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The Process of European Integration in Ukraine: Perspectives and Challenges for Public Administration

From the Ukrainian point of view, the European integration process has two dimensions. One is mainly political in nature and represents a return to democratic principles, rule of law, human rights protection, good governance etc. The most important step Ukraine took in this direction was joining the Council of Europe in 1999, active participation in its work, and ratification of many European conventions, e.g. the European Convention for the Protection of Human Rights and Fundamental Freedoms of 1950, the European Charter of Local Self-Government of 1985, and many others.

Another dimension of the European integration is related to Ukraine's preparations for its European Union accession. Ukraine's desire to join the European institutions dates back to 1994 when the government declared that integration with the EU was the main foreign policy objective. As a result, the political part of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, on the one part, and Ukraine, on the other part ('Association Agreement') was signed on 21 March 2014 by the Prime Minister and the economic part was signed on 27 June 2014 by the President of Ukraine². Petro Poroshenko described this as Ukraine's „first but most decisive step” towards EU membership³.

One of the most important conditions of Ukraine's membership in the European Union is the adjustment of law. Ukraine has to adopt *acquis communautaire* ('EU *acquis*'). That does not only require the translation of many legal acts and their implementation but also ensuring their observance. It is emphasised both in the accession negotiations and in the source

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² The Association Agreement between the European Union and the European Atomic Energy Community and their Member States, on the one part, and Ukraine, on the other part, Official Journal L 161, 29.5.2014, p. 3–2137.

³ *Ukraine ratifies EU association agreement*, „Deutsche Welle”, 16 September 2014.

literature that the last issue may pose the biggest problem, since it must be connected with a change of public administration and the functioning of other state bodies.

The connection between the public administration reform and European integration has been frequently stressed in the context of the 2004 European Union enlargement⁴. Although this link is rather indirect, given that there is no *EU acquis* in the area of public administration, its significance has been often emphasised as the 'soft *acquis*' in the area of administrative capacities has developed⁵.

Thus, the European integration process concerns Ukraine more and more directly. It entails many new challenges for Ukrainian public administration. On the one hand, they are new opportunities to broaden the scope of its activities without limitations resulting from the functioning in one state; on the other hand, it means the necessity of adjusting to European standards of administration. At this time, a thorough assessment of the state of play in the Ukrainian public administration system has not been yet carried out according to the Principles of Public Administration (SIGMA)⁶.

The European standards of good administration have been articulated in a SIGMA document 'Principles of Public Administration' that contains an assessment framework for public administrations. This structure of the strategy follows the Principles of Public Administration developed by SIGMA in close cooperation with the European Commission. They define what good governance entails in practice and outline main requirements for a well-functioning administration. The Principles are derived from international standards and requirements as well as good practices in the EU Member States and/or countries of the Organisation for Economic Cooperation and Development (OECD). They are recognised as a set of standards and an assessment framework for public administration reforms in a number of countries. The 'Principles of Public Administration' defines the following reform areas:

- public policy development and coordination (strategic planning of government policies, quality of regulation and public policies in general, including requirements for evidence-based policy making and public participation);
- modernisation of public service and human resources management;

⁴ T. Verheijen, *The Management of EU Affairs in Candidate Member States: Inventory of the Current State of Affairs*, „Preparing Public Administration for the European Administrative Space”, OECD/SIGMA 1998, Vol. 23, p. 29.

⁵ J.J. Hesse, *Rebuilding the State: Administrative Reform in Central and Eastern Europe*, OECD/SIGMA 1998, Vol. 23, p. 179; B. Nunberg, *Ready for Europe. Public Administration Reform and European Union Accession in Central and Eastern Europe*, World Bank Technical Paper, May 2000, Vol. 466, pp. 21, 208, 211, 215, 257.

⁶ *European Principles for Public Administration*, OECD/SIGMA 1999, Vol. 27.

- ensuring accountability of public administration (transparency of work, free access to public information, transparent organisation of public administration with clear division of accountability, possibility of judicial review);
- service delivery (delivery standards and safeguards of administrative procedures, quality of administrative services, e-government);
- public financial management (administration of taxes, preparation of state budget, execution of state budget, public procurement system, internal audit, accounting and reporting, and external audit)⁷.

The public administration reform ('PAR') is one of key reforms in a transition country pursuing comprehensive reforms in various policy areas. It is then one of the main processes in the transition from a communist regime to a functioning free-market democracy, it is a reform of the entire government system. In Europe, these reforms have usually been evolving simultaneously with international and European integration of former communist states⁸. The reform of public administration aims at the establishment of an efficient system of public administration able to provide public services of high quality. To achieve the aim of the reform, it is important to implement the ideology of 'serving society' as the operating principle of public administration.

