

Legislation and practice problems of administrative service delivery

The document you are looking at is developed by the experts of the U-LEAD with Europe Programme (Improved Administrative Service Delivery) based on the experience of establishment/ modernization of 26 ASCs in the hromadas (communities) of the Inception Phase, and the analysis of current practice and legislation in this area.

The document was developed to record the key problems preventing quality administrative service delivery, including efficient functioning of ASCs, primarily in the context of support to decentralization reform.

The document is the basis for identification of priorities and planning of future activities of the Programme related to formulation of the proposals regarding state policy in the area of administrative services.

This document was discussed using the on-line channels of the Programme, during personal meetings with individual representatives of the authorities, as well as during the round table held on December 19-20, 2018. More than 70 experts from the target group, including responsible ministries, associations, community leaders, representatives of international projects, were involved in the discussion.

This is the revised version of the Document, which considers received comments and suggestions, meetings and discussions.

The next step is to create, based on the structure of the Document, thematic notes on specific issues / policy issues addressed to the relevant ministries, with suggestions for solving these problems.

Contents

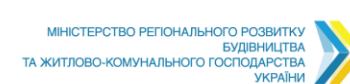
General information. Making amendments to the Law of Ukraine <i>On Administrative Services</i> . Development of ASC network	2
ASC staff	6
Social administrativeservices. Pension services	7
Civil Registry Office (CRO)	9
Registration of residence	12
Passport services	13
Registration of real estate and business	15
Registration of land plots and issuing data from SLC	17
“Notarial acts” by LSGA officials	18
Financial capacity of Ahs/ASC sustainability/auxiliary services	19

PROBLEMS/NEEDS OF ADMINISTRATIVE SERVICES POLICY
*(to promote the improvement of quality of administrative service delivery by
establishing properly operating and efficient ASCs, primarily in AHs)*

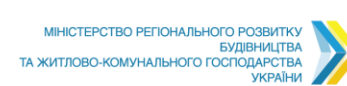
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(revised draft document developed by the experts of
the **U-LEAD with Europe Programme** aimed at the improvement of quality
of administrative service delivery

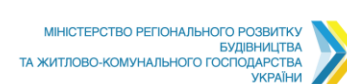
No	Problem/ issue	Consequences	Causes	Responsible authority	Proposed solution	Possible Programme assistance	Other parties involved
1.	General information. Making amendments to the Law of Ukraine <i>On Administrative Services.</i> Development of ASC network						
1.1	Shifted legislative focus in the ASC's concept instead of proper (sufficient) service list for service delivery via an administrator	Hindering the development of ASCs as integrated offices focused on proper service list, and fast and comfortable delivery of services.	There is a problem with understanding the concept of the ASC in the view of secondary focuses in legal definition of the ASC's concept (Part 1 of Article 12 of the Law). The ASC's concept for the consumer is the list of services which can be comfortably and promptly provided there. At the same time the organization of working processes is the responsibility of the authority establishing the ASC/providing services.	Ministry of Economic Development of Ukraine, Ministry of Regional Development, Building and Housing of Ukraine	To change emphasis in the Law in understanding (defining the concept) of ASC on the service list. The service groups are defined by the Cabinet of Ministers of Ukraine and should be mandatory for all ASCs, including those established by local self-government authorities (LSGAs). It is necessary to take into account the specifics of the hromadas: cities – oblast centres, cities of oblast significance; hromadas in rayon (region) centres, other hromadas.	Letter to the Ministry, relevant Committee of the Verkhovna Rada of Ukraine. Communication measures, draft bills, expert and advocacy support (also possible through amendments to the existing draft bill 6388).	LSGAs and their associations, ASC association, other non-governmental organizations, international technical support projects in the field of administrative services
1.2	The law comprises the delivery of administrative services in ASC via administrators. At the same time, in practice, there	Village and town communities face significant challenges with the involvement of qualified staff for the positions of administrators. In addition, this often requires an inappropriate increase in the staff in small hromadas, and the heads, therefore, often hesitate to establish ASCs	Definition (Part 1 of Article 12) of the ASC concept via “an administrator” complicates in many situations the integration of new services into the ASC, particularly if such LSGAs do not use functional approach to understanding the “administrator” concept (i.e. as functions which can be imposed	Ministry of Economic Development of Ukraine, Ministry of Regional Development, Building, Housing and	To add flexibility in legislative regulation by assuming that the “administrator” provides services based on the decision of the authority establishing the ASC (and not only “in legally statutory cases”); that services in ASC can be provided directly by	Letters to the ministries involved. Methodological recommendations and, if possible, the draft bill regarding the increased flexibility in	LSGAs and their associations, ASC association, other non-governmental organizations, international



	are different opinions, including opposite ones: whether an “administrator” is just a separate position, or its functions can be imposed on other officials as well.	where separate LSGAs question the legitimacy of flexible model for the establishment of the efficient ASC structures and the arrangement of working processes – such ASCs do not provide fast services and require the involvement of two or more employees, unnecessary submission of documents, “blurring” the lines between responsibilities.	on different officials of such LSGAs). This actually hinders the establishment of efficient ASCs, where fast services are urgently provided. Since separate hromadas and even regions believe that “an administrator” is just a separate position. In addition, it significantly complicates the employment in the ASC, especially in smaller hromadas.	Communal Services of Ukraine, National Agency of Ukraine on Civil Service	other officials of the authority establishing the ASC, as well as by representatives of other SASs having the powers of administrators. Currently, it is necessary to follow the rules of law regarding local self-government providing appropriate level of discretion and responsibility to LSGAs in defining the ASC structures, staff, organizing the working processes. Delegating the powers to provide particular groups of administrative services is intended to improve quality and efficiency of their delivery.	functioning of authorities establishing ASC. Advocacy and communication support (also possible via amendments to the existing draft bill 6388). The possible solution is the explanation to the Ministry of Economic Development of Ukraine regarding optimal ASC structures (including those with an emphasis on possible performing of administrator’s functions by other officials as well; on urgent delivery of “fast services”; on the integration of the ASC and back-offices into single structural subdivision)	technical assistance projects in the area of administrative services
1.3	There is a legal barrier (uncertainty) to the establishment of the remote work place (RWP) based on the memorandum	Hindering the development of territorial approximation of services in village AHs, especially in small hromadas. However, it is possible to use the mechanism of cooperation between territorial hromadas. In	Currently, according to the Law of Ukraine <i>On Administrative Services</i> , the RWP can be established only by a person having own (main) ASC. At the same time, the owner of capable ASC is not interested in the introduction of staff units which will be	Ministry of Economic Development of Ukraine, Ministry of Regional Development, Building, Housing and	It is necessary to provide in the Law of Ukraine <i>On Administrative Services</i> a direct opportunity to establish RWPs on the basis of the memorandum of intermunicipal cooperation, even in the hromadas having no own ASCs.	Letter to the Ministry of Economic Development of Ukraine and the Ministry of Regional Development, Buiding, Housing	AH association, city association, all-Ukrainian Association of Village and Township Councils, ASC association



