METHODOLOGY FOR ASSESSING TRANSPARENCY OF CITIES DURING THE WAR

2023











<u>Transparency International Ukraine</u> is an accredited chapter of the global movement Transparency International, helping Ukraine grow stronger since 2012. The organization takes a comprehensive approach to the development and implementation of changes for reduction of corruption levels in certain areas. TI Ukraine launched the <u>Transparent Cities</u> program in 2017. It aims at overcoming corruption at the local level and promoting the best practices of transparency and accountability.

In 2017–2021, the program annually compiled the Transparency Ranking of the 100 largest cities in Ukraine. Over five years, the average transparency of cities has increased by 62.2%. In 2022, the program conducted a study of the state of municipal transparency in 70 rear cities in the context of the large-scale war with Russia. 3 city councils were evaluated as "transparent," 10 were "partially transparent," the rest of the cities (57) were assessed as "non-transparent."

The program also compiled the Accountability Ranking of 50 Ukrainian cities, which showed the actual state of accountability of local authorities. In 2020, an online platform Transparent Cities was created, aimed at promoting an effective dialogue between the authorities and the community.

<u>ti-ukraine.org/en</u> transparentcities.in.ua/en

2023 Methodology for Assessing Transparency of Cities during the war

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CONTENT

General features		4
Research procedure	9	_ 5
Stage 1. Dat	ta collection	. 5
Stage 2. Da and assessr	ta analysis ment	6
Assessment of cities	S	. 8
Main restrictions of	the methology	10
Changes in the met	hology	12
Indicators of the me to assess city transp	ethodology oarency	13
Information	on the work of LSGBs	14-23
Municipal p	roperty and land	23-30
Access and	participation	30-35
Responding of war	to the challenges	36-44
Anti-corrupt	tion policy	45-49
Electronic to	pols	48-52
Procuremen	t	52-54
Regulatory framewo	ork	56

GENERAL FEATURES

The methodology to evaluate city transparency is an analytical tool for assessing the activities of local self-government bodies (hereinafter referred to as LSGBs), developed by the Transparent Cities team. The application of this tool is aimed at reducing the level of corruption risks by introducing good practices of transparent and effective municipal governance. With its help, priority policies and services for implementation, opportunities for interaction between local authorities and residents are determined, and the exchange of experience is stimulated. As a result, this contributes to the resilience of cities under martial law.

The set of indicators in the methodology is a universal method for assessing the readiness of local self-government bodies to overcome the existing corruption risks, which can be applied regardless of the size of the city or community.

Transparency shall be understood as a state in which citizens are provided with the right and possibility to have access to information, and local self-government bodies, aware of the importance of disclosing information and engaging the public, are proactive in this process. It is also a factor that contributes to more effective municipal governance in crisis situations.

The purpose of the research

is to determine the level of transparency of local self-government bodies that are included in the <u>Transparency Ranking</u> of TI Ukraine.

Objectives:

- 1. To find out the level of compliance with regulatory requirements in the field of municipal transparency.
- 2. To identify general trends when realizing the transparency principle.
- 3. To assess the level of implementation of good practices when realizing the transparency principle.
- 4. To develop recommendations for city councils, their executive bodies and enterprises, institutions, organizations subordinate to them to improve the level of transparency in the conditions of martial law.

Subject: level of indicator implementation.

Object: city councils, their executive bodies and enterprises, insti-

tutions, organizations subordinate to them.

RESEARCH PROCEDURE

The research consists of several stages. The first stage entails data collection, the second one covers their comprehensive analysis.

STAGE 1. DATA COLLECTION

Data sources

The methodology includes the collection of both primary and secondary data.

- Primary data (information obtained through surveys of city councils (if necessary)): structural units of the city council receive requests for public information, which are answered by their authorized representatives.
- Secondary data (documents of city councils, their executive bodies, enterprises, institutions, organizations; information published on websites): analysts evaluate cities based on publicly available data (on official websites of city councils, other specialized web resources). Analysts substantiate the assessment in detail and provide links to the resources that confirm its correctness.

Assessment methods

The methods can be used simultaneously.

Table 1. Assessment methods

Method	Description
D	Assessment of compliance with standards and requirements established by the laws of Ukraine and regulatory acts of central executive bodies
W	Analysis of the LSGB website
I	Analysis of the official response to the request for public information
S	Consideration of court decisions, information in reliable media, public information in databases that confirm or refute the rules or practice of applying local self-government regulatory acts

Assessment period

The assessment of cities is carried out during January-February 2024 and covers the period of LSGB activities from January 1 to December 31, 2023. The requirements determined by individual indicators are established by regulatory acts that entered into force during 2023. Such indicators are included in the study considering the urgency of the problems that can be solved by their implementation and the resource costs for their introduction.

STAGE 2. DATA ANALYSIS AND ASSESSMENT

The methodology consists of 50 indicators related to seven areas of municipal management:

Table 2. Spheres and relevant indicators

Sphere	Number of indicators	List of indicators
Information on the work of LSGBs	13	C01 – C06, C08, C16, C38-1, C50, C53 – C55
Municipal property and land	10	C07, C11 - C15-1, C24, C41 - C43
Access and participation	7	C09, C10, C19-1 - C23-1
Responding to the challenges of war	10	C18, C25-1, C27, C28, C44 – C49
Anti-corruption policy	2	C26, C56
Electronic tools	6	C30, C31-1, C34, C37, C39, C40
Procurement	2	C51, C52

The methodology provides for three levels of indicator implementation – full, partial, or non-implemented indicator. Accordingly, these levels correspond to different colors (green, orange, red). In case it is impossible to determine the level of indicator implementation, a separate option is provided.

Table 3. Levels of indicator implementation by LSGBs

Green The indicator is fully implemented by the city council The indicator is partially implemented by the city council The indicator is partially implemented by the city council The indicator is not implemented by the city council or is implemented less than the minimum provided for It is impossible to establish the level of indicator implementation

In accordance with the level of indicator implementation, cities are assigned different categories of transparency. To this end, the colors of the indicators are assigned a numerical equivalent: green -2 points, orange -1 point, red -0 points. The maximum number of points that a city can receive is 100 points (a total of 50 indicators in the methodology), which is 100% implementation.

The level of transparency of the city council and the average level of indicator implementation are generalized by category and color, respectively, the aggregate numerical indicator is not derived.

Table 4. Transparency scale, depending on the final result of indicator implementation

Implementation level	Explanation
Transparent city	The level of indicator implementation by the city council is 75% or more
Partially transparent city	The level of indicator implementation by the city council ranges from 50% to 74%
Non-transparent city	The level of indicator implementation by the city council is 49% or less

ASSESSMENT OF CITIES

The research covers 80 cities that are included in the list of the 100 largest Ukrainian cities. The exceptions are settlements, whose territories throughout 2023 were among the territories of Ukraine temporarily occupied by Russia in accordance with the List approved by the Order of the Ministry of Reintegration of the Temporarily Occupied Territories of Ukraine on December 22, 2022, No. 309 (as amended), as well as cities where the Decrees of the President of Ukraine established city military administrations (except for the cities of Chernihiv, Kyiv, Sumy, and Netishyn).

Kyiv, Chernihiv, Sumy, and Netishyn are included in the list of cities participating in the research since, after the formation of city military administrations (CMA) in these cities, city councils have not ceased to exercise their powers and continue to perform their functions. In Kyiv, the head of the Kyiv City State Administration, the mayor became the deputy head of the CMA for the civilian sector, and the defense sector of the CMA focused on preparing the city for defense, ensuring public order and safety of the civilian population, monitoring the legal regime of martial law, and ensuring the life of the city. In Chernihiv, amendments to the Regulations of the City Council were approved, which provided for the initiation and approval by the head of the CMA of council decisions on issues that fall within the powers of the CMA, in particular, the issues of martial law and civil protection, the adoption and amendment of the budget, the management of municipal property, educational and health institutions, land issues, etc. In Sumy, the city council exercised its powers for 10 of the 12 months under study (until October 30, 2023), which allows assessing the level of implementation of indicators by the city. According to the announcement of the head of the Sumy Regional Military Administration (RMA), the city council and its executive committee will continue their work, but with a change in powers. The situation is similar in Netishyn: the city military administration was established in October 2023, so the city council exercised its powers for most of the studied time. In addition, according to the deputy head of the Khmelnytskyi RMA, Netishyn City Council and the mayor will continue their work, albeit with a partial change of powers.

The studied cities represent 21 oblasts of Ukraine: Vinnytsia, Volyn, Dnipropetrovsk, Zhytomyr, Zakarpattia, Zaporizhzhia, Ivano-Frankivsk, Kyiv, Kirovohrad, Lviv, Mykolayiv, Odesa, Poltava, Rivne, Sumy, Ternopil, Kharkiv, Khmelnytskyi, Cherkasy, Chernivtsi, and Chernihiv.

Verification of cities will be carried out by analyzing the official and specialized websites of city councils, their executive bodies and structural units, municipal enterprises. In some cases, the verification of the methodology criteria will require an analysis of information in local and national media and responses to requests for public information.

The Transparent Cities team is responsible for ensuring the credibility of city council assessments, providing tips, and resolving disputes. To ensure the objectivity of the results, analysts will cross-check.

MAIN RESTRICTIONS OF THE METHODOLOGY

Measuring the transparency of cities under martial law has methodological short-comings that are almost impossible to avoid. First of all, the methodology does not allow us to draw conclusions about the transparency of LSGBs in the occupied and part of the de-occupied territories. This requires an adapted and more flexible verification at the local level, which is not foreseen by this methodology.

