

**CABINET OF MINISTERS OF UKRAINE
RESOLUTION
of November 3, 2010 N 996**

Kyiv

On Ensuring Public Participation in Formation and Implementation of the State Policy

The Cabinet of Ministers of Ukraine **shall hereby resolve:**

1. To approve the following attached:

The rules for public consultations on matters of formation and implementation of the state policy;

Standard Provisions on a Community Council under a ministry or another central body of executive power; Council of Ministers of the Autonomous Republic of Crimea; Oblast, Kyiv and Sevastopol City, District, City District in Kyiv and Sevastopol, State administrations.

2. To make amendments to resolutions of the Cabinet of Ministers of Ukraine, attached hereto.

3. To declare null and void:

Resolution by the Cabinet of Ministers of Ukraine, dated November 26, 2009, N 1302([1302-2009-P](#)) "On additional measures to ensure public participation in formation and implementation of the state policy". Official Bulletin of Ukraine, 2009, N 94, art. 3211);

Resolution by the Cabinet of Ministers of Ukraine, dated January 6, 2010 N 10 ([10-2010-P](#)) "On Approval of the Procedures to engage citizens in formulation and implementation of the state policy " (Official Bulletin of Ukraine, 2010, N 1, p. 28).

4. Ministries, other bodies of the central executive power, the Council of Ministers of the Autonomous Republic of Crimea, Oblast, Kyiv and Sevastopol city, District, City District in Kyiv and Sevastopol, State Administrations shall:

take measures to hold, within three months from the date of entry into force by this Resolution, constituent meetings engaging civil society institutions for the purpose of formation of Community Councils under central and local bodies of executive power and ensure their functioning;

until the said Councils have been formed, ensure functioning of community councils established before the entry into force of this Resolution;

in accordance with the law, to take into account the position of trade unions and their associations, and employers' organizations in the course of decision-making on matters related to formation and implementation of the socioeconomic policy and regulation of social and labor relations.

5. To recommend bodies of local self-government, in the course of consultations with the public and formation of Community Councils under bodies of local self-government, to be governed by the present Resolution, the Procedures and the Standard Provisions.

6. The Minister of the Cabinet of Ministers of Ukraine, in order to ensure due account of the public opinion in the course of preparation and organization of implementation of decisions taken by the Cabinet of Ministers of Ukraine, shall conduct, two times a year, meetings of Chairpersons of Public Councils, formed under Ministries and other central bodies of executive power, the Council of Ministers of the Autonomous Republic of Crimea, Oblast, Kyiv and Sevastopol City State Administrations, with the Prime Minister of Ukraine and other members of the Cabinet of Ministers of Ukraine.

Prime Minister of Ukraine M. Azarov

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**PROCEDURES
for Consultations with the Public
on Formation and Implementation
of State Policy**

1. The present Procedures shall define the principal requirements to organization and holding of consultations with the public by bodies of executive power on matters of formation and implementation of the state policy (hereinafter referred to as the “public consultations”).

2. Public consultations shall be held in order to engage citizens to participation in public affairs administration, granting possibilities to them for free access to information on activities by bodies of executive power, and also to ensure openness publicity and transparency of these bodies.

Public consultations are intended to promote establishment of a systematic dialogue between bodies of executive power with the society improve the quality of preparation of decisions on the important matters of the state and public life with account to the public opinions; create conditions for public participation in drafting such decisions.

3. Public consultations shall be held on issues related to socio-economic development of the state, exercise and protection of rights and freedoms of citizens, satisfaction of their political, economic, social, cultural and other interests.

4. Public consultation results shall be taken into consideration by bodies of executive power in the course of final decision-making or in their further work.

5. Public consultations shall be organized and conducted by a body of executive power, which is the principal developer of a draft regulatory document, or which prepares proposals regarding implementation of the state policy in the respective sphere of state and public life.

6. On the annual basis, bodies of executive power shall prepare a tentative plan for public consultations (hereinafter referred to as “the tentative plan”) with account to the main objectives identified in the Program for activities of the Cabinet of Ministers of Ukraine, the State Program for Economic and Social Development of Ukraine, the Legislative Work Plan and other documents, as well as results of previous public consultations.

