

Policy Paper on Improving Legal and Institutional Mechanisms for Stakeholder Engagement in Cohesion Policy

Problem Statement

Ukraine's preparation for membership in the European Union involves not only the approximation of national legislation to the EU acquis, but also the development of adequate legal, institutional and administrative capacity for the future implementation of Union policies. Of particular importance in this context is preparation for meeting the requirements of Chapter 22 "Regional Policy and Coordination of Structural Instruments", which covers the legal, institutional, programming, financial and administrative preconditions for implementing the EU policy of economic, social and territorial cohesion.

One of the fundamental principles of cohesion policy implementation is the partnership principle, which is inextricably linked to multi-level governance. In EU law, partnership is not reduced to holding public consultations or receiving proposals from stakeholders. It entails the organised and systematic participation of designated categories of partners throughout the cohesion policy programme cycle. The European model provides for the systematic and institutionalised involvement of regional and local authorities, economic and social partners, civil society organisations and, where appropriate, research organisations and universities in the preparation, implementation, monitoring, evaluation and review of programmes.

Ukraine has already established a number of legal mechanisms for stakeholder participation in the formulation and implementation of public policy. An important element of the future horizontal regulatory framework is the Law of Ukraine "On Public Consultations" No. 3841-IX of 20 June 2024, which enters into force 12 months after the termination or lifting of martial law in Ukraine and sets out general rules for engaging stakeholders at the stages of problem definition, development, formulation and implementation of public policy and resolution of issues of local significance. In addition, specific participation mechanisms are provided for by legislation on state regional policy, local self-government, strategic and spatial planning, international territorial cooperation, strategic environmental assessment, and budget and investment planning. At the same time, the existence of a general public consultation mechanism does not in itself mean that a complete legal model of partnership within the meaning of the EU acquis on cohesion policy has been established.

The need for this distinction is confirmed by the European Commission's assessment. On the one hand, the European Commission's Ukraine 2025 Report positively noted the use of a participatory approach and inclusive public consultations in preparing the Action Plan for 2025–2027 for implementing the State Strategy for Regional Development. On the other hand, the European Commission specifically emphasised the need to establish, at central level, a legal basis for the partnership principle involving regional and local authorities, other public bodies, socio-economic partners and civil society at all stages of programming in line with the European Code of Conduct on Partnership. This gives grounds to treat the development of public consultation mechanisms and the creation of a dedicated legal framework for partnership as interrelated but non-identical areas of Ukraine's legal and institutional preparation.

Thus, the initial problem addressed by this paper is not the absence of stakeholder participation mechanisms as such, but the need to establish whether the body of current Ukrainian legislation provides a coherent, systematic, inclusive and institutionalised model of partnership in line with EU law, covering all main stages of the cohesion policy programme cycle.

Accordingly, the subject of the analysis is not only whether amendments to the Law of Ukraine "On Public Consultations" may be needed, but also whether the main regulatory gap lies in special legislation on state regional policy and related by-laws. Of particular importance is distinguishing between a genuine regulatory gap, a problem of improper application of existing norms, and a problem of administrative or institutional capacity, since each of these requires different legal and managerial response tools.

The main research question of the paper is which model of regulation would most fully ensure the implementation of the principles of partnership and multi-level governance in Ukraine's system of state regional policy, while remaining legally certain, proportionate and institutionally feasible.

1. The EU Cohesion Policy Programme Cycle and the Content of the Partnership Principle

The primary legal basis for the policy of economic, social and territorial cohesion is Articles 174–178 of the Treaty on the Functioning of the European Union. Under Article 174, the Union directs its action towards strengthening economic, social and territorial cohesion and, in particular, reducing disparities between the levels of development of the various regions. Cohesion policy therefore has a distinctly territorial character and involves the systematic use of strategic, institutional and financial instruments to reduce regional disparities and support the balanced development of territories.

Cohesion policy implementation is based on strategic programming, shared management, multi-level governance and partnership. The main act of secondary EU law setting out common rules for implementing the relevant funds in the 2021–2027 programming period is Regulation (EU) 2021/1060 of the European Parliament and of the Council of 24 June 2021 laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund, and financial rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy (hereinafter – Regulation (EU) 2021/1060, the Common Provisions Regulation, CPR).

