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# Framework conditions and Ukrainian experience for the restoration of the Ministry of Agrarian Policy and Food of Ukraine

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Implemented by:



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## About the Project “German-Ukrainian Agricultural Policy Dialogue” (APD)

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The project “German-Ukrainian Agricultural Policy Dialogue (APD)” has been implemented with the support of the Federal Ministry of Food and Agriculture (BMEL) since 2006 and is planned to run until 2021. While the implementing agency of BMEL’s entire bilateral cooperation-program is GFA Consulting Group LLC, the APD-project in Ukraine is implemented by a consortium consisting of IAK Agrar Consulting, Leibniz Institute of Agricultural Development in Transition Economies (IAMO) and AFC Consultants International. The recipient of the project is the National Association of Agricultural Advisory Services of Ukraine “Dorada”. The beneficiary of the project is the Ministry of Agrarian Policy and Food of Ukraine. The project aims at supporting Ukraine in the areas of sustainable agriculture, efficient processing industry and international competitiveness in accordance with the principles of market and regulatory policies, taking into account the potential for development resulting from the Association Agreement between the EU and Ukraine. To meet this goal, the Project provides information on German, in particular Eastern German, experience and know-how, as well as on international European experience with regard to the development of an agrarian and forestry policy.

One of the components of APD – the land component – is managed by BVVG German AgriForest Privatisation Agency, a state-owned enterprise that is responsible for the administration of state-owned agricultural and forestry land in (Eastern) Germany. Under the land component, the project offers an exchange of experience and know-how between Ukrainian and German land management experts from BVVG and additional German land management institutions. The land component focuses on political, legal and technical issues related to land management and accompanies the current discussions in Ukraine concerning land market development.



[www.apd-ukraine.de](http://www.apd-ukraine.de)

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## **1. LEGAL BASIS FOR THE DEVELOPMENT OF PUBLIC ADMINISTRATION (GOVERNMENT/REGION/DISTRICT/LOCAL COMMUNITY) AND ADMINISTRATIVE APPROACHES IN UKRAINE**

With the acquisition of state independence it became possible to adopt relevant legislation and, based on them, the practical reorganization of public administration, change the content and form of executive power, transformation of the Council of Ministers into the Cabinet (1991), revision of goals and objectives of ministries, departments, local, territorial bodies of executive power, the adoption of a long-term program to improve management methods, the main of which was the introduction of economic methods of regulation, limiting administrative management, increasing the independence of grassroots facilities until their privatization and transfer to private hands or collective ownership through corporatization. All these measures have significantly changed the nature of the relationship, the relationship of territorial, functional and sectoral authorities, transformed their relationship. Today, the development of the legal framework of public administration coincides with a rethinking of the role of such basic categories as democracy, civic participation, the ratio of political and administrative mechanisms, and so on.

Many modern legal acts in the field of public administration have been adopted in modern Ukraine. Many of them have been purposefully developed and adopted in the interests of improving the quality of public administration in solving various tasks of executive bodies, in performing various state functions - to create and ensure the necessary mechanisms and tools for public administration. Nevertheless, there is no single act or series of interrelated acts in Ukraine that regulate public administration as a process. These issues are regulated by various regulations, which often contradict each other, giving rise to ambiguous practices of their application. Normative acts on public administration are not bound by uniform principles of public administration.

In different years, efforts have been made to overcome the inconsistency of Ukrainian legislation on public administration - it was necessary to provide public administration with key laws, such as the law on regulations and the law on public administration.

The inconsistency of the legislative regulation of public administration in Ukraine is associated not only with the shortcomings of certain regulatory acts, but also in general with the inadequate quality of public administration. Already in the 21st century, Ukraine has made considerable efforts to improve the quality of public administration, including through administrative and budgetary reforms, civil service reform, local self-government, and the development and implementation of anti-corruption measures. As a result, a number of legislative acts were developed and adopted, which form new tools, mechanisms, procedures and technologies of public administration or set tasks for their development, adoption and implementation, determine the requirements for them.

These are, in particular, the Laws of Ukraine «On Civil Service»<sup>1</sup> of December 10, 2015 № 889-VIII; «On Service in Local Self-Government Bodies»<sup>2</sup> of June 7, 2001 № 2493-III; «On Prevention of Corruption»<sup>3</sup> of October 14, 2014 № 1700-VII, etc.

However, improving the quality of public administration remains one of the main tasks facing Ukrainian society and the state. In the Main Directions of the Government of Ukraine for the period up to 2020, improving the quality of public administration is considered both as one of the activities of the Government as a whole and as one of two conditions for the effective launch of a new model of economic growth. In particular, the Order of the Cabinet of Ministers of Ukraine of June 24, 2016 № 474 «Some issues of public administration reform in Ukraine»<sup>4</sup> approved the Strategy for Public Administration Reform of Ukraine until 2021 and the Action Plan for its implementation. The main goal of the Strategy is to improve the system of public administration and, accordingly, to increase the level of competitiveness of the country. The implementation of this Strategy should result in a more efficient and accountable public administration system that works in the interests of society ensures sustainable development of the country and provides quality services.

The system of executive bodies consists of three parts of the following organizational and legal levels:

- 1) higher - the Cabinet of Ministers of Ukraine;
- 2) central - ministries, state services, state agencies, state inspections and central executive bodies with a special status;
- 3) administrative-territorial - territorial executive bodies and local state administrations.

### **Central executive bodies**

The legal basis for the establishment and operation of central bodies is the provisions of Article 116 of the Constitution of Ukraine and the Law of Ukraine «On Central Executive Bodies»<sup>5</sup> of March 17, 2011 № 3166-VI which define the organization, powers and procedures of central executive bodies of Ukraine. According to Article 1 of the Law, it is determined that the system of central executive bodies consists of the ministries of Ukraine and other central executive bodies.

The system of central executive bodies is a component of the system of executive bodies, the highest body of which is the Cabinet of Ministers of Ukraine.

Ministries ensure the formation and implementation of state policy in one or more areas,

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<sup>1</sup> <https://zakon.rada.gov.ua/laws/show/889-19#Text>

<sup>2</sup> <https://zakon.rada.gov.ua/laws/show/1700-18#Text>

<sup>3</sup> <https://zakon.rada.gov.ua/laws/show/1700-18#Text>

<sup>4</sup> <https://zakon.rada.gov.ua/laws/show/474-2016-%D1%80#Text>

<sup>5</sup> <https://zakon.rada.gov.ua/laws/show/3166-17#Text>

other central executive bodies perform certain functions for the implementation of state policy.

The powers of ministries and other central executive bodies extend to the entire territory of the state.

Pursuant to Article 13 of this Law, ministries and departments may establish their own territorial bodies, which are formed in cases when their establishment is provided by the regulations on the ministry approved by the Cabinet of Ministers of Ukraine. Territorial bodies are formed as legal entities under public law within the maximum number of civil servants and employees of the Ministry and the funds provided for the maintenance of the Ministry are liquidated, reorganized at the request of the Minister by the Cabinet of Ministers of Ukraine.

Other central executive bodies such as services, agencies, inspections, commissions are formed in accordance with Article 16 of this Law to perform certain functions of public policy. Their activities are directed and coordinated by the Cabinet of Ministers of Ukraine through the relevant ministers in accordance with the law.

### **Local executive bodies**

Executive power at the local territorial level, i.e. in oblasts, rayon's, cities of Kyiv and Sevastopol, is exercised by oblast, rayon, Kyiv and Sevastopol city and rayon state administrations in the cities of Kyiv and Sevastopol. Local (territorial) bodies (subdivisions) of ministries and other central executive bodies also perform the functions of executive power defined by law.

The legal basis for the organization and activity of local executive bodies is the provisions of Articles 118 and 119 of the Constitution of Ukraine<sup>6</sup> and the Law of Ukraine «On Local State Administrations»<sup>7</sup> of April 9, 1999 № 586-XIV, according to which executive power in oblasts and rayon's, Kyiv and Sevastopol carried out by local state administrations.

Local state administrations are single-level executive bodies of general competence, represented by the heads of local state administrations. According to paragraph 10 of Article 106 of the Constitution of Ukraine, heads of local state administrations are appointed on the proposal of the Prime Minister of Ukraine and dismissed by the President of Ukraine. In exercising their powers, they are accountable to the President and the Cabinet of Ministers of Ukraine. District state administrations are also accountable to and controlled by higher-level executive bodies.

In accordance with the laws of Ukraine, local state administrations may be transferred (delegated) to exercise certain powers of higher-level executive bodies. The transfer should accompany the granting of such powers to local state administrations of the

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<sup>6</sup> <https://zakon.rada.gov.ua/laws/show/586-14#Text>

<sup>7</sup> <https://zakon.rada.gov.ua/laws/show/586-14#Text>

appropriate financial, logistical and other resources necessary for the exercise of those powers.

Also, the Resolution of the Cabinet of Ministers of Ukraine of April 18, 2012 № 606<sup>8</sup> approved the recommendation lists of structural units of regional, Kyiv and Sevastopol city, district, district in the cities of Kyiv and Sevastopol state administrations to ensure interaction and exercise certain powers of local governments.

## **Local Government**

The system and guarantees of local self-government in Ukraine, principles of organization and activity, legal status and responsibility of bodies and officials of local self-government are defined in accordance with Articles 140-146 of the Constitution of Ukraine<sup>9</sup> and the Law of Ukraine «On Local Self-Government in Ukraine»<sup>10</sup> of May 21, 1997 № 280/97.

Local self-government and its bodies, according to the Constitution of Ukraine, are not part of the mechanism of state power, although this does not mean its full autonomy from the state, state power.

The relationship of local self-government with the state is quite close and is manifested in the fact that, first, both local self-government and state power have a single source - the people; secondly, local self-government bodies may be granted by law certain powers of executive bodies and the state of their implementation is controlled by the relevant executive bodies; has a special object of management - issues of local importance, the list of which in the form of subjects of local self-government bodies and officials is defined in the Law of Ukraine of May 21, 1997 «On local self-government in Ukraine». This position of local self-government in the political system allows to characterize it as an independent (along with state power) form of public power - public power of the territorial community.

In general, the most important issues referred to local government, defined by the Constitution of Ukraine, Art. 143 that provides that the territorial communities of villages, towns, cities:

- directly or through the local governments formed by them manage the property that is in communal ownership;
- approve programs of socio-economic and cultural development and control their implementation;
- approve the budgets of the relevant administrative-territorial units and control their implementation;

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<sup>8</sup> <https://zakon.rada.gov.ua/laws/show/606-2012-%D0%BF#Text>

<sup>9</sup> <https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80#n4722>

<sup>10</sup> <https://zakon.rada.gov.ua/laws/show/280/97-%D0%B2%D1%80#Text>

- establish local taxes and fees in accordance with the law;
- ensure the holding of local referendums and the implementation of their results;
- form, reorganize and liquidate utility companies, organizations and institutions, as well as exercise control over their activities; resolve other issues of local significance referred by law to their competence.

At the same time, **decentralization reform**<sup>11</sup> continues in Ukraine, which aims to form effective local self-government and territorial organization of government to create and maintain a full living environment for citizens, provide high quality and affordable public services, establish direct democracy, and harmonize the interests of the state and local communities. The reform provides for the responsibility of local governments to the residents - for the effectiveness of their work, and to the state - for its legitimacy.

The reform of decentralization gave impetus to the formation of a viable and closest to the citizen institution of power - local self-government.

Voluntary association of territorial communities allowed the newly formed local governments to obtain the appropriate powers and resources that previously had cities of regional importance.

The interests of citizens living in the united community are now represented by the elected chairman, the parliamentary corps and the executive bodies of the community council, which ensure the exercise of statutory powers in the interests of the community. In the settlements that are part of the united community, the right of residents to local self-government and the provision of services to citizens is ensured by the elected elders.

According to the Law of Ukraine «On Voluntary Association of Territorial Communities»<sup>12</sup> of February 5, 2015 № 157-VIII, the increase and unification of communities was carried out by voluntary association taking into account the opinion of citizens. It is mandatory when planning the creation of communities to determine the potential resource opportunities of the community for economic and social development and the ability to provide quality services to residents.

With the amendments to the Tax<sup>13</sup> and Budget<sup>14</sup> Codes, from January 1, 2015, the united communities gained the powers and resources that have cities of regional importance, in particular - the inclusion in the local budgets of the united territorial communities 60 percent personal income tax on their own powers. In addition, revenues from taxes remain entirely on the ground: a single tax, on the profits of enterprises and financial institutions of communal property and property tax (real estate, land, transport).

