

International technical assistance projects in Ukraine: implementers registration and activities

Introduction

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Under Ukrainian legislation, international technical assistance (ITA) refers to financial and other resources and services provided by development partners on a gratuitous and non-refundable basis in order to support Ukraine in accordance with international treaties of Ukraine.

1. Registration of international technical assistance projects

In Ukraine, international technical assistance programs and projects are subject to mandatory state registration by a designated authority with the inclusion in the State Register of International Technical Assistance Programs and Projects (Programs).

State registration of international technical assistance projects shall be the basis for the accreditation of their implementers, as well as for the right to obtain appropriate benefits, privileges, and immunities provided for by the legislation and international treaties of Ukraine.

The state registration of international technical assistance projects shall be carried out by the Secretariat of the Cabinet of Ministers of Ukraine.

For the state registration of international technical assistance projects, a recipient (recipients) and a development partner or a person authorised by the development partner submit the following documents to the Secretariat of the Cabinet of Ministers of Ukraine:

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- an application for state registration of the international technical assistance project, which contains information about: a development partner (name, location, the Ukrainian address of the body authorised by the development partner, full name and position of the coordinator of works);
- an implementer;
- a recipient;
- a beneficiary;
- a reference number of the international technical assistance project assigned by the development partner;

a copy of the contract concluded between the development partner and the contractor (or a part of this contract), certified by the development partner or the contractor, which defines: goals, objectives of the international technical assistance project;

types and amounts of the international technical assistance provided for the purposes of the international technical assistance project;

an estimated cost, period, and stages of implementation of the international technical assistance project;

a letter from the beneficiary on the support and interest in the results of the international technical assistance project and the consent to carry out the activities specified in the agreement;

a procurement plan certified by the development partner or the implementer (when the need arises to exercise the right to tax exemptions provided for by the legislation and international treaties of Ukraine);

a document (memorandum, statement of intent, action plan, terms of reference, partnership agreement, etc.) that confirms the coordination of the goals, objectives, and activities of the project between the development partner or the implementer and the recipient (beneficiary);

a letter of approval from the National Agency of Ukraine on Civil Service in case when the project provides for training, re-training, or advanced training of the Ukrainian civil servants.

The Secretariat of the Cabinet of Ministers of Ukraine shall consider the submitted documents within 10 working days starting from the date of receipt of the documents and make a decision on the state registration of the international technical assistance project.

If the documents for state registration are not submitted in full, the Secretariat of the Cabinet of Ministers of Ukraine shall notify the applicant in writing within 10 business days.

The state registration of the international technical assistance project shall be confirmed by the registration card of the international technical assistance project.

Within 1 month following the receipt of a copy of the registration card of the international technical assistance project (program) from the Secretariat of the Cabinet of Ministers of Ukraine, the beneficiary shall:

- make a decision to organize the work on the supervision of the international technical assistance project (program) implementation;
- determine a coordinator of the international technical assistance project/program (this shall be specified in the decision);
- send a copy of this decision to the Secretariat of the Cabinet of Ministers of Ukraine.

2. Re-registration of international technical assistance projects

The international technical assistance project shall be re-registered in the event of:

- change of the development partner;
- change of implementers;
- change of recipients;
- change of the beneficiary;
- change of the name of the development partner, implementers, recipients, beneficiary;
- change of the name, objectives, content, estimated cost, and duration of the international technical assistance project (program);
- submission of the procurement plan.

The list of documents to be submitted for the re-registration of the international technical assistance project (program) depends on the grounds for the re-registration as described below.

In case of change of the recipient(s), for re-registration of the international technical assistance project (program), the recipient(s) and the development partner or a person authorised by the development partner shall submit the following documents to the Secretariat of the Cabinet of Ministers of Ukraine:

- an application for state registration of the international technical assistance project (program);
- a document (memorandum, statement of intent, action plan, terms of reference, partnership agreement, etc.) confirming the coordination of the goals, objectives, activities of the international technical assistance project (program) between the development partner or the implementer and the recipient (beneficiary).

In case of an extension of the time for the implementation of the international technical assistance project for a period of 1 to 6 months without changing the estimated cost, the development partner or its authorised person shall submit the following documents to the

Secretariat of the Cabinet of Ministers of Ukraine:

- an application for state registration of the international technical assistance project;
- a copy of the agreement concluded between the development partner and the implementer (or a part of this agreement), certified by the development partner or the implementer, which defines the goals, objectives of the international technical assistance project, types, and amounts of the international technical assistance provided for the purposes of the international technical assistance project, the estimated cost, period and stages of implementation of the international technical assistance project;
- a letter from the beneficiary expressing support and interest in the results of the international technical assistance project and the consent to carry out the activities specified in the agreement;

In case of an extension of the implementation period of the international technical assistance project for a term exceeding 12 months, the development partner or its authorised person shall submit the following documents:

- the document (memorandum, statement of intent, action plan, terms of reference, partnership agreement, etc.) confirming the coordination of the goals, objectives, activities of the international technical assistance project between the development partner or the implementer and the recipient (beneficiary);
- the recipient that has entered into a grant agreement with the development partner or the contractor shall submit a copy of such a grant agreement certified by him.