Under Regulation (EU) 2021/1060, Member States, at the appropriate territorial level, are responsible for preparing and implementing programmes in accordance with their institutional, legal and financial framework. Article 8 of the Regulation lays down specific rules on "Partnership and multi-level governance" and thereby defines partnership as one of the systemic elements of cohesion policy programme management.

Regulation (EU) 2021/1060 does not contain a separate legal definition of "partnership". Therefore, for the purposes of this policy paper (hereinafter – this paper), the

content of partnership is best reconstructed from the set of elements directly enshrined in Article 8 of the Regulation and detailed in the European Code of Conduct on Partnership. Accordingly, within this paper partnership means the organised and systematic interaction of the categories of partners designated by EU law with competent authorities, carried out in line with the principle of multi-level governance and the bottom-up approach, and covering the preparation, implementation and evaluation of programmes, including partners' participation in monitoring committees.

This working definition follows directly from Article 8 of Regulation (EU) 2021/1060, under which, for the Partnership Agreement and each programme, a Member State must organise and implement a comprehensive partnership in accordance with its institutional and legal framework. It must include at least: regional, local, urban and other public authorities; economic and social partners; relevant bodies representing civil society; and, where appropriate, research organisations and universities. The partnership operates in accordance with the principle of multi-level governance and the bottom-up approach, and partners are involved in the preparation of the Partnership Agreement and throughout the preparation, implementation and evaluation of programmes, including through participation in monitoring committees.

To ensure terminological consistency, the category "regional, local, urban and other public authorities" is used hereinafter in the meaning defined by Article 8 of Regulation (EU) 2021/1060. When drawing parallels with the Ukrainian system, it is considered functionally and may cover, depending on the specific competence, regional-level executive authorities and local self-government bodies. This functional comparison does not imply automatic identity between the EU and Ukrainian institutional models.

Similarly, the term "managing authority" is used in this paper as an EU-law category denoting the body responsible for managing a specific programme. It does not in itself belong to the categories of partners defined by Article 8 CPR. Its possible functional counterpart in Ukraine's public administration system will depend on the specific institutional model for managing future cohesion policy programmes.

Under Article 8(4) of Regulation (EU) 2021/1060, the organisation and implementation of such partnership are carried out in accordance with Commission Delegated Regulation (EU) No 240/2014 of 7 January 2014 on the European code of conduct on partnership in the framework of the European Structural and Investment Funds (hereinafter – the European Code of Conduct on Partnership). Article 8(4) of Regulation (EU) 2021/1060 expressly refers to this Code when defining how partnership is organised and implemented.

The European Code of Conduct on Partnership details the criteria for identifying relevant partners, the procedures for their involvement, the principles governing monitoring committees, partners' participation in programme evaluation, and measures to strengthen their capacity. In particular, the Code provides for timely disclosure to partners of information on the process and timetable for preparing the Partnership Agreement and programmes, sufficient time to analyse documents and submit proposals, and proper information on the content of the relevant documents and amendments to them.

To assess Ukraine's legal readiness to implement cohesion policy, the programme cycle of this policy is best viewed as a set of interrelated stages: 1) diagnosis of territorial problems and needs; 2) setting priorities; 3) programming; 4) financial and institutional planning; 5) implementation; 6) monitoring; 7) evaluation; 8) review and adjustment of programmes.

This division is used in this paper as an analytical model for checking the completeness of partner involvement and does not purport to reproduce a separate classification of programme cycle stages formally established by the Regulation. Its purpose is to establish whether partner participation is ensured from the moment territorial needs are identified through to the monitoring, evaluation and subsequent adjustment of programmes.

The further analysis uses a single conceptual framework set out in Article 8 of Regulation (EU) 2021/1060. The European Code of Conduct on Partnership details the relevant categories of partners, in particular economic and social partners and civil society organisations.

The practical content of the partnership principle is best examined through the forms of partner participation and the functions of competent institutions at individual stages of the programme cycle.

Table 1. Participation of partners and competent institutions at the main stages of the EU cohesion policy programme cycle

Stage of the cohesion policy programme cycle	Content of partner participation	Main categories of partners and competent institutions
1. Diagnosis of territorial problems and needs	Identification of territorial disparities, needs, problems and development potential. Early involvement of partners ensures that territorial, socio-economic and expert information is taken into account before future decisions are shaped.	Competent authorities responsible for preparing the relevant analytical and programming materials; regional, local, urban and other public authorities; economic and social partners; civil society organisations; where appropriate, research organisations and universities.
2. Setting priorities	Priority areas of intervention and specific objectives are formed on the basis of the identified problems and needs. Partners take part in determining which needs should be prioritised.	Competent authorities responsible for setting programme priorities; regional, local, urban and other public authorities; economic and social partners; civil society organisations; where appropriate, research organisations and universities.