In addition, the united territorial communities have direct inter-budgetary relations with

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<sup>11</sup> <https://www.kmu.gov.ua/diyalnist/reformi/efektivne-vryaduvannya/reforma-decentralizaciyi>

<sup>12</sup> <https://zakon.rada.gov.ua/laws/show/157-19#Text>

<sup>13</sup> <https://zakon.rada.gov.ua/laws/show/2755-17#Text>

<sup>14</sup> [zakon.rada.gov.ua/laws/show/2456-17#Text](https://zakon.rada.gov.ua/laws/show/2456-17#Text)



the state budget (before the reform only regional and district budgets, budgets of cities of regional significance had direct relations), they are provided with appropriate transfers (grants, educational and medical subventions) to fulfill the powers delegated by the state. , subvention for community infrastructure development, etc.). Legislative changes also gave local governments the right to approve local budgets regardless of the date of adoption of the law on the State Budget.

Such improvements have already yielded the first noticeable results. Own revenues of local budgets from 2014 to 2019 increased by UAH 200 billion. (from UAH 68.6 billion to UAH 267 billion). It is a real tool for influencing the achievement of results and responsibility for the trust of communities.

The united territorial communities, in addition to increasing their own financial capabilities, as a result of decentralization have other tools to ensure economic development - the implementation of external borrowing, independent selection of institutions to service local budgets for development and own revenues of budgetary institutions. Decentralized powers in the field of architectural and construction control and improvement of urban planning legislation, local governments are given the right to independently determine urban policy.

After the adoption of a number of laws on the decentralization of powers and regulation of land relations, communities will have the right to dispose of land outside the settlements. The Verkhovna Rada of Ukraine has adopted laws that make it possible to decentralize part of the powers of central executive bodies to provide basic administrative services: registration of real estate, business, place of residence - transferring them to the community level.

Draft laws designed to clearly delineate powers in the field of education, health care, leisure, socio-economic development, infrastructure between local governments and executive authorities at each of the territorial levels of administrative and territorial organization of the state.

The objectives of decentralization reform are to form a new territorial basis for the activities of public authorities and effective local self-government with an optimal system of territorial organization of power on a new territorial basis, in particular, inter alia, through:

- division of powers between local self-government bodies and executive bodies, including the powers of territorial bodies of central executive bodies, their subdivisions, taking into account the principle of subsidiarity and the new territorial basis;
- reformatting of local state administrations in accordance with the new competence, the main powers of which will be ensuring law and order, observance of rights and freedoms of citizens, implementation of state and regional programs, coordination (interaction) of territorial bodies of central executive bodies, administrative supervision of legality local

governments.

### ***Key results of decentralization reform***

In Ukraine, the decentralization process began in 2014 with the adoption of the Concept of reform of local self-government and territorial organization of power in Ukraine<sup>15</sup> on April 1, 2014 № 333-r, laws of Ukraine «On cooperation of territorial communities»<sup>16</sup> of June 17, 2014 № 1508-VII, «On Voluntary Association of Territorial Communities»<sup>17</sup> dated February 5, 2015 № 157-VIII and amendments to the Budget and Tax Codes - regarding financial decentralization.

This process has made it possible to form, in accordance with the provisions of the European Charter of Local Self-Government, a significant effective and capable institution of local self-government at the basic level - united territorial communities (UTG).

During the 6 years of the reform, 1,070 UTGs were formed, in which 4,882 communities voluntarily joined.

The government has approved long-term plans for the formation of communities in 24 oblasts, which cover 100 percent of the oblast's territory.

The area of UTGs formed is almost 47 percent of the total area of Ukraine. More than 70 percent of Ukraine's population lives in UTGs and cities of regional significance.

In accordance with the adopted Law of Ukraine «On Amendments to Certain Laws of Ukraine on Defining Territories and Administrative Centers of Territorial Communities»<sup>18</sup> of April 16, 2020 № 562-IX, the Cabinet of Ministers of Ukraine identified administrative centers and approved the territories of 1,470 able-bodied territorial communities ). Also, according to the Resolution of the Verkhovna Rada of Ukraine of July 17, 2020 № 807-IX «On the formation and liquidation of districts»<sup>19</sup> out of 490 formed 136 districts 36 of which have a population of less than 150 thousand.

Thanks to the introduction of inter-municipal cooperation, communities have been able to consolidate their efforts and implement joint projects. In particular, 1354 territorial communities concluded 604 cooperation agreements.

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<sup>15</sup> <https://zakon.rada.gov.ua/laws/show/333-2014-%D1%80#Text>

<sup>16</sup> <https://zakon.rada.gov.ua/laws/show/1508-18#Text>

<sup>17</sup> <https://zakon.rada.gov.ua/laws/show/157-19#Text>

<sup>18</sup> <https://zakon.rada.gov.ua/laws/show/562-20#Text>

<sup>19</sup> <https://zakon.rada.gov.ua/laws/show/807-20#Text>

## 2. HISTORICAL OVERVIEW OF FUNDAMENTAL CHANGES IN THE TASKS AND ORGANIZATIONAL STRUCTURE OF THE AGRICULTURAL ADMINISTRATION IN UKRAINE

With Ukraine's independence in 1991 and at the request of the Constitution of Ukraine<sup>20</sup> adopted at the fifth session of the Verkhovna Rada of Ukraine on June 28, 1996, which allows private property, the state revised the rules of state regulation of the economy, changed agricultural policy, introduced agrarian reform, began new agrarian relations, etc. On this basis, the Ministry of Agrarian Policy of Ukraine was established and operated as the main body in the system of central executive bodies to ensure the implementation of state agricultural policy, food security, public administration in agriculture, horticulture, viticulture, food and processing industry and complex development of rural areas (Resolution of the Cabinet of Ministers of Ukraine of November 1, 2006 № 1541 «On approval of the Regulations on the Ministry of Agrarian Policy of Ukraine»<sup>21</sup>, repealed on November 23, 2011 № 1409<sup>22</sup>).

As a result of the **administrative reform of 2010** according to the Decree of the President of Ukraine «On optimization of the system of central executive bodies»<sup>23</sup> of December 9, 2010 № 1085/2010, it was decided to form:

Ministry of Agrarian Policy and Food of Ukraine and the State Inspectorate of Agriculture of Ukraine, reorganizing the Ministry of Agrarian Policy of Ukraine.

The State Veterinary and Phytosanitary Service of Ukraine, reorganizing the State Committee of Veterinary Medicine of Ukraine, as well as assigning to this Service the functions of implementing state policy in the field of protection of plant variety rights;

State Agency of Land Resources of Ukraine, reorganizing the State Committee of Ukraine for Land Resources;

State Agency of Forest Resources of Ukraine, reorganizing the State Committee of Forestry of Ukraine;

State Agency of Fisheries of Ukraine, reorganizing the State Committee of Fisheries of Ukraine;

Also, this order defined the Central executive bodies, whose activities are directed and coordinated by the Cabinet of Ministers of Ukraine through the relevant members of the Cabinet of Ministers of Ukraine, in particular:

1) through the Minister of Agrarian Policy and Food of Ukraine:

State Veterinary and Phytosanitary Service of Ukraine

State Agency of Land Resources of Ukraine

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<sup>20</sup> <https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80#Text>

<sup>21</sup> <https://zakon.rada.gov.ua/laws/show/1541-2006-%D0%BF#Text>

<sup>22</sup> <https://zakon.rada.gov.ua/laws/show/1409-2011-%D0%BF#Text>

<sup>23</sup> <https://zakon.rada.gov.ua/laws/show/1085/2010#Text>

State Agency of Forest Resources of Ukraine

State Agency of Fisheries of Ukraine

State Inspectorate for Agriculture of Ukraine (*liquidated by the resolution of the Cabinet of Ministers of Ukraine «On optimization of the system of central executive bodies»<sup>24</sup> of September 10, 2014 № 442*).

The Regulations on the Ministry of Agrarian Policy and Food of Ukraine, the Decree of the President of Ukraine of April 23, 2011 № 500<sup>25</sup> were approved, and the maximum number of employees of the staff and territorial bodies of central executive bodies in 2010 was determined. According to the Resolution of the Cabinet of Ministers of Ukraine «On approval of the maximum number of employees of the central executive bodies and their subordinate territorial bodies and other state bodies»<sup>26</sup> of May 13, 2009 № 464:

Name of the executive body	Maximum number of employees	
	of staff	of territorial bodies
Ministry of Agrarian Policy and Food	472	
State Agency for Land Resources	390	14351
State Agency of Forest Resources	106	798
State Agency for Fisheries	105	
State Veterinary and Phytosanitary Service	105	3959

Until 2015, the Ministry of Agrarian Policy carries out its activities within the Regulations approved by the Decree of the President of Ukraine of April 23, 2011 № 500.

In 2015, the Resolution of the Cabinet of Ministers of Ukraine approved a new Regulation on the Ministry of Agrarian Policy and Food of Ukraine<sup>27</sup> dated November 25, 2015 № 1119 as amended (*The Resolution expired on the basis of the Resolution of the Cabinet of Ministers*<sup>28</sup> № 124 of 17.02.2021).

The Ministry of Agrarian Policy and Food of Ukraine the main body in the system of central executive bodies whose main tasks are to ensure:

1) formation and implementation of state agricultural policy, state policy in the fields of agriculture and food security of the state, protection of plant variety rights, animal husbandry, crop production, rural development, horticulture, viticulture, winemaking, hop growing, food and processing industry (hereinafter - areas of agro-industrial production), technical policy in the field of agro-industrial complex and mechanical engineering for agro-industrial complex, agricultural advisory activities, production and circulation of organic products (raw materials), monitoring and soil fertility on agricultural lands, seed

<sup>24</sup> <https://www.kmu.gov.ua/npas/247600952>

<sup>25</sup> [https://ips.ligazakon.net/document/u500\\_11?an=531&ed=2012\\_01\\_03](https://ips.ligazakon.net/document/u500_11?an=531&ed=2012_01_03)

<sup>26</sup> <https://zakon.rada.gov.ua/laws/show/464-2009-%D0%BF#Text>

<sup>27</sup> <https://zakon.rada.gov.ua/laws/show/1119-2015-%D0%BF#Text>

<sup>28</sup> <https://zakon.rada.gov.ua/laws/show/124-2021-%D0%BF#Text>

and nursery;

2) formation and implementation of state policy in the areas of fisheries and fishing industry, protection, use and reproduction of aquatic bio resources, regulation of fisheries and maritime safety of vessels of the fleet of fisheries, forestry and hunting, veterinary medicine, safety and certain indicators of food quality, spheres of quarantine and plant protection, in the field of topographic, geodetic and cartographic activities, land relations, land management, in the field of State Land Cadaster, state supervision (control) in the agro-industrial complex in terms of compliance with land legislation, use and protection of lands of all categories and forms of ownership, soil fertility;

3) formation of state policy in the field of supervision (control) in the system of engineering and technical support of the agro-industrial complex.

In order to bring the Regulation to changes in the legislation, in particular the new Law of Ukraine «On Civil Service»<sup>29</sup>, as well as to implement the Government's decisions to optimize the system of executive bodies, the Government amended the Regulation on the Ministry of Agrarian Policy and Food of Ukraine several times.