The tentative plan shall be prepared with account to proposals by Community Councils established under Ministries and other central bodies of executive power, the Council of Ministers of the Autonomous Republic of Crimea, Oblast, Kyiv and Sevastopol city, District, City District in Kyiv and Sevastopol, State administrations (hereinafter referred to as the “Community Council”).

The Tentative Plan shall be approved before the beginning of a year and published on the official website of the body of executive power and in in another acceptable manner.

7. Public, religious, charitable organizations, trade unions and their associations, creative unions and associations, employers' organizations, non-state mass media and other non-entrepreneurship companies and institutions legalized under the legislation of Ukraine (hereinafter referred to as the "civil society institutions") may initiate public consultations on matters that were not included in the Tentative Plan by submitting respective to a Community Council or directly to a body of executive power.

In the case when a proposal regarding public consultations on a matter was received from more than three civil society institutions active on the corresponding territory, such consultations shall be held in a mandatory manner.

Community councils may also initiate public consultations on matters that were not included in the Tentative Plan.

8. In the course of public consultations, the body of executive power shall submit to the Public council drafts of the respective regulatory acts and information and analytical materials on those.

9. Bodies of local self-government shall be engaged in public consultations in accordance with the approved procedures.

10. Bodies of executive power, in the course of public consultations, shall interact with the media, providing them with the necessary information and analytical materials.

11. Public consultations shall be held in the form of a public discussion (direct form) and a public opinion study (indirect form).

12. Public consultations on the following matters shall be held in the mandatory manner, in the form of an open public discussion:

draft regulatory acts that have a very high public significance and are related to constitutional rights, freedoms, interests and responsibilities of citizens, as well as acts that envisage granting of benefits or imposing of restrictions for economic entities and civil society institutions, exercise of powers of bodies of local self-government delegated to bodies of executive power by respective councils;

draft regulatory acts;

draft regional projects and programs of economic, social and cultural development, and decisions regarding their implementation status;

reports of budget fund owners about their spendings over the past year.

13. An open public discussion shall envisage organization and holding of the following:

conferences, forums, public hearings, round-table meetings, assemblies and public meetings;

TV or radio debates, Web conferencing, electronic consultations.

14. Public discussions shall be organized and conducted by a body of executive power, with engagement of a Community Council, following the procedure below:

the issue that will be offered for discussion, is identified;

decision on holding a discussion is taken;

a plan of measures for organization and holding of the discussion is developed (if necessary);

measures are taken to ensure representativeness of the social groups of population and economic entities civil society institutions, bodies of local self-government and other interested entities (hereinafter referred to as “the stakeholders”);

information about the discussion is published, in the mandatory manner, on the official website of the body of executive power and in another acceptable manner;

information about public evaluation of efficiency of the ways to address the issue, proposed by the body of executive power, is collected and analyzed;

expert proposals about alternative ways to resolve the issue are formulated;

consideration of the discussion results in the course of the final decision making is ensured;

analyses of the discussion results, in the event of adoption of a decision that concerns different social groups of population and stakeholders, are carried out;

the discussion results are published on the official website of the body of executive power and in another acceptable manner.

For organizational support of the public discussion, the body of executive power may establish a working group.

15. An official announcement of a public discussion shall include:

name of the body of executive power that conducts the discussion;

issue or draft act name offered for the discussion;

options for the issue solution;

social groups and stakeholders that will be affected by the decision taken ;

possible consequences of implementation of each alternative solution for different social groups of population and stakeholders;

information about date, venue, time of the event, debate procedures, accreditation of mass media representatives, registration of participants;

methods to ensure participation of representatives of the identified social groups and stakeholders in the discussion;

time limits and form of presentation of written proposals and comments;

address and telephone number to receive consultations on the issue offered for public discussion;

full name of the responsible person with the body of executive power;

time period and methods to publish the discussion results.

16. In order to hold open public discussions by way of electronic public consultation, the governmental website "Civil Society and Government" and the official websites of bodies of executive power shall be used.

17. To hold an electronic public consultation, the body of executive power shall place the following on the governmental website "Civil Society and Government" and on its official website:

an announcement about holding of an open public discussion;

text of the draft act offered for discussion;

electronic mail address to send proposals and comments and the telephone number to receive consultations on issues offered for the open public discussion.

Texts of the draft regulatory acts shall be published in accordance with the Law of Ukraine "On the Principles of Regulatory Policy in the Sphere of Economic Activity" ([1160-15](#)).