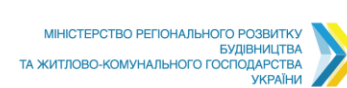
	<p>of intermunicipal cooperation (agreement for cooperation of territorial hromadas) with the absence of own ASCs.</p>	<p>other words, particular services can be provided to residents of small hromadas by performing functions of the back-office (or front-office, if required) by the ASC of more capable hromada or by combining the efforts of two or more hromadas.</p>	<p>arranged in RWP in other hromadas. An alternative solution can be only the change of status of “main” ASC to “joint” ASC, that can cause disagreement of larger hromadas, being “owners” of capable ASCs.</p>	<p>Communal Services of Ukraine</p>	<p>This will also allow to implement positions of administrators and/or impose functions of administrators in such hromadas on the officials of the hromada where only RWP is established.</p>	<p>and Communal Services of Ukraine regarding the issue. Draft bill. Advocacy and communication support (also possible via amendments to the existing draft bill 6388). Analytical Paper of the Program on the current possibilities of using the memorandum of intermunicipal cooperation in the area of administrative services.</p>	
1.4	<p>The hromadas (communities) which are simultaneously rayon (region) centres there are two ASCs or there is a risk of establishing two ASCs (the one of hromada and the one of the district state administration)</p>	<p>In such cities or villages there are two separate ASCs (LSGAs and DSA), that is inconvenient for citizens and unreasonable in terms of public resources. This also hinders integration of services in each of these ASCs and the creation of a single point of access to services for all residents of the hromada and the region.</p>	<p>According to the Law of Ukraine <i>On Administrative Services</i> the existence of ASC at DSA is compulsory. On the other hand, according to Part 3 of Article 12 of this Law, “in the cities and villages which are administrative centres of regions, ASCs can provide administrative services on the basis of their coordinated decisions”. In other words, in case of functioning of ASC of LSGAs in the rayon centre, the absence of ASC at DSA is allowed by the legislator. However, there is often a subjective opposition and unwillingness of DSA heads to liquidate “their” ASCs and establish independent “common” ASC with LSGAs.</p>	<p>Ministry of Economic Development of Ukraine, Ministry of Regional Development, Building, Housing and Communal Services of Ukraine</p>	<p>To define in the Law <i>On Administrative Services</i> the enforcement mechanism of liquidation of the ASC of DSA when establishing the ASC of LSGAs in the respective community and readiness of the hromada (LSGAs) to provide services to all residents of the region. This issue should be also solved along with termination of respective CRO (real estate and business) in DSA, since today the funds from payment for registration services to rayon budgets are often a significant constraining factor in the liquidation of the ASC of the DSA.</p>	<p>Letters and legislative proposals to the ministries involved and relevant Committee of the Verkhovna Rada of Ukraine. Advocacy and communication support (also possible through amendments to the existing draft bill 6388).</p>	<p>LSGAs and their associations</p>



1.5	The need for determining the priorities of the ASC network development in terms of government support and resource support under international technical assistance projects	In the development of several international technical assistance projects, the priorities for the establishment of the ASCs are determined on the basis of time (within 30 – minute drive), which with poor (and often absent) public transport connections, is not the best criterion. The calculation is also made from the existing ASC network, including ASCs of district state administrations which are primarily not subordinated, which deforms the idea of the existing ASC network and the necessity of its further development.	The priorities are not clearly defined. There is no an official methodology (analytics) of determining the network of properly operating ASCs and the concept of properly operating ASC.	Ministry of Economic Development of Ukraine, Ministry of Regional Development, Building, Housing and Communal Services of Ukraine	It is necessary to develop/adopt the methodology (instrument) for the assessment of the ASC and its subordination (based on the evaluation of infrastructure and service list). To consider that LSGAs are entitled to establish ASCs at their own discretion (except for cities of oblast significance, for which it is compulsory). To consider that ASCs of district state administrations are primarily not subordinated and that rayon centres should promote the establishment of “joint” (city district) ASCs or ASCs fully subordinate to LSGA. The modernisation of existing ASCs should be a separate area of activity. To consider that calculation of the distance to service access point (ASC or its RWP/territorial subdivision) should be made in kilometres (for example, up to 5 km of walking accessibility, up to 15-20 km of regular public transport access).	Analytical proposals to the ministries involved regarding the assessment of ASC network condition, and needs for priority public support via financial instruments (in particular, the State Fund of Regional Development, "transparent offices" of the Ministry of Social Policy and infrastructure subvention of AHs).	LSGAs and their associations, international technical assistance projects in the area of administrative services
1.6	Overloaded information cards (IC) of administrative services in connection with the use of typical ICs	LSGAs, by using typical ICs developed by central executive authorities, approve own cards overloaded with unnecessary information. This is inconvenient for the applicants and does not contribute to the	The Ministry of Economic Development and Trade of Ukraine published on its website the information with the forms of information and technological cards. Central executive authorities use these forms, rather than direct requirements of the Law of	Ministry of Economic Development of Ukraine	The Ministry of Economic Development of Ukraine should update information according to information card forms by confining itself only to the requirements of the Law of Ukraine <i>On Administrative Services</i> (7 points), rather than	Letter to the ministry describing the problems and containing methodological recommendation regarding information in the IC. Proposals to the	ASC association, LSGAs and their associations