The research is time-limited. By the time the results are published, some assessments and comments of analysts may have lost relevance.

The legislation is also constantly undergoing changes. In the field of land relations, the provisions of the Law of Ukraine dated April 11, 2023, No. 3050-IX On Amendments to the Tax Code of Ukraine and Other Legislative Acts of Ukraine on Exemption from Environmental Tax, Land Fee, and Tax on Immovable Property Other Than Land for Destroyed or Damaged Immovable Property improved the system of benefits in the taxation of immovable property and the procedure for collecting land fee.

In the field of procurement, numerous amendments to the Resolution of the Cabinet of Ministers of Ukraine No. 1178 dated October 12, 2022, had a significant impact on the work of local self-government bodies, municipal enterprises, institutions, and organizations that are procuring entities. The main ones can be considered as follows:

- · temporary refusal of auctions in open bidding and return to them in May;
- persons associated with Russia and Belarus are deprived of almost all chances
 to participate in Ukrainian procurement: it is forbidden to buy goods originating from Russia or Belarus, it is forbidden to buy goods, works, services from citizens of Russia or Belarus; legal entities that are residents of Russia or Belarus,
 Ukrainian legal entities, in which the ultimate beneficiary, member, participant
 with a share of 10% or more is Russia or Belarus, their citizens, their legal entities;
- numerous changes to the list of grounds on which procuring entities have the
 right to conclude a direct contract instead of holding a tender for above-threshold amounts, as well as changes in the requirements for the scope of reporting on such contracts in the Prozorro electronic system;
- the authority of public auditors to monitor direct contracts in the Prozorro system, analyzing compliance with the law in them;

- in tenders, there were fewer grounds for rejecting tender bids, more and more shortcomings in tender bids were allowed to be corrected;
- development of the regulatory framework for procurement through the electronic catalog, etc.

In the field of reconstruction and response to the challenges of war, the Cabinet of Ministers of Ukraine adopted Resolution No. 731 dated July 18, 2023, On Approval of Procedures for the Restoration and Development of Regions and Territorial Communities, which, in particular, defines the mechanism for implementing and monitoring plans for the restoration and development of territorial communities, as well as the role of local self-government bodies in their development. The Resolution of the Cabinet of Ministers of Ukraine dated August 4, 2023, No. 812 On Approval of the Model Regulations on the Council for Internally Displaced Persons was also adopted (amended as of December 1, 2023), recommending local governments to create IDP Councils. They are formed as advisory bodies under city councils in the field of ensuring and protecting the rights and interests of IDPs and promote their integration into the life of communities.

In the field of anti-corruption policy, the Law of Ukraine No. 3384-IX dated September 20, 2023, On Amendments to Certain Laws of Ukraine on Determining the Procedure for Submitting Declarations of Persons Authorized to Perform the Functions of State or Local Self-Government under Martial Law was adopted, obliging persons who did not submit an e-declaration in 2022–2023 to do so no later than January 31, 2024 (with some exceptions), and the NACP to ensure the opening of the Unified Register of State Declarations no later than December 10, 2023.

In addition, the following acts were adopted:

- Resolution of the Cabinet of Ministers of Ukraine dated July 11, 2023, No. 709 on the features of payments to internally displaced persons;
- Laws on amendments to the Law of Ukraine On Cooperation of Territorial Communities regarding the regulation of certain issues of cooperation of territorial communities.

The Law of Ukraine On Access to Public Information remains in force. The Regulation on Datasets to Be Published in the Form of Open Data, approved by the Resolution of the Cabinet of Ministers of Ukraine dated October 21, 2015, No. 835, also remains in force, although it has undergone changes. However, in practice, information administrators may restrict access to public information, referring to the content of clause 3 of the Decree of the President of Ukraine dated February 24, 2022, No. 64/2022 On the Introduction of Martial Law in Ukraine. According to it, in connection with the introduction of martial law in Ukraine temporarily, for the period of

validity of the legal regime of martial law, the constitutional rights and freedoms of man and citizen provided for in Articles 30–34, 38, 39, 41–44, 53 of the Constitution of Ukraine may be limited, as well as temporary restrictions on the rights and legitimate interests of legal entities may be introduced within the limits and to the extent necessary to ensure the possibility of introducing and implementing measures of the legal regime of martial law provided for in Article 1, part 8 of the Law of Ukraine On the Legal Regime of Martial Law.

CHANGES IN THE METHODOLOGY

Changes in the Methodology 2023 are due to the need to take a more comprehensive approach to the analysis of municipal government areas and to obtain more reliable results of researching cities.

Thus, the current version of the methodology includes information on the spheres of city self-government, which are related to the studied indicators. This will allow analysts to identify how fully the city council implements indicators in each specific sphere.

Below is a description of the main changes in the methodology:

- the legal framework of indicators has been updated;
- the levels of the implementation of individual indicators have been reviewed;
- · indicators that are similar in content have been combined;
- new indicators have been added, which, in particular, relate to the increasing impact of IDPs on local policies, post-war reconstruction, anti-corruption policy, budget, procurement, and reporting.

The list of changes in the methodology can be found in more detail in the comparative table.



INDICATORS OF THE METHODOLOGY TO ASSESS CITY TRANSPARENCY



INFORMATION ON THE WORK OF LSGBS

Indica	tor

Clarification and justification of the indicator

Assessment

W L

D

S

Р

C01 Are the minutes of meet- Minutes of meetings of all bod- IMPLEMENTED and its bodies (execucommittees, coordinatcity council (if any)?

ings of the city council ies have been published.

tive committee, standing If the local self-government ings of the studied bodies do not have a coordiing body) published on nating body, then the availthe official website of the ability of minutes of the city council, the executive commit- PARTIALLY tee, and standing committee is IMPLEMENTED assessed.

> Minutes of meetings of the city bodies are published if council and standing committees are open and published and provided upon request, in accordance with the OR all minutes of only 2 Law of Ukraine On Access to Public Information (Article 46, there is no coordinating part 17 and Article 47, part 10 body of the Law of Ukraine On Local Self-Government in Ukraine). NOT IMPLEMENTED According to Section V, clause 11-1, subclause 5 Final and No Transitional Provisions of the Law of Ukraine On Local Self-Government in Ukraine, the recording of a remote meeting of the city council is an integral part of the minutes of the meeting.

The publication of the protocols of the executive committee and advisory bodies is not mandatory in accordance with the current legislation.

The indicator checks the data for 2023.

Yes, all minutes of meetcity council bodies are available

Yes, but all minutes of 2-3 the coordinating body is functioning

bodies are published if

CO2 Does the draft agenda The requirement to informa- IMPLEMENTED of the executive committo the issues that are acthe meetings?

tion administrators to pubtee meetings correspond lish draft agendas for meet- Yes, 90% or more of the inas is recorded in Article 15, issues in the verified draft tually considered during part 1, clause 7 of the Law of agendas correspond to Ukraine On Access to Public the actually considered Information.

> It is checked whether the number and list of decisions in the IMPLEMENTED draft agenda correspond to the issues that are recorded in Yes, from 50% to 89% of the minutes of the meeting.

If more than 50% of draft agendas of the executive committee meetings and/or minutes of these meetings are not pub- NOT IMPLEMENTED lished, the indicator is considered not to be implemented.

The indicator checks the data OR less than 50% of for 2023.

issues

L W

1

+

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W L

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PARTIALLY

the issues in the verified draft agendas correspond to the actually considered issues

No

the issues in the verified draft agendas correspond to the actually considered issues

CO3 Does the list of issues in The decision to convene a ses- IMPLEMENTED the city council?

the draft agenda/deci- sion of the council should consions on the convening tain information on the time of Yes, more than 90% of of regular sessions corre- convocation, location, and isspond to the issues that sues that are supposed to be the decision to convene are actually considered submitted to the council for a session/draft agenda at the first and subse- consideration (Article 46, part 10 quent plenary meetings of the Law of Ukraine On Local recorded in the minutes of the regular sessions of Self-Government in Ukraine).

> It is verified whether the num- PARTIALLY ber and list of issues in the draft IMPLEMENTED agenda or decisions to convene a session correspond to Yes, more than 50% of the issues recorded in the min- the issues mentioned in utes of the meeting or in the the decision to convene agenda approved at the beginning of the meeting.

the issues mentioned in correspond to the issues of the meeting

a session/draft agenda correspond to the issues recorded in the minutes of the meeting If more than 50% of the draft NOT IMPLEMENTED agendas/decisions on convenina a session with a list of issues No for consideration and/or minutes of the meetings are not OR less than 50% of the published, the indicator is con- issues mentioned in the sidered not to be implemented. decision to convene a

The indicator checks the data da correspond to the isfor 2023.

session/draft agensues recorded in the minutes of the meeting

CO4 Is the list of open data- The list contains datasets in ac- IMPLEMENTED budget published?

sets for publication by cordance with the Regulation the city council, executive on Data Sets, approved by Yes, the list of datasets is bodies, and legal entities the Resolution No. 835 of the financed from the city Cabinet of Ministers of Ukraine formation about the dadated October 21, 2015.

> Instead, publishing a list of datasets that will not be made public before the end of martial law for security reasons is a **IMPLEMENTED** best practice that is designed to ensure that information (by The list of datasets is its administrators) is managed published, but it does transparently.

The sole fact of publication of the list of actual sets is checked, and not its compliance with the requirements of the resolution.