18. An open public discussion shall begin on the day of publication of the official notification about its holding.

The time period for an open public discussion shall be established by the body of executive power and may be not less than one month.

19. Proposals and comments shall be submitted orally and in writing, sent by electronic mail to the responsible officer with the body of executive power, to the governmental website "Civil Society and Government" and the official websites of bodies of executive power.

Proposals and comments received on the governmental website "Civil Society and Government" and the official websites of bodies of executive power shall be published on those websites within five working days of their receipt.

Oral proposals and comments, including those made by telephone, shall be recorded with the mandatory indication of the citizen's surname, name and patronymic, and their mailing address.

Civil society institutions, academic and expert organizations and other legal entities shall present their proposals and comments in writing stating their name and location.

Anonymous proposals shall not be registered and considered.

In the course of conferences, forums, public hearings, roundtables, assemblies, public meetings, minute records shall be made to register proposals and comments expressed.

The text of the minute records shall be published on the official website of the body of executive power within two weeks.

20. Proposals and comments received in the course of an open public discussion shall be studied and analyzed, with engagement of the relevant specialists, if necessary.

Following the open public discussion, bodies of executive power shall prepare a report specifying:

the name of the body of executive power that held the discussion;

the essence of the issue or the name of the draft act that was offered for discussion;

information on the persons who took part in the discussion;

information on the proposals received by the body of executive power as a result of the discussion;

information on consideration of the public proposals and comments, with a mandatory substantiation of the decision taken and the reasons for rejecting certain proposals and comments;

information about the decisions taken as a result of the discussion.

21. In the mandatory manner, the open public discussion results shall be communicated by the body of executive power to the public by way of publication on its website and in another appropriate manner, no later than two weeks after its completion.

22. The public opinion studies shall be carried out by way of:

sociological studies and observations (surveys, questionnaires, content analysis of information materials, focus group interviews, etc.);

creation of telephone hotlines, monitoring of comments, comments, interviews and other materials in printed and electronic media to determine positions of various social groups of population and stakeholders;

processing and summarizing of proposals and comments expressed in public responses on the issue that requires a public opinion study.

23. Public opinion studies shall be organized and conducted by a body of executive power, with engagement of a Community Council, in the following manner:

defines:

- the need for a public opinion study on a particular issue;

- issues that are the subject matter of the public opinion study, alternative proposals for their solution;
- time frames, forms and methods of the public opinion study;
- on a competitive basis, research organizations, experts, civil society organizations that will be engaged in holding the public opinion study;
- the degree of representativeness of the social groups of pop and stakeholders to be studied;

receives summary information on the results of the public opinion study;

summarizes public opinion on the proposed way to resolve the issues that required a public opinion study;

ensures consideration of public opinion in the course of the final decision making by the body of executive power on issues that required a public opinion study;

in the mandatory manner, publish the public opinion study results on the official website of the body of executive power and in another acceptable way.

24. The report on the public opinion study results shall contain the following:

name of the body of executive power that organized the public opinion study (studied the public opinion);

name of the administrative-territorial unit in case of a public opinion study held within in a specific area;

the social groups of population and the stakeholders whose opinion was studies;

the subject matter and the issue of the public opinion study;

methods that were used for the public opinion study;

degree of permissible error in the chosen model of study;

information about the persons who conducted the public opinion study;

generalization of the public opinion on the proposed solutions of issues that required a public opinion study and its consideration in the course of the final decision making by the body of executive power;

substantiation of the decision taken in case of ignoring the public opinion.

25. To organize a public opinion study, in order to collect objective and reliable information, a body of executive power, in accordance with the law, may contract research organizations, professionals, experts, and civil society institutions to hold, on a competitive basis, professional, scientific, sociological studies, observations, express analyses of proposals by various social groups of population and stakeholders.

STANDARD PROVISIONS

on Community Councils under a Ministry, and other central bodies of executive power, the Council of Ministers of the Autonomous Republic of Crimea, Oblast, Kyiv and Sevastopol City, District, City District in Kyiv and Sevastopol, State Administrations

1. Community Councils under a Ministry, and other central bodies of executive power, the Council of Ministers of the Autonomous Republic of Crimea, Oblast, Kyiv and Sevastopol City, District, City District in Kyiv and Sevastopol, State Administrations, (hereinafter referred to as “the Community Councils”) shall be permanent collegial elected advisory bodies established to ensure engagement of citizens in administration of state affairs, public control over the activities of bodies of executive power, to establish effective interaction between those authorities and the public, taking into account public opinion in the course of formulation and implementation of the state policy.