Positive changes in Ukrainian administrative legislation appeared with the Strategy of Public Administration Reform in Ukraine for 2016–2020 ('Strategy') approved by the Ordinance of the Cabinet of Ministers of Ukraine of 24 June 2016 Nr. 474–p⁹.

The Strategy is a uniform umbrella strategic document of the Government of Ukraine which includes development guidelines for the next five years. The purpose of this Strategy was to improve the system of public administration and thus improve the country's competitiveness. Bearing in mind the European choice and perspective of Ukraine, the Strategy tried to follow, as regards the transformation of public administration, the European standards of good administration.

According to the Association Agreement, the Strategy is based on common values, namely respect for democratic principles, the rule of law and good governance. Article 3 stipulates that *good governance* is one of the principles central to enhancing the relationship between the parties¹⁰.

⁷ *European Principles for Public Administration*, OECD/SIGMA 1999, Vol. 27; *Strategia reformuvannia derzhavnogo upravlinnia Ukrainy na 2016–2020 rik*, rozporjadzhennja Kabinetu Ministriv Ukrainy vid 24.06.2016, No. 474.

⁸ M. Mihajlovic, *Public administration reform and European integration process: on the same or parallel tracks? (Case study of the Republic of Serbia)*, Paper presented at 14th NISPAcee Annual Conference, Slovenia 11–13 May 2006, p. 2.

⁹ *Strategia reformuvannia derzhavnogo upravlinnia Ukrainy...*

¹⁰ The Association Agreement between the European Union and the European Atomic Energy Community and their Member States, on the one part, and Ukraine, on the other part.

Conclusion

An efficient public administration is one of the main factors of a country's competitiveness. Effective activity of the official authorities of Ukraine as regards public policy development in various areas is possible with a professional, accountable, efficient and effective system of government agencies and civil servants.

Reducing administrative burden of government regulation; improving quality of delivery of administrative services; ensuring legality and predictability of administrative actions; forming a stable and efficient organisation and functioning of executive authorities; organising a professional, politically neutral and open public civil service (the service in executive and local self-governance bodies); decentralising powers and financial resources; establishing the system of capable local self-governance; strengthening the status of citizens in their relations with public administration; adopting the Administrative Procedure Code of Ukraine and other laws and by-laws within the European Administrative Space; implementing effective evaluation of public policies and activities of certain public agencies in order to ensure European principles of good governance (openness, transparency, accountability, efficiency, effectiveness); and ensuring the executive power's operation in Ukraine in line with EU principles of good governance (participation, openness, accountability, effectiveness, coherence) improve Ukraine's position in global competitiveness rankings. Effective public administration is also one of the main prerequisites of democratic governance based on the principles of the rule of law. A reform of public administration is the fulfilment of a social order for an efficient, responsible and open executive power and territorial self-governance institutions, which means proper governance.

In the light of our analysis up to this point, it appears that the Ukrainian legal system and public administration have not been shaped fully by the Principles of Public Administration (SIGMA). However, adopting the Strategy of Public Administration Reform in Ukraine for 2016–2020 and other laws and by-laws marks the first and a very important step to expand domestic legal doctrine of administrative law and current Ukrainian legislation by means of experience of European standards of public administration, providing modern tools for implementation of 'good governance' and 'good administration' practices.

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Abstract

The article concerns the impact of European integration on changes in public administration in Ukraine. The integration process has resulted in a strategy of public administration reforms for 2016–2020. According to the author, this marks a very important step towards the introduction of European public administration standards in Ukraine, including first of all the implementation of ‘good governance’ and ‘good administration’ practices.

Keywords: European integration in Ukraine, public administration in Ukraine, ‘good governance’ and ‘good administration’ practices

Proces integracji europejskiej na Ukrainie – perspektywy i wyzwania dla administracji publicznej

Streszczenie

Artykuł dotyczy wpływu integracji europejskiej na zmiany zachodzące w ukraińskiej administracji publicznej. Jej efekt stanowi opracowanie strategii reform administracji publicznej na Ukrainie na lata 2016–2020. Zdaniem autorki jest to ważny krok na drodze ku wprowadzeniu na Ukrainie europejskich standardów w administracji publicznej, w tym zwłaszcza realizacji praktyk w zakresie dobrego zarządzania i dobrej administracji.

Słowa kluczowe: integracja europejska na Ukrainie, administracja publiczna na Ukrainie, praktyki w zakresie dobrego zarządzania i dobrej administracji