Stage of the cohesion policy programme cycle	Content of partner participation	Main categories of partners and competent institutions
3. Programming	The identified needs and priorities are translated into the programme's objectives, measures, expected results and indicators. Partners can influence not only the text of the programme but also its substantive parameters.	The competent authority or authorities responsible for preparing the programme; regional, local, urban and other public authorities; economic and social partners; civil society organisations; where appropriate, research organisations and universities.
4. Financial and institutional planning	The volume and allocation of funding, programme management mechanisms, criteria for selecting operations and the institutional structure for implementation are determined. Partners are involved in discussing the programme's resource and management parameters.	The managing authority and other competent authorities; regional, local, urban and other public authorities; economic and social partners; civil society organisations; where appropriate, research organisations and universities.
5. Implementation	After the programme is adopted, partner participation continues during the implementation of the planned measures, operations and projects. Partners may be involved in programme implementation in accordance with their legal status and competence. Certain entities may simultaneously act as beneficiaries or implementers of operations; however, beneficiary status is not identical to partner status within the meaning of Article 8 of Regulation (EU) 2021/1060.	The managing authority; intermediate bodies and other competent institutions; partners identified under Article 8 of Regulation (EU) 2021/1060; beneficiaries and implementers of operations – in accordance with the terms of the specific programme.
6. Monitoring	Partners take part in monitoring programme implementation, analysing progress, results achieved and implementation problems, and in considering issues and proposals to resolve implementation problems. The key institutional mechanism is the monitoring committee.	Monitoring committee; managing authority; representatives of regional, local, urban and other public authorities; representatives of economic and social partners; representatives of civil society organisations; where appropriate, representatives of research organisations and universities.
7. Evaluation	The effectiveness, efficiency and impact of the programme are evaluated. Partners take part in evaluation, in particular through the monitoring committee and other established mechanisms, while the evaluation itself may be carried out by functionally independent internal or external experts or evaluators.	Managing authority; monitoring committee; partners involved in evaluation in accordance with established procedures; independent internal or external experts and evaluators.

Stage of the cohesion policy programme cycle	Content of partner participation	Main categories of partners and competent institutions
8. Review and adjustment of programmes	Monitoring and evaluation results are used to review the programme's objectives, measures, funding and other parameters. Partners take part in considering proposed changes through programme governance mechanisms, in particular through the monitoring committee within its powers.	The managing authority and other competent authorities; monitoring committee; partners represented on the monitoring committee in accordance with Article 8 of Regulation (EU) 2021/1060.

The table deliberately distinguishes two categories of actors: 1) partners within the meaning of Article 8 of Regulation (EU) 2021/1060; 2) competent programme management institutions. This distinction is necessary because, for example, the managing authority performs specific management functions and cannot automatically be regarded as one of the categories of partners.

Thus, the partnership principle in EU cohesion policy means not a one-off consultation, but the systematic participation of designated categories of partners throughout the programme cycle, with varying degrees and forms of involvement depending on the specific stage. Article 8 of Regulation (EU) 2021/1060 creates the general legal framework for such partnership, while the European Code of Conduct on Partnership details the requirements for identifying partners and for their involvement, representativeness and institutional participation.

It is this model, and not merely the existence of public discussion or public consultation procedures, that should be used as the baseline standard for the subsequent comparative analysis of Ukrainian legislation.

2. Review and Analysis of EU Legislation on Partner Engagement in Cohesion Policy

To correctly define the subject of the regulatory analysis, it is necessary to distinguish between two legally and functionally different mechanisms – public consultation and partnership.

Public consultation involves organised interaction between a public authority and stakeholders in order to obtain, analyse and take into account their positions. The final decision, as a rule, remains with the relevant authority.

Unlike public consultation, partnership in cohesion policy is a broader mechanism for organising partners' participation in programme governance, the content of which is defined by Article 8 of Regulation (EU) 2021/1060 and detailed in the European Code of Conduct on Partnership. This leads to a methodologically important conclusion: public consultation is one of the procedural forms of participation, whereas partnership characterises the model for organising programme governance. Partnership may include consultations but is not limited to them.