The indicator checks the data No for 2023.

published, it contains intasets that will not be published until the end W

D

L

PARTIALLY

of martial law

not contain information about the datasets that will not be updated before the end of martial

NOT IMPLEMENTED

C05 Does the city council pubstruction, reconstruction, official or other specialized website?

> *In particular, information on current and major repairs of residential buildings.

The publication of information lish information on major on the title lists for major and and current repairs*, con-current repairs, construction, reconstruction, and improveand improvement on the ment is provided for by the Regulation on Data Sets approved by the Resolution No. 835 of the Cabinet of Ministers Yes, but machine-readaof Ukraine dated October 21, ble format is not provided 2015.

IMPLEMENTED	W
	+
Yes	1
	+
PARTIALLY	D
IMPLEMENTED	+
	S

Information on these works for **OR** information on repairs. 2023 is checked, which is published in a machine-readable tion, and improvement of format (RDF, XML, JSON, CSV, the housing sector is pro-XLS(X), ODS, YAML) in the form vided in a machine-readof a separate document.

construction, reconstrucable format or other obiects of municipal form of ownership

NOT IMPLEMENTED

No

C06 Is the exact list and ti- The decision to convene a ses- IMPLEMENTED meetinas?

tles of draft decisions in sion of the council should conthe field of land relations tain information on the time of Yes, each project conpublished in the draft convocation, location, and is- cerns a separate land reagenda of the council sues that are supposed to lations entity be submitted to the council for consideration (Article 46, PARTIALLY part 10 of the Law of Ukraine IMPLEMENTED On Local Self-Government in Ukraine).

> The indicator checks the data than one entity /land for 2023.

W 1

D

Yes, however, up to 10% of decisions concern more plot ("package solutions")

NOT IMPLEMENTED

No

OR more than 10% of decisions relate to more than one entity / land plot ("package solutions")

CO8 Are the current regulato- The Regulation on data sets IMPLEMENTED tory act (URL)?

ry acts of the city council to be published in the form and its executive bodies of open data is approved by Yes published on the website the Resolution No. 835 of the of the city council or oth- Cabinet of Ministers of October PARTIALLY er specialized resource; is 21, 2015, contains a require- IMPLEMENTED the list of regulatory acts ment to publish lists of regupublished on the Unified latory acts indicating the date. Yes, but only valid requ-State Open Data Portal of entry into force, the peri- latory acts are published with a link to the regula- od for conducting basic, re- on the website of the city peated, and periodic tracking council or only the list on

W L

Ρ

D

of their effectiveness and in- the Open Data Portal formation on the place of their publication.

NOT IMPLEMENTED

At the same time, there is no No requirement to publish a separate list of regulatory acts on the website of the information administrator.

In case of failure in the work of the Unified State Portal of Open Data, the search for relevant information is carried out on the city portal of open data.

The indicator checks the data for 2023.

holds?

C16 Is the information about Article 10, part 5 of the Law of the persons appointed Ukraine On the Legal Regime outside the competition of Martial Law, as amended Yes published on the coun- by the Law of Ukraine dated cil's website in the rel- May 12, 2022, No. 2259-IX On PARTIALLY evant section, namely Amendments to Certain Laws IMPLEMENTED the name of the person of Ukraine on the Functioning and the position he/she of Civil Service and Local Self- -Government during the Period of Martial Law, provides that NOT IMPLEMENTED during the period of martial law, persons are appointed to No civil service positions, positions in local self-government bodies without competitive selection.

> The publication of information about persons appointed outside the competition is not required by law, but indicates a transparent personnel process.

> The indicator checks the data for 2023.

IMI) FI	MFN	ITED

W S

P

C38-1	Is the following informa-
	tion published on the of-
	ficial website of the city?
	a) the decision of the
	city council;
	b) the decision of the
	executive committee;
	c) decisions, con-
	tracts, orders adopt-
	ed by the mayor
	alone?

In accordance with Article 11 II part 59 of the Law of Ukraine On Local Self-Government in Ukraine, acts of bodies and officials of local self-government I are subject to mandatory publication and provision upon request in accordance with the Law of Ukraine On Access to Public Information.

IMPLEMENTED	W	L
	+	
Yes	1	
	+	
PARTIALLY	D	
IMPLEMENTED	+	
	S	
_		

* Except for information that, in accordance with Article 6 of the Law of Ukraine On Access to Public Information, has the status of "limited access."

According to Article 2 part 1 No clause 15 of the Law of Ukraine On Access to Public Information, **OR** the information is information administrators are incomplete obliged to publish regulatory acts, acts of individual action (except for internal organizational ones) adopted by the administrator, draft decisions to be discussed, information on the regulatory framework of activities. The deadline for publication of such information is immediately, but not later than five working days from the date of approval of the document. If the information administrator of the official website has such information, it is published on the website indicating the date of publication of the document and the date of updating the information (Article 15, part 2 of the Law).

According to Article 42, part 4, clause 20 and Article 59, part 8 of the Law of Ukraine On Local Self-Government in Ukraine, the mayor issues orders within their powers. In addition, in accordance with Article 9 of the Law of Ukraine On the Legal Regime of Martial Law, in order to implement the measures of the legal regime of martial law,

NOT IMPLEMENTED

the mayor may adopt decisions with mandatory informing of the head of the relevant RMA within 24 hours and conclude agreements on issues specified by this law that do not require approval by the relevant city council if the term of such agreements does not exceed one year from the date of termination or cancellation of martial law. Such decisions shall enter into force from the moment of their adoption, unless the decision itself sets a later date for their entry into force, and shall be immediately brought to the attention of the residents of the relevant territorial community

The indicator checks the data for 2023.

C50 Does the city council pub- Article 22, part 2, clause 3 of the IMPLEMENTED funds administrators?

lish a list of key budget Budget Code of Ukraine provides that the key administra- Yes tors of budget funds for budgetary purposes determined by **PARTIALLY** decisions on local budgets may IMPLEMENTED be exclusively local state administrations, executive bod- ies, and apparatuses of local councils (secretariat of the Kviv NOT IMPLEMENTED City Council), structural units of local state administrations, ex- No ecutive bodies of local councils represented by their heads.

> The main administrators of budget funds are budget institutions represented by their managers, who, in accordance with Article 22 of this Code, are empowered by establishing budget allocations (Article 2, part 1, clause 18 of the Budget Code of Ukraine).

The leaislation does not provide that city councils will publish a list of key budget funds administrators on an official or other specialized website. However, this information helps ensure that public funds are used based on the principle of openness.

The indicator checks the data for 2023.

C53 Are semi-annual, quar- Local self-government bod- IMPLEMENTED available?

terly (interim) budget im- ies ensure the publication of plementation reports information on local budgets, Yes, 3 quarterly reports including decisions on the lo- for 2023 are available cal budget and quarterly reports on their implementa- PARTIALLY tion (Article 28, part 4 of the IMPLEMENTED Budget Code of Ukraine). Section VI, clause 22, subclause Yes, 1-2 quarterly reports 1, paragraph 19 of the Budget for 2023 are available Code provides for the abolition of deadlines for reporting NOT IMPLEMENTED on the implementation of local budgets. Instead, the pro- No visions of the Law of Ukraine of March 15, 2022, No. 2134-IX On Amendments to Section VI Final and Transitional Provisions of the Budget Code of Ukraine and Other Legislative Acts of Ukraine, according to which a number of provisions of the Budget Code of Ukraine do not apply, do not cancel the provisions of Article 28, part 4 of the Budget Code of Ukraine, so LSGBs should publish information on the implementation of the local budget by the end of the month, quarter, and year.

> The indicator checks the data for 2023.

W L

D

1

C54	Did the mayor report on their activities?	Open reporting of the mayor on their activities to the community is a requirement of Article 42, part 7 of the Law of Ukraine On Local Self-Government in Ukraine. Announcing the report at least 1 business day in advance is a best practice designed to increase the engagement of citizens and the media in the event. The availability of reporting during 2023 is checked.	Yes, the report is published in a text format OR the report was broadcast online, the report announcement was published at least 1 working day in advance PARTIALLY IMPLEMENTED The report is published in a text format OR the report was broadcast online, without meeting the deadline for announcement in 1 business day NOT IMPLEMENTED	W + I + D	L + P
C55			Yes, the data are published in a machine-readable format PARTIALLY IMPLEMENTED Yes, the data are pub-	W + I + D	L

MUNICIPAL PROPERTY AND LAND

Indicator

Clarification and justification Assessment of the indicator

W

D

S

Ρ

C07 Is the list of land lease The list contains: agreements published on the official website of the city council or other specialized web resource?

- a) the date and number of the decision of the city Yes, the list contains the council on the lease of the attributes of contracts land plot:
- b) geographical location of the land plot (address or **PARTIALLY** cadastral number):
- c) name (full name) of the lessee;
- d) the date of conclusion tion about contracts is and number of the land incomplete, but 4 or more lease agreement, its valid- contract attributes are ity period;
- e) area / size of the land plot, ha;
- f) normative monetary valuation of land (UAH) and the No amount of rent in %;
- g) purpose of the land plot; OR there are 3 contract h) the name of the lessor attributes and less (their authorized person) and the FDRPOU code.

The list of lessees with whom lease agreements for municipal land have been concluded is published in accordance with the requirements of the Resolution No. 835 of the Cabinet of Ministers of Ukraine dated October 21, 2015.

