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INFOBRIEF:

Reforming the Appeals System in Ukraine:

European Standards, Legislative Changes and Implementation Risks

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In Ukraine, the interaction between citizens and public institutions is governed simultaneously by the current Law of Ukraine 'On Citizens' Appeals' (No. 393/96-VR of 2 October 1996) and by the recently adopted Law of Ukraine 'On Administrative Procedure' (No. 2073-IX of 15 December 2023). However, these two acts rest on different governance logics. The Law 'On Administrative Procedure' introduces a more modern model of public administration, aligned with European standards and oriented towards taking an individual decision on the merits of a case. The Law 'On Citizens' Appeals', by contrast, retains a more traditional, post-communist approach centred on the obligation to provide a reply within a set deadline. As a result, situations that are identical in substance — complaints, requests, reports of violations, or requests to resolve an individual matter — may fall under two different procedures (stipulated by two different laws). This is inconvenient for the individual, as it obscures which mechanism should actually be used to resolve a problem. At the administrative level, this duality effectively leaves the choice of procedure to the authorities' discretion, encourages formal responses rather than genuine resolution, and reduces both the predictability and the effectiveness of protecting citizens' rights.

The specific problem has been described in:

- the European Commission's enlargement reports on Ukraine for 2024 and 2025[1]: the sections devoted to public administration reform (2025) state explicitly that Ukraine has still not met the requirement to adopt a Law 'On Appeals' that would clearly distinguish administrative procedures from other forms of public petition;
- the Public Administration Reform Roadmap[2], which requires the current Law 'On Citizens' Appeals' to be aligned with the Law 'On Administrative Procedure' and with European legislation, and a new law to be adopted by the end of the fourth quarter of 2025.

Why Does This Matter?

The continued parallel existence of two different approaches to handling appeals (the Law of Ukraine 'On Citizens' Appeals' and the Law of Ukraine 'On Administrative Procedure') creates a number of systemic risks for both the state and citizens, namely:

- **it reduces the predictability of interaction with the state:** citizens find it difficult to understand the rules under which an authority will consider a particular appeal and whether this will lead to a genuine resolution or merely to a formal reply;

[1] European Commission. (2025). Ukraine 2025 Report (SWD(2025) 759 final). European Commission. (2024). Ukraine 2024 Report (SWD(2024) 699 final).
[2] Cabinet of Ministers of Ukraine. (2025). Certain Issues Regarding the Process of Negotiations on Ukraine's Accession to the European Union (Order No. 475-2025-r).

- **this uncertainty reinforces a formalistic style of response:** rather than resolving the underlying problem, authorities often confine themselves to issuing a reply within the prescribed deadline, which diminishes the practical effectiveness of protecting citizens' rights;
- **it generates duplication of procedures and additional administrative burden,** since similar matters may follow different legal routes and give rise to repeated appeals and challenges;
- **it creates risks for the European integration process.** In the approach taken by the EU and the OECD, a clear distinction between the two functions of the state is essential: administrative procedure means taking binding individual decisions with procedural safeguards for the individual, whereas the appeals mechanism is a feedback channel between society and the state. This distinction is crucial, as it ensures a balance between individual rights and administrative effectiveness.

Addressing the Problem

The problem of duplication and inconsistency in the regulation of appeals is currently being addressed through the government's draft Law No. 11082 'On Appeals' (of 13 March 2024), which is intended to define how the right of persons to apply to public authorities is exercised and to separate the two channels of interaction between citizens and the public authorities:

- administrative procedure (the Law of Ukraine 'On Administrative Procedure'): used where a person applies to obtain an individual administrative decision (a permit, registration, licence, or other decision on the merits of a case);
- the appeals mechanism (the new Law 'On Appeals'): covering proposals, reports of problems, comments, and other forms of communication that do not entail an individual authoritative decision concerning a person's rights.

To give effect to this approach, draft Law No. 11082 'On Appeals' proposes the following innovations:

- a clear definition of the purpose and a classification of proposal-type appeals (proposals, recommendations, comments, and reports of problems);
- the introduction of a single procedure for considering all appeals;
- clarification of the range of entities obliged to consider appeals, with a focus on public administration bodies;
- extension of the right to submit appeals beyond Ukrainian citizens to other natural and legal persons;
- stronger legal certainty for applicants as to 'whom to approach' and 'under which procedure';

- removal of complaints from the appeals mechanism and the transfer of their full regulation to the sphere of administrative procedure, in line with EU standards;
- institutionalisation of in-person reception of citizens as a component of the work of public authorities, while allowing it to be delegated to authorised officials.