Changes:

- from July 22, 2016 № 482<sup>30</sup> powers on the formation of state policy in the field of land relations, in the field of topographic and geodetic and cartographic activities, state land cadaster, use and protection of land of all categories and forms of ownership transferred from the Ministry of Regional Development, Construction and Housing of communal services to the Ministry of Agrarian Policy of Ukraine Amendments have also been made to the documents regulating the subordination and accountability of the State Service of Ukraine for Geodesy, Cartography and Cadaster;

- dated September 22, 2016 № 650<sup>31</sup> in the Regulation the powers between the Minister and the head of the civil service in the state body - the State Secretary of the Ministry are clarified, the powers of the Ministry of Agrarian Policy in the field of animal husbandry are specified. animal grading and breeding records, as well as determination of authorized institutions (organizations) and selection centers to determine the breeding value of breeders by origin, own productivity and quality of offspring;

- dated December 28, 2016 № 1051<sup>32</sup> in connection with the liquidation of the State Inspectorate for Agriculture, assigned the functions of registration and accounting of machines, state supervision (control) in terms of operation and technical condition of machines, functions of certification of seeds and planting material, state supervision (control) in the areas of protection of plant variety rights, seed production and nursery,

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<sup>29</sup> <https://zakon.rada.gov.ua/laws/show/889-19#Text>

<sup>30</sup> <https://zakon.rada.gov.ua/laws/show/482-2016-%D0%BF#n104>

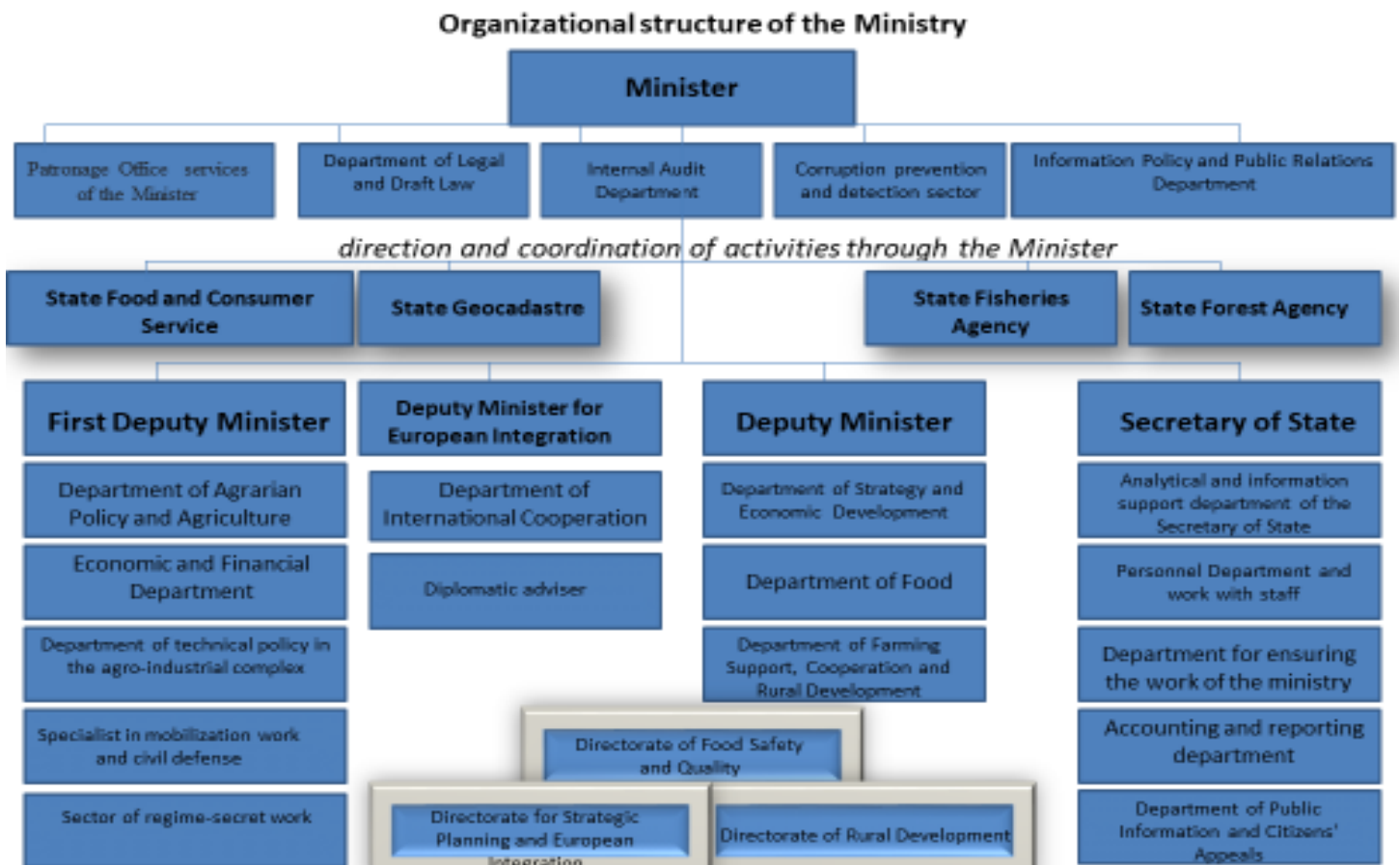
<sup>31</sup> <https://zakon.rada.gov.ua/laws/show/650-2016-%D0%BF#Text>

<sup>32</sup> <https://zakon.rada.gov.ua/laws/show/1051-2016-%D0%BF#n48>

state control over the quality of grain and products of its processing; implementation of state supervision (control) over the observance of biological and genetic safety measures for agricultural plants during the creation, research and practical use of genetically modified organism in open systems at enterprises, institutions and organizations of the agro-industrial complex, regardless of their subordination and ownership; implementation of radiation control over the level of radioactive contamination of agricultural products and foodstuffs - to the State Service for Food Safety and Consumer Protection.

The organizational structure of the ministry changed with each change of government, respectively the Minister, there was a rotation of senior and middle management. New structural subdivisions of the ministry were created, merged, liquidated, and renamed.

### The organizational structure Ministry of Agrarian Policy and Food of Ukraine



According to the Resolution of the Cabinet of Ministers of Ukraine of April 5, 2014 № 85 «Some issues of approval of the maximum number of employees of the staff and territorial bodies of central executive bodies, other state bodies»<sup>33</sup> (as amended), the maximum number of employees of the Ministry of Agrarian Policy and Food changed as follows:

Name of the executive body	Maximum number of employees		Year
	of staff	including civil servants	
Ministry of Agrarian Policy and Food	357	353	2015
	360	356	2016
	382	378	2017

In 2017, the increase in the number took place in accordance with the resolution of the Cabinet of Ministers of Ukraine of August 18, 2017 № 647 «Some issues of implementation of comprehensive public administration reform»<sup>34</sup> due to the introduction of reform specialists.

According to the State Property Fund of Ukraine in the sphere of administration of the Ministry as of 01.01. In 2014, 885 state-owned enterprises were owned.

The Ministry of Agrarian Policy and Food coordinates the activities of the following central executive bodies:

### **1. State Service of Ukraine for Geodesy, Cartography and Cadastre**

Resolution of the Cabinet of Ministers of Ukraine of September 10, 2014 № 442 «On optimizing the system of central executive bodies»<sup>35</sup> established the State Service of Ukraine for Geodesy, Cartography and Cadastre, reorganizing the State Agency of Land Resources of Ukraine through transformation.

"Optimization" of the system of the central executive body did not change the content of this body, but constantly changed its name and subordination. Thus, in different years, it was subordinated to the Ministry of Ecology and Natural Resources of Ukraine, the Ministry of Agrarian Policy and Food of Ukraine, housing and communal services and in 2016 returned to the sphere of management of the Ministry of Agrarian Policy.

According to the resolution of the Cabinet of Ministers of Ukraine «On the State Service of Ukraine for Geodesy, Cartography and Cadastre»<sup>36</sup> approved on January 14, 2015 № 15 (as amended), the State Service of Ukraine for Geodesy, Cartography and Cadastre (State Geocadastre) is the central executive body, whose activities are directed and coordinated by the Cabinet of Ministers of Ukraine through the Minister of Agrarian Policy and Food.

<sup>33</sup> <https://zakon.rada.gov.ua/laws/show/85-2014-%D0%BF#n13>

<sup>34</sup> <https://zakon.rada.gov.ua/laws/show/647-2017-%D0%BF#n68>

<sup>35</sup> <https://zakon.rada.gov.ua/laws/show/442-2014-%D0%BF#Text>

<sup>36</sup> <https://zakon.rada.gov.ua/laws/show/15-2015-%D0%BF#Text>



The main tasks of the State Geocadaastre are:

- implementation of state policy in the field of topographic, geodetic and cartographic activities, land relations, land management, in the field of State Land Cadastre, state supervision (control) in the agro-industrial complex in terms of compliance with land legislation, land use and protection of all categories and forms of ownership, soil fertility;
- provision of administrative services in accordance with the law in the relevant field;
- submission to the Minister of Agrarian Policy and Food of proposals to ensure the formation of state policy in the field of topographic, geodetic and cartographic activities, land relations, land management, in the field of State Land Cadastre, state supervision (control) in the agro-industrial complex in terms of compliance with land legislation, use and protection of lands of all categories and forms of ownership, soil fertility.

The State Geocadaastre exercises its powers directly and through territorial bodies formed in accordance with the established procedure.

The management of the State Geocadaastre includes 24 territorial bodies, 24 institutes of land management, 22 topographic and geodetic enterprises, the center of the state land cadastre and the state institution "Institute of Soil Protection of Ukraine".

The maximum number of employees of the State Geocadaastre is set at 274 staff units, territorial bodies - 9750 staff units according to the resolution of the Cabinet of Ministers of 05.04.2014 № 85 «Some issues of approval of the maximum number of employees of the staff and territorial executive bodies, other state bodies»<sup>37</sup>.

Because, a significant number of transactions can be made by citizens based solely on information provided in the State Geocadaastre, and the State Geocadaastre is the manager of a large amount of information in the field of topographic and geodetic and cartographic activities, land relations, land management, State Land Cadastre, state supervision (control) in the agro-industrial complex in terms of compliance with land legislation, use and protection of land of all categories and forms of ownership, soil fertility, then from January 1, 2015, in accordance with the Law of Ukraine «On Administrative Services»<sup>38</sup>, throughout Ukraine land authorities provide paid and free services through the centers of administrative services, which are formed at local state administrations and local governments.

Returned to the structure of the Ministry of Agrarian Policy and Food.

## **2. State Service of Ukraine for Food Safety and Consumer Protection**

In pursuance of the Resolution of the Cabinet of Ministers of Ukraine of September 10, 2014 № 442 «On optimization of the system of central executive bodies»<sup>39</sup> during 2015-2017 in Ukraine the system of state bodies of veterinary medicine was reformed. In

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<sup>37</sup> <https://zakon.rada.gov.ua/laws/show/85-2014-%D0%BF#Text>

<sup>38</sup> <https://zakon.rada.gov.ua/laws/show/5203-17#Text>

<sup>39</sup> <https://zakon.rada.gov.ua/laws/show/442-2014-%D0%BF#Text>



particular, the State Service of Ukraine for Food Safety and Consumer Protection (hereinafter - the State Food and Consumer Service) was established.

The central and territorial bodies of the State Veterinary and Phytosanitary Service of Ukraine, the State Inspectorate for Consumer Protection and the State Sanitary and Epidemiological Service of Ukraine were liquidated by joining the relevant bodies of the State Food and Consumer Service of Ukraine. The result of the reform is the changes that took place during 2016-2017 in the legal and structural and functional support of the system of state veterinary medicine at the central and territorial levels: amendments to the Law of Ukraine "On Veterinary Medicine"<sup>40</sup>, abolition and reorganization of structural construction.

The State Assay Service and the State Inspectorate for Agriculture were also liquidated, with some functions transferred to the State Service for Food Safety and Consumer Protection.

The activities of the State Service of Ukraine for Food Safety and Consumer Protection were for some time directed and coordinated by the Cabinet of Ministers, and then through the Minister of Agrarian Policy and Food until the liquidation in 2019 of the Ministry of Agrarian Policy and Food.

According to the Regulation on the State Service of Ukraine for Food Safety and Consumer Protection (as amended) <sup>41</sup> approved by the Cabinet of Ministers of Ukraine dated September 2, 2015 № 667 The State Service of Ukraine for Food Safety and Consumer Protection (the State Food and Consumer Service) is the central executive body, whose activities are directed and coordinated by the Cabinet of Ministers of Ukraine through the Minister of Agrarian Policy and Food.