Publication of data types (items b-h) is provided for by the Order of the Ministry of Finance of Ukraine dated September 17, 2015, No. 783 On Approval of the Form of the List of Lessees

IMPLEMENTED

specified in clauses a-h

IMPLEMENTED

Yes, however, informaavailable

NOT IMPLEMENTED

23

with Whom State or Municipal Land Lease Agreements Have Been Concluded. The publication of item "a" is a best practice.

The indicator checks the data for 2023.

C11 Does the official web- The publication of informa- IMPLEMENTED specialized website con-dated October 21, 2015. tain complete informameans / structures?

site of the city coun-tion on advertising means and cil, the relevant author- structures is provided for by Yes ized municipal enterprise the Regulation on data sets (hereinafter referred to to be published in the form PARTIALLY as the ME), the city body of open data, approved by IMPLEMENTED of architecture and ur- the Resolution No. 835 of the ban planning, or another Cabinet of Ministers of Ukraine Yes, but not all attributes

tion about all advertising. The data should cover the period from January to December OR information is pub-2023, be in a machine-reada- lished not in a mable format and contain:

> a) the date of issue and name of the recipient of the NOT IMPLEMENTED permit (advertising distributor), the validity period of No the permit for placing outdoor advertising; b) type, size, address (geographical location) of the advertising medium. c) number and date of conclusion of the contract, if the location of placement of the

advertising medium belongs to the municipal property.

W

of advertising media / structures are available

chine-readable format

C12 Is information available on the official or other website about residential premises owned by the community, which is updated at least once every six months, namely: a) the number of municipally owned residential premises

In accordance with the Regulation on datasets to be published in the form of open data, approved by the Resolution of the Cabinet of Ministers of Ukraine dated IMPLEMENTED October 21, 2015, No. 835, a list of municipal property is Yes, but only information subject to mandatory pub- about 2 types of residenlication, which, in particular, tial premises is available

IMPLEMENTED	W	L
	+	4
Yes	1	F
	+	
PARTIALLY	D	

other right of use; b) the number of un- community. used (vacant) municmunicipal ownership?

that are leased or may include information on res- NOT IMPLEMENTED idential premises owned by the

ipally owned residen- The above provision does not tial premises that can require the publication of inbe transferred into use: formation about dormitories. c) the number of Its availability is intended to rooms in dormitories of ensure a transparent process of disposing of this type of municipal property.

> The indicator checks the data for 2023.

No

C13-1 Is the list of land plots of According to the Regulation IMPLEMENTED municipal property of- on Data Sets to Be Published fered for transfer to the in the Form of Open Data, ap- Yes

ownership of citizens and proved by the Resolution No. legal entities or granted 835 of the Cabinet of Ministers PARTIALLY for use, in particular for of Ukraine dated October 21. IMPLEMENTED development, published? 2015, the list of municipal land plots offered for transfer to the ownership of citizens and legal entities or granted for use NOT IMPLEMENTED

is subject to publication.

According to the Regulation on Data Sets to Be Published in the Form of Open Data, approved by the Resolution of the Cabinet of Ministers of Ukraine dated October 21, 2015, No. 835, a list of municipal land plots proposed for transfer to the ownership of citizens and legal entities or granted for use is subject to publication.

If the city council has not leased or sold land in 2023, the relevant information should be displayed in the relevant section on the city council's website. This is a best practice designed to enhance the

W L

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No

25

transparency of community property management.

The indicator checks the data for 2023

C14 Is a list of all munici- The Reaulation on Datasets IMPLEMENTED property, location, classicharacteristics) availachine-readable format?

pal real estate objects* to Be Published in the Form (name, description of of Open Data, approved by Yes the Resolution of the Cabinet fication, owners, balance of Ministers of Ukraine dated PARTIALLY holders, users, and other October 21, 2015, No. 835, pro- IMPLEMENTED vides for the publication of a ble on the official web- list of municipal property ob- Yes, but information is site, including in a ma- jects, which, in particular, may published not in a mainclude information on real chine-readable format astata

W D

NOT IMPLEMENTED

* In addition to information on objects of strategic importance for the economy and securifacilities.

The publication of such inforty or infrastructure and military mation on the LSGB website is No primarily aimed at proactively fulfilling the requirements of Article 6, part 5 of the Law of Ukraine On Access to Public Information.

> The information is published for January-December 2023 in machine-readable format (RDF, XML, JSON, CSV, XLS(X), ODS, YAML).

C15-1 Is a list of objects of In accordance with Article 9, on the lessor's website, in lessors. respect of which a decito lease them at an auc- for 2023. tion or without holding an auction?

movable and immova- part 6 of the Law of Ukraine On ble property of munici- Lease of State and Communal pal ownership available Property, the lists are published in the Prozorro. Sale elec- in the electronic trading system tronic trading system and and on the official websites of IMPLEMENTED

sion has been adopted The indicator checks the data published on any of these

*Simultaneously both on Prozorro.Sale and on the website; only on the website; only on Prozorro. Sale.

IMPLEMENTED	W
	+
Yes	1
	+
PARTIALLY	D
IMPI FMFNTFD	

Yes, but 2-3 lists are sites*

NOT IMPLEMENTED

No

C24	tion data published on the official or other spe-	The data are subject to mandatory publication by local self-government bodies in accordance with the Regulation on Data Sets, approved by the Resolution of the Cabinet of Ministers of Ukraine dated October 21, 2015, No. 835. The publication of up-todate information on the apartment queue (data on the registration of citizens in need of improved housing conditions) for January-December 2023 is checked.	Yes PARTIALLY IMPLEMENTED - NOT IMPLEMENTED	W + I + D	L
C41	rights to them, in respect of which a decision to hold land tenders has been adopted, published	According to item "a" of Article 135, part 1 of the Land Code of Ukraine (as amended by the Law of Ukraine dated May 18, 2021, No. 1444-IX On Amendments to Certain Legislative Acts of Ukraine Regarding the Sale of Land Plots and the Acquisition of the Right to Use Them through Electronic Auctions), the procedure for holding land tenders is mandatory if, in particular, the sale of municipal land plots or their transfer for use by the decision of the local self-government bodies is carried out at land tenders. In accordance with Article 135, part 2 of the Land Code of Ukraine, land tenders are held in the form of an electronic auction in real time on the Internet. Prohibitions on holding land tenders for the sale of land plots for development during	Yes PARTIALLY IMPLEMENTED - NOT IMPLEMENTED	W + I + D	L

the martial law reaime are not established. The above requirements are valid.

Article 136, part 4 of the Land Code of Ukraine provides that land tenders are carried out by the decision of the organizer of land tenders, indicating, in particular, the list of land plots or rights to them, which are put up for land tenders in separate lots.

The indicator checks the data for 2023.

C42 Are lists of property ob- Article 10, part 1 of the Law of IMPLEMENTED iects published on the of-LSGB website, which: a) can be privatized

privatization?

Ukraine On Privatization of State ficial or other specialized and Communal Property pro-Yes vides that city councils form and approve lists of objects sub- PARTIALLY b) are not subject to ject to privatization and publish IMPLEMENTED them on official websites and in the electronic trading sys- Yes, but only the list of tem. At the same time, according to Article 26, part 1, clause 30 has been published, of the Law of Ukraine On Local Self-Government in Ukraine, city OR a list of objects councils at plenary meetings that are not subject to approve lists of municipal property objects that are not subject to privatization.

> In accordance with Article 11, No part 59 of the Law of Ukraine On Local Self-Government in Ukraine, acts of bodies and officials of local self-government are subject to mandatory publication and provision upon request in accordance with the Law of Ukraine On Access to Public Information.

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objects to be privatized

privatization

NOT IMPLEMENTED

C43	Is a list of all objects of			
	movable property in mu-			
	nicipal ownership pub-			
	lished (name, model,			
	quantity, book value, pe-			
	riod of use, name of the			
	balance holder and oth-			
	er characteristics)?			

The Regulation on Data Sets IMPLEMENTED to Be Published in the Form of Open Data, approved by Yes the Resolution No. 835 of the Cabinet of Ministers of **PARTIALLY** Ukraine dated October 21, IMPLEMENTED 2015, provides for the publication of a list of municipal Yes, but information is property, which, in particu- published not in a malar, includes movable property. chine-readable format

The publication of such in- NOT IMPLEMENTED formation on the LSGB website is primarily aimed at No proactively fulfilling the requirements of Article 6, part 5 of the Law of Ukraine On Access to Public Information.

The information is published for January-December 2023 in machine-readable format (RDF, XML, JSON, CSV, XLS(X), ODS, YAML).

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ACCESS AND PARTICIPATION

Clarification and justification of the indicator

Assessment

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C09 Are meetings of city Information administrators are IMPLEMENTED mittee, standing commit-(if any)?

Indicator

council bodies an- obliged to publish the plans and nounced at least one agenda of their public meet- Yes, all announcements day in advance (plenary ings (Article 15, part 1, clause of meetings of the studmeetings of city council 7 of the Law of Ukraine On ied city council bodies sessions, executive com- Access to Public Information). are available

tees, coordinating body Moreover, according to Article PARTIALLY 46, part 10 of the Law of Ukraine IMPLEMENTED On Local Self-Government in Ukraine, the decision to con- Yes, but there are anvene a meeting of the council nouncements of meetis brought to the attention of ings of only 2–3 bodies, if its members and the **popula**tion no later than 10 days be-functioning fore the meeting, and in exceptional cases – no later than a OR announcements of day before the session, indi-meetings of only 2 bodcating the time of the meet- ies are available, if there ing, location, and issues that is no coordinating body are supposed to be submitted for the council's consideration. NOT IMPLEMENTED

> The decision on the remote No meeting shall be brought to the attention of members of the council, members of the executive committee and the population no later than 24 hours before its beginning, indicating the agenda and the procedure for open access to the streaming of the remote meeting of the local council (Section V Final and Transitional Provisions, clause 11-1, subclause 5 of the Law of Ukraine On Local Self-Government in Ukraine).

the coordinating body is

The requirement to publish announcements at least one day before the meeting of the executive commity, standing committees, coordinating body is a best practice that should ensure eaual access of residents to the political process.

