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### A4U Position Paper N11

***Few updated recommendations for GOCEEI how to improve AA-implementation coordination reflecting main A4U recommendations and introduction of new organizational structures (DGs) in line ministries - Part 2***

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## **Updated<sup>1</sup> recommendations for GOCEEI on improving AA-implementation coordination reflecting previous A4U recommendations and establishment the DGs in line ministries II.**

1. Our understanding is, that concerning the coordination mechanisms the following key “structures” should be taken into account (apart from the bilateral bodies):
  - a. Current - The Government Committee on Euro-Euro Atlantic Integration (GC- EEAI), that meets regularly – chaired by the DPM
  - b. Current - The working meetings of the deputy ministers in charge of EEAI (Deputy ministers’ meeting) – chaired by the DPM
  - c. Suggested - The regular (linked to the GC-EEAI sessions) meetings of Directors of Strategic Planning-EUI DGs/Heads of EI departments (Directors’ meeting)
  - d. Suggested - Regular individual meetings with the Directors/Heads of EI Depts of ministries that have significant role in the AA implementation.

Below we summarised/outlined our recommendations. Most of them are detailed in documents had been sent to GOCEEI earlier.

Although the most logical way of establishing the functions of these structures would be to start with the GC-EEAI and align the others accordingly, improvement is achievable even if the GC-EEAI set-up remains unchanged for a while.

2. A key measure recommended by A4U is to **‘individualise’ and raise the position of the GC-EEAI in the decision-making process, clearly distinguishing<sup>2</sup> it from other GCs and granting it specific competences concentrating all European policy issues.**

That can be implemented either in the form of a separate law covering all institutional and procedural issues of the EI related policy and decision making, but that would require a long political process.

The other, “minimalistic” solution could be the amendment of the Rules of Procedures of the CMU (RoP). It seems to be more realistic, taken into account and reflected the ongoing efforts for drafting a modernised RoP.

The amended RoP would say that **in case of a policy or legal proposal with significant EI implication(s) the GC-EEAI should discuss it even that proposal has already been considered by the (other) GC** responsible for the main subject of the proposal. GC-EEAI should always be the last GC to discuss the proposal before it is submitted to the CMU session. Such an arrangement would enable the GC-EEAI to come to a position knowing already the position of the other GC(s) and articulate both positions in front of the PM/CMU session if needed.

As consequence of this step – together with the proposed changes later in this document - the position and role of GOCEEI as central and main coordination body in

<sup>1</sup> This document is the updated version, based on in depth discussions with GOCEEI representatives on the topic (e.g. 01.06.2018).

<sup>2</sup> It is not suggested to change the concept of “equality” of CMU Committees, just the sequence of steps in the decision-making process.

the preparations and monitoring of the GC-EEAI works and outputs would rise without the necessity to introduce new/separate regulations.

3. **The informal position of the GC-EEAI could be improved by other means too. Bringing this body closer to the Prime Minister (PM) would be very effective. That could be achieved by a changed legislation permitting the PM to chair the GC-EEAI in case of having strategic/comprehensive issues on the table or just allowing the PM's participation.**

If such change is not feasible, even some gestures could improve the informal position of the GC-EEAI like the appearance of the PM at certain GC-EEAI meetings.

A possibility for the chairperson of the GC-EEAI to insist on the presence of ministers (no substitution is accepted) in case of very important or controversial topics could also increase the GC-EEAI's position.

4. **GC-EEAI is currently responsible both for EI and regional development related issues. A more focused scope, the EI issues exclusively could also improve the effectiveness.** Meaning, to transfer the regional development associated (mainly technical) issues to other GC and let the GC-EEAI focus solely on EI related policies and legal drafts.

5. The current process of preparing the GC-EEAI and CMU meetings discussing EI/AA related issues is not entirely clear because the responsibilities of different SMCU units are not separated.

- a. According to the current rules, the critical opinion on a draft policy/legal act to be discussed by the GC-EEAI is prepared by the relevant DG/department in the SCMU. The role of GOCEEI is reduced to the assessment of the compliance with EU law/commitments of the Association Agreement.