The main tasks of the State Food and Consumer Service are:

1) implementation of state policy in the field of veterinary medicine, safety and certain indicators of food quality, plant quarantine and protection, animal identification and registration, sanitary legislation, sanitary and epidemiological welfare (except for the implementation of state policy in the field of epidemiological surveillance ( monitoring) and in the field of occupational health and functions for the implementation of dosimetric control of workplaces and radiation doses of workers), price control, prevention and reduction of tobacco use and their harmful effects on public health, metrological supervision, market surveillance within the sphere its responsibility, seed production and nursery (in terms of certification of seeds and planting material), registration and accounting of machines in the agro-industrial complex, state control over compliance with legislation on consumer protection and advertising in this area;

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<sup>40</sup><https://zakon.rada.gov.ua/laws/show/2498-12#Text>

<sup>41</sup><https://zakon.rada.gov.ua/laws/show/667-2015-%D0%BF#Text>

- 2) implementation in accordance with the law of state veterinary and sanitary control, state supervision (control) over compliance with sanitary legislation, sanitary and epidemic welfare of the population (except for the implementation of state policy in the field of epidemiological surveillance and in the field of occupational health and implementation of dosimetric control of workplaces and radiation doses of workers), animal health and welfare, safety and certain quality indicators of food, inedible products of animal origin, reproductive material, breeding in animal husbandry, biological products, pathological material, veterinary drugs, substances, feed additives, premixes, feeds and other objects of sanitary measures, application of sanitary and veterinary-sanitary measures, preventive and anti-epidemic measures on protection within the competence of the territory of Ukraine from the penetration of human, animal and plant diseases from the territory of other states or quarantine zones, requirements of legislation in the field of seed and nursery, compliance with legislation on consumer protection, compliance with legislation on advertising in terms of consumer protection, legislation on storage, transportation, trade and use of plant protection products, indicators content of substances and ingredients harmful to human health in tobacco products sold in Ukraine, compliance with the requirements for the formation, establishment and application of state regulated prices, state supervision (control) in the field of agro-industrial complex, state supervision (control) in the field of protection of plant variety rights, in the field of tourism and resorts, in the quality of grain and products of its processing, in compliance with biological and genetic safety measures for agricultural plants during the creation, research and practical use of genetically modified organisms in open systems at enterprises, institutions and organizations of the agro-industrial complex, regardless of their subordination and form of ownership, the level of radioactive contamination of agricultural products and food, the activities of economic entities engaged in the production, transportation, storage, sale of organic products (raw materials);
- 3) control over the implementation of phytosanitary measures;
- 4) implementation of market surveillance within the scope of its responsibility;
- 5) implementation of metrological supervision;
- 6) implementation within the competence of control over the factors of the human environment that have a detrimental effect on public health.

The State Food and Consumer Service exercises its powers directly and through its territorial bodies.

The network of the State Food and Consumer Service includes: 24 main departments in the regions and the city of Kyiv, 24 phytosanitary laboratories, 6 regional services of state veterinary and sanitary control and supervision at the state border and transport, the state research institute and 4 its branches, 2 control and toxicological laboratories, the state center of veterinary medicine of poultry farming.

In addition, the management of the service includes 21 state-owned enterprises, 3 state-owned factories, 2 state research and control institutes.

According to the resolution of the Cabinet of Ministers of 05.04.2014 № 85 «Some issues of approval of the maximum number of employees of the staff and territorial executive bodies, other state bodies»<sup>42</sup> the maximum number of the central staff of the State Food and Consumer Service is approved in the amount of 300 units (including 290 units - civil servants) and its territorial bodies - 9853 units (including 6670 units - civil servants).

After the restoration of the Ministry of Agrarian Policy and Food, the State Food and Consumer Service remained within the structure of the Ministry of Economic Development, Trade and Agriculture.

### **3. State Agency of Fisheries of Ukraine**

The State Agency of Fisheries of Ukraine (State Fisheries Agency) is a central executive body whose activities are directed and coordinated by the Cabinet of Ministers of Ukraine through the Minister of Agrarian Policy and Food, in accordance with the resolution of the Cabinet of Ministers of Ukraine "On approval of the Regulation on the State Agency of Fisheries of Ukraine"<sup>43</sup> (as amended) dated September 30, 2015 № 895.

The main tasks of the State Fisheries Agency are:

- 1) implementation of state policy in the field of fisheries and fishing industry, protection, use and reproduction of aquatic bioresources, fisheries regulation, maritime safety of fisheries vessels;
- 2) submission to the Minister of Agrarian Policy and Food of proposals to ensure the formation of state policy in the field of fisheries and fishing industry, protection, use and reproduction of aquatic bioresources, fisheries regulation, maritime safety of fisheries vessels.

The State Fisheries Agency (fishery protection body) exercises its powers directly, as well as through territorial bodies (fishery protection bodies) formed in accordance with the established procedure.

The management of the State Fisheries Agency includes 42 state enterprises, institutions and organizations: 15 - aquaculture and industrial fisheries, 7 - fishing ports and port administrations, 6 - research and design institutes, 9 - budget institutions, another 5 - are in a state of cessation. (bankruptcy, liquidation).

Resolution of the Cabinet of Ministers of 05.04.2014 № 85 «Some issues of approval of the maximum number of employees of the staff and territorial bodies of executive power,

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<sup>42</sup> <https://zakon.rada.gov.ua/laws/show/85-2014-%D0%BF#Text>

<sup>43</sup> <https://zakon.rada.gov.ua/laws/show/895-2015-%D0%BF#Text>

<sup>43</sup> <https://zakon.rada.gov.ua/laws/show/85-2014-%D0%BF#Text>

other state bodies»<sup>44</sup> approved the maximum number of employees of the State Fisheries Agency and its territorial bodies in the amount of 1717 units, of which 1272 units - civil servants.

Coordination of the activities of the State Fisheries Agency, after the liquidation of the Ministry of Agrarian Policy and Food, was carried out through the Minister of Environmental Protection and Natural Resources, now returned to the structure of the Ministry of Agrarian Policy and Food.

#### **4. State Agency of Forest Resources of Ukraine**

The State Agency of Forest Resources of Ukraine (State Forest Agency) is a central executive body, the activities of which are directed and coordinated by the Cabinet of Ministers of Ukraine through the Minister of Agrarian Policy and Food.

*(Resolution of the Cabinet of Ministers of Ukraine «On approval of the Regulations on the State Agency of Forest Resources of Ukraine»<sup>45</sup> of October 8, 2014 № 521, as amended).*

The main tasks of the State Forest Agency are:

- implementation of state policy in the field of forestry and hunting;
- submission to the Minister of Agrarian Policy and Food of proposals to ensure the formation of state policy in the field of forestry and hunting.

The State Forest Agency exercises its powers directly and through territorial bodies formed in accordance with the established procedure.

The State Forestry Agency coordinates the activities of 397 enterprises, institutions and organizations, including 263 forestry's, 51 forestry farms, 5 hunting farms, 9 forestry and other enterprises, 5 national parks, 7 nature reserves, and 7 research stations, branches of research institute - 2.

The staff of the State Forest Agency and regional departments of forestry and hunting is 699 employees.

After the liquidation of the Ministry of Agrarian Policy and Food, the State Forestry Agency was transferred to the Ministry of Environmental Protection and Natural Resources.

**Public administration reform.** In order to reset the outdated post-Soviet system of government and form an effective system of public administration capable of developing and implementing a holistic public policy aimed at the needs of citizens, sustainable social development and adequate response to internal and external challenges, the government introduced public administration reform.

Resolution of the Cabinet of Ministers of Ukraine of August 18, 2017 № 644 «Some issues

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<sup>44</sup> <https://zakon.rada.gov.ua/laws/show/521-2014-%D0%BF#Text> <https://forest.gov.ua/agentstvo/polozhennya-pro-derzhlisagentstvo>

of streamlining the structure of the Secretariat of the Cabinet of Ministers of Ukraine, the staff of ministries and other central executive bodies»<sup>46</sup> identified the ministry as one of ten pilot ministries implementing comprehensive public administration reform.

The reform is provided for in the Association Agreement between Ukraine, on the one hand, and the European Union, the European Atomic Energy Community and their Member States, on the other hand, concluded on 27 June and ratified on 16 September 2014.

Active implementation of the reform began in 2016 with the adoption of a new Law «On Civil Service» and a comprehensive Strategy for Public Administration Reform until 2021<sup>47</sup>, approved by the Cabinet of Ministers of Ukraine dated June 24, 2016. № 474 «Some issues of public administration reform in Ukraine» .

The first stage of public administration reform involved a functional review of the ministry's work.

In order to clearly delineate the functions of forming and implementing public policy, redundant and inappropriate functions, including the provision of administrative services, state supervision (control) and management of state property, as well as the elimination of duplication of functions between departments together with the Office of Reform Support<sup>48</sup>, established under the Ministry of Agrarian Policy and Food, a functional survey of the ministry's work was conducted.

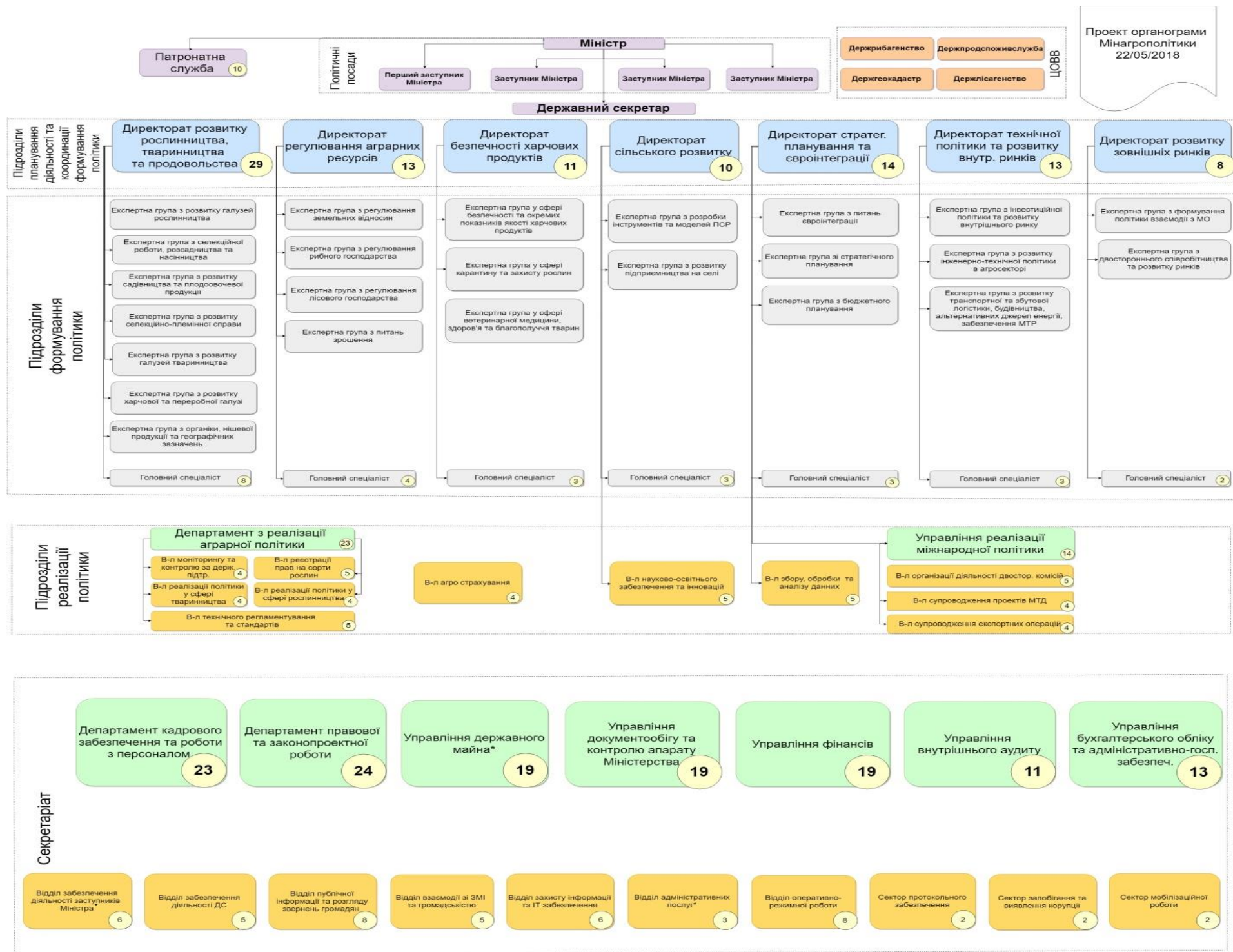
As a result, the Reform Support Office proposed the following structure of the reformed ministry, as well as developed regulations on directorates and expert groups.