In case of change in the estimated cost of the international technical assistance project, project implementers, the project beneficiary, the development partner, or its authorised person shall submit to the Secretariat of the Cabinet of Ministers of Ukraine:

- an application for state registration of the international technical assistance project;
- a copy of the agreement concluded between the development partner and the implementer (or a part of this agreement), certified by the development partner or the implementer, which defines the goals, objectives of the international technical assistance project, types, and amounts of the international technical assistance provided for the purposes of the international technical assistance project, the estimated cost, time and stages of implementation of the international technical assistance project;
- a letter from the beneficiary expressing support and interest in the results of the international technical assistance;
- a procurement plan certified by the development partner or the implementer (when the need arises to exercise the right to tax exemptions provided for by the legislation and international treaties of Ukraine).

If the procurement plan has not been submitted for state registration of the international technical assistance project, the recipient (the beneficiary) or the development partner shall submit to the Secretariat of the Cabinet of Ministers of Ukraine:

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- an application for state registration of the international technical assistance project;
- a procurement plan certified by the development partner or the implementer.

In case of a change in the name of the development partner or the implementer, the development partner or its authorised person and in case of a change in the name of the recipient the latter shall submit to the Secretariat of the Cabinet of Ministers of Ukraine:

- an application for state registration of the international technical assistance project;
- a copy of the document that has become the basis for changing the name.

In case of a change of the beneficiary's name, the latter shall submit to the Secretariat of the Cabinet of Ministers of Ukraine:

- a copy of the contract concluded between the development partner and the implementer (or a part of this contract), certified by the development partner or the implementer, which defines the goals, objectives of the international technical assistance project, types, and amounts of the international technical assistance provided for the purposes of the international technical assistance project, the estimated cost, period and stages of implementation of the international technical assistance project;
- a letter from the beneficiary expressing support and interest in the results of the international technical assistance project, as well as consent to carry out the activities specified in the contract;
- a copy of the document that has become the basis for changing the name (for example, the founder's decision to change the name).

In other cases, re-registration of the international technical assistance project shall be carried out in the same manner as the registration.

3. Denial or cancellation of registration of ITA projects

The state registration of the international technical assistance projects in Ukraine may be denied for the following reasons:

- non-compliance of the documents submitted by the applicant with the requirements established for the submission of documents for the registration of the international technical assistance project;
- inconsistency of the international technical assistance project with the strategic or annual program coordinated with the development partner;
- expiration of the period of implementation of the international technical assistance project;
- detection of inaccurate information in the submitted documents.

The state registration of the international technical assistance project in Ukraine may be cancelled by the Secretariat of the Cabinet of

Ministers of Ukraine in the event of:

- refusal of development partners, implementers, or recipients to implement the international technical assistance project;
- the inability of the recipient to eliminate the identified violations with regard to the misuse of the international technical assistance and/or the inability of the implementer to eliminate the identified violations of improper implementation of the international technical assistance project within the timeframe specified by the beneficiary;
- inability of the recipient to eliminate the identified violations with regard to the misuse of the international technical assistance and/or inability of the implementer to eliminate the identified violations with regard to improper implementation of the international technical assistance project, funded by the United States Agency for International, within the timeframe set by the Secretariat of the Cabinet of Ministers of Ukraine;
- inability of the recipient to eliminate the identified violations with regard to the misuse of the international technical assistance and/or inability of the implementer to eliminate the identified violations with regard to improper implementation of the international technical assistance project, which aims to support the development of civil society institutions, within the timeframe set by the Secretariat of the Cabinet of Ministers of Ukraine.

4. Accreditation of implementers

Accreditation of the international technical assistance project implementers shall be carried out by the Secretariat of the Cabinet of Ministers of Ukraine.

For accreditation of implementers (non-resident legal entities), the following documents shall be submitted to the Secretariat of the Cabinet of Ministers of Ukraine:

- a letter of request from the development partner for accreditation of the implementer (a non-resident legal entity). Among other things, this letter shall specify lists of the Ukrainian and foreign personnel in Ukraine;
- a list of the Ukrainian and foreign personnel;
- a power of attorney duly certified in accordance with the requirements of Ukrainian legislation to represent the implementer (a non-resident legal entity) in Ukraine, which indicates the name of the international technical assistance project.

The Secretariat of the Cabinet of Ministers of Ukraine shall consider the submitted documents within 10 working days from the date of receipt of these documents and make a decision on the accreditation of the implementer (a non-resident legal entity) of the international technical assistance project (program).

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Accreditation may be denied for the following reasons:

- non-compliance of the submitted documents with the requirements of the legislation;
- inaccurate information in the submitted documents.

If a decision to accredit the implementer (a non-resident legal entity) of the international technical assistance project has been made, the latter shall be issued a certificate on the accreditation of the implementer (a non-resident legal entity) of the international technical assistance project.

The accreditation certificate of the implementer (a non-resident legal entity) of the international technical assistance project shall be issued for the duration of the agreement (the contract) or the international technical assistance project.