2. In their activities, the Community Councils shall be governed by the Constitution ([254k/96-VR](#)) and the laws of Ukraine, Resolutions of the President of Ukraine and the Decrees of the Verkhovna Rada of Ukraine adopted pursuant to the Constitution ([254k/96-VR](#)) and the laws of Ukraine, acts by the Cabinet of Ministers of Ukraine, as well as the Provisions on Community Councils developed based on the present Standard Provisions.

The Provisions on the Community Council shall be agreed with the body of executive power under which it is formed, and approved at its meeting.

3. The main objectives of the Community Council shall be as follows:

creation of conditions for the exercise of the citizens' constitutional right to be engaged in administration of state affairs;

exercising public control over the activities of bodies of executive power;

promoting assistance to consideration of public opinion by bodies of executive power in the course of formulation and implementation of state policy.

4. According to the tasks assigned to it, the Community Council shall:

1) prepare and submit to the body of executive power under which it was formed (hereinafter referred to as “the authority”) its proposals to the tentative plan for public consultations, as well as for holding of consultations not covered by such a plan;

2) prepare and submit proposals regarding organization of public consultations to the authority;

3) submit to the authority its proposals, subject to mandatory consideration, in relation to drafting of regulatory acts on the formulation and implementation of state policy in the respective area, and the improvement of activities by the authority;

- 4) in accordance with the legislation, carry out public examination and public anticorruption expert examination of draft regulatory acts;
- 5) exercise public control over consideration of public proposals and comments by the authority, as well as its compliance with regulatory acts aimed at preventing and combating corruption;
- 6) inform the public, in a mandatory manner, about its activities, decisions taken and their implementation, on the official website of the authority and other appropriate ways;
- 7) collect, summarize and present information on proposals made by public organizations regarding resolution of issues of a high social significance, to the authority;
- 8) organize public events to discuss topical issues related to development of a sector or an administrative-territorial unit;
- 9) prepare and publish annual reports on its activities.

5. Community Councils shall have the right to:

- 1) create permanent and ad hoc working bodies (executive board, secretariat, committees, commissions, expert panels, etc.);
- 2) to engage officers of bodies of executive power, bodies of local self-government, representatives of local and international expert and research organizations, enterprises, institutions and organizations (upon consent of their management), as well as individual professionals, to the work of the Council;
- 3) organize and conduct seminars, conferences, round-table meetings and other events;
- 4) following the established procedures, receive information necessary for the Council's activities from bodies of executive power and bodies of local self-government;
- 5) receive from the authority draft regulatory acts on matters that require public consultations.

Members of the Community Council shall have the right of access, following the established procedures, to the premises where the authority is located.

6. Representatives of public, religious and charitable organizations, trade unions and their associations, creative unions, associations, employers' organizations, non-state media and other non-entrepreneurial companies and institutions, legalized according to the laws of Ukraine (hereinafter - civil society institutions) may be elected to Community Councils.

7. The Community Council shall be formed in the course of its constituent assembly by preferential voting for candidates who voluntarily declared their willingness to be engaged in the work of the Community Council and were proposed by civil society institutions.

The size of the Community Council shall be determined by the constituent assembly.

The term of office of the Community Council members shall be two years.

No more than one representative from each civil society institution may be elected to a Community Council.

Membership in a Community Council shall be individual.

8. In order to form a Community Council, the authority shall establish an initiative group to prepare a constituent assembly with the participation of civil society institutions.

If a Community Council was earlier created under an authority, no later than 60 calendar days before the expiration of its mandate, it shall form an initiative working group to prepare a constituent assembly to form a new Council.

The initiative group to prepare a constituent assembly shall be composed of representatives of civil society institutions, including those who are members of the active Community Council, and the authority, under which the Community Council was formed.

Not later than 30 calendar days before the constituent assembly, the authority shall, in a mandatory manner, publish on its website and in other appropriate ways, an announcement, prepared by the initiative group, specifying the date, time, venue, procedure of the constituent assembly and procedures for submitting applications for participation in the constituent assembly, information about the personal composition of the initiative group and the full name, email address and telephone number of the responsible person.