The indicator checks the data for 2023

C10 Do announcements of Moreover, according to Article IMPLEMENTED LSGB meetings contain:

a) date:

b) link to the broadcast:

/ list of issues?

10, part 46 of the Law of Ukraine On Local Self-Government in Yes, all the information Ukraine, the decision to con- is available in the an**vene** a meeting of the council nouncements of the studc) a link to the agenda is brought to the attention of its ied city council bodies members and the population no later than 10 days before **PARTIALLY** the meeting, and in exception- IMPLEMENTED al cases - no later than a day before the session, indicating Yes, all information in the the time of the meeting, loca- announcements of 2-3 tion, and issues that are sup-bodies is available, if posed to be submitted for the the coordinating body is council's consideration.

> According to Article 15, part OR all information in 1, clause 7 of the Law of the announcements of Ukraine On Access to Public 2 bodies is available, if Information, information ad- there is no coordinating ministrators are obliged to body publish the plans and agenda of their public meetings.

> The legislation does not region ies contain two compoulate the procedure for an- nents of the necessary nouncing meetings of the information executive committee, standing committees, coordinat- NOT IMPLEMENTED ing body, and does not require the posting of a link to No the broadcast (except for remote meetings of the council). Publication of this information is a best practice

functioning

OR announcements of all studied city council bod-

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aimed at observing the principle of publicity in the work of local self-government bodies.

Broadcasts are understood as online broadcasts, as well as recordinas made public within 24 hours after the end of the meetings.

Announcements* of all collegial bodies of the city council are checked (plenary meetings, executive committee, standing committees, coordinating body (if anv).

The indicator checks the data for 2023.

C19-1 Are the meetings of all Abroadcast of meetings of the IMPLEMENTED the council broadcast?

standing committees of standing committees of the council is not a legal require- 80% or more meetings ment. However, citizens' access were broadcast. The to meetings through broad- reason for the lack of a casting is necessary given the broadcast of other meetimportance of the issues that ings was explained on are considered there.

> If there were hostilities in cities, closed meetings were held **PARTIALLY** to hear restricted information IMPLEMENTED or there were technical problems, that was considered an 50% to 79% of meetings objective reason for the lack of were broadcast a broadcast.

A broadcast means online streaming and recordings No made public within 24 hours after the end of meetings.

The indicator checks the data for 2023.

the official or other specialized website

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NOT IMPLEMENTED

OR less than 50% of the meetings were broadcast

^{*} Information about the location and time of the meeting is not checked, considering security risks during martial law.

C20-1	the executive commit-	A broadcast of executive committee meetings is not a legal requirement. However, citizens' access to meetings through broadcasting is necessary given the importance of the issues that are considered there. If there were hostilities in cities, closed meetings were held to hear restricted information or there were technical problems, that was considered an objective reason for the lack of a broadcast. A broadcast means online streaming and recordings made public within 24 hours after the end of meetings. The indicator checks the data for 2023.	80% or more meetings were broadcast. The reason for the lack of a broadcast of other meetings was explained on the official or other specialized website PARTIALLY IMPLEMENTED 50% to 79% of meetings were broadcast NOT IMPLEMENTED No OR less than 50% of the	W + 1 + 5 S	P
C21-1	Are city council plenary meetings broadcast?	The Law of Ukraine On Local Self-Government in Ukraine contains the obligation to stream the council meeting only for remote meetings (clause 11-1, subclause 5 of the Final and Transitional Provisions). However, broadcasting of all meetings (including those held in session halls) is necessary, given the importance of the issues that are considered there. If there were hostilities in cities, closed meetings were held to hear restricted information or there were technical problems, that was considered an objective reason for the lack of	90% or more meetings were broadcast. The reason for the lack of a broadcast of other meetings was explained on the official or other specialized website PARTIALLY IMPLEMENTED 50% to 89% of meetings were broadcast NOT IMPLEMENTED	W + 1 + 5 + D	L + P

a broadcast.

OR less than 50% of the

meetings were broadcast

A broadcast means online streaming and recordings made public within 24 hours after the end of meetings.

The indicator checks the data for 2023.

C22 Is there a version of the Clause 11 of the Resolution IMPLEMENTED have low vision?

city council's official of the Cabinet of Ministers website for users who of Ukraine On Measures to Yes Further Ensure Openness in the Activities of Executive PARTIALLY Authorities of August 29, 2002, IMPLEMENTED No. 1302, recommends that local self-government bodies en- Yes, but not all pages sure the availability of informa- function properly tion on official websites (web portals) for users with low vision. OR the web version physical or intellectual disa- has an option to make bility, who are hard-of-hear- the font size larger and ing, or those who have various change the palette to combinations of disabilities. black and white

> In addition, Ukraine has ratified NOT IMPLEMENTED the UN Convention on the Rights of Persons with Disabilities, ac- No cording to which States Parties undertake to ensure access to public information for citizens with disabilities (Article 21).

C23-1 Are announcements of Since public commissions on IMPLEMENTED website?

upcoming meetings of housing issues are not colthe public commission on legial entities of power, they Yes housing issues and min- are not subject to the legisutes of meetings pub- lative requirement to provide PARTIALLY lished on the official web-access to meetings (Article 3, IMPLEMENTED site or other specialized part 1, clause 4 of the Law of Ukraine On Access to Public All announcements have Information).

> However, Article 22, part 1 of **OR** all minutes have been the Housing Code of Ukraine published specifies that registration of citizens who need improved OR 50% or more of anhousing conditions, prioritizing nouncements and 50%

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been made public

the receipt of residential space or more of minutes have in state and community hous- been published ing stock, as well as its distribution, are carried out under NOT IMPLEMENTED public control and in compliance with publicity. Citizens No are registered in the list of citizens in need of improved hous- OR minutes and aning conditions with the partici- nouncements are availpation of public commission on able for less than 50% of housing issues (Article 39 of the meetings Housing Code) and receive residential space from the housing stock of local councils (Article 51 of the Housing Code).

Publication of minutes of meetings of public commissions is not required by laws.

However, the publication of minutes and announcements of meetings will improve transparency in the management of housing owned by the community.

The indicator checks the data for 2023.

RESPONDING TO THE CHALLENGES OF WAR

Indicator

Clarification and justification Assessment of the indicator

applications?

C18 Does the official or oth- The procedure for compensa- IMPLEMENTED er specialized website tion of expenses for temporary of the city council con- accommodation (stay) of IDPs Yes tain all up-to-date infor- is approved by the Resolution mation to receive com- of the Cabinet of Ministers PARTIALLY pensation for temporary of Ukraine of March 19, 2022, IMPLEMENTED accommodation (stay) No. 333 On Approval of the of IDPs: document tem- Procedure for Compensation Yes, but only part of the plates, options for filing of Expenses for Temporary information is available Accommodation (Stay) of (or templates or applica-Internally Displayed Persons tion options) (as amended). According to Article 15, part 1, clause 3 of NOT IMPLEMENTED the Law of Ukraine On Access to Public Information, informa- No tion administrators are obliged to publish, in particular, the list and conditions for obtaining services provided by these bodies, forms and samples of documents, rules for filling them out.

> There is no direct requirement to publish addresses for submitting applications. At the same time, the publication of such information will significantly simplify residents' access to the service of compensation for temporary accommodation of IDPs.

> The indicator checks the data for 2023.

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C25-1	protection shelters been created and published on the official or oth-	Data on the location of protective structures of civil protection of municipal property are subject to mandatory publication in accordance with the Regulation on data sets, approved by the Resolution of the Cabinet of Ministers of Ukraine of October 21, 2015, No. 835. A list of addresses and/or a map of available shelters is checked, as well as the update of information every six months. The frequency of data updating is not required by law, but it is necessary in order to ensure the relevance of the information.	PARTIALLY IMPLEMENTED The information is up-to-date for 2023, but no up-dates every six months are ensured NOT IMPLEMENTED No OR the list covers data for	W + I + D	L + P
C27	a separate section on the website, application, or other information chan- nel that contains useful	The legislation does not require the LSGB to develop a separate information channel for IDPs (section, application, etc.). However, its availability significantly facilitates the access of a relevant category of persons to services and information. The availability of such information is checked: a) housing; b) registration; c) issuance of humanitarian aid; d) work. The information must cover or be updated between January and December 2023.	Yes PARTIALLY IMPLEMENTED Yes, but there are 2–3 typesof information available NOT IMPLEMENTED	W + 1	P
C28	ernment body published current information about	According to clause 12.3.4 of the Tax Code of Ukraine, the decision on the establishment of local taxes and fees is offi- cially published by the relevant	IMPLEMENTED Yes	W + I + D	L + P

ized website?

official or other special- local self-aovernment body PARTIALLY before July 25 of the year IMPLEMENTED preceding the budget period in which the application of the established local taxes and/or fees or changes is planned. It NOT IMPLEMENTED is not required by law to publish all other requested types of No data, but this will significantly help entrepreneurs conduct business in a war situation.