Draft Law No. 11082 ‘On Appeals’ was considered by the Verkhovna Rada of Ukraine and adopted in the first reading as a basis on 24 April 2024 and is currently being prepared for the second reading.

Key Risks

Although draft Law No. 11082 ‘On Appeals’ (of 13 March 2024) is intended to separate administrative procedure from the appeals mechanism, its revised version does not fully resolve the key systemic problems that give rise to certain risks, namely:

1. **Risk of institutional uncertainty in the appeals-handling system.** The reference to ‘other entities designated by the head of a state authority, an authority of the Autonomous Republic of Crimea, or a local self-government body, within whose powers the matters raised fall’ creates legal uncertainty as to whether the law applies to housing maintenance offices, hospitals, schools, social protection bodies, and other providers of public services.

This will lead to:

- a regulatory ‘grey zone’: some citizens’ appeals remain outside the legal framework (covered neither by the new law nor by the Law ‘On Administrative Procedure’);
- inequality among citizens: depending on whether a reviewing body recognises itself as such, a person may or may not receive a reply to their appeal;
- an erosion of the authorities’ legitimacy: citizens will not know whom to approach, or whether their appeal will be considered at all.

The core problem: in the absence of clear criteria, the law will be interpreted by the very bodies that consider appeals, at their own discretion, creating a risk of manipulation and of blocking unwelcome communications.

2. **Risk of formalistic responses to appeals owing to insufficient time to prepare them.** Short deadlines for preparing a reply create an unrealistic pace of administration, particularly under martial law.

This leads to:

- the formalisation of appeal handling: rather than substantive consideration, authorities will be compelled to issue template replies to ‘meet’ the deadline;
- inevitable breaches of reply deadlines: staff shortages and heavy workloads make compliance with such deadlines practically impossible;
- the provocation of additional appeals: any formal failure to meet the deadlines becomes grounds for a new appeal, creating a vicious circle.

The core problem: excessively short deadlines encourage ‘brush-off’ replies instead of substantive communication between the state’s representative and the author of the appeal.

3. **Risk to European integration and to EU support.** Retaining in the draft law both the appellant’s ability to challenge the reply of the body considering the appeal and the excessively short deadlines for preparing a reply — which encourage formalistic handling — runs counter to Ukraine’s commitments under Cluster 1 of the EU negotiating framework (the functioning of democratic institutions, public administration reform, and the rule of law).

Retaining these shortcomings weakens Ukraine’s position in the EU accession negotiations.

The core problem: the draft law meant to eliminate competition with the Law ‘On Administrative Procedure’ and to bring Ukrainian appeals practice into line with European practice instead retains provisions that reproduce that very competition.

Conclusion

Advancing the reform of legislation on citizens’ appeals requires not merely the formal adoption of a new law, but above all its systemic consistency with the legislation on administrative procedure and with the principles of good governance. Unless the existing conceptual and procedural shortcomings are addressed, there is a risk of perpetuating legal fragmentation, weakening the safeguards for citizens’ rights, and complicating Ukraine’s fulfilment of its European integration commitments.

Recommendations

Short-Term Recommendations (Urgent Legislative Changes):

1. Clarify the range of ‘other entities considering appeals’ in draft Law No. 11082 ‘On Appeals’ by adding to it institutions that perform public administration functions, provide public services, or carry out public tasks.

2. Remove from draft Law No. 11082 ‘On Appeals’ the right to challenge a reply to an appeal, retaining only the right to challenge a failure to reply or a refusal to consider an appeal.
3. Reconsider the excessively short deadlines for handling appeals. It would be advisable to extend the 15-day deadline for providing a reply to the EU standard of 30 days, and to reconsider the obligation to forward an appeal to the competent body within five days.

Medium-Term Recommendations (1–3 Years):

4. **The appeals system should become an instrument of feedback between the state and society and a source of governance analytics for identifying systemic problems and improving the quality of public services.** Accordingly, implementation of the Law ‘On Appeals’ should provide for *(1) its transformation into a tool of evidence-based policy-making, (2) the creation of a national system for analysing appeals, (3) the integration of this analysis into assessments of the performance of public authorities, and (4) a shift towards using feedback to adjust public policy and improve services.*

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