For participation in the constituent assembly, a free-format application, signed by the authorized person of the governing body of the civil society institution, is to be submitted to the initiative group.

The following is to be attached to the application:

decision of the head of the civil society institution, unless otherwise provided by its constituent documents, regarding delegation of its representative to participate in the constituent assembly, certified by the seal (if available);

curriculum vitae of the delegated representative of the civil society institution;

Copies of documents confirming the legalization of civil society;

information about the results of activities by that civil society institution for the past two years.

Ten calendar days before the constituent assembly, acceptance of applications for participation shall be discontinued. Proceeding from the applications submitted, the initiative group prepares a list of participants in the constituent assembly, candidates for the new membership Community Council and, if necessary, specify the venue of the constituent assembly, which the authority publishes on its website and in other appropriate ways.

In the course of the constituent assembly, the participants elect the Chairperson of the meeting, the Secretary and the vote count panel; information is heard about the results of

the Community Council that acted under the body of executive power before the constituent assembly, if such was formed.

Minute records of the constituent assembly and information about the composition of the Community Council shall be published by the authority on its website and in other appropriate ways.

9. The authority shall approve the composition of the Community Council on the basis the minute records of the constituent assembly.

10. Membership in the Community Council shall be terminated by decision of the Community Council in case of:

systematic absence of a Community Council member at its meetings, without good cause (more than twice);

a notice by Head of the civil society institution, unless otherwise provided by its constituent documents, about recalling of its representative and termination of their membership in the Community Council;

withdrawal of the state registration of the civil society institute whose representative was elected to the Community Council;

inability of the Community Council member to participate in the work of the Community Council for health reasons, or recognition of that Community Council member incompetent or incapable, by judicial procedure;

a corresponding application being filed by the Community Council member.

11. The Community Council shall be headed by the Chairperson, who is elected from among the members of the Council at its first meeting by preferential voting.

The Chairperson of the Community Council shall have deputies, who are elected from among the Council members by preferential voting.

An official or employee of a governmental agency may not be elected Chairperson of a Community Council .

Powers of the Community Council Chairperson may be terminated by decision of the Community Council in the event of termination of their membership in the Council, and in emergence of the grounds envisaged by the Provisions on the Community Council.

12. Chairperson of the Community Council shall:

organize activities by the Community Council;

convene and organize preparation and holding of its meetings;

sign documents on behalf of the Community Council;

represent the Community Council in relations with the Cabinet of Ministers of Ukraine, central and local bodies of executive power, public associations, bodies of local self-government, mass media;

may participate in meetings of the collegiate organ of the authority.

13. The functions of the Secretary of the Community Council may be performed by an employee of a public relations department of an agency that is not a member of the Community Council.

14. The main form of work of the Community Council are its meetings that are held as necessary, but not less than once per quarter. Extraordinary meetings of the Community Council may be convened at the initiative of one third of its total membership.

Meetings of the Community Council shall be legally competent if attended by at least one half of its members.

Meetings of the Community Council shall be conducted in an open manner.

A representative of the authority shall attend meetings of the Community Council with the right of deliberative vote.

Upon invitation of the Chairperson of the Community Council, other persons may participate in its meetings.

15. Decisions of the Community Council shall be taken in an open vote by a simple majority of its members attending the meeting. In case of a tie vote, the vote of the Chairperson of the meeting shall be decisive.

Decisions taken by the Community Council shall be of advisory nature and shall be mandatory for consideration by the authority.

Decision taken by the authority upon consideration of proposals by the Community Council, no later than ten days after its adoption shall be communicated, in a mandatory manner, to the Community Council members and the public by way of its publication on the official website of the authority and in any other appropriate manner. Information on the decision taken must include data about the consideration of proposals put forward by the Community Council or the reasons for their rejection.

16. The Community Council shall inform the authority and the public about their work by placing, in a mandatory manner, materials on constituent documents, work plan, governing board, decisions taken, minute records of meetings, annual reports about its work, in the special "Community Council" section on the official website of the authority and publication in any other appropriate way.

17. Provision of premises and means of communication for the Community Council secretariat, and creating conditions for the work of the Council and holding of its meetings shall be carried out by the authority.

18. The Community Council shall have a letter head with its name.