC of 10 June 2002, Directive 2008/6 / EC of 20 February 2008, regarding the introduction of rules on:	<p>Draft law of Ukraine "On amendments to the Law of Ukraine" On postal communication "</p> <p>To study the draft law by EU experts</p> <p>Submit draft legislative act to the Cabinet for submission to the Parliament</p> <p>Provide support in the adoption of the draft law by Verkhovna Rada</p>	December 31, 2017	Mininfrastructure NKRZI (by consent)

				<ul style="list-style-type: none"> - the conditions governing the provision of postal services, - provision of universal postal services, - financing universal postal services on terms that guarantee the provision of services on an ongoing basis, - tariff principles and transparency of accounts for the provision of universal postal services, - the establishment of quality standards for the provision of universal postal services and the introduction of a system to ensure compliance with these standards, - harmonization of technical standards, - ensuring the independence of the national regulatory authority 			
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1828	IV, 6, 5, 4, 113, Annex XVII	Directive 97/67 / EC, 2002/39 / EC, 2008/6 / EC	Postal services	Ensuring legal separation of the regulator in the area of postal services and its non-accountability to any provider of postal and courier services.	To amend the Regulations on the National Commission, which carries out state regulation in the field of communication and informatization, approved by the Decree of the President of Ukraine dated 23.11.2011 No. 1067	December 31, 2018	NKRZI (by consent)
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					To study the draft legal act with EU experts		
					To approve the normative legal act by the President of Ukraine		
1829.	IV., 6, 5, 4, 113, Annex XVII	Directive №97 / 67 / EC, 2002/39 / EC, 2008/6 / EC	Postal services	Compliance with the provisions of the Law of Ukraine "On Amendments to the Law of Ukraine" On Postal Communication ", after its adoption, their spheres of competence of the central executive body to form and implement state policy in the field of postal services	Develop amendments to the Regulation on the Ministry of Infrastructure approved by the Cabinet of Ministers of 30.06.2015 number 460	December 31, 2018	Mininfrastructure
					To study the draft legal act with EU experts		
					To approve the legal act for the Cabinet of Ministers		
1830.	IV, 6, 5, 4, 110, Annex XVII	Directive 97/67 / EC, 2002/39 / EC, 2008/6 / EC	Postal services	Prevention of the participation or continuation of monopoly practices of suppliers who, individually or collectively, have the opportunity to significantly influence the terms of participation (taking into account prices and offers) in the relevant market of postal and courier services as a result of using their positions on the market	Elaborate amendments to the Regulation on the Ministry of Infrastructure approved by the Cabinet of Ministers of 30.06.2015 number 460	December 31, 2018	Mininfrastructure
					To study the draft legal act with EU experts		
					To approve the legal act by the Cabinet of Ministers		
1831.	IV, 6, 5, 4, 109-114, Annex XVII	Directive 97/67 / EC, 2002/39 / EC, 2008/6 / EC	Postal services	The establishment of common rules and conditions governing the provision of postal and courier services in accordance with the	To elaborate amendments to the Rules for the provision of postal services, approved by the Resolution of the Cabinet of Ministers of March 5, 2009 No. 270	December 31, 2018	Mininfrastructure NKRZI (by consent)

				requirements of the relevant provisions of Directive 97/67 / EC of 15 December 1997.	To study the draft legal act with EU experts To approve the normative-legal act for the Cabinet of Ministers		
1832.	IV, 6, 5, 4, 111, Annex XVII	Directive 97/67 / EC, 2002/39 / EC, 2008/6 / EC	Postal services	Adoption of the selection and the designation of the operator (s) of universal postal services procedure in accordance with Article 4 of Chapter 2 of Directive 97/67 / EC of 15 December 1997	Draft legal act, which will determine the procedure of selection and designation of the operator (s) of universal postal services To study the draft legal act with EU experts Approve the legal act	December 31, 2018	Mininfrastructure NKRZI (by consent)
1833.	IV, 6, 5, 4, 109, 111, Annex XVII	Directive 97/67 / EC, 2002/39 / EC, 2008/6 / EC	Postal services	The introduction of a mechanism and procedure for the financing of universal postal services on terms that guarantee the provision of services on an ongoing basis in accordance with the requirements of Chapter 3 of Directive 97/67 / EC of 15 December 1997.	Draft legal act that will determine the mode of financing universal postal services To study the draft legal act with EU experts Approve the legal act	December 31, 2018	Mininfrastructure NKRZI (by consent)
1834.	IV, 6, 5, 4, 109, 111, Annex XVII	Directive 97/67 / EC, 2002/39 / EC, 2008/6 / EC	Postal services	The establishment of quality standards for the provision of universal postal services and the implementation of a system to ensure compliance with these standards in accordance with the requirements of Article 1, Chapter 1, Chapter 2, Articles 16-18 of Chapter 6, Annex II of	Amend or elaborate a new edition of the order of the Ministry of Infrastructure of 28.11.2013 number 958 "On approval of standards and regulatory deadlines sending mail", registered in the Ministry of Justice on 28.01.2014 number 173/24950 To study the draft regulatory act EU experts from the Ministry of Infrastructure	December 31, 2018	Mininfrastructure NKRZI (by consent)

