



Funded by  
the European Union



# DRC’s Legal Alert: Issue 109 | 1 – 31 October 2024

## 1. The Cabinet Facilitates Process of Obtaining Status of Persons with Disabilities as a Result of War

**Background:** According to the [Decree №306](#) of the Cabinet, civilians who became persons with disabilities due to explosive ordnance<sup>1</sup> can establish a causal link between the war and their injuries and obtain a status of a person with a disability as a result of war. The status guarantees additional social protection and benefits, such as increased pensions, utility payment privileges, etc. The status may only be obtained by persons injured within areas experiencing active hostilities.<sup>2</sup>

**Recent developments:** On 15 October 2024, the Cabinet adopted [Decree №1186](#), facilitating the procedure for obtaining the status and clarifying the territorial principle referring to the health damage, obtained on areas under occupation.

	Process before the change in legislation	Process after the change in legislation
<b>How to apply</b>	In-person directly to the Interministerial Commission <sup>3</sup>	In-person or via e-mail, directly to the Interministerial Commission or in-person through Administrative Service Centres (where technically possible)
<b>Territorial principle</b>	The territory of carrying out measures necessary to ensure the defence of Ukraine, protection of the security of the population and the interests of the state	If the injury occurred within the territories occupied by the Russian Federation, a causal link between disability and injury from explosive ordnance is not established.
<b>Necessary documents</b>	The Certificate from the Unified register of pre-trial investigations had to be issued no later than three months before the day of application	Certificate from the Unified register of pre-trial investigations <b>disregard the date of issuance</b>
	Primary medical documentation was required	Primary medical documentation is not required

<sup>1</sup> The term ‘Explosive Ordnance’ (EO) is interpreted as encompassing mine action’s response to the different types of munitions, including mines, cluster munitions, unexploded ordnance, etc.

<sup>2</sup> According to the list of active or possible hostilities developed and updated by the Ministry of Reintegration.

<sup>3</sup> The Interdepartmental Commission of the Ministry of Veterans’ Affairs is responsible for reviewing applications and establishing a connection between the war and the injuries sustained by affected individuals.

How to appeal	Through the court procedure	Through the court and administrative <sup>4</sup> procedure
---------------	-----------------------------	---

## 2. The Cabinet Facilitates Access to Maintenance of the Prosthesis

**Background information:** According to the Minister of Social Policy, from January to July 2023, 58,852 people applied for auxiliary means of rehabilitation, 20,737 of them were prosthetically fitted, and 11,126 people have already received prostheses.<sup>5</sup>

**Recent developments:** On 29 October 2024, the Cabinet adopted [Decree №1232](#), amending the procedure for replacing an important part of the prosthesis - the prosthetic socket<sup>6</sup>. According to the simplified procedure, if the cost of replacing the prosthetic socket does not exceed 15% of the maximum cost of the prosthesis<sup>7</sup>, such replacement is carried out based on a decision of the enterprise that provides replacement<sup>8</sup>. No additional documents from the medical and social expert commission (MSEC) or the military medical commission (MMC) are required. The adopted amendments will significantly speed up the process of obtaining a new prosthetic socket.

The procedure for providing rehabilitation aids to military personnel with amputated limbs has also been simplified. According to the amendments, such persons are issued a lifetime referral for rehabilitation tools.

**NB:** If the cost of such replacement exceeds 15 per cent of the maximum price of the rehabilitation means, such replacement is carried out on the basis of the decision of the MSEC or the MMC.

## 3. The Cabinet Provides Additional Support for the Purchase of Solid Fuel for the Heating Season

**Background information:** In October 2023, the Cabinet launched a Pilot Project, introducing additional support to the population for the purchase of solid fuel during the period of Martial Law for the 2023/2024 heating season. Following the successful implementation of the pilot, the Cabinet adopted Decree, providing additional support for the purchase of solid fuel for 2024/2025 and consequent heating seasons.

**Recent developments:** On 15 October 2024, the Cabinet adopted [Decree №1169](#), establishing additional support for the purchase of solid fuel for the 2024/2025 and subsequent heating seasons.

### Entitled persons

Persons, who acquired the right to receive housing subsidies or privileges<sup>9</sup> for the purchase of solid fuel are entitled for this additional support.

<sup>4</sup> Actions or omissions of an administrator of an administrative service centre and/or an official of the Ministry of Veteran Affairs may be appealed to the court in the following manner without the payment of a court fee and with a shortened timeframe for reviewing decisions.

<sup>5</sup> Link: <https://www.ukrinform.ua/rubric-society/3749688-do-minsocpolitiki-za-piv-roku-zvernulisa-za-dopomogou-u-protezuванні-majze-59-tisac-osib.html>

<sup>6</sup> It is this part that attaches the prosthesis to the human body, which can change during the year after prosthetics. After all, a person can lose or gain weight. Accordingly, the replacement of the receiving sleeve may be required several times a year, and the state finances this.

<sup>7</sup> Of the maximum cost of the prosthesis<sup>7</sup> set by the Ministry of Social Policy.

<sup>8</sup> Currently, there are 103 enterprises operating in different regions of Ukraine that provide rehabilitation aids and repair services at the expense of the state budget, link: <https://www.msp.gov.ua/news/23352.html>

<sup>9</sup> Housing subsidies and privileges is a non-refundable targeted state social assistance to vulnerable persons for the housing and utilities.

<b>Frequency of payment</b>	One-time during the heating season
<b>Amount of support</b>	The amount of additional support is determined as the difference between the amount of accrued benefits for the purchase of solid heating fuel and the maximum cost of such solid heating fuel.
<b>How to apply</b>	The Pension Fund of Ukraine informs recipients of privileges and subsidies of the need to provide consent to receive additional support for the heating season. The information is sent via SMS, the Pension Fund's web portal, or its mobile app.
<b>Terms for the payment</b>	In 2024, the payment of additional support specified in the first paragraph of this clause shall be carried out by 10 and 23 December, respectively.
<b>Late application</b>	If person is late applicant and applies for subsidies during the heating season, the Pension Fund automatically processes such person for additional support if eligible.