> The availability of information on tax rates, credit benefits, microarants, trainina, etc. is checked (if any).

> The indicator checks the data for 2023.

C44 Has the IDP Council been Resolution of the Cabinet of IMPLEMENTED established? Has the in- Ministers of Ukraine On Approval formation on the IDP of the Model Regulation on the Yes, the Council has Council been published? Council for Internally Displaced been established; there Persons of August 4, 2023, No. is information on: 812 (amended as of December 1, 2023) provides that the council's operation shall be based on the principles of the rule of law, legality, transparency, collegiality, gender equality, and inclusivity.

> The council is required to noti- **IMPLEMENTED** fy the body under which it is established and the public about Yes, the Council has been its work by posting on the official website and publishing of information about it is in any other acceptable way available, including the the rules of procedure, work composition and conplan, minutes of meetings on tact details approved proposals and recommendations, information NOT IMPLEMENTED on their implementation, annual progress reports, etc., The Council has been as well as information on the created but there is no

a) council

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composition b) contact details c) working hours d) work plan/meeting announcements

PARTIALLY

created but only a part

management, composition of information about it working groups, and commis- available sions, including the contact details of the Council (phone numbers, mailing address, e-mail. etc.) for communication on issues falling within its competence.

However, the resolution on establishment of the IDP Council is only a recommendation for local authorities.

Information for 2023 is checked.

C45 Are IDPs and the public Clause 7 of the Model IMPLEMENTED the IDP Council?

properly represented in Regulation on the Council for Internally Displaced Persons Yes, internally displaced approved by the Resolution persons shall make up at of the Cabinet of Ministers of least 50% of the council's Ukraine of August 4, 2023, No. composition. 812 (amended as of December 1, 2023) provides that the The council chair is a rep-Council shall include not more resentative of IDPs. than 30 people. The number of the representatives of the **PARTIALLY** body under which the Council IMPLEMENTED was formed shall not exceed one third of the members. The Yes, internally displaced number of internally displaced persons shall make up at persons shall be at least 50% of least 50% of the council's the total number of the Council composition. members.

> However, clause 11 of the Model a representative of IDPs. Regulation provides that the Council is headed by the Chair NOT IMPLEMENTED elected by the Council members from among internally dis- No, the number of the placed persons who are mem- council members does bers of the Council.

The indicator checks the data for 2023.

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The council chair is not

not meet the resolution requirements

C46 Has the city council de- However, Article 18 of the Law of IMPLEMENTED challenges?

veloped and published Ukraine On State Forecasting a program of econom- and Development of Programs Yes ic and social develop- of Economic and Social ment of the city on an of- Development of Ukraine pro- PARTIALLY ficial or other specialized vides that local self-aovernment IMPLEMENTED website that considers bodies develop medium-term wartime and post-war forecasts of economic and social development of cities, shortterm programs of economic and NOT IMPLEMENTED social development of cities, and ensure control over the short- No term implementation of relevant indicators of programs for economic and social development of cities. However, Article 59. clause 11 of the Law of Ukraine On Local Self-Government in Ukraine stipulates that acts of bodies and officials of local self-aovernment are subject to mandatory publication and provision upon request in accordance with the Law of Ukraine On Access to Public Information. But updating plans with a focus on wartime and post-war challenges is a best practice that can ensure effective resource management so that the city develops and functions adequately.

> The indicator checks the data for 2023.

C47 Is information published The Law of Ukraine On IMPLEMENTED

acts, sabotage, caused

on the official or oth- Compensation for Damage er specialized website and Destruction of Certain Yes of the local authorities Categories of Real Estate as about the commission(s) a Result of Hostilities, Terrorist PARTIALLY for consideration of Acts, and Sabotage Caused IMPLEMENTED compensation issues for by the Armed Aggression damaged/destroyed real of the Russian Federation Yes, but there is only inestate as a result of mil- Against Ukraine, and the State formation of 2-3 types itary operations, terrorist Register of Property Damaged and Destroyed as a Result

W L + Ρ D

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against Ukraine?

by the armed agaression of Hostilities, Terrorist Acts. NOT IMPLEMENTED of the Russian Federation and Sabotage Caused by the Armed Aggression of the No Russian Federation Against Ukraine provides for the establishment of the commission for consideration of compensation issues for destroyed real estate as a result of hostilities, terrorist acts, and sabotage caused by the armed aggression of the Russian Federation against Ukraine.

> The Resolution of the Cabinet of Ministers of Ukraine On Approval of the Procedure for Compensation of Certain Categories of Real Estate Destroyed as a Result of Hostilities, Terrorist Acts, and Sabotage Caused by the Armed Aggression of the Russian Federation, Using eRecovery Electronic Public Service of April 21, 2023, No. 381, provides for the establishment of a similar commission for consideration of compensation issues for destroyed property.

> The relevant commissions shall be established by the executive committees of local councils, military or civil-military administrations of localities.

> According to Resolution No. 381, clause 9 as well as clause 7 of the Exemplary Provision on Commission on Issues of Compensation for Destroyed Real Estate, approved by the Resolution of the Cabinet of Ministers of Ukraine of May 19, 2023, No. 516, information about the Commission's location,

personal composition, and work procedure shall be posted on the official website of the authorized body (if any).

Commissions shall provide comprehensive information and advice on obtaining compensation. However, neither the Law nor the regulation provides for a direct requirement to disclose contacts or methods of communication with the Commission. The publication of such information will significantly simplify the interaction between the Commission and applicants and ensure access to information at various stages of obtaining compensation.

The indicator checks data for 2023 related to:

- 1) decision to establish a Commission for Consideration of Compensation Issues for Damaged/Destroyed Real Estate;
- 2) approved regulations on the Commission;
- information about the Commission location, personal composition, and procedure (date, time and place of meetings);
- 4) information about current contact details of the commission and available means of communication with it.

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C48	IS	tne	pur	OIIC	prop	oer-
	ly	repr	ese	ntec	d in	the
	со	mmis	ssior	for	con	sid-
	er	ation	of	con	nper	ısa-
	tio	n issu	ies f	or do	amag	ged/

The Resolution of the Cabinet						
of Ministers of Ukraine C	'n					
Approval of the Procedui	e					
for Compensation of Certa	in					
Categories of Real Estat	e					

IMPLEMENTED				
The public is 1/3 of the				
composition of the				
commission				

MADLEMENTED

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destroyed* real estate Destroyed as a Result of PARTIALLY

real estate?

as a result of hostilities, Hostilities, Terrorist Acts, IMPLEMENTED terrorist acts, sabotage and Sabotage Caused by caused by the armed the Armed Aggression of the aggression of Russia? Russian Federation, Using eRecovery Electronic Public Service NOT IMPLEMENTED No. 381 provides for the establishment of the commission for No, the public is less than consideration of compensation 1/3 of the commission's issues for destroyed real estate composition as a result of hostilities, terrorist acts, sabotage caused by the armed aggression of the Russian Federation against Ukraine.

> The Commission must include members of the public, at least one-third of the total composition of the Commission.

The indicator checks the data for 2023.

*This can be either a separate commission with the authority to make decisions on compensation for damaged property, or a commission that also considers cases of property destruction. The indicator does not require the creation of a separate commission, except for the one provided for by regulatory acts. At the same time, the commission on compensation for destroyed property does not provide for public engagement.

C49 Is information published According to clause 9 of the IMPLEMENTED on the official or oth- Resolution On Approval of the er specialized website Procedure for Compensation Yes of the local authorities of Certain Categories of Real about the adopted de- Estate Destroyed as a Result PARTIALLY cisions on compensation of Hostilities, Terrorist Acts, IMPLEMENTED for damaged/destroyed and Sabotage Caused by the Armed Aggression of the Yes, but only type 1 and Russian Federation, Using eRe- 3 information is available covery Electronic Public Service No. 381 as well as clause 7 NOT IMPLEMENTED of the Exemplary Provision on Commission on Issues of No Compensation for Destroyed

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Real Estate, approved by the OR type 1 and type 3 in-Resolution of the Cabinet of formation is not available Ministers of Ukraine No. 516. information on the results of the Commission's meetings (the number of applications considered, decisions taken, etc.) shall be posted on the official website of the authorized body.

The indicator checks data for 2023 related to:

- 1) the number of applications for compensation considered:
- 2) the number of decisions taken regarding the provision or refusal to provide compensation for damaged/destroyed real estate; 3) decisions on granting or refusing to provide compensation for damaged/ destroyed real estate; 4) compensations calcu-
- lated based on decisions on providing compensations for damaged and destroyed real estate.

ANTI-CORRUPTION POLICY

Indicator

Clarification and justification of the indicator

Assessment

distribution on their official website or other spe- Ministers of Ukraine. cialized website?

C26 Does the local self-gov- According to Article 1 of the Law IMPLEMENTED ernment body publish of Ukraine On Humanitarian Aid, summary reports on re-recipients of humanitarian aid Yes ceived humanitarian aid are legal entities registered in the as well as principles and Unified Register of Humanitarian PARTIALLY criteria for assistance Aid Recipients in the procedure IMPLEMENTED established by the Cabinet of

> The same article provides that local self-government OR principles and criteria bodies are humanitarian aid for assistance distriburecipients.

