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ADMINISTRATIVE SERVICE DELIVERY IN UKRAINE IN THE CONTEXT OF WAR

- STATE OF PLAY, CHALLENGES AND RECOMMENDATIONS –

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2 Rue André Pascal
75775 Paris Cedex 16
France

Tel: +33 (0) 1 45 24 82 00

www.sigmaweb.org

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Introduction

Russia's large-scale aggression of Ukraine on 24 February 2022 dramatically changed how the country is governed and administrative services are delivered to its citizens.

During the first days of the invasion, it was unclear what the answers to the most burning questions would be: answers that would allow the Ukrainian Government to make appropriate policy choices. How long will the war last? Will the country have resources for the delivery of services during the war? Will it be safe to have off-line service delivery points? Which electronic systems would survive and continue to be available to people? Would people have access to internet? There were many more questions.

Answers to these questions appeared later: the war was going to be long enough to require the system of service delivery to be relaunched and not just interrupted for a couple of weeks. The country secured its registries and databases; mobile networks survived in most territories and ensured access to internet. A huge part of the country remained free from military operations (apart from Russian rocket strikes affecting every region) and required services.

The aim of this paper is to describe how the system of administrative services responded to the difficulties imposed by the invasion: to what extent needs related to the war were addressed, the compromises reached between interests of security and agility and, at the same time, legal certainty, transparency and the participation and comfort of users. The paper examines the lessons learned both for Ukraine and for others willing to build a reliable and resilient system of service delivery.

The paper will start (section 1) with a description of the context and the conditions of service delivery before the invasion. The service delivery system was not built from scratch during the war and major factors effecting its current form and its resilience appeared years before February 2022. After setting the background and context, the paper will describe (in section 2) the major challenges affecting service delivery because of the invasion and the factors that had to be taken into account when delivering services.

A major part of the paper will further consist of describing what changes took place (section 3) in terms of extending deadlines and changing administrative procedures. The extent to which the level of services to the public was maintained (section 4), but also innovations and even new services (section 5) that were designed by the authorities. The role of electronic tools and services, including the mobile application *Diia* – a flagship product of Ukraine in the area of service delivery used by more than 18 million unique users and installed on more than 36 million devices - will be highlighted in section 6.

Before drawing conclusions and proposing recommendations in the final section, sections 7 and 8 respectively focus on the challenges and the importance of safeguarding key registries and databases, and the importance of personal data protection during war.

1. General context of service delivery in Ukraine before the war

Effective, efficient administrative service design and delivery has been a distinct and effective policy imperative for Ukraine since 2014.[1] In this way, service delivery was part of the public administration reform plans and objectives. This meant that the main foundations and building blocks were in place for the current government to build on (see figure 1 below). In 2019, when the President and then subsequently the Government of the same party came to power, they launched a vision of service design and delivery as 'the State in a Smartphone', and introduced measures to simplify service delivery. These included eliminating duplication of front offices and improving feedback and service delivery monitoring, among other things[2].A law on streamlining administrative fees was drafted[3], the conditions for e-services were put into place (web portals, putting administrative services online, interoperability)[4]; and the specificities of delivering public (electronic) services were defined by law (for example, delivering life-event e-services, using digital images of documents and 'once-only' information provision)[5].

Complemented by other concurrent strategies and concepts that specify goals, actions and targets for administrative and electronic service design and delivery[6], the Strategy of Public Administration Reform in Ukraine until 2021[7] set out the framework and conditions for improving the quality and accessibility of administrative services, with annual indicators:

- introducing a general administrative procedure with basic guarantees (principle of legality, establishment of facts, the right to be heard, the right to effective protection of rights, the right to receive a written decision containing grounds for its adoption, the right to non-judicial appeal, etc.);
- improving the quality and accessibility of administrative services, and decentralisation of administrative services;

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[1] MamatovaT., & Sydorenko, N. (2020). The system of administrative services in Ukraine: features of legal regulation. *Public Administration Aspects*, *8*(6), 164-177. https://doi.org/10.15421/1520115

[2] Presidential Decree No. 647/2019 "On some measures to ensure the provision of quality public services", https://zakon.rada.gov.ua/laws/show/647/2019#Text.

[3] Presidential Decree No. 837/2019 "On urgent measures to reform and strengthen the State", https://zakon.rada.gov.ua/laws/show/837/2019#Text.

[4] Presidential Decree No. 558/2019, "On some measures to improve the access of individuals and legal entities to electronic services", https://zakon.rada.gov.ua/laws/show/558/2019#top.

[5] Law of Ukraine No. 1689-IX "On peculiarities of delivering public (electronic) services".

[6] State Strategy of Regional Development for 2021-2027, Strategy for Digital Transformation of the Social Sphere, Concept of Electronic Services System Development in Ukraine, Concept of E-Government Development in Ukraine, and Concept of Development of Digital Competencies and Action Plan for Its Implementation.

[7] CMU, *The Strategy of Public Administration Reform in Ukraine until 2021*, Order No. 474-o, June 24, 2016, *Some Issues on Public Administration Reform in Ukraine*, https://zakon.rada.gov.ua/laws/show/474-2016-%D1%80#Text.

- systematically reducing the administrative burden on citizens and legal entities;
- optimising and increasing the efficiency of work of the executive authorities by introducing electronic interdepartmental interaction and electronic document circulation;
- providing administrative services in electronic form.

The Presidential Decree No. 558 in July 2019[8] tasked the Cabinet of Ministers with creating a technologically advanced web portal for electronic service delivery, with the possibility for individuals and legal entities to use a smartphone or tablet to:

- create electronic 'cabinets' (pages with their own profiles and other information to receive services);
- obtain personal data about themselves from national electronic information resources;
- verify information on a registered residence;
- provide e-services, including administrative services;
- access the catalogue of e-services classified by life events;
- pay fees for administrative services, fines for administrative offences, taxes and other payments, and send the relevant entities information about the payment;
- submit appeals, specifically to state administrations and local self-governments, and obtain information on their progress and results;
- survey initiatives and projects in various spheres of public life.

Decree No. 558 also covered checking drivers' documents by using the information contained in national electronic information resources, without the driver having to present them to the police[9].

Institutionally, the creation of the Ministry of Digital Transformation of Ukraine in September 2019 gave a focus and prominence to the 'State in a smartphone', within the wider goal of transforming digital public administration at all levels. In co-operation with the Ministry of Interior, the National Bank of Ukraine, donor-funded programmes[10] and private enterprises[11], the Ministry of Digital Transformation of Ukraine created the mobile application of the Single State Web Portal of Electronic Services (hereinafter- *Diia* app), with software designed for Android and Apple operating systems[12]. The State Enterprise "*Diia"*, which is subordinate to the Ministry of Digital Transformation of Ukraine, became the technical administrator, and the *Diia* app was officially launched on 6 February 2020.[13]

To reach this landmark, the Government first had to take some key legislative steps: adopting a Cabinet of Ministers of Ukraine (CMU) Resolution regarding *Diia*[14] and giving the Ministry of Digital Transformation

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[8] President of Ukraine Decree No. 558/2019, "*On some measures to improve the access of individuals and legal entities to electronic services"*, 29 July 2019 , Article 1 (items 5, 9), https://zakon.rada.gov.ua/laws/show/558/2019#top

[9] 310,959 drivers were fined for forgetting them in 2019, according to then Interior Minister Arsen Avakov, 6 February 2020, https://censor.net/ru/blogs/3174165/dokladyvayu_ukrainskomu_narodu_mvd_rasshiryaet_spisok_elektronnyh_servisov_chast_vtoraya.