**NB:** The amount of additional support is not included in the calculation of the total monthly (annual) income of persons.

#### 4. The Cabinet Changed Criteria for Affordable Mortgage

**Background information:** Private Joint Stock Company “Ukrainian Financial Housing Company” was established to develop and implement an affordable mortgage mechanism. In particular, to ensure possibility of obtaining a mortgage loan of up to 7% per annum for up to 20 years with the involvement of banks through state intermediation. The affordable mortgage is accessible for citizens of Ukraine, including medical workers, teachers, scientists, war veterans and their families, IDPs and other Ukrainians who do not own residential property.

**Recent developments:** on 4 October 2024, the Cabinet adopted [Decree №1136](#), amending criteria that mortgage property must meet. The amendments have significantly extended the list of property that becomes available so that borrowers are having more options to choose the property.

Category of Borrowers	The subject of the mortgage <u>may not be</u>	
	Before the change in legislation	After the change in legislation
<ul style="list-style-type: none"> <li>• military personnel;</li> <li>• medical workers;</li> <li>• teachers;</li> <li>• scientists;</li> <li>• war veterans and their families</li> </ul>	Property built earlier than 10 years before the date of the agreement, if located in Kyiv or in an oblast centre	Property built earlier than 10 years prior to the date of the agreement, in Chernihiv, Sumy, Kharkiv, Zaporizhzhia, Kherson oblasts
		Property built earlier than 3 years prior to the date of the agreement, for other oblasts or the city of Kyiv
IDPs	Property built earlier than 3 years before the date of the agreement	Property built earlier than 10 years before the date of the agreement
Other citizens of Ukraine who do not own residential property or own less than 52.5 square metres - for a family of single person and an additional 21		Property built earlier than 3 years before the date of the agreement

square metres for each family member

 remained unchanged;  extended availability;  reduced availability.

The following criteria for the mortgage property remained unaltered for all the categories of borrowers, and the following property can not be the subject of a mortgage:

- A country or garden house;
- A house and an apartment in a house that are an architectural monument and are included in the State Register of Immovable Monuments of Ukraine;
- Premises of housing funds designated for temporary residence.

### 5. Minimum Unemployment Benefit Has Been Revised

**Background information:** On 20 October 2023, the Fund of State Social Insurance for Unemployment increased the minimum amount of unemployment benefits for the first time since 2020.

**Recent developments:** on 19 September 2024, the Fund of State Social Insurance for Unemployment adopted [Decree №74](#), establishing new amount as a minimum unemployment benefit starting from 01 October 2024.

Category	Minimum amount of benefits (since 20 October 2023)	Minimum amount of benefits (since 1 October 2024)	% compared to Statutory Subsistence Minimum for able-body person for 2024
Youth who have recently graduated and need assistance in finding the first job.			
Insured persons who have made insurance contributions for less than seven months or have been dismissed <sup>10</sup> from their last job.	UAH 1,500	UAH 1,500	49.5%
Insured persons who have made insurance contribution at least seven months.			
Employees and gig specialists <sup>11</sup> of legal entities that are residents of the Diia City.	UAH 2,500	UAH 3,600	118.9%
IDPs or persons who are in the NGCA or areas experiencing active hostilities, who do not have documents confirming insurance contribution, employment, or salary.			

<sup>10</sup> There is list of relevant reasons for dismissal that are applicable: • the entry into force of a court decision sentencing an employee to imprisonment • systematic failure to perform work duties without valid reasons or absenteeism • appearing at work in a state of alcohol, narcotic, or toxic intoxication • impossibility of providing the employee with work because of hostilities • termination of an employment agreement with a manager at the request of an elected body of a primary trade union organisation.

<sup>11</sup> Gig specialist – a person working under a gig contract. The gig contract is an agreement for IT specialists combining freelance features and social guarantees for IT workers. For more information, please, see DRC Legal Alert, Issue 89, Link:

IDPs who do not have the documents required for claiming unemployed status

 remained unchanged;  increased.

## 6. The Ministry Establishes Maximum Amount of “Money that Follows the Person”

**Background information:** On 6 August 2024, the Cabinet adopted [Decree №888](#), introducing a pilot project on the provision of inpatient care and supported living services to elderly internally displaced persons (IDPs) and persons with disabilities. The project is based on the principle of "money follows the person".

**Recent developments:** On 17 October 2024, the [Order of the Ministry of Social Policy №386-H<sup>12</sup>](#) entered into force, establishing cost of services provided within the pilot project on organising the provision of social services to elderly IDPs and persons with disabilities on the principle of "money follows the person":

Social services	Maximum cost of one social service for one person, UAH	
	Per day	Per month
inpatient care	UAH 530.66	UAH 16,185.16
supported living	UAH 326.09	UAH 9,945.75

The maximum cost of services is an important amount for determining the amount of social services compensation provided to a person. The compensation cannot exceed the maximum cost.

*This Legal Alert was produced under the project funded by the European Union through its Civil Protection and Humanitarian Aid Operations.*

*Some of the terminology used in this issue of the Legal Alert was taken from draft laws or current legislation. The contents of this brochure are the sole responsibility of the author/authors. The views expressed herein should not be taken, in any way, to reflect the official opinion of the European Union or the Danish Refugee Council (DRC). Neither the European Commission nor the DRC is responsible for any use that may be made of the information it contains.*

<sup>12</sup> The Order was adopted on 21 August 2024 with further amendments on 13 September 2024.