		achievement of the purpose of IC implementation.	Ukraine <i>On Administrative Services</i> . The Law provides obligatory "typical IC" for LSGAs in the part of delegated authority, which hinders initiative improvement of the ICs by LSGAs		recommend submission of overloaded information.	Law "On Administrative Services".	
2.	ASC staff						
2.1	Excessive qualification requirements to administrators , completed higher education with master's or specialist's degree; at least 1-year work experience in local self-government authorities and civil service, or at least 3-year work experience in other governance areas	Understaffing in ASC of LSGAs, especially in village hromadas. Barriers to impose functions of administrators on other LSGA officials, which contradict the requirements set to administrators	High qualification requirements to administrators set in the Order of the Main Department of Civil Service complicate ASC staffing, (particularly during the establishment of ASCs in the villages and RWPs) including the use of the mechanism of performing the functions of administrators by other officials of LSGAs. At the same time, the Law of Ukraine <i>On Civil Service</i> (similarly to the projects of service in LSGAs) determines junior bachelor's or bachelor's degree as general requirements for taking the positions in Category B.	Ministry of Economic Development of Ukraine, Ministry of Regional Development, Building, Housing and Communal Services of Ukraine, National Agency of Ukraine on Civil Service	To simplify the qualification requirements to ASC administrators. This decision can be adopted regarding administrators in general or particularly for ASCs and/ or RWPs in the countryside. Bachelor's degree and 6-month work experience can be enough.	Preparing the letters to the parties involved, rule-making proposals regarding changes in the Order of the National Agency of Ukraine on Civil Service (Main Department of Civil Service) or other legislation.	LSGA associations, ASC association, Central Office for Reforms at the Ministry of Regional Development, Building, Housing and Communal Services of Ukraine
2.2	Poor communication skills of many ASC employees , emotional burnout of ASC staff caused by continuous	An increase in the number of visitors who are not satisfied with the quality of services in ASC, namely staff friendliness	Many employees of ASC have not undertaken training in communication skills at all. Emotional "burnout" of the ASCs staff caused by exhausting work with visitors and continuous development of the service list of ASCs.	Ministry of Economic Development of Ukraine, National Agency of Ukraine on Civil Service	To introduce compulsory (annual or every two years) communication trainings for ASC staff. To recommend LSGAs to introduce staff rotation in large ASCs working in front-office and back-office.	Letters to central executive authorities with the proposals. Submission of the Program's training module to regional professional	ASC association, LSGA associations, other non-governmental organizations

	communication with visitors					development centres and to the National Agency of Ukraine on Civil Service.	
3.	Social administrative services. Pension services.						
3.1	Most ASCs of Ukraine do not provide social administrative services despite new version of the Order of the Cabinet of Ministers of Ukraine No. 523. Social Service Offices (SSO) of District State Administrations do not realize how to cooperate with ASCs or determine the boundaries and mechanisms of such cooperation in each region at their own discretion	Citizens cannot receive social administrative services from most ASCs. They have to apply to SSOs, which are often not adapted for proper work with visitors	SSOs are poorly informed about social administrative services to be provided via ASC and the ways they could be provided.	Ministry of Social Policy of Ukraine, Ministry of Economic Development of Ukraine, Ministry of Regional Development, Building, Housing and Communal Services of Ukraine	It is necessary to promote common understanding within SSO subdivisions of oblast and region level of the state policy on the integration of services into ASC. The Ministry of Social Policy of Ukraine should provide an official (written) explanation of its position in RSA and DSA, as well as ensure that such position is followed. To overcome risks of the transitional period it is reasonable to provide a "testing/piloting phase" in the joint decisions, with parallel acceptance of the applicants by both ASC and SSO. It is also necessary to review particular laws providing the acceptance of applications from citizens exclusively by social protection authorities, as this complicates integration of services into ASC.	Information letter with the proposals to the Ministry of Social Policy of Ukraine. Elaboration of the problem of communication measures with the Social Service Office (SSO) to communicate the ministry's position regarding cooperation of SSO with LSGA/AH. To develop and hand over to the Ministry the model memorandum of cooperation between SSO (DSA) and LSGA (ASC of AH), including the "testing/piloting phase". The law may provide the right of "parallel" admission for social administrative services.	ASC association, LSGA associations, other non-governmental organizations
3.2	Absence of typical information and	Because of absence of typical ICs and TCs,	The Ministry of Social Policy of Ukraine still has not	Ministry of Social Policy	To ensure development and approval of model information	Letter to the Ministry of Social Policy of	LSGAs and their