[10] TAPAS, EGAP, EGOV4Ukraine (part of U-LEAD with Europe), SURGe

[11] EPAM, Spiilka, Fedoriv Agency, De Novo, and Privatbank and Monobank

[12] MinDigit, "*Diia - in action! The mobile application Diia and the National Online Digital Education Platform were presented"*, 6 February 2020, https://thedigital.gov.ua/news/diya-u-dii-prezentovano-mobilniy-zastosunok-diya-ta-natsionalnu-onlayn-platformu-tsifrovoi-osviti.

[13] "*President, Prime Minister, Ministry of Digital Transformation presented Diia mobile app"*, 6 February 2020, https://www.kmu.gov.ua/en/news/prezident-premyer-ministr-mincifra-prezentuvali-mobilnij-zastosunok-diya.

[14] CMU Resolution No. 1137, *Regulations on the Unified State Web-Portal of Electronic Services*, 14 December 2019, *Issues on the Unified State Web-Portal of Electronic Services and Register of Administrative Services*, consolidated version: Item 9, https://zakon.rada.gov.ua/laws/show/1137-2019-%D0%BF#top.

of Ukraine the competence to define the app's functionality; legalising the digital images of documents (alongside 'paper' and 'electronic'); legalising the application of the remote qualified electronic signature; and adopting specific resolutions regarding certain services. A major legislative milestone was reached in April 2020, when CMU Resolution No. 278 enabled e-passports to be presented through the *Diia* app, and used in a range of situations: (national) transport, banking, confirming citizenship and age, participating in elections, etc. In March 2021, changes were made to the law to consolidate the government decision and permanently legalise e-passports.

The legislation now postulates that government institutions must always accept digital images and their copies, provided they have the technical possibilities to verify these images, while it remains optional for other service providers to accept them[15]. This requires the institution to have appliances (code readers) to retrieve data from the relevant register via the unique codes on the images, and to connect its own information system to the "*Portal Diia".* The latter is achieved by submitting an Application for Accession[16] and forming an Accession Agreement for Partners[17] with the State Enterprise "*Diia*", which also provides service support.[18]

By February 2022, the following results were available through the *Diia* app: [19]

- eleven digital images of documents and the ability to share them - birth certificate; passport of a citizen of Ukraine in the form of a card; passport of a citizen of Ukraine for travel abroad; tax number certificate; driving licence; certificate of vehicle registration; vehicle insurance certificate; student licence; internally displaced person registration certificate[20]; information on residence registration (but not as a residence registration certificate); electronic ID of a war veteran and injured participant of the Revolution of Dignity;
- eleven administrative services - registration of residence; registration for COVID-19 vaccination; replacement of driving licences; payment for administrative services by QR-code; submission of private individual entrepreneurs' declarations to the Internal Revenue Service; payment of income taxes by private individual entrepreneurs; payment of fines for traffic violations; one-time assistance to private individual entrepreneurs and employees; payment of debts under enforcement proceedings; vehicle registration document sharing; and court case notices;
- submission of local petitions (if the municipality connects its information system to "Portal *Diia*"[21]);
- use of remote qualified electronic signature;
- e-surveys.

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[15] As at August 2021, digital images are accepted by the CMU, 7 ministries and central executive authorities, 3 regional state administrations, the police, 93 ASCs, 15 supermarkets and shops, 3 postal companies, 13 banks, 3 insurance companies, 3 pay systems, the State Administration of Railway Transport of Ukraine "Ukrzaliznytsia", 3 automobile transport companies, 15 hotels, 13 airports, 3 phone operators, 2 internet providers, 2 universities, 3 utility providers, 1 medical lab, 2 hospitals, 2 veterinary clinics, 3 museums, 6 cinemas, 1 library, and 7 other companies.

[16] https://diia.gov.ua/storage/app/media/uploaded-files/priednannya-do-dogovoru.docx.

[17] https://diia.gov.ua/dogovir-priyednannya-dlya-partneriv.

[18] https://chat.diia.gov.ua/.

[19] Play Market, *Diia*, Google website, https://play.google.com/store/apps/details?id=ua.gov.diia.app&hl=ru&gl=US (accessed 21 June 2021)

[20] CMU Resolution No. 910, "*On amendments to the procedure for the registration and issuance of the Internally Displaced Person Registration Certificate",* 16 September 2020, https://zakon.rada.gov.ua/laws/show/910-2020-%D0%BF#Text.

[21] *Instructions on amending the local self-government regulations to participate in the pilot project "Local Petitions in Diia"*, https://docs.google.com/document/d/1kfhlJCaExFrLvXyzg_ZXQdoe2BBbiV4cjkXVMxaf154/edit.

By February 2022, digital images of documents had been shared 10 million times[22], which is testament to their usefulness, not least during COVID-19 measures when everyone must have ID documents while outdoors, but also more mundanely, for obtaining parcels at post offices or getting credit in shops. More than 14 million users had downloaded the *Diia* application[23].

In July 2021, the Government adopted the Strategy for Public Administration Reform in Ukraine for 2022-2025[24], based on the SIGMA principles[25]. The Strategy aims to create the conditions for citizens, businesses and other legal entities to receive high quality, affordable and accessible administrative services under convenient and clear procedures, as well as establishing a system of professional and politically neutral public service focused on protecting the interests of citizens, with annual indicators. Particular attention was paid to further developing and optimising the network of Administrative Service Centres (ASCs), and increasing the number of administrative services (in particular, those that are the most requested) provided through ASCs, improving the quality of their provision, and ensuring ASCs can cover their costs. The Strategy also envisaged simplifying and optimising procedures to reduce the administrative burden, re-engineering administrative services to increase user orientation, continuing decentralisation of powers (with resources) to local self-government bodies to provide administrative services, and further digitalisation.

The 2012 (and afterwards regularly updated) Law on Administrative Services defines the general requirements for administrative service design and delivery, provides the legal grounds for the functioning of the ASCs, establishes the "Portal *Diia*" for electronic service delivery, and establishes monitoring of the quality of administrative service design and delivery.[26] It provides the grounds for a solid foundation, having a consolidated list covering all administrative services and all levels of government in Ukraine for a large number of services, which makes it distinct from other countries in the region.

[22] MinDigit, *Diia Summit,* from 23:23 to 26:15, https://live.diia.gov.ua/en-stream.html.