The European Code of Conduct on Partnership emphasises the representativeness of partners, their competence, their capacity for active participation, and an appropriate level of representation. When identifying particular categories of partners, thematic and geographical coverage and relevant expertise are also taken into account.

The European Code of Conduct on Partnership provides that, to ensure transparent and effective participation, partners should receive timely information on the process and timetable for preparing the Partnership Agreement and programmes, their content and proposed amendments, as well as sufficient time to analyse the relevant documents and submit proposals.

Partner participation should not be limited to discussing an already prepared programme text. The European Code of Conduct on Partnership provides for involving partners, in particular, in analysing challenges and needs, setting objectives and priorities, allocating funding, defining indicators and forming the monitoring committee.

These provisions give rise to a criterion of meaningful participation: partners must be involved at a stage when the main parameters of a decision can still be changed and their proposals can genuinely influence its content.

One of the central features of the European model is the shift from one-off consultations to permanent institutional mechanisms of partner participation.

The key institutional mechanism for such participation is the monitoring committee. Under Articles 38–40 of Regulation (EU) 2021/1060, a Member State sets up a monitoring committee to monitor programme implementation, and one committee may cover more than one programme. Its composition must ensure balanced representation of the relevant Member State authorities, intermediate bodies and representatives of the partners referred to in Article 8, selected through a transparent process. Each member of the committee has a vote, and the arrangements for exercising this right are set out in the committee's rules of procedure in accordance with the Member State's institutional, legal and financial framework. The committee examines progress in programme implementation, evaluation findings, performance issues and other matters, and approves, in particular, the methodology and criteria for selecting operations, the evaluation plan and the managing authority's proposals for amending the programme.

The European Code of Conduct on Partnership further details the rules for the work of monitoring committees, in particular on voting, deadlines for notice of meetings and transmission of documents, publication of materials and minutes, the creation of working groups and the prevention of conflicts of interest. The Code separately provides for the possibility of using technical assistance, covering costs related to partners' participation, and capacity-building measures.

Institutionalisation of partnership therefore means not merely a right to submit a proposal, but a defined legal status of the partner in programme management procedures.

The effectiveness of partner participation also depends on partners' capacity. Article 8(2) of Regulation (EU) 2021/1060 provides that Member States shall, where relevant, allocate an appropriate amount of the funds' resources to the administrative capacity building

of social partners and civil society organisations. The European Code of Conduct on Partnership further provides for the possibility of supporting, in particular, local authorities, economic and social partners and non-governmental organisations through training, the creation of coordination and networking structures, and covering costs related to participation in the preparation, implementation, monitoring and evaluation of programmes. A formal right to participate does not in itself ensure the inclusiveness of partnership if certain categories of partners in fact lack sufficient institutional, human or financial capacity for effective participation.

Thus, the legal model of partnership in EU cohesion policy covers not only consultations, but also the transparent identification and adequate representation of partners, their timely and meaningful involvement in programming, institutional participation in monitoring committees, participation in programme implementation and evaluation, and the creation of conditions for developing their capacity. These elements constitute the regulatory criteria for the subsequent comparative analysis of Ukrainian legislation.

3. Comparative Analysis of Ukrainian and EU Legislation and Identification of Regulatory and Institutional Gaps

To determine the degree to which Ukraine's legal and institutional model complies with EU law requirements on partnership, it is necessary to assess not only the existence of individual stakeholder engagement procedures, but also their coherence and consistency throughout the programme cycle.

The comparative analysis is based on the following main criteria: composition of partners; timing of their involvement; legal nature of participation; coverage of all stages of the programme cycle; procedural guarantees of participation; representativeness and inclusiveness; existence of permanent institutional participation mechanisms; link between partner participation and financial and investment programming; and partner capacity building.

The existence of a particular participation mechanism does not in itself mean full compliance with the European model. What matters is whether legislation ensures early and meaningful involvement of partners, their participation in the implementation, monitoring, evaluation and review of programmes, and an appropriate institutional status in the relevant procedures.