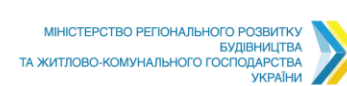


	technological cards of social administrative services	many LSGAs and district state administrations either use invalidated cards or develop their own cards. Very often they approve cards of poor quality containing disputed or insufficient information. The social protection authorities explain the lack of information cards and the inability to cooperate with ASCs by a large number of "exceptions" in the list of documents for the delivery of services, arising from specific life situations, and the need for citizens to apply only to the social protection authorities.	developed and approved information and technological cards of social administrative services. The ministry may not have believed earlier that these services are covered by the Law of Ukraine <i>On Administrative Services</i>	of Ukraine, Ministry of Economic Development of Ukraine	and technological cards by the Ministry of Social Policy of Ukraine.	Ukraine. If possible, assistance to Programme's experts in the development of information cards and/or handing over available cards in the Programme to the Ministry.	associations, ASC association
3.3	LSGAs/ASCs have no access to registries/databases of the Ministry of Social Policy of Ukraine	This slows down and hinders the efficient delivery of particular social administrative services via ASCs	Legislative barriers. Regulations of the Ministry of Social Policy of Ukraine do not provide an access of LSGAs (ASCs) to the registries/databases of the ministry	Ministry of Social Policy of Ukraine, Ministry of Economic Development of Ukraine	To provide LSGA/ASC with an access to registries of the Ministry of Social Policy of Ukraine (by making changes in the departmental orders).	Letter to the Ministry of Social Policy of Ukraine, advocacy of amendments	ASC association, LSGA associations
3.4	The Pension Fund of Ukraine offers cooperation with ASCs of AHs only in the form of accepting applications (documents) by PFU's representative according to the	Access to pension services, even if they are included in the service lists of AH ASCs, is limited to the periods (schedules) of visits by PFU's representative. This also contradicts the Law of Ukraine <i>On</i>	PFU does not provide an opportunity to accept applications in pension issues via ASC administrators. Such practice is almost exceptional	PFU, Ministry of Social Policy of Ukraine, Ministry of Regional Development, Building, Housing and Communal	To extend the practice of providing pension services via ASC staff (administrators). Moreover, the PFU should not restrict delivery of services related to the granting of pensions via ASC (it is currently a single practice as well). That is, all PFU services	Information letters outlining the problem to the Ministry of Social Policy of Ukraine and PFU.	AH association, ASC association

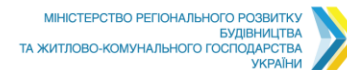
	determined schedule (agent offices)	<i>Administrative Services</i> , since access to all services of ASC should be continuous and may not be differentiated by separate service groups. During working days and hours of the PFU's representative in the ASC there are artificially created queues due to limited opening hours		Services of Ukraine	should be provided according to the scheduled work of ASCs.		
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4. Civil Registry Office (CRO)

4.1	Difficulties in the integration of CRO services into the ASC in the cities of regional significance and rayon centres	In most ASCs of Ukraine functioning, especially in cities of oblast significance and rayon centres, there are no administrative services in CRO area. Citizens in the same everyday situation (including CRO services) have to apply first to CRO at the Ministry of Justice of Ukraine, and then separately to ASC of the LSGA	Powers of CRO in the cities of oblast significance and de facto in rayon centres are within the competence of territorial subdivisions of the Ministry of Justice of Ukraine	Ministry of Justice of Ukraine, Verkhovna Rada of Ukraine (relevant Committee), Ministry of Economic Development of Ukraine	To promote the adoption of draft bill 6150, which includes decentralization of powers in CRO, i.e. their delegation to local self-government authorities.	Letter to the Prime-Minister, the Ministry of Justice of Ukraine. Advocacy support of the draft bill. To inform the relevant committee and the Ministry of Justice of Ukraine about the need for solving particular problems in the draft bill (to cancel requirements to position names and requirements to legal education of relevant officials, reduce the transitional period of delivering authorities from 5 years down to 1-2 years).	LSGAs and their associations
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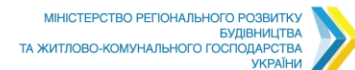


4.2	Opening by the Ministry of Justice of Ukraine of own departmental “CROs” (“Open Space”), providing only CRO services	Most ASCs do not provide CRO services, LSGAs are disoriented, whether they should integrate these services in the ASC, and whether the public policy has changed. Instead of inclusion of CRO services in ASC, separate departmental CROs are established, which forces citizens to continue visiting CROs and ASCs when receiving a set of services in the same situation. There is also excessive consumption of public resources for temporary CROs	Lack of consequent state policy in the area of CRO services, their integration into ASC.	Ministry of Justice of Ukraine, Ministry of Economic Development of Ukraine, Ministry of Regional Development, Building, Housing and Communal Services of Ukraine	To terminate the practice of establishing departmental “CROs” (“Open Space”) at the Ministry of Justice of Ukraine. To recommend the Ministry of Justice of Ukraine before the adoption of the decentralization law to “enter” the existing ASCs with their own employees (subdivisions) (such an opportunity is provided by the Order of the Cabinet of Ministers of Ukraine dated 26.05.2014 No. 523, as amended on 11.10.2017 No. 782). To recommend LSGAs to adequately cover the constructive position of the Ministry of Justice of Ukraine in the media (where CRO “enters” the ASC).	To inform the ministries about inaccuracy of policy for opening departmental offices. Communication support of proper practices of cooperation between the Ministry of Justice of Ukraine (CRO) and LSGA (ASC)	LSGAs and their associations, ASC association and other non-governmental organizations
4.3	Legal and organizational barriers to the delivery of CRO services in starosta’s regions (at remote work places of the ASC)	After the establishment of AHs, CROs of starosta’s regions (former village councils) stop providing services, as the existing regulations do not take into account the needs of the AHs. CRO services are centralized in the administrative centres of AHs, territorial availability of these services in remote AHs is worsening.	Current normative and legal acts concerning CROs do not regulate and do not take into account the needs of AHs. The following issues are not resolved: 1) LSGA (AH) has the right to identify only one official responsible for providing ASC services and storage of certificates; 2) the system of certificate registration does not regulate the issue of interaction between the AH centre and starosta’s regions; 3) there is a single and continuous numbering of registration certificates in each LSGA , which is difficult to implement in AH.	Ministry of Justice of Ukraine, Ministry of Regional Development, Building, Housing and Communal Services of Ukraine	To resolve the issue by amending the Order of the Ministry of Justice dated October 18, 2000 No. 52/5 "On Approval of the Rules for State Registration of Civil Status Acts in Ukraine" (as amended) and the Order of the Ministry of Justice dated 29.10.2012 No. 1578/5 "On Approval of the Procedure for Recording and Reporting on the Use of Certificates of State Registration of Civil Status Acts and Their Storage", other normative acts in the field of CRO services	Letter to the Ministry of Justice of Ukraine with the proposals, the proposals regarding legislative regulations	AH association