[23] Google Play Market, *Diia*, https://play.google.com/store/apps/details?id=ua.gov.diia.app&hl=ru&gl=US.

[24] CMU Order No. 831-p "Some issues of public administration reform in Ukraine",
https://zakon.rada.gov.ua/laws/show/831-2021-%D1%80#Text

[25] OECD (2017), *The Principles of Public Administration*, OECD, Paris https://www.sigmaweb.org/publications/principles-public-administration.htm

[26] https://zakon.rada.gov.ua/laws/show/2073-20#Text

Table 1. Status of administrative services

Country	Definition	Published list(s)	Consolidated list	Number of services*
Armenia	No[27]	No[28]	No	n/a
Azerbaijan	Yes[29]	Yes	Yes[30]	1,005[31]
Georgia	Yes[32]	Yes[33]	No[34]	n/a
Moldova	Yes	Yes	Yes (central only)[35]	688
Ukraine	Yes	Yes	Yes (all levels)	2,230

* As of 1 May 2022 for AM, AZ, GE and MD; as of 23 February 2022 for UA.
Source: OECD (2022 forthcoming), "Service design and delivery in the ENP East region", *SIGMA Papers*, No.xx, OECD Publishing, Paris.p.19. https://doi.org/10.1787/20786581

Within this legal context, the online register on the "Portal *Diia*" (https://guide.diia.gov.ua/) enables the user to access the following information for each of the 2 230 administrative services (as of 23 February 2022):

• Service identifier • Subject area • Service category (sector) • Service name • Service level • Keyword • Short description • Administrative-territorial unit where the service is provided • Moderation status	• Applicant type • Access link (electronic) • Normative documents regulating service provision • Life event • Person entitled to file • Opportunity to appeal in court • Extrajudicial bodies of appeal • Results • Documents required to receive the service

[27] The draft Law on Service Delivery would introduce definitions of state service, local service, one-stop-shop, formal document, *inter alia*.

[28] The draft Law also obliges state and local authorities to create and run registries of services to a common standard or template, and will introduce a common approach to the procedure for service delivery.

[29] According to the Cabinet of Ministers' Decision on approval of the "Rules for maintaining the Electronic Register of Public Services", public service is the implementation of actions provided by the government bodies performing the service in the exercise of their powers and causing the relevant legal result, http://www.e-qanun.az/framework/29383#_edn6

[30] A Presidential Decree of September 2014 assigned responsibility to ASAN to ensure the organisation and operation of an Electronic Register of Public Services, http://www.e-qanun.az/framework/28319

[31] https://www.dxr.az/dxr

[32] The Public Services Development Strategy 2022-2025 defines a public service as an "*inclusively planned process produced by an administrative unit(s) within a state agency that derives from law and regulation, has a precise guideline which is aligned with the legally defined goal, aims at addressing a public issue in the interest of the public good, and responds to citizens' and customers' needs and requirements*."

[33] Most state agencies at central or local levels list public services (including administrative services) in regulatory documents and/or their websites.

[34] Public service agencies usually have their own lists of services.

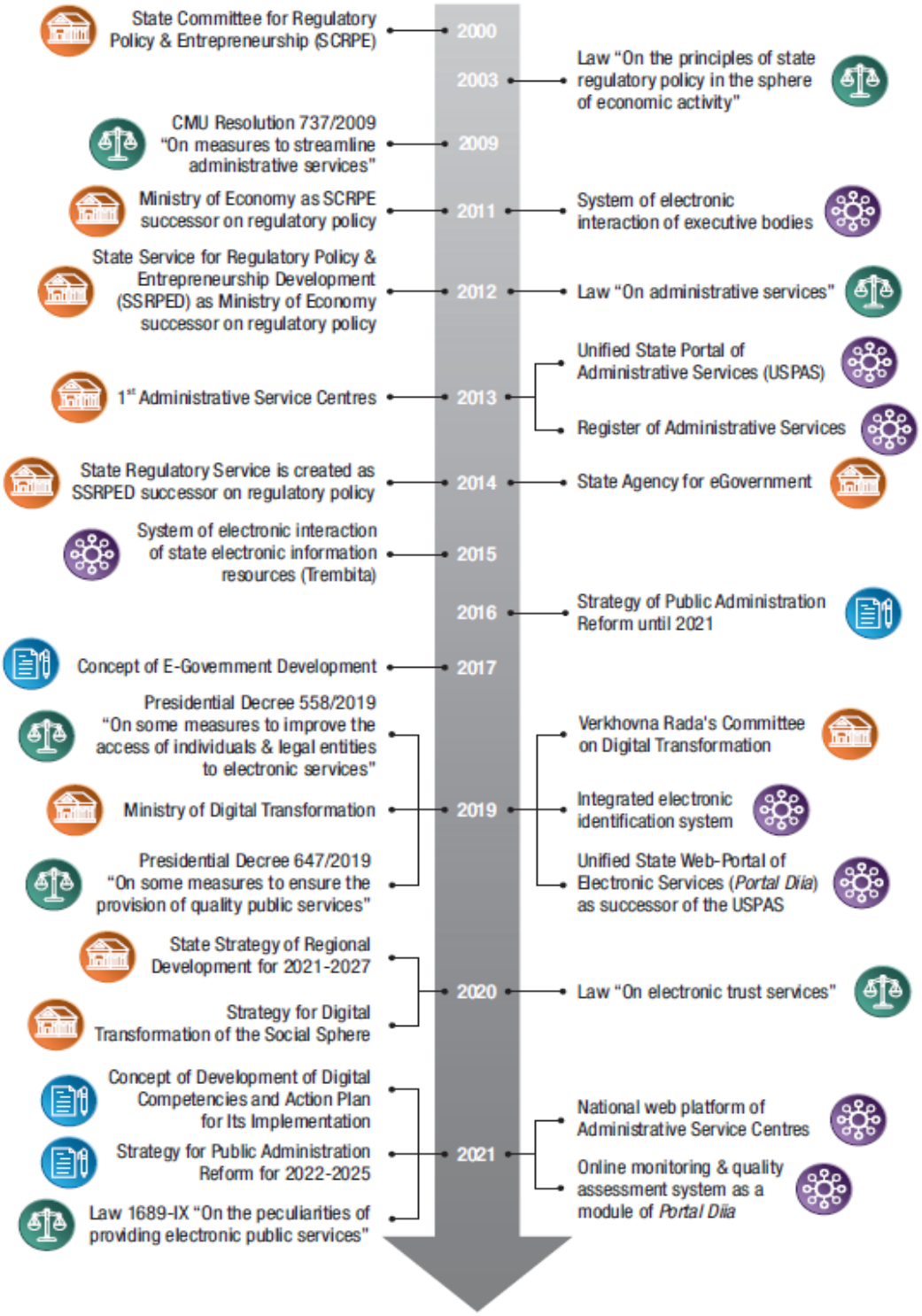
[35] According to Government Decision 169/2021 on the State Register of Public Services, Official Gazette No. 230-237, Article 436, Moldova maintains an electronic State Register of Public Services, based on the Integrated Nomenclature, which is the responsibility of the public services providers, being in the competence of the Government. At the moment, there is no list of public services delivered by local public authorities, but Article 11 of the Law on Public Services establishes the obligation to register all public services in the State Register of Public Services.