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<sup>46</sup> <https://zakon.rada.gov.ua/laws/show/644-2017-%D0%BF#Text>

<sup>47</sup> <https://zakon.rada.gov.ua/laws/show/ru/474-2016-%D1%80#Text>

<sup>48</sup> <https://agro.me.gov.ua/ua/npa/nakaz-minagropolitiki-pro-stvorennnya-robochoi-grupi-ministerstva-agrarnoi-politiki-ta-prodovolstva-ukraini-z-pitan-posilennya-institutsiynoi-spromozhnosti-ministerstva>





As a result, the following directorates were established in the Ministry of Agrarian Policy and Food and their Regulations were approved:

**Directorate of Food Safety and Quality, whose main tasks are:**

- ensuring the formation of state policy in the field of food safety and quality indicators, veterinary medicine, animal health and welfare, quarantine, plant protection (hereinafter - the relevant areas of competence of the Directorate) on the basis of continuous analysis of its competence, development of alternative options for solving existing problems;
- monitoring and evaluating the results of the implementation of state policy, development of proposals for its continuation or adjustment;
- ensuring regulatory and legal regulation in the areas of its competence.

**Directorate for Strategic Planning and European Integration.** Main goals:

- implementation of EU law into national legislation;
- improving the process of strategic planning of the Ministry;
- coordination of the work of future directors general of the Ministry on the formation of state policy and ensuring its compliance with certain goals and priorities.

**Directorate of Rural Development.** The main task of the directorate is to ensure the formation and implementation of state policy in the field of development, in particular, rural areas, development of entrepreneurship in rural areas, agricultural cooperation, agricultural advisory activities.

As of December 31, 2018, the number of reform specialists working in the Ministry of Agrarian Policy and Food was 17<sup>49</sup>.

Despite conducting a functional analysis and the introduction of directorates, the ministry has not been able to bring the reform to a logical conclusion. Here we can talk about many factors that did not contribute to the full implementation of the reform, but the most important is probably the lack of political will of the leadership of the ministry.

According to the results of the audit of the efficiency of the use of state budget funds for measures to implement a comprehensive reform of public administration, the Accounting Chamber<sup>50</sup> made the following conclusions: "Currently, the reform provides only specialists of the "reformist composition" of ministries and other state bodies.

At the same time, for almost 2.5 years from the date of approval of the Strategy of reforming the practical positive results of transformations in any of the activities of the relevant bodies in certain spheres of life of the state has not taken place. The practical achievements of the newly created directorates (general departments), which would affect the quality of administrative services to the citizens of Ukraine, as provided by the

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<sup>49</sup> [https://www.kmu.gov.ua/storage/app/sites/1/reform%20office/03\\_zvit\\_ukr\\_web.pdf](https://www.kmu.gov.ua/storage/app/sites/1/reform%20office/03_zvit_ukr_web.pdf)

<sup>50</sup> [https://rp.gov.ua/upload-files/Activity/Collegium/2018/27-1\\_2018/R\\_RP\\_27-1\\_2018.pdf](https://rp.gov.ua/upload-files/Activity/Collegium/2018/27-1_2018/R_RP_27-1_2018.pdf)

Reform Strategy, have not been confirmed at the date of the audit in any state body involved in this reform.

Qualifications and work experience of employees who were recruited to the positions of reform specialists in many cases did not meet the criteria set by the Reform Strategy, which provides for the formation of a team of highly qualified and competent government professionals capable of implementing priority reforms and able to support quality and policy analysis in priority areas.

The processes of reforming the central executive bodies continue to be unsystematic, not based on the results of functional and other analytical studies. Under such conditions, the implemented measures only create an additional financial burden on the State Budget of Ukraine, do not increase the efficiency of public administration and do not promote the development of relevant spheres of life, create conditions for further loss of confidence of Ukrainian citizens not only in the executive branch but also in public administration.».

### **3. FRAMEWORK CONDITIONS FOR THE NEW MAPF AND SUBORDINATE INSTITUTIONS/SPECIAL BODIES**

#### **3.1. The order of work of the Ministries of Economic Development and Trade and Agricultural Policy and Food is old / new**

Resolution of the Cabinet of Ministers of Ukraine of September 2, 2019 № 829 «Some issues of optimizing the system of central executive bodies»<sup>51</sup>, in order to optimize the system of central executive bodies and in accordance with paragraphs 9 and 9<sup>1</sup> of Article 116 of the Constitution of Ukraine, decided to reorganize the Ministry of Agriculture policy and food by joining the Ministry of Economic Development, Trade and Agriculture. In accordance with the order of the Ministry of Economic Development, Trade and Agriculture of Ukraine dated October 16, 2019 № 221 «On the establishment of the commission on the transfer of state property»<sup>52</sup> and in accordance with the acts of transfer, integral property complexes of state enterprises, institutions and organizations, and also the powers to manage the corporate rights of the state, which belonged to the sphere of management of the Ministry of Agrarian Policy, were transferred to the sphere of management of the Ministry of Economy. Thus, according to the lists approved by the order of the Cabinet of Ministers of Ukraine «Some issues of management of the Ministry of Economy, Trade and Agriculture of state property»<sup>53</sup> dated 09.10.2019 № 954-r, **289 entities were transferred to the Ministry of Economy**: 277 integral property complexes of state enterprises and organizations, 6 economic structures and powers to

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<sup>51</sup> <https://www.kmu.gov.ua/npas/deyaki-pitannya-optimizaciyi-sistem-829>

<sup>52</sup> <https://ips.ligazakon.net/document/ME191076>

<sup>53</sup> <https://www.kmu.gov.ua/npas/deyaki-pitannya-upravlinnya-ministerstvom-rozvitku-m954ekonomiki-torgivli-ta-silskogo-gospodarstva-obyektami-derzhavnoyi-vlasnosti>



manage corporate rights of the state for 6 business entities.

Accordingly, the functions of the Ministry of Agrarian Policy were reduced or merged with the relevant departments of the Ministry of Economy, in particular, the Secretary of State's Analytical and Information Support Department, the Corruption Prevention and Detection Sector, the Internal Audit Department, the Information Policy and Public Relations Department, and the Accounting and Reporting Department. and consideration of citizens' appeals, Department of Legal and Draft Law Work, Personnel and Personnel Work, Ministry Work, Economic and Financial, International Cooperation, Strategy and Economic Development, Strategic Planning and European Integration Directorate, etc.

9 heads of departments and 79 staff members were fired.

At the same time, sectoral departments and directorates such as agricultural policy, rural development, food safety and quality have been retained.

There was also a change of leaders among important state enterprises, institutions, organizations, including Ukrspirt (heads of 6 distilleries were also fired), Agrarian Fund, State Service for Food Safety and Consumer Protection, State Service of Ukraine for Geodesy, Cartography and Cadastre. A comprehensive inspection took place in the State Geocadastre, as a result of which 36 heads and all heads of regional departments were fired, and acting positions were assigned to all positions, respectively.

How correct was the decision to liquidate the Ministry of Agrarian Policy, and how much it contributed to the reformatting of approaches to the formation and implementation of policies for agricultural development and rural development can be said only after some research.

Resolution of the Cabinet of Ministers of Ukraine of September 11, 2019 № 838 «Issues of the Ministry of Economic Development, Trade and Agriculture»<sup>54</sup> changed the name of the ministry from «Ministry of Economic Development and Trade» to «Ministry of Economic Development, Trade and Agriculture» and approved the Regulations, which implements the regulations on the Ministry of Agrarian Policy and Food.

### **The main tasks**

#### **Ministry of Agrarian Policy and Food**

Tasks of the ministry before reorganization (Resolution of the Cabinet of Ministers of 25.11.2015 № 1119)	Tasks of the ministry after restoration (Resolution of the Cabinet of Ministers of 17.02.2021 № 124)
The Ministry of Agrarian Policy is the main body in the system of central executive bodies that provides	The Ministry of Agrarian Policy is the main body in the system of central executive bodies that provides
formation and implementation of state agricultural policy, state policy in the fields of	formation and implementation of state agricultural policy, state policy in the field of

<sup>54</sup> <https://zakon.rada.gov.ua/laws/show/838-2019-%D0%BF#n2>

agriculture and food security of the state, protection of plant variety rights, animal husbandry, seed production and nursery	agriculture and food security of the state, protection of plant varieties, livestock, <b>crop production, rural development, horticulture, viticulture, winemaking, hop growing, food and processing industry (hereinafter - the sphere agro-industrial production), technical policy in the field of agro-industrial complex and machine building for agro-industrial complex, rural development, farming development, agricultural cooperation, agricultural advisory activities, monitoring and soil fertility on agricultural lands, seed production and seedlings;</b>
formation and implementation of state policy in the areas of fisheries and fisheries, protection, use and reproduction of aquatic bioresources, regulation of fisheries and maritime safety of vessels <b>of the fleet of fisheries, forestry and hunting, veterinary medicine, in the areas of safety and quality indicators of food, quarantine and plant protection,</b> in the field of topographic, geodetic and cartographic activities, land relations, land management, in the field of State Land Cadastre, state supervision (control) in the agro-industrial complex in terms of compliance with land legislation, land use and protection of all categories and forms of ownership, soil fertility	formation and implementation of state policy in the areas of fisheries and fishing industry, protection, use and reproduction of aquatic bioresources, regulation of fisheries and maritime safety of fishing fleet vessels, in the field of topographic and geodetic and cartographic activities, land relations, land management, in the State Land Cadastre , state supervision (control) in the agro-industrial complex in terms of compliance with land legislation, use and protection of land of all categories and forms of ownership, soil fertility;
	<b>formation and implementation of state policy in the field of national geospatial data infrastructure;</b>
formation of state policy in the field of supervision (control) in the system of engineering and technical support of the agro-industrial complex	formation of state policy in the field of supervision (control) in the system of engineering and technical support <b>and innovative development</b> of the agro-industrial complex

### The main tasks

#### Ministry of Economic Development, Trade and Agriculture

According to the Regulations dated 11.09.19 № 838 (since the accession of the Ministry of Agrarian Policy and Food)	According to Regulation 17.02.21 № 124 (after separation of the Ministry of Agrarian Policy and Food)
The Ministry of Economy is the main body in the system of central executive bodies, which	The Ministry of Economy is the main body in the system of central executive bodies, which

provides:	provides:
formation and implementation of state policy of economic, social development and trade, state industrial policy, state military-industrial policy, state investment policy, state foreign economic policy, state policy in the field of technical regulation, standardization, metrology and metrological activities, management of state property, development of entrepreneurship, public-private partnership, intellectual property, innovation in the real sector of the economy, tourism and resorts (except for state supervision (control) in the field of tourism and resorts), public and public procurement, as well as public procurement for training, scientific, scientific-pedagogical and working personnel, advanced training and retraining;	formation and implementation of state policy of economic, social development and trade, state pricing policy, state policy in the field of technical regulation, standardization, metrology and metrological activities, management of state property, sale of property (property rights, other assets) or rights to it on a competitive basis in the form of auctions, including electronic, and control over its implementation, intellectual property, public procurement, as well as the state order for training, scientific, scientific, pedagogical and working staff, training and retraining;
	<b>formation and implementation of state investment policy, state innovation policy in the real sector of the economy, state foreign economic policy, state policy in the field of entrepreneurship, public-private partnership, in particular for the development of agriculture;</b>
formation and implementation of state policy in the field of state statistics, state material reserve, export control;	formation and implementation of state policy in the field of state material reserve, state export control;
formation of state policy in the field of consumer protection, state policy on price control, state regulatory policy and state policy on licensing, permitting system, supervision (control) in the field of economic activity;	formation of state policy in the field of consumer protection, state policy on price control, state regulatory policy and state policy on licensing, permitting system, supervision (control) in the field of economic activity;
	<b>formation and implementation of state policy in the field of organic production, circulation and labeling of organic products;</b>
implementation of state policy in the field of organization and control over the production of securities, strict reporting documents;	implementation of state policy in the field of organization and control over the production of securities, strict reporting documents;
<b>formation and implementation of state agricultural policy, state policy in the field of agriculture and food security of the state, protection of plant variety rights, animal husbandry, seed production and nursery;</b>	

<b>formation and implementation of state policy in the field of fisheries and fishing industry, protection, use and reproduction of aquatic bioresources, regulation of fishing and maritime safety of vessels of the fleet of fisheries, forestry and hunting, veterinary medicine, safety and certain indicators of food quality, quarantine and plant protection, in the field of topographic, geodetic and cartographic activities, land relations, land management, in the field of State Land Cadastre, state supervision (control) in the agro-industrial complex in terms of compliance with land legislation, land use and protection of all categories and forms of ownership, soil fertility;</b>	
	<b>formation and implementation of state policy in the field of veterinary medicine;</b>
	<b>formation and implementation of state policy in the field of safety and certain indicators of food quality, quarantine and plant protection;</b>
<b>formation of state policy in the field of supervision (control) in the system of engineering and technical support of the agro-industrial complex;</b>	
formation and implementation of state policy in the field of labor, employment, labor migration, labor relations, social dialogue;	formation and implementation of state policy in the field of labor, employment, labor migration, labor relations, social dialogue;
formation and implementation of state policy in the field of industrial safety, labor protection, occupational health, handling of explosives, implementation of state mining supervision, implementation of state supervision and control over compliance with labor and employment legislation.	formation and implementation of state policy in the field of industrial safety, labor protection, occupational health, handling of explosives, implementation of state mining supervision, implementation of state supervision and control over compliance with labor and employment legislation.
The Ministry of Economy is the authorized body for the coordination of activities for the implementation of the state defense order.	