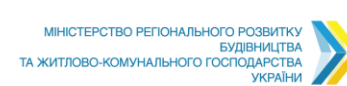


4.4	Technical barriers to the integration of CRO services into AHs, particularly in terms of delivery of these services in starosta's regions (at remote work places of the ASC)	Many AHs do not provide CRO services in starosta's offices (at remote work places of ASC), since they cannot meet all technical requirements to these services. This complicates the delivery of these services and their territorial accessibility in the AH. The requirements to premises for storage of CRO forms also make LSGAs maintain separate rooms in/near to ASC	Legislative regulations set excessive (obsolete) requirements to the storage of CRO forms, journals. The ASCs require separate rooms for CRO services.	Ministry of Justice of Ukraine, Ministry of Regional Development, Building, Housing and Communal Services of Ukraine	To simplify the requirements to the storage of the CRO certificates. Another option is to abandon special forms in CRO area at all, by making an electronic registry as a primary source. To simplify other requirements of technical and organizational nature (journals, etc.), which complicate the territorial accessibility of services. The Ministry of Justice of Ukraine should prepare an additional explanation regarding organization of CRO service provision via RWPs, territorial subdivisions of ASCs or starosta's offices.	Letter to the Ministry of Justice of Ukraine with the proposals regarding legislative regulations	AH association
4.5	Legal procedure barriers to current integration of CRO services into the ASC in the cities of oblast significance and rayon centres	Most ASCs in rayon centres do not provide CRO services due to the excessive procedure for delivery of these services and complicated conditions for their fast (urgent) delivery. This makes it impossible for many services to be provided according to "life situations" model	Current procedure for CRO service delivery in subdivisions of the Ministry of Justice of Ukraine requires signing the certificates both by a specialist who conducted a state registration of civil status act and by CRO subdivision head as well as a seal. A certificate of state registration of civil status act has to be signed only by the head of the issuing authority and certified by the seal of such authority. Thus, for CRO service delivery the ASC has currently only the decision on the transfer of the whole CRO subdivision into ASC, that is often impossible or technically complicated	Ministry of Justice of Ukraine	To change the procedure for operation of CRO in CRO subdivisions. To cancel the requirement to signing the CRO certificates by the head of CRO subdivision, since the signature of one official who conducted a state registration of civil status act is enough.	Letter to the Ministry of Justice of Ukraine. The proposals regarding changes in the legislative regulations	LSGAs and their associations

4.6	Inconsistency of opening hours of CRO and ASC	According to the approved opening hours, CROs are closed on Mondays and therefore the ASCs with CRO subdivisions do not provide services on Mondays	Departmental regulations of the Ministry of Justice of Ukraine set appropriate opening hours, and CRO subdivisions are opened on Saturdays and closed on Mondays	Ministry of Justice of Ukraine, Ministry of Economic Development of Ukraine, Ministry of Regional Development, Building, Housing and Communal Services of Ukraine	To make amendments in the departmental regulations of the Ministry of Justice of Ukraine, by promoting coordination (or a possibility of such coordination) of the opening hours of CRO in ASC.	Letter to the Ministry of Justice of Ukraine	City association, ASC association
5. Registration of residence							
5.1	Complicated residence registration procedure with compulsory confirmation of real estate ownership	Many citizens have different legal address and place of residence. Citizens who cannot register their valid place of residence are de facto limited in the use of many rights. CROs (and ASCs) perform an excessive number of actions for registration of the place of residence	The system of residence registration is de jure in the inheritance condition, close to authorization system. Citizens are obliged to register their place of residence and confirm with documents their ownership/use of real estate. At the same time, the state does not guarantee accommodation.	Ministry of Internal Affairs of Ukraine, State Migration Service (SMS)	From the strategic point of view, it is necessary to switch to a declarative (informative) principle of registration of residence, i.e. citizens should (can) only report on their place of residence. In other words, registration (or declaration) of the residence should be made on the basis of the application (declaration) of a person, without the need to add other documents on residence.	Letter to the Ministry of Internal Affairs of Ukraine, SMS.	Non-governmental organizations, SMS projects concerning administrative services
5.2	Imposition of administrative sanctions for violation of legislation in the field of residence registration	The ASC staff and CROs spend a lot of time to prepare resolutions and protocols in this area, despite the fact the basic punishment is “caution”	In view of the obligation to register the place of residence, the legislation imposes administrative sanctions for violation of the requirements	Ministry of Internal Affairs of Ukraine/ SMS	To abandon the administrative responsibility of citizens in this area. Probably, to retain it only for particular categories of persons (reservists, participants of litigations, alimony payers, etc.), who are obliged to register (report on) their place of residence.	Letter to the Ministry of Internal Affairs of Ukraine, SMS	ASC association, other non-governmental organizations