• Date of creation • Owner (central executive body that formulates or implements state policy in the relevant field) • Provider • Legal base • Grounds for refusal of service	• Method of submitting the application and documents • Method of receiving the results of the service • Process duration • Cost of provision

Note: The Law on Administrative Procedure that was pending for years was adopted by the Verkhovna Rada of Ukraine on 17 February 2022, and signed during the war by the President of Ukraine on 13 June 2022 and officially published on 15 June 2022. According to transitional provisions, it will become fully effective on 15 December 2023.

Before the Russian invasion, Ukraine had a solid system of administrative service provision, a wide network of ASCs (2 917 ASCs with more than 10 000 employees), and advanced electronic tools for service delivery: the Portal *Diia* and the *Diia* app installed on most smartphones in the country. All of this was due to investment in service delivery infrastructure, legislation, channels and systems as demonstrated in the overview of key milestones in Figure 1.

Figure 1: Overview of key milestones in service design and delivery in Ukraine



Source: OECD (2022 forthcoming), "Service design and delivery in the ENP East region", *SIGMA Papers*, No.xx, OECD Publishing, Paris, https://doi.org/10.1787/20786581, Annex 1.

2. Challenges for service delivery during the war

Issues of service delivery during the war and for people in occupied territories are not quite new to Ukraine. Since the start of the hybrid war in 2014, the country developed relevant policies and adopted framework legislation. The main law governing this topic is the Law of Ukraine "On Ensuring of Rights and Freedoms of Citizens and the Legal Regime on the Temporarily Occupied Territory" of 15/04/2014 (later, the Law on Temporarily Occupied Territories). It sets out the rules on residence registration, sale of property, conditions for business activity and provision of social welfare for those living in temporarily occupied territories. However, a number of policy solutions developed before the invasion became irrelevant during the full-scale war and required reassessment. For instance, the system of designating a territory as temporarily occupied, as envisaged by the Law on Temporarily Occupied Territories, is too slow and complicated, requiring two decrees of the President (separately for the delineation of the territory concerned and the period of occupation) and many prior approvals.

In the context of the above, the major factors affecting the existing service delivery framework and infrastructure since the full invasion are the following:

- limited or lost governmental control over temporarily occupied territories of the country
- security risks to lives of people and safety of equipment, government buildings and systems
- necessity to conceal valuable information from the aggressor
- limited judicial oversight over proper service delivery
- limited capacity of law enforcement to react to fraud and administrative wrong-doing
- decreased capacity of service providers due to lack of employees (due to their extensive migration and their military mobilisation)
- extensive attempts to destroy data by Russian hackers.

Under these circumstances, the system of service delivery in Ukraine has significantly changed its *modus operandi*. In order to mitigate the risk factors described above, the Government gradually adapted the system to the new conditions. Service delivery ceased to be unified and standardised throughout the country and differed in terms of territory, time, scope of services and service providers.

From a territorial perspective, the Government took a different approach to service delivery in different parts of the country depending on the status of the territory:

- temporarily occupied
- under intensive ground attack (war zone)
- under full control of Ukrainian Government.

The division reflected the different levels of governmental control over the territory, security measures and risks related to access of the enemy to valuable information. Naturally, territories not significantly affected by the war have the least possible restrictions on service delivery, while few services are available on those territories under Russian occupation.

For instance, for two months after the occupation of Kherson and nearby regions, the local population had access to services for registration of civil status changes (birth, marriage, death etc.) and some notary services, despite the fact that the city was under the control of Russian military forces. Only after representatives of the occupational administration started to interfere in service delivery were those services discontinued. Russia tried to take control over the process of service delivery (e.g. by forcing the delivery of documents with the Russian flag or requesting compliance with decisions of the occupying administration). Immediately after those attempts, services were stopped by decision of the Ukrainian authorities.

However, service delivery agencies experienced a major difficulty with services related to territorial status. It was hard to obtain real-time data on the status: which particular village, region or community was temporarily occupied or released and when this happened. plThis information affected decisions as to which part of the country could continue using national electronic registers, which should switch to paper-based work, which residents should get financial support etc. Due to the lack of detailed data, initial decisions were based on a very broad description of regions affected by war, which sometimes led to inaccuracies and miscalculations. Information gathered in an informal manner from local agencies or military administrations was helpful for administrative and managerial processes but was not useful for official decision-making purposes. A solution to the problem appeared during the second month of invasion: a unified, detailed and regularly updated list of war zones and temporarily occupied territories, with a map available online at groshi.edopomoga.gov.ua.

The service delivery system also evolved over time, starting with almost no services available during the first days of the invasion to the provision of all significant services (except for 28 out of 2230) three months after the invasion, when the system had been adapted to the new risks.

The main goal of any war law is to ensure the priority of military needs. This rational approach has a disadvantage – it makes services a secondary priority. There are fewer funds and fewer staff available to ensure proper service delivery. For instance, the Decree of the President of Ukraine #69/2022 of 24 February 2022 (later confirmed by the Law of Ukraine of 03 March 2022) announced general mandatory mobilisation of certain categories of citizens aged between 18 and 60.

Another example of existing limitations is the Law on Amendments to the State Budget of Ukraine for 2022, of 21 April 2022, limiting expenses of the Reserve Fund to only military needs and financial aid to displaced people. There was also a decree of the Cabinet of Ministers of Ukraine establishing priority status for certain types of payments related to military needs and social safety nets. This obliged the system of service delivery to do more with less.

3. Adapting service delivery during the war

Following the invasion, the Government of Ukraine adopted numerous regulations governing provision of administrative services during the war. Most of them were adopted during the second month of the invasion, when the conditions services should be adapted to and the changes needed to the system of services became clearer.

2.1. Extending deadlines and timeframes

One of the first governmental decisions was to remove time limits for the provision of administrative services – a decision similar to that adopted at the beginning of the pandemic. A Decree of the Government[36] was adopted within 4 days of the start of the invasion and applied to all administrative services. However, over time, this one-size-fits-all solution became inadequate and the terms for the provision of many services returned to pre-war ones[37] or were clearly regulated separately. In particular, unlimited deadlines were removed from registration of businesses, property titles and civil status.

The reason for changing the approach to deadlines was the reassessment of the duration of the war: as soon as it became clear that the war might last many months, if not years, suspension of service delivery during the war ceased to be justified. Just as it was deemed necessary to re-apply time limits for the provision of major services, but adapt their duration to war conditions. This helps to protect the rights of citizens to receive services in a timely manner, makes administrative procedure more predictable and provides services more smoothly even in extraordinary circumstances.

At the same time, the implementation of such a proposal is too burdensome for a single state body such as the Parliament or the Cabinet of Ministers. It should be noted that more than 2 200 administrative services are provided in Ukraine. Therefore, possible solutions to the problem should be discussed at ministerial level.