### **3.2. Priorities of current agricultural policy**

According to the Program of Activities of the Cabinet of Ministers of Ukraine<sup>55</sup> and the Strategic Plan of Activities of the Ministry of Economic Development, Trade and Agriculture of Ukraine for 2020 - 2024<sup>56</sup> (Updated), the priorities of the current agricultural policy are:

#### ***in terms of land reform:***

- Gradual introduction of the agricultural land market with competitive rules of the game on terms conducive to the development of agricultural production and rural areas, namely: equal rights and responsibilities for all market participants, electronic bidding for the implementation of state and communal land rights (for except for the sale of agricultural land of state and communal ownership), protection of land users' rights.
- Introduction of a system of monitoring land relations with public coverage of information on owners and land users of land plots prices for agricultural land in terms of administrative units.
- Completion of the inventory of state-owned lands.
- Transfer of information on land plots to the State Land Cadastre, restrictions (encumbrances) on their use, registered before January 1, 2013 in the State Land Register.
- Transfer of state-owned agricultural land to communal ownership of territorial communities.
- Introduction of a new unified methodology of normative monetary valuation of lands within the territories of territorial communities.
- Deregulation of the procedure for approval of land management documentation and land valuation, introduction of a mechanism for consolidation of agricultural land.
- Creating an electronic register of land surveyors and giving them the authority to carry out state registration of land.
- Ensuring the functioning of the national geospatial data portal by developing and approving the Procedure for the functioning of the national geospatial data infrastructure.
- Introduction of a transparent mechanism for the implementation of state and communal land rights in electronic bidding.
- Determining the mechanisms of returning self-afforested agricultural lands to a condition suitable for commercial agricultural production, restoration of reclamation systems.
- Creation of legal conditions for the transfer of reclamation systems to the use of

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<sup>55</sup> <https://zakon.rada.gov.ua/laws/show/471-2020-%D0%BF#Text>

<sup>56</sup> <https://www.me.gov.ua/Documents/Detail?lang=uk-UA&id=8994a235-a0f3-4b25-a42c-45bc7ac034dd&title=StrategichniPlanDiiInostiMinisterstvaRozvitkuEkono>

agricultural producers and the creation of associations of water users.

- Prevention of shadow land lease due to the introduction of transparent, uniform taxation per hectare.
- Delegation of certain functions of the state in the field of land use, control over land use and protection to local governments.
- Ensuring an effective mechanism for the use of land as a credit resource for economic entities in the agricultural sector.
- Termination of corrupt mechanisms of shadow lease of lands of state and communal enterprises.

***in terms of food security of the country:***

- Promoting the development of Ukrainian farming as a basis for the revival of the village through state support, in particular through the implementation of a program to reduce the cost of credit and credit guarantee mechanisms, technological support programs and advisory services.
- Taking into account the practice of EU member states and other states when defining the concept of "farmer" and taxing the activities of farmers.
- Creating conditions for young people and young families who want to engage in farming.
- Attracting investments in the agricultural sector, promoting the export of agricultural products.
- Promoting a balanced increase in the export potential of livestock industries, value added production, especially in agricultural production and farming, by consolidating the priorities and proportions of providing direct support in agriculture.
- Ensuring available credit resources for agricultural and food producers through the introduction of an interest rate compensation mechanism

Supporting the formation and development of new export and domestic industries of agricultural and food products, as well as alternative energy sources, the formation of "growth points".

- Reduction of insurance payments (premiums) under contracts for insurance of crops against the risk of death and animals from infectious diseases.
- Creation of the state agrarian register of agricultural enterprises in order to automate the payment of state support and better targeting of state support in the agro-industrial complex.
- Optimization of the procedure of land privatization of state and communal agricultural enterprises, institutions, organizations by partial unbundling of lands and their lease at land auctions.
- Creation of a regulatory framework to ensure transparent and competitive conditions

for the lease of state-owned enterprises as a tool to combat the shadow use of state property and a source of filling budgets.

- Completion of the reform of food safety and quality, strengthening the protection of the interests of consumers of food and non-food products.
- Introduction and improvement based on the requirements of EU legislation of state regulation in the field of animal health and welfare, baby food, use of materials and articles in contact with food, plant protection (including circulation and use of pesticides), new food, state control for genetically modified products in agriculture and food industry.
- Establishment of an effective system of state control in the field of food safety, feed, animal health and welfare by strengthening the institutional capacity of the State Food and Consumer Service, reviewing control functions and reducing redundancies, the transition of the State Food and Consumer Service to broad advice, training and assistance relevant legislation, full transition to risk-oriented control, digitalization of all possible administrative services and key processes, deregulation in the field of state sanitary and epidemiological examination, registration of exporters, approval of unified acts for all areas and areas of state supervision (control).
- Creating conditions for the recognition in Ukraine of the lists of food additives, food flavors, food enzymes, health and consumer value claims, feed additives used in the EU; introduction of a system of voluntary certification of products of animal origin produced without the use of antibiotics; significant reduction in the share of counterfeit food; introduction of an effective system of rapid notification of dangerous food and non-food products, feed.
- Creating opportunities for consumers to file complaints about non-compliance of food and non-food products in electronic form with their subsequent prompt consideration.
- Introduction of continuous monitoring of all food suppliers to educational institutions.
- Coverage of the traceability system of 100 percent of products of animal origin in circulation in Ukraine.
- Improving the legal regulation of relations for the admission of innovative solutions and products in the field of agricultural production, namely: access to the latest plant protection products, seeds, agricultural machinery and other innovative solutions.

### **3.3. Legislative and executive tasks**

Within the framework of the identified priorities, the Ministry has developed a number of bills, in particular:

draft law of Ukraine «On Amendments to Certain Legislative Acts of Ukraine on Land Consolidation»;

draft Law «On Amendments to the Land Code of Ukraine and other legislative acts on

the abolition of the institution of the right of permanent use of land»;

draft Law «On Amendments to Certain Legislative Acts of Ukraine Concerning Stimulation of Farms' Activities»;

draft Law «On Amendments to the Budget Code of Ukraine Concerning the Establishment of the Rural Development Fund»;

draft Law of Ukraine «On Amendments to the Tax Code of Ukraine and Certain Other Laws of Ukraine on Improving the Legal Regulation of Insurance of Agricultural Products with State Support»;

draft law «On the features of legal protection of geographical indications, traditional guaranteed features, protection of rights and application of quality schemes for agricultural products and food products».

In addition, draft laws «On requirements for objects and materials in contact with food», «On plant protection», «On amendments to certain legislative acts of Ukraine on food and other objects of sanitary measures» were prepared.

It is also planned to settle the issues at the legislative level:

- development of rural tourism;
- to improve the conditions for the development of agricultural cooperation;
- declaring financial instruments for state support of the livestock industry in order to ensure food security of the state;
- promoting the development of beekeeping and ensuring the traceability of beekeeping products;
- declaration of financial instruments for state support of horticulture, viticulture and hop growing in order to ensure food security of the state;
- stimulating the development of horticulture, viticulture and hop growing;
- promoting the development of irrigated agriculture;
- ensuring the implementation of regulatory requirements in the field of plant protection (including the circulation and use of pesticides);
- settlement of topographic, geodetic and cartographic activities, etc.

At the same time, the Law of Ukraine «On Veterinary Medicine»<sup>57</sup> has already been adopted, which provides for the approximation of legislation to EU acts and the implementation of global standards in Ukraine in the field of animal health and welfare (taking into account the requirements of 10 acts of European Union legislation); «On state support of agriculture of Ukraine»<sup>58</sup>, which in particular regulates the maintenance of the State Agrarian Register of Agricultural Producers, as well as improves and expands

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<sup>57</sup> <https://zakon.rada.gov.ua/laws/show/1206-20#Text>

<sup>58</sup> <https://zakon.rada.gov.ua/laws/show/1877-15#Text>



state support for agricultural producers; «On agricultural cooperation»<sup>59</sup>.

Accordingly, the adoption of these bills will require the development of relevant regulations and ensure their implementation.

### **3.4. Assessment of the impact of evidence-based policy, with the support of subordinate research institutions**

In accordance with subparagraphs 45, 46, paragraph 4 «Regulations on the Ministry of Agrarian Policy and Food of Ukraine»<sup>60</sup> approved by the Cabinet of Ministers of Ukraine on November 25, 2015 № 1119 established that the Ministry of Agrarian Policy and Food in accordance with its tasks: acts as a state customer of research certain areas and industries, finances and coordinates their implementation, promotes the introduction into production of modern developments and progressive experience, coordinates within its competence the activities of scientific institutions, identifies and approves priority areas of agricultural science.

The Ministry of Agrarian Policy of Ukraine includes four scientific institutions, these scientific institutions are state budget non-profit scientific institutions, which are maintained at the expense of the state budget and whose powers include, in addition to research, applied scientific and scientific-technical developments in the field of agro-industrial complex performing the functions delegated by the Ministry on a permanent basis:

**1. Ukrainian Research Institute of Forecasting and Testing of Machinery and Technologies for Agricultural Production. L. Pogoriloho**<sup>61</sup> is the main institution of the Ministry of Agrarian Policy and Food of Ukraine on testing agricultural machinery, conducting scientific and technical examination of technologies for agricultural production, forming scientifically sound prerequisites for implementing technical policy in the field of agricultural mechanization.

Areas of activity of the institute:

testing and ranking of technical means for the agro-industrial complex of Ukraine;

examination and optimization of technologies, technological operations and complexes of machines;

forecast of development of engineering and technical support of agro-industrial complex;

technical regulation in the system of engineering and technical support of the agro-industrial complex;

creation of information databases and knowledge in the system of engineering and

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<sup>59</sup> <https://zakon.rada.gov.ua/laws/show/819-20#Text>

<sup>60</sup> <https://zakon.rada.gov.ua/laws/show/1119-2015-%D0%BF#Text>

<sup>61</sup> [http://search.ligazakon.ua/l\\_doc2.nsf/link1/ME200638.html](http://search.ligazakon.ua/l_doc2.nsf/link1/ME200638.html)

technical support of the agro-industrial complex of Ukraine;

transfer of innovations to production, promotion and dissemination of knowledge based on the results of research and development activities;

scientific support of tests of equipment and technologies.

The institute has 4 branches - Kharkiv, Lviv and South Ukraine.

The functions performed by the institute today are, in essence, specific, state and inextricably linked with the functions of the Ministry of Agrarian Policy and Food.

**2. The state institution «Institute of Soil Protection of Ukraine»<sup>62</sup>** carries out scientific and technical policy in the field of protection of soils and their fertility, rational use and ecological safety of agricultural lands, objects of environment, and determination of quality of production, raw materials, and agrochemicals. The research conducted by the institution is aimed at surveying every 5 years the soils of agricultural lands in all areas used by agricultural enterprises and farms.

The state institution is forming a database of indicators on soil fertility and environmental safety, which allows tracking trends in space and time, which allows the Ministry of Agrarian Policy of Ukraine to objectively forecast plant production. There are 7 laboratories in the structure of the institution. The institution has 24 branches. By the order of the Cabinet of Ministers of Ukraine of January 5, 2021 № 6-r<sup>63</sup>, the integral property complex of the state institution "Institute of Soil Protection of Ukraine" was transferred to the sphere of management of the State Service for Geodesy, Cartography and Cadastre.

**3. Ukrainian Research Institute of productivity of the agro-industrial complex<sup>64</sup>** state budget research institution, is the only one in the field of agro-industrial complex to develop systems of economic labor standards and time standards, as well as methodologies for managing the productivity of agro-industrial complex.

Also, the institute's specialists ensure the development and implementation of state targeted, sectoral and other programs for the development of agro-industrial production, integrated rural development, monitoring of domestic and foreign agricultural and food markets, creates and ensures the continuous operation of information systems for wholesale agricultural markets. The Institute is constantly working on the development of new approaches and systems for improving research and development in the field of sustainable socio-economic development of agro-industrial production and rural areas, etc.