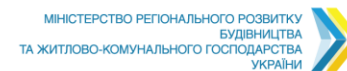
6.	Passport services						
6.1	High cost of passport issuing equipment (workstations providing passport services)	Most ASCs of LSGAs do not provide passport services due to high cost of equipment. This complicates an access of citizens to these services	Specifications of passport issuing equipment used by SMS contains components (biometrics and documents readers <i>Dermalog</i>), which actually result in monopolization of procurements in this area. Such equipment is sold by only one entity in Ukraine, that allows to set high prices for all other components of the complex, and thus restrict the LSGAs' opportunities to acquire such workplaces. The cost of one workstation through ProZorro is from 199 to 379 thousand hryvnias, that is, for the same product, the price difference may reach up to 180 thousand hryvnias.	Ministry of Internal Affairs of Ukraine/ SMS, Ministry of Economic Development of Ukraine, Ministry of Regional Development, Building, Housing and Communal Services of Ukraine, Antimonopoly Committee	To make an independent assessment of passport issuing equipment specifications in order to remove the prevailing factors in this area and generally to reduce the cost of equipment. To provide an alternative to the acquisition of particular components of the workstation or government-guaranteed access to the prevailing components of the workstation. It is possible to involve the Antimonopoly Committee in the examination of the compliance with antimonopoly legislation in the work of single entity in Ukraine distributing the <i>Dermalog</i> equipment.	Letter to the Prime-Minister and the central executive aforementioned authorities.	LSGAs and their associations, ASC association and other non-governmental organizations
6.2	The high cost of connecting to the national system of confidential communication and monthly fee for its use	Most ASCs, particularly in small hromadas, do not provide passport services because of these financial burdens	The high cost of connecting to the national system of confidential communication is a constraining factor for arrangement of passport services in the ASC. An amount of monthly fee for the use of this system is also an urgent issue, since in small hromadas where the demand for "foreign passports" is lower, the delivery of passport services may be a burden for the local budget	Ministry of Internal Affairs of Ukraine/ SMS, Security Service of Ukraine/ State Service of Special Communication and Information Protection of Ukraine	To reduce the cost of connection to the national system of confidential communication, including services on attestation of the compliance with the Integrated System of Information Protection, and monthly fee. It is also possible to consider state financing of such expenditures for remote village communities.	Letter to the Prime-Minister and the aforementioned authorities with the proposals.	AH association
6.3	Barriers for ASCs of LSGAs, other than rayon centres, to receive	LSGAs (other than rayon centres) are not encouraged to arrange passport services in ASCs, since in current situation	SMS failed to comply with the provisions of the Budget Code regarding crediting a fee for administrative services to the local budgets at the place of	Ministry of Internal Affairs of Ukraine/ SMS,	To ensure strict compliance with the Budget Code in terms of crediting a fee for administrative services to the local budgets at the place of	If the problem is not solved – to report about it to the ministries involved and other	LSGAs and their associations



	proceeds from passport services	this involves significant non-recurring costs as well as monthly expenditures from the local budget, which were not reimbursed by July 2018. The situation with crediting these funds is currently different in different regions, and LSGAs are taking anticipating position. As a consequence for service consumers, this restricts their access to passport services	their delivery. Meetings held by the Ministry of Economic Development and Trade of Ukraine, position of the Ministry of Finance of Ukraine and the State Treasury Service of Ukraine, letters of respective authorities started to change the situation only after July 2018. However, in September 2018 in some regions the SMS subdivisions failed to allocate funds to the local budgets despite generally clear and constructive position of the SMS Head. Administration of these funds is also a problem in practice.	Ministry for Regional Development, Construction, Housing and Communal Services of Ukraine, Ministry of Economic Development of Ukraine	their delivery (via ASCs with workstations) in all regions of Ukraine. To elaborate the issue of simplifying the administration (crediting) of respective funds and providing necessary methodological support for LSGAs .	related central executive authorities	
6.4	Mobile ASCs of LSGA (remote/mobile work places in specially equipped vehicles) have no an opportunity to provide passport services	LSGAs which introduced mobile ASCs (for example, Slavuta, Kryvyi Rih) cannot provide passport services via these ASCs, which complicates an access of citizens to these services. This also worsens self-sufficiency of operation of such mobile ASCs	SMS does not provide an opportunity to LSGAs to work with passport services via mobile ASCs. Based on the available information, SMS gives no responses at all to respective requests of LSGAs. At the same time, there is information about the work of mobile offices with passport services in SE "Document"	Ministry of Internal Affairs of Ukraine/ SMS, Ministry of Economic Development of Ukraine, Ministry of Regional Development, Building, Housing and Communal Services of Ukraine	To allow LSGAs provide passport services via mobile ASCs of LSGAs.	Letter to the Prime-Minister and aforementioned central executive authorities	LSGAs and their associations, ASC association and other non-governmental organizations, international technical assistance projects in the area of administrative services
6.5	Requirements to premises, in which passport issuing equipment is located (workstations)	The location of passport issuing stations in separate rooms, which contradicts the concept of ASC ("Open Space"), increases the corruption risks.	Legislative regulations set the requirements to the arrangement of passport issuing equipment – separate isolated premises equipped with lattices on the windows, etc.	State Service for Special Communications and Information Protection of Ukraine	It is necessary to review the security requirements. If the equipment belongs to LSGA, the LSGA itself should be responsible for maintenance of such equipment. In other words, there should be flexibility, including in the use	Letter to aforementioned central executive authorities	LSGAs and their associations, ASC association

		Separate LSGAs cannot meet such requirements in ASCs			of different kinds and means of protection. Even the loss of such equipment does not bear risks to passport area/the state, since its illegal use is impossible without an access to the Unified State Demographic Registry and cooperation with SMS.		
7.	Registration of real estate and business						
7.1	Registration files for hromadas (other than cities of oblast significance) should be kept by district state administrations	Delivery of registration files is an excessive burden both for LSGAs, and for DSAs. This requirement is particularly pressing for AHs located far from rayon centres	Legislation allows keeping the registration files only in the DSA	Ministry of Justice of Ukraine	To allow keeping the registration files in all subjects of state registration – LSGAs. In other words, the accredited entities should continue to submit registration files to DSA (or city of regional significance), while local self-government authorities are able to keep them on their own. Especially since paper versions of registration files do not currently have a significant practical value. If CRO is established in LSGA – rayon centre, all registration files can be kept in such LSGA, with DSA fully relieved of these functions.	Letter to the Ministry of Justice of Ukraine describing the problem. Draft bill proposal.	LSGAs and their associations
7.2	Compulsory presence of CROs in district state administrations , even with the presence of “joint” ASC based on the LSGA	This formally makes it necessary to keep relevant staff units in DSA. In addition, compulsory presence of such subdivisions is one of constraining factors of establishing joint ASCs and constructive cooperation between LSGA and DSA	Legislation in the area of state registration of real estate and business comprises compulsory presence of CROs in district state administrations. DSA may not liquidate such authority even if “joint” ASC is established on the basis of LSGA	Ministry of Justice of Ukraine	To include in the legislation an opportunity of liquidation of the subjects of state registration in DSA, in case of establishing “joint” ASCs (subject to liquidation of ASC of DSA) and/or coverage of the whole territory of the district by AH.	Letter to the Ministry of Justice of Ukraine describing the problem. Draft bill proposal.	LSGAs, ASC associations