2.2. Change in procedures and methods of service provision

Apart from time limits, many substantive changes were made to the legislation on the provision of various administrative services. It should be noted that the vast majority of them were adopted by the Government. The following key changes addressed war-related issues:

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[36] Decree of the Cabinet of Ministers of Ukraine “On Suspension of Terms of Service Delivery and Issuance of Permitting Documents” of 28 February 2022 #165

[37] Decree of the Cabinet of Ministers of Ukraine «On amendment to Certain Decrees of the Cabinet of Ministers of Ukraine on Activities of Notaries and Functioning of Single and State Registers Administrated by the Ministry of Justice During the Martial Law” of 19 April 2022 #480

- travel abroad with a domestic Ukrainian passport (ID card) was allowed, without the need to have a separate passport for international travel;
- children were allowed to leave the country with one parent without presentation of notarised permission from the other parent;
- the duration of payment of social benefits granted before the war was increased;
- services for registration of civil status, the appointment of pensions and social benefits became available throughout the country and ceased to be connected to the place of residence;
- customs services for importation of humanitarian aid and cars were streamlined;
- unemployment status could be confirmed by phone;
- birth certificates could be issued on a simple piece of paper (no need to use paper with a special design and protections);
- streamlined, free of charge marriage in 1 day;
- driving licences could be changed without a medical certificate.

Identity documents became a concern for many citizens. Thousands of people whose homes were destroyed during air strikes and shelling had no ID available at all. Many of those who decided to leave the country had no passport for travel abroad. In addition to that, due to technical problems, new passports were not issued during the first weeks of the invasion and the number issued afterwards did not always meet the demand. At the same time, during the war people need to prove their identity much more often than in peacetime.

To address the problem, changes to the procedures governing ID documents were introduced to simplify their issuance, extend expiration limits[38], allow extensive use of alternative ID's[39] and streamline identification processes[40]. Moreover, the Ministry of Digital Transformation introduced the digital identity document eDocument, which is described further in section 6 of this document.

2.3. Provision of social and pension services

Special attention should be paid to the changes that took place in the sphere of social and pension provision. The Government adopted several decrees[41] that allowed the duration of payment of social assistance to be increased, to cover the period of the war and one month after its end. Further, the limits of pension provision were increased for:

- servicemen and persons with disabilities as a result of the war;
- members of the families of fallen servicemen.

[38] Decree of the Cabinet of Ministers of Ukraine "Some issues of entering information in the passport of a citizen of Ukraine to travel abroad" of 28 February 2022 #170.

[39] Decree of the Cabinet of Ministers of Ukraine "On modification of Rules of crossing of the state border by citizens of Ukraine" of 28 February 2022 #166; Decree of the Cabinet of Ministers of Ukraine "On the peculiarities of payment and delivery of pensions, cash benefits for the period of martial law" of 26 February 2022 #162.

[40] Decree of the Cabinet of Ministers of Ukraine "Some issues of entering information in the passport of a citizen of Ukraine to travel abroad" of 28 February 2022 #170.

[41] Decree of the Cabinet of Ministers of Ukraine "Some issues of state social assistance and benefits for the period of martial law" of 07 March 2022 #214; Decree of the Cabinet of Ministers of Ukraine "On the peculiarities of payment and delivery of pensions, cash benefits for the period of martial law" of 26 February 2022 #162.

2.4. Vehicle and driving licences

In order to address the shortage of vehicles in the country due to the large number destroyed or damaged as a result of the invasion, the Government simplified the procedure for importing vehicles from abroad[42]. Vehicles can be imported freely until the day of the cessation of the war, after which time business entities are obliged to register the following information for 90 days: receipt, transfer and sale of vehicles, including the conclusion of contracts of sale. .

In order to facilitate logistics and increase the number of drivers for the army, the Government also changed the conditions for issuing driving licences[43]:

- driving licences that expired during the war may continue to be used and are valid in Ukraine;
- the right to drive vehicles of categories C or C1 is granted to persons who have a category B driving licence (for the period of war)
- the exchange of driving licences in case of loss or theft is permitted without a medical examination.

2.5. Services for business

A number of essential business services changed. For instance, significant updates took place in the area of business and property registration. The terms of services have been substantially updated. In particular:

- business registration is carried out immediately, on the day of submission of application;
- documents for business registration can be sent in electronic form with copies attached (if signed by the qualified electronic signature of the applicant);
- an administrative fee is not charged for the state registration of charitable organisations or public associations that provide assistance to the Armed Forces, etc;
- payment of the administrative fee may be confirmed by an electronic copy (including a screen copy) of the relevant payment document;
- it is not necessary to notarise the authenticity of the signature on the document if such a signature is made in the presence of the State Registrar;
- the requirements for the mandatory use of information from the State Registers do not apply in case of temporary lack of access to such Registers.

2.6. Business permits and licences

Another important change took place in the area of issuing permits and licences. Business entities acquire the right to start their activity free of charge after submitting a declaration of economic activity in any form, without obtaining permits, licences or any other documentation issued by public services[44]. This possibility applies to all types of permits and licences, except for the fifty-three most dangerous activities (related to

[42] Decree of the Cabinet of Ministers of Ukraine “On amendments to the Procedures Approved by Decrees of the Cabinet of Ministers of Ukraine of September 7, 1998 № 1388 and November 11, 2009 № 1200” of 04 March 2022 #190

[43] Decree of the Cabinet of Ministers of Ukraine “Some issues of admission of drivers to drive vehicles” of 03 March 2022 #184

[44] Decree of the Cabinet of Ministers of Ukraine “Some issues of ensuring the conduct of economic activity in martial law” of 18 March 2022 #314

nuclear power and materials, treatment of dangerous residues, environmental impact assessments etc.) indicated by the Government.

Public authorities post lists of submitted declarations on their official websites, to make information available for consumers and as a way to notify the entity submitting the declaration that the declaration has been taken into account by authorities. The list of declarations contains information about the business entity, type of economic activity and place of business (if the business is limited to the administrative-territorial unit). The declaration is submitted to the Administrative Service Centres in person or sent by e-mail. Additionally, private entrepreneurs can obtain this service online using the *Diia* Portal.

It should be noted that the 'declaration instead of a permit' approach is not very popular, for several reasons. First, this approach will not work once the war is over, which is why it cannot be used for mid- and long-term business planning. Nevertheless, the simplification of the process of starting a business without deregulating economic activities (the rules still apply, compliance is just not checked beforehand) is interesting to consider. Second, there are some inconsistencies between regulations governing declarations and those governing specific business operations and permits. This creates confusion as businesses do not always understand what permits and licences may be replaced by a declaration. Further, there is no time limit set for public authorities to publish information about submitted declarations. Many businesses still prefer to apply the more burdensome and time-consuming procedure of obtaining a permit rather than to use the new system of declarations. This is expected to change after the Parliament adopts a separate law governing expansion of declarations in business regulations and once businesses and state agencies become accustomed to the new approach.