The institute has 24 regional branches.

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<sup>62</sup> <http://www.iogu.gov.ua/pro-du-derzhgruntohorona/dijalnist/>

<sup>63</sup> <https://zakon.rada.gov.ua/laws/show/6-2021-%D1%80#Text>

<sup>64</sup> <https://uapp.kiev.ua/institute/pro-institut/polozhennja/>

**4. «Ukrainian Research Institute of Alcohol and Food Biotechnology»<sup>65</sup>** is the main organization for the development, certification and monitoring of quality management systems, environmental management systems, occupational safety and health management systems, food safety management systems in agriculture and food and is a leading scientific institution in the alcohol industry. Developments offered in the domestic and foreign markets solve all problems of modern production of ethyl alcohol from starchy and sugar raw materials. Energy- and resource-saving technological solutions guarantee high quality fermentation products and environmental safety of production with full utilization and biological treatment of production waste.

The constant significant reduction in funding for the activities of scientific institutions does not contribute to the proper performance of their defined functions. Also, the Ministry of Agrarian Policy and Food, recently, did not act as a state customer of research in the field of agro-industrial complex, as it did not provide for the use of budget funds for research, applied scientific and scientific and technical developments by state order.

At present, scientific institutions need to reformat their approaches to activities as well as adequate funding from the State.

Scientific institutions were returned to the sphere of administration of the Ministry of Agrarian Policy and Food, the State Institution "Institute of Soil Protection of Ukraine" was transferred to the sphere of management of the State Service for Geodesy, Cartography and Cadastre, which is part of the Ministry of Agrarian Policy and Food.

To consider scientific recommendations and other proposals for the development of the main directions of science and technology in the field of agro-industrial complex, as well as to discuss the most important programs in the agricultural sector by order of the Ministry of Agrarian Policy and Food of Ukraine<sup>66</sup> dated February 8, 2016 № 31 (as amended), formed **Scientific and expert council** the Ministry of Agrarian Policy and Food of Ukraine, which is an advisory body, has approved its regulations and composition. Complex and problematic issues of agricultural sector development are brought to the meeting, issues of intersectoral significance are considered at the joint meeting of the relevant sections, and sectoral issues are considered at the meeting of the relevant section.

The Council constantly had sections:

agrarian economy;

agriculture and mechanization;

animal husbandry;

support for farming, cooperation and rural development;

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<sup>65</sup> <http://spirtprod.com.ua/ru/osnovni-napryamki-diyalnosti-ustanovi.html>

<sup>66</sup> <https://ips.ligazakon.net/document/FN017869>

food;

food safety, veterinary medicine, animal health and welfare, quarantine, plant protection; fisheries.

It should also be noted that the Government determines medium-term priority areas of innovation activity at the sectoral level every 5 years. Accordingly, the scientific institutions in the field of management of the ministry approve their own thematic plans and work programs for 1-5 years.

However, in recent years, meetings of the Scientific Expert Council of the Ministry of Agrarian Policy and its sections have not been held, respectively, scientific recommendations on priority areas of scientific and technical development of industries and mechanisms for effective use of funds have not been prepared or provided. No proposals were made on the priorities for the development of agricultural science.

In addition, the Ministry of Agrarian Policy closely cooperates with the National Academy of Agrarian Sciences, the National Research Center Institute of Agrarian Economics", the State Institution «Institute of Economics and Forecasting of the National Academy of Sciences of Ukraine».

Also in the field of management of the Ministry of Agrarian Policy and Food there are **13 regional training centers** which currently provide advanced training for managers and specialists of the agro-industrial complex, meet the needs of citizens in vocational education, mastering working professions, specialties, qualifications.

Educational institutions of the I certification level are convenient for training of the adult population as staffing of groups occurs during a calendar year. This is especially important for people working in rural areas, because these institutions can provide seasonal training, respond quickly to the needs of the labor market. Most educational institutions have educational centers in district centers, urban-type settlements, which brings educational services closer to the population.

In the autumn-winter period, the training of specialists in the field, farmers, owners of private farms on the introduction of modern technologies for agricultural production, etc. is carried out in educational institutions.

Returned to the Ministry of Agrarian Policy.

**Regarding agricultural education.** Agricultural education has long been in the sphere of management of the Ministry of Agrarian Policy of Ukraine. However, the order of the Cabinet of Ministers of Ukraine "On the transfer of integral property complexes of educational institutions and public institutions to the Ministry of Education and Science"<sup>67</sup> of February 4, 2015 № 87 transferred agricultural higher education institutions to the Ministry of Education and Science.

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<sup>67</sup> <https://zakon.rada.gov.ua/laws/show/87-2015-%D1%80#Text>

At that time in the system of agricultural education was:

- 19 higher educational institutions with the right of a legal entity, including 17 universities and 2 academies (contingent of students - 102.4 thousand people, pedagogical workers - 7.8 thousand people).

The structure of universities included 3 institutes and 88 colleges;

- technical schools and colleges with the right of legal entity - 21 (contingent of students - 64.0 thousand people, teachers - 6.6 thousand people);
- 32 institutions of postgraduate education, of which: in the structure of universities - 19, in the structure of colleges - 3, with the right of legal entity - 10).

The specificity of higher agricultural education, first of all, is that, as a rule, all agricultural higher educational institutions have research land plots, which are intended for research work. They used about 85.3 thousand hectares of land, including 46.6 thousand hectares of arable land, specialized infrastructure, including seed and breeding. For the training of agricultural specialists, the structure of higher educational institutions of agricultural profile included selection and research fields, training farms, clinics, workshops, autotractor aerodromes, and production sites. On the basis of leading agricultural colleges, 14 regional centers of practical training were established and operated, where modern agricultural machinery and equipment were concentrated and the implementation of the practical training program was ensured.

Since agricultural schools have their own specifics and were transferred to the Ministry of Education and Science, in order to develop strategic directions for development and improve the content of training of appropriate degrees, ensuring high quality training for the agricultural sector through comprehensive cooperation with interested enterprises and organizations - leading employers, by combining the intellectual potential, material and financial resources of partners in 2015 created the Council for Agricultural Education<sup>68</sup>.

### **3.5. Coordination of work with other ministries**

To fulfill the tasks assigned to the Ministry, it interacts in the prescribed manner with other state bodies, subsidiary bodies and services established by the President of Ukraine, temporary advisory, consultative and other subsidiary bodies established by the Cabinet of Ministers of Ukraine, local governments, citizens' associations, public associations, trade unions and employers' organizations, relevant bodies of foreign states and international organizations, as well as with enterprises, institutions and organizations (Paragraph 7 of the Regulations on the Ministry of Agrarian Policy and Food<sup>69</sup>.)

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<sup>68</sup> <http://old.mon.gov.ua/files/normative/2017-07-26/7774/nmo-1009-1.pdf>

<sup>69</sup> <https://zakon.rada.gov.ua/laws/show/1119-2015-%D0%BF#Text>

### **3.6. Requirements for transparency and public relations, dialogue with agricultural associations and the public**

In order to ensure openness in the activities of the Ministry of Agrarian Policy and Food of Ukraine, taking into account public opinion in the process of preparation and implementation of decisions of the Ministry and the Cabinet of Ministers of Ukraine dated November 3, 2010 № 996 «On public participation in the formation and implementation of public policy»<sup>70</sup>, under the Ministry of Agrarian Policy and Food since 2012 there is a Public Council.

The main tasks of the public council are:

- promoting the exercise by citizens of the constitutional right to participate in the management of state affairs;
- promoting the consideration of public opinion by the executive body during the formation and implementation of state and regional policy;
- promoting the involvement of stakeholders in public consultations and monitoring the results of the formation and implementation of state and regional policy;
- conducting public monitoring of the activities of the executive body in accordance with the legislation;
- preparation of expert proposals, conclusions, analytical materials on the formation and implementation of state and regional policy.

Representatives of public associations, religious, charitable organizations, creative unions, trade unions and their associations, associations, employers' organizations and their associations, mass media (hereinafter - civil society institutions) may be elected to the public council, which are registered in the prescribed manner.

The term of office of a public council is two years from the date of approval by the executive body of its membership.

The powers of the previous Public Council under the Ministry of Agrarian Policy were completed in 2019, respectively, the Ministry of Agrarian Policy and Food of Ukraine prepared a new order of July 15, 2019 № 387 «On the establishment of an initiative group to prepare a constituent assembly to form a new Public Council under the Ministry Food of Ukraine»<sup>71</sup>, we hope that with the resumption of the Ministry of Agrarian Policy, the Public Council will resume work.

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<sup>70</sup> <https://zakon.rada.gov.ua/laws/show/996-2010-%D0%BF#Text>

<sup>71</sup> <https://agro.me.gov.ua/ua/npa/pro-utvorenniya-initsiativnoyi-grupi-z-pidgotovki-ustanovchih-zboriv-dlya-formuvannya-novogo-skladu-gromadskoyi-radi-pri-ministerstvi-agrarnoyi-politiki-ta-prodovolstva-ukrayini>

### **3.7. Plan of distribution of the organization / powers**

A Minister, who is appointed by the Prime Minister of Ukraine and dismissed by the Verkhovna Rada of Ukraine, heads the Ministry of Agrarian Policy.

The Minister has a First Deputy and Deputies, who are appointed and dismissed by the Cabinet of Ministers of Ukraine on the proposal of the Prime Minister of Ukraine in accordance with the proposals of the Minister.

Minister:

- heads the Ministry of Agrarian Policy, manages its activities;
- determines the priorities of the Ministry's work and the ways of fulfilling the tasks assigned to it, approves the work plans of the Ministry, reports on their implementation;
- within the competence organizes and controls the implementation by the Ministry of the Constitution and laws of Ukraine, acts of the President of Ukraine and the Cabinet of Ministers of Ukraine;
- ensures the fulfillment of obligations under international agreements of Ukraine;
- makes proposals to the Prime Minister of Ukraine on the appointment of First Deputy Ministers, Deputy Ministers;
- approves regulations on independent structural subdivisions of the Ministry's staff;
- submits to the Cabinet of Ministers of Ukraine a proposal on the formation within the maximum number of civil servants and employees of the Ministry and funds provided for the maintenance of the Ministry, liquidation, reorganization of territorial bodies of the Ministry as legal entities under public law, approves regulations on them;
- approves the structure of the staff of the Ministry;
- submits to the Cabinet of Ministers of Ukraine proposals in case of motivated refusal of the Chairman of the Verkhovna Rada of the Autonomous Republic of Crimea, the Chairman of the Council of Ministers of the Autonomous Republic of Crimea, the head of the regional state administration (support of the head of the regional state administration executive power, the activity of which is directed and coordinated by the Minister, the head of the enterprise, institution, organization belonging to the sphere of management of this Ministry, other central executive body, whose activity is directed and coordinated by the Minister, to give consent to the Cabinet of Ministers of Ukraine;
- forms, liquidates, reorganizes enterprises, institutions, organizations belonging to the sphere of management of the Ministry, approves their regulations (statutes), performs within its powers other functions for the management of state property;
- appoints and dismisses heads of enterprises, institutions, organizations belonging to the sphere of management of the Ministry, decides on their encouragement and disciplinary action;
- raises in the prescribed manner the issue of encouraging and disciplinary action against

the First Deputy, Deputy Ministers and the State Secretary of the Ministry;

- raises in the prescribed manner the issue of assigning the rank of civil servant to the Secretary of State of the Ministry;
- represents the Ministry in public-law relations with other bodies, enterprises, institutions and organizations in Ukraine and abroad;
- determines the responsibilities of the First Deputy Minister, Deputy Ministers, the division of powers of the Minister between the First Deputy Minister and Deputy Ministers, which they perform in his absence;
- Involves civil servants and employees, and with the consent of managers - civil servants and employees of the Ministry, other central executive bodies, local executive bodies, authorities of the Autonomous Republic of Crimea, local governments, enterprises, institutions and organizations to consider issues related to the competence of the Ministry;
- decides on the distribution of budget funds, the main administrator of which is the Ministry;
- forms commissions, working and expert groups;
- convenes and holds meetings on issues within its competence;
- signs orders of the Ministry;
- gives mandatory instructions for civil servants and employees of the staff of the Ministry;
- directs and coordinates the activities of the central executive bodies designated by the Cabinet of Ministers of Ukraine, in particular:
  - 1) ensures the formation of state policy in the relevant areas and monitors its implementation by central executive bodies, whose activities are directed and coordinated by the Minister;
  - 2) approves and submits for consideration to the Cabinet of Ministers of Ukraine draft laws, acts of the President of Ukraine and the Cabinet of Ministers of Ukraine developed by the central executive bodies, whose activities are directed and coordinated by the Minister;
  - 3) determine the priority areas of work of the central executive bodies, the activities of which are directed and coordinated by the Minister, the ways of fulfilling the tasks assigned to them, approve their work plans;
  - 4) raises before the Cabinet of Ministers of Ukraine the issue of repealing acts of central executive bodies, the activities of which are directed and coordinated by the Minister, in whole or in part;
  - 5) hear reports on the implementation of the tasks and plans of their work assigned to the central executive bodies, the activities of which are directed and coordinated by the Minister;