Although Article 11 of the Law of NOT IMPLEMENTED Ukraine On Humanitarian Aid provides for accounting, con- No trol, reporting of humanitarian aid, it does not impose on local councils the responsibility for publishing reports on humanitarian aid received and the criteria for its distribution on official websites

Clause 7 of the Procedure for the Use of Humanitarian Aid in the Form of Funds in Foreign Currency from Foreign Currency Accounts of Humanitarian Aid Recipients, approved by Resolution No. 542 of the Cabinet of Ministers of Ukraine of March 22, 2000, provides for the obligation of aid recipients to submit to the Ministry of Social Policy of Ukraine and the territorial body of the State Tax Service of Ukraine a report

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Yes, but a summary report has been published

tion have been published

on the targeted use of humanitarian aid in the form of foreign currency but does not provide for the obligation of local councils to publish such a report on their website.

However, according to Article 11, Part 5 of the Law of Ukraine On Humanitarian Aid, recipients and acquirers of humanitarian aid (legal entities) shall submit monthly reports on the availability and distribution of humanitarian aid, in the established procedure to the respective specialized authority on humanitarian aid, until all humanitarian aid is used in full.

Thus, the publication of the requested information is a best practice that can ensure a transparent process of receiving, processing, and distributing humanitarian assistance among the population.

If executive bodies of a city council or its subordinated municipal enterprises, institutions, or organizations have humanitarian aid recipients registered in the Unified Register of Humanitarian Aid Recipients, a report on types (medicines, fuel, sanitary and hygienic products, food, technical means, etc.) and volumes of humanitarian aid received by such recipients in 2023 shall be checked.

Information presented in the form of news does not provide a comprehensive vision of what kind of assistance was provided

to cities and what types of assistance were sent. Therefore. this presentation of information will not be considered when evaluating the indicator.

The information must cover 2023.

into force?

C56 Have the city council of- Article 45 of the Law of Ukraine IMPLEMENTED ficials submitted decla- On Prevention of Corruption esrations of persons au- tablishes that local self-gov- 3 officials submitted anthorized to perform the ernment officials must submit nual declarations by functions of the state a previous-year declaration October 12, 2023. or local self-govern- of persons authorized to perment before January form the functions of the state PARTIALLY 1, 2022, and before the or local self-government IMPLEMENTED Law No. 3384-IX On ("the declaration") on the of-Amendments to Certain ficial website of the National 1-2 officials submitted Laws of Ukraine on the Agency annually before April annual declarations by Procedure for Submitting 1 in a form established by the October 12, 2023 Declarations of Persons National Agency. At the same Authorized to Perform the time, the Law of Ukraine On NOT IMPLEMENTED Functions of the State or Amendments to Certain Laws Local Self-Government of Ukraine on the Procedure There are no annual decunder Martial Law came for Submitting Declarations of larations submitted by Persons Authorized to Perform October 12, 2023 the Functions of the State or Local Self-Government under Martial Law of September 20, 2023, No. 3384-IX requires that persons failing to submit declarations in 2022-2023, submit those declarations no later than January 31, 2024.

> However, submitting declarations before October 12, 2023 (the day when the Law of Ukraine of September 20, 2023, No. 3384-IX came into force) was a better practice that could reduce corruption risks in the public sector.

> The indicator provides for checking information on submitted annual e-declarations

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for 2021 and/or 2022:

- a) by a mayor;
- b) by a secretary of the city council; or
- c) by a case administrator of the executive committee.

ELECTRONIC TOOLS

	Indicator	Clarification and justification of the indicator	Assessment	Methods	Law / Practice	/ Law + Practice
C30		The rules of registration of citizens who need to improve living conditions, approved by the Resolution of Council of Ministers of the Ukrainian SSR and Federation of Trade Unions of Ukraine of December 11, 1984, No. 470, do not establish requirements for the form of application.	Yes PARTIALLY		W + 1	P
		At the same time, the opportunity to submit an online application for improved living conditions significantly simplifies residents' access to the service, especially in the context of martial law restrictions.	No			
C31-1	or a specialized website contain the option to file an online application	Resolution of the Cabinet of Ministers of Ukraine of December 29, 2009, No. 1417 Certain Issues of Activity of Territorial Centers of Social	Yes, an online place or service may be ordere		W + 	P

municipal institution and Services (Provision of Social institutions a service from social asand solitary citizens, soapplication progress/ status?

Services) provides that the resistance (centers of reha-cipient or their quardian or AND the progress/status bilitation, social services trustee for receiving social ser- of such an application vices submits a signed writ- can be tracked cial assistance at home, ten statement to the structuretc.), and to track the al unit on social protection of PARTIALLY the population. Neither this nor IMPLEMENTED other regulatory documents provide for submission appli- At least 50% of social ascations through the electronic system.

> Although, the option to submit and track an online applica- AND not all institutions tion significantly simplifies cit- have the option of trackizens' access to the services, ingapplication progress/ especially under martial law status restrictions.

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sistance institutions can order a place or service online

NOT IMPLEMENTED

No

OR less than 50% of institutions have the option of ordering place and service AND tracking application progress/status

(preschool, secondary)?

C34 Does the official city Clause 8 of the Regulation IMPLEMENTED council website or a spe- on preschool education incialized website contain stitutions, approved by the Yes an option to register on- Resolution of the Cabinet of line for municipal edu- Ministers of Ukraine of March PARTIALLY cational establishments 12, 2003. No. 305, provides that IMPLEMENTED the admission of applications for the enrollment of children in Yes, there are electrona state (municipal) preschool ic registration systems in education institution may be preschool and secondorganized using the electron- ary education instituic registration system intro- tions without the possiduced in accordance with the bility to track the status decision of the relevant founder of a state (municipal) pre-tions / movement in the school education institution. queue However, mandatory electronic registration to preschool

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of processing applica-

and secondary education insti- OR tracking the status of tutions is not provided.

The Regulation on Data Sets, is ensured, but there is approved by the Resolution of the Cabinet of Ministers of tion system Ukraine of October 21, 2015. No. 835, provides for the publication of a queue of children tem and the possibiliin preschool educational institutions. The publication of the processing applications queue of children / the state / movement in the queue of processing applications to have only secondary edgeneral secondary education ucation institutions or institutions is not required by only preschool educalaw and is designed to ensure a tion institutions transparent process of admission and selection of students. NOT IMPLEMENTED

processing applications / movement in the queue no electronic registra-

OR the registration systy to track the status of

The presence of a registration No system in preschool and secondary education institutions is checked, as well as the possibility to track the status of the application / movement in the queue (for preschool and secondary education institutions).

have a platform or tool for responding to comform)?

> * For example, Open City, forms of appeals.

C37 Does the city council The legislation does not pro- IMPLEMENTED vide for the mandatory use of the platform or tool for replaints and appeals of sponding to complaints and citizens* (appeal center, appeals. At the same time, contact center, appeal their availability significant- IMPLEMENTED ly simplifies the access of residents to services in the field of housing and municipal services, especially in the context of NOT IMPLEMENTED martial law restrictions.

> The availability of the tool and its operation from January to OR the platform is not December 2023 are checked.

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Yes	1
	+
PARTIALLY	S

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No

active

C39 Are the electronic auc- The Law of Ukraine On Lease of IMPLEMENTED conducted?

tions for the sale of rights State and Communal Property, to place seasonal trade the Order of the Ministry Yes objects AND tempo- of Regional Development. rary structures for en- Construction, Housing and PARTIALLY trepreneurial activity Communal Services of Ukraine IMPLEMENTED dated October 21, 2011, No. 244 and other legislative acts do not Yes, electronic auctions establish requirements for the for the sale of rights to use of the system of electronic place seasonal trade auctions for the sale of rights to hold fairs, the placement of other objects of trade and enter- OR temporary structures tainment, advertising, etc.

> Instead, the holding of elec- NOT IMPLEMENTED tronic auctions for the sale of rights to place temporary No structures and seasonal trade objects indicates a transparent process of property management, reduces corruption risks, and can be a source of additional revenues to local budgets.

It is checked whether electronic auctions were held in the Prozorro.Sale system and on accredited sites between January and December 2023.

W

objects

were held

C40 Does the official or spe- According to Article 23-1 of the properly?

- * Full up-to-date information means the following data (or links to them):
 - a) the name of the petition; b) full name of the initiator;
 - c) date of publication;
 - d) the date of submission,

cial website of the city Law of Ukraine On Citizens' council contain full up- Appeals, citizens can apply to Yes to-date information* on local self-government bodall petitions submitted, ies with an electronic peti- PARTIALLY and does the city coun- tion through the official web- IMPLEMENTED cil consider petitions site of the body to which it is addressed, or the website of Yes, but the full infora public association that col- mation is published lects signatures in support of only about the petitions an electronic petition.

> Petitions that do not gain the in support required number of votes are

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that received the required number of votes

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the beginning of signature collection, the completion of signature collection; e) the number of signatures them are also published. collected;

f) response on support / non-support with explanations (link to the decision, if any).

considered as electronic ap- NOT IMPLEMENTED peals of citizens, responses to

The indicator checks the data for 2023.