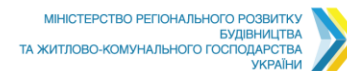
7.3	Administrative fee for issuing data from registries of the Ministry of Justice of Ukraine is fully credited to the state budget, rather than to the local budgets	LSGAs which established CROs and/or ASCs do not receive funds from issuing data from registries of the Ministry of Justice of Ukraine, which makes such activity an expensive burden for them	Provisions of the Budget Code comprises full crediting of a fee for issuing data from registries of the Ministry of Justice of Ukraine to the state budget, rather than to the local budgets. Expenditures of LSGAs for this activity are not covered	Ministry of Justice of Ukraine, Ministry of Finance of Ukraine, Ministry of Economic Development of Ukraine, Ministry of Regional Development, Construction, Building and Communal Services of Ukraine	To direct a fraction of a fee (up to 85 %) for issuing data from registries of the Ministry of Justice of Ukraine to the local budgets – at the place of service delivery/establishing the ASC. Up to 15 % of a fee should be retained for special fund of the State Budget.	Letter to aforementioned ministries. Draft bill proposals.	LSGAs and their associations
7.4	Free registration of business (self-employed individuals and legal entities)	Many hromadas do not have powers to register business in view of their “unprofitability” (i.e. expenditures are not reimbursed by the state or the applicants). Thus, free basis of these services complicates physical access to such services	Legislation on registration of business cancelled a fee for registration of self-employed individuals and legal entities	Ministry of Justice of Ukraine, Ministry of Finance of Ukraine, Ministry of Economic Development of Ukraine, Ministry of Regional Development, Building, Housing and Communal Services of Ukraine	It is reasonable to return a fee for registration of business. This will allow to compensate for LSGA’s expenditures for these operations, as well as encourage LSGAs to take respective responsibilities. A rule may be established for the limits of such fee, with LSGA being entitled to determine certain amounts on its own (including zero rate).	Letter to the ministries involved, draft bill proposals.	LSGAs and their associations, associations of entrepreneurs, international technical assistance projects in the area of entrepreneurship support
7.5	Disproportionally high fee for urgent (prompt) registration of	The applicants are very limited in their opportunities of urgent registration of real estate ownership. State registrars have to	Upon approval of the latest version of the law on state registration of real estate ownership there was very limited number of access points to these services and	Ministry of Justice of Ukraine, Ministry of Finance of Ukraine,	It is necessary to analyze the existing system “terms – fee amount” for such administrative services, as well as propose amendments in the legislation that are in line with	Letter to the ministries involved, draft bill proposals.	LSGAs and their associations



	real estate ownership	elaborate the same file twice, since they cannot take fast decisions, even if it is physically possible, i.e. services are provided more slowly than possible. Local budgets receive insufficient funds for urgent registration, which would be more popular with lower amounts of fees	high demand for them. Therefore, there were implemented very differentiated terms and fees for services, in order to prioritize urgent applications from others. However, this differentiation is currently inadequate, since minimum and maximum amounts of a fee differ almost 50 times, though the number of subjects of state registration increased over 5 times and currently there are almost no queues	Ministry of Regional Development, Construction, Housing and Communal Services of Ukraine, Ministry of Economic Development of Ukraine	the current state of affairs. This should facilitate both faster delivery of services related to real estate registration, and an increase in revenues to local budgets. At the same time, the number of term types should be reduced, and the maximum fee amount significantly lowered.		
8.	Registration of land plots and issuing data from the SLC						
8.1	Slowing down the process of delegation of land plot state registration powers to LSGAs from Geocadaster	Complexity of the integration of these services into ASC due to the need for interaction between LSGA and Geocadaster. Inability of separate subdivisions of Geocadaster to elaborate certain number of applications accepted via ASC. Inability of LSGA to provide its residents with quality services in this area	Geocadaster authorities have limited number of employees, and high corruption risks while retaining departmental monopoly over delivery of these services	Ministry of Agricultural Policy of Ukraine/ Geocadaster, Ministry of Economic of Ukraine, Ministry of Regional Development, Building, Housing and Communal Services of Ukraine	From a strategic point of view, it is necessary to promote legislative decentralization of powers of registration of land plots, i.e. delegation of such powers to LSGAs. This may be dispositive decentralization (at the request and upon readiness of particular hromadas to perform the land plot registration function). However, this will allow to mitigate the corruption risks in this area, facilitate the integration of services into the ASC.	Letter to the Prime-Minister and the ministries involved. Possible draft bill proposals.	LSGAs and their associations
8.2	Excessive qualification requirements to allow an access to the SLC data	Limited number of LSGAs and ASCs have the power to issue extracts from SLC, an access of the applicants to these services is complicated	Excessive qualification requirements set in the Law of Ukraine <i>On State Land Cadastre</i> to the allow an access to the work with SLC data (education in law or land use and 2-year work experience in this area)	Ministry of Agricultural Policy of Ukraine/ Geocadaster, Ministry of Economic Development of	To cancel excessive legislative requirements to allow an access to SLC data. Considering that this is just work without the right to make amendments in the SLC, there is no need in such requirements.	Letter to the ministries involved, draft bills proposals and/or their advocacy	LSGAs and their associations, ASC association