For instance, significant changes were made to simplify access to services for those fighting in a war zone. One of the requests from the military was to allow soldiers to marry and to make a will without leaving the place of fighting, particularly in situations of encirclement.

To address this request, the procedure of marriage registration was amended to allow a couple to marry distantly, through video connection via a smartphone. In this case, a military commander is authorised either:

- to officially confirm the voluntary decision of a soldier to marry a person who is not present during the procedure;
- to marry a couple if one of them is absent but confirms the decision to marry via video call on a smartphone.

Documents signed by the military commander shall be transferred to the proper registration agency, which issues the marriage certificate and uploads the information to the register.

Another example of adding new functions was the transfer of certain registration functions to employees of the Ministry of Justice during the initial stages of the invasion. During that period, the framework of limited and risk-based access to registers and systems of additional guarantees were still under development, but there was an urgent need to register changes in data related to war-related entities and charity funds. Thus, during the initials months of the invasion, major registration services were provided not by notaries or municipal registrars but by civil servants of the Ministry of Justice - a function unknown to them during peacetime.

4. Maintaining administrative services

The number of administrative services available during the invasion varies by period and region. In the first days of the invasion, services were practically not provided.

However, after the first month of the invasion the system of service delivery had been almost entirely restored, with only 28 services unavailable out of around 2 300. Most of these (23 out of 28) were related to activities in the land sector as the State Land Cadaster was closed. The other five inaccessible services were those related to immigration, due to the partial shutdown of the State Demographic Register:

- registration of the place of residence,
- cancellation of the declared/registered place of residence,
- issuance of an extract from the Register of Territorial Communities,
- registration of temporary accommodation ,
- registration of the place of residence of a child under 14 years of age.

The five services mentioned have always been considered some of the most popular in Ukraine, meaning their reinstatement was a priority for the Government. This was achieved by the end of June, when interconnections between local registers and centralised databases were restored.

It should also be noted that despite the almost complete reinstatement of the administrative service delivery system, most services are not available in temporarily occupied territories. Ukrainians can only receive a limited number of services provided by the municipality. Until recently, civil status registration services remained available in temporarily occupied territories.

The network of ASC's continues to develop and currently has 3 110 access points. However, more than 400 access points are currently unavailable due to destruction or temporary occupation. The ASCs that remain operational have even taken on new humanitarian tasks.

The war not only brought new difficulties in the provision of services but also new needs and demands from citizens. Thus, the Government not only focused on restoring existing services, but also on the development of new ones.

5. New services

During the invasion, the Ukrainian Government also launched new services, for example:

- financial allowances under the eSupport programme
- financial allowances to internally displaced persons (IDPs)
- financial allowances to employers for the employment of IDPs
- reimbursement of expenses for those who temporarily provided housing for IDPs
- notification of damaged or destroyed property
- financial allowances to the civilian population in war times
- provision of one-time compensation to persons with disabilities affected by the action of explosive objects
- registration of livestock facilities and market operators
- cancellation of registration of livestock facilities
- entering information in passports for foreign travel on the extension of their validity
- entering information about children in passports for foreign travel.

Most of these services are related to financial support, which reflects the needs of society in the current situation. Such services are not absolutely new for Ukrainians, who already received similar ones during the active phase of COVID-19 restrictions. The main differences are the amount of financial allowance and the people who can apply for it.

For example, the procedure and amounts of compensation for accommodation for internally displaced persons (IDPs) were changed, and the range of bodies empowered to register such persons was expanded. IDPs can receive such services in Social Protection Units, Administrative Services Centres and local governments. These services are also available online via the mobile application *Diia*.

It should be noted that before the invasion, the number of IDPs was 1.5 million people, but since 24 February their number has increased dramatically. Before the invasion only people who left the territory of Donetsk, the Luhansk regions and the Autonomous Republic of Crimea were considered IDPs, now the Government has established that IDPs include those who left the territory of 14 regions: Volyn, Dnipropetrovsk, Donetsk, Zhytomyr, Zaporizhia, Kyiv, Luhansk, Mykolaiv, Odesa, Sumy, Kharkiv, Kherson, Chernihiv regions and Kyiv city. IDP status is also granted to persons who move within these regions and do not leave their territory.

In addition, IDPs may receive a monthly allowance from the state for the period of the war and one month after it ends, to the amount of:

- UAH 3 000 for each child or person with a disability;
- UAH 2 000 for any other person.

The updated allowance is granted automatically to those who already had the status of IDPs before the full-scale invasion and already received a monthly allowance. Those displaced after 24 February must go through the procedure for obtaining IDP status and assigning a financial allowance.

Due to the large number of changes, the Government decided to launch completely new services for IDPs and cancel the old ones.

Another completely updated financial allowance is eSupport. Private entrepreneurs and employees for whom the employer pays a single social contribution, from the same regions as the IDPs mentioned above, were entitled to a one-time financial allowance (UAH 6 500).

Currently, there is only one way to get an eSupport financial allowance – via the *Diia* app. Despite the many conveniences of using the *Diia* app, unfortunately, it is only available for smartphone users. At the moment, not all Ukrainians own and use a smartphone. The experience of implementing the eSupport programme during the active phase of COVID-19 showed that about 30% of Ukrainians eligible to receive the allowance did not receive it. While it may be assumed that some of them did not need an allowance from the state, there remains a significant number who did not have smartphones or the electronic identification means required. Currently, eSupport is temporarily unavailable. Nevertheless, it is extremely important to expand the number of channels for receiving such services.

The Government also improved several passport-related services. When a passport for foreign travel expires, the validity period is extended by five years. Parents or other legal representatives of a child may ask to add information about the child and a photo to their own passport. Such actions allow children to travel abroad without their own passports. The entry of the necessary information is carried out by SMS, free of charge and on the day of application.

Another completely new service is the reimbursement of expenses for those who temporarily provide housing for IDPs. The amount of compensation is UAH 14.77 per person per day. To receive the reimbursement, the owner must:

- enter information on available housing for IDPs in the Shelter website or provide such information to the municipality (in particular, to the Centre for Administrative Services);
- no later than the next day after the accommodation of IDPs to apply to the municipality. In case of change in the number of persons receiving accommodation, provide information about such changes;
- submit an application to the municipality on the number of days and number of people by the 5th day of each month.

As the service was new and developed very quickly, the procedure turned out to be complicated and time consuming when it was first implemented. The service has been improved since then to become more human-centered and is still improving by combining and reducing the stages and transferring procedures online. In fact, on 1 September 2022, an integrated, automated system was launched and all communities that provide the service were connected. Integration with the register of IDPs (certificate verification) and the Red Cross (automation of payments) is planned for October 2022. The planned integration with *Diia* will also simplify the monthly application process for homeowners.