This 'multi-stage-level' preparation formula, which is accompanied by many unnecessary administrative activities, involves participation in convening and organising one committee meeting of several bodies. Those are: a) GOCEEI, b) OVPM, c) sectoral department in the SCMU, d) department responsible for the organisation of meetings of all GCs and e) informal State Secretaries (StS) meeting with participation of SCMU directors during which the agenda of the GC is established. The agenda determined in this current way is most probably more a result of the interests of individual ministries than the expression of analytical reflection made by the responsible body (GOCEEI).

Our recommendation is, that **GOCEEI should be the primary coordinator/partner of the ministries and it should be responsible for the necessary preparation of the EI/AA related agenda points of the GC-EEAI and CMU meetings (regarding content, not administratively), including to propose the agenda points.**

- b. In case of discrepancies between EU legislation (AA commitment) and a proposal on the table, a complicated procedure has to be engaged by the VPM calling on a given ministry to make the necessary modifications. The complexity of the process that follows is primarily due

to the necessity to re-pass almost all phases of the proceedings, which are accompanied by a sequence of actions and formal activities (signatures, minutes, additional letters reflecting minutes of the meeting, etc) that could indeed be reduced to a necessary minimum. We understand that in reality it usually happens swiftly, however **the RoP would instead recognise the fact, by changing the formal process. That should institutionalise GOCEEI key role in the reconciliation process.** In this option, the essential institutional change conditioning the effectiveness of such a procedure would require the 'natural' subordination of the GOCEEI directly to the VPM instead of the SCMU management.

6. For improving the effectiveness of the AA implementation, GOCEEI's way of operation needs improvement as well. In this regard, a **more structured, in-depth communication with the ministries is key. That would enable GOCEEI to effectively influence the content of the AA-related policies and legal drafts developed by the ministries.** For that purpose, the following steps are suggested:
  - Regular "plenary" meetings with Directors/Heads of Departments responsible for EI issues – for general planning, monitoring and coordination,
  - Regular "one on one" meetings with Directors/Heads of Departments responsible for EI issues of key ministries, with the participation of the Director relevant for the subject matter if needed – for ministry-specific planning, monitoring and intervention,
  - Expert level contact between GOCEEI expert and ministry expert on complicated issues – for monitoring of progress, identifying problems, providing support.
7. The regular "plenary" Directors' meetings, to be held in synchrony with the GC-EEAI meetings, might have three following functions:
  - a. preceding the deliberations in the GC-EEAI meeting, to operate as an administrative level coordination and dispute resolution forum,
  - b. provide the Directors with regular and updated information on the current state of play of UA-EU relations, on decisions of the GC-EEAI and the CMU as well as the bilateral bodies and give guidance on the follow-up actions,
  - c. to discuss planning, reporting, monitoring and other procedural issues.
8. By having introduced the above-suggested ways of communication **the monitoring of the AA implementation could be shifted to a real management tool, aiming the early identification of problems and enabling swift intervention on the appropriate level.** The internal processes of GOCEEI should be aligned with that requirement.
9. Parallel with that, the support functions of GOCEEI need to be also strengthened. The ministries should feel that GOCEEI is ready and capable to help them live up to their responsibilities. Support functions like: source of

knowledge, contact channel to EUD/EC, guidance on content and process, dispute resolution.

10. The Deputy ministers' meeting chaired by the VPM might have somewhat similar functions that of the Directors' meeting. However, the earlier should focused on the politically sensitive issues and can, endorse or in exceptional cases overwrite the outcome of the Directors' meeting.

**These steps together would be helpful in transforming the GC-EEAI into a core strategic body enlarging its scope of responsibilities including the settlement of political inter-ministerial disputes that is a core task of its European equivalents. At the same time GOCEEI could strengthen its role as the key managing institution of the AA implementation.**

It is worth to mention that the different logic of structure of ministries (DG in the pilot ministries, department in others for EI) creates communication and procedural difficulties and should not exist for long.

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