Table 2. Comparative analysis of EU law requirements and Ukrainian legislation on partner participation

Criterion	EU requirement / approach	Current regulation and practice in Ukraine	Identified discrepancy / nature of the problem	Type of problem
1. Composition of partners	Article 8 of Regulation (EU) 2021/1060 provides for the involvement of regional, local, urban and other public authorities; economic and social partners; civil society organisations; and, where appropriate, research organisations and universities.	Law No. 3841-IX contains a broad definition of "stakeholder", which allows the involvement of civic associations, trade unions, employers' organisations, associations of local self-government bodies, business entities and other persons. The Law of Ukraine "On the Principles of State Regional Policy" No. 156-VIII uses a separate category, "stakeholder of state regional policy", and provides for the participation of relevant public and non-public actors in the formulation and implementation of state regional policy.	Ukrainian legislation provides for a broad range of potential participants in participation procedures, but the category of "stakeholder" is not identical to the category of "partner" within the meaning of Article 8 of Regulation (EU) 2021/1060. It needs to be separately verified whether special legislation on state regional policy ensures structured representation of all categories of partners provided for by EU law. The special status of regional and local public authorities as a self-standing category of partners under Article 8 of Regulation (EU) 2021/1060, rather than merely as participants in a general consultation procedure, also needs to be taken into account.	Potential regulatory gap

Criterion	EU requirement / approach	Current regulation and practice in Ukraine	Identified discrepancy / nature of the problem	Type of problem
2. Timing of involvement	Partners must be involved at early stages – before the main parameters of a decision are set, in particular before needs and priorities are defined.	Law No. 3841-IX provides for public consultations at the stages of problem definition, development, formulation and implementation of public policy; these provisions will apply once the Law enters into force. Its design thus does not limit consultations to discussing an already prepared draft decision.	The horizontal public consultation model allows for early stakeholder involvement. At the same time, it needs to be separately verified whether, in the special procedures of state regional policy, such involvement is mandatory specifically for the designated categories of partners and takes place before the key parameters of programme decisions are set.	Potential regulatory and practical gap
3. Legal nature of participation	Partnership is not limited to consultation. Partner representatives may sit on monitoring committees, have voting rights and take part in approving the evaluation plan, the methodology and criteria for selecting operations, and proposals to amend the programme.	Law No. 3841-IX follows a consultation model: stakeholders submit proposals, and the body conducting the consultation processes them and publishes the results of their consideration. Law No. 156-VIII provides for the participation of various public and non-public actors in the formulation and implementation of state regional policy, but the nature and legal guarantees of such participation require article-by-article assessment.	The main discrepancy lies in the difference between consultative participation and the institutionalised participation of a partner in programme management. It needs to be verified whether current special legislation establishes partner rights functionally comparable to participation in monitoring committees and other programme governance structures.	Potential regulatory and institutional gap

Criterion	EU requirement / approach	Current regulation and practice in Ukraine	Identified discrepancy / nature of the problem	Type of problem
4. Coverage of the programme cycle	Partner participation covers preparation and programming, implementation, monitoring, evaluation, and review and adjustment of programmes.	Individual participation mechanisms are contained in legislation on public consultations, state regional policy, international territorial cooperation, strategic and spatial planning, strategic environmental assessment and other acts. The practical experience of Ukrainian actors in Interreg programmes may serve as an additional institutional reference point but does not in itself confirm the existence of a corresponding horizontal regulatory model in Ukraine's domestic legislation.	Individual elements of the programme cycle are governed by different legal regimes, but it needs to be verified whether they form a single, consistent model of partner participation from programming through to implementation, monitoring, evaluation and review of programmes.	Potential regulatory and institutional gap

Criterion	EU requirement / approach	Current regulation and practice in Ukraine	Identified discrepancy / nature of the problem	Type of problem
5. Procedural guarantees of participation	The European model provides for access to information, adequate deadlines, transparent procedures, the possibility to submit proposals, feedback and open materials, and, for permanent partnership structures, rules on voting, publication of information and prevention of conflicts of interest.	Law No. 3841-IX provides for general procedural guarantees for public consultations, which will take full legal effect once the Law enters into force. Special participation procedures are also provided for by other acts, in particular legislation on strategic environmental assessment.	Ukrainian legislation contains both horizontal and special participation procedures. At the same time, the existence of special procedural guarantees for permanent partnership structures requires separate analysis: the procedure for their formation and operation, access to information, voting, publication of materials and prevention of conflicts of interest.	Potential regulatory gap
6. Representativeness and inclusiveness	The composition of partners should reflect representativeness, thematic and territorial coverage, expertise, capacity and the representation of different interest groups.	Current legislation allows a wide range of stakeholders to be involved, but uniform rules for forming permanent partnership structures in state regional policy require further verification.	A broad right to participate is not the same as a mechanism for balanced representation of partners. It needs to be verified whether criteria have been set for representativeness, transparent selection, thematic and territorial balance, and preventing the dominance of particular groups.	Potential regulatory and institutional gap