				Directive 97/67 / EC dated December 15, 1997.	Register a regulatory act in the Ministry of Justice		
1835.	IV., 6, 5, 4, 109.111, Annex XVII	Directive 97/67 / EC, 2002/39 / EC, 2008/6 / EC	Postal services	Implementing rules for tariff principles and transparency of accounts for universal mail services in accordance with Article 1 of Chapter 1, Articles 13-14, Chapter 5 of Directive 97/67 / EC of 15 December 1997	Develop a legal act which will define rules for tariff principles and transparency of accounts for the universal postal services (on the order of distribution (accounting) costs of universal postal services operator by types of postal services) To study the draft legal act with EU experts Approve the legal act	December 31, 2018	NKRZI (by consent) Mininfrastructure
1836.	IV, 6, 5, 4, 109, 111, Annex XVII	Directive 97/67 / EC, 2002/39 / EC, 2008/6 / EC	Postal services	The introduction of rules on the conditions governing the provision of postal services in accordance with the requirements of Article 1, Chapter 1, Article 9 of Chapter 4 of Directive 97/67 / EC of 15 December 1997.	Develop a legal act to enforce regulations on the conditions governing the provision of postal services To study the draft legal act with EU experts Approve the legal act	December 31, 2018	NKRZI (by consent) Mininfrastructure
1837.	IV, 6, 5, 4, 109, 111, Annex XVII	Directive 97/67 / EC, 2002/39 / EC, 2008/6 / EC	Postal services	The introduction of rules for the harmonization of technical standards in accordance with the requirements of Article 1, Chapter 1, Article 20 of Chapter 7 of Directive 97/67 / EC of 15 December 1997.	Develop a legal act to establish technical standards that apply to the postal sector To study the draft legal act with EU experts Approve the legal act	December 31, 2018	Mininfrastructure NKRZI (by consent)
1838.	IV, 6, 5, 4, 109, 111, Annex XVII	Directive 97/67 / EC, 2002/39 /	Postal services	The introduction of rules for the provision of information in accordance with the requirements of	Develop a legal act to establish a procedure for obtaining the reporting (provision of information) of postal operators	December 31, 2018	NKRZI (by consent)

		EC, 2008/6 / EC		Article 1, Chapter 1, Article 22a of Chapter 9a of Directive 97/67 / EC of 15 December 1997.	To study the draft legal act with EU experts Approve the legal act		
1839.	IV., 6, 5, 4, 109, 111, Annex XVII	Directive №97 / 67 / EC, 2002/39 / EC, 2008/6 / EC	Postal services	The introduction of rules on the quality of postal services in accordance with Article 1 of Chapter 1, Article 19 of Chapter 6 of Directive 97/67 / EC of 15 December 1997	Develop a regulatory act to establish a procedure for dealing with complaints of consumers of postal services To study the draft legal act with EU experts Approve the legal act	December 31, 2018	NKRZI (by consent)

Action Plan as approved by resolution of the Cabinet of Ministers of Ukraine as of 17 September 2014 № 847–r (excerpt)

Postal and Courier services

Ensuring functioning of independent regulatory agency for postal and courier services (Article 113)

45. Determination body independent in making solutions from others agencies and financially independent, legally separate and not accountable to none of suppliers postal and courier services improvement functions and powers of the independent regulator December 2016 NKRZI (by consent) Mininfrastructure others central organs executive power

Approximation of national legislation to EU law regulating postal and courier services (Article 111, 114 and Annex XVII)

46. The development of "road map" for implementation of EU Directives in postal and courier services 1) the development of a draft roadmap February 2016 Mininfrastructure NKRZI (by consent) Ukrainian state-owned enterprise "Ukrposhta" (by consent) other central executive authorities