No

PROCUREMENT

	Indicator	Clarification and justification of the indicator	Assessment	Methods	Law /	Practice / Law + Practice
C51	structural divisions*, utili- ty companies publish jus- tification of a) technical and qual- itative characteristics of procurement items, b) their expected val- ue and budget pur- pose on its website (or on the city coun- cil website) for each competitive pro-	Part 4, clause 1 of the Resolution of the Cabinet of Ministers of Ukraine of October 11, 2016, No. 710 On the Effective Use of Public Funds obliges budget administrators to ensure that the justification of the technical and qualitative characteristics, expected value, and the size of the budget purpose of procurement items are made public by posting on their website (or on the official website of the leading administrator of budget funds) within five working days after the publication of the announcement of the competitive procurement procedure or notification of the intention to award a procurement contract based on the results of the negotiated procurement procedure.	Yes PARTIALLY IMPLEMENTED - NOT IMPLEMENTED		W + 1 + D	L

The indicator checks the data for 2023. If a municipal company or a structural division of a local self-government body does not have a website, the respective information shall be posted on a city council's website.

There were published:

a) at least 20 justifications for procurement with the number less than a thousand

OR

b) at least 50 justifications for procurement ranged from one thousand to five thousand

OR

c) at least 80 justifications for procurement with a number more than 5 thousand.

C52 Were there any com- According to Article 1, clause IMPLEMENTED der documentation of the organizations that were Procurement. satisfied during the year?

plaints to the Anti- 17 of the Law of Ukraine On Monopoly Committee of Public Procurement, the Anti- The number of allowed Ukraine (hereinafter re- Monopoly Committee of complaints to the AMCU ferred to as the AMCU) Ukraine is the procurement regarding the terms of about the terms of ten- procedure appeal body.

city council, its executive The procedure for appealbodies, structural divi- ing of a procurement procesions, subordinate en- dure is regulated by Article 18 city council, its execterprises, institutions, and of the Law of Ukraine On Public utive bodies, structur-

> Based on the results of con- and organizations sideration of the complaint, the appeal body makes a rea- PARTIALLY soned decision, which specifies: IMPLEMENTED

1) the conclusion on the presence or absence of a violation of the procurement procedure;

the tender documentation is 10% or less of all open tenders with features announced by the al divisions, subordinate enterprises, institutions,

L W

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2) conclusion on allowing of **NOT IMPLEMENTED** the complaint in whole or in part, or on refusal to al- The number of allowed low it:

- for making a decision;
- 4) if the complaint is allowed partially or in full, open tenders with feathen the procurement en- tures announced by the tity's obligation is to elim- city council, its execuinate the violations in the tive bodies, structural diprocurement procedure visions, subordinate enand/or restoration of the terprises, institutions, and procurement procedure to organizations the most recent lawful decision or action of a procuring entity.

Within one working day after the decision is made based on the results of consideration of the complaint, the appeal body shall provide information about the operative part of the decision in the electronic procurement system and post the decision in the electronic procurement system within three working days after its adoption.

The indicator checks the decisions of the appeal body available in the electronic procurement system for 2023.

complaints to the AMCU 3) grounds and justification regarding the terms of the tender documentation is 10% or more of all

REGULATORY FRAMEWORK

International treaties of Ukraine

United Nations Convention on the <u>Rights of Persons with Disabilities</u>.

Ukraine's Codes

- Budget Code of Ukraine;
- Housing Code of Ukraine;
- · Land Code of Ukraine;
- Tax Code of Ukraine.

Laws of Ukraine

- Law of Ukraine On Amendments to Certain Laws of Ukraine on the Procedure for Submitting Declarations of Persons Authorized to Perform the Functions of the State or Local Self-Government under Martial Law of September 20, 2023, No. 3384-IX;
- Law of Ukraine On Amendments to Certain Laws of Ukraine on the Functioning of Civil Service and Local Self-Government during the Period of Martial Law of May 12, 2022, No. 2259-IX;
- Law of Ukraine On Amendments to Certain Legislative Acts of Ukraine on the Sale of Land Plots and the Acquisition of the Right to Use Them through Electronic Auctions of May 18, 2021, No. 1444-IX;
- Law of Ukraine On Amendments to Section VI Final and Transitional Provisions of the Budget Code of Ukraine and Other Legislative Acts of Ukraine of March 15, 2022, No. 2134-IX;

- Law of Ukraine On Humanitarian Aid of October 22, 1999, No. 1192-XIV;
- Law of Ukraine On State Forecasting and Development of Programs of Economic and Social Development of Ukraine of March 23, 2000, No. 1602-III;
- Law of Ukraine On Access to Public Information of January 13, 2011, No. 2939-VI;
- Law of Ukraine On Prevention of Corruption of October 14, 2014, No. 1700-VII;
- Law of Ukraine On Citizen's Appeals of October 2, 1996, No. 393/96-VR;
- Law of Ukraine On Compensation for Damage and Destruction of Certain Categories of Real Estate as a Result of Hostilities, Terrorist Acts, and Sabotage Caused by the Armed Aggression of the Russian Federation Against Ukraine, and the State Register of Property Damaged and Destroyed as a Result of Hostilities, Terrorist Acts, and Sabotage Caused by the Armed Aggression of the Russian Federation Against Ukraine of February 23, 2023, No. 2923-IX;
- Law of Ukraine On Local Self-Government in Ukraine of May 21, 1997, No. 280/97-VR;
- Law of Ukraine On the Lease of the National and Municipal Property of October 3, 2019, No. 157-IX;
- Law of Ukraine On the Legal Regime of Martial Law of May 12, 2015, No. 389-VIII;
- Law of Ukraine On Privatization of National and Municipal Property of January 18, 2018, No. 2269-VIII;
- Law of Ukraine On Public Procurement of December 25, 2015, No. 922-VIII;
- Law of Ukraine On Regulation of Urban Planning Activities of February 17, 2011, No. 3038-VI;

Regulations, Rules, Procedures and Requirements

- Resolution of the Cabinet of Ministers of Ukraine <u>Certain Issues of Activity of Territorial Centers</u> for Social Services (Provision of Social Services) of December 29, 2009, No. 1417;
- Resolution of the Cabinet of Ministers of Ukraine <u>Certain Issues of Establishment of the Commission for Consideration of Compensations for Destroyed Real Estate as a Result of Hostilities, Terrorist Acts, and Sabotage Caused by the Armed Aggression of the Russian Federation Against Ukraine of May 19, 2023, No. 516;
 </u>

- Resolution of the Cabinet of Ministers of Ukraine <u>Certain Issues of Receiving</u>, <u>Using</u>, <u>Accounting</u> and Reporting of Charitable Assistance of March 5, 2022, No. 202;
- Resolution of the Cabinet of Ministers of Ukraine <u>Certain Issues Related to Compensation for</u> Temporary Accommodation (Stay) of Internally Displaced Persons of August 30, 2022, No. 977;
- Resolution of the Cabinet of Ministers of Ukraine On Approval of Procedures for Recovery and Development of Regions and Territorial Communities dated July 18, 2023, No. 731;
- Resolution of the Cabinet of Ministers of Ukraine On Effective Use of Public Funds of October 11, No. 710;
- Resolution of the Cabinet of Ministers of Ukraine On Approval of Features of Conducting Public
 Procurement of Goods, Works and Services for the Procuring Entities provided by the Law of
 Ukraine On Public Procurement for the Period of Legal Regime of Martial Law in Ukraine and
 within 90 Days from the Date of Its Termination or Cancellation of October 12, 2022, No. 1178;
- Resolution of the Cabinet of Ministers of Ukraine On Approval of the Regulation on the Preschool Education Institution of March 12, 2003, No. 305;
- Resolution of the Cabinet of Ministers of Ukraine October 21, 2015, No. 835 On Approval of the Regulation on Data Sets Subject to Publication in Open Data Format;
- Resolution of the Cabinet of Ministers of Ukraine On Approval of the Procedure for Calculating
 Damage and Losses Caused to Ukraine as a Result of the Armed Aggression of the Russian

 Federation of March 20, 2022, No. 326;
- Resolution of the Cabinet of Ministers of Ukraine On Approval of the Procedure for the Use of Humanitarian Aid in the Form of Funds in Foreign Currency from Foreign Currency Accounts of Humanitarian Aid Recipients of March 22, 2000, No. 542;
- Resolution of the Cabinet of Ministers of Ukraine On Approval of the Procedure for Compensation of Expenses for Temporary Accommodation (Stay) of Internally Displaced Persons of March 19, 2022, No. 333;
- Resolution of the Cabinet of Ministers of Ukraine On Approval of the Procedure for Compensation of Certain Categories of Real Estate Destroyed as a Result of Hostilities, Terrorist Acts, and Sabotage Caused by the Armed Aggression of the Russian Federation, Using eRecovery Electronic Public Service of April 21, 2023, No. 381;
- Resolution of the Cabinet of Ministers of Ukraine On Approval of the Model Regulation on the <u>Council for Internally Displaced Persons</u> of August 4, 2023, No. 812 (amended as of December 1, 2023);
- Resolution of the Cabinet of Ministers of Ukraine On Measures to Further Ensure Openness in the Activities of Executive Authorities of August 29, 2002, No. 1302;

- Resolution of the Council of Ministers of the Ukrainian SSR and Ukrainian Republic Council
 of Trade Unions On Approval of Rules of Registration of Citizens Who Need Improvement of
 Living Conditions, and Providing them with Residential Premises in Ukrainian SSR of December
 11, 1984, No. 470;
- Order of the Ministry of Education and Science of Ukraine On Approval of the Procedure for Enrollment, Expulsion and Transfer of Students to State and Municipal Educational Institutions for Complete General Secondary Education of April 16, 2018, No. 367;
- Order of the Ministry of Finance of Ukraine On Approval of the Form of the List of Lessees with Whom Lease Agreements for Land of State or Municipal Ownership Were Concluded of September 17, 2015, No. 783.

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