Criterion	EU requirement / approach	Current regulation and practice in Ukraine	Identified discrepancy / nature of the problem	Type of problem
7. Permanent institutional mechanisms	The central institutional mechanism is the monitoring committee, with balanced representation of partners, voting rights and powers relating to monitoring, evaluation and certain programme decisions.	Coordination, advisory and monitoring mechanisms are provided for in state regional policy, but their functional correspondence to monitoring committees within the meaning of Regulation (EU) 2021/1060 requires separate verification. Practical experience with monitoring committees exists in Interreg programmes.	It needs to be established whether current legislation provides a sufficient legal basis for the participation of regional and local public authorities in structures functionally similar to monitoring committees, and whether existing structures meet requirements on composition, powers, voting rights and transparency.	Institutional and potential regulatory gap
8. Link with financial and investment programming	The European model links strategic programming with resources: partners are involved, in particular, in allocating funding and defining implementation mechanisms.	In Ukraine, strategic, budget, investment and spatial planning are governed by different regulatory regimes. Individual elements of this system are budget planning, state regional policy, public investment management and spatial planning of territories.	It needs to be established whether partner participation at the strategic programming stage has a legally significant link with the subsequent setting of financial and investment priorities, and whether the chain territorial needs → strategic priorities → spatial decisions → public investments is coherent. The point is not consultation on every individual budget decision, but participation in setting strategic resource priorities.	Institutional and regulatory-coordination gap

Criterion	EU requirement / approach	Current regulation and practice in Ukraine	Identified discrepancy / nature of the problem	Type of problem
9. Partner capacity building	Article 8(2) of Regulation (EU) 2021/1060 provides, where relevant, for allocating an appropriate share of fund resources to the administrative capacity building of social partners and civil society organisations; the European Code of Conduct on Partnership also provides for support measures for small local authorities and other partners.	Individual training and institutional support measures are implemented within programmes and projects, but whether there is a sustainable regulatory basis for such support in the state regional policy system requires verification.	A formal right to participate does not guarantee real capacity to participate, especially for small local self-government bodies and less-resourced civic organisations.	Potential regulatory and resource-institutional gap

The preliminary comparative analysis shows that Ukrainian legislation contains a number of stakeholder engagement mechanisms that can ensure individual elements of partner participation. The Law of Ukraine "On Public Consultations" No. 3841-IX establishes a horizontal public consultation procedure, while the Law of Ukraine "On the Principles of State Regional Policy" No. 156-VIII and other special acts regulate certain aspects of actors' participation in the formulation and implementation of the relevant policies. At the same time, further article-by-article verification is needed of whether there is a coherent special partnership mechanism in state regional policy covering a defined range of partners, their early and meaningful involvement, institutional representation, participation throughout the programme cycle, the link with financial and investment programming, and partner capacity building.

The final nature of the identified discrepancies and the need for regulatory changes should be clarified on the basis of an article-by-article analysis of the relevant laws and by-laws.

4. Regulatory Options and Possible Approaches to Their Implementation

The results of the preliminary comparative analysis indicate that further regulation should ensure a clear relationship between the horizontal public consultation procedure and special mechanisms for partner participation in state regional policy. Given the different subject matter of the Law of Ukraine "On Public Consultations" No. 3841-IX and the Law of Ukraine "On the Principles of State Regional Policy" No. 156-VIII, alternative ways of enshrining the principles of partnership and multi-level governance, the range of partners, the stages of their involvement and institutional participation mechanisms should be considered.

The specific scope of the necessary legislative and secondary-legislation changes should be clarified on the basis of an article-by-article analysis of the relevant legal acts.

In view of the above, two regulatory alternatives should be considered.

4.1. Regulatory alternatives

Alternative 1. Integrating the partnership model into the Law of Ukraine "On Public Consultations" No. 3841-IX

This alternative involves expanding Law No. 3841-IX by including in it special provisions on partnership, multi-level governance and partner participation in the programme cycle.