				Ukraine, Ministry of Regional Development, Building, Housing and Communal Services of Ukraine			
8.3	Excessive requirements to premises for the work with SLC services	Geocadaster subdivisions may refuse to cooperate with LSGA (ASC) in view of the fact that their premises do not meet the departmental requirements. This complicates the arrangement of such services in ASC, and thus complicates an access of citizens to such services. When meeting these requirements, the ASC standards to the work in the open space are levelled off.	Departmental regulations and the Integrated Information Security System set excessive (and not clear enough) requirements to premises for the work with SLC services (“separate isolated room”)	Ministry of Agricultural Policy of Ukraine/ Geocadaster, Ministry of Economic Development of Ukraine	To cancel the excessive requirements to premises for a typical workplace and access to SLCs, which make it impossible for administrators to provide these services in ASCs front office.	Letter to the ministries involved, rule-making proposals	LSGAs and their associations, ASC association
9.	“Notarial acts” by LSGA officials						
9.1	Legislative restrictions on the implementation of notarial acts by LSGA officials only in village communities	As for towns and cities, these services are not currently provided, which complicates an access of citizens to such services. Instead, some cities and towns continue to provide these services supposedly due to the lack of awareness. This may compromise the legitimacy of such “notarial acts”	Legislative restriction imposed in 2014 on the notarial acts by the officials of LSGAs only in village communities	Ministry of Justice of Ukraine, Ministry of Regional Development, Building, Housing and Communal Services of Ukraine	To review the legislative restrictions on the performing of these functions only in village communities, taking into consideration the disputed statof “townships” and the need for these services even in small towns where there are no notaries.	Letters to aforementioned ministries, draft bill proposals	LSGAs and their associations

10.	Financial capacity of AHs/ASC sustainability/auxiliary services						
10.1	<p>Free basis of many administrative services or unreasonably low fee for significant number of administrative services (CRO area, attaching photos in the passport, registration of business, “notarial acts” of LSGAs, etc.)</p>	<p>In small hromadas the support of ASC operation is an essential burden for local budget due to free basis or unreasonably low amounts of a fee for significant number of administrative services</p>	<p>Particular fees for administrative services or equivalent actions have not been reviewed since 1993 (CRO area, “notarial acts” of LSGAs, etc.). Particular services have always been free (for example, attaching photos in the passport) or became free (for example, registration of business). The problem of the amounts of fee for administrative services provided by LSGAs is not paid sufficient attention</p>	<p>Ministry of Finance of Ukraine, Ministry of Regional Development, Building, Housing and Communal Services of Ukraine, Ministry of Economic Development of Ukraine</p>	<p>To rationalize (increase) fees for most administrative services, including introduction of fees for a number of administrative services (CRO area, attaching photos in the passport, registration of business, etc.). This requires changes in the legislation. This will result in greater financial capacity of the hromadas, and sustainability of the established ASCs. Another solution may be adoption of a new systematic law <i>On Administrative Fee</i> determining a fee for the most popular administrative services in one law.</p>	<p>Letter to the ministries involved</p>	<p>LSGAs and their associations</p>
10.2	<p>Insufficient legal field for acceptance of cash payments by ASC staff – a fee for administrative services</p>	<p>In the hromadas having no bank branches, other methods and tools for paying for services, applicants do not have an opportunity to pay fee for administrative services on the spot, even if such fee is low. This creates barriers to submission of full package of documents for services. Instead, acceptance of cash directly in ASC is not regulated enough and is allowed only with regard to local taxes and duties</p>	<p>Legislative regulations control the issue of acceptance of cash payments for administrative services by LSGA officials quite fragmentarily. In general, this is not encouraged by the legislation and current practice</p>	<p>Ministry of Finance of Ukraine, Ministry of Regional Development, Building, Housing and Communal Services of Ukraine, Ministry of Economic Development of Ukraine</p>	<p>To remove barriers in cash acceptance – payment for administrative services by LSGA officials. This issue can be resolved separately for at least village hromadas, where there are no banking institutions and other opportunities for cash payments.</p>	<p>Letter to the ministries involved describing the problem</p>	<p>LSGAs and their associations</p>



10.3	The lack of an opportunity for the applicants to order some “auxiliary services” , which are useful when ordering administrative services (such as sending the results of the service by mail, etc.)	This makes the applicants visit the ASC many times (spending their time and funds for travelling) even in the situation when the result of administrative service could be sent by mail. The LSGA officials may not accept funds to satisfy such requests, and local budgets do not have an opportunity to cover them as well. This is particularly reasonable for AHs with complicated territorial accessibility to ASC	Legislation does not comprise an opportunity for the applicants to order some “auxiliary services” (such as sending the results of services by mail – registered/certified mail, etc.) on their own account	Ministry of Finance of Ukraine, Ministry of Economic Development of Ukraine	To determine in the legislation an opportunity to pay for additional services by the applicants (in particular, for sending the results of administrative services by appropriate types of mail correspondence).	Letter to the ministries involved describing the problem	LSGAs and their associations
10.4	Name seals (stamps) of administrators	Expenditure for their production are excessive, therefore, in practice administrators often work without seals (stamps)	According to the Law of Ukraine <i>On Administrative Services</i> , administrators have “name seals (stamps) with their name, patronymic and surname” (Part 3 of Article 13). In case of any changes in the ASC staff, the production of new seals (stamps) each time requires expenditures	Ministry of Economic Development of Ukraine, Ministry of Regional Development, Building, Housing and Communal Services of Ukraine	To make amendments in the Law of Ukraine <i>On Administrative Services</i> . Seals (stamps) can be numbered, and the registry of seals (stamps) attached to LSGA specialists is to be kept.	Letter to the Ministry of Economic Development and Trade of Ukraine and relevant Committee of the Verkhovna Rada of Ukraine. Draft bill proposal and/or advocacy of similar initiatives	LSGAs and their associations, ASC association

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