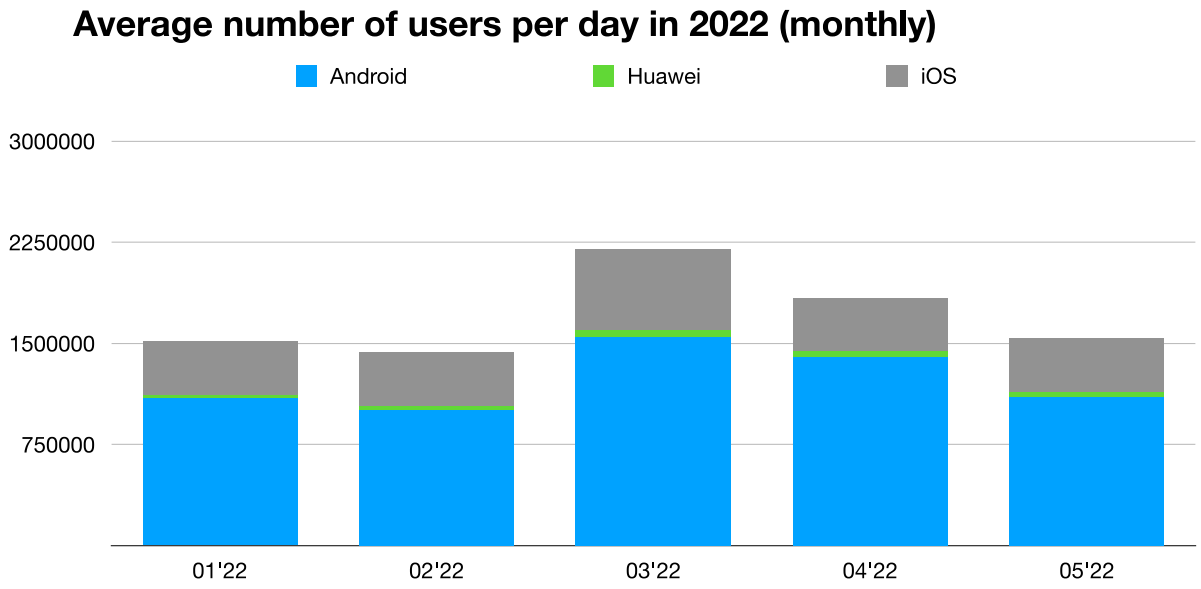
Another completely new service is the notification of damaged and destroyed property as a result of the war. The procedure is carried out to inform government agencies about the number of destroyed or damaged properties. The notification is accompanied by the submission of a photo or video of the remains of the property. The service is provided in four ways: in an Administrative Services Centre, by notaries, on the *Diia* Portal or via the *Diia* app. This kind of notification shall not preclude the granting of compensation or the provision of any other assistance.

Despite the administrative difficulties with the allowances for IDPs, they remain very popular. There were notifications that sometimes people had to queue for several days to get them. Calculations show that

about 3 million people have received them in the last month and a half and demand is not decreasing. The main burden in obtaining such services is related to the low speed of service. The reason for this is the slow operation of registries and other information systems. A number of measures were taken to improve this, but the situation is still unresolved.

6. State in a smartphone (*Diia*)

The mobile phone and Internet infrastructure of Ukraine appeared to be quite resilient and far-reaching during the invasion, allowing people to access Internet in most territories of the country. This allowed *Diia* (both the portal and application) to remain a key contact point for any interactions between citizens and the state, with the daily number of users exceeding 1.5 million.



Source: www.diia.gov.ua (Mykhailo Fedorov, Minister of Digital Transformation Ukraine, Ukraine Recovery Conference in Lugano, Switzerland 5 July 2022).

The provision of electronic services, similar to electronic registers, was also suspended at the beginning of the invasion. However, over time, almost all electronic services resumed. Moreover, a number of new ones have been launched. The key points of service for obtaining electronic public services are the *Diia* Portal and the *Diia* app. These resources, which have pleased Ukrainians, propose the following new services:

- eDocument
- eEnemy
- transfer of funds to the Army Assistance Fund "Come Back Alive" / later transformed into the “UNITED24” fund
- eBayraktar
- notification of damaged or destroyed property

- eSupport
- *Diia* TV
- *Diia* Radio.

New electronic public services launched on the *Diia* Portal and *Diia* mobile application are as follows:

- change of private entrepreneur place of registration, surname, name, business name???;
- eSupport
- notification of damaged or destroyed property
- assignment of IDP status with financial allowance for IDP
- financial allowance to the employer for the employment of IDPs
- micro grant from EU4Business
- eDeclaration
- obtaining unemployed status
- cancelation of unemployed status
- declaration of the payer of the single tax 2%
- place of residence confirmation certificate
- certificate of name change
- birth certificate
- divorce certificate
- death certificate
- marriage certificate
- copy of extract on name change
- copy of extract about birth
- copy of extract on divorce
- copy of extract about death
- copy of extract about marriage

The notification of damaged or destroyed property, eSupport, and financial allowance to the employer for the IDPs employment were described previously.

eDocument became another identity document. This document became very useful for people who had lost all their documents. It was also practical for people who lost their ePassports and eDriving Licence from the *Diia* mobile application due to the closure of registries. eDocument displays the information contained in the national ID card, the passport for travel abroad, or in the driving licence. eDocument is used during the war without other additional identity documents or proof of Ukrainian citizenship.

eEnemy became very popular for sending information to the Ukrainian Armed Forces about enemy movement. It is a chatbot that helps to fix the enemy geolocation, transfer photos and videos. More recently, the chatbot allows the transfer of information about traitors.

Donations became one of the sources of funding for the Ukrainian Army. Therefore, the *Diia* app helps to transfer money to the account of a charitable organisation responsible for assisting the Army. The Decree of the President of Ukraine dated 17 May 2022 No. 344/2022 mandated the Cabinet of Ministers of Ukraine to ensure implementation within the framework of the national platform "UNITED 24". This is a single platform for donations from charitable organisations, international partners and citizens wanting to support Ukraine, in particular in such areas as: assistance to the Armed Forces of Ukraine; humanitarian, medical aid and aid to children; restoration of infrastructure; and, digital and information countermeasures against armed aggression. This portal allows citizens not only to know the urgent needs of Ukraine, but also to

monitor how much money has been collected and what goods and services have been bought with the collected money collected. Moreover, donors can choose the destination of their donation between medical aid, defense and demining or rebuilding Ukraine. By 22 September 2022, UNITED24 had collected a total amount of USD 185 883 509.

eBayraktar simulates the operation of a Bayraktar drone to shoot at virtual enemy vehicles. The service is presented as a computer game with scores and ratings.

Diia TV and *Diia* Radio are Ukrainian channels and are built into the mobile *Diia* application. They help Ukrainians to receive updated news quickly.

Changing private entrepreneur places of registration, their surname, name and business name are fully automated services without human intervention. The launch of these services allowed private entrepreneurs who were IDPs to reduce the time for re-registration and avoid paper bureaucracy.