Such an approach would concentrate a significant part of participation procedures in a single legislative act. However, it would require a substantial expansion of the subject matter of Law No. 3841-IX, since partners' institutional participation in programme management, the work of monitoring committees, evaluation and financial programming go beyond the consultation procedure as such.

Alternative 2. Enshrining special partnership mechanisms in legislation on state regional policy with targeted alignment of Law No. 3841-IX

This alternative involves retaining Law No. 3841-IX as the future horizontal legal basis for public consultations once it enters into force, possible targeted amendments to align it with special procedures, and enshrining special partnership mechanisms in Law No. 156-VIII and the relevant by-laws on strategic planning, implementation, monitoring and evaluation.

The main areas of regulatory improvement under this model include:

- enshrining the principles of partnership and multi-level governance in Law No. 156-VIII;
- defining categories of partners with reference to Article 8 of Regulation (EU) 2021/1060;
- distinguishing the legal status of "stakeholder", "stakeholder of state regional policy" and "partner" in special procedures;
- establishing an obligation to involve them at key stages of the programme cycle;
- defining in regulations permanent partnership and monitoring structures, their composition, powers and operating procedures;
- setting requirements for representativeness and transparency, access to information, and rules on preventing and resolving conflicts of interest;
- enshrining partners' participation in the monitoring, evaluation and review of programmes;
- creating mechanisms for partner capacity building.

Specific drafts of regulatory changes should be prepared only after an article-by-article analysis of Law No. 156-VIII and the relevant resolutions of the Cabinet of Ministers of Ukraine, in order to avoid duplicating norms already in force.

4.2. Comparative assessment of regulatory alternatives

Table 3. Comparative assessment of regulatory alternatives

Criterion	Integrating the partnership model into Law No. 3841-IX	Enshrining the partnership model in state regional policy legislation with targeted alignment of Law No. 3841-IX
Consistency with the partnership model provided for by EU law	Allows provisions on partnership and multi-level governance to be included in a single law, but combines the regulation of consultations and programme management	Allows a special partnership model to be enshrined in state regional policy legislation and aligned with the general public consultation procedure
Legal certainty	Concentrates the relevant regulation in a single law, but requires extending the subject matter of Law No. 3841-IX to relations beyond public consultations	Provides for a distinction between general consultation guarantees and partners' special institutional participation
Administrative and financial feasibility, proportionality	Requires extending the subject matter of Law No. 3841-IX and adding further institutional mechanisms to it	Requires amendments to special legislation and alignment of secondary procedures; the scope of administrative and financial consequences will depend on the model of permanent partnership and monitoring structures
Ensuring meaningful partner participation	Provides for regulating meaningful participation within the horizontal law on public consultations, which would also require including special institutional mechanisms in it	Provides for regulating partner participation at key stages of the programme cycle and in the monitoring, evaluation and review of programmes within special legislation

Comparison of the two alternatives reveals their different regulatory logic. Alternative 1 concentrates the regulation of partner participation in the horizontal Law No. 3841-IX, whereas Alternative 2 is based on distinguishing general consultation procedures from special programme partnership mechanisms in state regional policy.

The advantage of Alternative 1 is the concentration of a significant part of participation procedures in a single horizontal legislative act. Its limitations include the need to substantially extend the subject matter of Law No. 3841-IX to the institutional relations of programme management, which go beyond public consultations.

The advantage of Alternative 2 is the ability to distinguish general public consultation procedures from special partnership mechanisms in state regional policy. Its limitations include the need for coordinated amendments to special legislation and a number of secondary procedures, and the administrative and financial consequences will depend on the chosen model of permanent partnership structures.

For the purposes of further work, this paper treats Alternative 2 as the working model – enshrining special partnership mechanisms in legislation on state regional policy with targeted alignment of Law No. 3841-IX. The final scope and content of the relevant changes

should be determined after completing the article-by-article analysis of legislation and by-laws.

4.3. Implementation plan for the working model

Possible implementation of the working model involves the following sequence of stages.