- 6) approve the structure of the staff of central executive bodies, the activities of which are directed and coordinated by the Minister;
- 7) approve the appointment and dismissal of heads and deputy heads of independent structural subdivisions of the staff of central executive bodies, the activities of which are directed and coordinated by the Minister;
- 8) approve the appointment and dismissal of heads and deputy heads of territorial bodies of central executive bodies, the activities of which are directed and coordinated by the Minister;
- 9) approve the proposals of the heads of central executive bodies, whose activities are directed and coordinated by the Minister, on the formation, reorganization, liquidation of their territorial bodies as legal entities under public law and submit to the Cabinet of Ministers of Ukraine a corresponding submission;
- 10) approve the formation, reorganization, liquidation of territorial bodies of central executive bodies, the activities of which are directed and coordinated by the Minister, as structural subdivisions of the staff of central executive bodies;
- 11) issue orders and instructions on issues related to the scope of their activities, which are binding on the central executive bodies, the activities of which are directed and coordinated by the Minister;
- 12) approve the appointment and dismissal of heads and deputy heads of independent structural subdivisions of the central executive bodies, the activities of which are directed and coordinated by the Minister;
- 13) instructs the heads of central executive bodies, whose activities are directed and coordinated by the Minister, to cancel the acts of their territorial bodies in full or in part, and in case of refusal cancels such acts in full or in part;
- 14) initiate the issue of bringing to disciplinary responsibility the heads of structural subdivisions of the staff of central executive bodies, whose activities are directed and coordinated by the Minister, their territorial bodies and deputy heads, as well as heads of enterprises, institutions and organizations belonging to their management;
- 15) raises before the Cabinet of Ministers of Ukraine the issue of bringing to disciplinary responsibility the heads of central executive bodies, whose activities are directed and coordinated by the Minister, and their deputies;
- 16) initiate the issue of conducting an official investigation into the heads of central executive bodies, whose activities are directed and coordinated by the Minister, their deputies, other civil servants and employees of central executive bodies and their territorial bodies, enterprises, institutions and organizations belonging to the sphere their management;
- 17) determine the structural subdivision of the staff of the Ministry of Agrarian Policy, which is responsible for interaction with the central executive bodies, the activities of

which are directed and coordinated by the Minister;

18) make decisions on conducting inspections of the activities of central executive bodies, the activities of which are directed and coordinated by the Minister;

19) appoint officials of the Ministry of Agrarian Policy, who are included in the boards of central executive bodies, whose activities are directed and coordinated by the Minister;

20) determine the procedure for the exchange of information between the Ministry of Agrarian Policy and the central executive bodies, the activities of which are directed and coordinated by the Minister, the frequency of its submission;

21) resolve other issues related to the direction and coordination of the activities of central executive bodies, the activities of which are directed and coordinated by the Minister.

### **3.8. Principles of staffing and administration**

In order to select persons capable of professionally performing official duties, a competition is held to fill a vacant civil service position. The competition is carried out taking into account the level of professional competence, personal qualities and achievements of candidates for the vacant position.

The right to civil service of citizens of Ukraine is enshrined in the Law of Ukraine «On Civil Service»<sup>72</sup>.

The Secretary of State is responsible for personnel policy in the ministry.

The Secretary of State in accordance with the tasks assigned to him, among others:

- appoints and dismisses civil servants of the Ministry in accordance with the procedure provided for by the legislation on civil service, concludes and terminates contracts with them for civil service in accordance with the procedure provided by the Cabinet of Ministers of Ukraine, assigns them ranks of civil servants, decides on them encouragement and disciplinary action;
- hires and dismisses in the manner prescribed by labor legislation, employees of the Ministry of Agrarian Policy, decides on their promotion, disciplinary action;
- on the proposal of the Minister, appoints and dismisses employees of the patronage service;
- approves, in cases provided by law, the appointment and dismissal of heads of relevant structural units of regional, Kyiv and Sevastopol city state administrations;
- within the powers provided by law, gives mandatory instructions for civil servants and other employees of the Ministry of Agrarian Policy;
- provides in the prescribed manner the organization of training, retraining and advanced

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<sup>72</sup> <https://zakon.rada.gov.ua/laws/show/889-19#n300>

training of civil servants and other employees of the Ministry of Agrarian Policy, etc.

### 3.9. Budget, technical resources, digitization of administrative processes

According to the laws of Ukraine «On the State Budget of Ukraine» for the relevant year, for the Ministry of Agrarian Policy and Food, and in 2019 2020 - for the Ministry of Economic Development, Trade and Agriculture provides for the following expenditures:

#### Distribution of expenditures by years

(thousands of hryvnias)

	2014	2015	2016	2017	2018	2019	2020
Ministry of Agrarian Policy and Food of Ukraine	6 349 099,8	2 188 721,6	2 111 989,4	9 442 263,1	12 075 691,7		
Office of the Ministry of Agrarian Policy and Food of Ukraine	3 439 555,8	875 489,7	691 864,0	5 807 983,8	4 743 342,8		
State Agency of Land Resources of Ukraine	516 114,8						
State Service of Ukraine for Geodesy, Cartography and Cadastre		573 333,5*	643 017,5*	1 108 757,2	1 902 312,7	1 705 349,9	1 699 420,1
State Veterinary and Phytosanitary Service of Ukraine	2 029 109,6	669 017,0	-				
State Service of Ukraine for Food Safety and Consumer Protection			1 109 266,4	1 899 484,5	4 721 137,7	4 860 026,0	5 389 890,9
State Agency of Fisheries of Ukraine	161 214,0	124 618,0	161 274,2	378 106,5	403 989,7	419 244,1**	410 973,6**
State Agency of Forest Resources of Ukraine	511 413,8	462 144,4	137 449,9	247 931,1	304 908,8	614 680,8**	590 102,8**
State Inspectorate for Agriculture of Ukraine	203 105,6	57 452,5	12 134,9				

*Subordination of central executive bodies:*

*\* in the structure of the Ministry of Regional Development, Construction and Housing of Ukraine*

*\*\* within the structure of the Ministry of Energy and Environmental Protection of Ukraine, from 2020 - the Ministry of Environmental Protection and Natural Resources of Ukraine*

Provision and renewal in the Ministry of Engineering, Equipment, etc. has not been carried out in recent years. At the same time, the resolution of August 18, 2017 № 647 «Some issues of implementation of comprehensive public administration reform»<sup>73</sup> provides for and partially provides equipment for specialists in reform.

In addition, the decree stipulates other employees of the public authority may use that machinery, furniture, other equipment and facilities purchased for reform specialists.

<sup>73</sup> <https://zakon.rada.gov.ua/laws/show/647-2017-%D0%BF#n156>

Examples of digitization of administrative processes are the Register of Agrarian Receipts operating under the Law of Ukraine "On Agrarian Receipts", and the launch of a pilot project of an electronic farmer's register, based on Presidential Decree № 837/2019, and regulated by the Law of Ukraine "On State Support of Agriculture". to which the electronic farmer's register was reformatted into the "State Agrarian Register", the purpose of which is to comprehensively integrate information about agricultural producers, their property, land, environmental, labor, financial and credit and other rights and characteristics.

### **3.10. Regulations on official and administrative control and technical supervision, administration monitoring**

According to subparagraph 4 of paragraph 5 of the Regulation<sup>74</sup>, the Ministry of Agrarian Policy and Food in order to organize its activities:

provides within the powers provided by law:

4) implementation of state policy on state secrets, control over its preservation in the Ministry of Agrarian Policy and Food, enterprises, institutions and organizations belonging to its management, protection of information with limited access, as well as technical protection of information, control over its preservation in the order established by the legislation;

performance of tasks on mobilization training and mobilization readiness of the state;

involvement of citizens in the management of state affairs, effective interaction with civil society institutions, public control over the activities of the Ministry of Agrarian Policy and Food, taking into account public opinion in the formation and implementation of state policy on issues within the competence of the Ministry of Agrarian Policy and Food;

## **4. SUMMING UP: OPTIONS FOR RESTORING MAPF**

On December 28, 2020, the Cabinet of Ministers of Ukraine adopted a decision in the form of Resolution № 1344 of December 28, 2020 «Some issues of optimizing the system of central executive bodies», which overturned the decision to reorganize the Ministry of Agrarian Policy and Food by joining to the Ministry of Economic Development, Trade and Agriculture, which meant that the Ministry of Agrarian Policy and Food would resume work with all the powers that belonged to it before the reorganization in 2019.

According to the resolution, the Ministry of Economic Development, Trade and Agriculture and the Ministry of Agrarian Policy and Food were to prepare and submit to the Cabinet of Ministers of Ukraine within a month: draft regulations on the relevant central executive bodies.

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<sup>74</sup> <https://zakon.rada.gov.ua/laws/show/124-2021-%D0%BF#n357>

Accordingly, on February 17, 2021, the Resolution of the Cabinet of Ministers of Ukraine № 124 «Some issues of the central executive bodies»<sup>75</sup> approved the Regulations on the Ministry of Agrarian Policy and Food of Ukraine.

However, not all functions have been returned to the Ministry of Agrarian Policy and Food, in particular, **the formation and implementation of state policy in the field of organic production, circulation and labeling of organic products; veterinary medicine; safety and certain indicators of food quality, quarantine and plant protection** together with the State Service of Ukraine for Food Safety and Consumer Protection left to the Ministry of Economic Development.

Also, only the State Service of Ukraine for Geodesy, Cartography and Cadastre and the State Agency of Fisheries of Ukraine have been returned to the sphere of management of the Ministry of Agrarian Policy.

On December 17, 2020, the Verkhovna Rada appointed Roman Leshchenko Minister of Agrarian Policy and Food of Ukraine.

The Resolution of the Cabinet of Ministers of April 5, 2014 № 85 «Some issues of approval of the maximum number of employees of the staff and territorial bodies of central executive bodies, other state bodies»<sup>76</sup> as amended, the Ministry of Agrarian Policy provides

Name of the executive body	Maximum number of employees	
	of staff	including civil servants
Ministry of Agrarian Policy and Food	203	189

The next step towards the resumption of the Ministry of Agrarian Policy was the adoption of the Law of Ukraine "On Amendments to Annexes № 3 and № 4 to the Law of Ukraine «On the State Budget of Ukraine for 2021»<sup>77</sup> of April 15, 2021 93 1393-IX, which sets expenditures for the Ministry of Agrarian Policy bodies in the amount of 6.8 billion hryvnias.

*(thousands of hryvnias)*

Name of the executive body	Total
<b>Ministry of Agrarian Policy and Food of Ukraine</b>	<b>6 854 727,8</b>
<b><i>Office of the Ministry of Agrarian Policy and Food of Ukraine</i></b>	<b>4 909 024,8</b>
<b>State Service of Ukraine for Geodesy, Cartography and Cadastre</b>	<b>1 521 137,0</b>
<b>State Agency of Fisheries of Ukraine</b>	<b>424 566,0</b>

<sup>75</sup> <https://zakon.rada.gov.ua/laws/show/124-2021-%D0%BF#Text>

<sup>76</sup> <https://zakon.rada.gov.ua/laws/show/60-2021-%D0%BF#n9>

<sup>77</sup> <https://zakon.rada.gov.ua/laws/show/1393-20#Text>

The first steps towards the restoration of the Ministry should be:

- development and approval of the structure of the ministry,
- staff list,
- estimates,
- staffing,

implementation of a clear division of functionality: who formulates the policy, who implements and who monitors and controls the implementation,

- development and approval of priorities of the ministry's work.

The next step should be the development of a long-term Strategy for Agricultural and Rural Development.