Another new e-service is the micro grant from EU4Business. The purpose of the grant programme is to help companies that have moved from war-torn areas to restore and/or support production, provide services to preserve Ukraine's economic potential, and supply critical goods and services needed by Ukrainians and the Ukrainian Armed Forces. The service is provided to small businesses.

eDeclaration is a service aimed at the simplification of business activity. As described in section 2.6. above, it allows the submission of electronic declarations under Martial Law instead of obtaining and completing the application forms for starting a business physically.

The latest new e-service is a confirmation certificate of place of residence, which can be obtained online on the *Diia* portal within one minute. The certificate is usually needed to get financial assistance/allowances or receive certain services from agencies without access to the relevant register.

7. Administration of registers

In most cases, registers remained operational during the war, but access to them was significantly limited. The limitations varied depending on the business necessity and security needs. During the first weeks of the war, amendments to data in registers were only allowed in the most important and urgent cases. Major factors affecting registers during the war were as follows:

- Russian hacker attacks aimed at destruction or access to data kept in registers
- risk of physical destruction of servers and other crucial equipment
- risk of unauthorised access to data on temporarily occupied territories
- risk of registration fraud due to the lack of judicial supervision and efficient work of enforcement agencies (their primary goal shifted to the military defense of the country).

With time, the Government gradually increased access to registers by increasing the number of registrars and allowing more actions. For instance, the first action allowed in the Register of Legal Entities and Private Entrepreneurs was registration of incorporation of charity funds. This permission was granted because these funds played a crucial role in collecting money and financing urgent humanitarian and military needs. Later, a couple of other types of important operations were allowed: registration of a new director of a company in case of the death of the previous one and registration of relocation of the company from temporarily occupied territory to a region under control of the Government.

The riskiest operations, relating to the transfer of corporate rights and titles to property, only became available two months after the invasion with certain limitations. Notaries only obtained access to registers after assessment of their previous activity (those with a record of violations of procedural rules were excluded from the list) and after a system of additional procedural guaranties was put in place to protect the system from fraud. These guarantees included the following:

- no representation allowed (a person has to appear personally and sign application to avoid fraud related to power of attorney)
- sale of property allowed not earlier than one month after the purchase (in order to prevent creation of a chain of multiple owners during a short period of time and thus allowing to return the property to the initial owner in case of fraud)
- notarisation and registration of the transaction by the same notary (to limit the forgery of notarised documents).

Such limitations would be too burdensome during the ordinary course of business but were considered justified in the context of war.

A similar situation is observed in other key registries. The State Demographic Register, the Information System of the Ministry of Internal Affairs of Ukraine and the State Register of Vehicles resumed their work on 15 March.

The war did not spare the most innovative administrative service in Ukraine – eBaby. The service only resumed on 13 May, almost three months after the start of the invasion. The main reason for stopping the service was the closure of the Register of Medical Conclusions of the Electronic Health Protection System.

An additional security measure taken by the authorities was to allow the use of cloud services and the use of servers located abroad (out of the zone of possible air strikes) in order to keep state registers running and to protect them from physical destruction. This measure required the adoption of a special Law by the Parliament, which was done without a delay.

8. Personal data protection

At this stage, it is unclear to what extent Russia has made use of data available in temporarily occupied territories. However, there were indications that Russia attempted to obtain data allowing the identification of categories of people at risk and their whereabouts (former soldiers who fought with Russia in the Donbass region since 2014; municipal and state officials, their relatives, and assets; any people connected to the Ukrainian military forces etc.). Preliminary assessments show that the most vulnerable data was in paper form, meaning it was not possible for an administrator to block access remotely. There were allegations that data leaks lead to the murder and torture of citizens including retired soldiers in certain temporarily occupied territories. However, to date there is no official confirmation of this information.

One of the common consequences of the war was discontinuation of public access to registers on the Internet. Before the invasion, data from a number of registers (the State Register of Legal Entities and Private Entrepreneurs, State Register of Real Estate and its Encumbrances, State Register of Encumbrances over Movable Property, Register of Electronic Asset Declarations, State Register of Vehicles etc.) was available online. Any person could obtain data from these registers for free or for a small fee. However, due to security concerns (the data could be used by an enemy to target certain people or objects) these online services were discontinued immediately after the invasion.

Additionally, for the reasons described above, in many cases state entities stopped publication of open data containing information from the registers.

On 1 August 2022, the Ministry of Digital Transformation of Ukraine resumed the operations of the Single State Open Data Web Portal, which was temporarily suspended in accordance with the Resolution of the Cabinet of Ministers of Ukraine No. 263 of 12 March 2022. Temporarily, until the end of martial law, the portal will operate in restricted mode: data sets containing information that could theoretically harm the interests of national security and territorial integrity are temporarily unavailable.

After the end of martial law, all data sets that are required to be published, in accordance with the Resolution of the Cabinet of Ministers of Ukraine dated 21 October 2015 No. 835, will be available on the Unified State Open Data Web Portal.

9. Conclusions and recommendations

The Ukrainian system of administrative service delivery showed itself to be quite remarkable during the war, both in terms of safety and security and in terms of response to the new needs of people because of the war and its consequences.

The major factors contributing to the level of resilience required were the following:

- internet access
- electronic services
- *Diia* support and development
- wide network of administrative service centres throughout the country
- quick adaptation of legislation to war needs.

However, the system still has problems to be addressed in the near future.

In terms of the legal framework, there are different approaches to temporarily occupied territories. Those occupied during the period 2014-2022 have the official status of "occupied" confirmed by the decree of the President of Ukraine. Those temporarily occupied after 24 February 2022 do not have the official status of temporary occupation (their *de facto* temporary occupation is confirmed by the Decree of the Ministry of Temporarily Occupied Territories of Ukraine). Each type has its own borders, rules to be applied and legal regime. It might be advisable to unify the regulation of all temporarily occupied territories (prior to or after 24 February 2022).

Pre-war strategies and plans no longer reflect existing needs and resources. The State response to war conditions and new challenges in service delivery was fast and efficient, but made in a context that did not allow strategic decision making. Continuation of the war and new developments creates the need and the time to prepare a relevant strategy with the planning of resources and priorities.

The deregulation efforts of the Government will continue after the war. The declaration approach to starting a business envisaged for the period of martial law might be used permanently, following an *ex post* assessment of its effectiveness.

The war also illustrated that the key advantages of the resilience of the system of service delivery are the following:

- the ability to immediately and precisely limit and or block access to registers and data depending on the region and user;
- the ability to use cloud services and store data in safe regions of the country or abroad;
- a wide and decentralised network of 'brick-and-mortar' one-stop shops for service provision;
- fully reliable online and offline channels of communication between the State and each citizen (for distribution of information and money);
- a fully reliable data protection system,
- laws and regulations allowing flexibility for the Government during extreme situations (including martial law);

- a secure system of identification of citizens not limited to availability of a single ID.

'*If you want peace, prepare for war'* turned out not to be a simple empty adage, but a lesson having substantial practical meaning. Focus on the user-friendliness of service delivery needs to go hand-in-hand with safety.