Table 4. Implementation sequence of the working model

Stage	Content	Indicative timeframe (the timeframes given are indicative)
1. Regulatory analysis	Article-by-article analysis of Law No. 156-VIII, Law No. 3841-IX and the relevant by-laws	1–2 months
2. Drafting legislative amendments	Drafting amendments to special legislation on state regional policy	2–4 months after completion of Stage 1
3. Harmonisation of secondary procedures	Review and alignment of secondary procedures for strategic planning, monitoring and evaluation of state regional policy, financial and investment programming and, where relevant, spatial planning	In parallel or within 2–3 months after the legislative model is defined
4. Establishing institutional mechanisms and capacity building	Establishing partnership and monitoring mechanisms; training for competent public authorities, economic and social partners, civil society organisations and other involved actors	After adoption of the basic regulatory changes; approximately 3–6 months
5. Piloting and assessing scope for wider roll-out	Piloting the mechanism within selected programmes, evaluating the pilot results and taking a separate decision on whether to roll out the relevant mechanisms more widely	6–12 months after the mechanism is launched

The timeframes given are indicative and are subject to clarification after completion of the article-by-article regulatory analysis and determination of the actual scope of the necessary legislative and secondary-legislation changes.

Regulatory and institutional changes must be accompanied by systematic partner capacity building. Otherwise, the formal establishment of partnership bodies may reproduce the practice of nominal participation.

5. Monitoring, Evaluation and Implementation Risks of the Working Model

Monitoring the implementation of the model should cover not only the fact that partnership mechanisms have been established, but also the quality and effectiveness of partner participation.

Four groups of indicators should be used:

- regulatory – enshrinement of the principles of partnership and multi-level governance and the creation of a procedural basis for participation;

- institutional – actual functioning of partnership structures and balanced composition;
- process – early involvement, access to information, participation in monitoring and evaluation, quality of feedback;
- outcome – the degree of partners' influence on programme decisions and the extent to which their proposals are taken into account when reviewing and adjusting programmes.

Evaluation should establish not only whether the mechanism functions, but also its impact on the quality of identifying territorial needs, priorities and investment decisions, and on the effectiveness of state regional policy.

The main risks of implementing the proposed model are: formalisation of partnership; creation of an excessive number of advisory structures; unrepresentative composition; dominance of the best-resourced organisations; conflicts of interest; excessive administrative burden; weak capacity of small hromadas (territorial communities) and civic organisations; duplication of public consultation, strategic environmental assessment, and strategic and spatial planning procedures; and duplication of powers between permanent partnership structures and existing coordination and advisory bodies.

Mitigating these risks requires transparent representation criteria, rotation procedures, rules on preventing and resolving conflicts of interest, a clear delineation of competences and avoidance of duplicating the functions of existing bodies, digitalisation of procedures, access to documents, reasoned feedback and systematic partner capacity building.

Conclusions

The analysis shows that the problem of preparing Ukraine to implement the partnership principle in cohesion policy cannot be reduced solely to amending the Law of Ukraine "On Public Consultations" No. 3841-IX.

The Ukrainian legal system already contains individual stakeholder participation mechanisms, and Law No. 3841-IX establishes the future horizontal regulatory basis for public consultations and, once in force, will cover the early stages of policy formulation.

At the same time, the partnership model provided for by EU law on cohesion policy is broader: it involves comprehensive partnership based on multi-level governance and the bottom-up approach, with partners involved throughout the preparation, implementation and evaluation of programmes, including through participation in monitoring committees.

The preliminary comparative analysis therefore indicates that the key issue is not the absence of a public consultation mechanism, but the existence and adequacy of special regulatory and institutional partnership mechanisms in the state regional policy system. The final nature of the relevant gaps needs to be clarified on the basis of an article-by-article analysis of current legislation and by-laws.

The working model considered in this paper is an approach in which Law No. 3841-IX remains the horizontal procedural basis for public consultations, while the principles of partnership and multi-level governance, the range of partners, their institutional

representation and participation at the relevant stages of the programme cycle are subject to special regulation, primarily in the Law of Ukraine "On the Principles of State Regional Policy" No. 156-VIII and the relevant by-laws.

Amendments to Law No. 3841-IX should be considered if a specific gap or conflict is identified in the interaction between the general consultation procedure and special partnership procedures.

Further regulatory work should focus on verifying and, where necessary, regulating the following key elements: definition of partner categories; their early and meaningful involvement; participation in the programme cycle; institutional representation in permanent partnership and monitoring structures; procedural guarantees of participation; the link with financial and investment programming; and the development of partners' administrative and institutional capacity.

Thus, preparing Ukraine to apply the partnership principle in cohesion policy requires not the mechanical transposition of individual EU law procedures, but the formation of a coherent legal and institutional model that is compatible with Ukraine's system of state regional policy and capable of ensuring systematic partner participation at all relevant stages of the programme cycle.