	2) approval of the "road map" on the EU side at the expert level	March 2016	Mininfrastructure NKRZI (by consent) Ukrainian state-owned enterprise "Ukrposhta" (by consent) other central executive authorities
	3) submission of "road map" to the the Cabinet of the ministers of Ukraine	April 2016	Mininfrastructure Ukrainian state-owned enterprise "Ukrposhta" (by consent)
	4) submission of "road map" to the Trade Association Committee	May 2016	Mininfrastructure Ministry of Economic Development and Trade Ukrainian state-owned enterprise "Ukrposhta" (by consent) NKRZI (by consent) Governmental office on European integration the secretariat of the Cabinet of the Ministers of Ukraine
47. Improving providing of universal services	1) review and determination of the list of universal services	December 2016	Mininfrastructure NKRZI (by consent) Ukrainian state-owned enterprise "Ukrposhta" (by consent)
	2) setting standards as to provide universal postal services	March 2017	Ministry of Infrastructure NKRZI (by consent) Ukrainian state-owned enterprise

48. Implementation provisions Directive 97/67 / EC of the European Parliament and of the Council of 15 December 1997 on common rules for the development of postal internal market services within the Community and improvement of the quality of the service	the implementation plan of Directive 97/67 / EC of the European Parliament and the Council on common rules of postal internal market services within the Community and improvement of the quality of the service as approved by an decision of the Cabinet of the Ministers of Ukraine on March 18, 2015 No. 222 "On approval of the plan developed by the Ministry of Infrastructure implementation of Directive 97/67 / EC of the European Parliament and of the Council of 15 December 1997 on common rules for the internal market of Community postal services and improve service quality"	2016-2017 years	"Ukrposhta" (by consent) Mininfrastructure NKRZI (by consent) Ukrainian state-owned enterprise "Ukrposhta" (by consent t) other central executive authorities
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Action Plan as approved by resolution of the Cabinet of Ministers of Ukraine as of 18 February 2016 № 217-r (excerpt)

Postal and courier services

Ensuring functioning of the independent regulatory agency on postal and courier services (Article 113)

improvement functions and authorities of the independent regulator	December 2016	NKRZI (by consent) Mininfrastructure others central organsexecutive bodies	adoption and implementation of the appropriate regulatory acts defining functions and powers of the regulatory body, ensuring its effective functioning
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Approximation of the national legislation to EU law on postal and courier services (Article 111 , 114 and annex XVII)

1) the development of a roadmap project February 2016	Mininfrastructure NKRZI (by consent) Ukrainian state-owned enterprise "Ukrposhta"(by consent) other central executive authorities	development of a draft roadmap
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2) approval of the "road map" by the EU side at the expert level	March 2016	Mininfrastructure NKRZI (by consent) Ukrainian state-owned enterprise "Ukrposhta"(by consent) other central executive authorities	approval of the "road map" by EU Party
3) submission of "road map" to the Cabinet of the Ministers of Ukraine	April 2016	Mininfrastructure Ukrainian state-owned enterprise "Ukrposhta"(by consent)	approval "road map" by the Cabinet of the Ministers of Ukraine
4) introduction of "road map" to the Trade Association Committee	May 2016	Mininfrastructure Ministry of Economic Development and Trade Ukrainian state-owned enterprise "Ukrposhta"(by consent) NKRZI (by consent) Governmental office on European integration The secretariat The Cabinet The ministers Of Ukraine	adoption of a "roadmap"
1) review and determination of the list of universal services	December 2016	Mininfrastructure NKRZI (by consent) Ukrainian state-owned enterprise "Ukrposhta"(by consent)	definition the list universal onesservices definite quality in all areas in the territory Ukraine affordable prices
2) setting standards as to provide universal postal services	March 2017	Ministry of Infrastructure NKRZI (by consent) Ukrainian state-owned enterprise "Ukrposhta"(by consent)	implementation standards as to provide universal postal services
the plan implementation / EC of the European Parliament and the Council on common rules of postal internal market services and improvements quality service approved by the decision of the Cabinet of the Ministers of Ukraine on March 18, 2015	2016-2017 years	Mininfrastructure NKRZI (by consent) Ukrainian state-owned enterprise "Ukrposhta"(by consent) other central executive authorities	the plan implementation Directive presence of a positive decision of the Trade Association Committee

No. 222 "On approval of the infrastructure developed by the Ministry of Infrastructure of the implementation plan of Directive 97/67 / EC of the European Parliament and of the Council of 15 December 1997 on common rules for the development of the internal market for postal services in the Community and improvement of service quality"